

Frequently Asked Questions – *Draft* Conflict Mitigation Zoning District and Regulations

- **What law allows the government to regulate land use?**
 - Montana Code Annotated, Section 76-2-201 allows a governing body to initiate, and ultimately adopt Zoning Regulations: ***County zoning authorized.*** (1) *For the purpose of promoting the public health, safety, morals, and general welfare, a board of county commissioners that has adopted a growth policy pursuant to chapter 1 is authorized to adopt zoning regulations for all or parts of the jurisdictional area in accordance with the provisions of this part.*
- **Why is Park County considering a county-wide zoning District?**
 - The Park County Commission authorized the Park County Planning Board to work on the goals and objectives outlined under Goal 16 of the **Park County Growth Policy**, which includes taking a more active role in land use decisions. The Planning Board is considering County-Wide Zoning as a way to mitigate conflicts resulting from certain land uses in the County, and may make a recommendation to the County Commission to consider the same.
- **Who initiated the proposed District and Regulations?**
 - The Park County Planning Board formally asked the Planning Department to draft a zoning district and regulations during the August, 2019 Regular Board Meeting. The Park County commission had not started the formal process to create a Zoning District outlined under Section 76-2-201, MCA.
- **What land uses are permitted under the proposed Conflict Mitigation Zoning District?**
 - Residential and Agricultural land uses are allowed without needing a permit. Any proposed land use other than residential and agricultural will require a Conditional Use Permit.
- **What areas of Park County are included in the proposed District?**

- The current District includes all of Park County, minus the City of Livingston and the Town of Clyde Park. The Board (and Commission) may ultimately determine to modify the extent of the District.
- **Can I operate a home business, or work remotely without needing a permit?**
 - Yes, Home Occupations and remote work is freely permitted in the proposed District.
- **What is the purpose of the District and Regulations?**
 - The draft District Regulations include Section II [Purpose] which specifies the “purpose” of the regulations. Generally, the purpose is to mitigate negative impacts resulting from certain types of land use and development throughout the County.
- **Will agriculture be regulated under the District?**
 - No, under the current draft, no agricultural land use will be regulated.
- **How can I comment on the proposed District and Regulations?**
 - Members of the public can comment on the draft by emailing/writing comments and sending them to planning@parkcounty.org or by mailing them to the Planning Department. Comments can also be submitted during any of the Planning Board or County Commission meetings. In addition, the Planning Department will be creating an online-comment form for use on the County Website. Members of the Public can also call a Planning Board member or Commissioner to provide feedback and comments.
- **What if I currently have a non-conforming land use on my property? Will I have to remove it?**
 - No, nonconforming land uses are grandfathered under the District Regulations.
- **Where is Park County at in terms of the process for adopting the proposed Zoning District and Regulations?**
 - The District and Regulations will not take effect unless the County Commissioners adopt the District and Regulations by resolution, and only after having gone through the statutory required process outlined under Section 76-2-205, MCA. The County Commission has

not started the formal review process, and the Planning Board is considering the proposal and will eventually determine whether to forward a recommendation to the Park County Commission.

- **If I want to build a house, will I need to first obtain a permit?**
 - No, the current Regulations do not require a permit for a single-family residential structure/dwelling unit.
- **What land uses are prohibited under the proposed District?**
 - No land uses are outright prohibited, however, non-residential and non-agricultural land uses require a Conditional Use Permit prior to implementation.
- **Will small business be regulated under the District and Regulations?**
 - Any “business” which requires a State Business license and which does not qualify as a “home occupation” will require a Conditional Use Permit.
- **Will the proposed district override existing covenants or regulations currently in place?**
 - In situations where a property already is regulated by existing zoning or covenants, then the more stringent provision would apply.