

# 2016

## **BUTTE-SILVER BOW ZONING BOARD OF ADJUSTMENT**

**Thursday, November 17, 2016, at 5:30 P.M.**

**Council Chambers – Third Floor – Room 312**

- I. Call to Order.
- II. Approval of the Minutes of the meeting of October 20, 2016.
- III. Hearing of Cases, Appeals and Reports:

**Variance Application #15287**- An application for a variance by Joshua Harned, owner, to locate a boot repair business at his residence, varying from the Home Occupation provisions of Section 17.44.040, Criteria for Review, of the BSBMC, including operating out of the garage, on-site sales and signage. The property is located in an "R-4" (Manufactured Home) zone, legally described as Lot 1, Block 6, of the Golden West Estates No. 3 Addition, commonly known as 1300 Sunset, Butte, Montana.

**Use Variance Application #15302** - An application for a variance by Lloyd T & Dolores J Stringer, owners and Kirsten & Brian Martin, agents, to construct a luxury pet boarding facility for daycare, overnight boarding and grooming in a residential zone, varying from the requirements of Section 17.08.020, Permitted Uses, of the BSBMC. The property is located in an "R-1S" (One Family Suburban Residence) zone, legally described as the E1/2 NE1/4 NW1/4 NW1/4 and the SE1/4 NW1/4 NW1/4 of Section 8, T2N, R7W, and a portion of the roadway, Butte, Montana commonly located east of 2109 Five Mile Road and west of the Bert Mooney Airport Authority hangers.

- IV. Other Business.
- V. Adjournment.

By:

  
Lori Casey, Assistant Planning Director

***Applicant or Representative must be present at the meeting***

**BUTTE-SILVER BOW  
ZONING BOARD OF ADJUSTMENT  
STAFF ANALYSIS**

**ITEM:** Variance Application #15287 - An application for a variance to locate a boot repair business at his residence varying from the provisions of Section 17.44.040, Criteria for Review, of the BSBMC.

**APPLICANT:** Joshua Harned, 1300 Sunset Road, Butte, Montana.

**TIME/DATE:** Thursday, November 17, 2016, at 5:30 p.m., in the Council Chambers, Room 312, Third Floor, Butte-Silver Bow Courthouse, 155 W. Granite Street, Butte, Montana.

**REPORT BY:** Lori Casey, Assistant Planning Director

**VICINITY MAP:**



**LOCATION/**

**DESCRIPTION:** The property is located in an “R-4” (Manufactured Home) zone, legally described as Lot 1, Block 6 of the Golden West Estates No. 3 Addition, commonly located at 1300 Sunset Road, Butte, Montana.

**PROPOSAL:** The applicant is proposing to locate a boot repair business in his garage. The applicant has stated to staff that he will primarily be doing pickup and delivery of the boots but may have some on-site sales. To identify his business, he is requesting a 3’x4’ sandwich sign. The sandwich sign is portable and would be placed outside the residence only when the business is open and would be taken in when it is closed.

**STAFF  
FINDINGS:**

The Butte-Silver Bow Municipal Code, 17.44.100, Uses Allowed as Home Occupations, does not list boot repair in a garage as a permitted home occupation. In addition, the Butte-Silver Bow Municipal Code, Section 17.44.040, Criteria for Review, requires Home Occupations be operated within criteria that limits the impact of a Home Occupation on surrounding residences. The criteria were developed to limit the amount of traffic and noise generated by any home occupation to a level similar to that of a typical residence. Also, Home Occupations cannot be solely operated from a detached garage. Home Occupations are also limited to a 1’x1’ non-illuminated sign. Because the applicant is requesting to use only the garage to conduct the proposed Home Occupation at this location, will have on-site sales and is requesting a 3’x4’ sign, a variance approved by the Zoning Board of Adjustment is required.

*The staff will review the three point criteria established by the Montana Supreme Court for the granting of variances.*

**1. A variance must not be contrary to the public interest.**

The public's interest in segregating commercial and residential land uses is to prevent the intensity of the former from adversely affecting the latter. Generally speaking, commercial uses need to be segregated from residential areas due to incompatible impacts or negative effects from traffic, noise, light, odors and general nonresidential characteristics. However, commercial uses that could be operated out of the home, where the main use of the structure remains residential, are considered compatible within residential neighborhoods. The Home Occupation section of the Zoning Ordinance was developed to establish criteria under which a commercial use could be operated within a residential neighborhood as a home occupation. Typically, the greatest negative impacts generated by a commercial use operated from within a home are from additional traffic (customer and/or product deliveries) and noise. In this case, the Zoning Board of Adjustment must decide whether the use of the applicant's garage for repairing boots would have negative impacts on the surrounding residences exceeding those criteria under which home occupations must be operated.

