

Town of West Yellowstone

Tuesday, August 20, 2024

West Yellowstone Town Hall, 440 Yellowstone Avenue

The Town Council work session/meeting will be conducted in person and virtually using ZOOM, connect at zoom.us or through the Zoom Cloud Meetings mobile app.

Meeting ID: 893 834 1297.

TOWN COUNCIL WORK SESSION – 5:30 PM

FY 2025 Budget

Discussion

TOWN COUNCIL MEETING – 7:00 PM

Pledge of Allegiance

Comment Period

- Public Comment
- Council Comments

Treasurer's & Securities Reports

Purchase Orders #6218 to Sweet Electric LLC, additional connection, \$6050.00
#6329 to Mountain States Lighting, 8 streetlight poles, \$43,379.28

Claims

Business License Applications

Consent Agenda

Minutes: **August 6, 2024 Town Council Meeting**

Town Manager & Staff Reports

Advisory Board Reports

Public Hearing: Ordinance No. 276 – Revised Zoning Code

NEW BUSINESS

Ordinance No. 276, Revised Zoning Code, 1st Reading

Discussion/Action

Hebgen Basin Fire District Funding Request

Discussion/Action

Wretched Mess Fest Event Application

Discussion/Action

- Outside Amplification Permit
- Resolution No. 806, Exempt open container ordinance during event

West Development Lawsuit – Potential Executive Session

Discussion/Action

No action will be taken in closed session.

Correspondence/FYI/Meeting Reminder



Policy No. 16 (Abbreviated)

Policy on Public Hearings and Conduct at Public Meetings

Public Hearing/Public Meeting

A public hearing is a formal opportunity for citizens to give their views to the Town Council for consideration in its decision-making process on a specific issue. At a minimum, a public hearing shall provide for submission of both oral and written testimony for and against the action or matter at issue.

Oral Communication

It is the Council's goal that citizens resolve their complaints for service or regarding employees' performance at the staff level. However, it is recognized that citizens may from time to time believe it is necessary to speak to Town Council on matters of concern. Accordingly, Town Council expects any citizen to speak in a civil manner, with due respect for the decorum of the meeting, and with due respect for all persons attending.

- No member of the public shall be heard until recognized by the presiding officer.
- Public comments related to non-agenda items will only be heard during the Public Comment portion of the meeting unless the issue is a Public Hearing. Public comments specifically related to an agenda item will be heard immediately prior to the Council taking up the item for deliberation.
- Speakers must state their name for the record.
- Any citizen requesting to speak shall limit him or herself to matters of fact regarding the issue of concern.
- Comments should be limited to three (3) minutes unless prior approval by the presiding officer.
- If a representative is elected to speak for a group, the presiding officer may approve an increased time allotment.
- If a response from the Council or Board is requested by the speaker and cannot be made verbally at the Council or Board meeting, the speaker's concerns should be addressed in writing within two weeks.
- Personal attacks made publicly toward any citizen, council member, or town employees are not allowed. Citizens are encouraged to bring their complaints regarding employee performance through the supervisory chain of command. Any member of the public interrupting Town Council proceedings, approaching the dais without permission, otherwise creating a disturbance, or failing to abide by these rules of procedure in addressing Town Council, shall be deemed to have disrupted a public meeting and, at the direction of the presiding officer, shall be removed from the meeting room by Police Department personnel or other agent designated by Town Council or Town Manager.

General Town Council Meeting Information

- Regular Town Council meetings are held at 7:00 PM on the first and third Tuesdays of each month at the West Yellowstone Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.
- Presently, informal Town Council work sessions are held prior to regular Tuesday meetings and occasionally on other mornings and evenings. Work sessions also take place at the Town Hall located at 440 Yellowstone Avenue.
- The schedule for Town Council meetings and work sessions is detailed on an agenda. The agenda is a list of business items to be considered at a meeting. Copies of agendas are available at the entrance to the meetingroom.
- Agendas are published at least 48 hours prior to Town Council meetings and work sessions. Agendas are posted at the Town Offices and at the Post Office. In addition, agendas and packets are available online at the Town's website: www.townofwestyellowstone.com. Questions about the agenda may be directed to the Town Clerk at (406) 646-7795 or eroos@townofwestyellowstone.com.
- Official minutes of Town Council meetings are prepared and kept by the Town Clerk and are reviewed and approved by the Town Council. Copies of approved minutes are available at the Town Clerk's office or on the Town's website: www.townofwestyellowstone.com.



Sweet Electric LLC

6696 N 25th E
Idaho Falls, ID 83401 US
sweetelectricidaho@gmail.com

INVOICE

BILL TO
Town of West Yellowstone

INVOICE 1043
DATE 08/02/2024
TERMS Net 30
DUE DATE 09/01/2024

JOB
Electric Street Pole lights

DATE	SERVICE	DESCRIPTION	QTY	RATE	AMOUNT
07/26/2024	Services	Roedel Construction used their vacuum truck to dig our trench on Electric street instead of me using our backhoe. The digging also took longer than expected. There is a significant difference in cost for the safer method of digging.	1	6,050.00	6,050.00

I can take cash, check or any of the above payment methods
Thanks a bunch for choosing us! Your support means a lot and we're here for

BALANCE DUE

\$6,050.00

P.O. BOX 1570

**TOWN OF WEST YELLOWSTONE
MONTANA**

PHONE: 406-646-7795
FAX: 406-646-7511

info@townofwestyellowstone.com

PURCHASE ORDER

1000 - 430263, 357 *kt*

Date *8-02-24*

Ship Via

Order No. *006218*

Department *Public Services*

TO: *Sweet Electric LLC*

ADDRESS:

PLEASE FURNISH THE TOWN OF WEST YELLOWSTONE WITH:

Quantity	Description
	<i>Electric St light project difference for unforeseen connection. Last light pole tied in / fed from park (not other poles)</i>

Estimated Cost \$ *6,050.00*

Authorized By *[Signature]*

Requested By *[Signature]*

VENDOR COPY - White OFFICE COPY - Canary

P.O. BOX 1570

**TOWN OF WEST YELLOWSTONE
MONTANA**

PHONE: 406-646-7795

FAX: 406-646-7511

info@townofwestyellowstone.com

PURCHASE ORDER

1000.430203.938 KA

Date 8-02-24

Ship Via

Order No. 006329

Department Public Works

TO: Mountain States Lighting

ADDRESS:

PLEASE FURNISH THE TOWN OF WEST YELLOWSTONE WITH:

Quantity	Description
8	Street light poles: Misc. locations in town needing light where poles are down.
2	poles for backup stock.

Estimated Cost \$ 43,379.²⁸

Authorized By _____

Requested By: _____

VENDOR COPY - White OFFICE COPY - Canary



Mountain States Lighting

P.O. Box 449, Conifer, CO 80433
(303) 838-4430

To: Jon Simms WEST YELLOWSTONE 330 YELLOWSTONE AVE. (SHIP) PO BOX 1570 (BILL) WEST YELLOWSTONE, MT 59758	Proj: WEST YELLOWSTONE CITY POLES Bid Date: 07/31/24
--	---

Remarks:

Qty	Type	Mfg	Description	Price
			THIS IS A BASEPLATED OPTION, 17" BOLT CIRCLE GFI INCLUDED IN FIXTURE POD, NO WIRING NEEDED	
			CONCRETE WOODGRAIN POLE	
8		MSLU	P150-APW-G-L70 C/W BP COVER-TXBLK	
			LED FIXTURE	
8		MSLU	K54-C-K24-P4NL-III-75 (SSL) -7030-120:277-PR7-3K-BK- MSLU #6-WS-3/8 BK HEX-GFI	
			ARM	
8		MSLU	KA57-A-S-1-FL-TXBLK	
			**SHORTING CAP	
8		MSLU	6005 SHORTING CAPS	
			LEAD TIME 14-16 WEEKS. INCLUDES FREIGHT. DOES NOT INCLUDE ANCHOR BOLTS. DOES NOT INCLUDE SALES TAX.	
Total =====				\$43379.28

F.O.B. Per Mfg	Terms: Standard	Lead time: MISC
Prices firm for entry by: 30 DAYS	Shipment by:	
Printed 07/31/24 12:29:24	Per:	

For dates posted from 08/07/24 to 08/16/24, FSB - Operating account
* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
51452		3484 Sweet Electric LLC	6,050.00					
	1043	08/02/24 ElectricSTLightProjectDifferen	6,050.00		STRTLT	1000 430263	357	101000
51454		3485 Womack Machine Supply Companies	2,470.64					
	4699576	07/30/24 Repairs	2,470.64		SEWER	5310 430600	357	101000
51456	E	2964 CITI CARDS	4,228.47					
	07/05/24	IdahoFalls Zoo SumRec	236.30		SUMREC	1000 460449	871	101000
	07/09/24	Food RoundupTCsupplies	23.36		LEGIS	1000 410100	220	101000
	07/09/24	Sum Rec supplies	283.68		SUMREC	1000 460449	220	101000
	07/09/24	Ernies TC Meeting	127.74		LEGIS	1000 410100	220	101000
	07/12/24	Supplies	24.07		ADMIN	1000 410210	220	101000
	07/13/24	CityofRexburg RapidsSumRec	400.00		SUMREC	1000 460449	871	101000
	07/15/24	WestgateStationTCMeet	44.95		LEGIS	1000 410100	220	101000
	07/16/24	MarketPlaceTC Meet	10.75		LEGIS	1000 410100	220	101000
	07/16/24	BearCountryBakeryTC	212.08		LEGIS	1000 410100	220	101000
	07/02/24	CreditfromWLMrt plus	-12.95		ADMIN	1000 410210	335	101000
	07/17/24	Supplies	13.93		ADMIN	1000 410210	220	101000
	07/19/24	Gravity Factory Sum Rec	333.90		SUMREC	1000 460449	871	101000
	07/24/24	SumRec supplies	39.50		SUMREC	1000 460449	220	101000
	07/26/24	Police 1 Job Posting	328.00		ADMIN	1000 410210	327	101000
	07/26/24	Heise PoolsSumRec	616.83		SUMREC	1000 460449	871	101000
	07/26/24	SumRec Supplies	35.37		SUMREC	1000 460449	220	101000
	07/26/24	BozemanChroniclePoliceAds	950.00		ADMIN	1000 410210	327	101000
	07/29/24	CustomLogoUniiformsSumRec	183.70		SUMREC	1000 460449	226	101000
	07/29/24	Supplies	15.45		ADMIN	1000 410210	220	101000
	08/01/24	HomeDepot	300.00		LEGIS	1000 410100	220	101000
	08/01/24	Supplies	48.62		ADMIN	1000 410210	220	101000
	08/01/24	Sumrecsupplies	13.19		SUMREC	1000 460449	220	101000
51458		3467 Hyalite Engineers PLLC	2,247.50					
	11278	08/02/24 Zoning CodeUpdate	2,247.50		PLNNG	1000 411000	354	101000
51460		2845 Kastig, Kauffman & Mersen, PC	11,457.58					
	08/05/24	legal services 7/1-7/31/24	11,220.00		LEGAL	1000 411100	352	101000
	08/05/24	Misc	0.94		LEGAL	1000 411100	870	101000
	08/05/24	travel	236.64		LEGAL	1000 411100	373	101000
51461	E	2673 First Bankcard	408.63					
	07/03/24	Supplies	7.99		FINADM	1000 410510	220	101000
	07/03/24	Tripod for Owl	59.90		LEGIS	1000 410100	212	101000
	07/18/24	Cables for Owl	32.90		LEGIS	1000 410100	212	101000
	07/26/24	Supplies	82.36		FINADM	1000 410510	220	101000
	07/26/24	Admin Supplie	15.48		ADMIN	1000 410210	220	101000

For dates posted from 08/07/24 to 08/16/24, FSB - Operating account
* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
	08/01/24	LeagueMember	210.00		FINADM	1000 410510	380	101000
51462	E	2673 First Bankcard	1,439.93					
	07/03/24	Books	40.35		LIBRY	2220 460100	215	101000
	07/03/24	Books	275.25		LIBRY	2220 460100	215	101000
	07/05/24	Fishers-copier	90.43		LIBRY	2220 460100	398	101000
	07/05/24	Books	37.66		LIBRY	2220 460100	215	101000
	07/15/24	Membership	14.99		LIBRY	2220 460100	398	101000
	07/29/24	books	15.99		LIBRY	2220 460100	215	101000
	07/20/24	Books	532.99		LIBRY	2220 460100	215	101000
	07/25/24	Books	121.70		LIBRY	2220 460100	215	101000
	07/25/24	Westmart Supplies	21.98		LIBRY	2220 460100	220	101000
	07/26/24	Books	30.06		LIBRY	2220 460100	215	101000
	07/26/24	Books	178.73		LIBRY	2220 460100	215	101000
	07/29/24	Books	19.98		LIBRY	2220 460100	215	101000
	07/30/24	Supplies	19.68		LIBRY	2220 460100	220	101000
	07/31/24	Supplies-trusteemeeting	40.14		LIBRY	2220 460100	220	101000
51467		2952 DIS Technologies	2,538.95					
	14376 08/05/24	Monthly Managed IT	819.00		IT	1000 410580	355	101000
	14357 07/22/24	TrendMicroSecurityLiclyr	69.95		IT	1000 410580	355	101000
	14348 07/22/24	FinanceClerkNewcomputer	1,290.00		FINADM	1000 410510	212	101000
	14459 07/31/24	DIGAdvancedendpointprotect	360.00		IT	1000 410580	355	101000
51468		2421 NAPA Auto Parts	571.60					
	07/31/24	Napa Supplies	22.44		STREET	1000 430200	220	101000
	07/31/24	Napa repairs Supplies	56.97		STREET	1000 430200	361	101000
	07/31/24	Napa waterSupplies	271.20		WATER	5210 430500	220	101000
	07/31/24	NAPA Fuel & Oil supplies	220.99		POLICE	1000 420100	231	101000
51469	E	2673 First Bankcard	331.99					
	07/16/24	Supplies	45.19		POLICE	1000 420100	220	101000
	07/24/24	Supplies	34.99		POLICE	1000 420100	220	101000
	08/01/24	Please slow down signs	101.97		POLICE	1000 420100	212	101000
	08/01/24	MultiAgency-Buildingmeet	149.84		POLICE	1000 420100	357	101000
51472		2558 Hebgen Basin Fire District	56,686.67					
	08/01/24	August 2024	49,018.40		FIRE	1000 420400	357	101000
	08/01/24	August 2024	7,668.27		FIRE	1000 420400	140	101000

For dates posted from 08/07/24 to 08/16/24, FSB - Operating account
* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
51473	E	2673 First Bankcard	3,533.15					
		07/03/24 Apple	5.99		ADMIN	1000 410210	335	101000
		07/10/24 Apple	0.99		ADMIN	1000 410210	335	101000
		07/10/24 Apple	5.99		ADMIN	1000 410210	335	101000
		07/12/24 Floyd's Kubota	33.79		STREET	1000 430200	361	101000
		07/12/24 FrontlineAG	936.70		PARKS	1000 460430	220	101000
		07/12/24 Kenyon Noble-Supplies	601.45		PARKS	1000 460430	220	101000
		07/13/24 Adobe	19.99		ADMIN	1000 410210	335	101000
		07/16/24 Filters	81.00		TWNHLL	1000 411250	220	101000
		07/16/24 Park supplies	466.80		PARKS	1000 460430	220	101000
		07/17/24 Park supplies	116.00		PARKS	1000 460430	220	101000
		07/18/24 Apple	5.99		ADMIN	1000 410210	335	101000
		07/19/24 T-Mobile	137.50		STREET	1000 430200	345	101000
		07/19/24 Water Supplies	1,108.98		TWNHLL	5210 430500	220	101000
		07/21/24 Apple	5.99		ADMIN	1000 410210	335	101000
		08/28/24 Apple	5.99		ADMIN	1000 410210	335	101000
51474	E	2673 First Bankcard	2,572.55					
		07/09/24 Social Supplies-Publicity	486.00*		SOCSER	1000 450135	330	101000
		07/09/24 Social Supplies software	263.67		SOCSER	1000 450135	212	101000
		08/17/24 Ressler-tires	1,421.58		STREET	1000 430200	361	101000
		07/13/24 Help Fund Supplies	24.00		HELP	7010 450135	220	101000
		07/17/24 Soc Supplies	51.26		SOCSER	1000 450135	220	101000
		07/22/24 HelpGrant suppliesPointSystmpu	41.35		HELP	7010 450135	790	101000
		07/22/24 HelpGrant suppliesPointSystmpu	37.98		HELP	7010 450135	790	101000
		07/24/24 Social Supplies	23.50		SOCSER	1000 450135	220	101000
		07/26/24 Social Supplies	37.25		SOCSER	1000 450135	220	101000
		07/27/24 Soc Supplies	80.10		SOCSER	1000 450135	220	101000
		07/28/24 Help Supplies	60.86		HELP	7010 450135	220	101000
		07/31/24 Soc Supplies	45.00		SOCSER	1000 450135	220	101000
51475		2952 DIS Technologies	1,805.00					
		14373 08/05/24 Monthly IT	740.00		IT	1000 420160	398	101000
		14082 06/03/24 Monthly IT	330.00		IT	1000 420160	398	101000
		14053 06/05/24 Monthly IT	735.00		IT	1000 420160	398	101000
51476	E	2673 First Bankcard	273.75					
		07/12/24 Dispatch/Police Supplies	-44.99		DSPTCH	1000 420160	220	101000
		07/12/24 CNA SuretyBondCollins	52.00		DSPTCH	1000 420160	335	101000
		07/12/24 CNA SuretyBond Collins	40.00		DSPTCH	1000 420160	335	101000
		07/17/24 Supplies	216.96		POLICE	1000 420230	220	101000
		07/18/24 Supplies	9.78		DSPTCH	1000 420160	220	101000

08/16/24
16:17:38

TOWN OF WEST YELLOWSTONE
Claim Approval List
For the Accounting Period: 8/24

Page: 4 of 8
Report ID: AP100

For dates posted from 08/07/24 to 08/16/24, FSB - Operating account
* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
51480		3400 Julie Brown	2,705.00					
	081524	08/15/24 Cleaning Town Office	1,100.00		TWNHLL	1000 411250	357	101000
	081524	08/15/24 Cleaning TrailheadBuilding	80.00		TRLHD	1000 411256	350	101000
	081524	08/15/24 Cleaning Library	450.00		LIBRY	1000 411259	357	101000
	081524	08/15/24 Cleaning Povah	1,000.00		POVAH	1000 411255	350	101000
	081524	08/15/24 Public Works Shop	75.00		PARKS	1000 411253	357	101000
51498		3115 Spiffy Biffy	662.50					
	3328	07/17/24 Monthly Rental	662.50*		PARKS	1000 460430	357	101000
51541		1089 Gallatin County Treasurer	596.00					
		Court Reconciliation- June 2024						
	June2024	06/30/24 Tech Surcharge	190.00		COURT	7458 212200		101000
	June2024	06/30/24 MLEA	196.00		COURT	7467 212200		101000
	June2024	06/30/24 Victims Assistance	210.00		COURT	7699 212200		101000
51542		3455 CrossWinds Inn	622.37					
	08/14/24	Sum Rec Supplies	622.37		SUMREC	1000 460449	220	101000
51543		2099 Quick Print of West Yellowstone	101.05					
	19434	07/03/24 Supplies	65.40		ADMIN	1000 410210	220	101000
	19515	07/17/24 Supplies	9.96		ADMIN	1000 410210	220	101000
	19547	07/24/24 Supplies	4.50		ADMIN	1000 410210	220	101000
	19572	07/29/24 Supplies	21.19		ADMIN	1000 410210	220	101000
51544		2997 The New Yorker	179.99					
	08/08/24	Subscription	179.99		LIBRY	2220 460100	330	101000
51545		2350 WATSON LABEL PRODUCTS	378.00					
	103388	05/20/24 Patron labels	378.00		LIBRY	2220 460100	220	101000
51546		2751 Gallatin County Justice Court	285.00					
	08/05/24	BondPassThroughLapiers	285.00		COURT	7469 213000		101000
51547		2751 Gallatin County Justice Court	885.00					
	08/05/24	BondPassThroughSt. Don	885.00		COURT	7469 213000		101000
51548		999999 KELLI HART	714.80					
	07/23/24	Flowersfortrafficcalmingstudy	714.80		STREET	1000 430200	221	101000

