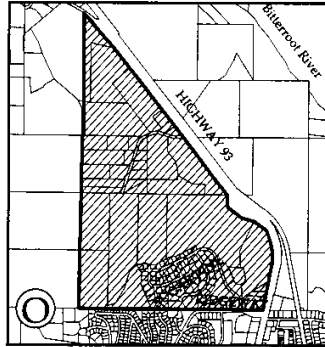




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**RESOLUTION NUMBER 2010 - 066**

**A RESOLUTION TO ADOPT THE NORTH LOLO RURAL SPECIAL ZONING DISTRICT  
AND REGULATIONS AS SECTION 6.13 OF THE MISSOULA COUNTY ZONING  
RESOLUTION AS SHOWN IN THE BOUNDARY MAP BELOW.**



**WHEREAS**, Mont. Code Ann. § 76-2-201 authorizes the Board of County Commissioners to adopt zoning regulations; and,

**WHEREAS**, the Board of County Commissioners adopted zoning regulations for Missoula County through passage of County Resolution 76-113, as amended, which authorizes the County to adopt Rural Zoning Districts; and,

**WHEREAS**, land use designations in the North Lolo area were adopted after public process in the 2002 Lolo Regional Plan, an amendment to the Missoula County Growth Policy 2005 update; and,

**WHEREAS**, unregulated development inconsistent with the 2002 Lolo Regional Plan has the potential to occur in the North Lolo area, including a proposal for a gravel pit; and

**WHEREAS**, JTL submitted an application to the Montana Department of Environmental Quality for an openpit gravel mining permit for a site located north of Lolo; and,

**WHEREAS**, Mont. Code Ann. § 76-2-206 provides for the establishment of an interim zoning map or regulation as an emergency measure in order to promote the public health, safety, and welfare; and,

**WHEREAS**, following public meetings, the Board of County Commissioners concluded an emergency existed and adopted interim zoning in North Lolo via Resolution 2008-066, amended via Resolution 2008-089, to address potential public health and safety issues; and,

**WHEREAS**, the Board of County Commissioners extended the North Lolo Interim Zoning via Resolution 2009-060 until May 30, 2010; and,

**WHEREAS**, the North Lolo Interim Zoning is due to expire on May 30, 2010, and after that time, absent further action by the County, will be unzoned and not subject to land use controls that would allow for County conditioning of a gravel mining and processing operation or other uses inconsistent with the 2002 Lolo Regional Plan; and,

**WHEREAS**, during the interim zoning period, the County has undertaken a planning process for the Lolo Planning Region to determine necessary amendments to the growth policy for this area and whether or not a rural zoning district would be appropriate to implement an updated growth policy for this area; and,

**WHEREAS**, during the planning process at a joint public meeting of the Board of County Commissioners and Lolo Community Council on September 8, 2009, public testimony indicated a preference for developing a proposal for the North Lolo area; and

**WHEREAS**, the Board of County Commissioners directed staff to work with residents and landowners in the North Lolo area to develop a proposal to replace the North Lolo Interim Zoning; and

**WHEREAS**, staff provided a series of three draft alternatives for public consideration for the North Lolo area on January 22, 2010, which were subsequently reviewed at public meetings at the Lolo Community Center on January 30<sup>th</sup>, February 3<sup>rd</sup> and February 9<sup>th</sup> and,

**WHEREAS**, based on comments received regarding the alternatives and additional staff review, staff issued the Planning Board Public Hearing Draft on February 25, 2010, for public comment; and,

**WHEREAS**, legal notice regarding the North Lolo Growth Policy Amendment and Rural Special Zoning District was published in the Missoula Independent on February 25<sup>th</sup>, March 4<sup>th</sup>, and March 11<sup>th</sup>, 2010. An advertisement was also published in the Missoulian on February 28<sup>th</sup>, March 7<sup>th</sup>, and March 14<sup>th</sup>, 2010. Notice of the project was posted in five locations. Property owners within the proposed zoning district and within 300 feet of the proposed zoning district were notified by first-class mail on February 25, 2010. Additional notice was provided through email announcements to interested members of the public from the Lolo area on February 25<sup>th</sup>, March 2<sup>nd</sup>, 12<sup>th</sup>, 19<sup>th</sup>, and 29<sup>th</sup>, and April 1<sup>st</sup>. An additional postcard mailing to property owners was sent on Monday, March 29<sup>th</sup>; and,

**WHEREAS**, the Planning Board conducted a public hearing on the Planning Board Public Hearing Draft on March 16, 2010, at 7:00 p.m. and following receipt of public testimony and Board deliberations, the Planning Board directed staff to prepare recommended revisions to be posted for public review on March 19, 2010, and to be considered by the Board at a continuation of the public hearing on March 23, 2010, at 7:00 p.m.; and,

**WHEREAS**, the Planning Board accepted public testimony and continued their deliberations on March 23, 2010, and recommended the Board of County Commissioners approve a North Lolo Growth Policy Amendment and North Lolo Rural Special Zoning District; and,

**WHEREAS**, the Planning Board's recommended North Lolo Growth Policy Amendment and North Lolo Rural Special Zoning District was posted for public review on March 28, 2010; and,

**WHEREAS**, the Board of County Commissioners conducted a public hearing on April 7, 2010, at 6:00 p.m. to consider the recommendation of the Planning Board and accepted public testimony; and,

**WHEREAS**, the Board of County Commissioners adopted a Resolution of Intent to adopt the North Lolo Growth Policy Amendment, based on findings of fact and conclusions of law that the growth policy amendment meets the review criteria. The Board of County Commissioners subsequently adopted a Resolution to Adopt the North Lolo Growth Policy Amendment as Resolution 2010-062 on May 18, 2010; and

**WHEREAS**, the Board of County Commissioners reviewed the North Lolo Rural Special Zoning District against the zoning proposal review criteria and made findings of fact and conclusions of law which support adoption of the North Lolo Rural Special Zoning District; and

**WHEREAS**, the North Lolo Rural Special Zoning District is intended to replace the North Lolo Interim Zoning adopted via Resolution 2008-066, amended via Resolution 2008-089, and extended via Resolution 2009-060; and

**WHEREAS**, the Board of County Commissioners adopted a Resolution of Intent to Adopt the North Lolo Rural Special Zoning District (Resolution 2010-039) on April 7, 2010, and to adopt regulations for this District in compliance with the 2002 Lolo Regional Plan, as amended by the North Lolo Growth Policy Amendment. The North Lolo Rural Special Zoning District map and regulations were placed on file for public inspection at the office of the county clerk and recorder and at the Missoula County Rural Initiatives website  
<http://www.co.missoula.mt.us/rural/LoloAreaRegionalPlan/NLoloProject.htm>; and

**WHEREAS**, a protest period was held for thirty (30) days after the first publication of the Resolution of Intent on April 15, 2010, during which time the Board of County Commissioners received written protests to the creation of the zoning district or to the zoning regulations from persons owning real property within the district whose names appear on the last-completed assessment roll of the county, pursuant to Montana Code Annotated §76-2-205(6); and

