

**SECTION ONE            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.

## SECTION TWO

## PURPOSES

The purpose of this ordinance is to:

1. Promote the health, safety, and general welfare of County residents;
2. Lessen congestion in the streets;
3. Secure safety from fire, panic, and other dangers;
4. Preserve the historic and recreational values of the area;
5. Prevent overcrowding of land;
6. Avoid undue concentration of population;
7. Facilitate the adequate provision of transportation, water, sewage, parks, and other public requirements;
8. Promote the preservation of wildlife and fish habitat;
9. Protect scenic qualities, fresh air, groundwater, and open space;
10. Preserve the rural atmosphere;
12. Encourage good design and orderly growth.
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.

### SECTION THREE

### 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.

Accessory Building or Use - A building or use which: (1) is subordinate in area, extent or purpose to the principal building or principal use served; (2) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use.

Accessory dwelling unit - A second dwelling unit either in or detached from the main dwelling unit. The accessory dwelling is on the same lot as the primary dwelling unit and is a complete independent living facility.

Apartment - room or rooms with kitchen facilities. Bachelor or efficiency apartments shall qualify under this definition. An apartment house shall be defined as a building containing three or more apartment units.

Bed and Breakfast - An establishment which provides overnight lodging to the public for compensation; caters to the public, is located in the proprietors residence and serves breakfast to registered guests. A bed and breakfast shall contain no more than five rooms for rent to the public.

Boarding House - Any dwelling with less than ten (10) sleeping rooms in which persons either individually or as families are housed or lodged and are provided meals at the dwelling.

Building - A structure having a roof and built for support, shelter, or enclosure of persons, animals, chattel, or property of any kind.

Building Height - The vertical distance from the average elevation of the proposed finished grade at the front of a building to the highest point of the roof.

Building Perimeter - The foundation walls of a building and/or supports or appendages thereto.

Conditional Use - Uses, other than permitted uses, that may be allowed in a specific zoning category but which require a public hearing by the governing body to consider additional safeguards to maintain and assure the health, safety, and general welfare of the community and to maintain the character of the Cooke City\Silver Gate\Colter Pass Zoning District.

Density - The total number of dwelling units allowed per gross acre.

Dude Ranch - Premises where horseback riding, hiking or other outdoor recreational pursuits are provided to the public as well as food and overnight accommodations.

Dwelling, Single Family - A building designed with complete, permanent, and independent living facilities for one family.

Dwelling Unit - A building or portion thereof providing permanent cooking, eating, sleeping and living facilities for one family and its resident domestic employees.

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.

Family - Any individual or two or more persons related by blood or marriage, or a group of not more than four persons (excluding servants) who need not be related by blood or marriage, living together as a single non-profit housekeeping unit.

Floodplain A floodplain (Zone A) is the area adjoining the watercourse or drainway which would be covered by the floodwater of a base flood except for the sheetflood areas that receive less than one foot of water per occurrence and are considered Zone B areas by Federal Emergency Management Agency. Zone B areas have fewer building restrictions than Zone A. The floodplain consists of the floodway and floodway fringe.

A floodway (Zone A) is defined as the channel of a watercourse or drainway and those portions of the floodplain adjoining the channels which are reasonably required to carry and discharge the floodwater of any watercourse or drainway.

Park County has adopted floodplain development regulations pursuant to Title 76, Chapter 5 MCA which restricts development in floodplains.

General Plan - General plan shall include any document or portion of any document duly adopted by the Zoning Commission which is intended to guide the growth and development of the area.

Grandfather Clause - An existing use or lot size that does not conform to the zoning ordinance is what is known as grandfathered in. This means that the use can continue but may not be enlarged or otherwise changed. A nonconforming lot may be sold and all uses allowed in the district are allowed on the lot. A nonconforming lot may not be further subdivided.

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.

Home Occupation and Home Business - 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 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.

Horse Related Uses - Commercial horse back riding activities, stage coach or buggy rides.

Kennel, Commercial - An area that is used for breeding and raising dogs for commercial purposes. A commercial kennel has two or more dogs over the age of six months.

Landscaped - Adequate vegetative cover and/or sufficient local topographic relief to screen or soften the visual impact of the development.

Lot - A parcel or plot of land shown as an individual unit of ownership on the most recent plat or other record of subdivision.

Lot, Corner - A lot situated at the junction of and abutting on two or more streets.

Lot, Coverage - The total area of a lot covered by the principal and accessory buildings.

Lot Lines - The lines bounding a lot as defined herein.

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.

Manufactured and Modular Housing - Residential dwellings constructed entirely or substantially off-site.

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.

Mobile Home - Forms of housing known as "trailers", "housetrailers", or "trailercoaches", 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.

Mobile Home Subdivision - A parcel of land that has been reviewed and approved for the placement of mobile homes for residential use.

Mobile Home Park - Two or more mobile homes for rent or lease to the general public.

Motor Home - See Travel Trailer.

Natural Wood Siding - Wood in a natural state or milled but not to include any reformed product or type of plywood.

Parking Lots - A structure or 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.

Parking Space, Off-street - A space located off any public right-of-way which is at least nine feet by twenty feet in size for parking any motor vehicle with room to get out of either side of the vehicle, with adequate maneuvering space, and with access to public streets or alleys.

