

REVISED 07/07/97

ZONING REGULATIONS

ZONING DISTRICT NUMBER 18

ARTICLE I

Section 1 Title

This Resolution and maps shall be known and cited as zoning regulations for Planning and Zoning District Number 18 as created in Yellowstone County, Montana.

Section 2 Boundaries of District

The lands in Yellowstone County, Montana to be included within said Planning & Zoning District Number 18 are described as follows:

Frank Subdivision (in its entirety)

Tract 1, C/S #1395

Tract 1, C/S #1238

Tracts 1-6 inclusive, C/S #1292

Tract A, C/S #2251

Tract B, C/S #2251

Tract 1, C/S #2535

Tracts 1-3 inclusive, C/S #1431

Tracts 1 & 2, C/S #17 Amended

Tract 1, C/S #1750

A portion of Lot 6 of Section 15, T2S, R24E

Lot 7, Section 15, T2S, R24E

E1/2 SE1/4 NE1/4, Section 22, T2S, R24E

NW1/4 SE1/4 NE1/4, Section 22, T2S, R24E

The west 6 acres of the NW1/4 NW1/4 NE1/4, Section 22, T2S, R24E

NW1/4 SE1/4, Section 22, T2S, R24E

SW1/4 NW1/4 NE1/4 Except C/S #17 Amended, Section 22, T2S, R24E

W1/2 NW1/4 NE1/4 SE1/4, Section 22, T2S, R24E

NE1/4 NE1/4 Except Tract 1, C/S #1238; Tract 1, C/S #1395; Tract 1, C/S #2535; Section 22, T2S, R24E

E1/2 W1/2 NE1/4 SE1/4 and E1/2 NE1/4 SE1/4 and W1/2 SW1/4 NE1/4
SE1/4, Section 22, T2S, R24E
Lots 5 and 6, Section 22, T2S, R24E
E1/2 SW1/4 NE1/4 and SW1/4 SE1/4 NE1/4, Section 22, T2S, R24E
W1/2 SW1/4 NW1/4, Section 23, T2S, R24E
E1/2 NW1/4 NW1/4, Section 23, T2S, R24E
E1/2 SW1/4 NW1/4, Section 23, T2S, R24E
Lot 1, Section 23, T2S, R24E
Lots 2, 3, 5, 7, and 10, Section 23, T2S, R24E
Lots 4 and 8 and the N1/2 SW1/4, Section 23, T2S, R24E
Lot 2 (Less Road and C/S #1750), Section 24, T2S, R24E

Section 3 Purpose

The zoning regulations, classifications, and the districts as herein set forth in accordance with Title 76, Chapter 2 of the Montana Code Annotated.

The regulations and development pattern adopted herein are for the purpose of protecting and furthering the health, safety, and general welfare of the people living in the District and in Yellowstone County, Montana.

The development pattern, with the accompanying maps, plats, charts and descriptive matter, shall show the planning and zoning commission's recommendations for the development of the district within some of which it shall be lawful and within others of which it shall be unlawful to erect, construct, alter or maintain certain buildings, or to carry on certain trades, industries or callings, and the future uses of the land or buildings shall be limited.

Existing nonconforming uses may be continued, although not in conformity with these zoning regulations, but may not be expanded, altered, or continued after once being suspended.

ARTICLE II

ZONING DISTRICTS

AGRICULTURAL ZONE

- Tract 1, C/S #1395
- Tract 1, C/S #1238
- Tract A, C/S #2251
- Tract B, C/S #2251
- Tract 1, C/S #2535
- Lot 7, Section 15, T2S, R24E
- E1/2 SE1/4 NE1/4, Section 22, T2S, R24E
- NW1/4 SE1/4 NE1/4, Section 22, T2S, R24E
- NW1/4 SE1/4, Section 22, T2S, R24E
- W1/2 NW1/4 NE1/4 SE1/4, Section 22, T2S, R24E
- NE1/4 NE1/4 Except Tract 1, C/S #1238; Tract 1, C/S #1395; Tract 1, C/S #2535; Section 22, T2S, R24E
- E1/2 W1/2 NE1/4 SE1/4 and E1/2 NE1/4 SE1/4 and W1/2 SW1/4 NE1/4 SE1/4, Section 22, T2S, R24E
- Lots 5 and 6, Section 22, T2S, R24E
- E1/2 SW1/4 NE1/4 and SW1/4 SE1/4 NE1/4, Section 22, T2S, R24E
- W1/2 SW1/4 NW1/4, Section 23, T2S, R24E
- E1/2 NW1/4 NW1/4, Section 23, T2S, R24E
- E1/2 SW1/4 NW1/4, Section 23, T2S, R24E
- Lot 1, Section 23, T2S, R24E
- Lots 2, 3, 5, 7, and 10, Section 23, T2S, R24E
- Lots 4 and 8 and the N1/2 SW1/4, Section 23, T2S, R24E
- Lot 2 (Less Road and C/S #1750), Section 24, T2S, R24E

A. INTENT

A district intended to protect and preserve agricultural lands for the performance of limited agricultural functions and to provide residential development. The intent is to control the scattered intrusion of uses not compatible with an agricultural or residential environment.