One area of public concern that must be addressed by this variance is the potential impact of additional commercial traffic on the adjacent residential properties. In the applicant's favor, he has indicated that the majority of his business will be done by providing a pickup and delivery service to his customers. As such, this should help to alleviate the amount of customers who will be coming to the applicant's home. That being said, the applicant will be providing a service that is currently not provided in

the community. His business has the potential to be quite successful in a short time. The number of customers that he has needing boot repair may decrease the amount of time that he can spend on picking up and delivering, thereby creating more traffic to the home. It is important for the applicant to understand that to the extent that more customers are coming to the residence than he is delivering to, it will be time for him to move his business to a store front in an appropriate zone.

Another concern when commercial uses intrude into a residential zone is the impact on the availability of parking for surrounding residences. In this case, the applicant's business is such that customers will be dropping off or picking up boots and will not be at the residence for any length of time. The applicant's property is located on the corner of Sunset Road and Arizona Street. There is parking available for the short time the customers will be at the residence on either of these streets in front of the applicant's residence. In addition, the applicant does have off-street parking for two vehicles directly in front of his garage.

The fact that the commercial use would be located in a residential zone requires special attention. In order to minimize any potential negative impacts on surrounding properties, this application should be conditioned appropriately. Special consideration should be given to hours of operation, signage, and maintaining the residential appearance of the garage.

As noted above, the applicant is proposing to have a 3'x4' sandwich board sign. The sign would only be placed out when the applicant is open for business

and be brought in when he is closed. The sign would be non-illuminated.

In regards to the hours of operation, the applicant has stated on his application that business would be open from 12:00 to 6:00 p.m. Staff would recommend that a condition of approval limit the business to Monday through Saturday, 12:00 to 6:00 p.m.

If the neighbors support the proposed variances to the criteria of the Home Occupation, it would appear that the establishment of a boot repair business may not be contrary to the public interest.

**2. A literal enforcement of the Zoning Ordinance must result in unnecessary hardship owing to conditions unique to the property.**

Unnecessary hardship, as defined by the Montana Supreme Court, must result from a condition unique to the property, such as a unique property shape, topographical feature, or geological trait. This quality must preclude the applicant's ability to place a structure or an addition on the property in compliance with the Zoning Ordinance. The hardship may not result from a condition created by the applicant.

There does not appear to be a hardship associated with the applicant's property that would prevent the utilization of the land for uses permitted outright in the "R-4" zone.

Subcriteria Number One states the land cannot secure a "reasonable return" if the land is restricted to only those uses permitted outright in that zone. The applicant currently resides in the home on the property. The conversion of the garage for the

repairing of boots should not affect residential use of the property.

Subcriteria Number Two states that the proposed use will not alter the character of the neighborhood in which it is located. The applicant is not proposing to expand or alter the exterior of the garage. Without exterior alterations, the garage will maintain its residential character. Therefore, the proposed business should not alter the character of the neighborhood in which it is located.

**3. The spirit of Zoning Ordinance must be observed and substantial justice done.**

It is the intent of the Zoning Ordinance to permit the reasonable use of private property while restricting practices that may infringe on the rights of adjacent landowners and the public in general.

Public health, safety and general welfare must be protected and weighed against the rights of the applicant to develop his property in a way that may be suitable. If public interest can be protected pertaining to these issues, a variance may be appropriate.

As noted above, one of the criteria for approving a home occupation is that the garage is used only as an accessory use for the home occupation and that the home occupation must also be located with the home itself. The purpose for this criteria is that a home occupation operated only out of a garage is more likely to become a nuisance to the neighborhood because a business being operated only out of a garage will most likely have much less impact on the daily lives of the homeowner.

In this particular case, the Board must decide whether allowing the applicant to use his garage for repairing boots will result in a business with greater impacts on the surrounding neighbors than requiring the applicant to do the same work inside the home. Based on the limited number of customers that will be coming to the home for boot repair services, staff does not believe that permitting the applicant to repair boots out of his garage will result in an increase of negative impacts on the surrounding residences as long the applicant operates his home occupation within the other criteria.

