

## Chapter 17.02: GENERAL PROVISIONS

### Sections:

17.02.020 Title

17.02.030 Zoning map adopted

17.02.020 Title

The ordinance codified in this title shall be known and cited as the zoning ordinance of the Town of West Yellowstone and referred to as the zoning title of this code.

17.02.030 Zoning map adopted

The town zoning ordinance is amended by adopting the West Yellowstone zoning map placed before the town council and signed on \_\_\_\_\_

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17.04.010 Generally

For the purpose of this title, words used in the present tense shall also include the future; words or phrases used in the singular shall also include the plural, words used in the plural shall also include the singular; the word "building" includes structure and "structure" includes building; the words "used" and "occupied" shall include within their meaning "intended, arranged, or designed

to be used or occupied." The word "person" shall include corporation, individual, partnership, trustee, or other legal entity. Where other definitions are necessary and are not defined in this chapter, the current version of the American Planning Association Planner's Dictionary may be used. When no definition is available, the Town Manager or designee may issue a formal definition. Certain terms and words are defined as follows:

17.04.020      Accessory use or building

"Accessory use or building" means the use of land or a subordinate building or a portion of a main building, such use being secondary to or incidental to the principal use or structure.

17.04.030      Alley

"Alley" means a right-of-way, dedicated to public uses, which gives a primary or secondary means of vehicular access to the rear or side of properties otherwise abutting a street, and which may be used for public vehicular or utility access.

17.04.040      Amusement center

"Amusement center" means a place or facility where recreation activities, arcade/video games or other similar electronic games are played for amusement only. Shall not be construed so as to include bingo games nor shall it be construed so as to include gambling devices or any other devices prohibited by law.

17.04.050      Animal-drawn carriage

"Animal drawn carriage" any carriage, buggy, rickshaw, or similar device drawn by one or more persons or animals in which the public, for a fee, is allowed to ride for purposes of transportation, entertainment, or amusement.

17.04.060      Apartment

"Apartment" means a building or portions thereof designed with more than four (4) individual dwelling units.

17.04.070      Architectural feature

"Architectural feature" means a part, portion, or projection that contributes to the beauty or elegance of a building or structure, exclusive of signs, that is not necessary for the structural integrity of the building. Architectural feature includes belfries, cornices, chimneys, canopies, eaves, balconies, steeples, or other similar features.

17.04.080      Automobile wrecking

"Automobile wrecking" means the dismantling or wrecking of a used motor vehicle or trailer or the storage, sale or dumping of dismantled, or partially dismantled, obsolete, or wrecked vehicles or other parts.

17.04.090      Boarding, lodging, or rooming house

"Boarding, lodging, or rooming house" means a building, or portion thereof, other than a hotel, rest home, or home for the aged where lodging or lodging and meals exclusive of the operator's immediate family are provided for compensation.

17.04.100 Building

"Building" means any structure built for support, shelter, or enclosure of persons, animals, or property of any kind.

17.04.110 Building height

"Building height" means the vertical distance from the average elevation of the proposed finished grade at the front of a building to the highest point of any element of the building not defined as an architectural feature.

17.04.120 Building official

"Building official" means that official designated by the town manager, or their designee, as the official responsible for accepting, reviewing, and approving or rejecting plans for buildings or occupancy, and applications for building and occupancy permits, and for interpretations and enforcement of ordinances related thereto.

17.04.130 Building perimeter

"Building perimeter" means the foundation walls of a building and/or supports for appendages thereto.

17.04.140 Campsite

"Campsite" means an area specifically designated or marked for camping

17.04.150 Casino

"Casino" means a commercial facility where patrons wager money on the outcome of a game or sporting event.

17.04.160 Church

"Church" means a building designed for public worship by any religious body.

17.04.170 Clinic

"Clinic" means a place used for the care, diagnosis, or treatment of sick, ailing, infirmed, or injured persons and those who need medical or surgical attention, but who are not kept overnight on the premises.

17.04.180 Clubs, fraternal lodges

"Clubs, fraternal lodges" means buildings and facilities owned and operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

17.04.190 Communications tower

"Communications tower" means any ground-mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna or similar apparatus above ground. This includes any tower used to communicate public safety or emergency service information.

17.04.200 Conditional use

See "use, conditional."

17.04.210 Condominium

"Condominium" means a multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of state and local laws.

17.04.220 Day and youth camps

"Day and youth camps" means premises and facilities used occasionally or periodically for the accommodation of members of groups or associations for outdoor recreational activities.

17.04.230 Density

"Density" means the total number of dwelling units allowed per gross acre.

17.04.240 Dwelling

"Dwelling" means a building or portion thereof designed with one (1) or more dwelling units.

17.04.250 Dwelling, duplex

"Duplex dwelling" means a single building with a total of two (2) dwelling units.

17.04.260 Dwelling, multi-unit

"Multi-unit dwelling" means a building designed with five (5) or more dwelling units.

17.04.270 Dwelling, one-unit

"One-unit dwelling" means a building designed with one (1) dwelling unit within the building.

17.04.280 Dwelling unit

"Dwelling unit" means a building or portion thereof providing cooking, eating, sleeping, sanitary, and living facilities.

17.04.290 Fallout shelters

Fallout shelters to protect human life during periods of danger may be constructed in, or under, any required yard except that if constructed in a front yard or side yard none of it may protrude above the average grade of the lot.

17.04.300 Finished good

"Finished good" means materials or products which have received the final increments of value through manufacturing or processing operations, and which are being held in inventory for delivery, sale, or use to the final consumer.

17.04.310 Floor area

"Floor area" means the total number of square feet of floor space within the exterior walls of a building.



17.04.320 Four-plex

"Four-plex" means a building containing four (4) individual dwellings. Accessory dwelling units are not included in this definition.

17.04.330 Fuel service stations

"Fuel service stations" means any building or portion thereof and the land upon which it is situated used for supplying fuel and/or oil for motor vehicles at retail direct to the consumer and/or making minor vehicle repairs. Reference Chapter 17.04.1080 for the definition of minor vehicle repairs.

17.04.340 Garage, automotive repair

"Automotive repair garage" means any building or premises used for major repairs of motor vehicles for compensation but not including auto wrecking, storage of wrecked cars, nor structures used for private vehicle repairs. Repair activity shall be conducted in enclosed places or screened from public view.

17.04.350 Garage, residential

"Residential garage" means a building or structure, or part thereof, used or designed to be used for the parking and storage of vehicles.

17.04.360 Growth policy

"Growth policy" means a document or any portion thereof adopted by the town council which shall guide the town in terms of project review and growth within the town limits.

17.04.370 Home occupation

"Home occupation" means the use of a portion of a dwelling as an office, studio, or work room for occupations at home, when clients visit the home or if service is rendered on the property, by one or more persons residing in the dwelling unit. No home occupation shall occupy more than twenty percent (20%) of the gross floor area nor more than four hundred square feet (400 sq. ft.) of gross floor area. The activity must be clearly incidental to the use of the dwelling for dwelling purposes and shall not change the character or appearance thereof.

17.04.380 Hospital

"Hospital" means an institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including out-patient departments, training facilities, central service facilities and staff offices.

17.04.390 Hotel

"Hotel" means a building or structure kept, used, maintained as, advertised as, or held out to the public to be a hotel, motel, inn, motor court, tourist court, public lodginghouse, or similar name. A place where sleeping accommodations are furnished for a fee to transient guests, with or without meals.

17.04.400 Independent recreational vehicle

"Independent recreational vehicle" means a recreational vehicle that has a toilet, lavatory, bathing facilities, and waste holding tank. Omission of any of these facilities will classify the recreational vehicle as a dependent recreational vehicle.

17.04.410 Independent recreational vehicle site

"Independent recreational vehicle site" means that part of an individual lot which has been reserved for the placement of an independent recreational vehicle and appurtenant structures.

17.04.420 Industrial use

"Industrial use" means the refinement of raw products used in the creation of future goods. This excludes any process that provides a consumer ready product.

17.04.430 Interior park

"Interior park" means public property that is interior to a block typically used for dumpsters, parking, propane tanks, snow storage, utility placement and maintenance, and similar accessory uses.

17.04.440 Junk yard

"Junk yard" means primary or accessory use of a parcel of land for the storage, dismantling or selling of cast-off or salvage material of any sort in any other than the original form in which it was manufactured and/or assembled, thus, not including reconditioned second-hand furniture, fixtures, or antiques sold from within a walled building.

17.04.450 Landscaping

"Landscaping" means the placement of ornamental fixtures such as fountains, ornamental walls, fences, benches, along with vegetative plantings of trees, shrubs, grass, flowers, etc. This definition shall also include the designing of the placement of such materials.

17.04.460 Limited services campground

"Limited services campground" means a campground used for public camping that is accessible by a motorized vehicle and provides the following services only: electricity, an adequate and potable water supply, adequate sewage disposal, and adequate solid waste disposal.

17.04.470 Live work units

"Live work units" means buildings or spaces within buildings that are used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

17.04.480 Loading berth, off-street

"Off-street loading berth" means an off-street space or berth on the same lot with a principal building for the parking of commercial vehicles while loading or unloading materials and which has direct access from a public street or alley.

17.04.490 Lot

"Lot" means land held as an individual unit of ownership shown on the most recent plat or other record of ownership.

17.04.500 Lot, corner

"Corner lot" means a lot situated at the junction of and abutting on two (2) or more streets or an alley and a street.

17.04.510 Lot coverage

"Lot coverage" means the total area of a lot covered by any structure or building on the lot.

17.04.520 Lot lines

"Lot lines" means the lines bounding a lot as defined in this chapter.

17.04.540 Lot line, front

"Front lot line" means the lot line that abuts a public or private road which lends its name to the address of any structure or use on a property.

17.04.550 Lot line, rear

"Rear lot line" means the lot line that is opposite and most distant from the front lot line as defined.

17.04.560 Lot line, side

"Side lot line" means the lot line that does not meet the definition of front or rear lot line.

17.04.570 Lot width

"Lot width" means the width of a lot along the frontage thereof and lying a distance equal to the required front yard setback on such lot.

17.04.580 Manufacturing, heavy

"Heavy manufacturing" means the activities or processes that would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process.

17.04.590 Manufacturing, light

"Light Manufacturing" means the creation, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing.

17.04.600 Mobile food vendor

"Mobile food vendor" means a temporary food service establishment that is a vehicle mounted food service establishment designed to be readily movable.

17.04.610 Mobile home

"Mobile home" means a transportable structure built on a chassis and designated to be used, without a permanent foundation, as a dwelling unit when connected to sanitary facilities (the phrase "without permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon will be moved from time to time at the convenience of the owner).

17.04.620 Mobile home park

"Mobile home park" means a parcel of land that has been planned and improved for the placement of mobile homes for residential use. Mobile home parks shall undergo the subdivision exemption process dictated by Montana Code Annotated.

17.04.630 Mobile home stand

"Mobile home stand" means that part of an individual lot which has been reserved for the placement of a mobile home, appurtenant structures, or additions.

17.04.640 Motel

See "hotel."

17.04.650 Nursing home

"Nursing home" means a building or portion thereof used for the housing of and caring for the ambulatory, aged, or infirmed by a professional staff.

17.04.660 Outdoor merchandise

"Outdoor merchandise " means the placement of any item outside of a structure for sale or rent.

17.04.670 Parking lots

"Parking lots" means a structure or an area, other than a public street or alley, designed or used for the temporary parking of motor vehicles and available for public use whether free, for compensation, or an accommodation for customers or clients.

17.04.680 Parking space, off-street

"Off-street parking space" means a space located off any public right-of-way which meets the size requirements outline in 17.37 for parking of any motor vehicles, with room to get out of either side of the vehicle, with adequate maneuvering space, and with access to public streets or alleys.

17.04.690 Parkway

"Parkway" means a secondary public access that provides travel lanes through a block that is not a named street.

17.04.700 Personal service establishment

"Personal service establishment" means a business which provides services such as banks, hairdressers, shoe repair, tattoo parlors, tanning salons, and real estate services. These uses may also include accessory retail sales of products related to the services provided.

17.04.710      Planned unit development

"Planned unit development" means an area of land in single ownership or control to be developed as a single integrated unit, the plan for which may not correspond in lot size, bulk or type of building, density, lot coverage, use, and required open space of the regulations established in the district.

17.04.720      Prefabricated home

"Prefabricated home" means a partially constructed factory fabricated building unit which will be substantially assembled onsite, utilizing premanufactured component parts. This term intended is to include modular housing. This term shall not be construed to include "mobile homes" as defined in 17.04.610

17.04.730      Professional business offices

"Professional business offices" means offices to be occupied by accountants, architects, dentists, doctors, engineers, lawyers, insurance agents, real estate agents, or other professions which are of a similar nature.

17.04.740      Public park

"Public park" means a natural or landscaped area, buildings, or structures, provided by a unit of government, to meet the active or passive recreational needs of people.

17.04.750      Recreation area

"Recreation area" means an area including open spaces, playgrounds, buildings, and apparatus designed for recreational activities set aside for the use of the mobile home park residents.

17.04.760      Restaurant, café, and drive-in restaurant

"Restaurant, café, and drive-in restaurant" means a public eating house.

17.04.770      Retail sales

"Retail sales" means an establishment selling goods, wares, or merchandise directly to the ultimate consumer.

17.04.780      Rooming house

See "boarding house."

17.04.790 Rooming unit

See "unit, rooming."

17.04.800 Salvage yard

"Salvage yard" means a facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scrap or discarded material or equipment.

17.04.810 Screened

"Screened" means concealed or cut off from direct visual contact using fencing or vegetation.

17.04.820 Setback

"Setback" means the horizontal distance required between any structure and a lot line. This distance to be measured at right angles (perpendicular) to the lot line.

17.04.830 Shopping center

"Shopping center" means one (1) or more buildings containing at least three (3) separate retail businesses planned, developed, and managed as a unit, with off-street parking provided on the property for all properties.

17.04.840 Short-term rental

"Short-term rental(s)" means a transient vacation rental or use in which overnight accommodations are provided in dwelling units to guests for compensation, for periods of less than thirty (30) days.

17.04.850 Sign

"Sign" is defined by the current edition of the Uniform Sign Code of the International Conference of Building Officials.

17.04.860 Splash pad, public

"Public splash pad" means an artificially constructed public recreation area for water play over which water is sprayed but is not allowed to pool.

17.04.870 Street

"Street" a public thoroughfare, including road, highway, drive, lane, avenue, place, boulevard, and any other thoroughfare that affords the principal means of access to abutting property.

17.04.880 Structure

"Structure" means that which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.

17.04.890 Structural alteration

"Structural alteration" means any change in the shape or size of any portion of a building or of the supporting members of the building or structure such as walls, columns, beams, arches, girders, floor joist, or roof joist.

17.04.900 Swimming pool, private

"Private swimming pool" means a recreation facility designed and intended for water contact activities that serves a single-unit dwelling(s), duplex dwellings, or multifamily dwellings, or combinations thereof, including pools owned or controlled by a neighborhood club or similar organization and not open to the general public.

17.04.910 Swimming pool, public

"Public swimming pool" means a recreation facility designed and intended for water contact activities that is open to the general public and that is operated as a business or as a club unless such club is associated with a neighborhood club or similar organization.

17.04.920 Timeshare interest

"Timeshare interest," as used in the definition of timeshares, is the right to exclusively occupy an accommodation for a period on a recurring basis pursuant to a timeshare plan, whether coupled with an estate in real property.

17.04.930 Timeshare plan

"Timeshare plan," as used in the definition of timeshares, is any arrangement, plan, scheme, or similar device, whether established by membership agreement, sale, lease, deed, license, right-to-use agreement, articles of organization or incorporation, operating agreement or bylaws, or by any other means, whereby a purchaser receives the right to exclusive use of an accommodation(s) or portion thereof, according to a fixed or floating time schedule, for a period of time less than a full year during any given year, on a recurring basis for more than one year, but not necessarily for consecutive years. A timeshare plan shall be deemed to exist whenever such recurring rights of exclusive use to the accommodation(s), or portion thereof, are created, regardless of whether such exclusive rights of use are a result of a grant of ownership rights, possessory rights, membership rights, rights pursuant to contract, or ownership of a fractional interest or share in the accommodation(s), and regardless of whether they are coupled with an estate in real property such as a freehold interest or an estate for years in the property subject to the timeshare plan.

17.04.940 Timeshare use

"Timeshare use" means the use of one or more accommodations or any part thereof, pursuant to a timeshare plan.

17.04.950 Tower

"Tower" means a structure consisting of a single pole of any kind or poles connected by cross arms or cross members, either welded, bolted, or fastened together in any way, used for signaling, broadcasting, or communications equipment or for any other purpose.

17.04.960 Townhouses

"Townhouses." As used in this chapter "townhouse" is a one-unit (1) dwelling unit which is part of a group of two or more such units separated by a common party wall, having no doors, windows, or other provisions for human passage or visibility. Each one-dwelling unit shall be attached by not more than two party walls. Where units are offset from one another and a common party wall

is used, the wall may be placed equidistant on each side of the lot line not exceeding the length of the offset.

17.04.970 Townhouse group

Townhouse Group. "Townhouse group" means a cluster or grouping of townhouse units containing not less than two nor more than six individual townhouse dwelling units contiguous to one another.

17.04.980 Travel trailer

"Travel trailer" means a vehicular portable enclosure designed as a temporary dwelling for travel, recreation, and vacation uses.

17.04.990 Travel trailer park

"Travel trailer park" means any area or tract of land rented or held out for rent to one or more persons or users for parking or placement of individual recreational vehicle for, not to exceed fourteen (14) consecutive days, recreational or vacation housing.

17.04.1000 Triplex

"Triplex" means a building containing three (3) individual dwellings. Accessory dwelling units are not included in this definition.

17.04.1010 Unit, efficiency

"Efficiency unit" means an apartment unit with unseparated area for sleeping and/or cooking.

17.04.1020 Unit, rooming

"Rooming unit" is a space for human occupancy lacking private bath and/or kitchen facilities with a floor area of at least four hundred fifty square feet (450 sq. ft.).

17.04.1030 Use

"Use" means any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

17.04.1040 Use, conditional

"Conditional use" means uses, other than permitted uses, that may be allowed in a specific district but requiring additional safeguards to maintain and assure the health, safety, and general welfare of the community and to maintain the character of the district.

17.04.1050 Variance

"Variance" means the relaxation of the strict application of the terms of this title with respect to mechanical requirements such as setback requirements, yard requirements, area requirements, etc., where specific physical conditions unique to the site of the lot would create a hardship by making its development for uses difficult or impossible.



17.04.1060 Vehicle repairs, major

"Major vehicle repairs" means the repair or replacement of frames and bodies, including painting, of vehicles of all weights and sizes, and the repair or replacement of engines, transmissions, power trains and wheels of vehicles. This includes such things as oil changes, transmission flushing, tire replacement, and any mechanical repairs.

17.04.1070 Vehicle repairs, minor

"Minor vehicle repairs" means the replacement of parts and motor services to passenger cars and trucks not exceeding one and one-half ton (1 1/2) capacity including wiper blade replacement, battery replacement, and headlight replacement, but not including repairs specified under 17.04.1060.

17.04.1080 Walk up business

"Walk up business" means an establishment which sells at retail certain foods readily prepared for immediate consumption without facilities and services customarily incidental to a restaurant operation, including but not limited to waiter service. This does not include mobile food vendors. "Walk-up business" also means exterior automatic tellers or exterior walk-up teller (banking) windows and the like.

17.04.1090 Water park, public

"Public water park" means a recreational park or facility in which the primary functions are entertainment and activities using water.

17.04.1100 Wholesale establishment

"Wholesale establishment" means an establishment for the sale of goods and merchandise for resale instead of direct consumption.

17.04.1110 Yard, front

"Front yard" means an open space extending across the full width of the lot between the front building line and lot line abutting the street. The front lot line is defined as the lot line from which any structures take their addressed street from.

17.04.1120 Yard, rear

"Rear yard" means an open space extending across the full width of the lot between the rear building line and the lot line opposite and most distant from the front lot as defined.

17.04.1130 Yard, side

"Side yard" means an open space extending from the side building line to a side lot line as defined.

17.04.1140 Zero lot line

"Zero lot line" means the elimination of a side setback to allow a structure to cross property lines. A zero-lot line may only be used for single-unit dwellings, but only to create a zero-lot line on one side of any two lots.

## Chapter 17.06: ESTABLISHMENT OF DISTRICTS

### Sections:

- 17.06.010 Official zoning map
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- 17.06.040 Interpretation of boundaries
- 17.06.050 Lots in two zones
- 17.06.060 Interpretation of uses
- 17.06.070 Appeal of administrative decision

#### 17.06.010 Official zoning map

- A. The town is divided into zones, or districts, as shown on the official zoning maps which, together with all explanatory matter thereon, are adopted by reference and declared to be a part of this chapter.
- B. For this chapter, the town is divided and classified into the following use districts:
  - 1. R-1 residential single-unit, low density
  - 2. R-2 residential single-unit, medium density
  - 3. R-3 residential, medium density
  - 4. R-4 residential, medium density, apartments
  - 5. B-3 central business
  - 6. B-4 expanded business
  - 7. M-1 commercial, light manufacturing
  - 8. E-2 entertainment
  - 9. PLI public lands and institutions
  - 10. Downtown Overlay District (Draft, Not yet adopted)
  - 11. Transitional District

#### 17.06.020 Map authentication-Certificates

- A. The official map shall be available in the office of the town clerk and shall bear certificate with the signature of the mayor attested by the clerk of the town council and the date of adoption of the ordinance codified in this chapter.
- B. Copies of the official map shall also be found on the town website of West Yellowstone in static and interactive formats.
- C. The certificate should read as follows:

This is to certify that this is an Official Zoning Map referred to in Section 3 of Ordinance Number \_\_\_\_ of the Town of West Yellowstone, Montana.

Mayor \_\_\_\_\_

Attested \_\_\_\_\_

Date of Adoption \_\_\_\_\_

- C. If any changes to the map are made by amendment of this chapter in accordance with Chapter 17.54, such changes shall be made to the official zoning map and signed, dated, and certified upon the map or upon the material attached thereto.
- D. Regardless of the existence of purported copies of the official zoning maps which may from time to time be made or published, the official zoning maps kept in the town offices by the town clerk shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the town.

17.06.030 Replacement of official zoning map

- A. If the official zoning maps become damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions thereto, the town council may adopt and certify new official zoning maps which shall supersede the prior official zoning maps. The new official zoning maps may correct drafting or other errors or omissions in the prior map, but no such corrections shall have the effect of amending the original official zoning maps or any subsequent amendment thereof.
- B. The new official zoning maps shall be identified by signature of the mayor attested by the town clerk. The certificate should read as follows:

This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted \_\_\_\_\_ as part of Ordinance Number \_\_\_\_\_ of the Town of West Yellowstone.

Mayor \_\_\_\_\_

Attested \_\_\_\_\_

Date \_\_\_\_\_

17.06.040 Interpretation of boundaries

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the boundaries shall be interpreted as following the nearest logical line to that shown; where:

- A. Boundaries indicated as approximately following the center line of streets, highways, or alleys shall be construed to follow such center lines;
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- C. Boundaries indicated as approximately following town limits shall be construed as following such town limits;
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main track(s);
- E. Boundaries indicated as following the centerline of streams, rivers, canals, or ditches shall be construed to follow such centerlines;
- F. Boundaries indicated as parallel to or extensions of features indicated on the official zoning map shall be determined by the scale of the map;
- G. Where physical or culture features existing on the ground are at variance with those shown on the official zoning map or where other circumstances or controversy arise over district boundaries, the town council shall interpret the district boundary.

#### 17.06.050 Lots in two zones

Where a district boundary line as established in this title divides a lot which was of single ownership and of record at the time of this title, the use thereon and the district requirements applying to the least restricted portion of such lot under this title shall be considered as extending to the entire lot, provided the more restricted portion of such lot is entirely within twenty feet (20') of the dividing line, the use so extended shall be deemed to be conforming.

Lots in two zones should be avoided when rezoning parcels in the future.

#### 17.06.060 Interpretation of uses

- A. If questions arise concerning the appropriate classification of a particular use, or if the specific use is not listed, the town manager or designee shall determine the appropriate classification for that use.
- B. In interpreting use classification, the town manager or designee, shall determine:
  - 1. That the use and its operation are compatible with the uses permitted in the district wherein the use is proposed to be located;
  - 2. That the use is similar to one or more uses permitted in the district wherein it is proposed to be located;
  - 3. That the use will not cause substantial injury to values of property in the neighborhood or district wherein it is proposed to be located;
  - 4. That neither the intent of this title nor the intent of the district will be abrogated by such classification.
- C. If the town manager or designee determines that a use meets the criteria in Section B of this title then that use shall be added to the appropriate district through a zone text amendment.
- D. Anyone wishing for the town manager or designee to make such use determination as outlined in this subsection shall present an application to the town hall explaining the following information:
  - 1. The proposed use and general function of such use
  - 2. The identified use in the district and how the proposed use is similar
  - 3. Any manner of differences between the use defined in the chapter and the proposed use in the district
- E. The town manager or their designee shall provide the interpretation in use in writing to the applicant with their decision and how the proposed use meets the criteria of section B of this chapter.
- F. If deemed that the use may become prevalent in the district for which the use is being interpreted the town manager or designee shall initiate the code amendment process outline in 17.08.140.

