

N O T I C E

1. Pursuant to the Resolution adopted by the Board of County Commissioners, Yellowstone County, Montana, on July 22, 1985, Yellowstone County Planning and Zoning District No. 16, encompassing the following described area, was created:

Township 3 South, Range 25 East, P.M.M.

All of Sections 1,2,3,4,9,10,11,12,13,14,15,16,21,22,23, 24,25,26,27, and 28 and 35

Township 3 South, Range 26 East, P.M.M.

Sections 6 and 7 and Govt. Lots; 3,4 and S1/2 of NW1/4 of Section 5.

2. The aforementioned Resolution also created the undersigned Planning and Zoning Commission.

3. The Zoning Regulations proposed for adoption by this Commission and a map of Yellowstone County Planning and Zoning District No. 16 is on file in the office of the Yellowstone County Clerk and Recorder in Room 402, Yellowstone County Courthouse, Billings, Montana.

NOTICE IS HEREBY GIVEN that a public hearing will be held at 10:00 o'clock a.m., the 15th day of April, 1986, in the Board Room of the Board of County Commissioners of Yellowstone County, Montana, Yellowstone County Courthouse, Billings, Montana, in Room 403, at which time said Commission will hear objections to the adoption of the aforementioned zoning regulations and recommend changes therein.

DATED this 19th day of March, 1986.

PLANNING AND ZONING COMMISSION
YELLOWSTONE COUNTY ZONING DISTRICT #16

Dwight Maberry
County Commissioner

Dave Olson
County Commissioner

Grace M. Edwards
County Commissioner

Harlan M. Lund
County Surveyor

Mac L. Lupton
County Assessor

ADOPTED REGULATIONS

ZONING AND BUILDING REGULATIONS ZONING DISTRICT NO. 16

The following is resolved by the Board of County Commissioners of the County of Yellowstone, State of Montana:

ARTICLE I

TITLE, BOUNDARIES AND PURPOSE

Section 1. Title. This Resolution and Map shall be known and cited as "Zoning and Building Regulations for Planning and Zoning District No. 16", as created in Yellowstone County, Montana.

Section 2. Boundaries of District. The lands in Yellowstone County, Montana to be included within said Planning and Zoning District No. 16 are described as follows:

Township 3 South, Range 25 East, P. M. M.

All of Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28 and 35.

Township 3 South, Range 26 East, P. M. M.

