

8-24-94

RESOLUTION NUMBER 94- 092

BOOK 423 PAGE 36

A RESOLUTION TO ADOPT A SPECIAL COUNTY ZONING DISTRICT AND TO APPLY THIS ZONING DISTRICT TO PROPERTY KNOWN AS THE FORT MISSOULA HISTORIC DISTRICT. THE FORT MISSOULA HISTORIC DISTRICT IS LOCATED IN SECTION 36, TOWNSHIP 13 NORTH, RANGE 20 WEST, AND A PORTION OF SECTION 31, TOWNSHIP 13 NORTH, RANGE 19 WEST, AND IS SPECIFICALLY THAT AREA INCLUDED IN THE NOMINATION TO THE NATIONAL REGISTER OF HISTORIC PLACES (NATIONAL PARK SERVICE AND MISSOULA COUNTY 1987). THE REZONING INCLUDES VARIOUS TRACTS, AS DELINEATED IN EXHIBIT A.

SEE EXHIBIT A FOR COMPLETE MAP AND DESCRIPTION OF THIS DISTRICT. SEE EXHIBIT B FOR A COMPLETE DESCRIPTION OF THE STANDARDS AND CRITERIA FOR THIS DISTRICT.

WHEREAS, 76-2-201 M.C.A. authorizes the Board of County Commissioners to adopt zoning regulations; and,

WHEREAS, the Board of County Commissioners did adopt zoning regulations for Missoula County through the passage of County Resolution 76-113, as amended; and,

WHEREAS, 76-2-202 M.C.A. provides for the establishment and revision of zoning districts; and,

WHEREAS, the purpose of this zone is to provide for the identification, protection, enhancement, perpetuation, and use of improvements, buildings, structures, signs, objects, features, sites, places, and areas within the zone that reflect special elements of the zone's architectural, artistic, cultural, engineering, aesthetic, historical, political, social, and other heritage, and

WHEREAS, such a district revision to rezone the property described above from "C-P1" to "Fort Missoula Historic District" has been reviewed by the Missoula Consolidated Planning Board as required by 76-2-204 M.C.A.; and,

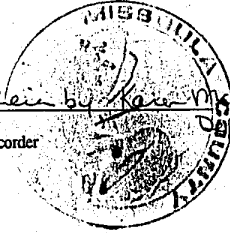
WHEREAS, a public hearing was duly advertised and opened by the County Commissioners of Missoula County on December 6, 1993, in order to give the public an opportunity to be heard regarding such proposed zoning district revisions as required by 76-2-205 M.C.A.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Missoula County adopt the "Fort Missoula Historic District".

FURTHER, copies of the regulations for the "C-P1" Residential District and "FORT MISSOULA HISTORIC DISTRICT" are available for inspection at the office of the Missoula County Clerk and Recorder.

PASSED AND ADOPTED THIS 24th DAY OF AUGUST, 1994.

ATTEST:


