

ARTICLE III. USE STANDARDS FOR ALL DISTRICTS

A. PROHIBITED USES

The following uses are prohibited in all zone districts:

- 1) Cultivation, processing, warehousing, transporting or selling (wholesale or retail) marijuana.
- 3) Two or more attached dwelling units
- 3) Outdoor storage of more than four inoperable vehicles in the Agriculture Zone or more than two inoperable vehicles in the Rural Residential zone (see definitions for Inoperable Vehicle)
- 4) Wireless communication facilities greater than 50 feet in height. See use standards for wireless communication facilities in Agriculture zone districts.
- 5) Vehicle wrecking yard or junk yard
- 6) Solid waste facilities of any type
- 7) Correctional facilities – state, local or federal
- 8) Sober living homes
- 9) Sand and gravel mining or an asphalt plant within a 300-foot radius of a domestic water supply well registered with the DNRC.
- 10) Personal mini-storage warehousing, including RV, camper and boat storage.
- 11) Sexually Oriented Businesses (see definitions)

B. USES REQUIRING SPECIAL REVIEW

- 1) Religious assembly
- 2) Campgrounds in Agriculture (A) and Rural Limited Commercial (RLC) zones
- 3) Entertainment Assembly Uses (Indoor or Outdoor) e.g. wedding venues, event centers, rodeos in Agriculture (A) and Rural Limited Commercial (RLC) zones
- 4) Sand and gravel extraction without an asphalt or concrete batch plant in Agriculture (A) zones.

C. TEMPORARY USES

- 1) Seasonal fairs or carnivals in Agriculture (A) and Rural Limited Commercial (RLC) zones.
- 2) Farm stands or seasonal sales of produce or other agricultural products
- 3) Craft fairs or sales

D. USE STANDARDS

The following general standards apply to the uses identified in this article.

a. A lot may contain more than one use.

- b.** Each of the uses may function as either a principal use or accessory use on a lot, unless otherwise specified.
- c.** Uses are either: /A/ allowed by-right in a district, /AR/ allowed by-right with use specific standards, that may include separation requirements that are applicable across multiple districts as described in this section, or /P/ prohibited in specific zone districts, or /SR/ generally not permitted but an applicant may request special review to show the use may be developed in a manner appropriate to the district.
- d.** Each use may have both indoor and outdoor facilities, unless otherwise specified.

1. Residences and Households

(a) Use Category Description: This is a category of uses offering habitation on a continuous basis of at least 30 days. The continuous basis is established by tenancy with a minimum term of one month or property ownership.

(b) Use Types

- 1. Single Family Dwelling:** (All districts) This use type is characterized by residential occupancy of a dwelling unit by one or more persons. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered to be a form of transient lodging. Dwellings are limited to a single dwelling unit per structure. Dwellings may be site built, stick built, modular built (IRC) or manufactured homes that are not more than 25 years old when placed on a property.

2. Public, Civic and Institutions

(a) Use Category Description: This is a use category for public, quasi-public, and private uses that provide unique services that are of benefit to the public at-large.

(b) Use Types

1. Religious Assembly: (All districts) Religious assembly uses are permanent places where persons regularly assemble for religious worship and which are maintained and controlled by a body organized to sustain the religious assembly. Religious assembly uses are required to receive special review approval prior to establishing the use in any zone district. Regular meetings for study or worship in private homes is not a religious assembly.
2. Hospice Care: (Rural Limited Commercial only) This use characterized by activities focusing on medical services, particularly licensed public or private institutions that provide end-of-life palliative care to persons suffering from illness, disease, injury, or other physical or mental conditions. Accessory uses may include parking, or other amenities primarily for the use of visitors and employees in the facility.

3. Parks and Conservation Land: (All districts) This use type includes uses that focus on natural areas, large areas consisting mostly of vegetative landscaping. These lands tend to have few structures. Accessory uses may include caretaker's quarters, and parking for visitors.

3. Commercial Uses

(a) Use Category Description: This is a use category for any retail, consumer service, or office use.