The applicant must be clear that if this variance is approved, it is being approved for the purpose of providing the applicant the opportunity to get his business started as affordably as possible. In that regard, it is very important that the applicant operate his home occupation within the boundaries of the other criteria and when any of the other criteria are exceeded, i.e. more than one employee living outside of the home, or the applicant has an increase in the number of customers coming to the house seeking his services, it is fully expected the applicant will move the business to the appropriate zoning district.

The Board and the applicant need to be aware that this variance is not a use variance. As such, any approval of the requested variance does not provide approval for any commercial use similar in nature to the requested home occupation to be operated at this site. The requested variance only allows the applicant to operate a home occupation at this site out of the garage. When the home occupation is closed or moved to another site, neither the applicant nor anyone else can start up a new business at this

site. In addition, the applicant cannot sell the property to someone else with the new owner having the expectation that they will be able to operate a business at this site.

Based on the above discussion, it does not appear that the proposed use of the garage for repairing boots will create any more noise or disturbance to the surrounding property owners than a typical residence.

If the surrounding neighbors support the approval of this application and the applicant agrees to all of the conditions of approval, staff would conclude that approval of the requested variance from the provisions of the Home Occupation, i.e. utilizing the garage, on-site sales, and a 3'x4' sandwich board sign would be in the Spirit of the Zoning Ordinance and ensure substantial justice is observed.

**CONCLUSIONS:**

Based on the above analysis, staff believes that this variance would not disrupt the character of the neighborhood or be contrary to the spirit of the Zoning Ordinance to allow for the reasonable use of private property.

Therefore, staff would recommend approval of Variance Application #15287, to the provisions of the code to operate the business solely out of the garage, have on-site sales, and a 3'x4' sandwich board sign provided the following conditions are met:

1. The applicant shall submit a completed Home Occupation Application Permit to the Planning Department.

2. The applicant will operate the approved home occupation per all other guidelines of Section 17.44 of the Butte-Silver Bow Zoning Ordinance.
3. The applicant shall limit the hours of operation to Monday through Saturday, 12:00 to 6:00 p.m.
4. The applicant will be limited to the business as stated and approved. Any future business expansions or changes in business will require further review by the Zoning Board of Adjustment.

