

BIG SKY

TOWN CENTER

M O N T A N A

DEVELOPER'S REFERENCE MANUAL



May, 2020



WELCOME to the TOWN CENTER

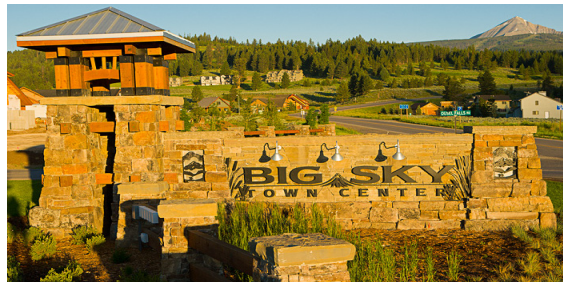
Welcome!

Welcome to the Town Center! We hope that the detailed information below on the Town Center Owners Association (TCOA) helps to address some of the most common FAQ's about the services that are provided by the TCOA.

Who is the TCOA?

The TCOA was incorporated in 2001 and encompasses the entire 165-acre Big Sky Town Center project. Most property owners in the Town Center will be members of two owners associations; one will be the commercial building or residential owners association, and the second will be the TCOA. As such, property owners in the Town Center will be responsible for the dues assessed by each owners association.

The current directors of the TCOA are Bill Simkins, Tom Simkins, and Ryan Hamilton. The Master Developer, Simkins Holdings, LLC, maintains control of the functions of the TCOA to ensure that every development in the Town Center is constructed according to the Master Plan and to implement the overarching vision for the project. At a certain point in the project, board seats will become available to the members.



Entry Monument. Karl Neumann photo.

Big Sky is a young community built on world-class recreational interests and a respect for nature. Like a village piazza, the Big Sky Town Center is the natural gathering place of the area, where everyone comes together.

The walking village is surrounded by spectacular 11,000 foot snow-capped peaks. Although the slopes look close enough to touch, they're a few thousand feet above the shops and homes, giving you a milder living climate with mountain access just minutes away.

What are the Annual Dues? When are they Due?

All residential property (single-family and multi-family) is assessed on a 'per unit' basis. The current assessment rate for residential property is \$940 per unit per year, plus a \$25 annual contribution to the Big Sky Community Corporation (BSCC) for trails maintenance. Owners around Golden Stone Park are assessed a \$75 per unit per year fee. All assessments are due annually on October 1.

All commercial property is assessed based on the unit area. In the case of condominium commercial buildings, each unit owner (including the owner of any common building space – typically the building association) will receive a dues assessment. The current assessment rate for commercial property is \$2.15/sf per unit per year, plus a \$25 annual contribution to the Big Sky Community Organization (BSCO) for trail maintenance. This is due annually on October 1.

The TCOA is committed to maintaining affordable annual assessments. The operating budget and assessment rate will be reviewed annually, and adjusted as necessary to meet the financial obligations of the Corporation.

The TCOA assessments are administered by Jodi Dunfee, CPA at the accounting firm Rudd & Company, in Bozeman. Jodi can be reached at (406) 585-3393 or jdunfee@ruddco.com.



Where Do the Assessments Go? What Services are Provided?

What services are provided by the TCOA?

a) Snowplowing and maintenance of all streets and sidewalks in the Town Center: Any questions or concerns should be directed to the TCOA 406-586-9629.

b) Snowplowing and maintenance of all parking lots in the Commercial District: In an effort to reduce costs and maintain consistency in the quality and timing of the snowplowing in the Town Center Commercial District, the TCOA plows snow on the parking lots in the Commercial District. Both residential and commercial assessments will fund this work, regardless of whether the property owned is in the Commercial District. Although most of the costs associated with these parking lots will be paid by the commercial building owners, some of these costs will be paid by all of the owners in the Town Center due to the benefit that the Commercial District offers to all of the Town Center owners and residents. Snowplowing and maintenance of Ousel Falls Road is covered under Gallatin County's RID 395.

c) Landscaping maintenance, water, and electricity costs for irrigation and lighting of common and/or public open space areas and amenities: The entire cost of the design and installation of these features is provided by the Master Developer, Simkins Holdings, LLC. After construction of these amenities is complete, the TCOA is then responsible for the regular maintenance, irrigation, lighting and power costs, etc.

d) Street lighting: The TCOA has a lighting lease program with NorthWestern Energy which provides for the purchase, installation, maintenance, and daily electricity for the street lights in the entire Town Center project. This lease costs the TCOA about \$90/month/light (depending on location). All street lighting is 100% downlit and compliant with dark sky guidelines.

e) Parking lot lighting in the Commercial District only: The TCOA has a lighting lease program with NorthWestern Energy which provides for the purchase, installation, maintenance, and daily electricity for the Commercial District parking lot lights in the Town Center project. The lease operates in the same manner as the street light lease. All parking lot lighting is 100% downlit and compliant with dark sky guidelines.

f) Covenant enforcement and TCOA administration: Currently, Master Developer Simkins Holdings, LLC fully subsidizes the time that Town Center's Project Manager Ryan Hamilton spends on TCOA administrative activities such as: architectural review, fielding questions from members, managing budgets and assessments, managing events, managing signage, parking district management, site services management, etc. Covenant enforcement is very important to ensure that the Design Standards and restrictive covenants, signage plan, etc. are followed by the project developers and business owners. Simkins Holdings continues to subsidize this time in order to provide the TCOA membership with the best value early-mid stages of the project.

However, the TCOA board is now considering hiring an executive director to handle many of these tasks, and Ryan and the TCOA board will work with the person in this position to run the TCOA even more efficiently and effectively.

g) Events: The TCOA has an expanded events schedule to help attract more people to the Town Center, and to provide events for the residents to enjoy. Please see the events calendar at www.bigskytowncenter.com or the community calendar at www.visitbigsky.com.

h) Reserves: Reserves will be set aside for road, sidewalk, and Commercial District parking lot repair and landscape maintenance, street tree maintenance, etc. The TCOA will make every effort to keep the area looking beautiful and well-maintained over the years. The Town Center will have well-maintained streets, landscaping, lighting, etc., which will help maintain and enhance property values.

i) Noxious weed control: The TCOA is responsible for weed control in the road right-of-ways and common/public open space areas. The TCOA sprays for weeds in May or June, with Master Developer Simkins Holdings, LLC paying for one-half of the bill for the undeveloped lands in the Town Center.

j) TCOA insurance: The TCOA has obtained the insurance coverage necessary to provide adequate protection and insurance for the corporation, its property, its membership, directors, and officers.

k) Accounting and legal expenses: The TCOA's accountant is Rudd & Company in Bozeman, and they administer all of TCOA's accounting, tax preparation, and assessments. Payment of the assessments should be sent to them. Legal council is retained for such things as drafting or reviewing park leases, park use licenses, etc. These costs are managed to provide the best value to the TCOA membership.



How is Signage Handled in the Town Center?

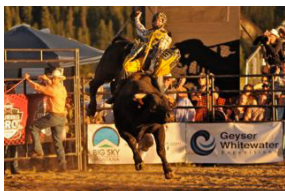
The Town Center has its own Master Signage Plan which has been approved by Gallatin County. The Town Center Owners Association (TCOA) is responsible for the administration and enforcement of these signage regulations. These signage regulations outline the design standards and size requirements for all signage in the Town Center. The TCOA submits to the County Planning Department a summary of the approved sign permits once a year.

Each building has a maximum signage area which is determined based on the location and configuration of the building. The formula for this calculation can be found in the Master Signage Plan document. After the maximum signage area is calculated, each building owner/manager should create a signage plan that meets the tenant's needs and fits within the signage regulations. All signage in the Town Center needs approval by the TCOA prior to sign construction and installation. This includes all window, wall, hanging, freestanding, projecting, or other sign types. The TCOA will expeditiously review the application to ensure that the design, colors, content, and size of the proposed signage meets the regulations. The total signage area, and the approved signage is tracked by the TCOA and the County to ensure that all buildings have signage that meets the regulations.

The TCOA is available for any questions concerning the signage or any other inquiry. The Master Signage Plan can be downloaded from our website at bigskytowncenter.com or you may contact the TCOA at (406) 586-9629 to request a copy.

Commercial and Residential Trash Receptacles

The TCOA and Gallatin Canyon/Big Sky Zoning Regulation require the use of animal proof trash containers. Bear Smart Big Sky, Republic Services, and the TCOA are working to ensure people and bears safely and respectfully coexist. Our goal is to minimize the number of bear incidents as a result of human actions. Call L&L Site Services at 406-388-7171 or Republic Services at 406-586-0606 with any questions and to request your bear can. Visit the Big Sky Community Organization website bscomt.org for more Bear Smart information.



bigskytowncenter.com

We invite you to check out your website! The TCOA maintains an extensive website designed to keep you updated on the businesses, activities, and events in the Town Center. For TCOA members, there is a link for TCOA at the right-hand side of the white bar in the middle of the page, where you'll find information on the TCOA - from annual meeting to budget information.

Be sure to support your local businesses!



We want your email - reduce mailing costs!

You can join the Town Center mailing list a couple of different ways: email info@bigskytowncenter.com or sign up for the newsletter on the Town Center website at: bigskytowncenter.com. If you have any questions, please email us at info@bigskytowncenter.com.

Contact Information

Please feel free to call or e-mail us with any questions, concerns, observations, or suggestions.

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President

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Ryan Hamilton
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Greg Iszler
Site Services

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Erik Morrison

Events & Social Media Manager
erik@lovestreetmedia.com
(406) 570-6579



Summary of the Permitting and Review Process

The purpose of this summary is to outline the steps required to go under contract, close, and to receive Architectural Committee approval for a project in the Big Sky Town Center.

Pre-Sales Contract

We view all projects in the Town Center as a partnership between the project developer, and Master Developer Simkins Holdings, LLC, even if the project developer buys the land outright and no formal partnership is formed. The Town Center has adopted an extensive set of Design Standards and Guidelines, and it is the responsibility of the project developer to adhere to these Design Standards and Guidelines with their proposed project. Before Simkins Holdings will enter into a sales contract for a lot, we would like to meet with the project developer to discuss their plans for the building, learn more about their development team, their background and experience, and generally get a better idea of the type of project they are considering. If both parties are willing, we can give the project developer a 30-day Reservation on the property. During this Reservation period, the project developer should begin his initial due diligence to help determine the project feasibility. The Big Sky Town Center Design Standards and Guidelines will be provided to help in the drafting of a 'character sketch' of the building, which is required at the end of the 30-day Reservation period. It is at this early stage that the project developer will also receive a copy of the Big Sky Town Center Developer's Reference Manual, which contains most of the regulatory documents governing the project (Zoning, Town Center forms, Gallatin County forms, Town Center Master Signage Plan, site plan and maps/images, standard drawings, Big Sky Water and Sewer District information, DEQ information, Covenants, Bylaws, Parking Regulation, etc.).

The character sketch is valuable to the Simkins' and the Town Center Owners Association (TCOA) because it gives them an idea of the architectural character, the quality of the materials and treatments, and overall vision of the project. The Town Center Architectural Committee (TCAC) will review the 'character sketch', usually within a week after submittal.

The TCOA has good working relationships with many local design professionals and contractors who are capable of designing and building a successful project, and the TCOA should be contacted for these recommendations. The use of local professionals is strongly encouraged to

take advantage of their relationships with County and State officials, and their knowledge of the site and building constraints in the extreme alpine meadow environment of the Town Center. To increase the chances of a successful project, the TCOA reserves the right to review and approve of a project developer's architect, landscape architect, engineer, and building contractor.

After TCAC approval of the character sketch, the project developer and Simkins Holdings, LLC may enter into a sales contract. Simkins Holdings, LLC has a standard sales contract that will be used for all transactions in the Town Center. They prefer to use this contract because it contains provisions specific to the Town Center development.

Sales Contract

Once a property is under contract, the project developer should be doing his due diligence and preparing to close on the property. During this period, or shortly after closing, the design professionals (architects, engineers) are often engaged. Depending on the circumstances, the project developer may be designing the building while he is under contract, or he may wait until he has closed on the lot. Please see the section below on Obtaining TCOA Approval.

Special Note: An Engineer should be engaged at this time to determine if the proposed development will require MT DEQ approval for water and/or sewer main line extensions. This approval can 90 days, or more.

Obtaining TCOA Approval

In the interest of fostering a collaborative relationship and avoiding unnecessary adversarial conflicts, applicants for permits or approvals are encouraged to schedule an informal consultation with the TCAC early in the schematic building and site design process. This will help ensure that the formal application(s) comply with the letter and intent of the Gallatin Canyon/Big Sky Zoning Regulation; the Big Sky Town Center Design Standards and Guidelines; and the Town Center Declaration of Covenants, Conditions, and Restrictions (CC&R's). The TCOA-approved design professionals should identify the constraints on the property (i.e. zoning restrictions, building height, setbacks, required permits, etc) so that they understand the issues that constrain the design, and also be aware of the short timeframes required for the construction of buildings. They should study the Design Standards and Guidelines so that they are familiar with the specific requirements of the Town Center. The Town Center reviews building proposals based on their adherence to these Design Standards and Guidelines, however there is ample flexibility for creative design within the boundaries of the text and graphics of the Design Standards and Guidelines. The TCOA is always available to help answer questions about the review process and the project in general. The lines of communication between the TCOA and the project developer's team should be open to help facilitate a smooth project.

While a project is early in the schematic design phase and prior to the filing of an application for a permit or approval, the applicant shall schedule a mandatory pre-application meeting with the TCAC to review the application requirements and to answer any questions regarding the

application and approval process. The first of the formal application(s) (Phase A) shall be filed with the TCAC no later than 45 days after this mandatory pre-application meeting.

The Town Center has a two-phased Design and Land Use Permit process:

- The Phase A Design and Land Use Permit should be submitted during the schematic phase of the project and should be based on the approved 'character sketch' and site plan. This application shall be submitted no later than 45 days after the mandatory pre-application meeting outlined above. This Phase A submittal is vitally important to the success of the project and will be reviewed very carefully by the TCOA to ensure that the direction of the project is clearly delineated at this very early stage. Extensive comments will be returned and should be incorporated into the drawings. The TCOA may require that progress drawings be submitted every two weeks during the period between Phase A and Phase B to help ensure that the design remains consistent with the Phase A approval. The average review time for a Phase A application is about 10 calendar days.
- The Phase B Design and Land Use Permit should be submitted when the construction drawings are about 90% complete. This allows the TCAC a comprehensive review of the nearly-complete construction drawings, but still allows some time to make modest changes or suggestions to the exterior elevations, site plan, exterior materials and colors, etc. The Phase B application also requires that the applicant submit a Performance Bond to the TCOA (see Tab #2 of the Developer's Reference Manual for the bond amounts, and Section II of the Design Standards and Guidelines for more information). The average review time for a Phase B application is about 10 calendar days.

Other approvals that are required prior to beginning construction:

- A Gallatin County Land Use Permit is required for all construction in the Town Center. The Gallatin County Planning Department will only accept full and complete applications for a Gallatin County Land Use Permit. According to the County Planning Department, the average review time for this permit is about 45 days. Some of the requirements are:
 - Approval letter from the Big Sky Fire Department stating that there is adequate water supply to begin construction (i.e fire hydrants are operational and meet minimum fire flows). Call the Fire Department for more information 995-2100.
 - Connection Permit approval from the Big Sky Water and Sewer District. The connection permit application is included under Tab 8 in the Developer's Reference Manual. If your development requires the extension of water and/or sewer mains (mostly applicable to residential development), you will need to submit water and sewer engineering plans to the MT State Department of Environmental Quality (MT DEQ) for approval. This review can take up to 90 days. After receiving MT DEQ approval, the Big Sky Water and Sewer District may issue your connection permit.
 - Big Sky Town Center Phase B Design and Land Use Permit approval.

After Closing

Once a project developer closes on a property, an application for a Phase A Design and Land Use permit shall be submitted within one year, but is usually submitted much sooner. The project shall be completed within two years after closing on the lot. This helps ensure that the momentum of the Town Center is maintained and that investors are not buying and holding undeveloped land.

We hope that this helps get your project started smoothly and efficiently. Please feel free to call if you have any questions.

Sincerely,

Ryan Hamilton

Ryan Hamilton
Simkins Holdings, LLC
Town Center Owners Association
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f. 406-586-2653
c. 406-580-2260
em. ryan@bigskytowncenter.com



Fee Schedule

(please make checks payable to the TCOA)

1. Commercial

a. Design and Land Use Permit (DLUP)

Square Feet of Max. Gross Floor Area	Phase A	Phase B	Total Fee
0 – 5,000 sf	\$600	\$1,400	\$2,000
5,001 – 10,000 sf	\$750	\$1,750	\$2,500
10,001 – 15,000 sf	\$900	\$2,100	\$3,000
> 15,000 sf	\$1,200	\$2,800	\$4,000

b. Performance Deposit Amount

\$25,000 per lot or building (whichever is less)

2. Hotel/Lodging

a. Design and Land Use Permit (DLUP)

Number of Rooms	Phase A	Phase B
\$100 per room	30% of total	70% of total

b. Performance Deposit Amount

\$500 per room

3. Multi-Family Residential (attached units)

a. Design and Land Use Permit (DLUP)

Number of Units	Phase A	Phase B
\$250 per unit	30% of total	70% of total

b. Performance Bond Deposit Amount

\$2,000 per unit

4. Single-Family Residential (detached units)

a. Design and Land Use Permit (DLUP)

Square Feet of Max. Gross Floor Area	Phase A	Phase B	Total Fee
0 – 3,000 sf	\$300	\$700	\$1,000
3,001 – 4,000 sf	\$450	\$1,050	\$1,500
> 4,000 sf	\$600	\$1,400	\$2,000

b. Performance Deposit Amounts

Square Feet of Max. Gross Floor Area	Amount
0 – 3,000 sf	\$5,000
3,001 – 4,000 sf	\$7,500
> 4,000 sf	\$10,000

5. Conditional Use Permit:	\$400
6. Variance:	\$400
7. Plan Alteration/Modification:	\$150
8. Temporary Occupancy Permit:	\$150
9. Occupancy Permit (per building):	\$100



Department of Planning & Community Development

ZONING APPLICATION FEE SCHEDULE Effective May 21, 2014		Certified Mail²
Land Use Permit (LUP)	The greater of \$275 or 1/4 of one percent (0.0025) of the market value of construction, excluding land cost	
LUP – Minor (including but not limited to: fences, decks, patios, minor structures, temporary structures, and agricultural structures conforming to Ag Structure Policy)	\$60	
LUP – After-the-Fact	2 x LUP fee	
LUP – revisit the site fee	\$100	
LUP – changes to approved LUP	\$60	
LUP – Site Plan Review (Minor or Major)	\$275	
Conditional Use Permit (CUP) – Standard	\$725	required
CUP – Minor (including but not limited to: guest house, caretaker's house, home occupation, community residential facility, accessory structure)	\$400	required
CUP – Oil and gas applications	16,800	required
Natural Resource CUP³	4,500	required
Variance – Single family residence	\$500	required
Variance – Other than single family residence	\$725	required
Planned Unit Development (PUD) – Main Review (incl. but not limited to Big Sky Master PUD and Donut Preliminary)	The greater of \$ 1,350 or \$675 plus \$15 per unit ¹	required
PUD – Pre- and Post-Reviews (including but not limited to Concept, Pre-Application and Final)	\$400	required
Map Amendment⁴ – Zoning Map, Neighborhood Plan	\$775	required
Text Amendment⁴ – Zoning Regulation, Neighborhood Plan	\$775	required
Growth Policy Map Amendment⁴	\$2,800 (for one change) \$5,600 (for two or more changes)	required
Growth Policy Text Amendment⁴	\$5,600	required
Cluster Review (Gallatin Canyon/Big Sky Zoning District)	\$350	
Sign Permit	\$75	
Master Signage Plan	\$275	
Zoning Improvements Agreement	The greater of \$350 or 1/4 of one percent (0.0025) of the estimated value of improvements	
Zoning Improvements Agreement – Partial Reduction	\$300	
Zoning Improvements Agreement – Extensions	\$450	
Request for Official Zoning Designation	\$0	

Notes

¹ A “unit” is described as a residential dwelling unit, residential lot, a commercial lot, a condominium, a townhouse, an individual recreational vehicle parking site or a mobile home “lot”.

² Check Administrative Fee Schedule for Certified Mail cost.

³ Applies where zoning regulations specify submittal requirements and notice/review provisions for natural resource related CUPs (not including CUP applications for oil & gas, which are covered under a separate fee). This category also applies to operations that mine sand and gravel or operations that mix concrete or batch asphalt. Please be advised that additional notice requirements may apply.

⁴ Fee applies to amendments that are not County initiated.



Department of Planning & Community Development

Effective May 21, 2014

SUBDIVISION APPLICATION FEE SCHEDULE

Type of Application	Planning Department Fee	Certified Mail Fee ²	Fire Protection Review Fee
Pre-application Review – Major, Minor, Subsequent Minor	\$275		\$100
Preliminary Plat Review – Minor	\$450 + \$40 per unit ¹		\$300
Preliminary Plat Review – Major or Subsequent Minor	\$1,125 + \$40 per unit ¹	required	\$500 + \$10 per unit ¹
Final Plat Review – Minor	\$225		\$100
Final Plat Review – Major or Subsequent Minor	\$450 + \$15 per unit ¹		\$150
Variance – Subdivision (per variance)	\$400	required ³	
Waiver – Subdivision PUD (per waiver)	\$125		
Waiver from Flood Study/Flood Hazard Evaluation	\$400		
Review of Flood Study/Flood Hazard Evaluation	\$75/hour		
Extension of Preliminary Plat Approval	\$200		
Change of Preliminary Plat Conditions – Simple	\$275	required	\$200
Change of Preliminary Plat Conditions – Complex (primary access, phasing or bonding)	\$450	required	\$200
Correction/Amendment/Vacation of Recorded Plat (other than subsequent subdivision)	\$200	required	
Claim of Inaccurate or Incomplete Information (per the Administrative Provisions of the Gallatin County Subdivision Regulations)	\$400	required	
Impact Fee Reduction (waivers/independent fee calculations)	\$325		
Improvements Agreement	The greater of \$350 or one-quarter of one percent (0.0025%) of the estimated value of improvements		
Improvements Agreement – Partial Reduction	\$300		
Improvements Agreement – Extension	\$450		
Application for Subdivision Exemption Claim	\$200		
Examination of Condominium Declaration	\$115		
Fire Protection Water Supply Testing (Payment Required at Final Plat ⁴)			\$300 + \$10 per hydrant
Fire Sprinkler System Plan Review & Testing (Payment Required at Final Plat ⁴)			\$200 per system

Notes

¹ A “unit” is described as a residential dwelling unit, residential lot, a commercial lot, a condominium, a townhouse, an individual recreational vehicle parking site or a mobile home “lot”.

² Consult the Planning Department’s Administrative Fee Schedule for Certified Mail costs.

³ Certified Mail is not required for variances associated with first minor subdivisions.

⁴ Fees for Fire Protection Water Supply Testing and Fire Sprinkler Plan Review & Testing are required only where the subdivider chooses to have a Fire District or Fire Service perform the required testing and/or review instead of contracting with a professional engineer.

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Department of Planning & Community Development

Effective May 21, 2014

FLOODPLAIN APPLICATION FEE SCHEDULE		Certified Mail ¹
Small-Scale Project	\$275	
Substantial Project	\$550	
"After the Fact" Floodplain Application	2 x FP fee	
Extension to Floodplain Permit	\$60	
Floodplain Map Revision (LOMA or LOMR)	No Charge	
Variance	\$550	required
Appeal	550	required

ADMINISTRATIVE FEES	
Request for Administrative Determination (zoning, subdivision, other)	\$200
Appeal of Administrative Determination	\$275
Traffic Impact Study (TIS) Peer Review	Fee to be determined at subdivision pre-application review or by council with Planning Department
Certified Mail	\$12 per address
Copies	\$0.25 per page

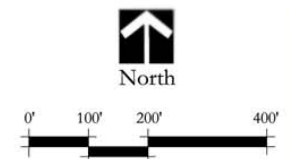
Notes

¹ Consult the Planning Department's Administrative Fee Schedule for Certified Mail costs.

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1. RJS Tower Building
2. Market Place Building
3. Big Sky Western Bank
4. Choppers Grub & Pub
5. Lone Peak Place Building
6. Hungry Moose Market & Deli
7. Peaks Centre Building
8. Lone Peak Townhomes
9. Elevation 6000 Condos
10. Tamarack Court Condos
11. Cottonwood Crossing Condos
12. Essentia Condos
13. Building 47
14. Lot 2A in Blocks 13 & 17 (32 condos under construction)
15. The Goode Place Building
16. Roxy's Grocery
17. Big Sky Medical Center
18. Clock Tower Building
19. Lone Peak Cinema Building
20. Building 32
21. Building 44
22. Beehive Basin Brewery/Peaks Building
23. Lone Mountain Land Building
24. Block 9 Lot 2A - (sold, under construction)
25. Block 3 Lot 5 - (Reserved)
26. **Block 3 Lots 6,7,9,10,11,12,13 - Available!**
27. Block 17 Lot 4A - (under contract)



BIG SKY
TOWN CENTER
M O N T A N A

Big Sky Town Center: Principles of Sustainable Design

WALKABILITY

- 10-minute walk between home and work.
- Pedestrian friendly street design (buildings close to street; porches, windows & doors; tree-lined streets; on street parking; garages in rear lane; narrow, slow speed streets).
- Benefits of Narrow Streets:
 - Neighborhood livability
 - Reduced traffic flows
 - Efficient use of urban land
 - Less impervious surface - less stormwater runoff
 - Less heat build up
 - Sized to meet actual traffic needs
 - Place emphasis on the pedestrian, not the vehicle



MIXED-USE & DIVERSITY

- A mix of shops, offices, apartments, and homes on site. Mixed-use within neighborhoods, within blocks, and within buildings.
- Diversity of people - of ages, income levels, etc.



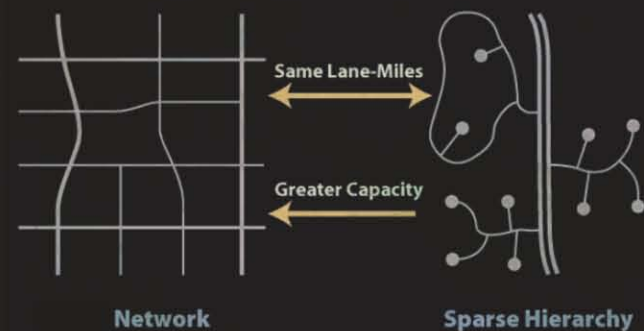
MIXED HOUSING

- A range of types, sizes and prices in closer proximity



CONNECTIVITY

- Interconnected street grid network disperses traffic & eases walking.
- A hierarchy of narrow streets, boulevards, and alleys.
- High quality pedestrian network and public realm makes walking pleasurable.



QUALITY ARCHITECTURE & URBAN DESIGN

- Emphasis on beauty, aesthetics, human comfort, and creating a sense of place; Special placement of civic uses and sites within community. Human scale architecture & beautiful surroundings reward the human spirit.



TRADITIONAL NEIGHBORHOOD STRUCTURE

- Discernable center and edge.
- Public space at center.
- Importance of quality public realm; public open space designed as civic art.
- Contains a range of uses and densities within 10-minute walk.
- Transect planning: Highest densities at Town center, progressively less dense towards the edge.



SUSTAINABILITY

- Minimal environmental impact of development and its operations.
- Eco-friendly technologies, respect for ecology and value of natural systems.
- Energy efficiency.
- Less use of fossil fuels.
- More local production.
- More walking, reduced dependence on automobiles.



Solar powered beacons on street signs.



Solar powered, underground drip irrigation.

QUALITY OF LIFE

- Taken together these add up to a high quality of life well worth living, and create places that enrich, uplift, and inspire the human spirit.

Right: Corvette rally held at Town Center in the spring of 2008. Will Genge photo.

Local resident enjoying Ousel Falls, easily accessed by trails from Town Center. Kene Sperry photo.



INCREASED DENSITY

- More buildings, residences, shops, and services closer together for ease of walking, reducing sprawl, to enable a more efficient use of services and preservation of natural resources, and to create a more convenient, enjoyable place to live.



Motorcycle Roundup held at Town Center June 2008.

SMART TRANSPORTATION

- Pedestrian-friendly design that encourages a greater use of bicycles, rollerblades, scooters, and walking as daily transportation.
- Transit-oriented to encourage use of public transportation.
- Minimal environmental impact on outlying pristine habitat.



Bus shelter under construction.

RESIDENTIAL BENEFITS

Better quality of life; Better places to live, work, & play; Higher, more stable property values; Reduced traffic congestion & less driving; Healthier lifestyle with more walking, and less stress; Close proximity to main street retail & services, bike trails, parks, and nature; Pedestrian friendly communities offer more opportunities to get to know others in the community, resulting in meaningful relationships with more people; Children being able to walk or bicycle to neighborhood schools; More diversity and smaller, unique shops and services with local owners who are involved in community; Big savings by driving less, and owning fewer cars; Better sense of place and community identity with more unique architecture; More open space to enjoy.

BUSINESS BENEFITS

Increased sales due to more foot traffic & people spending less on cars and gas; More profits due to spending less on advertising and large signs; Better lifestyle by living above shop in live-work units - saves the stressful & costly commute; Economies of scale in marketing due to close proximity and cooperation with other local businesses; Smaller spaces promote small local business incubation; Lower rents due to smaller spaces & smaller parking lots; Healthier lifestyle due to more walking and being near healthier restaurants; More community involvement from being part of the community and knowing its residents.

Source www.newurbanism.org

BIG SKY
TOWN CENTER
MONTANA
bigskytowncenter.com







MTE
MONTANA TITLE & ESCROW

Big Sky
Western Bank

Big Sky West Entry





WokKee
Mountain Kitchen

EVERLANDS

GOODE PLACE
EST. 2002

MONTANA CHIROPRACTIC
SPORTS MEDICINE, P.C.
MONTANA CHIROPRACTIC

CAFE

NO
PARKING
ANY
TIME

NO
PARKING
ANY
TIME









OUSEL & SPUR

OUSEL FALLS
ROAD

TOWN CENTER
AVENUE

OPEN

50

PEAK

GOOD LIFE OF TIMOTHY GREEN: A
POSSESSIONS & A PRESIDENT EVIL TALK
HAPPY QUEENTOBER



EYE IN THE SKY
PHOTOGRAPHY





SECTION 6 DEFINITIONS

For the purpose of this ordinance certain terms and words are defined below. Words used in the present tense shall also include the future; words or phrases used in the singular shall also include the plural; and words used in the plural shall also include the singular. The word "building" includes structure and "structure" includes building; the words "used" or "occupied" shall include within their meaning "intended, arranged, or designed to be used or occupied." The word "person" shall include corporation, partnership, or other legal entity. The masculine pronoun includes the feminine. Where other definitions are necessary and are not defined herein, the Planning and Zoning Commission shall define such terms. (*Amended: County Commission Resolution No. 1997-81*)

- 6.1 Accessory Apartment: A subordinate Dwelling Unit that is contained within a Single Family Dwelling Unit, Principal Use Structure, or above a Garage.
- 6.2 Accessory Unit: For the purposes of this regulation, an accessory unit is defined as an accessory apartment, caretaker residence and/or guest house.
- 6.3 Affordable Housing: Housing for low- and medium-income families that cannot afford to pay prevailing rents or make monthly payments necessary to obtain housing in the community. The definition of affordable housing shall be consistent with terminology established by the MT Department of Commerce.
- 6.4 Agriculture: The tilling of soil, the raising of crops, horticulture and gardening, dairying or animal husbandry, including all uses customarily incidental thereto; but not including any agriculture industry or business such as fruit packing plants, game farms, fur farms, animal hospitals, commercial dog kennels, horse stables, riding arenas, commercial feed lots or similar uses.
- 6.5 Airport: Any runway, landing area or facility, as certified by state and/or federal authorities, whether publicly or privately owned and operated, which is designed, used or intended to be used either by public carriers or private aircraft for landing and taking off of aircraft, including all necessary taxies, aircraft storage and tie-down area, hangars and other necessary buildings and open space.
- 6.6 Airstrip, Private: Any runway or landing area designated for the personal use of a property owner.
- 6.7 Apartment: One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing two or more dwelling units.
- 6.8 Art Foundry: An establishment that specializes in casting metals for the purposes of creating pieces of art.
- 6.9 Automobile body repair and paint shop: An establishment with the primary business function of body and frame repair of passenger automobiles and light trucks. Repair work includes painting.
- 6.10 Automobile repair shop: An establishment with the primary business function of repair work related to the operation of passenger automobiles and light trucks.
- 6.11 Bed and Breakfast Inn: An owner-occupied Dwelling Unit providing short-term lodging and serving meals to its registered overnight guests only.
- 6.12 Big Sky Area: The Big Sky Area includes the area within the Gallatin Canyon/Big Sky Zoning District, inclusive of the Madison County portion of Big Sky, Montana.
- 6.13 Building: A structure with a roof, built for support, shelter or enclosure of persons, animals, chattels, or property of any kind.
- 6.14 Building Height: The vertical distance from the average elevation of the proposed finished grade at the front of a building to the highest point of a flat roof, the deck line of a mansard roof and the mean height between eaves and ridge for gable, hip and gambrel roofs.
- 6.15 Building Materials: Materials intended for the construction of houses or other buildings, including but not limited to doors and windows, drywall, hardware, appliances, electrical and plumbing, insulation, lumber, masonry, roofing, siding and trusses.
- 6.16 Bus Shelter: A small, roofed structure, usually having three walls, located near a street and designed primarily for the protection and convenience of bus passengers.

- 6.17 Bus Turnout: A paved indentation at the side of a road or parking lot designed to allow buses to pick up and discharge passengers.
- 6.18 Camper: Any individual who occupies a campsite.
- 6.19 Campground: Any lot or land providing temporary overnight occupancy for two or more tents and recreational vehicles including permanent structures such as a management office, storage facilities, sanitary facilities, caretaker's residence and accessory uses as listed in Section 31.5. The definition of campground does not apply to temporary uses such as hunting camps, or to tents or recreational vehicles for personal use, if the number of tents and/or recreational vehicles does not exceed five.
- 6.20 Campsite: A plot of ground within a campground intended for exclusive occupation by a tent or recreational vehicle.
- 6.21 Car Wash: A business whose primary purpose is washing automobiles and light trucks. A Car Wash may also contain an indoor, self serve pet wash for washing household pets.
- 6.22 Certificate of Occupancy: A document issued by the Zoning Enforcement Agent allowing the occupancy or use of a building in compliance with all applicable codes and ordinances.
- 6.23 Childcare Facility: An establishment providing for the care, supervision and protection of children.
- 6.24 Cluster Development: A development design technique that concentrates buildings on a part of the site to allow the remaining land to be used for recreation, common open spaces and/or preservation of environmentally sensitive features.
- 6.25 County Commission: The Board of County Commissioners of Gallatin County, Montana.
- 6.26 Commercial Use: A use which involves the exchange of goods or services, for compensation, whether by money, barter, forgiveness of indebtedness, or any other remuneration in exchange for goods, services, lodging, meals, entertainment in any form, or the right to occupy space over a period of time.
- 6.27 Comprehensive Plan: A general plan which shall include any document or portion of any document duly adopted by the Planning and Zoning Commission which is intended to guide the growth and development of the area. For the purposes of this document, the terms, general plan, master plan and comprehensive plan are interchangeable.
- 6.28 Conditional Use: Uses, other than permitted uses, that may be allowed in a specific zoning category, but which require a public hearing by the governing body to consider additional safeguards to maintain and assure the health, safety, and general welfare of the community and to maintain the character of the Gallatin Canyon\Big Sky Planning and Zoning District.
- 6.29 Convenience Store: Any retail establishment under 3,500 square feet which offers for sale prepackaged food products, household items, newspapers, magazines and sandwiches and other freshly prepared foods.
- 6.30 Density: The total number of dwelling units allowed per gross acre or the floor area ratio allowed for commercial and industrial development.
- 6.31 Development Rights: The potential for the improvement of a parcel of real property, measured in dwelling units, existing because of the zoning classification of the parcel.
- 6.32 Dormitory: A structure which provides rooms for individuals or groups. Dormitories do not include individual kitchen facilities.
- 6.33 Dwelling Unit, Multi-Family: A Structure or portion thereof used for occupancy by two or more Families living independently of each other in two or more distinct Dwelling Units.
- 6.34 Dwelling Unit, Single Family: A Structure designed with complete, permanent and independent living facilities for one Family.
- 6.35 Dwelling Unit: A Structure or portion thereof providing permanent cooking, eating, sleeping and living facilities for one Family and any resident domestic Employees.
- 6.36 Dwelling Unit, Accessory: A freestanding Dwelling Unit which is smaller in area and subordinate in Use to the existing Single Family Dwelling Unit.

- 6.37 Employee: A person employed a minimum of 30 hours a week by an Employer.
- 6.38 Employee Housing: Housing rented or leased at a reduced rate to Employees. The housing rental or lease term may be short-term or long-term, as defined herein. Housing types may include, Employee Housing Dormitory, Employee Housing Mixed Use, Employee Housing Commercial, and Employee Housing Condominium.
- a. Employee Housing (Short-term): Housing rented or leased for any period up to and including one hundred twenty (120) consecutive days per year to Employees.
 - b. Employee Housing (Long-term): Housing rented or leased for a period greater than one hundred twenty (120) consecutive days per year to Employees.
 - c. Employee Housing Dormitory: A building providing shared sleeping accommodations only for Employees of one or more Employers. Individual sleeping rooms may or may not have a private bathroom, and do not have kitchen facilities.
 - d. Employee Housing Mixed Use: A hotel or motel owned or leased by the Employer with specific areas designated as an Employee Housing Dormitory. The dormitory portion shall meet the development standards for Employee Housing Dormitory. The Employer must own or lease a portion of the building in order to designate areas as an Employee Housing Dormitory for Employees.
 - e. Employee Housing Commercial: Housing that provides permanent cooking, sleeping, and living facilities that are either attached, above, or on subsequent stories of a commercial building that shall only be occupied by Employees (and his/her family if applicable) of an Employer.
 - f. Employee Housing Condominium: Housing that provides permanent cooking, sleeping, and living facilities that shall be occupied by Employees (and his/her family, if applicable).
- 6.39 Employer: An individual or entity (inclusive of that entity's majority-owned subsidiaries) that is located in and/or conducting business in the Big Sky Area.
- 6.40 Enforcement Agent: The Gallatin County Planning Director or his/her designee.
- 6.41 Event: A special occurrence or happening that takes place over a specific, limited timeframe.
- 6.42 Family: Any individual or two or more persons related by blood or marriage, or a group of not more than four persons (excluding domestic employees) who need not be related by blood or marriage, living together as a single non-profit housekeeping unit.
- 6.43 Freeholder: One having title to realty; either of inheritance or for life; either legal or equitable title.
- 6.44 Gambling Establishment: Any place, room, building or location that is used and employed for card games authorized by state statute.
- 6.45 Garage: A Structure, or portion thereof, used or intended to be used for the parking and storage of vehicles by the residents or owners of the Single Family Dwelling Unit or Multi Family Dwelling Unit.
- 6.46 Greenbelt: Completely undeveloped space not occupied by any structure or impervious surface. The purpose of a greenbelt is to protect views, wetlands and aquifers, ridge tops and other important geographical considerations such as old-growth timber, rock formations and grasslands.
- 6.47 Greenhouse: A building or structure constructed primarily of glass, glass-like translucent material, cloth, lath, or similar materials, which is devoted to the protection or cultivation of flowers or other plants.
- 6.48 Guest Ranch: A facility that: (a) uses one or more permanent structures, one or more of which have running water, sewage disposal, and a kitchen; (b) provides short-term lodging; (c) provides hunting, horseback riding, fishing, or a working ranch experience to its guests.
- 6.49 Helistop: Any landing area, either at ground level or elevated on a structure, designated for use for the taking off or landing of helicopters for the emergency purpose of picking up or discharging of passengers or cargo. Helistops do not include Heliports, defined as permanent fueling,

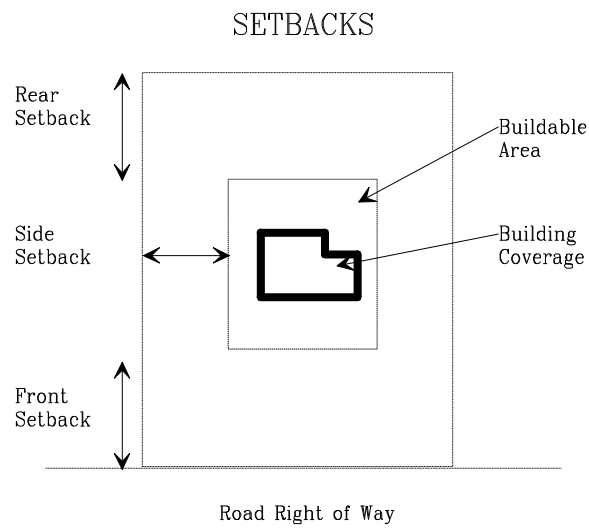
passenger or cargo facilities, fueling, maintenance and overhaul, service, storage, tie-down areas, hangars or other buildings, service facilities, or open spaces designed for

- 6.50 Home Occupation: An occupation or profession which is incidental to and carried on in a dwelling, accessory building, or on premises, by a member of the family residing within the dwelling, which is clearly secondary to the use of the dwelling for residential purposes.
- 6.51 Hostel: A structure providing dormitory-style, short-term lodging.
- 6.52 Hotel: An establishment offering short-term lodging at a nightly rate to the general public. A Hotel has rooms with doors that open to an interior lobby, and may provide additional services, such as restaurants, entertainment, meeting rooms and recreational facilities.
- 6.53 Industry, heavy: Those industries whose processing of products results in the emission of any atmospheric pollutant, light flashes, or glare, odor, noise, or vibration which may be heard and/or felt off the premises and those industries which constitute a fire or explosion hazard.
- 6.54 Industry, light: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, packaging, treatment, incidental storage, sales and distribution of such products that do not result in conditions described for heavy industry.
- 6.55 Landscaping: The vegetative planting of trees, shrubs, grass, flowers, etc. and the placement of ornamental fixtures such as fountains, ornamental walls, fences, benches, trellises, and statuary. This definition shall also include the designing of the placement of such materials.
- 6.56 Light Industry: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, packaging, treatment, incidental storage, sales and distribution of such products, but excluding basic industrial processing.
- 6.57 Lot: A parcel or plot of land shown as an individual unit of ownership on the most recent plat or other record of subdivision.
- a. Lot, corner: A lot situated at the junction of and abutting two or more streets.
 - b. Lot, coverage: The total area of a lot covered by the principal and accessory buildings.
 - c. Lot lines: The lines bounding a lot as defined herein.
 - d. Lot width: The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.
- 6.58 Manufactured Housing: Residential dwellings constructed entirely or substantially off-site.
- 6.59 Manufacturing, light: Fabrication of and/or assembly of goods from previously prepared materials.
- 6.60 Medical Offices, Clinics and Centers: An establishment where patients are admitted for diagnosis and treatment by licensed health care professionals.
- 6.61 Mini-warehouse: A building or group of buildings in a controlled access and fenced or screened compound that contains relatively small storage spaces of varying sizes and/or spaces for recreational vehicles or boats, having individual, compartmentalized and controlled access for the dead storage of excess personal property of an individual or household generally stored in residential accessory structures, when such buildings or group of buildings are not located on the lot of the residence.
- 6.62 Mobile Home: A form of housing known as a "trailer," "house-trailer," or "trailer coach," built to be transportable on its own chassis, comprised of frame and wheels, and designed to be used as a dwelling when connected to appropriate utilities.
- 6.63 Mobile Home Park: A tract of land providing two or more mobile home spaces for lease or rent to the general public.
- 6.64 Mobile Home Subdivision: A parcel of land that has been reviewed and approved for the placement of mobile homes for residential use.

- 6.65 Motel: An establishment offering short-term lodging at a nightly rate to the general public. A Motel has rooms with doors that open to the exterior rather than an interior lobby, and typically does not provide other services such as meeting rooms and restaurants.
- 6.66 Motor Home: See recreational vehicle.
- 6.67 Non-Conforming Parcel: A parcel, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of this zoning regulation but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning regulation.
- 6.68 Non-Conforming Structure: A structure, the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to this zoning ordinance but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning regulation.
- 6.69 Non-Conforming Use: A use or activity that was lawful prior to the adoption, revision or amendment to this zoning regulation but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning ordinance.
- 6.70 Nursery, plant: Facilities for commercial development, growth and sale of plants and/or for the utilization of and storage of equipment for landscaping operation and wholesale and/or retail sales of commercial gardening supplies.
- 6.71 Open Space: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use and enjoyment of owners, occupants and their guests.
- 6.72 Open Space, Common: Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate.
- 6.73 Open Space, Green: An open space area not occupied by any structures or impervious surfaces.
- 6.74 Open Space, Private: Common open space, the use of which is normally limited to the occupants of a single dwelling or building or property.
- 6.75 Open Space, Public: Open space owned or dedicated to a public agency and used by the general public.
- 6.76 Open Space Ratio: Total area of open space divided by the total site area in which the open space is located.
- 6.77 Owner's Association: A community association that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities.
- 6.78 Parking Lot: An area or a structure, 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.
- 6.79 Parking Space, Off-Street: A space located off any public right-of-way which is at least nine feet by 20 feet in size for parking of any motor vehicle, with room to exit either side of the vehicle, having adequate maneuvering space and access to public roads.
- 6.80 Parking Space, On-Street: A temporary storage area for a motor vehicle that is located on a dedicated street right-of-way.
- 6.81 Places of Assembly: Any area where 20 or more individuals collect to participate or to observe programs of participation.
- 6.82 Places of Worship: A church, synagogue, temple, mosque or other facility that is used for prayer by persons of similar belief.
- 6.83 Planned Unit Development: A development project consisting of residential, recreational, commercial, industrial and office uses, or any combination thereof, which comprises a planned mixture of land uses built in a prearranged relationship to each other and which achieves the

intent of Section 26 and provides for the development of usable and desirable open space, while providing for the preservation of significant natural features of the land.

- 6.84 Recreational Vehicle: A vehicular-type portable structure without a permanent foundation that can be towed, hauled or driven and primarily designed as a temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.
- 6.85 Recreational Vehicle Park: Campground used exclusively for recreational vehicles, motor homes, travel trailers and tents, and having utilities provided to individual sites.
- 6.86 River Corridor: That area within 100 feet of the annual high waterline of the Gallatin River.
- 6.87 Seasonal Use: Part-time use associated with particular activities and which varies in accordance with periods of the year.
- 6.88 Setback: The horizontal distance between the property line and any structure.



- 6.89 Short Term Rentals: Rental of a Dwelling Unit lodging purposes only, for a period of less than 30 consecutive days.
- 6.90 Sign: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of a person or entity or to communicate information of any kind to the public.
- Banner Sign, Temporary: A Sign of flexible fabric or similar material that is mounted to a pole or a building at one or more edges.
 - Banner Sign, Light Pole: Banner Sign, attached to a light pole, which may contain a commercial message.
 - Banner Sign, Event: Banner Sign used to promote an Event, such as, but not limited to a sale or concert, displayed for a specific period of time related to the Event being promoted.
 - Billboard/Off-Premise Sign: A permanent outdoor sign which advertises foods, products or services not sold on the premises on which said sign is located. Off-Premise Signs include Signs displayed on vehicles that are parked or located on properties or at businesses that are different from the content or message of the Sign, or parked in a location other than a designated Parking Lot on the premises of the business owning the vehicle. This is to include company logos, advertising and commercial messaging information that is integral to the vehicle itself.

- e. Commercial Message: Any Sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.
 - f. Community Wayfinding Sign: A Sign located in a road right-of-way identifying or providing direction or distance to destinations, districts, points of interest or other attractions, and is not intended to serve as off-premise advertising for individual entities.
 - g. Community Wayfinding Sign Plan: A plan approved by the Zoning Enforcement Agent pursuant to Subsection 39.7.
 - h. Construction Sign: A Sign erected on the premises where construction is taking place, identifying the construction site and indicating those having a role or interest with respect to the current project.
 - i. Entryway Monument: A monument identifying the Big Sky Community as a whole, not a specific portion thereof.
 - j. Entrance Portal Sign: An entrance Sign which may contain words, symbols or brands, indicating the address or identity of the parcel.
 - k. Free-Standing Sign: Any non-movable Sign not affixed to a building.
 - l. Home Occupation Sign: A Sign for a permitted home occupation.
 - m. Internally Illuminated Sign: Any Sign that is internally lighted incorporates neon, LED, fiber optic lights, or animated messages (e.g. flat screen display).
 - n. External Illumination: Light from any external source directed to illuminate a specific area or object.
 - o. Non-Conforming Sign: A Sign that existed prior to the adoption of the Zoning Regulation, or subsequent amendment, that does not conform to Regulation requirements. May include unique/historic signs in existence at the time this Regulation was adopted.
 - p. Pennant Sign: A sign made of flexible material, affixed by one or more corners or edges, designed to move in the wind, including but not limited to balloons, sails, and flags.
 - q. Political Sign: A Sign announcing or supporting political candidates or issues in connection with an election.
 - r. Real Estate Sign: A Sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.
 - s. Sign Area: The entire face of a Sign, including the advertising surface and any framing, trim, molding, or the supporting Structure.
 - t. Sign Height: The vertical distance between the top of the Sign or supporting Structure and the natural grade of the adjacent land, not artificially built up in any manner.
 - u. Trail Sign: Signs providing information to users of public, multi-use (hiking, biking, skiing, horse riding) trails including but not limited to trail head location and parking, trail use, navigation of the trail, cautionary advice, trail conditions, or any other information relevant to the trail user experience and safety.
 - v. Wall Sign: Any Sign attached to, and within six inches of a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or Structure, supported by the wall or building.
- 6.91 Stream Corridor: That area within 50 feet from any designated river or stream, with the exception of the Gallatin River.
- 6.92 Strip Commercial Development: Commercial or retail uses, usually one-story high and one-store deep, that front on a major street. Strip commercial development is typically characterized by street frontage parking lots serving individual or strips of stores. Generally, strip commercial development is arranged linearly rather than clustered.
- 6.93 Structural Alteration: Any change in the shape or size of any portion of a Structure or of the supporting members of Structure, including but not limited to walls, columns, beams, arches, girders, foundation, floor joists or roof joists, as well as demolition.

- 6.94 Structure: That which is built or constructed by man, including but not limited to an edifice or building of any kind, or any piece of work artificially built up or composed of part joined together in some definite manner.
- 6.95 Structure, Accessory: A freestanding non-residential Structure over 300 square feet in size, which is smaller in area and subordinate in Use to the Principal Use Structure, and which contributes to the comfort, convenience or necessity of the occupants of the Principal Use Structure.
- 6.96 Structure, Minor: Structures on a non-permanent foundation, 300 square feet in size or less, including but not limited to horse shelters, hay storage areas, firewood enclosures, play houses or play equipment, pet houses, small Greenhouses, or gazebos.
- 6.97 Timberland: Land covered by harvestable trees and wooded areas.
- 6.98 Transfer of Development Rights: The conveyance of development rights by deed, easement, or other legal instrument, authorized by this regulation, to another parcel of land and the recording of that conveyance with the County Clerk and Recorder.
- 6.99 Travel Trailer: A non self-propelled vehicular portable structure, which is not more than eight feet in body width, designed as a temporary dwelling for travel, recreation and vacation uses.
- 6.100 Truck Terminals: A staging area for a regulated motor carrier with the sole purpose of loading, unloading and temporarily warehousing shipments.
- 6.101 Use: Any purpose for which a Structure or a parcel 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 Structure or on a parcel of land.
- 6.102 Use, Accessory: A Use that is incidental and subordinate to the Principal Use of land, located on the same parcel, and under the same ownership.
- 6.103 Use, Principal: The primary Use of a parcel of land.
- 6.104 Utility Service: Distribution, transmission and/or collection systems serving the general public operating under one or more of the following conditions: (a) provides a service that is essential to the public health, safety or general welfare; (b) is subject to regulation by any governmental agency, either state or federal; (c) is granted a franchise.
- 6.105 Utility Service Establishment: Facilities, premises or business establishments used by a utility service for commercial activity.
- 6.106 Utility Service Operation Facilities: Facilities required by a utility service for its service operations, excluding commercial activities, Electric Transmission Lines and Electric Distribution Lines. Facilities may include buildings, structures, reception and distribution equipment above and below ground, lines, pipes, tanks, ponds, pumping stations, generation and switching stations, repeaters, antennas (including off-air, satellite and microwave), transmitters and receivers, construction and service equipment, valves, housings, or any other mechanical or electronic devices of any kind and any appurtenances and equipment necessary to the furnishing of the utility service.
- 6.107 Electric Transmission Lines: An electric power line, poles, towers and attached appurtenances primarily designed for transmission of electricity between electric substations and which are typically of a capacity of 50kV or greater.
- 6.108 Electric Distribution Lines: An electric power line, poles and attached appurtenances primarily designed to distribute electricity to the consumer and which are typically of a capacity of less than 50kV.
- 6.109 Variance: A procedure which grants a property owner relief from certain provisions of the zoning regulation when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from an inconvenience.
- 6.110 Veterinarian Clinics: A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Outside pens, kennels, or runs are not permitted as part of a veterinarian clinic. Short-term boarding is permitted.

- 6.111 Warehouse: An enclosed building designed and used primarily for the storage of goods and materials.
- 6.112 Wildland: Uncultivated land covered by forest, brush or grass, with little or no development, except for roads, railroads, power lines and similar facilities, or remote structures used for recreation or timber production. Not fallow lands.
- 6.113 Wildland Residential Interface (WRI): Areas where structures are located close to natural vegetation. A boundary WRI is an area where a clearly defined, linear boundary of homes meets wild land vegetation. An intermix WRI is an area where structures are scattered among or mixed with wild land vegetation, without a clearly defined boundary.
- 6.114 Yard, front: An open space extending across the full width of the lot between the permitted front building line and the front lot line.
- 6.115 Yard, rear: An open space extending across the full width of the lot between the permitted rear building line and the rear lot line.
- 6.116 Yard, side: An open space extending from the side permitted building line to a side lot line, between front yard and rear yard running from the front to the rear lot lines.
- 6.117 Zoning Commission: The Gallatin Canyon/Big Sky Planning and Zoning Commission.
- 6.118 Zoning Enforcement Agent: The Gallatin County Planning Director or his/her designee.

(Amended: County Commission Resolution No. 2002-49)
(Amended: County Commission Resolution No. 2007-001)
(Amended: County Commission Resolution No. 2008-002)
(Amended: County Commission Resolution No. 2009-034)
(Amended: County Commission Resolution No. 2011-043)
(Amended: County Commission Resolution No. 2011-098)
(Amended: County Commission Resolution No. 2012-068)
(Amended: County Commission Resolution No. 2012-106)
(Amended: County Commission Resolution No. 2013-036)
(Amended: County Commission Resolution No. 2014-186 & 2015-001)

SECTION 22 TOWN CENTER COMMERCIAL (TCC)

22.1 Intent: The intent of this district is to provide a pedestrian-oriented, local-serving and visitor-serving center containing retail, office, public, quasi-public, recreational, parks, open space, trails and residential uses to complement and support the Town Center Residential District thereby creating the appearance and feel of a small town. The purpose of this district is to provide a location for local and visitor-serving services, shopping, employment, and housing. All Town Center commercial development shall be served by community water and sewer service.

22.2 Permitted Uses:

- a. Accessory garages, carports, parking, loading facilities, fences, hedges and walls.
- b. Artist's studios, kilns, foundries, and Art Foundries.
- c. Bakeries.
- d. Barbershops and beauty shops.
- e. Bars and lounges, including breweries, distilleries, and tasting rooms.
- f. Bus Shelters, transit buildings, and Bus Turnouts.
- g. Business services (such as interior design, computer consulting, etc.).
- h. Car Wash.
- i. Childcare Facilities.
- j. Coin-operated Laundromats.
- k. Community and public facilities.
 - 1. Libraries.
 - 2. Civic buildings.
 - 3. Governmental buildings.
 - 4. Post office.
- l. Convention and meeting facilities.
- m. Drive-through facilities.
- n. Emergency services, including, but not limited to, police and fire stations.
- o. Employee Housing, including, Commercial, Dormitory, Mixed Use, Short-term, and Long-term housing types.
- p. Events.
- q. Financial institutions.
- r. Florists and gift shops.
- s. Hotels and Motels.
- t. Indoor theaters, cinemas, and auditoriums.
- u. Information centers.
- v. Lodges, clubs, fraternal, and service organizations.
- w. Medical Offices, Clinics, and Centers.
- x. Multi-Family Dwelling Units, located on second and subsequent stories.
- y. Museums and galleries.
- z. Offices.
- aa. Outdoor sports and leisure facilities. Including but not limited to tennis courts, basketball and other court games, ice skating rinks, swimming pools, health and fitness/exercise facilities, pavilions, band shells, and climbing facilities.

- bb. Indoor sports and leisure facilities. Including but not limited to health and fitness/exercise facilities, community centers, recreation centers, swimming pools, performing or visual arts center, concert hall, ice skating rinks, tennis courts, basketball and other court games, and climbing facilities, including associated administrative and maintenance offices or facilities.
- cc. Parking lots.
- dd. Parks, playgrounds, trails, recreation areas, and Open Space.
- ee. Photography studios.
- ff. Places of Assembly.
- gg. Printing shops.
- hh. Rental, sales and service of sports equipment.
- ii. Restaurants and cafes.
- jj. Retail Sales, including but not limited to:
 - 1. Clothing and footwear sales.
 - 2. Food sales.
 - 3. Hardware sales.
 - 4. Jewelry sales.
 - 5. Pharmaceutical sales.
 - 6. Sporting goods sales.
 - 7. Variety goods sales.
 - 8. Home design center and home goods sales.
- kk. Schools, including private, trade, and professional.
- ll. Short Term Rentals.
- mm. Sports and recreation instruction.
- nn. Utility Service Establishments.

22.3 Conditional Uses:

- a. Accessory uses not listed in Section 22.2.
- b. Places of Worship.
- c. Dry-cleaning establishments.
- d. Emergency Helistops as an accessory to public safety facilities.
- e. Gambling Establishments.
- f. Gasoline sales, including motor vehicle service and repair.
- g. Maintenance facilities.
- h. Planned Unit Development.
- i. Public/ private safety facilities or services.
- j. Roof-mounted satellite dish antennas.
- k. Sign manufacture, painting and maintenance.
- l. Utility Service Operation Facilities.
- m. Veterinary Clinics.

22.4 Minimum Lot Area: 2,000 square feet, except for parks or Open Space.

22.5 Minimum Setbacks:

Front:	0 feet
Side:	0 feet
Rear:	5 feet

Elements such as canopies, awnings, balconies, and/or roof overhangs and gutters may encroach into the adjacent road right-of-way up to five (5) feet, provided that no portion of these encroachments project into the driving lanes or on-street parking areas. All overhangs or other encroachments shall have a minimum of eight (8) feet of clearance from the top of the sidewalk.

22.6 Maximum Building Height: 55 feet.

Non-occupiable elements such as elevator extensions, staircase enclosures, roof access hatches, chimneys, cupolas, roof-mounted mechanical or electrical equipment, or other architectural elements or screens may extend up to six (6) feet above the maximum Building Height for all Buildings in this district.

22.7 Parking Standards: See Section 37, Parking, and Section 37.11, Town Center Parking.

22.8 Additional Standards: See Development Standards—General Standards, Guidelines & Design Standards/Town Center Commercial District.

(Amended: County Commission Resolution No. 2000-018)
(Amended: County Commission Resolution No. 2004-145)
(Amended: County Commission Resolution No. 2006-084)
(Amended: County Commission Resolution No. 2007-001)
(Amended: County Commission Resolution No. 2007-102)
(Amended: County Commission Resolution No. 2008-002)
(Amended: County Commission Resolution No. 2010-004)
(Amended: County Commission Resolution No. 2011-043)
(Amended: County Commission Resolution No. 2011-098)
(Amended: County Commission Resolution No. 2012-068)
(Amended: County Commission Resolution No. 2018-103)

SECTION 23 TOWN CENTER RESIDENTIAL (TCR)

- 23.1 Intent: The intent of the Town Center Residential district is to provide a mix of housing types, densities, parks, open space and trails to complement and support the Town Center Commercial District, to thereby create the appearance and feel of a small town, and to create a year-round residential and recreational population center. All Town Center residential development shall be served by community water and sewer service.
- 23.2 Permitted Uses:
- a. Accessory Uses and Accessory Structures.
 - b. Accessory Apartments and Accessory Dwelling Units.
 - c. Garages.
 - d. Short Term Rentals.
 - e. Bus Shelters and Turnouts.
 - f. Childcare Facilities.
 - g. Places of Worship.
 - h. Employee Housing Condominium.
 - i. Family Day Care Homes or Group Day Care Homes registered by the Department of Family Services under 52-2-7, MCA.
 - j. Multi-Family Dwelling Units.
 - k. Parks, playgrounds, trails, recreation areas, and Open Space.
 - l. Single Family Dwelling Units.
 - m. Places of Assembly.
 - n. Events.
- 23.3 Conditional Uses:
- a. Bed and Breakfast Inns.
 - b. Community Residential Facilities as defined in 76-2-411, MCA.
 - c. Home Occupations.
 - d. Maintenance facilities.
 - e. Planned Unit Developments.
 - f. Public/private safety facilities or services.
 - g. Schools, including private, trade, and professional.
 - h. Utility Service Operation Facilities.
 - i. Outdoor sports and leisure facilities. Including but not limited to tennis courts, basketball and other court games, ice skating rinks, swimming pools, health and fitness/exercise facilities, pavilions, band shells, and climbing facilities.
 - j. Indoor sports and leisure facilities. Including but not limited to health and fitness/exercise facilities, community centers, recreation centers, swimming pools, performing or visual arts center, concert hall, ice skating rinks, tennis courts, basketball and other court games, and climbing facilities, including associated administrative and maintenance offices or facilities.
- 23.4 Minimum Lot Area: 5,000 square feet.
- 23.5 Required Setbacks:
- | | |
|--------|---------|
| Front: | 10 feet |
| Side: | 10 feet |
| Rear: | 10 feet |
- 23.6 Maximum Building Height:
- a. Single Family Dwelling Unit: 33 feet
 - b. All other Buildings: 40 feet, but may be increased by 8 feet if structured parking is provided on-site, and the structure is adjacent to a county approved road.

Non-occupiable elements such as elevator extensions, staircase enclosures, roof access hatches, chimneys, cupolas, roof-mounted mechanical or electrical equipment, or other architectural elements or screens may extend up to six (6) feet above the maximum building height for all Dwelling Units in this district.
- 23.7 Parking Standards: See Section 37, Parking and Section 37.11, Town Center Parking.
- 23.8 Additional Standards: See Development Standards—General Standards.

(Amended: County Commission Resolution No. 2000-18)
(Amended: County Commission Resolution No. 2004-145)
(Amended: County Commission Resolution No. 2006-084)
(Amended: County Commission Resolution No. 2007-102)
(Amended: County Commission Resolution No. 2008-002)
(Amended: County Commission Resolution No. 2010-004)
(Amended: County Commission Resolution No. 2012-106)
(Amended: County Commission Resolution No. 2018-103)

SECTION 31 GENERAL DEVELOPMENT STANDARDS

The following standards supplement the specific district regulations set forth in this zoning regulation.

31.1 Accessory Structures, Accessory Apartments, and Accessory Dwelling Units:

- a. Accessory Structures shall meet the following requirements:
 1. Accessory structures may be combined with accessory dwelling units or other accessory structures into a single structure to minimize impacts on the mountain landscape and promote clustering of structures in accordance with the Gallatin Canyon/Big Sky development plan and Section 32 of this regulation.
 2. If located on a parcel less than 2.5 acres, one accessory structure up to 500 square feet is permitted per parcel. Additional structures and/or additional square footage may be approved through the CUP process.
 3. If located on a parcel greater than 2.5 acres but less than 10 acres in size, one accessory structure up to 500 square feet is permitted per parcel. Additional structures and/or additional square footage may be approved through the CUP process.
 4. If located on a parcel greater than 10 acres in size, one accessory structure up to 2,000 square feet is permitted per parcel. Additional structures and/or additional square footage may be approved through the CUP process.
- b. Garages shall meet the following requirements:
 1. Only one garage, either attached to or detached from the single family dwelling unit or multi family dwelling unit, is permitted per parcel.
 2. Garages are limited to 1,000 square feet, except in the rc-sf-10 through 100 districts, where 1,500 is permitted. Additional square footage may be approved through the CUP process.
 3. All detached garages must be located within 75 feet of the single family or multi family dwelling unit, or otherwise be considered an accessory structure.
 4. Detached garages shall be similar in appearance and character to the single family or multi family dwelling unit.
 5. Garages may not be constructed prior to a single family or multi family dwelling unit.
 6. Garages for multi family dwelling units should be contained in a single structure or as a clustered group of structures providing garage space for each dwelling unit.
- c. Accessory Apartments shall meet the following requirements:
 1. Accessory apartments may be rented or leased to the general public.
 2. A minimum of two (2) off-street parking spaces shall be provided.
 3. Only one (1) accessory apartment per parcel is permitted.
 4. On parcels less than 10 acres, an accessory apartment is limited to 800 total square feet. If the parcel is 10 acres or greater, up to 1,500 square feet is permitted.
- d. Accessory Dwelling Units shall meet the following requirements:
 1. Accessory dwelling units may be rented or leased to the general public.
 2. A minimum of two (2) off-street parking spaces shall be provided.
 3. Only one (1) accessory dwelling unit per parcel is permitted. On parcels greater than 40 acres, additional accessory dwelling units may be approved through the CUP process.

4. On parcels less than 10 acres, an accessory dwelling unit is limited to 800 total square feet. If the parcel is 10 acres or greater, up to 1,500 square feet is permitted.

(Amended: County Commission Resolution No. 2007-001)

(Amended: County Commission Resolution No. 2012-106)

- 31.2 **Air Quality Protection Requirement:** In order to protect the air quality of the District, emission protection standards will be required for all subdivisions and conditional uses proposed after the adoption of this regulation. Every subdivision and conditional use permit located within the GC/BS Planning and Zoning District shall include the following emission standards in their covenants: all wood-burning devices shall meet EPA certification standards.
- 31.3 **Animal-Proof Refuse Requirement:** All refuse shall be stored in animal-proof containers or made unavailable to all domestic and wild animals.
- 31.4 **Bed and Breakfast Inns:** Bed and Breakfast Inns shall be subject to the following:
 - a. There shall be no alteration to the exterior of the structure which would detract from the residential character of the neighborhood.
 - b. One parking space per bedroom shall be provided, in addition to parking spaces required for a Dwelling Unit. All parking shall meet the off-street parking requirements of Section 37.
 - c. Bed and Breakfasts are limited to a maximum of eight (8) bedrooms.
 - d. Use of amenities is limited to registered overnight guests only and shall not be open to the public.
 - e. The Findings of Fact/Order documenting approval of the Bed and Breakfast Inn CUP shall be recorded with the Gallatin County Clerk and Recorder's Office.
 - f. Bed and Breakfast Inns shall be accessed by public rights-of-way.
 - g. Bed and Breakfast Inns shall be subject to all applicable permits and licenses.

(Amended: County Commission Resolution No. 2011-098)

- 31.5 **Campgrounds:** All campgrounds shall be subject to the following requirements:
 - a. The area of a lot, parcel or tract of land to be used shall contain not less than two acres.
 - b. No campsite shall be located within 50 feet of any boundary or property line of such lot, parcel, or tract of land, or within a distance of 100 feet from the edge of the right-of-way of any public road.
 - c. The density of campsites in a campground shall not exceed an average of 15 campsites per acre of the developed portion of the campground. The developed portion of the campground shall include campsites, service roads, management office, storage facilities, sanitary facilities and caretaker residence.
 - d. Each campsite shall have a minimum area of 1,800 square feet and shall include a parking space, outdoor grill/fire pit, picnic table and camping pad. The camping pad shall have no more than two-percent slope.
 - e. Campsites designated for recreational vehicle use must be provided with a hook-up for potable water and electricity.
 - f. Accessory uses within campgrounds may include a retail store for use by campground guests, and selling convenience foodstuffs, personal articles, minor camping supplies and souvenirs; an indoor laundry; free low-intensity recreational facilities such as table tennis and billiards and a television viewing and reading area.
 - g. The entrance road to the campground must lead directly to the registration facility. All campsites must be located beyond the registration facility and have access to internal campground roads. Campground roads shall be built to the standards for roads within subdivisions created by rent or lease in the Gallatin County Subdivision Regulations.

- h. Special conditions, such as the provision of fencing or landscaping, or additional property line setbacks, may be required to safeguard the community interest and welfare.

31.6 Home Occupations: An occupation or profession which is incidental to and carried on in a dwelling or accessory building, or on the premises, by a member of the family residing within the dwelling, which is clearly secondary to the use of the property for residential purposes.

In general a home occupation is a use that is considered accessory to a dwelling unit, and conducted such that the average neighbor, under normal circumstances, would not be aware of its existence. The standards for home occupations included in this section are intended to insure compatibility with other permitted uses and with the residential character of the neighborhood. It is the intent of this section to eliminate as home occupations all uses except those that conform to the standards set forth in this section.

- a. The following standards apply to home occupations:

1. All home occupations shall be conducted entirely within the dwelling or accessory building except as listed below.
2. No home occupation shall occupy more than 1,000 square feet gross floor area unless a conditional use permit is obtained.
3. There shall be no display or evidence apparent from the exterior of the dwelling unit or accessory building that a home occupation is being conducted.
4. Employees shall be limited to residents of the dwelling unit and one additional employee.
5. The storage of any materials and/or solid waste associated with a home occupation shall be within an enclosed structure or effectively screened from view from neighboring homes and public ways by its location on the property, a fence or wall, or a densely planted landscape buffer. The home occupation shall not generate waste beyond that which is normally associated with a residential use.
6. There shall be no demand for parking beyond that which is normal to the neighborhood. In no case shall the home occupation cause more than two additional vehicles to be parked at any one time on or near the premises.
7. Home occupations shall not create noise of a type, duration, or intensity which, measured at the property line, exceeds 60 db between the hours of 7 a.m. And 9 p.m. No noise shall be created by the home occupation between the hours of 9 p.m. And 7 a.m. That is detectable to normal sensory perception at the property line.
8. Home occupations conducted on the premises but outside the dwelling or accessory buildings are limited to equestrian uses (the keeping, breeding and boarding of a reasonable number of horses), outfitting, cutting and storage of firewood and the boarding, breeding and raising of a reasonable number of pets, are only permitted on lots zoned rc-sf-2.5 and larger, and require a conditional use permit.

- b. Review Procedures for Home Occupations. Unless the home occupation requires a CUP, all property owners wishing to carry on a home occupation shall obtain written permission from the Zoning Enforcement Agent. Conducting a home occupation without approval of the Zoning Enforcement Agent shall be considered a violation of this regulation and be subject to the enforcement procedures contained herein. The following steps shall be followed:

1. The property owner shall request in writing a review of the proposed home occupation with an explanation of the home occupation addressing all of the standards listed above, and submit this request to the zoning enforcement agent or their designee.

2. The LUP form shall be used, and the minor LUP fee shall apply (currently \$50).
3. The zoning enforcement agent or designee shall respond in writing within 15 working days either approving, denying, or conditionally approving the request.
4. This procedure does not replace review by any other agency, and only reviews for compliance with this regulation

c. Examples of uses:

1. Uses that typically qualify as home occupation standards are listed here (uses which may qualify as home occupations are not limited to those listed here, nor does inclusion in this list automatically qualify a use as a home occupation): accountant; architect; artist; attorney; author; consultant; dressmaking; individual musical instrument instruction; individual tutoring; insurance; millinery; and realtor.
2. Uses that typically do not qualify as home occupations are listed here (not all uses can be evaluated beforehand, and therefore some uses not included in this list may be denied approval; and inclusion in this list does not automatically preclude a use as a home occupation): auto repair; barbershop or beauty salon; carpentry work; contractor's offices, unless no construction activity or storage of materials and/or equipment occurs at the residence; dance instruction; dental offices; medical offices; painting of vehicles, trailers or boats; private schools with organized classes; upholstery.

(Amended: County Commission Resolution No. 2007-001)

31.7 Lighting: All outdoor lighting fixtures shall be designed and constructed in such a manner to ensure that:

- a. Direct or reflected light is confined to the area needing it and that it is not directed off the property;
- b. All light sources are shielded;
- c. Any light sources or light lenses are not directly visible from beyond the boundary of the site;
- d. Light from any illuminated source shall be so shaded, shielded, or directed that the light intensity or brightness will not be objectionable to surrounding areas.
- e. Lighting fixtures shall be a down-type having 100 percent cutoff. The light rays may not be emitted by the installed fixture at angles above the horizontal plane, as may be certified by photometric test.
- f. There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness or color. The exception to this requirement is holiday lights with no commercial message.
- g. Beacon lights are not permitted.

31.8 Satellite Dish Antennas: Within the GC/BS Planning and Zoning District, ground-mounted satellite dish antennas up to 12 feet in diameter may be permitted subject to the following criteria:

- a. All installations must comply with all accessory use, yard, height, bulk and setback requirements specified within the district.
- b. All installations shall be located to prevent obstruction of the antenna's reception window from potential allowable development on adjoining properties.
- c. All installations shall employ, to the extent possible, materials and colors that blend with the surroundings.

- d. All installations must include screening treatments located along the antenna's non-reception window axes and low-level ornamental landscape treatments along the reception window axes of the antenna's base. Such treatments should completely enclose the antenna and shall be installed within six months of antenna installation.
- e. This section shall not apply to utility service operation facilities.

(Amended: County Commission Resolution No. 2012-106)

31.9 Utilities: All utilities shall meet the following standards:

- a. Utility lines, other than Electric Transmission Lines and Electric Distribution Lines, shall be installed underground unless a variance is granted pursuant to Section 57 of this ordinance.

(Amended: County Commission Resolution No. 2011-043)

31.10 Wildfire Protection Requirement: In order to provide for public safety, fire protection standards will be required for all subdivisions and conditional uses proposed after the adoption of this regulation. Every subdivision and conditional use permit located within the Wildland Residential Interface area within the Gallatin Canyon/Big Sky Planning and Zoning District shall include the following fire safety measures in their covenants:

- a. All structures located in the Wildland Residential Interface shall use only Class A or B fire-rated roofing materials. Wood shakes or shingles can achieve a Class B rating by using a foil-faced or equivalent substrate or underlayment of non-combustible material and when the shakes are periodically treated with fire retardant. Follow manufacturer's treatment guidelines and re-treat as specified.
- b. Spark arrestor screens shall be placed on fireplace and wood stove chimneys.
- c. Smoke detectors shall be installed on each level of dwelling units.
- d. The vegetation reduction and clearance guidelines of the *Fire Protection Guidelines for Wildland Residential Interface Development* shall be met.

31.11 Helistops: All helistops shall be subject to the following requirements:

- a. Plans for the helistop shall be submitted to the Federal Aviation Administration's Airport District Office in Helena. The FAA shall conduct an Air Space Review of the helistop. The FAA shall approve the helistop prior to construction and operation.
- b. The helistop touchdown and lift-off area shall be constructed in compliance with all current and applicable FAA standards, including, but not limited to, standards for design, construction, establishment, maintenance, airspace approval, flight path approach, and any other standards deemed necessary for public health and safety. In addition, the Commission shall have the right to impose any conditions authorized through Section 54 of the GC/BS Zoning Regulation, provided such conditions are not in conflict with any rules and regulations of the FAA.
- c. Take-off and landing areas shall be no closer than fifty feet from any property line. Any administrative or operations building erected on a helistop site shall be located not closer than fifteen feet from any property line.
- d. Plans for the helistop shall be submitted to the local fire district officials for review and approval prior to operation.

(Amended: County Commission Resolution No. 2007-001).

31.12 Airports: All airports are subject to review, regulation and certification by state and federal authorities. Local regulations concern land use and site design issues only.

(Amended: County Commission Resolution No. 1997-81)

31.13 Artists Studio: work space used by artists or craftspeople, not to exceed 3000 square feet of floor area for the creation, preparation, display or sale of individually crafted artwork.

- a. Artists studios in CC districts shall be subject to the following restrictions:
 1. Artist studios shall maintain and protect the air quality of the district by adhering to the air quality standards set forth in Section 31.2 of the GC/BS Zoning District Regulations.
 2. Artist studios shall not create noise of a type, duration or intensity which, measured at the property line, exceeds 75 db between the hours of 7 a.m. And 9 p.m. No noise shall be created between the hours of 9 p.m. And 7 a.m. That is detectable by normal sensory perception at the property line.
 3. The storage of any materials and/or solid waste associated with an artist studio shall be within an enclosed structure or effectively screened from view from neighboring homes and public ways by its location on the property, a fence or wall, or a densely planted landscape buffer.

(Amended: County Commission Resolution No. 2004-77)

31.14 Employee Housing Dormitory:

- a. The names of the Employer(s) will be identified during the permitting process.
- b. A designated property manager shall be identified during the permitting process to ensure that the premises are properly maintained. The name and number of the property manager as well as emergency service numbers shall be posted on all doors of rooms occupied by Employees. The exterior of the building and grounds shall be well maintained and tidy (i.e., maintain landscaping/grounds, building upkeep, etc.). Indoor areas must be kept clean and sanitary.
- c. The following activities are prohibited on the premises:
 1. Storage of inoperable vehicles
 2. Auto repair and/or auto maintenance
 3. Outdoor food storage
 4. Storage and/or occupation of RV's, boats, and/or trailers.
 5. Outdoor cooking is prohibited unless an Employer sets aside a designated area for Employees to cook and recreate outdoors.
 6. Separate beds must be provided for each Employee. Mattresses on the floor are prohibited. There shall be a minimum floor area of 45 square feet for each Employee (excluding the common living/recreation area required in #6 below).
 7. Employees must have access to a common living/recreation area either on or off the premises; such facilities will be identified in the CUP process.
 8. Employees must have access to either an employee cafeteria plan or furnished kitchen either on or off the premises. Furnished kitchen includes both appliances and cookware.
 9. Cooking in individual sleeping rooms is limited to a microwave. There shall be no hot plates, toasters, toaster ovens, open flames, or the like in individual sleeping rooms.
 10. An Employee Housing Dormitory shall be located within walking distance to the place of employment (less than a half-mile), or the Employer shall identify a source of public or private transportation (i.e. bus or shuttle service) during the CUP process. In addition, the Employer shall provide on site parking at a ratio of one parking space per five Employees, and shall comply with all other applicable standards specified in Section 37.
 11. Rooms shall be furnished by the Employer, including window coverings. Personal items are generally not provided.
 12. Bathroom facilities must be provided on the premises. If individual rooms do not have a private bathroom with a shower, sink and toilet, then at least one

shower, one sink, and one toilet must be provided for each gender for each five Employees.

13. The property manager shall enforce quiet hours between 11:00 pm and 7:00 am.
14. The Employer shall provide a communal dumpster facility that is screened and is sized commensurate to the size/capacity of the Employee Housing Dormitory.
15. The property manager and/or owner shall be responsible for ensuring compliance with these standards. Gallatin County may pursue available enforcement remedies, including revocation of the CUP and/or fines, in the event of repeated and unresolved violations.