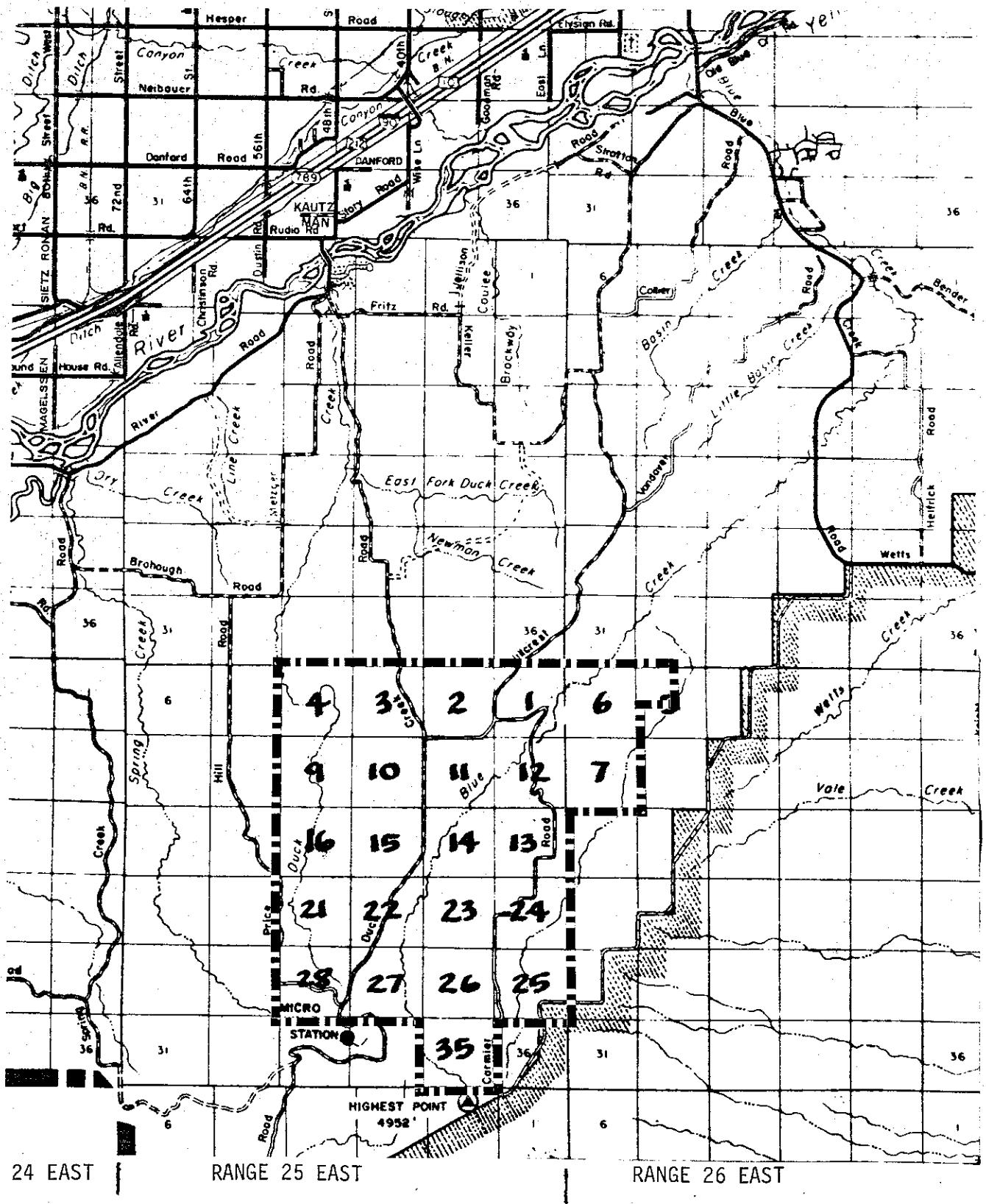
All of Sections 6 and 7 and Govt. Lots; 3, 4 and S1/2 of NW1/4 of Section 5.

Section 3. Purpose .

- (A) The zoning regulations, classifications, and the districts as herein set forth are in accordance with Title 76, Chapter 2, Parts 1 and 2, Montana Codes Annotated.
- (B) The development pattern adopted herein is for the purpose of furthering the health, safety, and general welfare of the people of Yellowstone County.
- (C) The development pattern, with the accompanying map, charts and descriptive matter, shall show the planning and zoning commission's recommendations for the development of this district within some of which shall be lawful and with others of which shall be unlawful to erect, construct, alter or maintain certain buildings, or to carry on certain trades, industries or callings.

(D) No planning district or recommendations adopted under this act shall regulate lands used for agriculture, production of livestock, lands used for agriculture, production of livestock, grazing, ranching, farming, horticulture, or natural resources providing that existing non-conforming uses may be continued, although not in conformity with such zoning regulations.

ZONING MAP
OF
PLANNING AND ZONING DISTRICT NO. 16
YELLOWSTONE COUNTY, MONTANA



RANGE 24 EAST

RANGE 25 EAST

RANGE 26 EAST

TOWNSHIP 2 SOUTH

TOWNSHIP 3 SOUTH

ARTICLE II

INTERPRETATIONS AND DEFINITIONS

Section 1. Interpretations. Words shall have their customary meaning except for specific words which shall be defined as follows:

The word PERSON includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular. The word SHALL is mandatory, the word MAY is permissive. The words USED or OCCUPIED include the words INTENDED, DESIGNED, or ARRANGED TO BE USED OR OCCUPIED. The word LOT includes the words PLOT or PARCEL. "MAP" means "zoning map" of Planning and Zoning District No. 16.

