

CHAPTER I. TITLE, CREATION AND ADOPTION

This ordinance shall be known as the Cooke City\Silver Gate \Colter Pass Zoning Ordinance and is adopted specifically for the Cooke City\Silver Gate\Colter Pass Zoning District. The district has been created by resolution of the Board of County Commissioners, Park County, Montana.

Pursuant to Section 76-2-101, MCA there has been created a Planning and Zoning Commission for the Cooke City\ Silver Gate\Colter Pass Zoning District which consists of the three County Commissioners, the County Clerk & Recorder and the County Sanitarian.

Pursuant to Section 76-2-101, MCA, there is hereby adopted a development pattern consisting of the Cooke City\Silver Gate\Colter Pass Zoning Ordinance, Zoning Map, and Cooke City\Silver Gate\Colter Pass Zoning District General Plan.

The Planning and Zoning Commission shall have all the powers given to it by the state statutes of the State of Montana and by this ordinance.

Pursuant to Resolution No 446 passed by the County Commissioners on July 8, 1993 mining, exploration, reclamation and all related activities are exempt from the requirements of this ordinance.

76-2-104 MCA (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 County Planning and Zoning Commission's recommendations for the development of the districts, within some of which 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 building shall be limited and future building setback lines shall be established.

CHAPTER II. PURPOSE

1. The purpose of this ordinance is to:
2. Promote the health, safety, and general welfare of County residents;
3. Lessen congestion in the streets;
4. Secure safety from fire, panic, and other dangers;
5. Preserve the historic and recreational values of the area;
6. Prevent overcrowding of land;
7. Avoid undue concentration of population;
8. Facilitate the adequate provision of transportation, water, sewage, parks, and other public requirements;
9. Promote the preservation of wildlife and fish habitat;
10. Protect scenic qualities, fresh air, groundwater, and open space;
11. Preserve the rural atmosphere;
12. Encourage good design and orderly growth; and,
13. Achieve a balance between the economic and social needs for each and all residents while preserving the beauty and character of the area for the future generations.

This ordinance is adopted under provision of Section 76-2-101 through Section 76-2-112, MCA, and is intended to be in effect only when adopted under said law in conjunction with a zoning map.

CHAPTER III. DEFINITIONS

For the purpose of this ordinance certain terms and words are defined as follows: Words used in the present tense shall also include the future; words or phrases used in the singular shall also include the plural, and words used in the plural shall also include the singular; the word "building" includes structure and "structure" includes building; the words "used" or "occupied" shall include within their meaning "intended, arranged, or designed to be used or occupied." The word "person" shall include corporation, partnership, or other legal entity. Where other definitions are necessary and are not defined herein, the Cooke City\ Silver Gate\Colter Pass Planning and Zoning Commission may define such terms.

1. Accessory Building or Use - A Use, Building or Structure, or part of a Building or Structure which is subordinate to and the Use of which is incidental to that of the main Building, Structure, or Use of the same lot. If an Accessory Building is attached to the main Building or Structure by a common wall or roof, such Accessory Building shall be considered as part of the main Building.
2. Accessory Dwelling Unit - A second Dwelling Unit either in or detached from the principal Structure. The Accessory Dwelling is on the same Lot as the principal Structure and is a complete independent living facility.
3. Apartment - A room or a suite of two or more rooms in a multiple family dwelling or in any other Building, except a single-family dwelling or a two-family dwelling, occupied or suitable for occupancy as a Dwelling Unit for one family.
4. Bed and Breakfast - An establishment which provides overnight lodging to the public for compensation; caters to the public, is located in the proprietor's residence and serves breakfast to registered guests. A Bed and Breakfast shall contain no more than five rooms for rent to the public.
5. Building - Any Structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or chattel. When any portion thereof is completely separated from every other portion thereof by a division wall without openings, then each such portion shall be deemed to be a separate Building.
6. Building Height - The vertical distance from the undisturbed ground level at the perimeter (drip edge) of the Building to a parallel plane at the highest point of the roof or parapet wall.
7. Building Perimeter - The sum of the foundation walls of a Building and/or supports or appendages thereto.
8. Conditional Use - A Use which may be permitted in one or more districts as defined in these regulations but which, because of size, technological processes or equipment, or because of the exact location with reference to surroundings, streets and existing improvements, or demands upon public facilities, requires a special degree of control to make such uses consistent with and compatible to other existing or permissible Uses in the same district or districts. Conditional Uses do not include Uses that are special exceptions or that require the issuance of a variance.

9. Cellular Tower- Any Structure that is designed and constructed primarily for the purpose of supporting one or more cellular antennas. This includes guyed towers, lattice towers, monopoles, alternative cellular antenna tower structures and towers constructed on the top of another Building, along with any separate Building on the Lot used to house any supporting electronic equipment.
10. Density - The total number of Dwelling Units per gross acre.
11. Dude Ranch - Premises where horseback riding, hiking or other outdoor recreational pursuits are provided to the public as well as food and overnight accommodations.
12. Dwelling, Single Family - A Building designed with complete, permanent, and independent living facilities for one family.
13. Dwelling Unit - One or more rooms designed for or occupied by one family for living or sleeping purposes with stays of 30 days or longer. A Dwelling Unit must contain a kitchen and bathroom facilities for use solely by one family. All rooms comprising a Dwelling Unit shall have access through an interior door to other parts of the Dwelling Unit. A Building or portion thereof providing permanent cooking, eating, sleeping and living facilities for one family and its resident domestic employees.
14. Employee Housing - Housing provided by an employer for the exclusive use of employees. Employee housing may be located on or off the premises of the business and may be a dormitory type facility. The employee housing may or may not provide kitchen facilities, but shall provide sanitary facilities.
15. Family - One or more persons related by blood, marriage, adoption, or a group of not more than five persons, excluding servants, not related by blood or marriage, living together as a single housekeeping unit in a Dwelling Unit.
16. Regulated Flood Hazard Area - Land area which has been specifically identified by FEMA as the Floodplain within a community subject to a 1 percent or greater chance of Flooding in any given year. It is useful for the purposes of identifying flood hazards by local subdivisions of government for regulatory purposes as well as use by the National Flood Insurance Program for used to establishing risk zones and Flood insurance premium rates. The FEMA Flood hazard area zone designation or Flood risk potential is as illustrated on FEMA's Flood Hazard Boundary Map or Flood Insurance Rate Map.
17. General Plan – A General Plan shall include any document or portion of any document duly adopted by the Commission which is intended to guide the growth and development of the area including a Growth Policy or Neighborhood Plan.
18. Home Business - The Use of a portion of a Dwelling or Accessory Building for business conducted on the premises. The home business may require the use of additional vehicles, have a greater impact on the neighborhood than a Home Occupation and Home Business, and have a sign.
19. Home Occupation- The Use of a portion of a Dwelling or Accessory Structure as an office, studio, or work room for occupations at home. The activity must be clearly incidental to the Use of the Dwelling for a residence and shall not change the character or appearance thereof. In addition, the activity shall have no additional impact on the surrounding neighborhood, and shall not result in any smells, noise, or create additional traffic greater than that caused by normal residential use.

