

GENERAL PROVISIONS:

Title, Creation, and Adoption

These regulations shall be known as the "McCone Mount Antelope Park Planning and Zoning Regulations" and are adopted for that part of McCone County as shown on the McCone Mount Antelope Park Planning and Zoning District. The District having been created by resolution of the Board of County Commissioners of McCone County, Montana, XXXXXXXXXXXXXXXX, XX, 2025 and as hereafter amended

Authority

These Regulations are adopted pursuant to the provisions of §76-2-101 to §76-2-118 MCA

Purpose

The purpose of these regulations is:

1. To promote the health, safety, and general welfare of the people of the McCone Mount Antelope Park Planning and Zoning District.

2. To carry out the McCone Mount Antelope Park Development Pattern.

3. To preserve property values.

4. To preserve and maintain so far as possible the character of the area and promote the growth of the area commensurate with this character.

5. To promote development that is compatible with the character of the area.

1. Jurisdictional Area: McCone Mount Antelope Park Planning and Zoning District as shown on the attached Map.

2. Permits are not required for:

- a. Structures 149 feet in height or less.

- b. Agricultural uses of land including typical agricultural buildings and structures;

c. All types of farming and ranching operations, including, but not limited to, crop, production, dairying, livestock, poultry raising, apiaries, and fur farming;

d. Agricultural businesses;

e. Rural residential uses consisting of single-family homes and ancillary structures;

f. Minor oil and gas activities;

g. Personal wind or solar energy generation;

h. Home businesses;

i. Private or commercial timber operations;

j. Small Concentrated Animal Feeding Operations (CAFO);

k. Signs;

l. Temporary Structures;

m. Any land or uses necessary for Federal, State or County operation, including but not limited to public schools, emergency services, landfill, fairgrounds, and county offices.

3. Permits are required for:

a. Any Structure over 149 feet in height.

4. Development Standards:

a. Permitted Uses:

i. Uses allowed in the District. All (Agricultural, Residential, Commercial, Public and Small Scale Industrial)

b. Prohibited Uses:

i. Any structure over 199 feet in height

ii. Any industrial use that requires a parcel greater than 160 acres or ¼ aliquot part of a US Government Section in size.

c. Setbacks Structures 50 feet in height or less. From Property Lines

i. Minimum parcel size: N/A

ii. Front

10 Feet

iii. Side

10 Feet

iv. Rear

10 Feet

v. Fences On property line or agreed location between adjoining landowners.

d. Setbacks from property lines for Structures greater than 50 feet to 149 feet in height

i. Minimum parcel size: N/A

ii. Front 50 Feet

iii. Side 50 Feet

iv. Rear 50 Feet

v. Fences On property line or agreed location

between adjoining landowners.

vi. Structures must also be setback from adjoining benefited properties, existing residential or commercial structures, an additional 1 foot for each foot in height in excess of 50 feet.

vii. Structures must also be setback from adjoining non-benefitted properties, existing residential or commercial structures, an additional 2 feet for each foot in height in excess of 50 feet.

e. Setbacks from property lines for Structures-greater than 149 to 199 feet in height.

i. Minimum lot area: 160 acres.

ii. From vacant benefitted properties, 1,400 feet.

iii. From existing benefitted residential structures 1.0 mile

iv. From existing benefitted commercial, and industrially developed structures 2,100 feet.

v. From existing non-benefitted residential structures 2.0 miles.

vi. From vacant non-benefitted properties, 2,100 feet.

vii. From existing non-benefitted industrial or commercial structures 1.5 miles

viii. From existing water wells, developed springs, or other water sources 0.5 miles.

ix. From Public rights-of-way or easements 1400 feet

x. From parks, recreational areas, historical sites, and schools. 2.0 miles.

f. Standards and Setbacks from property lines for Small Scale Industrial Uses

- i. Maximum lot area: 160 acres or ¼ aliquot part of a US Government Section

- ii. Front 100 Feet
- iii. Side 100 Feet
- iv. Rear 100 Feet

- v. Fences On property line or agreed location between adjoining landowners.

- vi. Structures must also be setback from existing residential or commercial structures, an additional 900 feet.

5. Definitions:

- a. "Applicant" means a person, corporation or holder of the right to conduct beneficial activities upon a parcel of land within the District.

- b. "Application" means the form approved by the McCone County Planning and Zoning Commission necessary to gather the information necessary to make an informed land use decision within the McCone Mount Antelope Park Planning and Zoning District.

- c. "Benefited Property" means a property under the same ownership, lease, easement, or other binding agreement upon which the construction of a tall structure is contemplated.

- d. "District" means the McCone Mount Antelope Park Planning and Zoning District.

- e. "Height of structure" means the vertical distance measured from the average finished ground level adjoining the structure to the level of the highest point of the structure.

- f. "Historical Site" means any site, building or location included on the National or State Register of Historic Places.

- g. "Industrial" means land uses that process, manufacture, assemble, package, treat or fabricate materials and products from previously manufactured materials or from raw materials, usually for the mass sale to wholesalers or other industrial uses. The term also includes electrical power generation facilities.