**WHEREAS**, litigation has been brought against the County challenging the constitutionality of the zoning protest provisions of M.C.A. §76-2-205(6), under the caption L. Reed Williams v. Board of County Commissioners of Missoula County, Montana Fourth Judicial District Cause No. DV-10-673; and

**WHEREAS**, the District Court issued a Preliminary Injunction Order on May 21, 2010, ordering that "Defendants [Board of County Commissioners of Missoula County] are hereby enjoined from taking any action based upon the statutory protest provisions contained in §76-2-205(6), MCA, pending further order of this Court;" and

**WHEREAS**, the District Court's Order further provides that "Except as specifically enjoined by this Order, Defendants may otherwise proceed in accordance with the provisions of §76-2-205, M.C.A."; and

**WHEREAS**, the Board of County Commissioners held a public meeting on May 26, 2010, to consider this matter, at which the Board determined that it remains in the best interests of the public for the County to proceed with adoption of the North Lolo Rural Special Zoning District and zoning regulations consistent with the April 7, 2010 Resolution of Intent to Adopt, without consideration of protests that have been received as per the District Court's Preliminary Injunction Order, and subject to further order of the Court;


**NOW, THEREFORE, BE IT RESOLVED** that the Board of County Commissioners hereby adopts a Resolution to Adopt the North Lolo Rural Special Zoning District and adopts regulations for this District in compliance with the 2002 Lolo Regional Plan, as amended by the North Lolo Growth Policy Amendment. The regulations include six (6) zoning classifications including Resource Transition, Residential, Ponderosa Heights Subdivision, Town Residential, Community Commercial, and Town Mixed Use. It also includes a specific set of definitions, general requirements, nonconforming use provisions, and administrative and enforcement provisions that outline conditional use permits. If any portion of these regulations is deemed invalid for any reason, then the remaining designation(s) shall remain in full force and effect. (Exhibits to this Resolution include the Zoning Map and Regulations.)

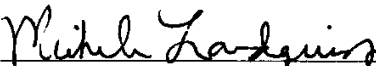
Adoption of the NLRSD regulations hereby repeals the North Lolo Interim Zoning adopted as 2008-066, amended via Resolution 2008-089, and extended via Resolution 2009-060.

PASSED AND ADOPTED THIS 26th DAY OF MAY, 2010.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
Missoula County, Montana

  
Vickie Zeier,  
Clerk and Recorder *Deputy*

  
Michele Landquist, Chairman

  
Bill Carey, Commissioner

  
Jean Curtiss, Commissioner

APPROVED AS TO FORM:

  
Deputy County Attorney

### **SECTION 6.13.01 - INTENT OF NORTH LOLO RURAL SPECIAL ZONING DISTRICT**

The North Lolo Rural Special Zoning District (NLRSD) recognizes the need to allow for a mix of residential densities and existing non-residential uses, while preserving to the extent possible this area as the northern entrance to the community of Lolo and protecting public health and safety. This District allows the continuation of appropriate growth and development for the North Lolo area, while also protecting resource areas and providing a pleasing entrance into the community of Lolo.

### **SECTION 6.13.02 – SCOPE AND RELATION TO OTHER PROVISIONS**

- A. **Scope.** The NLRSD shall cover the area identified in the **North Lolo Rural Special Zoning District Map** and shall include the zoning classifications shown in this exhibit.
- B. **Application of Other Chapters of the Missoula County Zoning Resolution (MCZR) to NLRSD.** Certain provisions in the MCZR apply to areas that are urban or suburban in nature, and may not adequately address the needs of the County's rural communities and areas such as the NLRSD. Accordingly, the following provisions of the MCZR shall not apply to the NLRSD:

Chapter I - General Provisions:	Sections 1.05(24), (28), (46), (53), (55), (62)
Chapter II - Zoning Districts:	All sections
Chapter III – Supplementary Regulations:	All Sections except where specifically noted
Chapter IV – Special Design Standards:	All sections except where specifically noted
Chapter V – Special Districts:	All sections
Chapter VII – Nonconforming Uses:	All sections, except 7.02
Chapter VIII – Administration and Enforcement:	Section 8.09

All provisions of the MCZR not listed above apply to the NLRSD unless a conflict among provisions results. If any provision of the MCZR conflicts with this District, the provisions of this District shall govern.

### **SECTION 6.13.03 – DEFINITIONS**

In addition to the applicable definitions in other sections of the MCZR, the following additional definitions apply to this District:

1. **Agricultural Building:** a structure that is customarily associated with an Agricultural Use.
2. **Assembly:** encompasses a range of public, quasi-public and private uses where people come together for some common purpose. Assemblies include but are not limited to churches, synagogues, temples and other places of religious exercise, as well as meeting halls, clubs,

and membership organizations. Commercial theatres and entertainment establishments are not included.

3. **Base Density:** a ratio indicating the amount of acreage required for every Dwelling Unit on a parcel of land based on that parcel's zoning classification. For example, a parcel within a zoning classification that allows 1 dwelling unit for every 1 acre has a base density of 1:1 acre.
4. **Bed and Breakfast:** an owner-occupied dwelling where breakfast is served and where there are no more than four rooms for rent to the traveling or vacationing public.
5. **Campground:** a place or building, or portion thereof, that is used or is intended for public camping, where people can camp, secure tents or cabins, or park trailers, camping trailers, pickup campers, automobiles, or recreational vehicles for camping and sleeping purposes. The term includes accessory buildings such as laundromats and retail stores exclusively for the use of campground guests.
6. **Child or Adult Daycare Center:** Uses providing care, protection and supervision for 13 or more children or adults on a regular basis away from their primary residence for less than 24 hours per day. The Child or Adult Day Care Center does not include day care homes serving 12 or fewer individuals, in addition to members of the day care provider's household, that is registered by the department of public health and human services, in accordance with Mont. Code Ann. § 76-2-412.
7. **Conference Center or Events Facility:** a facility that provides space and amenities to host public and private business and social events for the surrounding community.
8. **Construction:** as it relates to roads, the cutting, moving and filling of earthen material resulting in a travel-way for motorized and non-motorized vehicles. As it relates to buildings, the preparation of a site for a structure, as well as the building of the structure itself. (Ref. MCSR § 2.2(18)).
9. **Destination Resort:** a development in a setting with high natural amenities that is designed to attract and accommodate guests by offering food, drink, lodging, recreation, entertainment, and shopping on the premises so that guests have no need to leave the facility during the course of their stay.
10. **District:** the planning area that comprises a rural special zoning district.
11. **Dwelling or Dwelling Unit:** a building or portion thereof that has a permanent foundation, and provides complete and independent living facilities for one household. A manufactured home is a Dwelling Unit. A Dwelling Unit is not a mobile home, recreational vehicle, tent, teepee, or other type of mobile shelter.
12. **Existing Road:** an existing access or haul route for motorized or non-motorized vehicles that is passable under one or more of the following circumstances:

- a. as is;
  - b. with cleaning of windfall or small woody vegetation;
  - c. with surface blading;
  - d. with replacement of stream crossing structures and drainage structures that were removed to restrict access; or
  - e. with removal of constructed access barriers. (Ref. MCSR § 2.2(33)).
13. **Financial Institutions:** a place or building used to provide financial and banking services. The term includes banks, savings and loan institutions, other lending institutions, and check cashing facilities. The term does not include automated teller machines, which are considered Accessory to commercial uses.
14. **Fitness Center:** a place or building used to provide health and athletic facilities to a community. The term includes indoor gyms, pools, athletic facilities, weight rooms and similar facilities.
15. **Geologic Hazard:** potential for movements of earth that endangers life or property and may include landslides, avalanches, mudflows, earthquakes, or rock slides.
16. **Guest Ranch:** a recreational facility with infrastructure to support ranching and horseback experiences to paying customers, including overnight pack trips, hunting trips, trail rides, cattle drives, team penning, cutting, guest rodeos, and the like.
17. **Home Industry:** accommodates Accessory commercial uses of residential property that are more intensive than a Home Occupation Conditional Use but that do not alter the residential character of the surrounding area. Examples of Home Industry include cabinet making, taxidermy, and arts and crafts studios. Home Industry does not include businesses that could be a nuisance to or impact others such as feed lots or junk yards.
18. **Manufactured Home:** single-family dwelling, built offsite in a factory on or after January 1, 1990, that is placed on a permanent foundation, is at least 1,000 square feet in size, has a pitched roof and siding and roofing materials that are customarily, as defined by local regulations, used on site-built homes, and is in compliance with the applicable prevailing standards of HUD at the time of its production. The term "manufactured home" does not include a Mobile Home as defined below or house trailer as defined in Mont. Code Ann. § 15-1-101. (Ref. Mont. Code Ann. § 76-2-202(6)).
19. **MCSR:** Missoula County Subdivision Regulations.
20. **MCZR:** Missoula County Zoning Resolution No. 76-113.
21. **Mobile Home:** factory assembled structure equipped with necessary service connections, made so as to be readily movable as a unit on its own running gear, and designed to be used as a dwelling without a permanent foundation. The term "mobile home" includes forms of housing known as "trailers," "house trailers," or "trailer coaches" exceeding 8 feet in width or

- 45 feet in length, designed to be moved from one place to another by an independent power connected to them, or any trailer, house trailer, or trailer coach up to 8 feet in width or 45 feet in length used as a principal residence. (Ref. Mont. Code Ann. § 15-1-101(m); MCSR § 2.2(51)).
22. **Nursery:** a place or building that is used for the growing or sale of fruit, vegetables, flowers, trees, and other plants.
23. **Open Space Land:** any land which is provided or preserved for:
- a. park or recreational purposes;
  - b. conservation of land or other natural resources;
  - c. historic or scenic purposes; or
  - d. assisting in the shaping of the character, direction, and timing of community development. (Ref. Mont. Code Ann. § 76-6-104(3)).
24. **Qualified Professional:** A person with demonstrated professional education, training, or experience in a field relating to the subject matter on which that person is providing an assessment, report, or opinion to the County.
25. **Recreational or Recreational Use:** low-impact, outdoor recreational land uses that do not involve the construction of roads, trails, or structures, and that are compatible with the preservation goals of the property's zoning classification, including hunting, fishing, camping, hiking, horseback riding, swimming, kayaking, canoeing, and similar activities. Recreational Use does not include off-road all terrain vehicle use, off-road snowmobile use, or motorized watercraft use.
26. **Recreational Commercial Use:** a use characterized by potentially moderate impacts on traffic, the natural environment, and the surrounding neighborhood that is intended to promote recreation and tourism, while protecting the natural environment and other existing uses. Examples of Recreational Commercial Use may include day camps, bed and breakfasts or guest houses, recreational vehicle (RV) parks, guest ranches, destination resorts or conference centers, and campgrounds.
27. **Residential or Residential Use:** the use of land and building space as a Dwelling or Dwellings for one or more persons. Residential includes Manufactured Homes and assisted living facilities that house eight or fewer individuals, in accordance with Mont. Code Ann. § 76-2-412, but excludes hospitals, and other facilities designed to house more than eight individuals. Residential includes day care homes serving 12 or fewer individuals that is registered by the department of public health and human services, in accordance with Mont. Code Ann. § 76-2-412. Unless a classification expressly indicates otherwise, Residential Use includes single-family detached housing, townhouses, duplexes, tri-plexes, four-plexes and apartments.
28. **Riparian Resource Area:** a stream, lake, wetland or other body of water and land containing any of the habitat or community types (listed in Exhibit 5 of the MCSR) and an



adjacent buffer area of varying width where development may have significant negative impacts on wildlife habitat, water quality and quantity, fish, or other aquatic resources. (Ref. MCSR § 3.13.2).

29. **Road Construction Standards:** those applicable standards set forth in the Missoula County Subdivision Regulations §§ 3.2.2, 3.13.5.
30. **Senior or Disabled Housing Conditional Use:** is a type of housing that accommodates the unique needs of senior citizens or disabled adults. Examples of housing that would qualify for these individuals include rentals, cooperatively owned spaces, individually owned condominiums, or other fee-simple arrangements. The buildings may be multi-family homes, attached single-family homes, and detached single-family homes, facilities that provide ambulatory care or facilities that provide congregate care or hospice care. The Senior or Disabled Housing Conditional Use does not include community residential facilities housing 8 or fewer individuals, which are defined as a Residential Use.
31. **Site Plan:** a physical depiction of the subject property and the proposed use that includes the information required under General Requirements.
32. **Stable Soils:** soils that can withstand the stresses of development without movement that would cause damage to people or property.
33. **Townhouse.** A residential building containing multiple dwelling units, each located on its own parcel with a common or abutting wall along shared parcel lines. Each dwelling unit has its own external entrance. No more than one dwelling unit may be located on a single parcel.
34. **Transitory Housing:** any type of shelter, utilized for more than two weeks as housing, which is not expressly included in the definition of Dwelling Unit.
35. **Wetlands:** areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include marshes, swamps, bogs, and similar areas. (Ref. MCSR § 2.2(88)).
36. **Wildland Residential Interface:** the line, area or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels. (Ref. MCSR § 2.2(89)).
37. **Winter Range:** areas that provide habitat for elk and deer during the winter months when snow depths at higher elevations require animals to move to lower elevations with less snow in order to find food, water, shelter, and space to sustain themselves throughout the colder months.