20. Horse Related Uses - Commercial horseback riding activities, stage coach or buggy rides or similar activities.
21. Kennel, Commercial - Any Lot or Building where four or more adult dogs and/or cats are kept, boarded, trained, or propagated as a commercial activity whether in special structures on runways or not.
22. Landscaped - Vegetative cover and/or sufficient local topographic relief to intended to screen or soften the visual impact of the development.
23. Lot - A parcel of land on file in the Office of the Park County Clerk and Recorder.
24. Lot, Corner - A Lot situated at the junction of and abutting on two or more streets.
25. Lot, Coverage - The total area of a Lot occupied by any permanent Buildings or Structures.
26. Lot Lines - The lines bounding a Lot as defined herein.
27. Lot Width - The width of a Lot along a line parallel to the frontage thereof and laying a distance equal to the required front yard setback on such Lots.
28. Manufactured and Modular Home - Residential Dwellings constructed entirely or substantially off-site.
29. Mining Related Activities - Any activity related to the removal and production of ore that is located within the general mining area. Offices, residences and other land uses that may be connected to a mining operation are not considered to be exempt from this ordinance.
30. Mobile Home - Forms of housing known as "trailers", "house trailers", or "trailer coaches", built to be transportable on its own chassis, comprising a frame and wheels and designed to be used as a dwelling when connected to appropriate utilities. All mobile homes shall meet HUD standards for construction.
31. Mobile Home Subdivision - A parcel of land that has been reviewed and approved for the placement of mobile homes for residential use pursuant to the Park County Subdivision Regulations.
32. Mobile Home or Recreational Vehicle Park - Two or more Mobile Homes or Recreational Vehicles for rent or lease.
33. Recreational Vehicle- Travel trailer or camping trailer designed to be towed, motorized homes, pickup campers, or coaches, designed and constructed for short-term human habitation, which can be operated independently of utility connections and designed to be used principally as a temporary dwelling for travel, recreation and vacation.
34. Natural Wood Siding - Wood in a natural state or milled but not to include any reformed product or type of plywood.
35. Parking Lots - An area, other than a public street or alley, designed or used for the temporary parking of motor vehicles and available for public use whether free, for compensation, or an accommodation for customers or clients.

36. Parking Space, Off-street - A space within or without a Building, exclusive of driveways, at least 180 square feet in size used to temporarily park a motor vehicle and having access to a public street or alley.
37. Short-term – A period of less than thirty days.
38. Sign - Any medium or visual communication, including its supporting Structure and source of light, which is used or intended to be used to attract attention to a location or subject matter for advertising, instruction, or informational purposes.
39. Stream Setbacks - The Stream Setback shall be measured from the mean high water mark.
40. Structural Alteration - Any change in the shape or size of any portion of a Building or Structure or of the supporting members of the Building or Structure such as walls, columns, beams, arches, girders, floor joist, or roof joist.
41. Structure - That which is built or constructed; an edifice or Building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.
42. Use - Any purpose for which a Building or other Structure or a tract of land may be designed, arranged, intended, maintained, or occupied or any activity, occupation, business, or operation carried on or intended to be carried on in a Building or other Structure or on a tract of land.
43. Vacation Rental Units – Single-family or duplex units that are made available for rent on a short-term basis to the general public. Such units are owned by a private individual and must be licensed through the applicable agencies.
44. Variance - A device which grants a property owner relief from certain provisions of the zoning ordinance when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from an inconvenience. A public hearing is required prior to approving a variance.
45. Wetlands - Areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Delineations of wetlands are based upon evaluation of soil type, hydrology and plants that exist in the area.
46. Yard, Front - An open space extending across the full width of the Lot between the front Building line and the front Lot Line.
47. Yard, Rear - An open space extending across the full width of the Lot between the rear building line and the rear Lot Line.
48. Yard, Side - An open space extending from the side Building line to a side Lot Line running from the front to the rear Lot Lines.
49. Zoning Commission - The Park County Zoning Commission shall consist of the three county commissioners, the clerk and recorder, two citizen members, each of whom resides in a different planning and zoning district or, if only one district exists in a county or is

proposed, both from that district, and a county official appointed by the County Commissioners.

50. Zoning Compliance Permit - A permit required prior to any new construction. The permit states that the new construction conforms to the Cooke City/Silver Gate/ Colter Pass Zoning Ordinance.
51. Zoning Advisory Committee - A five-member committee appointed by the zoning commission to advise the Zoning Commission on the appropriateness and compliance with the Zoning Ordinance on applications for variances, special exceptions, planned unit developments and zone changes.
52. Zoning Enforcement Agent - The duly authorized agent appointed by the Planning and Zoning Commission for the purpose of administering and enforcing this ordinance.

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CHAPTER IV. ESTABLISHMENT OF DISTRICTS

The jurisdiction of the Cooke City\Silver Gate\Colter Pass Zoning District is hereby divided into six zones or "districts", as shown on the official zoning map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

For the purpose of this ordinance, Cooke City\ Silver Gate\ Colter Pass Zoning District may be divided and classified into the following use districts:

Residential (R-1)
 Residential (R-2)
 Rural Recreational Commercial (RRC)
 Rural Recreational Commercial 1 (RRC1)
 Commercial (C-1)
 Residential-Low Impact Commercial (RLIC)

Certificate

The Official Map shall be available in the County Clerk and Recorder's Office and shall bear a certificate with the signature of the Chairman of the Board of County Commissioners attested by the County Clerk and the date of adoption of this ordinance. The Certificate should read as follows:

This is to certify that this is the Official Zoning Map referred to in Section 4 of the Cooke City\Silver Gate\Colter Pass Zoning District Ordinance.

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

Attested _____ Date of Adoption

If any changes to the map are made by amendment of this ordinance, such changes shall be made to the Official Zoning Map and signed, dated, and certified upon the map or upon the material attached thereto.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map kept in the office of the County Clerk and Recorder shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the zoning district.

Replacement of Official Zoning Map

In the event that the official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes or additions thereto, the Cooke City\Silver Gate\Colter Pass Planning and Zoning Commission may adopt and certify a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or admissions in the prior map, but no such corrections shall have the effect of amending the original Zoning Map or any subsequent amendment thereof.

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted _____ as part of the Zoning Ordinance for Cooke City\Silver Gate\Colter Pass Zoning District, Park County, Montana.

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

Attested

Date

Interpretation of Boundaries: Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the boundaries shall be interpreted as following the nearest logical line to that shown where:

1. Boundaries indicated as approximately following the center line of streets, highways, or alleys, shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
4. Boundaries indicated as following the center line of streams, rivers, canals, or ditches shall be construed to follow such center lines;
5. Boundaries indicated as parallel to or extensions of features indicated on the Official Zoning Map shall be determined by the scale of the map;
6. Boundaries indicated as following Section lines of quarter section lines of quarter-quarter section lines shall be construed as following such lines; or,
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or where other circumstances or controversy arises over district boundaries, the Board of County Commissioners shall interpret the district boundary.

Interpretation of Uses: If questions arise concerning the appropriate classification of a particular Use, or if the specific use is not listed, the Zoning Commission shall determine the appropriate classification for that Use.