Section 2. Definitions.

1. AGRICULTURAL USE: Any use of the land for the production of crops or livestock, including ranching, farming, dairying, pasture, grazing land, animal husbandry, poultry husbandry, floriculture, horticulture and natural resources.
2. RESIDENTIAL USE: Any use of the land for a structure to be used as a single family dwelling for an individual, or two (2) or more persons related by blood, marriage or adoption, or other legal means.
3. RECREATIONAL USE: Any use of the land for facilities and equipment used for recreational purposes including and not limited to riding trails, golf courses, rifle and pistol ranges, snow motor vehicles and other motor vehicles for recreational use.
4. COMMERCIAL RECREATIONAL USE: Any recreational use intended as a business for profit.
5. PRIVATE RECREATIONAL USE: Any recreational use intended for the personal enjoyment by owners of the property on which the recreational use is located.

6. **COMMERCIAL USE:** Any use of land for the sale, offering for sale, purchase, or any other transactions involving the handling or disposition of any article, commodity or substance.
7. **INDUSTRIAL USE:** Any use of land for the manufacture, fabrication, processing, reconditioning, repair, renovation, restoration, reduction, or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character or appearance thereof - including but not limited to warehouses, wholesale storage, automobile and truck storage and salvage yards and junk yards.
7. **DEVELOPMENT:** Any construction of a structure, use of, or occupancy of a parcel of land which intensifies land use for OTHER THAN agricultural purposes.
8. **PARCEL OF LAND:** Any contiguous quantity of land, subdivided or undivided, in the ownership of the same person, group of persons, corporation, or claimant.
9. **STRUCTURE:** Any appurtenance constructed or erected on a fixed location on the ground which intensifies land use.
10. **MANUFACTURED HOUSE:** A factory assembled structure or structures, equipped with the service connections necessary to be used as a dwelling unit, and constructed to be readily movable as a unit or units either on its own running gear or other system without permanent foundation or basement. Since 1976 Manufactured House Construction has been regulated by the Department of Housing and Urban Development (HUD) Codes.
11. **MANUFACTURED HOUSE PARK:** Land designated or used for the temporary or permanent parking of two (2) or more trailers or mobile homes for rent or lease to the general public.
12. **MANUFACTURED HOUSE SUBDIVISION:** A subdivision designed and intended for residential use where dwellings are for occupation by manufactured homes, where the lot is sold or rented to the occupant.

13. MOBILE HOME, TRAILER HOUSE: See manufactured house definition.
14. MOBILE HOME PARK: See manufactured house park.
15. FEED LOT, COMMERCIAL: The confinement of livestock for the purpose of supplemental and concentrated feeding and prevention of weight loss prior to sale, whether for hire or commission, or for one's own account, not to include winter feeding of pastured livestock.
16. REFUSE DISPOSAL FACILITY: A landfill for the disposal of garbage, sanitary septic tank disposal site, sanitary incinerator, chemical, or nuclear depository.
17. REHABILITATION CENTER, FEDERAL, STATE OR LOCAL: Chemical Dependency Center, Criminal or Institutional Rehabilitation Half-Way Ranch or Center, Group Home or Personal Care Group Facility.
18. COMMUNE GROUP ORGANIZATION: A Foreign or Sect Group (A group with the same beliefs within a larger group) Cooperative Farming or Housing Association of Related Businesses.
19. BOARD: The Board of County Commissioners, Yellowstone County, Montana, elected governing body.
20. PLANNING AND ZONING COMMISSION: The commission responsible for the administration of this Resolution consisting of the three (3) County Commissioners, the County Surveyor and the County Assessor.
21. YELLOWSTONE COUNTY BOARD OF PLANNING: A countywide advisory planning board to the Yellowstone County Commissioners.
22. USE. The purpose for which a parcel of land or structure or portion thereof is designed, intended, arranged, erected, moved, altered, or enlarged; or the purpose for which a parcel of land or structure or portion thereof is or may be occupied or maintained.
23. NONCONFORMING USE. A use which lawfully occupied a building or land at the time this Resolution becomes effective and which does not conform with the use regulations of the zone in which it is located.

