



Gallatin County

Zoning Amendments Information and Application

Gallatin County Zoning District Regulations may be amended in two ways:

1. **Zone Text Amendments (ZTA)** change the text of a zoning regulation.
2. **Zone Map Amendments (ZMA)** change the zoning classification of an existing parcel(s).

If you wish to apply for a Zoning Amendment the following applies:

1. Meet with a planner for a pre-submittal meeting (**STRONGLY SUGGESTED**).
2. Provide a cover letter describing the basis for the proposed amendment.
3. Prepare the application packet, completing the "text amendment" and/or "map amendment" sections as appropriate.
 - ▶ **Evaluation Criteria.** Prepare a written explanation, along with any supporting documentation, demonstrating that the proposed change meets each of the applicable Evaluation Criteria discussed in the "Evaluation Criteria" attached.
 - ▶ **For Proposed Zone Text Amendment (ZTA).** Prepare a written explanation of the proposed changes, including section references. The amended text should be presented with deletions of any existing text shown as ~~strikethrough~~, and new or additional text shown as underline.
 - ▶ **For Proposed Zone Map Amendment (ZMA).** Prepare a map, drawn to scale, adequate and legible, showing the property(s) proposed for re-zoning and all other surrounding property within a 300-foot radius.
 - ▶ **Certified List of Adjacent Property Owners (ZMA Only).** Prepare a certified list of the names, mailing addresses, and legal descriptions of each of the property owners adjacent to the affected property(s). "Adjacent" property owners include owners of parcels across public roads, streets, alleys, watercourses and other public ways, and the Montana Department of Transportation if the site is adjacent to a state highway.
 - Mailing Labels. Prepare three sets of mailing labels for each adjoining property owner.
 - Please provide labels smaller than 1" x 2-5/8" (similar to Avery 5160 or 30 per sheet) so that they are the proper size for the certified mail.

4. Submit the attached application form, supplements, and required fee(s) to the Planning Department; make checks payable to the Gallatin County Treasurer.
 - ▶ Provide original, not including this application cover page, and required number of copies.
 - ▶ Check with the Planning Department before submitting to find out the number of copies needed for your Zoning District.
 - ▶ Submit complete and assembled copy packets.
 - ▶ After the initial submittal, additional copies may still be requested.

PROCESS

- The County Planning Department determines whether the application packet is complete.
- The County Planning Department distributes copies of the application packet to appropriate departments and agencies for review and comment.
- The County Planning Department schedules public hearings.
- The County Planning Department publishes notice in appropriate newspaper(s) and sends notice (by certified mail) to adjacent property owners (ZMA only). The applicant posts notice in at least three affected locations, and submits a certified statement verifying that such posting has been completed (ZMA & ZTA).
 - **Certified Statement of Posting.** After the County Planning Department has scheduled public hearing(s) and finalized the public hearing notice, you must pick up the hearing notice and post copies of the notice in at least three conspicuous affected locations within the Zoning District, and submit a certified statement to the Planning Department confirming that such notices have been appropriately posted. Within one week after the hearing(s), you must remove the posted notices.
- The County Planning Department analyzes the application materials and any comments received from other departments and agencies. The County Planning Department conducts a site visit of the property(s). The County Planning Department prepares a staff report that evaluates the proposal, which is submitted to the appropriate advisory board*.
 - **The advisory board differs based on the zoning regulation that is being amended:*
 - *For "101" zoning districts, the advisory board is the Planning and Zoning Commission.*
 - *For "201" zoning districts, the advisory board is the Planning Board.*
- In a public hearing, the advisory board considers the staff report and public comments. The advisory board develops a recommendation which is forwarded to the County Commission.
- In a regular public meeting, the County Commission considers the advisory board's recommendation, the application, the staff report and public comments. The County Commission votes on whether to approve or deny the Resolution of Intent to Amend.

Planning Department • 311 West Main, Room 108 • Bozeman, MT 59715
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- The decision on the Resolution of Intent to Amend may be appealed within 30 days. After the 30-day protest, the County Planning Department schedules the Resolution of Adoption hearing.
- In a regular public meeting, the County Commission approves or denies the Resolution of Adoption for the proposed amendment.
- If you have any questions regarding the application or need any assistance filling out any part of the application form, please contact us at the information listed below.

Evaluation Criteria for Amendments to Zoning Regulations

In reviewing proposed amendments to zoning regulations, the County Commission will consider the following evaluation criteria. Written responses, and supporting documentation where necessary, must be provided for each of the criteria listed below.

1. **Statutory Criteria and Guidelines for “Part 1” Zoning Regulations (§76-2-104 MCA).** Applies to zoning regulations for the following zoning districts: Bear Canyon, Bozeman Pass, Bridger Canyon, Gallatin Canyon/Big Sky, Hebgen Lake, Hyalite, River Rock, South Gallatin, Springhill, Sypes Canyon No. 1 & No. 2, Trail Creek, Wheatland, and Zoning District No.1 & No.6.
 1. For the purpose of furthering the health, safety, and general welfare of the people of the county, the county planning and zoning commission hereby is empowered and it shall be its duty to make and adopt a development pattern for the physical and economic development of the planning and zoning district.
 2. Such 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 districts, 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 or within which the height and bulk of future buildings and the area of the yards, courts, and other open spaces and the future uses of the land or buildings shall be limited and future building setback lines shall be established.
 - Please see the specific Zoning Regulation for Amendment Criteria. (The appropriate Section will be given to you at the pre-submittal meeting.)
2. **Statutory Criteria and Guidelines for “Part 2” Zoning Regulations (§ 76-2-203 MCA).** Applies to zoning regulations for the following zoning districts: Gallatin County/Bozeman Area (“Donut”); Middle Cottonwood; South Cottonwood; Reese Creek; Four Corners.
 - a. Zoning regulations must be made in accordance with the Growth Policy.
 - b. Zoning regulations must be designed to:
 - i. secure safety from fire and other dangers;
 - ii. promote public health, public safety, and general welfare; and