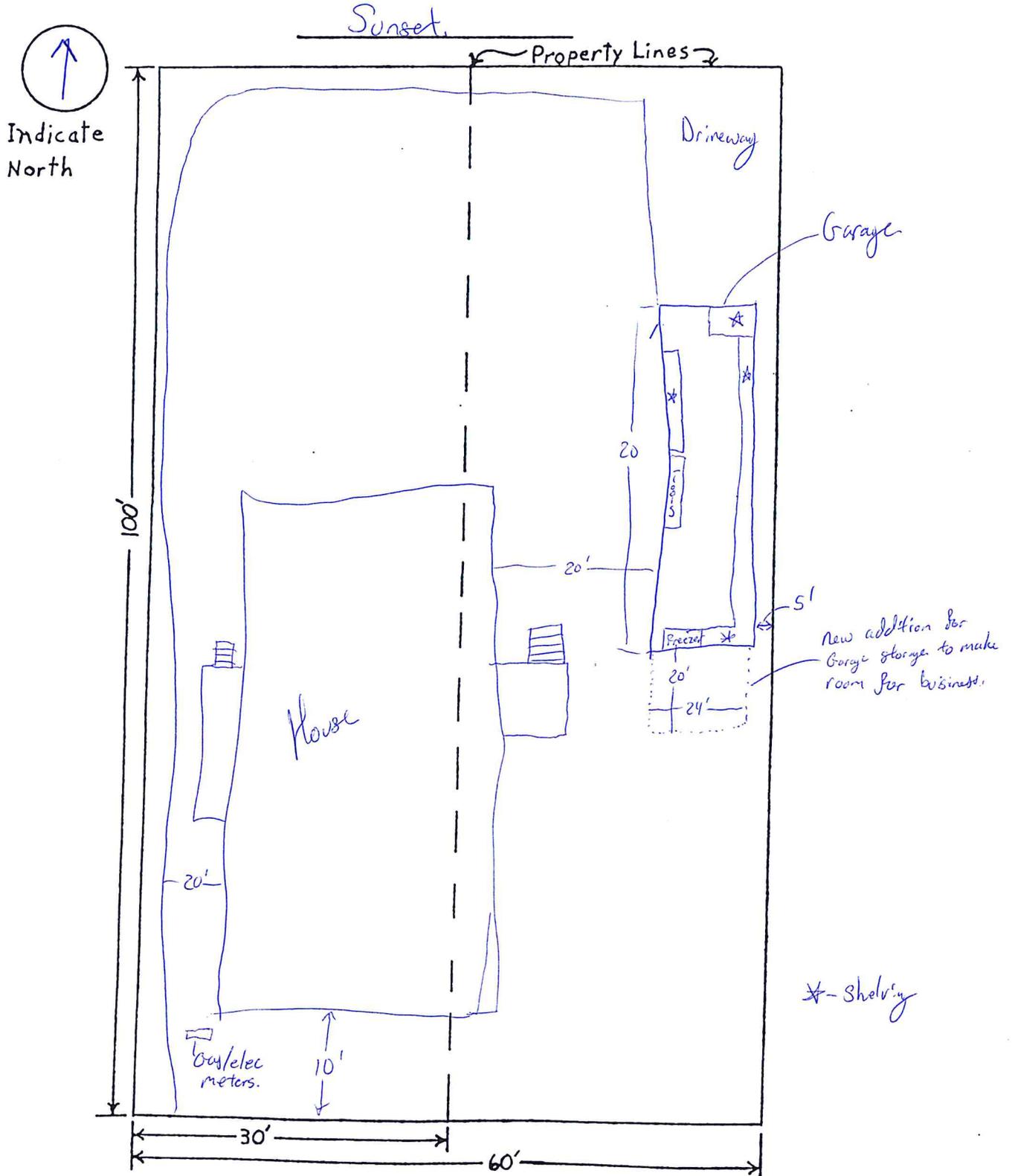
PLOT PLAN

NAME Josh Hornud  
ADDRESS: 1300 Sunset Rd.  
ADDITION:  
LOT: BLOCK:

PHONE: (406) 498-0573 DATE: 10-25-2016

SCALE:

Show all Utilities, Streets, Alleys, Roads,  
Setbacks - Distance from Foundation to the  
Property Line in Front, Sides, and Rear.



**BUTTE-SILVER BOW  
ZONING BOARD OF ADJUSTMENT  
STAFF ANALYSIS**

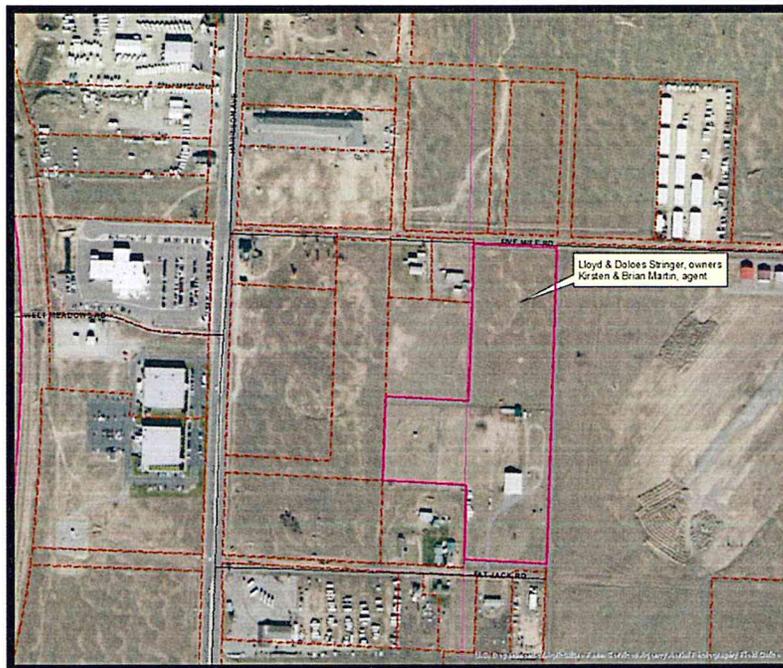
**ITEM:** Use Variance Application #15302 - An application for a use variance to construct a luxury pet boarding facility in the "R-1S" zone, varying from the requirements of Section 17.08.020, Permitted Uses, of the BSBMC.

**APPLICANT:** Lloyd T & Dolores J Stringer, 3434 Carter Street, Butte, Montana, owners, and Kirsten & Brian Martin, PO Box 2894 Pocatello, Idaho, agents.

**TIME/DATE:** Thursday, November 17, 2016, at 5:30 P.M., Council Chambers, Third Floor, Room 312, Silver Bow County Courthouse, Butte, Montana.