(Amended: County Commission Resolution No. 2008-002)

31.15 Employee Housing Commercial and Condominium:

- a. A designated licensed property manager shall be identified during the permitting process to ensure that the premises are properly maintained. The name and number of the property manager as well as emergency service numbers shall be posted on all doors of rooms occupied by Employees. The exterior of the building and grounds shall be well maintained and tidy (i.e., maintain landscaping/grounds, building upkeep, etc.).
- b. The following activities are prohibited on the premises:
 1. Storage of inoperable vehicles.
 2. Auto repair and/or maintenance.
 3. Storage and/or occupation of RV's, boats, and/or trailers.
 4. A minimum of one bathroom (inclusive of one shower, one sink, one toilet) must be provided for every two bedrooms.
 5. For each apartment/condominium, a maximum occupancy shall be identified during the permitting process, with the maximum occupancy not to exceed two people per bedroom. Parking shall comply with the applicable zoning regulations.
 6. The designated licensed property manager and/or owner shall enforce quiet hours between 11:00 pm and 7:00 am.
 7. The designated licensed property manager and/or owner shall provide garbage facilities commensurate to the number of occupants.
 8. The designated licensed property manager and/or owner shall be responsible for ensuring compliance with these standards. Gallatin County may pursue available enforcement remedies in the event of repeated and unresolved violations.

(Amended: County Commission Resolution No. 2008-002)

(Amended: County Commission Resolution No. 2014-186 & 2015-001)

31.16 Short Term Rentals: Short Term Rentals shall be subject to the following:

- a. Short Term Rentals shall be subject to all applicable permits and licenses.
- b. Overnight lodging shall be limited to inside the Dwelling Unit.
- c. Use of a Short Term Rental for purposes other than lodging is prohibited. Advertisements offering use of a Short Term Rental for purposes other than lodging (including but not limited to weddings, concerts, fundraisers, or other similar functions) shall be considered prima facie evidence of the owner's or agent's intent to violate this Regulation. Such advertisement may subject owners or agents to enforcement action under this Regulation.

(Amended: County Commission Resolution No. 2011-098)

(Amended: County Commission Resolution No. 2013-034 & 2013-036)

SECTION 34 GUIDELINES AND DESIGN STANDARDS FOR TOWN CENTER COMMERCIAL DISTRICT

- 34.1 Intent: The intent of this section is to establish minimum guidelines and standards to ensure high quality design, overall coherence, and a character appropriate to the commercial buildings and other structures in the Big Sky Town Center Commercial District.
- 34.2 Relationship to Section 33 Guidelines and Design Standards for Commercial Development: This Section, Section 34, supercedes and replaces Section 33 in its entirety as concerns the Town Center Commercial District.
- 34.3 Submittal Requirements: All applications (Conditional Use Permit, Planned Unit Development, Variance, and Land Use Permit) for Town Center Commercial developments shall include the following:
- a. The applicable application, information, and documentation as required by the Zoning Enforcement Agent and Sections 26, 54, 55, and/or 57.
 - b. All applicable fees as required by Section 51.4.
 - c. A traffic study, if the proposed development will generate 500 or more vehicle trips per day.
 - d. Town Center Owners' Association's approved Phase B Design and Land Use Permit.
- 34.4 Land Use Permit Review Process: Review of Land Use Permits (LUP) of Town Center Commercial developments shall be administered by the Planning Staff in accordance with Section 55. Upon submittal of a complete LUP Application for a commercial development, the Planning Staff shall review the Application for compliance with the requirements of this section and other applicable sections of the Zoning Regulation. Reviews shall be completed within 45 days of receipt of a complete application, and the LUP approval or denial provided in writing. If denied, a Variance may be requested in accordance with Section 57 or an appeal filed in accordance with Section 53.1 within ten (10) days of the written decision. Appeals of staff decision shall be considered in accordance with the procedures outlined in the Administration section of the Gallatin Canyon/Big Sky Zoning Regulation.
- 34.5 Procedures: An Application for a Variance or Conditional Use Permit (CUP), or any other application required by the Zoning Regulation for the proposed development shall be submitted to the Planning Department with the information and documentation required by Sections 54 and 57 and the applicable application, in accordance with the procedures provided therein.
- 34.6 Reserved.
- 34.7 Binding Effect: After approval of the Variance, LUP, or CUP, no building shall be erected, altered, moved, or reconstructed, except in conformance with such approval, and any conditions related thereto, and such approval may be enforced in the same way as any provision of this regulation. In case of any conflict between an approval and any other provision of this regulation, the regulation shall control.

*(Amended: County Commission Resolution No. 2000-18)
(Amended: County Commission Resolution No. 2004-145)
(Amended: County Commission Resolution No. 2006-084)
(Amended: County Commission Resolution No. 2018-103)*

SECTION 37 PARKING

- 37.1 Purpose: The purpose of these standards is to prevent traffic congestion by requiring provision of adequate off-street parking and loading areas.
- 37.2 Off-Street Parking Required: All uses and buildings shall provide the minimum number of off-street parking spaces required by Table 37.1. Parking areas shall be properly graded and drained paved surfaces and parking spaces shall be at least nine feet by 20 feet in size for parking of any motor vehicle. A storm water runoff management plan will be required for any parking area of more than 20,000 square feet in size.

(Amended: County Commission Resolution No. 1997-81)

- 37.3 Off-Street Parking Requirements for Uses Not Listed: The classification of uses and the off-street parking requirements for uses not listed in Table 37.1 shall be determined by the Zoning Enforcement Agent. Any person who disputes a decision of the Zoning Enforcement Agent may request a review of that decision using the appeals procedure of Section 51.3.
- 37.4 Location of Off-Street Parking: Off-street parking shall be located on the same lot or within 600 feet of the building or use served, except for spaces serving a dwelling unit, which shall be within 100 feet of the dwelling unit.
- 37.5 Shared Parking: Two or more uses may share parking where:
- a. The total number of spaces provided is not less than the sum of spaces required for all buildings or uses served, and
 - b. A contract providing for shared parking for a period of at least 20 years is executed before any approvals are obtained.
- 37.6 Reduction of Required Parking: The Zoning Enforcement Agent may authorize a reduction in the number of required parking spaces only if the following conditions are met: (1) Parking will be shared by two or more uses; (2) An application shall be submitted which proves there will no substantial conflict in the principal operating hours of the proposes uses.
- 37.7 Passenger Loading Areas: Day care centers, schools, and places for public assembly shall provide at least one safe, properly signed off-street passenger loading area.
- 37.8 Freight Loading Areas: Commercial and industrial buildings and uses shall provide one safe, properly signed off-street freight loading area for each 10,000 square feet of gross floor and/or outdoor storage area. Off-street freight loading areas shall be on the same lot or parcel and under the same ownership as the building or use they serve, be designed to accommodate the largest vehicle that may reasonably be anticipated, and have the following minimum dimensions:
- a. Vertical clearance of 14 feet.
 - b. Width of 12 feet.
 - c. Depth or length of 35 feet.

*No vehicle parked in an off-street freight loading area shall extend into a public right-of-way.

- 37.9 Access to Off-Street Parking and Loading Areas: Properly graded and drained driveways shall be provided for safe access to off-street parking and loading areas, including the off-street parking for single-family dwellings. No parking or loading area shall create a situation in which vehicles are required to back onto a public road. Parking areas for single-family dwellings with access to local and collector roads are exempt from this requirement.
- 37.10 Circulation in Off-Street Parking Areas: The pattern of circulation within parking areas shall be designed to provide safe and efficient access to individual parking spaces, protect pedestrians moving through the parking area, and facilitate safe access to public streets.

- a. Minimum aisle widths shall be as follows:
Two way circulation and 90° parking: 24 feet.
One way circulation and 60° parking: 18 feet.
One way circulation and 45° parking: 15 feet.
One way circulation and 30° parking: 13 feet.
- b. Where one-way circulation is used, directional signs shall be installed at all access points to the parking area.
- c. No parking area shall be designed so that circulation from one portion of the area to another relies on a public street.
- d. A separate pedestrian pathway or sidewalk shall be provided through parking areas to the destination. The path shall be clearly designated by trees and other plantings.
- e. All parking areas shall also provide adequate snow storage and removal space. Snow storage areas shall be located away from sidewalks, driveways, entries and exits.
- f. In any parking area which includes more than 15 spaces, 10 percent of all parking area shall be used for internal landscaping. A landscape border not less than 15 feet wide shall be provided around the perimeter of all parking areas. Parking areas shall be designed so that a landscaped area separates every 10 spaces. Total parking areas shall be broken into sections that do not exceed 40 cars each. Each section shall be separated by landscaping and traffic circulation lanes. Landscaped areas shall be designed to accommodate snow piles without damage to plants and trees. All parking area landscape areas shall be landscaped with a combination of trees, shrubs and ground covers.
- g. Parking and landscape plans shall be submitted in accordance with the requirements of Section 33 and 34.

Table 37.1: Minimum Parking Space Standards

Land Use	Parking Spaces
Dwellings	2 Per Unit
Lodging Places	1 Per Unit Plus 1
Theaters and Places of Assembly	.33 per Seat
Elementary and Junior High Schools	1 per Classroom Plus 1
Rest Homes and Similar Uses	2 per Bed

Land Use	Parking Spaces per 1,000 Feet of Gross Floor Area
Eating, Drinking Places	15
Financial, Real Estate, Insurance	3
Beauty and Barber Services	6
Other Personal Services, Misc. Services	3
Health Services	5
Professional Services	3
Shopping Centers	4
Mixed Office Uses	3
Building Materials, Farm Equipment, and Furniture	1
Hardware, Apparel, Misc Retail Uses	
General Merchandise, Groceries	4

37.11 Big Sky Town Center: The provisions of Sections 37.11 through 37.1 and the provisions set forth in this Section (37.11) shall apply to Big Sky Town Center. The Town Center's County-approved Parking Regulation, Management Plan and Ordinance supercedes Section 37 of the Zoning Regulation, in its entirety, except where that document refers to a specific section of Section 37 of the Zoning Regulation (see also Section 37.11.a.8 below). In these cases, that specific section of Section 37 shall apply. Where the provisions set forth in this Section conflict with any other parking provisions, they shall supercede such other provisions.

- a. Parking district. A parking district or similar community services district shall be created for all or some of Town Center. All parking within Town Center shall be administered and enforced by the Town Center Parking District. The Parking District shall provide, among other things, for the following:
 1. Execution and administration of contractual arrangements related to parking, shared parking, and reduction in required parking including contractual arrangements linking land uses to the provision of required parking spaces.
 2. To ensure that there is adequate and accessible parking for each building, including the number and location of handicap-accessible spaces.
 3. Formulation and enforcement of parking regulations.
 4. To provide a unified approach to the construction, maintenance, and management of parking within the Big Sky Town Center.
 5. To ensure that at any given time the supply of parking spaces satisfies the total demand for parking spaces.
 6. Preparation and adoption of a parking regulation, management plan, and ordinance that should include, but not be limited to, procedures for determining shared parking and reduction of required parking.
 7. To provide surface parking lots and related improvements that meet the minimum needs of the Big Sky Town Center, without building large areas of underutilized parking.
 8. To ensure compliance with all minimum parking standards, including minimum parking supply, for the Big Sky Town Center, as set forth in the Gallatin Canyon Big Sky Zoning Regulations.
- b. On-street Parking. On-street parking spaces shall be included in the calculation of the supply of parking spaces. In calculating parking requirements for individual commercial and/or mixed-use buildings, on-street parking spaces shall be included only if they are not previously allocated to another building or use.
- c. Pedestrian Circulation. Separate pedestrian pathways shall not be required within parking lots due to the practical considerations concerning snow plowing and snow removal. (supercedes 34.10.d)
- d. Landscaping. Reference the Big Sky Town Center Design Standards and Guidelines manual.
- e. Freight Loading Area. Freight loading docks and service entrances shall be located within rear or side yards only, and shall be screened from adjacent uses and property. The size of the loading dock or area shall be designed to accommodate the largest vehicle that may reasonably be anticipated. A building developer may choose to install more than one freight loading area serving the building if the demand so warrants.

(Amended: County Commission Resolution No. 2000-18)
(Amended: County Commission Resolution No. 2004-145)
(Amended: County Commission Resolution No. 2006-084)
(Amended: County Commission Resolution No. 2018-103)

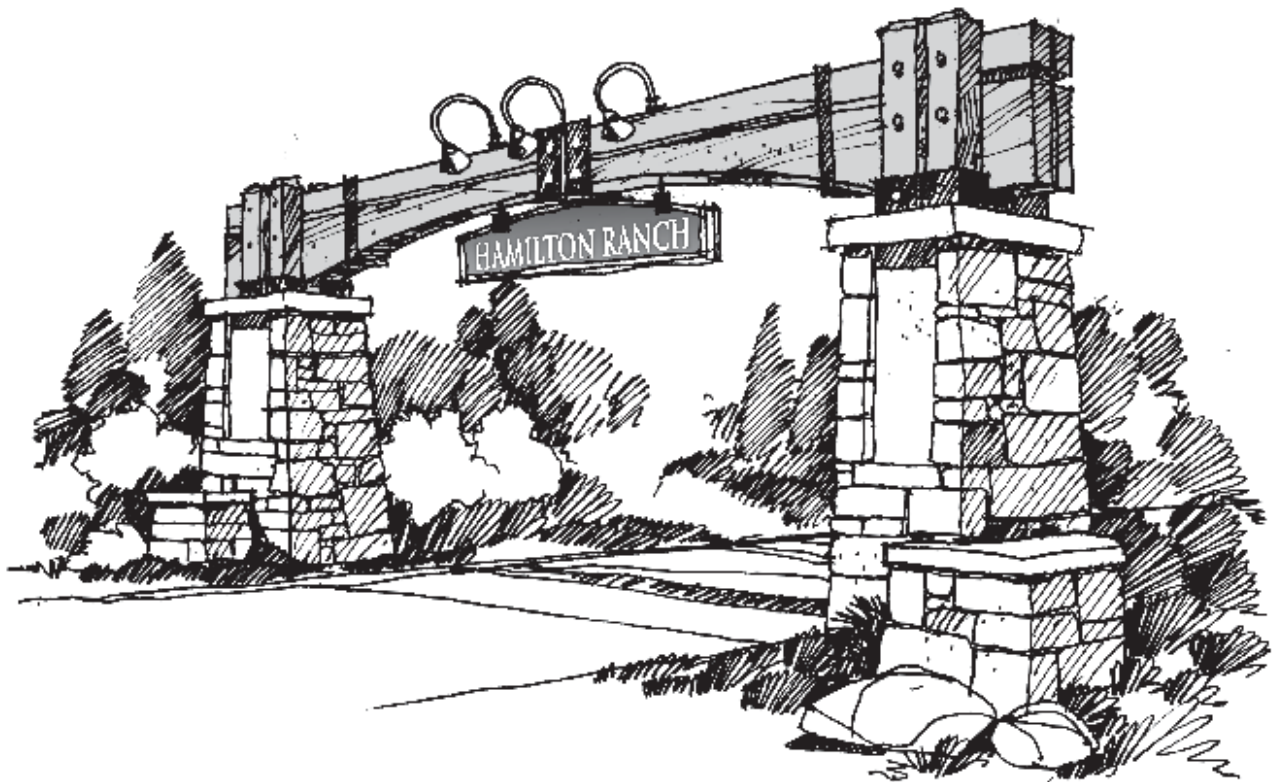
BIG SKY **TOWN CENTER**

AMENDED MASTER SIGNAGE PLAN

Big Sky Town Center
Big Sky, Montana

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October 20, 2005



**MASTER SIGNAGE PLAN
BIG SKY TOWN CENTER**

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I. INTENT

The purpose of the Big Sky Town Center (“Town Center”) Master Signage Plan is to establish a structural framework for the provision of a coherent system of signs in conjunction with development within the Town Center. The Master Signage Plan has two major goals: providing high quality signs for all developments within the Town Center, and providing signs that are complimentary to the natural setting of Big Sky.

The Big Sky Town Center Master Signage Plan (“Master Signage Plan”) establishes requirements for all project and building signs within the Town Center. The Master Signage Plan shall be used in lieu of Section 36 (Signs) in the Gallatin Canyon/Big Sky Zoning Regulation.

The Master Signage Plan will help encourage a unique identity for the Town Center and its context within the greater Big Sky area. The Master Signage Plan will require the use of forms, materials, images, and colors that reflect the scenic wildland context and that also contribute to the “Progressive Western Mountain Architecture” style in the Town Center. The plan will also encourage signs that are consistent with a small town ambience.

The Master Signage Plan document is designed to facilitate ease of use and organization of sign regulations. The Master Signage Plan is organized in the following manner:

- Section I provides an introduction to the Master Signage Plan and outlines the intent of the document.
- Section II defines all the terms used in the Master Signage Plan.
- Section III outlines the permitting procedures for all signs in the Town Center.
- Sections IV through VI describes the types of signs that are prohibited, temporary, or exempt, by definition, in the regulations of this document.
- Section VII describes the general design standards as they apply to all signs within the Town Center.
- Section VIII presents the specific design standards as they apply to certain types of signs, such as freestanding or projecting signs.
- Section IX offers design standards for the land uses within the Town Center, including the commercial and residential uses.
- Sections X through XII provides information on maintenance of signs, violation and enforcement of the Master Signage Plan, and contact information.

The Master Signage Plan is intended to compliment the *Design Standards and Guidelines* in that it establishes *standards* that dictate requirements for signage design and placement (see “Definitions”). Unlike the Design Standards and Guidelines, the Master Signage Plan is organized in a paragraph format rather than a table format. The Master Signage Plan is also intended to mitigate situations that may be hazardous, confusing, or undesirable due to the improper design and/or construction of signs within Town Center.

II. DEFINITIONS

Awning – A roof-like structure, which is generally comprised of a skeletal frame, covered in a fabric or other lightweight material, and typically open on the bottom side, which projects beyond a building or extends along and projects beyond the wall of a building.

Awning Sign – Awning signs are any sign or lettering that is applied to the surface of a building canopy or awning.

Banner - A sign constructed of lightweight fabric, plastic, or similar material that may be mounted to a building, pole, or other structure and may have a frame or fixture at one or more edges. National, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Beacon - A light with one or more beams that is shown directly into the atmosphere or at one or more; also includes lights with one or more beams that rotate or move.

Berming -The use of fill dirt to create higher points of elevation than the surrounding grade in order to provide a highpoint or screening. Berms are usually tapered into the existing grade and may or may not contain landscape plantings or integrated hardscape materials such as boulders or timbers.

Billboard or off-premise sign – A permanent outdoor sign which advertises products or services not sold on the premises on which said sign is located.

Building – A permanent structure that has a roof and is built for support, shelter or enclosure, including drive-thru's, porte-cocheres, vehicular porticos, open steps, terraces, and architectural appurtenances projecting from the principal building. Buildings may be attached or detached to other adjacent buildings.

Building area – The maximum horizontal projected area (measure in square feet) of the principal building, excluding open steps, terraces, and architectural appurtenances projecting not more than 2 feet from the vertical building wall.

Building perimeter – The maximum linear distance of the length (measured in linear feet) of all the sides of the principal building, excluding drive-thru's, porte-cocheres, vehicular porticos, open steps, terraces, and architectural appurtenances projecting from the principal building.

Building frontage – The maximum dimension of the building front measured on a straight line parallel to the street, right-of-way, or common or public open space lot (i.e. not the parking lot).

Canopy sign – A sign that is part of or attached to a canopy, awning, or structural protective cover over a door, entrance, window, or outdoor service area.

Changeable copy sign – A sign that has a sign area or portion of the sign in which the characters, letters, numbers or illustrations can be periodically changed or rearranged without altering the face or surface of the sign.

Commercial message – Any sign logo, wording, or other means which directly or indirectly, names, advertises or calls attention to a business, product, service, or commercial activity.

Construction sign – A temporary sign that is erected on the premises where construction is taking place, indicating the contractor or others having a role or interest in the project.

Corner lot – A lot located at the intersection of 2 roads.

Directional sign – These signs are limited to directional messages and are intended to convey information regarding the location of specific features of the site or to convey on-premise regulations including traffic and circulation regulations.

Double frontage – A lot with both front and rear lot lines abutting a road, road tract, or right-of-way.

Entry Corridor – An overlay district, defined by the Gallatin Canyon/Big Sky Zoning Regulation, that includes development adjacent to Highway 64 and those properties within 200 feet of that road.

Flag – A fabric banner or sign that contains distinctive colors, patterns or symbols that is used as a symbol of a government, a political subdivision, educational, religious, or charitable institution.

Flashing sign – A sign that uses illumination effects that flicker or turn on and off by means of outside power.

Floodlight – A light fixture that produces an intense and wide beam of light.

Freestanding sign – A nonmovable sign that is not affixed to a building and is structurally independent of a building or outbuilding.

Hanging sign – A sign hanging down or suspended from an awning, porch, or the underside of a horizontal or inclined surface.

Home occupation sign – A sign containing the name and occupation of a home occupation service or establishment.

Interior lighted signs – Any sign that is backlit by a lamp or fixture where the sign area is illuminated from behind and the light source shines out from behind the sign itself. This includes closed box style interior lighted signs.

Main entry sign – The entrance sign(s) to the Town Center that may be located on the east and west sides of Ousel Falls Road, or other suitable locations approved by the TCOA. These sign(s) will announce vehicular and pedestrian arrival to the Town Center.

Non-conforming sign – A sign, which does not conform or meet the requirements of the Master Signage Plan.

Off-premise sign – A sign that advertises or directs attention to products or activities that are not provided on the parcel or site upon which the sign is located.

Pole sign – A sign that is mounted on a vertical, single pole and is affixed at the top of the pole.

Political sign – A temporary sign that announces or shows support for a political candidate or issue in connection with an upcoming election.

Portable yard sign – A sign that is located on site, which is to be displayed for less than 24 hours at a time for the purpose of announcing a garage or yard sale, open house, or similar event. Portable yard signs do not include sandwich board signs.

Portal sign – An entrance gate of stone, log, or timber, or combination thereof, which may contain an attached hanging sign, indicating the name of the development or neighborhood, an address, or combination of the two.

Projecting sign – A sign affixed to a building or wall so that its leading edge extends more than 6 inches, but no more than 3 feet, beyond the surface of the building or wall to which it is affixed.

Real estate sign – A sign that pertains to the sale or lease of a property, or portion of a property, that is erected on the premises.

Revolving sign – A sign where all, or a portion of the sign, may rotate either on an intermittent or constant basis.

Roof mounted sign – A sign erected on or over the roof of a building that is affixed to and supported by the roof structure or a portion of the roof.

Sandwich board sign – A sign that is constructed so that it stands without the aid of a support structure and is designed to be placed so that the two sides of the sign are oriented in different directions. Only restaurant sandwich board signs may contain changeable copy on one or both sides.

Setback – The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicular to the property line.

Sign – A device, placard, structure, or fixture that uses color, form, graphic, illumination, symbols, or writing to advertise, announce the purpose of a person or entity or to communicate information of any kind to the public.

Sign area – The entire face or faces of a sign, including the advertising surface and any framing, trim, paint, or moulding, but not including the supporting structure. Also referred to as the “reader board” in some cases. In the case of signs with 2 or more faces (i.e. sides), the area of each face shall be added to calculate the total sign area for that sign. Sign area for lettering shall be computed by using a bounding area (i.e. box) for each word or group of words, including spaces between words on the same line or along the same arc.

Sign height – The height of a sign, which is measured from the finished grade at which the sign base or support structure is exposed to the top of the sign or highest letter or logo on the sign. The height of freestanding and portal signs shall be measured from the crown of the adjacent road.

Special purpose sign – A temporary sign that is erected to advertise a special event or activity such as a street fair, community festival, parade, farmers market, or charity benefit.

Standards - A requirement specifying mandatory requirements as they apply to sign development on a lot or building.

Temporary sign – A sign that is not permanently fixed or mounted and is used and permitted for a limited period of time. Temporary signs may announce properties for sale, lease, rent, or other non-commercial activities.

Town Center Architectural Committee (TCAC) – An organization formed by the TCOA to review development proposals for architectural and site compliance with the *Design Standards and Guidelines* of the Town Center.

Town Center Owners Association (TCOA) – A non-profit corporation formed to implement, administer, and enforce the restrictive covenants, Design Standards and Guidelines, Master Signage Plan, and other adopted documents or procedures.

Wall sign – A sign that is located 4 inches or less from the wall, is painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, supported by the wall or building.

Window sign – A sign affixed or mounted to the inside of a window.

Window surface – The total area of a window within its outermost glazing or framing, to which a window sign may be affixed or mounted.

III. PERMITTING PROCEDURES

No person or party shall erect, alter, or relocate a sign in the Town Center without first obtaining a sign permit from the Town Center Owners Association (TCOA), unless the sign is exempt under this Master Signage Plan.

A. General Procedures

All sign permit applications shall be submitted to the TCOA in accordance with forms provided by the TCOA. Applications shall conform in every respect with the requirements of the application and the Master Signage Plan.

The TCOA will review a sign permit application for completeness within 5 working days following receipt of the application. The TCOA will issue or reject the sign permit within 15 working days following submittal of a complete application. Sign permits will be issued as a written document. If a sign application is rejected, the TCOA will outline the reasons for rejection. The TCOA may reject a sign permit application if the sign design is found to be incompatible with adjacent uses, architecture, or overall project vision. A decision from the TCOA may be appealed to the Planning and Zoning Commission. The Planning and Zoning Commission will consider, among other relevant factors, the sign application, the criteria as provided for in the Master Signage Plan and the final decision of the TCOA.

Applicants wishing to create a Planned Unit Development (PUD) within Big Sky Town Center may choose to create an alternative Master Signage Plan for that particular development. In this case, the applicant must first submit the alternative Master Signage Plan to the TCOA for their review and approval. Provided that the TCOA approves this alternative Master Signage Plan, the applicant may then apply to the Gallatin County Planning and Zoning Commission for review and approval, as required in Section 36.13 of the Gallatin Canyon/Big Sky Zoning Regulation. Multi-tenant condominium associations and multi-lot incorporated property owners associations are prohibited from creating an alternative Master Signage Plan for their development within the Town Center.

Applicants representing condominium owners in multi-tenant commercial buildings may choose to submit an application for a *Master Signage Plan – Commercial Building* for that particular building. This is encouraged so that the proposed signage for all tenants in the building is reviewed and permitted at once.

B. Variances from the Master Signage Plan

Any proposed sign that is not in compliance with the Master Signage Plan must receive Variance approval prior to installation. When a proposed sign varies from the Master Signage Plan, the applicant must indicate on the application what type of Variance is being requested (applicable for both types of Variances shown below). There are two types of Variances that may occur under the Master Signage Plan, each with different review procedures:

Type 1: Variances from the Master Signage Plan that do not vary from the underlying signage standards of Section 36 of the Gallatin Canyon/Big Sky Zoning Regulation. This type of Variance is decided on administratively by the TCOA. The TCOA will review the proposed Type 1 sign Variance, and may approve the application, at its discretion, as long as the approval does not result in signage that exceeds the maximum building signage area calculation outlined in Section IX.

Type 2: Variances from the Master Signage Plan that also vary from the underlying signage standards of Section 36 of the Gallatin Canyon/Big Sky Zoning Regulation. This Variance first requires review and approval by the TCOA, then by the Gallatin Canyon/Big Sky Planning and Zoning Commission through the Gallatin County Planning Department. After approval by the TCOA, this Variance shall be reviewed according to the procedures and standards outlined in the Gallatin Canyon/Big Sky Zoning Regulation. The Planning and Zoning Commission may also consider the TCOA's review of the proposed sign Variance within the context of this Master Signage Plan.

C. Conditions for Issuance of a Sign Permit

All signs for which a permit has been issued shall be installed within 6 months of the date of issuance of the permit. Installation of all signs should be completed within 3 months of commencing installation. The sign permit shall expire if installation of the permitted sign is not completed within 6 months of issuance.

D. Inspections

The TCOA reserves the right to enter onto a lot or property in order to inspect signs for compliance with the Master Signage Plan.

IV. PROHIBITED SIGNS

- A. Interior Lighted Signs
- B. Home Occupation Signs
- C. “No Trespassing” and “No Hunting” Signs
- D. Roof Mounted Signs
- E. Flashing and Revolving Signs
- F. Beacons
- G. Billboards or off-premises signs
- H. Signs located in the public right-of-way (except the following sign types: bus stop, no parking, stop signs, public utility signs, emergency signs, directional roadway signage, etc.)
- I. Pole signs
- J. Permanent banner signs
- K. Balloons, large inflated animals, or other objects used as signs
- L. Pennants, streamers, spinners, and strings of lights, except holiday lights

V. EXEMPT SIGNS

Exempt signs do not require a sign permit from the TCOA. These signs are subject to removal, by the property owner/property developer, if used in excess of the allowances described in this document.

- A. Public noticing signs, required by applicable Federal, State, or local law, regulation, or ordinance.
- B. Bus stop signs, public utility signs, or emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized work within the right-of-way.
- C. Holiday lights and decorations that do not include a commercial message may be hung 30 days preceding the holiday for which they are commemorating. Holiday lights and decorations shall be removed from the building or site within 10 days after the passing of the holiday for which they were installed, unless otherwise permitted by the TCOA.
- D. Non-commercial traffic control or street signs on private property or in the right-of-way that meet Montana Department of Transportation standards. Non-commercial directional signs used to designate vehicular travel on a lot, including “no parking,” “loading only” or “entrance.”
- E. “Beware of Dog” signs no larger than 1 square foot shall be allowed in residential zones when erected in conjunction with a fully enclosed fence.
- F. Address signs, identifying street address or name, or both, of the owner or occupant of a building or premises. Address signs are mandatory for all buildings within the Town Center. These signs may measure 2 square feet or less in area.
- G. Up to 3 political signs may be erected on a lot during elections. The signs are permitted on a lot 30 days preceding and 7 days following a general, primary, or special election. Political signs shall be placed only on the lot, inside of the setbacks and shall not block safe access to and from a lot, sidewalk, or pathway and shall not block views at street intersections.
- H. Menus displayed inside windows or inside a display box. Display boxes can be a maximum of 2 square feet in size and may be mounted on the front of the restaurant or inside a

vestibule. These display boxes shall be designed and constructed to coordinate with building design and should be able to withstand inclement weather.

- I. Portable yard signs, including those signs used for garage sales, open houses, and special estate sales, or similar uses. These signs may not be used for longer than a 24-hour period and may not be erected outside the property boundary of the lot on which the event is taking place. Portable signs do not include sandwich board signs..
- J. *For Sale, For Rent, or For Lease* signs shall only contain the name of the realtor, property management company, text such as *Retail* or *Office*, and contact phone number(s) and shall not exceed 6 square feet in size. These sales/lease/rental signs may take the form of a temporary banner that is affixed to the exterior of a building, hung from the inside of a window, etc. These signs must be removed immediately upon closing of the sale, expiration of the sales listing, or renting of the property, and may only be placed on a lot or building by the property owner(s) or their agent(s).
- K. Theaters may display posters on the inside of first-floor display windows to advertise movies or other performances currently showing at the theater.
- L. Commercial buildings shall have a building identification name affixed or incorporated into the center of the front façade. This building identification name should reflect the business name or other approved identification name. Building identification names that are other than a business name are exempt from review if limited to an area less than 8 square feet. Building identification names may be exempt from area limitations following TCOA review. Business names shall be considered as part of the maximum signage area permitted for the building.

VI. TEMPORARY SIGNS

Temporary signs are permitted on all lots within the Town Center and may be erected after the applicant receives a temporary sign permit from the TCOA. Temporary signs include special event signs, or other commercial signs that are intended to be in place for a time period not to exceed 120 days, except for construction and project signs which may be erected as specified below, and will be removed or replaced at the expiration of the temporary sign permit. Temporary banner signs are also further limited in the duration they are permitted (see below). Only 1 temporary sign will be permitted per applicant. A maximum of 2 temporary sign permits may be issued for the same business or project developer within the same calendar year. Illumination of temporary signs is prohibited. Temporary signs shall extend no more than 6 feet above ground level, except for project signs (which may be constructed as specified in this section) and temporary banner signs which may be mounted to a building, hung from the inside of a window, etc . Mounting devices may extend no more than 6 inches above the sign.

Temporary signs shall not exceed 32 square feet in area on each side, except for project signs, which may be constructed as specified in this section. All temporary signs shall be setback from the property line at least 15 feet. A temporary sign permit shall be obtained at least 2 weeks in advance of erecting the sign. Temporary signs may be erected 2 weeks prior to the scheduled event or project opening and shall be removed within 5 days of the conclusion of the event, except for construction and project signs, which shall be removed as specified in this section. Temporary signs shall be constructed and mounted with durable materials and fasteners, except in the case of temporary banner signs, which may be constructed from materials outlined in *Section II Definitions, Banner Signs*.

A temporary banner sign may be erected for a period of no more than 45 days, and may not exceed 32 square feet in area on each side. When a business is locating or relocating to the Town Center, a temporary banner sign advertising the business may be permitted while a permanent sign permit is being sought. The temporary banner sign shall be limited to the name and graphics of the business, text such as *Coming Soon, Now Open, etc.* Banner signs containing text such as *Grand Opening, Liquidation, or Going Out of Business* are prohibited. See *Section V.J Exempt Signs* for regulations on *For Sale, For Rent, or For Lease* signs or temporary banner signs.

Artwork, promotional signs for non-profit organizations, and special event signs (as may be determined and approved by the TCOA), are subject to setbacks, size limitations, and periods of display, as specified for temporary signs in this section. Temporary signs shall not include commercial messages or advertisements for alcoholic beverages or tobacco products.

One construction sign is permitted for each development project. Construction signs shall be limited to the name and graphics of the project, text such as *For Lease* or *For Sale*, contact information, and the names and contact information of the developer, architect, or contractor for the project. Temporary construction sign permits for a lot may be granted following approval of a Big Sky Town Center Design and Land Use Permit and may stand so long as construction continues.

One project sign is permitted for each development project that is at least 5 acres in size, and 2 project signs are permitted for the Master Developer of the Big Sky Town Center (Simkins Holdings, LLC or their successor or assigns) A project sign may be a maximum of 100 square feet in area on each side and shall be no taller than 10 feet in height. These signs shall be constructed with the same materials and with the same qualities as other temporary construction signs. Temporary project signs shall be removed within 30 days of full build out of the project. Project signs shall be limited to the name and graphics of the project, text such as *For Lease* or *For Sale*, contact information, and the names of the developer, architect, or contractor for the project. Temporary project sign permits for a lot may be granted following approval of a Big Sky Town Center Design and Land Use Permit and may stand so long as construction continues.

Temporary signs shall not be placed in any public right-of-way and shall not obstruct line-of-site at intersections or other locations.

VII. GENERAL DESIGN STANDARDS FOR SIGNS

A. Design and Construction

It is strongly recommended that all signs be designed by a professional sign design company and be installed by a qualified sign builder or contractor. Landscaping is encouraged for areas surrounding freestanding signs, provided that at maturity the landscaping does not obscure the message or text on a sign. The TCOA encourages a variety of sign types, colors, and designs. Some wall signs should be designed with depth and reveal to add character and interest to the building and the streetscape.

Directional signs and traffic control signs (see Exempt Signs) shall also not be obscured by landscaping, as it is especially important to provide safe and effective information about vehicular and pedestrian circulation. Franchise colors are permitted, however standard franchise signs are prohibited. Franchise signs shall be tailored for the character of the Town Center community and the small town atmosphere.

B. Size Requirements

All permanent signs shall be designed and constructed within the maximum size requirements as described in Sections VIII and IX of this document. Temporary signs shall be designed and constructed within the maximum size requirements of Section VI of this document. See Section II, Definitions, for sign area computation.

C. Materials

All signs shall be constructed of durable and high quality materials. All sign elements shall be fastened with lags, screws, or other rust-proof plated or stainless steel devices and shall be installed so that fasteners are concealed as much as possible. All fasteners or similar devices used to affix a sign to a building or structure shall have watertight seals at those locations to avoid leaks and weathering due to environmental factors. Brackets and hangers used to mount a hanging sign to any freestanding sign or building shall be secure and substantial enough to prevent failures. Metal should be coated with a durable epoxy-type enamel, powder coat, or other high-performance exterior finish.

Materials used to construct the sign should be metal, stone, wood, high-density urethane (HDU) or sign foam, or a combination thereof. If constructed of metal or metal products, the sign should contain high-quality metal with a thickness that will withstand stress, bending, and flexing due to wind, temperature, or other environmental or physical factors. Sheet metal should be at least 24-gauge and should be primed on both sides. Welds in metal tubing or sheets shall be of full weld construction and should adequately support the sign. Painting of metal signs shall be used on a limited basis and shall be well-maintained for the life of the sign.

Signs constructed of stone should exhibit well-balanced design with horizontal and vertical massing of stone either at the base or in the sign area of the sign. Only natural or real stone is permitted for use in the construction of signs in the Town Center. Native or indigenous stone is encouraged over imported or non-native stone types.

Wood is encouraged for the poles and support structure of the sign as well as the sign area itself. Wood and HDU, whether carved, sandblasted, painted, or etched, are encouraged for all permanent sign types. Wood products, such as milled timbers, pre-assembled wood posts, or handcrafted wood may be used in sign construction. Wood may be painted, however, it shall be well-maintained so that the message or sign face is legible at all times.

Letters may be constructed of natural or manufactured materials and may be cut out or cast in a particular font type or style. Lettering shall be clearly visible and legible for pedestrians as well as drivers. Lettering shall be especially legible when used in combination with a wall or other mounting structure.

D. Color

Color used in signs will be evaluated in terms of the overall architectural color and materials palette of the building(s) on the site. Signs should be finished in colors that compliment the architectural materials, treatments, and colors of the buildings on site as well as the sign base or support structure. Sign colors should reflect the logo and/or colors of the business. Subdued or earth tone colors are appropriate and brighter colors or hues are acceptable when used in harmony with other sign elements or architecture. Off-whites, deep browns, greens, grays, tans and black are acceptable colors for signs, provided they promote an attractive and legible sign.

The color of the sign area and lettering should also compliment the base or structure on which it is affixed. A matte or flat finish is recommended for all painted surfaces, although a semi-gloss finish is acceptable. “Day-glow,” fluorescent, reflective colored materials, luminescent colors and iridescent colors are prohibited. Franchise colors are permitted, however franchise-style signs are prohibited. Franchise signs shall be tailored for the character of the Town Center community and the small town atmosphere.

E. Illumination of Signs

Floodlights are prohibited. Up-lighting of signs is prohibited. Plastic face internally illuminated “can” signs are prohibited.

All lighting shall be directed onto the sign surface only, except when the sign has reverse pan-channel letters with concealed light sources reflecting off the building or background surface with a “halo” or silhouette lighting effect. No light fixtures shall have exposed light sources or bulbs. Colored light sources or bulbs are prohibited. In summary, lighting shall not impact adjacent land uses or properties by deflecting light, glare, or abrupt changes in intensity or illumination.

Lighting associated with signs shall be confined to the area of the sign being illuminated. Signs shall only be down-lit with a fixture placed on the upper side of the sign., or in some instances illuminated from behind with reverse pan-channel letters with concealed light sources reflecting off the building or background surface with a “halo” or silhouette lighting effect. Opaque sign cabinet and faces with cut-out, push-through graphics are permitted. Push-through letters shall have an opaque face with white light halo edge effect with a depth of no more than 1 inch and a width of no more than 1.5 inches.

Signs shall be constructed so that conduit and piping for electrical sources is not exposed to view. All wiring shall be “UL” labeled. No lighting shall exceed 250 watts or 800 milliamps. No labeling of internal wiring or illumination shall be visible on the outside of the sign. Electrical service to the sign shall be supplied from a tenant or property owner power service.

The illumination of signage is strongly encouraged to help add a sense of liveliness and activity to the area. The hours of signage illumination shall be determined by the business, building or property owner, or owners’ association, and shall strive to reduce excessive power usage and light pollution. The result of this policy will produce a desirable sign illumination pattern that allows the businesses to decide whether they wish to have their signs illuminated.

Signage illumination should be coordinated with building illumination to reduce excessive power usage and lighting levels.

The TCOA may require modifications to previously-approved signage illumination if, after installation, the TCOA determines, at its discretion, that the illumination creates excessive light pollution or fails to meet the regulations outlined in this section.

F. Sign Content

Signs shall contain lettering, images, or messages that are legible and easy to understand. The lettering shall be architecturally compatible with the building or lot on which it is

erected. Lettering shall be a maximum of 18 inches in height. Two rows of text may be situated in one sign area and shall have adequate space between the two rows.

Logos or images used to convey information about the business or use of the building or lot shall be used only if their design is compatible with the size, design, and scale of the sign and the overall architectural character of the building(s) on the lot. Colorful logos and signs are encouraged to help add character and interest to the building and the streetscape.

G. Setbacks

As described in Section VIII of this document, all freestanding signs 5 feet or less in height shall be setback from the property line at least 5 feet. All freestanding signs greater than 5 feet in height but less than 10 feet in height shall be setback at least 15 feet from the property line.

All sandwich board signs shall be placed directly adjacent to the building or business for which it is permitted. In the Commercial Core Land Use Designation area, the Big Sky Town Center Design Standards and Guidelines will require a 5-7 foot minimum building setback from the property line so that the sidewalk area, with a total width of 15 feet, is large enough to accommodate bike racks, street furniture, refuse containers, and other streetscape furnishings, including sandwich board signs.

Directional, directory, and portal signs shall be setback at least 10 feet from the property line. Directional and portal signs are not permitted in the right-of-way or utility easements.

Lots adjacent to or within 200 feet of Highway 64 are designated as “Entry Corridor” properties in the Gallatin Canyon/Big Sky Zoning Regulation. Signs erected on these lots, with the exception of the main entry sign(s), shall not encroach into the parking or building setback, as outlined in the Gallatin Canyon/Big Sky Zoning Regulation.

H. Projection and Clearance

Signs shall not project more than 3 feet from a building face, pole, or structure on which it is mounted. Projecting and hanging signs shall maintain at least 8 feet of clearance from finished grade to the bottom of the sign or structure, or 7 feet if the sign is hung over a landscaped area and is setback at least 3 feet from a paved surface.

Signs may not extend across the property owner’s property line. Portal signs shall maintain adequate clearance below the lowest hanging portion of the sign as required by the Gallatin Canyon Consolidated Rural Fire District.

VIII. DESIGN STANDARDS FOR SPECIFIC SIGN TYPES

The following sign types are permitted in the Town Center and shall be designed according to the following standards and guidelines. For land use specific requirements, as it pertains to commercial and residential areas, reference Section IX for more information.

A. Freestanding Signs

Freestanding signs are permitted in both neighborhood commercial and residential zoning categories. Signs should be oriented perpendicular to the direction of travel so that drivers may have a clear view of the signs. In neighborhood commercial areas only, freestanding signs shall be limited to 1 sign per building. Freestanding signs may not exceed 32 square

feet for each side, not including the base or supporting structure. For buildings with no other signage, a freestanding sign may be 42 square feet or less in area, not including the base or supporting structure. The sign areas of each side of the freestanding sign shall be applied toward the maximum area of signs permitted for a building.



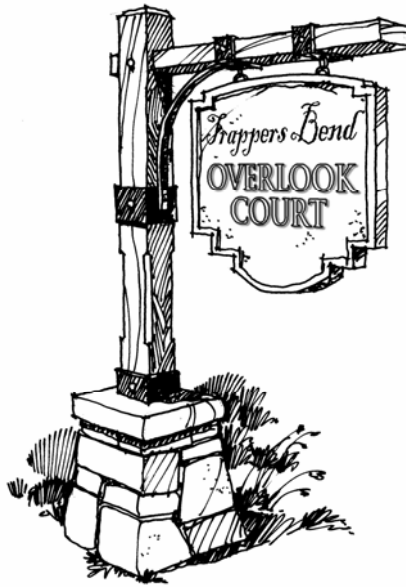
Example of a freestanding sign

In neighborhood commercial buildings with multiple tenants, the 1 freestanding sign may be partitioned to allow space for all tenants within the building, provided the message in each partition is legible. Freestanding signs can only identify the building, business, or project name. In commercial areas, up to 2 freestanding signs may be permitted if the lot has double frontage, is a corner lot, or has more than 400 feet of continuous frontage and more than one prominent pedestrian entrance to the building.

In residential districts, freestanding signs are permitted only as part of developments of 10 living units or more, as Planned Unit Developments, or as otherwise required by the Gallatin Canyon Consolidated Rural Fire District (GCCRFD). For residential land uses, a freestanding sign may be erected at each entrance to the development, with a maximum of 3 freestanding signs for the development.

The GCCRFD may require additional address or project identification sign(s) at an entrance to a development. These signs shall not exceed either 2 square feet in area on each side or the minimum size required by the Fire District, whichever is less in area. In addition, these signs shall be a maximum of 5 feet in height, as measured from the crown of the adjacent road or driveway, and shall maintain the minimum setbacks for freestanding signs (see Section VII.G).

Freestanding signs may have open or closed bases and shall not exceed 5 feet in height, except in neighborhood commercial areas, where they may be a maximum of 10 feet tall, as measured from the crown of the adjacent road. The design of the sign base, as well as the sign area itself shall compliment the architecture of the building(s) on the lot(s). The sign shall be constructed of materials similar to those used in the building(s) on the lot(s) and shall utilize native or natural materials and colors in their design. Signs supported by poles, , timbers, or other devices shall not exceed 50 percent of the signs overall height (i.e. the height of the open area beneath a sign cannot exceed 50 percent of the sign's total height).



Example of a freestanding sign

One type of freestanding sign is a monument style sign. Monument style signs are acceptable due to their low profile and style. These signs may be placed on berming in order to increase their visibility, however the total height of the monument sign and berming combined shall not exceed 5 feet, as measured from the crown of the adjacent road or driveway.



Example of a freestanding monument sign

All freestanding signs shall be setback at least 5 feet from the property line and shall not obscure driveway or intersection line-of-sight for vehicles or pedestrians. Signs shall not be placed in utility easements. Freestanding signs that are greater than 5 feet in height but less than 10 feet in height shall be setback at least 15 feet from the property line.

The exception to the above regulations is the freestanding main entry sign(s) (and any associated fencing) to the Town Center. This is the only sign which is permitted to exceed the size and setback regulations for freestanding signs. The intent of the Town Center main entry sign(s) (and any associated fencing) is to identify the presence and character of the Town Center within the community, and therefore the sign(s) are permitted to be significantly larger than those signs identifying individual businesses or building complexes. The Town Center entry sign may be 22 feet high by 45 feet long. Its message will display "Big Sky Town Center" and will aid in locating the Town Center in the Big Sky community. The Master Developer will install the entrance signage (and any associated fencing) for the Town Center.



Example of the proposed main entry sign

B. Window Signs

Permanent window signs may be erected inside the first floor window for up to 20% of the window surface. In second story windows, window signs are limited to not more than 2 rows of lettering identifying the business with characters, not exceeding 6 inches in height. Window signs or lettering erected in second story windows shall not exceed 10% of the window surface area. Window signs are prohibited on the third story. All window signs shall be mounted or hung on the inside surface of the window.

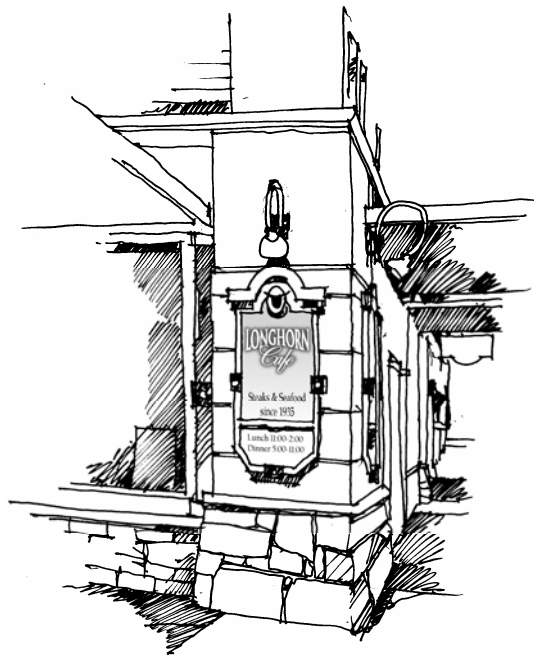
C. Wall Signs

Wall signs shall not protrude more than 6 inches from the building face. The area of the wall sign shall be a maximum of 32 square feet. Wall signs shall not project above the top of a wall or parapet. Wall signs may be hung, affixed, or painted onto a building. Wall signs shall not obscure the building's architectural features and rather should compliment them and be appropriate for the building or business character.

Lighting for wall signs shall be placed above the sign and shall be designed and installed according to the lighting requirements of these regulations.



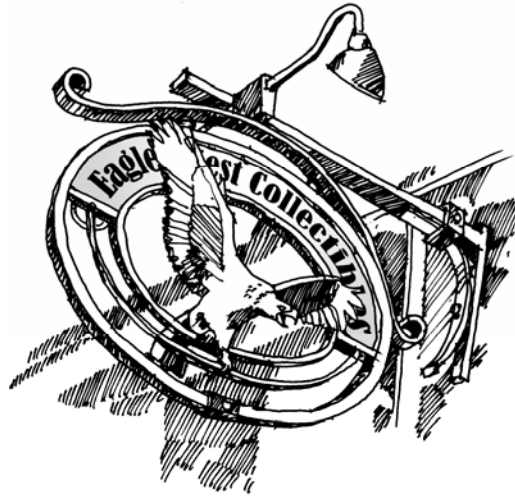
Example of a wall sign and adjacent awnings



Example of a wall sign

D. Projecting Signs

Projecting signs are permitted for all commercial land uses and shall be designed so that the sign projects at least 4 inches from the wall but not more than 3 feet from the wall. Projecting signs shall provide at least 8 feet of minimum vertical clearance. Projecting signs are often used in conjunction with hanging signs. The area of the projecting sign shall be a maximum of 8 square feet.

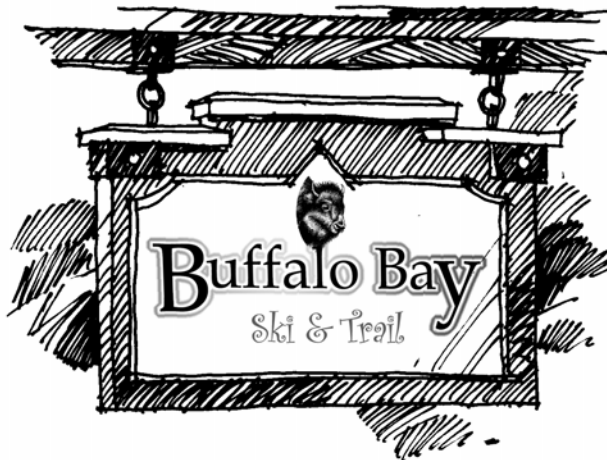


Example of a projecting sign

E. Hanging Signs

Hanging signs shall be suspended from the underside of a building canopy, awning or other building element. The area of the hanging sign shall be a maximum of 8 square feet.

Hanging signs shall have at least 8 feet of vertical clearance beneath them, except where placed over a landscaped bed and at least 3 feet from a paved surface, when it may have 7 feet of vertical clearance.



Example of an overhead hanging sign

F. Awning Sign

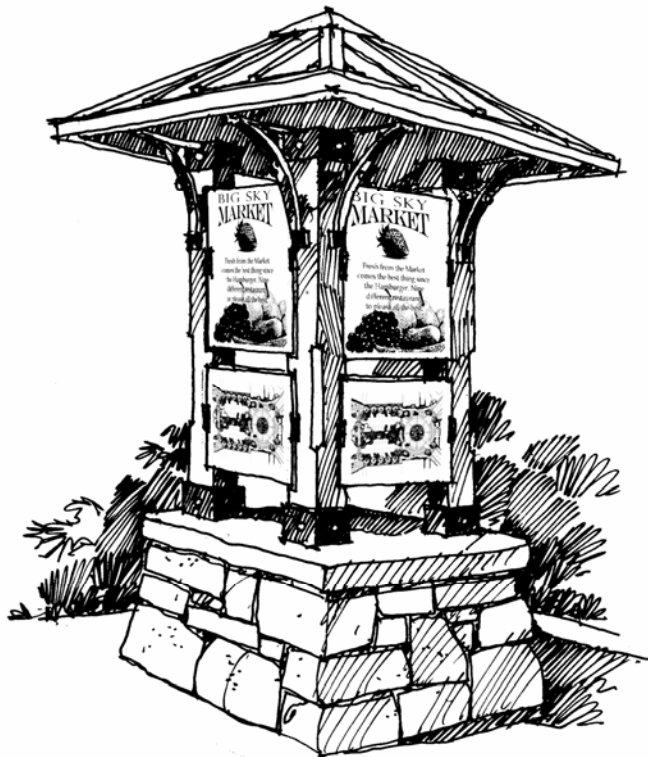
The square footage of lettering (measured from top to bottom and left to right) of the awning lettering shall be 20% or less than the surface area of the canopy or awning on which it is applied. One awning sign may serve multiple businesses located in the building. Awnings and awning signs shall have at least 8 feet of vertical clearance beneath them, except where placed over a landscaped bed and at least 3 feet from a paved surface, when it may have 7 feet of vertical clearance.

G. Neon Signs

Neon signs are permitted only in windows and shall be affixed or hung from the interior glazing of the window. Animated neon signs are prohibited. Up to 3 neon signs may be placed on the first floor businesses in commercial areas and each sign may not exceed 2 square feet in area.

H. Directory Signs

A maximum of 32 square feet of directory signage is permitted, per building, in order to provide information for commercial or residential projects. Directory signs shall provide information regarding location of streets, buildings, or other amenities as they relate to a residential or commercial subdivision or project. Directory signs shall not exceed 10 feet in height. Kiosks are considered directory signs.



Example of a kiosk-style directory sign

I. Directional Signs

Directional signs shall be limited to messages that provide information or direction about a recognized area of regional importance or interest. These signs shall not exceed 12 square feet in area.

J. Portal Signs

Portal signs are permitted for residential or lodging projects only. These signs may be placed over the entrance road to a residential development or lodging project and shall contain a sign area not to exceed 30 square feet. These signs shall be designed and engineered to withstand environmental factors as well as impacts from vehicles, and shall be constructed of durable materials. Portal signs shall be setback from the property line at least 15 feet. Portal signs shall maintain adequate clearance below the lowest hanging portion of the sign as required by the Gallatin Canyon Consolidated Rural Fire District. Portal signs will be evaluated by the TCOA on a case-by-case basis and will be approved based on their design, structural integrity, and message content.



Example of a portal sign

K. Changeable Copy Signs

Changeable copy signs may only be used in conjunction with theaters, gas stations, restaurants, or food and beverage businesses for the listing of movies, performances, prices, or daily events and specials. Changeable copy signs for restaurants or food and beverage businesses may only be in the form of sandwich board signs (see additional regulations below). Changeable copy signs for theaters and gas stations shall have a maximum of 32 square feet of sign area on each side of the sign.

L. Sandwich Board Signs

Sandwich board signs are permitted in the Commercial Core land-use designation area of the Town Center Commercial District only, and shall be placed immediately adjacent to the front of the building (i.e. not the parking lot side) or business for which it is permitted. Sandwich board signs are permitted to be displayed during the hours of the business only,

and shall be removed from the sidewalk immediately upon the close of business. Sandwich board sign permits are issued for first floor commercial retail or food and beverage uses only, at a maximum rate of 1 per building entrance at the front of the building. Illumination of sandwich board signs is prohibited. Changeable copy sandwich board signs are permitted for restaurants or food and beverage businesses only. Sandwich board signs shall not exceed 3 feet in height and 2 feet in width, and shall not exceed 5 square feet in area on each side.



Example of a sandwich board sign

IX. DESIGN STANDARDS FOR SPECIFIC LAND USES

The following design standards and guidelines apply to all signs in the corresponding land use. These include, but are not limited to the following sign types: freestanding, window, wall, hanging, projecting, awning, neon, banner, portal, directory, directional, changeable copy, and sandwich board signs.

A. Commercial Core and Neighborhood Commercial

Buildings within the Commercial Core and Neighborhood Commercial area shall not exceed 2 square feet of signage per linear foot of building frontage on the adjacent street, road tract, right-of-way, or common or public open space area. For example, a building with a 60-foot by 100-foot footprint with the 100-foot building façade facing the street, would have 100 lineal feet of frontage and therefore a 200 square foot sign allowance. For those double frontage or corner lots, the maximum sign area allowance shall be computed by taking the greater of: (a) 1.5 square feet of signage per linear foot of building frontage on all adjacent streets, road tracts, right-of-ways, or common or public open space areas; or (b) 2 square feet of signage per linear foot of building frontage on one adjacent street, road tract, right-of-way, or common or public open space area. The building owner(s) shall divide the total square footage of signs among the businesses in the building, at their discretion. The total allowable square footage of signs may be divided among the sign types permitted for use in the Commercial Core and Neighborhood Commercial areas, subject to the additional maximum size requirements for each sign type. At least 70% of the allowable sign area, excluding the area of freestanding signs, shall be applied to the portion of the building fronting the adjacent street, road tract, right-of-way, or common or public open space area. The remaining signage may be distributed among other building sides or faces at the discretion of the applicant or building owner(s).

1. Freestanding, directory, and directional signs, as defined in this document, are prohibited in the rear and side yards of Core Commercial lots. Directory and directional signs are, however, permitted in the front yard only on those Core Commercial lots or buildings fronting the plaza, or common or public open space

area so long as no sign or support structure base dimension exceeds 4 feet in width or length, and does not inhibit pedestrian circulation. These directory and directional signs are limited to 1 per building, with the exception of those buildings having more than 80 linear feet of continuous building façade fronting the adjacent street, road tract, right-of-way, or common or public open space area. In these cases, a maximum of 1 directory or directional sign is permitted per 80 linear feet of continuous building façade. When one directory sign represents multiple businesses, building owners and/or tenants shall agree on sign design, placement, and content before applying for a sign permit.

2. Only 1 projecting sign is permitted for each business in a building.

B. Single-Family and Multi-family Residential

1. Freestanding signs are permitted and are intended to introduce the residential development. Freestanding signs shall be designed according to Section VIII of this regulation.
2. Portal signs are intended to serve as a gateway into a residential development. Only 1 portal sign is permitted per single-family or multi-family development. These signs shall only be permitted at the main entry road or drive into a single-family or multi-family development.
3. Building identification signs, or address signs, shall be affixed to all residential living units. These identification signs shall be displayed permanently in a visible location on the building frontage that faces the main street or drive and may measure 2 square feet or less in area. An additional “name plate” or residence identification sign (i.e. last name, estate name) measuring 4 square feet in area may be affixed to a building in a single-family or multi-family development.

X. MAINTENANCE OF SIGNS

All signs and associated lighting within the Town Center shall be maintained to reflect their original quality and construction. The TCOA will routinely inspect lots and buildings for appropriate maintenance of signs and will inform the property owner in writing if the signs are nonconforming. Regular maintenance does not require a permit.

XI. MASTER SIGNAGE PLAN AMENDMENT PROCESS

Minor modifications to the Master Signage Plan such as administrative improvements to the text, clarification of the text, graphics, document format, or fee schedule may be modified following application review and approval by the Zoning Enforcement Agent in accordance with forms provided by the Gallatin County Planning Office.

Major modifications to the Master Signage Plan such as total sign area allowances, setbacks, locations of signs, sign area, and sign height shall be modified with the application for a Conditional Use Permit, in accordance with forms provided by the Gallatin County Planning Office.

XII. VIOLATION AND ENFORCEMENT

The project developer is in violation of the Master Signage Plan if a sign is:

- A. Installed or constructed without a sign permit.
- B. Installed inconsistent with an approved plan or sign permit issued by TCOA.
- C. Found to be in violation of this document and does not correct the problem within the time period specified by the TCOA.

If, upon inspection, the TCOA finds violations of the Master Signage Plan, the TCOA will inform the project developer/property owner of the violation, in writing. This written warning shall be considered a first offense and if not corrected at this stage, will necessitate the institution of the next level of enforcement. The project developer or property owner shall change the sign or correct the violation within 10 days of receiving the violation notice.

If the TCOA inspects a lot or building and finds that the problem has not been corrected, a monetary fine will accompany subsequent offenses. Fines will be imposed according to the following: second offense with a \$100 fine; third offense with a \$200 fine; fourth offense with a \$400 fine; and all subsequent offenses shall be twice the preceding fine.

XIII. CONTACT INFORMATION

Master Developer: Simkins Holdings, LLC
326 North Broadway
Bozeman, Montana 59715
(406) 586-5495

Town Center Owners Association
& Town Center Architectural Committee: 326 North Broadway
Bozeman, MT 59715
(406) 586-5495

Utility and Service Companies: Montana Utility Underground Location Center (One-Call)
(800) 424-5555

Big Sky Water and Sewer District
P.O. Box 160670, Big Sky, MT 59716, (406) 995-2660

Northwestern Energy
(888) 467-2669

Government Agencies: Gallatin County Planning Department
311 West Main, Room 208, Bozeman, MT 59715
(406) 582-3130
www.co.gallatin.mt.us

Montana Department of Transportation
P.O. Box 201001, Helena, MT 59620, (406) 444-6200
www.mdt.state.mt.us

Emergency Services: Gallatin Canyon Consolidated Rural Fire District
P.O. Box 160382, Big Sky, MT 59716, (406) 995-2100

TC SP# _____



SIGN PERMIT APPLICATION

The undersigned makes application for permission to erect, construct, alter or move the following sign(s). One application may be submitted for all signs, for a lot, building, or business, provided that each sign to be permitted is described and illustrated on this application.

The applicant should reference the Master Signage Plan and all other relative documents pertaining to development within the Big Sky Town Center prior to designing the sign and making application for a sign permit. The Town Center Owners Association is available for advice and direction concerning signs and other related development information by calling (406) 586-9629.

1. Applicant: _____

2. Applicant Address: _____

3. Applicant Contact: Daytime Phone _____ Fax _____

4. Property Owner: _____

5. Property Owner Address: _____

6. Property Owner Contact: Daytime Phone _____ Fax _____

7. Business Name: _____

8. Business Address: _____

9. Legal Description: _____

Lot _____ Block _____

10. Zoning Designation (check one): ☐ Town Center Commercial
☐ Town Center Residential

11. Type of sign to be permitted (check one): ☐ Permanent Sign
☐ Temporary Sign
☐ Sandwich Board Sign
☐ Master Sign Plan – Commercial Building
☐ Master Sign Plan – with a PUD

12. Number and Type of Sign(s): _____

TC SP#_____

13. Parcel/lot Size: _____SF Lot Dimensions: _____Building Area: _____SF

Total bldg frontage on public road: _____ft. Business/tenant area: _____SF

Business/tenant area as % of total bldg : _____% Sign area as % of total allowable signage : _____%

14. Variance from Master Signage Plan Yes ☐ Type 1 ☐ Type 2 ☐ No ☐

Why variance requested? _____

15. In addition to the above information, this application shall be submitted with the following items. All plan drawings shall be a minimum of 8.5" x 11" and shall be a maximum size of 11"x 17".

YES NO N/A

☐ ☐ ☐ Sign Permit Application Fee of \$100.00 for permanent and temporary signs and \$300.00 for Master Signage Plan (for a Commercial building, or with a PUD), both payable to the Town Centers Owners Association

☐ ☐ ☐ One (1) complete set of plans, drawings, photographs, and other materials listed below

☐ ☐ ☐ Scaled site plan illustrating location of building(s) on the lot, parking lots, driveways and sign locations, property lines, and setbacks and easements

☐ ☐ ☐ Photographs or illustrations of existing or proposed building(s) and signs

☐ ☐ ☐ Scaled building elevations (if building mounted signs are proposed), including height of building, entrances and doors, location of windows, architectural treatments, and proposed sign location(s)

☐ ☐ ☐ Scaled, detailed drawings of the proposed sign(s) clearly illustrating design, color, dimensions, supporting structures and fixtures, illumination devices, sign area, letter height and thickness, letter style, logo, and dimensions

☐ ☐ ☐ A visual color and materials palate, rendering, or physical samples of materials

☐ ☐ ☐ Landscape plan if the sign is located in a planting bed, retaining wall area or other landscaped area where in conjunction with plant or landscape materials

16. Applicant Signature

The undersigned hereby agrees that the proposed work shall be done in accordance with the plans and specifications and statements herewith submitted and in conformity with the Master Signage Plan.

Applicant's Signature _____ Date _____

For Office Use Only:

Application Received By: _____	Date: _____
Date Application Reviewed: _____	
Sign Permit Approved: _____ Denied _____	With Variance: YES NO
Inspection By: _____	Date: _____

NOTES



DLUP # TC-_____

Design and Land Use Permit Application - Phase A -

BIG SKY TOWN CENTER TOWN CENTER OWNERS ASSOCIATION

The Town Center Owners Association is available for advice and direction concerning this permit and other development information by calling (406) 586-9629.

1. Applicant: _____
2. Mailing Address: _____
3. Applicant Contact: Daytime Phone: _____ Fax: _____
4. Property Owner: _____
5. Property Owner Address: _____
6. Property Owner Contact: Daytime Phone: _____ Fax: _____
7. Property Location: Lot _____ Block _____
8. Zoning Designation (check one):
☐ Town Center Commercial (TCC)
☐ Town Center Residential (TCR)
9. Proposed Use or Development is:
☐ Permitted ☐ Conditional Use under Section _____ of the Zoning Regulation
☐ Permitted ☐ Conditional Use under Section _____ of the Big Sky Town Center Declaration of Covenants, Conditions, and Restrictions.
10. ☐ A Town Center CUP is required and the application is attached.
☐ A Town Center Variance is required and the application is attached.
11. Type of proposed Use or Development:
☐ Residential Single-Family
☐ Residential Multi-Family
☐ Residential – Second story or above in Commercial District
☐ Neighborhood Commercial
☐ Commercial Core
☐ Modification to exterior of existing building
☐ PUD
☐ Other: _____

12. If Residential Single-Family, the proposed use or modification includes:
- ☐ Primary Dwelling Unit
 - ☐ Guest House
 - ☐ Accessory Structures
13. If Residential Multi-Family, the proposed use or modification includes:
- # _____ Dwelling units in # of _____ Buildings
- _____ acres of Open Space
- _____ Other amenity: _____
14. If Commercial Use, describe proposed development and building size: _____
- _____
15. If Commercial Use, the proposed use or modification includes:
- ☐ Crawl space only: _____ sf
 - ☐ Basement space without windows to be used only for storage: _____ sf
 - ☐ Occupied basement space: _____ sf
16. Number of parking spaces required by the Zoning Regulation, the Design Standards and Guidelines, and/or the Town Center Commercial Parking District for the proposed use(s): _____
- Number of parking spaces provided for the proposed use(s)(including garage spaces): _____
17. If PUD, attached completed application for Gallatin County PUD permit.
18. South Fork edge and Town Center Bluff lots: Proposed use or development falls / does not fall under the requirements of Hillside and Ridgeline Development (Zoning Regulation, Section 33).
19. Attach two full-size (minimum scale 1" = 20') and three 11"x17" copies of the following information on separate sheets or reports:
- A. Site survey, including survey and location of adjoining driveway accesses
 - B. Preliminary Geotechnical site analysis report containing slope and soil analysis
 - C. Contact list
 - D. Preliminary Site Plan showing the following:
 - 1. Property lines and easements, with dimensions and areas
 - 2. Topographic information
 - 3. Existing vegetation, wildlife habitat, watercourses, wetlands, soil types and floodplains
 - 4. Existing land uses
 - 5. Location and dimensions of existing and proposed structures, utilities, trails and improvements
 - 6. Land use designations
 - 7. Amount and location of open space
 - 8. Amount, location, purpose and use of common space
 - 9. Proposed treatment of perimeter boundary of the development
 - E. Preliminary Design Plan establishing the form, structure, and character of the proposed commercial development. The Design Plan shall provide for safe and comfortable movement of pedestrians, efficiency for on- and off-street parking, and definition and quality of public space (including both sidewalk areas and other public space). The following information shall be contained in the Design Plan:

1. Development Plan view indicating the location, Building Type, and size of all existing and proposed structures on the site, access, parking (both on-street and off-street), general pedestrian and vehicular circulation system, including roads and multi-use pathways, and other improvements.
2. Location and type of existing structures and driveway accesses, sidewalks, etc. on adjacent property
3. Illustrative drawings showing typical grade conditions (both natural grade and finished grade) and relationships of grades to buildings, streets, parking lots and pedestrian circulation.
4. Illustrative drawings showing prototypical architectural sections and elevations for the purpose of establishing the general form and character of each Building Type.
5. A general statement describing the selection of appropriate building materials and colors, including a list of proposed building materials and colors.
6. A generalized roof plan (superimposed on the Design Plan base) showing the direction of snow slide from roofs, drip lines and gutters/downspouts, and surface water run-off and collection and/or flow direction.
7. A general statement describing exterior lighting and fixture selections, and the general locations of such fixtures.
8. Illustrative drawings showing generalized locations and preliminary design of storage enclosures for dumpsters and trash storage.
9. Preliminary drawing showing proposed connections to water, sewer, and stormdrain lines (if any)

F. Conditional Use Permit, if needed

G. Variance request, if needed

H. Applicable Fee of \$_____ (see Tab #2 in the Developer's Reference Manual)

Note: While not required in a Phase A application, a traffic study will be required for a Phase B Design and Land Use Permit if the proposed development will generate 500 or more vehicle trips per day.

20. Agreement: The undersigned agrees that the Proposed Use or Development, and all work associated with it, shall be in strict conformity with the Zoning Regulation, the Big Sky Town Center Declaration of Covenants, Conditions, and Restrictions, the Big Sky Town Center Design Standards and Guidelines, all applicable analyses, studies, surveys, plans, and specifications submitted herewith, and all applicable governmental or Big Sky Town Center permits or approvals that have been issued or are required in connection with the Proposed Use or Development.

*Special Note: As you begin to prepare the County Land Use Permit application, please be aware that the County Planning Department requires you to submit the Big Sky Water and Sewer District Connection Permit approval letter along with the County Land Use Permit (See Tab # 10 in the Development Reference Manual for a copy of the Connection Permit application). **You should apply for the Big Sky Water and Sewer District Connection Permit early as it can take up to 6 weeks to secure (especially if the total SFE's for the project exceed 25 SFE's, which then requires the approval of the Board of Directors).** Additionally, the County Land Use permit also requires the submittal of a letter from the Big Sky Fire Department stating that water service to the proposed development is functional. Check with the County Planning Department for more details.*

21. Applicant's Signature _____ Date _____

For Office Use Only:

DLUP # TC- _____	Date: _____	Application Received By: _____
Date Application Reviewed: _____		
Permit Approved: _____	Denied _____	With Variance: YES NO
Inspection By: _____	Date: _____	

**TOWN CENTER OWNERS ASSOCIATION
CONTACT LIST**

Date: _____

Property: Subdivision: _____ Block & Lot No: _____

PRIMARY CONTACT: _____

Address: _____

Phone: _____ Cell: _____ Fax: _____

E-Mail: _____

Property Owner: _____

Address: _____

Phone: _____ Cell: _____ Fax: _____

Applicant: _____

Address: _____

Phone: _____ Cell: _____ Fax: _____

E-Mail: _____

Architect: _____

Address: _____

Phone: _____ Cell: _____ Fax: _____

E-Mail: _____

Builder: _____

Address: _____

Phone: _____ Cell: _____ Fax: _____

E-Mail: _____

Structural Engineer: _____

Address: _____

Phone: _____ Cell: _____ Fax: _____

E-Mail: _____

Geotechnical Engineer: _____

Address: _____

Phone: _____ Cell: _____ Fax: _____

E-Mail: _____

Surveyor: _____

Address: _____

Phone: _____ Cell: _____ Fax: _____

E-Mail: _____

Proposed development/improvement (circle one):

Neighborhood Commercial · Single-Family Residential · Multi-Family Residential · Commercial Core

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1/2016

DLUP # TC-_____

Design and Land Use Permit Application - Phase B -

BIG SKY TOWN CENTER TOWN CENTER OWNERS ASSOCIATION

The Town Center Owners Association is available for advice and direction concerning this permit and other development information by calling 406-586-9629.

1. Applicant: _____
2. Property Location: Lot ____ Block ____ Address: _____
3. A Conditional Use Permit was / was not required by the Town Center Owners Association / Gallatin County / both. If required, attached approved permits.
4. A Variance Permit was / was not required by the Town Center Owners Association / Gallatin County / both. If required, attached approved permits.
5. Maximum slope of driveway _____
Narrowest width of driveway(s) _____
6. Number of parking spaces required by the Zoning Regulation, the Design Standards and Guidelines, and/or the Town Center Commercial Parking District for the proposed use(s): _____
Number of parking spaces provided for the proposed use(s)(including garage spaces): _____
7. Percentage of building coverage on the lot: _____
Percentage of drives/walks/parking lot coverage on the lot: _____
Percentage of open space/landscaping coverage on the lot: _____
Total building area: _____
8. Source of heat energy (electrical, propane, other)
If propane, tank location(s) must be shown on the site plan.
9. Maximum Building Height: _____
10. Minimum depth of foundation walls and footings below finished grade: _____
11. If Commercial Use, the proposed use or modification includes:
 - ☐ Crawl space only: _____ sf
 - ☐ Basement space without windows to be used only for storage: _____ sf
 - ☐ Occupied basement space: _____ sf

12. Attach one full-size (minimum scale 1" = 20') and one 11" x 17" copy of the following information on separate sheets or reports, plus an email with these files to ryan@bigskytowncenter.com:
- A. Complete County Land Use application form (attachments are required, including BSWSD Connection Permit approval and approval letter from the Fire Dept.)
 - B. Color 3-D rendering of the front of the building
 - C. Exterior Materials (color) Board: Samples of proposed building materials and color schemes for exterior surfaces. Actual samples for shingles, window and door types and colors; wood paint or stain colors; and wood species are required. A stone mock-up sample must be provided, using the actual stone and application style to be used. * THIS DESIGN AND LAND USE PERMIT WILL NOT BE APPROVED BY THE TCOA WITHOUT THE EXTERIOR MATERIALS AND COLORS BOARD. ANY CHANGES TO THE EXTERIOR MATERIALS OR COLORS MUST BE APPROVED BY THE TCOA PRIOR TO ORDERING WINDOWS, STAINING SIDING, ETC. *
 - D. Erosion control plan for site during construction, including revegetation plan (if required by MTDEQ)
 - E. Detailed Site Plan showing the following:
 - 1. Property lines and easements, with dimensions and areas
 - 2. Location of proposed access to subject property relative to existing or proposed access(es) on adjacent property (align accesses/driveways to adjoining property accesses and/or roads, whenever possible)
 - 3. Existing and proposed topographic information
 - 4. Existing vegetation, wildlife habitat, watercourses, wetlands, soil types and floodplains
 - 5. Existing land uses
 - 6. Location and dimensions of existing and proposed structures, utilities, trails and improvements
 - 7. Land use designations
 - 8. Amount and location of open space
 - 9. Amount, location, purpose and use of common space
 - 10. Proposed treatment of perimeter boundary of the development
 - F. Detailed Design Plan establishing the form, structure, and character of the proposed commercial development. The Design Plan shall provide for safe and comfortable movement of pedestrians, efficiency in on- and off-street parking, and definition and quality of public space (including both sidewalk areas and other public space). The following information shall be contained in the Design Plan:
 - 1. Development Plan view indicating the location, Building Type, and size of all existing and proposed structures on the site, access, parking (both on-street and off-street), general pedestrian and vehicular circulation system, including roads and multi-use pathways, and other improvements.
 - 2. Location and type of existing structures on adjacent property.
 - 3. Drawings showing grade and drainage conditions (both natural grade and finished grade) and relationships of grades to buildings, streets, parking lots and pedestrian circulation.
 - 4. A detailed roof plan (superimposed on the Design Plan base) showing the direction of snow slide from roofs, drip lines and gutters/downspouts and surface water run-off and collection.
 - 5. Outdoor lighting plan including cut sheets, cut-off and lighting specifications, and light locations for building, street, parking and site lighting, and lighting levels (show enough information to prove compliance with lighting standards in DS&G).
 - 6. Drawings showing locations and design of storage enclosures for dumpsters and trash storage.

- G. Detailed floor plans for all proposed buildings, including Certification by Architect(s) and Engineer(s) (tenant or condo area calculations shall be labeled)
- H. For projects with residential use adjacent to commercial use, provide a statement of acoustical privacy from an acoustical engineer.
- I. Detailed elevation plans for all proposed buildings, including any rooftop mechanical and screening.
- J. Detailed drawing showing proposed connections to water, sewer, & stormdrain lines (if any)
- K. Detailed landscape plan, including plant schedule, irrigation plan, etc.
- L. Detailed engineered fire sprinkler layout plan for all commercial projects, and for residential projects (as applicable)
- M. Tree protection plan
- N. View impact statement addressing impact of proposed building on nearby properties
- O. Draft sign plan and/or drawing of address sign(s)
- P. Final Geotechnical site analysis report containing slope and soil analysis
- Q. A traffic study, if the proposed development will generate >500 vehicle trips per day.

13. The Declaration of Condominium (if applicable) shall be provided to the TCOA as soon as it is recorded with the County Clerk and Recorder.

14. If building must comply with Section 33.7 of the Zoning Regulation, also attach:

- a. Construction / site disturbance plan
- b. Geotechnical Analysis for South Fork edge and Town Center Bluff lots

15. If building must comply with Section 32.8 of the Zoning Regulation, also attach:

- a. Models, photo overlays, and sketches as required by the Zoning Regulation

16. If required by the TCOA: Signed Performance Agreement and Bond (See Section II of the Design Standards and Guidelines, the fee schedule, and the Performance Agreement and Bond form)

17. Applicable Fee of \$_____ (see fee schedule in Development Reference Manual)

18. Agreement: The undersigned agrees that the Proposed Use or Development, and all work associated with it, shall be in strict conformity with the Zoning Regulation; the Big Sky Town Center Declaration of Covenants, Conditions, and Restrictions; the Big Sky Town Center Design Standards and Guidelines; all applicable analyses, studies, surveys, plans, and specifications submitted herewith, and all applicable governmental or Big Sky Town Center permits or approvals that have been issued or are required in connection with the Proposed Use or Development.

*Special Note: As you begin to prepare the County Land Use Permit application, please be aware that the County Planning Department requires you to submit the Big Sky Water and Sewer District Connection Permit approval letter along with the County Land Use Permit (See Tab #7 in the Developer's Reference Manual for a copy of the Connection Permit application). **You should apply for the Big Sky Water and Sewer District Connection Permit early as it can take up to 6 weeks to secure (especially if the total SFE's for the project exceed 25 SFE's, which then requires the approval of the Board of Directors).** Additionally, the County Land Use permit also requires the submittal of a letter from the Big Sky Fire Department stating that water service to the proposed development is functional. Check with the County Planning Department for more details.*

18. Applicant's Signature _____ Date _____

For Office Use Only:

DLUP # TC- _____	Date: _____	Application Received By: _____
Date Application Reviewed: _____		
Permit Approved: _____	Denied _____	With Variance: YES NO
Inspection By: _____		Date: _____

Performance Deposit
BIG SKY TOWN CENTER
TOWN CENTER OWNERS ASSOCIATION, INC.

This Agreement, made and entered into this _____ day of _____ by and between _____, herein referred to as Property Owner, and the Town Center Owners Association, Inc. (TCOA) a Montana Non-Profit corporation with the address of 326 North Broadway, Bozeman, MT, 59715.

