

# BRIDGER CANYON ZONING REGULATION "PART 1" TEXT AMENDMENTS

(note: deletions to text shown as ~~strikethrough~~, additions to text shown as underline.)

## SECTION 1 ~~TITLE, CREATION, AND ADOPTION~~ ADMINISTRATION

- 1.1 Title and Adoption. This Regulation shall be known as the Bridger Canyon Zoning Regulation ("Zoning Regulation") and is adopted specifically for the Bridger Canyon Zoning District ("Zoning District"). ~~Said The Zoning District having been~~ was created by Resolution of the Board of County Commissioners, Gallatin County, Montana, on July 12, 1971. The Zoning Regulation was adopted on October 26, 1971, and amended thereafter.
- 1.2 Development Pattern. Pursuant to Section 76-2-101 ~~et.seq. of the Revised Codes of Montana~~ through 76-2-117 MCA, there is hereby adopted a development pattern for the Zoning District ~~Said development pattern shall consist~~ consisting of the Bridger Canyon General Plan ("General Plan"), the Bridger Bowl Base Area Plan ("Base Area Plan"), and the ~~Bridger Canyon Zoning Regulation.~~
- 1.3 Planning and Zoning Commission. Pursuant to Section 76-2-101 ~~et.seq. of the Revised Codes of Montana~~ MCA, there has been created a Planning and Zoning Commission for the ~~Bridger Canyon Zoning District~~ which ~~shall consist~~ consists of the three ~~(3)~~ County Commissioners, the County Surveyor ~~and the County Assessor~~, a county official appointed by the County Commissioners, and two citizen members appointed by the County Commissioners. The Planning and Zoning Commission shall have all the powers given to it by Montana statutes.
  - 1.3.1 ~~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.~~
- 1.4 Zones. The jurisdiction of the Zoning District is hereby divided into zones or "districts", as shown on the Official Zoning Map, which together with all explanatory matter thereon, the Official Zoning Map is hereby adopted by reference and declared to be a part of this Regulation.
- 1.5 Zoning Map. 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 designation of property in the Zoning District.
  - a. Zoning Map Certificate. The Official Zoning 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 County Commissioners attested by the County Clerk, including the Resolution of Adoption number and the date of adoption.

- b. Zoning Map Changes. If any changes to the Official Zoning Map are made by amendment to this Zoning Regulation in Accordance with Section 14 of the Administrative Regulation, such changes shall be made to the Official Zoning Map and signed, dated, and certified upon the Map.
- c. Zoning Map Replacement. In the event the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret due to changes or additions thereto, the County Commission may adopt and certify a new Official Zoning Map which shall supersede the prior Official Zoning Map.

1.6 Administrative Regulation. Pursuant to County Commission Resolution No. 2019-047 adopted May 21, 2019, there is hereby adopted the Gallatin County "Part 1" Zoning Administrative Regulation (Administrative Regulation). The Administrative Regulation supplements these Regulations. In the case of a conflict between the Administrative Regulation and these Regulations, the Administrative Regulation shall control. The Administrative Regulation includes the following administrative rules and procedures:

- Title, Adoption, and Applicability
- Definitions
- Application of Zoning Regulations
- Administration
- Non-Conforming Parcels, Uses, and Structures
- Land Use Permits
- Change of Use Permits
- Certificate of Completion
- Zoning Improvements Agreement
- Conditional Uses
- Variances
- Complaints and Enforcement
- Appeals
- Amendments

**SECTION 2                    PURPOSES AND BOUNDARIES**

~~2.2    Bridger Canyon Zoning District is described in zones as set forth on that certain map entitled "Bridger Canyon Zoning Plan," dated October 26, 1971, and including subsequent revisions. The map and all notations thereon are certified boundaries of zones adopted by this Regulation shall be indicated on said map. [addressed in Subsection 1.4 above]~~

~~2.3    The Bridger Canyon Zoning map shall be kept on file in the office of the County Clerk and Recorder and shall be referred to as the official map for the Bridger Canyon Zoning District. [addressed in Subsection 1.5 above]~~

**SECTION 3                    DEFINITIONS**

3.23 Decision: A final affirmative act of:

- a. ~~The Planning Director or Zoning Enforcement Agent evidenced in writing, giving an interpretation or granting or denying any permit, exception, certificate, permission, approval, or determination; or~~
- b. ~~The Planning and Zoning Commission or Gallatin County Commission evidenced in writing which may include findings of fact, conclusions of law, resolutions and orders.~~

