GEORGETOWN LAKE ZONING DISTRICT
GRANITE COUNTY, MONTANA

Zoning Code

SECTION I
Title, Applicability, Purpose, and Authority

A. Title. This ordinance shall be known as the Georgetown Lake Zoning District Land Development Regulations, or, "Georgetown Lake Zoning Code".

B. Applicability.

1. The Georgetown Lake Zoning Code is only applicable to the Georgetown Lake Zoning District as adopted by the Granite County Board of Commissioners in Resolution No. 2011-02. No part of this code shall be construed as to be in any force and effect elsewhere in Granite County unless expressly authorized by the Granite County Board of Commissioners pursuant to the requirements of the Montana Code Annotated (MCA).
2. Properties that were privately owned or held on the effective date of these regulations, and that are located in Sections 29 and 32, T 06 N, R 13 W, are not subject to these regulations.

C. **Purpose.** The primary purposes of these regulations are to promote the public health, safety, and general welfare through implementing the Granite County Growth Policy, and to protect the character, qualities, and natural environment of the Georgetown Lake area while at the same time allowing for responsible planned growth. Specific purposes of this Zoning Code are:

1. To carefully regulate the density and extent of development reliant on individual septic systems in order to preserve ground and surface water quality.
2. Protect public and private investment.
3. To preserve and enhance the special character, qualities, and scenic values of the Georgetown Lake area.
4. Preserve and enhance critical wildlife habitat.
5. Provide for efficient and cost effective community services and facilities.
6. Establish fair, effective, and efficient development review and decision making processes and procedures that provide procedural due process for applicants and the general public.

D. Authority. Sec. 76-2-201, MCA provides the authority for counties that have adopted a growth policy to formulate and adopt zoning regulations for all or part of their jurisdictional area.

E. Conflicting and Prior Regulations Repealed

All ordinances and resolutions previously enacted by Granite County which are in conflict with these regulations are hereby repealed.

F. Vesting

1. Vested rights to proceed with any development initiated prior to the adoption and effective date of these regulations shall be established only as follows:
   a. Any proposed structure or development must have obtained a valid permit or operating license that is specific to the subject property from the State of Montana or local health department, in full compliance with the requirements of those agencies, and, having commenced construction pursuant to said permit(s). For purposes of this section, commencing construction shall mean actual work on a structure or the foundation thereof. Clearing and grading is not considered commencing construction for purposes of this section.
   b. Subdivisions may proceed under prior regulations if they have been issued a finding of sufficiency for a preliminary plat in compliance with the Montana Subdivision and Platting Act and the Granite County Subdivision Regulations. Approval or conditional approval of a preliminary plat establishes a right to proceed with a final plat under state law and the Granite County Subdivision Regulations. Approval or conditional approval of a preliminary plat, or recording of a final plat, does not establish a vested right for any particular use or development standards that might have existed under prior regulations.
2. Vested rights to proceed with development under the provisions of these regulations shall be established only by:
   a. Recording a final plat in full compliance with the Montana Subdivision and Platting Act and the Granite County Subdivision Regulations; and
   b. Having a valid Zoning Compliance Permit (ZCP) pursuant to these regulations. Any vested rights to proceed with development expire with the ZCP.

G. Most Restrictive Standards Apply

1. When future county regulations, or state or federal law, impose additional standards on land use or development governed by these regulations, the most restrictive standard shall apply.
2. The regulations set forth herein do not nullify easements, covenants, deed restrictions, or other similar private agreements, but where any such private agreement imposes

standards that are less restrictive than those adopted herein, these regulations shall apply.

H. Interpretation

All provisions of these regulations shall be interpreted as the minimum requirements necessary to protect the public health, safety, and general welfare, and to implement the Granite County Growth Policy. These regulations are designed to be consistent with the Growth Policy, and shall be liberally construed to achieve its purpose, intent, policies, and recommendations. As applicable, these regulations shall be construed liberally in favor of the property owners or applicant. Actual interpretation of these regulations is the responsibility of the Administrator.

I. Lakeshore Protection and Lake Side Setbacks

The lakeshore protection standards set forth in Sec. VIII of these regulations apply to Georgetown Lake only. These standards do not apply to Echo Lake. Lake side setbacks for principal and accessory structures that reference a measurement from "mean annual high water" apply to properties on both lakes, except for those properties exempted in Sec. I.B.2.

J. Creation of Zoning Subdistricts

Within the boundaries of the Georgetown Lake Zoning District in Granite County, Montana, the following subdistricts are established:

Denton's Point Neighborhood Subdistrict (DPNS)

The DPNS is described as follows: All lots and tracts within the Lakeside at Georgetown and Denton Tracts subdivisions, including unsubdivided land lying immediately north of said subdivisions from the north boundary of said subdivisions to the mean annual high water elevation of Georgetown Lake. The east boundary of said unsubdivided land shall be the Granite County line, and the west boundary shall be a line extended from the west boundary of the Lakeside at Georgetown Subdivsion northward on the same bearing as the west boundary of said Lakeside at Georgetown Subdivision to the mean annual high water elevation of Georgetown Lake.

Edwards Neighborhood Subdistrict (ENS)

The ENS is described as follows: All lots and tracts within the Edwards Tracts, Georgetown Village, and Georgetown Lake Village No.2 subdivisions, and lying south of the Georgetown Lake Road, plus those lots and tracts lying north of the Georgetown Lake Road east of the easterly boundary of Tract A, Edwards Tracts.

Edwards Lakefront Subdistrict (ELS)
The ELS is described as follows: All lots and tracts in the Edwards Tracts subdivision lying north of Georgetown Lake Road and west of the easterly boundary of Tract A, Edwards Tracts, plus those lots and tracts formed from Government Lot 3 in Sec. 24, R 5 N, T 14 W.

Dude Ranch-Rising Sun Neighborhood Subdistrict (DR-RSNS)
The DR-RSNS is described as follows: All lots and tracts within the Rising Sun Estates and Lakeview subdivisions, plus that parcel lying immediately east of the Rising Sun Estates Subdivision and immediately north of the Lakeview Subdivision described as ENT. #06545 (MT. HAGGIN) TRACT IN LOT 1 IN N2NE4NE4 U-TO-PI-A COVE, in Sec. 26, T 5 N, R 14 W, and consisting 10.29 acres more or less.

Rural Residential District (RR)
The RR is described as follows: All lands within the Georgetown Lake Zoning District, Granite County, Montana, except for those lots and tracts that lie within the subdistricts described above.

K. Burden of Proof

In all proceedings, hearings, and in all application and submittal materials, the burden of proof shall rest with the applicant or appellant, as applicable.

L. Severability

Should any provision of these regulations be held invalid by any court, the remaining provisions shall continue in full force and effect.

M. Liability

No individual, including members of the Board of County Commissioners, Planning Board, Board of Adjustment, Administrator, or any other county employee, who acts in good faith and without malice in the performance of duties assigned by these regulations, shall be held liable for errors or omissions in their administration.

SECTION II

Administrative, Permitting, Review Procedures, and Enforcement

A. Permit Required

A permit issued by Granite County shall be required for any construction, reconstruction, addition, change of use of a building or property, grading, filling, excavation, or for any development activity of any kind except as specifically exempted by Sec. II.B. Subdivisions are not subject to permits pursuant to this section, but shall be designed, reviewed, and approved pursuant to the Granite County Subdivision Regulations. These regulations establish two types of permits:

1. **Zoning Compliance Permits (ZCP).** This type of permit shall be reviewed and processed administratively as set forth in Sec. II. G. This permit is required for all "permitted" uses and structures and certain accessory structures in all zoning districts. Accessory uses of property are not subject to ZCPs unless expressly stated. Specifically, ZCPs are required for the following:
   a. Construction of and additions to single-family dwellings, except for additions and construction associated with agricultural operations as set forth in B.2. below.
   b. Accessory structures of 440 square feet of floor area or greater, subject to setbacks for primary structures. Accessory structures of any size that are associated with agricultural operations are not subject to ZCPs as set forth in B.2. below.
   c. Home occupations.
   d. Asphalt or concrete paving of parking areas or driveways.
   e. Changes of use of any building, structure, or property from one permitted use to another permitted use. For purposes of this section, a change of use shall mean a change from one land use category to another, ie, residential to commercial, commercial to industrial, vacant to some developed use, etc. It may also mean single-family residential to two-family or multiple-family residential where permitted by these regulations.
   f. Any grading, filling, or any excavation in preparation for development where the total quantity of material exceeds ten (10) cubic yards, and provided that all activity takes place outside of the protection zones of wetlands, stream banks, and lakeshores.