#### **SECTION 6.13.04 GENERAL REQUIREMENTS**

Unless expressly modified by a provision of the North Lolo Rural Special Zoning District (NLRSD), the following general requirements apply in all North Lolo zoning classifications:

- A. **Accessory Buildings.** Accessory Buildings are a permitted use.
1. **Size and Location Limitations.** An accessory building shall not be erected in a required front yard setback. An accessory building shall be set back at least ten (10) feet from a main building and at least three (3) feet from all lot lines. An accessory building shall not exceed the height limitations of the zoning classification and the cumulative space occupied by all accessory buildings on a property shall be no greater in floor area than 75% of the main building.
  2. **Agricultural Structure.** When part of an Agricultural Use, an Agricultural Building is not subject to the height or floor area limitations of this Section.
  3. **Nonconforming Uses.** When the main building is a Nonconforming Use, an accessory building is considered an enlargement of use and is subject to the Nonconforming Uses Section.
- B. **Off-Premise Signs.** To protect the unique rural and natural viewshed, the historic development pattern, and the safety of the traveling public, off-premise signs shall not be permitted within the NLRSD.
- C. **Sand and Gravel Mining and Concrete and Asphalt Operations.** To protect the predominately residential and rural residential development pattern in the area and public health, safety, and general welfare, sand and gravel mining and concrete and asphalt operations are prohibited within the NLRSD.
- D. **Condominiums.** All condominium developments are required to undergo subdivision review.
- E. **General Development Requirements.** The following development requirements are applicable to any development that does not go through subdivision review under the MCSR:
1. **Outdoor Lighting.** All outdoor lighting shall be directed downwards and onto the property.
  2. **Road Requirements.**
    - a. New road construction shall follow existing contours and utilize Existing Roads to the maximum extent possible.

- b. Roads with a slope exceeding 10% shall be accessible to emergency vehicles and provide a safe route for nonemergency vehicles to exit and reviewed and approved by the appropriate fire jurisdiction.
- c. Roads must be designed to meet Road Construction Standards.
- 3. **Slope Limitations.** Buildings, roads and driveways shall not be located on slopes exceeding 25% as measured before disturbance or alteration. Lots that existed prior to this zoning district that do not have a building site with less than 25% slope shall come as close as possible to meeting this requirement by locating any improvements on areas with the least existing slope available.
- F. **Transitory Housing.** To prevent the evasion of zoning requirements, and to maintain public health, sanitation, and safety, Transitory Housing is allowed only when expressly permitted in a zoning classification.
- G. **Highway Setbacks.** A minimum building setback of 50 feet is required from all highways. This setback shall be measured from the common boundary line between the edge of the highway right-of-way and the property.
- H. **Site Plans.** In addition to the basic requirements of Section 8.05(B) MCZR, an application for a permit shall include a site plan that shows the following information:
  - 1. locations and dimensions of all existing and proposed structures;
  - 2. property boundaries;
  - 3. location of any service or loading areas;
  - 4. pedestrian and bicycle circulation for publicly accessed development;
  - 5. applicable setbacks;
  - 6. proposed uses of property;
  - 7. easements;
  - 8. access points;
  - 9. roads and road designs;
  - 10. areas of cut and fill;
  - 11. existing and proposed drainages;
  - 12. retaining walls and height;
  - 13. all development requirements capable of illustration – both the general requirements of this Section, and the requirements specific to the property's zoning classification or applicable incentives, design standards, or conditional use permit requirements.

All depictions shall be drawn to a scale of one inch for every 20 feet, unless the Zoning Officer determines that a different scale is necessary to evaluate the application. The applicant shall also include a topographic map with existing and proposed contours at an appropriate interval as determined by the Zoning Officer.

## SECTION 6.13.05 - NORTH LOLO ZONING CLASSIFICATIONS

### Resource Transition. (RT)

1. **Intent.** The Resource Transition Classification is intended to provide important transitional areas between lands suitable for denser development and lands requiring greater resource protection. These transitional areas may include forest lands, riparian resource area, wetlands, agricultural lands, steep slopes, and wildlife habitat. The Resource Transition Classification should balance moderate human use with protections for water quality, winter range, open space land, riparian resource area, and wildlife habitat.
2. **Development Requirements.** In addition to the General Requirements, the following classification-specific development requirements shall apply:
  - i. **Site Constraints.** New construction shall be prohibited on areas of a parcel with more than 25% slope, as measured before disturbance or alteration, or in a designated 100-year floodplain. Lots that existed prior to this zoning district that do not have a building site with less than 25% slope shall come as close as possible to meeting this requirement by locating any improvements on areas with the least existing slope available.

### 3. Space and Bulk Requirements.

Maximum residential density	....	One Dwelling Unit per 40 acres
Minimum setbacks	- front ....	50 feet
	- side ....	50 feet
	- rear ....	50 feet
Maximum building height	.....	30 feet

### 4. Permitted Uses.

- a. Residential- Single-family detached housing;
- b. Agricultural;
- c. Recreational; and
- d. Transitory Housing, excluding mobile homes and recreational vehicles, but including tents and other low-impact, easily removable types of shelter.

### 5. Conditional Uses.

- a. Recreational Commercial;
- b. Assembly; and
- c. Home Occupation.

**Residential. (R)**

1. **Intent.** The Residential classification is intended to support residential densities that are between those appropriate in rural residential areas and town. Density limits are intended to accommodate septic concerns and to maintain ground and surface water quality. Development should include parks and open space.
2. **Development Requirements.** In addition to the General Development Requirements, the following classification-specific development requirements apply:

**Pathways.** When public roads are present, pathways and sidewalks shall be constructed adjacent to a public road.

**Site Constraints.** The area of land on a parcel with more than 25% slope, as measured before disturbance or alteration, or within the designated 100-year floodplain shall be excluded from the base density calculation for the parcel. New construction shall be prohibited on areas of a parcel with 25% slopes or floodplain. Lots that existed prior to this zoning district that do not have a building site with less than 25% slope shall come as close as possible to meeting this requirement by locating any improvements on areas with the least existing slope available.

3. **Space and Bulk Requirements.**

Maximum Base Density

When connected to water and sewer . . . . Two Dwelling Units per acre

When not connected to water and sewer . . . . One Dwelling Unit per acre

Minimum setbacks

– front . . . . 25 feet

–secondary front. . . . 12.5 feet

– side . . . . 15 feet

– rear . . . . 25 feet

Maximum building height . . . . . 30 feet

4. **Permitted Uses.**

- a. Residential- Single-family detached housing;
- b. Agricultural; and
- c. Recreational.

5. **Conditional Uses.**

- a. Recreational Commercial;
- b. Assembly;
- c. Home Occupation;
- d. Home Industry;
- e. Hospital or Medical Clinic;
- f. Child or Adult Day Care Center;

- g. Mobile Home Parks; and
- h. Senior or Disabled Adult Housing.

**Town Residential.**

1. **Intent.** The Town Residential classification is intended to provide urban-type housing density. All lands under this classification are within the boundaries of the existing community water and sewer district. A range of building types is encouraged. New development and road rights-of-way should be designed to accommodate community transit services that may be installed in the future.
2. **Development Requirements.** In addition to the General Development Requirements, the following classification-specific development requirements apply:
  - a. **Appropriate Infrastructure.** Development shall include sidewalks, curbs and gutters, streetlights, and motorized and non-motorized transportation connections.
  - b. **Site Constraints.** The area of land on a parcel with more than 25% slope, as measured before disturbance or alteration shall be excluded from the base density calculation for the parcel. New construction shall be prohibited on areas of a parcel with 25% slopes. Lots that existed prior to this zoning district that do not have a building site with less than 25% slope shall come as close as possible to meeting this requirement by locating any improvements on areas with the least existing slope available.