Planned Unit Development - A tract of land developed for residential and/or commercial purposes as an integrated unit. The development is based on a plan which allows for flexibility of design, site layout and density not otherwise possible under the prevailing zone regulations.

Sign - Any face of any lettered or pictorial device and/or structure designed to advertise.

Stream Setbacks - The stream setback shall be measured from the mean high water mark.

Structural Alteration - Any change in the shape or size of any portion of a building or of the supporting members of the building or structure such as walls, columns, beams, arches, girders, floor joist, or roof joist.

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.

Travel Trailer - A vehicular portable structure designed as a temporary dwelling for travel, recreation, and vacation uses which is not more than 102 inches in body width.

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.

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.

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.

Yard, Front - An open space extending across the full width of the lot between the front building line and the front lot line.

Yard, Rear - An open space extending across the full width of the lot between the rear building line and the rear lot line.

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.

Zoning Commission - The Park County Zoning Commission shall consist of the three county commissioners, the clerk and recorder, and the assessor.

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.

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.

Zoning Enforcement Agent - The duly authorized agent appointed by the Planning and Zoning Commission for the purpose of administering and enforcing this ordinance.

#### **SECTION FOUR**

#### **ESTABLISHMENT OF DISTRICTS**



The jurisdiction of the Cooke City\Silver Gate\Colter Pass Zoning District is hereby divided into eight 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(RC)

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 in accordance with Section Twenty four hereof, 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;

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.
4. That neither the intent of the ordinance nor the intent of the district will be abrogated by such classification.

#### **SECTION FIVE                      APPLICATION OF DISTRICT 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.

## **SECTION SIX**

## **NONCONFORMING USES AND LOTS**

Intent - Within the districts established by this ordinance or amendments thereto, there exist lots, structures, uses of land, 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 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 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.

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 parcel may be divided so as to create a lot smaller in lot width or lot area than required by this ordinance.

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:

1. 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.
2. No such Nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance.
3. 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.
4. No additional Nonconforming structure in connection with the requirements of this ordinance shall be erected in connection with such Nonconforming uses of land.

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:

1. 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.

2. 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. **If it is not possible for the reconstruction to conform to the ordinance a variance shall be granted.**
3. 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.

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:

1. 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.
2. Any Nonconforming use may be extended to any other part of a building designed for such use, but no such use may be extended in any way to occupy land outside the building.
3. Nonconforming use of building, structures, or premises may be changed to another Nonconforming use, provided that a conditional use permit is obtained from the Zoning Commission determining whether or not to grant the conditional use permit. The Zoning Commission shall determine that the proposed use is equally appropriate or more appropriate to the district than the existing Nonconforming use.
4. 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.
5. Whenever Nonconforming use of a structure or a premise cease for three 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 years.

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 building in any one year, provided that such work does not increase the cubic content of the building. 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.

Conditional Uses - Conditional uses provided for under Section 18 of this ordinance shall not be deemed a nonconforming use in the district in which it is permitted.

The purpose of this district is to provide residential development in areas served by a central water system.

Allowed uses

One single family residence per twenty thousand square feet or three lots within Cooke City or Silver Gate town sites.  
Modular homes providing they have a pitched roof and wood or wood appearing siding.  
Duplexes.  
One accessory building.  
Temporary living quarters with an approved septic permit during the building season, May 1st through October 15th.  
Public parks.  
Playgrounds.  
Propane tanks and residential heating fuel tanks installed according to Montana Fire code.

Conditional Uses

Bed and Breakfasts.  
Library.  
Above ground storage tanks.  
Mobile homes and mobile home parks.  
Two or more accessory buildings.  
Triplexes.  
Home business.  
Dwellings greater than 5,000 square feet.

Floor Area

Each permanent dwelling unit shall be a minimum of 24 x 20 feet base floor area. No more than 50% of the total lot area shall be covered by buildings.

Building Height

Maximum building height is 40 feet.

Utilities

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

Lot Access

Access to all residences must be provided prior to the issuance of a zoning compliance permit.

Construction Setbacks

Streams	50 feet
Front yard	25 feet



Rear yard            15 feet  
                          5 feet for accessory building  
Side yard            10 feet

Fences

No barbed wire fencing shall be allowed in the district.

Permanent fencing shall be wooden, welded, chain link, or woven wire construction. All screening fences shall be of solid construction.

Signs

As permitted by Section Fifteen of this ordinance.

Off-street Parking

Two off street parking spaces shall be provided for each dwelling unit. Bed and breakfasts shall provide one and one-half parking spaces for each unit.

Home Businesses and Home Occupation

As defined in Section Sixteen of this ordinance.

**SECTION EIGHT**

**RESIDENTIAL (R-2)**

The purpose of this district is to provide residential development in areas adjacent to town served by an individual sewer and water systems.

Allowed Uses

- One single family residence per acre.
- Modular homes.
- Two accessory buildings.
- Temporary living quarters with an approved septic permit during the building season, May 1st through October 15th.

Public parks.  
Playgrounds.  
Propane tanks and residential heating fuel tanks installed according to Montana Fire Code.

Conditional Uses

Bed and Breakfasts.  
Above ground storage tanks.  
More than two Accessory buildings.  
Livestock.  
Exotic animals.  
Mobile homes.  
Kennel, Commercial.  
Home business.  
Dwellings greater than 5,000 square feet.

Livestock

Some livestock are allowed with a conditional use permit. Goats, sheep, and hogs are not allowed in the district.