- h. "Jurisdictional area" means the area included within McCone County McCone Mount Antelope Park Planning and Zoning District.

i. "Non-Benefited Property" means a property not under the same ownership, lease, easement, or other binding agreement that is adjacent to a property upon which the construction of a tall structure is contemplated.

j. "Nonconforming Use" means the lawful use of a building or other structure or of a tract of land that has substantially all construction materials for all buildings or structures placed into a permanent position and fastened in a permanent manner which does not conform to the use or regulations of this title for the district in which it is located, either at the effective date of the regulations codified in this title or as a result of subsequent amendments which may be incorporated into this title.

k. "Planning and Zoning Commission" means the McCone County Planning and Zoning Commission as authorized under the provisions of 76-2-101 to 76-2-118, MCA.

l. "Residential" means One or more rooms designed, occupied or intended for occupancy as separate living quarters for a single household and containing a single kitchen and facilities for sleeping and bathroom.

m. "Setback" means the minimum horizontal distance, in feet, that a structure must be located from a property line of another landowner.

n. "Small Scale Industrial" means any industrial use provided that the maximum land area associated with said use does not exceed 160 acres.

o. "Structure" means anything constructed or erected which requires location on the ground or is attached to something having a location on the ground; including but not limited to buildings, advertising signs, billboards, and poster panels, but not including customary fences or boundary or retaining walls.

p. "Temporary Structure" means a structure that is placed on property for a period of 180 days or less and is completely removed from the district for a term of not less than 180 days. Temporary structures are exempt to the setback and permitting requirements of these regulations.

q. "Variance" means an adjustment in the application of the specific regulations of this title 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 or zone.

r. "Zoning Administrator" means an employee of McCone

County, or qualified consultant with the roles and duties prescribed by the Planning and Zoning Commission as provided in 76-2-103 MCA.

Variance Standards and Procedure:

A. PROCEDURE

The Planning and Zoning Commission is assigned authority to hear, consider, and decide whether to approve, approve with conditions, or disapprove applications on Variance applications.

B. STANDARDS

A recommendation for Approval or Conditional Approval of a Variance shall require the Planning and Zoning Commission making each of the following Findings of Fact:

1. Special Conditions

There are special circumstances or conditions that are peculiar to the land or building for which the Variance is sought that do not apply generally to land or buildings in the district; and

2. Not Result of Applicant

The special circumstances or conditions have not resulted from an act of the applicant or been established to circumvent these Regulations; and

3. Strict Application Unreasonable

Due to the special circumstances or conditions, the strict application of these Regulations would deprive the applicant of all reasonable use of the land or building or create an undue hardship on the landowner; and

4. Necessary to Provide Reasonable Use

Granting the Variance is necessary to provide a reasonable use of the land or building; and

5. Minimum Variance

The Variance is the minimum variance necessary to allow a reasonable use of the land or building; and

6. Not Injurious

Granting the Variance will not be injurious to the neighborhood or detrimental to the public health, safety and general welfare; and

7. Consistent with Regulations

Granting the Variance is consistent with the purposes and intent

of these Regulations. A variance to the Allowed Uses of a zoning district is prohibited.

C. CONDITIONS

Conditions or restrictions may be placed on the approval of a Variance.

D. EXPIRATION

A Variance shall expire one (1) year from the date of approval if the next logical step in the development process is not commenced. The next step in the development process includes but is not limited to applying for a building permit, commencing the use, or applying for additional required approvals or permits.

Appeals:

Any person aggrieved by a decision of the Planning and Zoning Commission or the Board of County Commissioners may appeal the decision to District Court for McCone County. For the purposes of this Section, an aggrieved person shall be either a person who has submitted an application, received an interpretation, or a person who is adversely affected by an action on an application or by an interpretation. Appeals shall be submitted, reviewed, and decided pursuant to the standards and procedures of this Section.

A. INITIATION

An appeal is initiated by the aggrieved person filing a written appeal with the Zoning Administrator within thirty (30) calendar days of the decision being appealed or within thirty (30) calendar days of the date the notice appeared in the official paper of the McCone County, whichever is applicable.

B. CONTENTS OF APPEAL

The appeal shall include a statement describing the decision prompting the appeal, the date of that decision, the basis for the appeal, and all supporting materials related to the appeal.

C. SCHEDULING OF HEARING

The Board of County Commissioners shall schedule a hearing on the appeal within thirty (30) calendar days of receipt of the written notice of appeal. This deadline may be extended by the Board of County Commissioners if additional time is required to compile information that is needed to evaluate the appeal.

D. PRODUCE RECORD

The Zoning Administrator shall organize and provide to the Planning and Zoning Commission the record pertaining to the

decision being appealed.

E. HEARING

The appeal hearing shall be conducted in accordance with the Montana Administrative Procedure Act.

F. DECISION

Within thirty (30) calendar days of the close of the hearing on the appeal, the Planning and Zoning Commission by not less than a 4/7 majority shall uphold, uphold with conditions, or overturn the decision being appealed. In rendering the decision on the appeal, the Planning and Zoning Commission shall have the authority of the decision-maker whose decision is being appealed.