- (1) Property Owner intends to build a building, together with landscaping located at _____ (Lot & Block, address), Big Sky, Montana, in accordance with the drawings and specifications prepared by _____ (licensed architect), and which building, landscaping, plan and specifications have been reviewed and approved by the TCOA on _____ (date).
- (2) Based upon the review of the foregoing, the parties mutually agree that as security for the performance of the building and landscaping referred to herein, the sum of \$_____ in the form of _____ (cash deposit, certificate of deposit, letter of credit or other) shall be made to the TCOA at _____ (name of financial institution). Please contact the TCOA for specifics on executing either type of deposit.
- (3) The parties agree that the building and landscaping referred to herein shall be completed no later than _____ (date). In the event that this project is not substantially completed in such time, in accordance with the approved plans and specifications; the Big Sky Town Center Declaration of Covenants, Conditions, and Restrictions; the Big Sky Town Center Design Standards and Guidelines; and any other Applicable Regulations; and absent any written extensions of time granted by the Town Center Owners Association, the parties agree that the deposit mentioned in Number (2) above shall be forfeited to the TCOA. If the required permits have expired, the TCOA may elect to demolish the improvements and/or restore the site so as not to be unsightly to surrounding properties. It is further understood that the deposit mentioned above may be withdrawn on the sole signature of the appropriate Board member or representative of the TCOA but may not be withdrawn on the sole signature of the Property Owner.
- (4) The condition of this obligation is such that if the Property Owner shall promptly and faithfully complete the construction of the building and install the landscaping in accordance with the approved final plans, specifications, and permits; the Big Sky Town Center Declaration of Covenants, Conditions, and Restrictions; the Big Sky Town Center Design Standards and Guidelines; and any other Applicable Regulations, then this obligation shall be deemed satisfied.
- (5) The TCOA shall return the Performance Deposit to the Property Owner, including principal and interest, within thirty (30) days after the Property Owner receives Certificate of Occupancy approval from Gallatin County and a TCOA Occupancy Permit.
- (6) No right of action shall accrue under this Performance Deposit to or for the use of any person or a corporation other than the TCOA, its successors or assigns.

In WITNESS WHEREOF, the parties have executed this Performance Deposit the day and year first above written.

For the Town Center Owners Association, Inc.

Property Owner

Date

Date

**TOWN CENTER OWNERS ASSOCIATION
CONTACT LIST**

Date: _____

Property: Subdivision: _____ Block & Lot No: _____

PRIMARY CONTACT: _____

Address: _____

Phone: _____ Cell: _____ Fax: _____

E-Mail: _____

Property Owner: _____

Address: _____

Phone: _____ Cell: _____ Fax: _____

Applicant: _____

Address: _____

Phone: _____ Cell: _____ Fax: _____

E-Mail: _____

Architect: _____

Address: _____

Phone: _____ Cell: _____ Fax: _____

E-Mail: _____

Builder: _____

Address: _____

Phone: _____ Cell: _____ Fax: _____

E-Mail: _____

**Structural
Engineer:** _____

Address: _____

Phone: _____ Cell: _____ Fax: _____

E-Mail: _____

Geotechnical Engineer: _____

Address: _____

Phone: _____ Cell: _____ Fax: _____

E-Mail: _____

Surveyor: _____

Address: _____

Phone: _____ Cell: _____ Fax: _____

E-Mail: _____

Proposed development/improvement (circle one):

Neighborhood Commercial · Single-Family Residential · Multi-Family Residential · Commercial Core

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TC BA-# _____

2/10

Application for - Tenant and Business Approval -

BIG SKY TOWN CENTER TOWN CENTER OWNERS ASSOCIATION

The Town Center Owners Association (TCOA) is responsible for reviewing and approving all proposed commercial tenants and businesses in the Town Center. The TCOA will study the proposed business and location prior to granting approval. The purpose of this tenant and business approval is to ensure that the mix of businesses in the Town Center Commercial District adequately meets the needs of the residents of, and visitors to Big Sky. *For building or commercial unit owners with potential tenants, we strongly recommend getting approval from the TCOA prior to signing a buy/sell or lease agreement.* The TCOA is available for advice and direction concerning this permit and other development information by calling (406) 586-9629.

***** ALL POTENTIAL TENANTS IN THE TOWN CENTER *****
***** MUST RECEIVE APPROVAL AS EARLY AS POSSIBLE *****

1. Building Owner: _____

Property Address/Phone: _____

Property or site location: Lot _____ Block _____ Other: _____
2. Business Name: _____

Business Owner: _____

Property Address/Phone: _____

Property or site location: Lot _____ Block _____ Other: _____

Location of Business: Floor (circle one): Basement 1 2 3 4 Unit Size: _____ sf

Other tenants and/or uses in building include: _____

3. Type of Business (describe below): _____

4. Applicant's Signature _____ Date _____

For Office Use Only:

OP # BA- _____	Date: _____	Application Received By: _____
Date Application Reviewed: _____		
Permit Approved: _____	Denied _____	Date: _____
Inspection By: _____		

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Application for - Conditional Use Permit -

BIG SKY TOWN CENTER
TOWN CENTER OWNERS ASSOCIATION

The Town Center Owners Association is available for advice and direction concerning this permit and other development information by calling (406) 586-9629.

- 1.** **Applicant:** _____
 Address: _____
Phone:_____ **Fax:** _____
Property or site location: Lot _____ **Block** _____ **Other:** _____
- 2.** **Zoning Designation (check one):** ☐ Town Center Commercial (TCC)
 ☐ Town Center Residential (TCR)
- 3.** **Proposed Conditional Use, Development, or Structure:** _____

- 4.** Attached is a completed Gallatin County Application for Conditional Use Permit form, with accompanying map, list of adjoining property owners and their addresses, Certification of Adjoining Property Owners and mailing labels for each adjoining property owner. These materials, together with the supplemental information provided herein, constitute the undersigned’s Application for a Big Sky Town Center Conditional Use Permit.
- 5.** **Proposed Conditional Use, Development, or Structure.**

The proposed Conditional Use, Development, or Structure sought to be permitted is (check and complete those applicable):
- A. Gallatin Canyon/Big Sky Zoning Regulation.
 ☐ (a) A conditional use under Section _____ of the Regulation.
- B. Big Sky Town Center Declaration of Covenants, Conditions, and Restrictions (Declaration)
 ☐ (a) A conditional use under Section _____ of the Declaration
- 6.** **Permits and Approvals**
- A. Gallatin County Conditional Use Permit
 ☐ (a) A Gallatin County Conditional Use Permit is required, a copy of the Application is attached
 ☐ (b) A Gallatin County Conditional Use Permit is required, a copy of the issued permit is attached

B. Gallatin County Variance Permit

- ☐ (a) A Gallatin County Variance Permit is not required; or
- ☐ (b) A Gallatin County Variance Permit is required, a copy of the Application is attached; or
- ☐ (c) A Gallatin County Variance Permit is required, a copy of the issued permit is attached

C. Big Sky Town Center Variance Permit

- ☐ (a) A Big Sky Town Center Variance Permit is not required; or
- ☐ (b) A Big Sky Town Center Variance Permit is required, a copy of the Application is attached
- ☐ (c) A Big Sky Town Center Variance Permit is required, a copy of the issued permit is attached

7. Affect on Nearby Properties or Their Occupants

The proposed Conditional Use, Development, or Structure:

- ☐ (a) will have no adverse affect on nearby properties or their occupants; or
- ☐ (b) may or will have an adverse affect on nearby properties or their occupants because (state reason) _____

To Mitigate for the adverse affect, the Applicant proposes the following mitigating measures or conditions (describe) _____

8. Compliance With Regulatory Requirements

A. The Proposed Conditional Use, Development, or Structure

- ☐ (a) meets the density, coverage, yard, height, and all other requirements of the Gallatin Canyon/Big Sky Zoning Regulation, and the Big Sky Town Center Declaration of Covenants, Conditions, and Restrictions
- ☐ (b) does not meet the density, coverage, yard, height, and all other requirements of the Gallatin Canyon/Big Sky Zoning Regulation, and the Big Sky Town Center Declaration of Covenants, Conditions, and Restrictions. Because of this, a Variance Permit : ☐ (i) is required; or
☐ (ii) is not required

9. Town Center Commercial District Site Plan Requirements

A. The site plan required under Section 31.B.7 of the Gallatin Canyon/Big Sky Zoning Regulation for conditional use permit applications

- ☐ (a) is not applicable; or
☐ (b) is applicable, and the Site Plan is attached

The Site Plan:

- ☐ (a) is in conformity with the approved Town Center Planned Unit Development (PUD) master site plan map
☐ (b) is not in conformity with the approved Town Center Planned Unit Development (PUD) master site plan map, and all deviations are noted on the attached Site Plan.

10. Approvals

A. The Site Plan

- ☐ (a) has not been approved by the Gallatin County Planning Department and its current status is (specify – *e.g.*, not submitted, under review by Planning Staff, etc) _____; or
☐ (b) has been approved by the Gallatin County Planning Department, and a copy of the approval is attached.

11. Miscellaneous

A. Term

The requested term of the Conditional Use Permit is (specify time period) _____

12. Fee

The required Conditional Use Permit Fee in the amount of \$_____ accompanies this Application.

13. Agreement

The undersigned agrees that the Proposed Conditional Use, Development, or Structure, if permitted, shall be in strict conformity with the Gallatin Canyon/Big Sky Zoning Regulation; the Big Sky Town Center Declaration of Covenants, Conditions, and Restrictions; the Big Sky Town Center Design Standards and Guidelines; and all applicable Big Sky Town Center permits or approvals that have been issued or are required in connection with the Proposed Conditional Use, Development, or Structure.

14. Applicant's Signature _____ Date _____

For Office Use Only:

TC VAR#- _____	Date: _____	Application Received By: _____
Date Application Reviewed: _____		
Permit Approved: _____	Denied _____	Date: _____

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Application for - Variance Permit -

BIG SKY TOWN CENTER
TOWN CENTER OWNERS ASSOCIATION

The Town Center Owners Association is available for advice and direction concerning this permit and other development information by calling (406) 586-9629.

- 1.** **Applicant:** _____
- Address:** _____
- Phone:**_____ **Fax:** _____
- Property or site location: Lot** _____ **Block** _____ **Other:**_____
- 2.** **Zoning Designation (check one):** ☐ Town Center Commercial (TCC)
 ☐ Town Center Residential (TCR)
- 3.** **Proposed Use, Development, or Structure:** _____

- 4.** **Requested Variance** (reference specific section(s) of the Big Sky Town Center Declaration of Covenants, Conditions, and Restrictions and describe the Variance sought): _____

- 5.** **Proposed Use, Development, or Structure.**
- The proposed Use, Development, or Structure sought to be permitted as a Variance (check and complete those applicable):
- A. Gallatin Canyon/Big Sky Zoning Regulation.
- ☐ (a) A permitted use under Section _____ of the Regulation; or
- ☐ (b) A conditional use under Section _____ of the Regulation.
- B. Big Sky Town Center Declaration of Convenants, Conditions, and Restrictions (Declaration)
- ☐ (a) A permitted use under Section _____ of the Declaration; or
- ☐ (b) A conditional use under Section _____ of the Declaration

6. Permits and Approvals

A. Gallatin County Conditional Use Permit

- ☐ (a) A Gallatin County Conditional Use Permit is not required; or
- ☐ (b) A Gallatin County Conditional Use Permit is required, a copy of the Application is attached
- ☐ (c) A Gallatin County Conditional Use Permit is required, a copy of the issued permit is attached

B. Gallatin County Variance Permit

- ☐ (a) A Gallatin County Variance Permit is not required; or
- ☐ (b) A Gallatin County Variance Permit is required, a copy of the Application is attached
- ☐ (c) A Gallatin County Variance Permit is required, a copy of the issued permit is attached

7. General Criteria for Grant of a Variance

The general criteria for grant of a Variance set forth under Section II.C-5.0 of the Big Sky Town Center Design Standards and Guidelines are met for the following reasons:

- ☐ (a) The requested Variance is in the public interest because (state reason) _____

- ☐ (b) Literal enforcement of the Big Sky Town Center Declaration of Covenants, Conditions, and Restrictions will result in a particular, unnecessary hardship to the Applicant, and not a mere inconvenience, because of the following special conditions (describe special conditions) _____

- ☐ (c) The following exceptional or extraordinary circumstances resulting from a Tract of Lot size or shape, topography, or other circumstances under which the Applicant, as owner of the property, has no control since the adoption of the Gallatin Canyon/Big Sky Zoning Regulation, and the Big Sky Town Center Declaration of Covenants, Conditions, and Restrictions apply to the property for which a Variance is sought and do not apply generally to other properties in the same zone, district, or vicinity (describe exceptional or extraordinary circumstances) _____

- ☐ (d) A variance is necessary for the preservation of the following property right of the Applicant that is substantially the same as that possessed by owners of other property in the same zone, district, or area (describe property right) _____

☐ (e) A Variance would not be materially detrimental to property in the same zone, district or area in which the property is located because (state reason) _____

☐ (f) The Variance requested

☐ (i) is the minimum Variance that would alleviate the unnecessary hardship; or

☐ (ii) is not the minimum Variance that would alleviate the unnecessary hardship because (state reason) _____

8. **Hillside and Ridgeline Developments**

A. The Variance requirements for land use permits on Hillside land contained in Section 33.12 of the Gallatin Canyon/Big Sky Zoning Regulation

☐ (i) are not applicable; or

☐ (ii) are applicable, and the following submittal is attached:

☐ (a) An explanation or map showing how one or more of the requirements set forth in Section 33.12(a)-(d) of the Gallatin Canyon/Big Sky Zoning Regulation are met.

B. The Variance requirements for land use permits on Ridgeline land contained in Section 33.12 of the Gallatin Canyon/Big Sky Zoning Regulation

☐ (i) are not applicable; or

☐ (ii) are applicable, and the following submittal is attached:

☐ (a) An explanation and/or map showing how one or more of the requirements set forth in Section 33.12(a)-(d) of the Gallatin Canyon/Big Sky Zoning Regulation are met.

9. **Soils and Geotechnical Analysis**

The Soils and Geotechnical Analysis required under Section II.B-1.3 of the Big Sky Town Center Design Standards and Guidelines

☐ (a) are not applicable; or

☐ (b) is applicable and is attached

10. **Site Survey**

The site survey required under Section II.B-1.3 of the Big Sky Town Center Design Standards and Guidelines

☐ (a) is not applicable; or

☐ (b) is applicable and is attached

11. Town Center Commercial District Site Plan Requirements

The site plan required under Section 31.B.7 of the Gallatin Canyon/Big Sky Zoning Regulation for conditional use permit applications

- ☐ (a) is not applicable; or
☐ (b) is applicable, and the Site Plan is attached

The Site Plan:

- ☐ (a) is in conformity with the approved Town Center Planned Unit Development (PUD) master site plan map
☐ (b) is not in conformity with the approved Town Center Planned Unit Development (PUD) master site plan map, and all deviations are noted on the attached Site Plan.

12. Approvals

The Site Plan

- ☐ (a) has not been approved by the Gallatin County Planning Department and its current status is (specify – *e.g.*, not submitted, under review by Planning Staff, etc) _____; or
☐ (b) has been approved by the Gallatin County Planning Department, and a copy of the approval is attached.

13. Entry Corridor Developments

The requirements for Variances to design standards for land use permits along entry corridors contained in Section 32.6 of the Gallatin Canyon/Big Sky Zoning Regulation

- ☐ (a) are not applicable; or
☐ (b) are applicable, and the following submittal is attached;
☐ (i) An explanation and/or map showing how one or more of the requirements for granting of a Variance under Section 32.6.a-c of the Zoning Regulation are met.

14. Fee

The required Variance Permit Fee in the amount of \$ _____ accompanies this Application.

15. Agreement

The undersigned agrees that the Proposed Use, Development, or Structure, if permitted as a Variance, shall be in strict conformity with the Gallatin Canyon/Big Sky Zoning Regulation; the Big Sky Town Center Declaration of Covenants, Conditions, and Restrictions; the Big Sky Town Center Design Standards and Guidelines; and all applicable Big Sky Town Center permits or approvals that have been issued or are required in connection with the Proposed Use, Development, or Structure.

16. Applicant's Signature _____ Date _____

For Office Use Only:

TC VAR#- _____	Date: _____	Application Received By: _____
Date Application Reviewed: _____		
Permit Approved: _____	Denied _____	Date: _____

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Application for - Temporary Occupancy Permit -

BIG SKY TOWN CENTER
TOWN CENTER OWNERS ASSOCIATION

The Town Center Owners Association is available for advice and direction concerning this permit and other development information by calling (406) 586-9629.

1. **Applicant:** _____

Address: _____

Phone: _____ **Fax:** _____

Property or site location: Lot _____ **Block** _____ **Other:** _____

2. **Zoning Designation (check one):**
- ☐ Town Center Commercial (TCC)
- ☐ Town Center Residential (TCR)

3. **Proposed Temporary Occupancy** (description of Mobile Home, Recreational Vehicle, Accessory Building, or Structure): _____
- _____
- _____

4. Attached is a completed Gallatin County Application for a Temporary Occupancy Permit, for temporary residential occupancy of the above-described Mobile Home, Recreational Vehicle, Accessory Building, or Structure pending construction of a permanent Dwelling Unit on the Site Location described above which, together with the supplemental information provided herein, constitute the undersigned's Application for a Big Sky Town Center Temporary Occupancy Permit.

5. **Proposed Temporary Occupancy**

The Mobile Home, Recreational Vehicle, Accessory Building, or Structure in which temporary residential occupancy is sought to be permitted is (check and completed those applicable)

A. **Gallatin Canyon/Big Sky Zoning Regulation**

- ☐ (a) A permitted use under Section _____ of the Regulation; or
- ☐ (b) A conditional use under Section _____ of the Regulation.

B. **Big Sky Town Center Declaration of Covenants, Conditions, and Restrictions (Declaration)**

- ☐ (a) A permitted use under Section _____ of the Declaration; or
- ☐ (b) A conditional use under Section _____ of the Declaration

6. Permits and Approvals

A. Gallatin County Land Use Permit

A Gallatin County Land Use Permit for construction of a permanent Dwelling Unit on the Site Location

- ☐ (a) has not been issued; or
- ☐ (b) has been issued, and a copy of the issued permit is attached

B. Potable Water Supply Facilities Approval/Permit

- ☐ (a) New, potable water supply facilities, or an extension of existing potable water supply facilities are not contemplated in connection with the temporary occupancy sought to be approved by this Application, or
- ☐ (b) New, potable water supply facilities, or an extension of existing potable water supply facilities are contemplated in connection with the temporary occupancy sought to be approved by this Application, and
 - ☐ (i) a copy of the approval of potable water supply facilities by the Montana Department of Environmental Quality (or Gallatin City-County Health Department) is attached; or
 - ☐ (ii) a copy of the Big Sky County Water and Sewer District No. 363's permit for connection to its potable water supply facilities is attached; and
 - ☐ (iii) a copy of the Big Sky County Water and Sewer District No. 363's final approval of completed water service line construction and connection is attached

C. Sanitary Facilities Approval/Permit

- ☐ (a) New sanitary facilities, or an extension of existing sanitary facilities, are not contemplated in connection with the temporary occupancy sought to be approved by this Application; or
- ☐ (b) New sanitary facilities, or an extension of existing sanitary facilities, are contemplated in connection with the temporary occupancy sought to be approved by this Application and
 - ☐ (i) a copy of the approval of sanitary facilities by the Montana Department of Environmental Quality (or Gallatin City-County Health Department) is attached; or
 - ☐ (ii) a copy of the Big Sky County Water and Sewer District No. 363's permit for connection to its wastewater treatment plant is attached; and
 - ☐ (iii) a copy of the Big Sky County Water and Sewer District No. 363's final approval of completed wastewater line construction and connection is attached

C. Gallatin County Conditional Use Permit

- ☐ (a) A Gallatin County Conditional Use Permit for temporary occupancy is not required; or
- ☐ (b) A Gallatin County Conditional Use Permit for temporary occupancy is required, and a copy of the issued permit is attached

- ☐ (c) A Gallatin County Conditional Use Permit for temporary occupancy is required, and a copy of the Application is attached

D. Gallatin County Variance Permit

- ☐ (a) A Gallatin County Variance Permit for temporary occupancy is not required; or
- ☐ (b) A Gallatin County Variance Permit for temporary occupancy is required, and a copy of the issued permit is attached
- ☐ (c) A Gallatin County Variance Permit for temporary occupancy is required, and a copy of the Application is attached

E. Big Sky Town Center Design and Land Use Permit, Phase B

A Phase B Big Sky Town Center Design and Land Use Permit for construction of a permanent Dwelling Unit on the Site Location

- ☐ (a) has been applied for but not issued, a copy of the Application is attached
- ☐ (b) has been issued, and a copy of the issued permit is attached

D. Big Sky Town Center Conditional Use Permit

- ☐ (a) A Big Sky Town Center Conditional Use Permit for temporary occupancy is not required; or
- ☐ (b) A Big Sky Town Center Conditional Use Permit is required, and a copy of the Application is attached
- ☐ (c) A Big Sky Town Center Conditional Use Permit is required, and a copy of the issued permit is attached

E. Big Sky Town Center Variance Permit

- ☐ (a) A Big Sky Town Center Variance Permit for temporary occupancy is not required; or
- ☐ (b) A Big Sky Town Center Variance Permit is required, and a copy of the Application is attached
- ☐ (c) A Big Sky Town Center Variance Permit is required, and a copy of the issued permit is attached

7. **Duration of Temporary Occupancy**

The requested duration of temporary occupancy is for a period of _____
(may not exceed one year) commencing _____ (month/day/year) and expires on _____.

8. **Utilities**

A. Sources of Supply

Describe the source of the following utilities, if any, to be provided to the Mobile Home, Recreational Vehicle, Accessory Building, or Structure for which temporary occupancy is sought

1. Water Supply: _____
2. Sewer Supply: _____

3. Electrical Supply: _____
4. Propane or Gas Supply: _____

9. **Siting Requirements**

A. Gallatin Canyon/Big Sky Zoning Regulation

The Mobile Home, Recreational Vehicle, Accessory Building, or Structure for which a Temporary Occupancy Permit is sought

- ☐ (a) complies with all applicable siting requirements of the Gallatin Canyon/Big Sky Zoning Regulation, including, without limitation, those pertaining to location and setbacks; or
- ☐ (b) does not comply with all applicable siting requirements of the Gallatin Canyon/Big Sky Zoning Regulation, for which a Variance is sought

B. Big Sky Town Center Declaration of Covenants, Conditions, and Restrictions

The Mobile Home, Recreational Vehicle, Accessory Building, or Structure for which a Temporary Occupancy Permit is sought

- ☐ (a) complies with all applicable siting requirements of the Big Sky Town Center Declaration of Covenants, Conditions, and Restrictions, including, without limitation, those pertaining to location and setbacks; or
- ☐ (b) does not comply with all applicable siting requirements of the Big Sky Town Center Declaration of Covenants, Conditions, and Restrictions, for which a Variance is sought

C. Deed Restrictions

- ☐ (a) There are no deed restrictions on the Site Location; or
- ☐ (b) There are deed restrictions on the Site Location, and a copy of the restrictions are attached

10. **Fee**

The required Temporary Occupancy Permit Fee in the amount of \$ _____ accompanies this Application.

11. **Agreement**

The undersigned agrees that the Proposed Temporary Occupancy sought to be permitted shall be in strict conformity with the Gallatin Canyon/Big Sky Zoning Regulation; the Big Sky Town Center Declaration of Covenants, Conditions, and Restrictions; the Big Sky Town Center Design Standards and Guidelines; and all applicable Big Sky Town Center permits or approvals that have been issued or are required in connection with the Proposed Temporary Occupancy.

12. Applicant's Signature _____ Date _____

For Office Use Only:

TC TOP#- _____	Date: _____	Application Received By: _____
Date Application Reviewed: _____		
Permit Approved: _____	Denied _____	Date: _____

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TC OP-# _____

8/15/06

Application for - Occupancy Permit -

**BIG SKY TOWN CENTER
TOWN CENTER OWNERS ASSOCIATION**

The Town Center Owners Association is available for advice and direction concerning this permit and other development information by calling (406) 586-9629.

1. Building Owner: _____
Property Address/Phone: _____
Property or site location: Lot _____ Block _____ Other: _____
2. Tenant(s): _____
Property Address/Phone: _____
Property or site location: Lot _____ Block _____ Other: _____
3. Proposed Use for which Occupancy is sought: _____

4. Maximum number of employees, including on-site owners: _____
5. The Big Sky Water & Sewer District (BSWSD) has done a final walk-thru to determine SFE allocation: ☐ Yes, and the BSWSD SFE allocation is: _____ SFE's
☐ No
6. Is the entire project completely finished, per the plans and specifications approved at the Big Sky Town Center Phase B Design and Land Use Permit? ☐ Yes
☐ No
If No, attach a list of items that need to be completed, and a timeframe in which they will be completed.
7. Attached is a completed Gallatin County Application for Certificate of Occupancy form, which, together with the supplemental information provided herein, constitute the undersigned's Application for a Big Sky Town Center Occupancy Permit.
8. Applicable Fee of \$ _____ (see fee schedule in Development Reference Manual)
9. Applicant's Signature _____ Date _____

For Office Use Only:

OP # TC- _____	Date: _____	Application Received By: _____
Date Application Reviewed: _____		
Permit Approved: _____	Denied _____	Date: _____
Inspection By: _____		

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TC SP# _____



SIGN PERMIT APPLICATION

The undersigned makes application for permission to erect, construct, alter or move the following sign(s). One application may be submitted for all signs, for a lot, building, or business, provided that each sign to be permitted is described and illustrated on this application.

The applicant should reference the Master Signage Plan and all other relative documents pertaining to development within the Big Sky Town Center prior to designing the sign and making application for a sign permit. The Town Center Owners Association is available for advice and direction concerning signs and other related development information by calling (406) 586-9629.

1. Applicant: _____

2. Applicant Address: _____

3. Applicant Contact: Daytime Phone _____ Fax _____

4. Property Owner: _____

5. Property Owner Address: _____

6. Property Owner Contact: Daytime Phone _____ Fax _____

7. Business Name: _____

8. Business Address: _____

9. Legal Description: _____

Lot _____ Block _____

10. Zoning Designation (check one): ☐ Town Center Commercial
☐ Town Center Residential

11. Type of sign to be permitted (check one): ☐ Permanent Sign
☐ Temporary Sign
☐ Sandwich Board Sign
☐ Master Sign Plan – Commercial Building
☐ Master Sign Plan – with a PUD

12. Number and Type of Sign(s): _____

TC SP#_____

13. Parcel/lot Size: _____SF Lot Dimensions: _____Building Area: _____SF

Total bldg frontage on public road: _____ft. Business/tenant area:_____SF

Business/tenant area as % of total bldg :_____% Sign area as % of total allowable signage :_____%

14. Variance from Master Signage Plan Yes ☐ Type 1 ☐ Type 2 ☐ No ☐

Why variance requested? _____

15. In addition to the above information, this application shall be submitted with the following items. All plan drawings shall be a minimum of 8.5" x 11" and shall be a maximum size of 11"x 17".

YES NO N/A

☐ ☐ ☐ Sign Permit Application Fee of \$100.00 for permanent and temporary signs and \$300.00 for Master Signage Plan (for a Commercial building, or with a PUD), both payable to the Town Centers Owners Association

☐ ☐ ☐ One (1) complete set of plans, drawings, photographs, and other materials listed below

☐ ☐ ☐ Scaled site plan illustrating location of building(s) on the lot, parking lots, driveways and sign locations, property lines, and setbacks and easements

☐ ☐ ☐ Photographs or illustrations of existing or proposed building(s) and signs

☐ ☐ ☐ Scaled building elevations (if building mounted signs are proposed), including height of building, entrances and doors, location of windows, architectural treatments, and proposed sign location(s)

☐ ☐ ☐ Scaled, detailed drawings of the proposed sign(s) clearly illustrating design, color, dimensions, supporting structures and fixtures, illumination devices, sign area, letter height and thickness, letter style, logo, and dimensions

☐ ☐ ☐ A visual color and materials palate, rendering, or physical samples of materials

☐ ☐ ☐ Landscape plan if the sign is located in a planting bed, retaining wall area or other landscaped area where in conjunction with plant or landscape materials

16. Applicant Signature

The undersigned hereby agrees that the proposed work shall be done in accordance with the plans and specifications and statements herewith submitted and in conformity with the Master Signage Plan.

Applicant's Signature_____ Date _____

For Office Use Only:

Application Received By: _____	Date: _____
Date Application Reviewed: _____	
Sign Permit Approved: _____ Denied _____	With Variance: YES NO
Inspection By: _____	Date: _____



GALLATIN COUNTY

Land Use Permit Information & Application

PURPOSE

Gallatin County contains several zoning districts with corresponding zoning regulations. In order to ensure that development occurs in accordance with applicable zoning regulations, a **Land Use Permit (LUP)** is required prior to the construction of most structures within the County's zoning districts. Where required, construction without an approved LUP is a violation of the zoning regulations.

APPLICATION PROCESS *(Do not commence construction until permit approval has been issued.)*

- **Please allow a minimum of two weeks to process applications.** The period of review for incomplete or inaccurate applications may be longer; likewise, projects in remote areas of the County may require a longer review period.
- **Applicant consults applicable zoning regulation.** (Navigate to zoning district information on the Gallatin County Planning Department website.) Contact a planner at the County Planning Department if you have any questions, at (406) 582-3130 or 311 W. Main, Room 108, Bozeman.
- **Applicant obtains pertinent approvals from other entities/agencies as required.**
- **Prior to submittal of the application, applicant clearly marks property corners and proposed building footprint** with flags, stakes, etc. including garage and deck/porch. *(If site visit occurs and property is not staked, a \$100 revisit fee will be charged and further review will be delayed.)*
- **Applicant submits required materials, no larger than 12"x18", drawn to scale and/or with measurements clearly labeled, and a USB or CD with all materials in PDF or JPEG format.**
 - ◆ **Land Use Permit Application Form** completed and signed by property owner or authorized representative.
 - ◆ **Address** must be obtained from the Gallatin County GIS Department prior to submitting this LUP form. Please complete the Property Information Request Form (PIF) in the Planning Department in order to obtain an approved address from GIS.
 - ◆ **Elevations** showing all sides of proposed new structure or connection to existing structure with dimensions clearly labeled.
 - ◆ **Floor plans** including garage, basement, and all finished and unfinished spaces.
 - ◆ **Site plan** including all existing and proposed structures, architectural projections such as eaves, decks/porches, driveways, property lines, watercourses and easements. For commercial projects, additional site plan requirements may apply (please contact the Planning Department).
 - ◆ **Waste-water approvals as applicable.** For projects utilizing on-site septic, obtain an approved septic permit from the Gallatin City-County Health Department at 215 W. Mendenhall St., Rm. 108, (406) 582-3120. For projects utilizing community sewer systems, provide documentation of approval to connect.
 - ◆ **Floodplain permit approvals as applicable.**
 - ◆ **Other attachments**, based on zoning district-specific requirements:
 - **Gallatin Canyon / Big Sky**

Planning Department • 311 West Main, Room 108 • Bozeman, MT 59715
Phone (406) 582-3130 • Fax (406) 582-3135 • Email: planning@gallatin.mt.gov

- Big Sky Fire District Land Use Permit Form. This form is available on the Big Sky Fire Department website.
 - Written approval to connect to the Big Sky Water and Sewer District for projects in their district.
 - Copy of Soils Report or Geotechnical Survey, if property slope is in excess of 15%.
- **Landscaping plans as required, see applicable zoning regulation.**
- **Staff may request further information as needed throughout the review process.**
- **Online Submittal**, requires all of the same materials and information, however the application form and supporting documents are uploaded to the MyGov online platform. Instructions available [here](#). Fees are payable by credit card with an additional 3% processing fee.
- **Application fee**, due at the time of application, equal to the greater of \$275 –or– one quarter of one percent (.0025) of the estimated market value of construction (not including land cost). Estimate must be based on total square footage (including garage, deck/porch and all finished and unfinished space). The application fee is double for after-the-fact applications.

REVIEW PROCESS

- **County Planning Department reviews application materials and conducts site inspection.** Inspections are performed on a first-come, first-serve basis. Submittal of this application gives the County Planning staff permission to access the property. The property associated with this permit must be accessible; if gates or other obstacles are in place that restrict access to the property, please notify the Department when submitting your permit. Please ensure that the lot number or address is posted. If the Planning Department attempts to perform an inspection, but is unable to gain access or if the project is not staked, the applicant will be subject to the \$100 re-inspection fee.
- **County Planning Department completes review and notifies applicant whether Land Use Permit request is approved or denied.** Upon approval applicant will be notified of Certificate of Compliance requirements, if applicable*. A Certificate of Compliance is required in the following zoning districts: Gallatin Canyon/Big Sky, Hebgen Lake, Middle Cottonwood, South Gallatin, Springhill, and Zoning District #1.
*Gallatin County/Bozeman Area, see Section 25.09 for applicability.
- **The property owner is responsible for ensuring proper permits are obtained. Please convey all zoning-related documents to future owner(s).**

Landowners are reminded that they may need to obtain approvals from other federal, state, or local government agencies with requirements applicable to their project. These requirements may include but are not limited to:

- *Access or system impact approvals required by the Gallatin County Road & Bridge Department or the Montana Department of Transportation;*
- *Approvals from the local fire district pertaining to any adopted fire code;*
- *Building, plumbing, and electrical permit requirements administered by the Montana Department of Labor & Industry - Building Codes Bureau;*
- *Water rights from Montana Department of Natural Resource Conservation; or*
- *A General Permit for Storm Water Discharges Associated with Construction Activity from Montana Department of Environmental Quality.*

Landowners are also reminded to check their covenants and consult with their Homeowners' Association concerning any necessary approvals.



GALLATIN COUNTY

Land Use Permit Application Form

1. **Property Owner:** _____

2. **Site Address:** _____

Section: _____ Township: _____ Range: _____

Subdivision / COS # / Deed Reference: _____

Block: _____ Lot / Tract / Parcel: _____

DOR# 06 _____
 (2) (4) (2) (1) (2) (2) (4)

Lot area: _____ acres, or _____ sq. ft.

3. **Zoning District:** _____ **Sub-District:** _____

example: RR, AS, MI, etc.

4. **Structure Proposed:**

(If more than one structure, please attach additional sheets in order to complete Sections #4-8.)

a. Description of project:

Single-family residence Multi-family Condo Comm./Industrial

Addition on existing structure: _____

Other (please describe): _____

b. Number of bedrooms: _____

c. Square feet of living space: _____

d. Total square feet: _____

(including garage and any unfinished spaces)

e. Estimated market value of construction: _____

(not including land cost)

f. Height: _____

(ensure building dimensions are clearly labeled on elevation drawings)

g. Pitch of main roof: _____

h. Foundation type: _____

i. Area of proposed building footprint: _____

j. Buildings Total lot coverage: _____ sq. ft.

k. Other Impervious Surfaces lot coverage: _____ sq. ft.

(driveways, patios, roads, walkways)

FOR OFFICE USE ONLY

Max. Allowed Height

FOR OFFICE USE ONLY

% Lot Coverage

5. Existing structure/s on property? Yes (Describe below.) No

Description of other structures on this parcel and proof of permits or documentation of year built:

6. Setbacks

	Minimum (as required by zoning regulation, not covenants)	FOR OFFICE USE ONLY	Actual (as shown on site plan and as physically staked)	FOR OFFICE USE ONLY
Front property line				
Rear property line				
Side property line				
Side property line				
Stream high water mark				
Irrigation ditch				

7. Septic/sewer system (complete one)

No septic/sewer connection needed (because structure is unplumbed)

Proposed new structure or addition is approved by City-County Health Department.
(must be approved **before** submitting this application, and a copy must be provided)

Permit number: _____ Approved for: _____ bedrooms.

Proposed structure will be connected to a community sewer system:
(attach written approval to connect to community sewer system, if applicable)

8. Floodplain A portion of the property is located in a mapped floodplain? Yes No

(If Yes, you may be required to submit: a copy of the appropriate floodplain map; documentation from a licensed professional engineer or land surveyor showing the development activity is out of the floodplain; or a copy of the approved floodplain development permit. Please contact the Planning Department prior to submitting a Land Use Permit.)

9. Required attachments as described on page one of the application cover letter.

Elevations.

Floor plans.

Site plan.

Other attachments.

10. Preparation for inspection / before submittal of application.

All corners of proposed structure are clearly marked.

All property corners are clearly marked.

The lot number or address is clearly posted.

(If site visit occurs and the property is not staked, a \$100 revisit fee will be charged and further review will be delayed.)

11. Contact Information Please ☒ below to identify the primary contact.

Approval documents will be emailed to the property owner and the identified primary contact, if noted.

Property owner _____

Address _____

City _____ State _____ Zip _____

Daytime phone _____ Email _____

Builder _____

Address _____

City _____ State _____ Zip _____

Daytime phone _____ Email _____

Architect _____

Address _____

City _____ State _____ Zip _____

Daytime phone _____ Email _____

—AGREEMENT—

By signing below, the above named property owner or their authorized agent hereby certifies that the information submitted in this application is true and correct; and that the proposed work shall be done in accordance with the approved plans and specifications and in compliance with the requirements of the applicable zoning regulation.

Property Owner or Authorized Representative Signature

Date



Big Sky Fire Department
P.O. Box 160382 Big Sky, MT 59716 (406) 995-2100
Gallatin County Land Use Permit Form

NOTE: MADISON COUNTY projects must contact the Madison County Planning Office at 406-843-5250 to get information on the Pre Construction Safety Review process (PSCR).

NOTE THAT PROJECTS MUST ADHERE TO THE STANDARDS SET FORTH IN THE PROPERTY DEVELOPMENT AND ANNEXATION STANDARDS (FOUND ON THE LINK IN THE LOWER CENTER PORTION OF OUR WWW.BIGSKYFIRE.ORG WEBPAGE). ALSO: PLEASE SUBMIT A COMPLETE SET OF DRAWINGS (1/2 SIZE, ELECTRONIC SUBMISSIONS WELCOMED) AND ALL AREAS MUST BE FILLED IN COMPLETELY OR THE FORM WILL BE RETURNED

Owner Name/Address/Phone #/ Email Address:	
Builder Name/Phone #/ Email Address:	

PROPERTY LEGAL DESCRIPTION	Street Address:		
	Legal Address:		
	Subdivision:	Block: Lot:	
	Parcel ID/ GEO Code 06-	- - - - -	
In Big Sky Fire District: [] Yes [] No		Total Square Footage of the Structure:	
Distance from Main Road:		Structure Water System: Pressurized [] OR Well []	

NOTE THAT DRIVEWAYS CANNOT EXCEED A 10% GRADE PER BIG SKY FIRE DISTRICT POLICY AND THAT THEY MUST ADHERE TO THE ABOVE STANDARDS

Length and Width of Driveway:	Average and Maximum Driveway Grade %
-------------------------------	--------------------------------------

NOTE THAT FOR PERMIT APPROVAL, STRUCTURES OVER 3600 SQUARE FEET OR OVER 1000 FEET AWAY FROM A FIREFIGHTING WATER SUPPLY MUST HAVE A SPRINKLER SYSTEM PER BIG SKY FIRE DISTRICT POLICY. SPRINKLER PLANS MUST BE APPROVED BY BSFD PRIOR TO INSTALLATION.

Fire Sprinkler System: [] Yes [] No	Sprinkler Plans Submitted to BSFD: [] Yes [] No
Distance from Firefighting Water Supply (hydrant or improved draft site):	

Submitted by:

On Original
Signature Printed Name Relationship to Project

Submitter's
Contact Information: Address and Phone Number Email Address



GALLATIN COUNTY

Site Plan Review Information & Application

In Gallatin County's zoning districts, a Land Use Permit is required prior to the construction or alteration of any structure. In the Gallatin County / Bozeman Area (**Donut**) Zoning District and the Gallatin Canyon/Big Sky (**Big Sky**) Zoning District, Site Plan Review is also required for certain development proposals.

PROJECTS REQUIRING SITE PLAN REVIEW

Donut Zoning District:

- **Site plan review** is required for the following:
 - Twelve (12) or more Dwelling Units in a multiple family Structure or Structures.
 - Fifteen thousand (15,000) or more square feet of Office space, Retail and/or Commercial space, service commercial space or Industrial space.
 - More than one (1) Building on one site for permitted Office uses, permitted Retail and/or Commercial Uses, permitted service Commercial Uses, permitted Industrial Uses or permitted combination of Uses.
 - Twenty thousand (20,000) or more square feet of exterior storage of materials or goods.
 - Parking for more than 40 vehicles.

Big Sky Zoning District:

- **Commercial site plan review** is required for any commercial development proposal.
- **Meadow Center site plan review** is required for any development proposal in the Meadow Center district.
- **Town Center Commercial site plan review** is required for any development proposal in the Town Center district.

PROCEDURES FOR SITE PLAN REVIEW

- **Applicant consults applicable zoning** regulation and discusses project with County Planning Department.
- **In particular, refer to the section** discussing the zoning designation of your site and the following reference sections:

Donut Reference Sections

- General building and development standards – Section 15.
- Entryway corridor overlay – Section 16.
- Landscaping requirements and submittal requirements – Section 17.
- Parking requirements – Section 18.
- Sign code – Section 20.
- Plan review and submittal requirements – Section 26.

Big Sky Reference Sections

- Standards for commercial development and submittal requirements – Section 33.
 - Guidelines for town center commercial district – Section 34.
 - Entry corridor and view protection – Section 35.
 - Parking – Section 37.
 - Signs – Section 39.
- **Applicant clearly marks property corners and proposed building corners** with flags, stakes, etc. (including garage and deck/porch).
- **Applicant submits required materials** to County Planning Department:
- **Site Plan Review Application Form** completed and signed.
 - **Plans** (*One* full-sized copy, folded; plus *one* 11x17 copy for Donut).

For Big Sky, submit:

- Site/development plan.
- Confirmation of compliance with:
 - Sections 33-35, 37 and 39 as applicable.
 - Traffic study, if proposed development will generate 500 or more vehicular trips per day.

For Donut, submit:

- Site/development plan.
- Landscaping plan.
- Parking plan.

- **Consult with the County** Planning Department for details on site plan format and any additional requirements.
- **Application fee**
Check with the Planning Department for the current application fee. This amount will be applied toward the subsequent Land Use Permit application fee.

PROCESS

- County Planning Department determines whether the application packet is complete.
- County Planning Department distributes copies of the application packet to appropriate departments and agencies for review and comment.
- County Planning Department reviews application materials and comments. County Planning Department makes site inspection.
- County Planning Department may request additional information or modifications to plans.
- County Planning Department makes its decision and notifies applicant whether application was approved. (Certain conditions may be placed on approval.)
- Applicant obtains Land Use Permit(s) prior to constructing, altering or moving any structures at the site.
- For building permits, contact the Montana Department of Labor and Industry Building Codes Division (406-841-2040).



GALLATIN COUNTY

Site Plan Review Application Form

1. Type of Site Plan

Gallatin County/Bozeman Area (Donut) Site Plan
 Gallatin Canyon/Big Sky (Big Sky) Commercial site plan
 Gallatin Canyon/Big Sky (Big Sky) Meadow Center site plan
 Gallatin Canyon/Big Sky (Big Sky) Town Center Commercial site plan
 Other _____

2. Site

Name of project: _____
 Address: _____
 Section: _____ Township: _____ Range: _____
 Subdivision/COS: _____ Block: _____ Lot: _____
 Other legal description: _____

DOR# 06 _____ _____ _____ _____ _____ _____
 (2) (4) (2) (1) (2) (2) (4)

3. Zoning

Zoning district: _____ Zoning designation: _____

4. Required Attachments

Plans (One full-sized copy, folded; plus one 11x17 copy for Donut).

For Big Sky, submit:

- Site/development plan.
- Confirmation of compliance with:
Sections 33-35, 37 and 39 as applicable.
- Traffic study, if proposed development will generate 500 or more vehicular trips per day.
- Any additional information required by County Planning Department.

For Donut, submit:

- Site/development plan.
- Landscaping plan.
- Parking plan.
- Any additional information required by County Planning Department.

5. Preparation for inspection by County Planning Department staff

All corners of proposed structure(s) are clearly marked.
 All property corners are clearly marked.

6. Contact Information

Applicant

Address: _____

Daytime phone: _____ Fax: _____

Email: _____

Property Owner

Address: _____

Daytime phone: _____ Fax: _____

Email: _____

Builder

Address: _____

Daytime phone: _____ Fax: _____

Email: _____

Architect

Address: _____

Daytime phone: _____ Fax: _____

Email: _____

—AGREEMENT—

By signing below, the above named property owner or their authorized agent hereby certifies that the information submitted in this application is true and correct; and that the proposed work shall be done in accordance with the approved plans and specifications and in compliance with the requirements of the applicable zoning regulation.

Property Owner or Authorized Representative Signature

Date

FOR OFFICE USE ONLY

Date Filed: _____

Application Fee: _____

Date Approved or Denied: _____

Notes: _____



GALLATIN COUNTY

Conditional Use Information and Application

Gallatin County Zoning District Regulations provide for conditional uses from the strict terms of the regulations in specific cases where it is found that:

1. The use conforms to the objectives of the Growth Policy, neighborhood plan or development plan and the intent of the regulation;
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 the regulation;
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.

If you wish to apply for a conditional use permit you must:

1. Completely answer all the questions on the application form and the first three questions above.
2. Provide a map, drawn to scale, showing the location and dimensions of all existing and proposed structures, location of streets, alleys, driveways and any off-street parking spaces, proposed landscaping and location of all signs.
3. Prepare a certified list of the names and addresses of the owners of property adjoining the exterior boundaries of the subject property.
4. File the attached application form and supplements with the Gallatin County Planning Department.
5. Refer to appropriate section of the zoning regulations for any additional requirements and supplements.
6. Submit the required application fee made payable to the County of Gallatin.
7. Submit the required certified mailing fee and three sets of mailing labels.

Number of copies of application required: Please check with the Planning Department before submitting. After submittal additional copies may still be requested.

A hearing on the application will be held after public notice at a set time to gather needed facts from all interested parties.

If you have any questions regarding the application or need any assistance filling out any part of the application form, please contact the Gallatin County Planning Department at 582-3130 in the Gallatin County Courthouse.



GALLATIN COUNTY

FILE NO. _____

DATE _____

Conditional Use Permit Application Form

The Undersigned hereby makes application for a **CONDITIONAL USE PERMIT** pursuant to the requirements as outlined in the County Zoning District Regulation.

1. Name of Applicant: _____
2. Address of Applicant: _____

3. Phone Number of Applicant: _____
4. Email: _____
5. Legal Description of Subject Property: _____

6. DOR#: 06 _____
(2) (4) (2) (1) (2) (2) (4)
7. General Location: _____

8. Zoning District: _____ Current Zoning: _____
9. Conditional Use to consist of the following: _____

10. Are any variances being requested? ☐ Yes ☐ No
If Yes, please explain: _____

11. Are there any covenants or deed restrictions on the property? ☐ Yes ☐ No
If Yes, Please Include Copy

I understand that the filing fee accompanying this application is not refundable. I hereby certify that the above-listed information is true and correct.

Applicant's Signature

Date

FOR OFFICE USE ONLY

Date Filed: _____

Filing Fee: _____

Zoning Commission Hearing Date: _____

Action Taken: _____

Proposal_____



GALLATIN COUNTY

Certification of Property Owners List

I, _____, applicant for the attached proposal,
hereby certify that:

- To the best of my knowledge, the attached list shows all property owners and purchasers under contract for property:
 Adjacent to the proposal site (and across watercourses, roads, etc.).
 Within _____ feet of the proposal site.
- The names on the list are from the Gallatin County Clerk and Recorder's most recent records.
- The addresses on the list are from Montana Departments of Revenue's most recent tax records, available on the internet at <http://svc.mt.gov/msl/mtcadastral>.
- I understand that an inaccurate list may delay review of the project.

Signature

Date

Proposal _____

Property Owners

Adjacent to proposal site and across watercourses, roads*, etc.

Within _____ feet of proposal site.

	Legal Description of Property	Property Owner's Name	Mailing Address of Property Owner from Montana Dept. of Revenue
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

* If road is a state highway, also include Montana Department of Transportation in property owner list.

Page _____ of _____

(If additional pages of this form are needed, download the file entitled "Adjoiner List".)

Planning Department • 311 West Main, Room 108 • Bozeman, MT 59715
Phone (406) 582-3130 • Fax (406) 582-3135 • Email: planning@gallatin.mt.gov



GALLATIN COUNTY

Zoning Variance Information and Application

Variances may be granted when, because of exceptional circumstances affecting the applicant's property, a strict application of the zoning regulation would result in an undue hardship. Variances will not be granted to confer special privileges inconsistent with limitations placed upon other property, nor to allow uses that the zoning regulation does not permit. Variances must meet each of the criteria listed in the attached Zoning Variance Evaluation Criteria sheet.

PROCESS

- **Applicant consults applicable zoning regulation.** A Planner is on call in the County Planning Department 8:00 a.m. to 5:00 p.m. The Planning Department is open during the lunch hour.
- **Applicant submits required materials** to County Planning Department, to include:
 - **Variance Application Form**, completed and signed.
 - **Description of proposed variance.**
 - **Zoning Variance Evaluation Criteria.** Submit a written explanation demonstrating that the proposed variance meets each of the applicable Zoning Variance Evaluation Criteria discussed on the attached handout.
 - **Site plan.** Submit a site plan, drawn to scale, adequate and legible, showing the location and dimensions of all existing and proposed structures and signs, property lines, watercourses, easements, streets, alleys, driveways, off-street parking spaces, and landscaping. If topography is an issue in the variance request, also show contours. Depending on the request, floor and elevation plans may also be required in order to provide a full description of the project.
 - **Certified list of adjacent property owners.** Submit a certified list of the names and addresses of each of the property owners adjacent to the affected site(s). "Adjacent" property owners include owners of parcels across public roads, streets, alleys, watercourses and other public ways, and the Montana Department of Transportation if the site is adjacent to a state highway. In Bridger Canyon, include all property owners within 300 feet.

- **Mailing labels.** Submit **three sets** of self-adhesive 1"x 2 5/8" address labels (Avery Label #5160) for each adjacent property owner.
- **Payment for certified mailing to adjacent property owners.**
- **Application fee.** Refer to the County Planning Department for current fee schedule.

After the Planning Department has scheduled the public hearing(s) and finalized the notice of the variance request, at least 10 days before the public hearing(s) you must pick up the finalized notice and complete the following additional application step:

- **Certified statement of posting.** Post copies of the notice on-site and in at least one other conspicuous affected location, then submit a certified statement to the Planning Department confirming that such notices have been appropriately posted. Within one week after the hearing(s), you must remove the posted notices.
- The County Planning Department determines whether the application packet is complete.
 - The County Planning Department distributes copies of the application packet to appropriate departments and agencies for review and comment.
 - The County Planning Department schedules public hearing.
 - The community is informed of the proposed variance and is encouraged to submit written comments or to testify at a public hearing. This public notice is provided at least 10 days before the public hearing, and is accomplished as follows:
 - At the applicant's expense, the County Planning Department sends notice (by certified mail) to the owners of property adjacent to the site.
 - The County Planning Department publishes notice in appropriate newspaper(s).
 - The applicant posts notices and submits a certified statement verifying that such posting has been completed.
 - The County Planning Department analyzes the application materials and any comments received from other departments and agencies. The County Planning Department prepares a staff report that evaluates the proposal, which is submitted to the hearing body at the public hearing. The applicant or applicant's representative must be present at the hearing to answer questions raised by the hearing body or public.

For **201** districts*

- The hearing and decision-making body varies depending on the type of variance sought, as determined by the County Planning Department.
- For most variances, the Board of Adjustment holds a public hearing at which it considers the staff report, applicant and public comments. The Board of Adjustment votes on whether to approve or deny the variance.
- For certain variances, the County Commission holds a public hearing at which it considers the staff report, applicant and public comments. The County Commission votes on whether to approve or deny the variance.
- The County Commission or Board of Adjustment may attach conditions to its approval. Violations of such conditions will be considered violations of the zoning regulation.

For **101** districts*

- The Planning and Zoning Commission and the County Commission hold a joint public hearing at which they consider the staff report, applicant and public comments. The Planning and Zoning Commission develops a recommendation which is forwarded to the County Commission.
- In a regular public meeting, the County Commission considers the Planning and Zoning Commission's recommendation. The County Commission votes on whether to approve or deny the variance.
- The Planning and Zoning Commission and County Commission may attach conditions to their recommendations and approval. Violations of such conditions will be considered violations of the zoning regulation.

* State statutes (76-2-101 and 76-2-201 MCA) allow for two different types of zoning districts, each with different standards for the processing of variance requests. Middle Cottonwood and the "donut" are Gallatin County's only **201** districts; all other non-municipal zoning districts in Gallatin County are **101** districts.

- Decisions on variances may be appealed to the court of record within 30 days of being made.



GALLATIN COUNTY

Zoning Variance Evaluation Criteria

In reviewing proposed zoning variances, the hearing body will consider the following criteria, each of which must be addressed in your application packet.

- ▶ A literal interpretation of the zoning regulation would cause the applicant an *unnecessary hardship*.
- ▶ The *unnecessary hardship* is caused by exceptional, non-self-imposed circumstances that are unique to the property, such as size, shape, topography, location, surroundings, or other conditions over which the applicant has had no control since the adoption of the zoning regulation.
- ▶ The variance is necessary for the preservation of a property right of the applicant that is substantially the same as that possessed by owners of other property in the same zone.
- ▶ The variance will not confer on the applicant any special privilege that the zoning regulation denies to other property owners in the same zone.
- ▶ The variance will not permit a use that the zoning regulation does not allow in the subject zone.
- ▶ The variance requested is the minimum variance that would alleviate the hardship.
- ▶ The variance would not be materially detrimental to the character, use or value of property in the same zone or vicinity.
- ▶ The variance will be in harmony with the general purpose and intent of the zoning regulation and master plan.
- ▶ The spirit of the zoning regulation will be observed, public safety and welfare secured, and substantial justice done.
- ▶ The variance will not be contrary to the public interest.



GALLATIN COUNTY

Zoning Variance Application Form

1. Applicant

Name: _____
Address: _____
Phone: _____ Fax: _____
Email: _____

2. Property

Address: _____
Section: _____ Township: _____ Range: _____
Subdivision/COS: _____ Block: _____ Lot: _____
Other legal description: _____

*If legal description is complex, please submit on disk.

DOR#: 06 _____
(2) (4) (2) (1) (2) (2) (4)

Land area (acres or square feet): _____

Are there any covenants or deed restrictions on the property? No Yes

If **yes**, please attach a copy.

3. Current Zoning and Use

Zoning district: _____ Zoning designation: _____
Use: _____

4. Required Attachments

Number of Copies of Application Materials Required: Please check with the Planning Department before submitting. After submittal additional copies may still be requested. To be included in the copies are denoted with a *.

Description of proposed variance. *

Statement addressing all Zoning Variance Evaluation Criteria. *

Site plan. *

Certified list of adjacent property owners. (one copy)

Mailing labels. (three sets)

Payment for certified mailing of legal notice to adjacent property owners.

Planning Department • 311 West Main, Room 108 • Bozeman, MT 59715
Phone (406) 582-3130 • Fax (406) 582-3135 • Email: planning@gallatin.mt.gov

_____ X \$12.00 = _____ \$ 0.00
 Number of adjoining property owners

Application Fee. Checks should be payable to **Gallatin County**

Certified Statement of Posting. (For “donut” only)

<ul style="list-style-type: none"> ◆ I hereby certify that the information on and attached to this application is true and correct. ◆ I understand that fees for this application are not refundable. ◆ (For “donut” only) I understand that I am responsible for posting notice and for certifying that such posting has been completed before any scheduled public hearing(s) on this variance are held. 	
Applicant's signature _____	Date _____

FOR OFFICE USE ONLY			
Date filed: _____			
Application Fee: _____	+	_____	x fee = _____
<i>1st parcel</i>		<i># of add'l parcels</i>	<i>total fee</i>
Certified mailing fee: _____		x \$12 = _____	
	<i># of adjoining prop. owners</i>		<i>total fee</i>
Hearing date(s): _____	Action: _____		
_____	_____		
_____	_____		
_____	_____		

Proposal_____



GALLATIN COUNTY

Certification of Property Owners List

I, _____, applicant for the attached proposal,
hereby certify that:

- To the best of my knowledge, the attached list shows all property owners and purchasers under contract for property:

Adjacent to the proposal site (and across watercourses, roads, etc.).

Within _____ feet of the proposal site.

- The names on the list are from the Gallatin County Clerk and Recorder's most recent records.
- The addresses on the list are from Montana Departments of Revenue's most recent tax records, available on the internet at <http://svc.mt.gov/msl/mtcadastral>.
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* If road is a state highway, also include Montana Department of Transportation in property owner list.

Page ____ of ____

(If additional pages of this form are needed, download the file entitled "Adjoiner List")



**GALLATIN COUNTY
PLANNING DEPARTMENT
APPLICATION FOR CERTIFICATE OF OCCUPANCY**

Zoning District: _____

1. Name of Project: _____

2. Address of Building Site: _____

3. Applicant: _____

Address: _____

Property Owner: _____

Address: _____

4. Land Use Permit No: _____ Date Issued: _____

5. Legal Description: Subdivision/COS _____ Lot _____
Block _____ Section _____ Township _____ Range _____
Other _____

6. DOR#: 06 _____
(2) (4) (2) (1) (2) (2) (4)

7. Description of construction, alteration, etc: _____

	<u>Required</u>		<u>Actual</u>
8. Setback distance of structures(s) to: Front property line	_____	ft	_____
Rear property line	_____	ft	_____
Side property line	_____	ft	_____
Side property line	_____	ft	_____
Public roads	_____	ft	_____
Water body (high water mark)	_____	ft	_____

9. Allowable Building Height: _____ Building Height (Actual): _____

10. City-County Environmental Health Department Wastewater Permit #: _____

11. Completion date: _____

Please sign the back of this form.

AGREEMENT

The undersigned hereby agrees that the completed work has been done in accordance with the plans and specifications and statement herewith submitted and in conformity with the provisions of the Zoning Regulations.

Applicant's Signature _____ Date _____

For Office Use Only

CERTIFICATE OF OCCUPANCY

The Certificate of Occupancy has been approved in accordance with the plans and specifications and statement herewith submitted, subject to the following conditions:

1. Certificate of Occupancy Approved Date: _____
2. Number of trees to be planted (Springhill): _____
3. Other: _____

Planning Department: _____ Date: _____

BIG SKY COUNTY WATER & SEWER DISTRICT NO. 363 SEWER/WATER CONNECTION PERMIT

ITEMS TO BE SUBMITTED WITH THIS APPLICATION

ARCHITECTURAL COMMITTEE APPROVAL CERTIFICATE - IF APPLICABLE
ONE SET OF BUILDABLE BLUEPRINT PLANS AND SPECIFICATIONS

COUNTY/STATE PERMITS - IF APPLICABLE
OTHER-

APPLICATION DATE

PART A (COMPLETED BY APPLICANT) OWNER AND PROPERTY INFORMATION

NAME				PHONE (W)	
MAILING ADDRESS		CITY	STATE	ZIP CODE	(H)
PROPERTY ADDRESS					
LEGAL DESC.	SECTION - TOWNSHIP - RANGE	SUBDIVISION	LOT #	BLOCK #	COS#
			TRACT #	COUNTY	
			<input type="checkbox"/> GALLATIN <input type="checkbox"/> MADISON		
BUILDING CONTRACTOR'S NAME & TELEPHONE #		SEWER CONTRACTOR'S NAME & TELEPHONE #		WATER SERVICE CONTRACTOR'S NAME (PLUMBER) & PHONE #	

Tax Parcel ID#

☐ Single Family Residential ☐ Apartment
☐ Condominium ☐ Commercial

☐ New Construction
☐ Remodeling
☐ Other:

Architectural Committee Approval Date:

(IF APPLICABLE)

State of Montana Approval Date:

(IF APPLICABLE)

Estimated: Start Date: Completion Date:

The above statements are true to the best of my knowledge. I hereby agree to pay all applicable impact, surcharge, and connection inspection charges indicated within SIXTY (60) days notice of permit application approval; and to comply with the provisions of the sewer/water connection permit when issued. All changes during construction, or future remodeling that increase the SFEs must be submitted to the District. I agree to provide ingress and egress to inspect or repair sewer and/or water main lines, stubs, services, and curb stops; water meter equipment; and to verify SFE's. I also agree to comply with the construction methods required by the District for sewer and water service connections, and to give the District a minimum of two days notice for inspection of either service connection, prior to backfilling, and to allow a final inspection to verify the SFEs when the project is 100% complete. I acknowledge that I have read the permit conditions on the back of this application and agree to provide a copy of the conditions to the contractor(s) responsible for the sewer and water service installations. Noncompliance may result in revocation of this connection permit.

[PLEASE READ OTHER SIDE FOR PERMIT CONDITIONS]

Signature of Owner

[OR]

Signature of Authorized Agent for Owner

Date

PARTS B, C & D COMPLETED BY DISTRICT PERSONNEL

PART B SINGLE FAMILY EQUIVALENT (SFE) CALCULATION

Connecting to: ☐ Sewer ☐ Water

Studio or single room unit < 500 sq ft of living area & one single bath:

Two bedrooms & two baths and greater than 500 sq ft of living area:

Each bedroom in excess of two (# of bedrooms over 2):

Each bathroom in excess of two (# of bathrooms over 2):

Each jacuzzi or hot tub draining to sewer system (# of Hot tubs):

Commercial developments (See WORKSHEET):

Condominium developments (See WORKSHEET):

Other:

SEWER SFE'S

TOTAL SFE's

.70

1.00

x .40

x .20

x .35

x

x

x

PLANS REVIEWED BY: DATE:

TOTAL SFE's FOR PROPERTY =

PART C PLANT INVESTMENT CHARGE - CONNECTION - METER FEE CALCULATIONS

C.1 Plant Investment Charges:

Plant Investment Charge: \$3,500 x # SFE's = \$

Surcharge: \$3,500 x # SFE's = \$

☐ Exempt

TOTAL PIC = \$

C.2 Connection/Inspection Fee (per connection):

	SEWER	WATER	TOTAL
<input type="checkbox"/> Remodeling (If SFEs increase)	\$ 25	\$ 25	\$
<input type="checkbox"/> Single Family Residence	100	100	\$
<input type="checkbox"/> Duplex to Four-Plex	200	200	\$
<input type="checkbox"/> 5-10 Units of Improvement and Commercial < 10,000 sq. ft.	300	300	\$
<input type="checkbox"/> 11 or more units of improvement and Commercial > 10,000 sq. ft.	750	750	\$
<input type="checkbox"/> Other			\$

C.3 Metering Equipment Charges:

Meter Size: Inches # Meters: @ \$ Each

Meter Horn: Inches # Horns: @ \$ Each

MIUs: @ \$ Each

Fittings: @ \$

Touch Pad/Other: \$

TOTAL

METER = \$

TOTAL PERMIT FEES (Total of C.1 + C.2 + C.3)

TOTAL PLANT INVESTMENT CHARGE = \$

TOTAL CONNECTION/INSPECTION FEE = \$

TOTAL METER EQUIPMENT CHARGE = \$

TOTAL FEES = \$

[APPLICATION VOID IF FEES ARE NOT PAID WITHIN 60 DAYS OF NOTICE]

PART D

APPLICATION SUMMARY

FEES PAID: \$ CHECK #: DATE PAID:
PERMIT DATE: EXPIRATION DATE:

Applications exceeding 5.0 SFEs require Board approval.

DATE BOARD APPROVED:

DATE BOARD DENIED:

SIGNATURE OF DISTRICT REPRESENTATIVE

DATE

COPIES TO: ☐ SEWER DISTRICT ☐ OWNER ☐ CONTRACTOR ☐ COUNTY

CONNECTION PERMIT FORM - 05/03

This Sewer/Water Connection Inspection Permit is issued subject to the following conditions:

1. A Sewer/Water Connection Inspection Permit must be obtained from the District before any connection is made to the District's sewer collection system or water distribution system. **AN APPROVED SEWER/WATER CONNECTION INSPECTION PERMIT MUST BE MADE AVAILABLE AT THE JOB SITE UPON REQUEST** (Section 304, WSD363 Ordinance 97-1001).
2. The owner is responsible for the cost of the sewer and water services from the building drain to the lateral stub at the property line (Section 312, WSD363 Ordinance 97-1001).
3. All sewer lateral stubs shall be located by District personnel with the best information available. The owner or their contractor is responsible for finding the sewer lateral stub.
4. All connections to the District's public sewer & water systems shall be to the sewer lateral stub and/or water service curb stop at the lot line. If a sewer lateral stub and/or water service curb stop have not been stubbed to the lot line, then the **Owner** will be responsible for the cost of installing a lateral and/or curb stop from the main line to the property line (Section 312, WSD363 Ordinance 97-1001).
5. Before installing a sewer or water service, the contractor should inspect the existing sewer lateral stub at the property line (if one exists) to determine if there is enough pitch from the structure to the sewer connection, and the location of the water curb stop.
6. The contractor is responsible for maintaining all service line set back requirements to structures, lot lines, private wells, etc. Where applicable, the contractor and home owner are responsible for any variances needed to install either a sewer or water service line.
7. All sewer laterals and water services must be constructed and laid in accordance with the Montana Public Works Standard Specifications, or any other applicable regulations of the District (Section 603, WSD363 Ordinance 97-1001) including but not limited to the following specifications:
 - a. **Pipe Bedding**- 4 inches under lateral and 6 inches over lateral piping, using 1 inch minus **washed** bedding material is required (Section 02221 and Standard Drawing 02724-1).
 - b. **Minimum Slope**- All sewer laterals must be installed at a minimum slope of 2.00% (1/4" PER FOOT) (Standard Drawing 02724-1).
 - c. **Clean Outs**- One clean out sweep is required within 10 feet from the building, and a double sweep tee every 100 feet thereafter (Section 406 and 1107, Uniform Plumbing Code), and a double sweep tee shall also be installed at the lot or easement line.
 - d. **Locate Wire**- All sewer laterals and water service lines must be installed with locate wire, #10 AWG insulated.
 - e. **Materials**- All **SEWER LATERAL** pipe shall be schedule **40 PVC**. No thin wall pipe (including schedule 35 PVC) is permitted. All **WATER SERVICE LINES** shall be a minimum of 1 inch diameter and shall be class SDR-7, PE-3408 polyethylene pressure pipe. Pipe shall be Phillips Driscopipe Ultra line 5100 or a District approved equal.
8. All septic tanks, holding tanks, and dry wells must be pumped out and abandoned in accordance with all state and local regulations.
9. All sewer laterals and water services must be inspected, tested and approved by a representative from the District prior to backfilling over the sewer and water services.
10. The sewer and/or water lateral contractor must have the site prepared safe for inspection and must give the District at least **TWO (2)** business days advance notice when the laterals are ready for inspection and connection to the public sewer and/or water systems (Section 601, WSD363 Ordinance 97-1001).
11. In areas where groundwater conditions necessitate dewatering, the sewer lateral contractor shall use appropriate dewatering equipment and comply with all local and state regulations. The sewer lateral contractor shall **not** use any part of the District's sewer collection system for trench dewatering.
12. The sewer lateral contractor is responsible for the removal of any mud, sand, or other debris which enters the sewer system as a result of the lateral installation procedure.
13. The sewer lateral and/or water service contractor is responsible for any damages, or disturbance to the public right-of-way and roads. Restoration of the public right-of-way and/or roads will be the responsibility of the sewer lateral and/or water service contractor. The restoration work must be completed in a manner that is satisfactory to the District (Section 608, WSD363 Ordinance 97-1001).
14. Sewer/Water Connection Permits are generally valid for a period of **ONE YEAR** for most projects from the date of issuance. The sewer and water laterals must be installed and inspected within the term of the permit, if they are not, the owner may file for a permit extension. If construction has not commenced within one year from the date of permit issuance, the permit will become null and void (Section 309, WSD363 Ordinance 97-1001).
15. Sewer laterals and water service laterals shall not be laid in a common trench. At least 10 feet of separation must be maintained without prior approval of the District. If sewer & water lines cross, at least 18 inches of separation must be maintained.

EXHIBIT B

SINGLE FAMILY EQUIVALENT UNIT CONVERSION SCHEDULE	
PROPERTY USAGE ¹	SFEs PER UNIT ³
Single Family Residences, Townhouses and Condominiums: ^{2,3}	
\$Two bedrooms or less	1.00
\$Each bedroom in excess of two	0.40
\$Each bath, or portion thereof, in excess of two	0.20
\$Private jacuzzi or hot tub connected to sewer, each	0.35
Studio Apartment/Condominiums: (single room less than 500 sq. ft. with single bathroom)	0.70
Hotel, Motel or Lodge, per rental room ²	0.60
\$Jacuzzi, spa or hot tub, each	0.75
\$Swimming pool	2.00
\$Banquet rooms, per seat	0.03
\$Conference rooms, per seat	0.02
Employee Housing:	
\$Condominium Type, per unit	1.00
\$Dormitory Type, per bed	0.25
Snack Bars and Delicatessens: ⁴	
\$500 sq. ft. or less	1.00
\$Each sq. ft. in excess of 500 sq. ft.	0.003
Convenience Type Food Stores and Shoppers	1.00
Cafeteria, Lounges and Bars, per seat	0.07
Full Service Restaurants, per seat	0.07
Self-Service laundromat, per washing machine	1.30
Beauty Salon, Barber Shops, Hairdresser, per station	0.35
Fire Stations, Maint. Bldgs, Machine Shops, Warehouses and Garages, per 1,000 sq. ft.	0.15
Offices and Office Buildings, per 1,000 sq. ft.	0.75
Retail Stores, per 1,000 sq. ft.	0.50
Ski Areas, sum of SFE Units from other applicable use categories plus 85% of total hourly lift capacity times	0.001
Public Restrooms, per toilet unit	0.50
Non-Public Restrooms, per toilet unit	0.20
Health Spas/Fitness Centers, per 1,000 sq. ft.	1.50
Residential Swimming Pools w/controlled sewer connection, per 1,000 sq. ft. of pool area	
\$Single Family	1.00
\$Multi-Fami	3.00
Churches, conference/meeting/banquet rooms, and similar facilities <u>without</u> in-house food serving capacities per 1,00 sq. ft.	.40
Churches, conference/meeting/banquet rooms, and similar facilities <u>with</u> in-house food serving capacities per 1,000 SF,	.5
Day-care centers, per unit of child care capacit	.05
Ski Rental Shops, per 1,000 sq. ft.	1.0
Travel Trailer Parks	
\$Without individual water & sewer hook-ups, per space	.25
\$With individual waster & sewer hook-ups, per space	.30
Undesignated commercial space, per 1,000 SF	.60

FOOTNOTES

- 1 If more than one use category is applicable to a particular building, the building will be divided into areas of similar use categories and the SFE Units for the building will be computed by adding the SFE units determinations for each use category area. For example, if a portion of a single family home is used as an office, the single family home will be divided into a "single family residence" area and an "office" area and the SFE units for the entire building will be the sum of the SFE units determined separately for the uses not specifically described in this table, such as condominium recreational facilities, pools, dormitory-style quarters, etc., the number of SFE units to be assigned shall be determined on a case-by-case basis by the Manager. No less than 1.0 SFE unit will be assigned any building or portion thereof that has a separate service line and/or that is to be billed individually for sewer service.
- 2 For the purpose of SFE unit determinations, a "loft" area shall be equivalent to a minimum of one bedroom. More than 1.0 SFE unit may be assigned if warranted by the size and characteristics of the loft area. For the purpose of SFE unit determination, an area designated as a "den", "library", "study", "sewing room", or the like, shall be equivalent to a minimum of one bedroom if such area has an accompanying closet.
- 3 For the purpose of the table: (a) a residential building or portion thereof shall be considered a duplex if it has more than one kitchen area, and (b) any portion of a residential building or unit that can be used independently of the remainder of the residential building or unit (e.g. lock-off unit shall be considered a separate residential building or unit).
- 4 In computing area, the "total usable area" shall be used. "Total usable area" includes but is not limited to: kitchen areas, serving areas, washing areas, occupant areas, waiting rooms, store rooms, restrooms, lunch rooms, halls, entryways, show rooms, and retail areas.
- 5 A bedroom means any room or living space that can be used for the purpose of sleeping that includes a doorway and closet.
- 6 "Portion thereof" any portion of a full bath, or roughed in plumbing for a future bathroom.

C. Vacant Lots

Type of Rate	2008 Rate	2009 Rate
• Sewer Availability (\$22.50 qtr)	\$7.50 per month	\$7.50 per month
• Water Availability (\$22.50 qtr)	\$7.50 per month	\$7.50 per month

III. PLANT INVESTMENT CHARGES^[3] - SFEs PER 1,000 SQUARE FEET**A. Single Family Homes & Single Condos**

Type of Rate	Condo Size	SFEs / 1,000 Sq. Ft.
• Rate 1	< 2,000 Sq. Ft.	0.85
• Rate 2	2,001 to 3,000 Sq. Ft.	0.65
• Rate 3	3,001 to 4,000 Sq. Ft.	0.55
• Rate 4	> 4,000 Sq. Ft.	0.45

^[3] **Plant Investment Charge (PIC):** For Boyne owned lots (i.e. Cascade, Mountain Village, etc) as of July 25, 1997, the PIC charge is \$7,000 per SFE (\$3,500 PIC and \$3,500 surcharge) as itemized on permit.

B. Multiple Unit Condominiums

Type of Rate	Condo Size	SFEs / 1,000 Sq. Ft.
• Rate 1	< 1,000 Sq. Ft.	0.95
• Rate 2	1,001 to 2,000 Sq. Ft.	0.85
• Rate 3	2,001 to 2,300 Sq. Ft.	0.75
• Rate 4	> 2,300 Sq. Ft.	0.65

IV. BULK WATER RATES**A. Wastewater User Charges**

Type of Rate	Charge
• Hydrant Use Permit Fee	\$50
• Bulk Water Rate- Fills < 1,000 Gallons	\$10
• Bulk Water Rate- Fills > 1,000 Gallons	\$10 per 1,000 gals



Brian Schweitzer, Governor

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • www.deq.mt.gov
July 20, 2005

Ryan Hamilton
Simkins Holdings LLC
326 N Broadway
Bozeman MT 59715

RE: Town Center Avenue West/Revised
Gallatin County
E.Q. #05-2238

Dear Mr Hamilton:

The plans and supplemental information relating to the water supply, sewage, solid waste disposal, and storm drainage (if any) for the above referenced division of land have been reviewed as required by ARM Title 17 Chapter 36(101-805) and have been found to be in compliance with those rules.

Two copies of the Certificate of Subdivision Plat Approval are enclosed. The original is to be filed at the office of the county clerk and recorder. The duplicate is for your personal records.

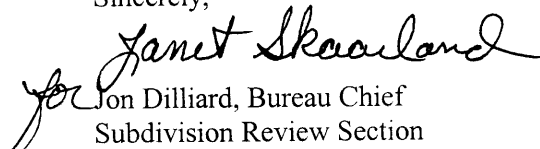
Development of the approved subdivision may require coverage under the Department's General Permit for Storm Water Discharges Associated with Construction Activity, if your development has construction-related disturbance of one or more acre. If so, please contact the Storm Water Program at (406) 444-3080 for more information or visit the Department's storm water construction website at <http://www.deq.state.mt.us/wqinfo/MPDES/StormwaterConstruction.asp>. Failure to obtain this permit (if required) prior to development can result in significant penalties.

Your copy is to inform you of the conditions of the approval. Please note that you have specific responsibilities according to the plat approval statement primarily with regard to informing any new owner as to any conditions that have been imposed.

If you wish to challenge the conditions of this Certificate of Subdivision Plat Approval, you may request a hearing before the Board of Environmental Review or the Department, pursuant to Section 76-4-126, MCA and the Montana Administrative Procedures Act.

If you have any questions, please contact this office.

Sincerely,


Jon Dilliard, Bureau Chief
Subdivision Review Section

JD/jes

cc: County Sanitarian
County Planning Board

STATE OF MONTANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
CERTIFICATE OF SUBDIVISION PLAT APPROVAL
(Section 76-4-101 et seq., MCA)

TO: County Clerk and Recorder
Gallatin County
Bozeman, Montana

E.Q. #05-2238
05-47gal-corr

THIS IS TO CERTIFY THAT the plans and supplemental information relating to the subdivision known as **Town Center Avenue West:**

A tract of land located in the NW1/4 of Section 1, Township 7 South, Range 3 East, P.M.M., Gallatin County, Montana

consisting of twenty(20) lots, fifteen(15) of which have been reviewed by personnel of the Permitting and Compliance Division, and,

THAT the lots designated "Entry Open Space," "Block 3, Lot 4," "Block 5, Lot F," "Common Open Space of Block 13," and, "Common Open Space of Block 17" are exempt from review under ARM 17.36.605(2)(a) which states: "*A parcel that has no existing facilities for water supply, wastewater disposal, and solid waste disposal, if no new facilities will be constructed on the parcel,*" and,

THAT the documents and data required by ARM Title 17 Chapter 36 have been submitted and found to be in compliance therewith, and,

THAT the approval of the plat is made with the understanding that the following conditions shall be met:

THAT this Certificate supersedes Certificate No. E.Q.#01-2002 dated the 23rd day of May, 2001, for all the lots on Blocks 3, 5, 13 and 17, and,

THAT the lot size as indicated on the plat to be filed with the county clerk and recorder will not be further altered without approval, and,

THAT Block 3, Lots 1, 2 and 3; and Block 5, Lots A, B, C, D and E, shall each be used of one(1) unit of locally approved commercial development, and,

THAT Block 17, Lots 1A is approved for six (6) residential units, and,

THAT Block 17, Lots 2A is approved for six (6) residential units, and,

THAT Block 5, Lot G, Block 13, Lots 1A and 2A; and Block 17, Lots 3A and 4A are approved for multi-user residential purposes; however, the purchaser of any one or all of these lots must submit a rewrite application to the Department when the number and type of residential units and the sewer and water supply infrastructure serving those units has been determined, and,

Town Center Avenue West

Gallatin County

E.Q. #05-2238

THAT the public water and sewer systems serving the lot will be provided by service connection to the **Big Sky County Water and Sewer District**, and,

THAT improvements to the water supply system will consist of approximately 700 lineal feet of 8-inch Class 51 Ductile Iron Pipe (DIP) Water Main; 1 new fire hydrant and appurtenances, and shall be constructed in accordance with the approved plans and specifications prepared by Keith E Waring, PE # 15161PE of Thomas, Dean & Hoskins, Inc., of Bozeman dated 1/31/05 and received by the Department on 2/07/05, and,

THAT improvements to the sewer system will consist of approximately 100 lineal feet of 8-inch SDR 35 PVC Sewer Main; 1 new manholes and appurtenances, and shall be constructed in accordance with the approved plans and specifications prepared by Keith E Waring, PE # 15161PE of Thomas, Dean & Hoskins, Inc., of Bozeman dated 1/31/05 and received by the Department on 2/07/05, and,

THAT construction will be completed within three years of the date of this approval. If more than three years pass before beginning construction, it shall be necessary to resubmit the plans and specifications. This expiration period does not extend any compliance schedule requirements pursuant to enforcement action against a public water/sewage system, and,

THAT within 90 days after construction is completed upon a public water system, wastewater system, or storm drainage system, or upon an extension of or addition to such a system, the professional engineer shall certify to the Department that the construction, alteration or extension was completed in accordance with the plans and specifications approved by the Department, and,

THAT project certification shall be accompanied by a complete set of "as-built" drawings bearing the signature and seal of the professional engineer, and,

THAT water supply and sewage treatment systems will be located as shown on the approved plans, and,

THAT the plans and specifications for any proposed sewage treatment systems will be reviewed and approved by the county health department and will comply with local regulations and ARM, Title 17, Chapter 36, Sub-Chapters 3 and 9, and,

THAT all sanitary facilities must be located as shown on the attached lot layout, and,

THAT the developer and/or owner of record shall provide each purchaser of property with a copy of the plat, approved location of water supply and sewage treatment system as shown on the attached lot layout, and a copy of this document, and,

THAT instruments of transfer for this property shall contain reference to these conditions, and,

Page 3 of 3

Town Center Avenue West

Gallatin County

E.Q. #05-2238

THAT departure from any criteria set forth in the approved plans and specifications and Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM when erecting a structure and appurtenant facilities in said subdivision without Department approval, is grounds for injunction by the Department of Environmental Quality.