Floor Area

Each permanent dwelling unit shall be a minimum of 24 x 20 feet base floor area.

Building Height

Maximum building height is 40 feet.

Utilities

Utilities shall be installed underground subject to utility company recommendations.

Lot Access

Access to all residences must be provided prior to the issuance of a zoning compliance permit.

Construction Setbacks

Streams	100 feet
Front yard	25 feet
Rear yard	25 feet
	15 feet accessory building
Side yard	15 feet
	10 feet accessory building

Fences

Permanent fencing is discouraged in rural areas. No barbed wire fencing shall be allowed in the district.

Permanent fencing shall be jack-leg, or post and pole construction. Chain Link Fencing for backyards limited to 5,000 square feet.

Temporary electric fencing for the enclosure of livestock is allowed. Temporary fencing may not be installed before May 1st and must be removed by December 1<sup>st</sup>.

Signs

As permitted by Section Seventeen of this ordinance.

Off-street Parking

Two off-street parking spaces shall be provided for each dwelling unit. Bed and breakfasts shall provide one and one-half parking spaces for each unit.

Home Business and Home Occupation

As defined in Section Sixteen of this ordinance.

**SECTION NINE**

**RURAL/RECREATIONAL COMMERCIAL (RRC)**

The rural/recreational 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.

Allowed Uses

One single family residence per twenty acres.  
Accessory living unit not to exceed 1000 square feet  
Two accessory buildings not to exceed a total of 2,000 square feet.  
Temporary living quarters with an approved septic permit during the building season, May 1st through October 15th.  
Livestock, not to include goats, sheep, and hogs.

Conditional Uses

Motels.  
Lodges.  
Restaurants.  
Dude ranches - 100 acre minimum.  
Bed and Breakfasts.

Above ground storage tanks.  
Kennel, Commercial.  
Dwellings greater than 5,000 square feet.

Floor Area

Each permanent dwelling unit shall be a minimum of 20 x 24 feet.

Building Height

Maximum building height is 40 feet.

Utilities

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

Lot Access

Access to a public or private street for residences must be provided prior to the issuance of a zoning compliance permit.

Construction Setbacks

All streams	100 feet
Front yard	200 feet
Rear yard	100 feet
Side yard	100 feet

Fences

No barbed wire; woven or other wire fencing shall be allowed in the district. Temporary electric fencing for the enclosure of livestock is allowed. Temporary fencing may not be installed before May 1<sup>st</sup> and must be removed by December 1<sup>st</sup>.

Permanent fencing shall be jack-leg or post and pole construction. Permanent fencing for livestock is discouraged. Chain Link fencing for backyards limited to 5,000 square feet.

Signs

As permitted by Section Seventeen of this ordinance.

Off-street Parking

Two off-street parking spaces shall be provided for each dwelling unit. Bed and breakfasts and other commercial recreational uses shall provide one and one-half parking spaces for each unit. Restaurants shall provide one parking space for each 100 square feet of floor space. Other parking requirements shall be determined by the Zoning Administrator with the right of appeal to the Park County Zoning Commission.

Home Businesses and Home Occupation

As defined in Section Sixteen of this ordinance.

**SECTION TEN      RURAL/RECREATIONAL (RR1)**

This rural/recreational 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.

Allowed Uses

One single family residence per one acre.  
Accessory living unit not to exceed 1000 square feet  
Two accessory buildings not to exceed a total of 2,000 square feet.  
Temporary living quarters with an approved septic permit during the building season, May 1st through October 15th.

Conditional Uses

Motels - limited to one story  
Lodges  
Restaurants.  
Dude ranches.  
Bed and Breakfasts.  
Above ground storage tanks.

Floor Area

Each permanent dwelling unit shall have a minimum of 250 square feet

Building Height

Maximum building height is 40 feet.

Utilities

All utilities shall be subject to utility company recommendations.

Lot Access

Vehicular access to residences must be provided prior to the issuance of a zoning compliance permit.

Construction Setbacks

All streams        50 feet  
Property Line        25 feet

Fences

No barbed wire; woven or other wire fencing shall be allowed in the district. Temporary electric fencing for the enclosure of livestock is allowed. Temporary fencing may not be installed before May 1<sup>st</sup> and must be removed by December 1<sup>st</sup>.

Permanent fencing shall be jack-leg or post and pole construction. Permanent fencing for livestock is discouraged.

Signs

As permitted by Section Seventeen of this ordinance.

Off-street Parking

Two off-street parking spaces shall be provided for each dwelling unit. Bed and breakfasts and other commercial recreational uses shall provide one and one-half parking spaces for each unit. Restaurants shall provide one parking space for each 100 square feet of floor space. Other parking requirements shall be determined by the Zoning Administrator with the right of appeal to the Park County Zoning Commission.

Home Businesses and Home Occupation

As defined in Section Sixteen of this ordinance

The purpose of this district is to provide for orderly commercial development in areas served by central water.

Allowed Uses

Restaurants.  
Motels and Hotels.  
Guest Houses.  
Retail Shops.  
Gas Stations.  
Snowmobile Rentals.  
Day Care Centers.  
Clinics.  
On-site living quarters for owners and employees.  
Laundromats.  
Saloons.  
Outfitters Offices.  
Beauty and Barber Shops.  
Grocery Stores.  
Professional Offices.  
Banks.  
Public parks.  
Playgrounds.  
Propane tanks and heating fuel tanks installed according to Montana Fire Code.  
Bed and Breakfasts.  
Library.

