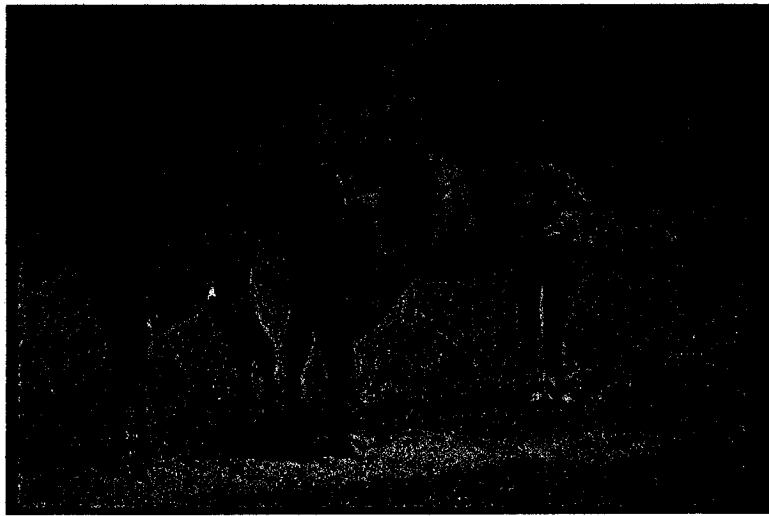


Resolution # 679A



PARK COUNTY MONTANA  
COKEDALE ZONING DISTRICT  
DEVELOPMENT PLAN



ADOPTED OCTOBER 25, 1999

679A Fee: \$0.00 \_\_\_\_\_

Park County Filed 10/25/1999 At 3:22 PM

Denise Nelson, Clk & Rcdr By \_\_\_\_\_

*CKR*

Resolution No. 679A

**COKEDALE ZONING DISTRICT  
DEVELOPMENT PLAN**

**SECTION ONE TITLE, CREATION AND ADOPTION**

This resolution shall be known as the Cokedale Zoning District Development Plan Resolution and is adopted specifically for the Cokedale Zoning District. The district has been created by resolution of the Board of County Commissioners, Park County, Montana.

Pursuant to Section 76-2-102, MCA there has been created a Planning and Zoning Commission for the Cokedale Zoning District which consists of the three County Commissioners, the County Surveyor and the County Sanitarian.

Pursuant to Section 76-2-104, MCA, a development pattern consisting of the Cokedale Zoning Resolution and Zoning Map was adopted by the Park County Commissioners on October 25, 1999

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 Resolution.

**SECTION TWO PURPOSE**

The purpose of the zoning is to help guide growth and, to protect and enhance property values and amenities, and to protect and enhance the natural environment, water quality, and wildlife and preserve scenic resources, traditional viewsapes and open space; preserve air and water quality and minimize soil erosion; preserve fish and wildlife habitat; prevent overcrowding and undue population concentration; and ensure high water quality standards, to further insure that the primary goals of the Emigrant/Cokedale Area Comprehensive Plan to promote preservation of open space and agricultural characteristics and encourage new residents to respect traditional community values are met.

**SECTION THREE BOUNDARY**

The land included in the Cokedale Zoning District is:

SW 1/4 Section 17, T2S R9E, South of the Frontage Road; W ½ of Section 20, T2S R9E; Section 19; South ½ of the SE 1/4 Section 18 T2S R9E, South of Frontage Road; South ½ of SW 1/4, Section 18, T2S R9E South of Frontage Road; NE 1/4 Section 24, T2S R8E; South ½ of the SE 1/4 Section 24, T2S R8E.

The district boundaries are shown on the attached map.

**SECTION FOUR ESTABLISHMENT OF THE DISTRICT**

The boundary of the Cokedale Zoning District Development Plan, 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 Resolution.

A. 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 Resolution. The Certificate should read as follows:

This is to certify that this is the Official Zoning Map referred to in Section 4 of the Cokedale Zoning District Resolution.

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Attested \_\_\_\_\_ Date of Adoption \_\_\_\_\_

If any changes to the map are made by amendment of this Resolution in accordance with Section Twelve, 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.

B. 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 Cokedale Planning and Zoning Commission may adopt and certify a new Official Zoning Map which shall supersede the prior Official Zoning Map. The 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 Resolution for Cokedale Zoning District and Development Plan, Park County, Montana."

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

Attested \_\_\_\_\_

Date \_\_\_\_\_

**SECTION FIVE**

**DEFINITIONS**

- A. Agricultural Use  
Any management of any land for agriculture; raising of cows, horses, pigs, poultry and other livestock; forestry; horticulture or orchards; including the sale of products grown or raised directly on such land; and including the construction, alteration or maintenance of agricultural buildings, roads, drainage systems, irrigation systems, farm ponds, and fish ponds. Agricultural use does not include large commercial hog (more than 10 sows) or chicken (More than 100 Chickens) establishments or commercial feed lots.
  