B. AREA, YARD & HEIGHT REQUIREMENTS

1. Minimum Net Lot Area: 5 acres
2. Maximum Density: One house/5 acres including and encompassing dedicated rights-of-way.
3. Minimum Yard Requirements: Dwelling units shall be a minimum of 50' from all property lines and accessory structures shall be a minimum of 20' from

- 4. Maximum Height of Structures: all property lines. 35 Feet
- 5. Maximum Lot Coverage: No limit shall be imposed.

C. PERMITTED USES

- 1. Accessory Dwelling
- 2. Accessory Uses and Structures
- 3. Agricultural Uses
- 4. Child Care Facilities:
 - a. Family Day Care Home
 - b. Group Day Care Home
- 5. Dwelling Units (single family only) as follows:
 - a. Conventional stick-frame housing (new construction);
 - b. Manufactured Home, Class A (shall be no more than five (5) years old at the time of placement on property)
- 6. Home Occupations
- 7. Open Space
- 8. Recreational facilities for use by landowner (boat launches, fishing ponds, etc.)

D. SPECIAL REVIEW USES

- 1. Animal Hospitals
- 2. Community Buildings
- 3. Emergency Services
- 4. Move-on/stick-frame housing
- 5. Manufactured Home, Class A (more than five (5) years old at the time of placement on property)

SUBURBAN ZONE

Tracts 1-3 inclusive, C/S #1431'

The west 6 acres of the NW1/4 NW1/4 NE1/4, Section 22, T2S, R24E
SW1/4 NW1/4 NE1/4 Except C/S #17 Amended, Section 22, T2S, R24E

A portion of Lot 6 of Section 15, T2S, R24E

A. INTENT

A district intended to protect and preserve semi-agricultural lands for the performance of limited agricultural functions and to provide residential development. The intent is to control the scattered intrusion of uses not compatible with an agricultural or residential environment.

B. AREA, YARD & HEIGHT REQUIREMENTS

1. Minimum Net Lot Area: 2 acres
2. Maximum Density: 1 house/2 acres including and encompassing dedicated rights-of-way.
3. Minimum Yard Requirements: Dwelling units shall be a minimum of 50' from all property lines and accessory structures shall be a minimum of 20' from all property lines.
4. Maximum Height of Structures: 35 Feet
5. Maximum Lot Coverage: No limit shall be imposed.

C. PERMITTED USES

1. Accessory Dwelling
2. Accessory Uses and Structures
3. Agricultural Uses
4. Child Care Facilities:
 - a. Family Day Care Home
 - b. Group Day Care Home
5. Dwelling Units (single family only) as follows:
 - a. Conventional stick-frame housing (new construction);
 - b. Manufactured Home, Class A (shall be no more than five (5) years old at the time of placement on property)
6. Home Occupations
7. Open Space
8. Recreational facilities for use by landowner (boat launches, fishing ponds, etc.)

D. SPECIAL REVIEW USES

1. Animal Hospitals
2. Community Buildings
3. Emergency Services
4. Move-on/stick-frame housing
5. Manufactured Home, Class A (more than five (5) years old at the time of placement on property)

RESIDENTIAL ZONE

Frank Subdivision (in its entirety)
Tract 1, C/S #1292
Tract 2, C/S #1292
Tract 3, C/S #1292
Tract 6, C/S #1292
Tracts 1 & 2, C/S #17 Amended

A. INTENT

A district intended to allow residential development on small lots and to control the scattered intrusion of uses not compatible with a residential environment.

B. AREA, YARD & HEIGHT REQUIREMENTS

1. Minimum Net Lot Area: 1 acre
2. Maximum Density: One house/1 acre including and encompassing dedicated rights-of-way.
3. Minimum Yard Requirements: Dwelling units shall be a minimum of 20' from front and rear property lines and a minimum of 10' from side property lines. Accessory structures shall be a minimum of 10' from all property lines.
4. Maximum Height of Structures: 30 Feet
5. Maximum Lot Coverage: No limit shall be imposed.

C. PERMITTED USES

1. Accessory Dwelling
2. Accessory Uses and Structures
3. Agricultural Uses
4. Child Care Facilities:
 - a. Family Day Care Home
 - b. Group Day Care Home

5. Dwelling Units (single family only) as follows:
 - a. Conventional stick-frame housing (new construction);
 - b. Manufactured Home, Class A (shall be no more than five (5) years old at the time of placement on property)
6. Home Occupations
7. Open Space
8. Recreational facilities for use by landowner (boat launches, fishing ponds, etc.)

D. SPECIAL REVIEW USES

1. Animal Hospitals
2. Community Buildings
3. Emergency Services
4. Move-on/stick-frame housing
5. Manufactured Home, Class A (more than five (5) years old at the time of placement on property)

RECREATIONAL ZONE

Tract 1, C/S #1750

A. INTENT

A zoning district intended to provide recreational uses and other uses traditionally accompanying recreational uses.

B. AREA, YARD & HEIGHT REQUIREMENTS

1. Minimum Net Lot Area: 1 acre
2. Maximum Density: N/A
3. Minimum Yard Requirements: Buildings shall be a minimum of 20' from all property lines.
4. Maximum Height of Structures: 35 Feet
5. Maximum Lot Coverage: No limit shall be imposed.