24. **ACTUAL CONSTRUCTION:** The placing of construction materials in a 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.
25. **YARD:** An open space about a building other than a court unoccupied and unobstructed from the ground to the sky, except as otherwise specifically provided in this Resolution.
26. **YARD, FRONT:** A yard extended across the full width of the lot and situated between a main building and street lot line.
27. **YARD, SIDE:** A yard not designated as a front yard or rear yard.
28. **YARD, REAR:** A yard extending across the full width of the lot and situated between the main building and a rear lot line.

ARTICLE III ZONING DISTRICT AND INTENT

Section 1. **Zoning District.** It is the intent of this article to establish a zone wherein compatible uses of land may be located to create, protect, and maintain a desirable living environment, to stabilize and insure general welfare and to protect agricultural activities.

Section 2. **Agricultural Open Space (A-O):** This Agricultural Open-Space (A-O) zone is designed to preserve land for agricultural and related uses. Land within this zone is unsubdivided and with a minimum of roads, streets and other utilities. It may be cultivated acreage or land less suitable for cultivation, yet suitable for various agricultural enterprises using the broadest scope of the agricultural definition. Land within the zone may be located adjacent to highways and arterials. The Agricultural Open-Space (A-O) zone is further intended to discourage the scattered intrusion of commercial and industrial uses not compatible with an agricultural rural environment.

Section 3. **Official Zoning Map.** The attached zoning map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Resolution.

ARTICLE IV
REGULATIONS OF USE

TABLE 1 LIST OF USES

(1)	Agricultural Use	Allowed
(2)	Private Recreational Use	Allowed
(3)	Commercial Recreational Use	Prohibited
(4)	Commercial Use	Prohibited
(5)	Industrial Use	Prohibited
(6)	Residential Use:	
	A. Single-Family Dwelling	Allowed
	B. Manufactured House (Mobile Home)	Prohibited
	C. Manufactured House Parks (Mobile Home Parks) and Manufactured House Subdivisions (Mobile Home Subdivisions)	Prohibited
(7)	Fire Station or Emergency Services	Allowed
(8)	Schools (Public)	Allowed
(9)	Schools (Private)	Special Exception
(10)	Churches and other Places of Worship	Special Exception
(11)	Refuse Disposal Facility	Prohibited
(12)	Commercial Livestock Feeding Yard	Prohibited
(13)	Rehabilitation Centers, Insti- tutional Half-way Group Homes	Special Exception
(14)	Commune Group Organizations	Prohibited
(15)	Public Owned or Government Operated Buildings	Special Exception

ARTICLE IV
REGULATIONS OF USE

TABLE 2

MINIMUM REQUIREMENTS

<u>LOT SIZE</u> - Agricultural	40 Acres
Minimum lot area per residential dwelling unit	40 Acres
Fire Station and Schools (Public)	No minimum lot size
All other uses	40 Acres

Minimum Yard Requirement -

Front	100 Feet
Side	100 Feet
Side adjacent to street	100 Feet
Rear	100 Feet

SUPPLEMENTAL REQUIREMENTS:

All structures shall be set back a minimum of 100' from the centerline of public roads.

ARTICLE V
ADMINISTRATION, POWERS, DUTIES AND PROCEDURES

Section 1. Organization, Powers and Duties. The Board shall act as the Board of Adjustment for Planning and Zoning District No. 16. The Board of Adjustment is authorized to grant variances from the strict application of this Resolution when by reason of exceptional narrowness, shallowness or shape of

specific parcels of property, exceptional topographical conditions, or other extra-ordinary situations of specific parcels of property, the strict application of these regulations or amendments thereto would result in peculiar and unusual practical difficulties to or exceptional or unnecessary hardship upon the owner of such property, provided that such variance will not be contrary to the public health, safety, welfare and interest. This provision shall not be construed to permit the Board of Adjustment, under the guise of a variance, to change the use of the land.