**REPORT BY:** Lori Casey, Assistant Planning Director

**VICINITY MAP:**



**LOCATION/**

**DESCRIPTION:** The property is located in an "R-1S" (One Family Suburban Residence) zone, legally described as E1/2 NE1/4 NW1/4 NW1/4 and the SE1/4 NW1/4 NW1/4 of Section 8, T2N, R7W, and a portion of the roadway, Butte, Montana, commonly located east of 2109 Five Mile Road and west of the Bert Mooney Airport Authority hangers.

**PROPOSAL:** The applicants are proposing to construct a luxury pet boarding facility for daycare, overnight boarding and grooming. The proposal is to have 22 large animal kennels and 20 small animal kennels. At full capacity the facility could accommodate 224 animals. The hours for pickup and drop off would be 7:00 a.m. to 6:00 p.m. seven days a week. All overnight boarding would be done in the inside of a newly constructed building. The operation is not proposing outdoor dog runs, instead there would be supervised playtime outside in a fenced yard. In addition to the daycare and boarding, the facility will offer both professional and self-grooming services.

The site plan also includes the applicants' home and shop/hay barn for personal use. The house and shop would be built as Phase 2 of the project. As such, the pet boarding facility would be constructed and operated prior to the applicants living on-site. The applicants have indicated to staff that there will not be supervision of the animals at night. They anticipate that the last evening let out time would be 8:00 or 9:00 p.m.

**STAFF**

**FINDINGS:** The Butte-Silver Bow Municipal Code, Section 17.08.020, Permitted Uses, lists Class One and Class Three kennels provided the lot is occupied by a residence and meets the requirements of Title 6, Section 6.08.030 of the Butte-Silver

Bow Municipal Code (Animal Kennel Regulations). Overnight kennels and temporary boarding facilities (doggie daycare) are considered Class One kennels. Class One kennels are a permitted use within the "R-1S" (One Family Suburban Residential) zone provided the lot is occupied by a residence. The intent of this requirement is that the intended use of the property is for residential use and the kennel is an accessory use of the property.

In this particular application, the size of the boarding facility, 8,000 square feet with 52 kennels and professional and self-grooming services, indicates the proposed business operation is the primary use of the property. In addition, the applicants have stated to staff that their residence will not be constructed on the property until the boarding facility is built and operational. Therefore, this application for a luxury pet boarding facility is not permitted within this zoning classification, hence the request for a use variance from the Zoning Board of Adjustment is required.

Typically, in use variance applications, the requirements of the corresponding "zone" that the proposed use is permitted in are applied as conditions of approval. Pet boarding facilities are permitted uses within the "M-1" (Light Industrial) and the "M-2" (Heavy Industrial) zones.

In addition, the pet boarding facility would be required to obtain a kennel license. Kennel licenses require the applicants to address all Butte-Silver Bow Community Enrichment/Animal Service Department requirements relating to the operation of a kennel including meeting the requirements of Section 6.08.030 of the Butte-Silver Bow Municipal Code.

Use variances have two subcriteria under the main criteria of hardship. In order to receive a use variance, the applicants must prove under the first sub-criteria that the

land in question cannot secure a "reasonable return", if the land is restricted to only those uses permitted outright in the zone.

The second sub-criteria used in evaluating use variance cases requires that the applicants prove that the proposed use will not alter the essential character of the neighborhood in which it is located. The applicants must show that the proposed use will not "practically destroy or greatly decrease the value of a parcel", nor will the use involve elements which make it unwelcome in the neighborhood.

***The staff will review the three point criteria established by the Montana Supreme Court for the granting of variances.***

**1. A variance must not be contrary to the public interest.**

The public's interest in segregating commercial and residential land uses is to prevent the intensity of the former from adversely affecting the latter. Generally speaking, commercial uses need to be segregated from residential areas due to incompatible impacts or negative effects from traffic, noise, light, odors, and general nonresidential characteristics.

In this particular case, the property in question is located in an "R-1S" zone. As stated above, Class One kennels are a permitted use within the "R-1S" zone provided the property is occupied by a residence and meets the requirements of Section 6.08.030 (BSMC) – Classes established for Kennels. The intent of the Zoning Ordinance is to allow kennels as an accessory use of the property and not as the primary use of the property. The intent of

Section 6.08.030 is to require the property to be a minimum of two acres and all facilities used for the kennel shall be a minimum of one hundred feet (100') from any property line.

