



MEMORANDUM

TO: Carbon County Planning Board
FROM: Brent Moore, AICP and Monica Plecker
DATE: June 11, 2015
RE: Sample Development Regulations

1. City of Laurel/Yellowstone County
 - a. Special Review relates to allowable uses identified in Zoning. Special Review goes to Planning Board for recommendation and County Commissioners for final approval. Code gives the Zoning Commission the authority to consider the following:
 - i. Street and Road Capacity,
 - ii. Ingress and Egress to adjoining streets,
 - iii. Off street parking,
 - iv. Fencing, screening and landscaping,
 - v. Building bulk and location,
 - vi. Usable open space,
 - vii. Signs and lighting,
 - viii. Noise, vibration, air pollution and similar environmental influences.

2. City of Billings/Yellowstone County
 - a. The City of Billings requires a Zoning Compliance Permit. Mainly to ensure nonconforming uses do not occur and setbacks are met where there are not building permit requirements. There is only staff review.
 - b. In addition the City has a Special Review procedure which is intended to assure proposed uses are compatible with their locations and surrounding land uses. Examples of this include
 - i. Churches in residential zones
 - ii. Retirement facilities in residential zones
 - iii. Telecommunication facilities
 - iv. Day Care Centers in residential zones
 - v. Liquor licenses and outdoor patios

 - c. In the Special Review process the City or County Zoning Commission may impose measures screening, special lighting, restrict business hours and landscaping.

MEMORANDUM (cont.)

3. Powell County Development Regulations

- a. Even residential development requires a development certificate. Development certificates are only reviewed by the Planning Department staff.
- b. CUP is required for land development not able to occur with just a development permit. CUP's are even required for approved uses when development requires construction, placement, moving or expansion. The Planning Board can approve, conditionally approve, or deny applications for CUP.
- c. CUP's require a public hearing.
- d. The Planning Board can revoke a permit.
- e. Specific regulations for cell towers or communication towers. Must be located on existing structures like buildings, water towers, and existing facilities. Applicant's burden to prove there are no existing structures.
- f. Specific regulations for wind generation.
- g. Allows for a variance process.
- h. For districts – regulations include permitted uses with no development certificate required, permitted uses with a development certificate required, conditional land uses and prohibited land uses. They provide for minimum specifications (sanitation requirements for lot size, new lots for non-residential should be large enough to account for traffic and water and sewer needs, and subdivision platting act can't be evaded).

4. Anaconda Deer Lodge Development Permit System

- a. Very similar to Powell County, however, there are several specific differences with time frames, certain exceptions, and variances.
- b. These regulations are incredibly comprehensive. Take into account overlay districts creating a different set of rules.
- c. Differentiate between development and major development permits.
- d. For Districts – Regulations include permitted uses with no development certificate required, permitted uses with a development certificate required, conditional land uses and prohibited land uses. They provide for minimum specifications (lot size, setbacks) structured like full-fledged zoning.
- e. Contemplate private CC&R's. States that although local government does not have the authority to enforce these measures the administrator of the DPS can defer to standards set forth in the CCR because it is states the DPS system is meant to be a minimal requirement.