

## 7.6 MIXED USE - 20 (MU-20) DISTRICT

### 7.6.1 INTENT

The MU-20 District is intended to provide for exurban residential development and mixed uses along major transportation and amenity corridors. The District serves as a buffer zone between denser MU development and less dense, more intensive use in the A District.

### 7.6.2 MINIMUM LOT AREA

The minimum lot or tract area in a MU-20 District shall be twenty (20) acres except for lots created by any of the following processes as allowed under the Montana Code Annotated:

- (1) Order of any court of record in this state or by operation of law or that, in the absence of agreement between the parties to the sale, could be created by an order of any court in this state pursuant to the law of eminent domain;
- (2) To provide security for mortgages, liens, or trust indentures for the purpose of construction, improvements to the land being divided, or for refinancing purposes;
- (3) Creates cemetery lots;
- (4) Is created for rights-of-way or utility sites; or
- (5) For gift or sale to a member of the immediate family.

### 7.6.3 MINIMUM LOT WIDTH

The minimum lot or tract width in the MU-20 District shall be two-hundred (200) feet.

### 7.6.4 HEIGHT LIMITS

No restrictions, except as regulated in the Military Overlay District.

### 7.6.5 REQUIRED YARDS

The minimum side yard, front yard, rear yard and streamside setback for any lot or tract in the MU-20 District shall be the same as that required for the Residential Districts as provided in Section 7.1.3.

### 7.6.6 LOT COVERAGE

Lot Size	Lot Coverage
Greater than or equal to 5 acres	10%
Greater than or equal to 1 acre but less than 5	20%
Less than 1 acre	30%

### **7.6.7 SIGNS**

Signs shall be subject to the regulations contained in Section 8.1.1, pertaining to the permitted use, and on the same lot. No off-premise signage allowed.

### **7.6.8 OFF-STREET PARKING**

Off-street parking shall be provided in accordance with Section 8.4.

### **7.6.9 PERMITTED PRINCIPAL USES**

- (1) Agricultural Uses of Land; Usual Agricultural Buildings and Structures.
- (2) Animal Therapeutic Facility.
- (3) Bed and Breakfast.
- (4) Commercial Building for Raising, Breeding and Boarding Small Domestic, Non-Livestock, Animals provided that such building, including dog runs, shall be at least one hundred (100) feet from all property lines and shall comply with the standards listed in Section 8.7.
- (5) Commercial Dairy if on a parcel twenty (20) acres or greater.
- (6) Community Center.
- (7) Community Garden.
- (8) Federal Firearm Retailers, Dealers, Repairers.
- (9) Golf Driving Range if located on a tract of five (5) acres or greater.
- (10) On-Site Construction Office.
- (11) Park.
- (12) Public Building.
- (13) Public or Private Forest or Wildlife Preserve and Similar Conservation Areas.
- (14) Public Safety Facility.
- (15) Riding and Roping Arena, excluding commercial rodeo grounds, commercial stables, animal therapeutic facilities, providing such use shall be at least two hundred (200) feet from any lot in any other District. Participants must number less than twenty-five (25) total for all events or a special use permit is required. Parcel must be 20 acres or greater.
- (16) Single-Family Dwelling.
- (17) Tourist Home.
- (18) Tower and Studio Facilities related to radio, television broadcasting stations, telecommunications, amateur radio station and/or antenna

meteorological towers, residential wind turbines not to exceed 50 kW, Amateur Radio operations, subject to the requirements in Section 8.8 of these regulations.

- (19) Two-Family Dwelling (Duplex) or Second Single-Family Dwelling on a parcel twenty (20) acres or greater.

#### **7.6.10 PERMITTED ACCESSORY USES LOCATED ON THE SAME LOT WITH THE PERMITTED PRINCIPAL USE**

- (1) Accessory Buildings and Uses Customarily Incidental to any of the above MU-20 District Uses.
- (2) Concession Stand, where a legally permitted principal land use of any of the following exists: Motorized Sports Entertainment, Outdoor Sports and Recreation / Outdoor Entertainment, Indoor Sports and Recreation / Indoor Entertainment, Event Center.
- (3) On tracts of land 160 acres or larger, a Dwelling or Dwellings of Owner or Lessee of the Land. These may be occupied by employees of the owner or lessee of the land. They may be occupied by any person or persons the owner or lessee of the land desires so long as the Dwelling or Dwellings are not rented, leased, or used for any commercial or industrial uses. (Acceptable uses include a ranch manager house on the ranch owner's property, a Hutterite colony, a farmer who allows their relatives to live in a house that they own on their property, etc.).
- (4) Private Power Plant (up to 50kW).
- (5) Roadside Stands offering for sale only local agricultural products or other products produced on the premises.