Section 2. Procedures.

- (A) Applications for variances shall be submitted to the Board on forms provided and shall be signed by the owner of record. The completed application together with all required information and filing fees shall be submitted at least forty-five (45) days prior to the regularly scheduled meeting of the Board of Adjustment, being the second Thursday of a month.
- (B) The Board shall advertise notice of the application twice in a newspaper of general circulation. Said notice shall not appear more than thirty (30) days nor less than fifteen (15) days prior to the public hearing before the Board of Adjustment. The notice shall contain: (1) the variance sought, (2) the location of the property, (3) the date, time and place of the public hearing. In addition, thirty (30) days prior to the public hearing, the Board of County Commissioners shall place in two (2) conspicuous locations on or near the property, and at least in two (2) public places within the Planning and Zoning District, a notice that a variance has been applied for, and show the date, time and location of the public hearing.
- (C) In addition, thirty (30) days prior to the public hearing, the Board shall, by certified mail, notify owners of the property contiguous to the exterior boundaries of the property subject to the variance application. Such notice shall contain (1) a description of the property, (2) the variance applied for, and (3) the time, date and place of the public hearing. The Board may notify property owners not contiguous to the property in question if they determine that the proposed use of the property would likely have a substantial impact on surrounding land uses.

(D) The Board of Adjustment shall approve, deny, or delay action on an application for a period not to exceed sixty (60) days.

(E) Any person aggrieved by any decision of the Board of Adjustment may, within thirty (30) days after such decision or order, appeal to the Yellowstone County District Court.

ARTICLE VI

PROVISIONS FOR AMENDMENTS AND SPECIAL EXCEPTIONS

Section 1. Provisions. The regulations, restrictions and boundaries set forth in this Resolution may be amended, supplemented, changed or repealed by the Board; provided that no action on any application for amendment, supplement or repeal may be taken until the application has first been processed and advertised in accordance with the provisions of this article.

Section 2. Applications for amendment, zone change or special exception shall be submitted to the Board on forms provided and shall be signed by the owner of record.

(A) Each application shall be submitted under the following conditions:

(1) The application must be accompanied by (a) the legal description of the tract(s) proposed to be reclassified or for special exception use, (b) a map to scale showing all dimensions, acreage and location of the tract(s) and adjacent uses, (c) the present and proposed classification for the tract(s), (d) a certified list of the names and addresses of the owners of property contiguous to the exterior boundaries of the tract(s), and (e) payment of all applicable fees to the Board and other pertinent information which may be required as identified on the application.

(2) All applications and fees shall be submitted to the Board forty-five (45) days prior to the date of the public hearing before the Planning and Zoning Commission.

(B) The Board shall advertise notice of the application twice in a newspaper of general circulation. Said notice shall not appear more than thirty (30) days nor less than fifteen (15) days prior to the public hearing before the Planning and Zoning Commission. The notice shall

contain: (1) the classification sought, (2) the location of the property, (3) the date, time and place of the public hearing. In addition, thirty (30) days prior to the public hearing, the Board of County Commissioners shall place in two (2) conspicuous locations on or near the property, and at least in two (2) public places within the Planning and Zoning District, a notice that a change in zoning classification or Special Exception use has been applied for, and show the date, time and location of the public hearing.

- (C) In addition, thirty (30) days prior to the public hearing, the Board shall notify, by certified mail, owners of the property contiguous to the exterior boundaries of the property subject to the reclassification or special exception use. Such notice shall contain (1) a description of the property, (2) the classification applied for, and (3) the time, date and place of the public hearing. The Board may notify property owners not contiguous to the property in question if they determine that the proposed use of the property would likely have a substantial impact on surrounding land uses.
- (D) An application for a zone change or special exception may not be withdrawn or amended after the legal advertising, as required by this section, has appeared for the final hearing before the Planning and Zoning Commission. An applicant may be allowed to withdraw at the time of the Planning and Zoning Commission hearing by a majority vote of the members present without requiring Board approval of the withdrawal and without prejudice with respect to the twelve (12) month waiting period; however, that no application be allowed to be withdrawn more than once within the twelve (12) month period after the application shall have first been submitted. The notice of withdrawal and reasons must be submitted, in writing, to the Planning and Zoning Commission twenty-four (24) hours in advance of the public hearing.