#### 17.06.070 Appeal of administrative decision

Any person or persons, jointly or severally aggrieved by an administrative interpretation of use by a Town official may present to the Board of Adjustments an appeal petition specifying the grounds for the appeal. Such petition shall be presented to the Board of Adjustments within thirty (30) days after the filing of the zoning administrator or building official.

Chapter 17.08: ADMINISTRATIVE REGULATIONS AND PROCESSES

Sections:

- 17.08.010 Zoning of annexed territory
- 17.08.020 Minimum requirements
- 17.08.030 Minimum requirements-Conflicting provisions
- 17.08.040 Conformity to district regulations
- 17.08.050 Height, area, and yard requirements
- 17.08.060 Yard requirements exclusive to property on which it is located
- 17.08.070 Minimum yard requirements
- 17.08.080 Officials designated and duties
- 17.08.090 Stop order
- 17.08.100 Permits
- 17.08.110 Conformance
- 17.08.120 Expiration of permit
- 17.08.130 Unlawful permits
- 17.08.140 Schedule of fees, charges, and expenses
- 17.08.150 Permits applied for after project start
- 17.08.160 Physical and legal access
- 17.08.170 Street rights-of-way
- 17.08.180 Amendment-Initiation
- 17.08.190 Amendment-Investigation
- 17.08.200 Amendment-Hearing
- 17.08.210 Enforcement
- 17.08.220 Complaints
- 17.08.230 Appeal of administrative decision
- 17.08.240 Appeal of a town board decision
- 17.08.250 Violations-Penalty

#### 17.08.010 Zoning of annexed territory

- A. The town council shall determine the appropriate zoning for all areas to be annexed to the town but shall take into consideration the area growth policy and written requests of the owner of record of the land to be annexed.
- B. When such zoning of annexed territory is to be effective at the time of such annexation, the town council may determine the proper zoning to be effective upon the date of such annexation and include this determination in the decision to annex said parcels.

#### 17.08.020 Minimum requirements

Except as provided in Chapter 17.29, 17.39, 17.41 and 17.50 with respect to conditional uses, nonconforming uses and nonconforming buildings, and variances, the regulations set by this title shall be minimum regulations and all regulations as categorized shall apply uniformly to each class or kind of structure or land.

#### 17.08.030 Minimum requirements-Conflicting provisions

In their interpretation and application, the provisions of this title shall be held to be minimum requirements adopted for the promotion of the health, safety, morals, and general welfare of the community. Wherever the requirements of this title are at variance with the requirements of any other lawfully adopted rules and regulations, the most restrictive, or that imposing the higher standards, shall govern.

#### 17.08.040 Conformity to district regulations

No building, structure, or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless it is in conformity with all the regulations in this title specified for the district in which it is located unless a variance has been granted by the town.

#### 17.08.050 Height, area, and yard requirements

No building or other structure shall hereafter be erected or altered unless a variance has been granted by the town, that violates the terms of the underlying zoning district of the following elements:

- A. The height or bulk;
- B. Accommodating or housing a greater number of dwelling units;
- C. Occupying a greater percentage of lot area;
- D. Encroaching on rear yards, front yards, side yards, or other open spaces.

#### 17.08.060 Yard requirements exclusive to property on which it is located

Required yard area, open space, off street parking or loading zones shall not be used by any adjacent parcels for complying with any provisions of this chapter.

#### 17.08.070 Minimum yard requirements

No yard or lot existing at the time of adoption of the ordinance codified in this title shall be reduced in dimension or area below the minimum requirements set forth in this title. Yards or lots created

after the effective date of the ordinance codified in this title shall meet at least the minimum requirements established by this title unless a variance is granted by the town.

#### 17.08.080 Officials designated and duties

- A. The building official and town manager shall administer and enforce this title. They may be provided with the assistance of such other persons as the town council may direct and those assistants shall have essentially the same responsibilities as directed by the building official.
- B. If the building official or town manager, or their designee, shall find that any of the provisions of this title are being violated, they shall notify in writing the person responsible for such violations, indicating the nature of the violation, references to the specific sections of this code that are being violated, and ordering the action necessary to correct it. They shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this title to ensure compliance with or prevent violation of its provisions.
- C. The building official or town manager, or their designee, shall check all plans and applications for permits for compliance with this title both before and during construction. If during this procedure the building official or town manager, or their designee, deems that the proposed plan or construction does not comply with this title, they shall inform the applicant of the infraction and shall stop all construction on the project until such time as the applicant, building, or principal revises their plan to conform to the title or obtains a variance, conditional use permit, or zone change as set forth in this chapter.

#### 17.08.090 Stop order

Whenever any building work is being done contrary to the provisions of this title, the building official shall order the work stopped by notice in writing served on any person engaged in doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the building official to proceed with the work.

#### 17.08.100 Permits

- A. No building or other structure shall be erected, moved, added to, or structurally altered and no land use shall be changed without valid permits as described in this chapter.
- B. Within the limits of the town, building permits shall be obtained in accordance with applicable building codes.
- C. The application shall include such other information as lawfully may be required by the building official or town manager, or their designee, , including but not limited to existing or proposed building and land; the number of persons, housing units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this title.
- D. One copy of the application and plans shall be returned to the applicant by the building official or town manager, or their designee, after they shall have marked such copy either as approved or disapproved and attested to same by his signature. The second copy similarly marked shall be retained by the building official or town manager, or their designee.

#### 17.08.110 Conformance

- A. No permit of any type shall be issued unless in conformance with the regulations contained within this title. Permits issued based on plans and applications approved by the building official or town manager, or their designee, authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction shall be utilized. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this title punishable as provided in Section 17.08.250 of this title.
- B. Conditional use permits approved by the town council and variances granted by the board of adjustment shall be deemed in conformance with the terms of this title. However, building permits or land use permits shall be issued only in accordance with the terms set forth in the conditional use permit and variance chapters of this title.

#### 17.08.120 Expiration of permit

Every permit issued by the building official or town manager, or their designee, under this title shall expire in accordance with the provisions of applicable building codes. When a building permit expires, issuance of a new permit to recommence work on the same building project shall also be governed by the provisions of applicable building codes. An applicant may propose an extension by submitting written notice to the town manager that details why the project cannot be completed. The town manager may only approve an extension if the plans have not had any changes. The extension may be granted for a period not to exceed the initial approval period.

#### 17.08.130 Unlawful permits

Any building permit, or any authorization issued, granted, or approved in violation of the provisions of this title, shall be invalid and of no effect without the necessity of any proceedings or a revocation or nullification thereof, and any work undertaken or use established pursuant to any such building permit or other authorization shall be unlawful.

#### 17.08.140 Schedule of fees, charges, and expenses

- A. The town council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, land use and zoning permits, subdivisions, appeals, and other matters pertaining to this title. The schedule of fees shall be set by resolution of the town council and shall be posted in the town offices. The fee schedule shall only be changed by resolution of the town council.
- B. No permit, zone change, conditional use, or variance shall be issued unless or until such costs, charges, fees, or expenses listed on the fee schedule posted in the town offices have been paid in full, nor shall any action be taken on proceedings by the town council, or the board of adjustment, unless, or until, preliminary charges and fees have been paid in full.

#### 17.08.150 Permits applied for after project start

Any person or persons who is required by the Town of West Yellowstone to apply for a permit contained within this chapter after beginning use or construction of a project without the proper permit shall pay double the application fee for the necessary permit(s).



#### 17.08.160 Physical and legal access

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with physical and legal access to an approved private street, alley, parkway, or interior park, and all structures shall be so located on lots as to provide safe convenient access for servicing, fire protection, required off-street parking per Chapter 17.37 of this title, and off-street loading per Chapter 17.38 of this title.

The town will not maintain any access from a public street once it is located on private property. The town will not maintain any access from a private street, alley, parkway, nor interior park.

#### 17.08.170 Street rights-of-way

No building permit shall be issued or use proposed in any right-of-way or any right-of-way proposed on the town growth policy.

#### 17.08.180 Amendment-Initiation

- A. The town council may, from time to time, amend, supplement, or change this title and the regulation of maps, appertaining thereto. The town council may initiate an amendment, supplement, or change.
- B. Whenever the property owner of any land or building desires a reclassification of his property or change in regulations applicable thereto, he may file with the town clerk, a petition duly signed and verified by him requesting an amendment or change of regulations prescribed for such property.

#### 17.08.190 Amendment-Investigation

Upon initiation of an amendment by the town council or upon petition from a property owner, the town council shall cause to be made such an investigation of facts bearing on such initiation or petition as will provide necessary information to assure that the action of each such petition is consistent with the intent and purpose of this title and the Montana Code Annotated.

#### 17.08.200 Amendment-Hearing

The town council shall hold public hearings on the matters referred to in such initiation or petition at which parties in interest and citizens shall have an opportunity to be heard and for the purpose of acting upon the proposed amendment or supplement after public notice. Such public notice shall be published in an official paper or paper of general circulation in the town telling the time and place of the meeting at least fifteen (15) days prior to the meeting date. In case, however, of protest against such changes signed by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change or of those lots within one hundred fifty feet (150') of the parcel for a proposed change, including the width of any adjacent right of ways therefrom such amendment shall not become effective except by the favorable vote of eighty percent (80%) of all members of the town council.

#### 17.08.210 Enforcement

This title shall be enforced by the town council and their authorized representatives. No building permit or business or occupational use license shall be issued except in compliance with the provisions of this chapter.

#### 17.08.220 Complaints

Whenever a violation of this title occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the building official. They shall record properly such complaint and immediately investigate and act thereon as provided by this title.

#### 17.08.230 Appeal of administrative decision

Any person or persons, jointly or severally aggrieved by any administrative decision of town official may present to the Board of Adjustments an appeal petition specifying the grounds for the appeal. Such petition shall be presented to the Board of Adjustments within thirty (30) days after the filing of the zoning administrator or building official.

#### 17.08.240 Appeal of a town board decision

Any person or persons, jointly or severally aggrieved by any decision of the Town Council, Board of Adjustments, or any other quasi-judicial board representing the Town of West Yellowstone, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision of the office of the Board.

#### 17.08.250 Violations-Penalty

Violation of this title is a municipal infraction subject to the provisions of Sections 7-1-4150 through 7-1-4152, MCA unless noted elsewhere in this title.

## Chapter 17.10: R-1 RESIDENTIAL-SINGLE-UNIT-LOW DENSITY

### Sections:

17.10.010	Intent
17.10.020	Permitted uses
17.10.025	Conditional uses
17.10.030	Prohibited uses
17.10.040	Lot area and width
17.10.050	Lot coverage and floor area
17.10.060	Yards
17.10.070	Corner lots
17.10.080	Yard encroachments
17.10.090	Building height
17.10.100	Off-street parking
17.10.110	Off-street loading
17.10.120	Visibility at intersections
17.10.130	Outdoor lighting
17.10.140	Signs
17.10.150	Fences, walls, and hedges
17.10.160	Curb cuts

### 17.10.010 Intent

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

### 17.10.020 Permitted uses

All permitted uses in this district shall undergo a zoning review during the building permit process. The required submittal for that can be found on the Town website or at Town Hall. Permitted uses in the R-1 district are:

- A. Accessory uses to include:
  - 1. Private swimming pools
  - 2. Fallout shelters
- B. Accessory dwelling units subject to Chapter 17.30

- C. Newly constructed one-unit dwellings; including pre-fabricated homes per the definition in Chapter 17.04
- D. Publicly owned land used for parks, playgrounds, and open space
- E. Temporary buildings for and during construction only

#### 17.10.025 Conditional uses

The uses that are permitted in the R-1 district if successful in acquiring a conditional use permit approval from the Town of West Yellowstone are as follows:

- A. Churches
- B. Duplexes
- C. Home occupations
- D. Libraries
- E. Private parks
- F. Playgrounds
- G. Schools
- H. Townhouses (up to three (3) units)
- I. Any combination of two (2) or more permitted uses on one (1) lot

#### 17.10.030 Prohibited uses

The following uses are prohibited in the R-1 District:

- A. Heavy manufacturing
- B. Industrial uses
  
- C. Outdoor merchandise
- D. Short-term rentals
- E. Salvage yards
- F. Timeshares

#### 17.10.040 Lot area and width

Lot area for any use in this district shall be no less than eight thousand square feet (8,000 sq. ft.) and no lot width shall be less than sixty feet (60'). Unless the lot is to be used for a public park, playground, or open space where there is no minimum lot size requirement.

#### 17.10.050 Lot coverage and floor area

Not more than thirty-five percent (35%) of the lot area shall be occupied by buildings.

#### 17.10.060 Yards

Every lot in the R-1 district shall have the following minimum yards:

- A. Front yard, twenty feet (20')
- B. Rear yard, twenty-five feet (25')
- C. Side yards, ten feet (10') each side

No accessory building shall be erected in any required yard, unless it is a residential garage in conformance with the definition in 17.04.350 and it may be placed with ten feet (10') of the rear

property line, and no accessory building shall be erected within ten feet (10') of any principal building unless a variance is granted by the Town of West Yellowstone.

#### 17.10.070 Corner lots

When a lot faces more than one street and front yard setbacks have been established on both streets, corner lot setbacks shall be at least as great as the minimum front yard setback established for the district. If the lot is wholly in one district than both sides of a corner lot shall conform to the front setback in that district.

#### 17.10.080 Yard encroachments

Every part of a required yard or court shall be open and unobstructed by any building or structure from its lowest point upward except as follows:

- A. Architectural features that include belfries, cornices, chimneys, canopies, eaves, balconies, steeples, or other similar features may extend into a required yard space not more than three feet (3').
- B. Open, unwall, uncovered steps and entrance landings may extend into a required yard space not more than five feet (5').

#### 17.10.090 Building height

Maximum height in the R-1 district shall be twenty-six feet six inches (26' 6"). All elements of a structure shall be at or below the maximum height in the district unless is an architectural feature as defined in Chapter 17.04 which may extend to six feet (6') above the maximum height.

#### 17.10.100 Off-street parking

Off-street parking shall be provided in accordance with the requirement in Chapter 17.37 of this title.

#### 17.10.110 Off-street loading

Off-street loading shall be provided in accordance with the requirements of Chapter 17.38 of this title.

#### 17.10.120 Visibility at intersections

On corner lots on streets in all districts, no fence, wall, or planting in excess of four feet (4') above the street centerline grade is permitted within the area defined as follows: beginning at the intersection of the physical roadway twenty feet (20') along each roadway, except when traffic control signals are installed.

At the intersection of each driveway or alley with a street, no fence, wall, or planting in excess of four feet (4') above the street centerline grade is permitted fifteen feet (15') on each side of the physical intersection of the driveway or alley with the street.

#### 17.10.130 Outdoor lighting

Outdoor lighting shall not illuminate or be reflected upon any adjacent property.

17.10.140 Signs

All signs in this district shall be in conformance with the requirements of Chapter 17.40.

17.10.150 Fences, walls, and hedges

- A. Fences, walls, and hedges in any district may be located on lot lines provided such fences, walls, and hedges do not exceed eight feet (8') in height, measured from the adjacent ground elevation. Fences, walls, and hedges exceeding eight feet (8') in height, measured from the ground elevation, shall be subject to the minimum yard requirements of the district in which they are located unless a variance is granted by the Town of West Yellowstone.
- B. No fences, walls, and hedges shall exceed four feet (4') in any front yard as defined in this title.
- C. No barbed wire or other sharp fencing materials and no electrically charged fence shall be erected or maintained in any district created by this title.
- D. In case of a fence erected on top of a retaining wall, the height shall be measured from the grade of the high side of the wall.

17.10.160 Curb cuts

Curb cuts for residential uses shall be a maximum of twelve feet (12') throat width for a single car garage and a maximum of twenty feet (20') throat width for two (2) or more stall garage.

## Chapter 17.12: R-2 RESIDENTIAL---MEDIUM DENSITY

### Sections:

17.12.010	Intent
17.12.020	Permitted uses
17.12.025	Conditional uses
17.12.030	Prohibited uses
17.12.040	Lot area and width
17.12.050	Lot coverage and floor area
17.12.060	Yards
17.12.070	Corner lots
17.12.080	Yard encroachments
17.12.090	Building height
17.12.100	Off-street parking
17.12.110	Off-street loading
17.12.120	Visibility at intersections
17.12.130	Outdoor lighting
17.12.140	Signs
17.12.150	Fences, walls, and hedges
17.12.160	Curb cuts

### 17.12.010 Intent

The intent of this district is to provide for newly constructed medium density single-unit residential development to conform to the system of services available or possible limiting factors and to provide for such community facilities and services as will serve the area's residents while protecting the residential character and quality of the area.

#### 17.12.020 Permitted uses

All permitted uses in this district shall undergo a zoning review during the building permit process. The required submittal for that can be found on the Town website or at Town Hall. Permitted uses in the R-2 district are:

- A. Accessory uses to include
  - 1. Private swimming pools
  - 2. Fallout shelters;
- B. Accessory dwelling units subject to Chapter 17.30
- C. Condominiums
- D. Duplexes
- E. Newly constructed one-unit dwellings; including pre-fabricated homes per the definition in Chapter 17.04
- F. Publicly owned land used for parks, playgrounds, and open space
- G. Temporary buildings for and during construction, only

#### 17.12.025 Conditional uses

The uses that are permitted in the R-2 district if successful in acquiring a conditional use permit approval from the Town of West Yellowstone are as follows:

- A. Churches
- B. Four-plex
- C. Home occupations
- D. Libraries
- E. Playgrounds
- F. Private parks
- G. Schools
- H. Townhouses (up to three (3) units)
- I. Triplex
- J. Any combination of two (2) or more permitted uses on one (1) lot

#### 17.12.030 Prohibited uses

The following uses are prohibited in the R-2 District:

- A. Heavy manufacturing
- B. Industrial uses
- C. Outdoor merchandise
- D. Short-term rentals
- E. Salvage yards
- F. Timeshares

#### 17.12.040 Lot area and width

Lot area for any use in this district shall be not less than five thousand square feet (5,000 sq. ft.) and no lot width shall be less than sixty feet (60'). Unless the lot is to be used for a public park, playground, or open space where there is no minimum lot size requirement.



17.12.050 Lot coverage and floor area

No more than forty-five percent (45%) of the lot area shall be occupied by buildings.

17.12.060 Yards

Every lot in the R-2 district shall have the following minimum yards:

- A. Front yard, twenty feet (20')
- B. Rear yard, twenty feet (20')
- C. Side yards, eight feet (8') each side

No accessory building shall be erected in any required yard, unless it is a residential garage in conformance with the definition in 17.04.350 and it may be placed with ten feet (10') of the rear property line, and no accessory building shall be erected within ten feet (10') of any principal building unless a variance is granted by the Town of West Yellowstone.

17.12.070 Corner lots

When a lot faces more than one street and front yard setbacks have been established on both streets, corner lot setbacks shall be at least as great as the minimum front yard setback established for the district. If the lot is completely in one (1) district than both sides of a corner lot shall conform to the front setback in that district.

17.12.080 Yard encroachments

Every part of a required yard or court shall be open and unobstructed by any building or structure from its lowest point upward except as follows:

- A. Architectural features that include belfries, cornices, chimneys, canopies, eaves, balconies, steeples, or other similar features may extend into a required yard space not more than three feet (3').
- B. Open, unwall, uncovered steps and entrance landings may extend into a required yard space not more than five feet (5').

17.12.090 Building height

Maximum height in the R-2 district shall be twenty-six feet six inches (26' 6"). All elements of a structure shall be at or below the maximum height in the district unless is an architectural feature as defined in Chapter 17.04 which may extend to six feet (6') above the maximum height.

17.12.100 Off-street parking

Off-street parking shall be provided in accordance with the requirement in Chapter 17.37 of this title.

17.12.110 Off-street loading

Off-street loading shall be provided in accordance with the requirements of Chapter 17.38 of this title.

#### 17.12.120 Visibility at intersections

On corner lots on streets in all districts, no fence, wall, or planting in excess of four feet (4') above the street centerline grade is permitted within the area defined as follows: beginning at the intersection of the physical roadway twenty feet (20') along each roadway, except when traffic control signals are installed.

At the intersection of each driveway or alley with a street, no fence, wall, or planting in excess of four feet (4') above the street centerline grade is permitted 15 feet on each side of the physical intersection of the driveway or alley with the street.

#### 17.12.130 Outdoor lighting

Outdoor lighting shall not illuminate or be reflected upon any adjacent property.

#### 17.12.140 Signs

All signs in this district shall be in conformance with the requirements of Chapter 17.40.

#### 17.12.150 Fences, walls, and hedges

- A. Fences, walls, and hedges in any district may be located on lot lines provided such fences, walls, and hedges do not exceed eight feet (8') in height, measured from the adjacent ground elevation. Fences, walls, and hedges exceeding eight feet (8') in height, measured from the ground elevation, shall be subject to the minimum yard requirements of the district in which they are located unless a variance is granted by the Town of West Yellowstone.
- B. No fences, walls, and hedges shall exceed four feet (4') in any front yard as defined in this title.
- C. No barbed wire or other sharp fencing materials and no electrically charged fence shall be erected or maintained in any district created by this title.
- D. In case of a fence erected on top of a retaining wall, the height shall be measured from the grade of the high side of the wall.

#### 17.12.160 Curb cuts

Curb cuts for residential uses shall be a maximum of twelve feet (12') throat width for a single car garage and a maximum of twenty feet (20') throat width for two (2) or more stall garage.

## Chapter 17.14: R-3 RESIDENTIAL—MEDIUM DENSITY

### Sections:

17.14.010	Intent
17.14.020	Permitted uses
17.14.025	Conditional uses
17.14.030	Prohibited uses
17.14.040	Lot area and width
17.14.050	Lot coverage and floor area
17.14.060	Yards
17.14.070	Corner lots
17.14.080	Yard encroachments
17.14.090	Building height
17.14.100	Off-street parking
17.14.110	Off-street loading
17.14.120	Visibility at intersections
17.14.130	Outdoor lighting
17.14.140	Signs
17.14.150	Fences, walls, and hedges
17.14.160	Curb cuts

### 17.14.010 Intent

The intent of this district is to provide for the development of one (1) to four (4) unit residential structures. It should provide for changing patterns of residential areas where facilities can be provided to serve the residents and for a variety of housing types to serve the varied needs of families of different size, age, and character, while reducing the adverse effects of nonresidential uses.

#### 17.14.020 Permitted uses

All permitted uses in this district shall undergo a zoning review during the building permit process. The required submittal for that can be found on the Town website or at Town Hall. Permitted uses in the R-3 district are:

- A. Accessory dwelling units subject to Chapter 17.30
- B. Accessory uses to include
  - 1. Private swimming pools
  - 2. Fallout shelters
- C. Churches
- D. Condominiums
- E. Duplexes
- F. Multi-unit dwellings (up to six (6) dwelling-units)
- G. Newly constructed one-unit dwellings; including pre-fabricated homes per the definition in Chapter 17.04
- H. Single story triplexes
- I. Temporary buildings for and during construction only
- J. Townhouses (up to four (4) units)
- K. Triplex

#### 17.14.025 Conditional uses

The uses that are permitted in the R-3 district if successful in acquiring a conditional use permit approval from the Town of West Yellowstone are as follows:

- A. Clubs, fraternal lodges when associated with another use in this Chapter
- B. Four-plex
- C. Home occupations
- D. Libraries
- E. Multi-unit Dwelling (seven (7) or more units)
- F. Playgrounds
- G. Private parks
- H. Schools
- I. Townhouses (five (5) or more units)
- J. Any combination of two (2) or more permitted uses on one (1) lot

#### 17.14.030 Prohibited uses

The following uses are prohibited in the R-3 District:

- A. Heavy manufacturing
- B. Industrial uses
- C. Outdoor merchandise
- D. Short-term rentals
- E. Salvage yards
- F. Timeshares

#### 17.14.040 Lot area and width

- A. Minimum lot area for two (2) or four (4) units shall be two thousand five hundred square feet (2,500 sq. ft.) per dwelling unit with a lot width of at least thirty-six feet (36').
- B. Minimum lot area for other uses shall be three thousand square feet (3,000 sq. ft.) with a minimum lot width of fifty feet (50').