If the applicants' use variance application is approved, they would be purchasing approximately four (4) acres of the twelve (12) acre parcel from Lloyd and Dolores Stringer (owners). The 4 acre parcel would be 340' in width adjacent to Five Mile Road and 540' in length. The majority of the property in the immediate area is vacant land with the remaining improved parcels being a mixture of residential and commercial/light industrial facilities. To the east of the parcel are the Bert Mooney Airport Authority hangers, to the west is a single family residence, directly north is vacant land and to the south are the outbuildings owned by the Stringers.

Given the existing character of the surrounding properties, the commercial zoning district (C-2) to the west, and the vast airport property to the east, the Growth Policy (future land use) classification for this general area is commercial. That being said, the zoning designation for the subject property is suburban residential (R-1S). The topic of public concern that must be addressed by this use variance is the impact the pet boarding facility will have on the bordering residential property owners.

Commercial kennels, including the temporary housing of dogs and cats, are permitted in the "M-1" and "M-2" zones when the facility is not located less than one hundred feet from a residential zone. The one hundred foot separation from residential zones is to help mitigate the visual, sound and odor impacts of the kennels.

In addition, Section 6.08.030, requires the parcel size to be a minimum of two acres and all facilities associated with the kennel to be a minimum of one hundred feet (100') from any property line. The applicants' proposed parcel of four acres exceeds the minimum requirement. However, as drawn on the applicants' site plan, the new, main building would not meet the 100' setback distance – only 40' – from the east property line. To meet the setback requirements of Title 6, the applicants would need to move the new facility 60' to the west and 40' to the south. Also, the fenced play yard would need to be reduced in size to meet the required 100' setbacks from the east and west property lines. These adjustments to the site plan to meet setback requirements would all be feasible, given the width of the property (340').

Meeting setback requirements helps mitigate potential impacts on neighboring properties. But other measures may be necessary to address negative impacts associated with any pet boarding facility, for example, an increase in noise from barking dogs. In this case, the applicants have stated that the boarding of the animals would be wholly inside the new building. The boarded animals would have supervised playtime outside. The applicants did not indicate in their application the number or length of time the playtime outside would be. That being said, the supervision of the animals when they are outside should allow for immediate response to reduce and mitigate any noise from the dogs barking. Someone would be available to bring the barking animals back inside or separate the animals, as needed. In addition the play yard could

be fenced with a 6' privacy fence to help reduce noise.

Another potential negative impact is animal waste, especially if not removed in a timely manner. Due to the number of dogs/cats that may be on the property, there is the potential for large accumulations of waste material on the property. Unfortunately, the removal of animal waste can be especially difficult in the winter as frozen, snow-covered ground makes it difficult to remove waste. If dog waste is left to accumulate until spring, it can result in an odor problem. While the applicants' property is somewhat isolated from adjacent residences, cleanup of dog waste should be undertaken on a daily basis. It is important for the Board to know that if this use variance is approved and the applicants are issued a kennel license, the Community Enrichment/Animal Service Department will inspect the property, at a minimum, on a yearly basis and also respond to any complaints from neighbors.

Another concern with the proposed pet boarding facility is the impact customer traffic will have on the area. As stated above, the applicants are proposing to have 22 large kennels and 20 small kennels -- at full capacity the facility could accommodate 224 animals. It is important to note that while Five Mile Road is a public street, it is currently unimproved. The dirt road serves a bar, two residences, a mini-storage facility and the airport hangers. Excluding the bar, which is located at the intersection of Harrison Avenue and Five Mile Road, the other commercial operations are relatively low-impact businesses. The pet boarding facility has the potential to substantially increase the daily traffic on Five Mile Road. An increase in traffic on a dirt road

not only increases the amount of dust that neighboring property owners must bear, but also increases the amount of maintenance required on the road. As such, the Board may want to consider a condition of approval that would require the applicants to make improvements to Five Mile Road.

Based on the above discussion, and to the extent that immediate neighbors support the proposed use variance, it would appear that the establishment of the proposed doggie daycare and overnight kennel may not be contrary to the public interest.

**2. A literal enforcement of the Zoning Ordinance must result in unnecessary hardship owing to conditions unique to the property.**

Unnecessary hardship, as defined by the Montana Supreme Court, must result from a condition unique to the property, such as a unique property shape, topographical feature, or geological trait. This quality must preclude the applicants' ability to place a structure or an addition on the property in compliance with the Zoning Ordinance. The hardship may not result from a condition created by the applicants.

There does not appear to be any unique topographical features or geological traits associated with the applicants' property that would prevent the utilization of the land for uses permitted outright in the "R-1S" zone.