C. PERMITTED USES

1. Bed & Breakfasts
2. Campgrounds
3. Dwelling Units (single family only) as follows:
 - a. Conventional stick-frame housing (new construction);
 - b. Manufactured Home, Class A (shall be no more than five (5) years old

- at the time of placement on property)
4. Motels/Hotels
 5. Recreation/Commercial Uses as defined in Section 2, Article IV of this Resolution
 6. Restaurants & Eating Places without the sale of alcoholic beverages

D. SPECIAL REVIEW USES

1. Restaurants & Eating Places with the sale of alcoholic beverages
2. Move-on/stick-frame housing
3. Manufactured Home, Class A (more than five (5) years old at the time of placement on property)

COMMERCIAL ZONE

Tracts 4 & 5, C/S #1292

A. INTENT

A zoning district intended to provide retail and service oriented businesses.

B. AREA, YARD & HEIGHT REQUIREMENTS

1. Minimum Net Lot Area: 1 acre
2. Maximum Density: N/A
3. Minimum Yard Requirements: Buildings shall be a minimum of 20' from all property lines.
4. Maximum Height of Structures: 35 Feet
5. Maximum Lot Coverage: No limit shall be imposed.

C. PERMITTED USES

1. Accessory structures and uses
2. Agricultural Uses
3. Antique Stores
4. Automobile Sales
5. Automobile Repair & Painting
6. Bakery Shops & Confectioneries
7. Banks, Credit Unions, Savings & Loans
8. Barber & Beauty Shops
9. Bicycle Sales & Repair
10. Book Stores
11. Camera Supply Stores
12. Car Washes

13. Child Care Facilities
14. Clinics (Medical & Dental)
15. Clothing & Apparel Stores
16. Convenience Stores
17. Drug Stores
18. Dwelling Units (single family only) as follows:
 - a. Conventional stick-frame housing (new construction);
 - b. Manufactured Home, Class A (shall be no more than five (5) years old at the time of placement on property)
19. Greenhouses
20. Grocery Stores
21. Jewelry & Watch Repair and Sales
22. Motels/Hotels
23. Music Stores
24. Offices
25. Paint Stores
26. Photographic Studios
27. Restaurants & Eating Places without the sale of alcoholic beverages
28. Retail stores not otherwise listed
29. Schools

D. SPECIAL REVIEW USES

1. Restaurants & Eating Places with the sale of alcoholic beverages
2. Move-on/stick-frame housing
3. Manufactured Home, Class A (more than five (5) years old at the time of placement on property)

ARTICLE III SUPPLEMENTAL PROVISIONS FOR ALL ZONES

Domestic Animals: Common household pets shall be permitted in all zones. Dogs shall be limited to no more than four (4) adult dogs per household.

Junk Vehicles: Any accumulation of more than two (2) junk vehicles or unused machinery, shall be visually screened from neighboring properties and public and/or private roads.

Junk Yard: The operation of a junk yard, as defined in this Resolution, shall be prohibited.

Landscaping: All commercial businesses in the Recreational and Commercial zoning districts shall be required to landscape at least a 20' wide strip of land fronting any and all public streets and highways. This landscaping shall consist of lawn, trees and shrubs.

Lighting: Lighting associated with commercial uses shall be directed away from residential areas and public and/or private roads.

Livestock & Fowl: Goats, llamas, horses, pigs, emus, cows, rheas, ostriches, sheep, chickens, ducks, geese, rabbits, pheasants, turkeys and peacocks shall be permitted in all zones.

- a. Livestock and fowl shall be confined on a property in all zones by fencing. It shall not be the responsibility of neighboring property owners to fence animals out.

Parking Lots: Parking lots for all commercial businesses in commercial zones shall be paved with asphalt.

Signs for Commercial Businesses: Freestanding (pole) signs shall be limited to one per property and shall not exceed 20' in height and shall be allowed to be no larger than 75 square feet per sign face. Wall signs shall be permitted.

ARTICLE IV

Section 1 Interpretations

Words shall have their customary meanings except for specific words which shall be defined as follows:

The word PERSON includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular. The word SHALL is mandatory, the word MAY is permissive. The words USED or OCCUPIED include the words INTENDED, DESIGNED, or ARRANGED TO BE USED OR OCCUPIED. The word LOT includes the words PLOT or PARCEL. "Map" means "zoning map" of Planning and Zoning District Number 18.

Section 2 Definitions

Accessory Dwelling: A residential use having the external appearance of a single-family residence but in which there is located a second dwelling unit that comprises not more than twenty-five percent (25%) of the gross floor area of the building nor more than one thousand (1,000) square feet, whichever is less.

Accessory Structure: A building or structure which is subordinate to and serves the principal building or principal use of the property and may include but not necessarily be limited to barns, garages, buildings for machinery, corrals, etc. If an accessory structure is attached to the main building by a common wall or roof, such accessory building shall be considered a part of the main building.

Accessory Use: A use incidental and subordinate to the principal use of the property.

Agricultural Use: The use of land for hobby farming and ranching, including farming, dairying, pasturage, grazing land, animal breeding & boarding, sales, stabling and training including all uses customarily incidental thereto but not including any agricultural industry or business such as commercial feed lots, food processing plants, fur farms, dog kennels, or similar uses.

Board: The Board of County Commissioners of Yellowstone County.

Dwelling Unit: One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

Family: An individual, or two (2) or more persons related by blood, marriage or adoption, or other legal means, or a group of not more than three (3) persons who are not related by blood, marriage or adoption, living together in a dwelling unit.