2. **Special Use Permits (SUP)**. This type of permit requires a public hearing before the Granite County Planning Board, and is subject to final approval by the Board of County Commissioners. The review procedure is set forth in Sec. II.F. Special Use Permits (SUP). SUPs are required for special uses specifically listed in each separate

zoning district. Uses not specifically listed as special uses cannot be allowed through a Special Use Permit.

B. Exemptions

The following activities and developments are exempt from permits under these regulations, provided that they do not take place within the protection zones of wetlands, stream banks, or lakeshores:

1. Any remodeling, maintenance, or repair (replacement of windows, siding, roofing, etc.) to an existing legal or legally non-conforming structure that does not involve an addition to the structure.
2. Customary agricultural practices such as the pasturing, crops, and the raising and caring for livestock, and agricultural buildings and structures, provided they meet the setbacks and other standards of the applicable zoning district. This exemption does not include concentrated animal feeding operations (CAFO), slaughter houses, packing plants, or canneries.
3. Accessory structures less than 440 square feet of floor area that meet all applicable standards for the zoning district in which they are located.
4. Any excavation, grading, or filling where the total quantity of material does not exceed ten (10) cubic yards, and where the activity is not located within a lakeshore protection zone or an environmentally sensitive area.
5. Excavations in conjunction with bona fide agricultural operations where such activity is not located within a lakeshore protection zone or environmentally sensitive area.
6. Excavations and drilling associated with an approved well or septic system permit.
7. Logging operations to remove diseased or dead trees.
8. The practice of silviculture.
9. Residential fencing provided that fences do not exceed 42" in height in a front yard and 72" elsewhere and fencing within the Lakeshore Protection Zone (LPZ) that meets the standards set forth in the Montana Department of Fish, Wildlife, and Parks' *A Landowner's Guide to Wildlife Friendly Fences: How to Build Fence with Wildlife in Mind.*
10. Agricultural fencing provided that the Montana Department of Fish, Wildlife, and Parks' *A Landowner's Guide to Wildlife Friendly Fences: How to Build Fence with Wildlife in Mind* is followed.

C. Application Fees

Application fees for each type of permit established by these regulations may be adopted by resolution of the Board of County Commissioners. No application shall be deemed complete until the applicable fee is paid.

D. Site Inspections

The filing of an application for any type of permit constitutes consent of the property owner and applicant for authorized County personnel to conduct inspections of the subject property during the review process. Site inspections shall be conducted during normal County business hours or at a time agreed upon by County staff and the applicant. Refusal of the owner or applicant to allow authorized personnel on site for necessary inspections may delay review of the permit application, and/or result in denial of the application.

E. Zoning Compliance Permits (ZCP)

The purpose of the ZCP is to assure that all building construction and development activity complies with these regulations as well as regulations promulgated by other agencies as applicable. No construction or development may proceed without having been issued a ZCP unless expressly exempted by Sec. II.B of these regulations.

1. The applicant shall file for a ZCP on a form provided by Granite County, including a site plan, project description, and any other required supporting materials and documents. Once all required materials are submitted, the Administrator shall deem the application complete.
2. The Administrator or his/her designee shall review the application to determine compliance with these regulations. Should the Administrator find that the application is in compliance, the application shall be approved. However, the Administrator may impose reasonable conditions to assure compliance with these regulations as well as the regulations promulgated by other agencies as they may apply.
3. Within ten (10) business days of receipt of a properly completed application, the Administrator may determine that the proposed development has a substantial impact on the landscape, surrounding neighborhood, natural resources, and/or local facilities and services. The Administrator shall then inform the applicant in writing that the proposal will be reviewed as a Special Use Permit (SUP), and the reasons therefore.
4. The application shall be approved or denied within 20 business days, and the applicant shall be notified in writing within seven (7) business days of the decision. The time limits set forth herein may be waived by the applicant upon request of the Administrator.

F. Special Use Permits

In each development district, both permitted uses and special uses are listed. Special uses are those uses that may be appropriate and desirable in the particular zoning district, but due to special circumstances or conditions and/or the nature of the special use, these uses should be examined on a case by case basis. In addition, conditions may be imposed on special uses to ensure that they are compatible with the applicable development district and that adverse impacts to the surrounding neighborhood are avoided or effectively mitigated. Special uses are authorized only through approval of a Special Use Permit (SUP). Uses not specifically listed as special uses cannot be allowed through an SUP.

1. The applicant shall request a pre-application conference with the Administrator. The primary purpose of this conference is to provide guidance to the applicant on the SUP review process, submittal requirements, and to identify any issues that the applicant may wish to address in the formal application. The Administrator shall make a record of this conference, and upon request shall provide this record to the applicant.
2. The applicant shall submit an application for a Special Use Permit on a form supplied by Granite County, and shall remit the applicable fee. All material required on the application form must be submitted. Incomplete applications cannot be accepted by the Administrator.
3. Once an application for an SUP is complete, the Administrator shall schedule the application for a public hearing before the Planning Board at the next available regular or special meeting.
4. Owners of property within 150 feet of the subject property (exclusive of rights-of-way) shall be notified of the application by first class mail sent no later than 15 days prior to the scheduled public hearing.
5. A public notice shall be published in the official newspaper of Granite County at least 15 days prior to the scheduled public hearing. The public notice shall give the time, date, and location of the public hearing, and shall describe the nature of the permit request.
6. The Planning Board shall conduct a hearing on the proposed SUP following the procedures outlined in the Board's adopted by-laws.
7. Following the public hearing, the Planning Board may adopt a recommendation of approval, approval with conditions, or denial, and forward the request to the Board of County Commissioners for final action.
8. In making a recommendation for approval of an SUP, the Planning Board must make a finding that the following criteria and standards are each met in substance as they may apply to the permit application:
    a. That the proposed development or use is in compliance with the Granite County Growth Policy.

b. That the proposed development or use meets with the purpose and intent of the specific zoning district in which it is located.
c. That the site is suitable for the proposed development or use in terms of size, location, access, and environmental constraints such as a flood plain or steep slopes.
d. That the proposed development or use is consistent with the scale, character, and prevailing design of the surrounding neighborhood.
e. That impacts to air and water quality, forest resources, wildlife, and other natural resources are minimized or mitigated.
f. That potentially adverse impacts to the surrounding neighborhood such as noise, vibration, dust, smoke, glare, and odors are avoided or effectively mitigated.
g. That pedestrian and vehicular circulation and access are adequate and safe for the proposed use, and that traffic impacts associated with the proposed development will not be detrimental to the surrounding neighborhood or the community at large.
h. That all necessary public services and facilities are adequate for the proposed development, and that the development will not place an inordinate demand on local services and facilities. Local services include, but are not necessarily limited to water, sewer, storm drainage, schools, parks and recreation, fire protection, law enforcement, EMS, and local medical services.
i. That all screening, buffering, landscaping, parking, loading, lighting, and other site characteristics are adequate for the proposed use and to protect surrounding and neighboring properties from any potential adverse impacts.

9. The Planning Board may recommend reasonable conditions designed to avoid or mitigate any adverse impacts associated with the proposed use, and to ensure that the standards and criteria set forth above are substantially met.
10. The Planning Board shall make a recommendation to the Board of County Commissioners within 60 calendar days of a complete application having been received by the County.
11. The applicant shall be notified in writing of the Board of County Commissioners' final action within 30 calendar days of the Board's decision.

G. Permits Valid for Two Years

Zoning Compliance Permits and Special Use Permits must be exercised within two (2) years from the date of actual approval. Any permit for which the authorized work, use, construction, or development has not been commenced within two (2) years of the approval date is deemed to have expired with no further action on the part of Granite County. Once a permit has been exercised and vested, it is valid in perpetuity unless:

1. The expiration or reauthorization of a permit was a condition of its approval, or
2. The Development Permit is revoked for cause as provided in Sec. II. I.