In interpreting use classification, the Zoning Commission shall determine:

1. That the Use and its operation are compatible with the Uses permitted in the district wherein the use is proposed to be located;
2. That the Use is similar to one or more Uses permitted in the district wherein it is proposed to be located;
3. That the Use will not cause substantial injury to values of property in the neighborhood or district wherein it is proposed to be located; and,
4. That neither the intent of the ordinance nor the intent of the district will be abrogated by such classification.

Application of Regulations: No Building, Structure, or land shall hereafter be Used or occupied, and no Building, Structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless it is in conformity with all of the regulations herein specified for the district in which it is located.

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CHAPTER V. NONCONFORMING USES AND LOTS

1. **Intent:** Within the districts established by this ordinance or amendments thereto, there exist Lots, Buildings, Structures, Uses of land, Signs, and characteristics of Use which were lawful before this ordinance was adopted or amended, but which would be prohibited, regulated or restricted under terms of this ordinance or future amendments. It is the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor used as grounds for adding other Structures or Uses prohibited elsewhere in the same district.

Nonconforming Uses are declared by this ordinance to be incompatible with permitted uses in the district involved. However, to avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated Use of any Building or Structures on which actual construction was lawfully begun prior to the effective date of adoption or amendment to this ordinance and which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing Building or Structure has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

2. **Nonconforming Lots of Record:** In any district, notwithstanding other limitations imposed by this ordinance, structures permitted in one district may be erected on any single Lot of record on the effective date of this ordinance. A Lot of record that does not meet Lot Area or Lot Width requirements must still meet other requirements of the district.

Where Lots are larger than required by this ordinance, said Lots may be subdivided into smaller Lots except no Lot may be divided so as to create a Lot smaller in Lot Width or Lot Area than required by this ordinance.

3. **Nonconforming Uses of Land:** Where at the time of passage of this ordinance lawful Use of land exists which would not be permitted by the regulations imposed by this ordinance, the Use may be continued so long as it remains otherwise lawful, provided:
 - A. No such Nonconforming Use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
 - B. No such Nonconforming Uses shall be moved in whole or in part to any portion of the Lot other than that occupied by such Use at the effective date of adoption or amendment of this ordinance.
 - C. If any such Nonconforming Use of land ceases for any reason for a period of more than three (3) years, any subsequent Use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
 - D. No additional Nonconforming Structure in connection with the requirements of this ordinance shall be erected in connection with such Nonconforming Uses of land.

4. **Nonconforming Structures:** Where a lawful Structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restriction on Lot Area, Lot coverage, height, yards, its location on the Lot, or other requirements concerning the Structure, such Structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- A. No such Nonconforming Structure may be altered or enlarged in any way which increases the nonconformity, but any Structure or portion thereof may be altered to decrease its nonconformity.
 - B. Should such Nonconforming structure or Nonconforming portions of a Structure be destroyed by any means to the extent of more than 50 percent of its replacement cost, it shall if possible be constructed in conformity with the provisions of this ordinance. No reconstruction of 50 percent of the value of the Structure shall occur if it is not possible for the reconstruction to conform to the ordinance, unless a Variance is granted by the Planning and Zoning Commission considered.
 - C. Should such Structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
5. **Nonconforming Uses of Structures:** If lawful Use of a Structure or of Structures and premises exists on the date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance, the lawful Use may be continued while it remains otherwise lawful providing that:
- A. No existing Structure devoted to a Nonconforming Use shall be enlarged, extended, constructed, or structurally altered, unless the Use is changed to a permitted Use.
 - B. Any Nonconforming Use may be extended to any other part of the Structure designed for such Use, but no such Use may be extended in any way to occupy land outside the Structure.
 - C. Any Structure, or Structure and land, in or on which Nonconforming Use is superseded by a permitted use shall thereafter conform to the regulations of the district in which it is located and the Nonconforming Use may not thereafter be resumed.
 - D. Whenever Nonconforming Use of a Structure or a premise cease for three (3) years, the Structure or premises shall not thereafter be Used except in conformance with the regulations of the district in which it is located. The term "ceases" as used in this subsection shall mean that the activity in question has not been in operation for a period of three (3) years.

6. **Repairs and Maintenance:** On a Nonconforming Structure or portion of the Structure containing a Nonconforming Use, work may be done on ordinary repairs and fixtures, wiring, plumbing, painting, or repair or replacement of non-bearing walls, to an extent not exceeding 10 percent of the replacement value of the Structure in any one year, provided that such work does not increase the square footage of the Structure. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.
7. **Conditional Uses:** Conditional Uses provided for under Chapter 11 of this ordinance shall not be deemed a nonconforming use in the district in which it is permitted.

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CHAPTER VI. ZONING DESIGNATION

1. RESIDENTIAL (R-1): The purpose of this district is to provide residential development in areas served by a central water system.

A. Permitted Uses:

- i. One Single Family Dwelling per twenty-thousand square feet or three Lots within the community of Cooke City or Silver Gate town sites;
- ii. Modular Homes providing they have a pitched roof and wood or wood appearing siding;
- iii. Duplexes;
- iv. One Accessory Building;
- v. Temporary living quarters with an approved septic permit during the building season, May 1st through October 15th;
- vi. Public Parks;
- vii. Playgrounds;
- viii. Propane tanks and residential heating fuel tanks installed according to the State of Montana Fire Code; and
- ix. Home Occupation.

B. Conditional Uses:

- i. Bed and Breakfast;
- ii. Library;
- iii. Above ground storage tanks;
- iv. Two or more Accessory Buildings;
- v. Triplexes;
- vi. Home Business;
- vii. Dwellings Units greater than 5,000 square feet;
- viii. Dwellings Units that exceed the 40 feet height requirements under section D; and
- ix. Vacation Rental Units.

C. Floor Area: No more than 50% of the total Lot Area shall be covered by Buildings.

D. Building Height: All Buildings shall have a maximum height of 40 feet unless otherwise specified in an approved Conditional Use Permit.

E. Utilities: All utilities shall be installed subject to utility company recommendations.

F. Lot Access: Access to all residences must be provided prior to the issuance of a Zoning Compliance Permit and shall be designed and constructed in accordance with Park County Transportation Standards.

G. Construction Setbacks:

- i. 50 feet from all streams;
- ii. 25 feet from the Front Yard property line;
- iii. 15 feet from the Rear Yard property line;
- iv. 5 feet from the Rear Yard property line for all Accessory Buildings; and
- v. 10 feet from all Side Yard property lines.

H. Fences: No barbed wire fencing shall be allowed in the district. Permanent fencing shall be wooden, welded, chain link, or woven wire construction.

I. Signs: All signs shall be designed and displayed in accordance with Chapter 10 of these regulations.

J. Off-Street Parking: Two off-street parking spaces shall be provided for each Dwelling Unit. Bed and Breakfasts shall provide 2 spaces for the resident family or manager plus 1 space per room rented plus 1 space for every 2 outside employees of maximum shift.

- K. Home Businesses and Home Occupations: All Home Businesses or Home Occupations shall be established in accordance with Chapter 9 of these regulations.

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2. RESIDENTIAL (R-2): The purpose of this district is to provide residential development in areas adjacent to town served by individual sewer and water systems.