"Subcriteria Number One" states that the land cannot secure a "reasonable return," if the land is restricted to only those uses permitted outright in that zone. The close proximity to the airport and the Harrison Avenue commercial corridor and the mixed use of the

neighborhood may preclude the land from securing a reasonable return solely from residential development.

“Subcriteria Number Two” states that the proposed use will not alter the character of the neighborhood in which it is located. The applicants have not submitted any plans to indicate what the exterior of the pet boarding facility would look like, but given its size (8,000 square feet), it would appear to have more of a commercial character than suburban residential. On the other hand, this area of Five Mile Road is a mixture of commercial/industrial type buildings and residences and it is reasonable to conclude that the character of the neighborhood would not be negatively altered by the construction of an 8,000 square foot pet boarding facility.

**3. The spirit of Zoning Ordinance must be observed and substantial justice done.**

It is the intent of the Zoning Ordinance to permit the reasonable use of private property while restricting practices that may infringe on the rights of adjacent landowners and the public in general.

Public health, safety and general welfare must be protected and weighed against the rights of the applicants to develop their property in a way that may be suitable. If public interest can be protected pertaining to these issues, a variance may be appropriate.

As stated above the applicants’ parcel is large enough to meet the requirements of Section 6.08.030. The facility and play yard area can be situated on the parcel to provide a 100’ setback from

all property lines to mitigate the potential negative impacts that a boarding facility may have on neighboring property owners. At the same time, the outdoor facilities of the proposed use should be located so that any potential negative impacts affect the applicants to a greater extent than neighboring residences.

As noted above, the Community Enrichment/Animal Services Department will review the site plan and operating procedures to ensure that the facility would be operated to their requirements, e.g., daily cleanup of animal wastes. Kennels are licensed on a yearly basis and inspected at least one time per year. In addition, that department will respond to any and all complaints.

If the property is developed to the standards of the Zoning Ordinance, public health and safety should not be a concern. In that regard, as stated previously, it is typical to apply the development standards of the corresponding zone that would allow/permit the proposed use – in this case, “M-1” or “M-2” industrial zones. Consequently, the applicants will be required to install off-street parking, landscaping and sidewalk and curb/gutter.

Regarding the requirement to install sidewalk and curb/gutter, staff is aware that Five Mile Road is not paved. The applicants are advised to consult with the B-SB Public Works Department about the appropriate location and grade of the sidewalk and curb/gutter, or offer an alternative plan to provide a bond or some other mechanism to guarantee installation of the improvements when the roadway is scheduled to be improved.

If the applicants agree to all of the conditions of approval, staff would conclude that approval of the requested use variance would be in the Spirit of the Zoning Ordinance and ensure substantial justice is observed.

**CONCLUSION:** Based on the above analysis, this use variance may not be contrary to public interest and may not be contrary to the spirit of the Zoning Ordinance to allow for the reasonable use of private property.

Therefore, staff would recommend approval of Use Variance Application #15302 with the following conditions:

1. The applicants will be limited to the business as stated and approved. Pickup and drop off shall be limited to the hours of 7:00 a.m. to 6:00 p.m. All overnight boarding must be inside the building. Any future business expansions or changes in business will require further review and approval by the Zoning Board of Adjustment.
2. Prior to receiving a building permit, the owners/applicants shall file a Certificate of Survey with the B-SB Clerk and Recorder that creates a legal four acre parcel for this development.
3. Prior to receiving a building permit, the applicants shall obtain a Butte-Silver Bow kennel license, fulfilling all requirements of this use variance and Section 6.08.030 of the Butte Silver Bow Municipal Code. The applicants will abide by all rules and regulations of Title 6, Chapter 6.08 and any violation of these rules and regulations will result in the immediate revocation of this use variance. The kennel license must be kept current for the duration of the business.

4. The applicants shall install new curb/gutter and sidewalk along the property boundary adjacent to Five Mile Road, per the requirements of Section 17.38.050. Prior to receiving a building permit, the applicants shall submit a detailed sidewalk plan to the Butte-Silver Bow Public Works Department for review and secure written approval. At a minimum, the design shall meet the Americans with Disabilities Act. The applicants shall submit a cost estimate for materials and installation of the approved curb/gutter and sidewalks from a licensed contractor.

This cost estimate will be used as the sidewalk bond plus ten percent (10%) to secure the installation of the above stated curb/gutter and sidewalks. This bond may be in the form of cash, letter of credit, surety bond, or other guaranteed negotiable instrument.