- B. 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 and shall serve only breakfast.
  
- B. Building  
Any structure including attached decking having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.
  
- C. Commercial Use  
Any use involving the sale, rental, or distribution of goods, services, or commodities, either retail or wholesale, or the provision of recreation facilities or activities for a fee, except as may be allowed as a conditional use home occupation.
  
- D. District Map  
The map that accompanies the petitions presented to the Park County Clerk and Recorder for verification.

- E. Dwelling Unit  
A structure or portion thereof which is used exclusively for human habitation. For the purposes of this Resolution manufactured housing, manufactured homes as defined by the Department of Housing and Urban Development and recreational type vehicles are not acceptable dwelling units and shall not be used as such.
- F. Guest House  
Detached living quarters of a permanent type of construction clearly subordinate and incidental to the principal residence. Guest houses shall not be used as a separate living unit nor be offered for sale or rent as an individual dwelling. Guest houses shall be less than 800 square feet and shall not have a kitchen.
- G. Official Zoning Map - The map accompanying this resolution that is on file in the Park County Clerk and Recorder's Office.
- H. Permitted Use  
A use or activity which is allowed by the district regulations.
- I. Prohibited Use  
A use or activity which is not allowed within the zoning district.

**SECTION SIX DISTRICT REGULATIONS**

Intent - The Park County Zoning Commission recognizes that preservation of open space and existing agricultural land is a primary objective of residents of the Cokedale planning area. Because the potential for development and the amount of land suitable for agricultural development in this area is limited and due to the county's geographic locations, climate and topography, this Commission recognizes the need to preserve existing farm lands and open space from unplanned development.

The intent of the regulations within the District is to maintain the open space and rural residential character of the area.

Allowable Uses

Agricultural Uses as defined in this resolution

Residential:

One Unit per forty (40) Acres, One guest house not to exceed 800 square feet. No manufactured houses as

defined by the United States Department of Housing and Urban Development.

**Commercial:**

Home Occupations

Contracting Businesses

Bed and Breakfast

Agricultural related commercial businesses

Dude Ranching

Outfitting and Guiding Services

Animal Hospitals, Veterinary Services

Black Smith

Government related buildings such as Fire Stations, Schools etc.

Home Day Care Centers of less than twelve (12) Children

**Accessory Uses:**

Garages

Storage of Building Materials

Tool houses and other similar structures for the storage of accessory supplies

Any accessory building related to an agricultural use or the keeping of animals for individual domestic purposes.

**Density:**

One residential unit per forty acres.

**Setbacks:**

Streams or Creeks - Fifty (50) Feet.

County Right of Way - Thirty (30) Feet

Lot Lines Primary Residence - One Hundred (100) Feet

Lot Lines Accessory Use - 30 Feet

Uses not specifically mentioned in Section Six may be permitted by the Planning and Zoning Commission and/or the Zoning Coordinator if determined to be of the same general character as the permitted uses.

Existing Uses - Nothing in this regulation shall be construed to prevent or prohibit the use of any existing building, structure, lot, or premises in use at the time of adoption of such Resolution.

**SECTION SEVEN**

**NONCONFORMING USES AND LOTS**

Intent - The use of a building or premises existing at the time of the adoption of this Resolution may be continued, although such use does not conform with the provisions of the Resolution. It is the intent of this resolution 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 Lots of Record - Lots of record that existed prior to the adoption of this Resolution may be used for any allowed use within the district providing that they can still meet other requirements of the district.

Nonconforming Structures - Where a structure exists at the effective date of adoption or amendment of this Resolution that could not be built under the terms of this Resolution 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, subject to the following provisions:

1. No such nonconforming structure may be altered or enlarged in any way which increases the nonconformity, but the structure may be altered to conform with this Resolution.
2. Should any 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 Resolution. If it is not possible for the reconstruction to conform to the Resolution a variance shall be granted.
3. Should such a 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.

Repairs and Maintenance - On any nonconforming structure or portion of the structure, work may be done on ordinary repairs and fixtures, wiring, plumbing, painting, or repair or replacement of non-bearing walls, provided that such work does not increase the size of the building. Nothing in this Resolution shall prevent the strengthening or restoring to a safe condition of any building or part declared to be unsafe by an official charged with protecting the public safety.

**SECTION EIGHT                      CONDITIONAL USES (RESERVED)**

**SECTION NINE                      VARIANCES**

Authorization to Grant or Deny Variances - The Zoning Commission may authorize a variance from the requirements of this Resolution when it can be shown that because of special and unusual circumstances related to a specific piece of property, strict application of the Resolution 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 zone 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 Resolution.