(b) Use Types

- 1. Animal Sales and Services:** (Agriculture and Rural Limited Commercial only) This use category groups uses related to animal care.
- 2. Assembly, Entertainment:** (Agriculture and Rural Limited Commercial only) These commercial assembly uses include wedding venues, banquet facilities, conference and reception centers.
- 3. Child Care Center:** (Rural Limited Commercial only) This use type includes child care services for more than 13 children on a regular basis and as permitted by Montana law.
- 4. Commercial Services:** (Agriculture and Rural Limited Commercial only) This use category includes uses that provide for consumer services and for the repair and maintenance of a wide variety of products. Personal services are also included, characterized by establishments that provide individual services related to personal needs such as barber shops or personal shoppers. This group also includes custom processing of meat, and limited manufacturing of craft goods.
- 5. Lodging:** (Agriculture and Rural Limited Commercial only) Uses in this use type provide customers with temporary housing for an agreed upon term of less than 30 consecutive days; any use where temporary housing is offered to the public for compensation and is open to transient rather than permanent guests. This use type includes campgrounds (by special review approval), and the short term rental of tourist homes.
- 6. Retail Sales:** (Rural Limited Commercial only) This is a use type for businesses involved in the sale, lease, or rental of new or used products to the general public. Such uses may include, but are not limited to: convenience food store, drug store, grocery store, hardware store, general merchandise store, garden supplies, furniture, home furnishings and equipment. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging or repair of goods for in-site sales.
- 7. Wireless Communication Facilities:** (Agriculture only) This use type includes structures, locations, and equipment for the transmission of voice,

data, image, or video programming. These facilities are limited to 50 feet in height or less and allowed only in the Agricultural District.

(c) Bed and Breakfast (Agriculture (A) and Rural Limited Commercial (RLC) only)

1. The owner-operator shall reside on the premises.
2. The bed and breakfast shall be located within a structure that was originally permitted within the district.
3. There shall be no more than 18 guests at any one time.
4. The individual guest rooms shall have no cooking implements, including, but not limited to, stoves, grills, or ovens.

(d) Campgrounds (Special review in A and RLC)

1. The intent of these standards is to enable the orderly, safe, and nuisance-free development and use of campgrounds and RV parks.
2. Campgrounds are allowed only by special review approval and will require subdivision approval.
3. Site Layout
 - (a) The minimum distance between recreational vehicles in the same park shall be 15 feet.
 - (b) The campground/RV park shall be screened from adjoining lots or parcels, not in a campground/RV park use, by a solid fence or wall of not less than four feet in height nor more than six feet in height. The screening fence or wall shall be constructed within six months from date of approval of the campground/RV park plans.
 - (c) RV sites shall be designed to be interchangeable with campsites.
4. Operation
 - (a) Commercial service and retail service uses may be permitted as accessory uses. These uses shall not occupy more than five percent of the total gross area of the campground/RV park.
 - (b) A responsible caretaker, owner, or manager shall be placed in charge of any campground/RV park to keep all grounds, facilities and equipment in a clean, orderly, and sanitary condition, and shall be answerable to the owner for any violation of the provisions of this or any other applicable code or resolution.

(e) Child Care Centers – 16 or more children (RLC only)

1. Day care facilities, including day care centers, family day care homes, and group day care homes for children, shall comply with all applicable Montana statutory requirements.
2. Site development shall comply with the building setbacks, height, and area requirements in the zone districts.
3. There shall be at least two drop off parking spaces for a day care center in addition to any necessary parking for staff.