5. Prior to the issuance of a building permit, the applicants shall submit a detailed landscaping plan to the Planning Department staff for review and approval. At a minimum, the plan shall include the number and size of trees and shrubs and where they will be located. The plan shall comply with the landscaping provisions described by Chapter 17.38, Special Provisions.

The applicants shall submit a cost estimate from a licensed landscape contractor for the materials and installation of the approved landscaping plan. This cost estimate will be used as the landscaping bond amount plus ten percent (10%). This bond can be in the form of cash, letter of credit, surety bond, certified check or other guaranteed negotiable instrument.

6. Prior to receiving a building permit, the applicants shall make arrangements to screen the garbage area, including receptacles, according to the Butte-Silver Bow Municipal Code, Section 17.38.054 (Screening Waste Material). Special attention shall also be made to ensure animal waste is disposed of a regular basis.
7. Prior to the issuance of a building permit, the applicants shall submit a detailed off-street parking and paving plan to the Planning Department staff for review and approval. At a minimum, the plan shall include the required number of standard and handicapped spaces and complementary landscaping in compliance with the provisions as described in Chapter 17.40, Off-Street Loading and Parking.

The applicant shall submit a cost estimate from a licensed paving/landscaping contractor for the materials and installation of the approved parking and paving plan. This cost estimate will be used as the off-street parking and paving bond amount plus ten percent (10%). This bond can be in the form of cash, letter of credit, surety bond, certified check or other guaranteed negotiable instrument.

8. Prior to receiving a building permit, the applicants shall submit an engineering plan and analysis to address on-site storm water drainage in compliance with all sections of Chapter 13.32, Storm Water Management, of the B-SB Municipal Code, including the B-SB Municipal Storm Water Engineering Standards and receive a Storm Water Management

Permit.

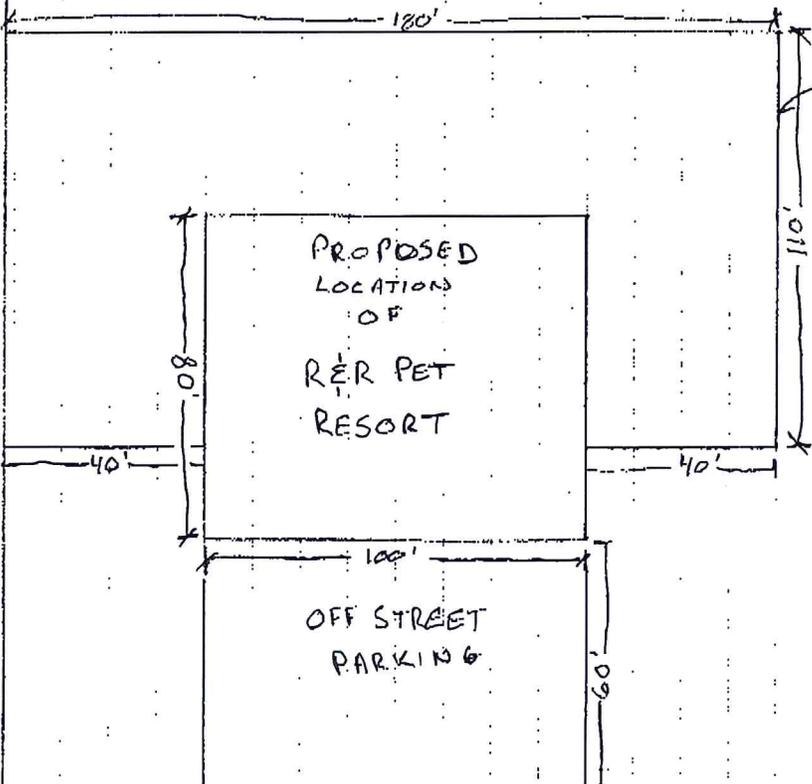
9. In order to reduce the potential negative impact of on-site lighting on adjacent residences, all lighting must be designed as low glare, be directed away from all residences and not exceed sixteen feet (16') in height.
10. Prior to receiving any sign permits, the applicants shall submit to the Planning Office for review and approval, a detailed sign plan and drawings.
11. Prior to receiving a building permit, the applicants shall obtain a septic permit from the B-SB Health Department.

PROPOSED  
HOUSE  
LOCATION  
FLOOR PLAN  
(NOT YET  
DECIDED)

PROPOSED  
OUT-BUILDING  
(FOOT PRINT  
NOT YET  
DECIDED)

Shop / hay  
for personal use

540'-0"



PROPOSED  
DRIVE  
LANE  
TO  
RESIDE