H. Effects of Permit Issuance

1. Permits issued pursuant to this chapter are limited in their authorization to the work and/or development expressly described therein. Issuance of a permit does not convey any broad powers or authority to the applicant beyond the purpose for which the permit was applied and issued. Permits shall be deemed to run with the land, are site specific, and are not transferrable to another property or site.
2. Holding a valid permit pursuant to these regulations does not relieve the permittee from any requirements, standards, or general compliance with other laws, ordinances, and regulations promulgated by local, state, or federal agencies. Such regulations may include but are not limited to septic/sanitary permits, well permits, floodplain ordinances, wetlands regulations, any and all environmental permits administered by the Montana Department of Environmental Quality (DEQ), and approach permits administered by Granite County and/or the Montana Department of Transportation (MDT).

I. Revocation of Permits

1. ZCPs and SUPs may be revoked for good cause shown. Procedures to revoke permits may only be initiated by Granite County, and only the Granite County Board of Commissioners is authorized to revoke a permit.
2. Prior to initiating any permit revocation procedure, the Administrator shall have:

a. Conducted an inspection of the subject property.
b. Thoroughly investigated any complaints.
c. Contacted the property owner, operator, or applicant (as applicable) in writing notifying him/her of the nature of complaints, issues, and/or potential violations.
d. Provided the property owner, operator, or applicant every reasonable opportunity to address and correct conditions, violations, or deficiencies.

3. A permit may be revoked based on one or more of the following findings:
   a. That the initial application and/or representations made by the applicant in connection with the application were fraudulent or otherwise inaccurate or misleading to the extent that the decision to grant the permit was based upon or influenced by said application or representations.
   b. That operation of the authorized use or development has become a public nuisance and/or an imminent threat to the public health, safety, and general welfare.
   c. That the applicant has not adhered to any or all of the conditions of the permit.
4. The Granite County Board of Commissioners may revoke a ZCP or SUP upon approval by simple majority where findings and cause for the revocation are set forth in the motion to revoke.

5. The applicant shall be notified of the revocation action through a cease and desist order.

J. Non-conforming Uses and Properties

1. Any land use which does not conform to these regulations, but was legally established at the time of the effective date of these regulations, may continue to exist under these regulations as non-conforming uses. Legally non-conforming uses, lots, and structures may be transferred without restriction. Illegal uses and structures are not considered to be legally non-conforming pursuant to this code.
2. Any non-conforming use may be expanded, in floor area and/or lot area as appropriate, up to 50% subject to a Special Use Permit (SUP) as set forth in Sec. II.F of these regulations.
3. Any lot, tract, or parcel that legally existed prior to the effective date of these regulations, but does not conform to the minimum lot size in the applicable zoning district, may be built upon and developed to the extent allowed by the applicable zoning district. These regulations do not render any legally created property "unbuildable" or "undevelopable".
4. A non-conforming building or structure may be rebuilt or expanded at any time subject to a Zoning Compliance Permit as set forth in Sec. II.E of these regulations, and provided that the degree of non-conformity is not increased. This includes the replacement of other than Class A manufactured homes with newer and/or larger manufactured homes.
5. A non-conforming use may be changed to a lesser non-conforming use pursuant to an SUP. A lesser non-conforming use is a use that, in the judgment of the Administrator, generates fewer vehicle trips, requires fewer off-street parking spaces, creates less noise, dust, odor or glare, or is in all other respects more compatible and less intrusive to the surrounding neighborhood than the original non-conforming use.
6. Any non-conforming use that is discontinued or otherwise ceases to operate for a period longer than twelve (12) months shall not be reestablished. All future uses of the subject property shall conform to these regulations.

K. Administrative Appeals

1. Any interpretation of these regulations or any decision made by the Administrator pursuant to these regulations may be appealed to the Board of Adjustment (BOA) following the procedures set forth below. Such appeal shall be taken within a reasonable time as provided by the rules of the Board.
   a. The appellant shall file a written appeal on a form provided by Granite County, and shall provide all relevant supporting information. A filing fee shall be paid by the appellant.

b. Upon receipt of the appeal, the Administrator shall publish a notice in the official Granite County newspaper at least 15 days prior to the next scheduled meeting of the Board of Adjustment, and shall place the appeal on the Board's agenda for that meeting. The Board must meet within 30 business days of an appeal filed with the Administrator.
c. The BOA shall conduct a hearing on the appeal following procedures set forth in the Board's adopted Rules of Procedure. No appeal shall be heard if the appellant or a representative is not present. If the appeal involves an action taken or permit granted to a third party, such as a property owner or development, no hearing shall be conducted unless the third party is given notice and afforded a reasonable opportunity to attend.
d. Based upon relevant findings and conclusions, the BOA may uphold, overturn, or modify the action or interpretation made by the Administrator. The BOA shall take final action within 35 days of the initial opening of the public hearing.
e. The Administrator shall notify the appellant and other interested parties in writing of the BOA's decision within ten (10) business days.
f. Any decision of the BOA may be appealed to District Court as provided in Sec. 76-2-227, MCA. Notice of intent to file an appeal shall halt all proceedings by the Administrator to carry out the BOA decision, unless in the judgment of the Administrator, such action is imperative due to imminent public health or life safety concerns.

2. When in the judgment of the Administrator, his/her decision or interpretation of the regulations will affect a specific property or class of properties, and/or have a potentially significant impact on a neighborhood or landscape of the County, the Administrator shall notify adjacent property owners via first class mail of his/her intent to render a decision or interpretation. The letter sent shall explain the pending decision and shall invite comment for a period of not less than 15 days following the date of the notice. At the end of this comment period, the Administrator may officially render the decision or interpretation, and communicate it in writing to all parties involved. Once the decision or interpretation is finalized, the decision or interpretation may be appealed to the Board of Adjustment through the procedure set forth in Sec. II.L.1.

L. Variances

The Board of Adjustment (BOA) may in specific cases grant relief from the standards and requirements of these regulations as set forth in Sec. 76-2-223, MCA.

1. The applicant shall apply for a variance on a form supplied by Granite County. The applicable filing fee shall be paid, and all relevant supporting materials shall be submitted.

2. Upon receipt of the application, the Administrator shall publish a notice in the official Granite County newspaper at least 15 days prior to the next regular meeting of the Board of Adjustment, and shall place the variance on the Board's agenda for that meeting.
3. The Administrator shall notify all property owners within 150 feet of the subject property by regular first class mail at least 15 days prior to the date of the hearing by the BOA.
4. The BOA shall conduct a hearing on the proposed variance following procedures set forth in the Board's adopted Rules of Procedure. No hearing shall be conducted if the applicant or a representative is not present.
5. In applying the provisions of Sec. 76-2-223 (1)(c), MCA, the BOA may only grant relief upon a finding that the following criteria are met in substance as they may apply to the application:
   a. The variance is necessitated due to exceptional and/or extraordinary circumstances or conditions that are unique to the subject property, and are not generally characteristic of similarly situated properties.
   b. Approval of the variance(s) will preserve a property right or use that is generally enjoyed by owners of similarly situated properties, and conversely, approval of a variance will not bestow a special privilege on the applicant that is not generally enjoyed by the owners of similarly situated properties.
   c. The alleged hardship has not been created by the applicant.
   d. Specific relief from the code shall be the minimum necessary to accomplish the applicant's stated objectives.
   e. Adverse impacts associated with granting relief from the code are avoided or effectively mitigated.
6. Conditions may be imposed by the BOA that will cause the above criteria to be met.
7. Final action is required on a variance request within 35 days of the initial opening of the public hearing.
8. The Administrator shall notify the applicant and interested parties of the BOA decision in writing within 10 days.
9. Decisions of the BOA may be appealed to District Court as set forth in Sec. 76-2-227, MCA.

M. Enforcement

Enforcement of this zoning code shall be a responsibility of the Administrator. In the event that any person initiates development or any other activity that requires a permit under these regulations, and the requisite permit has not been obtained, the Administrator shall contact the property owner (or contractor or developer as appropriate) and notify them in writing of the required permit. The Administrator shall provide a reasonable time for the violator to comply with these regulations. In the event that a use or development

has been undertaken which poses an imminent threat to public health or safety, the Administrator may order the activity to cease and desist immediately. Violations of this zoning code are punishable according to Sec. 76-2-211, MCA.