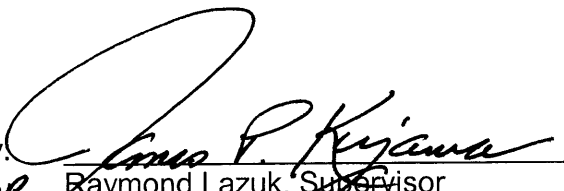
YOU ARE REQUESTED to record this certificate by attaching it to the plat filed in your office as required by law.

DATED this 15th day of June, 2005.

Richard H Oppen
Director

By.

70R

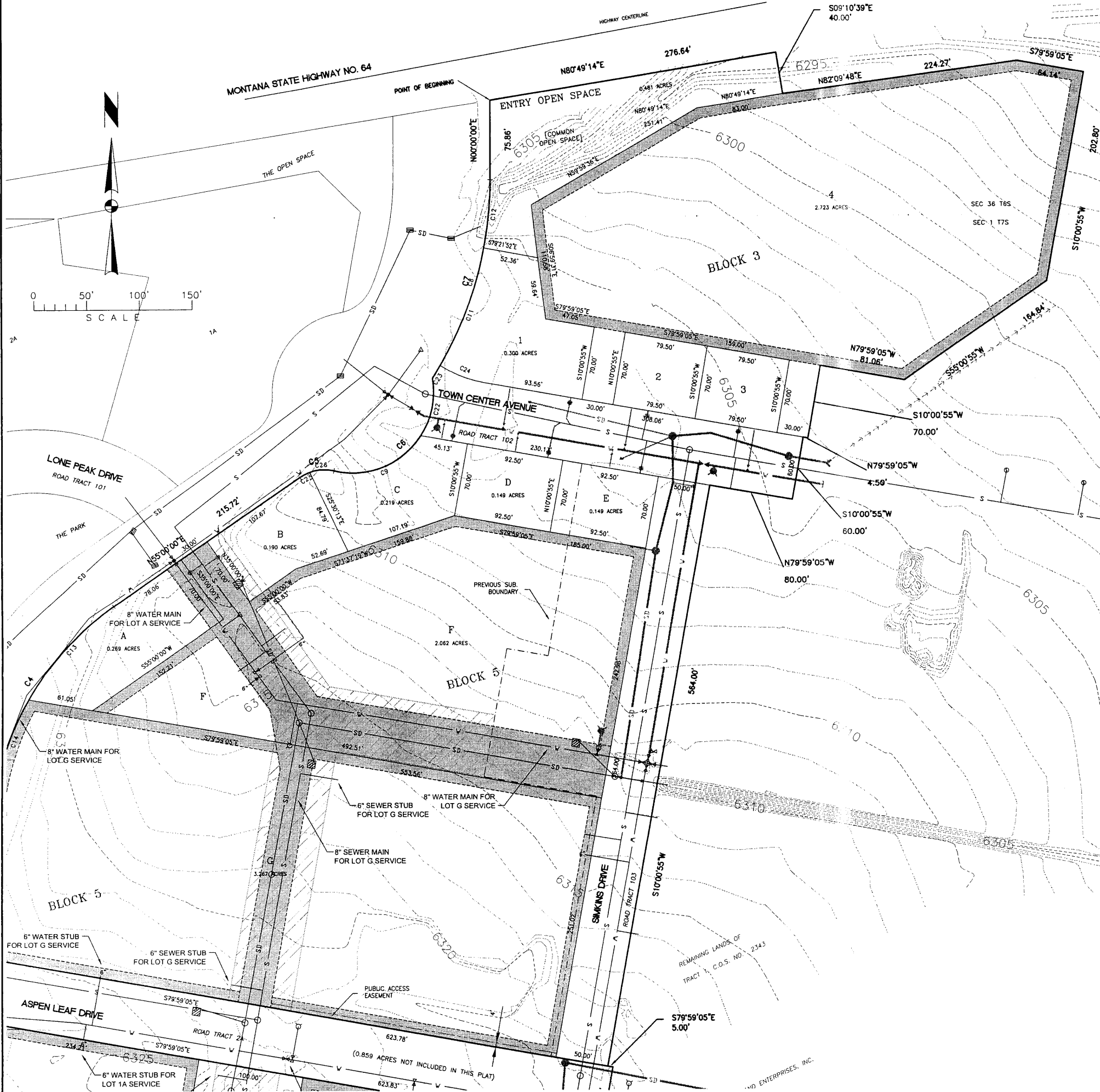

Raymond Lazuk, Supervisor
Subdivision Review Section
Permitting and Compliance Division
Department of Environmental Quality

Owner's Name: William Simkins

LOT LAYOUT OF TOWN CENTER AVENUE WEST SUBDIVISION
AN AMENDED PLAT OF

BIG SKY TOWN CENTER SUBDIVISION, PHASE 1, BLOCK 5, LOTS 1A, 2, 3, 4 & 9A AND BLOCKS 8, 9, 13, 14, 17, 18 AND 20 AND ROAD TRACTS 5, 6, 7, 11, 11A, 11B, 12, & 12A; ALSO INCLUDING PORTIONS OF TRACT 1 OF CERTIFICATE OF SURVEY NO. 2343, ALL LOCATED IN THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 7 SOUTH, RANGE 3 EAST AND IN THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 6 SOUTH, RANGE 3 EAST, P.M.M., GALLATIN COUNTY, MONTANA

TOTAL AREA: 24.115 ACRES



LEGEND

SYMBOL	DESCRIPTION
---	EXISTING EASEMENT
---	ACCESS EASEMENT
---	UTILITY EASEMENT EXCEPT AS NOTED
---	TO BE ATTACHED TO PARCEL 1 DOC. # 2136052 (SEE NOTE #6)
---	PUBLIC ROAD EASEMENTS BEING RELEASED
S	EXISTING SEWER
SD	EXISTING STORM DRAIN
W	EXISTING WATER
S	NEW SEWER
SD	NEW STORM DRAIN
W	NEW WATER

APPROVED
Montana Department of
Environmental Quality
Permitting and Compliance Division
James P. Kijana 6-15-05
Reviewer Date

CURVE TABLE

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	120.00'	36°06'56"	75.64'	S61°55'37"E	74.39'
C2	520.00'	52°40'15"	478.03'	S63°46'48"W	461.37'
C3	270.00'	9°57'11"	46.90'	N05°05'31"E	46.84'
C4	270.00'	44°55'54"	211.74'	N32°32'03"E	206.35'
C5	40.00'	48°49'10"	34.08'	N79°24'35"E	33.08'
C6	77.00'	113°20'12"	152.31'	N47°09'04"E	128.67'
C7	352.59'	32°38'42"	200.89'	N16°19'21"E	198.19'
C8	352.59'	31°53'53"	196.30'	N15°56'56"E	193.77'
C9	77.00'	70°52'28"	95.25'	N68°22'57"E	89.29'
C10	470.00'	80°06'00"	657.06'	N50°03'55"E	604.85'
C11	352.59'	19°43'08"	121.35'	N20°29'42"E	120.75'
C12	352.59'	10°38'08"	65.45'	N05°19'04"E	65.36'
C13	270.00'	25°45'11"	121.36'	S42°07'25"W	120.34'
C14	270.00'	19°10'43"	90.38'	S19°39'27"W	89.96'
C15	270.00'	6°25'43"	30.29'	S06°51'15"W	30.28'
C16	470.00'	6°21'34"	52.17'	N13°11'42"E	52.14'
C17	470.00'	26°49'44"	220.08'	N76°42'03"E	218.07'
C18	270.00'	3°31'28"	16.61'	S01°52'39"W	16.61'
C19	470.00'	46°54'42"	384.82'	N39°49'50"E	374.16'
C20	495.00'	80°06'00"	692.01'	N50°03'55"E	637.02'
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C26	40.00'	33°23'27"	23.31'	N87°07'27"E	22.98'

BIG SKY TOWN CENTER AVENUE WEST
BIG SKY, MONTANA
LOT LAYOUT - NORTH HALF

CAD NO. 347-010-LOTL.DWG
SHEET 1 OF 2

DRAWN BY: EWB
DESIGNED BY: KEW
QUALITY CHECK: 1/31/05
DATE: 6/13/05
JOB NO. B03-047(010)
FILEBOOK NA

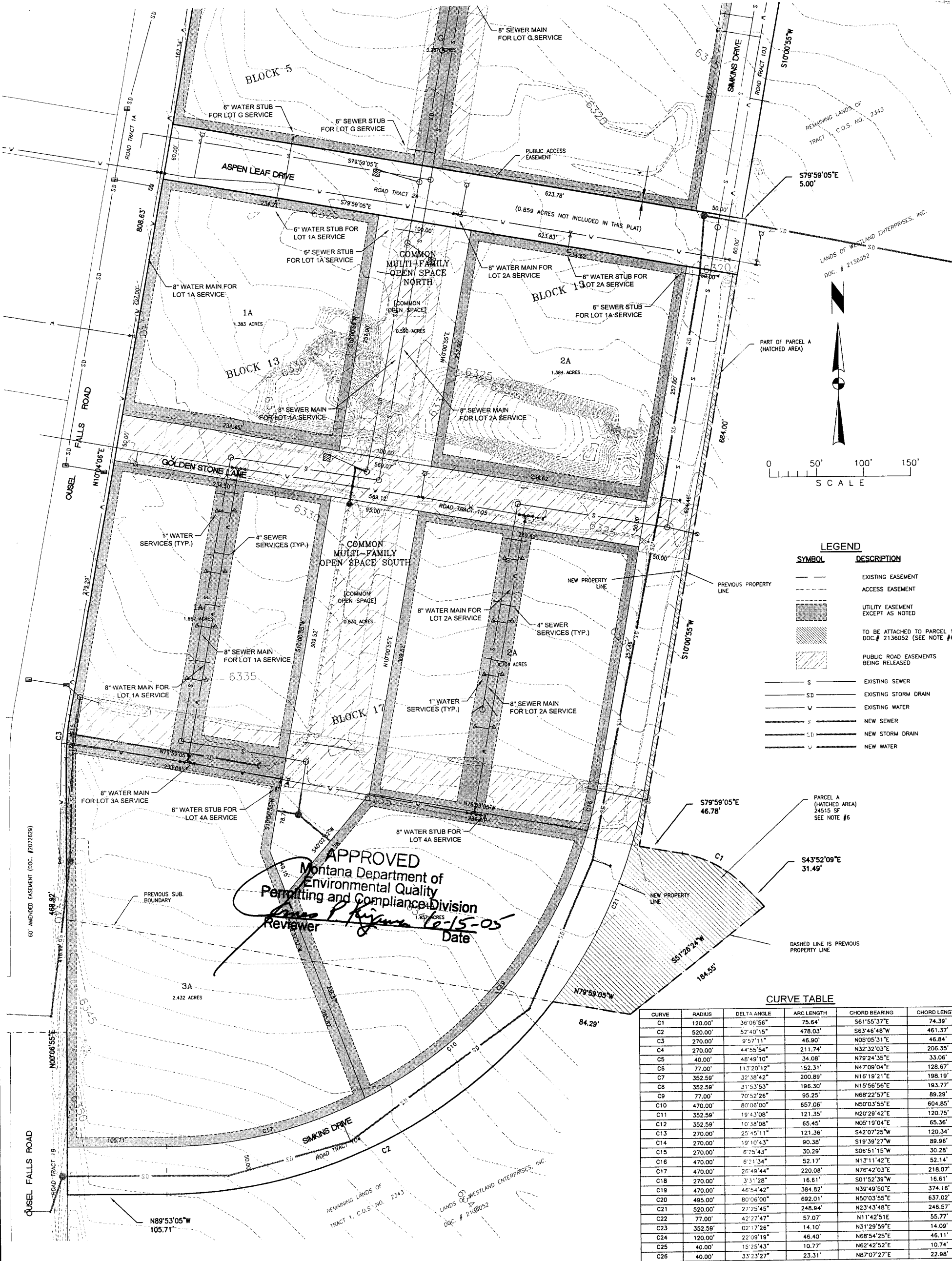
REVISIONS
BY EWB DATE 6/13/05 DESCR NEW LOT LAYOUT
BY DATE DESCR
BY DATE DESCR
THOMAS, DEAN & HOSKINS, INC.
ENGINEERING CONSULTANTS
GREAT FALLS-BOZEMAN-KALISPELL-HELENA
SPOKANE
LEWISTON
MONTANA
WASHINGTON
IDAHO



LOT LAYOUT OF TOWN CENTER AVENUE WEST SUBDIVISION
AN AMENDED PLAT OF

BIG SKY TOWN CENTER SUBDIVISION, PHASE 1, BLOCK 5, LOTS 1A, 2, 3, 4 & 9A AND BLOCKS 8, 9, 13, 14, 17, 18 AND 20 AND ROAD TRACTS 5, 6, 7, 11, 11A, 11B, 12, & 12A; ALSO INCLUDING PORTIONS OF TRACT 1 OF CERTIFICATE OF SURVEY NO. 2343, ALL LOCATED IN THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 7 SOUTH, RANGE 3 EAST AND IN THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 6 SOUTH, RANGE 3 EAST, P.M.M., GALLATIN COUNTY, MONTANA

TOTAL AREA: 24.115 ACRES



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SYMBOL	DESCRIPTION
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BIG SKY TOWN CENTER AVENUE WEST
BIG SKY, MONTANA

LOT LAYOUT - SOUTH HALF

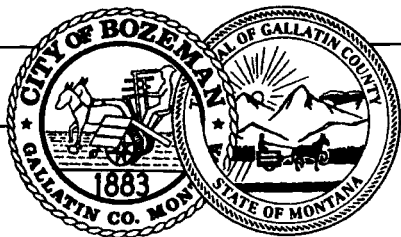
DRAWN BY: EWB
DESIGNED BY: KEB
QUALITY CHECK: 1/3/05
DATE: 6/13/05
JOB NO.: B03-047(010)
FIELD BOOK: NA

REVISIONS
BY: EWB DATE: 6/13/05 DESCR: NEW LOT LAYOUT
BY: DATE DESCR
BY: DATE DESCR



THOMAS, DEAN & HOSKINS, INC.
ENGINEERING CONSULTANTS
GREAT FALLS-BOZEMAN-KALISPELL-HELENA
SPOKANE
LEWISTON
MONTANA
WASHINGTON
IDAHO





Gallatin City-County Health Department

Human Services
12 N. 3rd Ave
Bozeman, MT 59715
406-582-3100 • FAX 406-582-3112

Environmental Health Services
311 West Main, Room 108
Bozeman, MT 59715
406-582-3120 • FAX 406-582-3128

www.co.gallatin.mt.us/health/index.htm

SUBDIVISION PLAT OR CERTIFICATE OF SURVEY LOCAL HEALTH OFFICER APPROVAL (Section 50-2-116(1)(i), Montana Codes Annotated)

TO: Gallatin County Clerk and Recorder
311 W. Main
Bozeman, Montana

THIS IS TO CERTIFY THAT the plans and supplemental information relating to the subdivision known as: **BIG SKY TOWN CENTER AVENUE WEST (corrected)**

An Amended Plat of Big Sky Town Center Subdivision, Phase 1, Block 5, lots 1A, 2, 3, 4 & 9A and Blocks 8, 9, 13, 14, 17, 18 & 20 and Tracts 5, 6, 7, 11, 11A, 11B, 12 & 12A; Also including Portions of Tract 1 of COS 2343, all located in the Northwest ¼ of Section 1 Township 7 South, Range 3 East and in the Southwest ¼ of Section 36, Township 6 South, Range 3 East, P.M.M., Gallatin County, Montana, and Consisting of 25.399 acres, more or less and subject to any existing easements, and,

Consisting of twenty (20) lots, fifteen (15) of which have been reviewed by the Gallatin City-County Health Department, Environmental Health Services, and with the lots designated "Entry Open Space", "Block 3, Lot 4", "Block 5, Lot F", "Common Open Space of Block 13", and "Common Open Space of Block 17" being exempt from review under ARM 17.36.605(2)(a) which states: *"A parcel that has no existing facilities for water supply, wastewater disposal, and solid waste disposal, if no new facilities will be constructed on the parcel,"* and,

THAT the approval of the Plat of said subdivision is made with the understanding that the following conditions shall be met:

THAT IN ADDITION to the requirements described on the MDEQ Certificate of Subdivision Plat Approval for BIG SKY TOWN CENTER AVENUE WEST, E.Q.# 05-2238, any onsite wastewater treatment system siting, design and construction must comply with the Gallatin County Regulations for Wastewater Treatment Systems, and,

THAT when a new well is drilled, the top of the well casing shall be sealed with a screened, vented sanitary well seal which, when installed, creates a watertight seal to prevent the entrance of water or foreign material into the well.

Pursuant to Section 76-4-122(2)(a), MCA, a person must obtain the approval of both the State under Title 76, Chapter 4, MCA, and the local board of health under section 50-2-116(1)(i) MCA, before filing a subdivision plat with the county clerk and recorder.

YOU ARE REQUESTED to record this Local Health Officer Approval by attaching it to the Plat filed in your office as required by law.

DATED this 21st day of July, 2005.

REVIEWED AND APPROVED BY:



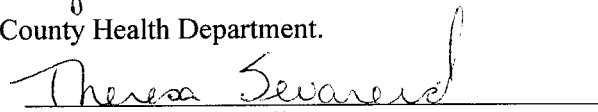
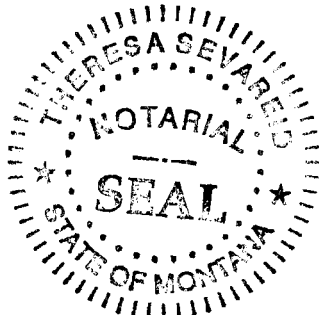
Tim Roark, RS
Environmental Health Services Director
Gallatin City-County Health Department

Notary:

State of Montana §

County of Gallatin §

This instrument was acknowledged before me on July 21, 2005 by Tim Roark RS,
Environmental Health Services Director, Gallatin City-County Health Department.


Signature of notarial officer

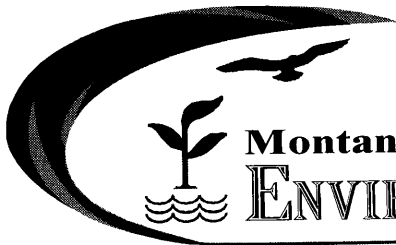
Notary Public for the State of Montana

Residing at Belgrade

My commission expires: June 20, 2006

cc: Ryan Hamilton, Project Manager, Simkins Holdings LLC, 326 N Broadway, Bozeman, MT 59715
Keith Waring PE, TD&H Inc., 215 Mendenhall, Suite C-1, Bozeman, MT 59715
Subdivision Program, MDEQ Permitting & Compliance Div., P.O. Box 200901, Helena, MT 59620-0901
William Simkins, 326 N. Broadway, Bozeman, MT 59715

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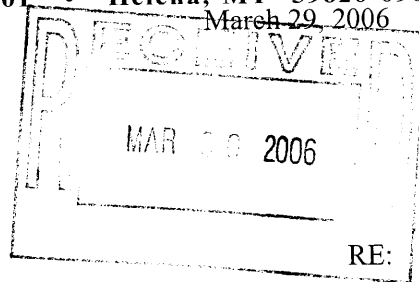


**Montana Department of
ENVIRONMENTAL QUALITY**

Brian Schweitzer, Governor

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • www.deq.mt.gov

Keith Waring, PE
Thomas, Dean & Hoskins
215 W Mendenhall #C-1
Bozeman MT 59715



RE: Huntley Addition-Town Center
Subdivision
Gallatin County
E.Q. #06-2430

Dear Mr Waring:

The plans and supplemental information relating to the water supply, sewage, solid waste disposal, and storm drainage (if any) for the above referenced division of land have been reviewed as required by ARM Title 17 Chapter 36(101-805) and have been found to be in compliance with those rules.

Two copies of the Certificate of Subdivision Plat Approval are enclosed. The original is to be filed at the office of the county clerk and recorder. The duplicate is for your personal records.

Development of the approved subdivision may require coverage under the Department's General Permit for Storm Water Discharges Associated with Construction Activity, if your development has construction-related disturbance of one or more acre. If so, please contact the Storm Water Program at (406) 444-3080 for more information or visit the Department's storm water construction website at <http://www.deq.state.mt.us/wqinfo/MPDES/StormwaterConstruction.asp>. Failure to obtain this permit (if required) prior to development can result in significant penalties.

Your copy is to inform you of the conditions of the approval. Please note that you have specific responsibilities according to the plat approval statement primarily with regard to informing any new owner as to any conditions that have been imposed.

If you wish to challenge the conditions of this Certificate of Subdivision Plat Approval, you may request a hearing before the Board of Environmental Review or the Department, pursuant to Section 76-4-126, MCA and the Montana Administrative Procedures Act.

If you have any questions, please contact this office.

Sincerely,

Steve Kilbreath, Supervisor
Subdivision Review Section

SK/ML

cc: County Sanitarian
County Planning Board

STATE OF MONTANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
CERTIFICATE OF SUBDIVISION PLAT APPROVAL
(Section 76-4-101 et seq., MCA)

TO: County Clerk and Recorder
Gallatin County
Bozeman, Montana

E.Q. #06-2430
06-59gal

THIS IS TO CERTIFY THAT the plans and supplemental information relating to the subdivision known as **Town Center Subdivision-Huntley Addition:**

A tract of land being a portion of the remainder of Tract 1 of COS No., 2343, located in the North ½ of Section 1, Township 7 South, Range 3 East, and in the South ½ of Section 36, Township 6 South, Range 3 East, P.M.M., Gallatin County, Montana

consisting of seven(7) lots, five(5) of which have been reviewed by personnel of the Permitting and Compliance Division, and,

THAT the lots designated "Entry Open Space" and "River Open Space North" are exempt from review under ARM 17.36.605(2)(a) which states: "*A parcel that has no existing facilities for water supply, wastewater disposal, and solid waste disposal, if no new facilities will be constructed on the parcel,*" and,

THAT the documents and data required by ARM Title 17 Chapter 36 have been submitted and found to be in compliance therewith, and,

THAT the approval of the plat is made with the understanding that the following conditions shall be met:

THAT the lot size as indicated on the plat to be filed with the county clerk and recorder will not be further altered without approval, and,

THAT Lots 1, 2, 3 and 4 shall be used one(1) unit of locally approved commercial development, and,

THAT Lot 5 shall be used for six(6) 4-plex dwelling units, and,

THAT the public water and sewer systems serving all lots will be provided by extension and service connection to the **Big Sky County Water and Sewer District**, and,

THAT the extensions and connections to the water and sewer system will be constructed in accordance with the Department approved plans and specifications designed by Keith E Waring, PE # 15161PE of Thomas, Dean & Hoskins, Inc., of Bozeman, and,

Town Center Subdivision-Huntley Addition

Gallatin County

E.Q. #06-2430

THAT the water supply system will consist of approximately 2,532 lineal feet of 8-inch Class 51 Ductile Iron Pipe (DIP) Water Main; 6 new fire hydrant; 5 valves and appurtenances, and shall be constructed in accordance with the approved plans and specifications prepared by Keith E Waring, PE # 15161PE of Thomas, Dean & Hoskins, Inc., of Bozeman dated 2/08/06 and received by the Department on 2/13/06, and,

THAT the sewer system will consist of approximately 1,363 lineal feet of 8-inch SDR 35 PVC Sewer Main; 10 new manholes and appurtenances, and shall be constructed in accordance with the approved plans and specifications prepared by Keith E Waring, PE # 15161PE of Thomas, Dean & Hoskins, Inc., of Bozeman dated 2/08/06 and received by the Department on 2/13/06, and,

THAT water supply and sewage treatment systems will be located as shown on the approved plans, and,

THAT construction will be completed within three years of the date of this approval. If more than three years pass before beginning construction, it shall be necessary to resubmit the plans and specifications. This expiration period does not extend any compliance schedule requirements pursuant to enforcement action against a public water/sewage system, and,

THAT within 90 days after construction is completed upon a public water system, wastewater system, or storm drainage system, or upon an extension of or addition to such a system, the professional engineer shall certify to the Department that the construction, alteration or extension was completed in accordance with the plans and specifications approved by the Department, and,

THAT project certification shall be accompanied by a complete set of "as-built" drawings bearing the signature and seal of the professional engineer, and,

THAT the plans and specifications for any proposed sewage treatment systems will be reviewed and approved by the county health department and will comply with local regulations and ARM, Title 17, Chapter 36, Sub-Chapters 3 and 9, and,

THAT all sanitary facilities must be located as shown on the attached lot layout, and,

THAT the developer and/or owner of record shall provide each purchaser of property with a copy of the plat, approved location of water supply and sewage treatment system as shown on the attached lot layout, and a copy of this document, and,

Page 3 of 3

Town Center Subdivision-Huntley Addition

Gallatin County

E.Q. #06-2430

THAT instruments of transfer for this property shall contain reference to these conditions, and,

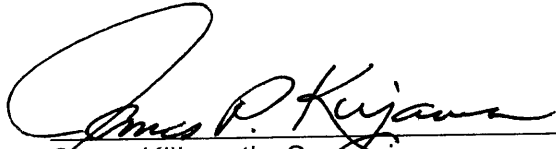
THAT departure from any criteria set forth in the approved plans and specifications and Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM when erecting a structure and appurtenant facilities in said subdivision without Department approval, is grounds for injunction by the Department of Environmental Quality.

YOU ARE REQUESTED to record this certificate by attaching it to the plat filed in your office as required by law.

DATED this 28th day of March, 2006.

Richard H Oppen
Director

By:

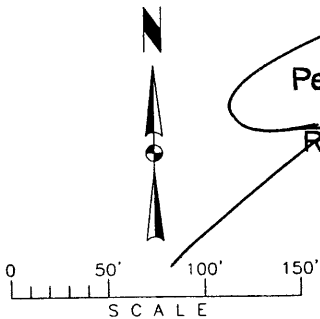

Steve Kilbreath, Supervisor
Subdivision Review Section
Permitting and Compliance Division
Department of Environmental Quality

Owner's Name: William Simkins

BIG SKY TOWN CENTER SUBDIVISION
HUNTLEY ADDITION

A TRACT OF LAND BEING A PORTION OF THE REMAINDER OF TRACT 1 OF CERTIFICATE OF SURVEY NO. 2343, LOCATED IN THE NORTH 1/2 OF SECTION 1, TOWNSHIP 7 SOUTH, RANGE 3 EAST, AND THE SOUTH 1/2 OF SECTION 36, TOWNSHIP 6 SOUTH, RANGE 3 EAST, P.M.M., GALLATIN COUNTY, MONTANA

TOTAL AREA: 9.771 ACRES



APPROVED
Montana Department of
Environmental Quality
Permitting and Compliance Division

Reviewer: *[Signature]* 3-28-06
Date: *[Signature]*
EQ# 06-2430

LEGEND

NEW	EXISTING	DESCRIPTION
		CONTOUR
		CURB & GUTTER
		EDGE OF ASPHALT
		EDGE OF GRAVEL
		SANITARY SEWER
		STORM DRAIN
		WATERLINE

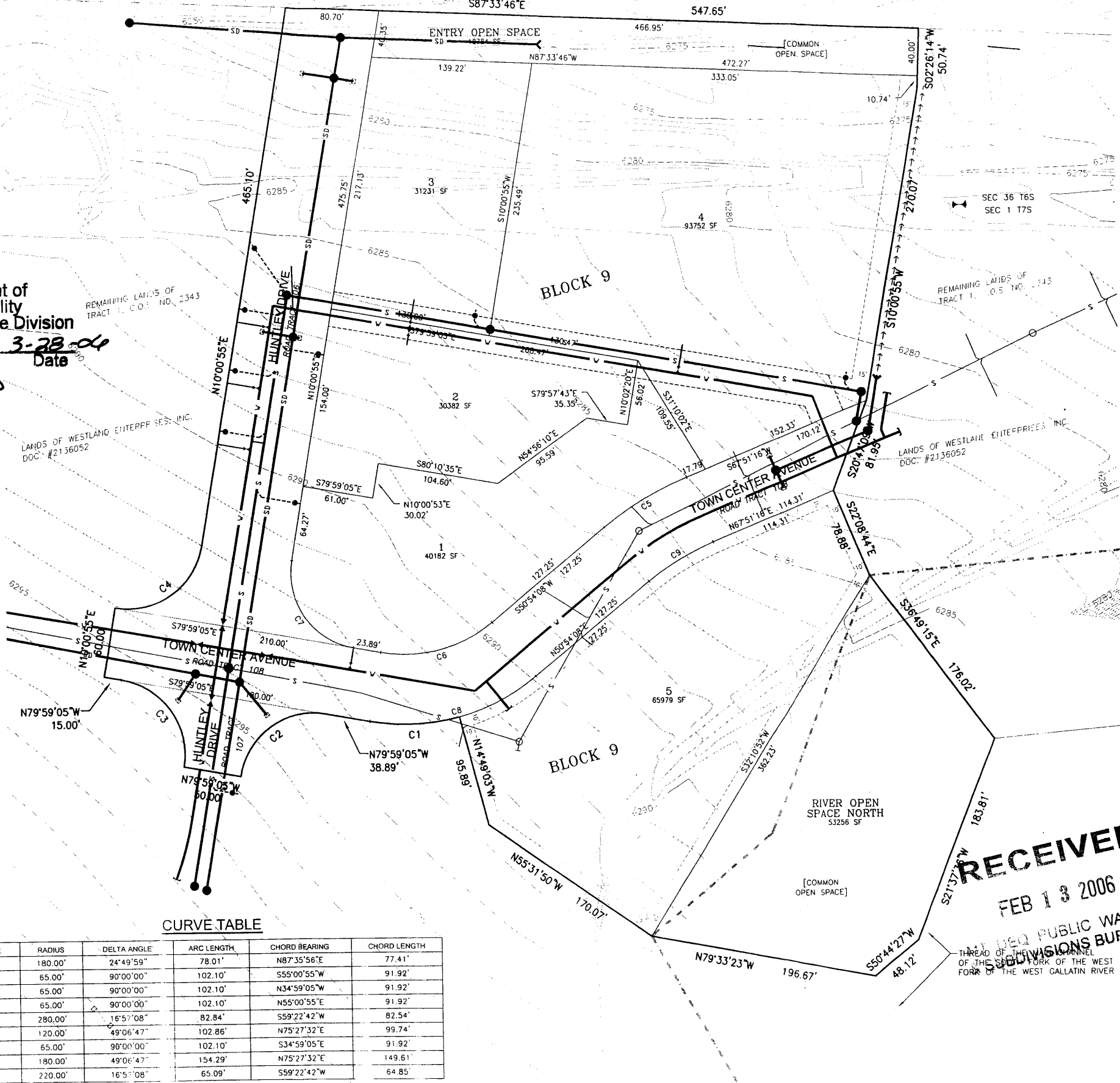
COMPUTED AREAS
(IN SQUARE FEET)

BLOCK-NUMBER	LOT-NUMBER	AREA	LAND USE	AREA TOTAL
BLOCK 9	1	40,182	COMMERCIAL	
	2	30,382	COMMERCIAL	
	3	31,231	COMMERCIAL	
	4	93,752	COMMERCIAL	
	5	65,979	RESIDENTIAL	
	ENTRY OPEN SPACE	18,784	OPEN SPACE - COMMON	
	RIVER O.S. NORTH	53,256	OPEN SPACE - COMMON	
				333,566
TOTAL LOTS		261,526		
TOTAL OPEN SPACE		72,040		
				333,566
ROAD TRACT 106		44,648	STREET	
ROAD TRACT 107		5,063	STREET	
ROAD TRACT 108		42,354	STREET	
TOTAL STREETS				92,065
TOTAL				425,631

CURVE TABLE

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	180.00'	24°49'59"	78.01'	N87°35'56"E	77.41'
C2	65.00'	90°00'00"	102.10'	S55°00'55"W	91.92'
C3	65.00'	90°00'00"	102.10'	N34°59'05"W	91.92'
C4	65.00'	90°00'00"	102.10'	N55°00'55"E	91.92'
C5	280.00'	16°57'08"	82.84'	S59°22'42"W	82.54'
C6	120.00'	49°06'47"	102.86'	N75°27'32"E	99.74'
C7	65.00'	90°00'00"	102.10'	S34°59'05"E	91.92'
C8	180.00'	49°06'47"	154.29'	N75°27'32"E	149.61'
C9	220.00'	16°57'08"	65.09'	S59°22'42"W	64.85'

MONTANA STATE HIGHWAY NO. 64



REVISIONS		DATE	DESCR
BY	DATE	DESCR	DESCR
BY	DATE	DESCR	DESCR
BY	DATE	DESCR	DESCR

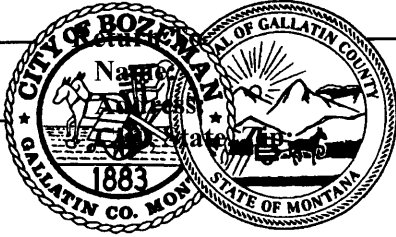
DRAWN BY: DKH
DESIGNED BY: KEW
QUALITY CHECK: 2/02/06
DATE: B03-047
JOB NO. NA
FIELDBOOK

THOMAS, DEAN & HOSKINS, INC.
ENGINEERING CONSULTANTS
GREAT FALLS - BOZEMAN - KALISPELL - HELENA
SPOKANE - LEWISTON
MONTANA
WASHINGTON
IDAHO

BIG SKY TOWN CENTER HUNTLEY ADDITION
BIG SKY, MONTANA

LOT LAYOUT

RECEIVED
FEB 13 2006
MONTANA PUBLIC WATER
DIVISIONS BUREAU



Gallatin City-County Health Department

Human Services
12 N. 3rd Ave
Bozeman, MT 59715
406-582-3100 • FAX 406-582-3112

Environmental Health Services
311 West Main, Room 108
Bozeman, MT 59715
406-582-3120 • FAX 406-582-3128

www.co.gallatin.mt.us/health/index.htm

GALLATIN CITY-COUNTY HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH SERVICES
SUBDIVISION PLAT OR CERTIFICATE OF SURVEY
LOCAL HEALTH OFFICER APPROVAL
(Section 50-2-116(1)(i), Montana Codes Annotated)

TO: Gallatin County Clerk and Recorder
311 W. Main
Bozeman, Montana

THIS IS TO CERTIFY THAT the plans and supplemental information relating to the subdivision known as: **BIG SKY TOWN CENTER HUNTLEY ADDITION**

A tract being a portion of the remainder of Tract 1 of COS No. 2343 located in the North ½ of Section 1, Township 7 South, Range 3 East and in the South ½ of Section 36, Township 6 South, Range 3 East, P.M.M., Gallatin County, Montana as found in the records of the Gallatin County Clerk & Recorder, consisting of 9.77 acres and subject to any existing easements.

Consisting of seven lots, with LOTS 1 – 5 having been reviewed by the Gallatin City-County Health Department, Environmental Health Services, and with the "Entry Open Space" and "River Open Space North" being exempt from review under 17.36.605(2)(a) ARM (*a parcel that has no existing facilities for water supply, wastewater disposal, and solid waste disposal, if no new facilities will be constructed on the parcel*), and,

THAT the approval of the Plat of said subdivision is made with the understanding that the following conditions shall be met:

THAT IN ADDITION to the requirements described on the MDEQ Certificate of Subdivision Plat Approval for TOWN CENTER SUBDIVISION-HUNTLEY ADDITION, E.Q.# 06-2430, any onsite wastewater treatment system siting, design and construction must comply with the Gallatin County Regulations for Wastewater Treatment Systems, and,

Pursuant to Section 76-4-122(2)(a), MCA, a person must obtain the approval of both the State under Title 76, Chapter 4, MCA, and the local board of health under section 50-2-116(1)(i) MCA, before filing a subdivision plat with the county clerk and recorder.

YOU ARE REQUESTED to record this Local Health Officer Approval by attaching it to the Plat or Certificate of Survey filed in your office as required by law.

DATED this 28th day of March, 2006.

REVIEWED AND APPROVED BY:



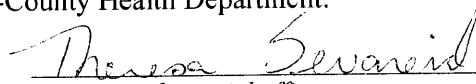
Tim Roark, RS
Environmental Health Services Director
Gallatin City-County Health Department

Notary:

State of Montana §

County of Gallatin §

This instrument was acknowledged before me on March 28, 2006 by Tim Roark RS,
Environmental Health Services Director, Gallatin City-County Health Department.


Signature of notarial officer

Notary Public for the State of Montana
Residing at Belgrade
My commission expires: June 20, 2006

cc: Keith ~~Waring~~ RS, L&H Engineering, 215 W. Mendenhall, Ste. C-1, Bozeman, MT 59715
Subdivision Program, MDEQ Permitting & Compliance Div., P.O. Box 200901, Helena, MT 29620-0901
William Simkins, 326 N. Broadway, Bozeman, MT 59715
Gallatin County Planning Department

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Return To

Name:

Address:

City, State, Zip:

**GALLATIN CITY-COUNTY HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH SERVICES
SUBDIVISION PLAT OR CERTIFICATE OF SURVEY
LOCAL HEALTH OFFICER APPROVAL
(Section 50-2-116(1)(i), Montana Codes Annotated)**

TO: Gallatin County Clerk and Recorder
311 West Main
Bozeman, Montana

GCCHOA # 14-038

THIS IS TO CERTIFY THAT the plans and supplemental information relating to the subdivision known as:

BIG SKY TOWN CENTER, HUNTLEY'S 2ND ADDITION

Tract 1 as shown on Certificate of Survey No. 2343 and located within the N½ of Section 1, Township 7 South, Range 3 East, P.M.M., Gallatin County, Montana as found in the records of the Gallatin County Clerk & Recorder, consisting of 17.949 acres and subject to any existing easements.

Consisting of seven lots, with Block 3, Lots 5, 6, 7 & 8; Block 9, Lot 6; and two Common Open Space lots having been reviewed by the Gallatin City-County Health Department, Environmental Health Services,

THAT the approval of the Plat of said subdivision is made with the understanding that the following conditions shall be met:


THAT IN ADDITION to the requirements described on the Montana Department of Environmental Quality Certificate of Subdivision Plat Approval for the BIG SKY TOWN CENTER, HUNTLEY'S 2nd ADDITION, BLOCK 3, LOTS 5, 6 & 7 AND BLOCK 9, LOT 6, E.Q. # 14-1447, any onsite wastewater treatment system siting, design and construction must comply with the Gallatin County Regulations for Wastewater Treatment Systems, and,

Pursuant to Section 76-4-122(2)(a), MCA, a person must obtain the approval of both the State under Title 76, Chapter 4, MCA, and the local Board of Health under Section 50-2-116(1)(i) MCA, before filing a subdivision plat with the county Clerk and Recorder.

YOU ARE REQUESTED to record this Local Health Officer Approval by attaching it to the Plat filed in your office as required by law.

DATED this 13th day of January, 2014.

REVIEWED AND APPROVED BY:



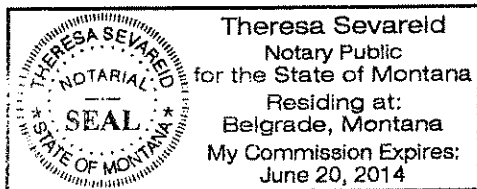
Tim Roark, R.S.
Environmental Health Services Director
Gallatin City-County Health Department

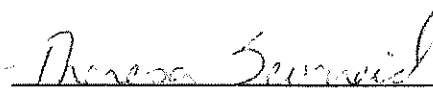
Notary:

State of Montana

County of Gallatin

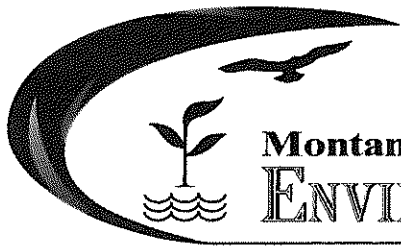
This instrument was acknowledged before me on January 14, 2014 by Tim Roark, R.S.,
Environmental Health Services Director, Gallatin City-County Health Department.





Signature of notarial officer
Printed Name Theresa Severeid
Notary Public for the State of Montana
Residing at Belgrade
My commission expires: June 20, 2014

CC Original: Kyle Scarr PE, TD&H Engineering, 234 E. Babcock, Suite 3, Bozeman, MT 59715
Subdivision Program, MDEQ Permitting & Compliance Div., P.O. Box 200901, Helena, MT 59620-0901
William Simkins, Westland Enterprises Inc., 326 N Broadway Ave., Bozeman, MT 59715



"Healthy environment, healthy people"

**Montana Department of
ENVIRONMENTAL QUALITY**

Steve Bullock, Governor
Tracy Stone-Manning, Director

P. O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • Website: www.deq.mt.gov

January 15, 2014

Kyle L Scarr
Thomas Dean & Hoskins
234 East Babcock Suite 3
Bozeman MT 59715

RE: Big Sky Town Center Subdivision
Huntley's 2nd Addition
Gallatin County
E.Q. #14-1447

Dear Mr Scarr:

The plans and supplemental information relating to the water supply, sewage, solid waste disposal, and storm drainage (if any) for the above referenced division of land have been reviewed as required by ARM Title 17 Chapter 36(101-805) and have been found to be in compliance with those rules.

Two copies of the Certificate of Subdivision Plat Approval are enclosed. The original is to be filed at the office of the county clerk and recorder. The duplicate is for your personal records.

Development of the approved subdivision may require coverage under the Department's General Permit for Storm Water Discharges Associated with Construction Activity, if your development has construction-related disturbance of one or more acre. If so, please contact the Storm Water Program at (406) 444-3080 for more information or visit the Department's storm water construction website at <http://www.deq.state.mt.us/wqinfo/MPDES/StormwaterConstruction.asp>. Failure to obtain this permit (if required) prior to development can result in significant penalties.

Your copy is to inform you of the conditions of the approval. Please note that you have specific responsibilities according to the plat approval statement primarily with regard to informing any new owner as to any conditions that have been imposed.

If you wish to challenge the conditions of this Certificate of Subdivision Plat Approval, you may request a hearing before the Board of Environmental Review or the Department, pursuant to Section 76-4-126, MCA and the Montana Administrative Procedures Act.

If you have any questions, please contact this office.

Sincerely,

Barb Kingery
Barb Kingery, Supervisor
Subdivision Review Section

BK/le

cc: County Sanitarian
County Planning Board

STATE OF MONTANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
CERTIFICATE OF SUBDIVISION PLAT APPROVAL
(Section 76-4-101 et seq., MCA)

TO: County Clerk and Recorder
Gallatin County
Bozeman, Montana

E.Q. #14-1447
14-19gal

THIS IS TO CERTIFY THAT the plans and supplemental information relating to the subdivision known as **Big Sky Town Center Subdivision-Huntley's 2nd Addition:**

A parcel of land being a portion of Tract 1 of COS #2343 of land located in the NW1/4 and NE1/4 of Section 1, Township 7 South, Range 3 East, and in the SW1/4 of Section 36, Township 6 South, Range 3 East, P.M.M., Gallatin County, Montana

consisting of seven(7) lots which have been reviewed by personnel of the Permitting and Compliance Division, and,

THAT the documents and data required by ARM Title 17 Chapter 36 have been submitted and found to be in compliance therewith, and,

THAT the approval of the plat is made with the understanding that the following conditions shall be met:

THAT the lot size as indicated on the plat to be filed with the county clerk and recorder will not be further altered without approval, and,

THAT Block 3, Lots 5, 6 and 7; and, Block 9, Lot 6 shall be used for commercial purposes, and,

THAT Block 3, Lot 8 shall be used for a parking lot and shall not have sewer or water services extended to it, and,

THAT the two lots designated "Common Open Space," will be used solely for stormwater conveyance and catchment, and shall not have sewer or water services extended to them, and,

THAT the public water and sewer systems serving all lots will be provided by service connection to the **Big Sky County Water and Sewer District**, and,

THAT stormwater conveyance and catchments structures shall be constructed in accordance with the approved plans and specifications prepared by Kyle Scarr, PE # 16813PE of Thomas, Dean & Hoskins, Inc., of Bozeman dated 10/01/13 and received by the Department on 10/31/13, and,

THAT water supply and sewage treatment systems will be located as shown on the approved plans, and,

THAT the plans and specifications for any proposed sewage treatment systems will be reviewed and approved by the county health department and will comply with local regulations and ARM, Title 17, Chapter 36, Sub-Chapters 3 and 9, and,

Big Sky Town Center Subdivision-Huntley's 2nd Addition
Gallatin County
E.Q. #14-1447

THAT all sanitary facilities must be located as shown on the attached lot layout, and,

THAT the developer and/or owner of record shall provide each purchaser of property with a copy of the plat, approved location of water supply and sewage treatment system as shown on the attached lot layout, and a copy of this document, and,

THAT instruments of transfer for this property shall contain reference to these conditions, and,

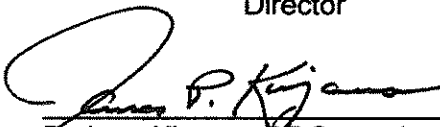
THAT departure from any criteria set forth in the approved plans and specifications and Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM when erecting a structure and appurtenant facilities in said subdivision without Department approval, is grounds for injunction by the Department of Environmental Quality.

YOU ARE REQUESTED to record this certificate by attaching it to the plat filed in your office as required by law.

DATED this 14th day of January, 2014.

Tracy Stone-Manning

Director

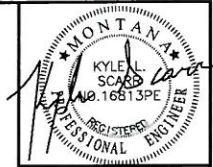
By: 
70R Barbara Kingery, RE Supervisor
Subdivision and Public Water Supply Bureau
Permitting and Compliance Division
Department of Environmental Quality

Owner's Name: Westland Enterprises, Inc., William Simkins

BIG SKY TOWN CENTER
HUNTLEY'S SECOND ADDITION
BIG SKY, MONTANA

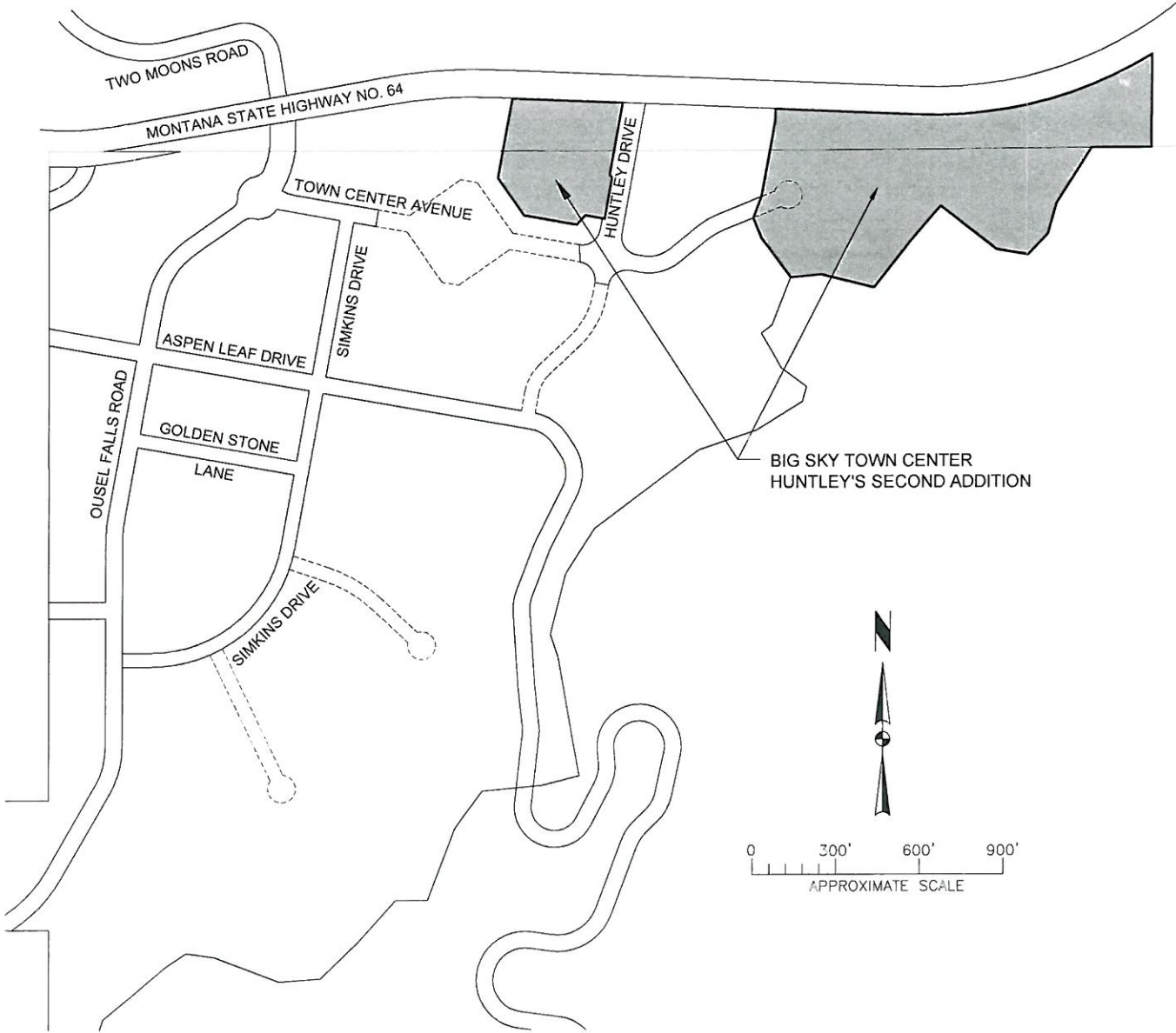
Prepared for
SIMKINS HOLDINGS, LLC
326 N. BROADWAY
BOZEMAN, MT 59715

DEQ AND COUNTY REVIEW SET
NOT FOR CONSTRUCTION



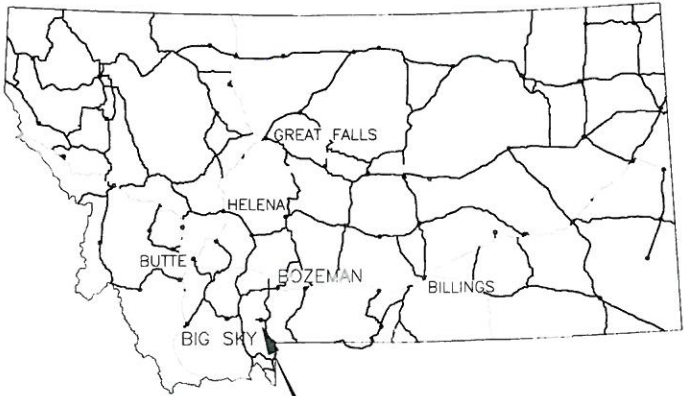
SCHEDULE OF DRAWINGS

SHEET NO.	SHEET NAME
C1.1	COVER SHEET
C1.2	EXISTING SANITARY SEWER INFRASTRUCTURE
C1.3	EXISTING STORM DRAIN INFRASTRUCTURE
C1.4	EXISTING WATER INFRASTRUCTURE
C1.5	PROPOSED STREET AND STORM DRAIN INFRASTRUCTURE & SPECIFICATIONS
5	TOTAL SHEETS



VICINITY MAP

LEGEND			
FUTURE	NEW	EXISTING	DESCRIPTION
		○	CLEANOUT
		=====	CURB & GUTTER
		- - - - -	EDGE OF ASPHALT
		⊕	FIRE HYDRANT
		■	INLET
		○	MANHOLE
		— S —	SANITARY SEWER
		— SD —	STORM DRAIN
		— W —	WATERLINE
		⊗	VALVE



PROJECT LOCATION
LOCATION MAP

APPROVED
Montana Department of
Environmental Quality
Permitting and Compliance Division
James P. Kijana 1-14-14
Reviewer Date
EQ#14-1447

RECEIVED

OCT 31 2013

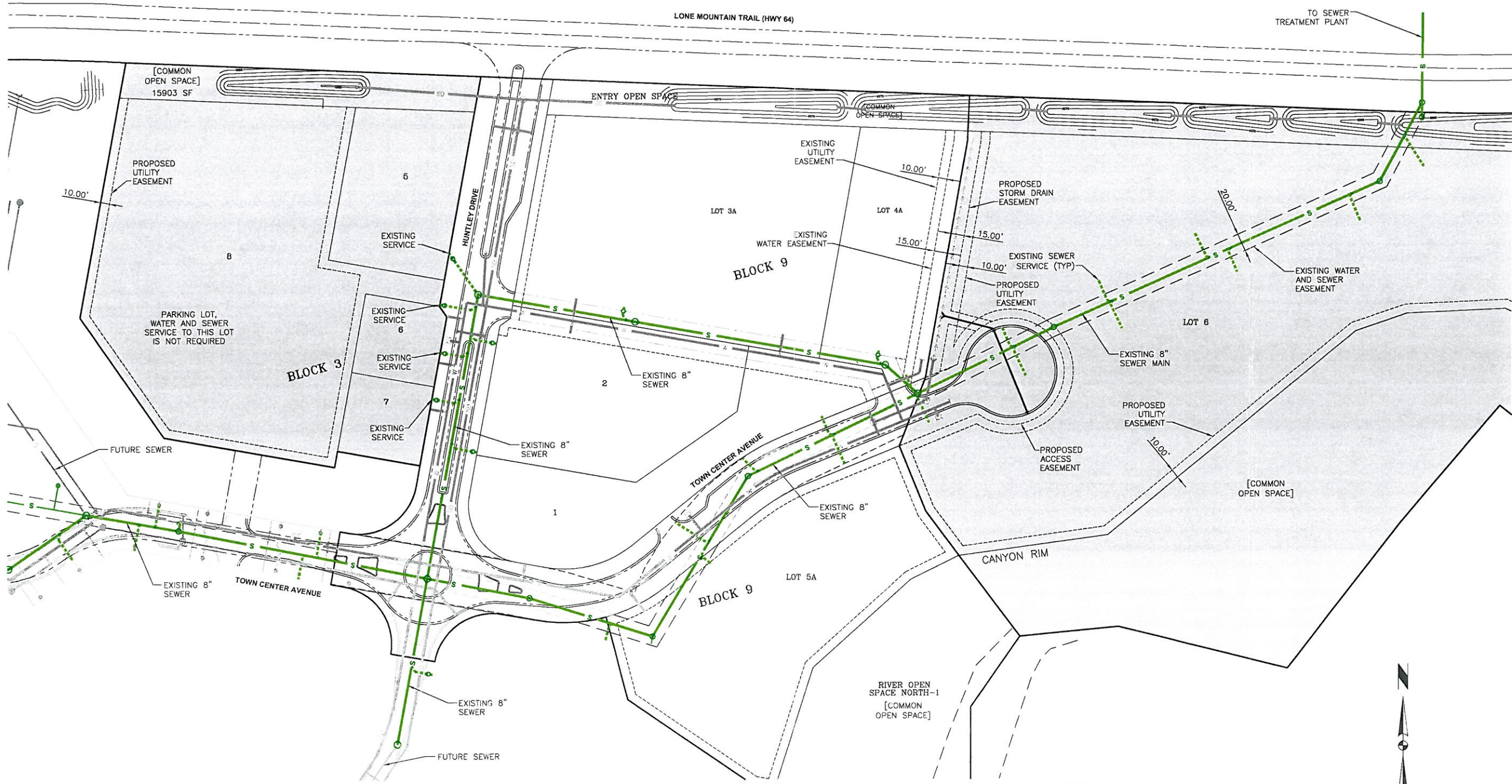
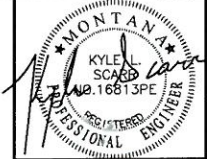
MT DEQ PUBLIC WATER



DRAWN BY: KLS
DESIGNED BY: NA
QUALITY CHECK: NA
DATE: 10/1/13
JOB NO. B03-047-042
FIELDBOOK NA

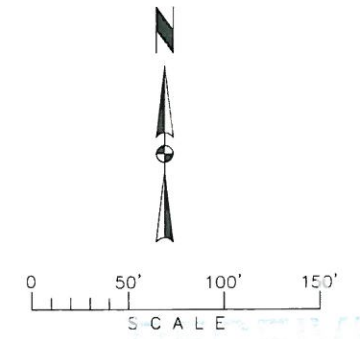
BIG SKY TOWN CENTER - HUNTLEY'S SECOND ADDITION
BIG SKY, MONTANA
COVER SHEET

B3-47-01.DWG
SHEET C1.1



EXISTING SEWER INFRASTRUCTURE

APPROVED
Montana Department of
Environmental Quality
Permitting and Compliance Division
James P. Keijana 1-14-14
Reviewer Date
EC# 14-1447

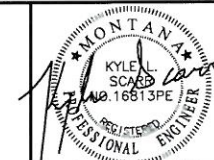


REV	DATE	REVISION

TD&H Engineering
10th Avenue North
Spokane, WA 99207
Lewis & Clark
Waterford, CA

DRAWN BY:	KLS
DESIGNED BY:	NA
QUALITY CHECK:	NA
DATE:	10/1/13
JOB NO.	B03-047-042
FIELDBOOK	NA

BIG SKY TOWN CENTER - HUNTLEY'S SECOND ADDITION
BIG SKY, MONTANA
EXISTING SEWER INFRASTRUCTURE



REVISION

DATE

REV

DATE

REV

DATE

REV

DATE

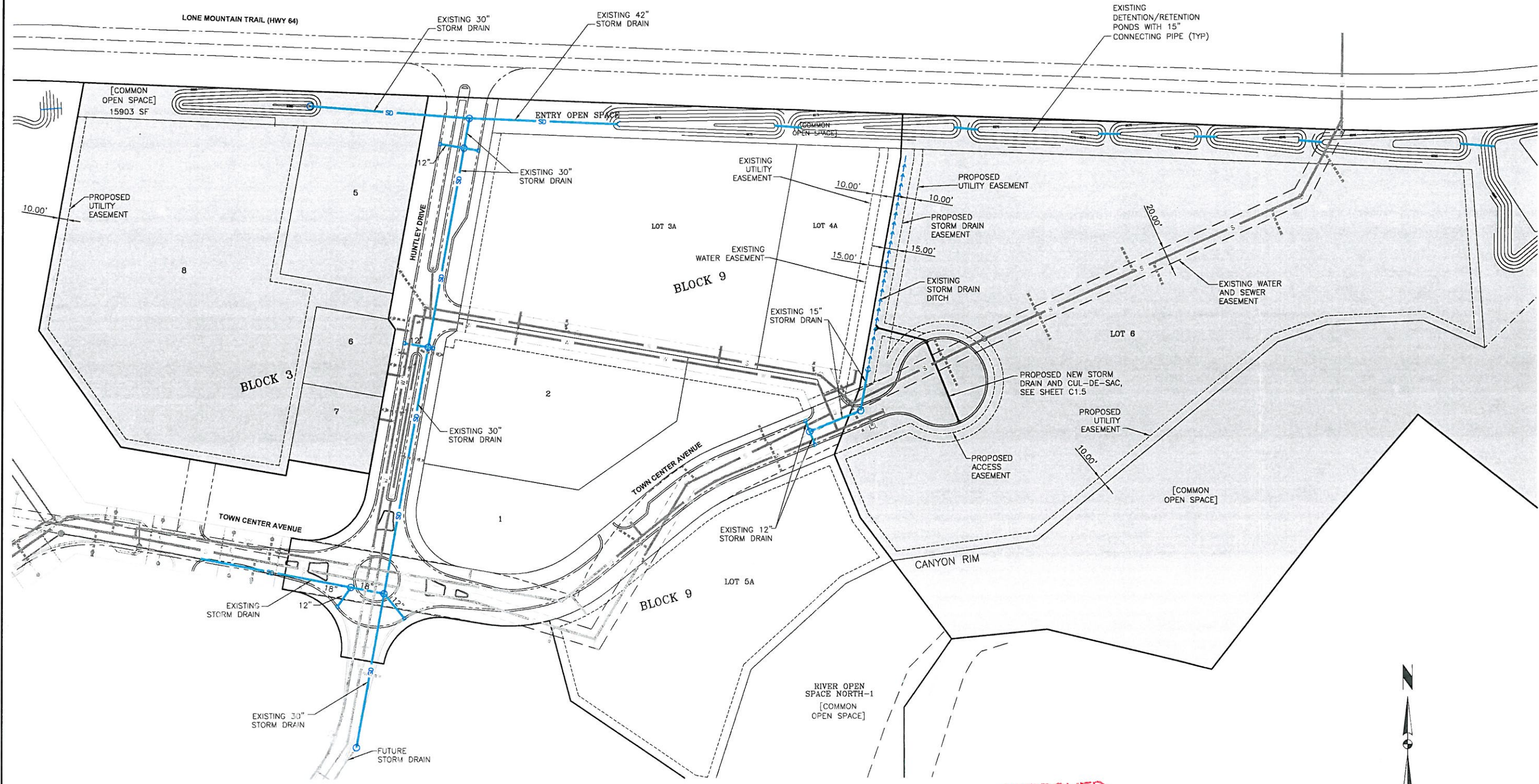


DRAWN BY: KLS
DESIGNED BY: NA
QUALITY CHECK: NA
DATE: 10/1/13
JOB NO. B03-047-042
FIELDBOOK NA

BIG SKY TOWN CENTER - HUNTLEY'S SECOND ADDITION
BIG SKY, MONTANA

EXISTING STORM DRAIN INFRASTRUCTURE

B3-47-03.DWG
SHEET C1.3



EXISTING STORM DRAIN INFRASTRUCTURE

APPROVED
Montana Department of
Environmental Quality
Permitting and Compliance Division
James P. Higgins 1-14-14
Reviewer Date
EQ#14-1447

0 50' 100' 150'
SCALE
OCT 8 1 2013
PUBLIC WATER
BUREAU



DRAWN BY:	KLS
DESIGNED BY:	NA
QUALITY CHECK:	NA
DATE:	10/1/13
DOB NO.	B03-047-042
ELDBOOK	NA

BIG SKY TOWN CENTER - HUNTLEY'S SECOND ADDITION
BIG SKY, MONTANA

EXISTING WATER INFRASTRUCTURE

-47-04.DWG

HEET C1.4

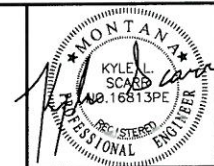


Eq#14-1447

A horizontal graphic scale bar with tick marks every 10 feet. Major labels are at 0, 50', 100', and 150'. The word "SCALE" is centered below the bar.

OCT 31 2013

PUBLIC WATER BUREAU



REVISION

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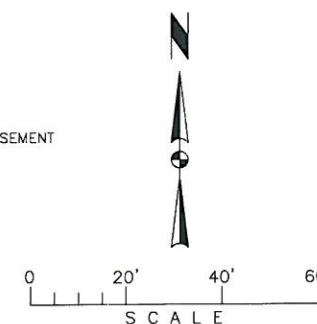
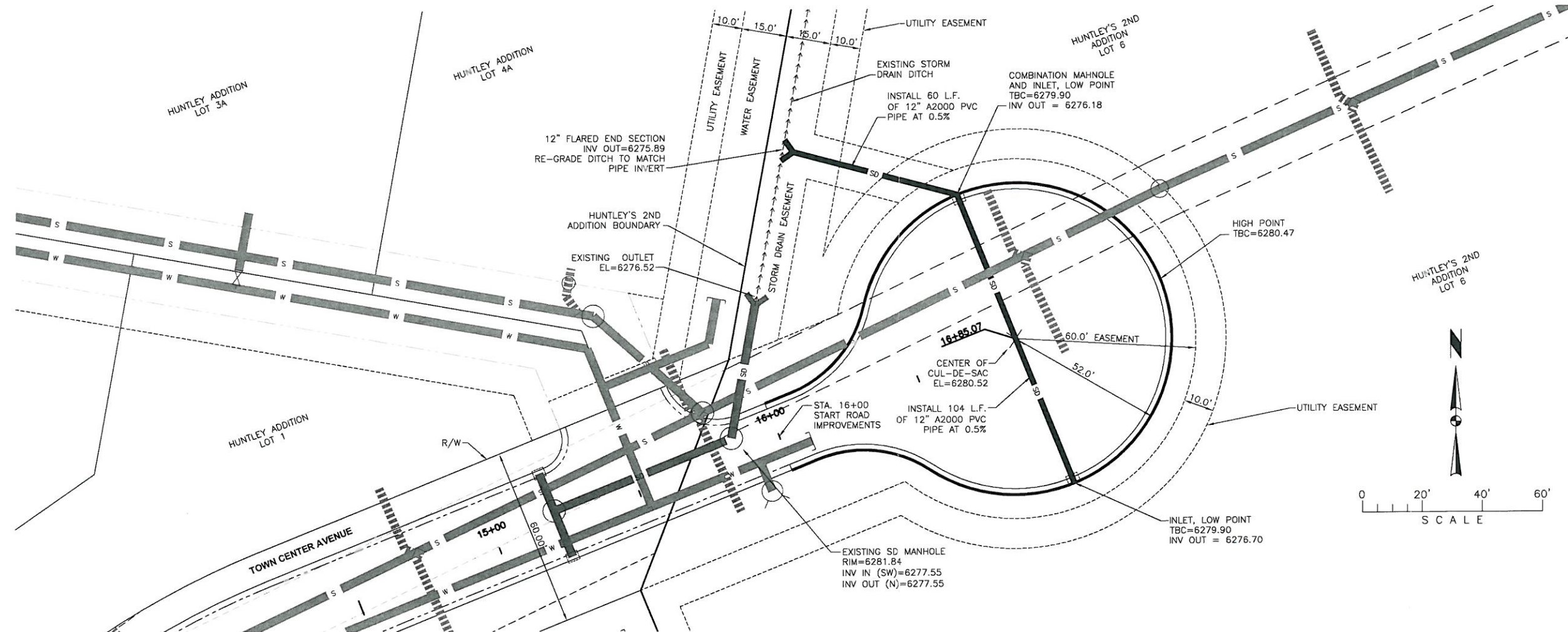
REV

DATE

REV

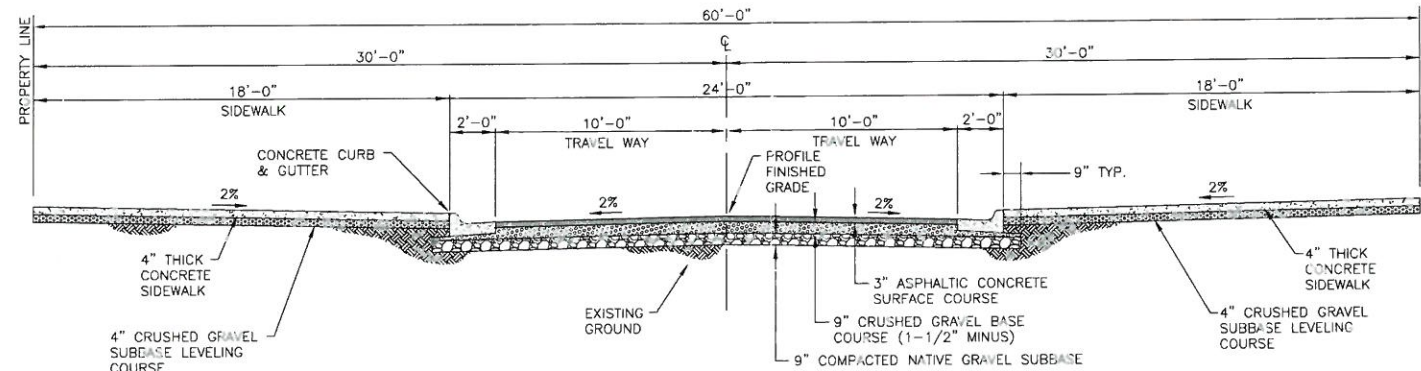
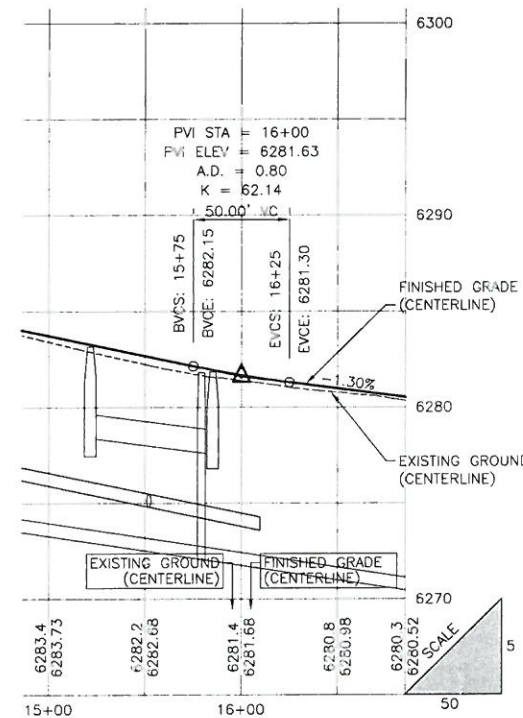
DATE

REV



GENERAL NOTES

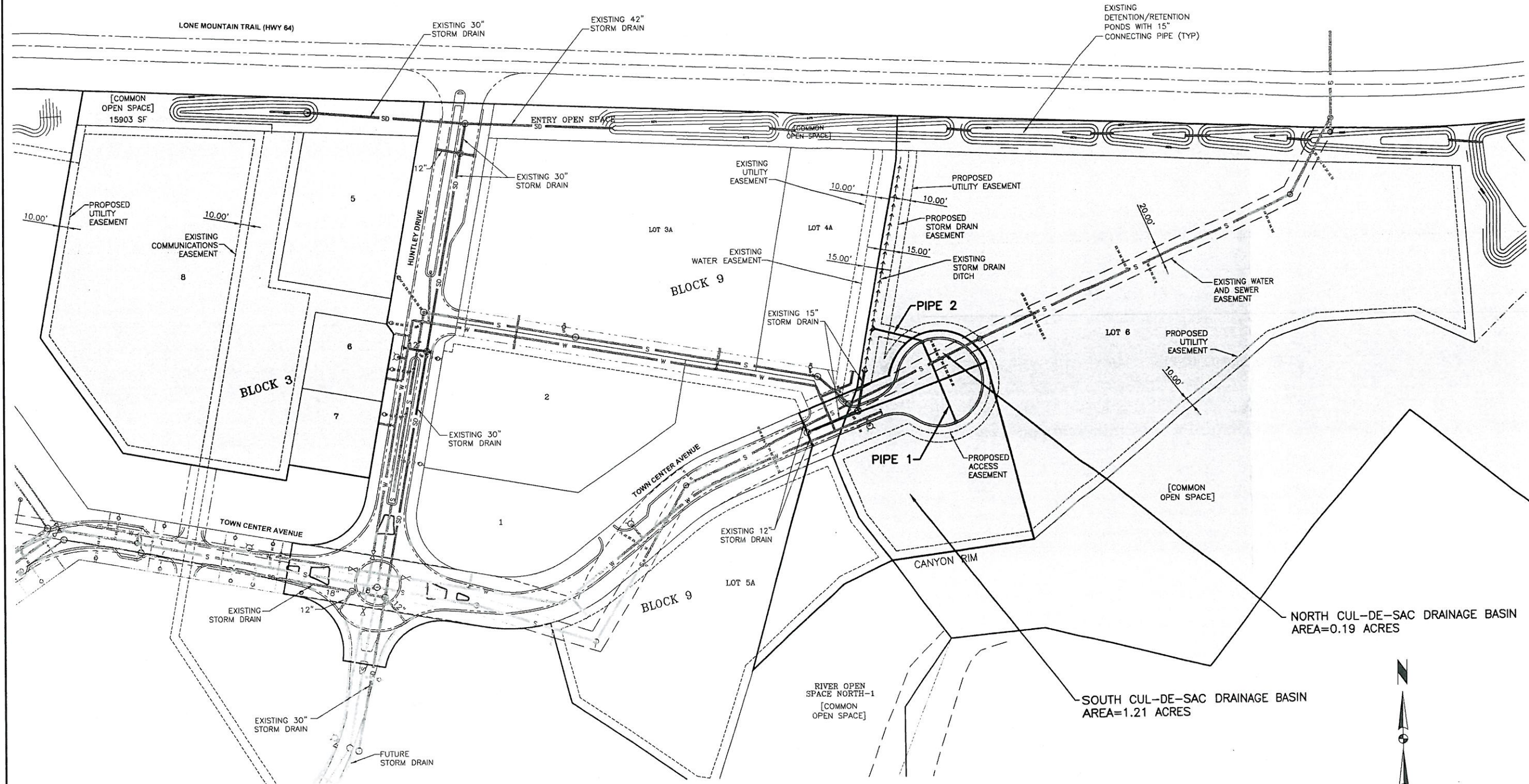
1. THE CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES IN WRITING AND SHALL BE RESPONSIBLE FOR SECURING THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE BEGINNING EXCAVATION. NOTE THAT NOT ALL UTILITIES ARE SHOWN ON THE PLANS OR THAT UTILITIES SHOWN MAY EXTEND BEYOND WHAT IS SHOWN.
2. ALL POWER, TELEPHONE AND OTHER UTILITY POLES OR GUY WIRES WHICH INTERFERE WITH THE CONSTRUCTION SHALL BE REMOVED OR RELOCATED BY THE UTILITY COMPANY.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY NECESSARY PERMITS INCLUDING THE STORM WATER DISCHARGE ASSOCIATED WITH CONSTRUCTION ACTIVITY PERMIT.
4. ALL CULVERTS AND DRAINAGE DITCHES AFFECTED BY CONSTRUCTION SHALL BE RESTORED TO ORIGINAL CONDITION, UNLESS OTHERWISE NOTED ON PLANS.
5. ALL STREET & TRAFFIC SIGNS THAT INTERFERE WITH CONSTRUCTION SHALL BE REMOVED & RESET BY CONTRACTOR.
6. ALL STORM DRAIN MANHOLES ARE 4' UNLESS OTHERWISE NOTED ON PLANS.
7. MAINTAIN A MINIMUM OF 10 FEET HORIZONTAL SEPARATION BETWEEN OUTSIDE OF SEWER/STORM DRAINS AND WATER LINES.
8. MAINTAIN A MINIMUM OF 18" VERTICAL SEPARATION BETWEEN OUTSIDE OF STORM DRAINS & WATER LINE CROSSINGS.
9. CONTRACTOR SHALL REMOVE ANY OBSTACLE (FENCES, CONCRETE SLABS, ETC.) THAT INTERFERE WITH CONSTRUCTION UPON APPROVAL OF PROJECT ENGINEER.
10. ALL CIVIL WORK SHALL BE CONDUCTED IN CONFORMANCE WITH THE SIXTH EDITION OF THE MONTANA PUBLIC WORKS STANDARD SPECIFICATIONS.
11. CONTRACTOR SHALL FIELD VERIFY LINE AND GRADE OF EXISTING CONNECTIONS.
12. CONTRACTOR SHALL PROVIDE ROUTINE CLEANING/SWEEPING OF MATERIAL THAT IS DRAGGED ONTO ADJACENT STREETS.
13. ALL CONSTRUCTION TRAFFIC SHALL ACCESS THE SITE USING HUNTLEY DRIVE TO TOWN CENTER AVENUE.



APPROVED
Montana Department of
Environmental Quality
Permitting and Compliance Division
James P. Kujawa
Reviewer *10* Date *1-14-14*
EQ #14-1447

BIG SKY TOWN CENTER - HUNTLEY'S SECOND ADDITION
BIG SKY, MONTANA

PROPOSED STREET AND STORM DRAIN
INFRASTRUCTURE & SPECIFICATIONS



PROPOSED CUL-DE-SAC STORM DRAIN BASINS

APPROVED
 Montana Department of
 Environmental Quality
 Permitting and Compliance Division
James P. Krizan
 Reviewer Date 1-14-14

EQ# 14-1447

REV	DATE	REVISION



DRAWN BY: KLS
 DESIGNED BY: KLS
 QUALITY CHECK: NA
 DATE: 10/1/13
 JOB NO. B03-047-042
 FIELDBOOK NA

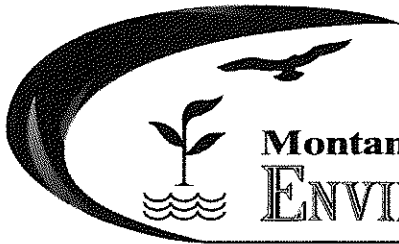
BIG SKY TOWN CENTER - HUNTLEY'S SECOND ADDITION
 BIG SKY, MONTANA

PROPOSED CUL-DE-SAC STORM DRAIN BASINS

B347 STORM(PIPE).DWG

SHEET 1 OF 1

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Montana Department of
ENVIRONMENTAL QUALITY

Steve Bullock, Governor
Tracy Stone-Manning, Director

P. O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • Website: www.deq.mt.gov

August 13, 2014

Keith Waring
Thomas Dean & Hoskins
234 East Babcock Suite 3
Bozeman MT 59715

RE: Big Sky Town Center Subdivision
Town Center Avenue North
Gallatin County
E.Q. #14-2071

Dear Mr Waring:

The plans and supplemental information relating to the water supply, sewage, solid waste disposal, and storm drainage (if any) for the above referenced division of land have been reviewed as required by ARM Title 17 Chapter 36(101-805) and have been found to be in compliance with those rules.

Two copies of the Certificate of Subdivision Plat Approval are enclosed. The original is to be filed at the office of the county clerk and recorder. The duplicate is for your personal records.

Development of the approved subdivision may require coverage under the Department's General Permit for Storm Water Discharges Associated with Construction Activity, if your development has construction-related disturbance of one or more acre. If so, please contact the Storm Water Program at (406) 444-3080 for more information or visit the Department's storm water construction website at <http://www.deq.state.mt.us/wqinfo/MPDES/StormwaterConstruction.asp>. Failure to obtain this permit (if required) prior to development can result in significant penalties.

Your copy is to inform you of the conditions of the approval. Please note that you have specific responsibilities according to the plat approval statement primarily with regard to informing any new owner as to any conditions that have been imposed.

If you wish to challenge the conditions of this Certificate of Subdivision Plat Approval, you may request a hearing before the Board of Environmental Review or the Department, pursuant to Section 76-4-126, MCA and the Montana Administrative Procedures Act.

If you have any questions, please contact this office.