3. **Space and Bulk Requirements.**

Maximum Base Density:

When connected to water and sewer . . . . Six Dwelling Units per acre

When not connected to water and sewer . . . One Dwelling Unit per acre

Minimum setbacks                    – front . . . . 20 feet

   –secondary front. . . . 10 feet

   – side . . . . 10 feet

   – rear . . . . 20 feet

Townhouse setback exception . . . . 0 feet for sides with common or abutting wall

Maximum height                    . . . . . 30 feet

   . . . . . 35 feet with roof pitch of 8 in 12 or greater

4. **Permitted Uses.**

- a. Residential – Single-family detached housing, townhouses, duplexes, tri-plexes and four-plexes;
- b. Agricultural; and
- c. Recreational.

5. **Conditional Uses.**

- a. Recreational Commercial;

- b. Home Occupation;
- c. Home Industry;
- d. Assembly;
- e. Hospital or Medical Clinic;
- f. Senior or Disabled Adult Housing;
- g. Child or Adult Day Care Center; and
- h. Mobile Home Parks.



### **Community Commercial. (CC)**

1. **Intent.** The Community Commercial Classification is intended to serve as a transition area between Residential and Town Mixed Use classifications and/or in rural locations where a community crossroads type of mixed development is deemed appropriate. This classification will allow development that combines residential and small scale non-residential uses to enable business owners to live where they work or to supplement commercial income with rental income.
2. **Development Requirements.** In addition to the General Requirements, the following classification-specific development requirements apply:
  - a. **Site Constraints.** The area of land on a parcel with more than 25% slope, as measured before disturbance or alteration, or within the designated 100-year floodplain shall be excluded from the base density calculation for the parcel. New construction shall be prohibited in areas of 25% slope or floodplain. Lots that existed prior to this zoning district that do not have a building site with less than 25% slope shall come as close as possible to meeting this requirement by locating any improvements on areas with the least existing slope available.
  - b. **Street Frontage.** All street frontage sides of a primary structure shall provide frontage with street level windows, window displays, doorways, and development entries.
  - c. **Primary Entries.** Primary entries shall be oriented to exterior blocks or street frontages.
  - d. **Secondary Entries.** Service, delivery, or other secondary entries shall open to interior blocks or parking lots.
  - e. **Parking.** Parking requirements from Section 3.02, MCZR shall apply. Development shall provide all residential parking on-site. Where practicable, commercial parking shall be located behind businesses.
  - f. **Signage.** The signage requirements for Neighborhood Commercial Uses from Section 3.04, MCZR shall apply.
  - g. **Landscaping.** The landscaping requirements from Section 3.05, MCZR shall apply.

### **3. Space and Bulk Requirements.**

Maximum Base Density	.....	Two Dwelling Units per acre
Minimum setbacks	– front ....	25 feet
	–secondary front. . . .	12.5 feet
	– side ....	15 feet

– rear . . . . 25 feet  
Maximum building height. . . . . 30 feet

**4. Permitted Uses.**

- a. Residential;
- b. Public Spaces;
- c. Business and Professional Offices;
- d. Small Scale Veterinary Services and Animal Hospitals (less than 5,500 square feet of ground floor area)
- e. Kennels;
- f. Personal Services;
- g. Nurseries;
- h. Art Galleries; and

**5. Conditional Uses.**

- a. Home Occupation;
- b. Home Industry;
- c. Assembly;
- d. Child or Adult Day Care Center;
- e. Hospital or Medical Clinic; and
- f. Senior or Disabled Adult Housing.

**Ponderosa Heights Subdivision (PHZ)**

1. **Intent.** The Ponderosa Heights Subdivision (PHZ) classification is intended to support residential uses and mixed uses that are appropriate for the community core of Lolo.
2. **Application.**  
Due to previous platting of this subdivision and the specific development requirements included in the covenants, the General Requirements provision of the North Lolo Rural Special Zoning District (NLRSD) shall not apply and the relevant sections of the Missoula County Zoning Resolution (MCZR) are as follows:  

Chapter I - General Provisions:	All sections, as modified herein
Chapter VII – Nonconforming Uses:	All sections, except 7.02
Chapter VIII – Administration and Enforcement:	Section 8.09
3. **Development Requirements.** Development requirements are addressed in the Ponderosa Heights Subdivision and will not be administered through the NLRSD, with the exception of the **No Build Zone** as established in the Ponderosa Heights Covenants section V.E., as amended up to 1/24/08. In addition, the following classification-specific development requirements apply to Commercial Uses:
  - a. **Parking.** Relevant parking requirements from Section 3.02, MCZR shall apply.
  - b. **Signage.** The signage requirements from Section 3.04, MCZR shall apply.
  - c. **Landscaping.** The landscaping requirements from Section 3.05, MCZR shall apply.
4. **Space and Bulk Requirements.**  
  
No further subdivision allowed per Section V.G. of the Ponderosa Heights Covenants, as amended as of 1/24/08.
5. **Permitted Uses.**
  - a. Residential and Commercial Uses, as established in the Ponderosa Heights Covenants Section V.G. and V.H, as amended as of 1/24/08.
6. **Conditional Uses.**
  - a. Home Occupation.

**Town Mixed Use. (TMU)**

1. **Intent.** The Town Mixed Use classification is intended to allow for more intense commercial uses or uses that primarily serve those who are passing through the District. This classification is not designed to accommodate commercial uses that are out of character or scale with the area, such as large warehouses, or "big-box" stores.
2. **Development Requirements.** In addition to the General Requirements, the following classification-specific development requirements apply:
  - a. **Parking.** Parking requirements from Section 3.02, MCZR shall apply.
  - b. **Signage.** The signage requirements for Commercial from Section 3.04, MCZR shall apply.
  - c. **Landscaping.** The landscaping requirements from Section 3.05, MCZR shall apply.

**3. Space & Bulk Requirements.**

Maximum Base Density	....	Two Dwelling Units per acre.
Maximum Commercial Area	....	10,000 square feet.
Minimum setbacks	– front ....	25 feet
	– side ....	15 feet
	– rear ....	25 feet
Maximum building height	.....	50 feet

**4. Permitted Uses.**

- a. All permitted and conditional uses set forth in Community Commercial (CC) zoning classification;
- b. Public Parking Areas;
- c. Retail Stores;
- d. Financial Institutions;
- e. Food and Beverage Establishments;
- f. Gas Stations;
- g. Lodging Facilities providing less than 25 rooms;
- h. Small Scale Entertainment Facilities, such as small theaters and playhouses, having fewer than 1,000 seats;
- i. Fitness Centers;
- j. Uses that involve outdoor storage of merchandise or materials;
- k. Wholesale Trade; and
- l. Support Services to Business or Industry.

## **SECTION 6.13.07 NONCONFORMING USES**

**A. Application.** This Section does not modify the rules applicable to non-conforming lots of record in Section 7.02, MCZR. This Section does modify the Chapter VII rules applicable to uses and structures that become nonconforming as a result of the application of the North Lolo Rural Special Zoning District (NLRSD), or any of its amendments. Where the word "nonconforming use" occurs in this Section, it shall mean both non-conforming land uses and structures. These modifications from Chapter VII are intended to accommodate the differences between the unique development patterns and rural nature of the County's rural areas and the urban nature of the Missoula metropolitan area.