Family Day Care Home: A private residence in which supplemental parental care is provided to up to six (6) children from separate families on a regular basis. Such day-care home shall be licensed by the Montana Department of Social and Rehabilitation Services under MCA Title 53, Chapter 4, Part 5, as required by state law.

Gross Floor Area: The total area of all floors of a building as measured to the outside surfaces of exterior walls including bedrooms, kitchens, living rooms, halls, attached garages, and other similar areas used for human occupancy.

Group Day Care Home: A private residence in which supplemental parental care is provided to seven (7) to twelve (12) children on a regular basis and which is licensed by the Montana Department of Social and Rehabilitation Services under MCA Title 53, Chapter 4, Part 5.

Home Occupation: An occupation carried on by the occupant of a dwelling as an accessory activity to the main residential use of the building, and meeting the following criteria:

- a. Only residents of the dwelling unit and no more than one non-resident shall be employed.
- b. The occupation shall be conducted wholly within the dwelling or an accessory building.
- c. The occupation shall not be objectionable to adjacent residences due to noise, vibration, glare, fumes, odors, hours of operation, traffic, electrical interference, etc.
- d. Signage is permitted but shall not exceed one sign being thirty-two (32) square feet in size. Banner signs and portable signs shall not be permitted and signs shall not be lighted.
- e. There shall be no display or evidence apparent from the exterior of the lot (other than a sign) that the premises are being used for any purpose other than that of a dwelling unit.
- f. Materials, equipment or business vehicles associated with the home occupation may be parked on the property.
- g. Vehicles associated with the home occupation may be parked on the premises but shall not exceed 26,000 pounds G.V.W.

Junk Vehicle: Any dismantled and inoperable vehicle or other type of machinery.

Junk Yard: Any use involving the storage or disassembly of wrecked automobiles, trucks, or other vehicles or the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof; the keeping, abandonment, sale or resale of junk including scrap metal, used paper, tires or other scrap materials, salvaged house wrecking and structural steel materials and equipment; storage, baling, or otherwise dealing in bones, animal hides, used cloth or rags, used plumbing fixtures, appliances, furniture, and used brick, wood or other building materials. Such uses shall be considered junk yards whether or not all or part of such operations are conducted inside a building or in conjunction with, additions to, or accessory to, other uses of the premises.

Lot: A single tract of land, no matter how legally described whether by metes and bounds, certificate of survey, and/or by lot or lots and block designations as in a recorded plat, under single ownership or control.

Manufactured Home, Class A: a manufactured home constructed after January 1, 1990, that meets or exceeds the construction standards promulgated by the United States Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

- a. The home has a length not exceeding four times its width;
- b. The pitch of the unit's roof has a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- c. The standard siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
- d. A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home; and
- e. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

Open Space: An area preserved in its natural state that may be used for hiking, cycling (non-motorized), hunting, wildlife viewing, etc.

Planning and Zoning Commission: A five (5) member commission consisting of the three (3) county commissioners, the county surveyor and the county assessor.

Principal Use: The primary or predominant use to which the property is or may be devoted and to which all other uses on the premises are necessary.

Recreation/Commercial: An area operated for profit and devoted to facilities and equipment for recreational purposes including but not necessarily limited to: swimming pools, tennis courts, playgrounds, golf courses, boat rentals, horse rentals and other similar uses whether the use of such area is limited to private membership or whether open to the public upon the payment of a fee or service charge.

Variance: An adjustment in the application of the specific regulations of this Resolution to a particular piece of property which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and district and which adjustment remedies disparity in privileges and will not be contrary to the public interest.

ARTICLE V OFFICIAL ZONING MAP

Section 1 The Official Zoning Map shall be identified by the signature of the Board of County Commissioners attested by the County Clerk and Recorder and shall bear the words "Map of Special Planning and Zoning District Number 18".

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Map shall be located in the office of the County Clerk and Recorder and such map shall be the final authority as to the current zoning status of land inside the Planning and Zoning District.

Changes made in district boundaries shall be promptly entered on the Official Zoning Map after amendment by the County Commissioners. Amendments to the Official Zoning Map shall not become effective until entered on the map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the provisions set forth in this Resolution. In the event the Official Zoning Map is damaged or destroyed, the Planning and Zoning Commission may adopt a new Official Zoning Map. No such map shall have the effect of amending the Original Official Zoning Map or any subsequent amendment thereof.

Section 2 Rules for Interpretation of District Boundaries

- A. Boundaries indicated as appearing to follow the center line of streets, highways, or alleys shall be construed to follow such center lines;
- B. Boundaries indicated as appearing to follow platted lot lines or other legally described boundary lines (i.e. metes and bounds description) shall be construed as following such lot lines or other legally described boundary lines;
- C. Boundaries indicated as appearing to follow Planning and Zoning District boundaries shall be construed as following Planning and Zoning District boundaries;
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- E. Boundaries indicated as following shore lines shall be construed to follow such shore lines. In the event of change in the shore line, they shall be construed as moving with the actual shore line. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines. In the event of change in the location of streams, rivers, canals, lakes or other bodies of water, the boundaries shall be

construed as moving with the actual body of water and following the center lines; and

- F. Boundaries indicated as parallel to or extensions of features indicated in subsections A through E above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map or by specific distances enumerated in ordinance amending the Official Zoning Map.

