

R E S O L U T I O N

WHEREAS:

1. A resolution was adopted by the Planning and Zoning Commission for Yellowstone County Zoning District No. 12 on August 25, 1970, adopting Yellowstone County Planning and Zoning District No. 12, and adopting regulations for said Planning and Zoning District No. 12; and


2. Such district and regulations therefor being necessary in the interest of public convenience and necessity for the purpose of promoting the health, safety, morals, and general welfare of the residents of Yellowstone County;

BE IT THEREFORE RESOLVED:

That Yellowstone County Planning and Zoning District No. 12 is hereby created, the descriptive matter concerning said planning and zoning district contained in the resolution of the Planning and Zoning Commission for said zoning district adopting said district being incorporated herein by reference; and

The regulations for Yellowstone County Planning and Zoning District No. 12 adopted by the Planning and Zoning Commission for District No. 12 are hereby adopted by this Commission, said regulations, as set forth in Exhibit A to the Resolution of the Planning and Zoning Commission for District No. 12 adopting said regulations, being incorporated herein by reference.

ADOPTED this 25th day of August, 1970.



E. F. CARLSON - Chairman,
Board of County Commissioners



MIKE McCLINTOCK - Yellowstone
County Commissioner



A. S. ROBERTS - Yellowstone
County Commissioner

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**CITY-COUNTY
PLANNING BOARD**

R E S O L U T I O N

WHEREAS:

1. A petition of sixty percentum (60%) of the freeholders affected thereby has been filed for the creation of a County Planning and Zoning District under the provisions of Chapter 41 of Title 16, Revised Codes of Montana 1947, encompassing the following area:

Commencing at the southeast corner of Section 25, Township 1 North, Range 24 East, M.P.M.; thence due west to the southwest corner of the southeast quarter of Section 25, Township 1 North, Range 24 East, M.P.M.; thence due north to the south line of the Great Northern Railroad (Burlington Northern) right-of-way; thence northerly along said right-of-way to the south line of Section 24, Township 1 North, Range 24 East, M.P.M.; thence due west to the southwest corner of Section 22, Township 1 North, Range 24 East, M.P.M.; thence due north to the northwest corner of the southwest quarter of Section 15, Township 1 North, Range 24 East, M.P.M.; thence due east to the southeast corner of the southwest quarter of the northwest quarter of Section 15, Township 1 North, Range 24 East, M.P.M.; thence due north to the north line of Section 15, Township 1 North, Range 24 East, M.P.M.; thence due east to the northeast corner of Section 15, Township 1 North, Range 24 East, M.P.M.; thence due south to the southwest corner of the northwest quarter, Section 14, Township 1 North, Range 24 East, M.P.M.; thence due east to the center of Section 14, Township 1 North, Range 24 East, M.P.M.; thence due south to the northwest corner of the northeast quarter of Section 23, Township 1 North, Range 24 East, M.P.M.; thence due east to the northeast corner of Section 24, Township 1 North, Range 24 East, M.P.M.; thence due south to the point of beginning.

said area comprising more than forty (40) acres or more of land totally outside the limits of the incorporated City of Billings, Montana, and within the County of Yellowstone, Montana.

2. That pursuant to resolution adopted by the Board of County Commissioners of Yellowstone County, Montana, on June 30, 1970, and confirmed by resolution of the said Board on July 8, 1970, the undersigned Planning and Zoning Commission was created for a proposed planning and zoning district comprised of the above-described area to be known as Yellowstone County Planning and Zoning District No. 12.

3. That the Zoning Regulations attached hereto as Exhibit A have been proposed for adoption by this Commission, for said proposed County Planning and Zoning District No. 12.

4. A map of proposed Yellowstone County Planning and Zoning District No. 12 is on file in the office of the Yellowstone County Clerk and Recorder, together with the aforementioned petition.

5. That a public hearing was held July 24, 1970, at 10:30 a.m., at the office of the County Commissioners, Yellowstone County Courthouse, Billings, Montana, to hear objections to the adoption of the aforementioned Yellowstone County Planning and Zoning District No. 12, and the aforementioned Zoning Regulations for Yellowstone County Planning and Zoning District No. 12.

6. That notice of said public hearing was posted in three public places within proposed Yellowstone County Planning and Zoning District No. 12 on July 8, 1970, being more than fifteen days prior to said public hearing.