17.14.050 Lot coverage and floor area

Not more than fifty percent (50%) of the lot area shall be occupied by buildings.

17.14.060 Yards

Every lot in the R-3 district shall have the following minimum yards:

- A. Front yard, twenty-five feet (25')
- B. Rear yard, twenty feet (20')
- C. Side yards, eight feet (8') each side

Zero lot lines maybe acceptable, between side yards, if the properties are in single ownership or if a legally binding agreement between separate property owners is submitted and reviewed by appropriate town officials. Zero lot lines will be reviewed by the Town Manager prior to approval. If utilizing a zero lot line the applicant shall ensure that all construction complies with the adopted building and fire Code of the Town of West Yellowstone.

No accessory building shall be erected in any required yard, unless it is a residential garage in conformance with the definition in 17.04.350 and it may be placed with ten feet (10') of the rear property line, and no accessory building shall be erected within ten feet (10') of any principal building unless a variance is granted by the Town of West Yellowstone.

17.14.070 Corner lots

When a lot faces more than one street and front yard setbacks have been established on both streets, corner lot setbacks shall be at least as great as the minimum front yard setback established for the district. If the lot is completely in one (1) district than both sides of a corner lot shall conform to the front setback in that district.

17.14.080 Yard encroachments

Every part of a required yard or court shall be open and unobstructed by any building or structure from its lowest point upward except as follows:

- A. Architectural features that include belfries, cornices, chimneys, canopies, eaves, balconies, steeples, or other similar features may extend into a required yard space not more than three feet (3').
- B. Open, unwall, uncovered steps and entrance landings may extend into a required yard space not more than five feet (5').

17.14.090 Building height

Maximum building height in the R-3 district shall be thirty-two feet (32'). All elements of a structure shall be at or below the maximum height in the district unless is an architectural feature as defined in Chapter 17.04 which may extend to six feet (6') above the maximum height.

17.14.100 Off-street parking

Off-street parking shall be provided in accordance with the requirement in Chapter 17.37 of this title.

17.14.110 Off-street loading

Off-street loading shall be provided in accordance with the requirements of Chapter 17.38 of this title.

17.14.120 Visibility at intersections

On corner lots on streets in all districts, no fence, wall, or planting in excess of four feet (4') above the street centerline grade is permitted within the area defined as follows: beginning at the intersection of the physical roadway twenty feet (20') along each roadway, except when traffic control signals are installed.

At the intersection of each driveway or alley with a street, no fence, wall, or planting in excess of four feet (4') above the street centerline grade is permitted 15 feet on each side of the physical intersection of the driveway or alley with the street.

17.14.130 Outdoor lighting

Outdoor lighting shall not illuminate or be reflected upon any adjacent property.

17.14.140 Signs

All signs in this district shall be in conformance with the requirements of Chapter 17.40.

17.14.150 Fences, walls, and hedges

- A. Fences, walls, and hedges in any district may be located on lot lines provided such fences, walls, and hedges do not exceed eight feet (8') in height, measured from the adjacent ground elevation. Fences, walls, and hedges exceeding eight feet (8') in height, measured from the ground elevation, shall be subject to the minimum yard requirements of the district in which they are located unless a variance is granted by the Town of West Yellowstone.
- B. No fences, walls, and hedges shall exceed four feet (4') in any front yard as defined in this title.
- C. No barbed wire or other sharp fencing materials and no electrically charged fence shall be erected or maintained in any district created by this title.
- D. In case of a fence erected on top of a retaining wall, the height shall be measured from the grade of the high side of the wall.

17.14.160 Curb cuts

Curb cuts for residential uses shall be a maximum of twelve feet (12') throat width for a single car garage and a maximum of twenty feet (20') throat width for two (2) or more stall garage.

## Chapter 17.16: R-4 RESIDENTIAL-MEDIUM DENSITY APARTMENTS

### Sections:

17.16.010	Intent
17.16.020	Permitted uses
17.16.025	Conditional uses
17.16.030	Prohibited uses
17.16.040	Lot area and width
17.16.050	Lot coverage and floor area
17.16.060	Yards
17.16.070	Yard encroachments
17.16.080	Building height
17.16.090	Off-street parking
17.16.100	Off-street loading
17.16.110	Visibility at intersections
17.16.120	Outdoor lighting
17.16.130	Signs
17.16.140	Corner lots
17.16.150	Fences, walls, and hedges
17.16.160	Curb cuts

### 17.16.010 Intent

The intent of this district is to provide for the development of medium density apartments. The district should provide for a variety of housing types to serve the varied housing needs of area residents.

#### 17.16.020 Permitted uses

All permitted uses in this district shall undergo a zoning review during the building permit process. The required submittal for that can be found on the Town website or at Town Hall. Permitted uses in the R-4 district are:

- A. Accessory dwelling units subject to Chapter 17.30
- B. Accessory uses to include
  - 1. Private swimming pools
  - 2. Fallout shelters
- C. Apartments
- D. Churches
- E. Condominiums
- F. Duplexes
- G. Efficiency units
- H. Four-plex
- I. Multi-unit dwellings (up to six (6) dwelling-units)
- J. Newly constructed one-unit dwellings; including pre-fabricated homes per the definition in Chapter 17.04
- K. Publicly owned land used for parks, playgrounds, and open space
- L. Temporary buildings for and during construction only
- M. Townhouses (up to four (4) units)
- N. Triplex

#### 17.16.025 Conditional uses

The uses that are permitted in the R-4 district if successful in acquiring a conditional use permit approval from the Town of West Yellowstone are as follows:

- A. Clinics, hospitals, and nursing homes
- B. Clubs, fraternal lodges when associated with another use in this Chapter
- C. Home occupations
- D. Live work units
- E. Mixed use development
- F. Mobile Home Park subject to Chapter 17.32
- G. Multi-unit dwelling (seven (7) or more units)
- H. Townhouses (five (5) or more units)
- I. Travel Trailer Park subject to Chapter 17.33
- J. Any combination of two (2) or more permitted uses on one (1) lot



#### 17.16.030 Prohibited uses

The following uses are prohibited in the R-4 District:

- A. Heavy manufacturing
- B. Industrial uses
- C. Outdoor merchandise
- D. Short-term rentals
- E. Salvage yards
- F. Timeshares

#### 17.16.040 Lot area and width

- A. Lot area of single unit or use parcels shall be not less than four thousand square feet (4,000 sq. ft.). Multi-use parcels shall be four thousand square feet (4,000 sq. ft.) plus an additional five hundred square feet (500 sq. ft.) per additional unit or use
  - 1. Minimum lot width of fifty feet (50').

#### 17.16.050 Lot coverage and floor area

Not more than fifty-five percent (55%) of the lot area shall be occupied by buildings.

#### 17.16.060 Yards

Every lot in the R-4 district shall have the following minimum yards:

- A. Front yard, fifteen feet (15')
- B. Rear yard, twenty feet (20')
- C. Side yards, eight feet (8') each side

Zero lot lines maybe acceptable, between side yards, if the properties are in single ownership or if a legally binding agreement between separate property owners is submitted and reviewed by the Town. Zero lot lines will be reviewed by the Town Manager prior to approval. If utilizing a zero lot line the applicant shall ensure that all construction complies with the adopted Building and Fire Code of the Town of West Yellowstone.

No accessory building shall be erected in any required yard, unless it is a residential garage in conformance with the definition in Section 17.04.350 and it may be placed with fifteen feet (15') of the rear property line, and no accessory building shall be erected within ten feet (10') of any principal building unless a variance is granted by the Town of West Yellowstone.

#### 17.16.140 Corner lots

When a lot faces more than one street and front yard setbacks have been established on both streets, corner lot setbacks shall be at least as great as the minimum front yard setback established for the district. If the lot is completely in one (1) district than both sides of a corner lot shall conform to the front setback in that district.

#### 17.16.070 Yard encroachments

Every part of a required yard or court shall be open and unobstructed by any building or structure from its lowest point upward except as follows:

- A. Architectural features that include belfries, cornices, chimneys, canopies, eaves, balconies, steeples, or other similar features may extend into a required yard space not more than three feet (3').
- B. Open, unwall, uncovered steps and entrance landings may extend into a required yard space not more than five feet (5').

#### 17.16.080 Building height

Maximum building height shall be thirty-two feet (32'). All elements of a structure shall be at or below the maximum height in the district unless is an architectural feature as defined in Chapter 17.04 which may extend to six feet (6') above the maximum height.

#### 17.16.090 Off-street parking

Off-street parking shall be provided in accordance with the requirements in Chapter 17.37 of this title.

#### 17.16.100 Off-street loading

Off-street loading shall be provided in accordance with the requirements of Chapter 17.38 of this title.

#### 17.16.110 Visibility at intersections

On corner lots on streets in all districts, no fence, wall, or planting in excess of four feet (4') above the street centerline grade is permitted within the area defined as follows: beginning at the intersection of the physical roadway twenty feet (20') along each roadway, except when traffic control signals are installed.

At the intersection of each driveway or alley with a street, no fence, wall, or planting in excess of four feet (4') above the street centerline grade is permitted 15 feet on each side of the physical intersection of the driveway or alley with the street.

#### 17.16.120 Outdoor lighting

Outdoor lighting shall not illuminate or be reflected upon any adjacent property.

#### 17.16.130 Signs

All signs in this district shall be in conformance with the requirements of Chapter 17.40.

#### 17.16.150 Fences, walls, and hedges

- A. Fences, walls, and hedges in any district may be located on lot lines provided such fences, walls, and hedges do not exceed eight feet (8') in height, measured from the adjacent ground elevation. Fences, walls, and hedges exceeding eight feet (8') in height, measured from the ground elevation, shall be subject to the minimum yard requirements of the district in which they are located unless a variance is granted by the Town of West Yellowstone.

- B. No fences, walls, and hedges shall exceed four feet (4') in any front yard as defined in this title.
- C. No barbed wire or other sharp fencing materials and no electrically charged fence shall be erected or maintained in any district created by this title.
- D. In case of a fence erected on top of a retaining wall, the height shall be measured from the grade of the high side of the wall.

17.16.160 Curb cuts

Curb cuts for residential uses shall be a maximum of twelve feet (12') throat width for a single car garage and a maximum of twenty feet (20') throat width for two (2) or more stall garage.

## Chapter 17.22: B-3 CENTRAL BUSINESS DISTRICT

### Sections:

17.22.010	Intent
17.22.020	Permitted uses
17.22.025	Conditional uses
17.22.030	Prohibited uses
17.22.040	Lot area and width
17.22.050	Lot coverage
17.22.060	Yards
17.22.070	Corner lots
17.22.080	Yard encroachments
17.22.090	Building height
17.22.100	Off-street parking
17.22.110	Off-street loading
17.22.120	Visibility at intersections
17.22.130	Outdoor lighting
17.22.140	Signs
17.22.150	Fences, walls, and hedges
17.22.160	Curb cuts

### 17.22.010 Intent

The intent of this district is to provide a central area for the community's business, service, and cultural activities. Uses within this district should be appropriate to such a focal center with inappropriate uses being excluded. Room should be provided in appropriate areas for logical and planned expansion of the present district.

## 17.22.020 Permitted uses

All permitted uses in this district shall undergo a zoning review during the building permit process. The required submittal for that can be found on the Town website or at Town Hall. Permitted uses in the B-3 district are:

- A. Accessory dwelling units subject to Chapter 17.30
- B. Apartments
- C. Bakeries
- D. Bars, cocktail lounges
- E. Boarding houses
- F. Casino
- G. Clubs, fraternal lodges
- H. Condominiums
- I. Dressmaking
- J. Fallout shelters
- K. Four-plex
- L. Fuel service station
- M. Hotels and motels
- N. Home occupation
- O. Laundry and dry cleaning
- P. Light Manufacturing
- Q. Live work units
- R. Meeting and lodge halls
- S. Mobile food vendors as defined in Chapter 5.30
- T. Mobile homes and mobile home parks
- U. Multi-unit residential
- V. Museums, libraries, and galleries
- W. Parking lots
- X. Personal service establishment
- Y. Printing offices
- Z. Private schools, such as dance, business, secretarial and technical but not private or public elementary or secondary schools
- AA. Private swimming pools
- BB. Professional and business offices
- CC. Publicly owned land used for parks, playgrounds, and open space
- DD. Public offices
- EE. Rental of automobiles, bicycles, motorcycles, snowmobiles, and other vehicles both motorized and non-motorized
- FF. Repair services for clothes, dolls, small appliances, watches, glasses, and such other items
- GG. Restaurants and cafes
- HH. Retail sales such of any legal finished good to the final consumer
- II. Signs
- JJ. Single-unit residential
- KK. Short-Term Rentals
- LL. Temporary buildings for and during construction only
- MM. Theaters, except drive-ins

- NN. Triplex
- OO. Uses customarily accessory to those listed including
- PP. Wholesale establishment

#### 17.22.025 Conditional uses

The uses that are permitted in the B-3 district if successful in acquiring a conditional use permit approval from the Town of West Yellowstone are as follows:

- A. Animal drawn carriages
- B. Communications tower
- C. Public swimming pool
- D. Public water park or public splash pad
- E. Timeshares

#### 17.22.030 Prohibited uses

The following uses are prohibited in the B-3 District:

- A. Heavy manufacturing
- B. Industrial uses

- C. Salvage yards

#### 17.22.040 Lot area and width

In the B-3 district there is no minimum lot area or width requirements.

#### 17.22.050 Lot coverage

Buildings may cover the entire lot providing other requirements are met.

#### 17.22.060 Yards

The only setback prescribed in this district is that there shall be no buildings or building development whatsoever closer than thirty feet (30') from the center line of a street. The only exception to the previous sentence is that all lots on 191-20, (Highway Avenue) from Electric Street to Iris Street shall be treated on an individual, lot by lot basis; also, any residential use of lots shall have the following minimum yards:

- A. Rear yard, five feet
- B. Side yards, five feet each side

No accessory building shall be erected in any required yard, and no accessory building shall be erected within ten feet (10') of any principal building unless a variance is granted by the Town of West Yellowstone.

All outdoor merchandise as defined in Chapter 17.04 shall have an eighteen inch (18") setback from all property lines.

#### 17.22.070 Corner lots

When a lot faces more than one street and front yard setbacks have been established on both streets, corner lot setbacks shall be at least as great as the minimum front yard setback established for the district. If the lot is completely in one (1) district than both sides of a corner lot shall conform to the front setback in that district.

#### 17.22.080 Yard encroachments

Every part of a required yard or court shall be open and unobstructed by any building or structure from its lowest point upward except as follows:

- A. Architectural features that include belfries, cornices, chimneys, canopies, eaves, balconies, steeples, or other similar features may extend into a required yard space not more than three feet (3').
- B. Open, unwall, uncovered steps and entrance landings may extend into a required yard space not more than five feet (5').

#### 17.22.090 Building height

Maximum building height in this district shall be thirty-five feet (35'). All elements of a structure shall be at or below the maximum height in the district unless is an architectural feature as defined in Chapter 17.04 which may extend to six feet (6') above the maximum height.

#### 17.22.100 Off-street parking

Off-street parking shall be provided in accordance with Chapter 17.37 of this title.

#### 17.22.110 Off-street loading

Off-street loading shall be provided in accordance with Chapter 17.38 of this title.

#### 17.22.120 Visibility at intersections

On corner lots on streets in all districts, no fence, wall, or planting in excess of four feet (4') above the street centerline grade is permitted within the area defined as follows: beginning at the intersection of the physical roadway twenty feet (20') along each roadway, except when traffic control signals are installed.

At the intersection of each driveway or alley with a street, no fence, wall, or planting in excess of four feet (4') above the street centerline grade is permitted 15 feet on each side of the physical intersection of the driveway or alley with the street.

#### 17.22.130 Outdoor lighting

Outdoor lighting shall not illuminate or be reflected upon any adjacent property.

#### 17.22.140 Signs

All signs in this district shall be in conformance with the requirements of Chapter 17.40.

#### 17.22.150 Fences, walls, and hedges

- A. Fences, walls, and hedges in any district may be located on lot lines provided such fences, walls, and hedges do not exceed eight feet (8') in height, measured from the adjacent

ground elevation. Fences, walls, and hedges exceeding eight feet (8') in height, measured from the ground elevation, shall be subject to the minimum yard requirements of the district in which they are located unless a variance is granted by the Town of West Yellowstone.

- B. No fences, walls, and hedges shall exceed four feet (4') in any front yard as defined in this title.
- C. No barbed wire or other sharp fencing materials and no electrically charged fence shall be erected or maintained in any district created by this title.
- D. In case of a fence erected on top of a retaining wall, the height shall be measured from the grade of the high side of the wall.

#### 17.22.160 Curb cuts

Curb cuts for residential uses shall be a maximum of twelve feet (12') throat width for a single car garage and a maximum of twenty feet (20') throat width for two (2) or more stall garage.



## Chapter 17.23: B-4 EXPANDED BUSINESS DISTRICT

### Sections:

17.23.010	Intent
17.23.020	Permitted uses
17.23.025	Conditional uses
17.23.030	Prohibited uses
17.23.040	Lot area and width
17.23.050	Coverage
17.23.060	Yards
17.23.070	Corner lots
17.23.080	Yard encroachments
17.23.090	Building height
17.23.100	Off-street parking
17.23.110	Off-street loading
17.23.120	Visibility at intersections
17.23.130	Outdoor lighting
17.23.140	Signs
17.23.150	Fences, walls, and hedges

### 17.23.010 Intent

The intent of this district is to provide expansion of the community's business, service, and cultural activities. Uses within this district should be appropriate to such a focal center with inappropriate uses being excluded. The expansion on this central business district should happen in a planned logical manner.

#### 17.23.020 Permitted uses

All permitted uses in this district shall undergo a zoning review during the building permit process. The required submittal for that can be found on the Town website or at Town Hall. Permitted uses in the B-4 district are:

- A. Amusement centers, (indoor only)
- B. Bakeries
- C. Bars and cocktail lounges
- D. Casinos
- E. Dressmaking
- F. Florist
- G. Fuel service stations
- H. Hotels and motels
- I. Home occupation
- J. Live work units
- K. Meeting and lodge halls
- L. Mortuary
- M. Museums, libraries, and galleries
- N. Nursery
- O. Personal service establishment
- P. Printing offices
- Q. Private schools, such as dance, business, secretarial and technical but not private or public elementary or secondary schools
- R. Professional and business offices
- S. Public offices
- T. Rental of automobiles, bicycles, motorcycles, snowmobiles, and other vehicles
- U. Repair services for clothes, dolls, small appliances, watches, glasses, and such other items
- V. Restaurants and cafes
- W. Retail sales of any legal finished good to the final consumer
- X. Temporary buildings for and during construction only
- Y. Theaters, except drive-ins
- Z. Uses customarily accessory to those listed including
  - A. Fallout shelters
- AA. Wholesale establishments

#### 17.23.025 Conditional uses

The uses that are permitted in the B-4 district if successful in acquiring a conditional use permit approval from the Town of West Yellowstone are as follows:

- A. Communications tower
- B. Heavy manufacturing
- C. Industrial uses
- D. Major vehicle repairs
- E. Public swimming pool
- F. Public water park or public splash pad
- G. Salvage yards
- H. Timeshares

#### 17.23.030 Prohibited uses

The following uses are prohibited in the B-4 District:

- A. Salvage yards

#### 17.23.040 Lot area and width

No minimum lot area or width prescribed.

#### 17.23.050 Coverage

Buildings may cover the entire lot providing other requirements are met.

#### 17.23.060 Yards

There are no yard requirements in the B-4 Expanded Business District. Except for all outdoor merchandise as defined in Chapter 17.04 shall have an eighteen inch (18") setback from all property lines.

No accessory building shall be erected within ten feet (10') of any principal building unless a variance is granted by the Town of West Yellowstone.

#### 17.23.070 Corner lots

When a lot faces more than one street and front yard setbacks have been established on both streets, corner lot setbacks shall be at least as great as the minimum front yard setback established for the district. If the lot is completely in one (1) district than both sides of a corner lot shall conform to the front setback in that district.

#### 17.23.080 Yard encroachments

Every part of a required yard or court shall be open and unobstructed by any building or structure from its lowest point upward except as follows:

- A. Architectural features that include belfries, cornices, chimneys, canopies, eaves, balconies, steeples, or other similar features may extend into a required yard space not more than three feet (3').
- B. Open, unwall, uncovered steps and entrance landings may extend into a required yard space not more than five feet (5').

#### 17.23.090 Building height

Maximum building height in this district shall be thirty-five feet (35'). All elements of a structure shall be at or below the maximum height in the district unless is an architectural feature as defined in Chapter 17.04 which may extend to six feet (6') above the maximum height.

#### 17.23.100 Off-street parking

Off-street parking shall be provided in accordance with Chapter 17.37.

#### 17.23.110 Off-street loading

Off-street loading shall be provided in accordance with Chapter 17.38.

#### 17.23.120 Visibility at intersections

On corner lots on streets in all districts, no fence, wall, or planting in excess of four feet (4') above the street centerline grade is permitted within the area defined as follows: beginning at the intersection of the physical roadway twenty feet (20') along each roadway, except when traffic control signals are installed.

At the intersection of each driveway or alley with a street, no fence, wall, or planting in excess of four feet (4') above the street centerline grade is permitted 15 feet on each side of the physical intersection of the driveway or alley with the street.

#### 17.23.130 Outdoor lighting

Outdoor lighting shall not illuminate or be reflected upon any adjacent property.

#### 17.23.140 Signs

All signs in this district shall be in conformance with the requirements of Chapter 17.40.

#### 17.23.150 Fences, walls, and hedges

- A. Fences, walls, and hedges in any district may be located on lot lines provided such fences, walls, and hedges do not exceed eight feet (8') in height, measured from the adjacent ground elevation. Fences, walls, and hedges exceeding eight feet (8') in height, measured from the ground elevation, shall be subject to the minimum yard requirements of the district in which they are located unless a variance is granted by the Town of West Yellowstone.
- B. No fences, walls, and hedges shall exceed four feet (4') in any front yard as defined in this title.
- C. No barbed wire or other sharp fencing materials and no electrically charged fence shall be erected or maintained in any district created by this title.
- D. In case of a fence erected on top of a retaining wall, the height shall be measured from the grade of the high side of the wall.



## Chapter 17.24: M-1 COMMERCIAL-LIGHT MANUFACTURING

### Sections:

17.24.010	Intent
17.24.020	Permitted uses
17.24.025	Conditional uses
17.24.030	Lot area and width
17.24.040	Lot coverage
17.24.050	Yards
17.24.060	Corner lots
17.24.070	Yard encroachments
17.24.080	Building height
17.24.090	Off-street parking
17.24.100	Off-street loading
17.24.110	Visibility at intersections
17.24.120	Outdoor lighting
17.24.130	Outside storage-Enclosure required
17.24.140	Fences, walls, and hedges

### 17.24.010 Intent

The intent of this district is to provide for the community's needs for wholesale trade, storage, and warehousing, trucking, and transportation terminals, light manufacturing, and similar activities. District should be oriented to major transportation facilities yet arranged to minimize adverse effects on residential developments; therefore, some type of screening may be necessary.

#### 17.24.020 Permitted uses

All permitted uses in this district shall undergo a zoning review during the building permit process. The required submittal for that can be found on the Town website or at Town Hall. Permitted uses in the M-1 district are:

- A. Accessory uses including
  - A. Private swimming pools
  - B. Fallout shelters
- B. Building materials sales
- C. Building contractors establishments
- D. Cabinet shops
- E. Enclosed warehousing
- F. Gasoline service stations
- G. Light manufacturing
- H. Machine shops
- I. Manufacturing of light consumer goods, i.e., electronic equipment, appliances, furniture, beverages
- J. Outside storage if accessory to permitted use and if screened from street and surrounding properties by solid fence six feet (6') high
- K. Paint shops
- L. Rental of automobiles, bicycles, motorcycles, snowmobiles, and other vehicles
- M. Repair and service establishments for light consumer goods, i.e., automobiles, appliances, furniture
- N. Sign shops
- O. Temporary buildings for and during construction only
- P. Truck and rail terminal facilities
- Q. Vehicle and boat sales

#### 17.24.025 Conditional uses

The uses that are permitted in the M-1 district if successful in acquiring a conditional use permit approval from the Town of West Yellowstone are as follows:

- A. Communications tower
- B. Heavy manufacturing
- C. Industrial uses
- D. Live work units
- E. Salvage yards

#### 17.24.030 Lot area and width

Lot area for this district shall not be less than seven thousand five hundred square feet (7,500 sq. ft.) and no lot width shall be less than seventy-five feet (75').

#### 17.24.040 Lot coverage

The entire lot, exclusive of required yards and parking, may be occupied by the principal and accessory buildings.

