

***PARADISE VALLEY PLANNING AND
ZONING DISTRICT
REGULATIONS***

PARK COUNTY, MONTANA

ADOPTED JUNE 1, 2004

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RESOLUTION NO. 827

PARADISE VALLEY PLANNING AND ZONING DISTRICT

SECTION ONE

TITLE, CREATION AND ADOPTION

This resolution shall be known as the “Paradise Valley Planning and Zoning Resolution,” and is adopted specifically for the Paradise Valley Planning and Zoning District. The district has been created by resolution of the Board of County Commissioners, Park County, Montana.

Pursuant to § 76-2-101, MCA, there has been established a Planning and Zoning Commission for the Paradise Valley Zoning District, which consists of the three (3) County Commissioners, the County Clerk & Recorder, the Park County Sanitarian and two citizen members.

Pursuant to § 76-2-101, MCA, there is hereby adopted a development pattern consisting of the Paradise Valley Resolution and Zoning Map.

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

INTENT & PURPOSE

The purpose of the Paradise Valley Planning and Zoning District is to help guide growth and development in the area, and

1. To allow for development that is consistent and compatible with existing uses;
2. To protect agricultural lands from the effect of urban encroachment;
3. To protect and enhance property values and amenities;
4. To protect and enhance the natural environment, water quality and wildlife habitat;

5. To prevent over-crowding;
6. To preserve and maintain the rural nature and scenic open space quality of the area;
7. To preserve agricultural lands;
8. To protect view sheds;
9. To protect the Yellowstone River corridor; and
10. To allow for development compatible with agriculture and rural residential uses.