To avoid undue hardship, nothing in this Section 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 of this District and upon which actual construction has been carried on diligently. For the purposes of this section, actual construction includes permanently placing and fastening construction materials, as well as substantial excavation, demolition, or removal of a building in preparation for rebuilding.

**B. Continuation of Non-Conforming Uses.** A lawful use of land or structure existing on the effective date of adoption or amendment of the NLRSD, prohibited by this District as enacted or amended, may be continued in the same manner and to the same extent so long as it remains otherwise lawful, subject to the following conditions:

1. **Movement of Use.** A non-conforming use shall not be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of the NLRSD.
2. **Cessation of Use.** If any non-conforming use ceases for any reason for a period of two (2) years or more, any subsequent use of land shall conform to the NLRSD.

**C. Enlargement or Replacement.** A non-conforming use may only be enlarged, increased, or replaced by another non-conforming use with approval of the Board of Adjustment. The Board shall:

1. Hold a public hearing;
2. Impose standards that contribute to the protection of surrounding land uses; and
3. Make findings in the specific case that the proposed change in the non-conforming use is equally appropriate or more appropriate than the current non-conforming use.

**D. Accidental Destruction.** Any non-conforming use that is unintentionally destroyed, for example by fire, may be rebuilt, but only to the same manner and extent that it existed before its destruction.

- E. **Repair and Maintenance.** Non-conforming uses may be repaired and maintained. Such maintenance shall include only building code repairs or other safety-related restorations ordered by a public official, incidental alterations, and cosmetic improvements that do not extend the degree of conformity of the use.
- F. **Record of Non-Conforming Uses.** The Zoning Officer shall ascertain the date on which any non-conforming use was established or acquired and shall prepare a map and photos showing the exact location of the non-conforming structure or land use. Along with the map, the Zoning Officer shall maintain a file for each nonconforming use containing: a Zoning Compliance Permit establishing a lawful use; the name and address of the owner; and other information deemed appropriate by the Zoning Officer.

## SECTION 6.13.07 ADMINISTRATION AND ENFORCEMENT

A. **Application.** This Section only modifies Chapter VIII rules of the MCZR applicable to Conditional Uses. Otherwise the provisions of Chapter VIII apply to the North Lolo Rural Special Zoning District (NLRSD).

### B. Conditional Uses

1. **Intent.** The zoning classifications in this rural special zoning district list certain conditional uses that may be appropriate within a zoning classification when mitigating conditions are met. These uses require discretionary approval and imposition of conditions to ensure compatibility with surrounding land uses. Where unacceptable adverse impacts cannot be mitigated, a conditional use permit may be denied.
2. **Relationship to other Provisions.** A conditional use permit may be issued only for conditional uses expressly listed in the property's zoning classification. The requirements of this Section are in addition to the requirements of the property's zoning classification. If the requirements of this Section conflict with the requirements of the property's zoning classification, the provisions of this Section shall govern.
3. **Types of Review.** To promote an application process that is efficient and tailored to the complexity and intensity of the conditional use sought, there are two categories of conditional use permits. Administrative CUPs are reviewed by the Zoning Officer. Board CUPs are reviewed by the Board of County Commissioners.

	Administrative Review (no notice)	Administrative Review	BCC Review
Home Occupation	X		
Home Industry		X	
Child or Adult Day Care Center		X	
Kennels		X	
Mobile Home Parks			X
Senior or Disabled Adult Housing			X
Recreational Commercial			X
Hospital or Medical Clinic			X
Assembly			X

4. **Permit Application.** The property owner or a designated representative shall submit applications for conditional use permits to the Zoning Officer. Applications shall address all of the general review criteria in subsection 6, below. Applications shall also

demonstrate that the proposed use meets all permit- specific development requirements. Each Conditional Use Permit has specific application requirements that may include a Site Plan, as described in the General Requirements Section, shall be submitted with each Conditional Use application, along with any other materials deemed necessary by the Zoning Officer to do an adequate review of the request. In the case of Recreational Commercial, a Natural Features Assessment is required. The application is deemed complete when the Zoning Officer receives all of the required information.

5. **Notice.** Public notice is required for all conditional use permits, except a Home Occupation. The public notice regarding the proposed conditional use must be:
  - i. Mailed to property owners within 300 feet of the project at least 15 calendar days prior to the County's decision on the permit application; and
  - ii. Published in a newspaper of general circulation within the County at least 15 calendar days prior to the County's decision on the permit application.
  - iii. Posted on the subject property.
6. **General Review Criteria.** A conditional use permit application shall be reviewed for its adverse impacts on all of the following:
  - i. The use and enjoyment of neighboring properties, including the creation of noise, odor, light, or dust that affects neighboring properties;
  - ii. Traffic congestion and safety;
  - iii. Parking demands on the neighborhood;
  - iv. The normal and orderly development and improvement of the neighborhood, including the provision of adequate utilities, roads, drainage, and other public services; and
  - v. Any other public health, safety, and general welfare concerns implicated by the application.
7. **Administrative CUP Review.** In reviewing applications, the Zoning Officer shall apply the general review criteria in subsection 6 and verify that all applicable development requirements are met. If the adverse impacts of the proposed use can be mitigated, the Zoning Officer shall conditionally approve the permit with appropriate mitigating conditions. If there are unacceptable adverse impacts that cannot be mitigated, the Zoning Officer shall deny the permit. All decisions on administrative conditional use applications shall be made within 35 working days of the date the application was deemed complete.



The Zoning Officer, a County Commissioner, or any affected party may request that a conditional use permit application be sent to the Board of County Commissioners for a decision, at which point the application follows the procedures for Board CUP Review.

8. **Board CUP Review.** In reviewing the application, the County Commissioners shall apply the general review criteria in subsection 6 and verify that all applicable development requirements are met. If the adverse impacts of the proposed use can be mitigated, the County Commissioners shall in a public meeting as an item for consideration conditionally approve the permit with appropriate mitigating conditions. If there are unacceptable adverse impacts that cannot be mitigated, the County Commissioners shall deny the permit. All decisions on conditional use applications shall be made within 35 working days from the date the application was deemed complete.
9. **Effect of Permit.** If the permit is conditionally approved, all conditions imposed upon the permit shall be considered a covenant that runs with the land and is binding upon all subsequent property owners. All conditional use permit conditions are to be undertaken at the expense of the permit holder.
10. **Modification of Permit Condition.** Any change to an existing permit condition requires the submission of a new conditional use permit application.
11. **Expiration of Permit.** An approval shall be revoked if a Zoning Compliance Permit is not obtained within six (6) months. The Conditional Use permit shall expire one (1) year from the date of issuance if substantial work has not been commenced under the permit.
12. **Permit Revocation.** The County shall have the power, after hearing, to revoke a conditional use permit for violation of this Section or of any permit conditions. After providing the permit holder at least fifteen (15) days notice, the County shall hold a hearing to determine the nature and scope of the alleged violation. Upon finding a violation, the County may revoke the conditional use permit and require that immediate reparative or mitigating measures be commenced at the cost of the permit holder.
13. **Use-Specific Requirements.** The following list describes each type of conditional use listed in the rural zoning classifications and sets forth the specific development requirements applicable to that conditional use.
  - a. **Home Occupation Conditional Use.**
    - i. **Intent.** The intent of the Home Occupation Conditional Use is intended to accommodate a small-scale accessory commercial use occurring within a residential dwelling. Examples of a Home Occupation include home-based accounting, knife sharpening, tax consulting, counseling and data networking or web design.
    - ii. **Development Requirements.** The development requirements in Section 4.03.D, MCZR shall apply.