Vicki Zeier by Karen Mason
Vicki Zeier
Clerk and Recorder

BOARD OF COUNTY COMMISSIONERS
Missoula County, Montana

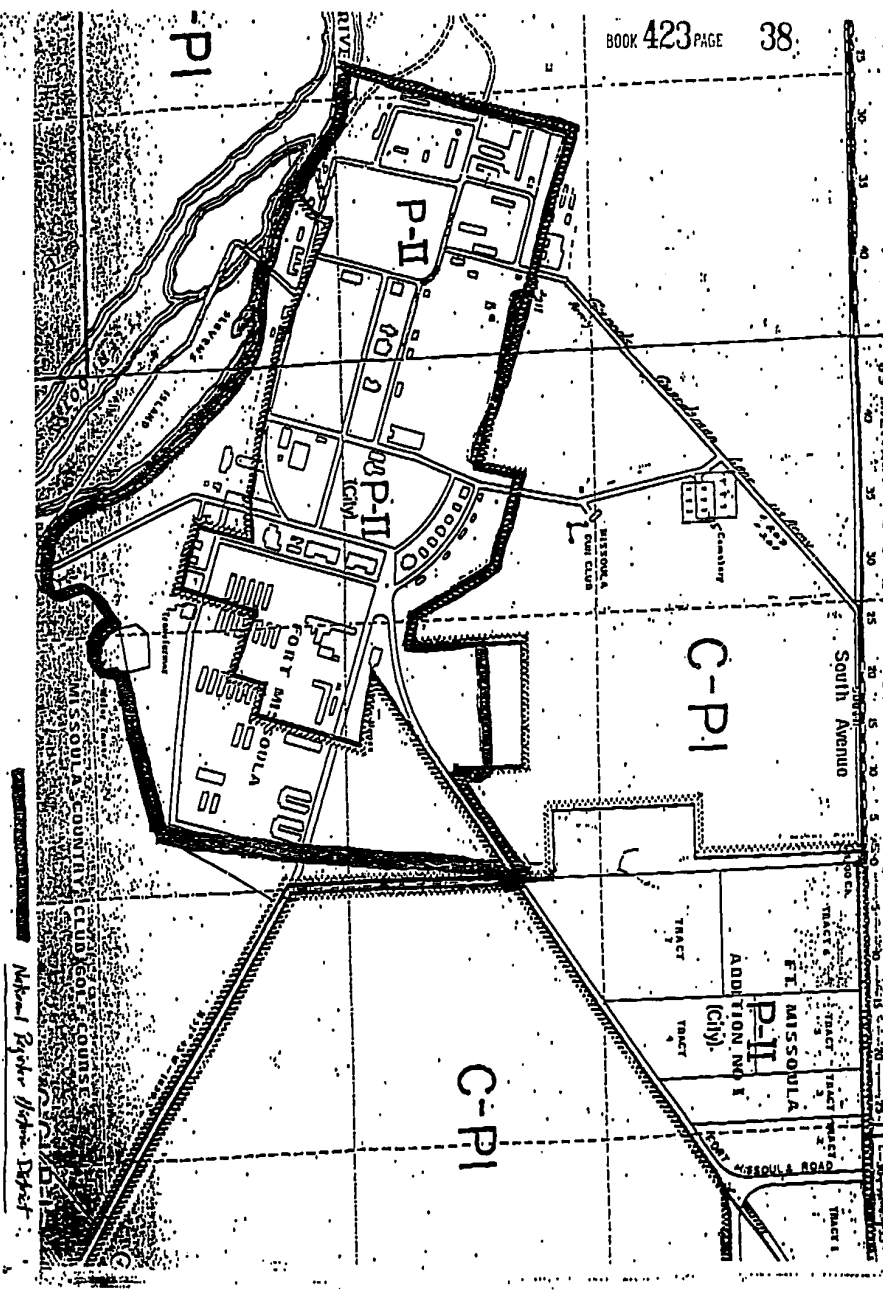
Fern Hart
Fern Hart, Chair

Ann Mary Dussault
Ann Mary Dussault, Commissioner

Barbara Evans
Barbara Evans, Commissioner

APPROVED AS TO FORM AND CONTENT:

Colleen M. Swadlow
Deputy County Attorney



Section 5.05 - Fort Missoula Historic District**A. Intent**

The purpose of this zone is to provide for the identification, protection, enhancement, perpetuation, and use of improvements, buildings, structures, signs, objects, features, sites, places, and areas within the zone that reflect special elements of the zone's architectural, artistic, cultural, engineering, aesthetic, historical, political, social, and other heritage. These regulations and standards are established for the following reasons:

1. To safeguard the area's heritage by protection of its cultural resources;
2. To provide for appreciation of the area's past;
3. To promote civic and neighborhood pride and a sense of identity based on the area's cultural resources;
4. To enhance the area's visual character by encouraging and regulating the compatibility of architectural elements in the district;
5. To enhance property values and to increase economic and financial benefits to the area and its inhabitants;
6. To attract tourists and visitors to the area;
7. To provide for identification of cultural resources in order to resolve conflicts between preservation and alternative land uses and development.

B. Definitions

1. The Fort Missoula Historic District shall be defined as those lands at Fort Missoula which are on the National Register of Historic Sites, including the cemetery.
2. "Alteration" means any exterior change or modification, through public or private action, of any cultural resource or of any property located within an historic district including, but not limited to, exterior changes to or modification of structure, architectural details or visual characteristics such as surface texture, grading, surface paving, new structures, cutting or removal of trees and other natural features, disturbance of archaeological sites or areas, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories affecting the exterior visual qualities of the property.
3. "Area of influence" means a transitional zone which lies wholly or partially within one hundred fifty feet in any direction from the outermost property line of the ownership parcel upon which a designated cultural resource or significant site is located and shall include the parcel of the cultural resource or significant site itself.