#### 17.24.050 Yards

- A. Every lot shall have the following minimum yards
  1. Front yard, twenty feet (20')
  2. Rear yard, fifteen feet (15')
  3. Side yards, fifteen feet (15') each side
- B. When a lot is adjacent or faces upon another zone, the yards shall meet the requirements of the adjoining zone and the entire property line that abuts the other zone shall be screened with either a decorative fence or plantings. When a lot abuts a street or alley on any side, a yard of at least fifteen feet (15') shall be provided on the street or alley side.

No accessory building shall be erected in any required yard, and no accessory building shall be erected within ten feet (10') of any principal building unless a variance is granted by the Town of West Yellowstone.

All outdoor merchandise as defined in Chapter 17.04 shall have an eighteen inch (18") setback from all property lines. 17.24.060 Corner lots

When a lot faces more than one street and front yard setbacks have been established on both streets, corner lot setbacks shall be at least as great as the minimum front yard setback established for the district. If the lot is completely in one (1) district than both sides of a corner lot shall conform to the front setback in that district.

#### 17.24.070 Yard encroachments

Every part of a required yard or court shall be open and unobstructed by any building or structure from its lowest point upward except as follows:

- A. Architectural features that include belfries, cornices, chimneys, canopies, eaves, balconies, steeples, or other similar features may extend into a required yard space not more than three feet (3').
- B. Open, unwallled, uncovered steps and entrance landings may extend into a required yard space not more than five feet (5').

#### 17.24.080 Building height

Maximum building height in this district shall be forty feet (40'). All elements of a structure shall be at or below the maximum height in the district unless is an architectural feature as defined in Chapter 17.04 which may extend to six feet (6') above the maximum height.

#### 17.24.090 Off-street parking

Off-street parking shall be provided in accordance with Chapter 17.37 of this title.



17.24.100 Off-street loading

Off-street loading shall be provided in accordance with Chapter 17.38 of this title.

17.24.110 Visibility at intersections

On corner lots on streets in all districts, no fence, wall, or planting in excess of four feet (4') above the street centerline grade is permitted within the area defined as follows: beginning at the intersection of the physical roadway twenty feet (20') along each roadway, except when traffic control signals are installed.

At the intersection of each driveway or alley with a street, no fence, wall, or planting in excess of four feet (4') above the street centerline grade is permitted 15 feet on each side of the physical intersection of the driveway or alley with the street.

17.24.120 Outdoor lighting

Outdoor lighting shall not illuminate or be reflected upon any adjacent property.

17.24.130 Outside storage-Enclosure required

All salvage dealers, or other persons accumulating, depositing, or storing salvage material within the town limits when the accumulating, depositing, or storing thereof shall be without a building or not within a building, either now stored, deposited, or accumulated, shall fence surrounding salvage materials with a solid fence at least six (6') high, sufficient to enclose the salvaged materials from public view from outside the enclosure. No salvage material may be placed in the front or side yard setback that abuts a street of a corner lot.

17.24.140 Fences, walls, and hedges

- A. Fences, walls, and hedges in any district may be located on lot lines provided such fences, walls, and hedges do not exceed eight feet (8') in height, measured from the adjacent ground elevation. Fences, walls, and hedges exceeding eight feet (8') in height, measured from the ground elevation, shall be subject to the minimum yard requirements of the district in which they are located unless a variance is granted by the Town of West Yellowstone.
- B. No fences, walls, and hedges shall exceed four feet (4') in any front yard as defined in this title.
- C. No barbed wire or other sharp fencing materials and no electrically charged fence shall be erected or maintained in any district created by this title.
- D. In case of a fence erected on top of a retaining wall, the height shall be measured from the grade of the high side of the wall.

## Chapter 17.25: E-2 ENTERTAINMENT DISTRICT

### Sections:

17.25.010	Intent
17.25.020	Permitted uses
17.25.025	Conditional uses
17.25.030	Prohibited uses
17.25.040	Lot area and width
17.25.050	Lot coverage
17.25.060	Yards
17.25.070	Corner lots
17.25.080	Yard encroachments
17.25.090	Building height
17.25.100	Off-street parking
17.25.110	Off-street loading
17.25.120	Visibility at intersections
17.25.130	Outdoor lighting
17.25.140	Signs
17.25.150	Fences, walls, and hedges
17.25.160	Curb cuts

### 17.25.010 Intent

For the purposes of this district, the uses of land shall be those of a public entertainment and educational nature for the purposes of providing educational and informative opportunities to the people visiting the area. In this district small commercial retail shall only be allowed when in conjunction as a complement to the permitted uses.

#### 17.25.020 Permitted uses

All permitted uses in this district shall undergo a zoning review during the building permit process. The required submittal for that can be found on the Town website or at Town Hall. Permitted uses in the E-2 district are:

- A. Government buildings open to the public
- B. Information center
- C. Museum
- D. Residential uses for caretakers, employees, or security people only
- E. Theaters, including large format theaters such as IMAX
- F. Visitor center
- G. Zoos, wildlife sanctuary

#### 17.25.025 Conditional uses

The uses that are permitted in the E-2 district if successful in acquiring a conditional use permit approval from the Town of West Yellowstone are as follows:

- A. Communications tower
- B. Live work units
- C. Public swimming pool
- D. Public water park
- E. Public splash pad

#### 17.25.030 Prohibited uses

The following uses are prohibited in the E-2 District:

- A. Heavy manufacturing
- B. Industrial uses
- C. Salvage yards
- D. Short-term rentals
- E. Timeshares

#### 17.25.040 Lot area and width

In the E-2 district there is no minimum lot area or width requirements.

#### 17.25.050 Lot coverage

Buildings may cover the entire lot providing other requirements are met.

#### 17.25.060 Yards

The setbacks prescribed in this district are that no buildings or building development whatsoever closer than thirty feet (30') from the center line of a street and all outdoor merchandise as defined in Chapter 17.04 shall have an eighteen inch (18") setback from all property lines. No accessory building shall be erected within ten feet (10') of any principal building unless a variance is granted by the Town of West Yellowstone.

#### 17.25.070 Corner lots

When a lot faces more than one street and front yard setbacks have been established on both streets, corner lot setbacks shall be at least as great as the minimum front yard setback established for the district. If the lot is completely in one (1) district than both sides of a corner lot shall conform to the front setback in that district.

#### 17.25.080 Yard encroachments

Every part of a required yard or court shall be open and unobstructed by any building or structure from its lowest point upward except as follows:

- A. Architectural features that include belfries, cornices, chimneys, canopies, eaves, balconies, steeples, or other similar features may extend into a required yard space not more than three feet (3').
- B. Open, unwall, uncovered steps and entrance landings may extend into a required yard space not more than five feet (5').

#### 17.25.090 Building height

Maximum building height in this district shall be forty feet (40'). All elements of a structure shall be at or below the maximum height in the district unless is an architectural feature as defined in Chapter 17.04 which may extend to six feet (6') above the maximum height.

#### 17.25.100 Off-street parking

Off-street parking shall be provided in accordance with Chapter 17.37.

#### 17.25.110 Off-street loading

Off-street loading for the district shall be provided in accordance with Chapter 17.38.

#### 17.25.120 Visibility at intersections

On corner lots on streets in all districts, no fence, wall, or planting in excess of four feet (4') above the street centerline grade is permitted within the area defined as follows: beginning at the intersection of the physical roadway twenty feet (20') along each roadway, except when traffic control signals are installed.

At the intersection of each driveway or alley with a street, no fence, wall, or planting in excess of four feet (4') above the street centerline grade is permitted 15 feet on each side of the physical intersection of the driveway or alley with the street.

#### 17.25.130 Outdoor lighting

Outdoor lighting shall not illuminate or be reflected upon any adjacent property.

#### 17.25.140 Signs

All signs in this district shall be in conformance with the requirements of Chapter 17.40.

17.25.150 Fences, walls, and hedges

- A. Fences, walls, and hedges in any district may be located on lot lines provided such fences, walls, and hedges do not exceed eight feet (8') in height, measured from the adjacent ground elevation. Fences, walls, and hedges exceeding eight (8') feet in height, measured from the ground elevation, shall be subject to the minimum yard requirements of the district in which they are located unless a variance is granted by the Town of West Yellowstone.
- B. No fences, walls, and hedges shall exceed four feet (4') in any front yard as defined in this title.
- C. No barbed wire or other sharp fencing materials and no electrically charged fence shall be erected or maintained in any district created by this title.
- D. In case of a fence erected on top of a retaining wall, the height shall be measured from the grade of the high side of the wall.

17.25.160 Curb cuts

Curb cuts for residential uses shall be a maximum of twelve feet (12') throat width for a single car garage and a maximum of twenty feet (20') throat width for two (2) or more stall garage.

## Chapter 17.26: PLI PUBLIC LAND AND INSTITUTIONS

### Sections:

17.26.010	Intent
17.26.020	Permitted uses
17.26.025	Conditional uses
17.26.030	Prohibited uses
17.26.040	Lot area and width
17.26.050	Lot coverage
17.26.060	Yards
17.26.070	Corner lots
17.26.080	Yard encroachments
17.26.090	Building height
17.26.100	Off-street parking
17.26.110	Off-street loading
17.26.120	Visibility at intersections
17.26.130	Outdoor lighting
17.26.140	Outside storage-Enclosure required
17.26.150	Fences, walls, and hedges

#### 17.26.010 Intent

The intent of this district is to provide for major public and quasi-public uses outside of other districts. Not all public and quasi-public uses need be classified PLI. Some may fit within another district; however, the larger areas should be distinguished PLI.

#### 17.26.020 Permitted uses

All permitted uses in this district shall undergo a zoning review during the building permit process. The required submittal for that can be found on the Town website or at Town Hall. Permitted uses in the PLI district are:

- A. Accessory uses
- B. Communications tower that beneath sixty feet (60') from the ground elevation
- C. Day and youth camps
- D. Government owned outdoor storage
- E. Government buildings
- F. Museums, zoos, historic, and culture exhibits
- G. Public and nonprofit quasi-public institutions

- H. Public fallout shelters
- I. Publicly owned land used for parks, playgrounds, and open space
- J. Temporary buildings for and during construction only

17.26.025 Conditional uses

- A. Cemeteries
- B. Communications tower that exceeds sixty feet (60') from the ground elevation
- C. Private parks
- D. Public swimming pools
- E. Public water parks or public splash pads

17.26.030 Prohibited uses

The following uses are prohibited in the PLI District:

- A. Heavy manufacturing
- B. Industrial uses
- C. Salvage yards
- D. Outdoor merchandise
- E. Outdoor storage unless a government owned storage area

17.26.040 Lot area and width

There are no lot area and width requirements in the PLI district.

17.26.050 Lot coverage

The entire lot, exclusive of required yards and parking, may be occupied by buildings.

17.26.060 Yards

There is no yard requirements in the PLI district except when a lot is adjacent to another district. The yards then shall be the same as the adjacent district.

No accessory building shall be erected within ten feet (10') of any principal building unless a variance is granted by the Town of West Yellowstone.

17.26.070 Corner lots

When a lot faces more than one street and front yard setbacks have been established on both streets, corner lot setbacks shall be at least as great as the minimum front yard setback established for the district. If the lot is completely in one (1) district than both sides of a corner lot shall conform to the front setback in that district.

17.26.080 Yard encroachments

Every part of a required yard or court shall be open and unobstructed by any building or structure from its lowest point upward except as follows:

- A. Architectural features that include cornices, chimneys, canopies, eaves, balconies, or other similar features may extend into a required yard space not more than three feet (3').

- B. Open, unwall, uncovered steps and entrance landings may extend into a required yard space not more than five feet (5').

17.26.090 Building height

Maximum building height in this district shall be forty feet (40'). All elements of a structure shall be at or below the maximum height in the district unless is an architectural feature as defined in Chapter 17.04 which may extend to six feet (6') above the maximum height.

17.26.100 Off-street parking

Off-street parking for this district shall be provided in accordance with Chapter 17.37 of this title.

17.26.110 Off-street loading

Off-street loading for this district shall be provided in accordance with Chapter 17.38 of this title.

17.26.120 Visibility at intersections

On corner lots on streets in all districts, no fence, wall, or planting in excess of four feet (4') above the street centerline grade is permitted within the area defined as follows: beginning at the intersection of the physical roadway twenty feet (20') along each roadway, except when traffic control signals are installed.

At the intersection of each driveway or alley with a street, no fence, wall, or planting in excess of four feet (4') above the street centerline grade is permitted 15 feet on each side of the physical intersection of the driveway or alley with the street.

17.26.130 Outdoor lighting

Outdoor lighting shall not illuminate or be reflected upon any adjacent property.

17.26.140 Outside storage—Enclosure required

Government outdoor storage shall fence the storage area with a solid fence at least six (6') high, sufficient to enclose the stored materials from public view from outside the enclosure. No stored material may be placed in the front setback that abuts a street of a corner lot.

17.26.150 Fences, walls, and hedges

- A. Fences, walls, and hedges in any district may be located on lot lines provided such fences, walls, and hedges do not exceed eight feet (8') in height, measured from the adjacent ground elevation. Fences, walls, and hedges exceeding eight feet (8') in height, measured from the ground elevation, shall be subject to the minimum yard requirements of the district in which they are located unless a variance is granted by the Town of West Yellowstone.
- B. No fences, walls, and hedges shall exceed four feet (4') in any front yard as defined in this title.
- C. No barbed wire or other sharp fencing materials and no electrically charged fence shall be erected or maintained in any district created by this title.
- D. In case of a fence erected on top of a retaining wall, the height shall be measured from the grade of the high side of the wall.



## Chapter 17.27: DOWNTOWN OVERLAY DISTRICT

### Sections:

- 17.27.010 Intent
- 17.27.020 Overlay boundaries
- 17.27.030 Dimensional requirements of the downtown overlay
- 17.27.040 Permitted uses
- 17.27.045 Conditional uses
- 17.27.050 Prohibited uses
- 17.27.060 Signs
- 17.27.070 Outdoor lighting
- 17.27.080 Off-street parking
- 17.27.090 Off-street loading

### 17.27.010 Intent

The intent of this section of the code is to provide for long-term commercial use in the main corridors in West Yellowstone. The overlay district is focused on providing opportunities throughout the historic commercial corridors of the Town. The Town is prescribing this area for commercial and retail purposes with limited residential opportunities.

### 17.27.020 Overlay boundaries

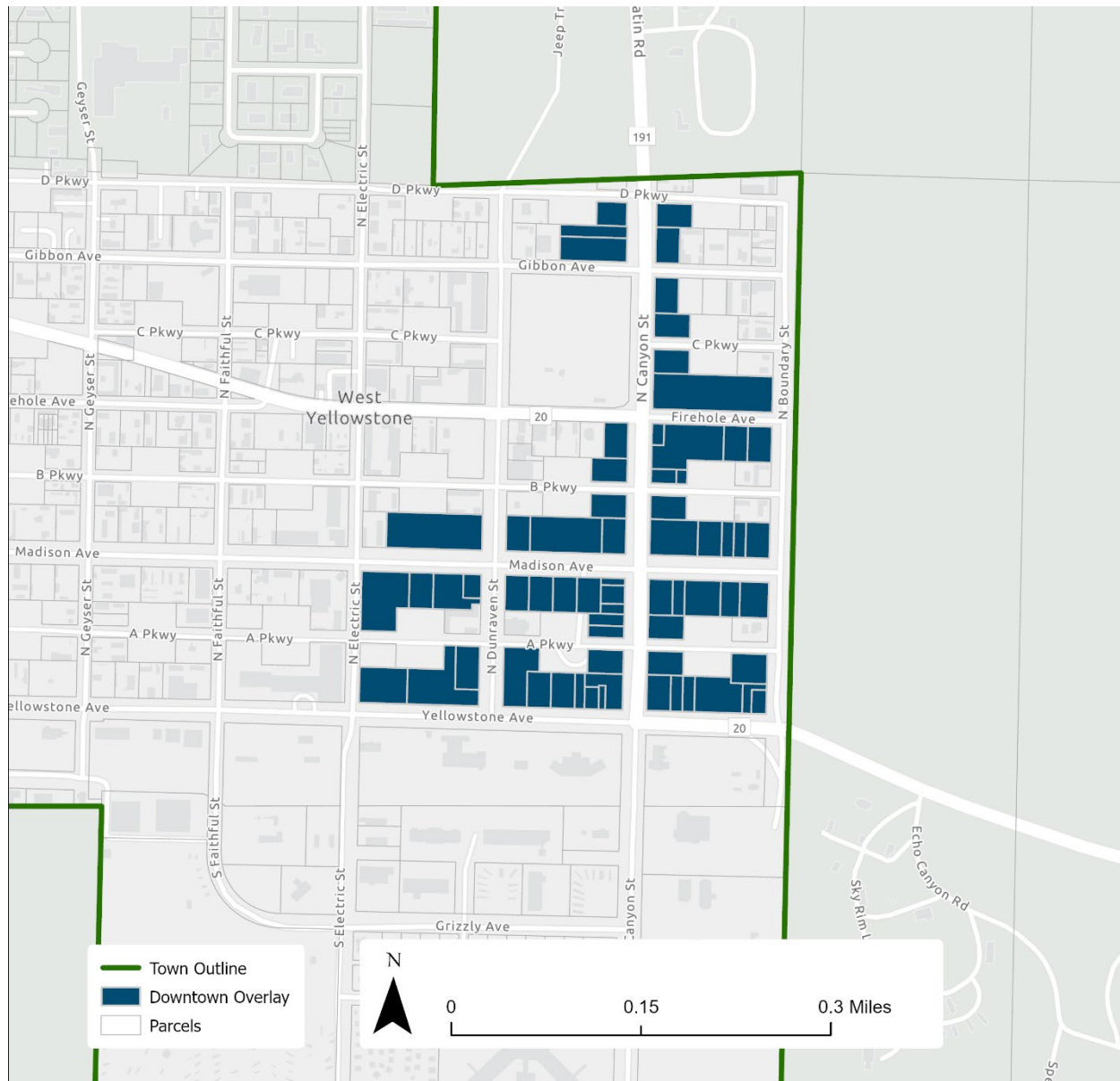
This is a draft area for the overlay boundaries at this time the overlay is not enforceable as the Town continues to update the code to fit the needs of West Yellowstone.

The Downtown Overlay runs in the following areas:

1. North Canyon Street from where it enters town limits on the north east side of town, excluding West Yellowstone Town Park, to the north side of Yellowstone Avenue.
2. Properties on the north side of Yellowstone Avenue from North Boundary Street to the intersection of North Electric Street.
3. Madison Avenue from the North Boundary Street to the intersection with North Electric Street, excluding SECTION 34, TOWNSHIP 13 SOUTH, RANGE 05 EAST, WEST YELLOWSTONE LOT 7 BLOCK 17.
4. Firehole Avenue from North Boundary Street to North Canyon Street.

The figure below shows the Downtown Overlay District.

Figure 27.025 DRAFT Downtown Overlay District



#### 17.27.030 Dimensional Requirements of the Downtown Overlay

The dimensional requirements (setbacks, height, lot coverage) of the Downtown Overlay shall be the same as the B-3 District in which the overlay is placed.

#### 17.27.040 Permitted uses

All permitted uses in this district shall undergo a zoning review during the building permit process. The required submittal for that can be found on the Town website or at Town Hall. Permitted uses in the downtown overlay district are:

- A. Bars and cocktail lounges
- B. Hotels and motels
- C. Meeting and lodge halls
- D. Mobile food vendors as defined in Chapter 5.30
- E. Museums, libraries, and galleries
- F. Professional and business offices (second story only)
- G. Public offices
- H. Rear residential units with individual entrances
- I. Repair services for clothes, dolls, small appliances, watches, glasses, and such other items
- J. Restaurants
- K. Retail sales of finished products to the final consumer
- L. Second story residential units
- M. Temporary buildings for and during construction only
- N. Theaters, except drive-ins
- O. Uses customarily accessory to those listed
- P. Any combination of permitted uses in this Chapter

#### 17.27.045 Conditional uses

The following are conditional uses in the overlay district:

- A. Animal-drawn carriages

#### 17.27.050 Prohibited uses

The following uses are prohibited in the overlay district:

- A. First floor residential
- B. Storage or salvage yards
- C. Timeshares

#### 17.27.060 Signs

All signs in the overlay district shall be in conformance with the requirements of Chapter 17.40. With the following signs prohibited in the DOD:

- A. Feather flags
- B. Freestanding signs

#### 17.27.070 Outdoor lighting

Outdoor lighting shall not illuminate or be reflected upon any adjacent property.

17.27.080 Off-street parking

Off-street parking for this district shall be provided in accordance with Chapter 17.37 of this title.

17.27.090 Off-street loading

Off-street loading for this district shall be provided in accordance with Chapter 17.38 of this title.

## Chapter 17.28: T TRANSITIONAL DISTRICT

### Sections:

- 17.28.010 Intent
- 17.28.020 Permitted uses
- 17.28.025 Interim uses
- 17.28.030 Conditional uses
- 17.28.040 General standards

#### 17.28.010 Intent

It is the intent of this district to create a district where an area is in transition from one major use to another, i.e., residential to commercial.

#### 17.28.020 Permitted uses

- A. Government uses including
  1. Infrastructure
  2. Government buildings open to the public
  3. Government offices
  4. Maintenance shops
- B. Publicly owned land used for parks, playgrounds, and open space

#### 17.28.025 Interim uses

The following uses are permitted in the Transitional District for a period to be set by the town. These uses can become permanent through the conditional use process in Chapter 17.29.

- A. Limited Services Campground
- B. Unpaved parking areas subject to Chapter 17.37

#### 17.28.030 Conditional uses

The following are conditional uses in the transitional district:

- A. Libraries
- B. Schools

17.28.040      General standards

The T district and specific standards for each T district shall be the same as the proposed final zoning of the property. This includes:

- A. Lot area and width
- B. Coverage
- C. Yards
- D. Corner lots
- E. Yard encroachments
- F. Building height
- G. Off-street parking
- H. Off-street loading
- I. Visibility at intersections
- J. Outdoor lighting
- K. Signs
- L. Fences, walls, and hedges

However, uses may vary from the final zoning that complies with 17.28 and uses may cover multiple lots until the final zoning is adopted by the Town Council.

## Chapter 17.29: CONDITIONAL USES

### Sections:

- 17.29.010 Intent
- 17.29.020 Conditional use requirements
- 17.29.030 Permit requirements
- 17.29.040 Conditional use permit procedure
- 17.29.050 Conditional approval
- 17.29.060 Conditional use review and design criteria
- 17.29.070 Appeal process

### 17.29.010 Intent

The intent of conditional use permits is to provide for specified uses, other than those specifically permitted in each district, which may be appropriate in the district under certain safeguards or conditions.

### 17.29.020 Conditional use requirements

- A. No structure or land may be used for any purpose in any district where such use is not a permitted use, unless such use is listed as a conditional use and approval for that use is obtained through the proper procedure.
- B. Conditional use permits shall be granted only by the town council when their findings are that:
  - 1. The use conforms to the objectives of the growth policy and the intent of this title and the district in which the use is placed,
  - 2. Such use will not adversely affect nearby properties or their occupants,
  - 3. Such use meets density, coverage, yard, height, and all other regulations of the district in which it is to be located, unless otherwise provided for in this title, and
  - 4. Public hearings have been held, after the required legal notices have been given and the public has been given a chance to be heard upon the matter.

#### 17.29.030 Permit requirements

The following items are required for all conditional use permits in the Town of West Yellowstone. These items can be addressed through narrative and a scaled site plan attached to the Town Conditional Use Permit.

- A. Narrative generally explaining the project
- B. A parking plan in compliance with Chapter 17.37
- C. Impacts and mitigation strategies to the following items
  - 1. Community services to include
    - i. Water
    - ii. Wastewater
    - iii. Traffic
    - iv. Police
    - v. Fire Department
    - vi. Emergency Services
    - vii. Other services as identified by Town Staff, the Planning Board, or Town Council
  - 2. Stormwater drainage
  - 3. Snow storage
  - 4. Traffic impacts

#### 17.29.040 Conditional use permit procedure

- A. All applications for conditional use permits shall be filed in the town office accompanied with the appropriate fee prescribed on the adopted Town of West Yellowstone Fee Schedule.
- B. The town council shall then cause to be made such investigation of facts bearing on the application as will provide necessary information to assure that the action on each such application is consistent with the intent and purpose of this title.
- C. The planning board shall, after legal notice of not less than ten (10) days, hold a public hearing to review the application. At the hearing the planning board shall make a recommendation to the town council and add any relevant conditions to mitigate impacts to the criteria found in 17.29.030
- D. The town council shall, after legal notice of not less than ten (10) days, hold a public hearing on the application and take testimony from interested parties. The town council shall then either approve or deny the application. If the application is denied, reasons for denial shall be given.