Section 3 Application

Within the zoning districts herein defined and as indicated on the Official Zoning Map and subject to the requirement of ARTICLES II-XII, no building or structure shall be erected, reconstructed, or structurally altered, nor shall any land, building, or structure be used for any purpose except as they are allowed in the district in which such building, land or use is located.

ARTICLE VI NONCONFORMING USES AND STRUCTURES

Where, at the effective date of this Resolution a lawful use of land exists that is not permitted under this Resolution, the following shall apply:

1. No such nonconforming use shall be enlarged or increased to occupy a greater area of land.
2. No such nonconforming use shall be moved to another location upon the same property.
3. If any nonconforming use ceases for any reason for a period of six (6) months or longer, any subsequent use of the land shall conform to the regulations specified by this Resolution.
4. Should a nonconforming structure be destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Resolution.

ARTICLE VII BOARD OF ADJUSTMENT

Section 1 Organization, Powers and Duties

The Zoning Commission consisting of the three (3) County Commissioners, the County Surveyor and the County Assessor shall act as the Board of Adjustment for Zoning District Number 18. The Board of Adjustment is authorized to grant variances from the strict application of this Resolution when by reason of exceptional narrowness, shallowness or shape of specific parcels of property, exceptional topographical conditions, or other extraordinary situations of specific parcels of property, the strict application of these regulations or amendments thereto would result in peculiar and unusual practical difficulties to or exceptional or unnecessary hardship upon the owner of such property, provided that such variance will not be contrary to the public interest. This provision shall not be construed to permit the Board of Adjustment, under the guise of a variance, to change the use of the land.

Section 2 Procedures

- A. Before any variance may be granted, the Board of Adjustment shall hold a public hearing. No less than fifteen (15) days before the public hearing the subject property shall be posted and at least three (3) other public places within the Zoning District, contiguous property owners shall be notified by mail and a legal notice of the variance shall be placed in a newspaper of general circulation. The application shall be presented on forms and at such times as provided by the Board of Adjustment.
- B. The Board of Adjustment shall have ten (10) days after the public hearing within which to make a decision. The Board of Adjustment, if necessary, may request additional information at the public hearing.
- C. Any person aggrieved by any decision of the Board of Adjustment may, within thirty (30) days after such decision or order, appeal to the district court in the county in which the property involved is located.

ARTICLE VIII AMENDMENT TO THE TEXT AND OFFICIAL MAP (ZONE CHANGE)

Section 1 The regulations, restrictions, and boundaries set forth in this Resolution may, from time to time, be amended, supplemented, changed or repealed by the Board of County Commissioners, provided, however, that no action on any application for amendment, change or repeal may be taken until the application has first been processed and advertised in accordance with the provision of this Article.

Section 2 Application for Official Map Amendment

Unless initiated by the Board of County Commissioners or the Planning and Zoning Commission, all applications for an amendment to the Official Map or to the text of this Resolution must be submitted in person and signed by the recorded owner, the contract purchaser, or the authorized agent of the owner.

Each application for zone change on the Official Map or text shall be filed in person with the Board of County Commissioners and each application must be submitted under the following conditions:

(a) The application must be accompanied by a legal description of the tract(s) proposed to be reclassified, a map showing the dimensions, acreage and location of the tract(s) and adjacent uses, the present and proposed classification for the tract(s), a certified list of the names and addresses of the owners of property contiguous to the exterior boundaries of the tract(s) and payment of all applicable fees;

(b) Any application for an amendment to the Official Zoning Map must be submitted with all applicable fees, to the Board of County Commissioners thirty (30) days prior to the date of the public hearing before the Planning and Zoning Commission.

(c) Fifteen (15) days prior to the public hearing before the Planning and Zoning Commission the Board of County Commissioners shall advertise notice of the application in a newspaper of general circulation. The notice shall contain: the classification sought, the location of the property, and the date, time and place of the public hearing. In addition, the Board of County Commissioners shall place fifteen (15) days prior to the public hearing in a conspicuous location on the property and on at least three (3) public places within the Zoning District, a notice that a change in the zoning classification has been applied for and the date, time and location of the public hearing on the application. In addition, the Board of County Commissioners shall notify

owners of property contiguous to the exterior boundaries of the property subject to the reclassification. Such notice shall contain a description of the property, the classification applied for and time, date and place of the public hearing. The Board of County Commissioners may notify property owners not contiguous if it is determined that the proposed change would likely have a substantial impact on surrounding land uses.

(d) An application for a zone change may not be withdrawn or amended after the legal advertising, as required by this section, has appeared for the final hearing before the Planning and Zoning Commission. An applicant may be allowed to withdraw at the time of the Planning and Zoning Commission hearing by a majority vote of the members present without requiring County Commissioner approval of the withdrawal and without prejudice with respect to the twelve (12) month period after the application shall have first been submitted. The notice of withdrawal and reasons must be submitted to the Chairman of the Planning and Zoning Commission twenty-four (24) hours in advance of the public hearing in writing.