08/16/24
16:17:38

TOWN OF WEST YELLOWSTONE
Claim Approval List
For the Accounting Period: 8/24

Page: 5 of 8
Report ID: AP100

For dates posted from 08/07/24 to 08/16/24, FSB - Operating account
* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
51549		3327 Larry Jent	194.66					
	08/08/24	CourtsLimitedfallConfer	194.66		COURT	1000 410360	370	101000
51550		3020 COLJ Conference Registration -	300.00					
	08/08/24	Conference Registration Sept	300.00		COURT	1000 410360	380	101000
51551		3020 COLJ Conference Registration -	250.00					
	08/08/24	COLJClerks Conferenc Registr	250.00		COURT	1000 410360	380	101000
51552		3135 BRAEVE CONSTRUCTION LLC	2,800.00					
	1172 08/15/24	Evidence Room Construction	2,800.00*		TWNHL	1000 411250	366	101000
51553		1454 Bozeman Daily Chronicle/Big Sky	60.00					
	546166 08/08/24	Zoning PublicHearing	60.00		ADMIN	1000 410210	327	101000
51554		3241 Bridger Analytical Lab	300.00					
	2408198 08/09/24	Water Tests	300.00		WATER	5210 430500	348	101000
51555		3013 IntelliChoice, Inc. / EForce	6,180.00					
	1232962 03/01/24	Class B License	6,180.00		911	2850 420750	398	101000
51556		999999 REYNA RESENDIZ	350.00					
	07/29/24	Refund PovahCleaningdepResendi	350.00		POVAH	2210 214001		101000
51557		999999 DANIEL ROJAS	350.00					
	08/11/24	RefundPovahcleaning depRojas	350.00		POVAH	2210 214001		101000
51558		2 Forsgren Associates P.A.	55,692.08					
	124292 07/25/24	WWTP	55,692.08		WWTP	5320 430640	951	101000
51559		547 WY Chamber of Commerce	6,000.00					
	24-03 08/08/24	Kids N Snow 23/24final	6,000.00		MAP	2101 410130	398	101000
51560		3192 Floyd's Truck Center	20.13					
	1006773 07/20/24	repair parts	20.13		STREET	1000 430200	369	101000
51561		2537 Balco Uniform Co., Inc.	2,334.49					
	79378-3 08/07/24	Uniforms Liszka	1,741.60		POLICE	1000 420100	226	101000
	79824-2 08/13/24	Uniforms Slowinski	154.84		POLICE	1000 420100	226	101000
	79825 08/14/24	badges	438.05		POLICE	1000 420100	226	101000

08/16/24
16:17:38

TOWN OF WEST YELLOWSTONE
Claim Approval List
For the Accounting Period: 8/24

Page: 6 of 8
Report ID: AP100

For dates posted from 08/07/24 to 08/16/24, FSB - Operating account
* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
51562		2822 ClearBlu Business Services	2,787.00					
	2613 08/07/24	SewerCleaning/camerainspec	2,600.00		SEWER	5310 430600	357	101000
	2631 08/13/24	Cleaning	187.00		WATER	5210 430500	357	101000
51563		3236 Nubia Allen	135.00					
	08/14/24	SpanishInterprVazquez/Arredond	135.00		COURT	1000 410360	350	101000
51564		533 Market Place	272.97					
	07/09/24	Sum Rec Supplies	22.96		SUMREC	1000 460449	220	101000
	07/22/24	Dispatch Supplies	8.17		DSPTCH	1000 420160	220	101000
	07/31/24	FarewellDebbi	241.84		LEGIS	1000 410100	220	101000
51565		2507 Silvertip Pharmacy	145.02					
	04/11/24	RX Voucher	44.54		HELP	7010 450135	351	101000
	07/03/24	RX Voucher	64.86		HELP	7010 450135	351	101000
	05/28/24	RX Voucher	15.62		HELP	7010 450135	351	101000
	04/16/24	RX Voucher	20.00		HELP	7010 450135	351	101000
51566		254 Firehole Fill Up/Economart	440.00					
	07/23/24	Gas Voucher	60.00		HELP	7010 450135	231	101000
	07/18/24	Gas Voucher	40.00		HELP	7010 450135	231	101000
	07/18/24	Gas Voucher	50.00		HELP	7010 450135	231	101000
	07/31/24	Gas Voucher	60.00		HELP	7010 450135	231	101000
	07/31/24	Fuel	230.00		STREET	1000 430200	231	101000
51567		3391 TSC Corner Station, INC.	89.19					
	07/01/24	Fuel	89.19		STREET	1000 430200	231	101000
51568		135 Food Roundup	658.80					
	07/31/24	Sum Rec Supplies	626.57		SUMREC	1000 460449	220	101000
	07/31/24	Supplies	32.23		DSPTCH	1000 420160	220	101000
51569		2980 Montana Department of Labor &	62.07					
	08/16/24	BuildingPermitAssessmentfee	62.07		BULDNG	1000 420531	335	101000
51570		3410 Gallatin County 911 Dispatch	164.52					
	108 08/13/24	ESChatAnnual license	164.52		911	2850 420750	398	101000
51571		2614 Clair & Dee's Operations, LLc	937.88					
	5001983 07/26/24	14FordInterceptor	937.88		STREET	1000 430200	361	101000

08/16/24
16:17:38

TOWN OF WEST YELLOWSTONE
Claim Approval List
For the Accounting Period: 8/24

Page: 7 of 8
Report ID: AP100

For dates posted from 08/07/24 to 08/16/24, FSB - Operating account
* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
51572		3432 JED Enterprises	757.00					
	SC202401	08/06/24 CameriareinstallUPDL	100.00		UPDL	1000 411252	357	101000
	SC202401	08/06/24 CompleteInstallMonitor	100.00		POVAH	1000 411255	350	101000
	SC202401	08/06/24 OptisigntrainingInstall	557.00		TWNHLL	1000 411250	357	101000
51573		3429 BEHM ELECTRIC LLC	259.79					
	1203	08/13/24 Museumelectrical	164.79		UPDLMU	1000 411252	357	101000
	1223	08/13/24 Street lights	95.00		STRLGT	1000 430200	398	101000
51574		3422 Sprinter Heating & Air LLC	412.97					
	21712	08/08/24 Work onA/C TownHall	412.97		TWNHLL	1000 411250	357	101000
51575		40 Jerry's Enterprises	617.60					
	07/31/24	Fuel	617.60		STREET	1000 430200	231	101000
51576		379 Energy Laboratories, Inc	138.00					
	647717	08/03/24 Water Sample test	138.00		WATER	5210 430500	348	101000
51577		3200 Yellowstone Log Chinking	13,000.00					
	2024-44	08/14/24 RepaintParkShop/UPSign	12,500.00*		PARKS	1000 460430	357	101000
	2024-44	08/14/24 Extra Stain	500.00*		PARKS	1000 460430	357	101000
51578		3242 Fisher's Technology	186.91					
	1366857	08/08/24 Copier Supplies	186.91		DSPTCH	1000 420160	220	101000
51579	E	2323 Montana Department of Revenue	6,312.49					
	5748	08/14/24 1% MT contractors TaxMuseum	6,312.49*		CIP	4000 460460	920	101000
51580		3473 GWC LLC	240,023.46					
	5748	08/14/24 Final Museum Roof	240,023.46*		CIP	4000 460460	920	101000
51581		2727 Fly Tyer	22.00					
	08/01/24	Yearly Subscription	22.00		LIBRY	2220 460100	330	101000
		# of Claims	58	Total:	446,000.15			
Total Electronic Claims			19,100.96	Total Non-Electronic Claims	426899.19			

Town of West Yellowstone
Town Council Meeting
August 6, 2024

TOWN COUNCIL MEMBERS PRESENT: Mayor Travis Watt, Lisa Griffith, Jeff McBirnie, Jeff Mathews, Brian Benike

OTHERS PRESENT: Town Attorney Jane Mersen, Town Manager Dan Walker, Town Clerk Liz Roos, Finance Director Katie Thompson, Public Services Superintendent Jon Simms, Chief of Police Mike Gavagan, Fire Chief Shane Grube, SJ Shepherd, Casey McCray, Mindy Morris, Brock Kelly, Cynthia Knapp, Tim & Carolyn Golba, Garrett Ostler, Brad Schmier, Christopher and Katie Balmer

Zoom Participants: Morgan Scarr – Amatics CPA Group, Scott Hazelton-Hyalite Engineering, Steve Jacobs, Chipper Smith, Gay McBirnie, Jan Neish – Island Park News, Scott Johnson, Kayla Wilson, Kevin Perry, Peggy Russell, Richard Fairbanks, Vic Redding, Carrie Coan

The meeting is called to order by Mayor Travis Watt at 5:00 PM in the Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.

The meeting is being broadcast over the internet using a program called Zoom.

WORK SESSION

Mayor Watt calls the meeting to order. The first topic for the work session is a FY 2023 audit report. Morgan Scarr of Amatics CPA Group joins the meeting by Zoom. Scarr explains that they conducted a financial statement audit in compliance with government standards, which is what was required because the Town did not receive any federal funding in this fiscal year. She explains that they have prepared to arrive at a clean audit opinion. She reports that they have two material weaknesses to report and one compliance finding. She says the first weakness was related to accounting errors and the other to bank reconciliation procedures. The compliance finding is for the late filing of the Annual Finance Report and Audit filing. Scarr explains that Finance Director Katie Thompson filed the AFR herself this year after the Town contracted with an outside CPA last year, which required an enormous amount of work. She says that completing the audit also requires an enormous amount of work. Scarr says that Thompson is already preparing to get a head start on FY 2024. Thompson says she never wants to do an audit and budget prep at the same time again, so she will make sure it gets done earlier. Watt asks Scarr for any recommendations to prepare for the federal compliance audit they will have to complete next year. Scarr explains the compliance procedure for federal funds and how to prepare to comply. Thompson says that when she first got the findings, she really beat herself up, but appreciates the support she received and really knows now what she needs to do moving forward. Scarr thanks the Town for the opportunity and encourages anyone to reach out if they have questions.

Thompson addresses the Council regarding the FY 2025 budget and Capital Improvement Plan. Thompson reports that several of the projects they scheduled for FY 2025 have already been completed due to our short building season. She describes the projects that are still planned for this season, points out that the bathroom and sewer line project at the tennis courts was moved to FY 2026. The new trees for Canyon Street have been ordered and will be planted this fall. They do have plans prepared for the Chief of Police office remodel that have been sent to the Town Engineer, the loader-mount snowblower has been delivered. The new police vehicles have been ordered; one vehicle is an insurance claim. Thompson describes projects planned for FY 2026 including fire hydrant and water well projects, casting pond aesthetics, and a structural upgrade of the Mammoth Room in the Union Pacific Dining Lodge. The group discusses the procedure for adding projects to the CIP. Town Manager Dan Walker explains that based on staff recommendations, Council input, public comments, and budgeting, they work collaboratively to develop the plan. He explains that if a project is included and budgeted for the current fiscal year, it is an approved project, and they will move forward with it. Thompson explains that when she builds the budget, she starts with payroll and then CIP projects. There is no specific percentage of the resort tax that goes to projects, but they consider council priorities, too.

The Council adjourns into executive session at 6:00 PM to discuss pending litigation by West Development against the Town. The executive session adjourns at 6:57 PM. The regular Town Council meeting begins at 7:12 PM.

Public Comment Period

Cynthia Knapp expresses disapproval for the allowance of fireworks in Town on the 4th of July. She expresses concerns about fires and the liability that is created by allowing the discharge of fireworks in Town and encourages the Council to change the ordinance.

Council Comments

Benike thanks everyone that was involved with the Yellowstone Rod Run. Mayor Watt thanks Public Works for the seal coat project that is being done this week. He also mentions that there has been a lot of interest in the traffic calming efforts with the flower boxes on Highway 20. He says they had about 215 cars at Rod Run and thanks everyone that helped.

Public Hearing – Ordinance No. 276, Revised Zoning Code

Mayor Watt opens the hearing and reads the hearing notice. The hearing was advertised in the Bozeman Daily Chronicle, online, posted at the post office, and on the Town's Facebook page. Scott Hazelton of Hyalite Engineering, the professional planner the Town engaged to work on the ordinance, participates in the meeting. He explains that the Planning Board and Council have been working through the review process of the current ordinance for several months. Public comments were received and discussed, multiple drafts of the ordinance were developed and distributed before approved by the Planning Board. Hazelton points out items that received the most comments and interest. He says that the Downtown Overlay District was discussed at length, but the desire of the Planning Board was to leave this section in draft format and not adopt it. Parking and the Sign Code were also discussed extensively, but significant changes were not approved. He emphasizes that there is no such thing as a perfect zoning code, and they can continue to make improvements. He also explains the new regulation to require an 18" setback from the sidewalk to display outdoor merchandise. He says the purpose of this is to ensure that pedestrian traffic is not impacted when a person stops to shop on a rack. He explains that multiple definitions and clarifications were also added to the code. Walker thanks Hazelton for his efforts to work on this document. Mayor Watt opens the meeting to public comments on Ordinance No. 276. Cynthia Knapp asks what the changes to zoning code are. Hazelton responds that there were no changes to lot sizes, but some smaller lot sizes are allowed and smaller setbacks are allowed. They did add some permitted uses in some zones. He also explains that the supplemental regulations chapter was incorporated into each of the existing zones. The staff explains that the zoning map can be accessed on the Town's website and utilizes an interactive map that shows the zoning information for every lot in Town. The proposed code also includes a Transitional District zoning district that will be used as the 80 acres are zoned and developed in accordance with the needs of the community. The proposed code currently includes a Downtown Overlay District that is incorporated as a draft. Hazelton also describes changes to the signs chapter, added definitions and clarifications and slightly reduced the amount of signage allowed per lot. The parking regulations were largely unchanged, but dimensions for parking stalls were added, and the one-time payment for cash-in-lieu parking spaces is changed to an annual fee. Christopher Balmer of Yellowstone Camera Store comments that the Town is constantly losing customers because the Town looks like a garage sale. He encourages more enforcement and to keep the sidewalks clear. Garrett Ostler comments that if they are not enforcing the laws now, what is the point of adding more rules. He complains about a neighboring business that aggressively solicits customers on the sidewalks. Brad Schmier, a 50-year resident and member of the Planning Board, explains that this process started several years ago. He credits Hazelton for doing a tremendous job to put this document together. He says there really aren't very many changes in the document and encourages everyone to read it. He contends that the racks that are out now are on private property, and they have no way to regulate racks on private property at this time, hence the reason the 18" requirement is being added to the document. Lisa Griffith says she prepared a redline/strikeout version of the code by comparing the document to the original and offers to share it with anyone that wishes to review it. She disagrees that the changes made to the code are not minor. SJ Sheppard questions the section that refers to home occupations and contends that in the mixed-use areas the limitation is

inappropriate. She also questions the definition of light manufacturing because custom manufacturing is excluded. She asks about the naming of the parkways since they are labeled “A, B, C and D.” She also questions why there aren’t more parameters for government owned outdoor storage. She questions common open space for townhouses being eliminated. She says industrial and heavy manufacturing uses are no longer allowed in B3 and B4 zones and asks if they will be allowed elsewhere. She also asks about identifying the public parks on the interactive map. Hazelton says he believes he can add the public parks to the interactive map, they are typically zoned PLI. He says that light manufacturing is allowed as permitted use in the B3 but not in the B4. He says that the definition for home occupations is a standard definition to ensure there isn’t impact on adjacent properties. Hazelton clarifies that there is a standard definition for light manufacturing, and they do have a M1 zone that would allow heavy manufacturing that they may decide to put in the 80 acres. He says the public space removal for timeshares is a result of legislative action to exempt townhouses from subdivision review. Jeremy Roberson questions the expansion of a heavy manufacturing business in the B3 zone. The group considers several angles of light manufacturing versus heavy manufacturing. Kevin Perry supports the section that allows accessory dwelling units, he suggests considering additional height for building, they could have 4-story structures that could alleviate housing constraints. He also suggests requiring workforce housing if additional height is approved. He also inquires about height measurement for different roof types. Hazelton responds that they agreed to a standard roof measurement and considered what the Fire Chief said they could service, which is currently 35’. Chief Grube explains that the original code was written at 35’ in response to the ladder height they had in 1982. The proposed code requires 35’ including the roof. Scott Johnson comments that he disagrees with the Downtown Overlay District proposal and potentially requiring employer provided housing. Scott Johnson expresses concerns about allowing short-term rentals on his property in the B-3 zone, which are limited in the adjacent dwelling unit section. Hazelton explains that the limitations set form in the ADU section against short-term rentals apply to residential zones, does not apply to the B3. Shepherd expresses concern about the definition of home occupations and custom manufacturing and asks if there will be differences in the definitions for commercial zones. After further debate, Hazelton recommends changing the word in the ADU chapter from “residential areas” to “residential districts.” Chipper Smith concurs with Hazelton and explains that the ADU section is driven by state law. He says that just because there is a residence in a commercial area, it does not become a residential area. He says that pertaining to home occupations, the purpose is to address customers coming to the home. Jeff Kadlec suggests listing the zones specifically affected by the ADU chapter. Griffith says the ADU chapter needs to conform with state law. The public hearing is closed at 9:24 PM. (Ten minute break) After the break, Mayor Watt reads two letters of support for improving the downtown area and reducing t-shirt racks, one from Diane Konieczcy and the other from Kristy Coffin.

ACTION TAKEN

- 1) Motion carried to approve Purchase Order #6241 to Dana Safety Supply \$34,412.00 to purchase specialized equipment for the new police vehicles. (McBirnle, Benike)
- 2) Motion carried to approve Purchase Order #6240 to Dunne Communications for \$5146.36 for radio for police vehicle, amended to \$5146.46 .(McBirnle, Benike)
- 3) Motion carried to approve Purchase Order #6242 to Elan City for two radar speed signs for \$6200.00 (McBirnle, Benike)
- 4) Motion carried to approve the claims, which total \$1,847,010.39. (McBirnle, Benike)
- 5) Motion carried to approve the minutes of the July 16, 2024 Town Council Meeting. (McBirnle, Mathews) Griffith is opposed.
- 6) Motion carried to approve the first reading of Ordinance No. 276 as written. (Mathews, Benike) See next motion.