N. Zoning Administrator

1. The Zoning Administrator shall be the Granite County Planning Director, who is charged with the administration, interpretation, and enforcement of the Georgetown Lake Zoning Code.
2. Powers and Duties. The Administrator or his/her designees shall:
   a. Enforce any and all provisions of these regulations.
   b. Keep complete, accurate, and secure records.
   c. Accept applications and appeals and ensure their appropriateness and completeness.
   d. Update these regulations and the official Zoning District Map as directed by the Board of County Commissioners.
   e. Report to the Planning Board and Board of County Commissioners any recommendations for amendments and improvements to these regulations and the procedures contained herein.
   f. Interpret these regulations as they apply to specific properties and developments.
   g. Determine the location of any zoning district boundary.
   h. Render lawful similar use rulings for uses not specifically listed in the applicable zoning district.
   i. Receive and investigate allegations of noncompliance or violation of these regulations, and take appropriate abatement action.
   j. Review and issue Zoning Compliance Permits (ZCP).
   k. Make recommendations to the Planning Board and Board of County Commissioners on the issuance of Special Use Permits (SUP) and amendments to these regulations and the Official Zoning District Map.
   l. Make recommendations to the Board of Adjustment on variance applications.

O. Planning Board

1. The Planning Board is advisory to the Board of County Commissioners on matters of long range planning and development review so that Granite County may carry out its responsibilities under Title 76, MCA.
2. The Planning Board shall consist of seven members, appointed by the Board of County Commissioners, all of whom must reside in Granite County or the incorporated communities therein.
3. The Board shall serve without compensation except for expenses authorized in the performance of their duties.

4. A member of the Planning Board may not simultaneously be a member of the Board of Adjustment. Members of the Planning Board may be appointed to ad hoc task forces or study groups from time to time.
5. It shall be the duty of the Planning Board to hold public hearings when necessary and to make recommendations to the Board of County Commissioners on matters concerning the creation and boundaries of zoning districts, amendments to these regulations, and Special Use Permits.

P. **Board of Adjustment**
1. The Granite County Board of Adjustment shall consist of five members appointed by the Board of County Commissioners.
2. The Board shall serve without compensation except for expenses authorized in the performance of their duties.
3. The Board of Adjustment shall have the authority to:
   a. Hear and decide appeals in which it has been alleged that there is an error in order, requirement, decision, or interpretation made by the Administrator in the enforcement of these regulations.
   b. Hear and grant or deny any proper application for a variance to the terms, conditions, or standards of these regulations.
4. The Board shall conduct hearings according to its own adopted rules of procedure or bylaws.

SECTION III

Denton's Point Neighborhood Subdistrict (DPNS)

A. Purpose. The purpose of the Denton's Point Neighborhood Subdistrict (DPNS) is to set forth standards for the continuing development and redevelopment of the Denton's Point area. This section will provide for structural setbacks and lot sizes similar to those that have been historically observed as the area has developed over the years, while minimizing the need for non-conformities. The DPNS will encourage the replacement and/or upgrade of existing structures, including mobile and manufactured homes, and allow the homeowner to work with the Tri-County Health Department to upgrade septic systems when the opportunity arises to do so.

B. Permitted Uses. The following uses are permitted in the DPNS subject to a Zoning Compliance Permit:
1. Single-family residential dwelling units.
2. Class A manufactured homes.

3. Home occupations.
4. State licensed day care facilities for no more than 11 children.
5. Tourist home/short term rental

C. **Special Uses.** The following uses are permitted subject to a Special Use Permit (SUP) as set forth in Sec. II.A.2 of this ordinance:
   1. Churches (or similar places of worship).
   2. Community residential facilities.
   3. Guest house
   4. Restaurants.
   5. Neighborhood and convenience commercial, including motor fuels.

D. **Accessory Uses and Structures.** The following accessory uses and structures are permitted in the DPNS, and are considered to be customary and incidental to the primary use of the property for residential purposes:
   1. Garages, attached or detached, for private residential or home occupation use only.
   2. Sheds for storage of firewood, tools, seasonal equipment and similar household items. Storage for rent and storage of commercial goods and equipment not associated with a legal home occupation on the premises is expressly prohibited.
   3. Outdoor storage that meets the standards of Sec. IX.B of these regulations.

E. **Dimensional Standards.** Because the DPNS is a "neighborhood subdistrict", dimensional standards such as setbacks and minimum lot size for any individual lot shall be established by averaging the standards to which the four (4) nearest developed lots have been built. However, in no event shall the dimensional standards for any lot be less than the following.
   1. Primary structures:
      a. Front setback: 10 feet
      b. Side setback: 4 feet
      c. Rear setback: 20 feet
      d. Maximum height: 28 feet
      e. Minimum lot size: 7,500 square feet
      f. Minimum lot width: 50 feet
   2. Accessory structures:
      a. Front setback: No accessory structures or uses are allowed in a front setback.
      b. Side setback: Four feet
      c. Rear setback: Four feet

SECTION IV

Edwards Neighborhood Subdistrict (ENS)

A. Purpose. The purpose of the Edwards Neighborhood Subdistrict (ENS) is to set forth standards for the continuing development and redevelopment of the Edwards Subdivision area. This section will provide for structural setbacks and lot sizes similar to those that have been historically observed as the area has developed over the years, while minimizing the need for non-conformities. The ENS will encourage the replacement and/or upgrade of existing structures, including manufactured homes, and will continue to encourage investment in the neighborhood.

B. Permitted Uses. The following uses are permitted in the ENS subject to a Zoning Compliance Permit:

1. Single-family residential dwelling units.
2. Class A manufactured homes.
3. Home occupations.
4. State licensed day care facilities for no more than 11 children.
5. Tourist home/short term rental

C. Special Uses. The following uses are permitted subject to a Special Use Permit (SUP) as set forth in Sec. II. A.2 of this ordinance:

1. Churches (or similar places of worship).
2. Community residential facilities.
3. Guest house.

D. Accessory Uses and Structures. The following accessory uses and structures shall be permitted in the ENS, and are considered to be customary and incidental to the primary use of the property for residential purposes:

1. Garages, attached or detached, for private residential or home occupation use only.
2. Sheds for storage of firewood, tools, seasonal equipment and similar household items only. Storage for rent and storage of commercial goods and equipment not associated with a legal home occupation on the premises is expressly prohibited.
3. Outdoor storage that meets the standards of Sec. IX.B.

E. Dimensional Standards.

1. Primary structures: The following dimensional standards are to be considered minimum requirements.
   a. Front setback: 20 feet

b. Front setback for lakefront properties: 50 feet as measured from mean annual high water.
c. Side setback: 10 feet
d. Rear setback: 20 feet
e. Maximum height: 26 feet
f. Minimum lot size: 10,000 square feet
g. Minimum lot width: 70 feet

2. Accessory structures: The following standards are minimums.
   a. Front setback: No accessory structures or uses are allowed in a front setback. For lakefront properties only, one boathouse is allowed in the front setback but out of the LPZ.
   b. Side setback: Six (6) feet.
   c. Rear setback: Six (6) feet.

F. Edwards Lakefront Subdistrict (ELS)

Standards for the Edwards Lakefront Subdistrict shall be as follows. Standards not expressly set forth in this subsection F. shall be the same as those for the Edward Neighborhood Subdistrict (ENS) .

1. Front setback for non-lakefront properties (from road or nearest point of access): 30 feet minimum
2. Front setback (lake side) for lakefront properties: 50 feet minimum from mean annual high water.
3. Side setback: 15 feet minimum; 10 feet for accessory structures
4. Rear setback: 30 feet minimum; 20 feet for accessory structures
5. Minimum lot size: 30,000 square feet
6. Minimum lot width: 100 feet. Flag lots may not be used to create lake access.
7. For lakefront properties, one boathouse is allowed in the front (lakeside) setback, provided it is located out of the LPZ. No other accessory structures are allowed in the front (lake side) setback. .

SECTION V

Dude Ranch-Rising Sun Neighborhood Subdistrict (DR-RSNS)

A. Purpose. The purpose of the Dude Ranch-Rising Sun Neighborhood Subdistrict (DR-RSNC) is to recognize the standards and design of two platted subdivisions and to set forth standards for the continuing development and redevelopment of these areas.