Section 3 Planning and Zoning Commission Action

The Planning and Zoning Commission shall make a recommendation to the Board of County Commissioners to deny the application for amendment to the Official Zoning Map, to grant the application for amendment to the Official Zoning Map, or allow withdrawal of the application. The Planning and Zoning Commission shall also have the authority to delay action on the application for a period not to exceed thirty (30) days. The Planning and Zoning Commission shall submit its recommendations in writing along with a statement indicating its reasons for granting or denying the amendment within (10) days following the public hearing.

In no case shall the Planning and Zoning Commission make a recommendation that a reclassification be granted for a zone change that was not advertised.

Section 4 Board of County Commissioners Action

Before taking any action on an application for an amendment to the Official Map, or amendment to the text of this Resolution, the Board of County Commissioners shall first hold a public hearing on the application. The Board may approve an application, deny the application, or delay the application for a period not to exceed thirty (30) days. In no case shall the Board approve an amendment for a classification other than the one advertised. An application for an amendment to the Official Map shall not be submitted which affects the same tract(s) more often than once in any twelve (12) month period.

ARTICLE IX **APPLICATION FOR SPECIAL REVIEW USES**

Section 1 Although each zoning district is primarily intended for a predominant type of use, there are uses which may or may not be appropriate in a particular district depending upon all the circumstances of the individual case. For example, the location, nature of the proposed use, the character of the surrounding development, traffic capacities of adjacent streets, and potential environmental effects, all may indicate that the circumstances of the development should be individually reviewed. It is the intent of this Article to provide a system of review of such uses so that the community is assured that the uses are compatible with their locations and with surrounding land uses, and will further the purpose of this Resolution.

Section 2 Application Procedure

An application for a special review must be submitted in person and signed by the recorded owner, the contract purchaser or the authorized agent of the owner.

Each application for special review shall be filed in person with the Board of County Commissioners and each application must be submitted under the following conditions:

- (a) The application must be accompanied by a legal description of tract(s) upon which the special review use is sought, a map showing the dimensions, acreage and location of the tract(s) and adjacent uses, a site plan showing major details of the proposed development, a certified list of the names and addresses of the owners of property contiguous to the exterior boundaries of the tract(s), any other information the applicant believes will support his or her request and payment of all applicable fees;

(b) Any application for special review must be submitted with all applicable fees, to the Board of County Commissioners thirty (30) days prior to the date of the public hearing before the Planning and Zoning Commission.

(c) Fifteen (15) days prior to the public hearing before the Planning and Zoning Commission the Board of County Commissioners shall advertise notice of the application in a newspaper of general circulation. The notice shall contain: the special review use being applied for, the location of the property, and the date, time and place of the public hearing. In addition, the Board of County Commissioners shall place fifteen (15) days prior to the public hearing in a conspicuous location on the property and on at least three (3) public places within the Zoning District, a notice that a special review has been applied for and the date, time and location of the public hearing on the application. In addition, the Board of County Commissioners shall notify owners of property contiguous to the exterior boundaries of the property subject to the special review. Such notice shall contain a description of the property, the special review use being applied for and time, date and place of the public hearing. The Board of County Commissioners may notify property owners not contiguous if it is determined that the proposed special review use would likely have a substantial impact on surrounding land uses.

(d) An application for a special review may not be withdrawn or amended after the legal advertising, as required by this section, has appeared for the final hearing before the Planning and Zoning Commission. An applicant may be allowed to withdraw at the time of the Planning and Zoning Commission hearing by a majority vote of the members present without requiring County Commissioner approval of the withdrawal. The notice of withdrawal and reasons must be submitted to the Chairman of the Planning and Zoning Commission twenty-four (24) hours in advance of the public hearing in writing.

Section 3 Planning and Zoning Commission Action

The Planning and Zoning Commission shall make a recommendation to the Board of County Commissioners to deny the application for special review, to approve the application for special review, to conditionally approve the application for special review, or allow withdrawal of the application. The Planning and Zoning Commission shall also have the authority to delay action on the application for a period not to exceed thirty (30) days. The Planning and Zoning Commission shall submit its recommendations in writing along with a statement indicating its reasons for approving, conditionally approving, or denying the special review within (10) days following the public hearing.

In no case shall the Planning and Zoning Commission take action on a special review that was not advertised.

Section 4 Board of County Commissioners Action

Before taking any action on an application for a special review, the Board of County Commissioners shall first hold a public hearing on the application. The Board may approve an application, conditionally approve an application, deny the application, or delay the application for a period not to exceed thirty (30) days. In no case shall the Board take action on a special review that has not been advertised.

ARTICLE X **GENERAL REQUIREMENTS**

Section 1 Plats

Nothing in this Section shall be interpreted to grant relief from any requirement of the State of Montana or Yellowstone County respecting minimum lot or tract area for sanitary restrictions.

Section 2 General Rules

The regulations set by this Resolution within each zone shall be minimum regulations and shall apply uniformly to each class or kind of structure or land except as hereinafter provided:

(a) No building, structure, or land shall hereinafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered after the effective date of this Resolution unless in conformity with all of the regulations herein specified or the zone in which it is located.

(b) No yard or lot existing at the time of passage of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Resolution shall meet at least the minimum requirement established by this Resolution.

ARTICLE XI ADMINISTRATION AND ENFORCEMENT

It is the intent of this Resolution to provide for the efficient, reasonable, and impartial enforcement of this Resolution by authorizing an enforcement officer, the basic procedure for complying with the Resolution, and the penalties for violators.