A. Permitted Uses:

- i. One Single Family Dwelling per acre;
- ii. Modular Homes providing they have a pitched roof and wood or wood appearing siding;
- iii. Two Accessory Buildings;
- iv. Temporary living quarters with an approved septic during the building season, May 1st through October 15th;
- v. Public Parks;
- vi. Playgrounds;
- vii. Propane tanks and residential heating fuel tanks installed according to Montana Fire Code; and
- viii. Home Occupation.

B. Conditional Uses:

- i. Bed and Breakfast;
- ii. Above ground storage tanks;
- iii. More than two Accessory Buildings;
- iv. Livestock;
 - a) Some livestock are allowed with a conditional use permit. Goats, sheep and hogs are not allowed in the district;
- v. Exotic animals;
- vi. Commercial Kennel Facilities;
- vii. Home Business;
- viii. Dwellings Units greater than 5,000 square-feet; and
- ix. Vacation Rental Units.

C. Floor Area: No more than 50% of the total Lot Area shall be covered by Buildings.

D. Building Height: Maximum Building Height is 40 feet

E. Utilities: All utilities shall be installed subject to utility company recommendations.

F. Lot Access: Access to all residences shall be provided prior to the issuance of a Zoning Compliance Permit and shall be designed and constructed in accordance with Park County Transportation Standards.

G. Construction Setbacks:

- i. 50 feet from all streams;
- ii. 25 feet from the Front Yard property line;
- iii. 25 feet from the Rear Yard property line;
- iv. 15 feet from the Rear Yard property line for Accessory Buildings; and
- v. 10 feet from all Side Yard property lines.

H. Fences:

- i. Permanent fencing is discouraged in rural areas. Permanent fencing shall be jack-leg or post and pole construction;
- ii. Chain-link fencing for backyards is limited to 5,000 square-feet;
- iii. No barbed wire fencing shall be allowed in the district; and,
- iv. Temporary electric fencing for the enclosure of livestock is allowed. Temporary fencing shall not be installed before May 1st and must be removed by December 1st of each year.

I. Signs: All signs shall be designed and displayed in accordance with Chapter 10 of these regulations.

- J. Off-Street Parking: Two off-street parking spaces shall be provided for each Dwelling Unit. Bed and Breakfasts shall provide 2 spaces for the resident family or manager plus 1 space per room rented plus 1 space for every 2 outside employees of maximum shift.
- K. Home Business and Home Occupations: All Home Businesses and Home Occupations shall be established in accordance with Chapter 9 of these regulations.

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- 3. RURAL / RECREATION COMMERCIAL (RRC):** The RRC district includes those areas of the zoning district on some patented mining claims where low density development is appropriate. The purpose of this district is to protect the rural areas of the zoning district while allowing residential and recreational commercial developments appropriate to the area.
- A. Permitted Uses:
- i. One Single Family Dwelling per twenty-acres;
 - ii. Accessory Dwelling Unit not to exceed 1,000 square-feet;
 - iii. Two Accessory Buildings not to exceed a total of 2,000 square-feet;
 - iv. Temporary living quarters with an approved septic permit during the building season, May 1st through October 15th;
 - v. Livestock, not to include goats, sheep or hogs; and
 - vi. Home Occupation
- B. Conditional Uses:
- i. Motels;
 - ii. Lodges;
 - iii. Restaurants;
 - iv. Dude Ranches—100-acre minimum;
 - v. Bed and Breakfast;
 - vi. Above ground storage tanks;
 - vii. Commercial Kennel facilities;
 - viii. Dwellings Units greater than 5,000 square-feet;
 - ix. Vacation Rental Units;
 - x. Home Business; and
 - xi. Cellular Towers.
- C. Building Height: Maximum Building Height is 40 feet.
- D. Utilities: All utilities shall be installed subject to utility company recommendations.
- E. Lot Access: Access to a public or private street for residences must be provided prior to the issuance of a Zoning Compliance Permit and shall be designed and constructed in accordance with Park County Transportation Standards.
- F. Construction Setbacks:
- i. 50 feet from all streams;
 - ii. 25 feet from the Front Yard property line;
 - iii. 25 feet from the Rear Yard property line;
 - iv. 15 feet from the Rear Yard property line for Accessory Buildings; and
 - v. 25 feet from all Side Yard property lines.
- G. Fences:
- i. Woven or other wire fencing shall be allowed in the district;
 - ii. Temporary electric fencing for the enclosure of livestock is allowed and may not be installed before May 1st and shall be removed by December 1st;
 - iii. No barbed wire fencing is allowed in the RRC district;
 - iv. Permanent fencing shall be jack-leg or post and pole construction;
 - v. Permanent fencing for livestock is discouraged; and
 - vi. Chain-link fencing for backyards is limited to 5,000 square feet.
- H. Signs: All signs shall be designed and displayed in accordance with Chapter 10 of these regulations.
- I. Off-Street Parking: Two off-street parking spaces shall be provided for each Dwelling Unit. Bed and Breakfasts shall provide 2 spaces for the resident family or manager plus 1 space per room rented plus 1 space for every 2 outside employees of maximum shift.

- J. Home Business and Home Occupations: All Home Businesses and Home Occupations shall be established in accordance with Chapter 9 of these regulations.

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- 4. RURAL / RECREATIONAL COMMERCIAL 1 (RRC1):** The RRC 1 district includes those areas of the zoning district where low-density recreational and residential development is appropriate. The purpose of this district is to protect the rural areas of the zoning district while allowing residential and recreational developments appropriate to the area served by individual sewer and water systems.
- A. Permitted Uses:
- i. One Single Family Dwelling per one-acre;
 - ii. Accessory Dwelling Unit not to exceed 1,000 square-feet;
 - iii. Two Accessory Buildings not to exceed a total of 2,000 square-feet;
 - iv. Temporary living quarters with an approved septic permit during the building season, May 1st through October 15th; and
 - v. Home Occupation.
- B. Conditional Uses:
- i. Motels, limited to one story;
 - ii. Lodges Restaurants;
 - iii. Dude Ranches—100-acre minimum;
 - iv. Bed and Breakfast;
 - v. Above ground storage tanks; and
 - vi. Vacation Rental Unit.
- C. Building Height: Maximum Building Height is 40 feet.
- D. Utilities: All utilities shall be installed subject to utility company recommendations.
- E. Lot Access: Access to a public or private street for residences must be provided prior to the issuance of a Zoning Compliance Permit and shall be designed and constructed in accordance with Park County Transportation Standards.
- F. Construction Setbacks:
- i. 50 feet from all streams;
 - ii. 25 feet from the Front Yard property line;
 - iii. 25 feet from the Rear Yard property line; and
 - iv. 25 feet from all Side Yard property lines.
- G. Fences:
- i. Woven or other wire fencing shall be allowed in the district;
 - ii. Temporary electric fencing for the enclosure of livestock is allowed and may not be installed before May 1st and shall be removed by December 1st;
 - iii. No barbed wire fencing is allowed in the RR1 district;
 - iv. Permanent fencing shall be jack-leg or post and pole;
 - v. Permanent fencing for livestock is discouraged; and
 - vi. Chain-link fencing for backyards is limited to 5,000 square feet.
- H. Signs: All signs shall be designed and displayed in accordance with Chapter 10 of these regulations.
- I. Off-Street Parking: Two off-street parking spaces shall be provided for each dwelling unit. Bed and Breakfasts shall provide 2 spaces for the resident family or manager plus 1 space per room rented plus 1 space for every 2 outside employees of maximum shift.
- J. Home Occupations: All Home Occupations shall be established in accordance with Chapter 9 of these regulations.