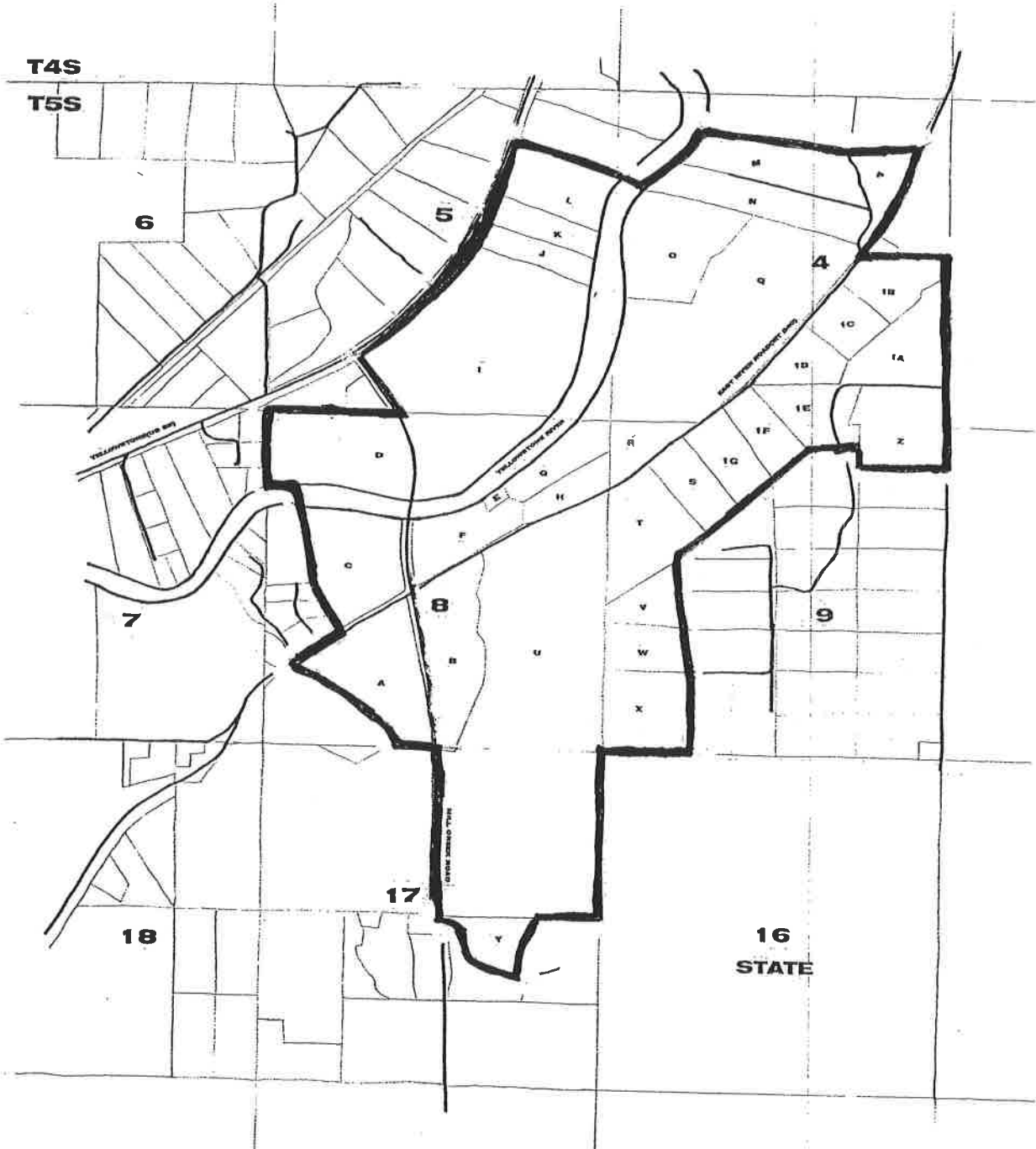
SECTION THREE

BOUNDARIES

The district boundaries are shown on the attached Map.

District Location

Prepared by Dubiels Wells Associates
Surveying - Engineering
40 Spanish Peaks Dr.
Suite 101
Bozeman, MT 59718
2/24/04



District Boundary

SECTION FOUR

ESTABLISHMENT OF PLANNING & ZONING DISTRICT

The jurisdiction of the Paradise Valley Planning and Zoning District is one district, as shown on the official zoning map.

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 Paradise Valley Planning and Zoning District Resolution.

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

ED SCHILLING

Attested _____ Date of Adoption _____

If any changes to the Map are made by amendment of this Resolution in accordance with Section Fourteen, 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 Paradise Valley 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 Resolution for Paradise Valley Planning and Zoning District, Park County, Montana.

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

Attested _____

Date _____

C. Interpretation of Uses.

If questions arise concerning the appropriate classification of a particular use, or if the specific use is not listed, the Park County Planning and Zoning Commission shall determine the appropriate classification for that use.

In interpreting use classification, the Park County Planning and Zoning Commission shall determine:

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

SECTION FIVE

DEFINITIONS

- I. **Generally.** All words in the Regulation shall be first defined as provided in Section Five (5), and if not defined in Section Five (5), shall be defined in the Park County Growth Policy, and if not defined there, shall be defined as in the latest edition of "*The Illustrated Book of Development Definitions*" by Harvey S. Moskowitz and Carl G. Lindbloom, and if not defined there, shall have their customary dictionary definitions.

- II. **Rules of Interpretation.** The Rules of Interpretation include: Words use in the present tense include the future tense; words used in the singular include the plural, and words used in the plural include the singular; the word "shall" is always mandatory, the word "person" includes a firm, association, organization, partnership, trust, corporation or company, as well as an individual; the word "lot" includes the words "plot" or "parcel"; the word "building" includes the word "structure"; the words "used" or "occupied," as applied to any land or building, shall be construed to include the word "intended, arranged, or designed to be occupied"; the words "map" or "zoning map" mean the zoning map of the district that delineate the area to be governed by these regulations.

For purposes of this Regulation, the following words and terms shall be defined as follows:

A. Accessory Building

A subordinate structure on the same lot as the principal or main building and the structure is devoted to a use incidental to the principal use.

B. 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, cattle, or chicken establishments or commercial feed lots.

C. *Bed and Breakfast Inn*

A dwelling unit serving guests on a nightly basis, used as the primary residence of the owner; and where food service is limited to breakfast which may be served to overnight guests only.