Section 3. Planning and Zoning Commission Action. The Planning and Zoning Commission shall make a recommendation to the Board to approve, deny, delay or allow withdrawal of an application for amendment or special exception to the Resolution. The Planning and Zoning Commission

shall submit their recommendation in writing along with a statement indicating their reasons for approval, denial, delay or withdrawal of the amendment or special exception within ten (10) days following the public hearing.

Section 4. Board of County Commissioners' Action.

- (A) Before taking any action on an application for an amendment or special exception, the Board and the Planning and Zoning Commission shall first hold a public hearing on the application. The Board may approve, deny or delay the application for a period of not to exceed thirty (30) days. An application for an amendment or special exception shall not be submitted which affects the same tract(s) more often than once in any twelve (12) month period.
- (B) In the event that an applicant desires to submit additional evidence or facts subsequent to the hearing herein, he shall first make an application in writing directed to the Board of the desire for a rehearing setting forth a brief statement of facts he wishes to present, the reasons therefore, and the reasons that said facts were not presented at the original hearing herein.

Said application for a rehearing shall be presented within five (5) days of receipt of notice of determination by said Board which will determine whether or not a rehearing shall be granted. In the event a rehearing is granted, notice of the same shall be given to all parties that were required to be notified at the time of the original hearing and in the same manner as notice in the original hearing.

Any discussion by an applicant with a member of the Board subsequent to a hearing on an application or a reapplication herein shall disqualify said application or reapplication from further consideration by the Board.

- (C) Denial by the Board of a rehearing or any determination after a rehearing shall be final and no further consideration shall be given to the matter for a period of one year after denial. Consideration by the Board of an application for rehearing whether a rehearing shall be granted shall be done in compliance with the Montana Open Meeting Laws.
- (D) Nothing herein shall prevent an aggrieved party from seeking legal remedies as allowed by law.

ARTICLE VII

INTENT AND NON-CONFORMING USE

Section 1. Intent. The provisions of this Article shall apply to buildings, structures, lands and uses which become non-conforming as a result of the application of this Resolution to them, or from classification or reclassification of property under this Resolution, or any subsequent amendments hereto.

To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been carried on diligently.

Section 2. Non-Conforming Lots of Record. When two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership of record at the time of passage or amendment of this Resolution do not meet the requirements for lot area as established by this Resolution, the land involved shall be considered to be an undivided parcel for the purpose of this Resolution. No portion of said parcel shall be used or sold which does not meet width and area requirements established by this Resolution, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Resolution. No survey or subdivision of land shall be filed which creates any lot with area below the requirements stated in this Resolution.

Section 3. Non-Conforming Use. Where, at the effective date of adoption or amendment of this Resolution, lawful use of land exists that is no longer permissible under the terms of this Resolution as enacted or amended, such use may be continued, as long as it remains otherwise lawful, subject to the following provisions:

- (A) No such non-conforming use shall be intensified and/or extended in whole or in part to any other portion of the lot, parcel or area of land occupied by such use at the effective date of adoption or amendment of this Resolution.
- (B) If any such non-conforming use of land ceases for any reason for a period of one (1) year, any subsequent use of such land shall conform to the regulations specified by this Resolution.