Sincerely,

Barb Kingery

Barb Kingery, Supervisor
Subdivision Review Section

BK/le

cc: County Sanitarian
County Planning Board

STATE OF MONTANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
CERTIFICATE OF SUBDIVISION PLAT APPROVAL
(Section 76-4-101 et seq., MCA)

TO: County Clerk and Recorder
Gallatin County
Bozeman, Montana

E.Q. #14-2071
14-53gal

THIS IS TO CERTIFY THAT the plans and supplemental information relating to the subdivision known as **Big Sky Town Center Subdivision-Town Center Avenue North:**

An amended plat of Lot 8, Block 3 of the plat of Big Sky Town Center Subdivision, Huntley's 2nd Addition and also a portion of Tract 1 of COS #2343, located in the NW1/4 and NE1/4 of Section 1, Township 7 South, Range 3 East, and in the SW1/4 and SE1/4 of Section 36, Township 6 South, Range 3 East, P.M.M., Gallatin County, Montana

consisting of twelve (12) lots which have been reviewed by personnel of the Permitting and Compliance Division, and,

THAT the documents and data required by ARM Title 17 Chapter 36 have been submitted and found to be in compliance therewith, and,

THAT the approval of the plat is made with the understanding that the following conditions shall be met:

THAT the lot size as indicated on the plat to be filed with the county clerk and recorder will not be further altered without approval, and,

THAT this Certificate supersedes Certificate No. EQ# 14-1447 dated the 14th day of January, 2014, for Lot 8 only, and,

THAT Block 3, Lots 9, 10, 11, 12, 13, 14, 15, 16 and 17 shall be used for commercial purposes, and,

THAT Block 3, Lot 8A shall be used for a parking lot and shall not have sewer or water services extended to it, and,

THAT the two lots designated "Entry Open Space," and " Plaza Open Space," will be used solely for stormwater conveyance and shall not have sewer or water services extended to them, and,

THAT the public water and sewer systems serving all lots will be provided by service connection to the **Big Sky County Water and Sewer District**, and,

THAT the extensions and connections to the water and sewer system will be constructed in accordance with the Department approved plans and specifications designed by Keith E Waring, PE # 15161PE of Thomas, Dean & Hoskins, Inc., of Bozeman, and,

Big Sky Town Center Subdivision-Town Center Avenue North

Gallatin County

E.Q. #14-2071

THAT the extensions and connections to the water supply system will consist of approximately 409 lineal feet of 8-inch Class 51 Ductile Iron Pipe (DIP) Water Main; 2 valves; 3 new fire hydrant and appurtenances, and shall be constructed in accordance with the approved plans and specifications prepared by Keith E Waring, PE # 15161PE of Thomas, Dean & Hoskins, Inc., of Bozeman dated 05/07/2014 and received by the Department on 05/27/2014, and,

THAT the extensions and connections to the sewer system will consist of approximately 100 lineal feet of 8-inch SDR 35 PVC Sewer Main, 4 new manholes and appurtenances, and shall be constructed in accordance with the approved plans and specifications prepared by Keith E Waring, PE # 15161PE of Thomas, Dean & Hoskins, Inc., of Bozeman dated 05/07/2014 and received by the Department on 05/27/2014, and,

THAT stormwater conveyance and catchments structures shall be constructed in accordance with the approved plans and specifications prepared by Keith E Waring, PE # 15161PE of Thomas, Dean & Hoskins, Inc., of Bozeman dated 05/07/2014 and received by the Department on 05/27/2014, and,

THAT water supply and sewage treatment systems will be located as shown on the approved plans, and,

THAT construction will be completed within three years of the date of this approval. If more than three years pass before beginning construction, it shall be necessary to resubmit the plans and specifications. This expiration period does not extend any compliance schedule requirements pursuant to enforcement action against a public water/sewage system, and,

THAT within 90 days after construction is completed upon a public water system, wastewater system, or storm drainage system, or upon an extension of or addition to such a system, the professional engineer shall certify to the Department that the construction, alteration or extension was completed in accordance with the plans and specifications approved by the Department, and,

THAT project certification shall be accompanied by a complete set of "as-built" drawings bearing the signature and seal of the professional engineer, and,

THAT the plans and specifications for any proposed sewage treatment systems will be reviewed and approved by the county health department and will comply with local regulations and ARM, Title 17, Chapter 36, Sub-Chapters 3 and 9, and,

THAT all sanitary facilities must be located as shown on the attached lot layout, and,

THAT the developer and/or owner of record shall provide each purchaser of property with a copy of the plat, approved location of water supply and sewage treatment system as shown on the attached lot layout, and a copy of this document, and,

THAT instruments of transfer for this property shall contain reference to these conditions, and,

Page 3 of 3

Big Sky Town Center Subdivision-Town Center Avenue North

Gallatin County

E.Q. #14-2071

THAT departure from any criteria set forth in the approved plans and specifications and Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM when erecting a structure and appurtenant facilities in said subdivision without Department approval, is grounds for injunction by the Department of Environmental Quality.

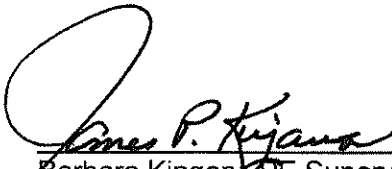
YOU ARE REQUESTED to record this certificate by attaching it to the plat filed in your office as required by law.

DATED this 12th day of August, 2014.

Tracy Stone-Manning

Director

By:


Barbara King, PE Supervisor
Subdivision and Public Water Supply Bureau
Permitting and Compliance Division
Department of Environmental Quality

Owner's Name: Westland Enterprises, Inc., William Simkins

BIG SKY TOWN CENTER SUBDIVISION

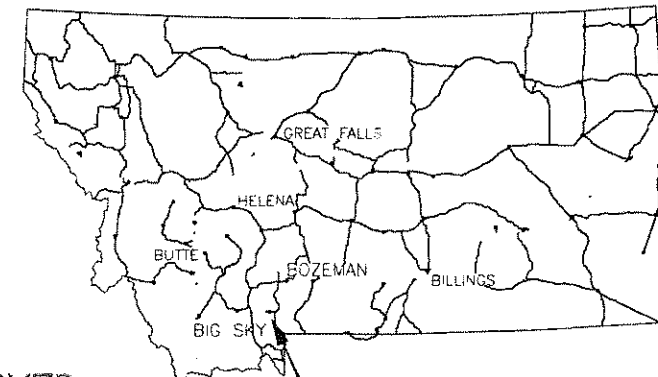
- TOWN CENTER AVENUE NORTH -

GENERAL NOTES

NO FLOODPLAIN OR FLOODWAY DESIGNATED
AREA EXISTS ON SUBJECT TRACT
LOT LAYOUT PREPARED BY KEITH E. WARING, P.E.
#15161, TOH ENGINEERING

LOCATED IN THE NORTHWEST QUARTER & THE NORTHEAST QUARTER OF SECTION
1, TOWNSHIP 7 SOUTH, RANGE 3 EAST, & IN THE SOUTHWEST QUARTER & THE
SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 6 SOUTH, RANGE 3 EAST, P.M.M.,
GALLATIN COUNTY, MONTANA

TOTAL AREA: 7.693 ACRES



PROJECT LOCATION
LOCATION MAP

APPROVED
Montana Department of
Environmental Quality
Permitting and Compliance Division
Reviewer: *Chris P. Riggs* 8-12-14
Date: 8-12-14
E2#14-2071

LEGEND

PROPOSED



EXISTING



DESCRIPTION

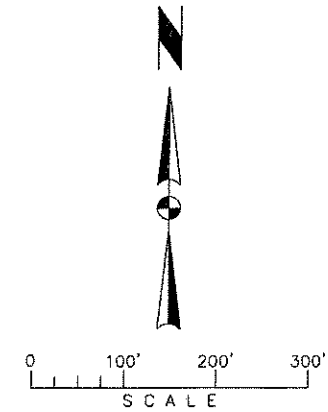
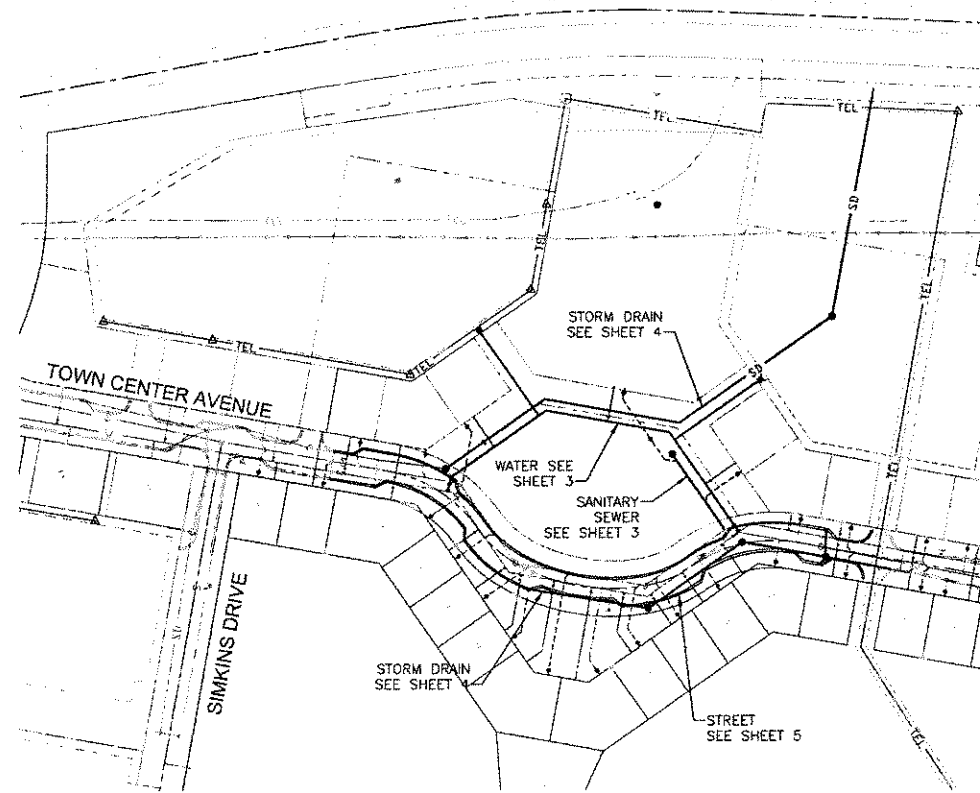
CLEANOUT
CONCRETE
CONTOUR
CURB & GUTTER
EDGE OF ASPHALT
EDGE OF GRAVEL
FENCE - WIRE
FENCE - WOOD
FIRE HYDRANT
INLET
MANHOLE
TRAFFIC SIGN
TREE - CONIFEROUS
SANITARY SEWER
SPOT ELEVATIONS (TBC)
STORM DRAIN
WATERLINE
VALVE
WATER EDGE

CURVE DATA

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH	DELTA ANGLE
C1	1590.07'	205.82'	N86°06'32"E	205.68'	7°24'59"
C2	65.00'	102.10'	S55°00'55"W	91.92'	90°00'00"
C3	120.00'	96.66'	S76°55'20"W	94.07'	46°09'11"
C4	154.29'	71.30'	S68°19'56"W	70.67'	26°28'38"
C5	240.83'	159.06'	N79°59'05"W	156.18'	37°50'29"
C6	154.29'	71.30'	N48°18'06"W	70.67'	26°28'37"
C7	120.00'	96.66'	N56°54'29"W	94.07'	46°09'12"
C8	180.00'	144.21'	S57°02'00"E	140.38'	45°54'10"
C9	94.29'	43.31'	S48°31'34"E	42.93'	26°18'55"
C10	180.83'	119.96'	S79°59'05"E	117.77'	38°00'27"
C11	94.29'	43.31'	N68°33'24"E	42.93'	26°18'56"
C12	180.00'	144.21'	N77°03'51"E	140.38'	45°54'09"
C13	180.00'	34.17'	N74°32'45"W	34.12'	10°52'39"
C14	180.00'	110.03'	N51°35'40"W	108.33'	35°01'30"
C15	180.00'	110.03'	S71°37'31"W	108.33'	35°01'30"
C16	180.00'	34.17'	N85°25'25"W	34.12'	10°52'39"

BIG SKY TOWN CENTER AVENUE NORTH
BIG SKY, MONTANA

LOT LAYOUT



APPROVED
 Montana Department of
 Environmental Quality
 Permitting and Compliance Division
James P. Kijana Reviewer
 EQ#14-2071
 8-12-14 Date

RECEIVED

MAY 27 2014

MT DEQ PUBLIC WATER
 & SUBDIVISION BUREAU



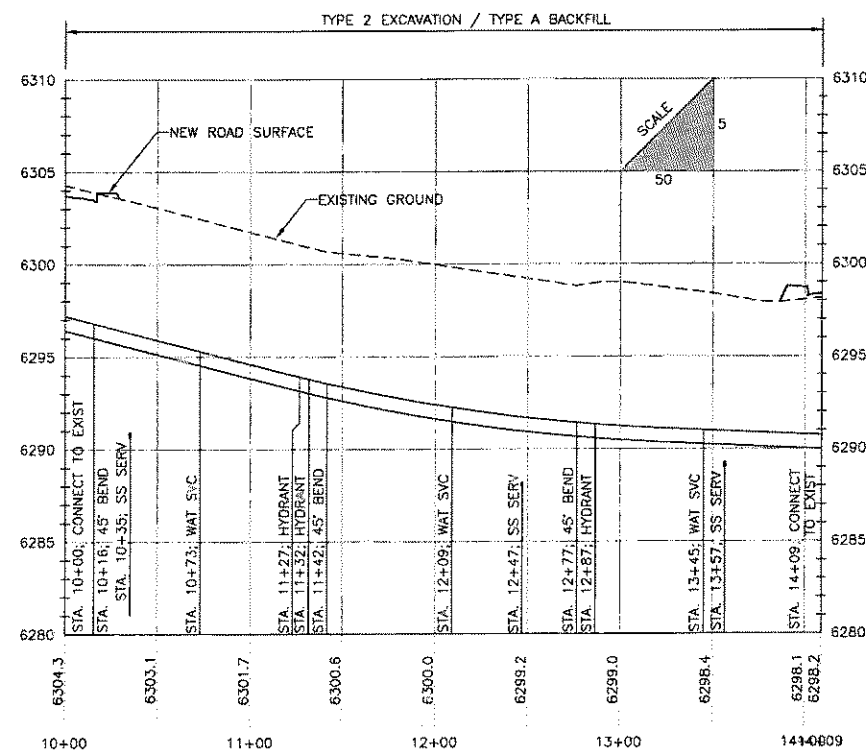
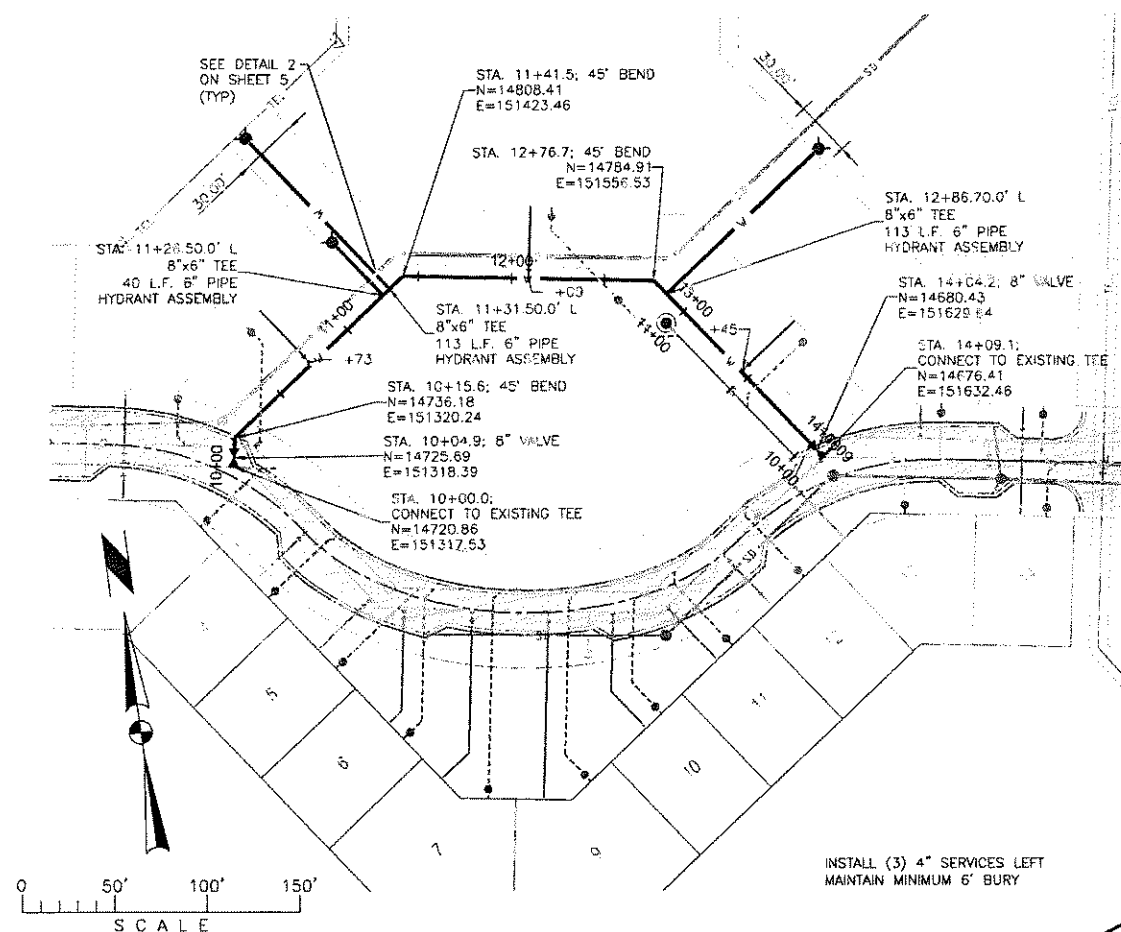
REV	DATE	REVISION

TD&H
 Engineering
 GREAT FALLS-BOZEMAN-KALISPELL
 MT-WASHINGTON
 IDAHO-NORTH DAKOTA

DRAWN BY: DJK
 DESIGNED BY: KEW
 QUALITY CHECK:
 DATE: 5.7.2014
 JOB NO. B03-047-044
 FIELDBOOK XX

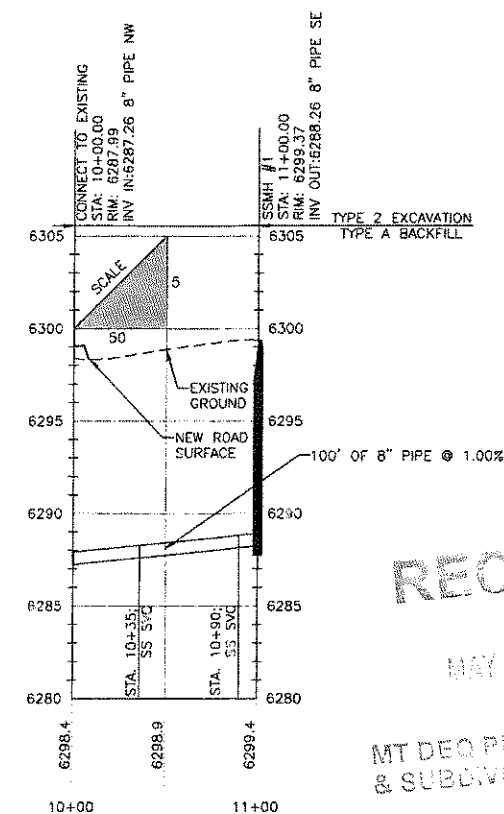
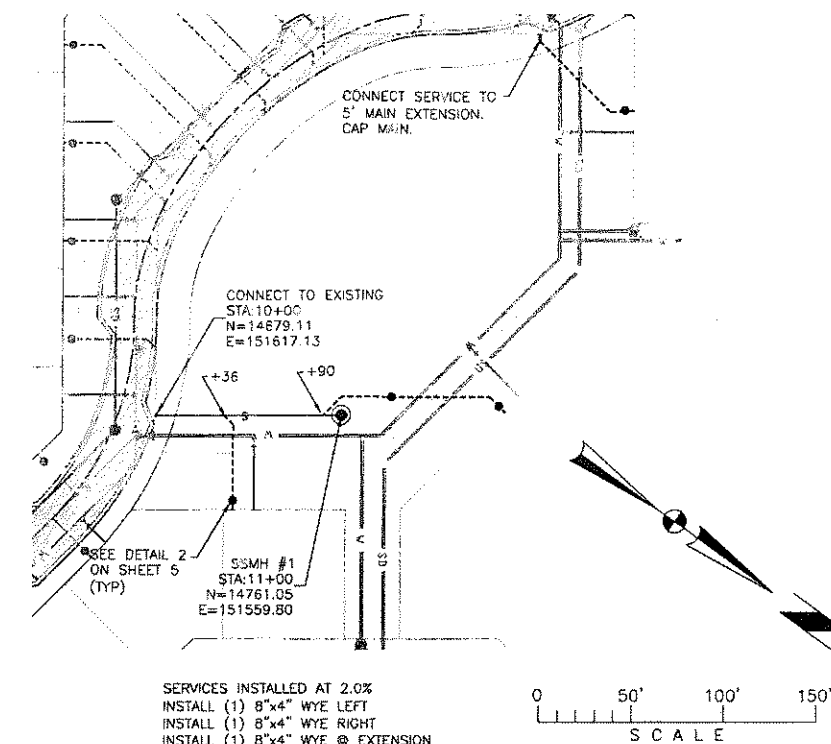
BIG SKY TOWN CENTER AVENUE NORTH
 BIG SKY, MONTANA
 GEOGRAPHICAL INDEX
 TOWN CENTER AVENUE NORTH UTILITIES

1. ALL WATER LINES TO MAINTAIN A MINIMUM OF 6" OF COVER TO TOP OF PIPE.
2. MAINTAIN A MINIMUM OF 18" VERTICAL SEPARATION BETWEEN OUTSIDE OF SEWER/STORM DRAIN AND WATER LINE CROSSINGS.
3. ALL PIPING TO MEET AWWA CLASS 51.
4. THE CONTRACTOR SHALL INSTALL MEGA LUG RESTRAINTS OR CONCRETE THRUST BLOCKS AT ALL WATER LINE FITTINGS, VALVES & FIRE HYDRANTS, AS DESCRIBED IN THE SPECIFICATIONS.
5. ALL WATER SERVICES ARE NOTED IN SIZE AND PLACED IN CENTER OF LOT UNLESS OTHERWISE NOTED. TAPPED SERVICES SHALL BE NO CLOSER THAN 18" FROM OTHER SERVICES ALONG THE MAIN.
6. FIRE HYDRANT ASSEMBLY INCLUDES HYDRANT, AUXILIARY VALVE & BOX, DRAIN GRAVEL AND CONCRETE THRUST BLOCK (SEE BIG SKY WATER AND SEWER DISTRICT 363 CONSTRUCTION STANDARD NUMBER BS-201).
7. ADJUST ALL EXISTING WATER VALVES AND BOXES TO FINISH GRADE.
8. ALL SERVICE STUBS SHALL BE MARKED WITH A BLUE 2"x4" AND A BLUE FENCEPOST.
9. TRACING WIRE SHALL BE INSTALLED OVER WATER MAINS AND SERVICES AS PER THE BSWSD SPECIAL PROVISIONS.
10. NECESSARY VALVE BOX EXTENSIONS SHALL BE PROVIDED WITH EACH VALVE.

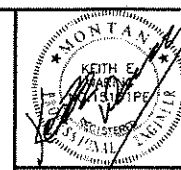


TOWN CENTER AVENUE NORTH WATER LOOP

1. ALL SEWER MAIN IS TO BE SDR 35 PVC AND MEET ASTM 3034 STANDARDS.
2. ALL SERVICE LINES ARE TO BE SCHEDULE 40 PIPE AND SIZED AS NOTED ON THE PLANS.
3. ALL SERVICE STUBS SHALL BE MARKED WITH A GREEN 2"x4" AND GREEN FENCEPOST.
4. TRACING WIRE SHALL BE INSTALLED OVER SEWER MAINS AND SERVICES AS PER THE BSWSD SPECIAL PROVISIONS.



TOWN CENTER AVENUE NORTH SANITARY SEWER



DRAWN BY:	DJK
DESIGNED BY:	KEW
QUALITY CHECK:	
DATE:	5.7.2014
JOB NO.	B93-047-044
FIELDBOOK	XX

BIG SKY TOWN CENTER AVENUE NORTH
BIG SKY, MONTANA

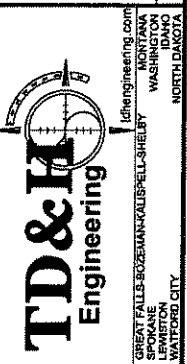
WATER AND SEWER PLAN & PROFILE
TOWN CENTER AVENUE NORTH UTILITIES

BP3-047-044-003.DWG

SHEET 3 of 5



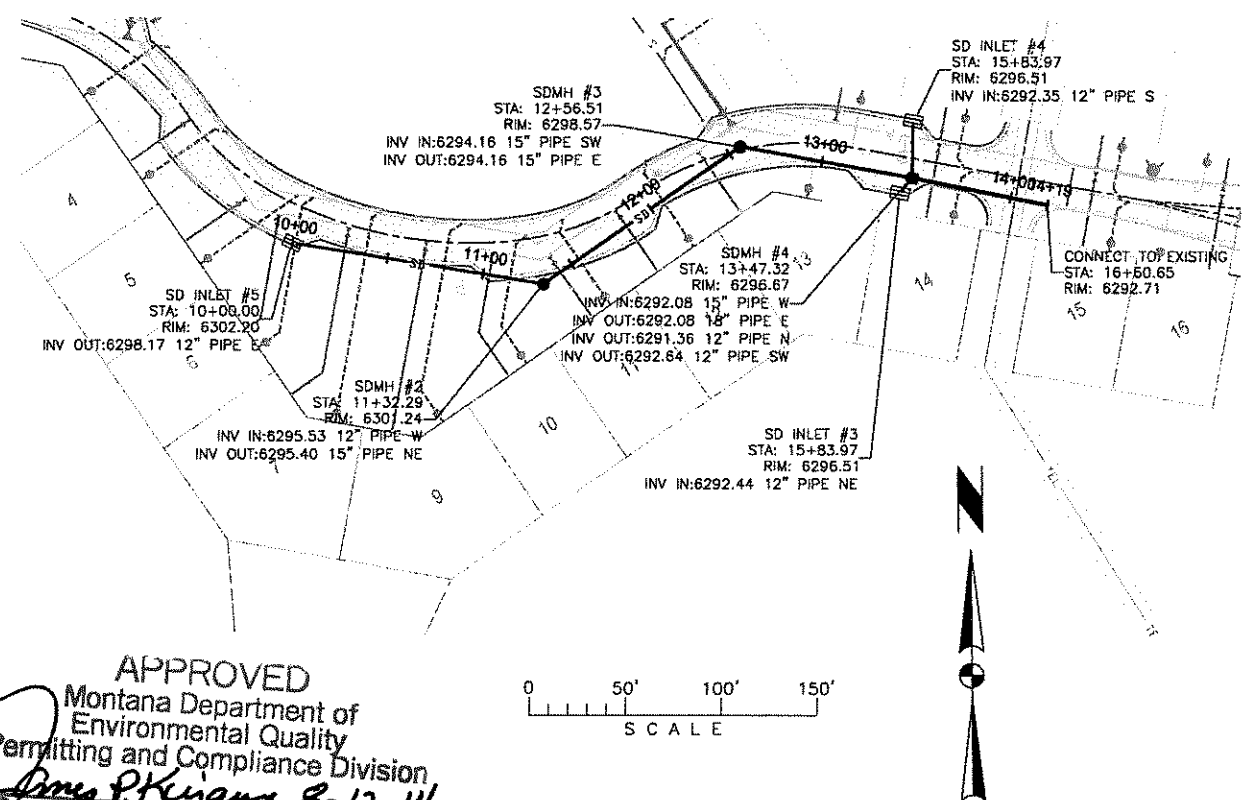
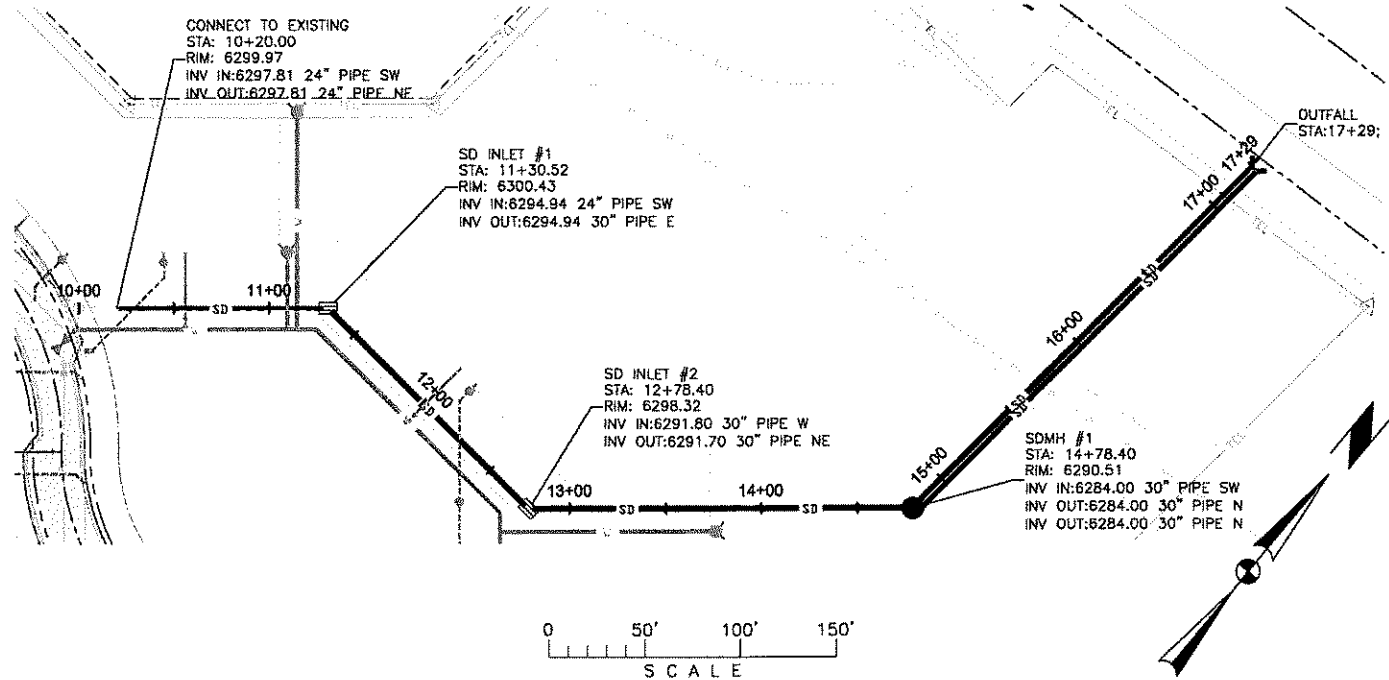
REV	DATE	REVISION



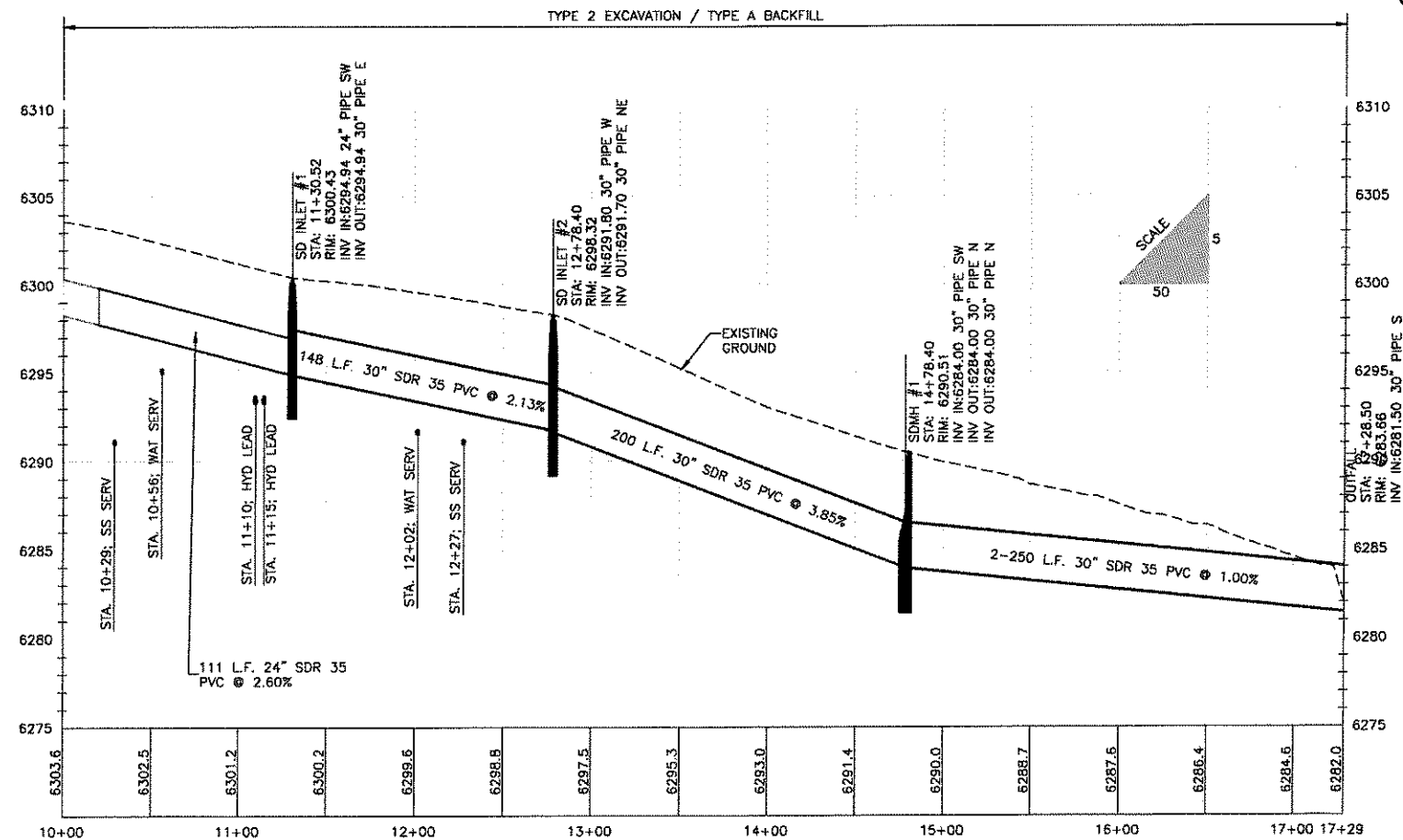
DRAWN BY: DJK
DESIGNED BY: KEW
QUALITY CHECK: [Name]
DATE: 5.7.2014
JOB NO. B03-047-044
FIELDBOOK XX

**BIG SKY TOWN CENTER AVENUE NORTH
BIG SKY, MONTANA**

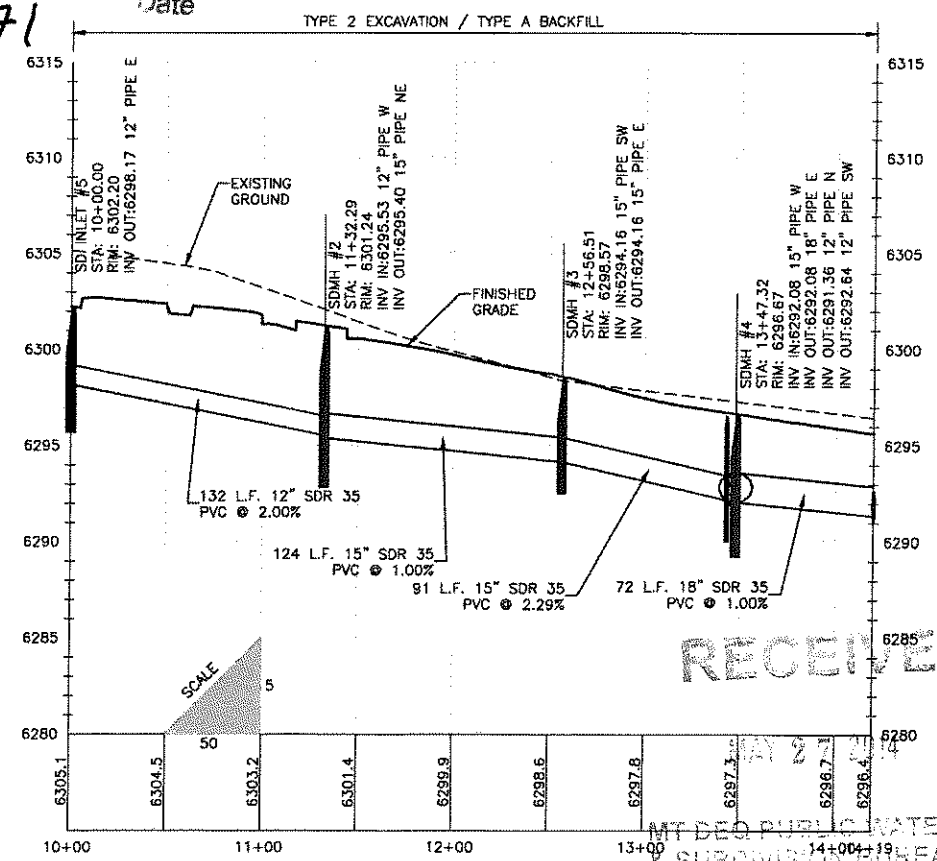
**STORMDRAIN CONNECTION & OUTFALL
PLAN & PROFILE**



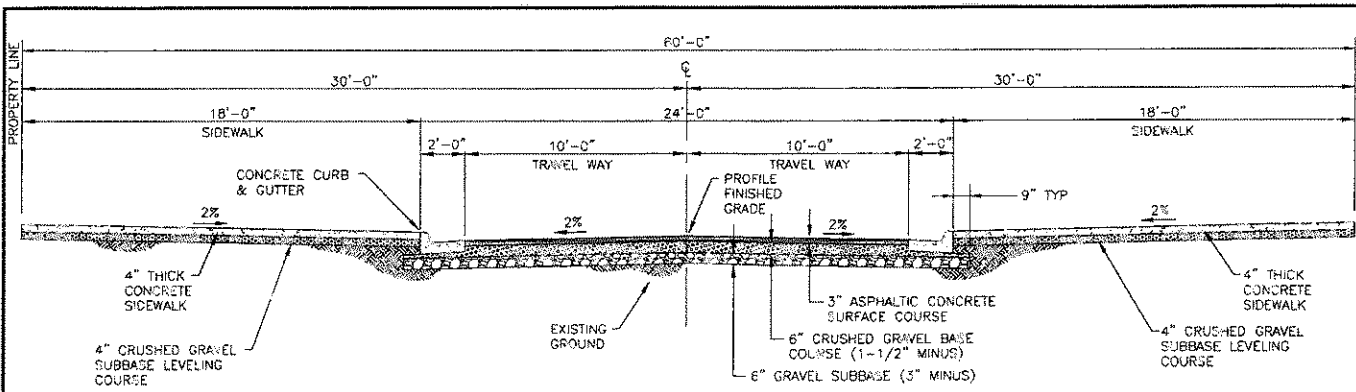
APPROVED
Montana Department of
Environmental Quality
Permitting and Compliance Division
Reviewer: [Signature] 8-12-14
Date: 8-12-14
EQ# 14-2071



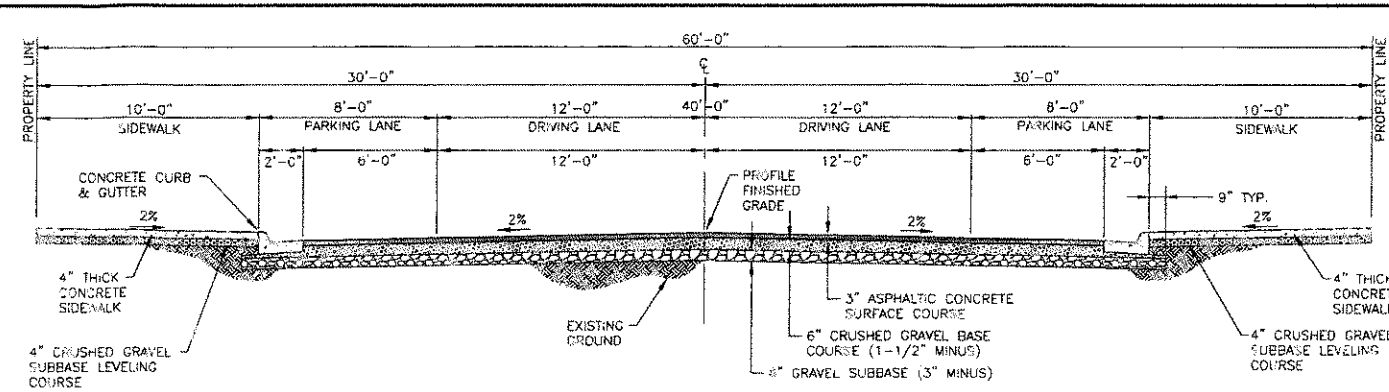
TOWN CENTER AVENUE NORTH OUTFALL



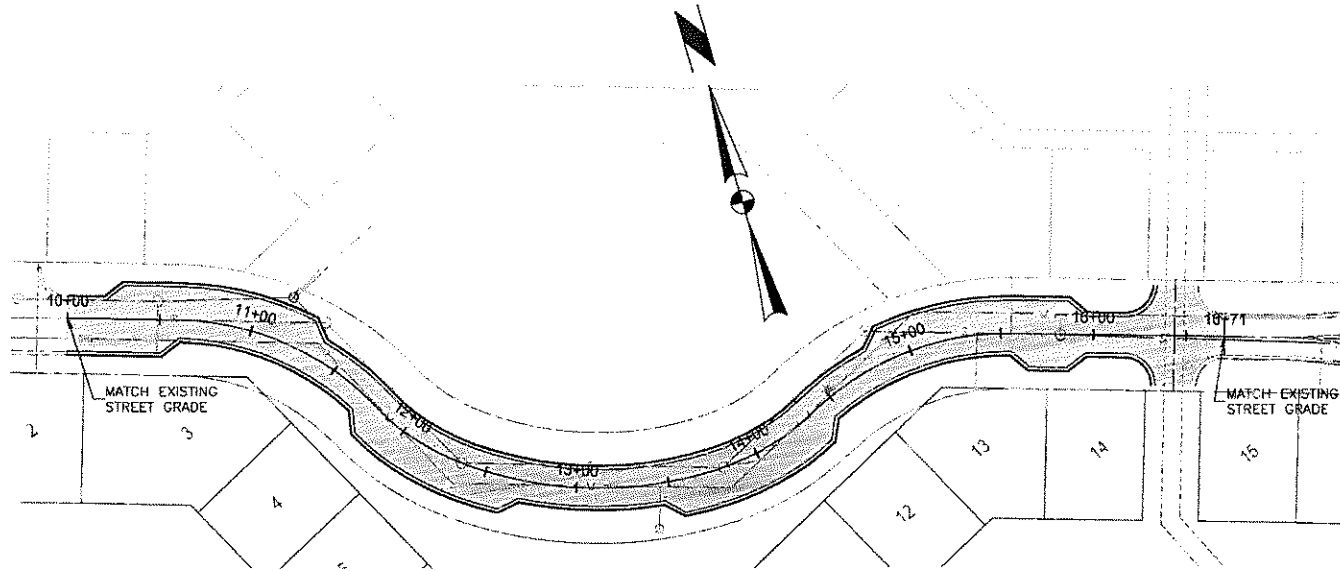
TOWN CENTER AVENUE STORMDRAIN EXTENSION



24' WIDE ROAD SECTION (TOWN CENTER AVENUE)
NOT TO SCALE

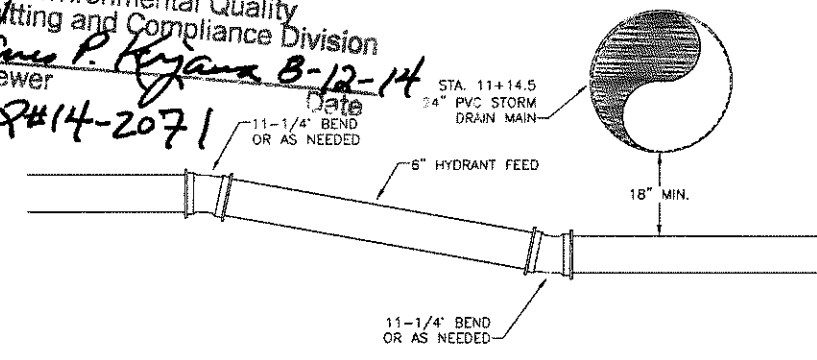


40' WIDE ROAD SECTION (TOWN CENTER AVENUE)
NOT TO SCALE

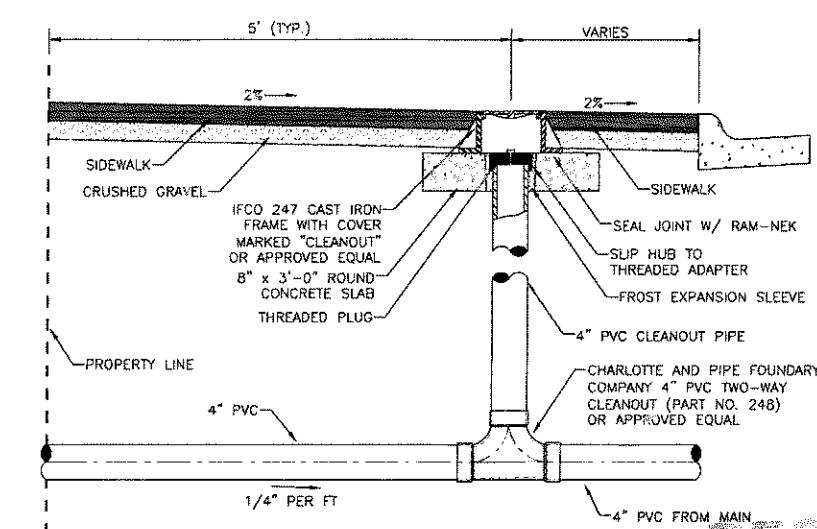
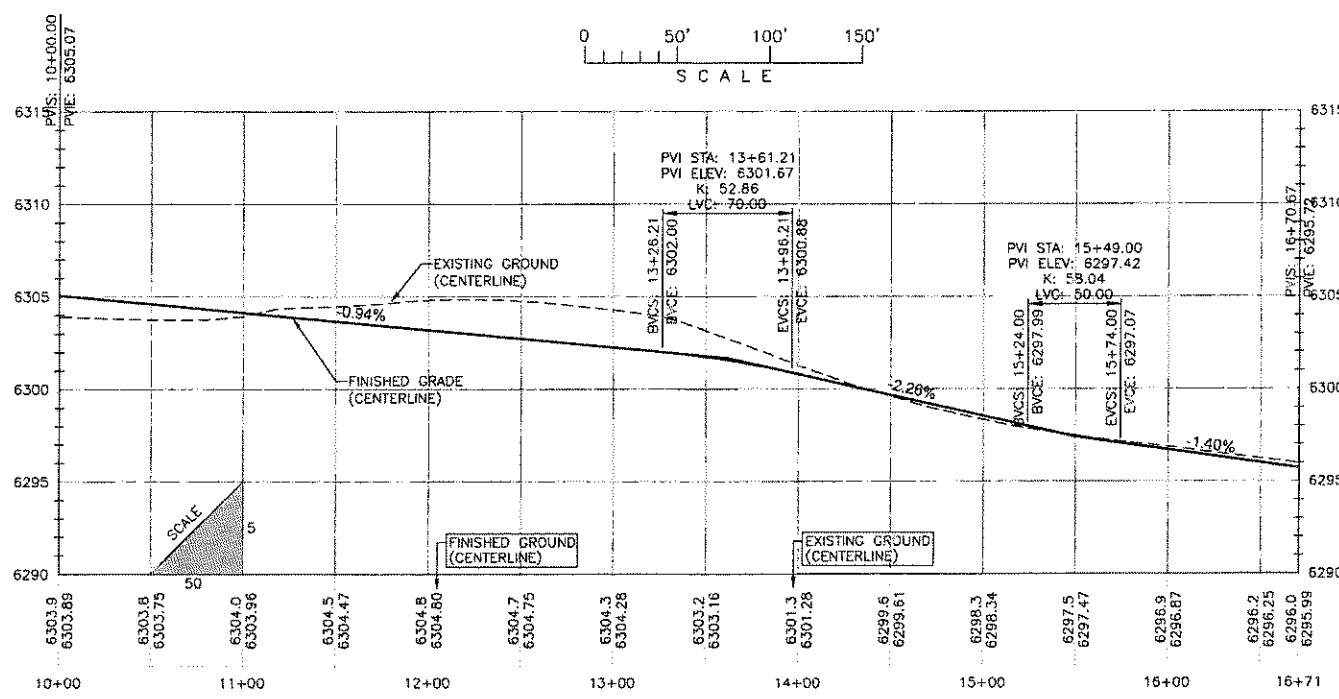


TOWN CENTER AVENUE

APPROVED
Montana Department of
Environmental Quality
Permitting and Compliance Division
Reviewer *James P. Ryan* 8-12-14
EQ#14-2071 Date



WATER MAIN CROSSING DETAIL ①
NOT TO SCALE



TWO-WAY CLEANOUT DETAIL ②
NOT TO SCALE



REV	DATE	REVISION

TD&H Engineering
Great Falls, Bozeman, Kalispell, Shelby, Montana
Lewis & Clark, Watford City, North Dakota

DRAWN BY: DJK
DESIGNED BY: KEW
QUALITY CHECK:
DATE: 5.7.2014
JOB NO. 803-047-044
FIELDBOOK XX

BIG SKY TOWN CENTER AVENUE NORTH
BIG SKY, MONTANA
TOWN CENTER AVENUE IMPROVEMENTS
PLAN & PROFILE

RECEIVED

MAY 27 2014

MT DEQ PUBLIC WATER & SEWER DIVISION BUREAU

Return To
Name:
Address:
City, State, Zip:

GALLATIN CITY-COUNTY HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH SERVICES
SUBDIVISION PLAT OR CERTIFICATE OF SURVEY
LOCAL HEALTH OFFICER APPROVAL
(Section 50-2-116(1)(i), Montana Codes Annotated)

TO: Gallatin County Clerk and Recorder
311 West Main
Bozeman, Montana

GCCHOA # 15-013

THIS IS TO CERTIFY THAT the plans and supplemental information relating to the subdivision known as:

BIG SKY TOWN CENTER SUBDIVISION – TOWN CENTER AVENUE NORTH

An amended plat of Lot 8, Block 3 of the plat of Big Sky Town Center Subdivision, Huntley's 2nd Addition and also a portion of Tract 1 of COS #2343, located in the NW¼ and NE¼ of Section 1, Township 7 South, Range 3 East, and in the SW¼ and SE¼ of Section 36, Township 6 South, Range 3 East, P.M.M., Gallatin County, Montana and subject to any easements.

Consisting of twelve (12) lots, with nine commercial lots (Block 3, Lots 9 – 14), one Utility Lot (Block 3, Lot 8A) and two Open Space lots (Entry Open Space and Plaza Open Space) having been reviewed by the Gallatin City-County Health Department, Environmental Health Services, and,

THAT the approval of the Plat of said subdivision is made with the understanding that the following conditions shall be met:

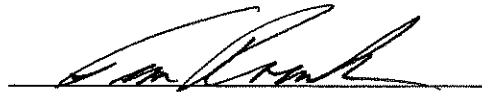
THAT IN ADDITION to the requirements described on the Montana Department of Environmental Quality Certificate of Subdivision Plat Approval for the BIG SKY TOWN CENTER SUBDIVISION – TOWN CENTER AVENUE NORTH, E.Q. # 14-2071, any onsite wastewater treatment system siting, design and construction must comply with the Gallatin County Regulations for Wastewater Treatment Systems, and,

Pursuant to Section 76-4-122(2)(a), MCA, a person must obtain the approval of both the State under Title 76, Chapter 4, MCA, and the local Board of Health under Section 50-2-116(1)(i) MCA, before filing a subdivision plat with the county Clerk and Recorder.

YOU ARE REQUESTED to record this Local Health Officer Approval by attaching it to the Amended Plat filed in your office as required by law.

DATED this 11th day of August, 2014.

REVIEWED AND APPROVED BY:



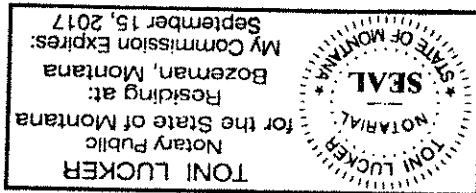
Tim Roark, R.S.
Environmental Health Services Director
Gallatin City-County Health Department

Notary:

State of Montana

County of Gallatin

This instrument was acknowledged before me on August 13, 2014 by Tim Roark, R.S.,
Environmental Health Services Director, Gallatin City-County Health Department.



Signature of notarial officer

CC Original: Keith Waring PE, TD&H Engineering, 234 E. Babcock, Suite 3, Bozeman, MT 59715
Subdivision Program, MDEQ Permitting & Compliance Div., P.O. Box 200901, Helena, MT 59620-0901
Westland Enterprises Inc., William Simkins, 326 N. Broadway Ave., Bozeman, MT 59715
Gallatin County Planning Department

After Recording, Please Return to:
Town Center Owners' Association, Inc.
326 North Broadway
Bozeman, Montana 59715

2634389

Page: 1 of 44 12/20/2018 12:04:53 PM Fee: \$308.00
Charlotte Mills - Gallatin County, MT MISC



NOVEMBER 2018 SUPERSEDED AND REPLACED
BIG SKY TOWN CENTER
DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS

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THIS NOVEMBER 2018 SUPERSEDED and REPLACED DECLARATION (herein “Declaration”) is made this 20th day of December, 2018, by and between *WESTLAND ENTERPRISES, INC.*, a Montana Corporation, (herein “Westland”), and *SIMKINS HOLDINGS, LLC*, a Montana Limited Liability Company (herein “Developer”), successor to Gallatin Peaks Land and Development, LLC, collectively referred to herein as “*DECLARANTS*.”

RECITALS

WHEREAS, Westland is the holder of fee title to certain real property near Big Sky, Montana which includes portions of Section 1 and Section 2, Township 7 South, Range 3 East, M.P.M., Gallatin County, Montana and Section 36, Township 6 South, Range 3 East, M.P.M., Gallatin County, Montana; and

WHEREAS, Developer holds a First Option to Purchase on that property it does not presently own in fee; and

WHEREAS, Developer has subdivided said property into smaller Tracts and/or Lots for purposes of resale and/or development for commercial, public or quasi-public, residential and open space uses; and

WHEREAS, Declarants have established a Planned Unit Development for a portion of the property in Section 1 lying North and West of the South Fork of the West Fork of the West Gallatin River and in Sections 2 and 36, referred to herein as the “Town Center Development” or “Town Center Property,” said PUD being referred to herein as the “Town Center PUD.”

WHEREAS, Declarants have developed, and plan to continue to develop, the Town Center Development which is more particularly described on Exhibit A hereto; and

WHEREAS, Declarants have previously established and recorded covenants applicable to this property and by this Superseded and Replaced Declaration, Declarants desire to replace the covenants on said property with the following covenants, conditions and restrictions;

WHEREAS, Declarants have established an Association, known as the “Town Center Owners’ Association, Inc.,” a Montana Non-Profit Corporation, to implement, administer and enforce the Declaration;

WHEREAS, Declarants have prepared the following superseded and replaced covenants which have been reviewed and approved by the required percentage of the Directors necessary to amend the covenants;

NOW, THEREFORE, DECLARANTS, upon approval of the Directors, hereby establish, dedicate, publish and impose upon the Town Center Property the following superseded and replaced covenants, conditions and restrictions for the purposes, use, benefit and values set forth in this Declaration.

ARTICLE I
PROPERTY SUBJECT TO DECLARATION

The real property which is and shall be conveyed, transferred, occupied, developed and sold pursuant to and subject to the covenants, conditions and restrictions of this Declaration consists of the

Town Center Property which is more particularly described on Exhibit A.

ARTICLE II
PURPOSES AND INTENT

The purposes and intent of this Declaration are as follows:

- (a) Creation of a pedestrian-oriented, traditional neighborhood, urban environment, containing retail, food and beverage or restaurant, office, public, quasi-public, recreational, parks, open space and residential uses;
- (b) Promotion of development in accordance with the goals and objectives of the Gallatin Canyon/Big Sky Plan;
- (c) Providing economies in the supply of utility service operations and other public services;
- (d) Provision for the placement, height, density and set-backs of buildings, interior circulation and off-street parking areas;
- (e) Minimization of the visual impacts of development;
- (f) Preservation and enhancement of the natural amenities of the Town Center Property and protection of the natural features thereof;
- (g) Protection of areas of important wildlife habitat;
- (h) Preservation of important site vegetation, outstanding natural topography, and geologic features, while preventing soil erosion.
- (i) Management and maintenance of the road and trail systems on lands owned by Declarants;
- (j) Management of open space and parks on lands owned by Declarants and to conserve values associated with open space;
- (k) Promotion of the health, safety and general welfare of Owners of the Property;
- (l) Secure safety from fire, panic and other dangers;
- (m) Provide adequate air and light;

- (n) Establish a system of tracking Single Family Equivalents (SFE) and changes of use to allow for the tracking of commercial and residential entitlements; and
- (o) Establish a general set of covenants, conditions and restrictions applicable to the Property described in Exhibit A to these covenants.

ARTICLE III

INCORPORATION OF GALLATIN CANYON/BIG SKY ZONING REGULATIONS; THE BIG SKY TOWN CENTER DESIGN STANDARDS AND GUIDELINES; THE BIG SKY TOWN CENTER MASTER SIGNAGE PLAN; THE BIG SKY TOWN CENTER PARKING REGULATION, MANAGEMENT PLAN, AND ORDINANCE AND ALL OTHER DOCUMENTS THAT MAY BE NOW OR HEREAFTER ADOPTED BY THE TOWN CENTER OWNERS' ASSOCIATION BOARD OF DIRECTORS.

3.1 Zoning Regulations.

The Town Center Property is within the Gallatin Canyon/Big Sky Planning and Zoning District created by Resolution #1990-33 of the Board of County Commissioners, Gallatin County, Montana on May 15, 1990. The Gallatin Canyon/Big Sky Zoning Regulation, adopted by the Gallatin County Commission by Resolution #1996-38 on July 30, 1996, together with all amendments thereto, together with the Land Use Map contained in the Gallatin Canyon/Big Sky Plan, adopted July 30, 1996 by Resolution #1996-38, and the Gallatin Canyon/Big Sky Zoning Map, kept in the office of the County Clerk and Recorder, Gallatin County, Montana, together with all amendments thereto (herein collectively "The Zoning Regulation"), are by this reference incorporated herein as a part of this Declaration.

Except as otherwise provided in this Declaration, all uses, developments, signage and structures permitted under The Zoning Regulation are permitted under this Declaration, subject to the design, permitting or approval requirements of The Zoning Regulation, this Declaration, the *Big Sky Town Center Design Standards and Guidelines* ("Design Standards & Guidelines"), and the *Big Sky Town Center Master Signage Plan* ("Master Signage Plan"), and all uses, developments or structures prohibited by The Zoning Regulation and the *Master Signage Plan* and/or this Declaration are likewise prohibited hereunder, subject to applicable Variance Provisions of The Zoning Regulation, the *Master Signage Plan*, *The Big Sky Town Center Permitting and Approval Procedures* and this Declaration.

This Declaration supplements The Zoning Regulation as concerns the Town Center Property. Specific reference to, or incorporation of, portions of The Zoning Regulation, the *Master Signage Plan*, and the *Design Standards and Guidelines* in this Declaration are for purposes of convenience or clarity only, and such specific reference or incorporation shall not be construed as excluding the remainder thereof by omission of any reference thereto, it being the purpose and intent of this Article to incorporate the entirety of The Zoning Regulation, the *Master Signage Plan* and the *Design Standards and Guidelines* as supplemented and modified only as herein explicitly set forth.

3.2 Big Sky Town Center Design Standards and Guidelines.

All buildings, structures, improvements, lighting, and landscaping, including any modification to any building or site, shall strictly comply with the *Big Sky Town Center Design Standards and Guidelines*, together with all amendments thereto, which document also governs the procedure for issuance of all Big Sky Town Center Design and Land Use Permits, the allocation of sewer and water hookups (Single Family Equivalents – “SFE’s”), and approvals required to be obtained under this Declaration, with the exception of the erection, alteration or relocation of signs which is governed by the *Master Signage Plan*, discussed below.

3.3 Big Sky Town Center Master Signage Plan.

The *Big Sky Town Center Master Signage Plan* (“*Master Signage Plan*”), initially approved and adopted by the Gallatin County Commissioners on July 8, 2004, including any amendments thereto, establishes the requirements for all project and building signs within the Town Center and shall be used in lieu of Section 36 (Signs) of the Gallatin Canyon/Big Sky Zoning Ordinance.

ARTICLE IV **TOWN CENTER OWNERS’ ASSOCIATION**

The Town Center Owners’ Association, Inc. (“TCOA”) has sole authority for implementation, interpretation, administration and enforcement of this Declaration as concerns the Town Center Property.

In addition, an Owner, as defined in Article VI, has the authority to enforce the access right and the right to use Public Open Space (except Civic Park) as those rights are provided for in this Declaration, and such rights shall not be amended or restricted unless otherwise allowed herein, and the Owner specified in the second paragraph of Article XVIII has the authority to enforce the consent rights set forth in that paragraph.

ARTICLE V **MEMBERSHIP & INITIATION FEE**

An Owner of a Unit or Lot in the Big Sky Town Center shall automatically, upon becoming the Owner of a Unit or Lot, be a member of the TCOA, and shall remain a member of TCOA until such time as his, her or its ownership of the Unit or Lot ceases for any reason. Effective upon recordation of this Declaration, new owners of a Unit or Lot within the TCOA will be charged a one-time membership fee of One Thousand Dollars (\$1,000) to be collected at closing, and deposited into the TCOA’s general operating account.

ARTICLE VI **DEFINITIONS**

The following terms and words have the meanings herein set forth:

“Accessory Structures”: Any Building, Structure or Improvement which (1) is subordinate in size, height, area, Building Footprint, extent or purpose to a Primary Dwelling Unit or other principle Building or principal Use; and (2) contributes to the comfort, use, convenience or enjoyment of the Owner or occupant of the Primary Dwelling Unit or other principal Building or principal Use.

“Arterial Road”: A general access road for vehicular use either dedicated to the public or lying

within a dedicated public easement which provides primary access from a public road to a subdivided Tract, Subdivision, PUD, other roads, or an Interior road, and which may also provide access to a Common Private Driveway or a Private Driveway.

“Basement Storage Space”: See Definition of “Storage Space”.

“Building Envelope”: That area and location of a Lot shown on the PUD and on the recorded subdivision plat of the Property, or of any Tract thereof, which is designated for construction of all permitted Buildings or Structures, excepting only those Structures otherwise allowed outside of the Building Envelope under this Declaration. Where a Building Envelope is specifically designed, the Building Envelope is that area and location of a Lot which lies within the greater of any setback from the Lot boundary required by law, The Zoning Regulation, this Declaration or shown on any PUD or recorded subdivision plat of the Property, or of any Tract thereof.

“Building Footprint”: That area of land covered by an individual Structure.

“Commercial Space”: The Occupancy of Buildings or Structures, or any portion thereof, for retail, office, and restaurant uses is as generally defined in Sections 303 (Assembly Group A), 304 (“Business Group B”), 306 (“Factory Group F”), and 309 (“Mercantile Group M”) of the International Building Code.

“Common Private Driveway”: That portion of a road for vehicular use appurtenant to two or more Lots which provides access from an Interior Road or Arterial Road to the Private Driveways of such appurtenant Lots. A Common Private Driveway is incidental to and accompanies a permitted Use.

“Conditional Use”: Uses, other than permitted uses, that may be allowed or permitted by approval of both the Gallatin County Planning and Zoning Commission under The Zoning Regulation, by the TCOA under this Declaration and the *Big Sky Town Center Design Standards and Guidelines*, and under the *Master Signage Plan*.

“Developed Recreational Use”: Any recreational activity that requires a Structure or Improvement for its enjoyment, such as golf, tennis, soccer, ice skating, swimming and the like.

“Developer”: Simkins Holdings, LLC, a Montana Limited Liability Company, its successors or assigns.

“Development”: The making or construction of improvements to real estate.

“Development Standards”: Those standards for development of land set forth in Sections 29 through 35 of The Zoning Regulation, the *Big Sky Town Center Design Standards and Guidelines*, and the *Master Signage Plan*, as added to or modified herein.

“Dispersed Recreational Use”: Any recreational activity that does not require a Structure for its enjoyment, such as cross-country skiing, fishing, hunting, hiking, equestrian/horseback riding, bird watching, picnicking and the like, but including all improvements, such as trails or signage, incidental to its enjoyment.

“District”: Those uses of land identified as Districts in Sections 7 through 28 of The Zoning Regulation, as added to or modified herein.

“Drainfield Site”: That area and location of a Lot outside of the Building Envelope shown in the PUD and on the recorded subdivision plat of the Property, or of any Tract thereof, which is designated for use as a drainfield. A Drainfield Site is either “Primary,” *i.e.* principal, or “Secondary,” *i.e.* alternate or replacement.

“Feed Lot”: The use of land for commercial feeding or boarding of poultry or animals, including, without limitation, zoos, game farms, menageries and kennels, in addition to other types of conventional, “feed lot” operations.

“Holiday Lighting”: The decorative lighting to be installed on the exterior of all improvements within the Commercial District of the Town Center development.

“Home Occupation”: Any occupational use customarily conducted entirely within a Dwelling Unit by the inhabitants thereof, which is clearly incidental and secondary to the use of that Dwelling Unit for Residential Use and in connection with which there are or may be: no sales of products or services not produced on the premises; limited on-site employment of persons other than the residents of the Dwelling Unit; no excessive generation of pedestrian or vehicular traffic beyond that customary and incidental to Residential Use of the Dwelling Unit; limited use of commercial vehicles for deliveries to or from the premises; unless otherwise allowed in a Town Center Conditional Use Permit, no signs or structures advertising the occupation; no excessive or unsightly storage of materials or supplies. For guidance, the following uses are examples of home occupations: the making of clothing; the giving of music lessons; a sole-practitioner professional practice, such as accounting.

“Improvement”: Any man-made modification of, or to, real estate.

“Industrial”: The refining, smelting, milling, processing, manufacture, sale or bulk storage of raw materials for ultimate use in the making of a finished good, including the extraction thereof such as mining or lumbering; vehicle, equipment or rental storage; and those uses encompassed by the definition of “Light Industry.”

“Institutional”: Any use or facility for public purposes, such as parks, schools, police stations, fire stations, water tanks, sewage treatment facilities, utility structures, government offices and the like.

“Interior Road”: A limited access road for vehicular use lying entirely within the boundary of a subdivided Tract, Subdivision or PUD which provides access from an Arterial Road to other interior

roads or to a Common Private Driveway or a Private Driveway for one or more Lots within the Tract, Subdivision or PUD.

“Junk Yard”: Any use of land for the wrecking, dismantling and/or storage of junk, refuse or discarded or inoperable machinery, equipment, vehicles, building scrap, mobile homes and the like.

“Lot”: A smaller portion of a Tract into which the Property has been subdivided as shown on approved PUDs, subdivision plats or certificates of survey of the Property or of a Tract, and shall include any re-subdivision or condominium.

“Lot Coverage”: That area of land covered by all Structures, in the aggregate.

“Mixed Use”: A combination of two or more users defined as “Commercial,” “Professional,” “Industrial,” “Institutional,” or “Residential.”

“Modular Home”: A type of Manufactured Housing constructed in parts or modules for assemblage on a pad or foundation on a Building Site.

“Non-Conforming Tract/Lot”: A Tract/Lot, the area, dimensions, configuration or location of which was lawful prior to the adoption, revision or amendment of The Zoning Regulation, and/or this Declaration, but that fails by reason of such adoption, revision or amendment to conform to the present requirements of The Zoning Regulation, and/or this Declaration.

“Non-Conforming Structure”: A Structure, the area, size, dimensions, Building Footprint or location of which was lawful prior to the adoption, revision or amendment of The Zoning Regulation, and/or this Declaration but that fails by reason of such adoption, revision or amendment to conform to the present requirements of The Zoning Regulation, and/or this Declaration.

“Non-Conforming Use”: A Use or activity that was lawful prior to the adoption, revision or amendment The Zoning Regulation, and/or this Declaration but that fails by reason of such adoption, revision or amendment to conform to the present requirements of The Zoning Regulation, and/or this Declaration.

“Non-Motorized Travel”: Travel that includes traditional bicycles and tricycles, Class 1 and Class 2 electric bicycles and tricycles, walking, jogging, running, cross-country skiing, push scooters, e-scooters, strollers, skateboards, and wheelchair travel, but does not include equestrian or other motorized uses.

“Open Space, Common”: Open space owned by the Town Center Owners’ Association for use by Town Center Owners Association lot owners, residents and guests, unless expanded to include public users by the TCOA or by dedication to a public agency.

“Open Space, Common (Multi-Family)”: Open space owned or dedicated to a public agency or the Town Center Owners’ Association for use by all appurtenant Town Center Multi-Family Lot and Unit

Owners, residents and guests.

“Open Space, Private”: Open space owned by either a homeowner or a private homeowners’ association, the use of which is limited to the occupants of a single Dwelling Unit, Building or property.

“Open Space, Public”: Open space for use by the general public and which may be owned or dedicated to a non-profit (that may include the Town Center Owners’ Association), or governmental or quasi-governmental entity with a mission that includes at least one of the following purposes: to preserve, own, manage and/or improve open space, trails, recreational and/or cultural facilities, or the like.

“Owner”: Any person or entity which is the record owner of fee simple title to the Property, any Tract or any Lot, including all immediate family members and any buyer or purchaser under a contract for deed or agreement for sale and purchase, whether conditional or unconditional, but excluding any interest, or any person or entity who holds such interest, as security for the payment of an obligation, other than a contract seller, mortgagee, or other security holder in actual possession of the Property, a Tract or a Lot.

“Primary Building”: The main or principal Building on a Lot or Tract. A Primary Building is one whose height, size, mass, area and/or function is predominant as compared with that of any other Building permitted and/or in existence on the Lot or Tract.

“Primary Building Site”: That area and location within a Building Envelope shown on the PUD and on the recorded Subdivision Plat of the Property, or any Tract thereof, which is designated for construction of the Primary Dwelling Unit or other Primary Building or Use. If no Primary Building Site is shown, the Primary Building Site is the total area encompassed by the Building Envelope.

“Primary Dwelling Unit”: The main or principal Dwelling Unit intended for occupancy and use by the Owner.

“Private Driveway”: That portion of a road for vehicular use which provides access from either a Common Private Driveway, Interior Road or Arterial Road to the Building Envelope of a single Lot, or to the boundary of a lot if no building envelope is shown or required for such lot. A Private Driveway is incidental to and accompanies a permitted Use.

“Private Recreational Uses”: Developed and/or Dispersed Recreational Uses intended solely for the private enjoyment of an Owner, residents and guests.

“Profession”: An occupation licensed as a “profession” under the laws of the State of Montana.

“Property”: The real property described in Exhibit A, attached hereto, together with any Additional Property that may be added thereto as provided in Article I.

“Residential Use”: A use for residential living purposes.

“SFE”: Single-Family Equivalent. Measure of sewer usage, as defined by the Big Sky County Water and Sewer District No. 363.

“Silvacultural Use”: The selective harvest, cultivation or management of timber, including measures for fire protection, forest health and scenic resource conservation.

“Storage Space”: The use of a Basement, or a portion thereof, for storage as defined by Section 311 of the International Building Code.

“Structure”: An edifice or building of any kind or any piece of work artificially built up, constructed or composed of parts joined together in some definite manner, including swimming pools and tennis courts but not including fences less than six feet in height or paved areas.

“Subdivision”: A division of land, or land so divided, resulting in the creation of two or more Tracts or Lots of land out of the Property or out of a single, larger Tract or Lot in order that title to, possession or occupancy of the Tract(s) or Lot(s) so created may be sold, rented, leased or otherwise conveyed or transferred and shall include any re-subdivision and any condominium.

“TCOA”: Town Center Owners’ Association, Inc.

“TCOA Licensed Uses”: A use of TCOA-owned property within the Big Sky Town Center that requires the application for, and granting of, a license by the TCOA for that use.

“Town Center Architectural Committee”: That Architectural Committee created by the Town Center Owners’ Association for the purposes set forth in this Declaration, the *Big Sky Town Center Design Standards and Guidelines*, and the Bylaws of the Town Center Owners’ Association.

“Town Center Design and Land Use Permit”: That permit issued by the Town Center Owners’ Association permitting use or development of a Lot or Tract in conformance with The Zoning Regulation, the *Big Sky Town Center Design Standards and Guidelines*, and this Declaration.

“Town Center Occupancy Permit”: That permit(s) issued by the Town Center Owners’ Association of the *Big Sky Town Center Design Standards and Guidelines*, the obtaining of which is a condition to the temporary or final occupancy of a Structure. After initial occupancy by a commercial tenant, an Occupancy Permit must also be approved and issued by the TCOA for *any and all* commercial and office tenant changes within the commercial district.

“Town Center Owners’ Association”: The Town Center Owners’ Association, Inc., a Montana Non-Profit Corporation formed for the purpose, among others, of implementing, administering and enforcing The Zoning Regulation, the *Big Sky Town Center Design Standards and Guidelines*, the *Big Sky Town Center Master Signage Plan*, the *Big Sky Town Center Parking Regulation, Management Plan and Ordinance* and this Declaration, the members of which are all Owners of the Town Center Property or any Lots or Tracts thereof.

“Town Center Parking District”: That Parking District created by the Town Center Owners’ Association for the purpose of acquiring and providing parking spaces and associated administration, enforcement, maintenance and snowplowing for the benefit of Owners and Tenants of Lots in the Town Center Commercial District, their employees and clientele.

“Tract”: A Subdivided portion of the Property that is larger than a Lot as shown on approved PUDs, certificates of survey and/or subdivision plans of the Property.

“Variance”: A procedure whereby an Owner may obtain relief from certain provisions of The Zoning Regulation, the *Big Sky Town Center Design Standards and Guidelines*, the *Master Signage Plan*, and/or this Declaration under circumstances where, because of conditions unique to the OWNER’s property, compliance with the strict terms of The Zoning Regulation, the *Big Sky Town Center Design Standards and Guidelines*, the *Master Signage Plan*, and/or this Declaration would result, among other things, in a particular, unnecessary hardship upon the Owner, as distinguished from a mere inconvenience.

“Viewshed”: That area visible from within the Building Envelope of a Tract or Lot, or from the boundary line of any Tract or Lot on which there is no designated Building Envelope.

ARTICLE VII

GENERAL COVENANTS, CONDITIONS AND RESTRICTIONS

All of the Town Center Property shall be held, conveyed, used, developed and enjoyed subject to the following general covenants, conditions and restrictions.

7.1 Conformance with The Zoning Regulation, the Big Sky Town Center Design Standards and Guidelines, the Big Sky Town Center Master Signage Plan, the Big Sky Town Center Parking Regulation, Management Plan and Ordinance, and this Declaration.

Except as otherwise provided as concerns Non-Conforming Lots, Uses, Structures and Variances, no Use, Lot, Development, Structure or Sign is or shall be permitted unless such use, Lot, Development, Structure or Sign is in strict conformance with all applicable requirements of The Zoning Regulation, the *Big Sky Town Center Design Standards and Guidelines*, the *Master Signage Plan*, the *Big Sky Town Center Parking Regulation, Management Plan and Ordinance*, and this Declaration. Without limiting the generality of the foregoing, the following requirements shall be met for any Use, Lot, Development, Structure or Sign subject to this Declaration:

(a) No Use shall be made of the Town Center Property, including the nature and mix of the proposed businesses to be located or relocated in the Town Center (see Occupancy Permit regulations in the *Big Sky Town Center Design Standards and Guidelines*), unless it is a permitted and approved use under (1) The Zoning Regulation; (2) the *Big Sky Town Center Design Standards and Guidelines*; (3) the *Master Signage Plan*; (4) this Declaration; and (6) all requisite permits or approvals for conducting such Use have been obtained from the TCOA and Gallatin County, and such Use is conducted in strict

conformity therewith.

(b) No Lot shall be created by subdivision of the Town Center Property, unless it is a permitted or approved Lot under State and Gallatin County subdivision laws and regulations, The Zoning Regulation, and this Declaration.

(c) No Development of any part of the Town Center Property shall be engaged in, unless it is a permitted or approved Development under The Zoning Regulation, the *Big Sky Town Center Design Standards and Guidelines*, the *Master Signage Plan*, the *Big Sky Town Center Parking Regulation, Management Plan and Ordinance*, and this Declaration, and any requisite permit or approval for such Development has been obtained, and such Development is done in strict conformity therewith.

(d) No Structure shall be erected, constructed, reconstructed, moved, structurally altered, used or occupied, unless it is permitted or approved under The Zoning Regulation, the *Big Sky Town Center Design Standards and Guidelines*, the *Master Signage Plan*, the *Big Sky Town Center Parking Regulation, Management Plan and Ordinance*, and this Declaration, and any requisite permit or approval for such Structure has been obtained, and such erection, construction, reconstruction, movement, structural alteration, use or occupancy of the Structure is in strict conformity therewith.

(e) No Structure shall be erected, constructed, reconstructed, moved, structurally altered, used or occupied, unless it has purchased the requisite number of sewer and water hookups (SFE's) from the Developer, as determined by the Big Sky Water and Sewer District, for such use or occupation, in accordance with the provisions for SFE acquisitions, more particularly set forth in the *Big Sky Town Center Design Standards and Guidelines*.

(f) No Sign shall be erected, constructed, reconstructed, moved, structurally altered, or used unless it is permitted and/or approved under the *Master Signage Plan* and this Declaration; any requisite permit or approval for such Sign has been obtained; and such erection, construction, reconstruction, movement, structural alteration, or use of the Sign is in strict conformity therewith.

(g) No Building shall be erected, constructed, reconstructed, moved or altered unless it is in strict compliance with the requirements of The Zoning Regulation, the *Big Sky Town Center Design Standards and Guidelines*, *Master Signage Plan* and this Declaration.

(h) No part of any Yard or Open Space required about, or in connection with, any Building under The Zoning Regulation, the *Big Sky Town Center Design Standards and Guidelines*, or this Declaration shall be included as part of a Yard or Open Space similarly required for any other Building.

(i) No Yard or Lot may be created, unless it meets the minimum requirements established by The Zoning Regulation, the *Big Sky Town Center Design Standards and Guidelines*, and/or this Declaration.

(j) No Dwelling Unit shall be permitted or constructed without an adequate water supply and sewage disposal system as required by applicable state and local laws, including the *Big Sky Town Center Design Standards and Guidelines*, governing domestic water supplies and sanitary sewer systems in subdivisions, and the acquisition and disposal of SFE's.

Notwithstanding anything in this Section to the contrary, any public utility pipeline, well or pumphouse necessary for provision of services required for public health and safety may be exempted from the provisions of this Declaration, provided the Zoning Enforcement Agent under The Zoning Regulation finds such Improvements are consistent with the Gallatin Canyon/Big Sky Plan and will not create a hardship for other property Owners, and the Town Center Owners' Association finds that such Improvements are consistent with the Declaration and will not create a hardship for other Owners of the Property.

7.2 Further Subdivision.

Except for subdivisions created and filed by the Developer, no further Subdivision of the Property is permitted without the prior, written approval of the Town Center Owners' Association.

7.3 Public Uses.

All public uses of the Property shall be as dedicated or established by the Developer in a recorded Master Plan, PUD, certificates of survey, subdivision plats, this Declaration or grants of easement or by the Declarants or Town Center Owners' Association in separately recorded grants of easement. Nothing contained in this Declaration, or in any future superseded, amended and/or replaced Declaration, shall be construed as, or deemed to constitute, a dedication or grant of use, express or implied, of any portion of the Property to or for the benefit of any public use or public purpose, beyond the easement, access and rights of use granted to the public as specifically provided in this Declaration.

7.4 Wildfire Protection.

Pursuant to Section 29.11 of The Zoning Regulation, as modified hereinbelow, the following fire Safety measures are required:

- (a) All Structures located in the Wildland Residential Interface area of the Gallatin Canyon/Big Sky Planning and Zoning District shall use only Class A or B fire-rated roofing materials. Wood shakes or shingles which qualify for a Class B rating, such as those using a foil-faced or equivalent substrate or underlayment of non-combustible material, and which are periodically treated with fire retardant, may be permitted. Periodic maintenance of wood shakes or shingles shall be done in accordance with manufacturer's treatment guidelines and re-treated as specified.
- (b) Rain gutters and roof troughs shall be periodically inspected and annually cleaned of debris.
- (c) Spark arrester screens shall be placed on fireplace and woodstove chimneys. Smoke detectors shall be installed on each level and in each bedroom of a Dwelling Unit.
- (d) The vegetation reduction and clearance guidelines of the *Fire Protection Guidelines for the Wildland Residential Interface Development* shall be met.