3.29 Exterior Construction: ~~Those components of a Structure visible from the outside of the Structure, such as siding, windows, roofing, and painting. Site improvements such as any parking, landscaping, or screening improvements required pursuant to this Regulation are considered part of Exterior Construction.~~

3.50 Planning Director: ~~The person authorized by the Board of Gallatin County Commissioners and the Planning & Zoning Commission to carry out the administrative duties specified by this Regulation. Staff of the Department of Planning and Community Development are authorized to act as the Planning Director's designee.~~

#### **SECTION 4 ESTABLISHMENT OF DISTRICTS**

(Subsections 4.1, 4.2 and 4.3 moved to Section 1 of the Zoning Regulations, Subsections 4.4 and 4.5 replaced by Section 3, Administrative Regulation)

4.1 Jurisdiction

~~The jurisdiction of the Bridger Zoning District is hereby divided into 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 Regulation.~~

~~For the purpose of this Regulation, the Bridger Zoning District may be divided and classified into the following districts:~~

<u>DISTRICT</u>	<u>DESIGNATION</u>
<del>Agricultural Exclusive</del>	<del>AE</del>
<del>Recreation and Forestry</del>	<del>RF</del>
<del>Neighborhood Business</del>	<del>B-1</del>
<del>Base Area Business</del>	<del>B-2</del>
<del>Recreational Business</del>	<del>B-3</del>
<del>Base Area Recreational &amp; Forestry</del>	<del>B-4</del>
<del>Public Lands &amp; Institutions</del>	<del>PLI</del>
<del>Planned Unit Development</del>	<del>PUD*</del>

~~\*Number symbol after PD indicates the allowable density of dwelling units in terms of acres per dwelling unit.~~

4.2 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 the adoption of this Regulation. The Certificate shall read as follows:~~

~~This is to certify that this is the Official Zoning Map referred to in Section 4 of the Bridger Canyon Zoning District Regulation.~~

~~CHAIRMAN, BOARD OF COUNTY COMMISSIONERS~~

~~\_\_\_\_\_~~

~~Attested \_\_\_\_\_~~

~~Date of Adoption \_\_\_\_\_~~

~~If any changes to the map are made by amendment of this Regulation in accordance with Section 18.6 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.~~

4.3 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 Trail Creek 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 omissions 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 February 23, 1989, as part of the zoning Regulation for the Bridger Canyon Zoning District, Gallatin County, Montana.~~

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

Attested: \_\_\_\_\_

Date: \_\_\_\_\_

4.4 ~~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:

- a. ~~Boundaries indicated as approximately following the center line of streets, highways, or alleys, shall be construed to follow such center lines;~~
- b. ~~Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.~~
- c. ~~Boundaries indicated as approximately following city limits shall be construed as following such city limits;~~
- d. ~~Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks(s);~~
- d. ~~Boundaries indicated as following the center line of streams, rivers, canals, or ditches shall be construed to follow such center lines;~~
- f. ~~Boundaries indicated as parallel to or extensions of features indicated on the Official Zoning Map shall be determined by the scale of the map;~~
- g. ~~Boundaries indicated as following Section lines or quarter section lines or quarter-quarter section lines shall be construed as following such lines;~~
- h. ~~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 arise over district boundaries, the Zoning Commission shall interpret the district boundary.~~

4.5 ~~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:

- a. ~~That the use and its operation are compatible with the uses permitted in the district wherein the use is proposed to be located.~~
- b. ~~That the use is similar to one or more uses permitted in the district wherein it is proposed to be located.~~

- e. ~~That the use will not cause substantial injury to values of property in the neighborhood or district wherein it is proposed to be located.~~
- d. ~~That neither the intent of the ordinance nor the intent of the district will be abrogated by such classification.~~

**SECTION 5 APPLICATION OF DISTRICT REGULATIONS**  
(replaced by Section 3, Administrative Regulation)

**SECTION 6 AGRICULTURE EXCLUSIVE DISTRICT (AE)**

- 6.4 ~~Similar Uses:~~ Uses which in the opinion of the Zoning Commission are similar to those listed in 6.2 and 6.3 above may be permitted therein.