Conditional Uses

Above ground storage tanks.  
Machine Shops.  
Automotive Repair Shops.  
Light manufacturing associated with retail sales.  
The retail sales shop must be located on the premises.  
Warehouse/storage facilities.  
Horse related business activities.  
Employee Housing.

Livestock

Livestock may not be stabled in the C-1 District.

Building Height

Maximum building height is 40 feet.

Utilities

All utilities shall be installed underground.

Lot Access

Access to a public or private street for all buildings must be provided prior to the issuance of a zoning compliance permit.

Construction Setbacks

Front yard	0 feet
Rear yard	10 feet
Accessory building	5 feet rear setback
Side yard	0 feet

Stream Setbacks

All streams	50 feet
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Signs

As permitted by Section Seventeen of this ordinance.

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. Parking requirements will be determined annually by the Zoning Administrator.

Off-street parking must be provided for any on-site living areas.

Construction - All commercial buildings shall conform to state fire codes and shall obtain a state building permit prior to the issuance of a zoning compliance permit.

**SECTION TWELVE RESIDENTIAL/LOW IMPACT COMMERCIAL DISTRICT (RC)**

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.

Allowed Uses

- All Uses allowed in the R-1 District.
- Guest Houses.
- Retail Shops less than 1200 square feet.
- Day Care Centers.



Clinics.  
On-site Living Quarters.  
Outfitters and Guides Offices.  
Beauty and Barber Shops.  
Boarding Houses.  
Professional Offices.  
Public Parks.  
Playgrounds.  
Propane tanks and fuels heating tanks installed according to Montana Fire Code.  
Bed and Breakfast.  
Library.

Conditional Uses

Above-ground storage tanks.  
Horse related business activities.  
Animal Grooming.  
Employee Housing.  
Dwellings over 5,000 square feet.

Building Height

Maximum building height is 40 feet.

Utilities

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

Lot Access

Access to a public or private street for all buildings must be provided prior to the issuance of a zoning compliance permit.

Construction Setbacks

Main Structure

Front yard	20 feet
Rear yard	10 feet

Accessory Structures

Front Yard	20 feet
Rear and side yard	5 feet

Stream Setbacks

All streams	50 feet
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Horses may not be stabled in the RC district.

Signs

As permitted by Section Seventeen of this ordinance.

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. Parking requirements will be determined on a case-by-case basis by the Zoning Administrator.

Off-street parking must be provided for any on-site living areas.

Fences

No barbed wire fencing shall be allowed in the district.

Permanent fencing shall be wooden, welded, chain link, or woven wire construction. All screening fences shall be of solid construction.

Construction - All commercial buildings shall conform to state fire codes and shall obtain a state building permit prior to the issuance of a zoning compliance permit.

**SECTION THIRTEEN      PLANNED UNIT DEVELOPMENTS**

Section 1

Intent

It is the intent of this Article to establish standards and procedures for approval of a Planned Unit Development (PUD).  
Section 2

Procedures for Approval of Planned Unit Developments

The purpose of the Planned Unit Development is to encourage flexibility in the development of land to promote its most appropriate use, to improve the design, character and quality of developments, to facilitate the adequate and economical provision of streets and utilities, and to preserve the natural and scenic features of open space.

1. Application for Planned Unit Developments shall be considered as an overlay zone.
2. Setback criteria shall be controlled by the standards of the district the PUD is located in as shown on the proposed Planned Unit site plan.
3. The PUD shall meet the standards for exterior appearance defined in the underlying zone.

### Section 3

#### Pre-Application Review

At least thirty (30) days prior to the submittal of an application for preliminary approval of a Planned Unit Development, the developer or his authorized representative shall meet with the Zoning Coordinator and the Zoning Advisory Commission for a review of the location, density, land uses and other pertinent features of the proposed development. The meeting shall be open to the public.

### Section 4

#### Application for Approval

An application for approval of a Planned Unit Development must be filed by a person having ownership in the property. The application must be made to the Zoning Coordinator to be accompanied by twenty (20) copies of a site plan and written statement.

### Section 5

#### Planned Unit Site Plan

A complete site plan showing the major details of the proposed Planned Unit prepared at a scale of not less than one inch to the hundred feet shall be submitted in sufficient detail to evaluate the land planning building design and other features of the Planned Unit. The site plan must contain, insofar as is applicable, the following minimum information:

1. Names:

Name of the proposed development  
Name(s) and address(es) of the owner(s) and the designer(s) of the site plan.

2. Vicinity Sketch Map:

A vicinity sketch map showing names and locations of property lines, adjacent streets and roads and the approximate location of adjacent property within five hundred (500) feet of the site.

3. Areas that are to be conveyed, dedicated or reserved as common park areas, including public parks and recreational areas, and as sites for schools or other public buildings.

4. The location and dimension of all vehicular points on ingress and egress, drives, channelizations and traffic circulation.

5. The location of pedestrian entrances, exits, walks and walkways.

6. A general landscape plan at the time of the initial submission to be followed by a detailed landscaping plan, once the specific site has been approved showing the spacing, sizes and specific types of landscaping material.

7. Utility and Drainage Plans:

Utility and drainage plans shall be provided including all information required to determine what water, sewer, sanitary disposal and storm drainage improvements will be made and located in accordance with Park County requirements.