7. That said District and Regulations are required by public convenience and necessity for the purpose of promoting the health, safety, morals, and general welfare of the residents of Yellowstone County.

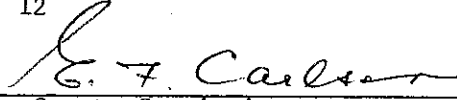
BE IT THEREFORE RESOLVED:

1. That Yellowstone County Planning and Zoning District No. 12, described in paragraph 1 above, a map of which is on file in the office of the Yellowstone County Clerk and Recorder, and the Zoning Regulations attached hereto as Exhibit A for Yellowstone County Planning and Zoning District No. 12, which are required by public convenience and necessity for the purpose of promoting the health, safety, morals, and general welfare of the residents of Yellowstone County, are hereby adopted;

2. That the creation of Yellowstone County Planning and Zoning District No. 12 and the adoption of the aforementioned regulations therefor, are hereby recommended to the Board of County Commissioners of Yellowstone County.

ADOPTED this 25th day of August, 1970.

PLANNING AND ZONING COMMISSION FOR
YELLOWSTONE COUNTY ZONING DISTRICT
NO. 12



County Commissioner



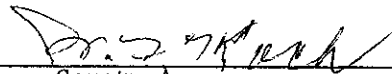
County Commissioner



County Commissioner



County Surveyor



County Assessor

ZONING AND BUILDING REGULATIONS1. BOUNDARIES OF DISTRICT:

The lands to be included within said planning and zoning district are described in Exhibit "A" to these Regulations.

2. INTENT:

The intent and purpose of this District is to promote a low density residential development and preserve the natural aesthetic features of land within the District.

3. INTERPRETATION:

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

Words used in the present tense include the future; words used in the singular number include the plural; words in the plural include the singular; the word "building" includes the word "structure"; and the word "person" includes a corporation or other organization; the word "used" includes the terms "arranged" or "intended" and the words "shall" is mandatory and not directory. "Map" means "zoning map" of Planning and Zoning District No. 12.

4. DEFINITIONS:

Accessory Use: A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building, but does not include junk yards.

Agricultural Uses: Limited to the following--

- a. Cultivation, planting, and the raising and harvesting of crops.
- b. Raising of horses, not to exceed two head per acre.
- c. Raising of cattle, not to exceed $1\frac{1}{2}$ head per acre on tracts 10 acres or less, and 1 head per each additional 30 acres on tracts in excess of 10 acres, but in no event shall there be more than 100 head on any tract except that these animal/acreage limitations may be exceeded only for a period not to exceed six consecutive months each calendar year for calving operations or summer grazing operations.
- d. Raising of chickens and other fowl, not to exceed 200 chickens, provided that adequate coop facilities are provided. The number of domestic fowl other than chickens shall not exceed 15 on any tract.
- e. Raising of sheep, not to exceed one head per acre on tracts five acres or less, and one head per each additional 30 acres, but in no event shall there be more than 50 head on any tract.

f. The term agricultural use shall not include feed lot operations.

Alley: A public or private thoroughfare which affords only a secondary means of access to abutting property and not intended to general traffic circulation.

Alteration of Building: Any change in the supporting members of a building (such as leaning walls, beams, columns, or girders) except such change as may be required for its safety; any addition to a building; any change in use from that of one classification to another.

Building: Any structure, except a trailer or mobile home, having a roof supported by columns or by walls and which is designed for the shelter, support of enclosure of persons, animals, or property of any kind, and the primary utilization area thereof is located above ground level.

Building, Accessory: A building subordinate or supplemental to the main building on a lot and used for the purposes customarily incidental to that of a main or principal building and located on the same lot.

Customary Home Occupation: An occupation, profession or trade customarily carried on by an occupant in a dwelling unit as a secondary use which is clearly incidental to the dwelling unit for residential purposes and which meets the following conditions:

- a. The occupation, profession or trade is carried on wholly within the principal building;
- b. Not more than thirty (30) percent of the floor area of the principal building is used for the conduct of said home occupation;
- c. No merchandise or articles are displayed for advertising purposes, nor are displayed in such a way as to be visible from outside the dwelling;
- d. No merchandise or articles are stored other than inside the principal building;
- e. There is no alteration of the residential character of the building or premises;
- f. No person not resident on the premises is employed.

Dwelling: A building or portion thereof arranged or designed to provide living activities for one or more families.

Dwelling Unit: One or more rooms designed as a unit to provide complete housekeeping facilities for one family.