(f) Craftsman Limited Manufacturing (RLC only)

1. The intent of these use standards are to ensure the preparation of items for off-site display and sale, including, for example, ceramics, dressmaking/sewing, jewelry, food products, printmaking, and other types of individual, small scale crafting or artisan manufacturing, is done in a manner to protect adjacent property and residents.
2. All production shall occur within a structure.
3. Off street parking and loading shall be provided to accommodate the number of employees, and the size and type of delivery vehicles anticipated for the use.
4. No production activity shall occur after 8 pm or before 6 am daily.
5. The use or storage of more than 10 gallons of combustible or flammable liquids shall be in a Fire Department approved storage cabinet. The Billings Urban Fire Service provides service to this area and business owners should consult with the Billings Fire Marshal for approved storage.
6. Odiferous activity such as but not limited to smelting, burning, roasting, curing or high temperature conversion of materials should be contained and properly vented.

(g) Custom Butchering or Meat Processing (A and RLC only)

1. All operations must be conducted within an enclosed structure.
2. No live animals will be kept on the premises for slaughter for customers or for eventual slaughtering and butchering to sell to customers. The owner may keep, slaughter and butcher animals for their own use.
3. All butchering and processing waste will be placed within a closed water tight solid waste container such as a barrel, drum or other container with a water-tight lid. Dry waste and other normal garbage may be stored in other types of solid waste containers.
4. All carcasses delivered to the property will be done during normal

business hours between 8 am and 5 pm daily.

(h) Repair Shops and Services (RLC only)

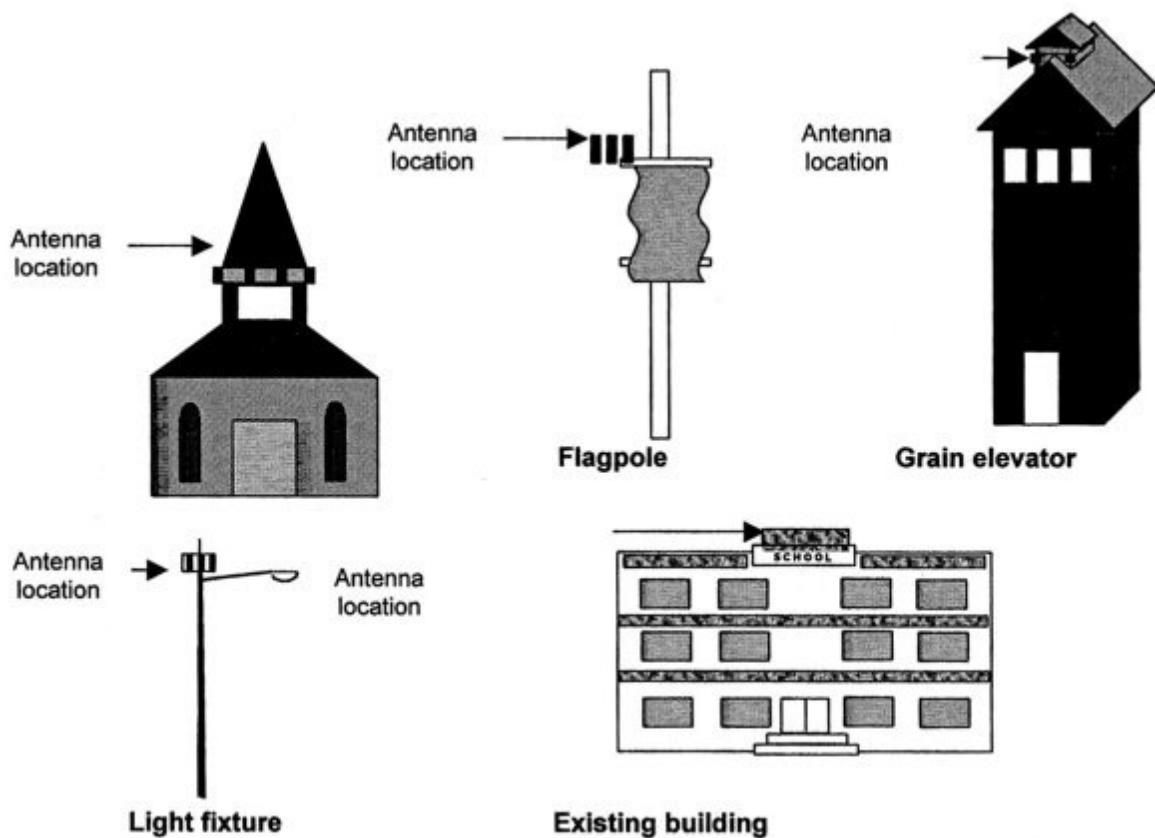
1. All repair services shall be conducted within an enclosed structure.
2. Items delivered or stored for repair shall be either stored in an enclosed structure or within an enclosed outdoor area in the side yard or rear yard of the property. The enclosure for the outdoor area shall consist of a solid sight-obscuring fence not less than six feet in height with solid sight-obscuring gate.
3.