D. *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.

E. *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.

F. *Conditional Use*

Following a public hearing, the Park County Planning and Zoning Commission may authorize such use, upon a finding that it is compatible with surrounding land uses, and will comply with all conditions and standards for location, design and operation of such use.

G. *Dwelling Unit*

A structure or portion thereof which is used exclusively for permanent human habitation. For the purposes of this Resolution, single-wide and double-wide mobile homes and recreational-type vehicles are not acceptable dwelling units, and shall not be used as such.

H. *Guest House*

An accessory building designed for use of occupancy on a temporary basis by the landowner's guests.

I. *Home Occupation*

Any occupation carried on entirely within a residence or accessory structure by the occupants thereof, which activity is clearly incidental to the use of said residence as a dwelling and does not change the residential character thereof, and is conducted in such a manner as to

not give any outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term, and does not infringe upon the rights of neighboring residents to enjoy a peaceful occupancy of their homes.

J. Legally Existing

The use is in full compliance with all applicable laws, rules, and regulations, including but not limited to possession of and compliance with any permit, license, or other approval required under federal, state or local regulations.

K. Permit

Written authorization issued by the Zoning Officer on behalf of Park County or by the Park County Planning and Zoning Commission pursuant to these regulations.

L. Permitted Use

A use or activity which is allowed by the district regulations for which a permit may be required.

M. Prohibited Use

A use or activity which is not allowed within the zoning district. In order to establish a prohibited use, a variance must be issued by the Park County Planning and Zoning Commission.

N. Residential Single Family

Any detached building containing one (1) non-commercial, single-family dwelling unit, containing facilities for cooking, living, and sleeping, and designed for permanent occupancy by one (1) family. For the purposes of this Resolution, single-wide and double-wide mobile homes and recreational-type vehicles are not acceptable single-family, residential units, and shall not be used as such.

O. Setback

The distance from the property line to the nearest part of the applicable building, structure, waterway, canal, stream, ditch, river, or sign, measured perpendicularly to the property line.

P. Slope or Grade

The degree of deviation of a surface from horizontal. For the purposes of these

regulations, “slope” or “grade” are expressed in percent.

Q. Structure

Any building, 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.

R. Use

Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied for 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.

S. Variance

A modification or variation from the physical standards of this Regulation as applied to a specific piece of property.

T. Zoning

The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and structures.

SECTION SIX

APPLICATION OF DISTRICT REGULATIONS

Upon passage of these regulations, no new building or subdivision of land, structure, or land shall be used or occupied, and no new building, structure, or part shall be allowed, erected, constructed, reconstructed, moved or structurally altered unless it is in compliance with the regulations.

SECTION SEVEN

DISTRICT REGULATIONS

A. Intent.

The intent of regulations within the District is to maintain the open and rural residential character and agricultural nature of the District, to preserve view sheds and to allow for development that is consistent and compatible with existing land uses.

B. Permitted Uses (Uses Allowed as a Matter of Right).

1. Single-family residential dwellings with attached or detached garage;
2. Guest house;
3. The cultivation of ground, including the preparation of soil, planting or seeding and the raising and harvesting of trees, timber, fruits, vegetable, flowers, grains and other crops;
4. The maintenance and use of pasture and range lands for agricultural purposes;
5. The raising, feeding, managing and breeding of livestock, poultry, fish, birds and other animals that do not fall under the definition of a commercial feed operation.
6. The sale on the premises of products produced thereon;
7. Signs warning against trespassing, shooting or hunting on premises;
8. Barns, corrals and other agricultural buildings and structures accessory to the foregoing uses;
9. Home occupations within either the principal residential dwelling or an accessory building of less than 1000 square feet that have no adverse effect on the district; and
10. Gravel removal for on-site uses.