8. Contour intervals of five (5) feet.

9. The location and size of all existing and proposed buildings, structures and improvements.

10. The maximum heights of all buildings, density of dwellings and proposed land uses.

11. Any areas subject to a fifty or hundred year flood cycle.

12. Evidence of adequate fire protection.

13. Location of solid waste collection facilities.

14. Location of fire hydrants and emergency easements.

Section 6

Planned Unit Written Statement

A written statement, twenty (20) copies of which must be submitted with the preliminary site plan, must contain the following information:

1. Copies of any special agreements, conveyances, restrictions or covenants, which will govern the use, maintenance and continued protection of the Planned Unit and any of its common parks or open spaces, and
2. A statement of the present ownership and legal description of all the land included in the Planned Unit, and
3. An explanation of the objectives to be achieved by the Planned Unit, including building descriptions, sketches or elevations as may be required to describe the objectives, and
4. A development schedule indicating the approximate date when construction of the Planned Unit or stages of the Planned Unit can be expected to begin and be completed.

#### Section 7

##### Review and Approval

The Zoning Coordinator shall notify by mail the owners of abutting properties located within three hundred (300) feet of the exterior boundaries of the land included in the Planned Unit, thirty (30) days prior to the date of the preliminary hearing before the Park County Zoning Commission. In those cases due to topography, land ownership patterns or other circumstances, the Zoning Coordinator may notify property owners within a radius greater than three hundred (300) feet.

#### Section 8

##### Park County Zoning Commission

1. Within sixty (60) days after receiving a preliminary application for a Planned Unit Development, the Park County Zoning Commission shall hold a public hearing on the application. The Zoning Commission shall within fifteen (15) days of the public hearing, or within such time as mutually agreed to by the Zoning Commission and the applicant, either approve, approve with conditions, or deny the proposed Planned Unit in whole or in part.
2. Whenever notice is required for a public hearing before the Zoning Commission for the purpose of considering a Planned Unit application, such notice must be published in

a newspaper of general circulation at least fifteen (15) days prior to such hearing. The notice shall also be posted in the Post Office or other public place fifteen (15) days prior to such hearing. Such notice shall give the time, date and place of the hearing and give a brief summary or explanation of the proposed Planned Unit and its location.

3. Planned Unit Developments must also be approved under the State of Montana Subdivision and Platting Act.
4. All approved site plans, special agreements, restrictions, covenants, including any modifications or conditions, shall be endorsed by the Zoning Commissioner. The applicant shall file the approved Planned Unit site plan and such other agreement, etc., with the County Clerk and Recorder. Thereafter, no building or structure shall be erected and no land used for any purpose other than shown on the officially recorded Planned Unit site plan or in accordance with any condition(s) required thereon.

## Section 9

### Conclusions and Findings

When the Zoning Commission either grants an application in whole or in part, with or without modifications, or denies an application, its decision shall be in the form of a written opinion setting forth any conclusions and findings of fact related to the specific application and shall set forth why and in what manner the application is or is not consistent with the requirements and the criteria set forth in Section 10.

## Section 10

### Standards

A Planned Unit shall implement the intent of this Ordinance and of this Chapter and, in addition, shall meet the following standards and requirements:

1. Uses Permitted:  

The uses in a Planned Unit Development must be uses in the zone in which the Planned Unit Development is located.
2. The Planned Unit Development is consistent with the purpose and policies of the Comprehensive Plan.
3. The Planned Unit's relationship to its surroundings shall be considered in order to avoid adverse effects to the

development caused by traffic circulation, building heights or bulk, lack of screening or intrusions on privacy.

4. Minimum usable open spaces and common park areas are lands used for scenic, recreational and landscaping purposes and excludes road easements, dedicated rights-of-way, driveways or required parking areas. Not less than twenty (20) percent of the net land area shall be developed and maintained as a common open space.
5. Commercial uses other than those permitted in paragraph (A) above may be included in a Planned Unit. Such non-residential uses must be distinctly subordinate to the residential character of the Planned Unit and are limited to those uses permitted by right or permitted by special exception in Highway Commercial Zones.
6. Site Planning:

The site plan for the Planned Unit Development must meet each of the following criteria or demonstrate that one or more of them are not applicable and that a practical solution consistent with the public interest has been achieved for each of these elements:

- (1) That there is an appropriate relationship to the surrounding area. The buffer zone must be kept free of buildings, obstructions and must be landscaped, screened or protected by natural features so that they minimize the adverse effects on the surrounding areas.
- (2) Circulation in terms of an internal street circulation system designed for the type of traffic generated, safely separated from living areas. Private internal streets may be permitted if police can use them, fire department vehicles for emergency purposes and by other city and county departments to provide basic services. Bicycle traffic shall be considered and provided for when the site is used for an area for living purposes. Proper circulation in parking areas in terms of safety, convenience, separation and screening.
- (3) Useable open spaces in terms of preservation of natural features, including trees, drainage areas, recreation, views, density, convenience and function.

- (4) Variety in terms of densities, facilities and open spaces.
  - (5) Privacy in terms of the needs of individuals, families and adjacent properties.
  - (6) Pedestrian traffic in terms of safety, separation, convenience, access to points of destination and attractiveness.
  - (7) Building types in terms of appropriateness to density, site relationship and bulk.
  - (8) Building design in terms of orientation, spacing, material color and texture, storage, signs and lighting.
8. When utilities, roads, or other capital facilities are not in place prior to final approval, a bond equaling 150% of the cost of the improvements shall be posted. This requirement shall apply to all required capital facilities.