7.5 Code Compliance.

All structures shall be constructed in accordance with the current edition of applicable building, construction, health, fire and safety codes, including without limitation, the following:

- (a) International Building Code;
- (b) National Plumbing Code;
- (c) National Electric Code;
- (d) National Fire Protection Association Code; and
- (e) Liquefied Petroleum Gas Code.

7.6 Fire Sprinkler Systems.

All Dwelling Units shall be constructed to comply with the automatic fire sprinkler system requirements of the Big Sky Fire District. Engineered fire sprinkler system plans shall accompany all Phase B Design and Land Use permit applications and shall also be delivered to the Big Sky Fire District prior to construction. Inspections for compliance with this requirement during and after completion of construction shall be as the Town Center Architectural Committee and/or local governmental body may require.

7.7 Use Restrictions for Town Center Property.**(a) General.**

(1) **Prohibited Uses.** Except as otherwise expressly permitted or approved under this Declaration, all other uses of the Town Center Property are prohibited, including, without limitation, all industrial uses, mining and drilling (with the exception of gravel pits discussed below), junk yards, feedlots, campgrounds and heliports.

(2) **Open Space.** Common Open Space and Public Open Space shall be preserved and maintained in perpetuity for one or more of the following uses, as appropriate: for active and passive recreation; wildlife habitat; and protection of scenic, unique and important natural features. See also those uses set forth in Article VIII.

(3) **Protection of Waters and Aquifers.** No use of, or activity upon, any of the Town Center Property is permitted which is likely to result in pollution or degradation of any well, spring, stream or aquifer beyond that expressly permitted by applicable federal or state water quality laws

(4) **Excavation/Erosion Control.** No excavation of land area is permitted except upon prior approval by the Town Center Owners' Association for the purpose of facilitating construction of Buildings, Structures improvements; the establishment or maintenance of approved roads, private driveways or trails; and the construction or maintenance of utilities. All excavated and disturbed areas shall be promptly reseeded following completion of construction activities, or sooner if required, with appropriate vegetative cover to prevent, minimize and control soil erosion, all in accordance with the Landscape section of the *Big Sky Town Center Design Standards and Guidelines*.

(5) **Landscaping.** No non-native vegetation is permitted, except as may otherwise be permitted in the Landscape section of the *Big Sky Town Center Design Standards and Guidelines*. All landscaping shall comply with the Landscape section of the *Big Sky Town Center Design Standards and Guidelines*. Each Lot Owner will be responsible for installation of sidewalks, streetscape furnishings, lighting (as applicable), and all landscaping from their lot into the adjacent Right of Way to the edge of the asphalt or back of curb. Each Lot Owner acknowledges that wildlife damage to landscaping will occur. Neither local governmental bodies, the Declarants, the members of its Board, the Town Center Owners' Association, the members of the Town Center Owners' Association Board, nor the members of the Town Center Architectural Committee, shall be liable to any Owner or other person for any loss or damage to landscaping arising out of damage caused by wildlife, which risk the Owner accepts as its exclusive risk and responsibility and shall not file claims against any of the foregoing entities or persons for damages arising therefrom, each Owner hereby waiving, releasing and forever discharging the foregoing entities or persons from any liability in connection therewith.

(6) **Noxious Weeds.** The control of noxious weeds by the Town Center Owners' Association ("TCOA") on those areas for which the TCOA is responsible and the control of noxious weeds by individual owners on their respective lots shall be as set forth and specified under the Montana Noxious Weed Control Act (MCA Sections 7-22-2101 through 7-22-2153) and the rules and regulations of the Gallatin County Weed Control District. The TCOA is responsible for control of state and county declared noxious weeds in the subdivision's parks, open spaces, community areas, trails and roadways. Each Owner shall be responsible for the control of the state and county declared noxious weeds on his or her own lot. Both unimproved and improved lots shall be managed for noxious weeds. In the event an Owner does not control the noxious weeds, after 10 days notice from the TOCA, the TCOA may cause the noxious weeds to be controlled. The cost and expense associated with such weed management shall be assessed to the lot and such assessment may become a lien if not paid within thirty (30) days of the mailing of such assessment.

(7) **Animals.** Except for not more than three (3) household pets owned by the occupant of a Dwelling Unit, no animals, including household pets, are permitted to be kept on the Town Center Property.

(8) **Household Pets.** All household pets kept outdoors shall be leashed or kept in a suitable enclosure, except when in the immediate company and control of a responsible person. The keeping of any household pet which is, or has become, a problem or a nuisance to other persons, wildlife, or property is prohibited, and the pet shall be promptly removed upon written notice from the Town Center Owners' Association.

(9) **Wild Animals.** No wild animals shall be kept by anyone and no attempt shall be made by anyone to domesticate any wild animal. Feeding or harassment of wildlife is prohibited. No hunting or trapping of wildlife permitted, except in accordance with applicable law and/or regulations established by the Town Center Owners' Association.

(10) **Apiaries.** No apiaries or bee-keeping is permitted.

(11) **Fire Control.** Each Owner shall be responsible for compliance with the Forestry and Fire Section of this Declaration. The Town Center Owners' Association shall be responsible for fire control on all Common Areas and/or Open Space outside of the platted Lots. In the event any Owner fails to comply with the Forestry and Fire Protection Section of this Declaration, the Town Center Owners' Association may, after reasonable notice, take such action as is necessary to correct such non-compliance, at the Owner's expense.

(12) **Burning.** Except for fires within an outdoor barbeque grill or structure, no outside burning of refuse or other materials shall be permitted without prior approval of the Town Center Owners' Association.

(13) **Snow Removal.** Each Owner shall be responsible for snow removal from the Owner's Private Driveway. The Town Center Owners' Association shall be responsible for snow removal from all Arterial and Interior Roads and sidewalks along road tracts or in rights-of-way and commercial district parking lots and drives.

(14) **Roads.** All use of roads shall be subject to guidelines, rules and regulations established by the TCOA. Gates are prohibited across roads and Private Driveways.

(15) **Snowmobiles, Motorbikes and Other Off-Road Motorized Vehicles.** No snowmobiles, motorcycles, or other off-road motorized vehicles are permitted off of roads, or Private Driveways except in cases of emergency or for purposes of setting cross-country ski trails which have been approved by the Town Center Owners' Association.

(16) **Junk, Garbage and Refuse Disposal.** No junk, junked vehicles, garbage or other refuse shall be stored, dumped or maintained on any of the Town Center Property. All junk or junked vehicles shall be disposed of in an appropriate landfill off of the Town Center Property. All garbage and other refuse shall be collected and stored in animal-proof containers and disposed of in such manner as the Town Center Owners' Association may determine.

(17) **Vehicles.** All vehicles shall be parked only in designated parking lots or spaces. Except as otherwise provided under Section 6.7(a)(15), above, no motorized vehicles are permitted off of roads, or Private Driveways.

(18) **Firearms/Noise.** No discharge of firearms or other loud or noisy activities are permitted.

(19) **Trails.** No new trails may be constructed except upon the prior approval of the TCOA. Ownership, construction, maintenance and use of trails is reserved to the TCOA.

(20) **Outside Lighting.** All outdoor lighting shall comply with Section 29.7 of The Zoning Regulation. Parking lot and street lights may be dusk to dawn.

(21) **Holiday Lighting.** All improvements in the Commercial District of the Town Center shall install and maintain exterior holiday lighting. The exterior lighting shall be illuminated, during the hours of darkness, beginning the day after Thanksgiving, and each day thereafter, until March 31, of the next calendar year. Specific standards applicable to Holiday Lighting requirements are set forth in the Design Standards and Guidelines.

(22) **Mobile Homes - Modular Homes - Manufactured Homes.** Mobile homes, modular homes, or manufactured homes are prohibited.

(23) **Temporary Shelters.** Temporary shelters, such as tents, recreational vehicles and campers, are prohibited.

(24) **Mining and Drilling.** Except for such gravel pits as may be permitted by either the Declarants during the course of development or by approved Variance in connection with construction of a road, private driveway, or Structure, no portion of the Property shall be used for the purpose of mining, quarrying, drilling, boring or exploring for, or removing coal, oil, gas or other hydrocarbons, minerals, rocks, stones, gravel or earth. This subsection does not pertain to, or prohibit excavation and/or removal of, rock or earth incident to construction of improvements, roads and trails.

(25) **Outdoor Speakers.** Speakers installed to the exterior of buildings, or installed within a building for purposes of providing music or other sounds to be heard outside the exterior of any building or improvement, shall meet and comply with the standards and regulations set forth in the *Design Standards and Guidelines* for such uses.

(26) **Satellite Antennae or Satellite Dishes.** Antennae or dishes for satellite television or internet signals may be installed only in accordance with the Town Center *Design Standards and Guidelines*.

(27) **Street Furniture and Trash.** Permitted street furniture, as set forth in the *Design Standards and Guidelines*, shall be maintained in good working order and appearance. Trash cans shall be emptied as necessary to prevent odors and overflow.

(28) **Parking Structures.** Underground or above-ground Parking Structures are a conditional use in the Big Sky Town Center, that must receive prior approval by the TCOA and comply with applicable Town Center Design Standards and Guidelines, or other standards imposed by the TCOA.

(29) **Minimum Hotel Standard.** All hotels in the Property shall be operated to meet or exceed the level of service of the following hotels: Courtyard by Marriott, Residence Inn by Marriott, Hilton Garden Inn, The Element, Hyatt House, or Embassy Suites.

7.8 Basements in Town Center Commercial District.

- (a) **Basement Space in Town Center Commercial District.** Basement space in the Town Center Commercial District may be used for either occupancy ("Commercial Space") or for "Basement Storage Space".
- (i) If used for occupancy, the space shall be designated as Commercial Space, and shall be designed and constructed to meet all applicable building codes, including the International Building Code.
 - (ii) If Town Center Commercial District basement space is intended to be used exclusively for storage, design restrictions prohibit the installation of windows in the basement space. Temporary or permanent occupancy is prohibited in any Town Center Commercial District basement space that is designed and approved only for storage.
 - (iii) Owners of basement space must promptly notify the TCOA and Developer of its intention to use its basement space as occupied basement space (Commercial Space), or change the use of its basement space to occupied basement space (Commercial Space) and purchase from Developer additional development rights (entitlements) and SFEs (if applicable) associated with the occupied basement space (Commercial Space), if those development rights (entitlements) and SFEs have not been previously purchased from Developer.
- (b) **Enforcement.**
- (i) The Gallatin County Planning Department and Town Center Owners' Association are authorized to inspect the interior use of the basement space of any structure in the Commercial District to ensure compliance with Section 7.8.
 - (ii) The Town Center Owners' Association is responsible for monitoring potential infractions and shall have access to and may provide random inspections of basement space in the Commercial District.
- (c) **Fine and Attorney Fees**
- (i) A \$1,000 fine will be imposed by the Town Center Owners' Association on any tenant or Owner found in violation of this restriction, with a second offense incurring a \$500 per day fine until corrected. Violators shall also be responsible for reasonable costs and attorney's fees (on an hourly basis and not a contingency fee basis) incurred by the TCOA to enforce compliance with this provision, including costs incurred to impose and collect fines for violations of this provision.

ARTICLE VIII
DISTRICT

The Town Center Property consists of a Planned Unit Development within the meaning of, and subject to, applicable provisions of Section 24 of The Zoning Regulation, except as otherwise more specifically or restrictively provided for herein.

8.1 Density.

Same as that set forth in The Zoning Regulation.

8.2 Location.

Except for roads, Private Driveways, utility lines, address signs, mailboxes, newspaper delivery boxes, wells, septic systems, drainfields, and further except for such fences as may otherwise be permitted by Variance, all Buildings, Structures, Improvements and Signs shall be located within required setbacks for the Town Center Property.

8.3 Permitted Uses.

- (a) Those permitted under The Zoning Regulation.
- (b) **Signage.** In accordance with the *Master Signage Plan* and this Declaration.
- (c) **Common Open Space.** Only the following uses are permitted on Common Open Space:

(1) Multi-Family Open Space.

- Private, Dispersed Recreational Uses, for active and passive recreation by members of the appurtenant Multi-Family Neighborhood Association(s) and their guests, other than equestrian/horseback riding or motorized uses;
- Informal gathering, strolling, sitting, sunning, etc.;
- Landscaping, including benches, picnic shelters, grills, fences and the like;
- Snow storage;
- Trails for Non-Motorized Travel;
- Lighting;
- Signage in accordance with the *Master Signage Plan*; and
- Public art, sculptures, and/or statutes approved by the TCOA.

(2) Stormwater Ponds.

- Stormwater ponds and associated roads, structures and appliances, including fences;
- Dispersed Recreational Uses for active and passive recreation, other than equestrian/horseback riding or motorized uses;
- Trails for Non-Motorized Travel;
- Lighting;
- Wildlife habitat; and
- Signage in accordance with the *Master Signage Plan*.

(3) Wildland Areas.

- Dispersed Recreational Uses for active and passive recreation;
- Informal gathering, strolling, sitting, sunning, etc.;
- Trails for Non-Motorized Travel, including bridges and lighting, as approved by the TCOA;

- Silvicultural uses;
- Wildlife habitat;
- Snow storage;
- Landscaping, including park benches, fences and the like, as approved by the TCOA;
- Public art, sculptures, and/or statutes, as approved by the TCOA;
- Arterial Road (Aspen Leaf Drive) and bridge; and
- Signage in accordance with the *Master Signage Plan*.

(d) **Public Open Space.** Only the following uses are permitted on Public Open Space:

(1) **Town Plaza.**

- Informal gathering, strolling, sitting, sunning, etc.;
- Dispersed Recreational Uses for passive and active recreation, other than equestrian/horseback riding or motorized uses;
- Landscaping, including park benches, fire pits, lighting, outdoor speakers, fences and the like;
- Sidewalks;
- Kiosks;
- Playground equipment;
- Public art, sculptures, and/or statues approved by TCOA; and
- Signage in accordance with the *Master Signage Plan*.

(2) **Linear Park.**

- Informal gathering, strolling, sitting, sunning, etc.;
- Dispersed Recreational Uses for active and passive recreation, other than equestrian/horseback riding or motorized uses;
- Trails for Non-Motorized Travel, including trail lighting;
- Landscaping, including park benches, fences and the like;
- Wildlife habitat;
- Signage in accordance with the *Master Signage Plan*;
- Temporary storage of excess or fill dirt by the Developer; and
- Snow storage.

(3) **Neighborhood Park.**

- Informal gathering, strolling, sitting, sunning, etc.;
- Dispersed Recreational Uses for active and passive recreation, other than equestrian/horseback riding or motorized uses;
- Trails for Non-Motorized Travel;
- Developed Recreational Uses;
- Parking;
- Landscaping, including park benches, fences and the like;
- Lighting;

- Snow storage;
- Wildlife habitat; and
- Signage in accordance with the *Master Signage Plan*.

(4) Civic Park.

- Informal gathering, strolling, sitting, sunning, etc.;
- Dispersed Recreational Uses for active and passive recreation, other than equestrian/horseback riding or motorized uses;
- Trails for Non-Motorized Travel;
- Developed Recreational Uses, including Structures associated therewith;
- Parking;
- Landscaping, including park benches, fences and the like;
- Wildlife habitat;
- Lighting;
- Signage in accordance with the *Master Signage Plan*;
- Public art, sculptures, and/or statutes approved by the TCOA;
- Outdoor sports and leisure facilities, including but not limited to tennis courts, basketball and other court games, ice skating rinks, swimming pools, health and fitness/exercise facilities, pavilions, band shells and climbing facilities; and
- Indoor sports and leisure facilities, including but not limited to health and fitness/exercise facilities, community centers, recreation centers, swimming pools, performing or visual arts center, concert hall, ice skating rinks, tennis courts, basketball and other court games, and climbing facilities, and associated administrative and maintenance offices and facilities.

(5) The Park.

- Informal gathering, strolling, sitting, sunning, etc.;
- Dispersed Recreational Uses for passive and active recreation, other than equestrian/horseback riding or motorized uses;
- Landscaping, including park benches, fire pits, wood storage shed, lighting, outdoor speakers, fences and the like;
- Sidewalks;
- Kiosks;
- Snow storage;
- Public art, sculptures, and/or statues approved by TCOA;
- Signage in accordance with the *Master Signage Plan*; and

8.4 Conditional and Licensed Uses.

Conditional Uses within the District require the application for and receipt of a Conditional Use Permit from the TCOA and pursuant to The Zoning Regulation (“Conditional Uses”). Licensed Uses listed

below require the application for and receipt of a License from the TCOA:

(a) **Lots.**

Licensed Uses:

- Temporary staging of construction equipment in connection with development of the Town Center, but not including recreational vehicles or campers.

(b) **Common Open Space.**

Licensed Uses:

- Mobile vendors;
- Developed Recreational Uses, including Structures associated therewith, such as playground equipment;
- Utility Service Operation Facilities;
- Outdoor seating for adjacent businesses, restaurants, cafes, bars, and lounges which shall be subordinate and auxiliary to the main business, and which area may be fenced, elevated, or recessed, and may have patio umbrellas, heaters, planters, pergolas, sun shades, and the like;

(c) **Public Open Space.**

Licensed Uses:

- Mobile vendors;
- Bus shelter, bus stop, bus warming hut, and similar community uses;
- Any organized event, including but not limited to merchant sidewalk sales, arts and crafts vendors; organized group picnics and community events (fairs, festivals, farmers markets, concerts, performances, sporting events, product demonstrations, sports and recreation instruction, etc.);
- Developed Recreational Uses, including Structures associated therewith;
- Outdoor displays of merchandise and/or services for adjacent or nearby businesses.
- Utility service operation facilities.

(1) **Town Plaza.**

Licensed Uses:

- Vendors at the Town Plaza kiosk;
- Any organized event, including but not limited to merchant sidewalk sales, arts and crafts vendors; organized group picnics and community events (fairs, festivals, farmers markets, concerts, performances, sporting events, product demonstrations, sports and recreation instruction, etc.);
- Developed Recreational Uses, including Structures associated therewith; and
- Outdoor seating for adjacent restaurants, cafes, bars, and lounges which shall be subordinate and auxiliary to the main business, and which area may be fenced, elevated, or recessed, and may have patio umbrellas, fire pits, heaters, planters, pergolas, sun shades, and the like.

(2) Linear Park.

Licensed Uses:

- Any organized event, including but not limited to merchant sidewalk sales, arts and crafts vendors; organized group picnics and community events (fairs, festivals, farmers markets, concerts, performances, sporting events, product demonstrations, sports and recreation instruction, etc.);
- Developed Recreational Uses, including Structures associated therewith;
- Trail accoutrements, such as exercise stations; and
- Parking.

(3) Neighborhood Park.

Licensed Uses:

- Field or court games (*e.g.*, football, soccer, basketball, volleyball, etc.);
- Any organized event, including but not limited to merchant sidewalk sales, arts and crafts vendors; organized group picnics and community events (fairs, festivals, farmers markets, concerts, performances, sporting events, product demonstrations, sports and recreation instruction, etc.);
- Developed Recreational Uses, including Structures associated therewith; and
- Temporary or permanent Structures associated with cultural or civic events or activities; developed recreational activities; civic institutions providing after-school or community activities; other educational, preschool and/or daycare providers. Permanent structures associated with any of the foregoing uses are permitted so long as the use does not change from any of the above-listed authorized uses and the structure remains under the ownership of the TCOA or a duly-authorized non-profit entity.

(4) The Park.

Licensed Uses:

- Field or court games (*e.g.*, football, soccer, basketball, volleyball, etc.);
- Any organized event, including but not limited to merchant sidewalk sales, arts and crafts vendors; organized group picnics and community events (fairs, festivals, farmers markets, concerts, performances, sporting events, product demonstrations, sports and recreation instruction, etc.);
- Developed Recreational Uses, including Structures associated therewith; and

8.5 Required Setbacks.**(a) Minimum.**

Those set forth under The Zoning Regulation, unless a greater setback is required by law (*e.g.*, setbacks from water sources) or is required to avoid encroachment on the minimum setback by accessory improvements or structures (*e.g.*, utility service operation facilities, trash dumpsters, propane tanks, generators and the like).

(b) **Applicability.**

Notwithstanding anything to the contrary in The Zoning Regulation, or this Declaration, setbacks do not apply to parking spaces, parking meters, sidewalks, lighting, landscaping or other streetscape improvements.

8.6 Maximum Building Height.

That set forth in The Zoning Regulation.

8.7 Minimum Building Height.

That set forth in The Zoning Regulation.

8.8 Minimum Lot Area.

That set forth in The Zoning Regulation.

8.9 Minimum Lot Width.

That set forth in The Zoning Regulation.

8.10 Minimum Setbacks.

That set forth in The Zoning Regulation.

8.11 Surface Parking, Underground Parking Structures, and Above-Ground Parking Structures.

Surface parking, underground parking structures, and above-ground parking structures shall comply with the Town Center Parking District Regulation, Management Plan and Ordinance, which is incorporated herein by reference.

8.12 Town Plaza.

(a) **Administration.**

The Town Plaza is Public Open Space to be administered by the TCOA.

8.13 Traffic Circulation, Sidewalks and Easement Restrictions.

(a) **Regulations and Enforcement.**

All use of public right-of-way easements is subject to the laws of the State of Montana and Gallatin County pertaining to use or travel upon public streets, highways, roads, sidewalks and other public rights-of-way, including, without limitation, all traffic control laws and regulations, all of which are by this reference incorporated herein, together with the right of the Town Center Owner's Association or its designee, to police and enforce the same.

8.14 Parking, Sidewalks, Street and Holiday Lighting, and Landscaping Improvements in Town Center Commercial District.

(a) **Responsibility for Improvements.**

Each Lot Owner is responsible for Right-of-Way Improvements, including installation of sidewalks, streetscape furnishings, street lighting (as applicable), holiday lighting, and all landscaping

from their lot into the adjacent right-of-way to the edge of the asphalt or back of curb.

(b) Installation of Improvements.

No certificate of occupancy pursuant to a land use permit approved under Section 42 of The Zoning Regulation or under a Town Center Occupancy Permit approved under the *Big Sky Town Center Design Standards and Guidelines* shall be issued for any Building within the Town Center Commercial District unless all required parking, sidewalks and street lighting has been constructed and all required street and parking lot landscaping has been placed. To avoid damage to sidewalks, street landscaping, parking lots and parking lot landscaping during the course of development, required sidewalks and street landscaping may be met through gravel surface sidewalks and required parking and parking lot landscaping may be met through gravel surfaced lots until a Gallatin County Land Use Permit and for the last Building to be served thereby has been approved, at which time sidewalks shall be paved, the entire surface of the parking lot(s) shall be paved and all required street and parking lot landscaping shall be placed prior to a certificate of occupancy or Occupancy Permit being issued for such Building, unless seasonal weather conditions don't reasonably permit such paving to be done or landscaping to be placed, in which case such improvements may be bonded for completion under an improvements agreement which requires completion of required paving and landscaping within the next calendar year. The bond, or other form of security, shall be in such amount and form and be accompanied by such sureties as the Town Center Owners' Association may determine.

8.15 Additional Standards. See Development Standards contained in Sections 29-37 of The Zoning Regulation.

ARTICLE IX
OPEN SPACE

9.1 Categories of Open Space.

There are two (2) general categories of Open Space, as defined below:

(a) Common Open Space.

The Multi-Family Open Space, Stormwater Ponds and Wildland Areas shown on subdivision plats for the Town Center.

(b) Public Open Space.

The Town Plaza, Linear Park, Neighborhood Park, Civic Park, and The Park, as shown on subdivision plats for the Town Center.

9.2 Ownership of Open Space.

All Open Space is owned by the Town Center Owners' Association, Inc., with the exception of Public Open Space, which is for use by the general public and may be owned or dedicated to a non-profit (which may include the Town Center Owners' Association), or governmental or quasi-governmental entity with a mission that includes at least one of the following purposes: to preserve, own, manage and/or improve open space, trails, recreational and/or cultural facilities, or the like.

9.3 Easements.**(a) Common Open Space.**

Roads, Trails and Utility Easements reserved by the Declarants shown on recorded subdivision plats for the Town Center and other recorded instruments of record.

A “floating” easement for Trails to be located across Common Open Space to be reserved by the Declarants and located in the future by subsequently recorded instruments.

(b) Public Open Space.

Roads, bridges, trails and utility easements reserved by Declarants shown on recorded subdivision plats for the Town Center and other instruments of record.

A “floating” easement for trails to be located across Public Open Space to be reserved by the Declarants and located in the future by subsequently recorded instruments.

Town Center Owners’ Association hereby grants to the public an access easement for ingress, and egress, and an easement allowing the use of Public Open Space (except Civic Park) as provided in this Declaration, which easements shall apply to the Public Open Space (except Civic Park) as shown on the recorded subdivision plats for the Property, and which uses shall be subject to rules or restrictions as may be adopted by the Board of Directors for public health and safety purposes, provided that such rules and restrictions shall not unreasonably interfere with public access and use. Civic Park as indicated on the recorded subdivision plats for the Property is encumbered by access easements for ingress, egress, to the general public. However, such use by the public shall be subject to restrictions as may be set forth in this Declaration and reasonable rules and regulations as may be adopted by the owner of record of Civic Park.

9.4 Rights of Use.**(a) Common Open Space.**

All TCOA Lot Owners, Unit Owners, residents and guests, unless expanded to include public users by the TCOA.

(b) Common Multi-Family Open Space.

All appurtenant Town Center Multi-Family Lot Owners, Unit Owners, residents and guests.

(c) Public Open Space.

All Lot Owners, Unit Owners, residents and guests and the general public.

(d) All Open Space.

The reserved rights of Declarants set forth in Article XIII of the Town Center Declaration.

9.5 Assignment of Rights of Use of Open Space.**(a) Common Open Space.**

All Lot Owners, Unit Owners, residents and guests are assigned the non-exclusive right to use Common Open Spaces, subject to reasonable limits and restrictions.

(b) Common Multi-Family Open Space.

All appurtenant Town Center Multi-Family Lot Owners, Unit Owners, residents and guests are assigned the non-exclusive right to use Common Multi-Family Open Spaces.

(c) Public Open Space.

All Lot Owners, Unit Owners, residents and guests and the general public are assigned the non-exclusive right to use Public Open Spaces.

9.6 Responsibility for Administration, Maintenance, Assessments, Liability Insurance, Real Estate Taxes and All Other Expenses Associated With Open Space.**(a) Common Multi-Family Open Space.**

The TCOA is responsible for the maintenance, liability insurance and taxes association with the Common Multi-Family Open Space. The TCOA will levy special assessments against those Multi-Family condominium units appurtenant to the Common Multi-Family Open Space, as shown on the books of the TCOA, for their pro-rata share of costs incurred by the TCOA for all expenses incurred with respect to the Common Multi-Family Open Space, including but not limited to, maintenance, liability insurance and taxes. The amount of the pro rata share shall be determined by dividing the total expenses incurred by the Common Multi-Family Open Space by the total number of multi-family condominium units appurtenant to the Common Multi-Family Open Space, as shown on the books of the TCOA.

(b) Utility Easements.

Utility provider or Town Center Owners' Association, Inc.

(c) Public Open Space.

Town Center Owners' Association, Inc., non-profit, or governmental or quasi-governmental entity owner, as applicable.

ARTICLE X**Common Multi-Family Open Space****10.1 Liability.**

Open Space in the Town Center designated as Common Multi-Family Open Space, is owned in common by the TCOA which shall be responsible for purchasing and maintaining liability insurance, paying local taxes, maintaining the recreational facilities, if any, and all other expenses associated with the common multi-family open space. The TCOA shall be responsible for levying and collecting assessments for the payment of these expenses from the benefited property or unit owners. The amount of the pro rata share shall be determined by dividing the total expenses incurred by the Common Multi-Family Open Space by the total number of multi-family condominium units appurtenant to the Common Multi-Family Open Space, as shown on the books of the TCOA.

10.2 Levy of Assessments.

All assessments for construction, maintenance and repair and for real property taxes levied against Multi-Family Open Space shall be levied by the TCOA, or a Multi-Family Neighborhood Association as

its delegatee, against all appurtenant Multi-Family Lots or units, equally. All assessments shall be adjusted as required to meet changed needs.

10.3 Payment.

Notwithstanding levy of assessments by the TCOA, or the Multi-Family Neighborhood Association as its delegatee, for payment of real property taxes on Multi-Family Open Space, each Owner of an appurtenant Multi-Family Lot or unit is and remains personally liable for payment of the pro rata share of such taxes for which such Owner is liable under subsection (a) immediately above. Each Owner of an appurtenant Multi-Family Lot or unit is also personally liable for payment of such Owner's pro rata share of all assessments levied by the TCOA for the other purposes set forth in this section. Payment shall be as the TCOA may provide in its Bylaws.

10.4 Unpaid Assessments and Taxes/Lien.

Any assessments under this Section, including assessments for real estate taxes by governmental authorities, not paid when due, shall constitute a lien against such Owner's appurtenant Multi-Family Lot, the Dwelling Unit and all Improvements situated thereon, in the amount of such Owner's pro rata share of the liability for such assessments, including taxes, all accrued interest and penalties, if any. Such lien may be foreclosed upon in like manner as a mortgage or other lien upon real property and may include additional cost of expenses, not less than Two Hundred Dollars (\$200.00), and reasonable attorney's fee. The governing taxing authority shall also be entitled to proceed directly against the Owner, personally, and/or against the Lot(s) of such Owner which are subject to such lien for unpaid real estate taxes. Such lien shall continue until fully paid or otherwise satisfied. When such lien for assessments levied by the Town Center Owners' Association has been fully paid or satisfied, the Town Center Owners' Association shall file a subsequent notice releasing the lien.

ARTICLE XI **ROADS AND TRAILS**

11.1 Types of Roads and Trails.

(a) Roads.

- | | |
|-----------|---|
| Arterial: | Aspen Leaf Drive and Ousel Falls Road, as shown on the recorded subdivision plats of the Town Center; |
| Interior: | All other roads, except private driveways; |

(b) Private Driveways.

(c) Trails.

- Pedestrian;
- Cross-Country Skiing;
- Equestrian/Horseback Riding; and
- Non-Motorized Travel.

11.2 Ownership of Roads and Trails.

With the exception of private driveways, all roads and trails are owned by the TCOA.

11.3 Uses of Roads and Trails.**(a) Prohibited.**

All uses not permitted or conditionally permitted uses.

(b) Permitted.**(1) Roads.**

- Arterial;
- Interior;
- General vehicular access for ingress or egress to the Town Center Property and adjacent properties;
- Utilities;
- Trails (outside of roadbed, except at crossings);
- Interior: The same as arterial roads, with the exception of vehicular access, which shall be provide for limited vehicular access for ingress or egress to Town Center, platted Lots or Open Space.

(c) Conditional and Licenses Uses.

Conditional Uses within the District require the application for and receipt of a Conditional Use Permit from the TCOA and pursuant to The Zoning Regulation (“Conditional Uses”).

The following uses of Roads require the application for and receipt of a License from the TCOA (“TCOA Licensed Uses”):

- Mobile vendors;
- Parades;
- Bus shelter, bus stop, bus warming hut, and similar community uses; and
- Any organized event, including but not limited to merchant sidewalk sales, arts and crafts vendors; organized group picnics and community events (fairs, festivals, farmers markets, concerts, performances, sporting events, product demonstrations, sports and recreation instruction, etc.).

11.4 Private Driveways.

The same as Roads, with the exception of vehicular access, which shall be limited to private vehicular access for ingress or egress to a platted lot.

(a) Trails.**(b) Pedestrian.**

All trails.

(c) Cross-Country Skiing, Equestrian/Horse Back Riding, and Non-Motorized Travel.

As designated by the Town Center Owners’ Association, and subject to avoiding conflicts with other uses and budgetary constraints.

11.5 Rights of Use.**(a) Roads.**

All roads may be used by the general public, all Town Center Lot and Unit Owners, residents, guests, invitees and emergency service providers.

(b) Private Driveways.

Private driveways may be used by Individual Town Center Lot and Unit Owners, residents, guests and invitees, the Town Center Owners' Association and their permittees, and emergency service providers.

(c) Trails.

TCOA and their permittees, and all Town Center Lot and Unit Owners, residents, and guests, unless expanded to include public users by the TCOA.

11.6 Assignment of Rights of Use.**(a) Roads.**

All roads are either dedicated to the public or lie within a dedicated public easement for use by the general public, all Town Center Lot and Unit Owners, residents and guests.

(b) Private Driveways.

Use of Private driveways by the individual Town Center Lot Owner is included in the "bundle of rights" conveyed to such Lot Owner by Deed.

(c) Trails.

All Town Center Lot and Unit Owners, residents and guests are assigned the non-exclusive right to use, subject to the trails, subject to the limitations and restrictions of this Declaration.

11.7 Maintenance and Repair and Snowplowing.**(a) Roads & Trails.**

Maintenance, repair and snowplowing of roads and trails is the responsibility of the TCOA. All contracts between the TCOA and the contractor hired to plow snow from the streets of the Town Center shall mandate that the snowplow contractor clear the snow within six inches (6") of the face of all curbs.

(b) Private Driveways.

Maintenance, repair and snowplowing of private driveways is the responsibility of the individual Lot Owner.

11.8 Responsibility for Taxes and Assessments.**(a) Roads and Trails.**

TCOA and all Town Center Lot and Unit Owners.

(b) Private Driveways.

Individual Town Center Lot Owner.

(c) Liens.

Liens for taxes and assessments shall be as provided by law and Article XVI of this Declaration.

ARTICLE XII
FIRE MANAGEMENT

Fire management shall be in accordance with those plans, codes, regulations, etc. that have been

adopted by the Big Sky Fire District.

ARTICLE XIII
RESERVED RIGHTS

The Town Center Property, each Lot thereof, and all Open Space is subject to the following reserved rights:

(a) The right of Declarants, the Town Center Owners' Association to enter upon the Town Center Property, or any Lot thereof, for the purpose of ascertaining or enforcing compliance with The Zoning Regulation, this Declaration, the *Master Signage Plan* and the *Big Sky Town Center Design Standards and Guidelines*.

(b) The right of Declarants, the Town Center Owners' Association, and/or their respective assigns, successors or designees in all easements for access, utilities, roads or trails shown on any recorded subdivision plat of the Town Center Property, or of any portion thereof, or in any other instrument of record.

(c) The right of Declarants to all excess dirt excavated from the Town Center Property during the course of its development.

The Town Center Property, exclusive of platted Lots but inclusive of all Open Space, is further subject to the following additional, reserved rights:

(a) All rights of Declarants in timber.

(b) The right of Declarants in all easements for trails across Open Space to be located in the future by subsequently recorded instrument.

(c) The right of Declarants to construct, operate, and maintain an underground and/or structured parking lot in the Town Center Parking District, together with surface rights of ingress thereto and egress therefrom.

The right of Declarants, the Town Center Owners' Association, and/or their respective assigns, successors or designees, to construct, conduct or enjoy any Use permitted or conditionally permitted on Open Space.

ARTICLE XIV
PERMITTING OR APPROVAL REQUIREMENTS

14.1 General Requirements.

All permits or approvals required to be obtained under The Zoning Regulation are also required to be obtained from the Town Center Owners' Association in accordance with the *Big Sky Town Center Design Standards and Guidelines* and the *Big Sky Town Center Master Signage Plan*.

14.2 Exemption.

Notwithstanding the foregoing, the Developer, during the course of development of the Property, shall be exempt from all permitting or approval requirements under this Declaration.

14.3 Performance Bond, Remedies and Foreclosure.

For all new construction and remodeling in the Town Center, the TCOA may require the Owner

to post a Performance Bond with the TCOA, together with any necessary fees, in accordance with and as more particularly set forth in the *Big Sky Town Center Design Standards and Guidelines*, in force and in effect at the time of construction or remodeling. This Performance Bond shall be released to the Owner upon completion and acceptance of the project by TCOA. In the event the project has not been completed, or completed as approved, the TCOA may have all remedies set forth in the *Big Sky Town Center Design Standards and Guidelines*, and to the extent TCOA performs work or expends funds on the project to achieve or complete the approved plan, such work or expenditure of funds to improve or complete the project shall constitute a lien on the property. Such lien may be foreclosed upon in like manner as a mortgage or other lien upon real property and may include additional cost of expenses and reasonable attorney's fee. Such liens shall continue until fully paid or otherwise satisfied. When such lien has been fully paid or satisfied, the TCOA shall file a subsequent notice releasing the lien.

ARTICLE XV **ADMINISTRATION**

15.1 Overview.

Administration and enforcement of this Declaration shall be carried out by the Town Center Owners' Association, Inc.

15.2 Rules of Construction.

Unless the context clearly otherwise requires, the following rules of Construction shall apply and govern this Declaration:

- (a) The singular shall include the plural and vice versa.
- (b) "And" is conjunctive; "or" is disjunctive; "and/or" is both conjunctive and disjunctive, as the context and circumstances may require.
- (c) Defined terms are capitalized and when not capitalized are not in reference to the defined term, but rather, to the common, ordinary or accepted meaning of the word or term.
- (d) "Shall" is mandatory. "May" is permissive.
- (e) "Person" is referred to a natural person or persons. "Entity" is in reference to all forms of organizations, public or private, incorporated or not, and includes corporations, limited liability companies, associations, trusts, partnerships, limited partnerships, and the like.

15.3 Town Center Owners' Association ("TCOA").

(a) Description.

The TCOA is a non-profit, mutual benefit corporation formed by Declarants under the Montana Non-Profit Corporation Act with the powers and duties prescribed by law, the TCOA's Articles and Bylaws and this Declaration.

(b) Purpose and Powers.

The TCOA has as its purposes and powers all those conferred upon corporations under the Montana Non-Profit Corporation Act, including, without limitation, the following: implementation, administration, enforcement and amendment of this Declaration; holding of title to and administration of any portion of the Property or of any Development or Improvements hereon that may be conveyed to the TCOA; adoption, implementation, administration and enforcement of all plans and sections thereof provided for in Articles

XII, XIII and XIV, and XV hereof, levy and collection of assessments pursuant to Article XVI hereof through the Town Center Architectural Committee, the adoption, administration and enforcement of any *Design Standards and Guidelines*; the adoption, administration and enforcement of any *Master Signage Plan*; monitoring and regulating changes of use within the district to ensure compliance with limitations of commercial and residential entitlements granted by Gallatin County and SFE entitlements granted by the Big Sky County Water and Sewer District #363; and levying and collecting membership and initiation fees; together with such other purposes and/or powers as the Board of Directors of the Association may from time to time determine.

(c) **Enforcement and Attorneys Fees.**

The TCOA shall have the right to enforce, by any proceeding at law and/or in equity, all restrictions, conditions, covenants, reservations, easements, liens, charges or other obligations or terms now or hereafter imposed by the provisions of this Declaration, the Articles of Incorporation and Bylaws of the TCOA, the *Design Standards and Guidelines*, or any *Master Signage Plan*, any Rule or Regulation promulgated by the Association pursuant to its authority as provided in the Declaration, Articles of Incorporation, Bylaws, *Design Standards and Guidelines*, and/or any *Master Signage Plan*. Failure by the TCOA to enforce any covenant or restriction herein contained, or any provision of the Bylaws, Articles of Incorporation, *Design Standards and Guidelines*, the *Master Signage Plan*, or Rules and Regulations of the TCOA shall in no event be deemed a waiver of the right to do so thereafter. In any action to enforce compliance with any provision of these covenants and restrictions, or to remedy violations of the same, or to enforce the provisions of the Bylaws, Articles of Incorporation, or Rules and Regulations of the TCOA, including any *Design Standard and Guideline*, or any *Master Signage Plan*, the prevailing party in any such action, arbitration or litigation shall be entitled to its reasonable attorneys fees (as determined on an hourly basis and not a contingency fee basis) and costs incurred in the prosecution or defense of any such action.

ARTICLE XVI

FUNDS, ASSESSMENTS AND REAL PROPERTY TAXES

16.1. Association.

(a) **Capital Improvements, Maintenance and Enforcement Funds.**

The Board of Directors of the Association may, through its Bylaws, establish a fund, or funds, for capital improvements, maintenance and enforcement, into which shall be deposited all membership and initiation fees and assessments levied by the Association for capital improvements, maintenance and enforcement. Assessments shall be as the Association may provide by its Bylaws and shall be used solely for purposes related to those areas and improvements owned by the Association or for which it is responsible pursuant to this Declaration.

(b) **Levy of Membership and Initiation Fees, and Assessments.**

All membership and initiation fees and assessments shall be levied as the Association may provide in its Bylaws.

(c) **Payment of Membership and Initiation Fees, and Assessments.**

All Owners of the Property, or of a Tract, Unit or Lot thereof, shall be personally liable for payment of all membership and initiation fees upon the purchase of real property within the Town Center and, thereafter, for all assessments levied by the Association for the purposes herein set forth. Payment shall be as the Association may provide in its Bylaws.

(d) **Unpaid Membership and Initiation Fees, and Assessments/Liens.**

Any membership and initiation fees or assessments not paid when due shall, upon notice thereof being filed of record in the Office of the Gallatin County Clerk and Recorder, constitute a lien against the Tract, Unit or Lot against which such assessment was made. Such lien may be foreclosed upon in like manner as a mortgage or other lien upon real property and shall include the additional cost of expenses incurred by the Association with respect to the preparation, service, recording and release of the lien(s) of not less than Two Hundred Dollars (\$200) and a reasonable attorney's fee. Such lien shall continue until fully paid or otherwise satisfied. When such lien has been fully paid or satisfied, the Association shall file a subsequent notice releasing the lien.

16.2 Real Property Taxes on Common Areas or Open Space Owned in Common.

(a) Each Owner of a Tract, Unit or Lot is also personally liable for a *pro rata* share of all real property taxes levied by governmental taxing authorities against such Common Area or Open Space, such pro rata share being determined by dividing the number of Tracts, Unit or Lots held by such Owner by the total number of Tracts, Units or Lots within the jurisdictional boundary of the Association.

(b) **Payment.**

Notwithstanding the levy of assessments by the Association for payment of real property taxes on Common Area(s) or Open Space owned in common by the Association, each Owner of a Tract, Unit or Lot is and remains personally liable for payment of the pro rata share of such taxes for which such Owner is liable under subsection (a), immediately above.

(c) **Unpaid Taxes/Liens.**

Any unpaid real estate taxes against Common Areas or Open Space for which an Owner of a Tract, Unit or Lot is liable for payment of a pro rata share under this Section shall also constitute a lien against such Owner's Tract(s), Unit(s) or Lot(s), the Dwelling Unit and all Improvements situation thereon, in the amount of such Owner's pro rata share of the liability for such taxes, all accrued interest and penalties, if any, which lien may be satisfied by a proceeding by the governing taxing authority against the Owner, personally, and/or against the Tract(s), Unit(s) or Lot(s) of such Owner which are subject to such lien.

(d) **Recoupment/Contribution.**

Any Owner of a Tract, Unit or Lot which has paid assessments levied by the Association for payment of real estate taxes on Common Areas or Open Space owned in common by the Association shall have a claim for recoupment against the Association and a claim for contribution against the other Owners of Tracts, Units or Lots within the jurisdictional

boundary of the Declaration governing such Tracts, Common Area(s) and/or Open Space for any tax liability, including without limitation, any disproportionate tax liability, such Owner is required to personally pay to the taxing authority because of the Association's failure to pay such taxes when due or because of a shortfall in levy and/or collection of assessments by the Association for payment of such tax liability, or for any other reason, whatsoever, together with interest thereon, all penalties paid, and all expenses reasonably and necessarily incurred in connection therewith, including a reasonable attorney's fee and the reasonable fees of any other professionals or experts.

16.3 Common Private Driveways

(a) Liability.

Except for any Common Private Driveway which may initially be constructed by the Developer, the Association shall be responsible for all construction, reconstruction, maintenance, repair and snowplowing of any Common Private Driveway and for real property taxes, if any, levied by governmental taxing authorities against any Common Private Driveway. The Owner of each appurtenant Lot or Tract is also personally liable for a pro rata share of all such costs, such pro rata share being determined by dividing the number of Lots or Tracts held by such Owner to which such Common Driveway is appurtenant by the total number of all Lots, Units, or Tracts to which such Common Driveway is appurtenant.

(b) Levy of Assessments.

All assessments for construction, reconstruction, maintenance, repair, snowplowing and real property taxes, if any, levied against a Common Private Driveway shall be levied by the Association uniformly against all appurtenant Lots, Units or Tracts, equally. All assessments shall be adjusted as required to meet changed needs.

(c) Payment of Assessments.

Each Owner of a Lot, Unit or Tract appurtenant to a Common Private Driveway shall be personally liable for payment of such Owner's pro rata share of all assessments levied by the Association for the purposes set forth in this Section. Payment shall be as the Association may provide in its Bylaws.

(d) Unpaid Assessments/Liens.

Any assessments under this Section not paid when due, upon notice thereof being filed of record in the Office of the Gallatin County Clerk and Recorder, shall constitute a lien against the Tract, Unit or Lot against which such assessment was made by the Association. Such lien may be foreclosed upon in like manner as a mortgage or other lien upon real property and shall include the additional cost of expenses incurred by the Association with respect to the preparation, service, recording and release of the lien(s) of not less than Two Hundred Dollars (\$200) and a reasonable attorney's fee. Such liens shall continue until fully paid or otherwise satisfied. When such lien has been fully paid or satisfied, the Association shall file a subsequent notice releasing the lien.

16.4 Parking Lots or Spaces.**(a) Liability.**

Except for any parking lots or spaces that may be initially constructed by the Developer in the Town Center, the TCOA, or Town Center Parking District, as its designee, or other entities designated by the Declarants, shall be responsible for the acquisition, construction, reconstruction, maintenance, repair, administration and enforcement of certain parking lots or parking spaces in the Town Center Commercial District, for all snowplowing of all parking lots, for all real property taxes levied by governmental taxing authorities against the real estate on which such parking lots or spaces are constructed and for all insurance procured in connection therewith.

(b) Levy of Assessments.

All assessments levied for acquisition, capital improvements, maintenance, administration and enforcement in connection with parking lots or spaces in the Town Center Commercial District shall be levied by the TCOA, or the Town Center Parking District, as its designee, or other entities designated by the Declarants against all Owners of Lots within the Town Center Commercial District in such manner as the TCOA may provide in its Bylaws. All assessments shall be adjusted as required to meet changed needs.

(c) Payment of Assessments.

Each Owner of a Lot in the Town Center Commercial District shall be personally liable for payment of such Owner's share of all assessments levied by the TCOA, or the Town Center Parking District, as its designee, or other entity designated by the Declarants for the purposes set forth in this Section. Payment shall be as the TCOA may provide in its Bylaws.

(d) Unpaid Assessments/Liens.

Any assessments under this Section not paid when due, upon notice thereof being filed of record in the Office of the Gallatin County Clerk and Recorder, shall constitute a lien against the Lot or Unit owned by the Owner against whom such assessment was made by the Town Center Owners' Association, or Town Center Parking District, as its designee or other entities designated by the Declarants. Such lien may be foreclosed upon in like manner as a mortgage or other lien upon real property and shall include the additional cost of expenses incurred by the Association with respect to the preparation, service, recording and release of the lien(s) of not less than Two Hundred Dollars (\$200) and a reasonable attorney's fee. Such liens shall continue until fully paid or otherwise satisfied. When such lien has been fully paid or satisfied, the Town Center Owners' Association, or Town Center Parking District, as its designee, or other entities designated by the Declarants, shall file a subsequent notice releasing the lien.

ARTICLE XVII
NON-LIABILITY

Neither the Declarants, their planning consultants, surveyors, geotechnical engineers, or attorneys, the Association, the members of its Board, the members of any Architectural Committee, shall be liable to any Owner or other person for any loss, damage or injury arising out of or related to adoption, publication, implementation, administration or enforcement of the Master PUD, any Supplemental PUD, any subdivision plats or certificates of survey, The Zoning Regulation, Declaration, the *Big Sky Town*

Center Design Standards and Guidelines and the *Master Signage Plan* (herein collectively “Documents”), and all Owners and Tenants waive, release and forever discharge the foregoing entities and persons from any liability arising out of or related to adoption, publication, implementation, administration or enforcement of the Documents.

ARTICLE XVIII **AMENDMENT**

This Declaration may be amended, waived, abandoned, terminated, modified, altered or changed as to the whole of the Town Center Property, or any portion thereof, including, without limitation, adoption of entirely new covenants containing permitted uses and/or prohibited uses from those set forth herein, at any time, only by the Declarants, acting jointly or severally, or by two-thirds vote of the majority of the Board of Directors of the Town Center Owners’ Association at a meeting specially, called for such purpose; provided, however, no revisions can be made to those portions of the Declaration that also require the consent of the Gallatin County Commissioners. The portions of this Declaration that require the consent of the Gallatin County Commissioners, for purposes of amendment are as follows:

Article IV (in its entirety)

Article VI

Definition of “Town Center Owners’ Association;”

Article VII.

Section 7.5;

Section 7.7.a.2;

Section 7.7.a.6;

Section 7.7.a.8;

Section 7.7.a.16;

Article VIII.

Section 8.6;

Article IX

Section 9.2;

Section 9.6.a;

Section 9.6.c;

Article X (in its entirety)

Article XI

Section 11.7;

Article XVI

Section 16.1.b;

Section 16.2;

Article XVIII (in its entirety).

The portions of this Declaration that require the written consent of the Owner of Lot 14A1 in Block 3 of the Big Sky Town Center Subdivision, Plat Reference: J-561-C, as it may be amended from time to time, which consent right shall run with, benefit and be appurtenant to such lot, for purposes of amendment are as follows:

Article VI

Definition of "Open Space, Public;"

Article VII

Section 7.7.a.2;

Article VIII

Section 8.3.d.1;

Section 8.4.c;

Section 8.4.c.1;

Section 8.12;

Article IX

Section 9.3.b;

Section 9.4.c;

Section 9.5.c;

Section 9.6.c;

Article XVIII

This paragraph regarding amendments requiring consent of the Owner of Lot 14A1 in Block 3 of the Plat of Big Sky Town Center Subdivision, Plat Reference: J-561-C, as it may be amended from time to time.

ARTICLE XIX

SEVERABILITY

Each and every provision of this Declaration is severable from the remainder as a consequence of which invalidation of any one of the covenants, conditions or restrictions set forth in this Declaration shall not affect the validity or enforcement of the remainder.

ARTICLE XX

DURATION

This Declaration shall run with the land and the term shall be perpetual, unless amended per Article XVIII above.

ARTICLE XXI

BINDING EFFECT

This Declaration shall attach to and run with the Town Center Property for all purposes and shall be binding upon, and inure to the benefit of the Town Center Property, the DECLARANTS, the Town Center Owners' Association and all Owners, Tenants and other parties having, acquiring or otherwise at any time possessing any right, title or interest in or to the Town Center Property, or any part thereof, their respective heirs, personal representatives, successors and assigns.

IN WITNESS WHEREOF, the undersigned Declarants have executed this instrument as of the date and year first above written.

DECLARANTS:

WESTLAND ENTERPRISES, INC., a Montana Corporation

By: William G. Simkins
William G. Simkins, President

SIMKINS HOLDINGS, LLC, a Montana Limited Liability Company

By: William G. Simkins
William G. Simkins, Manager

Town Center Owners' Association, Inc. is signing this superseded and replaced Declaration solely for the purpose of acknowledging its rights and responsibilities herein.

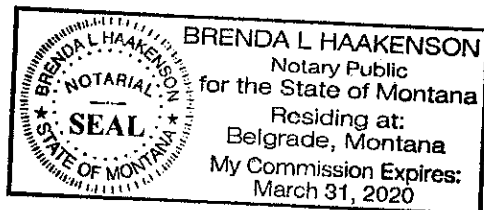
TOWN CENTER OWNERS' ASSOCIATION, INC.,
a Montana Non-Profit Corporation

By: William G. Simkins
William G. Simkins, President

ACKNOWLEDGEMENTS

STATE OF MONTANA)
 : ss.
County of Gallatin)

This instrument was acknowledged before me on the 20th day of December, 2018, by William G. Simkins, as President of WESTLAND ENTERPRISES, INC.



Brenda L. Haakenson
Signature of Notary Public for the State of Montana
Printed Name of Notary Brenda L. Haakenson
Residing at Belgrade, MT
My Commission expires: March 31, 2020

STATE OF MONTANA)
 :ss
County of Gallatin)

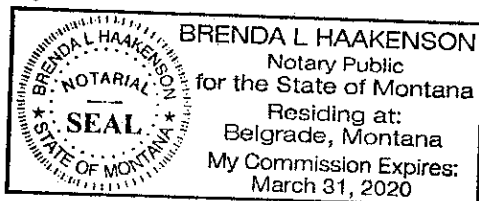
This instrument was acknowledged before me on the 20th day of December, 2018, by William G. Simkins, as Manager of SIMKINS HOLDINGS LLC.



Brenda L. Haakenson
Signature of Notary Public for the State of Montana
Printed Name of Notary Brenda L. Haakenson
Residing at Belgrade, MT 59714
My commission expires: March 31, 2020

STATE OF MONTANA)
 :ss
County of Gallatin)

This instrument was acknowledged before me on the 20th day of December, 2018, by William G. Simkins, as President of TOWN CENTER OWNERS' ASSOCIATION, INC.



Brenda L. Haakenson
Signature of Notary Public for the State of Montana
Printed Name of Notary Brenda L. Haakenson
Residing at Belgrade, MT
My commission expires: March 31, 2020

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RESTATED
ARTICLES OF INCORPORATION
OF
TOWN CENTER OWNERS' ASSOCIATION, INC.

Town Center Owners' Association, Inc., a Montana Non-Profit Corporation Act, hereby restates its Articles of Incorporation, pursuant to Montana Code Annotated ("MCA") Sections 35-2-226 and 35-2-225

ARTICLE I.

Name. The name of the Corporation is **TOWN CENTER OWNERS' ASSOCIATION, INC.**

ARTICLE II.

Period of Duration. The period of duration is perpetual.

ARTICLE III.

Mutual Benefit Corporation. The Corporation is a mutual benefit corporation.

ARTICLE IV.

Purposes of Corporation. This Corporation shall be organized for any lawful, tax-exempt purpose or purposes permitted under the Montana Non-Profit Corporation Act of the State of Montana, or any successor non-profit corporation law, including, without limitation: (1) ownership and administration of real and personal property; (2)

implementation, administration and enforcement of the Big Sky Town Center Declaration of Covenants, Conditions and Restrictions (herein "Declaration"); (3) through the Town Center Architectural Committee, the adoption, administration and enforcement of the *Big Sky Town Center Design Standards and Guidelines*; (4) through a Town Center Parking District, the adoption, administration and enforcement of a Parking Ordinance, a Parking Regulation, Management Plan and Ordinance; (5) administration and enforcement of all permitting or approval requirements of the Declaration as it concerns real property encumbered by this Declaration; (6) assessment, levy and collection of assessments or fees for capital improvements, maintenance and enforcement of the Declaration; (7) assessment, levy and collection of assessments for Common Areas or Open Space owned in common by the Corporation; (8) assessment, levy and collection of assessments for the Parking District; (9) assessment, levy and collection of assessments for Common Private Driveways; and (10) such other and further matters as may be for the common good and welfare of owners of pads or lots encumbered by the Declaration (herein "Town Center Property").

ARTICLE V.

Registered Office and Agent. The street address of the registered office of the Corporation is 326 North Broadway, Bozeman, MT 59715. The name of the registered agent at such address is William G. Simkins. The mailing address for the Corporation is 326 North Broadway, Bozeman, MT 59715.

ARTICLE VI.

Membership. The Corporation shall have members, being all legal or equitable owners of lots, including Condominium Associations which hold title to a lot, ("Lot Owner Members") and legal or equitable owners of condominium units ("Condominium Unit Members") comprising the Town Center Property, more particularly described on Exhibit A to the Declaration and all amendments thereto. The members are Westland Enterprises, Inc., a Montana corporation, (herein "Westland"), Simkins Holdings, LLC, a Montana Limited Liability Company (herein "Developer") and the owners of lots and/or condominiums in the Town Center Subdivision. Membership in the Corporation shall be subject to such regulations as are prescribed in the Bylaws.

ARTICLE VII.

Bylaws. The Board of Directors of the Corporation shall adopt Bylaws, which may be altered, amended, or new Bylaws adopted, only by a two-thirds (2/3) vote of the members of the Corporation who are entitled to vote at a meeting specially called for such purpose at which a quorum is present and the written approval of Westland and the Developer, regardless of whether either of these entities is a member of this Corporation. The notice of the meeting shall contain or be accompanied by the text of the proposed amendment.

ARTICLE VIII.

Limitation of Director Liability. In addition to any other limitation on director liability provided by law, no director shall be liable to the Corporation or its members for monetary damages for breach of fiduciary duty as a director, except for the following matters:

- (1) breach of the director's duty of loyalty to the Corporation or its members;
- (2) acts or omissions not in good faith or that involve intentional misconduct or a knowing violation of laws;
- (3) a transaction from which a director derived an improper personal economic benefit;
- (4) a distribution in violation of these Articles or any other provision of the law for which the director voted;
- (5) a transaction for which the director voted and from which such director derives an improper personal benefit (M.C.A. § 35-2-418 (Director Conflict of Interest)); or
- (6) an unlawful loan to, or guaranty for, such director (M.C.A. § 35-2-435) (Loans to or guaranties for directors and officers).

ARTICLE IX.

Amendments. These articles may be amended only by a vote of two-thirds (2/3) of the members entitled to vote at a meeting specially called for such purpose at which a

quorum is present and the written approval of such amendment by Westland and the Developer regardless of whether either of these entities is a member of this Corporation. Notice of the meeting shall contain or be accompanied by the text of the proposed amendment.

ARTICLE X.

Distribution of Income. All net income of the Corporation shall be distributed exclusively for the non-profitable, tax-exempt purposes of the Corporation in furtherance of the common good and welfare of all owners of lots or tracts comprising the Town Center Property. No part of the net income of the Corporation shall inure to the benefit of any private member or individual.

ARTICLE XI.

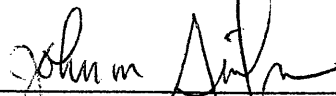
Distribution of Assets on Dissolution. Upon dissolution, the assets of the Corporation shall be distributed, subject to any contractual or legal requirements, to any successor non-profit entity formed for substantially the same purposes as this Corporation, and in the absence thereof, to the Developer, or default successor, formed for the purpose, among others, of administering and enforcing the Declaration.

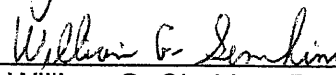
IN WITNESS WHEREOF, the Board of Directors, the President, and Secretary execute this document on the 19th day of January, 2005.

TOWN CENTER OWNERS ASSOCIATION. INC.

By: William G. Simkins
William G. Simkins, Director

By: 
Thomas Simkins, Director

By: 
John Simkins, Director

By: 
William G. Simkins, President

ATTEST:


Thomas Simkins, Secretary

APPROVAL BY WESTLAND ENTERPRISES, INC. AND SIMKINS HOLDINGS, LLC

Westland Enterprises, Inc.


By: William G. Simkins, Vice President

Simkins Holdings, LLC


By: Thomas Simkins, Manager

ACKNOWLEDGMENTS

STATE OF MONTANA)
) ss.
County of Gallatin)

This instrument was acknowledged before me on the 19th day of January, 2005, by William G. Simkins, a Director of TOWN CENTER OWNERS ASSOCIATION, INC.

Brenda L. Carrier
Notary Public for State of Montana
Name Printed Brenda L. Carrier
Residing at Belgrade, Montana
My Commission Expires: March 31, 2008

(SEAL)

STATE OF MONTANA)
) ss.
County of Gallatin)

This instrument was acknowledged before me on the 19th day of January, 2005, by Thomas Simkins, a Director of TOWN CENTER OWNERS ASSOCIATION, INC.

Brenda L. Carrier
Notary Public for State of Montana
Name Printed Brenda L. Carrier
Residing at Belgrade, Montana
My Commission Expires: March 31, 2008

(SEAL)

STATE OF MONTANA)

County of Gallatin

)
ss.

This instrument was acknowledged before me on the 19th day of January, 2005,
by John Simkins, a Director of TOWN CENTER OWNERS ASSOCIATION, INC.

(SEAL)

Brenda L. Carrier
Notary Public for State of Montana
Name Printed Brenda L. Carrier
Residing at Belgrade, Montana
My Commission Expires: March 31, 2008

STATE OF MONTANA

)
ss.

County of Gallatin

This instrument was acknowledged before me on the 19th day of January, 2005,
by William Simkins, Vice President of Westland Enterprises, Inc.

(SEAL)

Brenda L. Carrier
Notary Public for State of Montana
Name Printed Brenda L. Carrier
Residing at Belgrade, Montana
My Commission Expires: March 31, 2008

STATE OF MONTANA

)
ss.

County of Gallatin

This instrument was acknowledged before me on the 19th day of January 2005,
by William G. Simkins, President of TOWN CENTER OWNERS ASSOCIATION, INC.

(SEAL)

Brenda L. Carrier
Notary Public for State of Montana
Name Printed Brenda L. Carrier
Residing at Belgrade, Montana
My Commission Expires: March 31, 2008

STATE OF MONTANA)

:ss.

County of Gallatin)

This instrument was acknowledged before me on the 19th day of January, 2005,
by Thomas Simkins, Secretary of TOWN CENTER OWNERS ASSOCIATION, INC.

Brenda L. Carrier

Notary Public for State of Montana

Name Printed Brenda L. Carrier

Residing at Belgrade, Montana

My Commission Expires: March 31, 2008

(SEAL)

STATE OF MONTANA)

:ss.

County of Gallatin)

This instrument was acknowledged before me on the 19th day of January, 2005,
by Thomas Simkins, Manager of Simkins Holdings, LLC.

Brenda L. Carrier

Notary Public for State of Montana

Name Printed Brenda L. Carrier

Residing at Belgrade, Montana

My Commission Expires: March 31, 2008

(SEAL)

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2340943

Page: 1 of 25 08/28/2009 10:20:32 AM Fee: \$175.00
Charlotte Mills - Gallatin County, MT MISC

After recording, please return to:
Ryan Hamilton, TCOA
326 N. Broadway
Bozeman, MT 59715



Note: These amended and restated Bylaws supersede all previously recorded Bylaws, including, but not limited to, Document No. 2281028.

OCTOBER 2008 AMENDED AND RESTATED BYLAWS
OF
TOWN CENTER OWNERS' ASSOCIATION, INC.

ARTICLE I - DEFINITIONS

As used herein:

"Simkins Holdings, LLC" (successor to Gallatin Peaks Land & Development, LLC) means the developer of certain real property situated in Gallatin County, Montana, owned by either Westland Enterprises, Inc., a Montana corporation, (herein "Westland") and/or Simkins Holdings, LLC, a Montana Limited Liability Company (herein "Developer"), more particularly described as follows:

Township 7 South. Range 3 East, M.P.M., Gallatin County, Montana

Section 1: All land within the Town Center Planned Unit Development, referred to as the Town Center Development.

Section 2: A portion in the S½ of the NE ¼.

Township 6 South, Range 3 East, M.P.M., Gallatin County, Montana

Section 36: A Portion of Tract 1 of COS No. 2098, and COS No. 2343

“Declaration” means “The Big Sky Town Center Declaration of Covenants, Conditions and Restrictions (“Declaration”)” encumbering a portion of Westland/Developers’ Property referred to herein as the “Town Center Property,” and any subsequent amendments thereto.

“Town Center Property” means Westland/Developers’ Property in Sections 1 and 2, Township 7 South, Range 3 East, M.P.M. and in Section 36, Township 6 South, Range 3 East, M.P.M., Gallatin County, Montana, as described by the Big Sky Town Center Subdivision Plat, Phase I (Plat No. J-336) and COS 2343 on file and of record in the Office of the County Clerk and Recorder of Gallatin County, Montana, together with such additional Subdivision Plats and real property as may be added to and encumbered by the Town Center Declaration for the Town Center Property.

ARTICLE II - OFFICES

The principal office of the Corporation in the State of Montana shall be located at 326 North Broadway, Bozeman, Montana 59715. The Corporation may have such other offices within this state as the Board of Directors may designate, or as the business of the Corporation may from time-to-time require.

ARTICLE III - MEMBERSHIP

1. Eligibility and Classes of Membership:

There are two (2) classes of members of this Corporation. Except with respect to voting rights, discussed below, all members have the same rights and obligations with respect to any other matter involving the Corporation.

The first class of members is the "Lot Owner Members." This class of members consists of all legal or equitable owners of a lot, including Condominium Associations which hold title to a lot, comprising the Town Center Property.

The second class of members is the "Condominium Unit Members." This class consists of all legal or equitable owners of a condominium unit within a Condominium Association that owns a lot comprising the Town Center Property.

All rights of members, as hereinafter designated, are subject to (a) current ownership of an interest by fee or by contract in a lot comprising the Town Center Property or of a condominium unit thereon; and (b) current payment of all dues or assessments levied by the Corporation, the absence of either of which shall result in immediate loss of all rights of membership, except the right to readmission for non-payment of dues or assessments contingent upon full payment of all current and delinquent dues or assessments, together with accrued interest.

2. Rights of Members:

All members have the same rights and obligations with respect to any matters involving the Corporation, except with respect to voting rights, discussed below in Section 10.3 of this Article. All members are entitled to the use and enjoyment of Common Areas, Open Space, Roads and Trails of the Town Center Property in accordance with terms and conditions shown on all recorded subdivision plats and/or surveys of the Town Center Property; the Declaration; the

Amended and Restated Articles of Incorporation of the Town Center Owners Association, Inc. (herein "Articles"); these Bylaws; and any rules or regulations adopted by the Board of Directors in accordance with these Bylaws, as the same may from time-to-time be amended.

3. Membership Duties:

Members shall have all duties imposed by the Declaration; the Articles; these Bylaws; and any rules and regulations adopted by the Board of Directors in accordance with these Bylaws, as the same may from time-to-time be amended.

4. Transfer of Membership:

Membership in this Corporation is appurtenant to the lot or condominium unit giving rise to such membership and, accordingly, is non-transferable except to the successor in title to said lot or condominium unit who satisfies the criteria for membership eligibility in this Corporation. Any transfer of title to a lot or condominium unit, including transfer by way of contract for deed, but excluding transfer by mortgage or deed of trust, shall operate, automatically, to transfer membership in the Corporation to the new owner thereof subject to payment of all unpaid dues or assessments levied by the Corporation against the transferred lot or condominium unit.

5. Annual Meeting:

The annual meeting of the membership shall be held on a day selected by the Board of Directors; the place, day, and time of such meeting shall be contained in the notice of meetings hereinafter described below. The purpose of the annual meeting shall be for the election of the Board of Directors or filling any vacancies thereon, conducting an annual review of the Corporation's past and future business and current financial condition, and for the transaction of such other business as may come before the meeting.

6. Special Meetings:

Special meetings of the members for any purpose or purposes may be called by the President, by the Board of Directors or by members holding at least five percent (5%) of the voting power of the Corporation.

7. Notice:

Written or printed notice stating the place, day and time of the meeting, and, in the case of a special meeting, the purpose or matter for which the meeting is called, shall be personally delivered not less than ten (10) days before the meeting date, or if notice is mailed by United States first class mail, not less than thirty (30) nor more than sixty (60) days before the meeting date, to each member of record entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States Mail, addressed to the member at the address as it appears in the books of the Corporation, with postage thereon prepaid.

8. Voting List:

The Secretary of the Corporation shall make a complete list of all members entitled to vote as of the close of business on the business day preceding the day on which notice of the meeting is given, arranged in alphabetical order, which list shall be kept on file at the principal office of the Corporation and shall be subject to inspection by any member at any time during usual business hours. Such list shall be produced and kept open at the time and place of the membership meeting. Said list shall be *prima facie* evidence as to which members are entitled to vote at the meeting of members.

9. Quorum:

Unless otherwise required by Montana law, at any meeting of members, twenty-five percent (25%) of the members then entitled to vote, represented in person or by proxy, shall constitute a quorum. If less than said number of members are represented at a meeting, a majority

of the members then present may adjourn the meeting from time to time without further notice. At any such adjourned meeting at which a quorum of the membership shall be presented or represented, any business may be transacted which might have been transacted at the meeting as originally notified. Members present at a duly organized meeting may continue to transact business until adjournment, notwithstanding the withdrawal of enough members to leave less than a quorum.

Unless one-third or more of the voting power is present in person or by proxy, the only matters that may be voted upon at an annual or regular meeting of members are those matters that are described in the meeting notice.

10. Voting.

10.1. Voting Rights - General:

Lot Owner Members shall be entitled to vote for the election of members to the Board of Directors and on amendments to the Articles or these Bylaws. Except only as otherwise required by the Montana Non-Profit Corporation Act, or as may otherwise be provided in resolution of the Board of Directors, members have no other voting rights. Except as otherwise permitted or required by law, cumulative voting and voting by class is prohibited.

10.2. Preferential Voting Rights of Westland and Developer:

Until forty percent (40%) of the maximum projected number of lots comprising the Town Center Property have been sold, Westland and the Developer, collectively, shall have the right to elect two-thirds (2/3) of the members of the Board of Directors. After more than forty percent (40%) of the maximum projected number of lots comprising the Town Center Property have been sold, Westland and the Developer, collectively, shall have the right to elect a majority of the members of the Board of Directors. After eighty percent (80%) of the maximum projected

number of lots comprising the Town Center Property have been sold, Westland and/or the Developer, collectively, shall thereafter have the right to elect one-fourth (1/4) of the members of the Board. As used herein, "maximum projected number of lots comprising the Town Center Property" is two hundred (200).

10.3. Voting Rights of Members:

The two (2) classes of membership have different voting rights, both of which are subject to the preferential voting rights of Westland and the Developer as concerns election of members to the Board of Directors set forth in Subsection 10.2, immediately above.

10.3.a. Lot Owner Class.

Each member of the "Lot Owner Class" shall be entitled to one (1) vote for each lot owned. Where membership stands of record in the names of two or more persons, including condominium associations, all such persons, collectively, shall have only one (1) vote per lot and their acts with respect to voting shall have the following effect:

1. if only one member votes, the act binds all;
2. if more than one member votes, the one vote shall be determined by a vote

of the majority of the members who own the lot or the vote of the majority of unit owners who vote within the Association. In the case of a tie vote, the proposal being considered shall pass.

Condominium Associations, which hold title to a lot within the Town Center, shall be entitled to one (1) vote per Association, as determined by a majority of the unit owners who vote within the Association. In the case of a tie vote, the proposal being considered shall pass.

10.3.b. Condominium Unit Owner Class

Members of the “Condominium Unit Owners” Class have no voting rights except as such rights may be exercised as members of a condominium association which is entitled to one (1) vote, as discussed above.

11. Order of Business:

The order of business at all meetings of members shall be as follows:

- A. Roll call and determination of presence of quorum;
- B. Proof of notice of meeting or waiver of notice;
- C. Reading of minutes of preceding meeting;
- D. Reports of officers;
- E. Reports of committees;
- F. Election of directors (at annual meeting);
- G. Unfinished business;
- H. New business; and
- I. Adjournment.

12. Informal Action by Members:

Unless otherwise provided by law or herein required, any action required to be taken at a meeting of the members, or any other action that may be taken at a meeting of the members, may be taken without notice of a meeting if a consent in writing, setting forth the actions so taken, shall be signed by a majority of the members entitled to vote with respect to the subject matter thereof and by a representative of Westland and the Developer and filed with the Secretary of the Corporation within ten (10) days of the action so taken without a meeting.

ARTICLE IV - BOARD OF DIRECTORS

1. General Powers:

The business and affairs of this Corporation shall be managed by a Board of Directors comprised of individuals. The Directors shall, in all cases, act as a Board, and they may adopt such rules and regulations for the conduct of their meetings and the management of this Corporation as they may deem proper, not inconsistent with the Articles and Bylaw and the laws of this State.

2. Number, Term and Election:

The number of Directors of this Corporation shall be not less than three (3), nor more than seven (7). Directors shall be elected to terms of no more than four (4) years, all of which shall have the same start and ending times.

3. Regular Meetings:

A regular meeting of the Board of Directors shall be held, without other notice than this Bylaw, immediately after and at the same place as the annual meeting of members. The Board may provide, by resolution, the time and place for the holding of additional regular meetings without any further notice than such resolution.

4. Special Meetings:

Special meetings of the Board of Directors may be called by or at the request of the President, the chairperson or other presiding member of the Board or the greater of two (2) Directors or thirty percent (30%) of the Directors then in office. The person or persons authorized to call special meetings of the Board may fix the place for holding any special meeting of the Board called by them.

5. Notice:

Notice of any special meetings shall be given at least five (5) business days previous thereto by written notice delivered personally or by facsimile transmission or mail to each Director at his or her business address. If notice is given by facsimile transmission, such notice shall be deemed delivered on the date and at the time shown on the facsimile transmission report. If mailed, such notice shall be deemed delivered when deposited in the United States Mail so addressed, with postage thereon prepaid. The attendance or participation of a Director at a meeting shall constitute a waiver of notice of such meeting, unless upon arriving at the meeting, or prior to any vote on a matter not noticed in conformity herewith, such Director objects to lack of proper notice and does not vote for or assent to any action or matter being voted upon.

6. Quorum:

Except as otherwise provided in the Articles or these Bylaws, at any meeting of the Board of Directors a majority of the Directors, plus the presence of a representative (who may also be a Director) of either Westland and/or the Developer so long as either entity is a member of the Corporation, shall constitute a quorum for the transaction of business, but if less than said number is present at a meeting, a majority of the Directors present may adjourn the meeting from time-to-time without further notice.

7. Proxies:

At all meetings of the Board of Directors a Director may appear and/or vote by proxy executed in writing by the Director or by his duly authorized attorney-in-fact. Such proxy shall be filed with the Secretary of the Association before or at the time of the meeting.

8. Manner of Acting:

The act of the majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, unless otherwise provided herein or required by the Articles or the Montana Non-Profit Corporation Act.

9. Action Without Notice or a Meeting:

The Board of Directors shall have the right to take any action in absence of notice or formally convened meeting which could be taken at a meeting by obtaining a written approval of the action taken by all Directors and a representative of either Westland and/or the Developer so long as either entity is a member of the Corporation, and filing such approval with the Minutes of the proceedings of the Board within ten (10) days of the action so taken without a meeting. Any action so approved shall have the same effect as if taken at a duly noticed and convened meeting of the Board of Directors at which a quorum was present.

10. Newly Created Directorships and Vacancies:

Newly created Directorships resulting from an increase in the number of Directors shall be filled by vote of the members subject to, and in accordance with, the voting rights provisions of Article III, Section 10. Vacancies occurring in the Board for any reason, shall be filled only by vote of the member who filled the directorship position at the last election of Directors, (i.e., by Westland/Developer or by the remaining members of the Corporation). A Director elected to fill a vacancy caused by resignation, death or removal shall be elected to hold office for the unexpired term of his or her predecessor.

11. Removal of Directors:

Any or all of the Directors may be removed for cause by vote of the members or by the Board. Directors may be removed without cause only by vote of the member who elected the Director at the last election of Directors, i.e., by Westland/Developer or by the remaining members of the Corporation.

12. Resignations:

A Director may resign at any time by giving notice to the Board, the President, or the Secretary of the Corporation. Unless otherwise specified in the notice, the resignation shall take effect upon receipt thereof by the Board, or such officer, and acceptance of the resignation shall not be necessary to make it effective.

13. Compensation:

No compensation shall be paid to Directors, as such, for their services, but by resolution of the Board a fixed sum and expenses for actual attendance at each regular or special meeting of the Board may be authorized. Nothing herein contained shall be construed to preclude any Director from serving the Corporation in any other capacity and receiving compensation therefor.

14. Committees.

14.1. Architectural Committee:

There is hereby created a "Town Center Architectural Committee," as a standing committee, whose purpose, power, jurisdiction and authority is as specified in Section 15.3 of the Declaration, together with such other purposes, powers, jurisdiction and authority as may be designated to it by the Board of Directors. Such committee shall be comprised of three (3) members, each of whom, except for the initial committee shall serve terms of four (4) years, all

of which shall have the same start and ending terms. The initial committee shall serve until their successors are appointed by the Board. All members of the committee shall be appointed by the Board of Directors. The Board of Directors shall also fill any vacancy created by such committee member's death, resignation, or removal.

14.2. Parking District:

There is hereby created a "Town Center Parking District," committee, as a standing committee, whose purpose, power, jurisdiction and authority is as specified in Section 8.11 of the Declaration, together with such other purposes, powers, jurisdiction and authority as may be designated to it by the Board of Directors.

14.3 Other Standing or Ad Hoc Committees:

The Board of Directors, by resolution, may create such other committees as it deems necessary to advance the business of the Corporation or to carry into effect the objectives of the Declaration, the Articles or Bylaws. A Director shall serve as executive head of each such committee. All such committees shall serve at the pleasure of the Board.

ARTICLE V - OFFICERS

1. Number:

The officers of the Corporation shall consist of a President, Vice-President, a Secretary and, if required by the Board of Directors, a Treasurer, each of whom shall be annually appointed by the Board. Such other officers and assistant officers as may be deemed necessary may be appointed by the Board.

2. Appointment of Officers:

At the first meeting of the Board of Directors held after each annual meeting of members, the Board shall designate officers by appointment. Each officer shall hold office until his or her

successor shall have been duly appointed and shall have qualified or until his or her death or until he or she shall resign or shall have been removed in the manner herein provided. Unless the Board otherwise determines, the Vice-President shall be the successor to the President.

3. Removal:

Any officer or agent appointed by the Board of Directors may be removed by the Board whenever in their judgment the best interests of the Corporation would be served thereby, but such removal shall be without prejudice to the contract rights, if any, to the person so removed.

4. Vacancies:

A vacancy in any office because of death, resignation, removal, disqualification, or otherwise, shall be filled by the Board of Directors for the unexpired portion of the term.

5. President:

The President shall be a member of the Board of Directors and shall be the principal executive officer of the Corporation, subject to control of the Board. The President shall supervise and control all the business and affairs of the Corporation. The President shall preside at all meetings of the members. The President may sign, with the Secretary, or any other proper officer of the Corporation authorized by the Board, all instruments which the Board have authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board, Articles or Bylaws to some other officer or agent of the Corporation, or shall be required by law to be otherwise signed or executed. The President shall perform such other duties incident to the office of President as may arise and shall perform such other duties as may be prescribed by the Board.

6. Vice-President:

In the absence of the President or in the event of the President's death, inability or refusal to act, the Vice-President shall perform the duties of President and, when so acting, shall have all the powers of and be subject to all the restrictions upon the President. The Vice-President shall be a member of the Board of Directors and shall perform such other duties as from time-to-time may be assigned by the President or the Board.

7. Secretary:

The Secretary shall keep the minutes of all meetings of the members, see that all notices are duly given in accordance with the provisions of the Articles and Bylaws, or as required, compile the list of members entitled to vote at any meeting of members, be custodian of the Corporation's records, keep a register of the names and addresses of all members, and, in general, perform all duties incident to the office of the Secretary and such other duties as from time-to-time may be assigned by the President or by the Board of Directors. Unless the Board requires a Treasurer, the Secretary shall also perform those duties and responsibilities incident to the office of the Treasurer, as defined in Paragraph 8, below.