**SECTION 7 RECREATION AND FORESTRY (RF)**

- 7.4 ~~Similar Uses:~~ Uses which in the opinion of the Zoning Commission are similar to 7.2 and 7.3 above may be permitted therein.

**SECTION 8 NEIGHBORHOOD BUSINESS DISTRICT (B-1)**

- 8.4 ~~Similar Uses:~~ Any other commercial use or service which the Zoning Commission finds to be consistent with the intent of this article, and which is of the same general character as the above permitted uses.
- 8.14 Procedures. The parking, screening, and exterior appearance plans required in Sections 8.9, 8.11 and 8.13 above shall be submitted for review and approval as a part of the re-zoning procedure set forth in Section ~~48.6~~ 14 of the Administrative Regulation. Any changes in use or additions to uses shall be reviewed as a conditional use, as set forth in Section ~~48.3.2.~~ 10 of the Administrative Regulation.
- 8.15 Installation of Improvements. All parking, screening, and improvements shall be installed before occupancy of the structure or shall be guaranteed in the form of a bond or cash deposit, upon approval from the Zoning Commission. Requests for the use of completion guarantees shall be included as a part of the procedure set forth in Section ~~48.3.4.~~ 9 of the Administrative Regulation.

**SECTION 9 BASE AREA BUSINESS DISTRICT (B-2)**

- 9.3 Conditional Uses.
- h. ~~Other uses, which in the opinion of the Zoning Commission are similar to those listed above.~~

9.11.8 Appeals. Appeals from the decision of the Zoning ~~Officer~~ Enforcement Agent concerning parking shall be made according to the procedure set forth in Section ~~48.5. 13~~ of the Administrative Regulation.

## **SECTION 10 RECREATIONAL BUSINESS (B-3)**

10.9 Design Review. All structures shall be designed to be harmonious with a mountain alpine skiing setting. Renderings of the exterior of structures shall be submitted with land use permit applications and are subject to approval by the Zoning Enforcement Agent. Appeals from the decision of the Zoning Enforcement Agent may be heard by the Planning and Zoning Commission, as set forth in Section ~~48.5. 13~~ of the Administrative Regulations.

10.10.8 Appeals. Appeals from the decision of the Zoning Enforcement ~~Officer~~ Agent concerning parking shall be made according to the procedure set forth in Section ~~48.5 13~~ of the Administrative Regulations.

## **SECTION 11 BASE AREA RECREATION AND FORESTRY DISTRICT (B-4)**

11.9 Design Review. All structures shall be designed to be harmonious with a mountain alpine skiing setting. Renderings of the exterior of structures shall be submitted with land use permit applications and are subject to approval by the Zoning Enforcement Agent. Appeals from the decision of the Zoning Enforcement Agent may be heard by the Planning and Zoning Commission, as set forth in Section ~~48.5. 13~~ of the Administrative Regulations.

11.10.8 Appeals. Appeals from the decision of the Zoning Enforcement ~~Officer~~ Agent concerning parking shall be made according to the procedure set forth in Section ~~48.5 13~~ of the Administrative Regulations.

## **SECTION 14 NON-CONFORMING RIGHT** (replaced by Section 5, Administrative Regulation)

## **SECTION 17 PERSONAL WIRELESS SERVICE FACILITIES**

17.4.5 Conditional Use Permit Approval.

- d. Approval Criteria. The Bridger Canyon Planning and Zoning Commission may grant a permit for a use classified as a Personal Wireless Service Facility Conditional Use Permit only if it is found, in addition to the requirements of Section ~~48.3 of these Regulations~~ 10 of the Administrative Regulations ("Conditional Use Permits") that:

## **SECTION 18 ADMINISTRATION** (replaced by Sections 4, 6, 10, 11, 12, 13 and 14 of the Administrative Regulation)

**SECTION 19 FEES AND INVALIDATION**  
(replaced by Sections 3 and 4 of the Administrative Regulation)

**SECTION 20 INTENT.**

The intent of these zoning regulations is not to prevent particular activities, but rather to regulate and promote the orderly development of the area. ~~Nor are these regulations set up to prevent the full utilization of lands used for grazing, horticulture, agriculture, or for the growing of timber. Nothing in these regulations shall be deemed to authorize an Regulation, resolution, rule, or regulation which would prevent the full utilization of lands used for grazing, horticulture, agriculture, or for the growing of timber.~~