- 7) Secondary motion, as amended, to approve Ordinance No. 276, but remove 17.27.020 (Downtown Overlay District boundaries) and the Downtown Overlay District map (Figure 27.025) and change the wording in 17.30.010 to “housing and residential districts” and accept the rest of the ordinance as presented. (Watt, McBirnie) Griffith is opposed, motion carries.
- 8) Motion carried to approve the Application to Maintain an Encroachment made by Atanas Markov to store construction materials in the interior park of Block 23 until November 15, 2024, as amended. (McBirnie, Mathews)
- 9) Motion carried to approve the Municipal Auditor contract with Amatics CPA Group for a three year term, through FY 2026. (McBirnie, Mathews)
- 10) Motion carried to approve the cleaning contract for the Pioneer Park bathrooms with Triple S Cleaning for FY 2025, amended to name the Town as additionally insured. (McBirnie, Mathews)
- 11) Motion carried to approve the change order from Great White Construction for a change order of \$5625 due to some redecking of the flat portion of the Museum roof. (McBirnie, Benike)
- 12) Motion carried to approve the change order from Great White Construction for a change order of \$6500 due to framing a cold roof style over existing roof decking to compensate for elevated fascia. (McBirnie, Benike)
- 13) Motion carried to adopt Resolution No. 805, a resolution setting the fees associated with the Fir Ridge Cemetery. (McBirnie, Benike)
- 14) Motion carried to direct Town Manager Dan Walker to write a letter requesting an easement for access to the potential cemetery expansion. (Benike, McBirnie)

DISCUSSION

- 6) Griffith makes a motion to remand consideration of the revised zoning code back to the Planning Board and require the review and update of the Growth Policy in accordance with Montana law. Motion dies for lack of a second. Mathews says that the Planning Board spent a lot of time working on this ordinance and it should be reviewed every two years. Benike states that he attended a lot of the meetings and it was very interesting the way it was developed. He would like the Planning Board to continue to look at it and update as needed. Watt makes a secondary motion. McBirnie seconds the motion and expresses that he agrees, his only concern is was the Downtown Overlay District. Griffith says that Montana Code requires the update of the Growth Policy every five years and shares supporting reasons. She expresses concerns about adopting this ordinance before updating the Growth Policy. She comments at length about the ADU Chapter, grammatical errors, and perceived inconsistencies. She contends that the ADU proposal does not comply with Montana law. The secondary motion passes. Watt explains that at the next meeting, they will have another first reading of the ordinance and another public hearing.
- 9) Thompson recommends retaining Amatics CPA Group for another three years, especially considering they will have to comply with a federal audit due to the wastewater treatment plant project.
- 11) Mathews comments that they should have been made aware that there could be a change order for this project by the engineer. Walker says that they were aware this would be a possibility.

- 14) Walker explains that he met with Rocky Hermanson and representatives from the US Forest Service about access to a potential expansion of Fir Ridge Cemetery. Schmier adds that if they acquire the new parcel to expand the cemetery, they need an easement from the US Forest Service to access the property. Fire Chief Shane Grube shares that the Forest Service will likely require a NEPA process and he suggests it will be faster to complete if they have their engineer do it.
- A) **Town Manager & Staff Reports:** Town Manager Dan Walker says that the Housing Strategy Report is complete and encourages everyone to respond to the survey. HRDC will present the report to the Council at the first meeting in September. Debbi Paisley's retirement party was last week, after 4 years with the Town and 39 years at the school. She is relocating to South Carolina to be close to her son. They have received seven applications for the Chief of Police position and will be moving forward. Montana DEQ conducted an inspection of the wastewater treatment plant project in July and they received a satisfactory report. The streetlight project on Highway 20 will be completed this week. He participated in a walk-through of the Yellowstone Historic District to review necessary projects. He says they are recruiting for a police officer, two dispatchers, and a social services associate.
- B) Town Attorney Jane Mersen explains that in response to the request from the Council, she researched and determined there is no prohibition against issuing a building permit for a lot without a sewer connection. She says that she believes it is not a good policy and consulted multiple experts, engineers, and contractors while conducting her research. She questions what would happen if the wastewater treatment plant isn't finished until 2027? Town Manager Dan Walker explains that Montana DEQ does not review single connections, but they do review subdivisions. He thinks that is problematic and points out that they don't know where to draw the line of what can be built. Griffith makes a motion to direct Town staff to immediately issue building permits that the Town is allowed to issue and allow building to start immediately with the condition that they are not allowed to connect to the wastewater treatment system until it is complete, the motion is not seconded. Mersen says it is not an appropriate motion as the item is on the agenda for discussion only. Griffith argues that a council member can make a motion on an item that is on the agenda. Brad Schmier says that he does not think it is appropriate for the Council to take action on an item that was not properly advertised as an action item. Griffith withdraws the motion and makes a motion to place this item on the next agenda as an action item. Schmier suggests a work session before taking action on the proposal. Motion dies for lack of a second. Watt asks the members of the council to share their thoughts on this topic. Benike says he thinks it may be worth it to revisit this issue in February or March based on how construction of the plant is going. Mathews says that he has concerns about some of the issues raised in the memo and would like an explanation of how this decision could affect the Town legally. He agrees that February would be a better time to revisit this issue. Griffith contends that the Town is only licensed to issue residential building permits and that is a separate issue from sewer connections. She disagrees with the memorandum prepared by Mersen. McBirnie agrees with the memo and believes issuing permits will expose them to liability and is not a good idea. Watt agrees and says that he also is concerned about the ramifications of issuing permits. He says that there are property owners that have been allocated connections that they are not using, and they could return those to the Town to be allocated to someone else. Tim Golba addresses the Council and says that they would like to build a house on a lot that they already own. Scott Buettner is going to be their builder. Golba says that according to the local newsletter, the system should be complete in November 2025. They just want to build the house and so does another property owner. Katie Thompson clarifies that she wrote the article in the community newsletter in her free time and the date refers to the construction completion date, not the date the plant will be operational. Cynthia Knapp notes other projects, specifically hotels, that were allowed to build before capacity was available and it turned into very difficult situations. Shane Grube, Fire Chief, cautions the Council that the Town is licensed to issue building permits up to a 4-plex under the residential code. Grube says that during

the water connection moratorium, projects proceeded, and it got very ugly. Vic Redding comments by Zoom, says he was planning to also build a house and believes there should be a way to work this out so they can proceed.

CORRESPONDENCE

Griffith reads an email from July 2024 from Mayor Watt to herself because it was shared with the rest of the Council and she believes it needs to be read publicly. Griffith also shares correspondence from Montana DEQ that she sent to the Council, attorney, and staff regarding issuing building permits without sewer connections.

The meeting is adjourned. (11:25 PM)

Mayor

ATTEST:

Town Clerk

DRAFT



AUGUST 16, 2024

TO: Town Manager Dan Walker, Town Council

FROM: Liz Roos, Town Clerk

SUBJECT: Town Clerk Report

- Promoted, planned, and applied peer pressure to everyone that I could to encourage them to participate in our annual health screenings this week. Everyone that participates can receive up to \$200 in incentives if we can get 80% participation by employees. This seems to be very difficult for us and we only have 65% participation so far.
- Cemetery Board Meeting on August 7 – while discussing a possible land exchange and/or purchase to expand the cemetery, KC Tanner was looking at the property in the Duck Creek area on an app on his phone and discovered a 2-acre parcel south of the cemetery that, according to property records, belongs to the Town. The parcel is adjacent to Forest Service and cannot be accessed other than across private property or by Forest Service. This is a total surprise to everyone, so we are researching the history of this parcel to try to figure out where it came from. More to come...
- DRG meeting – discussed building remodel at 209 Electric and business license for a new owner of some residential rentals
- Planning for our host responsibilities during the Montana League of Cities & Towns Conference, October 2-4. The League is still seeking hotel rooms for that week. We also need volunteers to staff the registration desk:
 - Wednesday, October 2nd – 7:00 a.m. – 3:00 p.m.
 - Thursday, October 3rd – 7:00 a.m. – 5:00 p.m.
 - Friday, October 4th – 7:00 a.m. – 10:00 a.m.
- Prepared for deposition for West Development/Ridgetop Properties lawsuit
- Posted and prepared for 8/20/24 Town Council Meeting, processed payroll 8/9/24.





Week of 08.12.2024

- Lots of work on small details of the FY2025 budget this week.
- Worked on year-end entries for FY2024.
- Attended the WWTP meeting on Monday, things are moving along. We worked through the new link for the certified payrolls as well, things hopefully will start rolling more seamlessly. The Loan B No 4 Disbursement request was sent to Steve at DEQ for processing. We hope to see the wire early next week.
- Attended the monthly engineering meeting with Kyle Scarr. We went over the projects and their statuses; he is planning to do a site visit on 08.26.2024.
- Calculated our mill levies for FY2025. This will be up for adoption by resolution at the September 3, 2024, meeting and sent to the county later that week.
- Semi-annual debt payments were made this week for Little Rangers Learning Center, Town Hall Construction, and 80- acres.
- Prepared for Town Council meeting 08.20.2024.

HIGHLIGHTS AUG. 8-15, 2024

- Zoom Webinar (Mental Health Foundation – Action Plan for the Workforce)
- 13 donations of food items and some household goods
- Several volunteers in the clothing bank this week,
- 10 community members using public computers this week
- 3 assists with Medicaid
- Social Security interview for benefits
- 16 lobby visitors for food items
- 17 clothing bank visitors
- 2 Food Boxes prepared for community members
- Health screening at the Holiday Inn
- Self-Care Fair preparations (October 9th)
- Collected cash donation boxes
- 4-hour training segment (mental/physical wellness)

The school supply drive was very successful. Two bins of supplies were donated by community members and donated cash totaled over 400.00 dollars to purchase other needed supplies. Patty Peterson initiated the drive and Social Services assisted in gathering supplies and counting money donations for purchasing remaining needed items.

Public Services Dept. Bi-Weekly Report: July 26th through Aug 15th, 2024

Work Performed

- Projects: Sealcoat roads, Pavement markings, Light pole replacements.
- Prep and finish concrete: behind museum, north electric St. fill in tree pits along canyon that will not be receiving trees this fall.
- Fill in low spots within inner parks/ snow storage areas with road base.
- Maintain casting pond, fix sprinkler system lines, mowing grass, trimming weeds/ trees.
- Sweep streets, fill potholes. York rake operations.
- WW treatment plant continues forward. Bypassing cells, raking solids from Cell B.
- Flush SAS service laterals and mainlines that continue accumulating debris.
- SAS weekly manhole/ problem areas inspections: ongoing.
- Perform water & WW samples: ongoing.
- Sewer and water systems maintenance: ongoing. Fixing broken lines, Curb-stop requests.
- Continue inventory for the EPA's lead and copper rule/ data entry to meet the October 16th, 2024, deadline.
- Building maintenance and service calls: ongoing.
- Event support: Rod Run. Daily trash/ refuse route: ongoing.
- Vehicle and equipment repairs: ongoing. Utility locates ongoing.
- Respond to vandalism: ongoing. Haul away abandoned vehicles.
- Code enforcement and citations issued: ongoing.
- Cross training the PW crew on vehicle maintenance, daily lift stations route, utility locates, water monitoring and testing, equipment, etc.
- Fix damaged castings and signage: ongoing. Install signs on highway planter boxes.

Administrative

- Continue to work with vendors and technicians on fleet updates: ongoing. Chase parts
- Coordinate parts and supplies orders: ongoing.
- Upcoming CDL test for Crew: Oscar and Jose will take driving test August 28th in Dillon.
- Line up training for crew on new snowblower w/ Larue.
- Line up burial services and coordinate headstone deliveries w/ monument companies.
- Work with/ meet contractors on project scheduling: ongoing.
- Fill in for staff/ operate equipment/ wrench on equipment.
- Manage current public works staff and seek ways to recruit additional employees: ongoing.
- Met with residents and business owners regarding complaints: ongoing.
- Meetings: Town Manager & Finance, Cemetery Board, TD&H Engineering, RSCI, Tri State.
- Continue to seek bids for future CIP's, get the ball rolling years in advance.
- Submit departmental reports to the Town Manager.
- Code bills and submit check request: ongoing.
- Seek additional training opportunities for the crew.
- Evaluate building and infrastructure issues, coordinate repairs as needed.

Water/Wastewater Report

08/05/24 thru 08/15/24

Wastewater samples for August delivered to IAS Lab for analysis.

Water bacteria samples for August delivered to Bridger Labs for analysis. Results returned with non-detect.

Wastewater flows for the first week in August were down slightly. Flows have returned to 775,000 gallons per day.

Water flows are around 1,000,000 gallons per day.

Sewer line inspections were performed on Electric Street. We were able to find a sewer line that was not registered on our Asbuilt drawings. This helped to provide service for the new school housing project.

Working on the Lead and Copper sampling which is different than the Lead and Copper inventory. This part requires us to select homes built between 1982 to 1989 which have copper pipes. The homeowner is required to draw the sample after six hours of the waterlines not moving water. This allows any copper or lead to show up in the water sample. After the sample is collected and delivered to the labs a detailed report will be provided to the homeowners which will show the lead and copper result.

Working on lead and copper inventory. We are in the middle of inspections and our goal is to have everything finished by 10/10/24 for submission to EPA and DEQ.

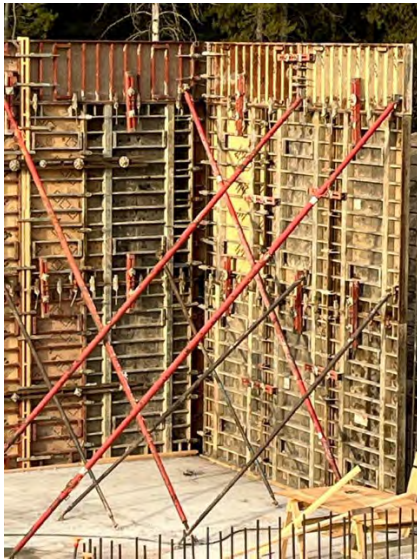
Wastewater treatment is progressing. The second-floor slab out of five was poured on 08/13/24.

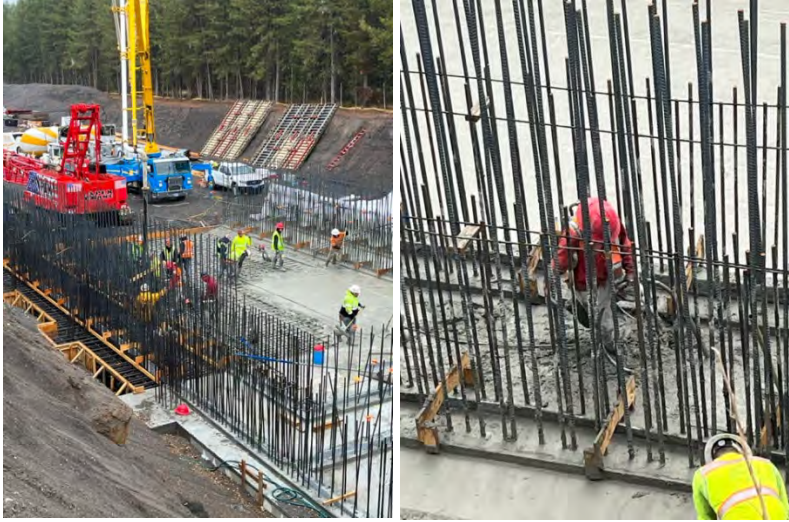
There has been 300 yards of concrete poured on the second slab and the total number of concretes so far is about 635 yards.

RSCI is now setting the forms for the west corner wall and are scheduled to pour concrete on 08/20/24.

On 08/14/24 Dan Walker, Liz Roos, and Jon Simms toured the site to see the progress being made.

I encourage the Town Council to view progress. Please contact me anytime to schedule a time.





If you have any questions, please contact me.

Thank you,

Jon Brown

TOWN OF WEST YELLOWSTONE

PUBLIC HEARING

Ordinance No. 276 Revised Zoning Code

NOTICE IS HEREBY GIVEN that the Town Council of the Town of West Yellowstone will conduct a Public Hearing on **August 20, 2024** regarding Ordinance 276. Ordinance No. 276 amends all chapters of Title 17 of the West Yellowstone Municipal Code, commonly known as the Zoning Code, which pertains to all zoning districts, land use, permitted and prohibited uses, conditional uses, setbacks, encroachments, parking, signage and development standards, etc.

Complete copies of the ordinance are available at the Town Hall, 440 Yellowstone Avenue, West Yellowstone, MT or by email at eroos@townofwestyellowstone.com. The proposed ordinance is also posted on the Town's website: www.townofwestyellowstone.com. The public hearing will be held during the regular Town Council Meeting which begins at **7:00 PM** on **August 20, 2024**. The meeting will take place in the Town Hall, 440 Yellowstone Avenue in West Yellowstone, MT, at which time oral testimony will be taken from the public. The meeting will also be broadcast on the internet through zoom.us, meeting ID: 893 834 1297. Written testimony may be submitted until 5:00 PM on the date of the hearing to the Town Clerk at the Town Hall, by mail to P.O. Box 1570, West Yellowstone, MT 59758, or by email to eroos@townofwestyellowstone.com. For further information contact the Town Offices, 646-7795.

Elizabeth Roos
Town Clerk



ORDINANCE No. 276

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE REPLACING TITLE 17 OF THE WEST YELLOWSTONE TOWN CODE WITH A REVISED ZONING CODE

WHEREAS, the Town Council of the Town of West Yellowstone believes that an updated zoning code is in the best interests of the health, safety and welfare of the citizens of West Yellowstone; and

WHEREAS, the Town's zoning code was adopted in 1982 with various amendments having been made to it over the years; and

WHEREAS, it is in the best interest of the Town to have a comprehensive updated zoning code so that the Town and the public can more easily understand the code and how it applies within the Town and one which complies with the current state regulations on local zoning; and

WHEREAS, the West Yellowstone Planning Commission has held several meetings to discuss the revisions and recommended that the Town adopt the revised zoning code that is attached hereto as **Exhibit 1**, (the "Revised Zone Code"); and

WHEREAS, on July 16, 2024, the Town Council of the Town of West Yellowstone held a work session at which the Revised Zone Code was presented by the Town's Planning Consultant; and

WHEREAS, the Town was informed the Planning Commission recommended that the Town delay adoption of the Overlay District chapter for additional review; and

WHEREAS, on August 6, 2024 and again on August 20, 2024, the Town Council held a duly noticed public hearing for the first reading of the Ordinance adopting the Revised Zone Code at which it received public testimony in favor of or against the Revised Zone Code; and

WHEREAS, on _____, 2024, the Town Council held a duly noticed public meeting on the second reading of the Ordinance adopting the Revised Zone Code at which it received public testimony either in favor of or against the Revised Zone Code; and

WHEREAS, based on the recommendation of the Planning Commission, staff input and public testimony, the Town Council believes it is in the best interests of the citizens of the Town of West Yellowstone to adopt the Ordinance enacting the Revised Zone Code, without the Overlay District chapter:

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of West Yellowstone that the Revised Zone Code as set out on **Exhibit 1**, attached hereto, is hereby adopted, without the Overlay District chapter, and shall entirely replace Title 17 of the 1982 zoning code and its previous amendments.

REPEALER: All ordinances and parts of ordinances in conflict with provisions of this ordinance, except as provided above, are hereby amended or repealed.

EFFECTIVE DATE: This ordinance shall be in full force and effect thirty (30) days after final adoption by the Town Council of the Town of West Yellowstone.