4. "Board" means the Board of County Commissioners or their agent.
5. "Cultural resource" means private or public improvements, buildings, structures, signs, features, sites, places, areas or other objects of scientific, aesthetic, educational, cultural, architectural or historical significance to the citizens of the county, and which has been designated a cultural resource pursuant to this section.
6. "Exterior architectural feature" means the architectural elements embodying style, design, general arrangement and components of all of the outer surfaces of an improvement, including but not limited to, the type, color and texture of the building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvement.
7. "Historic area" means any area containing improvements which have a special character, historical interest or aesthetic value or which represent one or more architectural periods or styles typical to the history of the area that has been designated an historic district pursuant to this section.
8. "Improvement" means any building, structure, place, parking facility, fence, gate, wall, work of art or other object constituting a physical betterment of real property, or any part of such betterment.
9. "Preservation" means the identification, study, protection, restoration, rehabilitation, or enhancement of cultural resources.
10. "Review criteria" means standards to be used by the Board of County Commissioners or their agent when reviewing an application for permits pursuant to this section or any other ordinance applicable within the area under review.

C. Procedure

1. In order to preserve the historical integrity of the fort environs, any development or alteration requiring a building permit within the zone must be reviewed by the zoning officer for a Certificate of Appropriateness.

Submission Requirements for Certificate of Appropriateness. Certain information shall be provided to the zoning officer to review prior to granting or denying a Certificate of Appropriateness. All materials to be submitted shall be prepared on 8 1/2' x 11' paper and packaged or bound to fit a standard, letter size file. Applications that involve more voluminous architectural plans and specifications may be accompanied by simplified sketches, details and supporting documentation, on letter size paper, which synthesizes the detailed design documents.

The extent of documentation to be submitted on any project shall be dictated by the scope of the planned alteration and the information reasonably necessary for the zoning officer to

make her determination. At a minimum, the following items shall be included in the submission:

A. Completed application on form provided by the Office of Community Development.

B. One current picture of each elevation of each structure planned to be altered and such additional pictures of the specific elements of the structure or property to be altered that will clearly express the nature and extent of change planned. Except when otherwise recommended, no more than eight (8) pictures should be submitted and all pictures shall be mounted on letter size sheets and clearly annotated with the property address, elevation direction (N,S,E,W) and relevant information.

C. Site sketch, oriented with north at the top of the page, approximately to scale; showing site boundaries, street and alley frontages with names, and location of all structures with distances to the nearest foot between buildings and from buildings to property lines.

D. Historical information, including available data such as pictures, plans, authenticated verbal records and similar research documentation that may be relevant to the planned alteration.

E. Plans, sketches, pictures, specifications and other data that will clearly express the applicant's proposed alterations.

F. A schedule of planned actions that will lead to the completed alterations.

G. Such other information as may be suggested by the Office of Community Development.

H. It is further suggested that the applicant seek comments from the neighborhood or area.

2. It is unlawful for any person to tear down, demolish, construct, alter, or relocate any improvement, or any portion thereof, or to alter in any manner any exterior architectural feature, or to place, erect, alter, or relocate any sign, of a designated cultural resource or located within an area of influence of a cultural resource included in this zone without first obtaining a Certificate of Appropriateness.

3. Any application for a permit for erection or construction of a new building or structure, or which would affect the exterior appearance of any existing building or structure (including signs) located within an area of influence shall require review by the zoning officer in accordance with the criteria adopted for this zone.

a. If the Certificate of Appropriateness is granted by the zoning officer, all requirements of this section will have been met.

b. Any Certificate of Appropriateness that is denied by the zoning officer pursuant to the provisions of this section shall be automatically referred to the Board of County Commissioners or their agent upon the written request of the applicant and scheduled for

public hearing at the next regularly scheduled meeting at which legal notice can be provided.

4. Appeals Process. Appeals of decisions made under this section shall be made to the Board of Adjustment following the procedure described in Section 8.15 of these regulations.

D. Standards and Criteria

All structures must be built with the consideration that they are in an historic district. The following standards are criteria by which the zoning officer or Board of County Commissioners or their agent shall review applications for a Certificate of Appropriateness:

1. Permitted and prohibited uses shall be as described in Section 2.05 for C-P1 zoning with the following exemptions and additions:

- a. airports and landing fields are prohibited,
- b. commercial recreation, amusement and cultural activities are prohibited except as permitted under 1 of the following:
- c. medical offices are permitted,
- d. community residential facilities serving eight or fewer residents are permitted,
- e. business and professional offices, health clubs, commercial recreation, amusement and cultural activity visitor and tourist support services may be proposed as part of a Planned Unit Development application.