**b. Home Industry Conditional Use.**

- i. **Intent.** The intent of the Home Industry Conditional Use is intended to accommodate accessory commercial uses of residential property that are more intensive than the Home Occupation Conditional Use but that do not alter the residential character of the surrounding area. Examples of Home Industry include cabinet making, taxidermy, and arts and crafts studios.
- ii. **Development Requirements.** In addition to any mitigating conditions imposed on a conditional use permit under subsection 6, all of the following mandatory development requirements shall apply:
  - a. **Accessory Buildings.** Home Industry may occur within the Primary or Accessory Buildings on the property.
  - b. **Outdoor Storage and Screening.** Outdoor storage for Home Industry uses are limited to Accessory Buildings or areas screened from view of adjoining properties by dense landscaping, berms, walls, or opaque fencing. Existing vegetation screens shall be retained whenever possible.
- iii. **Employees.** Home Industry uses may employ no more than three non-resident employees.
- iv. **Signage.** No displays, advertising, or signage, other than directional signs smaller than six square feet are permitted.
- v. **Operation.** The regularly scheduled hours of operation and volume of users shall be established to ensure compatibility with neighboring property use.

**c. Child or Adult Day Care Center Conditional Use.**

- i. **Intent.** Missoula County needs affordable, good quality, licensed day care centers to provide for the needs of parents and children alike as well as for those adults who are unable to care for themselves. The Child or Adult Day Care Center Conditional Use is intended to provide for the health, safety, and welfare of children and incapacitated adults as well as considerations for the surrounding neighbors. The Child or Adult Day Care Center does not include day care homes serving 12 or fewer individuals that is registered by the department of public health and human services, in accordance with Mont. Code Ann. § 76-2-412.
- ii. **Development Requirements.** In addition to any mitigating conditions imposed under subsection 6, all of the following mandatory development requirements shall apply:

- a. **Licenses.** To establish a Child or Adult Day Care Center, the owner shall apply for all appropriate licenses and other requirements from the various agencies overseeing such facilities.
- b. **Fencing.** If providing care to children, the property shall contain a secure, opaque fenced play area. If providing care to adults, a secure open space shall be provided.
- c. **Parking.** The property shall contain adequate parking to minimize parking demands during drop off and pick up times.

**d. Kennels and Animal Protection Conditional Use.**

- i. **Intent.** Rural Missoula County has attracted various breeding and training operations of dogs and other animals. The intent of the Kennels and Animal Protection Conditional Use is intended to acknowledge the importance of adequate facilities to care for dogs and other animals in the most humane way while protecting neighboring property values.
- ii. **Development Requirements.** In addition to any mitigating conditions imposed under subsection 6, all of the following mandatory development requirements shall apply:
  - a. **Licenses.** To establish a Kennel, the owner shall apply for all appropriate licenses and other requirements from the various agencies overseeing such facilities.
  - b. **Control.** The animals shall be kept in such a manner so as not to create a nuisance by noise or odor, create a danger to human life or property, or endanger the health or safety of the animals.
  - c. **Enclosure.** Enclosures for animals shall be adequate for the animal to stand, sit, and turn around. The animals must be kept within a secure, opaque fenced area that ensures both the animal's and the public's safety.
  - d. **Waste.** All waste shall be removed as often as necessary to prevent odor and disease.

**e. Mobile Home Park Conditional Use.**

- i. **Intent.** The Mobile Home Park Conditional Use is intended for the location of mobile home development and minimizes the adverse impacts and possible conflicts between mobile home development and other forms of residential development.

- ii. **Development Requirements.** In addition to any mitigating conditions imposed on a conditional use permit under subsection 6, all of the following mandatory development requirements shall apply:
  - a. **Design.** The mobile home park design shall consider the relationship of the site to the surrounding area. The site perimeter shall be designed as to minimize adverse impacts on surrounding land uses.
  - b. **Utilities.** All public utilities shall be placed underground.
  - c. **Visual Impacts.** The buffering required under MCSR § 3.10.4 shall be created from dense landscaping or berms containing native vegetation.
- f. **Senior or Disabled Adult Housing Conditional Use.**
  - i. **Intent.** The Senior or Disabled Adult Housing Conditional Use is intended to recognize the unique needs of senior citizens and disabled adults. (This Conditional Use does not include community residential facilities housing eight (8) or fewer individuals, which are treated as a permitted residential use.) Appropriate areas are near essential services and amenities required by senior citizens or disabled adults, including medical services. Examples of housing that would qualify for these individuals include rentals, cooperatively owned spaces, individually owned condominiums, or other fee-simple arrangements. The buildings may be multi-family homes, attached single-family homes, and detached single-family homes, facilities that provide ambulatory care or facilities that provide congregate care or hospice care. This conditional use may result in different densities and setbacks than those allowed by underlying zoning.
  - ii. **Development Requirements.** In addition to any mitigating conditions imposed under subsection 6, all of the following mandatory development requirements shall apply:
    - a. **Open Space Areas.** Development shall provide open plazas, courtyard areas, or other open land areas with landscaping and sidewalks.
    - b. **Development Placement.** Development shall be oriented to ensure that livable areas of the development overlook open space, a courtyard, or other open plaza. Parking lots shall be located to allow ease and safety of access. Rooms used for living and sleeping which overlook parking lots shall have a landscaped courtyard, wall, or fence to screen the parking lot from view.
    - c. **Travel Corridors.** Development shall provide pedestrian walkways between buildings, communal open areas, parking areas, and roadways. Travel corridors shall be wheelchair accessible.

- d. **Building Linkages.** Buildings shall be linked with covered, paved walkways.
- e. **Street Access.** Buildings shall be linked to public streets and other neighboring areas with landscaped walkways.
- f. **Surrounding Land Uses.** Development of Senior or Disabled Housing shall be designed so as to mitigate health or safety hazards to senior citizens or disabled adults that may be generated by surrounding land uses.
- g. **Access Consideration.** Buildings shall be wheelchair accessible.
- h. **Building Height.** Buildings are subject to the height limits in the property's zoning classification. Further, no building shall be taller than one story unless designed or equipped so that residents using wheelchairs or walkers can reach upper stories without assistance.

**g. Recreational Commercial Conditional Use.**

- i. **Intent.** The Recreational Commercial Conditional Use is intended to promote recreation and tourism, while protecting the natural environment and existing uses. Examples of Recreational Commercial include day camps, bed and breakfasts or guest houses, recreational vehicle (RV) parks, guest ranches, destination resorts or conference centers, and campgrounds.