SEVERABILITY: If any portion of this ordinance or the application therefore to any person or circumstance is held invalid, such invalidity shall not affect other provisions of this ordinance which may be given effect without the invalid provisions or application and, to this end, the provisions of this ordinance are declared to be severable.

PASSED BY the Town Council and approved by the Mayor of the Town of West Yellowstone, Montana, this ____ day of _____, 2024.

Mayor Travis Watt

Council Member Jeff Mathews

Council Member Brian Benike

Council Member Jeff McBirnie

Council Member Lisa Griffith

ATTEST:



Town Clerk Elizabeth Roos

Chapter 17.02: GENERAL PROVISIONS

Sections:

17.02.020 Title

17.02.030 Zoning map adopted

17.02.020 Title

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

17.02.030 Zoning map adopted

The town zoning ordinance is amended by adopting the West Yellowstone zoning map placed before the Town Council and signed on _____

Chapter 17.04: DEFINITIONS

Sections:

- 17.04.010 Generally
- 17.04.020 Accessory use or building
- 17.04.030 Alley
- 17.04.040 Amusement center
- 17.04.050 Animal-drawn carriage
- 17.04.060 Apartment
- 17.04.070 Architectural feature
- 17.04.080 Automobile wrecking
- 17.04.090 Boarding, lodging, or rooming house
- 17.04.100 Building
- 17.04.110 Building height
- 17.04.120 Building official
- 17.04.130 Building perimeter
- 17.04.140 Campsite
- 17.04.150 Casino
- 17.04.160 Church
- 17.04.170 Clinic
- 17.04.180 Clubs, fraternal lodges
- 17.04.190 Communications tower
- 17.04.200 Conditional use
- 17.04.210 Condominium
- 17.04.220 Day and youth camps
- 17.04.230 Density
- 17.04.240 Dwelling
- 17.04.250 Dwelling, duplex
- 17.04.260 Dwelling, multi-unit
- 17.04.270 Dwelling, one-unit
- 17.04.280 Dwelling unit

17.04.290	Fallout shelters
17.04.300	Finished good
17.04.310	Floor area
17.04.320	Four-plex
17.04.330	Fuel service stations
17.04.340	Garage, automotive repair
17.04.350	Garage, residential
17.04.360	Growth policy
17.04.370	Home occupation
17.04.380	Hospital
17.04.390	Hotel
17.04.400	Independent recreational vehicle
17.04.410	Independent recreational vehicle site
17.04.420	Industrial use
17.04.430	Interior park
17.04.440	Junk yard
17.04.450	Landscaping
17.04.460	Limited services campground
17.04.470	Live-work units
17.04.480	Loading berth, off-street
17.04.490	Lot
17.04.500	Lot, corner
17.04.510	Lot coverage
17.04.520	Lot lines
17.04.540	Lot line, front
17.04.550	Lot line, rear
17.04.560	Lot line, side
17.04.570	Lot width
17.04.580	Manufacturing, heavy
17.04.590	Manufacturing, light

17.04.600	Mobile food vendor
17.04.610	Mobile home
17.04.620	Mobile home park
17.04.630	Mobile home stand
17.04.640	Motel
17.04.650	Nursing home
17.04.660	Outdoor merchandise
17.04.670	Parking lots
17.04.680	Parking space, off-street
17.04.690	Parkway
17.04.700	Personal service establishment
17.04.710	Planned unit development
17.04.720	Prefabricated home
17.04.730	Professional business offices
17.04.740	Public park
17.04.750	Recreation area
17.04.760	Restaurant, café, and drive-in restaurant
17.04.770	Retail sales
17.04.780	Rooming house
17.04.790	Rooming unit
17.04.800	Salvage yard
17.04.810	Screened
17.04.820	Setback
17.04.830	Shopping center
17.04.840	Short-term rental
17.04.850	Sign
17.04.860	Splash pad, public
17.04.870	Street
17.04.880	Structure
17.04.890	Structural alteration

- 17.04.900 Swimming pool, private
- 17.04.910 Swimming pool, public
- 17.04.920 Timeshare interest
- 17.04.930 Timeshare plan
- 17.04.940 Timeshare use
- 17.04.950 Tower
- 17.04.960 Townhouses
- 17.04.970 Townhouse group
- 17.04.980 Travel trailer
- 17.04.990 Travel trailer park
- 17.04.1000 Triplex
- 17.04.1010 Unit, efficiency
- 17.04.1020 Unit, rooming
- 17.04.1030 Use
- 17.04.1040 Use, conditional
- 17.04.1050 Variance
- 17.04.1060 Vehicle repairs, major
- 17.04.1070 Vehicle repairs, minor
- 17.04.1080 Walk up business
- 17.04.1090 Water park, public
- 17.04.1100 Wholesale establishment
- 17.04.1110 Yard, front
- 17.04.1120 Yard, rear
- 17.04.1130 Yard, side
- 17.04.1140 Zero lot line

- 17.04.010 Generally

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

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

17.04.020 Accessory use or building

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

17.04.030 Alley

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

17.04.040 Amusement center

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

17.04.050 Animal-drawn carriage

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

17.04.060 Apartment

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

17.04.070 Architectural feature

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

17.04.080 Automobile wrecking

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

17.04.090 Boarding, lodging, or rooming house

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

17.04.100 Building

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

17.04.110 Building height

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

17.04.120 Building official

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

17.04.130 Building perimeter

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

17.04.140 Campsite

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

17.04.150 Casino

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

17.04.160 Church

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

17.04.170 Clinic

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

17.04.180 Clubs, fraternal lodges

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

17.04.190 Communications tower

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

17.04.200 Conditional use

See "use, conditional."

17.04.210 Condominium

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

17.04.220 Day and youth camps

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

17.04.230 Density

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

17.04.240 Dwelling

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

17.04.250 Dwelling, duplex

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

17.04.260 Dwelling, multi-unit

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

17.04.270 Dwelling, one-unit

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

17.04.280 Dwelling unit

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

17.04.290 Fallout shelters

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

17.04.300 Finished good

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

17.04.310 Floor area

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

17.04.320 Four-plex

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

17.04.330 Fuel service stations

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

17.04.340 Garage, automotive repair

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

17.04.350 Garage, residential

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

17.04.360 Growth policy

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

17.04.370 Home occupation

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

17.04.380 Hospital

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

17.04.390 Hotel

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

17.04.400 Independent recreational vehicle

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

17.04.410 Independent recreational vehicle site

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

17.04.420 Industrial use

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

17.04.430 Interior park

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

17.04.440 Junk yard

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

17.04.450 Landscaping

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

17.04.460 Limited services campground

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

17.04.470 Live-work units

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

17.04.480 Loading berth, off-street

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

17.04.490 Lot

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

17.04.500 Lot, corner

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

17.04.510 Lot coverage

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

17.04.520 Lot lines

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

17.04.540 Lot line, front

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

17.04.550 Lot line, rear

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

17.04.560 Lot line, side

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

17.04.570 Lot width

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

17.04.580 Manufacturing, heavy

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

17.04.590 Manufacturing, light

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

17.04.600 Mobile food vendor

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

17.04.610 Mobile home

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

17.04.620 Mobile home park

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

17.04.630 Mobile home stand

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

17.04.640 Motel

See "hotel."

17.04.650 Nursing home

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

17.04.660 Outdoor merchandise

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

17.04.670 Parking lots

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

17.04.680 Parking space, off-street

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

17.04.690 Parkway

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

17.04.700 Personal service establishment

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

17.04.710 Planned unit development

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

17.04.720 Prefabricated home

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

17.04.730 Professional business offices

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

17.04.740 Public park

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

17.04.750 Recreation area

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

17.04.760 Restaurant, café, and drive-in restaurant

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

17.04.770 Retail sales

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

17.04.780 Rooming house

See "boarding house."

17.04.790 Rooming unit

See "unit, rooming."

17.04.800 Salvage yard

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

17.04.810 Screened

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

17.04.820 Setback

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

17.04.830 Shopping center

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

17.04.840 Short-term rental

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

17.04.850 Sign

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

17.04.860 Splash pad, public

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

17.04.870 Street

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

17.04.880 Structure

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

17.04.890 Structural alteration

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

17.04.900 Swimming pool, private

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

17.04.910 Swimming pool, public

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

17.04.920 Timeshare interest

"Timeshare interest," as used in the definition of timeshares, is the right to exclusively occupy an accommodation for a period of time on a recurring basis pursuant to a timeshare plan, whether or not coupled with an estate in real property.

17.04.930 Timeshare plan

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

17.04.940 Timeshare use

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

17.04.950 Tower

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

17.04.960 Townhouses

"Townhouses." "Townhouse" is a one-unit (1) dwelling unit which is part of a group of two or more such units separated by a common party wall, having no doors, windows, or other provisions for human passage or visibility. Each one-dwelling unit shall be attached by not more than two party walls. Where units are offset from one another and a common party wall is used, the wall may be placed equidistant on each side of the lot line not exceeding the length of the offset.

17.04.970 Townhouse group

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

17.04.980 Travel trailer

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

17.04.990 Travel trailer park

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

17.04.1000 Triplex

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

17.04.1010 Unit, efficiency

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

17.04.1020 Unit, rooming

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

17.04.1030 Use

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

17.04.1040 Use, conditional

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

17.04.1050 Variance

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

17.04.1060 Vehicle repairs, major

"Major vehicle repairs" means the repair or replacement of frames and bodies, including but not limited to painting, of vehicles of all weights and sizes, and the repair or replacement of engines, transmissions, power trains and wheels of vehicles. This includes such things as oil changes, transmission flushing, tire replacement, and any mechanical repairs.

17.04.1070 Vehicle repairs, minor

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

17.04.1080 Walk up business

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

17.04.1090 Water park, public

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

17.04.1100 Wholesale establishment

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

17.04.1110 Yard, front

"Front yard" means an open space extending across the full width of the lot between the front building line and lot line abutting the street. The front lot line is defined as the lot line from which any structure receives a street address.

17.04.1120 Yard, rear

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

17.04.1130 Yard, side

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

17.04.1140 Zero lot line

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

Chapter 17.06: ESTABLISHMENT OF DISTRICTS

Sections:

- 17.06.010 Official zoning map
- 17.06.020 Map authentication-Certificates
- 17.06.030 Replacement of official zoning map
- 17.06.040 Interpretation of boundaries
- 17.06.050 Lots in two zones
- 17.06.060 Interpretation of uses
- 17.06.070 Appeal of administrative decision

17.06.010 Official zoning map

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

17.06.020 Map authentication-Certificates

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

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

Mayor _____

Attested _____

Date of Adoption _____

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

17.06.030 Replacement of official zoning map

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

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

Mayor _____

Attested _____

Date _____

17.06.040 Interpretation of boundaries

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

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

17.06.050 Lots in two zones

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

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

17.06.060 Interpretation of uses

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

17.06.070 Appeal of administrative decision

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

Chapter 17.08: ADMINISTRATIVE REGULATIONS AND PROCESSES

Sections:

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

17.08.010 Zoning of annexed territory

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

17.08.020 Minimum requirements

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

17.08.030 Minimum requirements-Conflicting provisions

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

17.08.040 Conformity to district regulations

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

17.08.050 Height, area, and yard requirements

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

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

17.08.060 Yard requirements exclusive to property on which it is located

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

17.08.070 Minimum yard requirements

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

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

17.08.080 Officials designated and duties

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

17.08.090 Stop order

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

17.08.100 Permits

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

17.08.110 Conformance

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

17.08.120 Expiration of permit

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

17.08.130 Unlawful permits

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

17.08.140 Schedule of fees, charges, and expenses

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

17.08.150 Permits applied for after project start

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

17.08.160 Physical and legal access

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

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

17.08.170 Street rights-of-way

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

17.08.180 Amendment-Initiation

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

17.08.190 Amendment-Investigation

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

17.08.200 Amendment-Hearing

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

17.08.210 Enforcement

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

17.08.220 Complaints

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

17.08.230 Appeal of administrative decision

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

17.08.240 Appeal of a town board decision

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

17.08.250 Violations-Penalty

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

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

Sections:

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

17.10.010 Intent

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

17.10.020 Permitted uses

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

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

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

17.10.025 Conditional uses

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

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

17.10.030 Prohibited uses

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

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

17.10.040 Lot area and width

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

17.10.050 Lot coverage and floor area

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

17.10.060 Yards

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

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

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

17.10.070 Corner lots

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

17.10.080 Yard encroachments

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

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

17.10.090 Building height

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

17.10.100 Off-street parking

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

17.10.110 Off-street loading

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

17.10.120 Visibility at intersections

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

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

17.10.130 Outdoor lighting

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

17.10.140 Signs

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

17.10.150 Fences, walls, and hedges

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

17.10.160 Curb cuts

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

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

Sections:

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

- 17.12.010 Intent

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

17.12.020 Permitted uses

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

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

17.12.025 Conditional uses

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

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

17.12.030 Prohibited uses

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

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

17.12.040 Lot area and width

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

17.12.050 Lot coverage and floor area

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

17.12.060 Yards

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

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

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

17.12.070 Corner lots

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

17.12.080 Yard encroachments

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

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

17.12.090 Building height

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

17.12.100 Off-street parking

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

17.12.110 Off-street loading

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

17.12.120 Visibility at intersections

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

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

17.12.130 Outdoor lighting

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

17.12.140 Signs

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

17.12.150 Fences, walls, and hedges

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

17.12.160 Curb cuts

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

Chapter 17.14: R-3 RESIDENTIAL—MEDIUM DENSITY

Sections:

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

17.14.010 Intent

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

17.14.020 Permitted uses

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

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

17.14.025 Conditional uses

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

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

17.14.030 Prohibited uses

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

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

17.14.040 Lot area and width

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

17.14.050 Lot coverage and floor area

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

17.14.060 Yards

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

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

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

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

17.14.070 Corner lots

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

17.14.080 Yard encroachments

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

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

17.14.090 Building height

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

17.14.100 Off-street parking

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

17.14.110 Off-street loading

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

17.14.120 Visibility at intersections

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

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

17.14.130 Outdoor lighting

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

17.14.140 Signs

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

17.14.150 Fences, walls, and hedges

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

17.14.160 Curb cuts

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

Chapter 17.16: R-4 RESIDENTIAL-MEDIUM DENSITY APARTMENTS

Sections:

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

17.16.010 Intent

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

17.16.020 Permitted uses

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

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

17.16.025 Conditional uses

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

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

17.16.030 Prohibited uses

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

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

17.16.040 Lot area and width

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

17.16.050 Lot coverage and floor area

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

17.16.060 Yards

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

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

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

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

17.16.140 Corner lots

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

17.16.070 Yard encroachments

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

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

17.16.080 Building height

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

17.16.090 Off-street parking

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

17.16.100 Off-street loading

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

17.16.110 Visibility at intersections

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

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

17.16.120 Outdoor lighting

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

17.16.130 Signs

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

17.16.150 Fences, walls, and hedges

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

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

17.16.160 Curb cuts

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

Chapter 17.22: B-3 CENTRAL BUSINESS DISTRICT

Sections:

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

- 17.22.010 Intent

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

17.22.020 Permitted uses

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

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

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

17.22.025 Conditional uses

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

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

17.22.030 Prohibited uses

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

- A. Heavy manufacturing
- B. Industrial uses
- C. Salvage yards

17.22.040 Lot area and width

In the B-3 district there are no minimum lot size, lot coverage or width requirements.

17.22.050 Lot coverage

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

17.22.060 Yards

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

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

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

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

17.22.070 Corner lots

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

17.22.080 Yard encroachments

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

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

17.22.090 Building height

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

17.22.100 Off-street parking

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

17.22.110 Off-street loading

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

17.22.120 Visibility at intersections

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

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

17.22.130 Outdoor lighting

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

17.22.140 Signs

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

17.22.150 Fences, walls, and hedges

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

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

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

17.22.160 Curb cuts

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

Chapter 17.23: B-4 EXPANDED BUSINESS DISTRICT

Sections:

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

17.23.010 Intent

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

17.23.020 Permitted uses

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

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

17.23.025 Conditional uses

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

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

17.23.030 Prohibited uses

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

- A. Salvage yards

17.23.040 Lot area and width

No minimum lot area or width prescribed.

17.23.050 Coverage

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

17.23.060 Yards

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

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

17.23.070 Corner lots

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

17.23.080 Yard encroachments

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

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

17.23.090 Building height

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

17.23.100 Off-street parking

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

17.23.110 Off-street loading

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

17.23.120 Visibility at intersections

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

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

17.23.130 Outdoor lighting

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

17.23.140 Signs

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

17.23.150 Fences, walls, and hedges

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

Chapter 17.24: M-1 COMMERCIAL-LIGHT MANUFACTURING

Sections:

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

17.24.010 Intent

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

17.24.020 Permitted uses

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

- A. Accessory uses including
 - A. Private swimming pools
 - B. Fallout shelters
- B. Building materials sales
- C. Building contractors establishments
- D. Cabinet shops
- E. Enclosed warehousing
- F. Gasoline service stations

- G. Light manufacturing
- H. Machine shops
- I. Manufacturing of light consumer goods, i.e., electronic equipment, appliances, furniture, beverages
- J. Outside storage if accessory to permitted use and if screened from street and surrounding properties by solid fence six feet (6') high
- K. Paint shops
- L. Rental of automobiles, bicycles, motorcycles, snowmobiles, and other vehicles
- M. Repair and service establishments for light consumer goods, i.e., automobiles, appliances, furniture
- N. Sign shops
- O. Temporary buildings for and during construction only
- P. Truck and rail terminal facilities
- Q. Vehicle and boat sales

17.24.025 Conditional uses

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

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

17.24.030 Lot area and width

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

17.24.040 Lot coverage

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

17.24.050 Yards

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

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

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

17.24.060 Corner lots

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

17.24.070 Yard encroachments

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

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

17.24.080 Building height

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

17.24.090 Off-street parking

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

17.24.100 Off-street loading

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

17.24.110 Visibility at intersections

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

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

17.24.120 Outdoor lighting

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

17.24.130 Outside storage-Enclosure required

All salvage dealers, or other persons accumulating, depositing, or storing salvage material within the town limits when the accumulating, depositing, or storing thereof shall be without a building

or not within a building, either now stored, deposited, or accumulated, shall fence surrounding salvage materials with a solid fence at least six (6') high, sufficient to enclose the salvaged materials from public view from outside the enclosure. No salvage material may be placed in the front or side yard setback that abuts a street of a corner lot.

17.24.140 Fences, walls, and hedges

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

Chapter 17.25: E-2 ENTERTAINMENT DISTRICT

Sections:

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

17.25.010 Intent

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

17.25.020 Permitted uses

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

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

- F. Visitor center
- G. Zoos, wildlife sanctuary

17.25.025 Conditional uses

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

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

17.25.030 Prohibited uses

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

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

17.25.040 Lot area and width

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

17.25.050 Lot coverage

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

17.25.060 Yards

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

17.25.070 Corner lots

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

17.25.080 Yard encroachments

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

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

17.25.090 Building height

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

17.25.100 Off-street parking

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

17.25.110 Off-street loading

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

17.25.120 Visibility at intersections

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

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

17.25.130 Outdoor lighting

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

17.25.140 Signs

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

17.25.150 Fences, walls, and hedges

- A. Fences, walls, and hedges in any district may be located on lot lines provided such fences, walls, and hedges do not exceed eight feet (8’) in height, measured from the adjacent ground elevation. Fences, walls, and hedges exceeding eight (8’) feet in height, measured from the ground elevation, shall be subject to the minimum yard requirements of the district in which they are located unless a variance is granted by the Town of West Yellowstone.
- B. No fences, walls, and hedges shall exceed four feet (4’) in any front yard as defined in this title.