#### **7.6.11 USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT**

- (1) Agricultural Commodity Storage Facility.
- (2) Agricultural Sales.
- (3) Alcohol Distillery.
- (4) Artisan Shop.
- (5) Auction Sales.
- (6) Bus Transit Terminal, Freight Terminal, and Railroad Yards, provided parcel size is twenty (20) acres or greater.
- (7) Campground, Recreational Vehicle Park.
- (8) Cemetery, including Mausoleum and Crematorium provided that any

Mausoleum or Crematorium shall be a distance of at least two hundred (200) feet from any adjacent property or street and highway lines and provided, further, that any new Cemetery shall contain an area of twenty (20) acres or more.

- (9) Contractor Yard, Small (see Section 8.15.1).
- (10) Convenience Sales.
- (11) Day Care Center, Group Day Care Home, Family Day Care Home, Community Residential Facility.
- (12) Educational Facility.
- (13) Event Center.
- (14) Federal Ammunition Manufacturer.
- (15) General Sales.
- (16) Golf Course or Country Club, including directly associated incidental and accessory facilities including a pro shop, lounge and restaurant catering only to users of the golf course; but not including commercially operated pitch and putt course or miniature golf course. Also includes swimming pool, soccer, baseball, softball fields and the like.
- (17) Guest Ranch, provided parcel size is twenty (20) acres or greater.
- (18) Hospital, Health Care Centers and Facilities, provide parcel size is twenty (20) acres or greater.
- (19) Indoor Entertainment.
- (20) Indoor Sports and Recreation.
- (21) Manufactured Housing Sales.
- (22) Membership Club.
- (23) Micro-Brewery.
- (24) Mobile Home Park/Mobile Home Court.
- (25) Motorized Sports Entertainment provided that no residences are located within one (1) mile of the proposed use, at the time of application.
- (26) Nursing Home, Retirement Home.
- (27) Outdoor Entertainment.
- (28) Outdoor Sports and Recreation.
- (29) Outfitter/Guide Facility.
- (30) Parking Structure/Garage.

- (31) Permanent Workforce Housing.
- (32) Power Plant, Commercial Wind Farms/ (not to exceed one (1) megawatt subject to the requirements of Section 8.10 of these regulations.
- (33) Private Power Plant (greater than 50kW).
- (34) Public or Privately-Owned Airport, Landing Area, or Helipad. Site must be a minimum of 20 acres and 1000 feet from schools.
- (35) Quarry (including cutting, breaking, shaping, and finishing of quarried rock), Sand and Gravel Pit, Top Soil Stripping, providing that any building housing power or power producing machines shall be a distance of at least two hundred (200) feet from all adjacent property or street and highway lines. Operational hours shall be limited from 7:00 a.m. until 7:00 p.m.
- (36) Restaurant.
- (37) Retail Sales.
- (38) Shopping Center.
- (39) Storage Facility, Self-Service where indoor storage space is provided for rent or lease and subject to the following conditions:
  - a. Principal use of a rented or leased space shall be restricted to storage and shall not include processing, refining, transfer or distribution of any commercial material or product;
  - b. Storage of flammable or explosive liquids, solids, or gases shall not be permitted;
  - c. Landscaping requirements shall be in accordance with Section 8.18; and
  - d. All material must be stored inside units. Storage of licensed, operable vehicles including, but not limited to, recreational vehicles, cars, trucks, vans, trailers, boats, motorcycles, and all terrain vehicles, may be outside provided that proper screening, approved by the Zoning Administrator, as to shield these units will occur.
- (40) Storage of Building Materials and Equipment and Temporary Building(s) utilized in conjunction with the construction of a development project. Such Storage or Building(s) shall not exceed the duration of such construction or a time as may be stipulated by the Zoning Board of Adjustment.
- (41) Second Dwelling Unit or Duplex on a parcel less than twenty (20) acres.
- (42) Small and Large Equipment Rental/Sales/Repair and General Repair.