C. Conditional Uses (Must Meet Conditional Use Criteria).

1. Home occupation accessory buildings of greater than 1000 square feet;
2. Commercial riding establishments;
3. Veterinary clinics;
4. Commercial greenhouses;
5. Bed and Breakfast Inns; and
6. Day Care Homes registered with the Montana Department of Family Services under Montana Code Annotated Section 52-2-701, *et. seq.*

D. Prohibited Uses.

1. All uses not specifically allowed as a permitted use or may be allowed as a conditional use are expressly prohibited.

E. Density.

1. One (1) primary residential unit per twenty (20) acres.

F. Structures.

1. Accessory structures shall meet all setback requirements;
2. No building constructed on or moved to the bench above the East River Road and Mill Creek Road, shall be visible on the military horizon, as viewed from the two foregoing public roads.
3. All new structures shall use only A & B fire-rated roofing materials;
4. Setbacks:
 - a. The Park County Subdivision Regulations governing setbacks from the high water mark of the Yellowstone River are incorporated herein by reference and future changes, if any, made by Park County governing setbacks from the Yellowstone River are hereby incorporated by reference;

- b. Fifty Feet (50') from any public road; and
 - c. Fifty Feet (50') from any property line.
5. Existing residential structures that do not meet the setback requirements may:
- a. Be rebuilt in their present location in the event of being destroyed by fire or other natural disaster.
 - b. Be remodeled at their present location provided that the expansion of the ground coverage of the structure does not exceed fifty percent (50%) of the ground coverage of the existing structure, and provided that no portion of the expansion shall reduce any setback not meeting the requirements of this Resolution.
6. A reasonable variance shall be granted to allow construction of a residence on lots that exist at the time zoning is adopted which cannot meet the setbacks in the zoning, provided that no residence shall be closer to the high water mark of the Yellowstone River than what is allowed by Park County Subdivision Regulations in effect at the time a permit is issued for construction.

G. Lighting.

Twenty-four (24) hour mercury lighting is prohibited within the district. All outdoor lighting must be subdued, down-directed lighting.

H. Land Division.

All land divisions shall conform to the requirements of the zoning regulations, which require a minimum of twenty (20) acres per parcel.

I. Existing Uses.

Nothing in this regulation shall be constructed to prevent or prohibit the use of any legally existing building, structure, lots, or premises in use at the time of adoption of such Resolution.

SECTION EIGHT

NONCONFORMING USES AND LOTS.

A. Intent.

Within the District there are non-conforming lots, uses and structures that were lawful prior to the adoption of this Regulation but no longer conform to present Regulation requirements. It is the intent of this Regulation to establish a “grandfather” clause, allowing such lots, uses and structures to remain in their present state.

Accordingly, the lawful use of a building and/or lot 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, however, the intent of this Resolution that non-conformities shall not be enlarged upon, expanded or extended, or used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nothing in this Resolution 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 Resolution. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun, preparatory to rebuilding, such excavation, demolition or removal shall be deemed to be actual construction.

B. 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.

Boundary adjustments for existing lots under twenty (20) acres are permitted, provided that:

- (i) the reconfigured lots maintain the same area; and
- (ii) no new lots are created.

Where lots are larger than required by this Resolution, 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 Resolution.

C. *Nonconforming Uses of Land.*

Where at the time of passage of this Resolution lawful use of land exists which would not be permitted by the regulations imposed by this Resolution, 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 Resolution.
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 Resolution;
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 Resolution; and
4. No additional nonconforming structure in connection with the requirements of this Resolution shall be erected in connection with such conforming uses of land.

D. *Nonconforming Structures.*

Where a lawful 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 lawful, 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 fifty percent (50%) 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; and
3. Should such a structure be moved for any reason for any distance whatsoever,

it shall thereafter conform to the regulations for the district in which it is located after it is moved.

E. 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 Resolution that would not be allowed in the district under the terms of this Resolution, the lawful use may be continued while it remains otherwise lawful, provided 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 or conditional use (under conditional use procedures);
2. A nonconforming use of a building, structure, or premise may be changed to another nonconforming use, provided that a conditional use permit is obtained from the Zoning Commission following a determination of whether or not to grant the conditional use permit. Prior to allowing a conditional use permit under this section, the Zoning Commission shall determine that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use; and
3. Whenever nonconforming use of a structure or a premises cease for three (3) years, the structure or premises shall not thereafter be used except in conformance with the regulations of the district in which it is located. The term "ceases" as used in this subsection shall mean that the activity in question has not been in operation for a period of three (3) years.

