

SECTION 3.25

BM-1 BIG MOUNTAIN RESORT RESIDENTIAL

3.25.010

Definition:

The BM-1 district is intended to provide for lower urban densities with little or no commercial activity. Uses within the resort residential will include nightly rentals, timesharing, interval ownerships, vacation clubs, or other multiple ownership residential uses.

3.25.020

Permitted Uses (BM-1):

1. Bed and breakfast establishment.
2. Home occupation (See Chapter V – Performance Standards and Chapter VII - Definitions).
3. Dwelling, single family.
4. Dwelling, duplex.
5. Dwelling, multi-family.
6. **Dwelling, resort: including resort and recreational condominiums, townhouses, time sharing and interval ownership residences or vacation units and other multiple ownership arrangement residential uses, allowing overnight accommodations and ancillary uses for the use of occupants and guests. (See Chapter V – Performance Standards and Chapter VIII - Definitions)**
7. Public building.
8. Park and publicly owned recreational facility.
9. Recreational facility.
10. Short-term Rental Housing. (See Chapter V – Performance Standards)
11. Ski area and support facilities.

SECTION 5.11

SHORT-TERM RENTAL HOUSING

5.11.010

Short-term Rental Housing is defined as a residential use in a dwelling unit designed for such use for periods of time less than 30 days. Short-term Rental Housing may be referred to as vacation rentals or resort dwelling units.

5.11.020

The use of a dwelling as Short-term Rental Housing requires Administrative Conditional approval as outlined in Section 2.06.045 except as otherwise noted as a permitted use in Chapter III – Establishment and Definition of Districts.

5.11.030

Maximum occupancy shall be the sewage capacity as determined by the Flathead City-County Environmental Health Department or the applicable sewer district.

5.11.040

The applicant for Short-term Rental Housing approval is responsible for reviewing and adhering to all Covenants, Conditions and Restrictions in place or any other Homeowner Association documents. Flathead County shall not be responsible for the determination as to compliance with such Covenants, Conditions and Restrictions and shall have no duty to enforce them.

5.11.050

No additional signage on the property is allowed other than typical address numbers.

- 5.11.060 The name and number of a local contact person or management company shall be provided with the Administrative Conditional Use application. This contact person or management company shall be available 24 hours a day, seven days a week and be able to arrive at the subject property within one hour should there be an emergency or problem. The contact information for the local contact person or management company shall be sent via certified mail by the applicant to all property owners within 150 feet of the property applying for Short-term Rental Housing.
- 5.11.070 All Short-term Rental Housing shall obtain a State of Montana Public Accommodation License for a Tourist Home. This license is administered by the Flathead City-County Health Department and is subject to annual inspections.
- 5.11.080 Short-term Rental Housing is subject to the State Bed Tax and the property owner is responsible for collecting the tax and conveying those monies to the State of Montana Department of Revenue.
- 5.11.090 The property being utilized as Short-term Rental Housing shall have adequate off-street parking spaces.
- 5.11.100 Should the ownership of the residence approved for Short-term Rental Housing change, the new owner(s) shall apply for an Administrative Conditional Use Permit in their name.
- 5.11.110 The approval of an Administrative Permit for Short-term Rental Housing is subject to suspension or revocation should any of these standards and any additional conditions of approval not be met, or if there are substantive and valid complaints of disturbances of the peace or health and safety violations related to the operation of Short-term Rental Housing. The decision to suspend or revoke an Administrative Conditional Use Permit shall be made after a hearing before the Flathead County Board of Adjustment and shall follow the procedures outlined in Section 2.06.040.