Family: An individual, or two or more persons related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit, or a group of not more than five persons who need not be related by blood or marriage.

Feed Lot Operations: The confinement of more than fifteen (15) head of livestock for the purpose of supplemental and concentrated feeding and prevention of weight loss prior to sale, whether for hire, or commission, or for one's own account, but does not include supplemental and concentrated feeding in conjunction with calving operations.

Floor Area, Residential: The gross horizontal areas of the several floors of a dwelling, exclusive of carport, garages, basements, storage areas with only outside access and open porches, measured from the exterior faces of the exterior walls of a dwelling.

Height of Building: The vertical distance measured from the mean finished ground level adjoining the building to the highest point of the roof.

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, 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 part of such operations are conducted inside a building or in conjunction with, addition to, or accessory to, other uses of the premises.

Lot Width: The distance between the side lot lines measured at the building setback line.

Mobile Home or Trailer: A detached residential dwelling unit designed for transportation on streets and highways on its own wheels (permanent or temporary) or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary foundations, connection to utilities and the like.

Non-Conforming Use: The use of a building, structure, or land existing at the time of enactment of these restrictions and regulations which does not conform to the restrictions and regulations.

Setback Line (or Building Line): A line beyond which no foundation wall, eave, or other part of any building shall project, unless specified exceptions are made elsewhere in these regulations.

Sign, Advertising: Any free-standing or partly or wholly attached structure display for the purpose of conveying some information, knowledge, or idea to the public.

Street Line: The dividing line between a lot, tract or parcel of land and a contiguous street right of way.

Structure: Anything constructed or erected including signs, the use of which requires location on the ground, or attachment to something having location on the ground.

Yard: An open or unoccupied space on the same lot with a principal building and unobstructed by buildings or structures from ground to sky, except where encroachments and accessory buildings are expressly permitted.

Yard, Front: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street or road and the front line of the building.

Yard, Side: An open, unoccupied space on the same lot with a principal building, situated between the building and the side lot line and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

5. APPLICATION OF REGULATIONS:

Except as hereinafter provided, no building shall be erected or structurally altered to exceed in height the limit herein established.

No lot area shall be so reduced or diminished, that the yard or other open spaces, shall be smaller in conformity with the area regulations hereby established. No building shall be erected or structurally altered, nor shall any building, premises or lands be used for any purpose other than that permitted in this planning and zoning district.

6. NON-CONFORMING USES:

The lawful use of any building or structure or land existing at the time of the enactment of or subsequent amendment to these regulations and restrictions may be continued subject to the restriction contained in these restrictions and regulations even though such use does not conform with the provisions of these restrictions and regulations, except that the non-conforming structure or use shall not be:

- (1) Changed to another non-conforming use;
- (2) Torn down and rebuilt as a non-conforming use;
- (3) Extended or enlarged;
- (4) Re-established after vacancy or discontinuance for one year.

7. GENERAL PROVISIONS:

1. There shall be at least one (1) but not to exceed four (4) permanently maintained automobile parking spaces on the same lot with the dwelling.
2. No sign of any kind shall be displayed to the public view except as follows:
 - (a) One sign of not more than 25 square feet for each subdivision or group of contiguous tracts advertising lots or tracts within such subdivision or group for sale.
 - (b) One sign on any lot of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.
 - (c) One sign on any lot of not more than ten square feet advertising home occupations conducted on the premises and the products thereof, and recreational facilities.
3. The distance between the accessory building and a dwelling shall not be less than eight (8) feet and between two accessory buildings not less than six (6) feet.
4. No lot area shall at any time be so reduced or diminished that the front, rear or side yards shall be small than prescribed.

8. PERMITTED USES:

1. Single-family dwellings with not less than 1,000 square feet of ground floor area exclusive of porches and attached garages, but not including mobile homes, or structures wherein the primary living area is located below ground level.
2. Agricultural uses as defined in Section 4, and in connection therewith stables, barns and corrals may be maintained, altered or erected; provided, however, that such buildings and structures be designed for such uses, and not be used for any other purpose.
3. Accessory building incidental to the above uses and located on the same lot (not involving the conduct of a business) including one private garage for not more than four cars.
4. Home occupations.
5. Parks dedicated to the public.

9. EXCEPTIONS TO REGULATIONS:

1. The following described lands, presently utilized for firearms ranges and related recreational activities, are exempt from these regulations:

Twp. 1 North, Rge. 24 East, M.P.M.