This section will provide for structural setbacks and minimum lot sizes similar to those that have already been approved by Granite County, while minimizing the need for non-conformities.

B. Permitted Uses. The following uses are permitted outright in the DR-RSNS:

1. Single-family residential dwelling units.
2. Class A manufactured homes.
3. Home occupations.
4. State licensed day care facilities for no more than 11 children.
5. Tourist home/short term rental

C. Special Uses. The following uses are permitted subject to a Special Use Permit (SUP) as set forth in Sec. II.A.2 of this ordinance:

1. Churches (or similar places of worship).
2. Community residential facilities
3. Guest house

D. Accessory Uses and Structures. The following accessory uses and structures are permitted in the DR-RSNS, and are considered to be customary and incidental to the primary use of the property for residential purposes:

1. Garages, attached or detached, for private residential or home occupation use only.
2. Sheds for storage of firewood, tools, seasonal equipment and similar household items only. Storage for rent and storage of commercial goods and equipment not associated with a legal home occupation on the premises is expressly prohibited.
3. Outdoor storage that meets the standards of Sec. IX.B.
4. Use of recreational vehicles (RVs) for residing on property within the district while a residence is being constructed and/or for seasonal occupancy prior to a residence being constructed, is considered an accessory use of property in the DR-RSNS.

E. Dimensional Standards.

1. Primary structures: The following dimensional standards are to be generally considered as minimums. However, if the four nearest properties have existing setbacks that average less than those given below, the Administrator may approve the average setback if so requested by the property owner.
   a. Front setback: 30 feet
   b. Side setback: 10 feet
   c. Rear setback: 25 feet
   d. Maximum height: 26 feet

e. Minimum lot size: Two (2) acres
f. Minimum lot width: 200 feet

2. Accessory structures:
   a. Front setback: No accessory structures or uses are allowed in a front setback.
   b. Side setback: Six (6) feet minimum
   c. Rear setback: Six (6) feet minimum

SECTION VI

Rural Residential District (RR)

A. Purpose. The Rural Residential District (RR) is intended to provide opportunities for low density residential development while preserving the rural character and qualities of the Georgetown Lake area. In achieving this objective, the RR allows for low density conventional subdivisions as well as clustering to preserve larger open space parcels and contiguous wildlife habitat.

B. Permitted Uses. The following uses are permitted outright in the RR:

1. Agriculture, including hay production, crops, and livestock, but expressly excluding slaughter and packing operations and concentrated animal feeding operations (CAFO)
2. Silviculture
3. Single-family residential dwellings
4. Tourist home/short term rental
5. Class A manufactured homes
6. Home occupations
7. State licensed day care facilities for no more than 11 children

C. Special Uses. The following uses are permitted subject to a Special Use Permit (SUP) as set forth in Sec. II.A.2 of this ordinance:

1. Community residential facilities.
2. Guest house.
3. Lodging facility of any kind designed to serve 18 or fewer guests.
4. Restaurants, bars, and taverns with or without gaming.
5. Retail commercial including convenience retail and the sale of motor fuels.
6. Home based cottage industries where three (3) or fewer persons who reside off premises are employed.
7. Use of cluster provision as set forth in subsection G. of this section.

D. Accessory Uses and Structures. The following accessory uses and structures shall be permitted outright in the RR, and are considered to be customary and incidental to the primary use of the property for residential purposes:

1. Garages, attached or detached, for private residential or home occupation use only.
2. Sheds for storage of firewood, tools, seasonal equipment and similar household items. Storage for rent and storage of commercial goods and equipment not associated with a legal home occupation on the premises is expressly prohibited.
3. One guest unit per primary residential unit.
4. Outdoor storage that meets the standards of Sec.IX.B.

E. Dimensional Standards.

1. Primary structures:
   a. Front setback: 40 feet minimum
   b. Front setback for lakefront properties: 50 feet minimum as measured from annual mean high water.
   c. Side setback: 15 feet minimum
   d. Rear setback: 40 feet minimum

   e. Maximum height: 35 feet
   f. Minimum lot size: 5 acres, including easements for streets. May be reduced through the Cluster Provision as set forth in Sec. VI.G below.
   g. Minimum lot width: 300 feet. May be reduced through the Cluster Provision as set forth in Sec. VI.G below. Flag lots may not be used to create lake access.
2. Accessory structures:
   a. Front setback: 40 feet minimum
   b. Front setback for lakefront properties: 50 feet minimum measured from annual mean high water, except that one boathouse is allowed within the 50-foot setback but out of the LPZ.
   c. Side setback: 10 feet minimum
   d. Rear setback: 20 feet minimum
3. For legally non-conforming lots or parcels of one (1) acre or less, setback standards contained in this subsection may be reduced at the discretion of the Administrator.

F. Keeping of Hoofed Animals. Horses, cattle, llamas, donkeys, and similar animals (except sheep and goats) may be kept on individual residential lots in the RR District provided that they are limited to one animal per two acres of available pasture, and that any barns or stables not be located closer than 60 feet from any adjacent building setback line. Calves and foals do not count as one hoofed animal until they reach an age of one year. These standards do not apply to farm and ranch operations.

G. Cluster Provision. For properties 20 acres or larger, the RR cluster provision may be used. No lot may be less than 1.5 acres in size. The following density bonuses and open space requirements shall apply:

Minimum Open Space	Density Bonus
20%	25%
25%	50%
30%	75%
40%	100%

H. Open Space. Open space created pursuant to Sec. G above shall be so designated on the final plat, and shall be conveyed to the homeowner's association, placed in a conservation easement, or dedicated to Granite County. The primary purpose of open space in the RR District is to:

1. Preserve environmentally sensitive areas such as steep slopes, stream bank and wetland buffers, and wildlife habitat, or,
2. Preserve scenic areas or key view sheds, or
3. Preserve or create access to Georgetown Lake or other water bodies.

Open space may also be used for the common pasturing of livestock, provided that any adverse impacts to environmentally sensitive areas are avoided.

SECTION VII

Planned Unit Development (PUD) Option

A. Purpose. The PUD is intended as a development option in all zoning districts. Its specific purposes are:

1. To allow for flexibility and innovation of site planning and design.
2. To minimize terrain disturbance in environmentally sensitive areas through clustering development in more buildable areas of a site.
3. To provide affordable and marketable residential product types.
4. To enhance water quality through use of community septic systems and through maintaining setbacks from Georgetown Lake, local streams, and wetlands.
5. To provide useable, functional open space.
6. To promote and maintain access to Georgetown Lake as applicable.

B. Permitted Uses: The permitted uses under the PUD option shall be the same as those in the applicable zoning district, except that townhomes and other attached and semi-attached single-family residential product types, such as duplexes and tri-plexes, shall be

considered permitted uses. Apartment-type units, structures with four units or more, and manufactured or mobile homes other than Class A manufactured homes are expressly prohibited.

C. **Special Uses:** Special uses under the PUD option shall be the same as those in the applicable zoning district.

D. **Minimum Project Size:** The minimum acreage for a PUD development shall be as follows:

1. DPNC- Two (2) acres.
2. EDC- Three (3) acres.
3. DR-SRNC- Five (5) acres
4. RR- Twenty (20) acres

E. **Deviations From Standards:** The following standards of the applicable zoning district may be deviated from through the PUD:

1. Setbacks
2. Minimum lot area
3. Minimum lot width
4. Maximum structural height
5. Density

Lakeshore protections standards are not subject to deviation under the PUD option.

F. **Rural Residential Cluster Provision:** As the RR cluster provision set forth in Sec. VI.G is a separate and distinct process from the PUD, no cluster provision standards may be deviated from through the PUD process.

G. **PUD Application Procedures:** A PUD may be applied for on a form provided by Granite County. In addition to the completed form, the following submittals are required:

1. A project narrative of the proposed development program that includes product type(s), density, percent open space, purpose of open space, what benefits that the community will derive from the PUD (affordable housing, functional open space, more efficient use of infrastructure, protection of environmentally sensitive areas, protection/enhancement of water quality, etc.), an assessment of potential neighborhood impacts, and how those impacts will be mitigated.
2. A conceptual site plan prepared to an appropriate scale (1" = 10', 1" = 20', 1" = 50', etc.) that includes at a minimum:
   a. North arrow
   b. Indication of scale
   c. Vicinity map

d. Names of adjacent streets, water bodies, and landmarks
e. Developer's contact information
f. Preparer's contact information
g. Indication of existing and proposed structures
h. Existing and proposed streets, access points, parking and drive areas, etc.
i. Setbacks
j. Open space percentage and use
k. Landscaping and/or screening

H. Public Notice: Public notice requirements shall be identical to those required for Special Use Permits as set forth in Sec. II.F of these regulations.

