



Planning & Community Services Department

"Serving Billings, Broadview and Yellowstone County"

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SPECIAL ZONING DISTRICTS FREQUENTLY ASKED QUESTIONS

What are Special Zoning Districts?

The Board of County Commissioners can designate any area outside its primary Planning Jurisdiction as a Special Zoning District. Special Districts allocate primary and incidental land uses in a defined area to further the health, safety and general welfare of the people of the county.

Who creates a Special Zoning District?

The Board of County Commissioners may, if they find it in the public interest, or if 60 percent or more of the freeholders affected by such a district petition to establish a Special Zoning District. If 50 percent of the titled property owners protest the establishment of the district within 30 days of its establishment, the Board may not create the district.

Why do we need Special Zoning Districts?

Outside incorporated cities, there are many smaller settlements in Yellowstone County that are experiencing residential and commercial growth. Most of these areas do not have any land use plans or development standards other than basic health and sanitary regulations. Many of the 6 (six) existing Special Zoning Districts in Yellowstone County were established by petition of the area residents in reaction to a proposed land development they found objectionable.

What types of regulations can be included in Special Zoning Districts?

All types of land use regulations can be adopted in Special Zoning Districts. Each regulation must meet the constitutional protections provided by the Montana and U.S. Constitutions. Each regulation must be related to the protection of a legitimate governmental interest such as preservation of property value, groundwater or surface waters, productive agricultural lands, separation of incompatible land uses and similar public interests.

What is the first step in the process?

Either the residents submit a petition to establish a special zoning district or the Board of Commissioners establishes the district. Special Zoning Districts must be at least 40 acres in size. Immediately the Board of Commissioners appoints a Planning and Zoning Commission to oversee the development of the land use plan and regulations. The Planning and Zoning Commission consists of the three county commissioners, the county surveyor and one other county official appointed by the Board of Commissioners.

How long does the process take?

Special Zoning Districts take as little as 90 days to process or as much as 24 months to process. The length of time depends on the complexity of the land use issues, the amount of initial agreement on expectations for the district and available resources from county agencies to work on the district. State law mandates specific public notification periods and public hearings.

Special Zoning Districts

Yellowstone County contains seven special zoning districts adopted under 76-2-101, MCA, which authorizes citizen-initiated zoning districts. The special zoning districts are administered by the Planning and Zoning Commission and regulations are enforced by the Planning Department. The Planning and Zoning Commission for these districts is composed of the County Commissioners, County Surveyor and Clerk and Recorder. The special zoning districts are shown on Map 4.1.2.

Echo Canyon Area, Special Zoning District 12

Adopted in 1970, Yellowstone County Planning and Zoning District No. 12 encompasses approximately 3.75 square miles and is located in Sections 15, 22, 23, and 24, Township 1 North, Range 24 East. The district regulations permit single family dwellings with accessory buildings, agricultural uses, home occupations and public parks. Restrictions are placed on building height, setbacks, as well as lot size, lot coverage, signage and parking areas.

Special Zoning District 14

Special Zoning District 14 contains approximately 31 square miles and stretches from the Yellowstone River south to the south township line of Township 2 South, Range 25 East. It is bordered on the west by the Laurel zoning jurisdiction and Special Zoning District 16 to the south. The district was adopted in 1977 and included agricultural, residential, and public zoning. The district was rezoned in 1991. The district now permits agricultural and related uses only and is zoned for 1 dwelling unit per 20 acres. District regulations also limit building setbacks.

Special Zoning District 15

In 1985, the County adopted Special Zoning District 15, a small 60 acre area that includes the SE/SW Section 2 and E/NE/SW/ Section 2, Township 2 North, Range 27 East. The district is generally located .5 miles east of Shepherd along the Shepherd-Acton Road. Only single family dwelling on a minimum of 5 acres are permitted in this district and mobile home

park, feedlot operations, junkyards and commercial uses are not permitted. Home occupations are restricted.

Special Zoning District 16

Special Zoning District 16 occupies 23.25 square miles in Township 3 South, Range 25 East. The district is zoned exclusively for agricultural purposes and allows one single family dwelling per 40 acres. The district was adopted in 1986. The district extends from the south township line of Township 2 South, Range 25 East south to the south section line of Township 3 South, Range 25 East. It is bordered on the north by Special Zoning District 14. In addition to land use, the regulations also limit building setbacks.

Pleasant Hollow Trail Area, Special Zoning District 17

Special Zoning District 17 is located in Sections 13, 14, and 15, Township 3 North, Range 27 E and encompasses 960 acres. The District is divided into 3 zoning districts: Agricultural-Residential, Residential-10 and Residential-5. The Agricultural- Residential zone allows for 1 dwelling unit per 20 acres. Agricultural uses, childcare facilities, domestic greenhouses, home occupations, and private stables are also permitted. The remaining zoning districts permit the same uses but restrict the density to 1 dwelling unit per 10 acres for the Residential-10 zone, and 1 dwelling unit per 5 acres for the Residential-5 zone.