Sec. 23: Tracts 1 and 2 of Certificate of Survey #935 on file in the office of the Yellowstone County, Montana, Clerk and Recorder; SE $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$; W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$; W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.

This exemption is to be considered in the nature of a non-conforming use which may be extended or enlarged for such firearms ranges and related recreational activities only, and upon discontinuance of the same the use of said property shall be bound and governed by these regulations.

10. AMENDMENT PROCEDURES TO ZONING DISTRICT:

Changes in the boundaries and regulations of this zoning district or parts thereof may be made in accordance with Chapter 41, Title 16 of the Revised Codes of Montana, 1947.

11. VALIDITY CLAUSE:

The provisions of these Regulations shall be severable and should any Section, Clause, Provision, Exception or part thereof of these Regulations be declared by the court to be invalid, the same shall not affect the validity of the Regulations as a whole or any part thereof, except the part so declared to be invalid.

5. Every part of a required yard shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt course, cornices and ornamental features; and the ordinary projections of chimneys and flues, bay or breast windows not over fifteen (15) feet long and projecting not more than eighteen (18) inches may be permitted, where the same are so placed as not to obstruct the light or ventilation.
6. No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two (2) and six (6) feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines, or in case of a rounded property corner from the intersection of the street property lines extended. The same sight line limitations shall apply on any lot within ten (10) feet from the intersection of a street property line with the edge of a driveway or alley pavement. No trees shall be permitted to remain within such distance of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.
7. No part greater than a single wall of any building or structure shall be moved on to any lot or area within the boundaries of the District, and any such part shall be of new construction only, and shall not have been removed from an existing foundation.
8. No building or structure nor the enlargement of any building or structure shall be hereafter erected to exceed one and one-half (1½) stories or twenty-five (25) feet in height.
9. No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement.
 - (a) Front Yard: There shall be a front yard of not less than thirty (30) feet.
 - (b) Side Yard: No portion of a structure (including accessory buildings) shall be located less than five (5) feet from the side lot line. A side yard abutting upon a street shall not be less than ten (10) feet.
 - (c) Rear Yard: There shall be a rear yard of not less than twenty (20) feet in depth.
 - (d) Lot Area: Every lot shall have a minimum lot area of 20,000 square feet, or 10,000 square feet if served by city water or sewer, and a minimum width of seventy-five (75) feet. Provided that where a lot has an area less than 20,000 square feet, and was held under separate ownership, or was of record at the time this resolution became effective, such lot may be occupied by any use permitted in this zone.
 - (e) Percentage of Lot Coverage: All buildings including accessory buildings shall not cover more than 30% of the area of the lot.

EXHIBIT "A"

The lands to be included within said planning and zoning district herewith petitioned for, are described as follows:

Commencing at the southeast corner of Section 25, Township 1 North, Range 24 East, M.P.M.; thence due west to the southwest corner of the southeast quarter of Section 25, Township 1 North, Range 24 East, M.P.M. thence due north to the south line of the Great Northern Railroad (Burlington Northern) right-of-way; thence northerly along said right-of-way to the south line of Section 24, Township 1 North, Range 24 East, M.P.M.; thence due west to the southwest corner of Section 22, Township 1 North, Range 24 East, M.P.M.; thence due north to the northwest corner of the southwest quarter of Section 15, Township 1 North, Range 24 East, M.P.M.; thence due east to the southeast corner of the southwest quarter of the northwest quarter of Section 15, Township 1 North, Range 24 East, M.P.M.; thence due north to the north line of Section 15, Township 1 North, Range 24 East, M.P.M.; thence due east to the northeast corner of Section 15, Township 1 North, Range 24 East, M.P.M.; thence due south to the southwest corner of the northwest quarter, Section 14, Township 1 North, Range 24 East, M.P.M.; thence due east to the center of Section 14, Township 1 North, Range 24 East, M.P.M.; thence due south to the northwest corner of the northeast quarter of Section 23, Township 1 North, Range 24 East, M.P.M.; thence due east to the northeast corner of Section 24, Township 1 North, Range 24 East, M.P.M.; thence due south to the point of beginning.

PLAT OF
CERTIFICATE OF SURVEY NO. 1153
 LOCATED IN THE NE 1/4 NE 1/4 OF SECTION 22, T-1N, R-24E, M.P.M.

