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MINUTES OF MEETING OF PLANNING AND ZONING COMMISSION  
HELD ON THE 27th day of DECEMBER,  
1958

The Planning and Zoning Commission of Missoula County, created by an Order of the Board of Commissioners dated April 12, 1955, met on December 27, 1958.

Present: A. B. Jungers, Chairman, R. G. Ostergren, J. J. Howe, and H. W. Stoutenburg. Vernon R. Peterson, Commission Secretary, was absent and excused.

The meeting was called to order at 10:30 o'clock A.M. by A. B. Jungers, Chairman, who announced that the business of the meeting was the consideration of the Petition of residents of the area in the North Half (N $\frac{1}{2}$ ) of Section Thirty (30) and in the South Half of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$ ) of Section Nineteen (19), Township Thirteen (13) North, Range Nineteen (19) West in Missoula County. The Chairman stated that three separate petitions had been presented for the creation of a planning and zoning district in each of the three areas.

R. H. Robinson, representing the interested residents and landowners of the area concerned, advised the Commission of the area involved, the reasons why the residents and landowners were desirous of the creation of a planning and zoning district and the type of district that was desired. Following Mr. Robinson's statements, members of the Commission made certain inquiries regarding the interests of the residents and landowners and called for protests or objections to the three petitions. There were no protests and no objectors to the petitions and to the plan of creating a planning and zoning district for each of the three areas. Thereupon, the following resolution was proposed by J. J. Howe, which was adopted upon the second of H. W. Stoutenburg and the unanimous vote of the commission present:

"BE IT RESOLVED, that whereas there have been separate Petitions filed to the Board of County Commissioners of Missoula County, Montana, for the creation of certain Planning and Zoning Districts within the boundaries described therein.

AND WHEREAS, each of the respective petitions were signed by more than 60% of the freeholders within such areas, and

WHEREAS, the County Commissioners thereupon appointed a Zoning Commission in accordance with the provisions of Chapter 154 of the Laws of 1953, State of Montana,

AND WHEREAS, the Zoning Commission thereafter by Order directed that Notice of a Public Hearing be given as required

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by law, relating to the areas set forth in said respective petitions and that such notice was thereafter given and a public hearing held pursuant to said notices,

NOW, THEREFORE, it is ordered and this does order that there is hereby created Missoula Planning and Zoning District No. 9, Missoula Planning and Zoning District No. 10, and Missoula Planning and Zoning District No. 11, which said Districts include all of the lands within the boundaries hereinafter described, as follows, respectively and specifically:

MISSOULA PLANNING & ZONING DISTRICT NO. 9:

Lots Thirty-Three (33) through Thirty-Eight (38) and Lots Fifty-Nine (59) through Sixty-Four (64) of Dinsmore's Orchard Homes No. 4.

MISSOULA PLANNING & ZONING DISTRICT NO. 10:

Lots Thirty-Nine (39) through Fifty-Eight (58) of Dinsmore's Orchard Homes No. 4.

MISSOULA PLANNING & ZONING DISTRICT NO. 11:

South Half of the Southwest Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$ ) of Section Nineteen (19), Township Thirteen (13), Range Nineteen (19) West, in Missoula County, together with Lots 23 thru 26 of Dinsmore Orchard Homes No. 4.

IT IS FURTHER ORDERED, AND THIS DOES ORDER, that the following shall govern the use of lands and structures within the above described respective Missoula County Planning and Zoning Districts No. 9, 10 and 11:

Section One: No building, structure or premises shall be used and no building or structure shall be erected structurally, altered or maintained, except as otherwise provided in this ordinance, except for one or more of the following uses, and except as herein specifically provided, it shall be unlawful to use any of the lands within the boundaries of the Missoula County Planning and Zoning Districts No. 9, No. 10, or No. 11, or any structures or buildings located thereon for any commercial businesses or industrial use. The uses which are specifically permitted in each of these respective planning and zoning districts as above described, are as follows:

1. One family dwellings (excluding house trailer for commercial use).
2. Two family dwellings (excluding house trailer for commercial use).
3. Churches and Temples.
4. Libraries.
5. Schools and Colleges.
6. Parks and Playgrounds.
7. Any public fire station, telephone exchange where no public telephone business office and no repair or storage facilities are maintained or any necessary public utility building.

8. Accessory buildings incidental to the above use located on land owned by the owner of the building of which the principal use is made and continuous thereto, provided that such accessory buildings do not involve the conduct of any business, industrial or commercial enterprise.
9. Any agricultural, horticultural or stock raising enterprise may be carried on within the above-described districts, and, in connection therewith, buildings such as barns, silos, granaries, garages, sheds and the like, may be maintained, altered or erected; provided, however, that such buildings be reasonably designed for use in connection with the purposes specified in this sub-paragraph 9, and be not used for any other purpose.
10. Any building presently located within the boundaries of Missoula Planning and Zoning Districts No. 9, No. 10 or No. 11, may be maintained and lawful use presently being made of the land in the said described districts may be continued whether the same be in conformity with the provisions of the regulations herein; provided, however, that if any non-conforming use is discontinued for a period of two years, any future use thereafter shall be in conformity with the provisions of this ordinance. Buildings devoted to presently non-conforming uses may be maintained, altered or enlarged; provided, further, that buildings and lands presently used for non-conforming uses may not be devoted to any non-conforming use other than the use being made of such buildings or lands as of the date of the enactment hereof.
11. The growing and harvesting of timber is expressly permitted, but it shall be unlawful to conduct or operate any saw-mill, planing mill or other establishment for the processing of timber or the manufacture of wood products within the above-described planning and zoning districts.

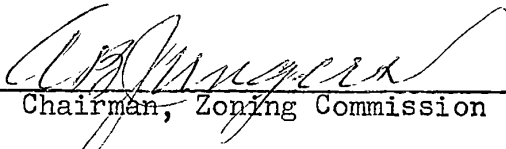
Section Two: In conformity with the provisions of Section 16-4103, Cumulative Supplement of the Revised Codes of Montana, 1947, the Board of County Commissioners shall have the power to authorize such variance in these regulations that will not be contrary to public interest where, owing to special conditions, the lateral enforcement of the Planning and Zoning Commission would result in unnecessary hardship.

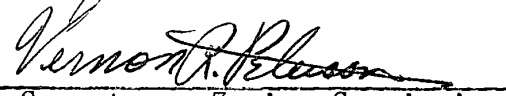
Section Three: Reference is hereby made to the descriptive matter contained in the Petition filed in connection with the Missoula County Planning and Zoning Districts Nos. 9, 10, and 11, and to the map of said districts, which are on file in the Office of the Secretary of this Planning and Zoning Commission.

IT IS FURTHER ORDERED, that in conformance with Section 16-4101, Revised Codes of Montana, 1947, as amended, that the claim for services rendered by R. H. Robinson, in connection with the creation and establishment of Planning and Zoning

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Districts No. 9, No. 10, and No. 11 shall be and hereby are ordered to be paid from the assessment of the levy not to exceed one mill on the taxable valuation of the real property within the above-described districts.

  
Chairman, Zoning Commission

  
Secretary, Zoning Commission

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| I received and filed this instrument for record on the <u>27</u> day of <u>Jan</u> 19 <u>57</u> |                                       |
| at <u>11:20</u> o'clock <u>A.M.</u> , permanent files of Missoula County, State of Montana      |                                       |
| Witness my hand:<br>MARTIN S. BEHNER, County Recorder   |                                       |
| By <u>Kerama Brouse</u> Deputy  |                                       |
| Fee \$ <u>none</u>  | Paid <u>File - zoning Journal "A"</u> |