- C. No barbed wire or other sharp fencing materials and no electrically charged fence shall be erected or maintained in any district created by this title.
- D. In case of a fence erected on top of a retaining wall, the height shall be measured from the grade of the high side of the wall.

17.25.160 Curb cuts

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

Chapter 17.26: PLI PUBLIC LAND AND INSTITUTIONS

Sections:

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

17.26.010 Intent

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

17.26.020 Permitted uses

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

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

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

17.26.025 Conditional uses

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

17.26.030 Prohibited uses

The following uses are prohibited in the PLI District:

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

17.26.040 Lot area and width

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

17.26.050 Lot coverage

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

17.26.060 Yards

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

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

17.26.070 Corner lots

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

17.26.080 Yard encroachments

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

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

17.26.090 Building height

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

17.26.100 Off-street parking

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

17.26.110 Off-street loading

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

17.26.120 Visibility at intersections

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

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

17.26.130 Outdoor lighting

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

17.26.140 Outside storage—Enclosure required

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

17.26.150 Fences, walls, and hedges

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

Chapter 17.27: DOWNTOWN OVERLAY DISTRICT

Sections:

17.27.010 Intent

~~17.27.020 Overlay boundaries~~

17.27.02~~30~~ Dimensional requirements of the downtown overlay

17.27.03~~40~~ Permitted uses

17.27.03~~545~~ Conditional uses

17.27.04~~50~~ Prohibited uses

17.27.05~~60~~ Signs

17.27.06~~70~~ Outdoor lighting

17.27.07~~80~~ Off-street parking

17.27.08~~90~~ Off-street loading

17.27.010 Intent

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

~~17.27.020 Overlay boundaries~~

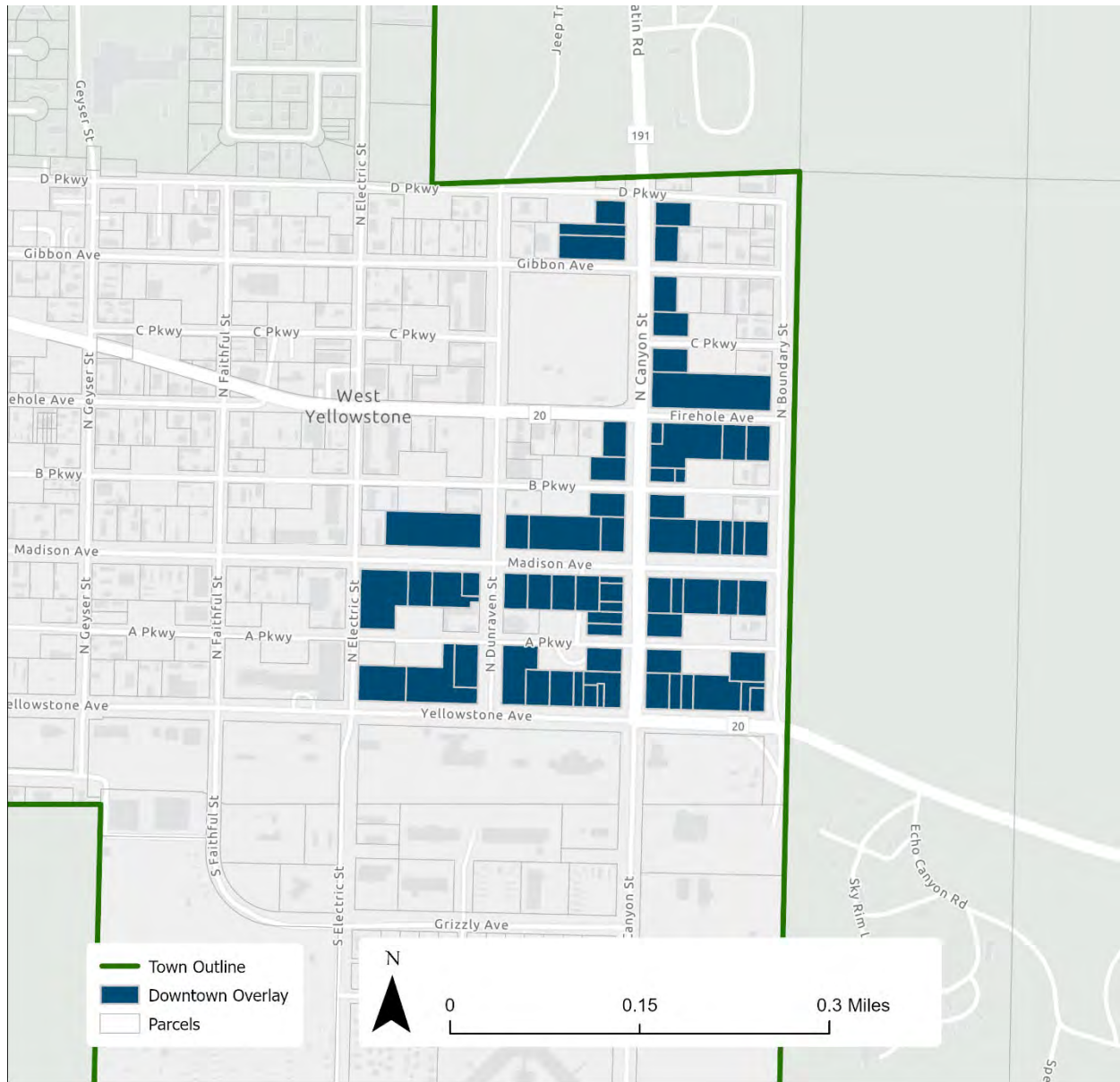
~~This is a draft area for the overlay boundaries at this time the overlay is not enforceable as the Town continues to update the code to fit the needs of West Yellowstone.~~

~~The Downtown Overlay runs in the following areas:~~

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

~~The figure below shows the Downtown Overlay District.~~

Figure 27.025 DRAFT Downtown Overlay District



17.27.0230 Dimensional Requirements of the Downtown Overlay

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

17.27.03~~40~~ Permitted uses

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

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

17.27.03~~45~~ Conditional uses

The following are conditional uses in the overlay district:

- A. Animal-drawn carriages

17.27.04~~50~~ Prohibited uses

The following uses are prohibited in the overlay district:

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

17.27.05~~60~~ Signs

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

- A. Feather flags
- B. Freestanding signs

17.27.06~~70~~ Outdoor lighting

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

17.27.07~~80~~ Off-street parking

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

17.27.08~~90~~ Off-street loading

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

Chapter 17.28: T TRANSITIONAL DISTRICT

Sections:

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

17.28.010 Intent

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

17.28.020 Permitted uses

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

17.28.025 Interim uses

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

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

17.28.030 Conditional uses

The following are conditional uses in the transitional district:

- A. Libraries
- B. Schools

17.28.040 General standards

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

- A. Lot area and width
- B. Coverage
- C. Yards
- D. Corner lots
- E. Yard encroachments
- F. Building height

- G. Off-street parking
- H. Off-street loading
- I. Visibility at intersections
- J. Outdoor lighting
- K. Signs
- L. Fences, walls, and hedges

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

Chapter 17.29: CONDITIONAL USES

Sections:

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

17.29.010 Intent

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

17.29.020 Conditional use requirements

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

17.29.030 Permit requirements

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

- A. Narrative generally explaining the project
- B. A parking plan in compliance with Chapter 17.37
- C. Impacts and mitigation strategies to the following items
 - 1. Community services to include
 - i. Water
 - ii. Wastewater
 - iii. Traffic

- iv. Police
 - v. Fire Department
 - vi. Emergency Services
 - vii. Other services as identified by Town Staff, the Planning Board, or Town Council
- 2. Stormwater drainage
 - 3. Snow storage
 - 4. Traffic impacts

17.29.040 Conditional use permit procedure

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

17.29.050 Conditional approval

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

17.29.060 Conditional use review and design criteria

The following criteria apply to all districts. These criteria are specific to the uses outline below and are created to ensure that any use's impacts are properly mitigated. Uses that are designated as a conditional use shall provide plans or narrative on how their application complies to the following criteria.

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

B. Combination of Permitted Uses

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

C. Communications Tower

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

D. Home Occupations

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

E. Mixed Use Developments

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

F. Multiple dwelling units

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

G. Public water parks and Public Splash pads

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

H. Salvage yards

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

I. Timeshares

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

17.29.070 Appeal process

Any person or persons, jointly or severally aggrieved by any decision of the Town Council, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in

whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision of the office of the Council.

Chapter 17.30: ACCESSORY DWELLING UNIT STRUCTURES

Sections:

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

17.30.010 Intent

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

17.30.020 Definitions

For the purposes of this section:

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

17.30.030 Regulations pertaining to accessory dwelling units

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

17.30.040 Requirements for an accessory dwelling unit

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

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

There are no requirements for:

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

17.30.050 Dimensional standards

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

Chapter 17.31: PLANNED UNIT DEVELOPMENT

Sections:

- 17.31.010 Intent
- 17.31.020 Administration and review process
- 17.31.030 Conditional approval
- 17.31.040 Definitions
- 17.31.050 Project design
- 17.31.060 Application requirements
- 17.31.070 Legal requirements
- 17.31.080 Standards of development
- 17.31.090 Approval
- 17.31.100 Appeal process

17.31.010 Intent

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

17.31.020 Administration and review process

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

A PUD application shall follow the review process outlined below.

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

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

17.31.030 Conditional approval

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

17.31.040 Definitions

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

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

17.31.050 Project design

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

17.31.060 Application requirements

A planned unit development application shall include the following information:

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

17.31.070 Legal requirements

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

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

17.31.080 Standards of development

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

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

17.31.090 Approval

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

17.31.100 Appeal process

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

Chapter 17.32: MOBILE HOME PARKS

Sections:

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

- 17.32.010 Intent

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

17.32.020 More restrictive regulations shall apply

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

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

17.32.030 Permits

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

17.32.040 Licenses

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

17.32.050 Design standards-Generally

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

17.32.060 Site

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

17.32.070 Site size

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

17.32.080 Density

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

17.32.090 Site coverage

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

17.32.100 Access

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

17.32.110 Lot size

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

17.32.120 Mobile home stand

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

17.32.130 Setback

Setbacks shall conform to the requirements of the zoning district.

17.32.140 Height

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

17.32.150 Streets

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

17.32.160 Parking

Parking shall be in accordance with Chapter 17.37.

17.32.170 Walks

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

17.32.180 Recreation area

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

17.32.190 Landscaping

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

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

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

17.32.200 Utilities

Utilities shall be provided in the following manner or by an alternative manner approved by the Town Council:

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

17.32.210 Fire protection

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

Chapter 17.33: TRAVEL TRAILER PARKS

Sections:

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

17.33.010 Intent

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

17.33.020 More restrictive provisions shall apply

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

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

17.33.030 Permits for expansion

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

17.33.040 Licenses

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

17.33.050 Design standards-Generally

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

17.33.060 Site size

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

17.33.070 Density

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

17.33.080 Street access

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

17.33.090 Setbacks

Setbacks shall conform to the requirements of the zoning district.

17.32.100 Height

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

17.33.110 Streets

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

17.33.120 Service areas

Service areas shall be provided in the following manner:

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

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

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

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

17.33.130 Parking

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

Chapter 17.34: LIMITED SERVICES CAMPGROUNDS

Sections:

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

17.34.010 Intent

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

17.34.020 More restrictive provisions shall apply

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

17.34.030 Permits for expansion

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

17.34.040 Design standards-Generally

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

17.34.050 Parking

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

17.34.060 Street access

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

17.34.070 Streets

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

17.34.080 Independent recreational vehicle site

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

17.34.090 Setback

Setbacks shall be in conformance with the underlying zoning district.

17.34.100 Height

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

17.34.110 Utilities and landscaping

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

- A. All sanitary sewage utilities and water facilities, including connections provided to individual lots, shall meet the requirements of the town's public works standards, if applicable;
- B. The plumbing connections to each limited services campground site shall be constructed so that all lines are protected from accidental bumping or from creating any type of nuisance or health hazard, if applicable;
- C. An adequate amount of running water shall be piped to each campground site, if applicable;
- D. Storm drainage facilities, where necessary, shall be so constructed as to protect those that will reside in the limited services campground as well as the property owners adjacent to the campground. Such campground facilities shall be of such capacity to ensure proper drainage and prevent the accumulation of water in, or adjacent to, the campground;
- E. All electric, telephone and other lines from supply poles to each limited services campground lot shall be underground. When meters are installed, they shall be uniformly located, if applicable;
- F. Facilities for the storage and disposal of trash and garbage in a sanitary and lawful manner shall be provided in each limited services campground;
- G. The erection, construction, reconstruction, repair, relocation and/or alteration of all permanent buildings and structures located within a limited services campground shall

conform to the requirements of applicable building codes adopted by the town and applicable administrative rules or regulations adopted by the Department of Public Health and Human Services or other state agency;

- H. Street and yard lights, attached to standards, shall be approved by the town if applicable;
- I. Landscaping is recommended to provide a buffer between limited services campgrounds and adjacent residential properties;
- J. All limited services campgrounds developed under this title shall comply with Montana State Department of Health's Regulation No. 53-43-8 or any amendment thereto concerning plumbing and electrical requirements.

Chapter 17.35: TOWNHOUSE DEVELOPMENT STANDARDS

Sections:

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

17.35.010 Intent

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

17.35.020 Design standards

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

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

17.35.030 Final landscape and site improvement plan

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

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

17.35.040 Architectural treatment

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

17.35.050 Maintenance of common area

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

17.35.060 Setback requirements

Setbacks shall be in conformance with the underlying zoning district.

17.35.070 Yard requirements

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

17.35.080 Street frontage

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

17.35.090 Street system

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

17.35.100 Street improvements and right-of-way

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

17.35.110 Ingress and egress

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

17.35.120 Parking and driveways

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

17.35.130 Curb cuts

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

17.35.140 Landscaping

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

17.35.150 Utilities and services

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

17.35.160 Accessory buildings

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

17.35.170 Building design-Fire hydrant location

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

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

17.35.180 Building design-Fire walkways

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

17.35.190 Fire safety requirements

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

Chapter 17.37: OFF-STREET PARKING

Sections:

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

17.37.010 Intent

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

17.37.020 Location

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

as a parking lot so long as the property, building or use served is in operation or until another suitable parking area is established in accordance with this chapter and approved by the Town Council.

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

17.37.030 Parking layouts

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

Figure 17.37.040 (Figures not drawn to scale)

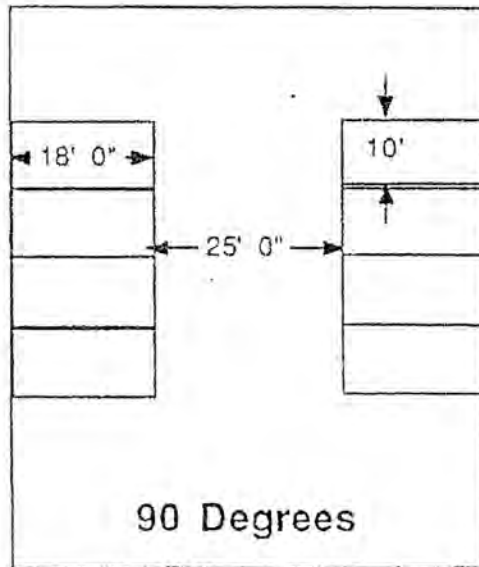
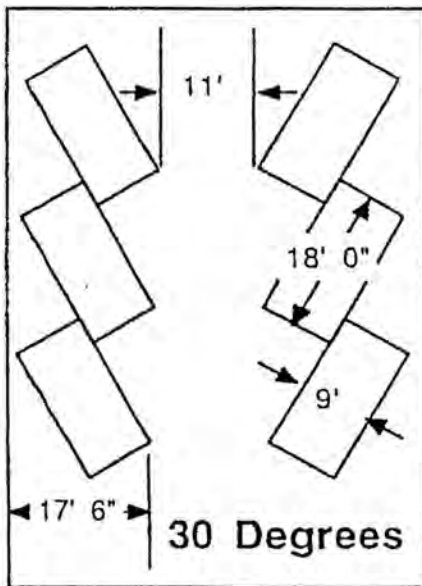
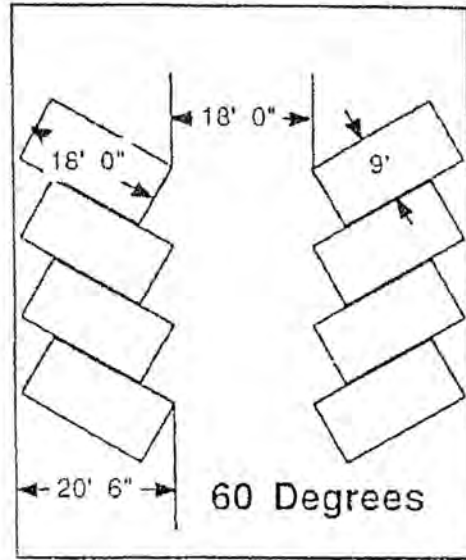
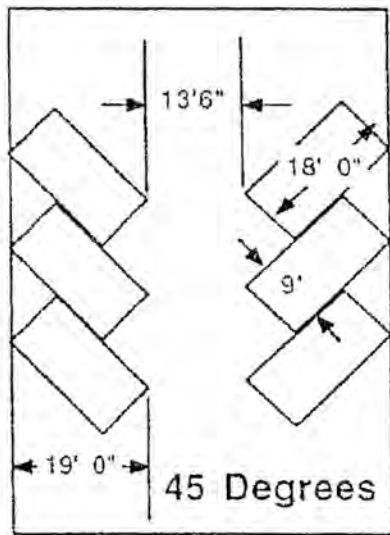
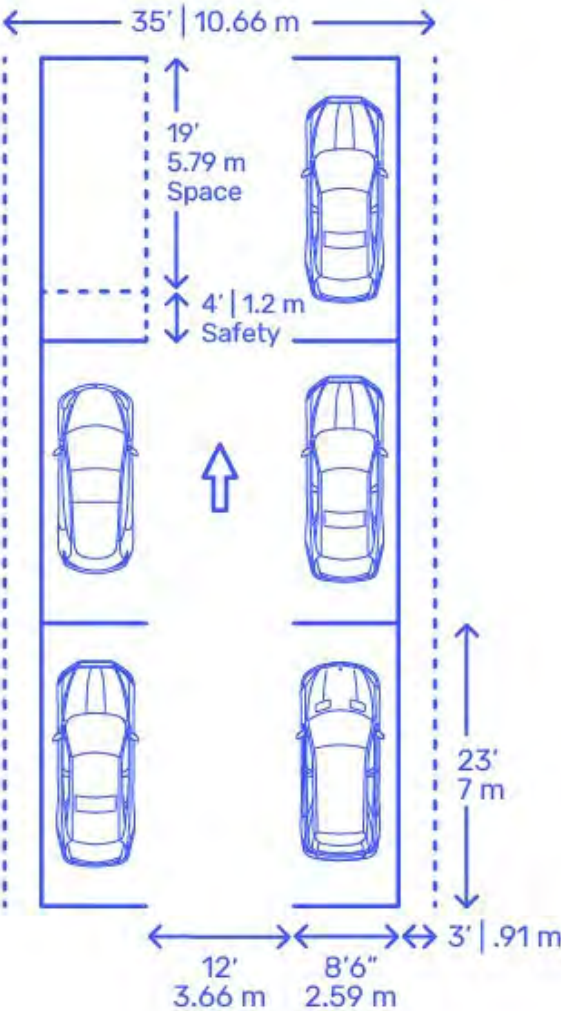


Figure 17.37.041 (Figures not drawn to scale)



17.37.040 Size and surfacing requirements

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

17.37.050 Development of interior parks for parking

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

17.37.060 Plans

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

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

17.37.070 Lighting

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

17.37.080 Mixed and shared uses

Where two (2) or more uses are combined in one development, the total parking spaces shall be the total of the spaces required for each individual use, unless it is determined by the Town Council that a smaller number of spaces is adequate because of staggered use during the day and night hours or seasonal changes in use during the year. If a building has seasonal changes of use, the

use that generates the most required off-street parking space shall apply. Off-street parking for a single use, unless seasonal, shall not be considered for joint use as hereinafter specified.