I. Community Benefit: When deviations from standards such as setbacks, height, and minimum lot size are allowed through the PUD, a substantial "community benefit" should result. This benefit should accrue to the surrounding neighborhood and/or the Georgetown Lake area at large, and may include such considerations as:

1. Preservation and/or enhancement of neighborhood character and qualities.
2. Provides substantial functional open space.
3. Environmental benefits such as preserving wildlife habitat, preserving existing vegetation and tree cover, avoiding development of environmentally sensitive areas, and providing for streamside and/or wetlands buffers to enhance water quality.
4. Providing community trails or pathways.
5. Maintaining or establishing public access to Georgetown Lake or surrounding public lands.

J. Hearing and Standard of Decision: The Planning Board shall conduct a public hearing and consider testimony and other evidence, and review the particular facts and circumstances of the proposed PUD. In considering a PUD application, the Board may attach appropriate conditions to mitigate any adverse impacts identified, to ensure conformance with the Growth Policy, to ensure that the specific purposes of the PUD as set forth in Sec. VII.A above are achieved, and that a significant community benefit is derived from any deviations from standards. An application for a PUD may be approved as presented, conditionally approved, or denied by the Planning Board. Any action by the Board shall be based upon findings of fact that the following criteria are or are not substantially met:

1. The proposed PUD is in conformance with the Growth Policy.
2. The specific purposes of the PUD as set forth in Sec. VII.A, as they may apply to the particular proposal, are substantially met.
3. That any identified adverse impacts are effectively mitigated.
4. That the proposed PUD will result in a tangible and significant community benefit(s).

K. Final Action: Final approval, conditional approval, or denial of a proposed PUD shall rest with the Granite County Board of Commissioners.

L. Implementation: An approved PUD shall run with the land and be implemented through the filing of a preliminary plat as set forth in the Granite County Subdivision Regulations.

SECTION VIII

Lakeshore Protection Standards

A. Purpose. The purpose of this section is to set forth standards for development within the protection zone of Georgetown Lake. These regulations will apply to all lakefront properties within the Georgetown Lake Zoning District regardless of the individual zoning district (ENC, RR, etc.) in which a property is located. Specifically, the purposes of these regulations are:

1. Protect the sensitive lakeshore area from overdevelopment.
2. Protect water quality in Georgetown Lake through the preservation of natural shoreline areas and beneficial riparian vegetation.
3. Maintain the visual quality of Georgetown Lake for all to enjoy.
4. Protect property values on the lake by ensuring quality, responsible development.
5. Protect property rights, lake use, and lake access through the establishment of reasonable and prudent lakefront development standards.

B. **Authority.** The authority (requirement) for local governments to enact and administer lakeshore protection standards is set forth in Sec. 75-7-207, MCA.

C. Jurisdiction. These regulations govern any work or development described herein which alters Georgetown Lake below mean annual high water as well as the land which is within twenty (20) horizontal feet of the mean annual high water elevation. The mean annual high water elevation for Georgetown Lake has been established according to Sec. 75-7-202(4), MCA at 6,429.6 msl.

D. Effective Date: Regardless of the effective date of these regulations, this section shall not become effective until April 1, 2011.

E. **Effect of Regulations.** These regulations supplement all other regulations, and any permit issued hereunder does not supersede or negate the necessity of obtaining any other

permits required by local, state, or federal agencies. It is the express responsibility of the property owner, and not Granite County or its elected and appointed officials, to determine if additional permits are required.

F. **Uses and Structures Allowed.** The following uses and structures are allowed in the lakeshore protection zone without Zoning Compliance Permits or Special Use Permits issued by Granite County:

1. Docks, swimming docks, and shore stations, subject to the standards set forth in Sec. VIII.H, Dock Standards.
2. Walkways and pathways constructed of permeable materials not exceeding eight (8) feet in width.
3. Fencing meeting Montana Fish, Wildlife, and Parks guidelines for "wildlife friendly" fencing.
4. Routine repair and maintenance of docks and other structures within the LPZ, including legally non-conforming structures.
5. Removal of docks and storage for the winter season.
6. Boat ramps constructed entirely of permeable materials.
7. Appurtenances such as stairs, ramps, and landings may encroach into the LPZ up to 12 feet.

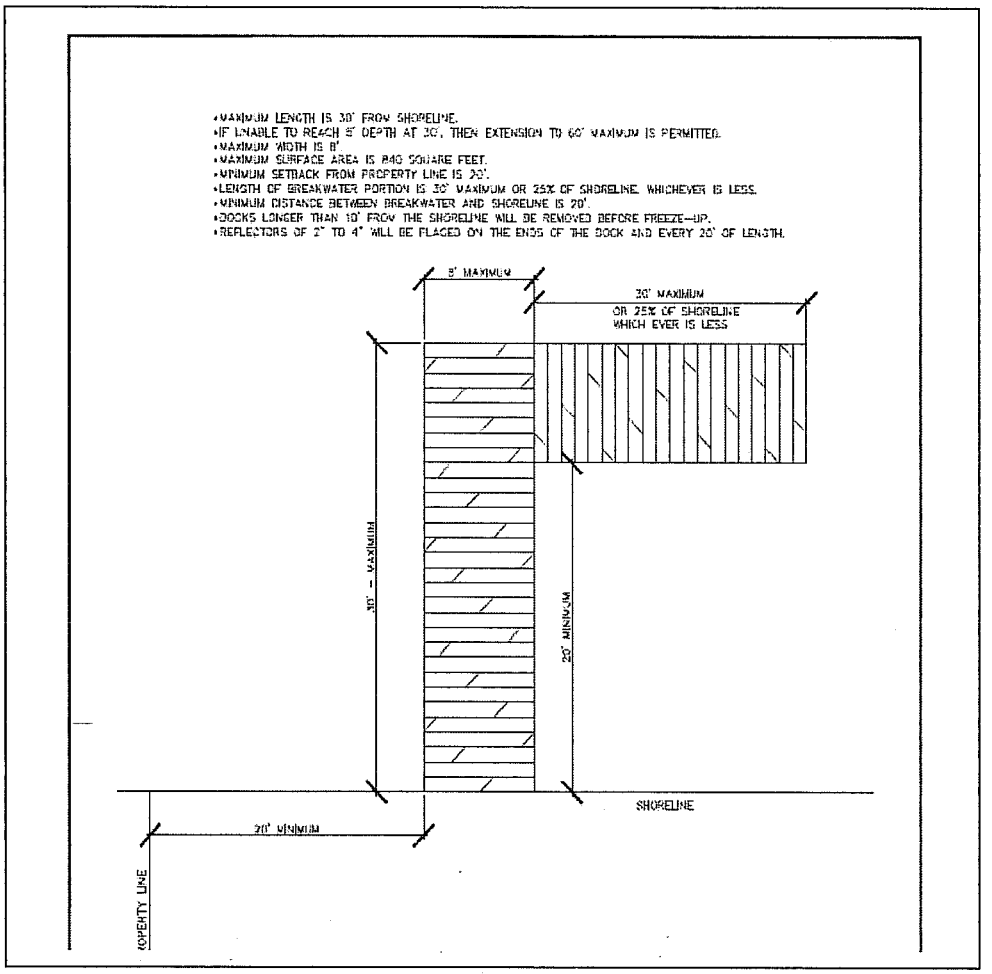
G. **Uses and Structures Prohibited.** The following uses and structures are expressly prohibited within the LPZ:

1. Dwelling units of any kind, including guest houses, and additions thereto.
2. Decks, patios, gazebos, and similar structures
3. Storage or utility sheds
4. Permanent storage of any kind
5. Boat houses
6. Asphalt or concrete paving of any kind, including for boat ramps
7. Satellite receiving dishes
8. Crib docks
9. Hot tubs
10. Planting of non-native plant species
11. Wood stains and metal coating s and treatments that are injurious to water quality shall not be used or allowed to enter the LPZ.
12. With the exception of bona fide marinas and homeowner's associations, the rental of private dock space is prohibited.