- (43) Solid Waste Disposal Site, Solid Waste Transfer Station, Recycling Center, and Composting Facilities, provided parcel size is twenty (20) acres or greater.
- (44) Specialty Sales.
- (45) Tavern.
- (46) Temporary Workforce Housing.
- (47) Tourist Cabins.
- (48) Utilities, Minor and Major.
- (49) Value Added Agricultural Commodity Processing Facility.
- (50) Veterinary Clinic – Large Animal.
- (51) Veterinary Clinic – Small Animal.
- (52) Warehouse.
- (53) Wild Game Processing Facility.
- (54) Worship Facility.



*"Pause and Reflect" by Lori Andrews, 2020. Second place winner of the 2020 Photograph Contest.*

## **SECTION 10. STANDARDS FOR SPECIAL USE PERMITS**

### **10.1 GENERAL PROVISIONS**

A special use is a use for which conformance to additional standards will be required and shall be deemed to be a permitted use in its respective district, subject to the standards and requirements set forth herein, in addition to other applicable requirements of these regulations. All such uses are hereby said to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

A Special Use Permit may be issued only upon meeting all requirements in these regulations for a specific use which is explicitly mentioned as one of the "Uses Permitted Upon Issuance of a Special Use Permit" within the respective zoning districts contained in Section 7 or Section 8.1.5 hereof. After the public hearing is closed, the Zoning Board of Adjustment can approve, deny, or approve with conditions the Special Use Permit. A separate Special Use Permit shall be required per each tract of land. The Special Use Permit fee shall be that listed in the Cascade County Planning Department's Fee Schedule.

### **10.2 REQUIRED PLAN**

An Applicant must notify the Planning Department and request a pre-application meeting. The pre-application meeting will be scheduled within thirty (30) days of the request. At this meeting, staff will indicate the necessary information, process, and timeline for the special use permit process, including a signed Use Statement Form.

The application for a Special Use Permit must include the following and any additional materials requested by Planning Staff during a pre-application meeting or relevant to the Special Use Permit:

- (1) A Special Use Permit Application signed by the land owner and by the Applicant if different from the land owner.
- (2) A vicinity map of the parcels and surrounding area clearly identifying the location of the property.
- (3) A legal description of the property.
- (4) A lot layout plan may be required indicating some or all of the following:
  - a. Identify any covenants, liens, easements, or any other encumbrances upon the parcel. If a description will not suffice, provide copies or exhibits when necessary.
  - b. The land area of the parcel (found on deed, subdivision plat or certificate of survey at the County Clerk and Recorder's Office or Planning Department).
  - c. Describe the existing land use of the parcel and neighboring areas.
  - d. Describe the anticipated impact upon neighboring property.
  - e. On a Site Plan, indicate the dimensions of the property under

consideration, the size and placement of existing structures, parking areas and landscaping areas.

- f. On a Site Plan, indicate the location of existing curb cuts or access points, traffic access and circulation, drives, signs, exterior lighting, required yards and open spaces, landscaping, and screening.
- g. On a Site Plan, indicate the location of any existing utilities such as water, sewer, gas, electricity, storm sewer, rivers, creeks, streams, irrigation ditches, easements, historical land marks, or any other items that may affect the application and/or other pertinent information as required in Section 10.5 that may be necessary to determine if the special use meets the requirements of these regulations.

### **10.3 PUBLIC NOTIFICATION**

A public hearing shall be required for all special use permit applications heard by the ZBOA. Notice shall be provided for as set by MCA § 7-1-2121. The notice shall be published in a newspaper of general circulation in Cascade County, twice with at least six (6) days separating each publication.

The owner of the property for which a special use is sought, or their agent and all adjacent land owners shall be notified of the hearing by certified mail. At the public hearing, the ZBOA will hear testimony from proponents and opponents of the special use permit application. After the public hearing is closed, the ZBOA may approve, deny, approve with conditions, or table for further consideration until the next ZBOA meeting, the special use permit.