5. COMMERCIAL (C): The purpose of the Commercial district is to provide for orderly commercial development in areas served by central water.

A. Permitted Uses:

- i. Restaurants;
- ii. Motels and Hotels;
- iii. Guest Houses;
- iv. Retail Shops;
- v. Gas Stations;
- vi. Snowmobile Rentals;
- vii. Day Care Centers;
- viii. Clinics;
- ix. On-site living quarters for owners and employees;
- x. Laundromats;
- xi. Saloons;
- xii. Outfitters Offices;
- xiii. Beauty and Barber Shops;
- xiv. Grocery Stores;
- xv. Professional Offices;
- xvi. Banks;
- xvii. Public parks;
- xviii. Playgrounds;
- xix. Propane tanks and heating fuel tanks installed according to Montana Fire Code;
- xx. Bed and Breakfasts; and
- xxi. Libraries.

B. Conditional Uses:

- i. Above ground storage tanks;
- ii. Machine Shops;
- iii. Automotive Repair Shops;
- iv. Light manufacturing associated with retail sales- The retail sales shop must be located on the premises;
- v. Warehouse/storage facilities;
- vi. Horse related business activities; and
- vii. Employee Housing.

C. Livestock: Livestock of any kind is not allowed in the Commercial district.

D. Building Height: Maximum Building Height is 40 feet.

E. Utilities: All utilities shall be installed subject to utility company recommendations.

F. Construction Setbacks:

- i. 50 feet from all streams;
- ii. 10 feet from the Front Yard property line;
- iii. 5 feet from the Rear Yard property line; and
- iv. 0 feet from all Side Yard property lines.

G. Signs: All signs shall be designed and displayed in accordance with Chapter 10 of these regulations.

H. Off-Street Parking:

- i. Parking within the downtown areas of Cooke City and Silver Gate is limited. Businesses are encouraged to locate off-street parking behind their businesses where possible.
- ii. Off-street parking shall be established for any onsite living units.

- I. Construction: All commercial Buildings shall be designed and constructed in accordance with Montana State Fire Codes and shall obtain a state building permit prior to the issuance of a Zoning Compliance Permit, Variance, or Conditional Use Permit.

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6. RESIDENTIAL / LOW IMPACT COMMERCIAL (RLIC): The purpose of this district is to provide for a mixture of residential and low impact commercial development in and adjacent to Silver Gate and Cooke City.

A. Permitted Uses:

- i. All Uses allowed in the R-1 District;
- ii. One Guest House or Vacation Rental Unit per Lot;
- iii. Retail Shops less than 1200 square feet;
- iv. Day Care Centers;
- v. Clinics;
- vi. On-site Living Quarters;
- vii. Outfitters and Guides Offices;
- viii. Beauty and Barber Shops;
- ix. Professional Offices;
- x. Public Parks;
- xi. Playgrounds;
- xii. Propane tanks and fuels heating tanks installed according to Montana Fire Code;
- xiii. Bed and Breakfast; and,
- xiv. Libraries.

B. Conditional Uses:

- i. Above-ground storage tanks;
- ii. Animal Grooming;
- iii. Employee Housing; and
- iv. Dwelling Units over 5,000 square feet.

C. Building Height: Maximum Building Height is 40 feet.

D. Utilities: All utilities shall be installed underground subject to utility company recommendations.

E. Livestock: Livestock of any kind are not allowed in this district. Horses are not allowed in the RLIC district.

F. Construction Setbacks for all structures:

- i. 50 feet from all streams;
- ii. 20 feet from the Front Yard property line;
- iii. 10 feet from the Rear Yard property line; and
- iv. 5 feet from all Side Yard property lines.

G. Signs: All signs shall be designed and displayed in accordance with Chapter 10 of these regulations.

H. Off-Street Parking: Parking within the downtown areas of Cooke City and Silver Gate is limited. Businesses are encouraged to locate off-street parking behind their businesses where possible. Off-street parking shall be established for any onsite Dwelling Units.

I. Construction: All commercial Buildings shall be designed and constructed in accordance with Montana State Fire Codes and shall obtain a state building permit prior to the issuance of a Zoning Compliance Permit, Variance or Conditional Use Permit.

CHAPTER VII. SUPPLEMENTARY REGULATIONS

1. Access: Every Dwelling Unit or commercial Building shall be on a Lot with access from a public or private street or road and shall be designed and constructed in accordance with Park County Transportation Standards.
2. Road Standards: All access roads, driveways, road approaches, or other road improvements for all applicable development shall meet the most recent version of the Park County Transportation Standards.
3. Outdoor Lighting: All outdoor lighting shall be downward facing and subdued.
4. Corner Lots: When a Lot faces more than one street, and Front Yard setbacks have been established, corner Lot setbacks shall be at least as great as established for each street.
5. Fences, Walls and Hedges: Fences, walls, and hedges in any district may be located on Lot lines. However, no fences, walls, and hedges shall obstruct the visibility of traffic or exceed six feet in height.
6. Stop Order: Whenever any Use or construction activity is implemented contrary to the provisions of this ordinance, the Zoning Enforcement Agent shall submit a 'Stop Order' notification to the person(s) engaging in the construction activity or Use. The notice shall be in writing and shall be served to any person engaged in doing, or causing such activities to take place, and any such person shall forthwith stop such work until authorized by the Zoning Enforcement Agent.
7. Outside Storage - All accumulation of storage or salvage materials, including automobiles and snowmobiles, shall be stored in an Accessory Building or screened from view. Natural screening materials, such as trees or natural berms, shall be utilized wherever possible. Otherwise, screening shall be of natural wood or stone and be of solid construction.
8. Metal and Other Accessory Buildings - All Accessory Buildings shall meet the following requirements:
 - A. No unfinished reflective siding shall be allowed. All Accessory Buildings over 1,200 square feet in size shall require a Conditional Use Permit.
 - B. All exterior construction shall be completed within the timeframe identified in the zoning compliance permit application and approval, unless an extension is requested in writing and granted by the Zoning Enforcement Officer.
 - C. All Dwelling Units shall have a minimum of twelve (12) inches overhang on gables and eaves.
9. Septic Permits - No zoning compliance permit for any new construction, commercial or residential, shall be issued until a septic permit is obtained from the Park County Environmental Health Department.
10. Landscaping - All new construction, especially in residential zones, shall retain the natural vegetation as much as possible. Live vegetation removal on slopes in excess of 30% shall be prohibited. Use of native plant materials when landscaping is encouraged.
11. Garbage Containers: All garbage, refuse and any type of edible food shall be kept in bear proof containers or stored inside. This applies to all districts in the zoning jurisdiction.
12. Slopes - New construction on slopes in excess of 30% shall be prohibited. Construction on slopes of 15% to 30% shall have engineered plans determining slope stability accompany the zoning compliance permit.
13. Floodplain and Wetlands - Development in designated Special Flood Hazard Areas shall be required to meet the standards outlined in the Park County Floodplain Regulations.
14. Recreation Vehicles - Recreational vehicles are allowed in this district on a short term basis for recreational purposes only. The use of recreational vehicles as a rental unit, residence or for employee housing is strictly prohibited.

