

ANACONDA DEER LODGE COUNTY
ORDINANCE NO. 241A

AN ORDINANCE AMENDING CHAPTER 24 OF THE CODE OF
ORDINANCES OF ANACONDA-DEER LODGE COUNTY

**BE IT ORDAINED BY THE COMMISSION OF ANACONDA-DEER LODGE
COUNTY AS FOLLOWS:**

- I. The Code of Ordinances, Anaconda-Deer Lodge County, Montana Chapter 24, Article I through Article XXXVI and Appendix A, Supplementary Regulations, Divisions 1 and 2 shall be **amended** to read as follows:
1. Section 24-54 shall be amended to read as follows: 3. **Accessory Uses** are those uses that are customary and incidental to the primary use (**Permitted Use**) of the **Subject Property** and are clearly ancillary to the **Permitted Use**. In the Anaconda Urban Planning Area Development Districts, with the exception of ARE10.0, an **Accessory Use** cannot be established on the **Subject Property** without a **Permitted Use** also having been established. **Accessory Uses** and **Accessory Structures** are subject to an **ADP**.
2. Appendix A, Supplementary Regulations, Division 1, Sections A and B Home-based Businesses shall be amended to read as follows:

A **Home-based Business** is a non-residential use that is clearly accessory and incidental to the primary residential use of the property. Typically, it is a business operated from a home with part of the floor area of the residential unit and/or an **Accessory Structure** devoted to the business. Employees are limited to a small number and/or residents of the **Dwelling Unit** in order to control the **Scale** of the non-Residential Use. The **DPS Regulations** recognize two types of home-based businesses: **Home Occupations** and **Cottage Industries**.

A. Home Occupations. The following standards apply to **Home Occupations**:

1. **Home Occupations** must be located within a **Dwelling Unit** or an **Accessory Structure**. **Home Occupations** shall not occupy a floor area larger than 50% of the total floor area of the primary **Dwelling Unit** to which they are accessory.
2. No **Home Occupation** shall have more than one employee who does not reside on the premises.
3. One **Off-street Parking** space shall be provided if the **Home Occupation** employs anyone not residing on the premises.

4. All **Home Occupation** activity, including the storage of any materials, equipment, or machinery associated with a **Home Occupation**, shall be contained within an enclosed **Structure**. No part or activity of any **Home Occupation** shall be conducted outdoors or in an unenclosed structure such as a shed, carport, or pole barn. Exceptions to this provision are gardens for growing crops associated with an agricultural home occupation and no more than two (2) items of recreational equipment such as a boat, trailer, RV, or ATV associated with an outfitting home occupation. Such equipment may be stored in a driveway or on the side or to the rear of the primary residence.
5. No retail or wholesale sales associated with a **Home Occupation** shall take place on premises except for mail order sales that do not generate vehicle trips to the subject property.
6. No more than two (2) home occupations may be conducted from a single residential property. No more than one home occupation may be conducted from a single residential property upon which a **Cottage Industry** is also being conducted.
7. Only one non-illuminated wall **Sign** of no more than six (6) square feet is allowed. When two (2) home occupations are conducted from a single residential property, one non-illuminated sign of no more than eight (8) square feet is allowed for the two businesses.
8. All **Home Occupations** shall obtain a business license from the **County**.
9. Medical marijuana caregiving shall not be allowed as a **Home Occupation** in any **Development District** except for a caregiver that serves no more than two (2) registered patients, both of which must reside within the caregiver's household.

B. Cottage Industries. The following standards apply to **Cottage Industries**. Where **Cottage Industries** are listed as **Special Uses** in the applicable **Development District**, additional conditions may be imposed in order to mitigate adverse impacts and/or to meet other criteria set forth in Sec. II. H. 8 of the **DPS Regulations**.

1. **Cottage Industries** may be conducted by any member(s) of the household of the primary **Single-family Dwelling Unit** on the **Subject Property**. In addition, up to three persons who do not reside on the premises may be employed on premises in the **Cottage Industry**.
2. Only one **Cottage Industry** may be conducted on a single residential property. In addition to a **Cottage Industry**, a **Home Occupation** may be conducted on the same residential property pursuant to the standards set forth in Division 1. A. above, and if allowed in the applicable development district.