#### 17.29.050 Conditional approval

The town council may make the granting of a conditional use permit subject to reasonable limitations or conditions as it may deem necessary to protect the public health, safety, and welfare and to reduce any impacts to nearby property or residences.

#### 17.29.060 Conditional use review and design criteria

The following criteria apply to all districts. These criteria are specific to the uses outline below and are created to ensure that any use's impacts are properly mitigated. Uses that are designated as



a conditional use shall provide plans or narrative on how their application complies to the following criteria.

A. Animal-drawn carriages

1. Operators of an animal drawn carriage shall obtain a business license pursuant to Chapter 5.04 of this code
2. Provide an excrement collection method to ensure that no animal excrement is placed upon the public right-of-way
3. All carriages, equipment, transactions with the public, and loading and unloading of passengers shall occur completely on private property.
4. The animals used to pull the carriages shall be kept outside of the West Yellowstone town limits overnight.

B. Combination of Permitted Uses

1. The application narrative should explain how the two (2) permitted uses will work in harmony on the single parcel
2. Parking maybe provided as a shared lot on the parcel but each use's minimum space requirement shall be met in accordance with Chapter 17.37

C. Communications Tower

1. The application narrative shall identify and mitigate any impacts to air travel
2. Communication towers should be designed in the event of structural failure no portion of the structure falls outside of the subject parcel

D. Home Occupations

1. The application narrative shall list the following:
  - i. ADA compliance
  - ii. Air quality impacts to adjacent landowners
  - iii. Any signage proposed with the home occupation
  - iv. Employees
  - v. Expected water and sewer use
  - vi. Hours of operation
  - vii. Lighting impacts to adjacent landowners
  - viii. Noise increases from normal residential use

E. Mixed Use Developments

1. Mixed use developments may be a combination of permitted uses and conditional uses or two conditional uses on one (1) parcel if included within that district.
2. Any commercial use in a mixed used development shall be limited to the ground floor facing the addressed street unless an office use.
3. Residential uses when combined with commercial uses shall have separate entrances from commercial uses.
4. Parking maybe provided as a shared lot on the parcel but each use's minimum space requirement shall be met in accordance with Chapter 17.37

F. Multiple dwelling units

1. Each unit in a multi-unit dwelling shall have a separate entrance from the ground on which the structure is erected unless second story units.

G. Public water parks and Public Splash pads

1. Water must be used in a closed circuit system to not place burdensome requirements on the Town water system

H. Salvage yards

1. The entirety of the storage area shall be screened by acceptable fencing material or planted vegetation to a height of eight feet (8').
  - i. If the owner proposes to use vegetation for screening the plants should be planted to a height of five feet (5') with the ability to grow to a height of ten feet (10') and maintained at a height of eight feet (8').

I. Timeshares

1. Must provide a copy of their timeshare plan per the definition in Chapter 17.04

17.29.070 Appeal process

Any person or persons, jointly or severally aggrieved by any decision of the Town Council, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision of the office of the Council.

## Chapter 17.30: ACCESSORY DWELLING UNIT STRUCTURES

### Sections:

- 17.30.010 Intent
- 17.30.020 Definitions
- 17.30.030 Regulations pertaining to accessory dwelling units
- 17.30.040 Requirements for an accessory dwelling unit
- 17.30.050 Dimensional standards

### 17.30.010 Intent

The intent of this chapter is to provide for flexibility in housing in residential areas.

### 17.30.020 Definitions

For the purposes of this section:

- A. "Accessory dwelling unit" means a self-contained living unit on the same parcel as a single-unit dwelling of greater square footage that includes its own cooking, sleeping, and sanitation facilities and complies with or is otherwise exempt from any applicable building code, fire code, and public health and safety regulations.
- B. "By right" means the ability to be approved without requiring:
  - 1. a public hearing;
  - 2. a variance, conditional use permit, special permit, or special exception; or
  - 3. other discretionary zoning action other than a determination that a site plan conforms with applicable zoning regulations;
- C. "Gross floor area" means the interior habitable area of a single-unit dwelling or an accessory dwelling unit;
- D. "Single-unit dwelling" means a building with one or more rooms designed for residential living purposes by one household that is detached from any other dwelling unit.

### 17.30.030 Regulations pertaining to accessory dwelling units

- A. A minimum of one (1) accessory dwelling unit is allowed by right on a lot or parcel that contains a single-unit dwelling per the definition in Chapter 17.30
- B. An accessory dwelling unit may be attached, detached, or internal to the single-unit dwelling on a lot or parcel.
- C. If the accessory dwelling unit is detached from or attached to the single-unit dwelling, it may not be more than 75% of the gross floor area of the single-unit dwelling or one thousand square feet (1,000 sq. ft.), whichever is less.
- D. Accessory dwelling units shall not be used as a short-term rental nor timeshare per the definitions in Chapter 17.04

#### 17.30.040 Requirements for an accessory dwelling unit

The Town of West Yellowstone shall only permit an accessory dwelling unit if:

- A. The applicant can provide additional parking to accommodate an accessory dwelling unit. One off-street parking space is required per accessory dwelling unit. The required parking may be placed in the rear setback but must maintain five feet (5') of separation from any lot line.
- B. The applicant pays impact fees on the construction of an accessory dwelling unit;
- C. An accessory dwelling unit must have a will-serve letter from both a municipal water system and a municipal sewer system.
- D. The proposed accessory dwelling unit complies with all applicable local, state, federal, fire, electrical, plumbing, and building codes.
- E. Submission requirements for an accessory dwelling unit shall be:
  - 1. Applicable fee
  - 2. Building plans and elevations
  - 3. Scaled site plan showing existing features including trees and building
  - 4. Scaled site plan showing proposed location of accessory dwelling unit, off-street parking, and access for the accessory dwelling unit

There are no requirements for:

- A. That an accessory dwelling unit match the exterior design, roof pitch, or finishing materials of the single-unit dwelling;
- B. That the single-unit dwelling or the accessory dwelling unit be occupied by the owner;
- C. Any familial, marital, or employment relationship between the occupants of the single-unit dwelling and the occupants of the accessory dwelling unit;
- D. Any improvements to public streets as a condition of permitting an accessory dwelling unit, except as necessary to reconstruct or repair a public infrastructure that is disturbed during the construction of the accessory dwelling unit;

#### 17.30.050 Dimensional standards

The dimensional requirements (setbacks, height, lot coverage) for accessory residential units shall be the same as the district in which the unit is placed.

## Chapter 17.31: PLANNED UNIT DEVELOPMENT

### Sections:

- 17.31.010 Intent
- 17.31.020 Administration and review process
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- 17.31.090 Approval
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#### 17.31.010 Intent

The intent of the planned unit development (PUD) chapter is to encourage better land use development in all districts by relaxing the strict mechanical regulations of this title and providing a method and standards whereby structures and uses can be designed and developed as a unit instead of the traditional lot-by-lot method; yet carrying out the intended purpose of this title. A PUD shall be in general harmony with adjacent uses and shall not create negative documentable impacts to adjacent parcels.

#### 17.31.020 Administration and review process

A PUD shall not be placed in any Downtown Overlay District nor the Public Lands and Institutions District.

A PUD application shall follow the review process outlined below.

- A. All applications for a planned unit development shall be filed in the town office accompanied with the appropriate fee prescribed on the adopted Town of West Yellowstone Fee Schedule.
- B. The Town Council shall then cause to be made such investigation of facts bearing on the application as will provide necessary information to assure that the action on each such application is consistent with the intent and purpose of this title and the individual district where the PUD is proposed.
- C. The planning board shall, after legal notice of not less than ten (10) days, hold a public hearing to review the application. At the hearing the planning board shall make a recommendation to the town council and add any relevant conditions to mitigate impacts to the criteria found in 17.31.040
- D. The town council shall, after legal notice of not less than ten (10) days, hold a public hearing on the application and take testimony from interested parties. The town council

shall then either approve or deny the application. If the application is denied, reasons for denial shall be given.

#### 17.31.030 Conditional approval

The town council may make the granting of a planned unit development subject to reasonable limitations or conditions as it may deem necessary to protect the public health, safety, and welfare and to reduce any impacts to nearby property or residences.

#### 17.31.040 Definitions

For the purpose of this chapter, definitions in Chapter 17.04 of this title shall apply except for the following terms:

- A. "Common open space" means a parcel or parcels of land, or an area of water, or a combination of land and water within a planned unit development designated and intended for the use or enjoyment of residents of the development. Common open spaces may contain complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of occupants of the development.
- B. "Owners association" means an incorporated, nonprofit organization operating under recorded land agreements through which:
  - A. Each lot owner in the planned unit development is automatically a member,
  - B. Each lot is automatically subject to a charge for a proportionate share of the expenses for the organizations' activities, and
  - C. Common open space and facilities are maintained.
- C. "Plan" means the provisions for the development of a planned unit development including, but not limited to, the following:
  - 1. Any proposed land subdivision;
  - 2. Proposed location and use of a lot or structure;
  - 3. Design of all structures;
  - 4. Density of development;
  - 5. Development and location of streets and utilities;
  - 6. Legal documents pertaining to the development.

#### 17.31.050 Project design

- A. The applicant may submit any combination of proposed uses to the town council for a PUD. The combination of uses and their impacts to adjacent owners within and adjacent to the subject site shall be a primary review criterion.
- B. The applicant may propose uses that are not currently defined in the Town Code.
- C. The applicant shall propose their own standards regarding the following items for review by the Council:
  - 1. Alleys
  - 2. Density
  - 3. Encroachments
  - 4. Lot Size
  - 5. Height Restrictions
  - 6. Use

#### 17.31.060 Application requirements

A planned unit development application shall include the following information:

- A. A sketch of the proposed site showing existing physical features, i.e., topography, trees, streams, structures, streets, utility lines, etc.;
- B. General information and plans of utility systems and any design plans or reports as required to ensure that the proposal complies with Town standards;
- C. Legal description and plat of proposed site;
- D. Notation of acreage within the proposed site, numbers of lots, typical lot size, proposed uses of lots, sites for parks and recreation, or other public and quasi-public uses;
- E. Existing zoning of the proposed site and surrounding area;
- F. Names, location, and tentative finished grades of all proposed streets;
- G. Location and design of all proposed structures (should include distances from streets and property lines and between structures);
- H. Location and number of proposed parking spaces;
- I. Proposed design standards and proposed zoning requirements of the PUD
- J. Copies of all covenants and legal instruments pertaining to operation of the planned unit development.
- K. Impacts and mitigation strategies to the following items
  - A. Stormwater drainage
  - B. Snow storage
  - C. Traffic impacts
  - D. Community services to include
    - i. Emergency Services
    - ii. Fire Department
    - iii. Municipal Wastewater
    - iv. Municipal Water
    - v. Police
    - vi. Traffic
    - vii. Other services as identified by Town Staff, the Planning Board, or Town Council

#### 17.31.070 Legal requirements

- A. In a planned unit development containing areas or facilities of common or restricted ownership, the subdivision plat, dedication, covenants, and other recorded legal agreements shall:
  - 1. Legally create automatic membership in a nonprofit property owner's association or similar instrument;
  - 2. Place title to any common property or facility in the property owner's association possession;
  - 3. Appropriately and permanently limit the uses of common property and open space;
  - 4. Give each lot or unit owner the right to use and enjoyment of any common property or facility;
  - 5. Place responsibility for operation and maintenance of the common property on the property owner's association;
  - 6. Place an association charge on each lot or unit in a manner which will:

- i. Ensure sufficient funds for maintenance and operation, such charge to be a lien on the property,
  - ii. Provide adequate safeguards for owners against undesirably high charges.
7. Where any of the above are not applicable or suitable, the applicant may suggest alternative solutions approved by the Town Council.

#### 17.31.080 Standards of development

All planned unit developments shall meet or exceed the following standards of development:

- A. Planned unit development sites shall not be exposed to adverse elements, i.e., smoke, dust, noise, etc., which might create damage to property or bring harm to occupants.
- B. Site size for planned unit developments shall be appropriate to the proposed area and design but shall not be less than two acres (except B-3 district—fifteen thousand square feet (15,000 sq. ft.) minimum).
- C. Off-street parking shall be provided in convenient locations and in accordance with Chapter 17.37 of this title.
- D. Off-street loading shall be provided in accordance with Chapter 17.38 of this title.
- E. Not less than fifteen percent (15%) of the planned unit development site shall be designated and maintained as common open space for the use of the occupants of the development.
- F. Utilities shall be provided in a manner to meet town specifications.
- G. Landscaping may be required to provide a buffer between proposed uses or between different adjacent district classifications.

#### 17.31.090 Approval

- A. When the town council gives approval of a planned unit development, permits shall be issued only in accordance with the approved plan and stipulated conditions.
- B. When the town council approves the planned unit development it shall be noted on the official Town of West Yellowstone zoning map and any future development shall adhere to the approved PUD design standards.

#### 17.31.100 Appeal process

Any person or persons, jointly or severally aggrieved by any decision of the Town Council, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision of the office of the Council.



## Chapter 17.32: MOBILE HOME PARKS

### Sections:

17.32.010	Intent
17.32.020	More restrictive regulations shall apply
17.32.030	Permits
17.32.040	Licenses
17.32.050	Design standards-Generally
17.32.060	Site
17.32.070	Site size
17.32.080	Density
17.32.090	Site coverage
17.32.100	Access
17.32.110	Lot size
17.32.120	Mobile home stand
17.32.130	Setback
17.32.140	Height
17.32.150	Streets
17.32.160	Parking
17.32.170	Walks
17.32.180	Recreation area
17.32.190	Landscaping
17.32.200	Utilities
17.32.210	Fire protection

17.32.010	Intent
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The intent of this chapter is to provide for mobile home park development at appropriate locations and to establish standards for development to integrate mobile homes into an area without adversely affecting surrounding property and to provide safeguards for residents of mobile homes.

#### 17.32.020 More restrictive regulations shall apply

The regulations in this district shall not be interpreted to supersede or amend any state or federal regulations pertaining to mobile home park development. These regulations are intended to be supplemental to other established mobile home park regulations and their amendments. When the standards and regulations in this district are more restrictive than other established standards and regulations, the more restrictive shall be used.

This includes all regulations of local, state, and federal fire codes, building codes, design standards, infrastructure requirements, and access standards.

#### 17.32.030 Permits

It is unlawful for any person to construct, alter, or extend any mobile home park unless he holds necessary valid permits issued by the Montana Department of Health and Human Services, Montana Department of Environmental Quality, Gallatin Town-County Health Department, the town building official and the town public services department. This includes a conditional use permit where required by the zoning district.

#### 17.32.040 Licenses

It is unlawful for any person to operate any mobile home park unless they hold a valid license issued by the town.

#### 17.32.050 Design standards-Generally

Any person desiring to enlarge or establish a mobile home park shall meet or exceed the design standards in Chapter 17.32.

#### 17.32.060 Site

The mobile home park site shall not be exposed to smoke, dust, noise, odors, or other adverse influences which might create damage to property or bring harm to occupants of the park.

#### 17.32.070 Site size

There is no minimum lot size for a mobile home park.

#### 17.32.080 Density

The maximum density of mobile home parks shall be fifteen (15) units per acre. .

#### 17.32.090 Site coverage

Maximum mobile home lot coverage shall not exceed fifty percent (50%). Coverage shall mean any manmade structure.

#### 17.32.100 Access

All mobile home parks shall have physical and legal access. Entrances and exits shall be designed for safe and convenient movement of traffic into and out of the park, and to minimize congestion of free moving traffic on adjacent streets.

17.32.110 Lot size

Individual unit minimum lot size shall be two thousand nine hundred square feet (2,900 sq. ft.) with no less than forty feet (40') of lot width.

17.32.120 Mobile home stand

Each mobile home lot shall be provided with a well-drained stand with a structural base, approved by the town council for the placement of the mobile home. Each stand must be at least twelve by fifty feet (12' x 50') for single-wide units and twenty-four by fifty feet (24' x 50') for double-wide units.

17.32.130 Setback

Setbacks shall conform to the requirements of the zoning district.

17.32.140 Height

Maximum height shall conform to the requirements of the zoning district .

17.32.150 Streets

All street shall be designed in accordance with the Town of West Yellowstone design standards.

17.32.160 Parking

Parking shall be in accordance with Chapter 17.37.

17.32.170 Walks

Safe, convenient, all-season walks, with a minimum width of five feet (5') shall be provided in locations where pedestrian traffic is concentrated and connect to existing networks where possible.

17.32.180 Recreation area

A minimum of ten percent (10%) of the gross site area shall be reserved for park and recreation development. Location and design of such recreation area shall either be centrally located or placed in a manner to facilitate pedestrian connectivity to existing networks.

17.32.190 Landscaping

Landscaping may be required to provide a buffer between mobile home parks and adjacent properties in other district classifications. Landscaping buffers are allowed to be included in the requirements for recreation area. Examples of what could be required are:

- A. A greenbelt strip of natural tree cover may be left in its natural state. However, cutting, removal and replacement of older natural tree vegetation shall be allowed;
- B. A greenbelt planting strip of not less than twenty feet (20') in width along the perimeter of the mobile home park where it abuts public right-of-way or an area zoned in any other district classification. The greenbelt shall be developed and maintained thereafter in a neat and orderly manner;
- C. A continual ornamental wall six feet (6') in height above grade, erected one foot off property line abutting property of another district classification and six feet (6') from public

rights-of-way. Such wall shall be landscaped with suitable plant materials along both sides of the wall except where prohibited.

#### 17.32.200 Utilities

Utilities shall be provided in the following manner or by an alternative manner approved by the town council:

- A. All mobile home parks are required to connect to town water utilities and town sewage utilities.
- B. All sanitary sewage utilities and water facilities, including connections provided to individual lots, shall meet the requirements of the town;
- C. The plumbing connections to each mobile home lot shall be constructed so that all lines are protected from freezing, from accidental bumping or from creating any type of nuisance or health hazard;
- D. An adequate amount of running water shall be supplied to each mobile home;
- E. Storm drainage facilities, where necessary, shall be so constructed as to protect those that will reside in the mobile home park as well as the property owners adjacent to the park. Such park facilities shall be of such capacity as dictated by the Town to insure proper drainage and prevent the accumulation of water in, or adjacent to, the park;
- F. All electric, telephone and other lines from supply poles to each mobile home lot shall be underground. When meters are installed, they shall be uniformly located;
- G. All fuel lines leading to mobile home lots shall be underground, and so designed as to conform with any state code that is found to be applicable;
- H. Facilities for the storage and disposal of trash and garbage in a sanitary and lawful manner shall be provided in each mobile home park;
- I. Street and yard lights, attached to standards approved by the town shall be provided in sufficient number and intensity to permit the safe movement of vehicles and pedestrians at night, and shall be effectively related to buildings, trees, walks, steps, and ramps;
- J. The erection, construction, reconstruction, repair, relocation and/or alteration of all permanent buildings and structures located within a mobile home park shall conform to the requirements of applicable building codes adopted by the town and applicable administrative rules or regulations adopted by the Department of Public Health and Human Services or other state agency;
- K. All mobile home parks developed under this title shall comply with Montana State Department of Health's Regulation No. 53-43-8 or any amendment thereto concerning plumbing and electrical requirements.

#### 17.32.210 Fire protection

The water supply system serving the mobile home park shall be subject to the rules and regulations of the local fire prevention authority or the system shall meet the standards for adequate fire protection established by the National Fire Protection Association Standard NFPA No. 501A, whichever is more stringent. Nonetheless, the town council must approve fire protection systems.

## Chapter 17.33: TRAVEL TRAILER PARKS

### Sections:

- 17.33.010 Intent
- 17.33.020 More restrictive provisions shall apply
- 17.33.030 Permits for expansion
- 17.33.040 Licenses
- 17.33.050 Design standards-Generally
- 17.33.060 Site size
- 17.33.070 Density
- 17.33.080 Street access
- 17.33.090 Setbacks
- 17.32.100 Height
- 17.33.110 Streets
- 17.33.120 Service areas
- 17.33.130 Parking

#### 17.33.010 Intent

The intent of this chapter is to provide for travel trailer park development at appropriate locations and to establish standards of development to integrate travel trailer parks into certain areas of the community without adversely affecting surrounding properties.

#### 17.33.020 More restrictive provisions shall apply

If there appears to be a conflict between the regulations and standards in this chapter with any other local, state, or federal regulation for travel trailer parks, the more restrictive regulation shall apply.

This includes all regulations of local, state, and federal fire codes, building codes, design standards, infrastructure requirements, and access standards.

#### 17.33.030 Permits for expansion

It is unlawful for any person to construct, alter, or extend any travel trailer park unless they hold necessary valid permits issued by the Montana Department of Health and Human Services, Montana Department of Environmental Quality, Gallatin Town-County Health Department, the town building official and the town public services department.

#### 17.33.040 Licenses

It is unlawful for any person to operate any travel trailer park unless he holds a valid license issued by the town clerk.

#### 17.33.050 Design standards-Generally

Any person desiring to enlarge or establish a travel trailer park shall meet or exceed the following design standards in Chapter 17.33.

#### 17.33.060 Site size

There is no minimum lot size for a travel trailer park.

#### 17.33.070 Density

The maximum density of a travel trailer park shall be twenty-five (25) units per acre.

#### 17.33.080 Street access

All travel trailer parks shall have legal and physical access. Entrances and exits shall be designed for safe and convenient movement of traffic into and out of the park, and to minimize congestion of free moving traffic on adjacent streets.

#### 17.33.090 Setbacks

Setbacks shall conform to the requirements of the zoning district.

#### 17.32.100 Height

Maximum height shall conform to the requirements of the zoning district.

#### 17.33.110 Streets

Interior streets within the park shall meet the design standards of the Town of West Yellowstone.

#### 17.33.120 Service areas

Service areas shall be provided in the following manner:

- A. At least one (1) service building containing necessary toilet and other plumbing fixtures specified shall be provided in the park when there are more than three (3) rental spaces available to the public. Service buildings shall be conveniently located with a radius of approximately three hundred feet (300') to all spaces to be served. Laundry facilities shall be required in addition to the following. If commercial laundry facilities are located within a quarter mile (0.25 miles) to the trailer park, the laundry facility requirement may be waived by the Town Council.

Number of Dependent Parking Spaces	Toilets		Men's Urinals	Lavatories		Showers		Other Fixtures
	Men	Women		Men	Women	Men	Women	
4 – 15	1	1	1	1	1	1	1	At least one janitor sink per service building
16 – 30	1	2	1	2	2	1	1	
31 – 45	2	2	1	3	3	1	1	
46 – 60	2	3	2	3	3	2	2	
61 – 80	3	4	2	4	4	2	2	
81 – 100	3	4	2	4	4	3	3	

B. Facilities for storage and disposal of trash and garbage in a sanitary manner shall be provided in each park.

C. Street and yard lights shall meet the design requirements of the Town of West Yellowstone.

#### 17.33.130 Parking

Parking for all uses within the travel trailer park shall be provided in accordance with Chapter 17.37 of this title.

## Chapter 17.34: LIMITED SERVICES CAMPGROUNDS

### Sections:

- 17.34.010 Intent
- 17.34.020 More restrictive provisions shall apply
- 17.34.030 Permits for expansion
- 17.34.040 Design standards-Generally
- 17.34.050 Parking
- 17.34.060 Street access
- 17.34.070 Streets
- 17.34.080 Independent recreational vehicle site
- 17.34.090 Setback
- 17.34.100 Height
- 17.34.110 Utilities and landscaping

#### 17.34.010 Intent

The intent of this chapter is to provide for limited services campground development at appropriate locations and to establish standards of development to integrate limited services campgrounds, which cater to independent recreational vehicles and campsites only, into certain areas of the community without adversely affecting surrounding properties.

#### 17.34.020 More restrictive provisions shall apply

If there appears to be a conflict between the regulations and standards in this chapter with any other local, state, or federal regulation for limited services campgrounds, the more restrictive regulation shall apply.

#### 17.34.030 Permits for expansion

It is unlawful for any person to construct, alter or extend any limited services campground unless they hold necessary valid permits issued by the Montana Department of Health and Human Services, Montana Department of Environmental Quality, Gallatin Town-County Health Department, the town building official and the town public services department.

#### 17.34.040 Design standards-Generally

Any person desiring to alter, enlarge or establish a limited services campground shall meet or exceed the following design standards in Chapter 17.34.



#### 17.34.050      Parking

Parking for all uses within the limited services campground shall be provided in accordance with Chapter 17.37 of this title.

#### 17.34.060      Street access

All limited service campgrounds shall have legal and physical access. Entrances and exits shall be designed for safe and convenient movement of traffic into and out of the park, and to minimize congestion of free moving traffic on adjacent streets.

#### 17.34.070      Streets

Interior streets within the limited services campground shall provide for safe convenient circulation without interference or hazard to general park activities.