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 zone or vicinity and that result from lot size or shape, topography, or other circumstances over which the owners of property have had no control since enactment of this Resolution.
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 property in the same area.
3. The variance would not be materially detrimental to property in the same zone or vicinity in which the property is located.
4. The variance requested is the minimum variance that would alleviate the hardship.

Procedure

1. Written applications for variance shall be filed with the Zoning Enforcement Agent. A fee of \$200.00 shall accompany each application. An application shall not be regarded as having been filed until the fee is paid.
2. The Zoning Commission shall designate the Zoning Enforcement Agent to review the application and determine if the application meets the requirements of the zoning Resolution.
3. 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 shall be taken by the Zoning Commission from persons interested in said application and from the Zoning Enforcement Agent.
4. 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.



5. 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 Resolution. Any approval under this section shall be subject to the terms of the conditions designated in connection therein.
6. 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

**SECTION TEN                      ADMINISTRATION**

Employees and Officers - In accordance with Section 76-2-102, MCA, the Cokedale 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 Park County and if so, shall perform duties hereunder without remuneration in excess of their regular salary.

Enforcement - If the Zoning Enforcement Agent shall find that provisions of this Resolution 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 any illegal work being done; or shall take any other action authorized by this Resolution to ensure compliance with or prevent violation of its provisions.

The Zoning Enforcement Agent is authorized to enforce the provisions of the Development Plan by the proceeding at law or in equity.

The Planning and Zoning Commission shall appoint a five member advisory board of residents of the district to advise the board on issues before the Commission.

Review - This resolution shall be reviewed every year during the month of May to determine if any changes are required. The review shall be by the zoning commission and the residents of the zoning district.

**SECTION ELEVEN                    MINIMUM REQUIREMENTS**

In their interpretation and application, the provisions of this Resolution 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 Resolution 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.

**SECTION TWELVE                    AMENDMENTS AND CHANGES**

Zoning Resolution Amendments - This Resolution may be amended whenever the public necessity and convenience and general welfare requires such amendment and according to the procedure prescribed by law in 76-2-106 MCA, and this Resolution.

An amendment may be initiated by:

1. The petition of one or more land owners of property affected by the proposed amendment, which petition shall be signed by petitioning land owners and shall be submitted to the Zoning Enforcement Agent accompanied by a fee of \$200.00 payable to the Park County, no part of which shall be returnable to the petitioner; or
2. Resolution of intention by the Cokedale Planning and Zoning Commission. Such amendment shall not become effective until after a public hearing has been held before the Cokedale Planning and Zoning Commission, legal notice of which shall have been given in a newspaper of general circulation in the County not less than fifteen (15) days prior to the date of hearing and all landowners within the district shall be notified by certified mail fifteen days prior to the date of the hearing.

Fees	
Amendments .....	\$200
Zoning Changes.....	\$200

**SECTION THIRTEEN                    VIOLATION OF RESOLUTION**

Compliance Regarding Violations - Whenever a violation of this Resolution 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 Planning and Zoning Commission or 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 Resolution.

**SECTION FOURTEEN**


**INVALIDATION**

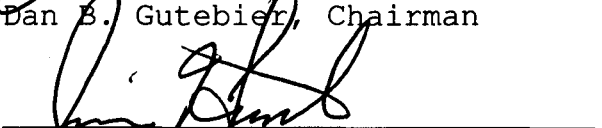
If any Section, subsection, subdivision, sentence, clause, paragraph or phrase of this regulation or any attachments hereto is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of these regulations to render the same operative and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

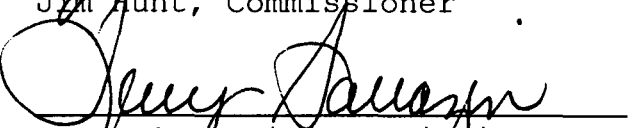
**SECTION FIFTEEN**


**ADOPTION**

This entire resolution was adopted on October 25, 1999 by the Park County Commissioners.

  
\_\_\_\_\_  
Dan B. Gutebier, Chairman

  
\_\_\_\_\_  
Jim Hunt, Commissioner

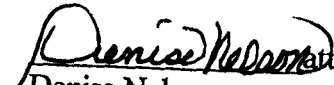
  
\_\_\_\_\_  
Terry Sarrazin, Commissioner

attest:   
Clerk + Recorder

This is to certify that this is the Official Zoning Map referred to in Section Four of the Cokedale Development Plan.



Dan B. Gutebier, Chair



Attested October 25, 1999  
Denise Nelson  
Park County Clerk and Recorder