H. Dock Standards. All private docks constructed on single-family lakefront lots or parcels shall meet the following standards:

1. Floating docks and stationary retractable docks only are allowed on Georgetown Lake. No wood or concrete pilings are allowed in the construction of docks.
2. Dock flotation systems may not include metal barrels or any similar devices that will fail over time due to corrosion.
3. Anchoring systems shall employ non-polluting weights and other components. The use of automobile parts and any other objects that may introduce hydrocarbons or other pollutants into the lake is expressly prohibited.
4. Floating docks and flotation components shall be clearly and permanently marked with the name and contact information of the owner.
5. All dock flotation styrofoam shall be extruded closed cell polystyrene or otherwise permanently encased to prevent deterioration.
6. Only one dock and one swimming dock per lakefront property is allowed.
7. Total surface area of boat docks shall not exceed 880 square feet per lakefront lot. (Swimming docks, gangways, shore stations, and personal watercraft bays are not included in this total.) See Fig. VIII-1 below.
8. Dock section widths, including wings and breakwaters, shall be no wider than eight (8) feet.
9. Docks may extend no more than 30 feet from the shoreline where there is at least five (5) feet depth of water at the end of the dock at annual mean high water. Additional dock length up to a total of 60 feet may be allowed to reach a water depth of five (5) feet at the end of the dock.
10. The breakwater portion of the dock shall run parallel to the shoreline and shall extend no more than 30' or 25% of the lakeshore frontage, whichever is less.
11. Where boat slips parallel the shoreline, there must be a minimum of 20 feet of open water between the wing forming the slip and the shoreline at mean high water.
12. Docks may be no closer to the riparian boundary than 20 feet. Common facilities constructed by two or more owners are not subject to this requirement.
13. One reflector of not less than two (2) inches nor greater than four (4) inches in diameter shall be installed and maintained every 20 linear feet of dock space, and at the end of all docks. The minimum number of reflectors required shall be two (2).
14. Docks for homeowners associations, common areas, and commercial marinas are subject to Special Use Permits as set forth in Sec. II.A.2 and II.F of these regulations.
15. In the interest of public safety, all floating, retractable, or otherwise removable docks that exceed 10 feet in length must be removed from the water prior to the lake surface freezing for the winter season.

Fig. VIII-1 Dock Standards (Note: These standards are for private docks at single-family residences only. Docks for homeowners associations, marinas, and other docks intended for use by multiple individuals are subject to Special Use Permits as set forth in Sec. VIII.H.14 above.)



I. **Vegetation and Landscaping.** Native riparian vegetation is vitally important to water quality and general lake health, and shall be preserved wherever possible.
   1. Only native grasses and other plant materials are recommended in the lakeshore protection zone.
   2. Terrain disturbance within the LPZ should be restored as soon as practicable to prevent erosion and impacts to water quality.
   3. Use of fertilizers, pesticides, insecticides, and herbicides not expressly approved by the Granite County Weed Coordinator for use in the LPZ, is not recommended.

J. **Erosion Control and Sedimentation.** The natural protective armament of the lake bed and lakeshore shall be protected and preserved wherever possible.
   1. The proposed activity shall not cause, directly or indirectly, increased sedimentation, an increase in suspended sediments, or an increased discharge of nutrients into the lake either during its construction or utilization.
   2. Any point source runoff which is diverted to the lake shall be detained and filtered prior to entering the lakeshore protection zone.
   3. Prior to beginning construction on any lakefront site, the landowner or contractor shall erect a construction fence landward of the LPZ, and shall place siltation barriers on either side of the fence.

K. **Non-Conforming Uses and Structures.** Non-conforming uses and structures in the LPZ are generally subject to the provisions of Sec. II.J of these regulations, with the exception of the following provisions:
   1. Non-conforming docks and other appurtenances and structures within the LPZ may not be expanded.
   2. Docks, swimming docks, boat houses and similar structures within the LPZ that have become unserviceable because of age, effects of the elements, or lack of maintenance, may not be rebuilt and must be dismantled in a manner that will not adversely affect water quality or marine or riparian habitat.

SECTION IX

General Standards and Provisions

A. **Purpose.** The purpose of this section is to set forth standards and provisions of this zoning code that apply to all districts.

B. **Property Maintenance.** Property maintenance standards are intended to protect neighborhood quality, character, and property values by eliminating public health, safety, and nuisance issues associated with the accumulation of junk, debris, and the substandard maintenance of buildings and structures.

1. Inoperable vehicles nor parts of vehicles, including but not limited to auto and truck bodies, boats, trailers, motorcycles, snowmobiles, RVs, engines, tires, rims, transmissions, etc., may not be stored openly, except that when a vehicle is actively being restored or repaired, it may be stored outdoors for no more than thirty (30) days.
2. No trash or debris shall be allowed to accumulate on properties, including but not necessarily limited to garbage, rubbish, ashes, yard and garden waste, tree trimmings, packaging, broken concrete or asphalt, furniture, appliances, scrap wood, demolition waste, building materials, etc.
3. Accumulation of organic waste is expressly prohibited, and such wastes must be disposed of immediately. Organic waste includes but is not necessarily limited to septic tank pumpage, sludge, sewage of any kind, waste food items, dead animals and animal parts of any kind, manure, etc. Compost bins are allowed provided that odors are undetectable from adjacent properties and that they do not attract wildlife.
4. All buildings and structures shall be kept in a sound and livable condition and properly maintained, including siding, roofing, paint or stain, decks, porches, balconies, and windows, including screens and sashes.
5. During construction, all building materials and construction waste must be contained on site. Outdoor burning may be allowed subject to Granite County and GLVFD regulations.

C. Lighting. All outdoor lighting shall be downcast and shielded. No light trespass shall be allowed and no glare (direct sightline to an unshielded light source) shall be visible from off site.

D. Noise. No land use or development may create noise that exceeds 70 dBA more than 10% of the time as measured at the property line nearest the impacted land use. This standard does not apply to legally permitted construction activity that takes place between the hours of 7:00 AM and 7:00 PM.

E. Environmentally Sensitive Areas. In order to preserve the unique character, qualities, and the natural environment of the Georgetown Lake area, environmentally sensitive areas shall be preserved to the extent practicable, and shall be left to perform their natural beneficial ecological functions. However, it is not the intent of this subsection that the presence of environmentally sensitive areas should prohibit the owner from developing or from deriving reasonable use and enjoyment of his property.

1. Slopes in excess of 15% shall not be considered buildable areas for purposes of these regulations. No terrain disturbance or removal of natural vegetation (except for silviculture) is allowed on slopes in excess of 25%.

2. For any development or terrain disturbance on slopes of 10% to 25%, effective measures shall be taken to control erosion and sedimentation. Terrain disturbed for development shall be stabilized and revegetated as soon as possible.
3. Wetlands shall not be developed, filled, or adversely impacted by development in any way. No structures, vegetation removal, or terrain disturbance of any kind is allowed within 50 feet of a wetland. The presence of a wetland shall be determined by the Administrator in consultation with the property owner or developer.
4. No structures, vegetation removal, or terrain disturbance of any kind is allowed within 30 feet of a perennial or intermittent stream. This setback shall be measured from mean high water or top of bank, whichever is farthest from the tread of the stream. In the event that the point from which to measure the setback is not clear, the point shall be determined by the Administrator.
5. Should the regulations set forth in this subsection, or these regulations in combination with other regulations contained in this zoning code, render an existing legal lot or parcel "unbuildable", the Administrator may grant a reasonable use exemption from the provisions of this subsection. "Unbuildable" shall mean that the property owner is denied a reasonable, beneficial use of the property given the applicable zoning district.
6. The Administrator may allow the removal of dead or diseased vegetation within setbacks established by this subsection.

F. Signage Standards

1. For home occupations and home based child care facilities, one sign not to exceed two (2) square feet is allowed. This sign may be either a wall sign attached to a structure, or a free-standing on-premise sign mounted to a post, planter, or similar support and no more than four (4) feet in height.
2. For commercial uses, one wall mounted sign not to exceed eight (8) square feet is allowed, plus one monument type sign mounted on a post(s), planter, or similar support, not to exceed six (6) feet in height or eight (8) square feet in total area. When two or more commercial uses are located in a single structure or complex, wall mounted signs may be no more than four (4) square feet for each use.
3. No billboards or off-premise advertising of any kind are allowed within the Georgetown Lake Zoning District.