#### Section 11

##### Planned Commercial Center

An application for a Planned Commercial Center (PCC) shall be submitted in accordance with the procedures outlined for other Planned Unit Developments, and in addition, an application for a Planned Commercial Center must show:

1. That such a development is located adjacent to a designated arterial.
2. That a traffic assignment study shall accompany such application and by market analysis sufficient to demonstrate the need for such a facility at the proposed location.

In addition, the uses permitted in the Planned Commercial Center may include those allowed as a matter of right or by special exception in a General Commercial Zone.

#### Section 12

##### Planned Unit Development Schedule

A Planned Unit Development shall be started within twelve (12) months following approval of the development project and be substantially complete within two (2) years from the starting date.



An application for a PUD shall be accompanied by a development schedule and indicating to the best of the applicant's knowledge the approximate date on which construction of the project can be expected to begin, anticipated rate of a development and completion date.

Following the review of the PUD and in the opinion of the Board of County Commissioners that the PUD is failing its development schedule, the Board may in a public hearing recommend continuation in whole or in part or termination of the PUD.

### Section 13

#### Administration

An applicant may propose to develop the Planned Unit Development site in successive stages in a manner indicated in the general development plan. Each stage shall be substantially complete within itself.

They shall record the plan of development in total, with successive stages identified, including the site plan, public dedications, drawings, conditions and other exhibits or documents as approved, as a subdivision. It shall be identified by boundaries on the Official Zoning Map and no uses other than those specifically approved in the original PUD application by the Park County Zoning Commissioners may be permitted.

Minor changes in the approved site plan may be granted by the Zoning Coordinator when he determines that the changes will not alter the original intent of the Planned Unit Development, adversely affect adjacent property or be inconsistent with this Resolution or the Comprehensive Plan. Minor changes shall mean adjustment in the setbacks, decrease in number of structures, location of parking spaces and service facilities. In no case may the Zoning Coordinator approve a change which includes an increase in the number of structures, their height or location and width of roads and streets, either public or private, or permitted uses.

**SECTION FOURTEEN**

**SUPPLEMENTARY REGULATIONS**

Structures to have Access - Every residence or commercial building hereafter erected or moved shall be on a lot with access to a public or private street.

Driveway Standards - All driveway cut and fill areas shall be reseeded and adequate provisions made for sight-distance at the intersection with the arterial road.

New driveways shall be fourteen feet in width, and shall have areas for snow removal.

Where a driveway intersects with a water course, adequate provision shall be made for culverts and bank protection. A 310 permit shall be obtained from the Park County Conservation District prior to beginning construction.

Adequate provisions for stormwater drainage and spring run-off shall be made prior to construction.

The local fire department shall approve all new driveways to assure access for emergency vehicles.

Road Standards - All access roads for new subdivisions shall meet the standards of the Park County Subdivision Regulations for slope, width, right-of-way width, and construction.

Access roads serving permanent residences must have an all-weather surface, and provide sufficient right-of-way for snow plowing and removal.

Proper grading and drainage to handle snow melt and storm run-off must be provided by the subdivider.

Slash, diseased timber and other fire fuels shall be removed from road right-of-ways.

At least two separate access roads must be provided if the road serves more than ten lots.

Outdoor Lighting - Outdoor lighting of trees, bushes, fountains, swimming pools, or grounds or residences shall not illuminate or be reflected upon any adjacent property.

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.

Protection of Street Right-of-Way - No zoning compliance permit shall be issued or use proposed in any street right-of-way, alley, or any proposed street right-of-way proposed on any official Master Plan adopted by the Board of County Commissioners which is still in effect.

Fences, Walls and Hedges - Fences, walls and hedges in any district may be located on lot lines provided such fences, walls or hedges are constructed of materials consistent with the character of the area. However, no fences, walls, and hedges shall obstruct the visibility of traffic.

Stop Order - Whenever any building work is being done contrary to the provisions of the ordinance, the Zoning Enforcement Agent shall order the work stopped by notice in writing served on any person engaged in doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Zoning Enforcement Agent to proceed with the work. A resident may appeal a stop order to the Zoning Commission.

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.

Metal and Other Accessory Buildings - All accessory buildings shall meet the following requirements:

1. No unfinished reflective siding shall be allowed. All storage buildings over 1,200 square feet in size shall require a conditional use permit.
2. All accessory structure's appearance will be in keeping with the main structure. Accessory structures shall meet all standards for exterior appearance.

Exterior Appearance - All residential and commercial structures, including modular and mobile homes, shall meet the following standards:

1. All construction in the district shall be of conventional log, framed construction with milled one-half log siding, native stone or stone veneer, or other rustic appearing materials including alpine style chalet construction or exposed, rough sawn structural framing and stucco walls. No asphalt siding is allowed. All roof materials shall be fire resistant as defined by the State of Montana Fire Codes. Metal roofing shall be painted earth tone colors which shall include non-reflecting red, green, and blue colors.
2. The roof pitch of structures shall be designed to withstand the snow load of the area. Unpainted galvanized metal roofs are not allowed. Galvanized metal roofs shall be painted colors that are consistent with the character of the area.
3. All dwelling units shall be constructed to be consistent with the character of the area.
4. All exterior construction shall be completed within three years.
5. Utilities - Utilities shall be provided in a manner to meet county specifications and shall be installed underground.
6. All residences shall have a minimum of twelve (12) inches overhang on gables and eaves.
7. All exteriors shall have a finished appearance.