### **10.4 EXPIRATION**

A Special Use Permit Application, once deemed sufficient and prior to the hearing by the ZBOA, shall be scheduled for the next Board meeting unless a hold request is submitted. Only the Applicant may submit a hold request to the Planning Department and a hold request must include a set timeline for lifting the hold. No request to place an application on hold shall exceed six (6) months. An application shall expire after being on hold for six (6) months, or a material change to the application has been submitted. Upon expiration, a new Special Use Permit must be applied for.

The ZBOA approval of the Special Use Permit shall be valid for only one particular use and shall expire one year after the date of the approval if construction or the use has not started. The Zoning Administrator may grant a one-time only six (6) month extension on the ZBOA approval.

The Special Use Permit shall expire if the use ceases for six (6) months for any reason. Any further extension requests must be granted by the ZBOA prior to the date of expiration.



**10.5 EXISTING VIOLATIONS**

No permit shall be issued for a special use where there is an existing violation of these regulations or any other existing violations of Cascade County, State, or Federal Regulations or laws, or for delinquent county taxes.

**10.6 STANDARDS APPLICABLE TO ALL SPECIAL USES**

Before the ZBOA can approve any Special Use Permit, it must first reach each of the following conclusions:

- (1) Conditions may be required that the ZBOA determines if implemented, will mitigate potential conflicts in order to reach these conclusions.
- (2) The proposed development will not materially endanger the public health or safety. Considerations are the following:
  - a. Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersections and approaches.
  - b. Provision of services and utilities, including sewer, water, electrical, telecommunications, garbage collections, and fire protection.
  - c. Soil erosion, sedimentation, and storm water runoff.
  - d. Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.
- (3) The proposed development will not substantially injure the value of adjoining property or is a public necessity.-Considerations are the following:
  - a. The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.
  - b. Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or County as a whole as to justify it regardless of its impact on the value of adjoining property.
- (4) The proposed development will be in harmony with the area in which it is located. Considerations are the following:
  - a. The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.
- (5) The proposed development will be consistent with the Cascade County Growth Policy. Considerations are the following:
  - a. Consistency with the Growth Policy objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its locational standards.
  - b. Consistency with the municipal and joint land use plans incorporated by the Growth Policy.

**10.7 OPERATIONS**

Operations in connection with Special Use Permits shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use.

**10.8 STAFF REVIEW**

After an application is reviewed by the Planning Staff and deemed to be complete, staff will proceed with notification of adjoining property owners, posting of the notification of public hearings, and determine the date, time, and place for the public hearing to occur before the ZBOA.

**10.9 ZONING BOARD OF ADJUSTMENT REVIEW**

In reviewing Special Use Permit Applications, the ZBOA will hold a public hearing to allow the staff, petitioner, and other interested parties to present competent, substantial, and material factual evidence relating to the required conclusions. The Board will then discuss the petition and make findings of fact supported by the presented evidence. Based on those findings, the Board will decide whether or not it can reach each of the required conclusions. The Board may approve a petition only if it reaches all of the required conclusions. The Board may approve a petition subject to conditions reasonably necessary to carry out the purposes of this ordinance.

**Note:** The petitioner bears the burden of presenting sufficient factual evidence to support findings of fact that allow the Board to reasonably reach each of the required conclusions.

After hearing presented evidence and the Board’s discussion, the petitioner may ask the Board’s permission to revise the petition to address raised concerns. If the Board grants the request, the Board may either adjust conditions to the Special Use Permit or table the review process until the next ZBOA meeting to allow all interested parties the ability to submit additional comments to the revised petition.

If the petition is approved, the Planning Staff will prepare and issue the petitioner a Conditional Letter of Approval indicating the conditions upon which the Special Use Permit will be issued. Once the petitioner satisfies the conditions set forth by the ZBOA, the Planning Staff will issue the Special Use Permit.

**10.10 APPEALING ZONING BOARD OF ADJUSTMENT DECISION**

Appeals of the ZBOA decision shall follow the process as outlined in Section 12 of these regulations.

**10.11 REVOCABILITY**

A violation of a Special Use Permit will be treated as any other violation under Section 13 of these regulations.