Special Zoning District 18

Special Zoning District 18 is situated south of the Yellowstone River between Spring Creek Road and Montana Highway 212 in Sections 22 and 23, Township 2 South, Range 24 East. The district is composed of five zoning districts: Agricultural, Suburban, Residential, Recreational and Commercial. Only two properties are zoned Commercial and are located adjacent to Thiel Road. The Commercial zone is intended for retail and service-oriented businesses. A single tract is zoned for recreational uses which allows single family homes and manufactured homes, as well as

bed & breakfasts, campgrounds, motels, and restaurants. The Residential zone permits single family dwellings at one dwelling unit per acre. The Suburban zone is zoned for one dwelling per two acres. Most of Special Zoning District 18 is zoned for agricultural uses that permit one dwelling unit per 5 acres as well as agricultural uses, child care facilities, manufactured homes, and home occupations.

Broadview:

The incorporated Town of Broadview, situated approximately 25 miles northwest of Billings along Montana Highway 3, is zoned. The Townsite measures roughly 130 acres and is divided into two zoning districts residential and

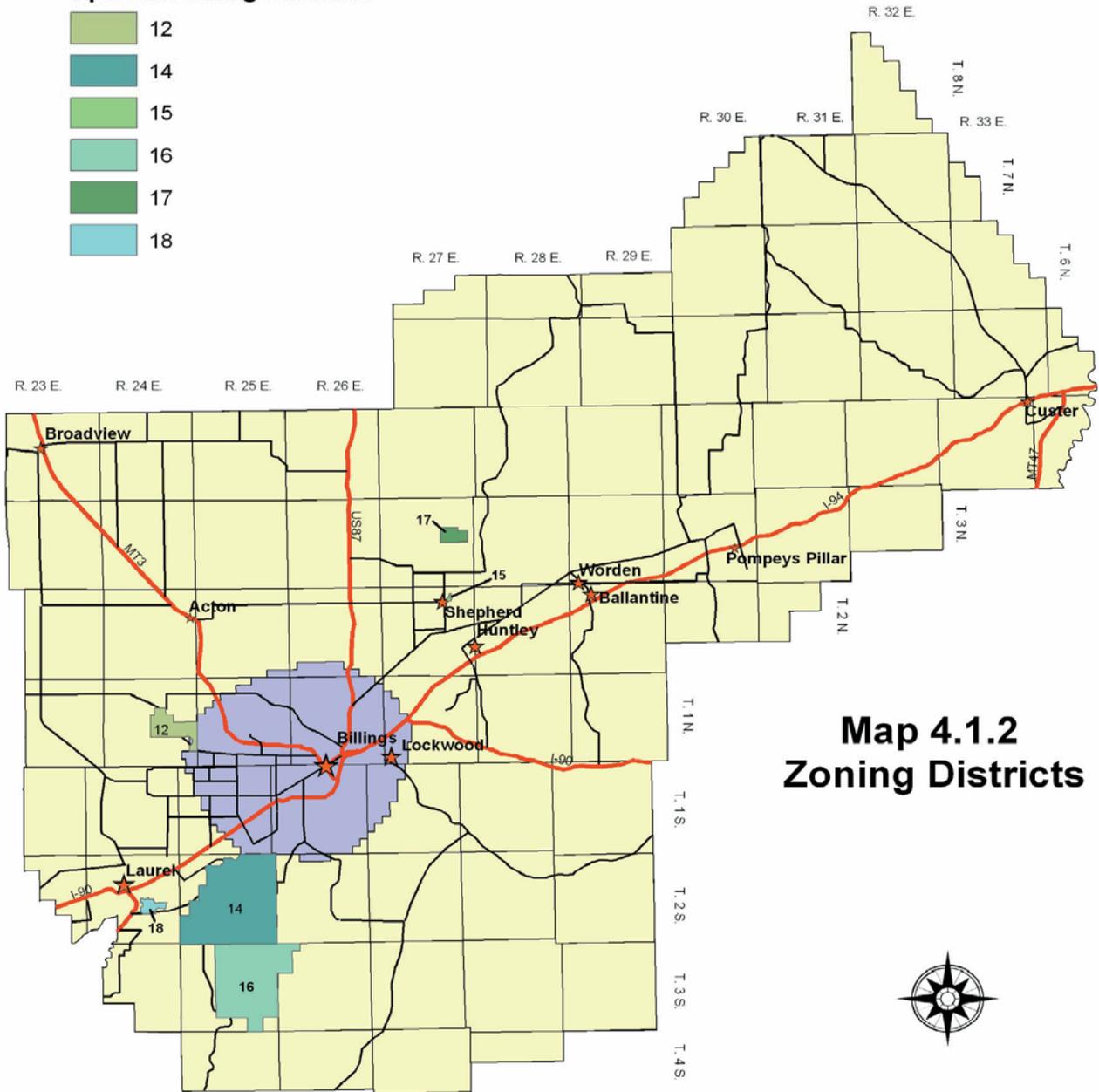
commercial. The commercial district comprises roughly 1/3 of the Townsite and the remainder is zoned residential. The residential zone permits single-family and multifamily dwellings (not to exceed three stories), churches, parks, public utility stations, schools and individual mobile homes. The commercial zone is intended to accommodate service and retail facilities only. The City-County Planning Department administers the Broadview zoning regulations. A Board of Adjustment acts on variance requests, and the Town Council decides special use and zone change applications. Broadview has a population of 150 and 64 households according to Census 2000 data.

Zoning Jurisdictions

 City-County Zoning Jurisdiction

Special Zoning Districts

-  12
-  14
-  15
-  16
-  17
-  18



**Map 4.1.2
Zoning Districts**



Source: Montana State Library, 2001