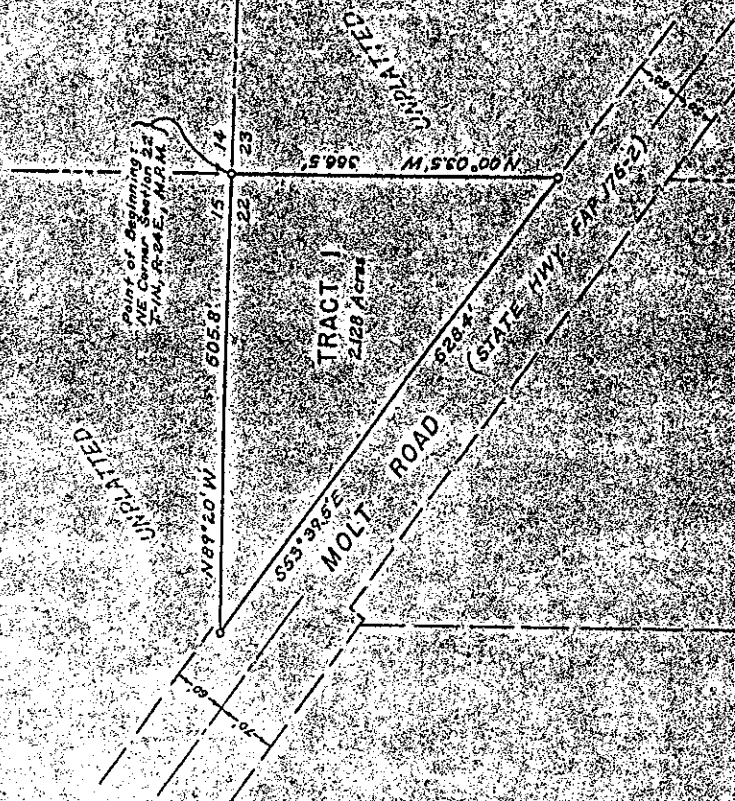
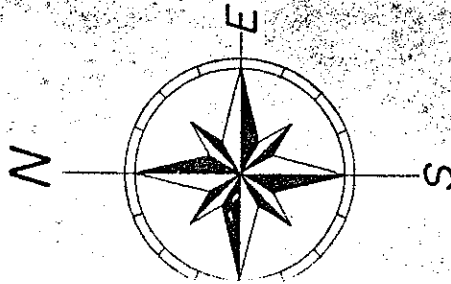
YELLOWSTONE COUNTY, MONTANA

PLAT & SURVEY BY: SAGE ENGINEERS & LAND PLANNERS, INC.

SCALE: 1"=100'

MARCH, 1970

FOR: MR. CHARLES ZIMMERMAN



CERTIFICATE OF SURVEY

STATE OF MONTANA }
 County of Yellowstone)

James E. O'Brien, Montana Professional Engineer & Land Surveyor, being first duly sworn, deposes and says that during the month of March, 1970, he and his assistants were employed by Sage Engineers & Land Planners, Inc. in the performance of their duties as such, to survey and plat the above described tract being more particularly described as follows, to-wit:

Beginning at the Northwest corner of said Section 22, Township 1 North, Range 24 East, and distance of 605.8 feet of the Northwesterly 2/4 line of the said Section; thence along said 2/4 line a distance of 605.8 feet to the East Section Line; thence a distance of 366.5 feet to the point of beginning, containing about 2128 acres, more or less.

This said survey and the plat hereof were prepared and made in accordance with the laws of the State of Montana, and that the plat conforms with the laws of the State of Montana, this 10th day of March, 1970.

James E. O'Brien
 Registered Professional Engineer & Land Surveyor
 State of Montana, this 10th day of March, 1970.

Charles Zimmerman
 Registered Professional Engineer & Land Surveyor
 State of Montana, this 10th day of March, 1970.

CERTIFICATE OF EXAMINATION

The CITY-COUNTY PLANNING BOARD hereby certifies that the above described plat of survey is approved for filing by the County Clerk of Yellowstone County, Montana.

Richard J. [Signature]
 Planning Board Secretary

CLERK OF COUNTY COMMISSIONERS

Whereas this said plat of survey is approved for filing by the Planning Board of Yellowstone County, Montana, by resolution of the Board, I hereby certify that the same is approved for filing.

[Signature]
 Clerk of County Commissioners

YELLOWSTONE COUNTY, MONTANA