F. 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.

G. Conditional Uses.

Conditional uses shall not be deemed a nonconforming use.

SECTION NINE

HOME OCCUPATIONS

Home occupations are permitted in the district. Home occupations shall have no adverse effect on the district or neighborhood.

A. Home Occupations.

1. Work on the premises shall be carried on wholly within the principal building, or other accessory structure, the size of which shall not to exceed one thousand (1000) square feet unless a conditional use permit is obtained from the Zoning Commission.
2. Home occupations are prohibited from creating visible or audible interference in radio or television receivers or cause fluctuations in line voltage outside the dwelling unit.
3. There shall be no offensive noise, vibration, smoke, odors, heat or glare provided as a result of the home business.
4. The primary unit shall remain a residential structure; there shall be no exterior display or alteration that changes the residential character of the premises.

SECTION TEN

CONDITIONAL USES

A. 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.

B. Conditional Use Requirements.

No structure or land may be used for any purpose in the district where such use is not a permitted use, unless such use is listed as a conditional use, and approval for that use is obtained through the proper procedure.

Condition use permits shall be granted only by the Park County Planning AND Zoning

Commission when their findings are that:

1. The use conforms to the objectives of the Paradise Valley Planning and Zoning District and the intent of this Resolution;
2. Such use will not adversely affect nearby properties or their occupants;
3. Such use meets density, coverage, yard, height, and all other regulations of the district in which it is to be located, unless otherwise provided for in this Resolution; 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.

C. Conditional Use Procedure.

1. All applications for conditional use permits shall be filed with the Park County Planning Office accompanied with a Two Hundred Dollar (\$200.00) filing fee;
2. 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;
3. The Park County Planning and 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 Resolution; and
4. The Park County Planning and Zoning Commission shall hold a public hearing to gather needed facts from all interested parties. The Park County Planning and Zoning Commission may continue such hearing to take additional information. The Park County Planning and Zoning Commission shall either approve, conditionally approve, or deny the application. Written findings of fact shall be sent to the applicant within fifteen (15) days of the Park County Planning and Zoning Commission's decision.

D. Conditional Approval.

The Park County Planning and 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.

E. Security.

The Park County 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.

F. Revocation or Modification of Permit.

Upon notice of public hearing, conditional use permits may be revoked or modified by the Park County Planning and Zoning Commission if:

1. The person holding this permit or variance has not engaged in the authorized use;
or
2. The person holding the permit or variance has not 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 Resolution.

G. 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 the time for appeal on a conditional use permit has elapsed and all appeals are finally decided.

SECTION ELEVEN

VARIANCES

A. Authorization to Grant or Deny Variances.

The Park County Planning and 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 development of property for a purpose not authorized within the zone in which the proposed development would be located. In granting a variance, the Park County Planning and Zoning Commission may attach conditions it finds necessary to achieve compliance with the criteria of this Resolution.

B. *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; and
4. The variance requested is the minimum variance that would alleviate the hardship.

C. *Procedure.*

1. Written applications for a variance shall be filed with the Zoning Enforcement Agent. A fee of Two Hundred Dollars (\$200.00) shall accompany each application. An application shall not be regarded as having been filed until the fee is paid;
2. The Park County Planning and Zoning Commission shall designate the Park County 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 Park County Planning and Zoning Commission. Testimony shall be taken by the Park County Planning and Zoning Commission from persons interested in said application and from the Park County 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 Park County Planning and Zoning Commission may designate such lawful conditions as will secure substantial protection for 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; and
6. Written findings of fact approving or denying the application shall be sent to the applicant within fifteen (15) days of the decision of the application.

SECTION TWELVE

ADMINISTRATION

A. Employees and Officers.

In accordance with § 76-2-102, MCA, the Park County 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 Park County, 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 Resolution are being violated with respect to zoning requirements, the Agent shall notify, in writing, the person responsible for such violation(s), indicating the nature of the violation(s), and requesting that action be taken to correct such violation(s). 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 Park County Planning and Zoning Commission shall appoint a volunteer, local, five-member advisory committee to act in an advisory capacity to the Zoning Commission. The advisory committee members shall be appointed to serve a two (2) year term and shall advise the Zoning Commission on variances, zone changes and conditional uses.