8. Treasurer:

The Treasurer shall have charge and custody of and be responsible for, all funds and securities of the Corporation; receive and give receipts for monies due and payable to the Corporation from any source whatsoever; keep a record of all monies received and expended; deposit all monies in the name of the Corporation in such banks, trust companies or other depositories as the Board of Directors may from time-to-time select; establish and maintain such

accounting and fiscal controls, including provision for annual financial statements and/or audits by outside accountants, if directed by the Board, and as in keeping with sound bookkeeping and accounting practices and the laws of the State of Montana; prepare, or assist outside tax preparers or accountants in the preparation of all required tax returns; send notice of levy of all dues or assessments and inform the Secretary of the names of all members delinquent in payment thereof; and, in general, perform all of the duties incident to the office of a treasurer and such other duties as from time-to-time may be assigned to by the President or the Board. If required by the Board, the Treasurer shall give a bond for the faithful discharge of the Treasurer's duties in such sum and with such surety or sureties as the Board shall determine.

9. **Salaries:** All officers shall serve without salary.

ARTICLE VI – CONTRACTS, LOANS, CHECKS AND DEPOSITS

1. **Contracts:**

The Board of Directors may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation, and such authority may be general or confined to specific instances.

2. **Loans:**

No loan shall be contracted by or on behalf of the Corporation and no evidence of indebtedness shall be issued in its name unless authorized by a resolution approved by a vote of at least two-thirds (2/3) of the members of the Board of Directors at a meeting duly called for such purpose at which a quorum is present. Such authority may be general or confined to specific

instances.

3. Checks, Drafts, Etc.:

All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Corporation shall be signed by such officer or officers, agent or agents of the Corporation and in such manner as shall from time-to-time be determined by resolution of the Board of Directors.

4. Deposits:

All funds of the Corporation not otherwise employed shall be deposited from time to time to the credit of the Corporation in such banks, trust companies or other depositories as the Board of Directors may select.

ARTICLE VII - FISCAL YEAR

The fiscal year of the Corporation shall run from October 1st to September 30th of each year.

ARTICLE VIII- WAIVER OF NOTICE

Unless otherwise provided by law, whenever any notice is required to be given to any member or Director of the Corporation under the provisions of these Bylaws or under the provisions of the Articles of Incorporation, a waiver thereof in writing, signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

ARTICLE IX - ASSESSMENTS

1. Levy of Assessments:

The Board of Directors shall establish and levy all assessments necessary to carry out the purposes of this Corporation or provided for by the Declaration.

2. Town Center Owners Association Capital Improvements, Operations & Enforcement Fund

On a semi-annual basis, the Board of Directors shall, consistent with the Declaration of Protective Covenants applicable to the Property, establish and levy such assessments as are necessary to establish either a reserve for the purpose of deferring, in whole or in part, or for immediate payment of the cost of any major acquisition, construction, reconstruction, repair, replacement, maintenance and/or snowplowing of Interior Roads, Common Private Driveways, Arterial Roads, Driveways, sidewalks, or other capital improvements owned or leased by the Corporation, or for which it is responsible, including, without limitation, parking lots, parking spaces, sidewalks, community facilities such as water storage and delivery systems, sewers and sewage treatment facilities, utilities, solid waste pickup facilities, and recreational and other common facilities for the benefit of the Town Center Property and/or its owners; and for purposes of deferring costs, including attorneys fees, incurred in connection with the Corporation's enforcement of the Declaration. The amount of such fund and levy of assessments shall be as the Board of Directors may, by resolution, from time-to-time establish.

Any such assessment shall require a vote of a majority of the members of the Board of Directors present at a meeting duly called for such purpose at which a quorum is present.

Assessments for capital improvements and maintenance shall be payable over such time and in such installments as may be authorized by the Board at such meeting.

3. Assessments:

Except as the Board of Directors may otherwise determine is more equitable, and further except for Common Private Driveways, designated parking lots owned by the Town Center Owners' Association, Multi-Family Open Space and Common and Public Open Space Lots, all assessments shall be fixed and levied at the same uniform rate equally against each lot or condominium unit which comprises the Town Center Property. Such assessments shall be collected on a semi-annual basis, or on such other basis as the Board may determine. Notice of all assessments shall be given directly to each lot owner and Condominium Unit, either personally or by first-class mail, postage prepaid.

4. Assessments for Common Private Driveways:

All assessments for construction, maintenance, repair, snow plowing and real property taxes, if any, levied against a Common Private Driveway, as defined in the Declaration, shall be levied by the Corporation, equally against all lots or condominium units which are appurtenant to and benefited by the Common Private Driveway. All assessments shall be adjusted as required to meet changed needs. Such assessments shall be collected on a semi-annual basis, or on such other basis as the Board of Directors may determine. Notice of all assessments shall be given to each owner of an appurtenant lot or condominium unit liable for payment of assessments for Common Private Driveways under Section 16.3 of the Declaration, either personally or by United States First Class Mail, postage prepaid.

5. Assessments for Multi-Family Open Space:

All assessments for construction, maintenance and repair and for real property taxes levied against Multi-Family Open Space shall be levied by the Town Center Owners Association, or a Multi-Family Neighborhood Association as its delegatee, against all appurtenant Multi-Family lots or Condominium Units, equally. All assessments shall be adjusted as required to meet changed needs.

Such assessments shall be collected on a semi-annual basis, or on such other basis as the Board of Directors may determine. Notice of all assessments shall be given to each owner of an appurtenant Multi-Family lot or Condominium Unit liable for payment of assessments for Multi-Family Open Space under Section 16.2 of the Declaration either personally or by United States First Class Mail, postage prepaid. Liability for payment of assessments and for creation of a lien in connection with unpaid assessments is as provided in Section 16.2(c) of the Declaration.

6. Assessments for Parking District:

All assessments for acquisition, construction, reconstruction, maintenance, repair, administration and enforcement of all parking lots or parking spaces in the Town Center Commercial District (which is embraced by the Town Center Parking District), for snow plowing of parking lots, for all real property taxes levied by governmental taxing authorities against the real estate on which such parking lots or spaces are constructed and for all insurance procured in connection therewith shall be uniformly levied by the Town Center Parking District, as the Corporation's designee, against all subdivision property within the Town Center Planned Unit Development.

All assessments shall be adjusted as required to meet changed needs. Such assessments shall be collected on a semi-annual basis, or such other basis as the Parking District may determine. Notice of all assessments shall be given directly to each owner of a Lot or Condominium Unit, either personally or by United States first-class mail, postage prepaid. Liability for payment of assessments and for creation of a lien in connection with unpaid assessments is as provided in Section 16.4 of the Declaration.

7. Payment:

Assessments shall be due and payable upon notice of levy thereof being sent by the Board, which assessment shall be delinquent if not paid within thirty (30) days after date of notice of the levy. Upon becoming delinquent, such levy shall bear interest at the legal rate.

8. Enforcement:

Upon notice of levy, each owner of a Lot or Condominium Unit against which an assessment is levied shall be personally obligated to pay the assessment levied. Any assessment not paid when due shall, upon notice thereof being filed of record in the Office of the Gallatin County Clerk and Recorder, constitute a lien against the Lot or Condominium Unit against which assessment was made. Such lien may be foreclosed in like manner as a mortgage or other lien upon real property and may include the additional cost of expenses and a reasonable attorney's fee. Such lien shall continue until fully paid or satisfied. When such lien has been fully paid or satisfied, a notice releasing the lien shall be promptly filed.

ARTICLE X - AMENDMENTS

These Bylaws may be altered, amended or repealed and new Bylaws may be adopted by a two-thirds (2/3) vote of the members entitled to vote at a meeting of members specially called for such purpose at which a quorum is present, or a majority of the voting power, whichever is less, and the written approval of Westland and the Developer, regardless of whether either of these entities is a member of the Corporation. The notice of meeting shall contain or be accompanied by the text of the proposed amendment.

ARTICLE XI- ADOPTION

These October 2008 Amended and Restated Bylaws were adopted by the Members on the 8th day of October, 2008.

The number of voting interests present at the October 8, 2008 meeting, including proxies, totaled 24, and thus a quorum was present.

The number of voting interests entitled to vote at the meeting was 29.

The number of voting interests voting for the amendments was 24.

The number of members voting against the amendment was 0.

The Developer and Westland approved the Amendments as evidenced by their signatures set forth below.

DATED this 8th day of October, 2008.

William G. Simkins
William G. Simkins, President

ATTEST:

John Simkins
John Simkins, Vice President

Thomas Simkins
Thomas Simkins, Secretary

Westland Enterprises, Inc.

William G. Simkins
By: William G. Simkins, Vice President

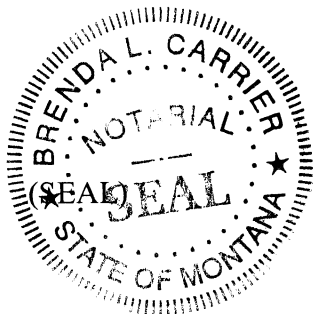
Simkins Holdings, LLC

William G. Simkins
By: William G. Simkins, Manager

ACKNOWLEDGMENT

STATE OF MONTANA)
 :SS
County of Gallatin)

This Instrument was **ACKNOWLEDGED** before me this 8th day of October, 2008, by William G. Simkins, as Director and President of The Town Center Owners' Association, Inc.

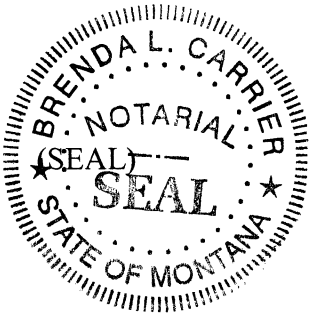


Brenda L. Carrier
Notary Public for the State of Montana
Brenda L. Carrier
Printed Name
Residing at Belgrade, MT
My Commission Expires: March 31, 2012
4 digits

ACKNOWLEDGMENT

STATE OF MONTANA)
 :SS
County of Gallatin)

This Instrument was **ACKNOWLEDGED** before me this 8th day of
October, 2008, by Thomas Simkins, as Director and Secretary of The Town
Center Owners' Association, Inc.



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Notary Public for the State of Montana
Brenda L. Carrier
Printed Name
Residing at Belgrade, MT
My Commission Expires: March 31, 2012
4 digits

ACKNOWLEDGMENT

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 :SS
County of Gallatin)

This Instrument was **ACKNOWLEDGED** before me this 8th day of
October, 2008, by John Simkins as Director and Vice President of The Town
Center Owners' Association, Inc.

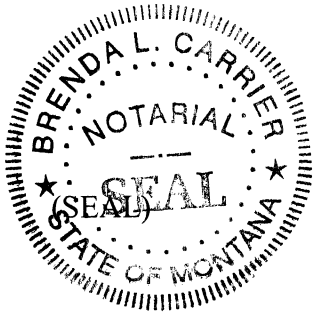


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October, 2008, by William G. Simkins, as Vice President of Westland
Enterprises, Inc.

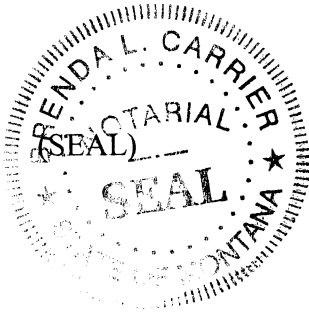


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County of Gallatin)

This Instrument was **ACKNOWLEDGED** before me this 8th day of
October, 2008, by William G. Simkins, as Manager of Simkins Holdings, LLC.



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2013 REVISED
BIG SKY TOWN CENTER PARKING REGULATION,
MANAGEMENT PLAN, AND ORDINANCE

Relationship to Zoning Regulations

1. The Gallatin Canyon/Big Sky Zoning Regulations are incorporated by reference.
2. This document supercedes Section 34 of the Zoning Regulation, in its entirety, except where this document refers to a specific section of Section 34 of the Zoning Regulation. In these cases, that specific section shall apply.

CHAPTER 1: GENERAL

1.0 Purpose:

1.1 The purpose of this Revised Regulation, Management Plan and Ordinance is:

- 1.1.a.*** To provide parking for the Town Center Commercial District required under Section 34 of the Gallatin Canyon/Big Sky Zoning Regulation, ("The Zoning Regulation") and under Section 7.11 of the Big Sky Town Center Declaration of Covenants, Conditions, and Restrictions ("Town Center Declaration");
- 1.1.b.*** To provide a unified approach to the construction, maintenance and management of parking, and parking-related structures, within the commercial portion of the Big Sky Town Center; and
- 1.1.c.*** To provide surface parking lots and related improvements, including parking structures, garages and carports that meet the needs of the Big Sky Town Center Development without building large areas of underutilized parking.

2.0 Administration and Enforcement

This Regulation, Management Plan and Ordinance shall be administered and enforced by the Town Center Parking District ("Parking District") to whom has been delegated the requisite authority and power by the Town Center Owners Association, Inc. in resolutions contained in the Minutes of the Organizational Meeting of the Town Center Board of Directors, dated April 25, 2002.

3.0 Definitions

Carport: Any space outside a building, wholly or partly covered by a roof, used for the shelter of parked motor vehicles.

Owner: Includes multiple Owners.

Parking Lot: Land designated for parking purposes and under the jurisdiction of the Parking District.

Parking Space: All types of parking spaces, including, but not limited to off-street spaces, recreational vehicle spaces, handicap accessible spaces, loading spaces, and parking structure spaces, including, but not limited to, carports and garages.

4.0 Boundary Map

The Big Sky Town Center Parking District includes all properties within the blocks and lots of the attached Exhibit A: Parking District Map.

CHAPTER 2: PARKING REGULATION

1.0 Parking Spaces

1.1 To the extent there is land available, the Parking District shall acquire and provide no less than the minimum number of parking spaces required under Section 34 of The Gallatin Canyon/Big Sky Zoning Regulation and Chapter 3 of the Management Plan (below) for the type of land use proposed by the Owner and/or tenant, taking into account any reduction in required parking due to shared use of parking spaces. Unless otherwise provided by the Parking District, these parking spaces shall be for the common use and benefit of all building owners and tenants, their employees and clientele.

1.2 The right to use of all parking spaces required for a proposed land use, including exclusive use of parking spaces, shall be acquired from the Parking District by an Owner of a Lot or condominium unit within the district.

2.0 Parking Obligations and Assessment

2.1 The right to the use of parking spaces shall be evidenced by an initial and, thereafter, semi-annual payments to the Parking District in an amount equal to the number of parking spaces required for the proposed or existing use multiplied by the then-existing fee per parking space, as determined by the Parking District.

2.2 The required, initial parking payment for a proposed use and all fees associated with the assessment shall be required from the Parking District at the time of occupancy.

2.3 The initial and semi-annual parking payments represents the percentage obligation for security; enforcement of parking rules and regulations; construction, reconstruction, repair and maintenance of the lots and on-street parking spaces and associated utilities, lighting, striping, signage, security, emergency services, snow plowing of the lots; insurance; and payment of taxes and expenses of administration of the Parking District, including enforcement and attorneys' fees incurred in connection with enforcement of this Regulation,

the Parking Management Plan, all parking rules and regulations established by the Parking District and other services to members of the Parking District, all of which shall be performed and paid for by the Parking District.

- 2.4 All parking obligations are subject to levy of current and future assessment in such amount and for such purposes as the Parking District may, by resolution, determine, including without limitation, assessments for capital improvements and regular annual maintenance.
- 2.5 All assessments levied shall be based upon the initial parking assessment and shall be uniform in amount. All assessments shall be adjusted as required to meet changed needs.

CHAPTER 3: MANAGEMENT PLAN

1.0 Purpose

1.1 The Purpose of the Parking Management Plan is:

- 1.1.a.*** To ensure that at any given time the supply of parking spaces satisfies the total demand for parking spaces;
- 1.1.b.*** To ensure that there is adequate and accessible parking for each building, including the number and location of Accessible Spaces; and
- 1.1.c.*** To ensure that the total parking supply meets the requirements set forth in the Gallatin Canyon/Big Sky Zoning Regulation.

2.0 Definitions

Building Uses: The specific types of use contained within a given building. The term is equivalent to “Land Uses” as used in Section 34: Parking, of the Gallatin Canyon/Big Sky Zoning Regulation.

Gross Building Area: The total area of a building, including, but not limited to all useable and leased space, circulation, storage, and public and common areas on all floors.

Gross Floor Area: Gross Building Area is projected to be 0.85 of the Gross Building Area.

Parking Demand: The total number of parking spaces required for all uses in all buildings within the Parking District.

Shared Parking: The use of a single Parking Space by more than one user of use at different hours of the day or week. This is projected to be equal to 0.85 of the parking demand generated by the Gross Floor Area.

Total Parking Supply: The total number of Parking Spaces that are constructed or maintained by the Parking District.

3.0 Determination of Parking Demand

3.1 The Parking District shall maintain and make available to building owners and tenants of the Parking District a current calculation showing the Parking Demand for all approved buildings and corresponding uses within the Parking District. The purpose of the Parking Demand calculation is to provide an accurate and on-going tally of the number of parking spaces needed by all existing and planned development to be used in planning for the construction of the required lots and spaces. The calculation of Parking Demand shall follow the methodology set forth below, and shall be set forth in tabular form similar to the example shown in Table 1. This number shall be equal to the obligation assigned by the Parking District. The calculation of Parking Demand shall be determined on the basis of actual building square footages and mix of uses, and shall be done at the time an application is made for an occupancy permit. Changes in Parking Demand that result from changes in building square footages and/or mixes of uses through remodel, renovation, etc, shall also trigger a new calculation of Parking Demand.

In calculating the Parking Demand:

- A. All calculations shall be rounded to the nearest whole number.
- B. The parking requirements for each use are shown in Table 2, *Minimum Parking Space Standards*, contained in Section 34.10 of the Gallatin Canyon/Big Sky Zoning Regulation.

4.0 Shared Parking

4.1 Section 34.6 of the Gallatin Canyon/Big Sky Zoning Regulation contains provisions for the reduction of required parking spaces if (1) parking is shared by two or more uses, and (2) the proposed uses have substantially different times of parking demand. The original PUD submittal made in April of 2000 documents how the shared parking calculations were derived. In order to simplify the Parking District's management of shared parking, a 0.85 reduction of the gross floor area parking required is used. Parking requirements for Lodging and Multi-family units shall not be reduced below the standards of the Zoning District.

5.0 Determination of Parking Supply

5.1 The Parking District shall maintain and make available to all building owners of the Parking District a current calculation of the *Total Parking Supply*, the total of both parking lot and on-street spaces including handicapped, recreational vehicle and loading spaces, constructed or maintained by the District and available for all approved buildings and corresponding uses

within the Parking District. The Total Parking Supply must at all times be greater than or equal to the Shared Parking Demand.

Table 1

Existing Entitlements

Use	Building Area (SF)	85% Gross Floor Area	85% Shared Parking Reduction	Parking ratio/sq.ft.	Total
Commercial (retail/office)	299,000	254,150	216,028	3 stalls per 1000 sq.ft.	648
Commercial (restaurant) (1,315 seats)	16,000	13,600	11,560	15 stalls per 1000 sq.ft.	173
Commercial (grocery)	20,000	17,000	14,450	4 stalls per 1000 sq.ft.	58
Public/Quasi Public	36,100	30,685	26,082	3 stalls per 1000 sq.ft.	78
Hotel	175	none	none	1 stall/room + 1/employee	219
Multi-family	28 Units	none	none	2 stalls per unit	56
Total					1232

Example: Building or Lot Owner A

Use	Building Area (SF)	85% Gross Floor Area	85% Shared Parking Reduction	Parking ratio/sq.ft.	Total
Commercial (retail/office)	30,000	25,500	21,675	3 stalls per 1000 sq.ft.	65
Commercial (restaurant) (50 seats)	1,000	850	723	15 stalls per 1000 sq.ft.	11
Commercial (grocery)	0	0	0	4 stalls per 1000 sq.ft.	0
Public	0	0	0	3 stalls per 1000 sq.ft.	0
Hotel	0	none	none	1 stall/room + 1/employee	0
Multi-family	8	none	none	2 stalls per unit	16
Total					92

Example: Building or Lot Owner A Parking Assessment

Building/Lot Owner Obligation (spaces)	Total Parking District Obligation (spaces)	Building/Lot Owner Obligation (%)
92	1232	7.45

6.0 Standards

The design and layout of parking spaces shall be governed by the following standards:

On-Street Parking Spaces. Design and layout of On-Street Parking Spaces (i.e., dimensions, spacing, distance from intersections) shall be as shown on the *Parking District Map* (Exhibit A) adopted by the Parking District, the current version of which is part of this document.

Off-Street Parking Spaces. Design and layout of Off-Street Parking Spaces (i.e., dimensions, spacing, aisle widths) shall be shown on the current Map of Designated Parking.

Accessible Parking Spaces. Design and layout of Accessible Parking Spaces shall meet the requirements set forth in the Americans with Disabilities Act, and as shown on the current Map of Designated Parking.

Recreational Vehicle Spaces. Design and layout of Recreational Vehicle Parking Spaces (i.e., dimensions, spacing, aisle widths,) shall be as shown on the Map of Designated Parking.

Loading Spaces. Design and layout of Loading Parking Spaces (i.e., dimensions) shall be as shown on the Map of Designated Parking.

The Parking District shall also adopt standards for the following; loading docks, snow storage areas (average year snowfall and maximum year snowfall), trash storage, and generalized landscaping. The District shall also adopt prototypical drawings illustrating these standards and their interrelationships.

7.0 Structured and/or Underground Parking

- 7.1 The Parking District may choose to construct or permit an above ground or underground parking structure if parking demand so warrants. The Parking District may replace any surface parking lots with above ground or underground parking structures, including carports and garages, which shall be subject to design review and approval by the TCOA.
- 7.2 The Parking District is authorized to grant exclusive easements to parking spaces, that are appurtenant to residential units within the Town Center Commercial District, the terms of which shall be subject to negotiation and approval by the Parking District.

8.0 Snow Plowing and Storage

8.1 All required on and off-street parking spaces shall be snow plowed at appropriate times so as to make them available for parking during hours of permitted use. Snow plowed from off-street parking spaces shall be stored at the perimeter of the lot so as not to obstruct required parking spaces. Snow plowed from on-street parking spaces shall be stored where it is out of the way of both traffic and pedestrians. All excess snow plowed from off-street parking spaces may also be stored within the Town Center on lots or open space designated for snow storage.

CHAPTER 4: ORDINANCE: PARKING RULES

1.0 Applicability

This Ordinance applies to all on and off-street parking spaces owned or administered by the Parking District. Unless provided otherwise, it does not apply to parking spaces owned or administered by others

2.0 General Parking

2.1 Parking of a motor vehicle is permitted only in parking spaces designated for such use. Parking of a motor vehicle anywhere else is prohibited.

2.2 Except only as the Parking District may specially permit, and further except for registered guests of a lodging establishment in the Parking District, no use of any parking space is permitted between the hours of 2:00 a.m. and 6:00 a.m. or for longer than twenty (20) continuous hours in any twenty-four (24) hour period.

2.3 All regulations regarding type of permitted parking, days and times of use, together with a warning of the consequences of violation thereof shall be conspicuously posted at appropriate locations throughout the District.

3.0 Special Purpose Parking

3.1 Accessible Parking

All Spaces designated for accessible parking are reserved exclusively for parking of a motor vehicle displaying a nationally recognized accessibility sign or symbol issued by the Division of Motor Vehicles of the State of Montana or by an analogous authority of any other state or jurisdiction. Parking of any other motor vehicle in a handicap parking space is prohibited.

3.2 Freight Loading

All spaces or docks designated for freight loading are reserved exclusively for loading or unloading of freight originating from, or destined for delivery to, a building owner or tenant that conducts a business use in the building immediately adjacent to such space or dock. Parking of any motor vehicle in such space other than for such use or purpose is prohibited.

3.3 Overnight and Continuous Parking

Except for motor vehicles of registered guests of a lodging establishment and condominiums in the Parking District, parking of a motor vehicle in an off street parking space during the hours between 2:00 a.m. and 6:00 a.m. and/or for periods longer than twenty (20) continuous hours during any twenty-four (24) hour period may be permitted only by an annual, special permit (hang tag) issued by the Parking District. Such special permit is valid for a period of one (1) year, is personal to the person or entity to who issued, is not transferable and shall be issued only to the residents of the Parking District for parking of a personal motor vehicle and to such other persons or entities and for such other special purposes as the District may, from time to time, determine is appropriate.

Such permit may restrict the lot or spaces where such permit may be used and/or the days, times or duration of use.

No special permits shall be issued for on-street parking.

4.0 Violations

4.1 Any Violation of these Parking Rules constitutes an offense, punishable as follows:

Except as otherwise provided herein below, the following sanctions shall apply to the offense designated:

First Offense – warning

Second Offense - \$10.00 fine;

Third Offense - \$50.00 fine;

Fourth Offense and all offenses thereafter - \$100.00 fine, per offense.

4.2 All offenses shall be evidenced by a ticket to be issued by an authorized enforcement agent of the Parking District, the fine for which shall be due and payable, in cash, at the office of the Parking District within five (5) days after the issuance. All tickets not paid when due shall thereupon bear interest at the rate of ten percent (10%) per annum until paid. A record of all offenses, the name and address of the offender, the license plate number of the motor vehicle involved, sanctions levied and fines paid shall be kept and maintained by the Parking District.

4.3 Any repeat offense, being more than three (3) ticketed offenses in any one week, or more than ten (10) ticketed offenses in any consecutive eight (8) week period, shall result in immediate disablement of the vehicle by booting or other appropriate means and/or towing and impoundment. The fine for release of any booted or impounded vehicle is \$500.00 per offense.

CHAPTER 5: DISPUTES AND APPEALS

1.0 All Disputes arising out of or related to application or enforcement of this Regulation, Management Plan and Ordinance, including, without limitation, all disputes concerning levy of sanctions for violation thereof, is governed by the applicable provisions of the Amended and Restated Big Sky Town Center Declaration of Covenants, Conditions and Restrictions, provided, however, that no appeal is permitted from levy of a sanction for violation of the Ordinance unless the requisite fine had been paid and such appeal is taken within thirty (30) days after issuance of the ticket for the violation.

Adopted by Resolution of the Town Center Parking District and effective this 22nd day of May, 2013.

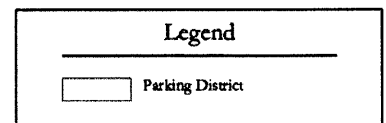
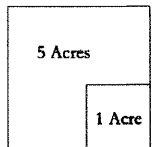
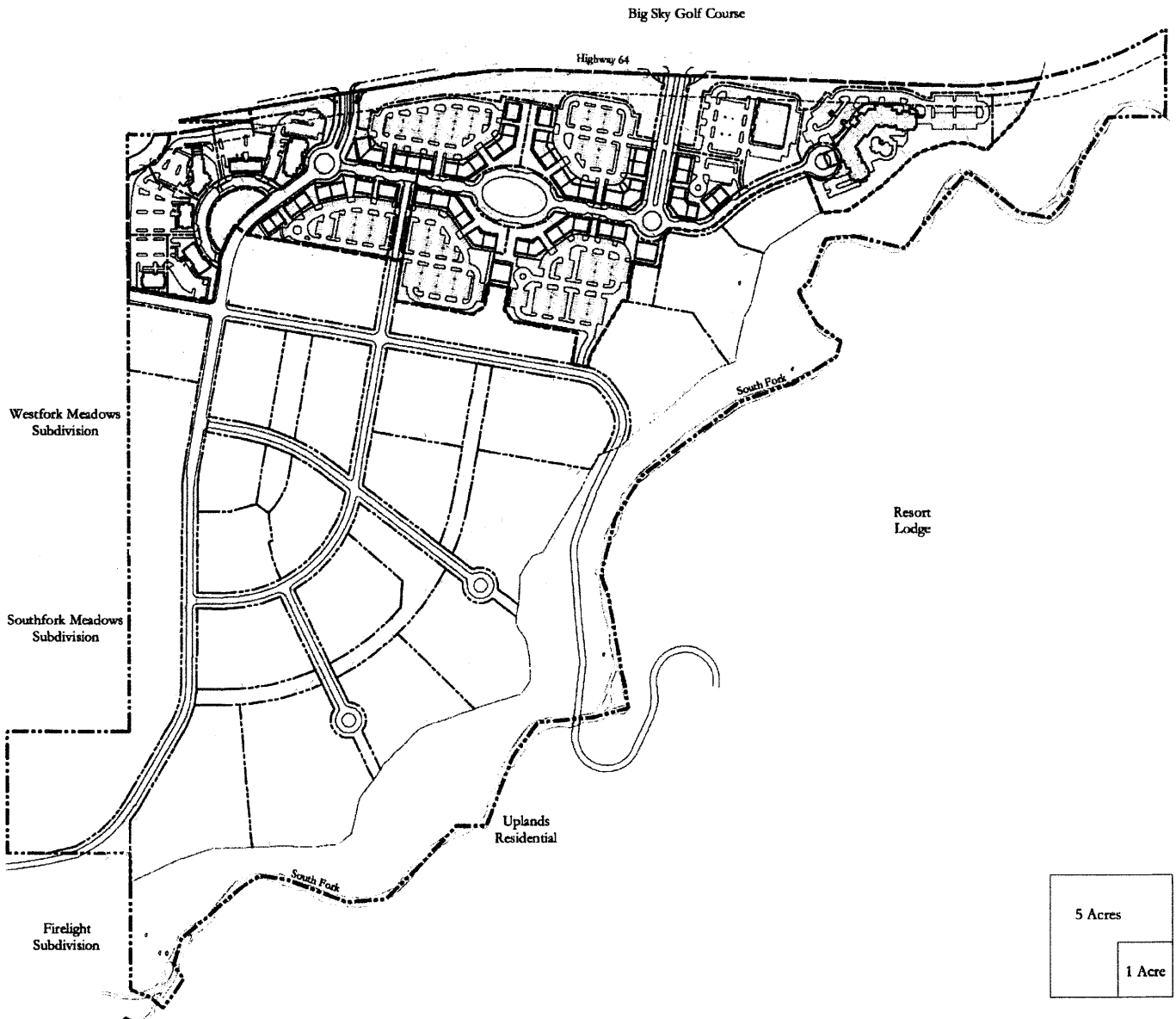
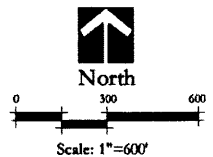


Exhibit A
 Date: March 1, 2004
 Prepared By: cta
 File Name: BSTC_Park.dwg



Parking District
 • Big Sky Town Center •
 Second Amended PUD Application
 Simkins Holdings LLC



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STREET AND PARKING LOT LIGHTING PROTOCOL

A. Overview: The Town Center Owners Association (TCOA) has established a lighting lease program with NorthWestern Energy (NWE). This lease provides for the purchase, installation (including wire and labor to pull the wire from the power transformers to the light bases), long-term maintenance, and daily electrical power for the road right-of-way street lights and the Commercial District parking lot lights. This lease does not provide for the lighting design, concrete light bases, or the buried electrical conduit linking the power transformers with the concrete light bases; these items are the responsibility of the Project Developer (or in some cases, the Master Developer). NWE bills the TCOA on a monthly basis, the amount of which is determined by the number of lights served by the lease at the time of billing. The benefit of this lighting lease program is that it decreases the cost of construction for Project Developers (and ultimately, end users) by eliminating the initial cost of high-ticket items like street and parking lot lights.

Because the Town Center is a pedestrian-oriented town, adequate commercial parking lot and right-of-way street lighting is needed to help ensure vehicular and pedestrian safety. The TCOA has chosen a standard right-of-way street light and a standard Commercial District parking lot light for the entire Town Center project. These 'standard' lights include the following: light manufacturer and model, color, lens height, lens type, bulb wattage and type, shade type, arm type, base type, etc. The Project Developer (or in some cases, the Master Developer) will need to design the lighting layout (including optics type, number of arms per pole, etc.) for the needs of their particular parking lot and project.

This lighting lease, coupled with the standard light fixtures for the entire project, will help ensure lighting and aesthetic consistency and predictability in the Town Center

B. Commercial District:

The Town Center Commercial District is divided into two sub-areas (see attached map exhibits) based upon the different design standards required and the platting methods used: First is the *Neighborhood Commercial* area in which the Project Developer purchases land to construct the building, parking, right-of way improvements, and landscaping serving the building; Second is the *Commercial Core* area in which the Project Developer purchases a small amount of land

(building pad) in which to construct *only* the building, right-of-way improvements, and landscaping to serve the building (i.e. not parking, which the Master Developer will install).

In the entire Commercial District, the lighting lease provides for the purchase and installation of *all* parking lot lights and *all* road right-of-way street lights.

In the Neighborhood Commercial area, the Project Developer is responsible for: parking lot lighting design; and parking lot and street lighting conduit and concrete light base installation. The Master Developer, Simkins Holdings, LLC, is responsible for: the layout design of the right-of-way street lights.

In the Commercial Core area, the Project Developer is responsible for the installation of the conduits and the concrete light bases for the right-of-way street lighting adjacent to their lot; the Master Developer is responsible for the street and parking lot lighting design; and parking lot conduit and concrete light base installation.

1. NEIGHBORHOOD COMMERCIAL

Project Developer:

- a) Parking Lot Lighting design: The neighborhood commercial parking lot lighting design (i.e. light pole layout and locations, lighting intensity, optics, number of arms per pole, etc) must meet the standards outlined in the Big Sky Town Center Design Standards and Guidelines (page 28). The proposed parking lot lighting design is submitted to the TCOA for review and approval during the Phase B Design and Land Use Permit process.
- b) Conduits: After designing the parking lot lighting layout, the Project Developer shall work with NWE and an electrical engineer to design the location and size of the conduits that link the electrical transformer(s) with the various parking lot and street lights on that project. The design, acquisition, and installation of these conduits is the responsibility of the Project Developer.
- c) Light Bases: The TCOA has provided the Project Developer with a structurally-engineered standard concrete light base for the parking lot and street lights in the Town Center. This standard light base is designed for the weight and height of the standard Town Center lights, as well as the soils and wind loading conditions unique to the Town Center development. These concrete light bases shall be installed by the Project Developer for both the parking lot lights and the right-of-way street lights adjacent to their lot.
- d) Coordinate with TCOA: Once the parking lot lighting layout is approved by the TCOA at the Phase B Design and Land Use

Permit level, it is the responsibility of the Project Developer to notify the TCOA at least 12 weeks in advance of needing the lights installed on-site. This gives the TCOA ample time to order the lights from NWE. As soon as possible after receiving the lights

(or as determined by the Project Developer's schedule), NWE will pull the wire through the conduits and install the parking lot and/or right-of-way street lights onto the existing concrete light bases.

Master Developer, Simkins Holdings, LLC

- a) Lighting design: The right-of-way street lighting design in the Town Center is provided by the Master Developer. The Master Developer will provide the Project Developer with the street lighting layout during the Land Use Permit process so that the parking lot lighting, designed by the Project Developer, can be coordinated with the 'existing' street lighting design.

2. COMMERCIAL CORE

Project Developer:

- a) Conduits: The Project Developer shall work with NWE and an electrical engineer to design the location and size of the conduits that link the electrical transformer(s) with the various street lights on that project. The design, acquisition, and installation of these conduits is the responsibility of the Project Developer.
- b) Light Bases: The TCOA has provided the Project Developer with a structurally-engineered standard concrete light base for the street lights in the Town Center. This standard light base is designed for the weight and height of the standard Town Center lights, as well as the soils and wind loading conditions unique to the Town Center development. These concrete light bases shall be installed by the Project Developer for only the right-of-way street lights adjacent to their lot.
- c) Coordinate with TCOA: It is the responsibility of the Project Developer to notify the TCOA at least 12 weeks in advance of needing the street lights installed on-site. This gives the TCOA ample time to order the lights from NWE. As soon as possible after receiving the lights (or as determined by the Project Developer's schedule), NWE will pull the wire through the conduits and install the right-of-way street lights onto the existing concrete light bases.

Master Developer, Simkins Holdings, LLC

- a) Lighting design: The right-of-way street lighting design in the Town Center is provided by the Master Developer. The Master Developer will provide the Project Developer with the street lighting layout during the Land Use Permit process so that the conduits linking the light bases with the transformer(s) can be designed and inserted into the bid documents.

Master Developer Simkins Holdings, LLC is also responsible for the parking lot lighting layout design.

- b) Conduits: The Master Developer will work with NWE and an electrical engineer to design the location and size of the conduits that link the electrical transformer(s) with the various parking lot lights on that project. The design, acquisition, and installation of these conduits is the responsibility of the Master Developer.
- c) Light Bases: The TCOA has provided the Master Developer with a structurally-engineered standard concrete light base for the parking lot lights in the Town Center. This standard light base is designed for the weight and height of the standard Town Center lights, as well as the soils and wind loading conditions unique to the Town Center development. These concrete light bases shall be installed by the Master Developer for only the parking lot lights in the Commercial Core area.
- d) Coordinate with TCOA: It is the responsibility of the Master Developer to notify the TCOA at least 12 weeks in advance of needing the street lights installed on-site. This gives the TCOA ample time to order the lights from NWE. As soon as possible after receiving the lights (or as determined by the Master Developer's schedule), NWE will pull the wire through the conduits and install the parking lot lights onto the existing concrete light bases.

C. Residential District:

In the Residential District, the lighting lease provides for all road right-of-way street lights. The Master Developer, Simkins Holdings, LLC provides *only* for the *layout* of the right-of-way street lights. Per the street lighting layout, the Project Developer installs the lighting conduits and the concrete light bases for the right-of-way street lights adjacent to their lot. The responsibility for lighting improvements is as follows:

Project Developer:

1. Conduits: After receiving the right-of-way street lighting layout from the Master Developer, the Project Developer shall work with NWE and an electrical engineer to design the location and size of the conduits that link the electrical transformer(s) with the street light(s) adjacent to that project. The design, acquisition, and installation of these conduits is the responsibility of the Project Developer.
2. Light Bases: The TCOA has provided the Project Developer with a structurally-engineered standard concrete light base for the street lights in the Town Center. This standard light base is designed for the weight and height of the standard Town Center lights, as well as the soils and wind loading conditions unique to the Town Center development. These concrete light bases shall be installed by the Project Developer for the right-of-way street lights adjacent to their lot.
3. Coordinate with TCOA: It is the responsibility of the Project Developer to notify the TCOA *at least* 12 weeks in advance of needing the lights installed on-site. This gives the TCOA ample time to order the lights from NWE. As soon as possible after receiving the lights (or as determined by the Project Developer's schedule), NWE will pull the wire through the conduits and install the right-of-way street lights onto the concrete light bases.

Master Developer, Simkins Holdings, LLC

- e) Lighting design: The right-of-way street lighting design in the Town Center is provided by the Master Developer. The Master Developer will provide the Project Developer with the street lighting layout during the Land Use Permit process so that any residential parking lot lighting (to be fully provided by the Project Developer) can dovetail with the 'existing' street lighting design.

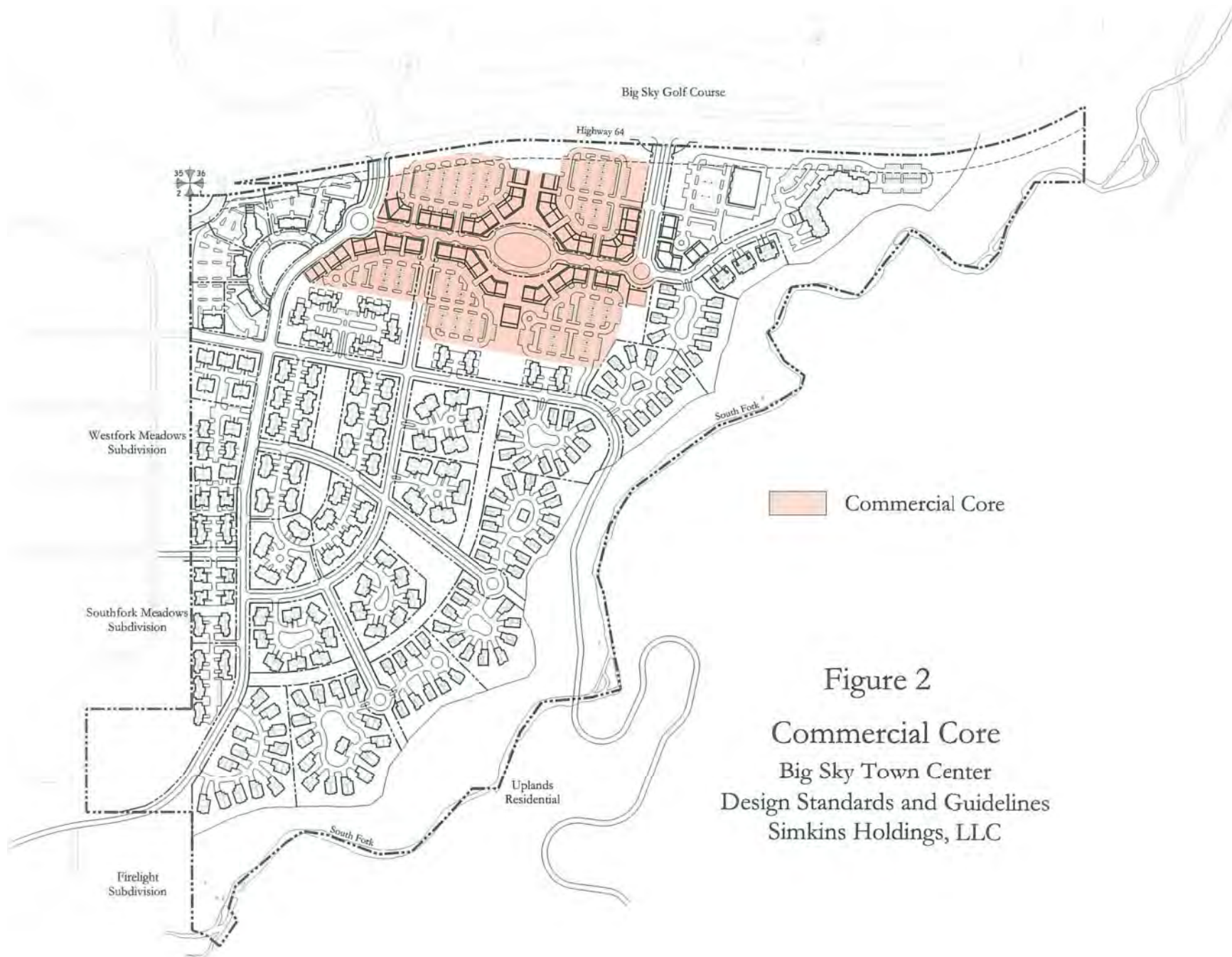


Figure 2
Commercial Core
Big Sky Town Center
Design Standards and Guidelines
Simkins Holdings, LLC

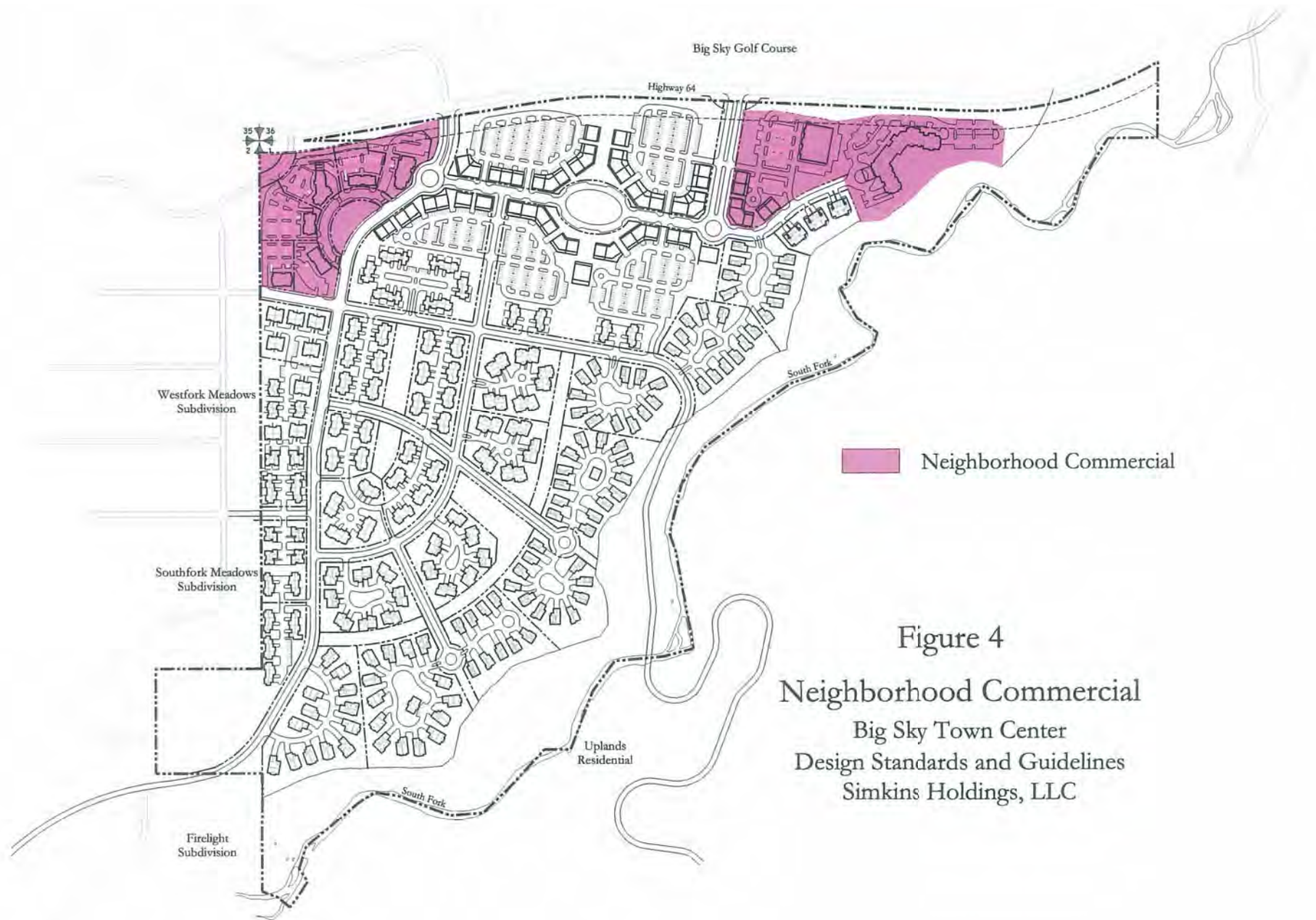


Figure 4
Neighborhood Commercial
Big Sky Town Center
Design Standards and Guidelines
Simkins Holdings, LLC



STREET AND PARKING LOT LIGHTING **TECHNICAL SPECIFICATIONS**

PARKING LOT LIGHTS IN THE COMMERCIAL DISTRICT **AND** **RIGHT-OF-WAY STREET LIGHTS**

Below are the specifications for all of the Commercial District parking lot lights to be used in the Big Sky Town Center. This is provided for your reference and should be used when designing the parking lot lighting layout in the Neighborhood Commercial area. Master Developer Simkins Holdings will be designing and installing the parking lot lighting in all Commercial Core areas.

The same light is also used for the right-of-way street lights in the Big Sky Town Center. This is provided for your reference only; the TCOA will be designing the layout and ordering all of the right-of-way street lighting in the Town Center.

Manufacturer:	Architectural Area Lighting (AAL); Universe Collection
Scale:	UCM (medium scale)
Luminous Element:	SR (solid rings), with no light emittance
Shade:	STR (straight shade)
Optics*:	H2, <u>H3</u> , H4, H5 (this may change depending on the light location)
Reflector:	FTG (flat glass lens)
Lamp Type:	150PSMH (150 watt pulse start metal halide)
Color:	BLK (black)
Pole:	PR5 5R18-188 (18-feet tall, 5" round aluminum pole)
Arm:	SLA-17
Base:	BC5-5 (two-piece base)
Photo Cell:	PCR
Website:	aal.net
Distributor:	Associated Western, Inc. ph.406-259-0619 fax.406-259-0622
Contact:	Ken Fischer

* This item may change depending on the location of the light

Big Sky Town Center



Site Furnishing Standards

STANDARD NOTES:

1. BASIC DIMENSIONS & MATERIALS ARE SHOWN AS GUIDELINES. CONTRACTOR TO PROVIDE SHOP DRAWINGS AND VERIFY STRUCTURAL COMPONENTS SPECIFIC TO EACH LOCATION PRIOR TO BUILDING AND INSTALLING.
2. ALL METAL, INCLUDING FASTENING HARDWARE, SHALL BE STEEL WITH A SMOOTH MATTE BLACK POWDER COATING FINISH TO PREVENT RUSTING.
3. ALL WOOD TO BE CEDAR, REDWOOD, TEAK, OR SIMILAR ROT-RESISTANT WOOD SUITABLE FOR OUTDOOR APPLICATIONS.



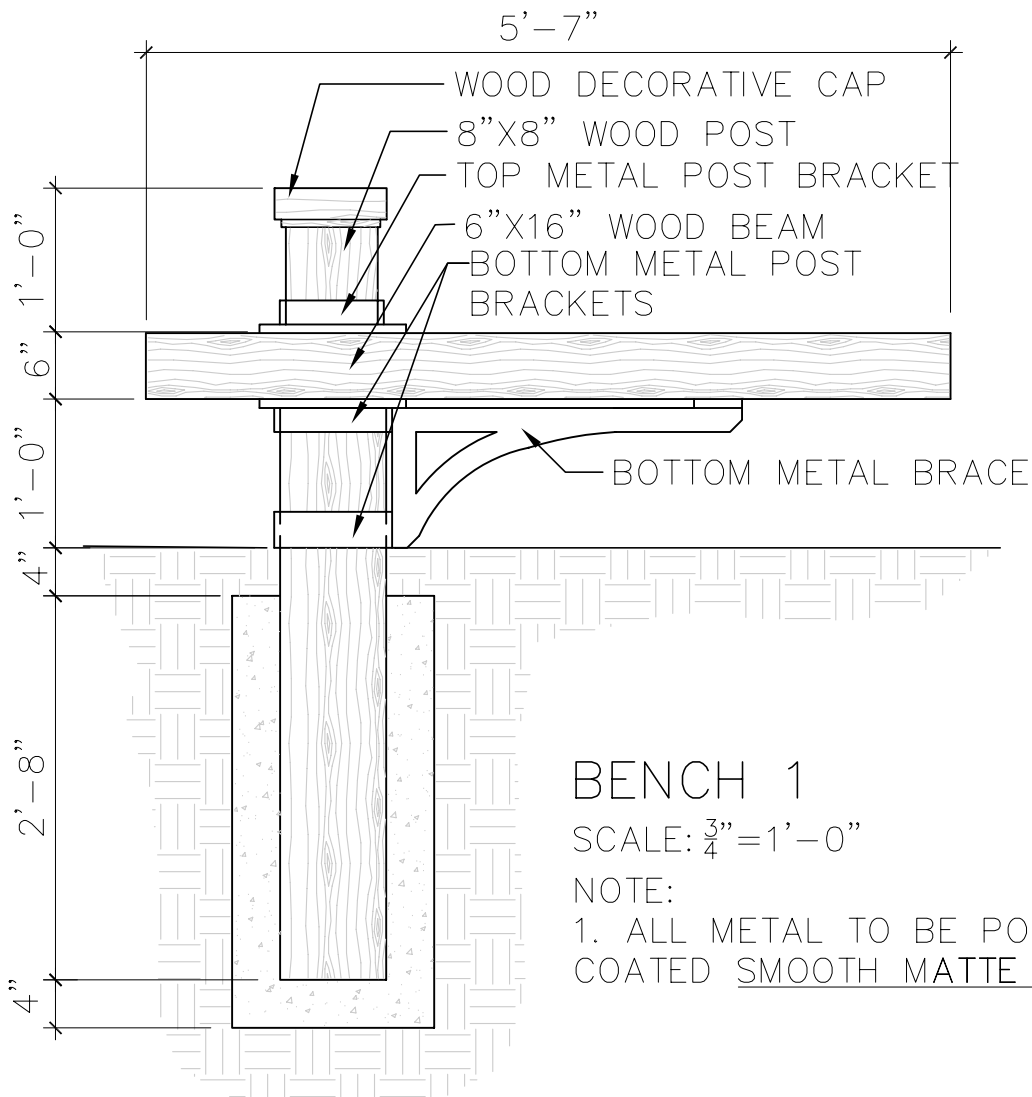
SHEET INDEX

1. BENCH 1
2. BENCH 2
3. BENCH 3
4. BENCH 4
5. BENCH 5
6. BENCH 6
7. BIKE RACK 1
8. BIKE RACK 2
9. TREE GRATE



Simkins Holdings, LLC

Contact Information: Ryan Hamilton
326 North Broadway, Bozeman, MT 59715
Phone: 406-586-9629, Fax: 406-586-2653



Drawn By SH/GS
 Checked By RS
 Date 3/24/05
 CTA # BSTC_BENCH
 Sheet # 1 OF 9

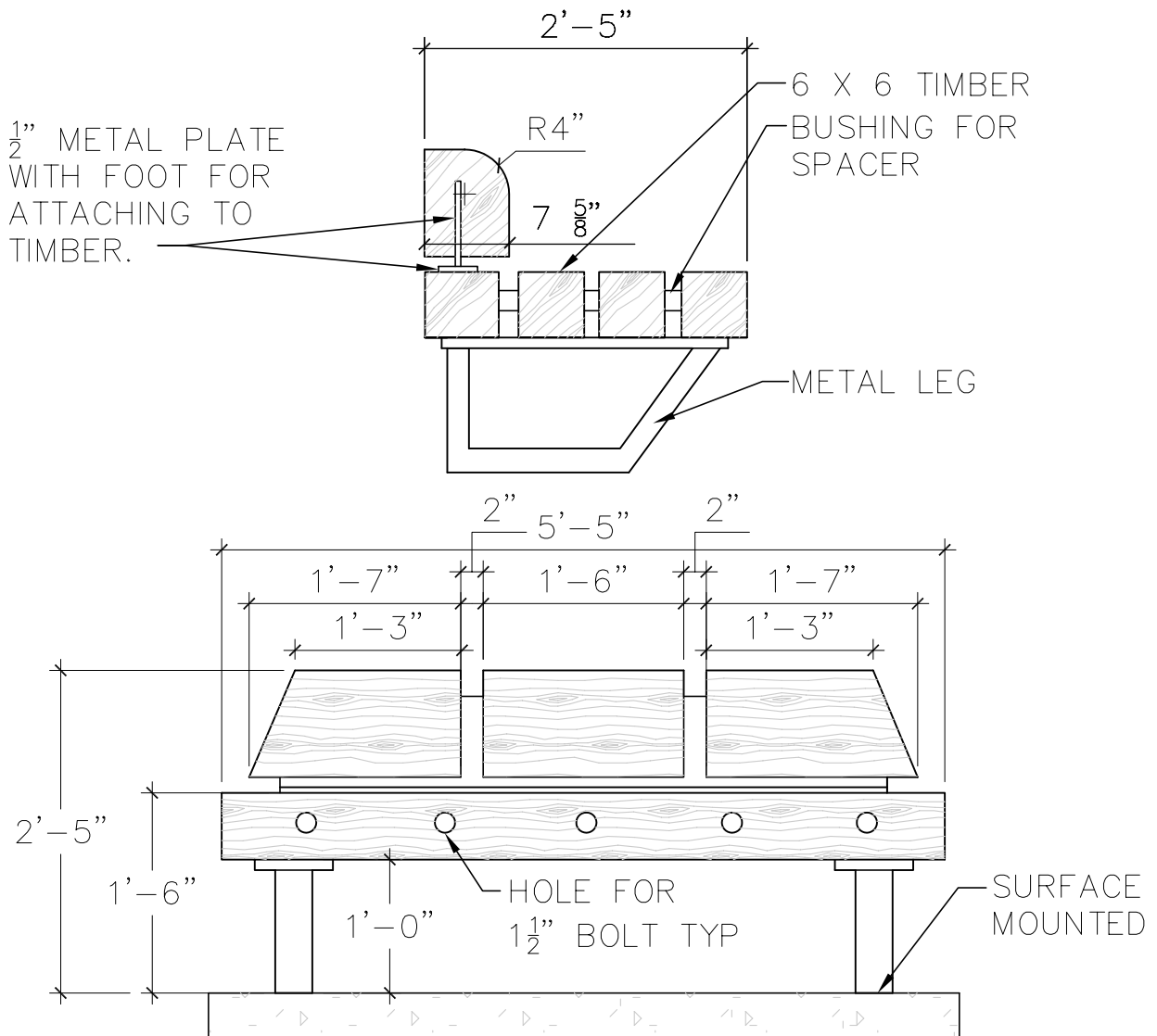


Big Sky Town Center

Site Furnishing
Standards



Simkins Holdings, LLC



BENCH 2

SCALE: $\frac{3}{4}" = 1'-0"$

NOTE:

1. ALL METAL TO BE POWDER COATED SMOOTH MATTE BLACK.

Drawn By SH/GS

Checked By RS

Date 3/24/05

CTA # BSTC_BENCH

Sheet # 2 OF 9

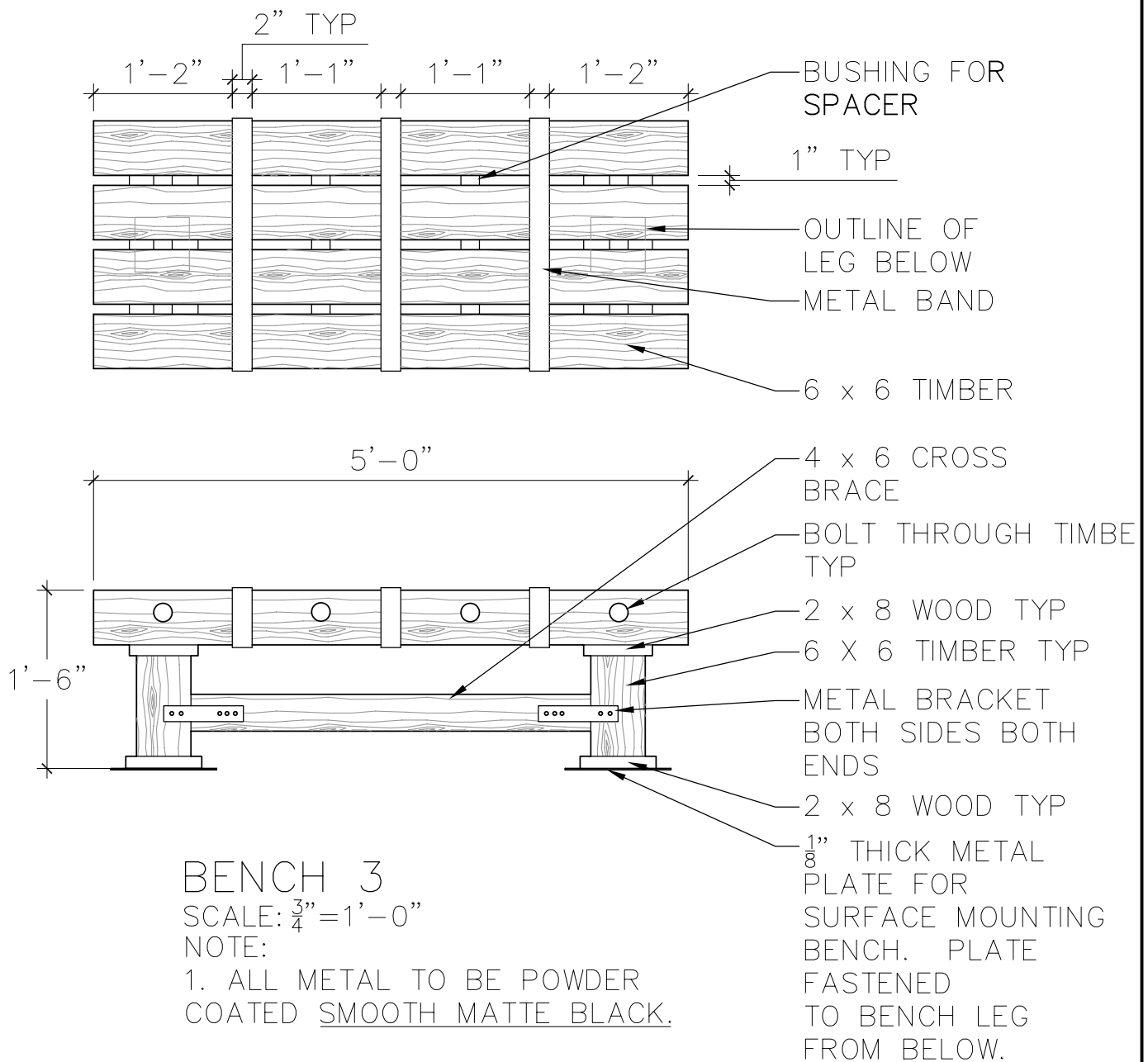


Big Sky Town Center

Site Furnishing
Standards



Simkins Holdings, LLC



Drawn By SH/GS
 Checked By RS
 Date 3/24/05
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 Sheet # 3 OF 9

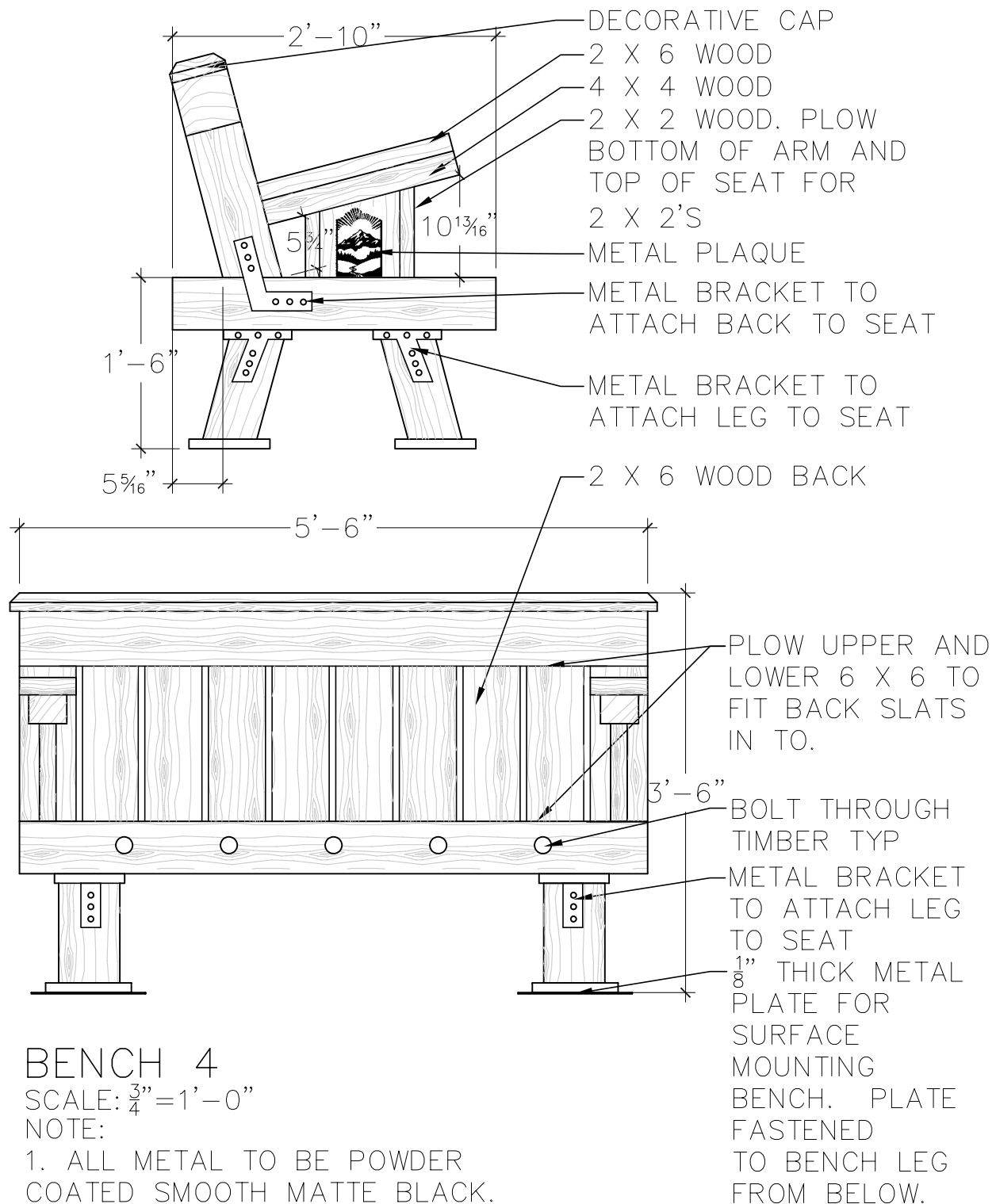


Big Sky Town Center

Site Furnishing
Standards



Simkins Holdings, LLC



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 Checked By RS
 Date 3/24/05
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 Sheet # 4 OF 9

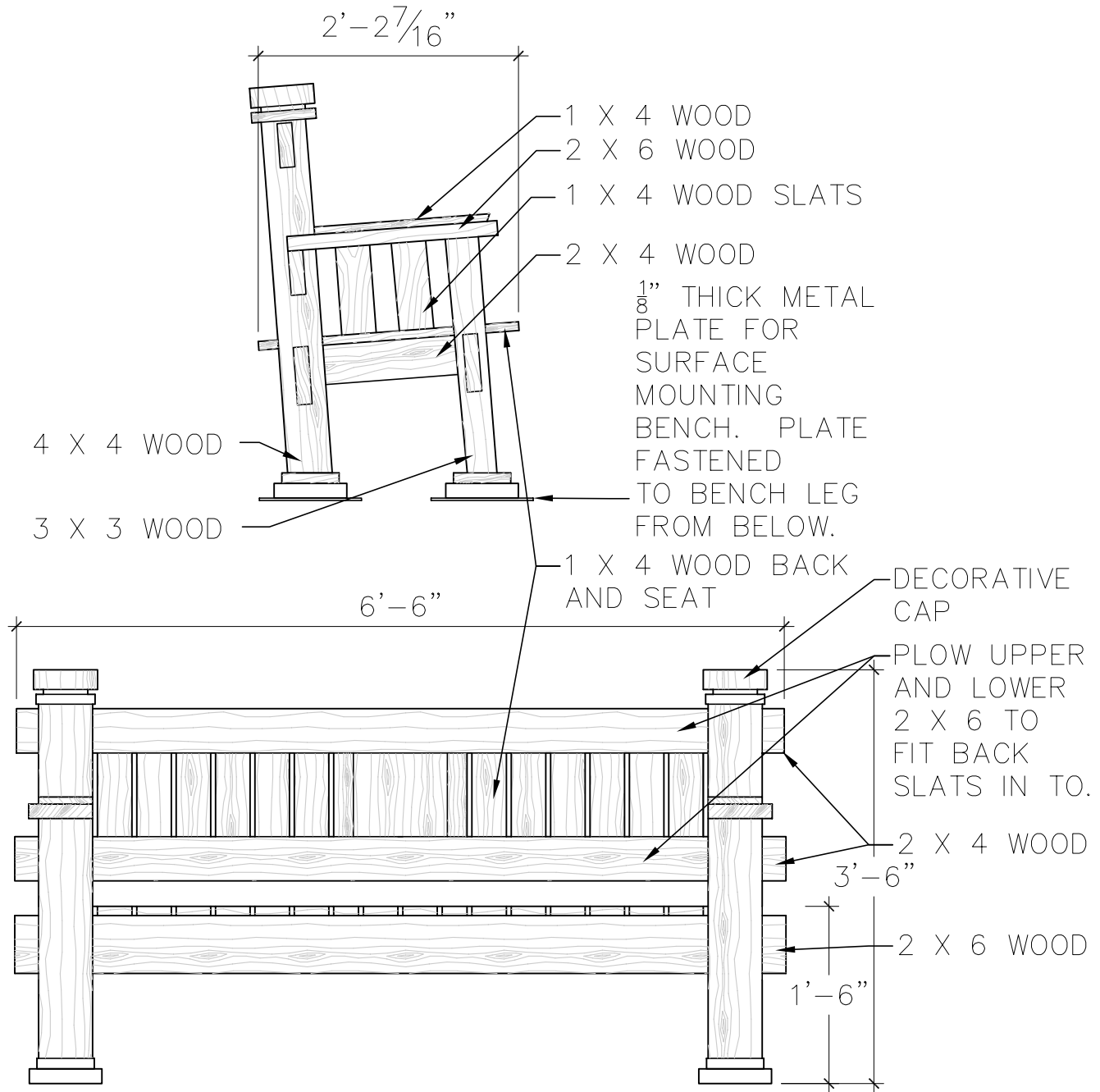


Big Sky Town Center

Site Furnishing
Standards



Simkins Holdings, LLC



BENCH 6

SCALE: $\frac{3}{4}" = 1'-0"$

NOTE:

1. ALL METAL TO BE POWDER COATED SMOOTH MATTE BLACK.

Drawn By SH/GS

Checked By RS

Date 3/24/05

CTA # BSTC_BENCH

Sheet # 6 OF 9

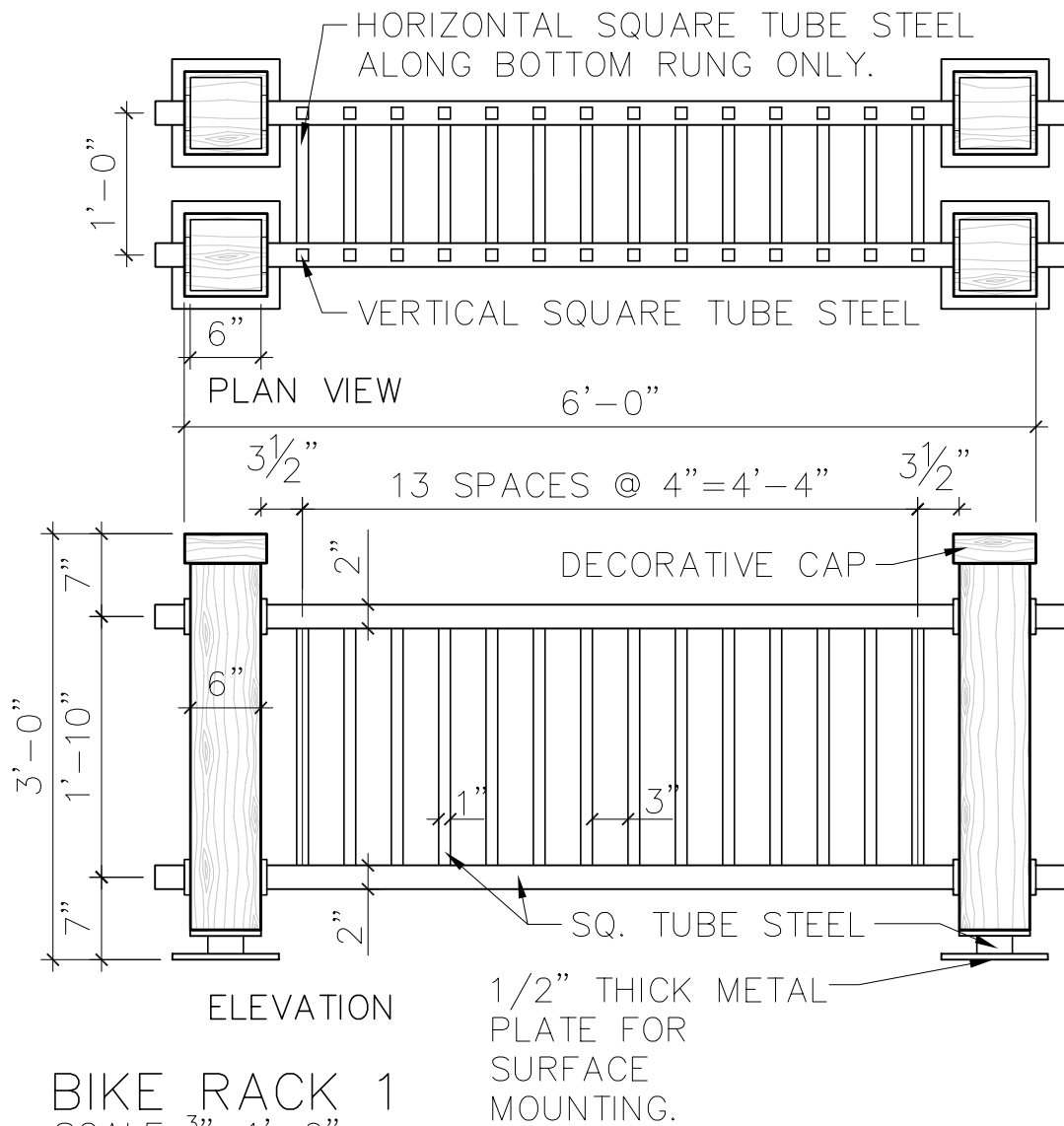


Big Sky Town Center

Site Furnishing
Standards



Simkins Holdings, LLC



BIKE RACK 1

SCALE: $\frac{3}{4}" = 1'-0"$

NOTE:

1. ALL METAL TO BE POWDER COATED SMOOTH MATTE BLACK.

Drawn By SH/GS

Checked By RS

Date 3/24/05

CTA # BSTC_BENCH

Sheet # 7 OF 9



Big Sky Town Center

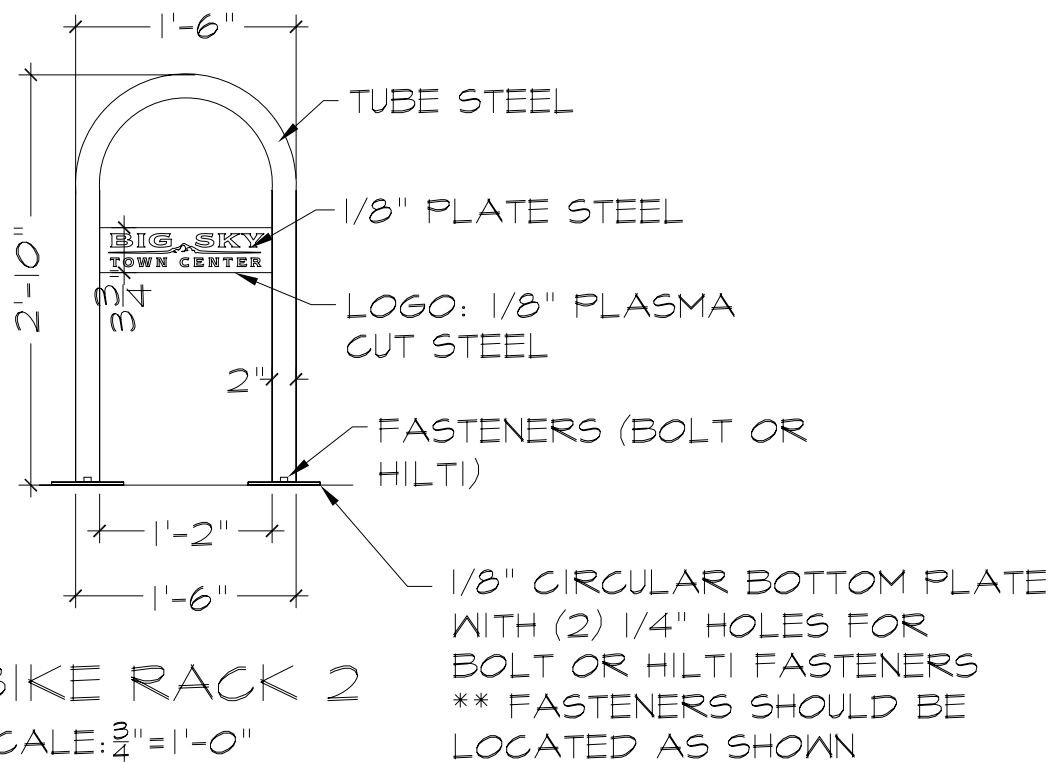
Site Furnishing
Standards



Simkins Holdings, LLC

NOTE:

1. ALL METAL, INCLUDING BOLT FASTENERS TO BE POWDER COATED SMOOTH MATTE BLACK.
2. THIS BIKE RACK MAY BE INSTALLED AS A SINGLE OR DOUBLE-SIDED UNIT, OR IN MULTIPLE. WHEN PLACED ALONG A STREET, BIKE RACK SHALL BE PARALLEL WITH STREET AND PLACED IN-LINE WITH STREET LIGHTS, TRASH CANS, STREET TREES, ETC.
3. LOGO ARTWORK MAY BE OBTAINED FROM TCOA AT (406) 586-9629.