17.37.090 Joint use

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

17.37.100 Spaces required

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

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

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

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

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

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

Examples:

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

Table 17.37.100 PARKING FACTOR TABLE

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

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

17.37.110 Payment for use of off-street parking spaces

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

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

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

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

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

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

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

17.37.120 Payment exceptions

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

17.37.130 Change of use

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

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

- A. Lot shape
- B. Lot size

17.37.140 Creation of special improvement parking district

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

Chapter 17.38: OFF-STREET LOADING

Sections:

- 17.38.010 Intent
- 17.38.020 Standards
- 17.38.030 Berths required

17.38.010 Intent

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

17.38.020 Standards

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

17.38.030 Berths required

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

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

Chapter 17.39: NONCONFORMING LOTS, USES, AND STRUCTURES

Sections:

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

17.39.010 Intent

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

17.39.020 Administrative regulations

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

17.39.030 Nonconforming lots of record

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

17.39.040 Nonconforming uses of land

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

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

17.39.050 Nonconforming structures

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

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

17.39.060 Nonconforming uses of structures

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

- A. No existing structure devoted to a nonconforming use shall be enlarged, extended, constructed, or structurally altered, unless the use is changed to conform with this title.
- B. Any nonconforming use may be extended to any other part of a building designed for such use, but no such use may be extended in any way to occupy land outside the building.
- C. Any structure, or structure and land, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations of the district in which it is located and the nonconforming use may not thereafter be resumed.

- D. Whenever a nonconforming use of a structure or a premises ceases for twelve (12) months, the structure or premises shall not thereafter be used except in conformance with the regulations of the district in which it is located. The term "ceases" as used in this subsection shall mean that the activity in question has not been in operation for a period of twelve (12) months.
 - 1. The twelve (12) month period shall be extended with the terms designated on an approved building permit within the town.
- E. Where nonconforming use status applies to both structure and land, the removal or destruction of the structure shall eliminate the nonconforming status of the land.

17.39.070 Repairs and maintenance

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

Chapter 17.40: SIGNS

SECTION

17.40.010	Intent
17.40.020	Definitions
17.40.020.010	Abandoned/Obsolete signs
17.40.020.020	Address signs
17.40.020.030	Animated sign
17.04.020.040	Architectural decoration
17.40.020.050	Awning
17.40.020.060	Awning sign
17.40.020.070	Banner sign
17.40.020.080	Beacon lights and strobe lights
17.40.020.090	Billboard signs
17.40.020.100	Canopy
17.40.020.110	Changeable copy sign
17.40.020.120	Construction/Artisan signs
17.40.020.130	Directional or instructional signs
17.40.020.140	Drive thru sign
17.40.020.150	Feather sign
17.40.020.160	Flags
17.40.020.170	Freestanding sign
17.40.020.180	Garage sale sign
17.40.020.190	Government sign
17.04.020.200	Governmental insignia signs
17.40.020.210	Historic sign
17.40.020.220	Holiday decorations
17.04.020.230	Identification signs
17.40.020.240	Illuminated sign
17.04.020.250	Information signs
17.40.020.260	Interior sign

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

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

17.40.010 Intent

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

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

17.40.020 Definitions

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

17.40.020.010 Abandoned/Obsolete signs

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

17.40.020.020 Address signs

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

17.40.020.030 Animated sign

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

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

17.04.020.040 Architectural decoration

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

17.40.020.050 Awning

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

17.40.020.060 Awning sign

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

17.40.020.070 Banner sign

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

17.40.020.080 Beacon lights and strobe lights

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

17.40.020.090 Billboard signs

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

17.40.020.100 Canopy

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

17.40.020.110 Changeable copy sign

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

17.40.020.120 Construction/Artisan signs

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

17.40.020.130 Directional or instructional signs

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

17.40.020.140 Drive thru sign

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

17.40.020.150 Feather sign

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

17.40.020.160 Flags

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

17.40.020.170 Freestanding sign

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

17.40.020.180 Garage sale sign

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

17.40.020.190 Government sign

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

17.04.020.200 Governmental insignia signs

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

17.40.020.210 Historic sign

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

17.40.020.220 Holiday decorations

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

17.04.020.230 Identification signs

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

17.40.020.240 Illuminated sign

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

17.04.020.250 Information signs

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

17.40.020.260 Interior sign

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

17.40.020.270 Marquee sign

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

17.40.020.280 Master signage plan

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

17.40.020.290 Menu sign

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

17.40.020.300 Message center sign

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

17.40.020.310 Neon sign

Any illuminated sign using bent glass tubes for the copy.

17.40.020.320 Obscene sign

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

17.40.020.330 Off-Premises sign

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

17.40.020.340 Political sign

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

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

17.40.020.350 Portable sign

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

17.40.020.360 Projecting sign

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

17.40.020.370 Public notice signs

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

17.40.020.380 Real estate sign

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

17.40.020.390 Roof sign

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

17.40.020.400 Sale Sign

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

17.40.020.410 Sidewalk sign

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

17.40.020.420 Skylights and searchlights

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

17.40.020.430 Special event signs

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

17.40.020.440 Suspended sign

A sign suspended from the underside of a horizontal surface.

17.40.020.450 Vacancy/Open/Office sign

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

17.40.020.460 Vehicle sign

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

17.40.020.470 Wall sign

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

17.40.020.480 Window sign

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

17.40.020.490 Works of art

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

17.40.030 Signs permitted without a permit

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

- A. Architectural Decoration
- B. Commercial Real Estate Sign
 - a. Commercial real estate signs which do not exceed thirty-two square feet (32 sq. ft.)
- C. Contractor or Artisan Signs:
 - a. Number: Each business working on the lot may have one sign.
 - b. Area: Maximum total area of any contractor or artisan sign shall be six square feet (6 sq. ft.)
 - c. Placement: The contractor or artisan signs maybe attached to fencing on the property or placed upon a temporary base or support structure.
 - d. Time Limitation: The sign may be placed during the duration of construction when associated with an approved building permit. If there is not a building permit associated with any work occurring the sign may be placed for ten (10) days.
- D. Flags:
 - a. Each lot in West Yellowstone is allowed one flag per abutting public street.
- E. Government Signs
- F. Governmental Insignia:
 - a. Except when displayed in connection with commercial promotion or when a governmental insignia item is for sale to the general public

G. Holiday Decorations:

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

H. Identification Signs:

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

I. Information Signs:

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

J. Notice Signs

K. Open Signs:

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

L. Political Sign

M. Preexisting Signs:

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

N. Residential Real Estate Sign:

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

17.40.040 Sign regulations

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

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

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

1. When the town manager or designee determines a permitted sign is an abandoned or obsolete sign, the town manager, or designee, shall notify the sign owner of the violation and require remedial action within sixty (60) days. If such action is not taken, the permit will be revoked and action for the removal of the sign will be taken as provided in MCA 75-15-131. An extension of time to accomplish the work may be

granted at the sole discretion of the town manager upon written request from the sign owner stating the reason(s) for the request.

2. A sign is in disrepair if the structure is unsafe or if the sign face is not visible from a public right of way.
- C. All Districts: Each allowable size, number, and placement is unique to each parcel. Owners of contiguous parcels shall not be able to compile their allowable signage onto any other parcel, regardless of the number of contiguous parcels owned. The following signs require permits and must comply with the following regulations:
1. Awning Signs:
 - i. Area: Awning signs shall be calculated as wall signs. Awning signs shall not be allowed above the first floor of a building.
 2. Changeable Copy Signs: Changeable copy signs are permitted in all but residential districts. This permitted use is contingent upon the continued maintenance of the copy or reader board and the prompt updating of information and replacement of missing letters or numbers to avoid the blighting influence of poorly maintained changeable copy signs.
 3. Freestanding Signs: Freestanding signs shall not be placed within the sight distance triangle required for traffic safety including any corners created by alleys
 4. Historic Signs: Any sign that can be demonstrated to have been erected at least thirty-five (35) years prior to the effective date hereof shall be exempt from the requirements set forth herein, so long as the sign is restored to and continues to be maintained in its original condition. Applicants for historic sign designations must be granted a historic sign permit as per section 17.40.060 of this chapter.
 5. Illuminated Signs: An illuminated sign or lighting device must emit a light of constant intensity, and no sign may be illuminated by or contain flashing, intermittent, rotating or moving lights. Portions of a sign that indicate the current time or temperature shall be allowed to have intermittent illumination. No illuminated sign or lighting device may be placed or directed so that the illumination therefrom causes glare or reflection beyond the property lines of the lot. No exposed light bulbs except Christmas decoration.
 - i. Illuminated sign brightness shall not exceed the maximum luminance level of seven hundred (700) cd/m² or Nits, or seven hundredths (0.07) of a lumen at least one-half hour before apparent sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce, for West Yellowstone. All illuminated signs comply with this maximum luminance level throughout the night, if the sign is energized, until apparent sunrise, as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions.
 6. Marquee Signs: Marquee signs shall be calculated as wall signs.
 7. Master Signage Plan:
 - i. Sign Applications: Sign applications eligible for consideration as part of a master signage plan may, at the discretion of the town manager or designee, be required to be submitted as a master signage plan.

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

D. All Residential Districts:

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

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

1. Area: Maximum total area of all signs on a lot shall be two and a half square feet (2.5 sq. ft.) per lineal foot of lot frontage..
2. Banner Signs:
 - i. Number: Each lot may have up to one (1) banner signs
 - ii. Area: Maximum total area of a banner signs shall be twenty-four square feet (24 sq. ft.).
 - iii. Placement: Banner signs must be firmly attached to the side of a building. They may not extend or flap in the window over the public right-of-way.
3. Drive thru signs
 - i. Number: Maximum number permitted on a lot shall be one (1) sign.
 - ii. Maximum Total Area: Maximum total area of a drive thru sign is nine square feet (9 sq. ft.).
 - iii. Height: Drive thru signs are permitted with a maximum height of eight feet (8').
4. Feather sign:
 - i. Number: Each lot that does directly abut a public right-of-way may have one feather sign.
 - ii. Area: Maximum total area of any feather sign is fifteen square feet (15 sq. ft.)
 - iii. Height: Maximum height of any feather flag shall be ten feet (10'). Height shall be measured based on the pole height of the feather flag.
 - iv. Placement: Any feather sign shall be placed on the ground and not extend into the public right of way.
5. Menu Signs:
 - i. Menu signs shall be calculated and reviewed as a wall sign in the B-3 District and Downtown Overlay District.
6. Neon Signs:
 - i. Neon signs shall be calculated and reviewed as a wall sign in the B-3 District and Downtown Overlay District.
7. Projecting Signs:

- i. Maximum Number: Maximum number permitted on a lot shall be two (2).
- ii. Maximum Total Area: Maximum total area of all projecting signs shall be twenty-four square feet (24 sq. ft.).
- iii. Height; Clearance:
 - (1) Maximum height of any projecting sign shall not exceed twenty-four feet (24').
 - (2) Signs that extend over a sidewalk or walkway shall have a vertical clearance of at least eight feet (8').
 - (3) Signs that extend over a driveway, an alleyway, or pavement shall have a minimum height of fourteen feet (14') to bottom of sign.

8. Sidewalk Signs:

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

9. Wall Signs:

10. Window Signs:

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

11. Freestanding Signs:

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

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

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

F. B-4 Expanded Business District:

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

2. Feather sign:

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

3. Menu Signs:

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

4. Neon Signs:

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

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

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

6. Wall Signs

7. Freestanding Signs:

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

8. Illumination: Internally and externally illuminated signs are permitted in this District.
9. Setback: No sign shall be placed within public right-of-way unless it extends over the right of way in conformance with this chapter.

G. M-1 Light Industrial District:

- i. Area: Maximum total area of all signs on a lot shall be two and a half square feet (2.5 sq. ft.) per lineal foot of lot frontage.
2. Feather sign:
 - i. Number: Each lot that does directly abut a public right-of-way may have one feather sign.
 - ii. Area: Maximum total area of any feather sign is fifteen square feet (15 sq. ft.)
 - iii. Height: Maximum height of any feather flag shall be ten feet (10'). Height shall be measured based on the pole height of the feather flag.
 - iv. Placement: Any feather sign shall be placed on the ground and not extend into the public right of way.
 3. Projecting Signs: Projecting signs are permitted in this District.
 - i. Number: Maximum number permitted on a lot shall be one (1) per street frontage.
 - ii. Area: Maximum total area of any projecting sign shall be twenty-four square feet (24 sq. ft.).
 - iii. Height; Clearance:
 - (1) Maximum height of any projecting sign shall be fifteen feet (15').
 - (2) Signs that extend over a sidewalk or walkway shall have a vertical clearance of at least eight feet (8').
 - (3) Signs that extend over a driveway, an alleyway, or pavement shall have a minimum height of fourteen feet (14') to bottom of sign.
 4. Wall Signs
 5. Freestanding Signs:
 - i. Number: Maximum number permitted on a lot shall be one per frontage on a public street, not to include alleys.
 - ii. Height; Clearance:
 - iii. Freestanding signs are permitted with a maximum height of the district in which the sign is located.
 - (1) Signs that extend over a sidewalk or walkway shall have a vertical clearance of at least eight feet (8').

- (2) Signs that extend over a driveway, an alleyway, or pavement shall have a minimum height of fourteen feet (14') to bottom of sign.

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

H. E-2 Entertainment District:

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

a. Feather sign:

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

B. Neon Signs:

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

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

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

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

E. Freestanding Signs:

- i. Number: Maximum number permitted on a lot shall be one per frontage on a public street, not to include alleys.
- ii. Height; Clearance: Freestanding signs are permitted with a maximum height of the district in which the sign is located.

- (1) Signs that extend over a sidewalk or walkway shall have a vertical clearance of at least eight feet (8').
- (2) Signs that extend over a driveway, an alleyway, or pavement shall have a minimum height of fourteen feet (14') to bottom of sign.

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

I. PLI Public Lands and Institutions District:

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

J. T Transitional District:

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

17.40.050 Area computation; permitted deviations

A. Computation of Sign Area:

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

B. Permitted Deviations From Sign Regulations:

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

17.40.60 Application procedure

- A. Permit Required: Prior to placing, erecting, or modifying any sign requiring a permit under this chapter, the owner of the lot shall obtain a sign permit.
- B. Fee Required: At the time of submission the fee as prescribed by the Town of West Yellowstone Fee Schedule shall be paid. Any sign that is placed prior to approval of a sign permit shall pay double the associated fee. The amount of which shall be set and amended as necessary by resolution. No permits shall be reviewed or issued unless or until such fee is paid in full. The fee schedule can be found at the Town Hall of West Yellowstone.
- C. Required Documentation: The application for a sign permit shall consist of:
 1. A letter of intent stating the owner's name and address.
 2. Accurate, scaled, color drawing of the proposed sign or signs.
 3. An accurate, scaled drawing of the proposed location of the sign or signs on the building(s) and lot(s).
 4. Where one or more deviations are requested, sufficient explanation of the result to be obtained from the proposed deviation, in comparison to compliance with the standard sign regulations, to allow the planning board and Town Council to make a reasoned decision on the application.
 5. The application for a sign permit shall be accompanied by a fee,
- D. Submittal To Council: Applications for sign permits shall be submitted to the Town Council, which shall review applications as follows:
 1. Applications Not Requesting Deviations: The Town Manager or designee shall review the application materials and, upon finding that the application materials are complete and that the proposed sign or master signage plan conforms to the intent and regulations of this chapter, may approve, approve with conditions, or deny an application for a sign permit without deviations.

2. Applications Requesting Deviations: For an application with deviations, the planning board shall hold a public hearing on the proposed sign or master signage plan. At the public hearing, interested parties and citizens shall have an opportunity to be heard. Following the public hearing, the planning board shall make a recommendation to the Town Council, which shall also hold a public hearing prior to making a decision for approval, approval with conditions, or denial.
- E. Notice Of Hearing: Notice of the public hearings for a sign permit before the planning board and Town Council shall be prominently posted on the front of the lot where the proposed sign is to be installed. Such notice shall be posted at least fifteen (15) days prior to the public hearing and shall remain posted until the public hearing is closed.
- F. Master Signage Plan: Application and review procedures for a master signage plan shall be the same as for a single sign permit.
- G. Historic Sign Permit: Applicants requesting designation of a sign as a "historic sign" shall be required to document, for review by the planning board, the date when the sign was erected and the dates of subsequent alterations. Historic sign applications are subject to the public hearing procedures of this section.

17.40.070 Construction specifications and indemnification.

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

17.40.080 Acceptable materials

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

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

17.40.090 Nonconforming signage

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

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

17.40.100: Appeals of Town Council decision regarding sign permits with deviations

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

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

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

17.40.120: Penalty

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

17.40.130 Chapter review

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

Chapter 17.50: BOARD OF ADJUSTMENT

Sections:

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

17.50.010 Created

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

17.50.020 Officers

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

17.50.030 Powers and duties

The board shall set its operating rules in accordance with MCA Section 76-2-321 et seq. (2023) and shall have the following powers:

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

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

17.50.040 Appeal procedure

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

17.50.050 Hearing and notice

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

17.50.060 Approval

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

- A. Such modifications will not be inconsistent with the intent and purpose of this title and/or any adopted growth policy;

- B. That strict compliance with the provisions of this title would create unnecessary hardship or unreasonable situation on a particular property due to unusual or extreme topography, unusual shape of the property, or the prevalence of similar conditions in the immediate vicinity of the property;
- C. That such modifications will have minimal adverse effect on abutting properties or the permitted uses thereof;
- D. That the lawful conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare, which provisions may include:
 - 1. A period within which the proposed structures shall be erected,
 - 2. Requiring landscaping and maintenance thereof,
 - 3. Requiring the surfacing and marking of off-street parking and loading areas,
 - 4. Any other conditions as will make possible the development of the town in an orderly and efficient manner and in conformity with the intent and purpose set forth in this chapter.

17.50.070 Conditions for approval

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

17.50.080 Appeals of the board of adjustment

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

17.50.090 Effective date of board decision

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

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



Hebgen Basin Fire District

P.O. Box 1508 • West Yellowstone, Montana 59758 • Phone: (406) 646-9094 • Fax: (406) 646-9090

August 15, 2024

Mayor Travis Watt and Council Members
440 Yellowstone Avenue
West Yellowstone, MT 59758

RE: Request For Resort Tax Funding Increase.