#### 17.34.080      Independent recreational vehicle site

Each independent recreational vehicle shall be provided with a well-drained site with a firm base, approved by the town for the placement of the independent recreational vehicle.

#### 17.34.090      Setback

Setbacks shall be in conformance with the underlying zoning district.

#### 17.34.100      Height

Height restrictions shall be in conformance with the underlying zoning district.

17.34.110      Utilities and landscaping

Utilities and landscaping shall be provided in the following manner or by an alternative manner approved by the town:

- A. All sanitary sewage utilities and water facilities, including connections provided to individual lots, shall meet the requirements of the town's public works standards, if applicable;
- B. The plumbing connections to each limited services campground site shall be constructed so that all lines are protected from accidental bumping or from creating any type of nuisance or health hazard, if applicable;
- C. An adequate amount of running water shall be piped to each campground site, if applicable;
- D. Storm drainage facilities, where necessary, shall be so constructed as to protect those that will reside in the limited services campground as well as the property owners adjacent to the campground. Such campground facilities shall be of such capacity to ensure proper drainage and prevent the accumulation of water in, or adjacent to, the campground;
- E. All electric, telephone and other lines from supply poles to each limited services campground lot shall be underground. When meters are installed, they shall be uniformly located, if applicable;
- F. Facilities for the storage and disposal of trash and garbage in a sanitary and lawful manner shall be provided in each limited services campground;
- G. The erection, construction, reconstruction, repair, relocation and/or alteration of all permanent buildings and structures located within a limited services campground shall conform to the requirements of applicable building codes adopted by the town and applicable administrative rules or regulations adopted by the Department of Public Health and Human Services or other state agency;
- H. Street and yard lights, attached to standards, shall be approved by the town if applicable;
- I. Landscaping is recommended to provide a buffer between limited services campgrounds and adjacent residential properties;
- J. All limited services campgrounds developed under this title shall comply with Montana State Department of Health's Regulation No. 53-43-8 or any amendment thereto concerning plumbing and electrical requirements.

## Chapter 17.35: TOWNHOUSE DEVELOPMENT STANDARDS

### Sections:

17.35.010	Intent
17.35.020	Design standards
17.35.030	Final landscape and site improvement plan
17.35.040	Architectural treatment
17.35.050	Maintenance of common area
17.35.060	Setback requirements
17.35.070	Yard requirements
17.35.080	Street frontage
17.35.090	Street system
17.35.100	Street improvements and right-of-way
17.35.110	Ingress and egress
17.35.120	Parking and driveways
17.35.130	Curb cuts
17.35.140	Landscaping
17.35.150	Utilities and services
17.35.160	Accessory buildings
17.35.170	Building design-Fire hydrant location
17.35.180	Building design-Fire walkways
17.35.190	Fire safety requirements

#### 17.35.010 Intent

- A. It is the purpose and intent of this chapter to accommodate various types of unique and innovative housing forms which are usually based upon a concept of reducing the area of individually owned lots, and grouping such lots together to utilize the total space more efficiently within the subdivision by creating common open spaces, scenic, and recreational areas, and other spaces which would compensate for the reduction of land area contained within the individually owned lot.
- B. Specifically, this chapter is designed to allow the grouping of separately owned one-unit (1) dwelling units into a group of townhouses in such a manner as to make efficient, economical, and aesthetically pleasing use of land so restricted that the same will be continually well maintained to preserve the health, welfare, safety, and convenience of the surrounding neighborhood and insure a reasonable amount of open space and architectural variety.

#### 17.35.020 Design standards

The following standards have been developed and apply to a variety of such attached and semi-detached single-unit housing forms including but not limited to townhouses or any other similar designation. All other provisions contained in the town zoning code are applicable to these types of housing forms unless specifically noted in this chapter.

- A. No two (2) townhouse dwelling units shall be served by the same interior or exterior stairway or by the same exterior door.
- B. No townhouse lot shall contain an area of less than one thousand six hundred square feet (1,600 sq. ft.) and a minimum lot and building width of not less than twenty feet (20').
- C. The minimum size of the site to be developed for townhouse units shall be five thousand square feet (5,000 sq. ft.).

#### 17.35.030 Final landscape and site improvement plan

A detailed final landscape plan and final site improvement plan shall be submitted and approved by both the planning official and building official prior to the issuance of a building permit. Final approval shall include but not be limited to the following:

- A. Conformance to the approved site plan;
- B. Inclusion of appropriate plant materials;
- C. All other requirements as set forth in Chapter 17.31.

#### 17.35.040 Architectural treatment

In any townhouse division, architectural treatment shall be as follows: The facades of townhouses in a group shall be varied by changed front yard setbacks and variation in materials or design so that no more than two (2) abutting townhouses will have the same front yard setback and the same or essentially the same architectural treatment of facades and roof lines.

#### 17.35.050 Maintenance of common area

- A. Provisions satisfactory to the town council shall be made to assure that nonpublic areas and facilities for the common use of occupants of a townhouse development, but not in individual ownership of such occupants, shall be maintained in a satisfactory manner without expense to the general taxpayers of the town. To this end, the incorporation of an automatic membership owner's association created under recorded land agreements will be required for the purpose of continuously holding title to such nonpublic areas and facilities, and levying assessments against each townhouse lot, whether improved or not, for the purpose of paying the taxes and maintaining such nonpublic areas and facilities may include but not be limited to recreational areas, off-street parking bays, private streets, sidewalks, street lights, and common open and landscaped area.
- B. Such assessments shall be a lien superior to all other liens save and except tax liens and mortgage liens, provided the mortgage liens are first liens against the property encumbered thereby, subject only to tax liens, and secure indebtedness which are amortized in monthly or quarter-annual payments over a period of not less than ten (10) years. Other methods may be acceptable if the same positively provide for the proper and continuous payment of taxes and maintenance without expense to the general taxpayers. The instrument incorporated by such provisions shall be approved by the town council and shall be recorded in the public records of the county if satisfactory to the town council.
- C. In the event that this or a similar entity fails to maintain the common area in accordance with the landscaping plan approved by the town council, or should the entity fail to maintain the common area in a reasonable condition and state of repair, the determination of such failure to be made by the building official, the town council, may at its option through its own agents or by independent contractor, enter the common area for purposes of maintenance thereof, together with an additional charge of twenty-five percent (25%) of the costs for management fees, such costs to constitute a lien upon each and every lot in the project.

#### 17.35.060 Setback requirements

Setbacks shall be in conformance with the underlying zoning district.

#### 17.35.070 Yard requirements

- A. Townhouses may be arranged to face onto a common open area, such a common area shall be provided for unobstructed access of emergency vehicles.
- B. Private Yard Area. Every lot containing a townhouse must provide a private yard of at least three hundred twenty square feet (320 sq. ft.), oriented to either the building front, rear or side.

#### 17.35.080 Street frontage

Each townhouse project site must have a frontage on a public street. Individual lots need not front a public or private street but may face upon common open areas.

#### 17.35.090 Street system

All elements of the street system shall be designed in compliance with the Town of West Yellowstone Design Standards.

17.35.100 Street improvements and right-of-way

The right-of-way width of public streets and private streets serving a group of townhouses and the improvements therein shall conform to all applicable town standards and requirements for such streets.

17.35.110 Ingress and egress

No townhouse shall be constructed to provide direct vehicular ingress or egress to any controlled access highway or major thoroughfare.

17.35.120 Parking and driveways

- A. Driveway widths shall not exceed twenty feet (20').
- B. Parking shall be provided in compliance with Chapter 17.37.

17.35.130 Curb cuts

- A. A minimum distance of fifty (50') feet shall be maintained between all curb cuts. Not more than one curb cut shall be permitted per two townhouses. A minimum corner clearance shall be fifteen feet (15') from property line at uncontrolled intersections and thirty feet (30') from property line at controlled (either signed or signalized) intersections.
- B. In no case shall any curb cut be permitted which, in the opinion of the building official, may cause an unsafe or hazardous driving condition.

17.35.140 Landscaping

The property shall be landscaped in general compliance with surrounding properties.

17.35.150 Utilities and services

All townhouses must be connected to public water and sewer lines, and all electrical and telephone lines in a townhouse development site shall be placed underground. Proper and adequate access for firefighting purposes and access to service areas to provide garbage and waste collection, and for other necessary services, shall be provided.

17.35.160 Accessory buildings

An accessory building may only be located in a rear yard.

17.35.170 Building design-Fire hydrant location

All buildings proposed to be constructed within any project containing private streets must be so arranged and located that firefighting apparatus can park and reach any building with a one hundred fifty-foot (150') long hose extending from such equipment. This one hundred fifty-foot (150') hose length must be measured as the hose is laid on the ground and may not be measured as the aerial radius from the parking equipment.

In addition, fire hydrants must be so located and provided within the project boundaries so that four hundred feet (400') of fire hose, extending on the ground from the hydrant, can reach the furthest part of any building within the boundaries of the project. Entrances to all buildings containing residential dwellings must be illustrated on the plat of any project containing private streets.

#### 17.35.180 Building design-Fire walkways

All buildings proposed to be constructed within any project containing private streets, and which contain residential dwelling units and have an overall length of three hundred feet (300') or more, must be so designed to have one (1) or more open unobstructed walkways through the building at ground level, having a width of not less than five feet (5') each to allow ready access emergency services to each side of such buildings. In those instances where buildings are to be constructed over and across any private street, the unobstructed overhead clearance must not be less than fourteen feet (14'), measured between the highest point of the private street paving under the structure and the lowest part of the building structure or associated parts thereof and suitable restrictions to this condition must be noted on the plat.

#### 17.35.190 Fire safety requirements

Townhouse developments shall provide fire hydrants on or adjacent to the area to be developed as required by the fire department. All construction shall comply with applicable building and fire codes as adopted by the Town of West Yellowstone.

## Chapter 17.37: OFF-STREET PARKING

### Sections:

- 17.37.010 Intent
- 17.37.020 Location
- 17.37.030 Parking layouts
- 17.37.040 Size and surfacing requirements
- 17.37.050 Development of interior parks for parking
- 17.37.060 Plans
- 17.37.070 Lighting
- 17.37.080 Mixed and shared uses
- 17.37.090 Joint use
- 17.37.100 Spaces required
- 17.37.110 Payment for purchase of off-street parking spaces
- 17.37.120 Payment exceptions
- 17.37.130 Change of use
- 17.37.140 Creation of special improvement parking district

### 17.37.010 Intent

The intent of this chapter is to reduce traffic congestion and the need for parking on public streets and hazards caused thereby, and to provide private off-street parking adequate for each type of development in terms of both quantity and location.

### 17.37.020 Location

- A. Required off-street parking shall be located as specified in this chapter:
  - 1. Single-unit dwellings, on the same lot with the dwelling they are required to serve;
  - 2. Multi-unit dwellings, on the same lot with the dwelling they are required to serve;
  - 3. Hospitals, apartments, rooming and boarding houses, fraternity and sorority houses, not more than one hundred (100') feet from the building they are required to serve;
  - 4. Commercial and industrial uses, not more than three hundred (300') feet from the building they are required to serve.
- B. Where a distance is specified, such distance shall be measured by a straight line from the nearest point of the building to that the parking area is required to serve.
- C. Off-site parking areas must be accessible by a public street, parkway, or interior park and shall be owned or leased by the owner of the property being served by such parking and such parking lot shall have a recorded land covenant requiring such land be maintained as a parking lot so long as the property, building or use served is in operation or until



another suitable parking area is established in accordance with this chapter and approved by the town council.

- D. Required parking spaces may be located in any required front setback in the R-1, R-2, R-3, and R-4 districts, except a minimum of five feet (5') is maintain from any front lot line.
- E. Parking maybe placed in a front or side setback in the B-3, B-4, DOD, M-1, E-2, and PLI district if no permanent fixture is placed in the required setback.

#### 17.37.030      Parking layouts

Where more than three off-street parking spaces are required, they must be constructed in accordance with one of the designs shown in Figure 17.37.040 or other parking layout approved by the building official and the town council.

Figure 17.37.040 (Figures not drawn to scale)

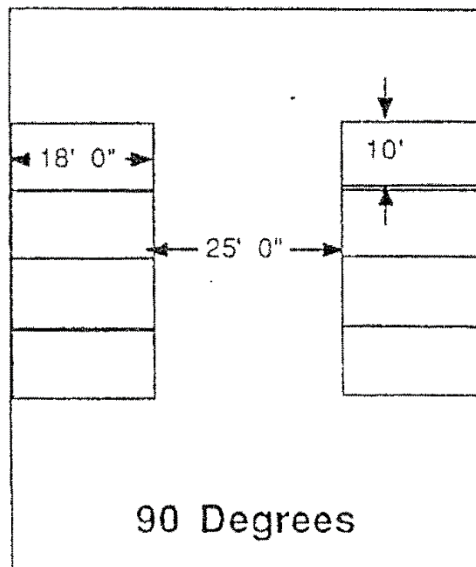
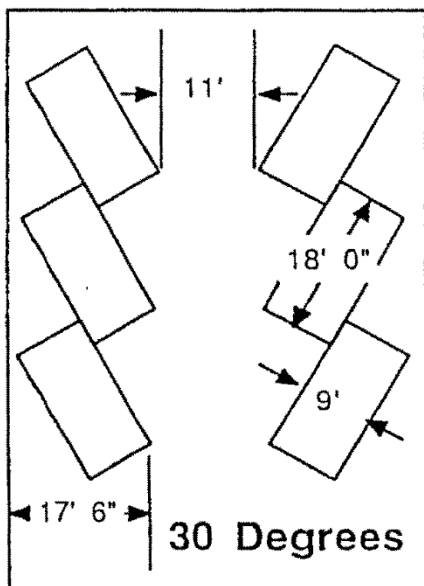
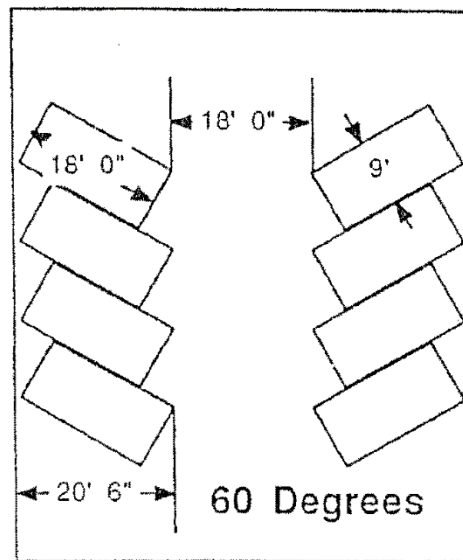
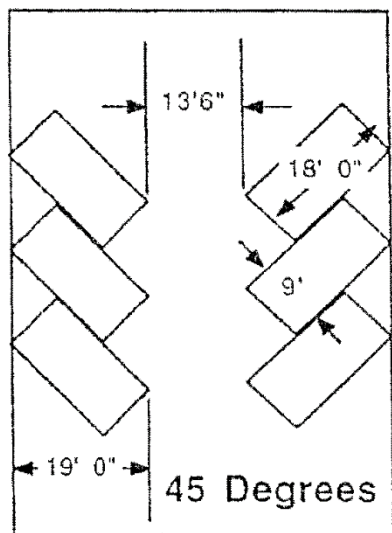
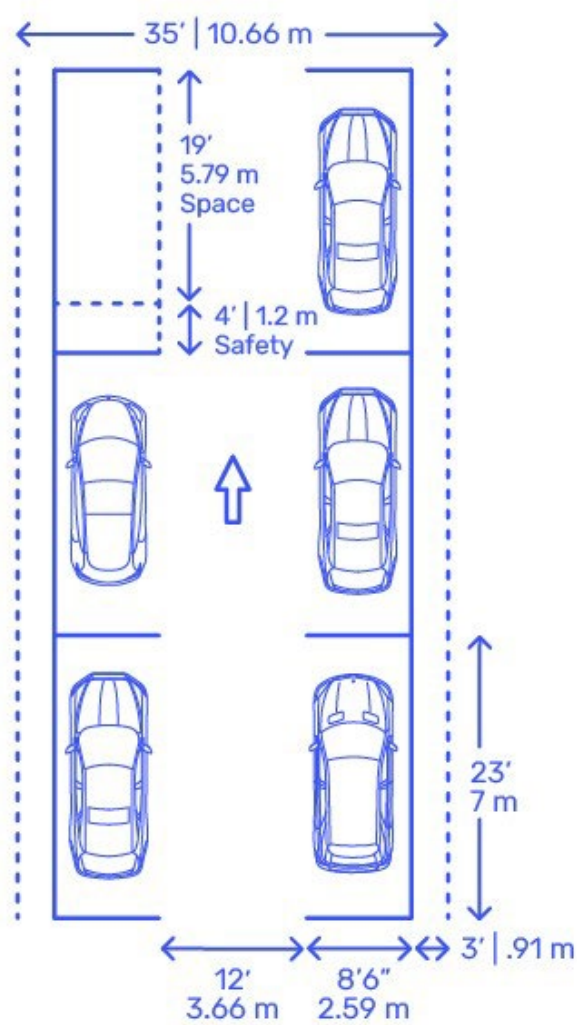


Figure 17.37.041 (Figures not drawn to scale)



#### 17.37.040 Size and surfacing requirements

- A. Parking spaces shall have a vertical clearance of at least seven (7') feet. Dimensions of spaces shall be in conformance with Figure 17.37.040.
- B. Where more than three off-street parking spaces are created, spaces must be developed and maintained with a dust-free surface approved by the building official and town council.
- C. A bond for an amount equal to one hundred fifty percent (150%) the cost of those improvements shall be provided to the town to be held until such time as the required improvements are completed and approved.
- D. If parking lot improvements are not completed, the bond shall be forfeited and bond proceeds shall be used to complete the project.

#### 17.37.050 Development of interior parks for parking

The town may permit the development of interior parks; provided, that such development follows town engineering standards. Interior park development plans must be submitted to the town council for approval. A bond equal to one hundred fifty percent (150%) the cost of the improvements in the interior park shall be provided to the town to be held until such time as the required improvements are completed. The bond shall be returned upon completion of the development and with the approval of the town engineer (or designee). Parking developed in an interior park shall not be signed or otherwise encumbered in any way to suggest that the developed area is not open to and available for public access and use.

#### 17.37.060 Plans

A plan of the proposed off-street parking facility shall be submitted along with the number of employees on the largest shift, and any application for a building permit. The plan shall clearly indicate the following:

- A. Curb cuts
- B. Lighting
- C. Landscaping
- D. Construction details
- E. Fencing and
- F. Other features which may be required by the town council or the building official

#### 17.37.070 Lighting

Lighting used to illuminate a parking area shall be arranged in such a manner that it will not be a hazard to passing motorists or constitute a nuisance of any kind. Where the parking area is within one hundred fifty feet (150') of any property classified as residential by this title and where the parking area is directly visible by the residents within one hundred fifty feet (150'), illuminating devices shall be shaded in a manner that would direct the light away from the residential property.

#### 17.37.080 Mixed and shared uses

Where two (2) or more uses are combined in one development, the total parking spaces shall be the total of the spaces required for each individual use, unless it is determined by the town council that a smaller number of spaces is adequate because of staggered use during the day and night hours or seasonal changes in use during the year. If a building has seasonal changes of use, the use that generates the most required off-street parking space shall apply. Off-street parking for a single use, unless seasonal, shall not be considered for joint use as hereinafter specified.

#### 17.37.090 Joint use

- A. The town council may authorize the joint use of off-street parking facilities for the following uses or activities under the conditions specified:
  1. Up to fifty (50%) percent of the required off-street parking for primarily nighttime uses such as theaters, bowling alleys, bars and supper clubs may be supplied by the parking requirement for primarily daytime uses such as banks, offices, retail, and personal service establishments.
  2. Subsection A of this section may be reversed so that parking for daytime uses may be used for nighttime activities.
  3. Up to fifty percent (50%) of the parking facilities required by this chapter for churches or auditoriums may be supplied by the parking facilities provided for uses primarily of a daytime or weekday use nature.
- B. Where joint uses are desired, an application shall be made to the town council. The application shall contain proof that there will be no substantial conflict in the principal operating hours of the two (2) buildings or uses for which the joint use is proposed; that all other conditions within this chapter are met; and, legal documents executed by the parties involved in the joint use guaranteeing use by both parties. The legal documents shall be approved by the town attorney and recorded with the town clerk and recorder.

#### 17.37.100 Spaces required

The following numbers of off-street parking spaces per use are required in all zoning districts:

- A. Single and multifamily, two (2) spaces per unit (one (1) space as required may be within the driveway area and one space maybe placed within a garage);
- B. Apartments, one and one-half (1.5) spaces per unit;
- C. Rooming and boarding houses, two (2) spaces per dwelling unit plus one (1) space per rooming unit;
- D. Churches and chapels, one (1) space per three and one-half (3.5) church or chapel seats;
- E. Hotels, motels, and short-term rentals, one and seventy-five thousandths (1.075) spaces per each room for rent, with the total rounded to the nearest whole number;
- F. Mobile home parks, one (1) space per mobile home;
- G. Snowmobile, all-terrain vehicle, or similar vehicle rental shops, the number derived by multiplying the total number of snowmobiles for rent by three tenths (0.3), rounded to the nearest whole number, and providing in addition at least thirty square feet (30 sq. ft.) of storage space for each rental snowmobile, which storage space may be provided in a separate storage structure. Space counted for parking shall not be counted as space used for storage and vice versa.

Example: Ninety-five (95) snowmobiles for rent times three tenths (0.3) equals twenty-eight and one-half (28.5), or twenty-nine (29) parking spaces;

- H. Snowcoach operations, the number derived by dividing the number of rental seats by three (3) and rounding to the nearest whole number, and providing in addition one ten-foot by twenty-foot (10' x 20') parking space for each snowcoach, which parking space may be provided in a separate storage structure.

Example: Twenty-five (25) snowcoach seats for rent divided by three (3) equals eight and thirty-three hundredths (8.33), or eight (8) parking spaces;

- I. All commercial uses, the number derived by multiplying the factor in the Parking Factor Table (Table 17.37.100) by the total square footage divided by one thousand (1,000) and then figured to the nearest single decimal place: "total square footage" means the total usable space in the structure or business less unused basements, attics, and storage areas. When a building contains multiple uses, the building official may request the planning board to review the parking plan and make a recommendation regarding the number of parking spaces required by a new use; however, any new business shall provide at least one parking space.

Examples:

- A. Bank building, two thousand two hundred fifty square feet (2,250 sq. ft.) (table factor is four and a half (4.5)): two and two tenths (2.2) (square feet in thousands) times four and a half (4.5) (table factor) = nine and nine tenths (9.9), or ten (10) parking spaces;
  - B. Medical office building, three thousand one hundred twenty-five square feet (3,125 sq. ft.) (table factor is three and eight tenths (3.8)): three and one tenth (3.1) (square feet in thousands) times three and eight tenths (3.8) (table factor) = eleven and seventy-eight hundredths (11.78), or twelve (12) parking spaces;
- J. All industrial uses, one and one-half (1.5) spaces per employee;
- K. Theaters or playhouses of any kind, but excluding outdoor theaters or drive-ins, one (1) space per four (4) theater seats;
- L. Because of the existing public lands in the center of some blocks within the town, the town council may reduce the amount of parking spaces required by this chapter, if the existing public land in the center of a block is currently being used for parking, or where the council determines that the public land area can be used for parking. In making a reduction in the amount of parking spaces required, the council may require additional conditions, safeguards, or improvements to the public parking area;
- M. No private parking space that removes or eliminates a public parking space may be counted or considered as a part of required off-street parking under this chapter;
- N. Required parking spaces may not be used for storage of any kind (e.g., snow, dumpsters, boats);
- O. Colleges, vocational schools, and trade schools, both public and private, one (1) space per four (4) classroom seats.
- P. No work space shall be counted as off street parking. This includes automotive repair bays, area adjacent to fuel pumps, loading bays, or similar spaces that serve a function other than off street parking.



Table 17.37.100 PARKING FACTOR TABLE

USE	FACTOR
Auto and equipment sales and rentals and similar establishments	1.0
Auto service, tire service, body shops, plumbing, heating and electrical shops and similar establishments	4.0
Bowling alley and similar entertainment enterprises	6.5
Department and clothing stores and similar establishments	2.5*
Drive-in, eating establishments	20.0
Furniture stores and similar establishments	1.0*
General business 1. Grocery and drug stores, sporting goods, hardware and variety stores and similar establishments	3.6*
General business 2. Motor supply, paint stores, bakeries, upholstery and mail order houses and similar establishments	1.5*
Medical offices, clinics and hospitals and similar establishments	3.8*
Offices, banks, utility companies, barber and beauty shops and similar establishments	4.5*
Public eating and/or drinking establishments and similar establishments	8.0*

\* See Section 17.37.110. The parking factor table accounts for employee parking within the factors.