BIKE RACK 2

SCALE: $\frac{3}{4}$ " = 1'-0"

Drawn By SH/GS
 Checked By RS
 Date 3/24/05
 CTA # BSTC_BENCH
 Sheet # 8 OF 9

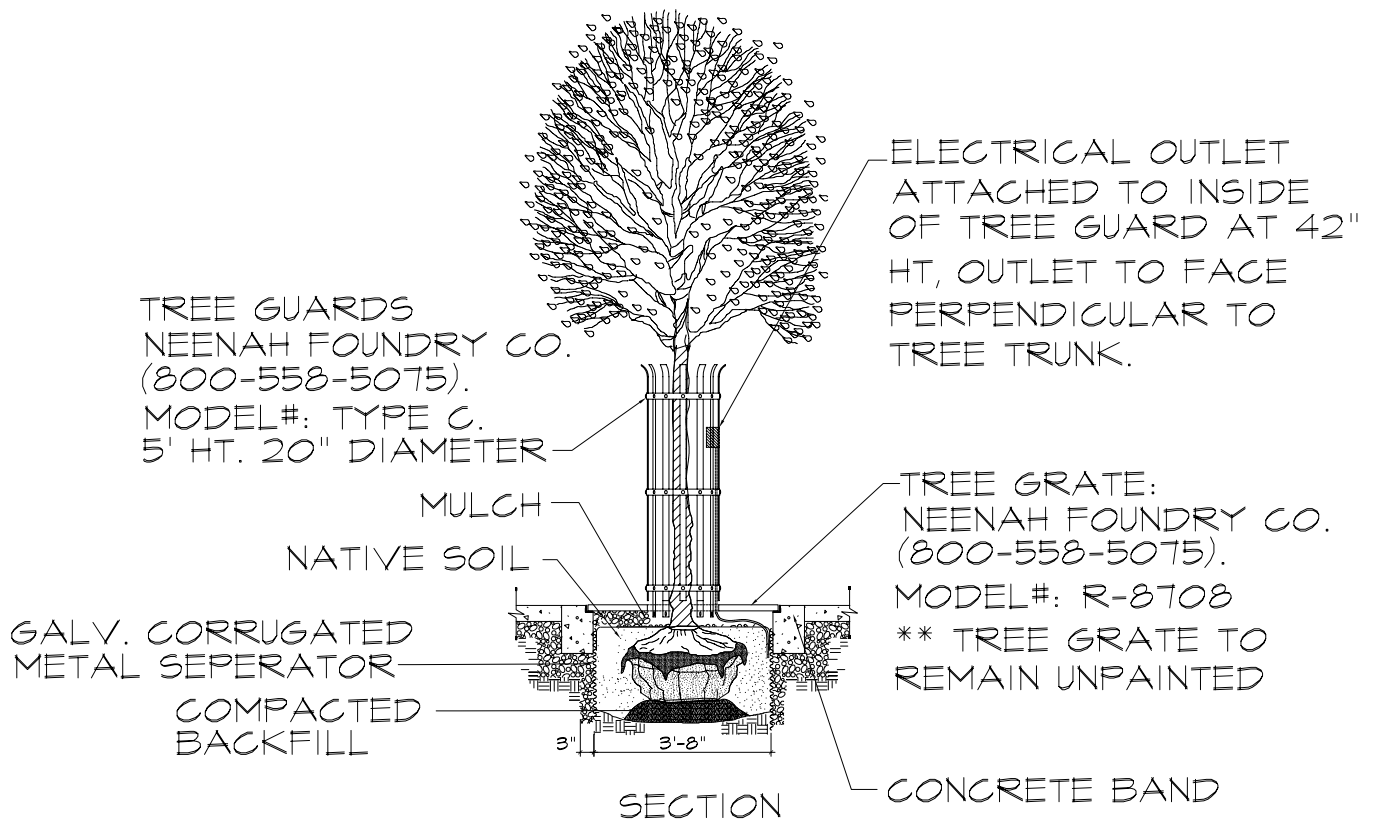
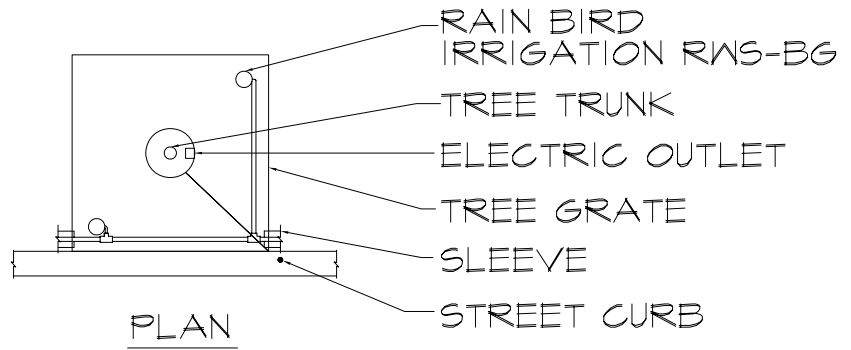


Big Sky Town Center

Site Furnishing
Standards



Simkins Holdings, LLC



TREE GRATE
SCALE: 1/4"=1'-0"

Drawn By SH/GS
Checked By RS
Date 3/24/05
CTA # BSTC_BENCH
Sheet # 9 OF 9



Big Sky Town Center

Site Furnishing
Standards



Simkins Holdings, LLC

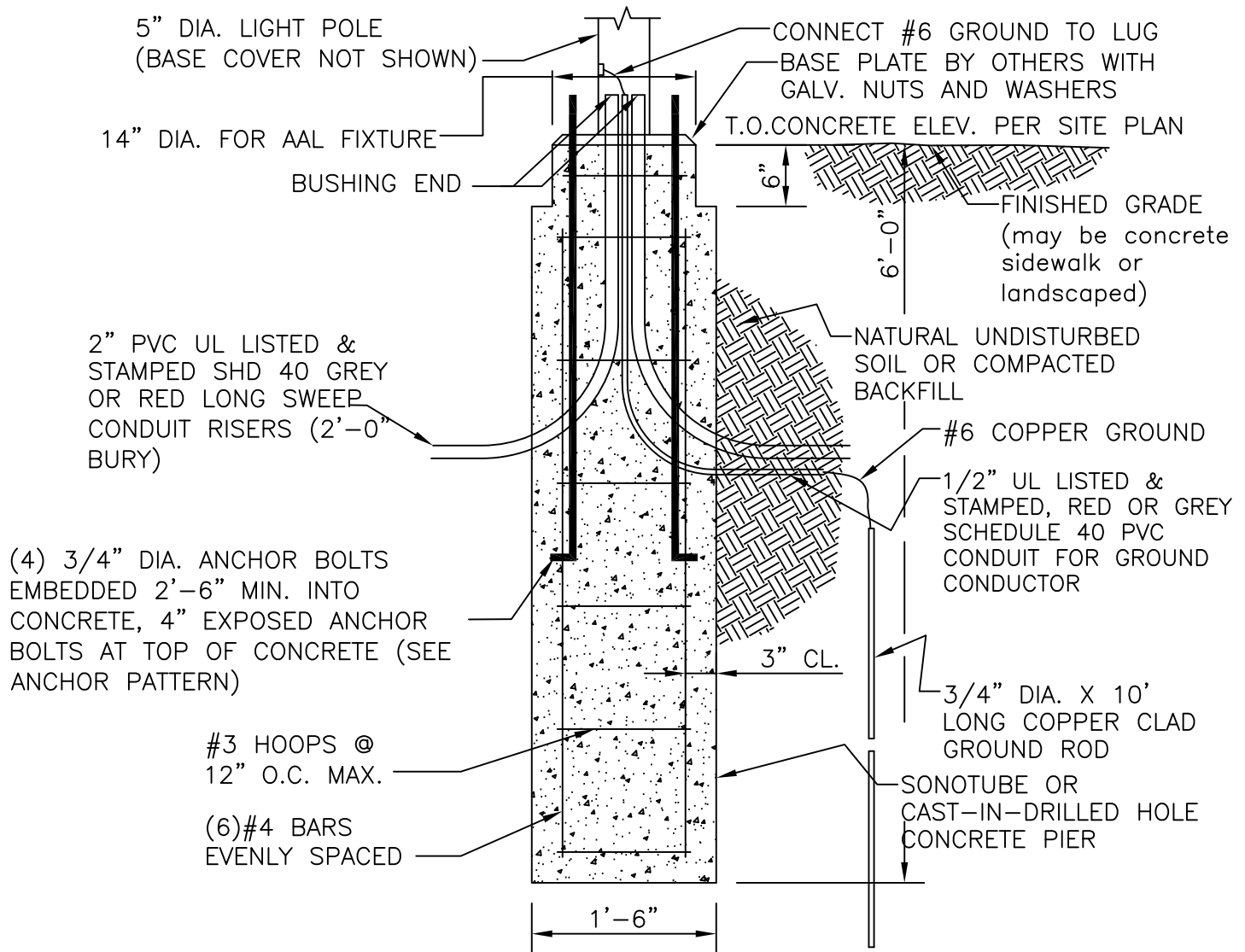


STANDARD STREET TREE SPECIES

May, 2007

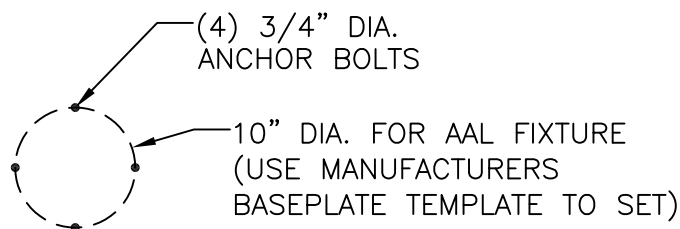
See the Design Standards and Guidelines for additional details. These standard street trees for the Town Center should be planted in groups of Three (3).

1. *Tillia amereicana*, American Linden. Hardy to USDA zone 3a, large canopy shade tree. 'Redmond' cultivar is smaller, requiring less maintenance, but still very hardy. Slow growing. The Linden's fruit is insignificant.
2. *Celtis occidentalis*, Common Hackberry. Hardy to USDA zone 2, fast growing, large canopy shade tree. Drought tolerant. The Hackberry does have a fruit, but it is small, persistent for several weeks, and generally eaten by birds, so litter shouldn't be a huge problem. Hackberry is used extensively in places such as NYC, certainly an urban environment.
3. *Quercus macrocarpa*, Bur Oak. Extremely hardy (zone 2), long lived, very slow growing. Forms a beautiful large canopy. Very drought tolerant, needs little to no maintenance. Montana native. Oak has acorns, of course, with a heavy crop every 3-5 years.
4. *Fraxinus nigra*, Fallgold Black Ash. Hardy to USDA zone 2, 50' height, large canopy shade tree, very cold tolerant, excellent fall color.

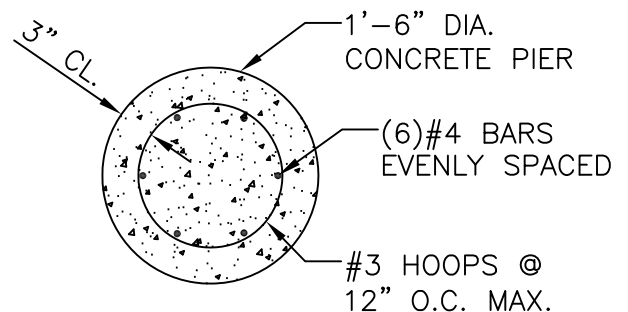


LIGHT POLE FOUNDATION

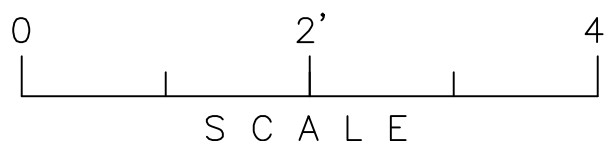
(FOR AAL FIXTURES)



ANCHOR PATTERN



PIER SECTION



BIG SKY TOWN CENTER
LIGHT POLE FOUNDATION

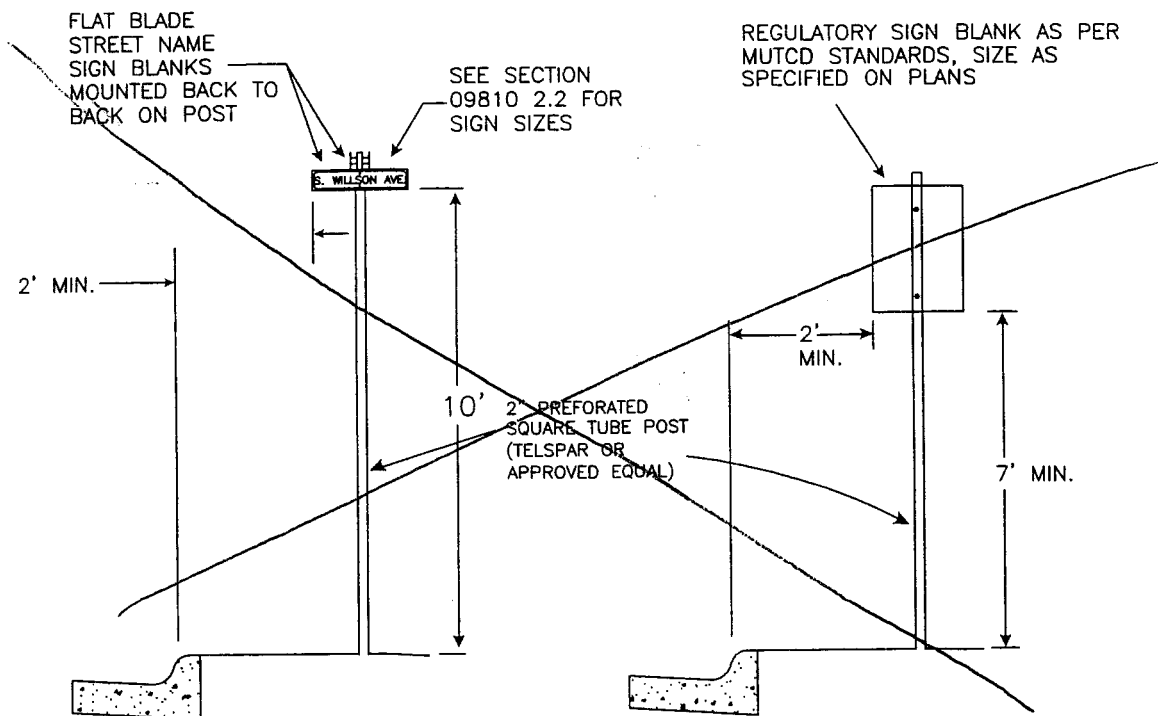


THOMAS, DEAN & HOSKINS, INC.
ENGINEERING CONSULTANTS
GREAT FALLS—BOZEMAN—KALISPELL—HELENA
SPOKANE
LEWISTON

MONTANA
WASHINGTON
IDAHO

DRAWN BY:	WAB	DATE:	5-5-20
DESIGNED BY:	NEC	JOB NO.	B03-047-013
QUALITY CHECK:		CAD NO.	.DWG

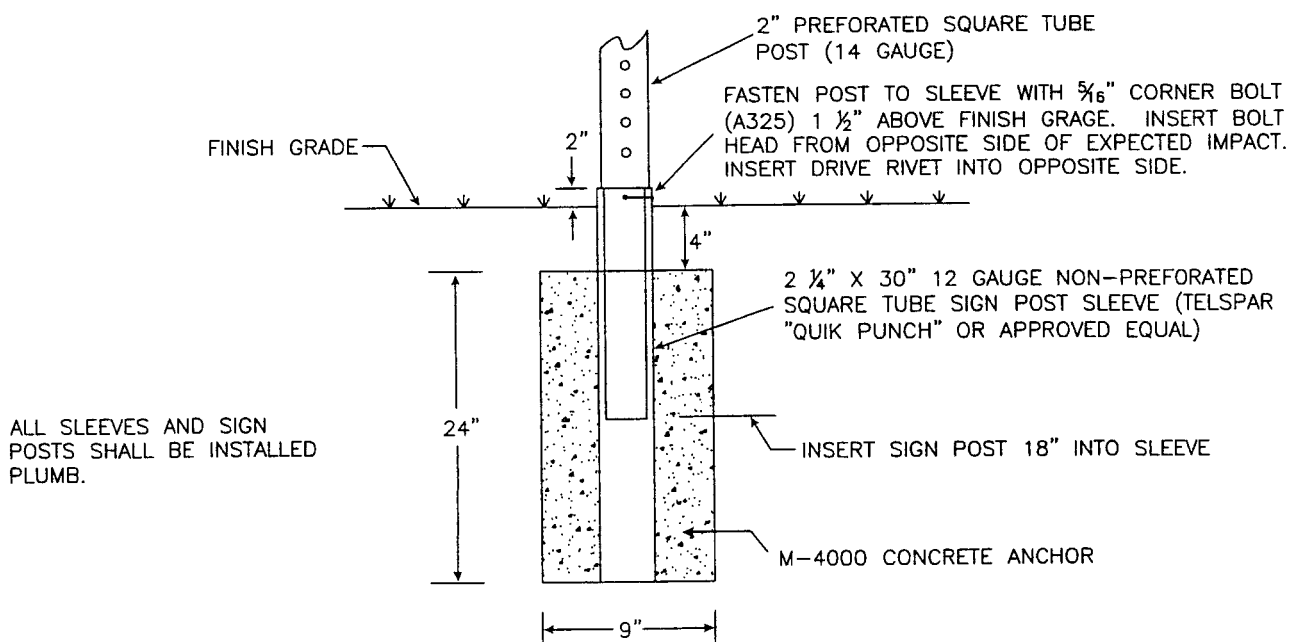
SHEET 1 OF 1



ATTACH SIGNS TO POST WITH $\frac{3}{8}$ " DRIVE RIVETS (MIN. 2 PER SIGN)

STREET MARKER SIGN

REGULATORY SIGN



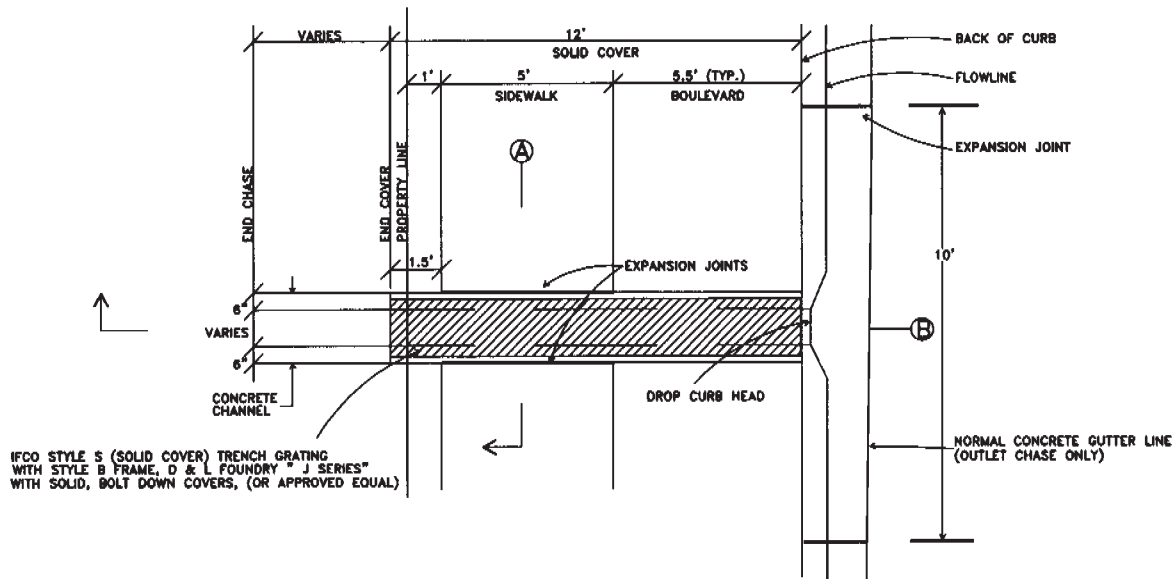
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CITY OF BOZEMAN
STANDARD DRAWING

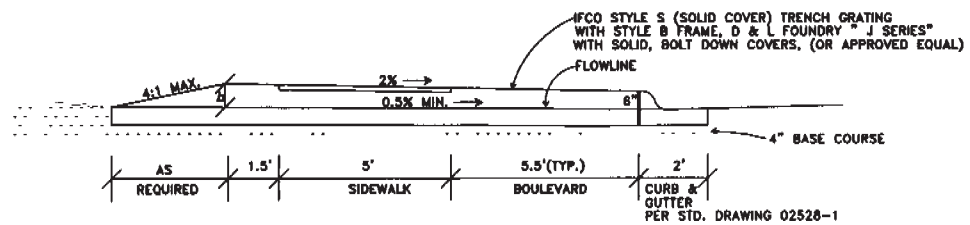
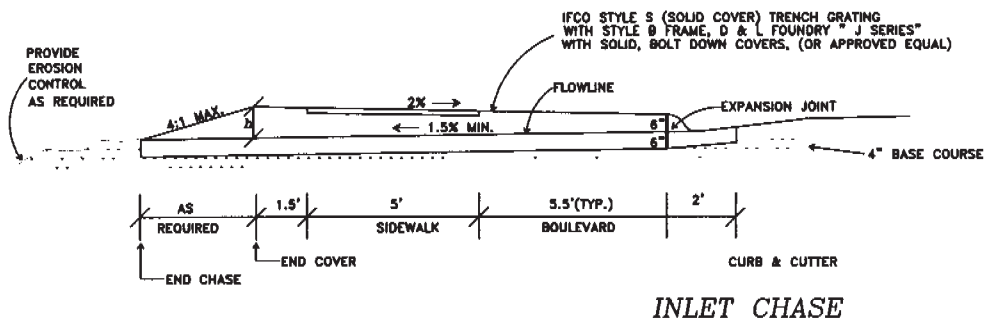
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SIGN INSTALLATION
STANDARDS

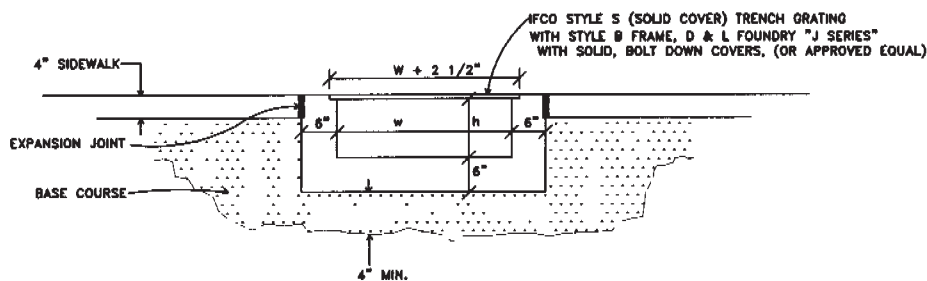
NO. 09810-1
AUG. 1994
Revised 6/2002



PLAN VIEW - N.T.S.



SECTION B - N.T.S.



DIMENSIONS w AND h VARY, SIZE TO BE DETERMINED BY ENGINEER BASED ON 25-YEAR EVENT, BUT NO LESS THAN 6" AT CURB OPENING

CONCRETE SHALL BE M-4000

COVERS MUST BOLT DOWN TO FRAME

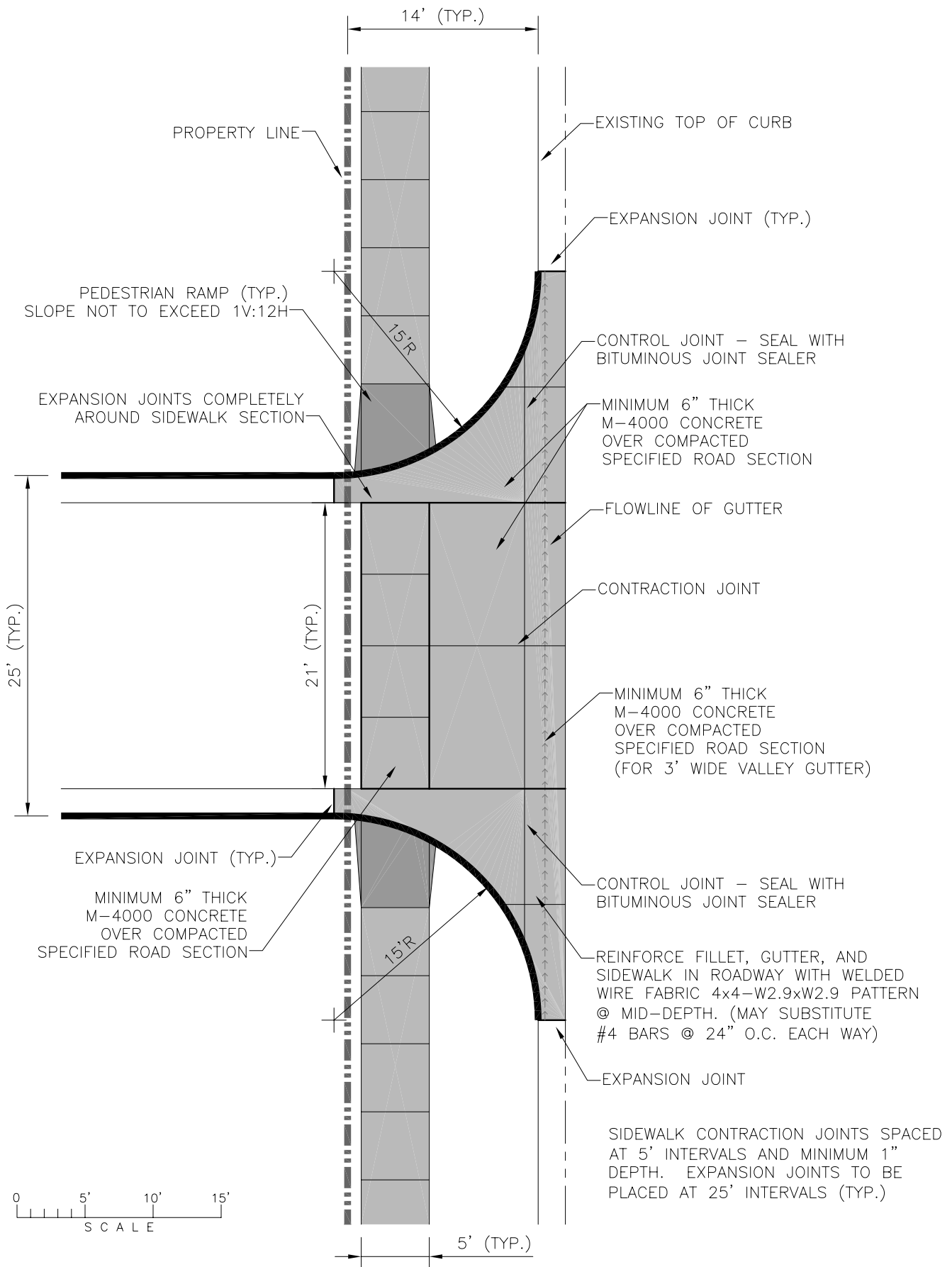
SECTION A - N.T.S.

TOWN CENTER
OWNERS ASSOCIATION
STANDARD DRAWING

SCALE:
NONE

CONCRETE STORM DRAINAGE
OUTLET AND INLET CHASES

BIG SKY
TOWN CENTER



BIG SKY TOWN CENTER
BIG SKY, MONTANA

STANDARD COMMERCIAL APPROACH



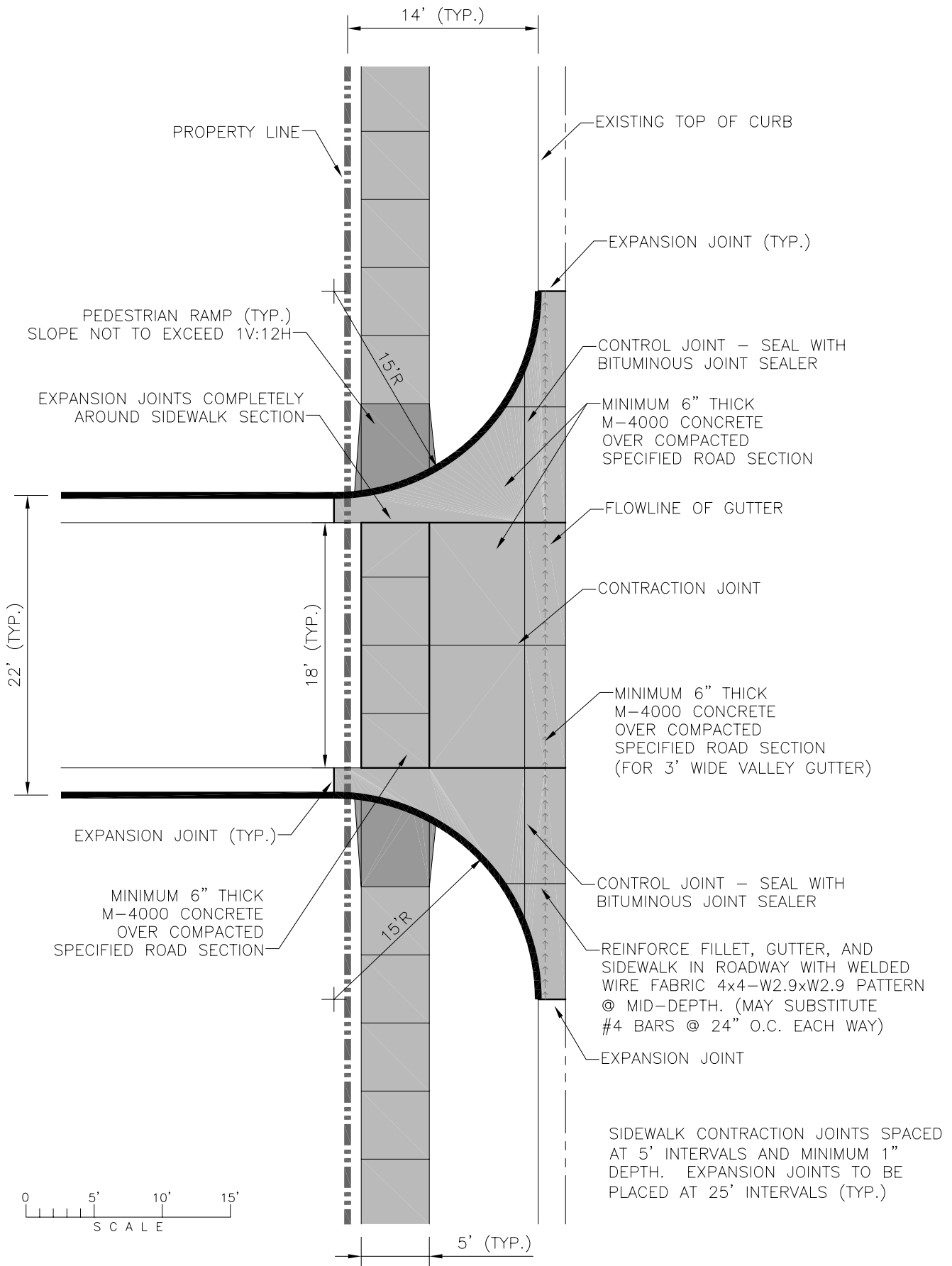
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ENGINEERING CONSULTANTS

GREAT FALLS-BOZEMAN-KALISPELL-HELENA
SPOKANE
LEWISTON

MONTANA
WASHINGTON
IDAHO

DRAWN BY:	EWB	DATE:	8/15/05
DESIGNED BY:	KEW	JOB NO.	B03-047
QUALITY CHECK:		CAD NO.	347StdApp.DWG

SHEET 1



BIG SKY TOWN CENTER
BIG SKY, MONTANA

STANDARD RESIDENTIAL APPROACH



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ENGINEERING CONSULTANTS

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LEWISTON

MONTANA
WASHINGTON
IDAHO

DRAWN BY:	EWB	DATE:	8/15/05
DESIGNED BY:	KEW	JOB NO.	B03-047
QUALITY CHECK:		CAD NO.	347StdApp.DWG

SHEET 1



H/A Series Accessible Refuse and Recycling Container

Refuse & Recycling Containers for Persons with Disabilities.



H/A Advantages:

- 30 Gallon capacity with a locking front service door, liner included.
- Recycle configuration available
- Recycled plastic wood option
- Long life cycle to maximize budget
- Low maintenance frees up staff
- Animal-proof latch
- Recycling Panel Optional

Specifications:

Capacity: 30 Gal. (260 L.)

Dimensions: 24" W x 24" D x 45" H

Weight Standard: 175 Lbs (without wood siding)

Designed in cooperation with the National Park Service Denver Design Center, the H/A is ideal for use in high profile projects. The stylish design allows placement next to visitor centers, downtown city streets, or any location where aesthetics are critical. Built with uncompromising craftsmanship that meets all ADA Guidelines.

BIG SKY
TOWN CENTER
M O N T A N A

Ordering Specifications:

Style: H/A Series

Color: Smooth Matte Black

Stickers: order with stickers installed.

Sides: order from BearSaver without wood sides, but with holes for wood sides (they only offer plastic wood sides, and Town Center requires real wood).

Wood Sides to be added on site, and shall meet the following specifications:

- **Dimensions:** (15) 1" x 4" x 29 1/8"
- **Dimensions:** (5) 1" x 4" x 28 7/8"
- **Wood Species:** Cedar, smooth side out
- **Stain:** Two coats of Messmers U.V. Plus Natural Redwood stain color.

BearSaver

1390 S. Milliken Avenue

Ontario, CA 91761

ph. 1-909-605-1697

fax. 1-909-605-7780

email: sales@bearsaver.com

web: www.bearsaver.com



Bear Saver

A Compumetric Company

Equipment Proposal

Customer: Big Sky Town Center
Attention: Ryan Hamilton
Ship To: Big Sky, MT 59715

Date: Jun 28, 2010
Phone: (406) 556-6792
Email: ryan@bigskytowncenter.com
Fax: (406) 586-2653

Equipment Proposed	Model #	Color	Qty	Unit Price	Ext. Price
HA SERIES SINGLE TRASH ENCLOSURE - QTY 1-24 32 GAL CAPACITY, ADA COMPLIANT, ANIMAL RESISTANT, LINER INCLUDED, INCLUDE HOLES FOR WOOD, INSTALL TRASH DECAL	HA-P	Black SMOOTH MATTE BLACK	1	\$768.00	\$768.00
TRASH AND INSTRUCTIONAL DECALS			10	\$3.50	\$35.00

Equipment Total: \$803.00

Tax: \$0.00

Lift gate Required:

Shipping / Handling: \$157.00

Total: \$ 960.00

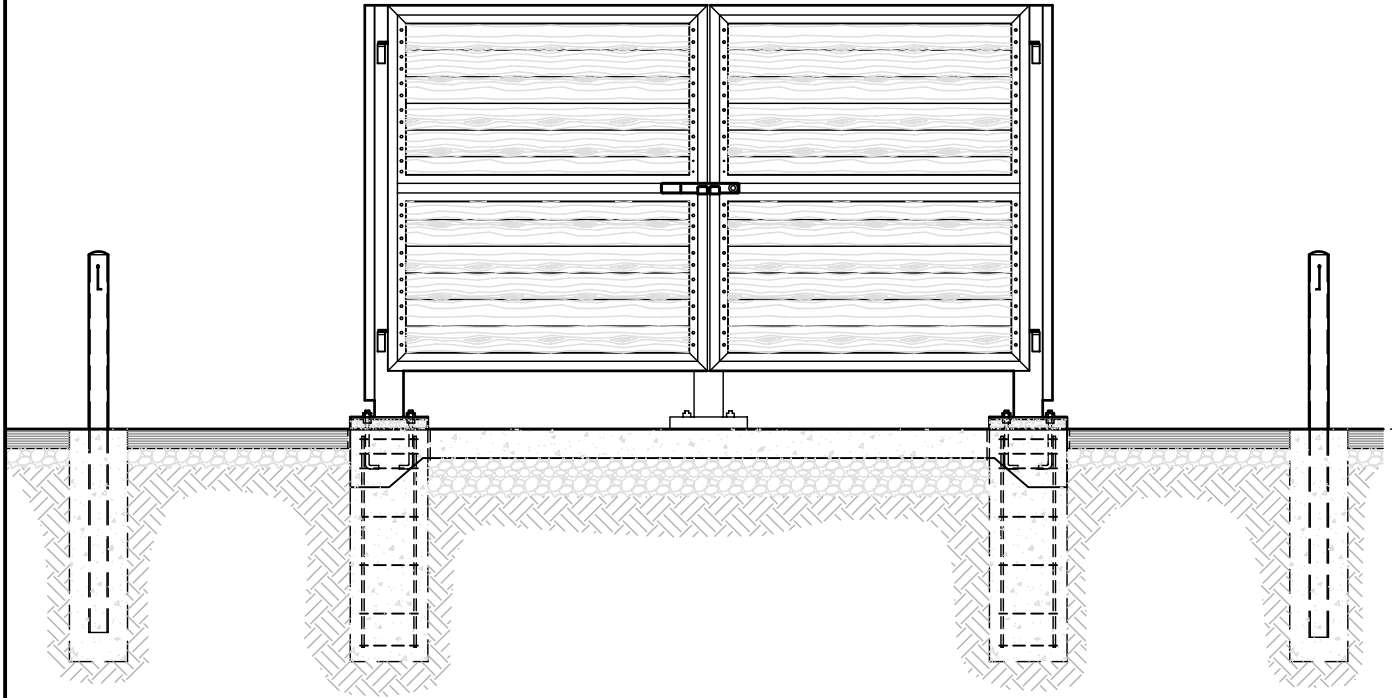
Terms

All first time customers and all orders under \$15,000
are payable by check or credit card in advance of shipment.
Repeat orders over \$15,000 are Net 30 days **on approved credit.**
All Orders FOB Ontario, California unless specified
Standard Colors are Forest Brown, Fir Green, Black, Olive Green and Sky Blue
Lead time is approximately 45 Days ARO, **and will be confirmed at time of order.**
Quote is valid for 30 days with the exception of the freight charges.

Steve Thompson

1390 S. Milliken Avenue; Ontario, CA 91761
Phone: (909) 605-1697 Fax: (909) 605-7780
Email: sales@bearsaver.com

Standard Dumpster Enclosure



Front Elevation

Please contact the TCOA at 406-586-9629 for the Standard Dumpster Enclosure and site plan drawings in ACAD format

Project Description: Big Sky Town Center

Drawn By PD
Checked By SB
Date April, 2007
B/S #
Cadd File: T101



BECHTLE · SLADE PC
architecture · landscape architecture · interiors · planning
705 East Mendenhall PO Box 11385 Bozeman, Montana 406.587.2518 ph 406.582.0287 fax

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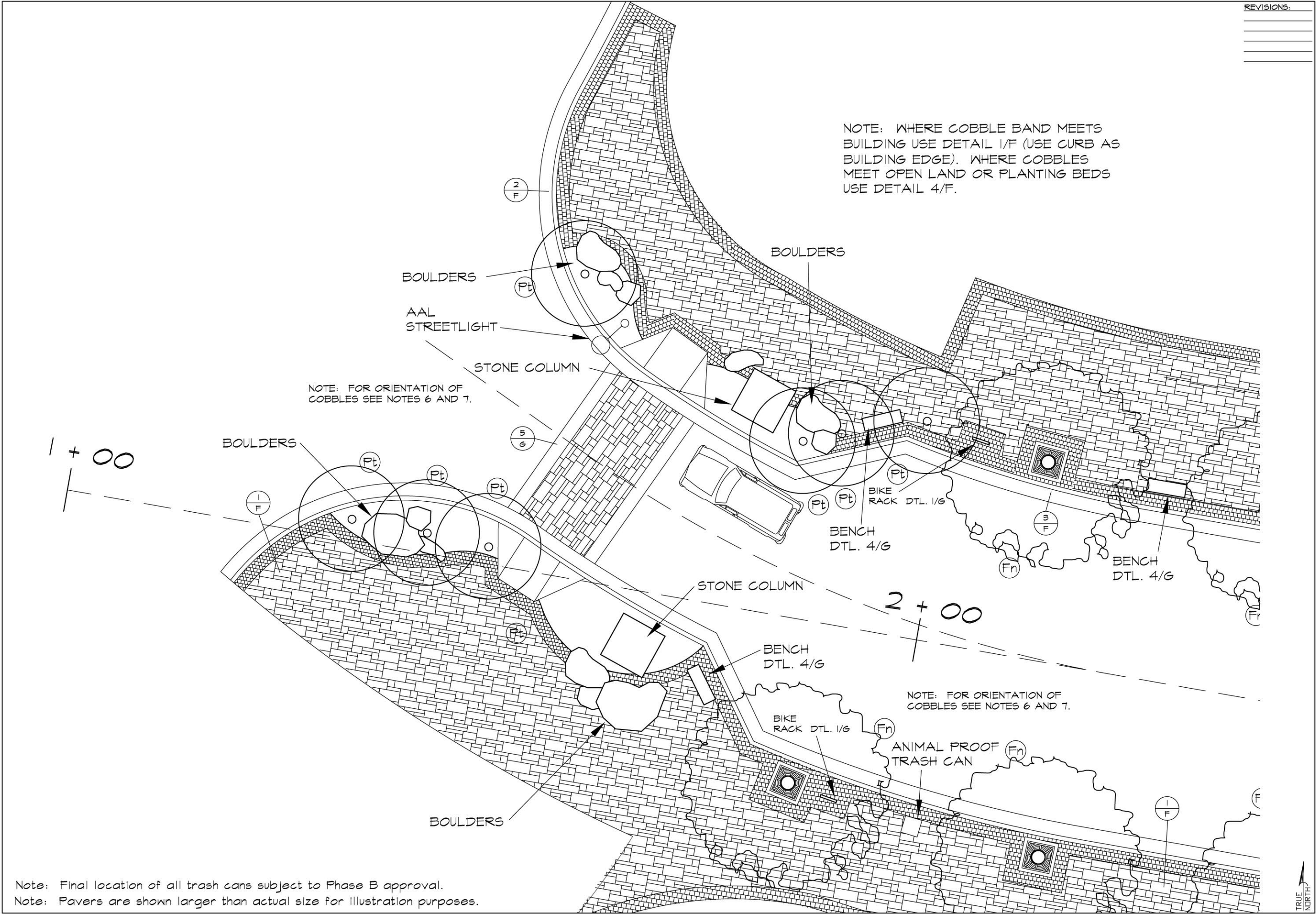
REVISIONS:

BIG SKY TOWN CENTER
TOWN CENTER AVENUE
BIG SKY, MT

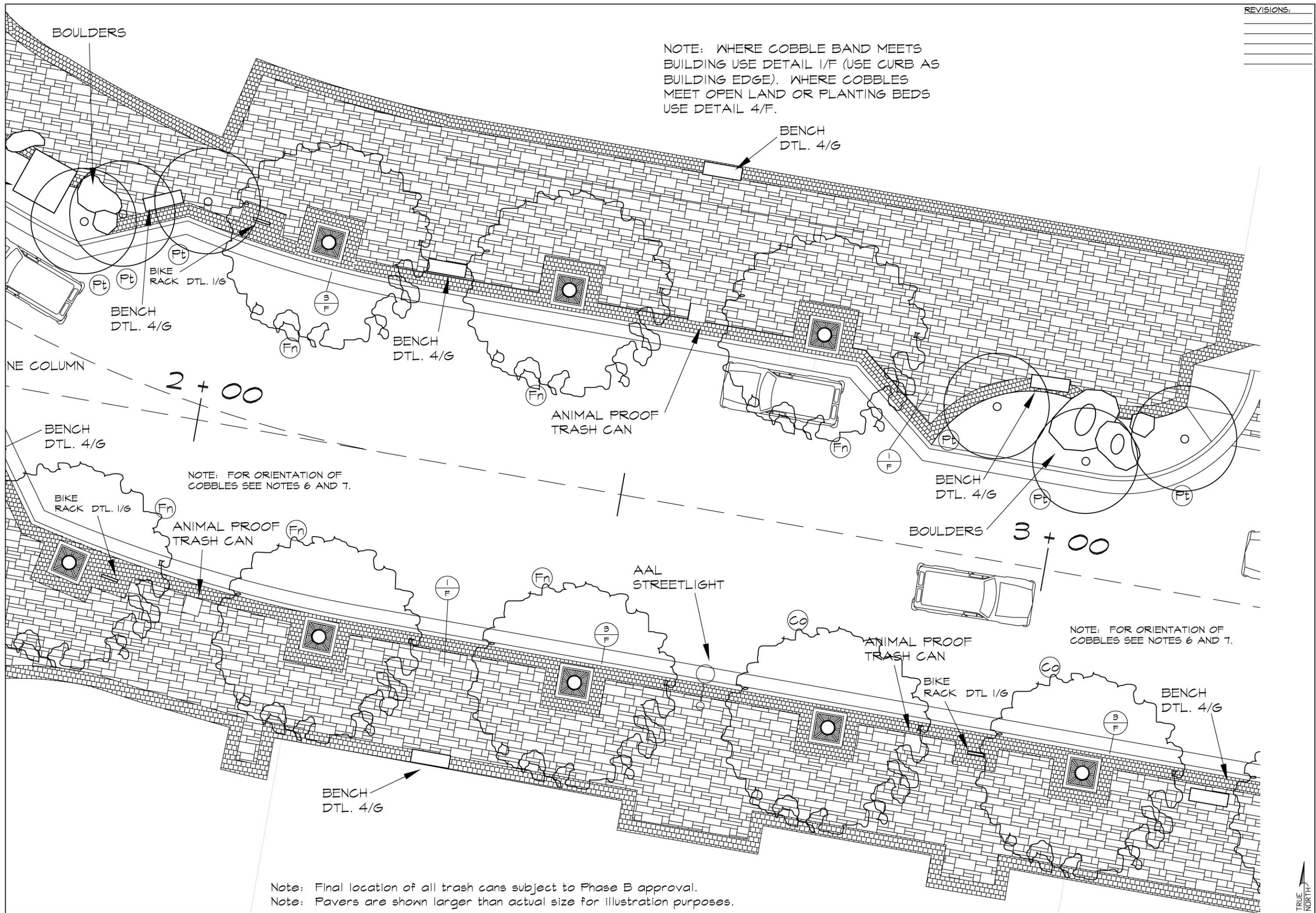
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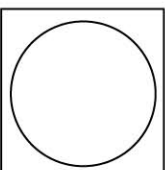
SCALE
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SHEET
A



Note: Final location of all trash cans subject to Phase B approval.
Note: Pavers are shown larger than actual size for illustration purposes.



REVISIONS:

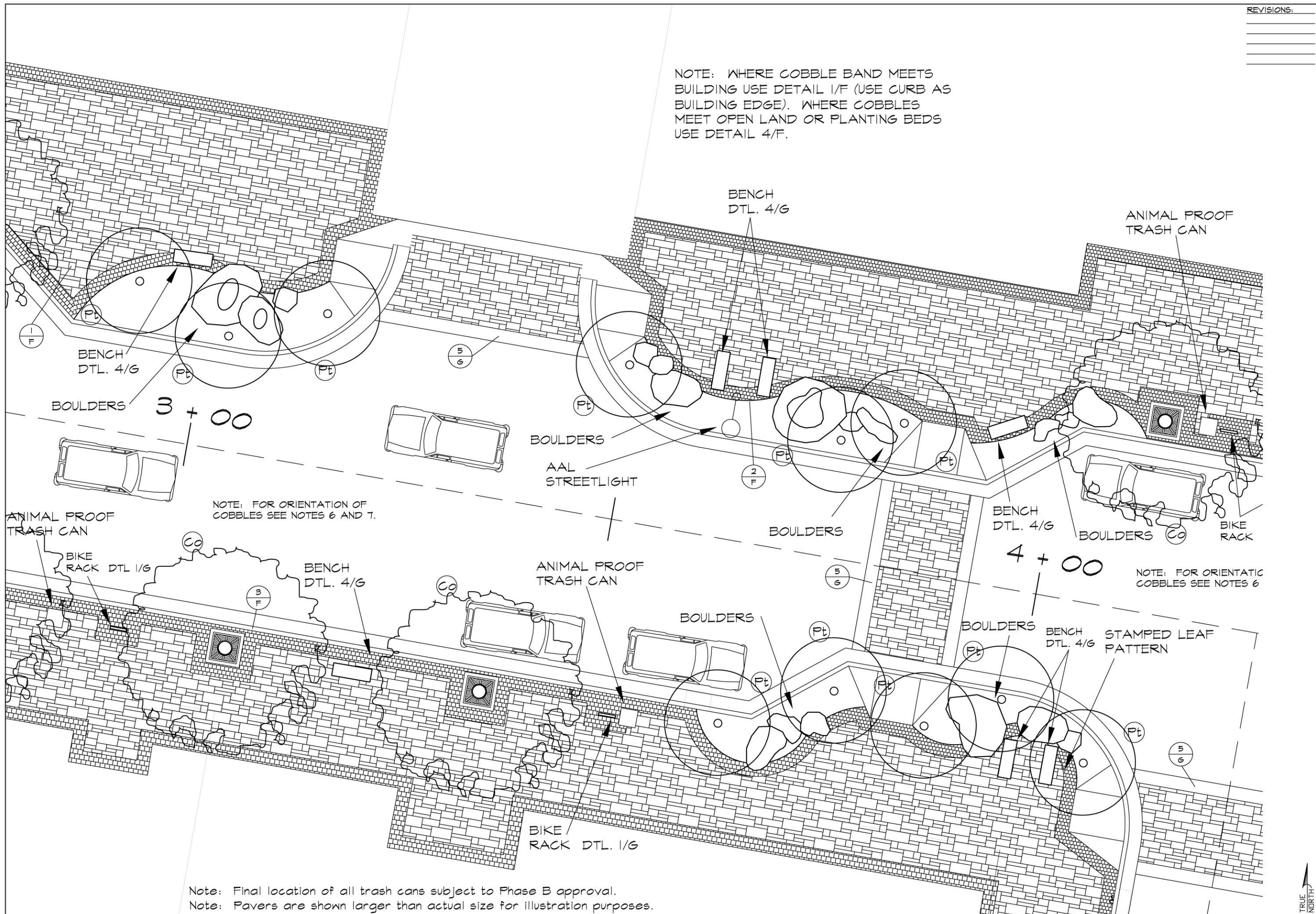


BIG SKY TOWN CENTER
TOWN CENTER AVENUE
BIG SKY, MT

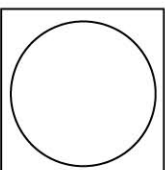
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SCALE
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SHEET
B



REVISIONS:



BIG SKY TOWN CENTER
TOWN CENTER AVENUE
BIG SKY, MT

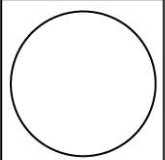
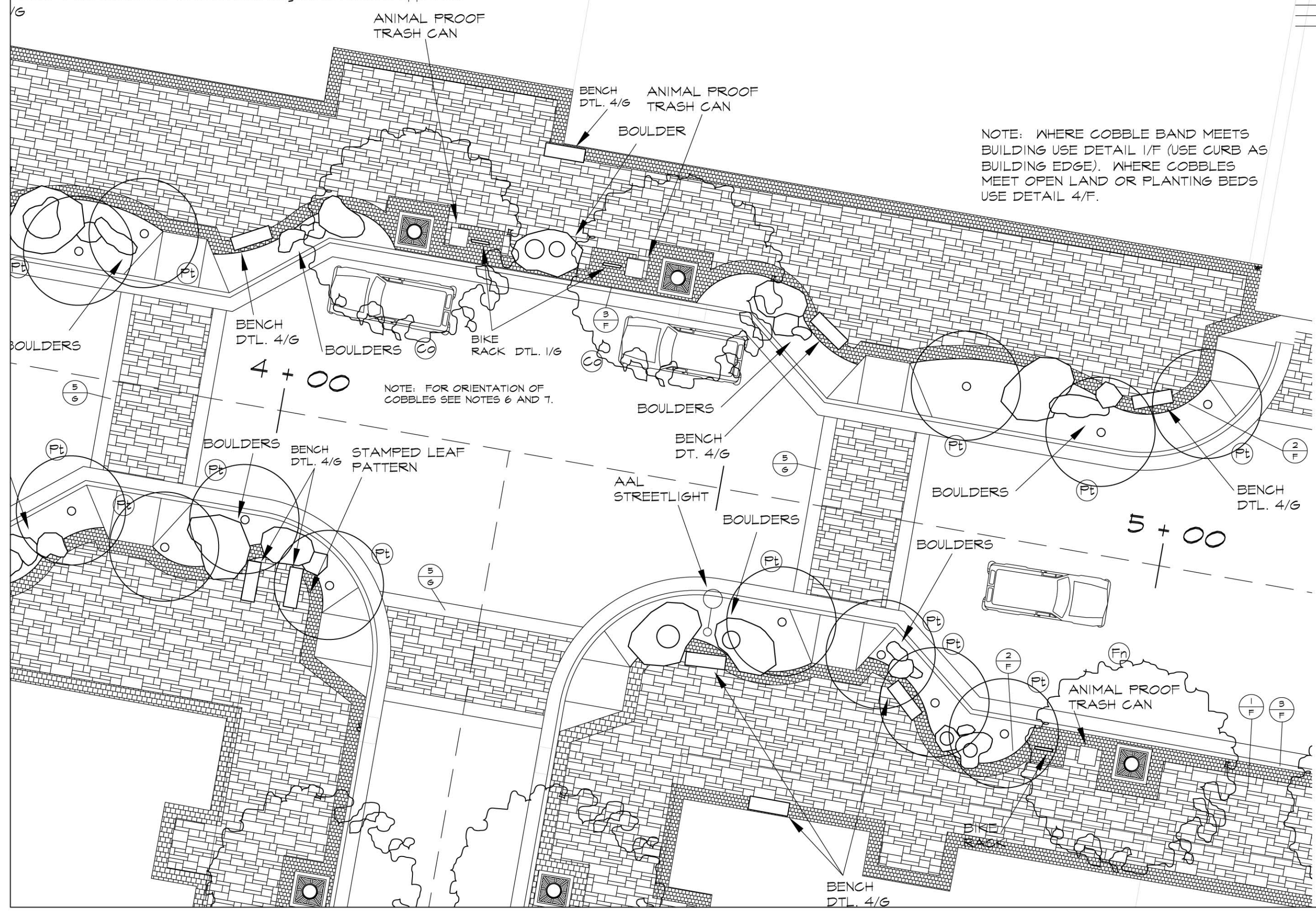
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SCALE
1"=10'
SHEET
C

Note: Pavers are shown larger than actual size for illustration purposes.
Note: Final location of all trash cans subject to Phase B approval.

REVISIONS:



BIG SKY TOWN CENTER
TOWN CENTER AVENUE
BIG SKY, MT

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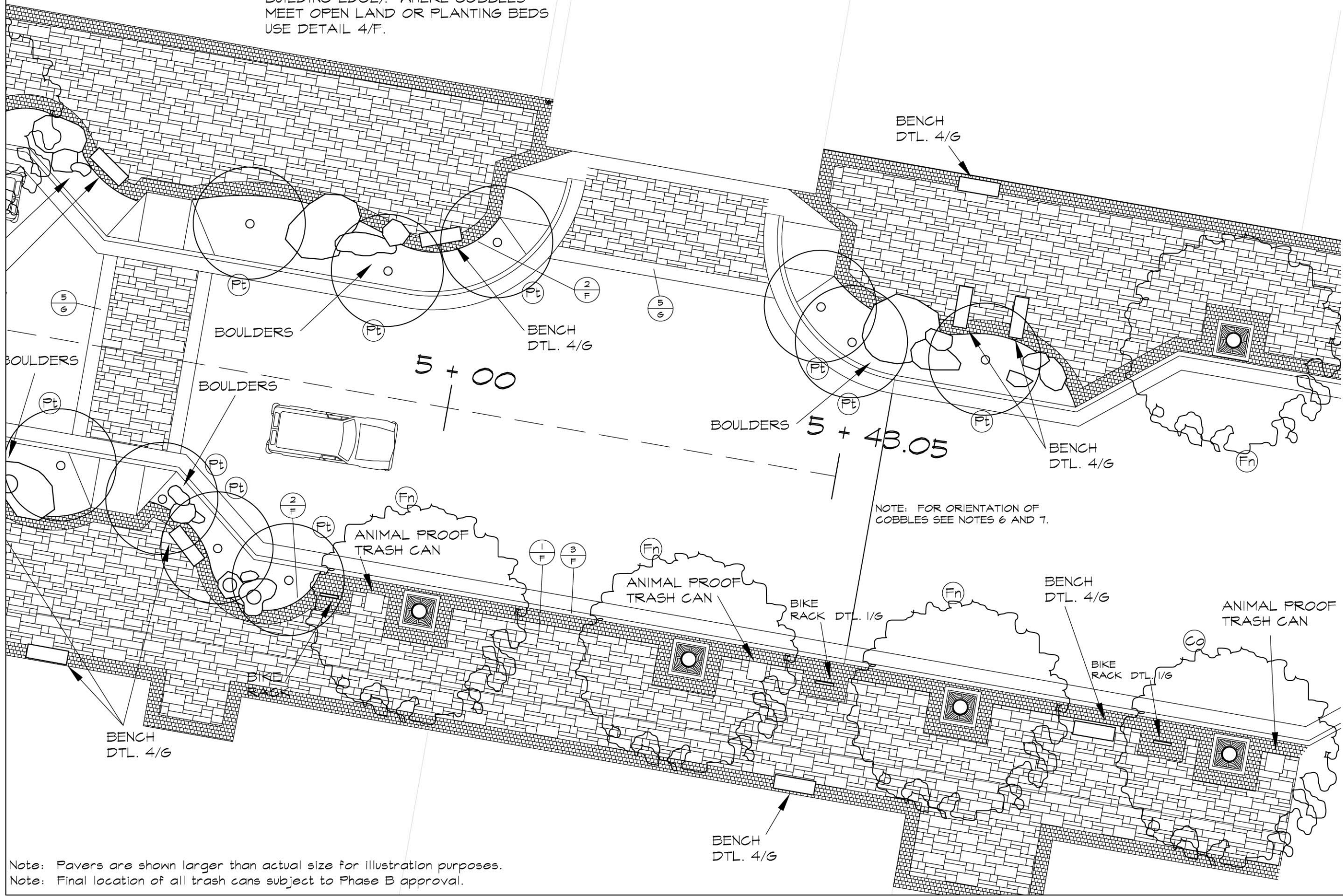
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DATE: 11-15-2006
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DIR: H:\PROJECT

SCALE
1"=10'
SHEET
D



NOTE: WHERE COBBLE BAND MEETS BUILDING USE DETAIL 1/F (USE CURB AS BUILDING EDGE). WHERE COBBLES MEET OPEN LAND OR PLANTING BEDS USE DETAIL 4/F.

REVISIONS:



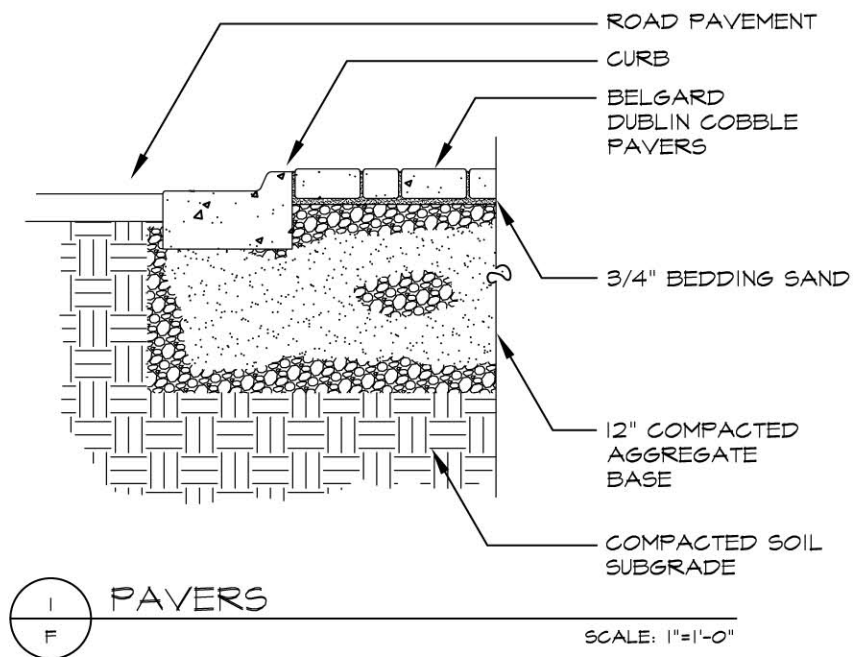
Note: Pavers are shown larger than actual size for illustration purposes.
Note: Final location of all trash cans subject to Phase B approval.

BIG SKY TOWN CENTER
TOWN CENTER AVENUE
BIG SKY, MT

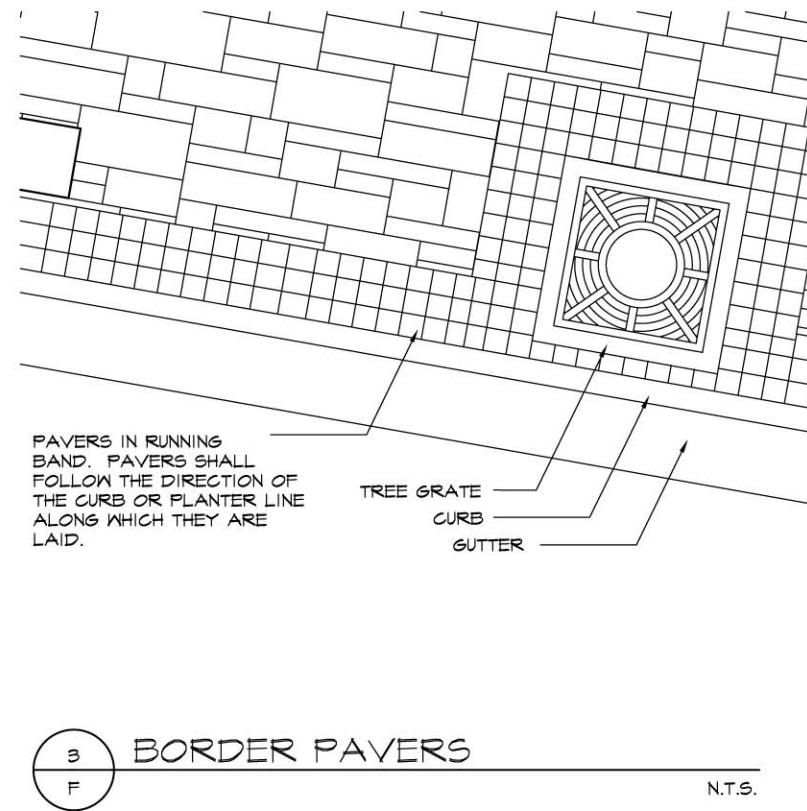
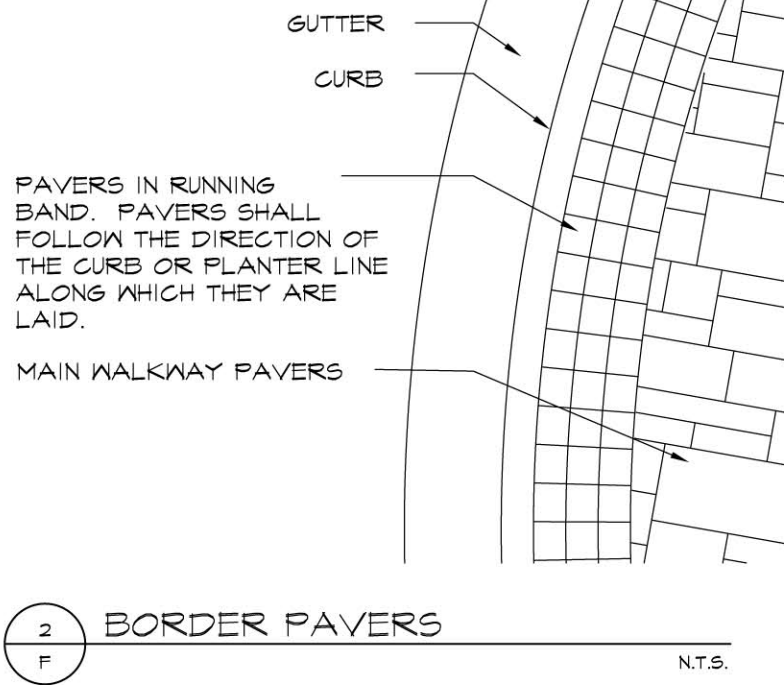
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CHECKED BY: JRS
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SHEET
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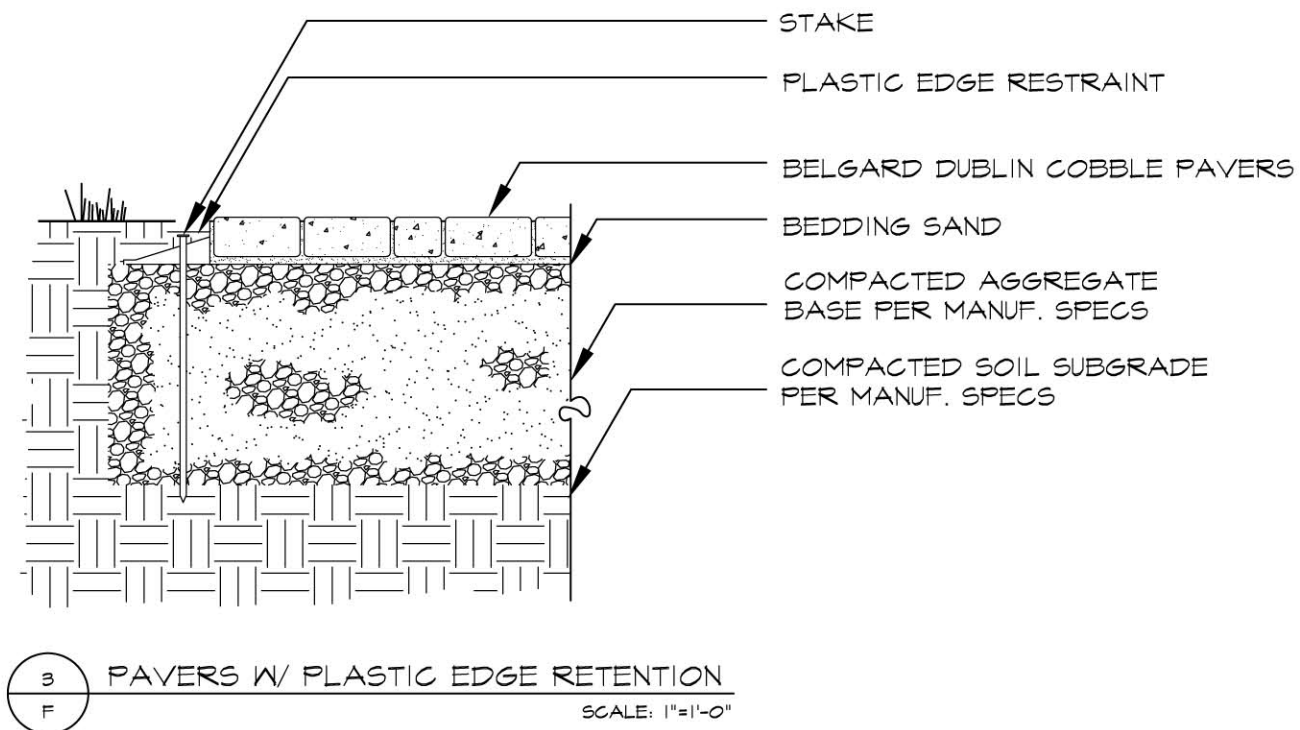


Note: In areas with tight radii, Belgard Dublin Cobble Circle Kits should be used to accommodate the transitions. Toscana color palette.



Notes:

1. Main walk areas to be paved with Belgard Mega Bergerac, 4 stone random collection, Toscana color palette. Pavers should be selected at random from at least three pallets (preferably four).
2. Edge band to be paved with three courses of Belgard Dublin Cobble. 5 7/8" x 6 3/4" x 2 3/8" and 5 7/8" x 5 7/8" x 2 3/8" stones laid in running bands. Toscana Blend color palette. In areas with tight radii, circle kits should be used to accommodate the curving transitions. Pavers should be selected at random from at least three pallets (preferably four).
3. All pavers to be installed per manufacturers specs.
4. Any paver edges not meeting a curb or building face shall be properly secured with an edge retention system per manufacturers specs. SEE DETAIL 3/F
5. Direction of cobbles in edge bands shall follow the general direction of the street, landscape edge or building face along which they are laid. Refer to Details 2/F and 3/F.
6. Direction of cobbles in main walkway shall follow road center line station points 3.00 to 4.00.



REVISIONS:

BIG SKY TOWN CENTER
TOWN CENTER AVENUE
BIG SKY, MT

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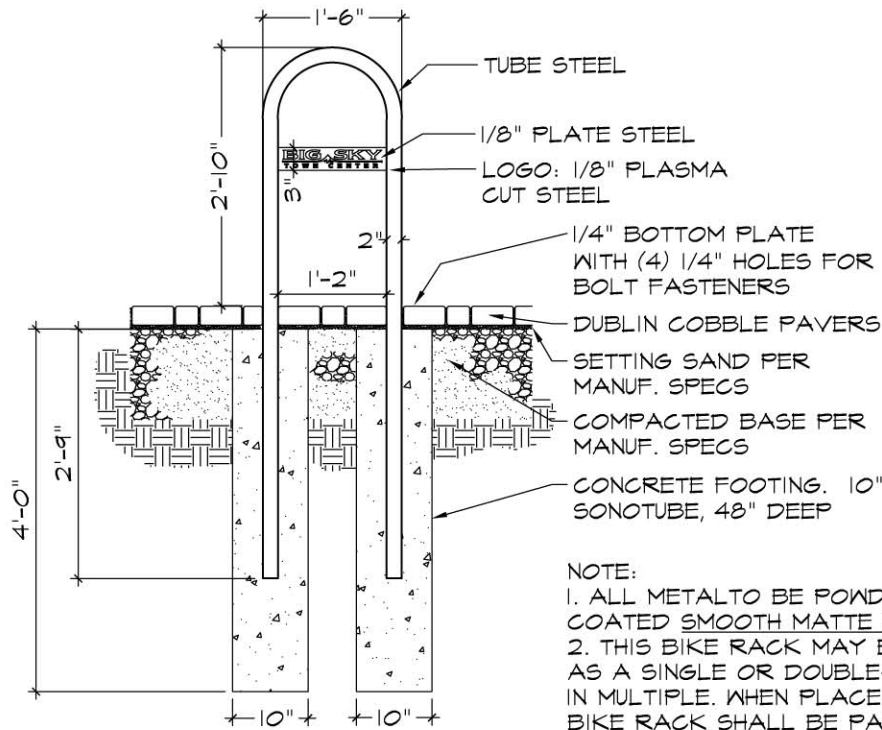
DRAWN BY: JLM
CHECKED BY: JRS
DATE: 11-15-2006
PROJECT: JUREANDESIGN
CADD FILE: H:/PROJECT
DIR: H:/PROJECT

PAVER
DETAILS

SHEET

F





NOTE:
1. ALL METAL TO BE POWDER COATED SMOOTH MATTE BLACK.
2. THIS BIKE RACK MAY BE INSTALLED AS A SINGLE OR DOUBLE-SIDED UNIT, OR IN MULTIPLE. WHEN PLACED ALONG A STREET, BIKE RACK SHALL BE PARALLEL WITH STREET AND PLACED IN-LINE WITH STREET LIGHTS, TRASH CANS, STREET TREES, ETC.
3. LOGO ARTWORK MAY BE OBTAINED FROM TCOA / (406) 586-9629.

1
6 BIKE RACK

N.T.S.

ORDERING SPECIFICATIONS:

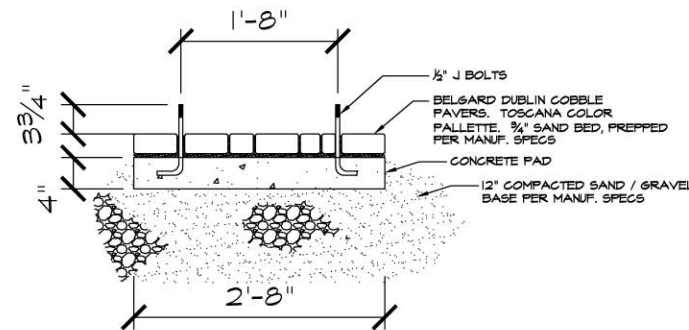
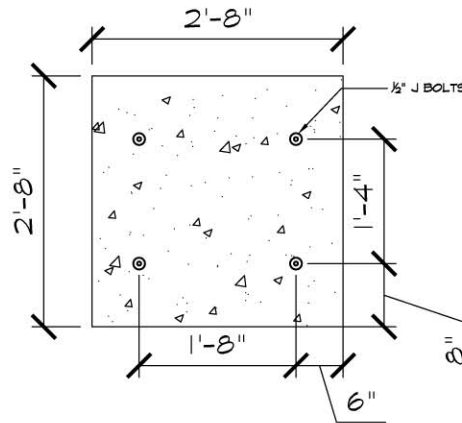
BearSaver
1390 S. Milliken Ave
Ontario, CA 91761
1-909-605-1697

Style: HA Series
Color: Black
Sides: Order without sides.

NOTE: TRASH CAN TO BE INSTALLED WITH LID FACING SOUTH.

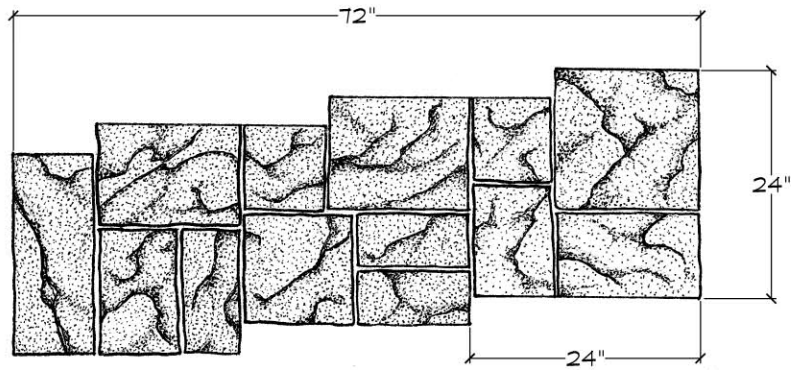
Wood sides shall be added on site.
(15) 1" x 4" x 29 1/8"
(5) 1" x 4" x 28 7/8"
Wood: Cedar, smooth side out.
Stain: Two coats of Messmers U.V. Plus natural Redwood color

2
6 TRASH CAN SPECS

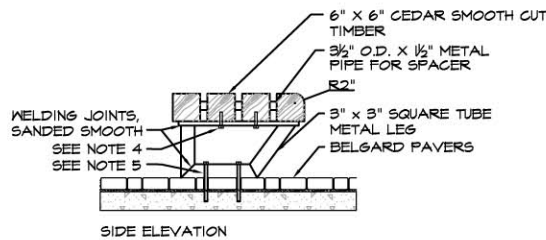


3
6 TRASH CAN BASE

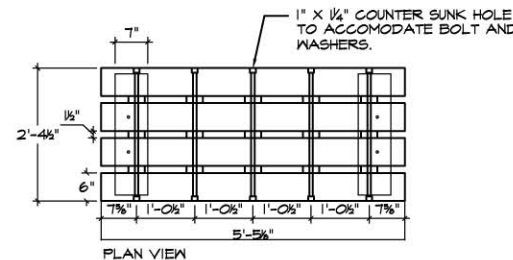
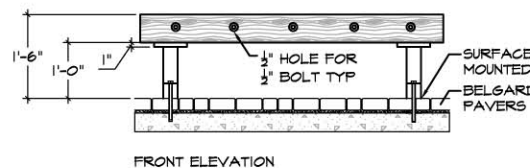
SCALE: 1/2" = 1'-0"



NOTES:
1. CROSSWALK TO BE STAMPED AND STAINED CONCRETE.
2. CONCRETE TO BE STAMPED WITH BOMANITE BOMACRON ASHLAR SLATE PATTERN (STANDARD TOOLS A, B AND C).
3. CONCRETE SHALL BE STAINED WITH SOLOMON COLOR #242 SANDSTONE.



NOTE:
1. SEAT TIMBERS TO BE ASSEMBLED WITH 1/2" x 2' - 3' THREADED COMPRESSION RODS.
2. BOLTS AND WASHERS TO REMAIN FLUSH OR RECESSED FROM WOOD BENCH FACE.
3. ALL METAL WORK TO BE POWDER COATED SMOOTH MATTE BLACK.
4. BENCH ASSEMBLY TO BE SECURED TO BASE USING 1/2" x 3/4" LAG BOLTS WITH LOCK WASHERS.
5. BENCH BASE TO BE PINNED TO CONCRETE USING 1/2" x 8 1/2" METAL PINS AND EPOXY.



4
6 BENCH DETAIL

N.T.S.

5
6 CROSSWALK DETAIL

N.T.S.

REVISIONS:

1. Main walk areas to be paved with Belgard Mega Bergerac, 4 stone random collection, Toscana color palette. Pavers should be selected at random from at least three pallets (preferably four).
2. Edge band to be paved with three courses of Belgard Dublin Cobble, 5 7/8" x 6 3/4" x 2 3/4" and 5 7/8" x 5 7/8" x 2 3/4" stones laid in running bands. Toscana Blend color palette. In areas with tight radii, circle kits should be used to accommodate the curving transitions. Pavers should be selected at random from at least three pallets (preferably four).
3. All pavers to be installed per manufacturers specs.
4. Any paver edges not meeting a curb or building face shall be properly secured with an edge retention system per manufacturers specs. SEE DETAIL 3/F.
5. Direction of cobbles in edge bands shall follow the general direction of the street, landscape edge or building face along which they are laid. Refer to Details 2/F and 3/F.
6. Direction of cobbles in main walkway shall follow road center line station points 3.00 to 4.00.

BIG SKY TOWN CENTER
TOWN CENTER AVENUE
BIG SKY, MT

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DRAWN BY: JLM
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DATE: 11-15-2006
PROJECT: BGC-JRE/DESIGN
CADD FILE: BGC-JRE/DESIGN
DIR: H/PROJECT

DETAILS

SHEET

G

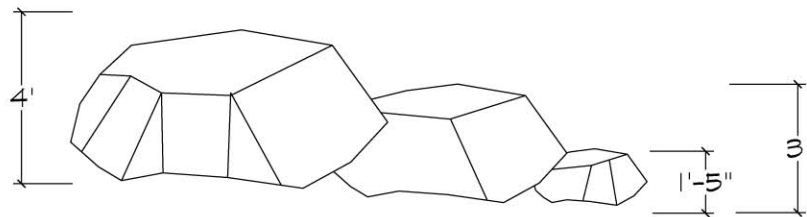
TRUE NORTH

NOTES

1. ANIMAL PRINTS ARE TO BE STAMPED INTO CONCRETE. PRINTS WILL BE PAINTED WITH A TOP COAT STAIN. ANIMAL PRINTS TO BE STAINED WITH KEMIKO CONCRETE FLOOR STAIN. WWW.KEMIKO.CMO, 903-587-3708. SPECIFIC COLORS AS FOLLOWS.

- ELK PRINT - "MALAY TAN"
- MOUNTAIN GOAT PRINT - "COLA STAIN"
- BROWN BEAR PRINT - "VINTAGE UMBER"
- WOLF PRINT - "GOLDEN WHEAT"

2. SIZE AND SHAPE OF BOULDERS TO BE VARIED THROUGHOUT TOWN CENTER AVE. ALL BOULDERS TO BE PIPESTONE GRANITE BOULDERS. (SELECT STONE - 1-888-237-1000, WWW.SELECTSTONE.COM). FINAL SELECTION AND PLACEMENT OF BOULDERS TO BE APPROVED BY LANDSCAPE ARCHITECT.



3. ALL CONCRETE FLATWORK SCORING LINES OR JOINTS IN THE TOWN CENTER SHALL BE HAND-TOOLED (NOT SAW-CUT) TO ENHANCE AESTHETICS. (BIG SKY TOWN CENTER DESIGN STANDARDS AND GUIDELINES).

4. STREETLIGHTS TO BE AAL - ARCHITECTURAL AREA LIGHTING FIXTURE FOR STREETLIGHTS. (BIG SKY TOWN CENTER DESIGN STANDARDS AND GUIDELINES).

5. THE PROJECT DEVELOPER SHALL INSTALL ALL STREET TREES WITHIN THE RIGHT-OF-WAY. THE TCOA WILL MAINTAIN ALL RIGHT-OF-WAY TREES WITHIN THE COMMERCIAL AREA. (BIG SKY TOWN CENTER DESIGN STANDARDS AND GUIDELINES).

6. ELECTRICAL CONDUIT TO THE TREE GRATE AREA, TREE GUARDS AND TREE GRATES SHALL BE PROVIDED AND INSTALLED BY THE PROJECT DEVELOPER. TREE GRATES ARE NOT TO BE PAINTED. (BIG SKY TOWN CENTER DESIGN STANDARDS AND GUIDELINES).

TREE GRATE, NEENAH FOUNDRY COMPANY, BOULEVARD COLLECTION, MODEL R-8708.

TREE GUARD, NEENAH FOUNDRY COMPANY, TYPE C.

7. PLACE TRASH CANS, TREE GRATES AND STREETLIGHTS IN MIDDLE OF CONCRETE SCORING LINES.

8. ALL COMMERCIAL BUILDINGS SHALL PROVIDE AT LEAST ONE ANIMAL-PROOF TRASH CONTAINER PER BUILDING OF UNIT (WHICHEVER IS LESS). THIS SHOULD BE LOCATED ALONG THE STREETScape IN FRONT OF THE BUILDING. (BIG SKY TOWN CENTER DESIGN STANDARDS AND GUIDELINES).

9. ALL COMMERCIAL LOTS SHALL HAVE AT LEAST ONE BIKE RACK INSTALLED FOR EACH BUILDING ENTRANCE ON THE LOT, OR EVERY 40 FEET OF BUILDING FRONTAGE ON THE ROAD, WHICHEVER IS LESS. THE PROJECT DEVELOPER MAY GROUP BIKE RACKS INTO ONE OR TWO MAIN ENTRANCES IN THE SITE IN ORDER TO CENTRALIZE BIKE PARKING FACILITIES. ALL BIKE RACKS WITHIN THE TOWN CENTER COMMERCIAL AREA SHALL BE PURCHASED AND INSTALLED BY THE PROJECT DEVELOPER USING DRAWINGS AVAILABLE FROM THE TCAC. (BIG SKY TOWN CENTER DESIGN STANDARDS AND GUIDELINES).

PLANTING KEY

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	NOTES
(Pt)	POPULUS TREMULOIDES	QUAKING ASPEN	2 1/2	B & B
(Fn)	FRAXINUS NIGRA 'FALGOLD'	FALLGOLD ASH	2 1/2	B & B
(Co)	CELTIS OCCIDENTALIS	COMMON HACKBERRY	2 1/2	B & B

REVISIONS:

BIG SKY TOWN CENTER
TOWN CENTER AVENUE
BIG SKY, MT

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DATE: 11-15-2006
PROJECT: TCAC-URBANDESIGN
CADD FILE: H1/PROJECT
DIR: H1/PROJECT

KEY

SHEET
H