Section 4. Non-Conforming 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 on area, lot coverage, yards, or other characteristics of the structure or its location on the lot, such structures may be continued so long as it remains lawful, subject to the following provisions:

- (A) No such structures may be enlarged or altered in a way which increases its nonconformity unless an enlargement or structural alteration makes the building more conforming or is required by law.
- (B) Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this resolution.
- (C) Should such structures be moved for any reason for any distance whatever, it shall thereafter conform to the regulations of the zone in which it is located after it is moved.
- (D) Structural alterations may be permitted if necessary to adapt a nonconforming building to new technologies or equipment pertaining to uses housed in such building. Any enlargement necessary to adapt to new technologies shall be authorized only by a variance.
- (E) Use of a manufactured home (mobile home) shall be subject to the provisions of this section.

ARTICLE VIII

GENERAL REQUIREMENTS

Section 1. General Rules.

- (A) No building, structure, or land shall hereinafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered after the effective date of this Resolution unless in conformity with all of the regulations herein specified or the zone in which it is located, except non-conforming uses and structures as provided in Article VII.

Section 2. Water Supply and Sewage Disposal.

- (A) All ground and surface water proposed for human consumption shall be tested at the expense of the owner/developer and shall meet the requirements of the Montana State Department of Health and Environmental Sciences and the Yellowstone County Department of Environmental Health. The owner/developer must apply for and receive a permit from the Yellowstone County Department of Environmental Health. This data is to be placed on file for public reference.
- (B) The owner/developer must apply for and receive a permit from the Montana State Department of Natural Resources and Conservation before impounding or impeding drainage runoff by construction of a diversion, impoundment, withdrawal, or distribution works. (Section 85-02-302 MCA).
- (C) All septic tank systems and all drainage field locations shall meet the requirements of the Montana State Department of Health and Environmental Sciences and the Yellowstone County Department of Environmental Health. The owner/developer must apply for and receive a permit from the Yellowstone County Department of Environmental Health.

Section 3. Land Subdivisions

- (A) General Standards. The design and development of subdivisions shall preserve the natural terrain, natural drainage, existing topsoil, trees and natural vegetation to the extent possible.
- (B) Land Unsuitable for Subdivisions. Land which the Board has found through study of technical data, historical information and general public knowledge of the area, to be unsuitable for subdivision because of potential hazards shall not be developed or subdivided for building or residential purpose unless the hazards are eliminated or will be overcome by approved design and construction plans. Such hazards include flooding, snow avalanches, rock falls, faults, landslides, steep slopes in excess of 25% grade, high water table, sewage disposal, subsidence, polluted or non-potable water supply, high voltage lines, high pressure gas lines, air or vehicular traffic hazards, or other features which may be detrimental to the health, safety, or general welfare or existing or future residents.

Section 4. Structure. Any house or building erected for residence shall be of new construction and no used building or buildings shall be moved onto the premises for permanent residence. Exterior or any dwelling shall be finished structure in its entirety before it may be occupied.

Section 5. Signs. No sign of any kind shall be displayed to the public view except one (1) sign on any lot of not more than five (5) square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

Section 6. Non-Regulation of Agriculture. Agricultural usage as defined in this Resolution is not subject to regulation, restriction or permit.

Section 7. Notification Responsibility.

(A) The owner/developer shall formally notify the adjacent landowners and the Yellowstone County Board of Planning Representative of the District in writing of all plans of construction or use sixty (60) days prior to the development of each parcel. Notification shall comply with the following outline:

- (1) Name, address and date of submittal.
- (2) Location of real estate (Location map and legal description).
- (3) Current appraised status.
- (4) Change of land use desired.
- (5) Description of proposed development.
- (6) Description of soils.
- (7) Type of water supply and projected consumption volume.
- (8) Method of solid waste disposal and projected volume generated.
- (9) Method of sewage effluent treatment and projected volume generated.
- (10) Type of power source and projected consumption volume.
- (11) Access planned.
- (12) A map to scale of proposed site development, including plans, profiles, grades, drainage, etc.

ARTICLE IX

ADMINISTRATION AND ENFORCEMENT

Section 1. Administration. It is the intent of this Resolution to provide for the efficient, reasonable, and impartial enforcement of this Resolution by authorizing an enforcement officer, the basic procedure for complying with the Resolution, and the penalties for violators.