This conditional use may result in different densities and setbacks than those allowed by the underlying zoning classification. A natural features assessment is required in addition to other application requirements for this conditional use:

**Natural Features Assessment.** The applicant shall submit a contour map of the property, prepared by a qualified professional, that demonstrates how the proposed development meets the applicable conservation design standards and that identifies the following features:

- a. Proposed open space land.
- b. Waterbodies, waterways, wetlands, and floodplains.
- c. Tree canopy, forest vegetation areas or tree stands.
- d. Wildlife habitat, including winter range, migration corridors, breeding areas, and nesting areas.
- e. Lands used for agricultural purposes.
- f. Historic, archeological, or cultural features listed (or eligible to be listed) on the National Register of Historic Places or with the State Historic Preservation Officer.
- g. Slopes in excess of 10%.
- h. Ridgelines, hilltops, and watershed divides.
- i. Existing lighting on the property.

- j. Existing roads, trails, utilities or other easements.
- k. Proposed roads, trails, or other easements.
- l. Lands with soils that do not support residential development.
- m. Locations and types of proposed landscaping.

Additionally, a Grading Plan per Section 3.06(P), MCZR shall be included with the Assessment in all cases.

- ii. **Development Requirements.** In addition to any mitigating conditions imposed on a conditional use permit under subsection 6, all of the following mandatory development requirements shall apply:
  - a. **Emergency Services.** Roads shall provide access for emergency service providers such as ambulances and fire engines and shall be approved by the appropriate fire jurisdiction.
  - b. **Visual Impacts.** All structures, including temporary structures, shall be screened so that they cannot be viewed from public roadways or residential areas. Screens shall use native vegetation where possible, and shall be created from dense landscaping or berms.
  - c. **Conservation Design Standards.** Development shall meet the following standards:
    - i. **Open Space Land.** Open space land shall be designated through a deed restriction that permanently restricts development.
    - ii. **Topographic Constraints.** Development shall cause minimal visual impacts by locating structures adjacent to roads, tree lines, and wooded field edges when feasible and when resource and fire concerns are not implicated. Development shall not obscure ridgelines, hilltops, or viewshed corridors.
    - iii. **Compatibility with Scenery.** All structures shall be constructed and maintained so that exterior wall and roofing color and materials repeat the colors most commonly present in the land and vegetation around the structure. All structures shall have a light reflective value of no more than forty percent.
    - iv. **Environmentally Sensitive Areas.** Structures, roads, driveways, and areas of use shall be located outside of environmentally sensitive areas, such as wildlife habitat, riparian resource areas and wetlands. To prevent intrusion into environmentally sensitive areas, the County may require clustering of structures and areas of use.

- v. **Grading.** Development shall provide suitable drainage for surface runoff. Each culvert or other drainage facility shall be large enough to accommodate potential run-off from upstream drainage areas. Standards in Section 3.06(P) MCZR shall apply to all development activity. Site grading shall not alter natural vegetation areas and wildlife habitat.
- vi. **Fencing.** Wildlife friendly fencing shall be used. Fencing shall blend in with existing flora and fauna by using natural materials or landscaping.
- vii. **Landscaping.** Plants and tree species characteristic of the local or regional habitat shall be used whenever possible, and shall be based on species lists maintained by the Missoula County Extension Office. Noxious weeds shall not be used in landscaping. All vegetation shall be kept alive and maintained. If the vegetation dies, it shall be replaced.
- viii. **Contiguous Habitat.** Species habitat shall remain contiguous within the site and with neighboring lands. Clustering of buildings is encouraged to further protect open space, natural vegetation, wildlife habitat, and any cultural or historic features present.
- ix. **Mitigation.** Mitigation of any development disturbances shall occur after construction so as to not impact the environmental or cultural resources of the surrounding area.
- x. **Geologic Constraints.** Development shall only occur in areas with stable soils and where geologic hazards are not present.
- xi. **Roads.** Development shall comply with the following road construction requirements, as well as the requirements in MCSR Sections 3.2.2 and 3.13.5. Roads, basins, grading, and other improvements shall create minimal site disturbance.

**h. Hospital or Medical Clinic Conditional Use.**

- i. **Intent.** The Hospital or Medical Clinic Conditional Use is intended to provide a site for a hospital or medical clinic for services to the rural areas of Missoula County and minimize the adverse impacts and possible conflicts between a hospital or medical clinic and other forms of development.
- ii. **Development Requirements.** In addition to any mitigating conditions imposed under subsection 6, all of the following mandatory development requirements shall apply:
  - a. **Other Permits.** The application shall be accompanied by all other permits required by the State of Montana for the construction of a hospital or medical

clinic or evidence that the needed permits will be issued pending the granting of proper zoning.

- b. **Parking.** This use shall comply with off-street parking requirements for the zone in which the use is being requested. On-site parking shall be available for patients and their visitors.
  - c. **Open Space Areas.** Development shall provide open plazas, courtyard areas, or other open land areas with landscaping and sidewalks.
  - d. **Development Placement.** Developments shall be oriented to ensure that livable areas of the building overlook open space, a courtyard, or other open plaza. Parking lots shall be located to allow ease and safety of access. Rooms used for sleeping which overlook parking lots shall have a landscaped courtyard, wall or fence to screen the parking lot from view.
  - e. **Travel Corridors.** Development shall provide pedestrian walkways between buildings, communal open areas, parking areas, and roadways. Travel corridors shall be wheelchair accessible.
  - f. **Building Linkages.** Buildings shall be linked with covered, paved walkways.
  - g. **Street Access.** Buildings shall be linked to public streets and other neighboring areas with landscaped walkways.
- i. **Assembly Conditional Use**
- i. **Intent.** The Assembly conditional use encompasses a range of public, quasi-public and private uses where people come together for some common purpose. Assemblies include but are not limited to churches, synagogues, temples and other places of religious exercise, as well as meeting halls, clubs, and membership organizations. Commercial theatres and entertainment establishments are not included. This conditional use is intended to ensure that an assembly's traffic, parking, noise, and space requirements are appropriately conditioned to ensure the health, safety, and welfare of the surrounding neighborhood.
  - ii. **Development Requirements.** In addition to any mitigating conditions imposed under subsection 6, all of the following mandatory development requirements shall apply:
    - a. **Operation.** The regularly scheduled hours of operation and volume of users shall be established to ensure compatibility with neighboring property use.



- b. **Parking.** Off-street parking shall be governed by MCZR Section 3.02. Where possible, parking lots shall be located behind buildings to minimize visual impact.
- c. **Landscaping and Buffering.** The assembly shall install and maintain landscaping and buffering around all buildings to ensure compatibility with neighboring property use. Buildings shall be linked to public streets and other neighboring areas with landscaped walkways.
- d. **Building Placement.** Buildings shall be oriented to minimize impact to the viewshed.
- e. **Signage.** Signs must comply with the requirements of MCZR Section 3.04(C).