- iii. facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
 - c. In the adoption of zoning regulations, the County Commission shall consider:
 - i. reasonable provision of adequate light and air;
 - ii. the effect on motorized and non-motorized transportation systems;
 - iii. compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;
 - iv. the character of the district and its peculiar suitability for particular uses; and
 - v. conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.
 - d. Zoning regulations must, as nearly as possible, be made compatible with zoning ordinances of nearby municipalities.
 - i. Please see the specific Zoning Regulation for Amendment Criteria. (The appropriate Section will be given to you at the pre-submittal meeting.)
3. **Zoning Regulation Criteria**. Amendments to the zoning regulation or official zoning map must be consistent with the provisions found in the specific zoning regulation. Refer to the appropriate section of the zoning regulations to include a response to the Amendment Criteria. (The appropriate Section will be given to you at the pre-submittal meeting.)
4. **“Spot Zoning” Criteria**. To demonstrate that a proposed amendment would not result in “spot zoning,” the following questions must be addressed:
- a. Are the requested zoning designation(s) amendments (text or map), and potential uses significantly different from the prevailing uses in the area?
 - b. Does the requested zoning designation(s) amendment (text or map) benefit a small area and only one or a few landowners, or does the requested zoning designation(s) benefit the surrounding neighborhood, community and the general public?
 - c. Is the requested zoning designation(s), text or map, compatible with the zoning district’s Plan, or is it special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public?



GALLATIN COUNTY

Zoning Regulation Text and Map Amendment Application Form

1. Applicant

Name: _____
Address: _____
Phone: _____ Email: _____

2. Property Owner

Name: _____
Address: _____
Phone: _____ Email: _____

Zoning District: _____

A. Required Information for Zoning Regulation Text Amendments:

- ▶ Check with the Planning Department before submitting to find out the number of copies needed for your Zoning District.
 - ▶ Items to be included in the copies are denoted with a *.
- ▶ After the initial submittal, additional copies may still be requested.
- ▶ Prepare a statement and supporting documentation addressing all applicable Zoning Amendment Evaluation Criteria, as discussed in attached handout. *
- ▶ Proposed modified text in ~~strike-out~~ and underline format, including section and page numbers. *

B. Required Information for Zone Map Amendments:

- ▶ Check with the Planning Department before submitting to find out the number of copies needed for your Zoning District.
- ▶ After the initial submittal, additional copies may still be requested.
- ▶ All items are to be included in the copies.

1. General description of property: _____

2. Legal description of property: _____

3. DOR # 06 _____
(2) (4) (2) (1) (2) (2) (4)

4. Current zoning designation: _____

5. Current use: _____
6. Proposed zoning designation: _____
7. Covenants or deed restrictions on property? Yes No
If **yes**, attach a copy.
8. Required attachments:
- Statement and supporting documentation addressing all applicable Zoning Amendment Evaluation Criteria, as discussed in attached handout.
 - 300 foot radius map.
 - Certified list of names, addresses, and legal descriptions of adjacent property owners. (one copy)
 - Mailing labels for adjacent property owners. (three self-adhesive sets)
 - Application fee(s). (checks payable to Gallatin County Treasurer)

<ul style="list-style-type: none"> ◆ I hereby certify that the information on and attached to this application is true and correct. ◆ I understand that fees for this application are not refundable. ◆ I understand that I am responsible for posting notice and for certifying that such posting has been completed before any scheduled public hearing(s) on this proposed zoning amendment are held. 	
_____ Applicant's Signature	_____ Date
_____ Property Owner's Signature	_____ Date
<i>If property has multiple owners, please inquire with Planning Department for required signature(s).</i>	

FOR OFFICE USE ONLY			
Date filed: _____			
Application Fee: _____	+ _____	x fee = _____	
<i>1st parcel</i>	<i># of add'l parcels</i>		<i>total fee</i>
Certified mailing fee: _____ x \$12 = _____			
<i># of adjoining property owners</i>		<i>total fee</i>	
Hearing date(s): _____		Action: _____	
_____		_____	
_____		_____	
_____		_____	

Proposal _____



GALLATIN COUNTY
Certification of Property Owners List

I, _____, applicant for the attached proposal, hereby certify that:

- To the best of my knowledge, the attached list shows all property owners and purchasers under contract for property:
 - According to the notice requirements of the applicable zoning regulation.
- The names on the list are from the Gallatin County Clerk and Recorder's most recent records.
- The addresses on the list are from Montana Departments of Revenue's most recent tax records, available on the internet at <http://svc.mt.gov/msl/mtcadastral>.
- I understand that an inaccurate list may delay review of the project.

Signature

Date

Property Owners

According to the notice requirements of the applicable zoning regulation.

	Legal Description of Property	Property Owner's Name	Mailing Address of Property Owner from Montana Dept. of Revenue
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

* If road is a state highway, also include Montana Department of Transportation in property owner list.

Page ____ of ____

(If additional pages of this form are needed, download the file entitled "Property Owners List".)