(A) Zoning Enforcement Officer.

- (1) It shall be the duty of the Zoning Coordinator, appointed by the Board, to be the Enforcement Officer for the Zoning Resolution. The Enforcement Officer is hereby given the authority to administer and enforce the provision of this Resolution for Planning and Zoning District No. 18.
- (2) The Zoning Coordinator shall supervise and effectuate the processing of applications for amendments to the Zoning Resolution, requests for special exception or variance request, and other applications under the terms of this Resolution.
- (3) It shall further be the responsibility of the Zoning Coordinator to aid the various Boards, Commissions, and Departments in transmitting appeal records to the Board and to otherwise promote procedural regularity in the administration of this Resolution. The position of Zoning Coordinator shall be within the organizational structure of the County Planning Department.

(B) Zoning Compliance Permit Required.

- (1) No building or other structures shall be erected, moved, added to, or structurally altered without having a Zoning Compliance Permit issued by the Zoning Coordinator who shall first determine the permit is issued in conformance with all requirements of this Zoning Resolution. Appropriate Permit Fee shall be set by the Board.
- (2) All applications for Zoning Compliance Permits shall be accompanied by plans in the specified number of copies and drawn to scale showing the actual dimensions of the lot or parcel or property to be built upon, the sizes and the locations on the lot or parcel of any existing buildings or structures, the shape, size,

height, use and location on the lot or parcel of the building or structures proposed to be erected or altered, and such other information as may be necessary to provide for the enforcement of this Resolution. If no substantial progress in construction has been made within six (6) months of the date of the issuance of the Zoning Compliance Permit, the Permit becomes invalid.

Section 2. Enforcement.

- (A) Procedure. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this act, or of any resolution made under authority conferred hereby, the proper authorities of the county, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct or abate such violation to prevent the occupancy of such building, structure, or land to prevent any illegal act, conduct, business, or use in or about such premises.
- (B) Penalty for Violation. Violation of the provisions of this Resolution or failure to comply with any of its requirements shall constitute a misdemeanor (76-2-211 MCA 1979). Each violation and each day such violation continues shall be considered a separate offense. This Resolution shall be enforceable by Yellowstone County by injunctive action in addition to other remedies at law or in equity.

ARTICLE X

MINIMUM REQUIREMENTS, SEPARABILITY CLAUSE AND EFFECTIVE DATE

Section 1. Provisions of this Resolution Developed to be Minimum Requirements.

In their interpretation and application, the provisions of this Resolution shall be held to be the minimum requirements adopted for the promotion of the public health, safety, or general welfare.

Whenever the requirements of this Resolution are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standards shall govern.

Section 2. Separability Clause. If any section, subsection, clause or phrase of this Resolution is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Resolution.

Section 3. Repeal of Conflicting Resolutions. All resolutions or part of resolutions in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

Section 4. Effective Date. This Zoning Resolution for the Planning and Zoning District No. 16 shall become effective on the 22nd day of May, 1986.

DATED this 22nd day of April, 1986.

DISTRICT NO. 16
PLANNING & ZONING COMMISSION

Dwight Mackay
Dwight Mackay

Dave Garton
Dave Garton

Grace M. Edwards
Grace Edwards

Harlan Lund by H.H. Wolverton
Harlan Lund, Surveyor Deputy

Max Lexington
Max Lexington, Assessor

ATT: MERRILL H. KLUNDT
County Clerk & Recorder

By Joanne Converse
Deputy

Merrill H. Klundt
Clerk and Recorder

STATE OF MONTANA)
) ss:
County of Yellowstone)

On this 22nd day of April, 1986, before me, a Notary Public in and for the State of Montana, personally appeared Dwight Mackay and Dave Garton, Grace M. Edwards, H.H. Wolverton and Max Lexington, known to me to be the persons who signed the foregoing instrument and who acknowledged to me that they executed the same. Witness my hand and seal the day and year hereinabove written.