CHAPTER VIII.

RV PARKS AND MOBILE HOME PARK

Mobile Home Parks: RV Parks and Mobile Home Parks shall be reviewed under the current Park County Subdivision Regulations. All applicable regulations contained in these regulations shall be considered by the governing body during the review of any proposed RV Park or Mobile Home Park located within the Cooke City, Colter Pass, Silver Gate Zoning Jurisdiction.

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CHAPTER IX. HOME BUSINESSES AND HOME OCCUPATIONS

The applicant shall prepare an application as required by Chapter 14 of this ordinance. Home Businesses and Home Occupation shall have minimal effects on the neighborhood and requires a permit.

Home Business:

1. The business shall be carried on wholly within the principal Building, other Accessory Building, or screened from view.
2. Not more than four (4) people who are not a member of the applicant's immediate family and who are not a resident of the applicant's home may be employed on-site.
3. The use of electrical or mechanical equipment that would change the fire rating of the Structure or create visible or audible interference in radio or television receivers or cause fluctuations in line voltage outside the Dwelling Unit is prohibited.
4. There shall be no offensive noise, vibration, smoke, odors, heat or glare produced as a result of the home business.
5. The primary Structure shall remain a Dwelling Unit; there shall be no exterior display or alteration that changes the residential character of the premises except for a sign which complies with these regulations.
6. If the business is an auto related business, all vehicles shall be stored and worked on within an enclosed Building, or screened from view.
7. The Home Business may involve the use of up to two (2) commercial vehicles limited in size to two (2) tons, for delivery of products and materials to and from the premises. Vehicles will be stored in a Building or screened from view. The requirements shall be designated on the Conditional Use Permit.
8. All trash shall be stored in bear proof garbage container and removed weekly, and, auto parts, snowmobile parts, or other storage shall be stored in an enclosed area or screened from public view.

CHAPTER X.**SIGNS**

Intent: To promote the safety of the users of streets, roads and highways, to reduce distractions and obstructions from signs which adversely affect traffic safety, to discourage excessive visual competition in signage, and to preserve or enhance the character of the area.

Sign Permits: All new signs and replacement signs shall require a sign permit. Sign permits shall be issued by the Zoning Administrator and there shall be no charge.

Definitions:

- A. **Billboard:** An off-premise, free-standing commercial advertising sign larger than nine square feet in gross area. Billboards are prohibited throughout the zoning district.
- B. **Facade:** The front exterior surface of a Building.
- C. **Free-standing Sign:** A sign not attached to any Building, wall or fence, but in a fixed position.
- D. **Illuminated Sign:** Any sign illuminated by electrical bulbs, florescent lights, neon tubes, or other electrical features.
- E. **Portable Sign:** A sign capable of being readily moved or relocated, including sandwich board signs, signs mounted on a chassis and wheels, or signs supported by legs.
- F. **Off-premise Sign:** Any sign which is not on the premises of the business.
- G. **Roof Sign:** A sign which is located above or projects above the lowest point of the eaves. A roof sign may not be higher than the highest point of the Building.
- H. **Wall Sign:** Any sign which is painted on incorporated into or affixed parallel and within six inches of the wall of a Building.
- I. **Window Sign:** Any sign which is painted on or incorporated into a window.

General: A sign permit is required for every sign erected after the adoption of these regulations and in accordance with Chapter 5. The sign permit shall be obtained from the Zoning Administrator. All signs shall conform to all regulations contained herein.

Prohibited Signs:

- A. Billboards;
- B. Flashing signs, signs containing moving parts, signs containing reflective elements which sparkle or twinkle in the sunlight;
- C. Streamers, pennants, ribbons, spinners, or other similar devices except flags and bunting exhibited to commemorate national holidays, and temporary banners announcing charitable or civic events. Exceptions shall be limited to one week either side of the holiday or event; and
- D. No sign, except for a traffic, regulatory, or informational sign shall use the words "stop", "caution", or "danger" or incorporate red, amber, or green lights resembling traffic signals or shall resemble stop or yield signs in shape or color.

Nonconforming Signs: A nonconforming sign lawfully existing at the time of adoption may continue. Any sign replacing a nonconforming sign shall conform with the provisions of this chapter and Chapter 5.

Commercial Zones:

- A. Total signage shall be no more than 15% of the Building Facade or one hundred square feet, whichever is greater.
- B. One free standing sign per business, less than thirty-two square feet per side, and limited to thirty feet total height.
- C. No sign affixed to the Building shall protrude more than six feet from the Facade of the Building. These signs shall be no more than thirty-two square feet per side.

- D. Roof Signs are not to exceed the highest point of the Building.
2. **Damaged Signs:** Any sign that is more than fifty percent destroyed/damaged, or any sign being replaced, shall be required to comply with the provisions of this chapter.
 3. **Temporary Signs:**
 - A. Shall require a permit;
 - B. Shall not be erected for more than thirty (30) days; and
 - C. Shall conform to all other requirements of this ordinance.
 4. **Conditional Use:**
 - A. Home Business Signs;
 - B. Off-premises Signs shall be limited to businesses located off the Main Street with a nine square feet size limitation;
 - C. Murals (shall be limited to commercial districts);

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CHAPTER XI. CONDITIONAL USES

Intent: The intent of Conditional Use Permits is to provide for specific Uses, other than those specifically permitted in each district, which may be appropriate under certain safeguards or conditions.

Conditional Use Requirements: No Structures or Lots may be used for any purpose in any district where such Use is not a permitted Use, unless such Use is listed as a Conditional Use in this section and approval for that Use is obtained through the proper procedure.

Conditional Use Permits shall be granted only by the Zoning Commission when their findings are that:

1. The Use conforms to the objectives of The Cooke City\Silver Gate\Colter Pass Zoning District and the intent of this ordinance;
2. Such Use will not adversely impact nearby properties or their occupants;
3. Such Use meets density, coverage, yard, height, and all other regulations of the district in which it is to be located, unless otherwise provided for in this ordinance; and
4. A public hearing has been held, after the required legal notices have been given and the public has been given a chance to be heard upon the matter.

Conditional Use Procedure:

1. All applications for Conditional Use Permits shall be filed with the Park County Planning Department accompanied with the appropriate fee listed in the fee schedule.
2. The Zoning Commission shall then designate the Zoning Enforcement Agent to review the facts of the application and determine if the application is consistent with the intent and purpose of this ordinance.
3. The Zoning Commission shall hold a public hearing to gather needed facts from all interested parties. The Zoning Commission may continue such hearing, if need be, to take additional information. Thereafter, the Zoning Commission shall approve, conditionally approve, or deny the application. A letter shall be sent to the applicant stating either conditions of approval or reasons for denial.
4. Notice of public hearing for Conditional Use Permits shall be published twice in a newspaper of general circulation within the County at least fifteen (15) days prior to the hearing. Adjacent property owners shall be notified by mail.