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 Health Department.

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.

Garbage Containers - All garbage, refuse, and any type of food that is edible by bears shall be kept in a bear-proof container or stored inside to make it unavailable to bears. All trash containers that are not bear-proof shall be unavailable to bears whether they be at a commercial or residential establishment.

Unavailable to bears means hung out of reach or secured in a solid-sided bear-proof structure.

Bear-proof garbage containers shall be inspected for approval by the Zoning Administrator.

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.

Floodplain and Wetlands - Development shall be prohibited in areas identified as floodplain and wetlands.

Dogs - All dogs shall be under control of owner at all times, either restricted to the owner's property, leashed, tied, or fenced. Under no conditions shall dogs be allowed to run free on the streets of Cooke City or Silver Gate.

**SECTION FIFTEEN**

**RV PARKS AND MOBILE**

**HOME PARK**

Mobile Home Parks - All mobile home parks are required to go through subdivision review and meet all Park County Standards for mobile home park development. The mobile home park shall be submitted as a planned unit development.

All Mobile Home Parks shall conform to the following regulations.

1. Mobile homes must be secured with tie-downs and must be skirted with rustic materials. No tires shall be allowed on the roofs of mobile homes.
2. Each mobile home lot shall have at least two off-street parking spaces.
3. Outside storage building containing at least 80 square feet must be provided for each mobile home.
4. Mobile home parks shall be landscaped, provide outside lighting, bear-proof garbage facilities, and a park or recreational area.
5. Dust abatement procedures for all roads shall be instituted or the roads shall be paved.
6. Mobile home parks shall be located in areas that are visually screened from Highway 212 and other residential areas.
7. All mobile homes in the park shall be HUD approved for quality and construction.
8. All pitched roofs shall be constructed to withstand snow loads common in the area.

Mobile Homes within Residential Areas - All mobile homes within residential areas shall require a conditional use permit and meet the following standards. All mobiles shall meet HUD standards for construction.

1. Mobile homes shall meet the setback requirements of the district in which they are located.
2. Mobile homes must be skirted with materials consistent with the surroundings. No tires shall be placed on the roof of the mobile home.

3. Mobile home sites shall have at least two off-street parking spaces.
4. Each mobile home shall have an outside storage enclosure containing at least 80 square feet and shall be constructed of rustic materials.
5. The mobile home shall have a pitched roof, non-reflective siding, and fire-resistant roofing materials.
6. Mobile homes shall be landscaped and have bear-proof garbage facilities.
7. The mobile home shall be placed on a permanent foundation.
8. All pitched roofs shall be constructed to withstand snow loads common in the area.

RV Parks - All RV Parks shall meet the standards of the Park County Subdivision Regulations. In addition, RV Parks shall conform to the following regulations. RV Parks shall be reviewed under the Planned Unit Development section of the ordinance.

1. RV parks shall be located in areas that are visually screened from Highway 212 and residential areas.
2. RV Parks shall be landscaped, provide outside lighting, bear-proof garbage facilities and laundry facilities.

## **SECTION SIXTEEN**

### **HOME BUSINESSES AND HOME OCCUPATIONS**

Home business are permitted in the R-1 and R-2, upon obtaining a conditional use permit. The applicant shall prepare an application as required by Section Twenty of this ordinance. Home Businesses and Home Occupation shall have no effect on the neighborhood and shall require a permit issued by the Zoning Administrator.

## Home Business

1. The business shall be carried on wholly within the principal building, other accessory structure, 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 unit shall remain a residential structure; there shall be no exterior display or alteration that changes the residential character of the premises.
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 garage or screened from view.
8. Parking requirements for employees or customers shall be determined on a case-by-case basis. The requirements shall be designated on the conditional use permit.
9. Signs as allowed in Section Nineteen of this ordinance.
10. 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.



**SECTION SEVENTEEN**

**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.

To preserve or enhance the character of the area.

Definitions:

**Billboard:** An off-premise, free-standing commercial advertising sign larger than nine square feet in gross area. Billboards are prohibited in the zoning district.

**Facade:** The front exterior surface of a building.

Free-standing Sign: A sign not attached to any building, wall or fence, but in a fixed location.

Illuminated Sign: Any sign lit by electrical bulbs, florescent lights, or neon tubes.

Portable sign: A sign capable of being readily moved or relocated, including signs mounted on a chassis and wheels or supported by legs.

Off-premise signs: Any sign which is not on the premises of the business.

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.

Wall Sign: Any sign which is painted on incorporated into or affixed parallel and within six inches of the wall of a building.

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. The sign permit shall be obtained from the Zoning Administrator and approved by the Zoning Advisory Committee. All signs shall conform to all regulations contained herein.

#### Exceptions

All excepted signs shall conform to all other requirements of this ordinance.

Signs erected and maintained for public safety and welfare or pursuant to any governmental function, law, bylaw or other regulations.

A bulletin board or similar sign not exceeding twenty square feet in connection with any church, museum, library, school or similar public or semipublic structure and/or event.