Mr. Mayor, Council Members, and Town Manager Dan Walker, I would like to formally request an additional \$100,000 dollar increase and a change from the current 1 1/2 % annual increase to a 4% annual increase in funding.

Background

In 2007, the Town Council and the Hebgen Basin Rural Fire District started discussions at the town's request looking at possible ways we could annex the Town of West Yellowstone into the Hebgen Basin Rural Fire District. The purpose of the Interlocal Agreement was to make the most efficient use of available resources such as personnel, equipment, real property, operation and administrative functions, and facilities to meet current and future needs of the participating agencies and the community. At that time the cost to the Town for Fire and EMS running their own department was approximately \$750,000 which was approximately 37% of what the town collected in resort tax.

In May of 2008, the Town of West Yellowstone and the Hebgen Basin Rural Fire District signed their first Interlocal Agreement at that time the district would receive \$450,000 in Resort Tax funding to help offset the cost of tourism-based impacts on the Fire District. This was 22% of the total resort tax collected.

In November of 2010, the Town and Fire District signed a modification of the interlocal agreement which changed the funding structure. In the following Fiscal Years ending 2011-2014, Resort tax contribution was the following of all resort taxes collected.

FY ending 2011	17.9%
FY ending 2012	18.7%
FY ending 2013	18.1%
FY ending 2014	17.7%

Comparatively in 2010 – 2024, the difference in District Property tax revenue received and Town's Resort tax paid to the District was:

District Tax Revenue	Town Resort Tax Contribution		percentage of difference
2010			51/49
2011	\$462,493.20	\$450,000.00	50/50
2012	\$475,298.70	\$476,100.00	50/50
	\$488,987.00	\$498,720.00	

2013			55/45
2014	\$428,675.50	\$517,716.00	51/49
2015	\$562,374.00	\$546,760.00	52/48
2016	\$574,698.00	\$530,175.00	52/48
2017	\$610,063.00	\$537,950.00	53/47
2018	\$661,329.00	\$634,019.00	51/49
2019	\$687,660.00	\$642,209.00	52/48
2020	\$714,592.00	\$650,520.00	54/46
2021	\$748,690.00	\$650,522.00	55/44
2022	\$802,180.00	\$650,522.00	54/46
2023	\$773,842.00	\$660,279.00	55/45
2024	\$819,442.00	\$660,279.00	55/45
	\$844,543.00	\$670,184.03	56/44

Based on the comparison you can see that the property tax revenue supporting the district is far outpacing resort tax revenue supplied by the town.

In November 2015, the Town of West Yellowstone and Hebgen Basin Rural Fire District signed another amended interlocal agreement and changed the funding structure and the Fire District purchased the building.

In May of 2019, a Memorandum of Understanding and Agreement was signed consolidating the payments for both the interlocal agreement and the cost for an additional employee.

The percentage of Resort Tax contributions continues to go down as seen below.

FY ending 2021	11.4%
FY ending 2022	13.1%
FY ending 2023	11.8%

Since 2021, the Fire District's call volume has increased by 26% and has stayed at these increased levels for 2021, 2022, 2023, and 2024, with July 2024 setting a record of 117 calls for the month. It is also the first time we broke over 100 calls in one month. Our biggest increase in call volume is due to EMS. The biggest stress to the district is the number of calls we are having at the same time; these have increased from 11% in 2022 to 18% of the time in 2023. In 2018 the location of calls was 75% in town. This number does not fluctuate much, only a percentage point or two until 2023, the location of calls was 78% in town. The patient demographics of our calls has remained 75% tourist and 25% locals. The tourist needs remain the biggest impact for the fire district.

When the Town had its own fire department, it had 7 year-round employees along with approximately 10 volunteers. The Fire District currently has 12 year-round employees and 3 seasonal employees along with approximately 4 active volunteers. We also are paying these volunteers to help cover open shifts and additional coverage when needed.

The District is currently leading the charge to create the Hebgen Basin Rural Resort Tax Area District. The purpose for the district is to create an additional funding mechanism to support Fire, EMS, Medical needs within the community. Additional Revenue generated from the Rural Resort Tax Area District can go to Educational and Community Impacted Needs. There are a number of hurdles to get over to establish this goal and the rural resort tax probably will not have any financial impact for the district for at least 2 years, if we are successful.

1. We need 15% of the registered voters in the rural area to sign the petition to get it in the May Special District Election.
2. We need the Gallatin County Commissioners vote to put it on the May Special District Election ballot.
3. We need to have a majority of voters approve the Rural Resort Area Tax and District.

The second hurdle is, the Montana Department of Commerce needs to complete a Qualified Designation study, and that study needs to come out in our favor.

To meet the Qualified Designation Study Requirements, we need the following:

1. The area for Rural Resort Area Tax Designation needs to be unincorporated. "IT IS"
2. The population of that area has to be under 2500 people. "It IS"
3. 50% of the economic engine in that area needs to be from Tourism. "Reason for the study"

This Rural Resort Area Tax District is a separate special district which will be governed by a board of elected officials from the rural area, not associated with the Fire District. If we are successful in establishing the Rural Resort Area Tax District, The Board of the Hebgen Basin Rural Fire District and the Board for the Hebgen Basin Rural Resort Area Tax District will have to come up with an interlocal agreement to receive a portion of the funds collected. It is with this additional funding that I have high hopes of being able to hire additional staffing for the Fire District. The best guess I have in the amount of Resort Tax which could be collected annually by the Rural Resort Area Tax District is around \$450,000 to \$500,000.

If the council chooses to approve my request the District is willing to take on the responsibility for snow removal around fire hydrants throughout town.

The additional funding I have requested we be used as follows:

1. Increase our overtime budget. \$12,000
2. Pay volunteers to attend training. \$4,500
3. Create a capital improvement plan for updating our snow removal equipment that we use for the clearing of fire hydrants. \$15,000
4. Hire additional seasonal staff for summer and periods of high call volume in winter. \$55,000
5. Increase training for Staff and Volunteers. \$4,500
6. New Turnouts for seasonal staff. \$9,000

The current funding mechanism outlined is not keeping pace with inflation, changes in call volume, societal changes in volunteerism. The other significant change that has been created is the lack of growth in town. For example, last year the District had \$299,000 in new taxable property within the District, \$108,000 of that in the town limits. This year there was \$107,000 of new taxable property added to the district, and only \$22,000 was from within Town limits. The new \$107,000 in taxable property generates \$3879.00 in additional revenue. For approximately the last eight years the town has either been in a water or sewer moratorium which means no new construction in town and very little growth in taxable value. New construction drives new tax revenue.

I did a comparison of what the town was spending in their 2007-2008 budget compared to what the town is spending in their 2023-2024 budget. The following increase was found in the following categories.

Law Enforcement Services	87% increase
Dispatch	126% increase
Building Inspections	42% increase
Road and Street	193% increase

Parks 201% increase
Hebgen Basin Fire District 48% increase

If the town was still running their own Fire and EMS department and applied the Law Enforcement Budget increase to what you were paying for Fire and EMS, the town would be paying \$1,402,500.00 for their own Fire and EMS. The Town is paying the District \$670,000 currently.

The District has big capital expenses coming in the next 1-3 years that we are saving for which are as follows.

Used ladder truck.	\$750,000 - \$850,000
New Turnouts	\$ 75,000
Ambulance	\$300,000
SCBA's	\$200,000

The District operates on a cash basis, we save money and plan for these big purchases and only purchase when we have the money to do so.

The partnership that has been created between the Town of West Yellowstone and the Hebgen Basin Fire District has been good for both parties and best for the community. It has increased Fire and EMS capacity in this basin and saved both the Town and Taxpayers money. It is for these reasons I ask that the council approve my request.



Thank You
Chief Grube

From: [Dan Walker](#)
To: sgrube@hbrfd.com
Cc: [Elizabeth Roos](#)
Subject: RE: Formal Request to Increase Resort Tax Payments
Date: Tuesday, August 6, 2024 2:29:51 PM

Thank you, Shane.

We will get this on the agenda from the August 20th meeting for consideration.

Please submit any supporting documents before the 15th for inclusion in the packet.

DW

From: Shane Grube <sgrube@hbrfd.com>
Sent: Monday, August 5, 2024 4:16 PM
To: Dan Walker <dwalker@townofwestyellowstone.com>
Cc: Lisa Griffith <lgriffith@townofwestyellowstone.com>; Jeff McBirnie <jmcbirnie@townofwestyellowstone.com>; Mike <mikegavagan@gmail.com>; Kyle Goltz <kgoltz@hbrfd.com>
Subject: Formal Request to Increase Resort Tax Payments

Mr. Walker,

It came to my attention today that my request at the end of our meeting to change the current payments of resort tax to Hebgen Basin Fire District was viewed as an informal request.

Please consider this email as my formal request to change the current payment structure.

I am asking for \$100,000 additional contribution to be added to what we currently are getting from the town and in the future, I would like to move from the current 1 ½ percent increase every year to 4 percent increase every year.

This would put the town's RT contribution at approximately \$770,000. If you would like to discuss this further, please provide me with some dates and times.

Thank You
Shane

HEBGEN BASIN FIRE DISTRICT
Revenue Budget Report -- MultiYear Actuals
For the Year: 2024 - 2025

Final 8/13/24

1000 GENERAL

Account	Actuals				Current Budget 23-24	% Rec. 23-24	Prelim. Budget 24-25	Budget Change 24-25	Final Budget 24-25	% Old Budget 24-25
	20-21	21-22	22-23	23-24						
310000										
311000 Property taxes	748,690	802,180	773,842	821,019	780,000	105%	844,543		844,543	108%
Group:	748,690	802,180	773,842	821,019	780,000	105%	844,543	0	844,543	108%
330000 Intergovernmental revenues										
330300 COVID WAGES AND OVERTIME	602,350				0	0%			0	0%
330400 COVID SUPPLIES	1,199				0	0%			0	0%
330600 VACCINATION CLINIC	33,824	14,305			0	0%			0	0%
330700 CARES CAPITAL EQUIP REQ	106,006				0	0%			0	0%
Group:	743,379	14,305			0	0%	0	0	0	0%
340000 Charges for services										
342040 Fire revenue					5,000	0%	5,000		5,000	100%
342075 Inspection Fees	200	125	275	725	500	145%	500		500	100%
342100 Ambulance revenues	232,505	276,488	232,268	212,279	225,000	94%	225,000		225,000	100%
342200 Cell Tower Contract	13,552	13,762	14,037	14,318	13,552	106%	13,552		13,552	100%
342300 YNP Contract for service		138,259	151,903	124,154	166,000	75%	180,000		180,000	108%
342400 West Yellowstone contract	596,310	713,652	670,188	670,188	660,279	102%	670,000		670,000	101%
342450 Misc. Services Contracted		825	990	4,900	3,000	163%	3,000		3,000	100%
Group:	842,567	1,143,111	1,069,661	1,026,564	1,073,331	96%	1,097,052	0	1,097,052	102%
360000 Misc revenues										
361000 Station 3 Rent	2,907	2,500	1,000		3,000	0%	3,000		3,000	100%
362020 Volunteer Funds			4,322	5,779	2,500	231%	2,500		2,500	100%
362030 CPR Training Site		1,093	150	1,645	2,500	66%	1,500		1,500	60%
362100 Misc revenue	27,704	19,935	10,936	17,955	3,500	513%	3,500		3,500	100%
362150 T-Shirt Sales	1,135	1,805	2,444	3,060	1,500	204%	2,000		2,000	133%
362200 Reappropriated revenue					1,430,500	0%	2,058,877		2,058,877	144%
This is mooney the District has been saving comes from some of the following line items. It is also money rolled over from previous budget. Capital reserve 155,000										

HEBGEN BASIN FIRE DISTRICT
Revenue Budget Report -- MultiYear Actuals
For the Year: 2024 - 2025

1000 GENERAL

Account	Actuals				Current	%	Prelim.	Budget	Final	% Old
	20-21	21-22	22-23	23-24	Budget	Rec.	Budget	Change	Budget	Budget
	20-21	21-22	22-23	23-24	23-24	23-24	24-25	24-25	24-25	24-25
comm equipment	25,000									
scba	65,000									
ambulance	62,000									
apparatus	430,000									
employee housing	120,181									
Employee assistace	90,000									
cash reserve	200,000									
and various other line itemss.										
362300 Apparatus sales	2,500	14,400	10,601	350	2,500	14%	2,500		2,500	100%
365000 Donations	1,090	8,975	3,240	2,775	1,000	278%	1,500		1,500	150%
365100 COATS FOR KIDS	250			1,324	0	***%			0	0%
Group:	35,586	48,708	32,693	32,888	1,447,000	2%	2,075,377	0	2,075,377	143%
370000										
371010 Investment interest			16,912	81,366	5,000	***%	30,000		30,000	600%
Group:			16,912	81,366	5,000	***%	30,000	0	30,000	600%
Fund:	2,370,222	2,008,304	1,893,108	1,961,837	3,305,331	59%	4,046,972	0	4,046,972	122%
Grand Total:	2,370,222	2,008,304	1,893,108	1,961,837	3,305,331		4,046,972	0	4,046,972	

HEBGEN BASIN FIRE DISTRICT
Expenditure Budget Report -- MultiYear Actuals
For the Year: 2024 - 2025

1000 GENERAL

Account	Object	Actuals				Current Budget	% Exp.	Prelim. Budget	Budget Changes	Final Budget	% Old Budget
		20-21	21-22	22-23	23-24						
420400	Fire Protection										
110	Salaries and Wages	750,776	777,553	812,335	860,549	906,000	95%	1,032,840		1,032,840	114%
115	PAY PER CALL -VOL CALLBAC	15,225	29,640	11,928	27,895	30,000	93%	44,200		44,200	147%
120	Overtime	92,231	63,142	83,888	140,553	100,000	141%	128,000		128,000	128%
141	Unemployment Insurance	1,252	2,089	2,423	1,673	3,100	54%	3,100		3,100	100%
142	Workers' Compensation	24,066	27,846	25,109	27,295	35,000	78%	35,000		35,000	100%
143	Medicare/FICA	16,261	19,359	21,070	24,085	22,000	109%	28,000		28,000	127%
144	Health Insurance	121,037	128,034	143,436	165,294	175,000	94%	190,000		190,000	109%
145	Vac/Sick Payout	6,169	63,349	12,194	10,491	30,000	35%	50,000		50,000	167%
146	FURS	96,551	102,089	108,935	118,471	115,000	103%	136,000		136,000	118%
147	pers	3,677	3,565	4,585	4,905	4,000	123%	6,000		6,000	150%
200	OPERATIONS BUDGET					10,000	0%	10,000		10,000	100%
210	Office Supplies & Materia	4,593	4,799	4,145	4,422	6,500	68%	6,500		6,500	100%
212	FOOD	1,864	1,460	3,457	1,817	4,000	45%	4,000		4,000	100%
215	Computer Consulting	4,579	2,651	3,722	4,996	4,000	125%	5,000		5,000	125%
216	IMAGETREND	1,238	1,238	1,238	2,458	2,000	123%	3,000		3,000	150%
217	BLACK MOUNTAIN	3,618	3,723	4,150	4,910	4,500	109%	6,000		6,000	133%
219	National Fire Codes	115		1,022	416	1,200	35%	1,200		1,200	100%
220	Operating Supplies	7,208	8,902	10,948	7,822	12,000	65%	12,000		12,000	100%
221	Station Furniture			130	150	1,000	15%	1,000		1,000	100%
225	Personal Protective Equip	386	3,091	4,039	2,289	10,000	23%	10,000		10,000	100%
226	Uniform Allowance	3,696	10,265	9,474	8,862	10,000	89%	12,000		12,000	120%
227	Volunteer Uniforms	981	93	5,321		5,000	0%	5,000		5,000	100%
228	T-shirts for sale		1,806	1,636	2,210	2,000	111%	2,500		2,500	125%
229	Volunteer Funds			1,791	2,234	2,000	112%	2,500		2,500	125%

HEBGEN BASIN FIRE DISTRICT
Expenditure Budget Report -- MultiYear Actuals
For the Year: 2024 - 2025

1000 GENERAL

Account	Object	Actuals				Current Budget	% Exp.	Prelim. Budget	Budget Changes	Final Budget	% Old Budget
		20-21	21-22	22-23	23-24						
230	Vehicle Tires		2,736	3,452	5,052	6,000	84%	8,000		8,000	133%
231	Vehicle Fuel	17,193	26,244	34,006	28,328	40,000	71%	40,000		40,000	100%
232	Maintenance Tools	980	1,136	792	208	1,500	14%	1,500		1,500	100%
235	Hose, Nozzle, Fittings	3,470	9,225	6,013		7,500	0%	7,500		7,500	100%
239	COVID MEDICAL SUPPLIES	441		96		500	0%	500		500	100%
240	Medical Supplies	25,985	30,934	38,411	31,434	40,000	79%	44,000		44,000	110%
241	Station 1 Utilities	19,859	21,571	27,354	24,535	30,000	82%	30,000		30,000	100%
242	Station 2 Utilities	456	397	321	307	1,000	31%	1,000		1,000	100%
243	Station 3 Utilities	1,331	2,438	2,341	2,292	3,500	65%	3,500		3,500	100%
244	Station 4 Utilities	750	857	707	720	1,500	48%	1,500		1,500	100%
245	EMRGENCY CHILDCARE FUND					500	0%	500		500	100%
305	Volunteer Reimbursement			59	75	1,500	5%	1,500		1,500	100%
307	Recruitment and Retention	228	484	2,549	980	2,500	39%	2,500		2,500	100%
310	Communications, Radio, Pa	1,288	986		473	5,000	9%	5,000		5,000	100%
311	Postage	658	727	1,219	1,659	1,500	111%	2,000		2,000	133%
312	CPR Training		240	1,900	3,397	3,000	113%	3,500		3,500	117%
315	Fire Prevention	1,010	1,499	1,195	1,861	1,500	124%	2,000		2,000	133%
321	Gym Equipment					500	0%	500		500	100%
330	Public Information	785	500	750	1,054	1,000	105%	1,500		1,500	150%
335	Memberships	1,134	2,152	2,743	1,464	2,750	53%	2,750		2,750	100%
338	Events and Awards			6,931		5,000	0%	5,000		5,000	100%
341	Cell Phones, Amb & Staff	6,299	7,363	5,832	8,133	8,000	102%	9,000		9,000	113%
342	Propane Station 2	1,043	4,574	3,590	1,994	5,000	40%	5,000		5,000	100%
343	Propane Station 3	1,364	2,415	3,511	1,674	5,000	33%	5,000		5,000	100%

HEBGEN BASIN FIRE DISTRICT
Expenditure Budget Report -- MultiYear Actuals
For the Year: 2024 - 2025