3. One **Off-street Parking** space for each employee not residing on premises must be provided. Said parking shall be in a driveway or to the side or rear of the primary residence.
4. The minimum **Lot** area for a **Cottage Industry** shall be 10,000 square feet, and the associated residence must be a **Single-Family Dwelling Unit**.
5. The **Cottage Industry** must be conducted in the home, in an attached garage (provided that at least the minimum number of required parking spaces is maintained), or in an **Accessory Structure** that conforms to the standards of the applicable **Development District**. The only exceptions to this provision are the growing of crops associated with an agricultural home occupation and outdoor storage as allowed in 6. below.
6. In the urban **Development Districts** only, no outdoor storage is permitted with the exception of two (2) boats, trailers, RVs, ATVs, etc., that are used in the operation of the **Cottage Industry**. Such storage is not permitted in the front yard area of the primary residence. No such restrictions exist in the rural **Development Districts**.
7. Two (2) **Signs** are permitted for a **Cottage Industry**. One **Sign** may be mounted on a wooden post(s) in the front yard of the primary residence. This **Sign** may be no more than four (4) feet in height and six (6) square feet per side in area. The second **Sign** shall be mounted flat to the wall of the **Structure** in which the **Cottage Industry** is conducted, and near the entryway. This **Sign** shall not exceed two (2) square feet in area. No additional signage is allowed for a **Home Occupation** being conducted on the same property.
8. No **Cottage Industry** may impact adjacent residential properties with noise, smoke, glare, fumes, dust, or odors in excess of that which is typical of a **Dwelling Unit**. Screening and/or landscaping may be required in order to mitigate impacts to adjacent and nearby properties.
9. No **Cottage Industry** shall cause visual or audible interference in any radio or television receivers off premises, or cause fluctuations in line voltage off premises.
10. Other than employees as allowed in this subsection, no traffic shall be generated by any **Cottage Industry** greater than what would normally be expected in a residential neighborhood. Any delivery and supply vehicles shall be no larger than those that normally make deliveries to residential neighborhoods. On site **Retail** sales are prohibited as a **Cottage Industry** in the urban **Development Districts** except for mail order sales that do not generate vehicle trips to the subject property.
11. All **Cottage Industries** are subject to a business license issued by the **County**.

3. Appendix A, Supplementary Regulations, Division 2, Section A1, 1b, 1c and 2b Fencing and Retaining Walls shall be amended to read as follows:

1. Urban and suburban areas. In the HDRD, LDRD, MDRD, CBDD, HCDD, and in the WVDD on residential **Lots** of 15,000 square feet or less and in all commercial **Development**, no fence, hedge, or freestanding wall (not part of a **Building**) located within or bounding a required front **Setback**, may exceed **forty-eight inches (4 feet)** in height. In the WVDD the front **Setback** for **purposes of this section** is assumed to be 25 feet. Fencing other than in the front **Setback** in the HDRD, LDRD, MDRD, and in the WVDD on residential **Lots** of 15,000 square feet or less shall not exceed six (6) feet in height. Allowable fencing materials and designs include:
 - b. Wood or vinyl board fencing.
 - c. Wood or vinyl board-on-board fencing.

2b. Corrals, stalls, and pens to control livestock **at close quarters** may be constructed up to eight (8) feet in height.

4. Effective Date. This Ordinance shall take effect thirty (30) days after approval.

THEREFORE, BE IT ORDAINED by the Anaconda-Deer Lodge County Commission that this Ordinance be incorporated into the Anaconda-Deer Lodge County Code of Ordinances and become legal and binding.

Kevin A. Hart, Chairperson
Anaconda-Deer Lodge County
Commission

APPROVED AS TO FORM AND LEGALITY:

County Attorney

Attest:

Clerk of the Commission

First Reading/Introduction: **July 12, 2016**

Second Reading/Public Hearing: **August 2, 2016**

Adoption Date: **August 16, 2016**

Effective Date: **September 14, 2016**