2. The historical and architectural characteristics of a historic structure which make it unique shall be properly preserved and any changes shall generally conform to the character of the structures located within the zone;

3. No specific architectural style shall be required for the design of a new building or other structures that have not been designated a cultural resource; however, such buildings and structures are subject to the following:

- a. The design of the structure shall generally conform to the character of the buildings and structures located within the zone,
- b. If the building is demolished and the area left vacant, the area shall be maintained in a clean and unoffensive manner,
- c. If the building is demolished and the area converted to another use not requiring buildings (such as a parking lot), the area shall be buffered by landscaping or have walls or fences that generally conform to the character of the other buildings and structures located within the zone.
- d. If the building is demolished and new structures erected, the design shall be sympathetic to the character of structures and features located within the historic zone;

4. The following criteria shall be used by the zoning officer when approving a Certificate of Appropriateness:

- a. Height: Absent of showing exceptional mitigating circumstances, new structures may be constructed no higher than the tallest building located within the zone at the time of establishment of the zone;
- b. Setbacks: Absent of showing exceptional mitigating circumstances, new structures shall generally conform to the prevailing setback existing within the zone at the establishment of the zone;
- c. Proportion: The relationship between the height and width of the front elevation of the building;
- d. Recurrent alternation of solids to voids in the front facade;
- e. Roof types;
- f. Surface texture of buildings;
- g. Site utilization: The width of side yards as it affects the spacing between individual buildings and structures;
- h. Projections and recessions: The presence or absence of porches, steps, awnings, overhangs, etc.;
- i. Architectural details: Cornices, lintels, arches, grill work, shutters, etc.
- j. The criteria and standards included in Appendix A: "Development Guidelines and Standards for the Fort Missoula Historic District."

E. Designated Cultural Resources Within the Zone

The regulatory area is that area on the National Register of Historic Sites, including the cemetery, as listed by the US National Park Service, 1987.

F. Maintenance Requirement

1. The owner, occupant, or persons in charge of a cultural resource or an improvement, building or structure in this zone shall keep in good repair all of the exterior portions of an improvement, building or structure, all of the interior portions thereof when subject to control as specified in the designating ordinance or permit, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior architectural feature.
2. However, nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this ordinance that does not involve a change in design, material or external appearance, nor does this ordinance prevent the construction, reconstruction, alteration, restoration, demolition or removal of any feature when the building inspector certifies to the Board that such action is required for the public safety due to unsafe or dangerous condition.

G. Demolition of a Designated Cultural Resource

1. In the review of a permit sought to demolish or remove a designated cultural resource, the board may approve or disprove the permit. In making its decision, the board shall determine if the applicant has shown that the preservation of the structure(s) is physically and/or economically infeasible, and that the denial of a permit would constitute a hardship.

2. If the board finds that the denial of a permit would result in a hardship to the owner, the permit shall be granted if:

a. Within one hundred eighty days, after denial of a permit, the board and the owner all in good faith cannot provide alternatives or funding for improvements, which would make demolition unnecessary; or,

b. The board has required the owner to put the property up for sale for a period of time after the denial of a permit (one hundred eighty days for a designated cultural resource, and ninety days in the case of all other structures within an area of influence) in an attempt to save the property before granting a demolition permit and no investor can be attracted to purchase the property at fair market value.

Related Community Plans and Guidelines. The Fort Missoula Plan, (1993) Update, and the application for the National Register of Historic Places Inventory (1987) provide information about the nature of the site and buildings in the area. In addition, the area is discussed in the Missoula Urban Comprehensive Plan, 1990 Update, and the Report to Missoula: \$16,000 Pilot Project, Park/Open Space/Resource Planning and Management.

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I RECEIVED AND FILED THIS INSTRUMENT FOR RECORD ON THE 26 DAY OF Aug 24 859 O'CLOCK A M AND IT IS RECORDED
IN VOL 423 OF MICRO RECORDS OF THE COUNTY OF MISSOULA, STATE OF MONTANA, ON PAGE 26 FEE PAID
RETURN TO Res Sir BY KAN MCA WITNESS MY HAND, VICKIE M. ZEIER, COUNTY RECORDER
ADDRESS DEPUTY DOC Res