(i) Short Term Rental – Tourist Homes (A only)

1. Sleeping quarters for short-term tenants shall be located in a habitable structure and shall not be located in:
 - (a) Non-residential areas within buildings or accessory structures (e.g., shed, garage) that do not contain finished living space;
 - (b) Commercial (office/retail) or industrial (warehouse) spaces; or
 - (c) Outdoors in a temporary structure (e.g., tent) or in a recreational vehicle or travel trailer.
2. A tourist home may not be within a dwelling permanently (e.g., deed restricted) affordable dwelling unit.
3. Short-term rentals shall be used for lodging purposes only and may not be used for commercial purposes or large social events such as weddings or family reunions. These events may be held where permitted by special review. Note: Wedding or social event guests may be lodged in a short-term rental, but the event itself must be held in a permitted location or structure.

(j) Wireless Communication Facilities (A only)

1. Wireless communication facilities must be a stealth or camouflaged tower.
2. Wireless communication equipment may also be installed on the exterior of existing buildings or structures including barns, flag poles, yard lights or similar. Installations on these existing structures may not add more than 20 feet of height to the structure.
3. Ground mounted support equipment shall be within an enclosed area. The enclosure shall include a fence and gate that is opaque and at least six feet in height.
4. The maximum height of any wireless communication facility not located on an existing structure is 50 feet.



Camouflaged WCF

4. Agriculture Uses

(a) Use Category Description: This is a use category for any agricultural businesses and for the domestic raising of livestock, fowl and poultry

(b) Use Types

1. Crop production – commercial. This use is focused on the raising of crops for commercial purposes including but not limited to orchards, vineyards, berry farms, commercial greenhouses for raising crops or for production of nursery stock for wholesale or retail sales.
2. Livestock, fowl and poultry. This use is focused on the raising of livestock and poultry for commercial purposes or for raising livestock and poultry for domestic use by the property owner. This use type includes feedlots.
3. Equestrian Facility. This use is centered on the boarding and training of horses, other equine species and riders. This use need not be a commercial enterprise and also includes not-for-profit business models focused on therapy for equine species or riders.

(c) Livestock and Poultry (Rural Residential (RR) zones)

1. All livestock and poultry including fowl will be within an escape-resistant enclosure.
2. Livestock, fowl and poultry on property of less than 3 acres shall require supplemental feeding.
3. All accessory structures used for housing, keeping or sheltering livestock, fowl or poultry shall be setback at least 25 feet from any property line, and no such structure shall be in the front yard.

(d) Feedlot (A zone only)

1. All feedlots shall be located outside of a designated flood plain.
2. All feedlots shall comply with state adopted statutes and regulations regarding the livestock.

5. Other Uses

(a) Sand and Gravel Mining without an asphalt or concrete batch plant – A district only

1. The mining of sand and gravel shall not include the operation of an asphalt plant or concrete batch plant
2. All mining activity may occur between the hours of 7 am and 8 pm, Monday thru Saturday, including mining activity within 500 feet of any residential structure, public school or day care. All crushing shall

suspend at 5pm daily

3. All open-cut mine permits, including but not limited to ancillary permits for work within the flood plain, must be obtained prior to any mining activity on the site.
4. All gravel mines shall have a weed control plan submitted to and approved by Yellowstone County Weed District.
5. Dust suppression shall be required on all internal haul roads.
6. Perimeter berms shall be seeded to prevent and maintain erosion control
7. The mine operator shall provide to the county and school district a traffic plan, identifying haul routes, for review and comment by Yellowstone County Public Works and Canyon Creek School.
8. Noise levels measured at the parcel boundaries shall not exceed 90 decibels.
9. The mine operator will provide and maintain the County with a single-point of contact person including the name, phone and email of such person, prior to beginning mining activity.
10. Stockpiling of used asphalt and concrete is prohibited