#### 17.37.110 Payment for purchase of off-street parking spaces

Whenever within the B-3 zoning district of the town off-street parking spaces must be provided, the property owner or developer may, subject to town council review and approval, pay for parking spaces not provided in accordance with Section 17.37.100.

The property owner or developer, upon written application to the town council, shall make a request to the town council to purchase off-street parking spaces in lieu of those not provided by the property owner or developer. The town council shall review each application and shall only approve an application if it conforms to the intent of this code as set forth in Section 17.37.010, and to criteria established by the town council, including but not limited to traffic congestion, potential traffic hazards, and the general safety and well-being of the public.

If the application is approved, the property owner or developer shall pay a fee to the town for parking spaces not provided for the building or use, prorated in accordance with lot ownership. The fee paid does not “purchase” any specific parking space and does not entitle the purchaser to park on any public right-of-way.

Of the total parking required for motels, eighty percent (80%) must be provided on site. Twenty percent (20%) may be off site through the cash-for-parking fee.

Example: If a motel needs one hundred (100) spaces, eighty (80) spaces must be on site. They will still pay the current parking space fee for all twenty (20) spaces.

For short-term uses, which are those uses shown with an asterisk in Table 17.37.100, the following formula shall be applied: total number of spaces required according to Table 17.37.100 minus those provided on premises, with the difference to be multiplied by 0.2. The result is the number of spaces that must be purchased.

The initial fee charged for each parking space required which is not provided by the developer in accordance with the requirements of this chapter shall be assessed during the building permit process, the amount of which shall be established by resolution of the town council. This initial fee amount shall be paid to the town and shall be reviewed and adjusted periodically to reflect changes in development costs. Approval by the town council shall be obtained and payment of the initial fee shall be made to the town prior to the issuance of a building permit, or if there is no construction or alteration of a building, but only a change of use, then prior to the granting of a business license. The town shall also collect an annual fee, set by the town council, for every business license renewal that utilizes cash for parking “spaces”. This fee will ensure that continued use of the parking spaces help create municipal parking in other areas. All fees collected and all interest earned shall be held in a parking fund established by the town to be used for the creation and maintenance of municipal parking spaces.

#### 17.37.120 Payment exceptions

Payment of parking spaces not provided shall not be acceptable for residential uses, excluding live work units, in the B-3 zoning district.

#### 17.37.130 Change of use

If the use or dimensions of a building change or if the use of a parcel of land changes and these changes result in an increase of parking demand under the parking factors in Section 17.37.110, the project shall be reviewed in its entirety to determine if the parking requirements are met. For the purposes of this section, a "parcel" shall, at a minimum, mean the entire lot upon which a building is located. If the owner of the property in question owns contiguous property which shares parking with the property being reviewed for change of use, then the contiguous property may be included in the change of use review required by this section. A site plan, showing all buildings, structures, and parking spaces, drawn to scale, shall be submitted as part of the review. The town shall not issue a building permit or a business license until the requirements of this chapter concerning off-street parking have been satisfied.

Using procedures established in Chapter 17.50 of this title, variances may be considered by the board of adjustments when an application for a change in use, outside of the B-3 District, will create a hardship due to any of the following:

- A. Lot shape
- B. Lot size

#### 17.37.140 Creation of special improvement parking district

In creation of any special district, provisions must be made in the establishment of the district for those in the affected area who have provided sufficient on-site parking.

## Chapter 17.38: OFF-STREET LOADING

### Sections:

- 17.38.010 Intent
- 17.38.020 Standards
- 17.38.030 Berths required

#### 17.38.010 Intent

The intent of this chapter is to reduce traffic hazards and congestion by providing off-street loading berths on the same lot as the building to be served by deliveries of goods without adverse effects on adjacent properties. The provisions of this chapter shall not apply in the B-2 and B-3 districts.

#### 17.38.020 Standards

- A. Off-street loading berths shall be provided on the same lot as the use it serves and shall not occupy the front yard.
- B. No loading berth shall be located closer to a residential zoned lot than fifty feet (50') unless enclosed by a wall or solid fence, not less than six feet (6') in height.
- C. Each loading berth shall be so designed with access to a public street or alley and so designed as not to interfere with normal traffic movement.
- D. Each berth shall be at least twelve feet (12') by thirty-five feet (35') in size with a height clearance of eighteen feet (18') from the adjacent grade.
- E. Loading berths shall not be considered as off-street parking spaces.
- F. All or part of the required loading berths may be within buildings.

#### 17.38.030 Berths required

Off-street loading berths shall be provided in accordance with the following schedule. If more than one (1) use is combined in a building, the number of berths can be reduced as determined by the building official. Where uses are not specifically mentioned, the number of berths shall be determined by the building official using as a guide the most similar use listed in the following table.

Use	Gross Floor Area (square feet)	Number Of Berths Required
Multiple dwellings with over 16 units	-	1
Schools, auditoriums, meeting halls	over 20,000	1
	50,000 - 150,000	1
	150,000 - 300,000	2
	Each additional 300,000	1
Department stores and other retail shops, restaurants, funeral homes	7,000 - 14,000	1
	14,000 - 40,000	2
	40,000 - 80,000	3
	Each additional 50,000	1
Hospitals, clinics, jail	10,000 - 100,000	1
	Each additional 250,000	1
Hotel or office building	25,000 - 40,000	1
	40,000 - 100,000	2
	Each additional 100,000	1
Industrial plant, manufacturing, or wholesale establishment	10,000 - 40,000	1
	40,000 - 65,000	2
	65,000 - 100,000	3
	Each additional 50,000	1

## Chapter 17.39: NONCONFORMING LOTS, USES, AND STRUCTURES

### Sections:

- 17.39.010 Intent
- 17.39.020 Administrative regulations
- 17.39.030 Nonconforming lots of record
- 17.39.040 Nonconforming uses of land
- 17.39.050 Nonconforming structures
- 17.39.060 Nonconforming uses of structures
- 17.39.070 Repairs and maintenance

#### 17.39.010 Intent

Within the districts established by this title or amendments thereto there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before the ordinance codified in this title was adopted or amended, but which would be prohibited regulated, or restricted under terms of this title or future amendment. It is the intent of this title to permit those nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this title that nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

#### 17.39.020 Administrative regulations

Nonconforming uses are declared by this title to be incompatible with permitted uses in the district involved. However, to avoid undue hardship, nothing in this title shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment to the ordinance codified in this title and which actual building construction has been carried on diligently. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction; provided, that work shall be carried on diligently. This does not include items not yet submitted regardless if the town is aware of the project nor projects still in the review process where they do not comply with the future amendments to this title.

#### 17.39.030 Nonconforming lots of record

In any district, notwithstanding other limitations imposed by this title, structures permitted in the district may be erected on any single lot of record on the effective date of the ordinance codified in this title. Such lot must be in separate ownership and not of continuous frontage with other lots of the same ownership. A lot of record that does not meet lot area or lot width requirements must still meet other requirements of the district.

#### 17.39.040 Nonconforming uses of land

Where at the time of passage of the ordinance codified in this title lawful use of land exists which would not be permitted by the regulations imposed by this title the use may be continued so long as it remains otherwise lawful, provided:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the ordinance codified in this title.
- B. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of the ordinance codified in this title.
- C. If any such nonconforming use of land ceases for any reason for a period of more than twelve (12) months, any subsequent use of such land shall conform to the regulations specified by this title for the district in which such land is located.
- D. No additional nonconforming structure in connection with the requirements of this title shall be erected in connection with such nonconforming uses of land.

#### 17.39.050 Nonconforming structures

Where a lawful structure exists at the effective date of adoption or amendment of the ordinance codified in this title that could not be built under the terms of this title by reason of restriction on lot area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming structure may be altered or enlarged in any way which increases its nonconformity or height of the structure, but any structure or portion thereof may be altered to retain or decrease its nonconformity.
- B. Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means to the extent of more than fifty percent (50%) of its square footage at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this title.
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

#### 17.39.060 Nonconforming uses of structures

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

- A. No existing structure devoted to a nonconforming use shall be enlarged, extended, constructed, or structurally altered, unless the use is changed to conform with this title.
- B. Any nonconforming use may be extended to any other part of a building designed for such use, but no such use may be extended in any way to occupy land outside the building.
- C. Any structure, or structure and land, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations of the district in which it is located and the nonconforming use may not thereafter be resumed.
- D. Whenever a nonconforming use of a structure or a premises ceases for twelve (12) months, the structure or premises shall not thereafter be used except in conformance with the regulations of the district in which it is located. The term "ceases" as used in this subsection shall mean that the activity in question has not been in operation for a period of twelve (12) months.
  - 1. The twelve (12) month period shall be extended with the terms designated on an approved building permit within the town.
- E. Where nonconforming use status applies to both structure and land, the removal or destruction of the structure shall eliminate the nonconforming status of the land.

#### 17.39.070 Repairs and maintenance

On any nonconforming structure or portion of the structure containing a nonconforming use, work may be done on ordinary repairs and fixtures, wiring, plumbing, or repair or replacement of nonbearing walls, to an extent not exceeding ten percent (10%) of the replacement value of the building in any one (1) year. Value of the building shall be calculated based on the assessment provided through Montana Cadastral data; provided, that such work does not increase the cubic content of the building. Nothing in this title shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

## Chapter 17.40: SIGNS

### SECTION

17.40.010	Intent
17.40.020	Definitions
17.40.020.010	Abandoned/Obsolete signs
17.40.020.020	Address signs
17.40.020.030	Animated sign
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17.40.020.060	Awning sign
17.40.020.070	Banner sign
17.40.020.080	Beacon lights and strobe lights
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17.40.020.160	Flags
17.40.020.170	Freestanding sign
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17.40.020.210	Historic sign
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17.04.020.250	Information signs
17.40.020.260	Interior sign



17.40.020.270	Marquee sign
17.40.020.280	Master signage plan
17.40.020.290	Menu sign
17.40.020.300	Message center sign
17.40.020.310	Neon sign
17.40.020.320	Obscene sign
17.40.020.330	Off-Premises sign
17.40.020.340	Political sign
17.40.020.350	Portable sign
17.40.020.360	Projecting sign
17.40.020.370	Public notice signs
17.40.020.380	Real estate sign
17.40.020.390	Roof sign
17.40.020.400	Sale Sign
17.40.020.410	Sidewalk sign
17.40.020.420	Skylights and searchlights
17.40.020.430	Special event signs
17.40.020.440	Suspended sign
17.40.020.450	Vacancy/Open/Office sign
17.40.020.460	Vehicle sign
17.40.020.470	Wall sign
17.40.020.480	Window sign
17.40.020.490	Works of art
17.40.030	Signs permitted without a permit
17.40.040	Sign regulations
17.40.050	Area computation; permitted deviations
17.40.060	Application procedure
17.40.070	Construction specifications and indemnification.
17.40.080	Acceptable materials
17.40.090	Nonconforming signage

- 17.40.100: Appeals of town council decision regarding sign permits with deviations
- 17.40.110: Appeals of zoning administrator decision regarding sign permits without deviations
- 17.40.120: Penalty
- 17.40.130 Chapter review

#### 17.40.010 Intent

The intent of this chapter is to provide a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards. By establishing regulations for signs, the intent of this Chapter is to:

- A. Promote the general health, safety, and welfare of the public.
- B. Protect property values through eliminating visual clutter and light intrusion.
- C. Create a more attractive economic and business climate.
- D. Enhance the physical appearance and respect the identity of the community.
- E. Reduce hazards, obstructions and distractions that may endanger persons and contribute to vehicular accidents.
- F. Encourage the protection of historic resources.
- G. Protect the area's natural scenic beauty.
- H. Provide all businesses an equal opportunity to display signage adequate for people to locate the goods and services they desire.

#### 17.40.020 Definitions

Words and phrases used in this Chapter shall have the meanings set forth in this Section.

##### 17.40.020.010 Abandoned/Obsolete signs

Any sign, including all structural, support and other componential elements, which advertises a business no longer in operation; a lessor, owner, product or activity conducted or product available on the premises that is no longer available where the sign is displayed; or an off-premises sign which is vacant of copy or which advertises an establishment, goods or services which no longer exist. Excluding signs that have been designated by the Town of West Yellowstone or which is listed on the National Register of Historic Places.

##### 17.40.020.020 Address signs

Any sign displaying the name and/or location of the occupant/tenant of the property, building, or subdivision.

##### 17.40.020.030 Animated sign

A sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical, or other means. This includes a skydancer, air dancer, inflatable man, or

any other similar air filled or propelled stationary attractant, or any item commonly referred to as a “wacky waving inflatable tube man”.

17.04.020.040 Architectural decoration

Decorative or architectural features integral to the design of a building, except moving parts, flashing lights, or letters or trademarks indicating a use or business housed within the building.

17.40.020.050 Awning

A roof-like structure composed of a skeletal frame, covered with a fabric or similar material, and that projects beyond the wall of a building, generally constructed to provide protection from the weather.

17.40.020.060 Awning sign

A sign attached to, printed on, or made part of an awning.

17.40.020.070 Banner sign

An advertising sign intended to be hung without a frame, that can be indented with the touch of a finger, and is generally made of paper, plastic, vinyl, or fabric.

17.40.020.080 Beacon lights and strobe lights

Any light source with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate, flash, or move.

17.40.020.090 Billboard signs

An off-premises sign that is two hundred square feet (200 sq. ft.) or larger that advertises a business, service, or location that is not located within the Town of West Yellowstone.

17.40.020.100 Canopy

A sign attached to or constructed in or on a canopy.

17.40.020.110 Changeable copy sign

A sign or portion thereof with letters or numbers that can be periodically changed or rearranged without altering the face of the sign.

17.40.020.120 Construction/Artisan signs

Temporary signs of contractors or artisans displayed during the period during which such contractors or artisans are performing work on the property upon which such signs are displayed.

17.40.020.130 Directional or instructional signs

A permanently erected and incidental sign designed to guide or direct pedestrian or vehicular traffic. Such signs include those identifying restrooms, public telephones, public walkways, public entrances, freight entrances, affiliation with motor clubs, acceptance of designated credit cards, and other similar signs providing direction or instruction to persons using a facility.

17.40.020.140 Drive thru sign

A sign used by a business providing drive-thru service to communicate to customers using the drive-thru located on the same premises as the sign.

17.40.020.150 Feather sign

“Feather sign” means sign constructed in whole or in part of lightweight material which is designed to, or which actually does, wave or move in the wind, and which does not meet the definition of a flag or banner sign.

17.40.020.160 Flags

A piece of fabric attached to a staff or cord on one end and generally used as a symbol of a nation, state, political subdivision, or organization.

17.40.020.170 Freestanding sign

A sign erected on a freestanding frame, mast or pole, not attached to a building, and located on the property where the business advertised on the sign face is located.

17.40.020.180 Garage sale sign

A sign used to advertise a garage sale or yard sale.

17.40.020.190 Government sign

A sign placed or erected by a governmental agency or nonprofit civic association for a public purpose in the public interest for control of traffic and for other regulatory purposes; street signs, warning signs, railroad crossing signs, signs of public service companies indicating danger; and aids to service and safety which are erected by or for the order of government. Government signs include notice signs for meetings, events, or general information which is to be provided to the general public. This does include location of government and emergency services location.

17.04.020.200 Governmental insignia signs

Flags, banners, symbols or other insignia of any governmental body or political subdivision,

17.40.020.210 Historic sign

A sign which has historical or cultural significance to the Town of West Yellowstone or which is listed on the National Register of Historic Places. This includes historic signs associated with the National Park service or Yellowstone National Park.

17.40.020.220 Holiday decorations

Noncommercial signs or other materials displayed on traditionally accepted civic, patriotic, and/or religious holidays.

17.04.020.230 Identification signs

Signs bearing only property numbers, postbox numbers, names of occupants of premises, or other identification of premises not having commercial connotations.

17.40.020.240            Illuminated sign

A sign that uses a source of light to make the message readable, including signs that are either internally or externally lighted and signs that may be reflecting, glowing, or radiating by virtue of another light source. This includes any sign that is illuminated by light-emitting diode (LED) lights.

17.04.020.250            Information signs

Signs directing, informing, or guiding pedestrians or vehicles on public or private property, whether erected by public or private bodies, and bearing no advertising matter.

17.40.020.260            Interior sign

A sign which is fully located within the interior of any building or within an enclosed lobby or court of any building.

17.40.020.270            Marquee sign

A sign attached to or part of a marquee, which is a permanent roof-like structure projecting beyond the wall of a building and generally designed to provide protection from the weather.

17.40.020.280            Master signage plan

A combined proposal for all signs on two (2) or more contiguous lots, or for all signs on one lot with two (2) or more uses or business establishments.

17.40.020.290            Menu sign

A sign that displays a list of food products offered by a business.

17.40.020.300            Message center sign

A sign containing a display that can be changed by a manual, mechanical, electrical, electronic, and/or a computerized process.

17.40.020.310            Neon sign

Any illuminated sign using bent glass tubes for the copy.

17.40.020.320            Obscene sign

A sign that contains offensive language, is hate based, is discriminatory, or on which the dominant theme of material taken as a whole appeals to a prurient interest in sex, illicit drugs, or other such subject, or is patently offensive because it affronts community standards relating to the description or representation of sexual matters, illicit drug use, or other related subjects, and is without redeeming social value.

17.40.020.330            Off-Premises sign

Any sign normally that advertises a business, service, or good, that is located within West Yellowstone, that is not located on the same lot as the sign advertising the business, service, or good.

17.40.020.340            Political sign

A temporary sign intended to advance a political statement, cause, or candidate for office. Political signs are erected in conjunction with campaigns for elected public office and are erected no

sooner than sixty (60) days prior to the election and removed no later than fifteen (15) days following the election.

17.40.020.350            Portable sign

A sign not permanently attached to the ground or to a permanent structure.

17.40.020.360            Projecting sign

A sign that is attached to a structure, building face, or pole and projects over a public right-of-way.

17.40.020.370            Public notice signs

Official government notices, legal notices, "No Trespassing" signs, and signs which indicate the private nature of a road, driveway, or property.

17.40.020.380            Real estate sign

A temporary sign that is used to advertise the fact that a property is for sale, lease, or rent.

17.40.020.390            Roof sign

A sign constructed wholly on and over the roof of a building.

17.40.020.400            Sale Sign

A sign advertising a reduction in price, a value deal such as "buy one get one", "buy three and the fourth is free", "going out of business sale", or any other similar messaging.

17.40.020.410            Sidewalk sign

A temporary and movable, nonilluminated sign placed on the public right-of-way immediately in front of the business establishment it serves, and displayed only during business hours.

17.40.020.420            Skylights and searchlights

Lights used to illuminate the sky for the purpose of drawing attention to a business or event.

17.40.020.430            Special event signs

A sign promoting a community wide event that happens during a discrete time that does not happen on a year-round basis.

17.40.020.440            Suspended sign

A sign suspended from the underside of a horizontal surface.

17.40.020.450            Vacancy/Open/Office sign

Signs that advertise "Vacancy," "No Vacancy," "Open," "Closed," and "Office."

17.40.020.460            Vehicle sign

A sign that is attached to or placed in or on a truck, bus, car, trailer, boat, recreational vehicle, or any other vehicle. Vehicle signs shall exclude bumper stickers, license plates, and inspection and registration stickers.

17.40.020.470          Wall sign

A sign affixed to a building or wall in such a manner that the sign face is parallel to the building or wall. For gasoline service stations and similar uses, signs on the fascia of a protective canopy and signs attached to objects or apparatus beneath the canopy shall be considered as wall signs.

17.40.020.480          Window sign

A sign that may include lettering, pictures or symbols, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or affixed to the glass and is visible from the exterior of the window.

17.40.020.490          Works of art

Works of art which in no way identify or advertise a person, product, service, or business; also religious symbols and commemorative plaques shall be exempt from obtaining a sign permit

#### 17.40.030 Signs permitted without a permit

The following signs are permitted in all zoning districts and do not require a permit. When a sign is proposed that meets the definition of the signs included in 17.40.030 but exceeds the size or number requirements of this section they shall be required to obtain a sign permit from the Town of West Yellowstone. None of these signs are allowed to be placed within the public right-of-way without an encroachment permit from the relevant agency.

##### A. Architectural Decoration

##### B. Commercial Real Estate Sign

- a. Commercial real estate signs which do not exceed thirty-two square feet (32 sq. ft.)

##### C. Contractor or Artisan Signs:

- a. Number: Each business working on the lot may have one sign.
- b. Area: Maximum total area of any contractor or artisan sign shall be six square feet (6 sq. ft.)
- c. Placement: The contractor or artisan signs maybe attached to fencing on the property or placed upon a temporary base or support structure.
- d. Time Limitation: The sign may be placed during the duration of construction when associated with an approved building permit. If there is not a building permit associated with any work occurring the sign may be placed for ten (10) days.

##### D. Flags:

- a. Each lot in West Yellowstone is allowed one flag per abutting public street.

##### E. Government Signs

##### F. Governmental Insignia:

- a. Except when displayed in connection with commercial promotion or when a governmental insignia item is for sale to the general public

##### G. Holiday Decorations:

- a. Only when displayed only during the normal holiday season.

##### H. Identification Signs:

- a. The area of such signs shall not exceed one square foot (1 sq. ft.).

##### I. Information Signs:

- a. The area of such signs shall not exceed two square feet (2 sq. ft.).

##### J. Notice Signs

##### K. Open Signs:

- a. One open sign per public entrance per valid business license.
- b. The area of such sign shall not exceed three square feet (3 sq. ft.).



L. Political Sign

M. Preexisting Signs:

- a. Any sign erected prior to the effective date hereof that was permitted by the Town of West Yellowstone, shall be exempt from the requirements set forth herein. However, any subsequent alteration to a preexisting sign that results in any alteration to its external appearance shall cause the sign to be subject to regulation by this chapter.

N. Residential Real Estate Sign:

- a. Residential real estate signs which do not exceed six square feet in area (6 sq. ft.).

17.40.040 Sign regulations

A. Prohibited Signs: The following signs are prohibited in all districts within West Yellowstone

1. Abandoned/Obsolete Signs
2. Animated Sign
3. Beacon Lights and Strobe Lights
4. Billboard Signs
5. Obscene Sign
6. Off-Premises Sign
7. Portable Sign
8. Roof Signs
9. Skylights and Searchlights

B. Abandoned/Obsolete Signs: The following regulations apply to abandoned and obsolete signs:

1. When the town manager or designee determines a permitted sign is an abandoned or obsolete sign, the town manager, or designee, shall notify the sign owner of the violation and require remedial action within sixty (60) days. If such action is not taken, the permit will be revoked and action for the removal of the sign will be taken as provided in MCA 75-15-131. An extension of time to accomplish the work may be granted at the sole discretion of the town manager upon written request from the sign owner stating the reason(s) for the request.
2. A sign is in disrepair if the structure is unsafe or if the sign face is not visible from a public right of way.

C. All Districts: Each allowable size, number, and placement is unique to each parcel. Owners of contiguous parcels shall not be able to compile their allowable signage onto any other parcel, regardless of the number of contiguous parcels owned. The following signs require permits and must comply with the following regulations:

1. Awning Signs:

- i. Area: Awning signs shall be calculated as wall signs. Awning signs shall not be allowed above the first floor of a building.

2. Changeable Copy Signs: Changeable copy signs are permitted in all but residential districts. This permitted use is contingent upon the continued maintenance of the copy or reader board and the prompt updating of information and replacement of

missing letters or numbers to avoid the blighting influence of poorly maintained changeable copy signs.

3. Freestanding Signs: Freestanding signs shall not be placed within the sight distance triangle required for traffic safety including any corners created by alleys
4. Historic Signs: Any sign that can be demonstrated to have been erected at least thirty-five (35) years prior to the effective date hereof shall be exempt from the requirements set forth herein, so long as the sign is restored to and continues to be maintained in its original condition. Applicants for historic sign designations must be granted a historic sign permit as per section 17.40.060 of this chapter.
5. Illuminated Signs: An illuminated sign or lighting device must emit a light of constant intensity, and no sign may be illuminated by or contain flashing, intermittent, rotating or moving lights. Portions of a sign that indicate the current time or temperature shall be allowed to have intermittent illumination. No illuminated sign or lighting device may be placed or directed so that the illumination therefrom causes glare or reflection beyond the property lines of the lot. No exposed light bulbs except Christmas decoration.
  - i. Illuminated sign brightness shall not exceed the maximum luminance level of seven hundred (700) cd/m<sup>2</sup> or Nits, or seven hundredths (0.07) of a lumen at least one-half hour before apparent sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce, for West Yellowstone. All illuminated signs comply with this maximum luminance level throughout the night, if the sign is energized, until apparent sunrise, as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions.
6. Marquee Signs: Marquee signs shall be calculated as wall signs.
7. Master Signage Plan:
  - i. Sign Applications: Sign applications eligible for consideration as part of a master signage plan may, at the discretion of the town manager or designee, be required to be submitted as a master signage plan.
  - ii. Projecting Signs: Where projecting signs are permitted in a district, the maximum number of projecting signs in a master signage plan shall be one per use or business establishment.
  - iii. Freestanding Signs: Where freestanding signs are permitted in a district, the maximum number of freestanding signs for all uses or business establishments included in a master signage plan shall not exceed one (1) unless there are multiple frontages and the proposed signage does not exceed the maximum total area.
  - iv. Maximum Total Area: For each business establishment greater than one that is included in a master signage plan, the maximum total area of all signs permitted under the master signage plan shall increase by twenty percent (25%) over the total sign area permitted for one use in that district. However, the total area of any individual sign shall not exceed the total area for individual signs permitted in that district, and the maximum height of any sign shall not exceed the maximum sign height permitted in that district.