Directional signs indicating ingress and egress placed at driveway locations containing no advertising material and not exceeding three square feet.

Real Estate Signs not exceeding four square feet.

Trespassing and hunting signs, not exceeding three square feet.

State and national flags.

### Prohibited Signs

#### Billboards

Flashing signs, signs containing moving parts, signs containing reflective elements which sparkle or twinkle in the sunlight.

Streamers, pennants, ribbons, spinners or other similar devices except flags and buntings 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.

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.

Any sign that constitutes a hazard to pedestrian or vehicular traffic because of intensity, location, size, or direction of illumination.

Portable flashing signs except for temporary use less than thirty days.

### 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 section.

### Residential Zones

#### Allowed Signs:

Real Estate.

Trespassing and hunting signs.

Political signs not to exceed six square feet, and to be removed within five days of the election.

Arch signs constructed of log, not to exceed fourteen feet in length and two feet in height.

Residential name signs not to exceed three square feet.

#### Conditional Use:

Home Occupation and Home Business Sign.

### Commercial Zones

Flashing or blinking signs are not allowed.

Total signage shall be no more than 15% of the building facade or one hundred square feet, whichever is greater.

One free standing sign per business, less than thirty-two square feet per side, and limited to thirty feet total height.

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.

Roof Signs are not to exceed the highest point of the building.

Seasonal Signs - Rustic signs, including signs on the sides of horse drawn or antique vehicles, indirectly lighted.

#### Other Standards

Existing signs shall be grandfathered, however any sign, with the exception of historic signs as approved by the zoning commission, that is more than fifty percent destroyed or replaced shall meet the standards of this section.

#### Temporary Signs:

Shall require a permit.  
Shall not be erected for more than thirty days.  
Shall conform to all other requirements of this ordinance.

#### Conditional Use

Off-premises Signs - limited to businesses located off the Main Street. Size limitations - Nine square feet. Rustic Materials Colors - No florescent colors.  
Murals - Limited to commercial districts.  
Replacement of historic signs.  
Replacement of existing larger signs .

#### 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.

## SECTION EIGHTEEN

## 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 structure or land 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, and;
2. Such use will not adversely affect nearby properties or their occupants, and;
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. Public hearings have 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 Zoning Commission accompanied with a \$200.00 filing fee except for the following:  

Planned Unit Development Fees - \$800 plus \$25 per unit over five units.
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 either 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 certified 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 the zoning code and preserve the character of the area. 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.

15. Regulation of the length of time such use may be permitted.

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

Security - The Planning and Zoning Commission may require guarantees in the form of bonds, cash deposits and/or other evidences of compliance in order to secure compliance with conditions imposed.

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 site, or
2. If remodeling proposed for existing buildings in connection with the proposed use has actually been commenced on the site, or
3. If no construction or remodeling is contemplated, then the permittee is regularly engaged on the site 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 Planning and Zoning Commission.

1. If there has been a substantial change of conditions from those at the time the permit or variance 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 use patterns in the area in which the subject property is situated, or

3. The person holding this permit or variance has not engaged in the authorized use, or
4. If the person holding the permit or variance 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 or variance in the first instance. Appeals from modification or revocation shall be as set forth in the ordinance.

Building Permits - No zoning compliance permit shall be issued other than in accordance with the conditions and terms of the conditional use permit. No zoning compliance permit shall be issued until time for appeal on a conditional use permit has elapsed and all appeals finally decided.

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 and Zoning Commission requesting an extension of time thereon and setting forth the reasons for such request. Each application shall be accompanied by a nonrefundable fee of \$200.00.
2. Within five (5) days from receipt of such application for extension, the Planning and Zoning Commission 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 and Zoning Commission 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. An extension may only be granted upon finding of fact by the Planning and Zoning Commission that there has



been no change of condition or circumstances that would have been grounds for denying the original application.

6. The Planning and Zoning commission shall consider requests for extension only once at the end of the period. The decision of the Planning and Zoning Commission shall be final. No further requests for an extension on a project having already requested an extension shall be allowed.

## **SECTION NINETEEN**

## **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 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 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 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 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 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 - 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.

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.

Hearing and Notice - 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.

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

## **SECTION TWENTY**

## **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.

Permits - No building or other structure shall be erected, moved, or added to and no land 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.

The 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, housing 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 by the Planning and 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 or work 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.

Duties of the Zoning Enforcement Agent - It shall be the duty of the Zoning Enforcement Agent to issue all zoning compliance permit\ s and review all applications submitted to the Planning and Zoning Commission for conditional use permits, variances, rezoning requests and amendments to the ordinance. The Zoning

Enforcement Agent and staff shall work for the Planning and 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 Zoning Commission.

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.

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 Planning and 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 Planning and 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
Zoning compliance permits:	
Principal structure	\$125.00
Accessory building	\$ 50.00

## **SECTION TWENTY-ONE**

### **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.

**SECTION TWENTY-TWO                      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; or
3. Resolution of intention by the Planning and Zoning Commission. Such amendment shall not become effective until after a public hearing has been held before the 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

**SECTION TWENTY-THREE                      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 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 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 Planning and 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.*

**SECTION TWENTY-FOUR 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 TWENTY-FIVE                      ADOPTION**

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

Ed Schilling, Chairman

Ed Carrell, Member

Dan B. Gutebier, Member

Denise Nelson, Member

C. Randall Taylor, Member