G. Home Occupations

1. A home occupation may be located within a dwelling or an accessory building, but no home occupation shall occupy a floor area greater than 25% of that of the associated dwelling.
2. No home occupation shall have more than one employee who does not reside on the premises.

3. Home occupations shall provide off-street parking for all employees and any vehicles associated with the home occupation in compliance with Appendix D.
4. The storage of any materials, equipment, or machinery associated with a home occupation shall be contained within an enclosed structure.
5. Neither medical marijuana care giving nor the growing of marijuana by other than a registered patient living on the premises, is allowed as a home occupation.

H. Structural Height Measurement

1. The height of a building or structure shall be measured from the highest pitch or gable of a roof to the nearest point of finished grade. Antennae, chimneys, vent pipes, and similar appurtenances are not subject to height standards.
2. When the building or structure is set into a slope, both the uphill and downhill side of the building or structure shall be measured as in H.1 above. The average of the two measurements is considered the height of the structure for the purpose of maximum height standards.
3. Finished grade shall be the grade necessary to provide positive drainage away from the structure. Berming of fill material to circumvent the applicable height standard is not permitted.

SECTION X

Definitions

A. **Accessory structure:** A structure other than the principal structure that is located on the same lot or parcel as the principal structure, the use of which is customary and incidental to the primary use of the property. Accessory structures include, but are not necessarily limited to garages, boathouses, storage sheds, workshops, stables, barns, pools, and tennis courts. In these regulations, accessory structures that exceed 440 square feet of floor area are subject to the same setbacks as the primary structure.

B. **Accessory use:** A use of land that is customary, incidental, and subordinate in area, extent, and purpose to the primary use; contributes to the comfort, convenience, or necessity of the primary use; and is located on the same lot or parcel as the primary use.

C. **Adjacent property:** Real property that shares a common boundary with, or is separated by road right-of-way from, a property that is subject to an appeal, interpretation, or any permit action pursuant to these regulations.

D. **Administrator**: The Administrator of the Georgetown Lake Zoning Code is the Granite County Planning Director.

E. **Boathouse**: An accessory structure for storage of a boat and related boating equipment. A boathouse does not include sleeping, cooking, or sanitary facilities.

F. **Buffer**: An area (usually a strip of land) between one land use and another that may or may not contain fencing, berms, trees, or other landscape materials and features intended to mitigate or attenuate the impacts and/or effects of one land use on another.

G. **Class A manufactured home**: A factory-built single-family structure that is manufactured in accordance with the United States department of housing and urban development code and the federal Manufactured Home Construction and Safety Standards. A Class A manufactured home is further defined as:
   1. Having been manufactured after June 15, 1975,
   2. Is at least 20 feet in width at its narrowest point,
   3. Has a roof pitch of not less than 2:12 with a minimum 6" eaves or eves and gutter,
   4. Incorporates roofing materials which are generally acceptable for site built, housing, and having the appearance of a non-metallic shingle, shake, or tile roof,
   5. Siding material of, or having the appearance of, wood or masonry,
   6. A perimeter skirting that resembles a conventional house foundation and having the appearance of brick, stone, painted concrete block, or wood, and
   7. Is placed on a permanent foundation.

H. **Class B manufactured home:** A manufactured home meeting the mobile home construction and safety standards of the Department of Housing and Urban Development, but not meeting all criteria 1 through 7 above.

I. **Class C manufactured home:** A manufactured home which does not meet the mobile home construction and safety standards of the Department of Housing and Urban Development.

J. **Community residential facility:** The following types of facilities are included in the term "community residential facility":
   (1) a community group home for developmentally, mentally, or severely disabled persons that does not provide skilled or intermediate nursing care;
   (2) a youth foster home, a kinship foster home, a youth shelter care facility, a transitional living program, or youth group home as defined in Sec. 52-2-602, MCA;
   (3) a halfway house operated in accordance with regulations of the department of public health and human services for the rehabilitation of alcoholics or drug dependent persons;
   (4) a licensed adult foster family care home; or
   (5) an assisted living facility licensed under Sec. 50-5-227, MCA

K. **Construction**: Any act or process resulting in an addition to or enlargement of an existing structure or erects a new principal or accessory structure on a lot or parcel.

L. **Concentrated animal feeding operation (CAFO)**: Feedlot; any pen, corral, or other structure or area where livestock are maintained in close quarters for the purpose of fattening for market.

M. **Dwelling unit:** A structure or portion of a structure with one or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the unit for exclusive use of a single family maintaining a household.

N. **Family:** A group of individuals related by blood, marriage, adoption, or guardianship, or any number of individuals who need not be so related, living together in a dwelling unit as a single housekeeping unit. This definition does not include any society, club, association, lodge, federation, or like organizations, nor does it include any group of individuals who are in a group living arrangement as a result of criminal offenses. Nor does this definition include "community residential facility" as defined by Sec. 76-2-411, MCA.

O. **Farm and ranch operations:** Agricultural business enterprises that are the primary use of property; crops are grown and/or livestock is bred and/or raised for profit. Term does not include "ranchette" or "hobby farm".

P. **Guest House:** An accessory structure to a primary residential use of property with sleeping and sanitation facilities, with or without cooking facilities, intended for occupancy by non-paying guests of the primary residence.

Q. **Home Occupation**: A business, occupation, vocation, or profession conducted within a residential dwelling unit or accessory structure by the inhabitants of the residential unit. (See standards in Sec. IX.G.)

R. **Landscaping**: Area within a lot or parcel that consists of plant materials, including but not limited to trees, shrubs, ground cover, grass, flowers, rock, stones, bark, mulch, and similar materials. May include existing trees and shrubs, including forest canopy and understory.

S. **Legally non-conforming building or structure:** Any building or structure that legally existed prior to the effective date of these regulations, but does not conform to setback, height, or floor area standards set forth in these regulations. (See specific regulations in Sec. II.J.)

T. **Legally non-conforming lot or parcel:** Any lot or parcel of land that legally existed prior to the effective date of these regulations, but does not conform to minimum lot size standards set forth in these regulations. (See specific regulations in Sec. II.J.)

U. **Legally non-conforming use:** A use of land that legally existed prior to the effective date of these regulations, but does not conform to the allowable use provisions of these regulations. (See specific regulations in Sec. II.J.)

V. **Light trespass**: The shining of light produced by a luminaire beyond the boundary of the property on which it originates.

W. **Mean annual high water elevation**: The mean (average) of the highest elevation of a lake in each of at least five consecutive years. For Georgetown Lake, includes the term "full pool elevation".

X. **Riparian boundary**: On a lake front property, the side lot line extended into the water body perpendicular to the shoreline.

Y. **Setback**: The dimensional requirement for a front, side, or rear yard; linear distance from a lot line to a principal or accessory structure as measured from the foundation wall of the structure (unless otherwise noted) to the lot line.

Z. **Setback, front**: Required structural setback area between the front lot line and the principal structure. The front lot line is the lot line of a lot or parcel through which primary access is gained. For lakefront properties, the front setback is on the lake side of the property and is measured from the mean annual high water elevation.

AA. **Setback, rear**: Required structural setback area between the rear lot line and the principal or an accessory structure. The rear lot line is the property boundary opposite the front lot line. For lakefront properties, the rear setback is opposite the lake side.

BB. **Setback, side**: Required structural setback area between the side lot line and the principal structure or an accessory structure. The side lot line connects the front and rear lot lines.

CC. **Short-term rental:** A non-residential use of a dwelling or portion thereof where rooms or the entire dwelling is rented for compensation to transient guests for any term less than 30 days.

DD. **Silviculture**: A process, following accepted forest management principles, whereby the crops constituting forests are tended, harvested, and reforested either by natural or artificial reforestation, or both; the development or maintenance of a forest or wooded preserve.

EE. **Tourist home**: A dwelling unit in which rooms, or the unit in its entirety, are rented, with or without meals, to transit guests by the day or week. Includes establishments known as "bed and breakfasts".