



Envision Gallatin

Model Zoning Code for Affordable Housing *Summary of Changes*

This document summarizes the changes made to the draft Model Zoning Code for Affordable Housing upon conclusion of the public comment period. Most of the changes were inspired by feedback gleaned from public comment, thank you to all who provided input! A response to public feedback, the final draft of the Model Code, and a version of the final code that shows all the changes that were made after public comment can be found on the [project website](#). Please note that this document is not meant to be an exhaustive description of changes that were made to the Code.

- **General.** Edits were made throughout the code to capitalize defined terms, clarify standards, increase readability and organization, and reduce redundant text. In some instances, large sections of text appear to have been removed from the Code but have actually been moved to a different section for organizational purposes.
- **Introduction, Section 1-1.4.** Substantial changes were made to the introduction of the Model Code to:
 - Clarify the County's role in affordable housing and the goals of the Model Code project.
 - Better recognize that municipalities are the most appropriate location for housing and that the Code is not a solution to the housing crisis.
 - Explain the importance of quality of life and public health and safety standards and clarify why it is necessary to include them in a Code focused on housing affordability.
 - Explain that new zoning regulations largely do not impact existing, lawful land uses (also known as non-conforming or grandfathering).
 - Clarify that the Code's standards can be adapted to individual zoning districts, geographies, and communities.
 - Appropriately recognize project contributors.
- **Development and Design Standards.**
 - **Section 2.2.1, Building Height.** Building heights in all the Public Infrastructure Holding and Managed Growth Area sub-districts and the Rural Growth Area Residential C sub-district have been lowered to better account for fire apparatus in rural areas and address concerns from public comment. A note has also been

added that building heights may need to be adjusted at the time of implementation to reflect fire district/department constraints.

- **Section 2.2.2, Setbacks.** A note that the setbacks assume minimal fire risk, and that greater setbacks should be considered in areas of greater fire risk, has been added.
- **Section 2.2.3, Structure Hardening.** Standards for roofs, gutters, vents, eaves, siding, and windows for areas with High or Very High Wildfire Likelihood, as specified in the Gallatin County Community Wildfire Protection Plan and map, have been added for public safety.
- **Section 2.2.7, Open Space.** Edits have been made to clarify that the open space provisions apply to all Developments. The provision that landscape buffers, street trees, and public frontage requirements cannot count toward the required open space has been struck. The provision that parking areas, stormwater facilities, and utility lots/easements may not count toward the open space remains.
- **Section 2.3.3, Size of ADUs.** The provision that an “ADU may not exceed 75% of the Gross Floor Area of the primary Dwelling Unit or 1,000 square feet, whichever is less” has been modified so that an ADU can be 75% of Gross Floor Area or 1,250 square feet, whichever is less.
- **Short-term Rentals (STRs).**
 - **Section 2.1.3.2, Non-Residential Use Table.** The non-residential use table has been amended so that owner-occupied STRs are allowed by right in every sub-district/Future Land Use Map category in the code.
 - **Section 2.6.1, Classification.** The text has been amended to make it clearer that the owner of an owner-occupied STR need not be on site during the rental period.
 - **Section 2.6.2, Permit Approval.**
 - The text has been amended so that owner-occupied STR operators must provide two forms of evidence that the unit is their primary residence rather than one.
 - The Fire District inspection requirements have been removed to avoid duplicating the Gallatin City-County Health Department’s requirements.
 - Language has been added so that the Planning Department may institute an abbreviated permit process for lawful STRs that are changing ownership (no site plan or unit information required unless physical alternations to the unit are proposed).
 - **Section 2.6.3 Safety Requirements.**
 - The Fire District inspection requirements have been removed to avoid duplicating the Gallatin City-County Health Department’s requirements.
 - A provision that STR operators must make contact information for local emergency service providers and owner/property manager available to renters has been added.
- **Affordable Housing Incentives (AHIs).**
 - **Section 3.1, Process.** This section has been added to better organize and clarify the process for applying for the AHIs.

- **Section 3.2, Requirements.** This section has been added to clarify the area median income limits for the pricing of units built through the AHIs. Additionally, this section includes income limits that determine eligibility for renters/owners of the affordable units. This section also distinguishes between detached single dwelling units and attached units and condominiums in terms of affordability metrics.
- **Section 3.3, Application Requirements.** This section has been added to determine the materials that must be submitted to the Planning Department for a developer to apply to use the AHIs.
- **Section 3.5.14., STRs.** Language added stating that no STRs are allowed in any unit deed restricted to Affordable Housing.
- **Landscaping.**
 - **Section 5.B, Applicability.** Language has been added to clarify what types of development must comply with the landscaping section, distinguishing between new development/parking lot proposals and proposals to modify existing buildings/parking lots.
 - **Section 5.1.4 Live Vegetation Sizing at Installation**
 - Clarification of which types of projects have minimum plant size requirements and reducing of some minimum plant sizes.
 - **Section 5.1.7.1 – Tree Preservation**
 - Adjusted language to site layout to minimize disturbance to mature trees and require trees to be preserved to be identified on the landscape plan.
 - **Section 5.3.3. Spacing, Species, Tree Pits, and Minimum Quantities**
 - Requirement that Tree Pits be placed in sidewalks modified to clarify purpose and replace requirement for metal tree grates with a variety of options.
 - **Section 5.5.1, Screening and Buffering Applicability.** Edits made to clarify what types of uses must provide a landscape buffer. Relaxed requirements added for instances where a road or other feature separates multi-dwelling or commercial uses from single-dwelling unit development.
 - **Section 5.5.2, Buffer Zone.**
 - Requirements modified so that an additional 5 feet of buffer width is required per story of a commercial or industrial use or multi dwelling unit Building starting at three stories rather than one story.
 - Buffer incentive added for projects using the AHIs, maximum buffer width required would be 15 feet rather than 20 feet in these instances.
 - Text added to clarify uses/structures that can traverse buffers, the length of buffers, and where they are measured from.
 - **Section 5.7 – Defensible Space Landscape Requirements**
 - Minor adjustments to align with Big Sky Fire District guidelines.
- **Definitions.** Terms that are not used in the Code have been removed and clarifying edits have been made to ensure consistency with State law and Planning Department processes.