1000 GENERAL

Account	Object	Actuals				Current Budget	% Exp.	Prelim. Budget	Budget Changes	Final Budget	% Old Budget
		20-21	21-22	22-23	23-24						
344	Cash Reserve					200,000	0%	389,948		389,948	195%
345	Propane Station 4	853	918	1,186	1,031	1,500	69%	1,500		1,500	100%
347	Operating Fees	682	359	1,447	2,341	1,500	156%	3,000		3,000	200%
348	Employment Services	528	1,043	380	258	2,000	13%	2,000		2,000	100%
349	Hazardous Waste Disposal	625	500	550		1,000	0%	1,000		1,000	100%
350	Accounting Services	3,622	1,876	60,146	25,453	15,000	170%	45,000		45,000	300%
351	outside services	566	3,674	875	1,978	4,500	44%	4,500		4,500	100%
352	Legal Fees	19,304	13,931	6,579	7,380	30,000	25%	30,000		30,000	100%
353	Election cost		1,842			2,000	0%	2,000		2,000	100%
354	BILLING BRIDGE	4,788	5,310	5,286	3,816	6,000	64%	6,000		6,000	100%
355	Medical Fees (Medical Con	6,000	3,000	6,142	3,032	6,500	47%	6,500		6,500	100%
356	Personnel Physicals	2,346	6,035	3,935	1,298	20,000	6%	20,000		20,000	100%
357	Property Taxes	359	358	368	379	500	76%	500		500	100%
358	Ambulance Overpayment	1,659	1,454	2,250	500	3,000	17%	3,000		3,000	100%
360	Building Maint Station 1	1,517	5,444	2,865	763	7,000	11%	7,000		7,000	100%
361	Building Maint Station 2					1,500	0%	1,500		1,500	100%
362	Building Maint Station 3	320	1,210		396	4,000	10%	4,000		4,000	100%
363	Vehicle maintenance	18,551	20,240	26,394	23,810	40,000	60%	40,000		40,000	100%
364	construction of training					5,000	0%	5,000		5,000	100%
365	SCBA Maintenance	3,100	1,740	2,310	880	3,000	29%	3,000		3,000	100%
367	Building Maint Station 4	200	1,154		674	1,500	45%	1,500		1,500	100%
369	Thermal Imaging Camera				6,183	7,500	82%			0	0%
370	Travel	1,349	222	738		2,500	0%	2,500		2,500	100%
380	Training Expense	14,116	5,274	11,718	11,931	30,000	40%	30,000		30,000	100%

HEBGEN BASIN FIRE DISTRICT
Expenditure Budget Report -- MultiYear Actuals
For the Year: 2024 - 2025

1000 GENERAL

Account	Object	Actuals				Current	%	Prelim.	Budget	Final	% Old
		20-21	21-22	22-23	23-24	Budget 23-24	Exp. 23-24	Budget 24-25	Changes 24-25	Budget 24-25	Budget 24-25
383	Transport Excess Equipmen		2,500		1,360	2,500	54%	2,500		2,500	100%
385	Education Loan				1,000	22,500	4%	22,500		22,500	100%
510	Liability/Fire/Building I	6,561	63,607	34,267	40,943	40,000	102%	48,000		48,000	120%
530	Station 1 Rent	100		100	100	100	100%	100		100	100%
540	Housing Security					5,000	0%	4,000		4,000	80%
975	Computers				6,679	4,000	167%	4,000		4,000	100%
Account:		1,326,943	1,512,863	1,588,284	1,681,622	2,138,150	79%	2,607,638	0	2,607,638	122%

HEBGEN BASIN FIRE DISTRICT
Expenditure Budget Report -- MultiYear Actuals
For the Year: 2024 - 2025

1000 GENERAL

Account	Object	Actuals				Current	%	Prelim.	Budget	Final	% Old
		20-21	21-22	22-23	23-24	Budget	Exp.	Budget	Changes	Budget	Budget
		20-21	21-22	22-23	23-24	23-24	23-24	24-25	24-25	24-25	24-25
920000	Capital Outlay (^ \$5,0000)										
915	Defibrillators	76,051				0	0%			0	0%
925	Communications Equipment	126,226				0	0%			0	0%
940	Machinery & Equipment	29,955				0	0%			0	0%
945	SCBA'S	246,350				0	0%			0	0%
959	Ambulance	138,970				0	0%			0	0%
960	Apparatus	652,873				0	0%			0	0%
973	Station 5	2,135				0	0%			0	0%
974	Station 1 Sealcoat	3,100				0	0%			0	0%
976	Station 1 Remodel	7,877				0	0%			0	0%
	Account:	1,283,537				0	***%	0	0	0	0%
	Fund:	2,610,480	1,512,863	1,588,284	1,681,622	2,138,150	79%	2,607,638	0	2,607,638	122%

HEBGEN BASIN FIRE DISTRICT
Expenditure Budget Report -- MultiYear Actuals
For the Year: 2024 - 2025

4000 Capital Projects Fund

Account	Object	Actuals				Current	%	Prelim.	Budget	Final	% Old
		20-21	21-22	22-23	23-24	Budget 23-24	Exp. 23-24	Budget 24-25	Changes 24-25	Budget 24-25	Budget 24-25
20400	Fire Protection										
900	Capital Reserve					155,000	0%	155,000		155,000	100%
925	Communications Equipment				19,170	45,000	43%	45,000		45,000	100%
940	Machinery & Equipment				9,654	20,000	48%	20,000		20,000	100%
945	SCBA'S					65,000	0%	14,153		14,153	22%
946	TURNOUTS					0	0%	75,000		75,000	*****%
959	Ambulance			4,000		62,000	0%	124,000		124,000	200%
	2023/24			62,000							
	2024/25			124,000							
960	Apparatus			228,401		430,000	0%	750,000		750,000	174%
	2022/23 balance			\$338,470							
	2023/24			\$91,530							
	2024/25			\$320,000							
961	Generators					5,000	0%			0	0%
973	Station 5					10,000	0%	10,000		10,000	100%
974	Station 1 Sealcoat				906	10,000	9%	10,000		10,000	100%
975	Computers				11,172	13,000	86%	6,000		6,000	46%
976	Station 1 Remodel upgrade air system replace carpet in training room		7,102			17,000	0%	20,000		20,000	118%
977	Employee Housing Fourplex					120,181	0%	120,181		120,181	100%
	2023/24			120,181							
978	STATION 3 MAINT				29,500	35,000	84%			0	0%
985	Employee Assistance Progr				30,000	180,000	17%	90,000		90,000	50%
	2023-24			180,000							
	30,000 taken for program										
	90,000 for three employees										
	balance moved to ladder truck										
	Account:		7,102	232,401	100,402	1,167,181	9%	1,439,334	0	1,439,334	123%
	Fund:		7,102	232,401	100,402	1,167,181	9%	1,439,334	0	1,439,334	123%
											%
Grand Total:		2,610,480	1,519,965	1,820,685	1,782,024	3,305,331		4,046,972	0	4,046,972	

From: [Dan Walker](#)
To: [Elizabeth Roos](#)
Subject: FW: Formal Request to Increase Resort Tax Payments
Date: Thursday, August 8, 2024 9:51:26 AM

For the packet with the request.

From: Jeff McBirnie <jmcbirnie@townofwestyellowstone.com>
Sent: Monday, August 5, 2024 6:06 PM
To: sgrube@hbrfd.com
Cc: Dan Walker <dwalker@townofwestyellowstone.com>; Lisa Griffith <lgriffith@townofwestyellowstone.com>; Mike <mikegavagan@gmail.com>; Kyle Goltz <kgoltz@hbrfd.com>
Subject: Re: Formal Request to Increase Resort Tax Payments

Shane,

Can I get a copy of your current financials/ budgets for the last 5 years please including this upcoming budget year. Please include all funds received and where they come from (Park contract, tax levy, mill levy, etc...) contingency funds if any (how you allocate money to them, and how much per year), Set aside funds for CIP projects (how much per year set aside).

I would like to see in writing, how this increase will benefit the community, basically “what we are getting, for what we are paying”. I want to see in writing what/where this money would be directed and how it would be used and what specific purposes please do not be vague in nature.

Are you also planning on taking to the voters any new imposed taxes in the next 5 years? If so...please state how that money will be intended to be used?

Thanks,
Jeff

Sent from my iPad

On Aug 5, 2024, at 4:16 PM, Shane Grube <sgrube@hbrfd.com> wrote:

Mr. Walker,

It came to my attention today that my request at the end of our meeting to change the current payments of resort tax to Hebgen Basin Fire District was viewed as an informal request.

Please consider this email as my formal request to change the current payment structure.

I am asking for \$100,000 additional contribution to be added to what we currently are getting from the town and in the future, I would like to move from the current 1 ½ percent increase every year to 4 percent increase every year.

This would put the town's RT contribution at approximately \$770,000. If you would like to discuss this further, please provide me with some dates and times.

Thank You
Shane


EXPOSITION LICENSE & SPECIAL EVENT PERMIT APPLICATION

Town of West Yellowstone, Montana



Event: Wretched Mess Fest
 Sponsor Organization: West Yellowstone Foundation
 Sponsor Address: PO Box 255, 420 Yellowstone Ave, West Yellowstone, MT 59758
 Contact Person: Carrie Coan
 Contact Phone: 406-646-1152 Fax: _____
 E-mail Address: ed@wyfmt.org
 Date(s) of Event: September 5, 6 & 7, 2024
 Location of Event: Union Pacific Dining Lodge and Bob Jacklin Casting Pond

- A. **Event Detail:** Use the attached sheet to describe the event in detail and any special accommodations required from the Town.
- B. **Site Plan:** Detail the physical layout of the event on the attached site plan and return with the application. Provide as much detail and measurements as possible.
- C. **Liability Insurance:** If the event is taking place on public property, please provide a copy of the event's liability insurance naming the Town of West Yellowstone as additionally insured. Liability insurance coverage shall be in the minimum amounts of \$750,000 per claimant/\$1,500,000 per occurrence and include alcohol liability, if applicable. The Town Manager may grant exception to these limits based on general public health, safety and welfare associated with the request for exception, as well as the liability risk and the applicant's ability to pay.
- D. **Vendor List:** If the event includes vendors, provide a list of the names and addresses of all participating vendors 14 calendar days in advance.
- E. **Fees:** The basic fee for an event is \$25. Events that include vendors shall also pay \$25 per vendor for every vendor that does not already hold a business license in the Town of West Yellowstone.
- F. **Resort Tax:** The sponsor of exposition events must post a \$1500 bond in accordance with Chapter 3.12 of the West Yellowstone Municipal Code (www.codepublishing/MT/WestYellowstone.html). The sponsor and vendors must collect 4% on all resort tax applicable sales and remit to the Town by the 20th of the month after the month of the event. All sales, including entrance and participation fees, are subject to resort tax. Please review Chapter 3.12 of the WYMC for further information, including possible exemptions. The bond will be returned within 90 calendar days of remittance of the resort tax.
- G. **Alcohol Consumption:** Public drinking and public display of alcoholic beverages must conform with Section 9.12.020 of the West Yellowstone Municipal Code. The public place where the event will be held must be exempted by resolution of the Town Council before alcoholic beverages may be allowed. Please attach a separate letter addressed to the West Yellowstone Town Council making this request.
- H. **Sound:** Amplified sound may be allowed by obtaining an additional non-fee special permit from the Town Council, in accordance with Section 8.16.020 of the West Yellowstone Municipal Code. If applicable, please attach the Outside Amplification Permit Application.

Event Fee:	\$ <u>25.00</u> pd 8-5-24	
Resort Tax Bond:	\$ <u>1500.00</u> pd 8-5-24	
Vendor(s) Fee:	\$ _____	Signature of Applicant
Total Due:	\$ _____	August 2, 2024
		Date

Date Received by the Town: Aug. 2, 2024



The Wretched Mess Fest is a 3-day event celebrating West Yellowstone's art, fly fishing and history. Thursday we will have professional chalk artists providing free lessons on chalking techniques in front of the Museum. Friday we will have professional chalk artists creating unique, temporary works of art, inspired by our region, in front of the Casting Pond. From 2p-7p we will host an artist market, free chalking area, fly fishing reps, Beer truck, food truck, casting competition, fly fishing educational sessions and fly tying. From 8p-10p We will host a fly-fishing film festival on the lawn of the Union Pacific Dining Lodge. Saturday from 10a-7p will be the same activities plus Spey casting on the Madison. From 7p-10p we will have a live music concert outdoors. Sunday will be cleanup day. We will have 8 porta potties and 1 handwashing station at the Casting Pond. We ask that Public Works move one dumpster to the Casting Pond and move the stage to the Union Pacific lawn by Wednesday 9/4/24 and then remove it any time after Sunday 9/8/24. We will provide additional trash cans on site; the dumpster can be removed after Sunday 9/8/24. We ask that TOWY lift the open container regulation 9/5-9/7 so that we may host a beer truck on site (see email). We also would like TOWY or YHC to check if there is power in the YHC generator house. We believe there is ample parking in the area, so we have not provided additional accommodation for parking. Onsite sales will include Wretched Mess merch, food truck, beer tent and artisan market. We will ensure appropriate resort tax is paid for all vendors that do not have a WY Business License. We would like to put sandwich boards at the corner of Madison and Canyon and along Yellowstone Ave for a week leading up to our event, we will take the signs in and out at night. We would also like to put banner signage near HWY 20 and Iris, above the Union Pacific Dining Lodge door, near Canyon Street and Parkway D and on the baseball fence at Pioneer Park, facing Canyon Street.



- Firehole Room:** Fishing/Outdoors Nonprofits
- Breezeway:** fly tying & entryway
- Mammoth Room:** FF Reps, FF Ed, Fly tying

Complete this section if the event includes sales of any kind.

Event: The final list will be provided 2 weeks before event **Date(s)**

Attach additional sheets as necessary.

Primary Sponsor: _____
Contact Person: _____
Address: _____
Phone: _____
Type of sales: _____
Resort Tax applicable: YES NO

Vendor Name: _____
Contact Person: _____
Address: _____
Phone: _____
Type of sales: _____
Resort Tax applicable: YES NO

Vendor Name: _____
Contact Person: _____
Address: _____
Phone: _____
Type of sales: _____
Resort Tax applicable: YES NO

Vendor Name: _____
Contact Person: _____
Address: _____
Phone: _____
Type of sales: _____
Resort Tax applicable: YES NO

Vendor Name: _____
Contact Person: _____
Address: _____
Phone: _____
Type of sales: _____
Resort Tax applicable: YES NO

Vendor Name: _____
Contact Person: _____
Address: _____
Phone: _____
Type of sales: _____
Resort Tax applicable: YES NO

Vendor Name: _____
Contact Person: _____
Address: _____
Phone: _____
Type of sales: _____
Resort Tax applicable: YES NO

Vendor Name: _____
Contact Person: _____
Address: _____
Phone: _____
Type of sales: _____
Resort Tax applicable: YES NO

FOR OFFICE USE ONLY

Department	Initials	Date	Comments
Pub Services	JS	8/16/24	
H20/Sewer	JS	8/16/24	
Fire	SB	8/16/24	
Police	MJ	8-16-24	
Finance	VT	8/16/24	
Administration			

Notes/Conditions: _____

Approved

Denied

 Town Clerk

 Date

ATTACHMENTS

- | | | | |
|------------------------------|--|---------------------------------|--|
| Liability Insurance | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Waived |
| Outside Amplification Permit | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> NA |
| Encroachment Application | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input checked="" type="checkbox"/> NA |
| Open Container Resolution | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> NA |
| Resort Tax Bond | <input checked="" type="checkbox"/> Paid | <input type="checkbox"/> Surety | <input type="checkbox"/> NA |



Outside Amplification Permit Application Town of West Yellowstone

Event: _____

Contact Person: _____

Mailing Address: _____

Email Address: _____

Phone Number: _____

Signature of Property Owner of Record: _____

Date(s) of Event: _____

Location: _____

Amplification between the hours of: _____ and _____

Description of Event: _____

Signature of Applicant

Date

FOR OFFICE USE ONLY

Decision by Town Council: Approved Disapproved

Conditions: _____

Signature of Mayor/Town Manager: _____

Date

Elizabeth Roos

From: Carrie Coan <ed@wyfmt.org>
Sent: Friday, August 2, 2024 11:11 AM
To: Elizabeth Roos
Subject: Open Container Request

Hi Liz,

The Wretched Mess Fest would like to ask that the open container ordinance be lifted for our 2-day event at Heritage Park (Stretching from the Museum to the Casting Pond/Clinic Parking Lot):

Friday, September 6th from 2pm-10pm

Saturday, September 7th from 10am-10pm

We plan to have Yellowstone Beer Company selling beer and wine at our event.

Thanks,

Carrie Coan
Executive Director

West Yellowstone Foundation

PO Box 255

420 Yellowstone Ave

West Yellowstone, MT 59758

(406) 646-1152

www.westyellowstonefoundation.org

Resolution No. 806

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE, MONTANA TO EXEMPT HERITAGE PARK FROM SECTION 9.12.020 OF THE WEST YELLOWSTONE MUNICIPAL CODE, PUBLIC DRINKING PROHIBITED, SEPTEMBER 6-7, 2024 DURING THE WRETCHED MESS FEST

WHEREAS, the Town Council of the Town of West Yellowstone desires to support and encourage events that bring visitors to the Town; and

WHEREAS, the Wretched Mess Fest is a special event that will be held in Heritage Park in the Town of West Yellowstone; and

WHEREAS, the Yellowstone Beer Company and Wretched Mess Fest organizers, desire to sell and allow the consumption of alcoholic beverages in Heritage Park on September 6, 2024 between the hours of 2 PM and 10 PM and September 7, 2024 between the hours of 10 AM and 10 PM; and

WHEREAS, in accordance with Section 9.12.020, Part B of the West Yellowstone Municipal Code, the Town Council may exempt by resolution a specific area of a public place where an event or activity will be held from the prohibition of public display or public drinking of alcoholic beverages;

NOW THEREFORE BE IT RESOLVED THAT the Town Council of the Town of West Yellowstone, County of Gallatin, State of Montana, grants an exemption to the Yellowstone Beer Company and the participants at the Wretched Mess Fest from the Public Drinking Prohibition in Heritage Park, effective September 6, 2024 between the hours of 2 PM and 10 PM and September 7, 2024 between the hours of 10 AM and 10 PM.

PASSED AND ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF WEST YELLOWSTONE THIS 20th DAY OF AUGUST 2024.

Mayor

Council Member

Council Member

Council Member

Council Member

ATTEST:



Town Clerk

TOWN OF WEST YELLOWSTONE

PUBLIC NOTICE

Planning Board Vacancy

The West Yellowstone Town Council is seeking interested individuals to serve on the West Yellowstone Planning Board. This board develops recommendations for action by the Town Council on zoning variances, conditional uses, encroachments, and subdivisions. Membership on this board requires review of parking and development plans for commercial projects in West Yellowstone. This board will be involved with the update of the zoning code and developing zoning for the 80-acres. The Board is composed of seven individuals that serve two-year terms. Board members are appointed by the Mayor/Town Council for a term of two years. Montana Code stipulates that membership shall be as follows: one member of the Town Council, one member who may an employee or hold public office in the city or county, one member that is designated by the County Commissioners (may live outside the limits of the Town), four citizen members that are residents of West Yellowstone.

The Town is currently accepting applications for two citizen members that reside in Town.

Interested individuals should complete and return the ‘Application for Boards and Committees’ which is available from the Town Offices, 440 Yellowstone Avenue, West Yellowstone, MT or on the Town’s website: www.townofwestyellowstone.com. This position is open until filled, preference will be given to applicants that apply by August 30, 2024. For more information or to request an application by e-mail, please contact the Town Offices, 646-7795, or info@townofwestyellowstone.com.

Elizabeth Roos
Town Clerk