B. 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.

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 Resolution.

C. *Conformance.*

No permit of any type shall be issued unless in conformance with the regulations contained within this Resolution. 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 a violation of this Resolution.

Conditional use permits and variances by the Park County Planning and Zoning Commission shall be considered to be in conformance with this Resolution. 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 Resolution.

D. *Expiration of Permits.*

Every zoning compliance permit issued by the Zoning Enforcement Agent under the provisions of this Resolution shall be null and void:

1. If the building or work authorized by such permit has not commenced within six (6) months from the date of issuance; or
2. If the permit has expired, a new permit shall be required.

E. *Permits Issued Contrary to this Resolution.*

Any zoning compliance permit, or any authorization issued, granted or approved in violation of the provisions of this Resolution, 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.

F. Duties of the Zoning Enforcement Agent.

It shall be the duty of the Zoning Enforcement Agent to issue all zoning compliance permits, review all applications submitted to the Park County Planning and Zoning Commission for conditional use permits, variances, re-zoning requests and amendments to the Resolution. The Zoning Enforcement Agent and staff shall work for the Park County 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 Resolution.

G. Appeals.

Appeals from the decision of the Zoning Enforcement Agent concerning interpretation of this Resolution 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 Park County Planning and Zoning Commission.

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

H. Schedule of Fees, Charges and Expenses.

The Park County 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 Resolution. The schedule of fees listed below shall be effective and may be altered or amended only by the Park County 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 Park County Planning and Zoning Commission, unless or until preliminary charges and fees have been paid in full.

FEE SCHEDULE

▶ Amendments	\$350.00
▶ Zoning Changes	\$350.00
▶ Variance	\$200.00
▶ Conditional Uses	\$200.00
▶ Zoning Compliance Permits:	
Value of Construction:	
\$ 5,000 to \$9,999.99	\$100.00
\$10,00 to \$49,999.99	\$125.00
Greater than \$50,000	\$150.00

SECTION THIRTEEN

MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this Resolution shall be held to be the minimum requirement adopted for the promotion of the health, safety and general welfare of the planning and 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 FOURTEEN

AMENDMENTS AND CHANGES

A. 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, and this Resolution.

An amendment shall be initiated by:

1. The petition of one or more landowner(s) of property affected by the proposed amendment, which petition shall be signed by petitioning landowner(s), and shall be filed with the Zoning Enforcement Agent by a fee of Three Hundred Fifty Dollars (\$350.00) payable to the County of Park, no part which shall be returnable to the petitioner(s); or
2. Resolution of intention of the Board of County Commissioners; or
3. Resolution of intention by the Park County Planning and Zoning Commission.

Such amendment shall not become effective until after a public hearing has been held before the Park County 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 the hearing.

SECTION FIFTEEN

VIOLATION OF RESOLUTION

A. 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 Park County 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.

B. Penalties.

Violation of the provisions of this Resolution or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with the grant of variances or conditional uses or any of the requirements for conditions imposed by the Park County Planning and Zoning Commission shall constitute a misdemeanor. Any person who violates the Resolution or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than Five Hundred Dollars (\$500.00) and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense and punishable as such.

SECTION SIXTEEN

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 purpose and intention of the regulation.

SECTION SEVENTEEN

ADOPTION

This entire regulation was adopted on this 1st day of June, 2004, by the Park County Commissioners.

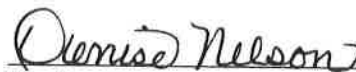

ED SCHILLING, CHAIRMAN


JIM DURGAN, MEMBER


ED CARRELL, MEMBER

ATTEST:

Approved as to form:


Denise Nelson, Clerk and Recorder


Tara DePuy, County Attorney

C:\ZONING\Paradise Valley Zoning district\PARADISE VALLEY ZONING REGS JUNE 1, 2004.wpd