6. Temporary Uses

(a) Seasonal fairs or carnivals in Agriculture (A) and Rural Limited Commercial (RLC) zones are restricted as follows:

1. Limited to 45 consecutive days per event; and
2. Not more than three events during a calendar year.

(b) Farm stands or seasonal sales of produce or other agricultural products are allowed as follows in all zone districts:

1. Up to five consecutive months (150 days); and
2. Only one such stand per parcel is allowed.

(c) Craft fairs or sales are allowed as follows in all zone districts:

1. Limited to 45 consecutive days; and
2. Only one event per calendar year in the Rural Residential zone district; and
3. Craft fairs or sales in the Agriculture or Rural Limited Commercial are allowed up to three events per calendar year.

(d) All temporary uses are allowed to have temporary signs of not more than 16 square feet in area and may be attached to the ground or a building. No such sign shall be placed as to obscure or block clear vision of traffic entering or existing the property. No such sign shall be displayed more than 7 days prior to the opening of the event or more than 7 days after the closure of the event.

- (e) Temporary events may not open prior to 7 am or close after 8 pm daily.
- (f) Owners and managers will ensure there is adequate off-street parking for event attendees or customers.

7. Accessory Uses

(a) Outdoor Storage of inoperable vehicles (all zone districts)

1. Outdoor storage of any inoperable vehicle, except within the Agriculture zone, shall be shielded from any public right of way as required by state and county regulations.
2. Outdoor storage of more than four inoperable vehicles, excluding farm or ranch equipment, in the Agriculture (A) zone shall be shielded from any public right of way.
3. Outdoor storage of inoperable vehicles for a repair shop in a Rural Limitied Commercial (RLC) zone shall be within an enclosed area provided with an opaque, sight-obscuring fence not less than six feet in height.
4. No outdoor storage enclosure shall be located within the front yard of a property. (A front yard is the area between the primary structure and the street – please see definition)

(b) Home Occupations (all zone districts)

1. Home occupations include the following:
 - (a) Administrative or professional offices
 - (b) Internet or direct sales distribution
 - (c) Home instruction such as tutoring or lessons including art, music, swimming or similar activities
 - (d) Craft making including artisan crafts, sewing, and making food products (small batch producers only)

2. The following standards apply to all Home Occupations:

- (a) The home occupation should not generate traffic before 7:00 a.m. or after 8:00 p.m.
- (b) The occupation should not generate, on average, more than four vehicle trips to the residence during any hour.
- (c) Uses not listed may be allowed with written approval from the Zoning Coordinator if they meet the intent of this section and will conform to all of the restrictions of this section.
- (d) The occupation shall be conducted entirely within the

dwelling or an accessory building.

(e) The occupation shall not produce light, noise, vibration, glare, fumes, odors, electrical interference, etc., which is inconsistent with the character of the residential area.

(f) There shall be no display, evidence or activity apparent from the exterior of the lot which would indicate that the premises are being used for any purpose other than that of a dwelling.

(g) One wall sign indicating the Home Occupation may be placed on the front of the residential structure. The sign area is limited to 4 square feet and may not have internal illumination. “Open” signs are not allowed.

(h) Other than the single allowed wall sign, there shall be no indication from the exterior of the property that is being used for anything except residential purposes.

(c) Non-commercial Kennels (all zone districts)

1. All kennel structures must be setback from all property lines by at least 15 feet.
2. Not-for-profit kennels are considered commercial kennels and are not allowed within the zone districts.