8. Animated Signs: No sign or portion thereof may consist of or contain moving devices, including, but not limited to, banners, pennants, ribbons, streamers, or spinners.
9. Signs On Multiple-Frontage Lots: Lots fronting on two (2) or more streets are allowed the permitted sign area for the initial building frontage, and each subsequent building frontage shall be allowed a maximum of twenty five percent (25%) of the permitted sign area for the initial frontage. The primary frontage shall be calculated based on the official 911 emergency services address.
10. Portable Signs: Portable signs, except for sidewalk signs, are prohibited in all districts. Portable signs that have changeable copy are allowed up to thirty (30) days per organization. Unless the portable sign is a notice sign as defined in 17.40.020.320.
11. Suspended Signs: Suspended signs shall be calculated as wall signs or projecting signs, depending on their orientation in relation to the surface of the building to which they are attached.
12. Special Event Sign: Special event signs may be put up no more than fourteen (14) days in advance of the event the sign is advertising and must be removed within seven (7) days following the conclusion of the event. For events over multiple weeks the first event and the last event shall be the dates considered for the time limitations.
13. Vehicle Signs: Vehicle signs may not be parked on any public right-of-way when the purpose of the vehicle is primarily for signage. When the promotion of a product is secondary to another main use, such as delivery of goods or services, the vehicle may be parked on the public right-of-way in conformance with all other Town of West Yellowstone Codes.
14. Wall Signs: A wall sign shall not project more than one foot (1') from the face of the building to which it is attached. A wall sign attached to the fascia of a protective canopy shall not project horizontally or vertically beyond the edges of the fascia. A wall sign attached to an object or apparatus underneath a protective canopy shall not project horizontally or vertically beyond the edges of the object or apparatus to which it is attached.

D. All Residential Districts:

1. When submitting a conditional use permit and the applicant wishes to have a sign the application shall be reviewed concurrently with the conditional use permit.
  - i. Maximum total area of all signs on a lot for conditional uses shall be eight square feet (8 sq. ft.).

E. B-3 Central Business District and Downtown Overlay District

1. Area: Maximum total area of all signs on a lot shall be two and a half square feet (2.5 sq. ft.) per lineal foot of lot frontage..
2. Banner Signs:
  - i. Number: Each lot may have up to one (1) banner signs
  - ii. Area: Maximum total area of a banner signs shall be twenty-four square feet (24 sq. ft.).

- iii. Placement: Banner signs must be firmly attached to the side of a building. They may not extend or flap in the window over the public right-of-way.
- 3. Drive thru signs
  - i. Number: Maximum number permitted on a lot shall be one (1) sign.
  - ii. Maximum Total Area: Maximum total area of a drive thru sign is nine square feet (9 sq. ft.).
  - iii. Height: Drive thru signs are permitted with a maximum height of eight feet (8').
- 4. Feather sign:
  - i. Number: Each lot that does directly abut a public right-of-way may have one feather sign.
  - ii. Area: Maximum total area of any feather sign is fifteen square feet (15 sq. ft.).
  - iii. Height: Maximum height of any feather flag shall be ten feet (10'). Height shall be measured based on the pole height of the feather flag.
  - iv. Placement: Any feather sign shall be placed on the ground and not extend into the public right of way.
- 5. Menu Signs:
  - i. Menu signs shall be calculated and reviewed as a wall sign in the B-3 District and Downtown Overlay District.
- 6. Neon Signs:
  - i. Neon signs shall be calculated and reviewed as a wall sign in the B-3 District and Downtown Overlay District.
- 7. Projecting Signs:
  - i. Maximum Number: Maximum number permitted on a lot shall be two (2).
  - ii. Maximum Total Area: Maximum total area of all projecting signs shall be twenty-four square feet (24 sq. ft.).
  - iii. Height; Clearance:
    - (1) Maximum height of any projecting sign shall not exceed twenty-four feet (24').
    - (2) Signs that extend over a sidewalk or walkway shall have a vertical clearance of at least eight feet (8').
    - (3) Signs that extend over a driveway, an alleyway, or pavement shall have a minimum height of fourteen feet (14') to bottom of sign.

8. Sidewalk Signs:

- i. Maximum Number: Maximum number permitted shall be one (1) per valid business license.
- ii. Maximum Total Area: The area of a sidewalk sign shall not exceed six square feet (6 sq. ft.).
- iii. Placement: It shall be placed in a manner that does not interfere with the flow of pedestrian traffic.

9. Wall Signs:

10. Window Signs:

- i. Area: Permanent window signs may cover no more than fifty percent (50%) of the surface area of the window or door on which such signs are placed.

11. Freestanding Signs:

- i. Number: Maximum number permitted on a lot shall be one per frontage on a public street, not to include alleys.
- ii. Height; Clearance: Freestanding signs are permitted with a maximum height of the district in which the sign is located.
  - (1) Signs that extend over a sidewalk or walkway shall have a vertical clearance of at least eight feet (8').
  - (2) Signs that extend over a driveway, an alleyway, or pavement shall have a minimum height of fourteen feet (14') to bottom of sign.

12. Illumination: Internally and externally illuminated signs are permitted in this District.

13. Setback: No sign shall be placed within public right-of-way unless it extends over the right of way in conformance with this chapter.

F. B-4 Expanded Business District:

1. Area: Maximum total area of all signs on a lot shall be two and a half square feet (2.5 sq. ft.) per lineal foot of lot frontage.

2. Feather sign:

- i. Number: Each lot that does directly abut a public right-of-way may have one feather sign.
- ii. Area: Maximum total area of any feather sign is fifteen square feet (15 sq. ft.)
- iii. Height: Maximum height of any feather flag shall be ten feet (10'). Height shall be measured based on the pole height of the feather flag.
- iv. Placement: Any feather sign shall be placed on the ground and not extend into the public right of way.

3. Menu Signs:

- i. Menu signs shall be calculated as a wall sign in the B-4 District.

4. Neon Signs:

- i. Neon signs shall be calculated and reviewed as a wall sign in the B-4 District and Downtown Overlay District.

5. Projecting Signs: Projecting signs are permitted in this District.

- i. Number: Maximum number permitted on a lot shall be two (2).
- ii. Area: Maximum total area of all projecting sign shall be twenty-four square feet (24 sq. ft.).
- iii. Height; Clearance: Maximum height of any projecting sign shall be eighteen feet (18').
  - (1) Signs that extend over a sidewalk or walkway shall have a vertical clearance of at least eight feet (8').
  - (2) Signs that extend over a driveway an alleyway or pavement shall have a minimum height of fourteen feet (14') to the bottom of the sign.

6. Wall Signs

7. Freestanding Signs:

- i. Number: Maximum number permitted on a lot shall be one per frontage on a public street, not to include alleys.
- ii. Height; Clearance:
- iii. Freestanding signs are permitted with a maximum height of the district in which the sign is located.
  - (1) Signs that extend over a sidewalk or walkway shall have a vertical clearance of at least eight feet (8').
  - (2) Signs that extend over a driveway, an alleyway, or pavement shall have a minimum height of fourteen feet (14') to bottom of sign.

8. Illumination: Internally and externally illuminated signs are permitted in this District.

9. Setback: No sign shall be placed within public right-of-way unless it extends over the right of way in conformance with this chapter.

G. M-1 Light Industrial District:

- i. Area: Maximum total area of all signs on a lot shall be two and a half square feet (2.5 sq. ft.) per lineal foot of lot frontage.

2. Feather sign:

- i. Number: Each lot that does directly abut a public right-of-way may have one feather sign.
- ii. Area: Maximum total area of any feather sign is fifteen square feet (15 sq. ft.)
- iii. Height: Maximum height of any feather flag shall be ten feet (10'). Height shall be measured based on the pole height of the feather flag.
- iv. Placement: Any feather sign shall be placed on the ground and not extend into the public right of way.

3. Projecting Signs: Projecting signs are permitted in this District.

- i. Number: Maximum number permitted on a lot shall be one (1) per street frontage.
- ii. Area: Maximum total area of any projecting sign shall be twenty-four square feet (24 sq. ft.).
- iii. Height; Clearance:
  - (1) Maximum height of any projecting sign shall be fifteen feet (15').
  - (2) Signs that extend over a sidewalk or walkway shall have a vertical clearance of at least eight feet (8').
  - (3) Signs that extend over a driveway, an alleyway, or pavement shall have a minimum height of fourteen feet (14') to bottom of sign.

4. Wall Signs

5. Freestanding Signs:

- i. Number: Maximum number permitted on a lot shall be one per frontage on a public street, not to include alleys.
- ii. Height; Clearance:
- iii. Freestanding signs are permitted with a maximum height of the district in which the sign is located.
  - (1) Signs that extend over a sidewalk or walkway shall have a vertical clearance of at least eight feet (8').
  - (2) Signs that extend over a driveway, an alleyway, or pavement shall have a minimum height of fourteen feet (14') to bottom of sign.

6. Illumination: Internally and externally illuminated signs are permitted in this district.

H. E-2 Entertainment District:

- A. Area: Maximum total area of all signs on a lot shall be two and a half square feet (2.5 sq. ft.) per lineal foot of lot frontage.

a. Feather sign:

- i. Number: Each lot that does directly abut a public right-of-way may have one feather sign.
- ii. Area: Maximum total area of any feather sign is fifteen square feet (15 sq. ft.)
- iii. Height: Maximum height of any feather flag shall be ten feet (10'). Height shall be measured based on the pole height of the feather flag.
- iv. Placement: Any feather sign shall be placed on the ground and not extend into the public right of way.

B. Neon Signs:

- i. Neon signs shall be calculated and reviewed as a wall sign in the E-2 District.

C. Projecting Signs: Projecting signs are permitted in this District.

- i. Number: Maximum number permitted on a lot shall be one (1) per street frontage.
- ii. Area: Maximum total area of any projecting sign shall be twenty-four (24) square feet.
- iii. Height; Clearance:
  - (1) Maximum height of any projecting sign shall be fifteen feet (15').
  - (2) Signs that extend over a sidewalk or walkway shall have a vertical clearance of at least eight feet (8').
  - (3) Signs that extend over a driveway, an alleyway, or pavement shall have a minimum height of fourteen feet (14') to bottom of sign.

D. Wall Signs: Maximum square feet of signage per linear foot of building frontage: 2.0.

E. Freestanding Signs:

- i. Number: Maximum number permitted on a lot shall be one per frontage on a public street, not to include alleys.
- ii. Height; Clearance: Freestanding signs are permitted with a maximum height of the district in which the sign is located.
  - (1) Signs that extend over a sidewalk or walkway shall have a vertical clearance of at least eight feet (8').
  - (2) Signs that extend over a driveway, an alleyway, or pavement shall have a minimum height of fourteen feet (14') to bottom of sign.

F. Illumination: Internally and externally illuminated signs are permitted in this district.



I. PLI Public Lands and Institutions District:

1. Area: Maximum total area of all signs on a lot shall be two and a half square feet (2.5 sq. ft.) per lineal foot of lot frontage.
2. Special Event Signs:
  - i. Number: Each lot is allowed one special event sign
  - ii. Area: Maximum total area of any special event sign shall be fifty square feet (50 sq. ft.)
  - iii. Height: Maximum height of any special event sign shall be fifteen feet (15').
  - iv. Placement: The sign shall be placed outside of the vision triangle of corner lots, including corner lots created by an alley.

J. T Transitional District:

1. Area: Maximum total area of all signs on a lot shall be two and a half square feet (2.5 sq. ft.) per lineal foot of lot frontage. .
2. Special Event Signs:
  - i. Number: Each lot is allowed one special event sign
  - ii. Area: Maximum total area of any special event sign shall be fifty square feet (50 sq. ft.)
  - iii. Height: Maximum height of any special event sign shall be fifteen feet (15').
  - iv. Placement: The sign shall be placed outside of the vision triangle of corner lots, including corner lots created by an alley.

17.40.050 Area computation; permitted deviations

A. Computation of Sign Area:

1. Measurement of Sign Area: Sign area shall comprise the length times the width of a sign at the outside edge. Circular or other alternative shapes shall not exceed maximum square footage.
2. Area of Multifaced Sign: The area of a sign with more than one face shall be computed by using the length times the width of each face visible from any one point. Unless the copy on each side of the sign is identical then only one face shall be used for the area computation.

B. Permitted Deviations From Sign Regulations:

1. Exceptional Cases: To accomplish the purpose of this chapter, and to produce an environment, landscape quality or architectural character superior to that produced by the standard sign regulations, in exceptional cases it may be necessary to deviate from the strict application of the sign regulations prescribed herein.
2. Recommendation Of Planning Board: In such exceptional cases, the planning board may recommend and the town council may authorize deviations beyond or below minimum or maximum standards for signs, respectively, if it is demonstrated in the submittal that the deviation will produce an environment, landscape quality or architectural character superior to that produced by the standard sign regulations.
3. Application: An application for deviation shall be subject to the submittal and approval requirements of section 17.40.060 of this chapter and shall be accompanied by sufficient documentation to illustrate the superior environment, landscape quality or architectural character that the deviations will produce, over and above compliance with the standard sign regulations.

17.40.60 Application procedure

- A. Permit Required: Prior to placing, erecting, or modifying any sign requiring a permit under this chapter, the owner of the lot shall obtain a sign permit.
- B. Fee Required: At the time of submission the fee as prescribed by the Town of West Yellowstone Fee Schedule shall be paid. Any sign that is placed prior to approval of a sign permit shall pay double the associated fee. The amount of which shall be set and amended as necessary by resolution. No permits shall be reviewed or issued unless or until such fee is paid in full. The fee schedule can be found at the Town Hall of West Yellowstone.

C. Required Documentation: The application for a sign permit shall consist of:

1. A letter of intent stating the owner's name and address.
2. Accurate, scaled, color drawing of the proposed sign or signs.
3. An accurate, scaled drawing of the proposed location of the sign or signs on the building(s) and lot(s).
4. Where one or more deviations are requested, sufficient explanation of the result to be obtained from the proposed deviation, in comparison to compliance with the standard sign regulations, to allow the planning board and town council to make a reasoned decision on the application.
5. The application for a sign permit shall be accompanied by a fee,

- D. Submittal To Council: Applications for sign permits shall be submitted to the town council, which shall review applications as follows:
1. Applications Not Requesting Deviations: The Town Manager or designee shall review the application materials and, upon finding that the application materials are complete and that the proposed sign or master signage plan conforms to the intent and regulations of this chapter, may approve, approve with conditions, or deny an application for a sign permit without deviations.
  2. Applications Requesting Deviations: For an application with deviations, the planning board shall hold a public hearing on the proposed sign or master signage plan. At the public hearing, interested parties and citizens shall have an opportunity to be heard. Following the public hearing, the planning board shall make a recommendation to the town council, which shall also hold a public hearing prior to making a decision for approval, approval with conditions, or denial.
- E. Notice Of Hearing: Notice of the public hearings for a sign permit before the planning board and town council shall be prominently posted on the front of the lot where the proposed sign is to be installed. Such notice shall be posted at least fifteen (15) days prior to the public hearing and shall remain posted until the public hearing is closed.
- F. Master Signage Plan: Application and review procedures for a master signage plan shall be the same as for a single sign permit.
- G. Historic Sign Permit: Applicants requesting designation of a sign as a "historic sign" shall be required to document, for review by the planning board, the date when the sign was erected and the dates of subsequent alterations. Historic sign applications are subject to the public hearing procedures of this section.

17.40.070 Construction specifications and indemnification.

- A. All signs shall comply with the appropriate detailed provisions of the building code relating to design, structural members, and connections. Signs shall also comply with the provisions of the National Electrical Code and the additional construction standards hereinafter set forth in this section.
- B. At the discretion of the building official, town manager, or their designee sign applicants may have to adhere to the auxiliary construction specifications below:
1. The building inspector may impose requirements on the construction of signs to satisfy or comply with weight and wind load requirements, distance from overhead electrical conductors, and safety concerns with regard to materials used.
  2. No sign shall be placed or maintained in any manner which will interfere with any opening required for ventilation.
  3. A parapet wall or roof must be designed for and have sufficient strength to support any sign which is attached thereto.
- C. Every sign shall be maintained in a safe, presentable, and good structural material condition at all times. Such maintenance shall include repair, replacement of defective parts, painting, repainting, cleaning, and other acts required for the maintenance of said sign. The public services superintendent or their designee shall have the authority to order the painting, repair, alteration, or removal of signs which become dilapidated or are abandoned, or which constitute physical hazard to the public safety.

- D. The town and its agents shall in no way be liable for negligence or failure of the owner, or the person responsible, for any damage caused by defective conditions related to a sign within the town.

#### 17.40.080 Acceptable materials

All signs within town limits shall be made of a durable rigid material that will not degrade due to exposure to the weather. The following sign types are excluded from this requirement:

- A. Banner signs
- B. Construction/Artisan signs
- C. Feather signs
- D. Flags
- E. Garage sale signs
- F. Special even sign
- G. Window sign
- H. Works of art

#### 17.40.090 Nonconforming signage

The intent of this section is to eliminate existing signs that are not in conformity with the provisions of Chapter 17.40.

- A. Except as otherwise provided within this section, the owner of any lot or other premises on which a sign exists that does not conform with the requirements of this Chapter and for which there is no prior, valid sign permit must remove such sign.
- B. All signs which were legally permitted prior to \_\_\_\_\_ are considered legal, permitted signs under this Chapter. Except as provided for in subsection D of this section, such signs, if nonconforming with this, must not be:
  - 1. Replaced, except with a conforming sign;
  - 2. Structurally altered to extend its useful life unless the structural alteration is needed to protect safety or the public or property; or
  - 3. Expanded, moved, or relocated except as allowed below.
- C. No legal, nonconforming sign may be altered or enlarged in any way which increases its nonconformity, but any existing signage, or portions thereof, may be altered by decreasing its nonconformity.
- D. Any lot with a nonconforming sign may not add, relocate, or replace signage, except as provided below, until all signs on the lot are brought into conformance with this Chapter. The exceptions listed below do not apply to off-premises signs.
  - 1. A sign legally permitted prior to \_\_\_\_\_ which must be relocated due to a physical alteration to the sign or expansion of a public right-of-way.

17.40.100: Appeals of town council decision regarding sign permits with deviations

Any person or persons, jointly or severally aggrieved by any decision of the Town Council, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision of the office of the Board.

17.40.110: Appeals of zoning administrator decision regarding sign permits without deviations

Any person or persons, jointly or severally aggrieved by any decision of the building official, may present to the Board of Adjustments a petition, duly verified, setting forth that such decision is unfounded, in whole or in part, specifying the grounds of the complaint. Such petition shall be presented to the Board of Adjustments within thirty (30) days after the filing of the decision of the zoning administrator.

17.40.120: Penalty

A violation of this chapter in part or in whole is considered a municipal infraction subject to the processes and penalties in Section 1.12.010 and Section 1.12.020 of this code.

17.40.130 Chapter review

This chapter may be subject to an automatic review every two (2) years.

## Chapter 17.50: BOARD OF ADJUSTMENT

### Sections:

- 17.50.010 Created
- 17.50.020 Officers
- 17.50.030 Powers and duties
- 17.50.040 Appeal procedure
- 17.50.050 Hearing and notice
- 17.50.060 Approval
- 17.50.070 Conditions for approval
- 17.50.080 Appeals of the board of adjustment
- 17.50.090 Effective date of board decision

#### 17.50.010 Created

The board of adjustment is established to act on variance applications as detailed in this chapter. The Town Council of West Yellowstone shall serve as the Board of Adjustments until such time that a separate board is established. Once a separate board is established the board shall consist of five members appointed by the mayor for three-year terms (with staggering terms), and subject to confirmation by the town council.

#### 17.50.020 Officers

- A. At the first meeting each year, the board shall appoint one of its members to serve as chairman and one member to serve as vice-chairman.
- B. The town building official shall be at the disposal of the board to receive and process applications of appeal and to give advice to the board.
- C. The board's office shall be that of the town municipal building and all files of the board shall be held therein.

#### 17.50.030 Powers and duties

The board shall set its operating rules in accordance with MCA Section 76-2-321 et seq. 1979 and shall have the following powers:

- A. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this act or of any ordinance adopted pursuant thereto.
- B. To authorize upon variances from the terms of the title as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the title will result in unnecessary hardship, and so that the spirit of the title shall be observed and substantial justice done.

- C. More specifically, the board may, after public notice and hearing, conditionally approve, deny, or approve any request to modify only the following requirements of this title.
  - 1. Setback requirements;
  - 2. Yard requirements;
  - 3. Area requirements;
  - 4. Height requirements;
  - 5. Parking requirements;
  - 6. Loading requirements.
- D. The concurring vote of four members of the board shall be necessary to reverse any order, requirements, decisions, or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this title, or to affect any variation of this title.
- E. A majority vote of the board of appeals shall be necessary to grant any variance to this title due to a hardship of which the property owner has no control.
- F. The Board of Adjustments shall review any variance request for the following criteria or situation:
  - 1. That the physical makeup of the subject parcel presents a hardship outside of the applicant's control
  - 2. That the hardship was not the result of a lack of due diligence during the purchase period
  - 3. That the hardship is not resulting from the actions of the applicant
  - 4. That the variance does not constitute a rezone of the parcel

#### 17.50.040 Appeal procedure

- A. Written applications for appeals or variance shall be filed at Town Hall. Notwithstanding any other provisions of this title, the fee dictated by the adopted fee schedule shall be paid to the town upon filing of each application for the purpose of defraying expenses incidental to proceedings. No application will be regarded as having been filed until such fee has been paid.
- B. The board shall cause to be made such investigation of facts bearing on the application as will provide necessary information to assure that the action on each such application is consistent with the intent and purpose of this title. During time of appeal, all construction shall cease and shall not commence until such time of approval on the board of adjustment.

#### 17.50.050 Hearing and notice

- A. There shall be a hearing for each application of appeal or variance. The hearing shall be held at an appointed time and place. Testimony shall be taken by the board from persons interested in the application.
- B. Notice of hearing shall be published once in a newspaper of general circulation within the town at least fifteen (15) days prior to the hearing date.

#### 17.50.060 Approval

In approving applications of appeal or variance, the board shall designate such lawful conditions as will secure substantial protection for the public health, safety, and general welfare, and shall find as follows:

- A. Such modifications will not be inconsistent with the intent and purpose of this title and/or any adopted growth policy;
- B. That strict compliance with the provisions of this title would create unnecessary hardship or unreasonable situation on a particular property due to unusual or extreme topography, unusual shape of the property, or the prevalence of similar conditions in the immediate vicinity of the property;
- C. That such modifications will have minimal adverse effect on abutting properties or the permitted uses thereof;
- D. That the lawful conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare, which provisions may include:
  - 1. A period within which the proposed structures shall be erected,
  - 2. Requiring landscaping and maintenance thereof,
  - 3. Requiring the surfacing and marking of off-street parking and loading areas,
  - 4. Any other conditions as will make possible the development of the town in an orderly and efficient manner and in conformity with the intent and purpose set forth in this chapter.

#### 17.50.070 Conditions for approval

Any approval under this chapter shall be subject to the terms of the conditions designated in connection therein.

#### 17.50.080 Appeals of the board of adjustment

Any person or persons, jointly or severally aggrieved by any decision of the board of adjustment, or any taxpayer, or any officer, department, board, or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the board.

#### 17.50.090 Effective date of board decision

The decision of the board of adjustment shall be final except as provided in Section 17.50.080 and if a building permit or occupancy permit is not obtained for the subject property within six (6) months from the date of the board's decision, the variance shall be automatically cancelled and become invalid.

The applicant may request an extension from the board of adjustment. The applicant shall submit a written statement explaining the reason they were unable to obtain a building permit or occupancy permit. The board of adjustments shall review this request at a hearing as outlined in 17.50.050. The board shall review the request and grant an extension not to exceed six (6) months if they find that the reason for the extension request is reasonable and out of the control of the applicant.