Conditional Approval: The Zoning Commission may make the granting of a Conditional Use Permit subject to reasonable limitations or conditions as it may deem necessary to conform with these regulations and preserve the intent of the district. Said conditions may include, but not be limited to, the following:

1. Special setbacks, yards, open spaces and buffers;
2. Fences and walls;

3. Lighting;
4. Regulation of signs;
5. Regulation of vehicular ingress and egress;
6. Regulation of time of certain activities;
7. Landscaping and maintenance thereof;
8. Time schedule of proposed development;
9. Regulation of odors, smoke, dust, airborne particles, vibration, glare, heat, and noise;
10. Requiring dedication of rights-of-way;
11. Requiring improvements of rights-of-way;
12. Regulation of the location of Uses on the property;
13. Regulation of height;
14. Regulation of the nature and extent of the use; and
15. Regulation of the length of time such use may be permitted.

Written findings of fact approving, conditionally approving, or denying the application shall be sent to the applicant within fifteen (15) days of the Zoning Commission's decision.

Expiration: All Conditional Use Permits issued for definite term shall automatically expire at the end of the term.

Authorized Use: For purposes of this ordinance, a Conditional Use permittee shall not be considered as engaging in the authorized Use on the site until the following conditions are satisfied:

1. Buildings proposed for construction in connection with the proposed Use are in the process of actual construction on the Lot or
2. If remodeling proposed for existing Buildings in connection with the proposed Use has actually been commenced on the Lot or
3. If no construction or remodeling is contemplated, then the permittee is regularly engaged on the Lot in performing the services or in selling the goods, materials, or stocks in trade of the use and has secured all necessary federal, state and local permits and licenses.

Revocation or Modification of Permit: Upon notice of public hearing, Conditional Use Permits may be revoked or modified by the Zoning Commission.

1. If there has been a substantial change of conditions from those at the time the permit was granted, or
2. Revocation or modification is necessary to protect the health, safety, and welfare of the residents of the area in which the subject property is situated or the residents of the county, to preserve the integrity of existing Conditional Use patterns in the area in which the subject property is situated, or
3. The person holding this permit has not engaged in the authorized Use, or
4. If the person holding the permit has complied with conditions, upon which it was issued. Modification or revocation may only be had after following the

same formal procedure for notice and hearing required for the granting of a permit in the first instance. Appeals from modification or revocation shall be as set forth in the ordinance.

Permits: Extensions:

1. No later than thirty (30) days prior to the expiration of the Conditional Use Permit, the holder thereof may file written application with the Planning Department requesting an extension of time thereon and setting forth the reasons for such request. Each application shall be accompanied by a nonrefundable fee listed in the fee schedule.
2. Within 10 (10) working days from receipt of such application for extension, the Planning Department shall send a notice of such application by mail to persons, or their successors in interest of record in the County Assessor's office, who received mailed notice of the original application. Attached to such application shall be a notice that any person objecting to such extension shall, within fifteen (15) calendar days from the date of posting, notify the granting authority of such objection.
3. If any objection is received from those notified, the same formal procedure shall be followed as if the application for a Conditional Use Permit upon which no permit had been granted.
4. If no objection is received, the Planning Department may extend the permit for a period equivalent to the original period for which it was granted or for one (1) year, whichever is shorter.
5. Only one extension shall be granted per permit.

CHAPTER XII.**VARIANCES**

Authorization to Grant or Deny Variances: The Zoning Commission may authorize a Variance from the requirements of this ordinance when it can be shown that because of special and unusual circumstances related to a specific piece of property, strict application of the ordinance would cause an undue or unnecessary hardship. No Variance shall be granted to allow the Use or development of property for a purpose not authorized within the district in which the proposed development would be located. In granting a variance, the Zoning Commission may attach conditions it finds necessary to achieve compliance with the criteria of this ordinance.

Criteria for Granting a Variance: A variance may be granted only upon finding compliance with all of the following criteria:

1. Exceptional or extraordinary circumstances apply to the property that do not apply generally to other properties in the same district or vicinity and that result from Lot size or shape, topography, or other circumstances over which the owners of Lot have had no control since enactment of this ordinance;
2. The Variance is necessary for the preservation of a property right of the applicant that is substantially the same as that possessed by owners of other Lots in the same District
3. The Variance would not be materially detrimental to property in the same district or vicinity in which the Lot is located; and
4. The Variance requested is the minimum Variance that would alleviate the hardship.

Variance Procedure:

1. Written applications for variance shall be filed with the Zoning Enforcement Agent.
2. The appropriate fee listed in the fee schedule shall accompany each application. An application shall not be regarded as having been filed until the fee is paid.
3. The Zoning Commission shall designate the Zoning Enforcement Agent to review the application and determine if the application meets the requirements of the zoning ordinance and has all the necessary and required information.
4. There shall be a hearing for each Variance application. The hearing shall be held at a time and place set by the Zoning Commission. Testimony and public comment shall be taken by the Zoning Commission from persons interested in said application and from the Zoning Enforcement Agent.

5. Notice of hearing shall be published twice in a newspaper of general circulation within the county at least fifteen (15) days prior to the hearing date. In addition, the County shall send a certified letter to record owners of property adjoining a proposed variance.

Approval: In approving an application for a variance, the Zoning Commission may designate such lawful conditions as will secure substantial protection for the public health, safety, and general welfare and shall find the request to meet the criteria set forth in this ordinance. Any approval under this section shall be subject to the terms of the conditions designated in connection therein.

Written findings of fact approving or denying the application shall be sent to the applicant within fifteen (15) days of the decision on the application.

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CHAPTER XIII. ZONE CHANGES

Authorization to Grant or Deny Zone Changes: The Zoning Commission may authorize a zone change when for the furtherance of public necessity, convenience, and welfare and in recognition that circumstances and conditions may be altered substantially as time passes, be amended, supplemented, changed, modified, or replaced.

Criteria for Granting a Zone Change: A zone change may be granted only upon finding all of the following criteria have been met:

1. The reasonable provision of adequate light and air;
2. The effect on motorized and non-motorized transportation systems;
3. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;
4. The character of the district and its peculiar suitability for particular Uses;
5. Conserving the value of Buildings and encouraging the most appropriate Use of the Lot.

Zone Change Procedure:

1. Written applications for zone change shall be filed with the Zoning Enforcement Agent.
2. The appropriate fee listed in the fee schedule shall accompany each application. An application shall not be regarded as having been filed until the fee is paid.
3. The Zoning Commission shall designate the Zoning Enforcement Agent to review the application and determine if the application meets the requirements of the zoning ordinance and has all the necessary and required information.
4. There shall be a hearing for each zone change application. The hearing shall be held at a time and place set by the Zoning Commission. Testimony and public comment shall be taken by the Zoning Commission from persons interested in said application and from the Zoning Enforcement Agent.
5. Notice of hearing shall be published twice in a newspaper of general circulation within the county at least fifteen (15) days prior to the hearing date. In addition, the County shall send a certified letter to record owners of property adjoining a proposed zone change.