Section 1 Zoning Enforcement Officer

It shall be the duty of the Zoning Coordinator to be the Enforcement Officer for the Zoning Resolution. He/She is hereby given the authority to administer and enforce the provision of this Resolution for the Planning and Zoning District Number 18.

The Zoning Coordinator shall supervise and effectuate the processing of applications for amendment to the Zoning Resolution, requests for variances, and other applications under the terms of this Resolution.

It shall further be the responsibility of the Zoning Coordinator to aid the various Boards, Commissions, and departments in transmitting appeal records to the Board of County Commissioners and to otherwise promote procedural regularity in the administration of this Resolution.

Section 2 Remedies

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this act, or of any resolution made under authority conferred hereby, the proper authorities of the county, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct, or abate such violation to prevent the occupancy of such building, structure, or land to prevent any illegal act, conduct business, or use in or about such premises.

Section 3 Penalty for Violation

Violation of the provisions of this Resolution or failure to comply with any of its requirements shall constitute a misdemeanor. Each violation and each day such violation continues shall be considered a separate offense. This Resolution shall be enforceable by Yellowstone County by injunctive action in addition to other remedies at law or in equity.

ARTICLE XII

**SEPARABILITY CLAUSE,
REPEAL OR CONFLICTING RESOLUTIONS,
AND EFFECTIVE DATE**

Section 1 Provisions of this Resolution Developed to be Minimum Requirements

In their interpretation and application, the provisions of this Resolution shall be held to be the minimum requirements adopted for the promotion of the public health, safety, or general welfare.

Wherever the requirements of this Resolution are at variance with the requirements of any other lawfully adopted rules, regulations ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern.

Section 2 Separability Clause

If any provision of this Resolution or its application to any person or circumstances is held invalid, the remainder of the resolution or the application of the provisions to other persons or circumstances is not affected.

Section 3 Repeal of Conflicting Resolutions

All resolutions or part of resolutions in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

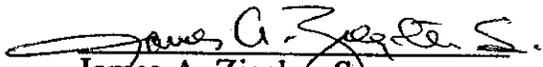
Section 4 Effective Date

This Zoning Resolution for the Planning and Zoning District Number 18 shall

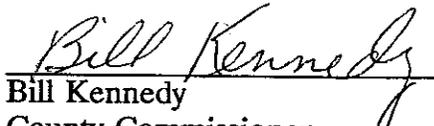
become effective on the 8th day of July, 1997.

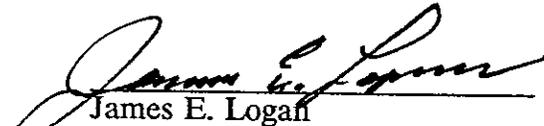
DATED this 7th day of July, 1997.

DISTRICT NUMBER 18
PLANNING & ZONING COMMISSION


James A. Ziegler, Sr.
County Commissioner

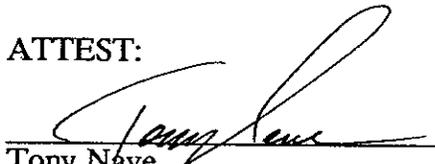

Mike Mathew
County Commissioner


Bill Kennedy
County Commissioner


James E. Logan
County Surveyor


Max R. Lenington
County Assessor

ATTEST:


Tony Nave
Clerk and Recorder

STATE OF MONTANA)
) SS
County of Yellowstone)

On this 7th day July, 1997, before me, a Notary Public in and for
the State

of Montana personally appeared:

James A. Ziegler, Sr.
Mike Mathew
Bill Kennedy
James E. Logan
Max R. Lenington Tony Nave

known to me to be the persons who signed the foregoing instrument and who acknowledged
to me that they executed the same. Witness my hand and seal the day and year hereinabove
written.

James R. Dexter
Notary Public in and for the State of
Montana

Residing at Billings

My commission expires 4-28-98

RESOLUTION NO. 97-36

WHEREAS, a petition of sixty seven percent (67%) of the freeholders affected thereby has been filed for the creation of a County Planning and Zoning District under the provisions of Title 76, Chapter 2, Part 1 of the Montana Code Annotated, encompassing the following area:

Frank Subdivision (in its entirety)
Tract 1, C/S #1395
Tract 1, C/S #757
Tract 1, C/S #1238
Tracts 1-6 inclusive, C/S #1292
Tract A, C/S #2251
Tract B, C/S #2251
Tract 1, C/S #2535
Tracts 1-3 inclusive, C/S #1431
Tracts 1 & 2, C/S #17 Amended
Tract 1, C/S #1750
A portion of Lot 6 of Section 15, T2S, R24E
Lot 7, Section 15, T2S, R24E
E1/2 SE1/4 NE1/4, Section 22, T2S, R24E
NW1/4 SE1/4 NE1/4, Section 22, T2S, R24E
The west 6 acres of the NW1/4 NW1/4 NE1/4, Section 22, T2S, R24E
NW1/4 SE1/4, Section 22, T2S, R24E
SW1/4 NW1/4 NE1/4 Except C/S #17 Amended, Section 22, T2S, R24E
W1/2 NW1/4 NE1/4 SE1/4, Section 22, T2S, R24E
NE1/4 NE1/4 Except Tract 1, C/S #1238; Tract 1, C/S #1395; Tract 1, C/S #2535;
Section 22, T2S, R24E
E1/2 W1/2 NE1/4 SE1/4 and E1/2 NE1/4 SE1/4 and W1/2 SW1/4 NE1/4 SE1/4,
Section 22, T2S, R24E
Lots 5 and 6, Section 22, T2S, R24E
E1/2 SW1/4 NE1/4 and SW1/4 SE1/4 NE1/4, Section 22, T2S, R24E
NW1/4 SW1/4 NE1/4, Section 22, T2S, R24E
The north 528 feet of the SW1/4 SW1/4 NE1/4, Section 22, T2S, R24E
The south 132 feet of the SW1/4 SW1/4 NE1/4, Section 22, T2S, R24E
W1/2 SW1/4 NW1/4, Section 23, T2S, R24E
E1/2 NW1/4 NW1/4, Section 23, T2S, R24E
E1/2 SW1/4 NW1/4, Section 23, T2S, R24E
Lot 1, Section 23, T2S, R24E
Lots 2, 3, 5, 7, and 10, Section 23, T2S, R24E
Lots 4 and 8 and the N1/2 SW1/4, Section 23, T2S, R24E
Lot 2 (Less Road and C/S #1750), Section 24, T2S, R24E

RECEIVED

MAY 16 1997

CITY-COUNTY
PLANNING BOARD

Said area comprising more than forty (40) acres of land totally outside the limits of any area which has been zoned by an incorporated city, but within the County of Yellowstone, Montana; and,

WHEREAS, the creation of such Planning and Zoning District is required in the public interest and/or convenience; and,

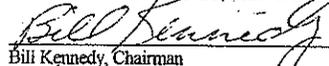
WHEREAS, the Board of County Commissioners will hold a public hearing for the purpose of creating zoning regulations for Special Zoning District #18 on Thursday, June 5, 1997 at 7:00 p.m. in the Laurel City Council Chambers, 115 W. 1st Street, Laurel, Montana;

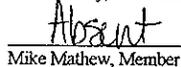
NOW, THEREFORE, BE IT HEREBY RESOLVED:

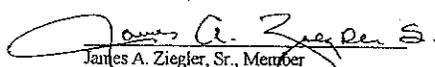
1. That there is hereby created a Planning and Zoning District comprised of the above-described area to be known as Yellowstone County Planning and Zoning District No. 18; and,
2. That pursuant to Title 76, Chapter 2, Part 1 of the Montana Code Annotated, there is hereby created a Planning and Zoning Commission consisting of three (3) County Commissioners of Yellowstone County, Montana, the Yellowstone County Surveyor and the Yellowstone County Assessor.

ADOPTED this 15th day of May, 1997.

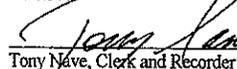
BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA


Bill Kennedy, Chairman


Mike Mathew, Member


James A. Ziegler, Sr., Member

(SEAL)
ATTEST


Tony Nave, Clerk and Recorder

RESOLUTION NO. 97-56

A RESOLUTION ADDING AN ADDENDUM TO RESOLUTION #97-36
WHICH CREATED SPECIAL ZONING DISTRICT #18 - THIEL ROAD
LOCATED IN LAUREL, MONTANA

WHEREAS, the Board of County Commissioners adopted Resolution #97-36 on May 15, 1997; a resolution which created a special zoning district known as Special Zoning District #18 for Thiel Road, Laurel, Montana; and

WHEREAS, the Board of County Commissioners was required by law to create the above special zoning district before any public hearings were held with the neighborhood involved; and

WHEREAS, it has come to the attention of the Board of County Commissioners, through the public hearing process, that several property owners who reside in Special Zoning District #18 do not desire to be included in the special zoning district; and

WHEREAS, the Board of County Commissioners met, through a public hearing continuation, on Monday, July 7, 1997 to re-examine the external boundaries of the district; and

WHEREAS, the Board of County Commissioners have heard and considered testimony from those property owners wishing to not be included in the special zoning district; all of the parcels requesting to be excluded from this district are contiguous parcels lying along the external boundary of the district. The Commissioners have determined that it is in the best interest of the district to amend the external boundaries to exclude four parcels that are south of Thiel Road;

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Board of County Commissioners of Yellowstone County, Montana, that the external boundaries of Special Zoning District #18, located on Thiel Road, Laurel, Montana, shall be amended to exclude the following four parcels south of Thiel Road:

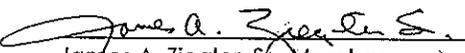
Tract 1, C/S #757
NW1/4 SW1/4 NE1/4, Section 22, T2S, R24E
North 528 feet of the SW1/4 SW1/4 NE1/4, Section 22, T2S, R24E
South 132 feet of the SW1/4 SW1/4 NE1/4, Section 22, T2S, R24E

ADOPTED this 7th day of July, 1997.

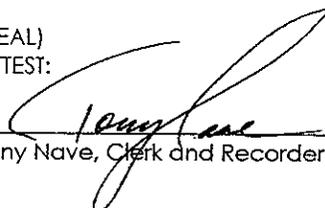
BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA


Bill Kennedy, Chairman


Mike Mathew, Member


James A. Ziegler, St. Member

(SEAL)
ATTEST:


Tony Nave, Clerk and Recorder