Approval: In approving an application for a zone change, the Zoning Commission may designate such lawful conditions as will secure substantial protection for the public health,

safety, and general welfare and shall find the request to meet the criteria set forth in this ordinance. Any approval under this section shall be subject to the terms of the conditions designated in connection therein.

Written findings of fact approving or denying the application shall be sent to the applicant within fifteen (15) days of the decision on the application.

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CHAPTER XIV ADMINISTRATION

Employees and Officers: In accordance with Section 76-2-102, MCA, the Cooke City/Silver Gate/Colter Pass Planning and Zoning Commission is hereby authorized to appoint and hire such employees and officers as shall be deemed necessary to carry out the provisions of this regulation, including a Zoning Enforcement Agent.

The Zoning Enforcement Agent may be an employee of the County of Park and if so, shall perform duties hereunder without remuneration in excess of their regular salary.

If the Zoning Enforcement Agent shall find that provisions of this ordinance are being violated with respect to zoning requirements, the Agent shall notify in writing the person responsible for such violations, indicating the nature of the violation and requesting that action be taken to correct it.

The Zoning Enforcement Agent shall request discontinuance of illegal Use of land, Buildings, or Structures; removal of illegal Buildings or Structures or of illegal additions, alterations, or structural changes; discontinuance of an illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or prevent violation of its provisions.

The Zoning Commission shall appoint a volunteer local five-member advisory committee to act in an advisory capacity to the Zoning Commission. The advisory committee shall advise the Zoning Commission on Planned Unit Developments, variance, zone changes and special exceptions. The committee shall adopt bylaws within six months of their formation. The bylaws shall be approved by the Zoning Commission.

Duties of the Zoning Enforcement Agent: It shall be the duty of the Zoning Enforcement Agent to issue all zoning compliance permits and review all applications submitted to the Zoning Commission for Conditional Use Permits, variances, rezoning requests, and amendments to the ordinance.

The Zoning Enforcement Agent and staff shall work for the Zoning Commission and be in an advisory capacity making recommendations on all requests. The Zoning Enforcement Agent and staff shall also investigate any possible violations to the zoning ordinance.

Appeals: Appeals from the decision of the Zoning Enforcement Agent concerning interpretation of this ordinance may be taken in writing to the Zoning Commission. Such an appeal from the decision of the Zoning Enforcement Agent must be taken within ten (10) working days in writing to the Planning Department.

A public hearing shall be held on any appeal only if the matter appealed was required by the terms of this ordinance to be decided after holding a public hearing. Such hearing shall be held in accordance with this ordinance.

Permits: No Building or other Structure shall be erected, moved, or added to and no Use shall be changed without a valid Zoning Compliance Permit as prescribed herein. No Zoning Compliance

Permit shall be issued without a valid septic permit and any other permits required by the county, state, or federal government. No commercial Zoning Compliance Permit shall be issued without a state commercial building permit.

A Zoning Compliance Permit shall be obtained from the Zoning Enforcement Agent. The application shall include such information as lawfully may be required by the Zoning Enforcement Agent including existing or proposed Buildings and land; the number of families, Dwelling Units, or rental units the Building is designed to accommodate; conditions existing on the Lot; and such other matters as may be necessary to determine conformance with, and provide for enforcement of this ordinance.

Conformance - No permit of any type shall be issued unless in conformance with the regulations contained within this ordinance. Permits issued on the basis of plans and applications approved by the Zoning Enforcement Agent authorize only the Use, arrangement, and construction set forth in such approved plans and applications and no other Use, arrangement or construction. Use, arrangement, or construction at Variance with that authorized shall be deemed a violation of this ordinance.

Conditional Use Permits and Variances issued by the Zoning Commission shall be deemed in conformance with the terms of this ordinance. However, Zoning Compliance Permits shall be issued only in accordance with the terms set forth in the Conditional Use Permit and Variance sections of this ordinance.

Expiration of Permits - Every zoning compliance permit issued by the Zoning Enforcement Agent under the provisions of this ordinance shall expire by limitation and become null and void, if the Building, work, or Use authorized by such permit has not commenced within six months from the date of issuance. If the permit is expired a new permit shall be required. All exterior construction shall be completed within 18 months of the date of issuance of the Zoning Compliance Permit.

Permits Issued Contrary to this Ordinance - Any Zoning Compliance Permit, or any authorization issued, granted, or approved in violation of the provisions of this ordinance, shall be null and void and of no effect without the necessity of any proceedings or a revocation or nullification thereof, and any work undertaken or use established pursuant to any such Zoning Compliance Permit or other authorization shall be unlawful.

Schedule of Fees, Charges and Expenses: The Planning and Zoning Commission shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning compliance permits, appeals and other matters pertaining to this ordinance.

The schedule of fees listed below shall be effective and may be altered or amended only by the Zoning Commission. No permit, zone change, Conditional Use, or Variance shall be issued unless or until such costs, charges, fees or expenses listed below have been paid in full, nor shall any action be taken on proceedings before the Zoning Commission, unless, or until, preliminary charges and fees have been paid in full.

Amendments \$200.00

Zoning Changes \$200.00

Variance \$200.00

Conditional Uses \$200.00

Permit Extension \$100.00

Zoning compliance permits:

Principal structure \$150.00

Accessory building \$ 75.00

CHAPTER XV MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of the health, safety, and general welfare of the zoning district. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules or regulations the most restrictive, or that imposing the higher standards shall govern.

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CHAPTER XVI AMENDMENTS AND CHANGES

Zoning Ordinance Amendments: This ordinance may be amended whenever the public necessity and convenience and general welfare requires such amendment and according to the procedure prescribed by law, and this ordinance.

An amendment may be initiated by:

1. The petition of one or more land owners of property effected by the proposed amendment, which petition shall be signed by petitioning land owners and shall be filed with the Zoning Enforcement Agent by a fee of \$125.00 payable to the County of Park, no part which shall be returnable to the petitioner; or
2. Resolution of intention of the Board of County Commissioners.

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CHAPTER XVII VIOLATION OF ORDINANCE

Compliance Regarding Violations: Whenever a violation of this ordinance occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Enforcement Agent. The Zoning Enforcement Agent shall then properly record the complaint and immediately investigate and take action thereon as provided by this ordinance.

Penalties: Failure to comply of the provisions of this resolution or failure to comply with any of its requirements, including conditions and safeguards established in connection with the grant of Variances or Conditional Uses or any of the requirements for conditions imposed by the Zoning Commission constitutes a violation of this ordinance. If any person is in violation of the ordinance or fails to comply with any of its requirements Park County shall take action to obtain an injunction against the violator to prevent further action, plus costs and damages.

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CHAPTER XVIII INVALIDATION

If any Section, subsection, subdivision, sentence, clause, paragraph or phrase of this regulation or any attachments hereto is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of these regulations to render the same operative and reasonably effective for carrying out the main purpose intention of the regulation.

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CHAPTER IXX ADOPTION

This entire regulation was adopted on September 8, 1997 and amended on February 20, 2002, and **UPDATE** by the Cooke City/Silver Gate/Colter Pass Planning and Zoning Commission.

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