

RESOLUTION NO. 97-025

A RESOLUTION TO CREATE PLANNING AND ZONING DISTRICT #42

BE IT RESOLVED, that whereas a petition was filed with the Board of County Commissioners of Missoula County, Montana, for the creation of a planning and zoning district in the Huson area, within the boundaries described in said petition and shown on the map submitted; and

WHEREAS, the petition was signed by more than sixty (60) percent of the freeholders within such area; and

WHEREAS, the County Commissioners thereupon appointed a Planning and Zoning Commission in accordance with the provisions of Title 76, Chapter 2, Part 101 of Montana Code Annotated; and,

WHEREAS, the Planning and Zoning Commission thereafter, by order, conducted a public hearing in accordance with Title 76, Chapter 2, Part 106 of Montana Code Annotated;

NOW, THEREFORE, BE IT RESOLVED that there is hereby created Missoula County Planning and Zoning District No. 42, in the Huson area, which said district is described as follows:

Beginning at the section corner common to section 26, 27, 34, 35 T15N R22W, then northerly along section line for 1311 feet more or less to the true point of beginning. Then easterly 1314 feet more or less, then northerly 1316 feet more or less, then easterly 806 feet more or less to a point on the northerly edge of the Clark Fork River. Then along the northerly high water mark of the Clark Fork River to the southwesterly corner of COS 2121 Tract A. Then along the southerly boundary of Tract A, COS 2121 and common to the high water mark of the northerly shore of the Clark Fork River to the northerly boundary of the Montana Rail Link right of way. Then along the northerly right of way of the Montana Rail Link property to the intersection of Mullan Road and the southerly end of Exit 85 off Interstate 90. Then northerly 150 feet more or less to southern right of way to Interstate 90. Then westerly along the Southern boundary of Interstate 90 to the section line common to section 26, 27 of T15N R22W. Then South 700 feet more or less to the True point of Beginning. (See attached zoning map Exhibit A-1)

IT IS FURTHER ORDERED, that the following shall govern the use of lands and structures within the above Planning and Zoning District No. 42:

Section I - Uses

Open and Resource (ZD 42-OR)

1. Single Family Dwellings, not to exceed one (1) dwelling unit per 40 acres

Residential Zone (ZD 42-R)

1. Single Family Dwellings, not to exceed one (1) dwelling unit per acre
2. Home Occupations
3. Accessory buildings

Commercial Zone (ZD 42-C)

1. Commercial Uses
2. Multi-family residential, not to exceed sixteen (16) dwelling units per acre

Section II - General Regulations and Variances

1. Nonconforming buildings may be maintained and altered but not enlarged and the use of land may be continued.
2. No building, structure or premises shall be used and no building shall be erected, altered or maintained except as provided herein.
3. The Board of County Commissioners may authorize variances to the designated uses and densities that are not contrary to the public interest, where owing to special conditions literal enforcement would result in unnecessary hardship.

Definitions

Accessory Buildings - A detached building, excluding a second dwelling unit, the use of which is customarily incidental to that of the main building, or to the main use of the premises, and located on the same lot with the main building or use.

Commercial - An occupation, employment or enterprise by an owner, lessee, or licensee, for the purpose of buying and selling commodities and supplying of services, for profit.

Home Occupation - Any use carried on by the inhabitants of a residence, which is clearly incidental and secondary to the purposes of the dwelling and which conforms with Resolution No. 81-132.

Non-Conforming Use - The lawful use of land or structures that existed prior to adoption of this resolution.

Single Family Dwelling - A building designed to be occupied exclusively by one single family. The following are deemed to be a single family dwelling: site-built home, mobile home or modular home and does not include a travel trailer or a recreational vehicle.

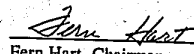
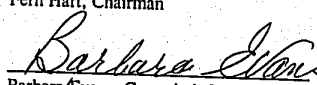
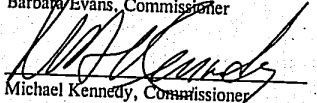
Multi-family Dwelling - A building designed for or occupied as the home of two or more families living independently of each other.

Dated this 10th day of April, 1997.

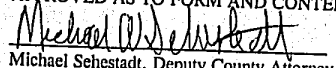
ATTEST:


Vickie Zeier, Clerk & Recorder

BOARD OF COUNTY COMMISSIONERS
Missoula County, Montana


Fern Hart, Chairman

Barbara Evans, Commissioner

Michael Kennedy, Commissioner

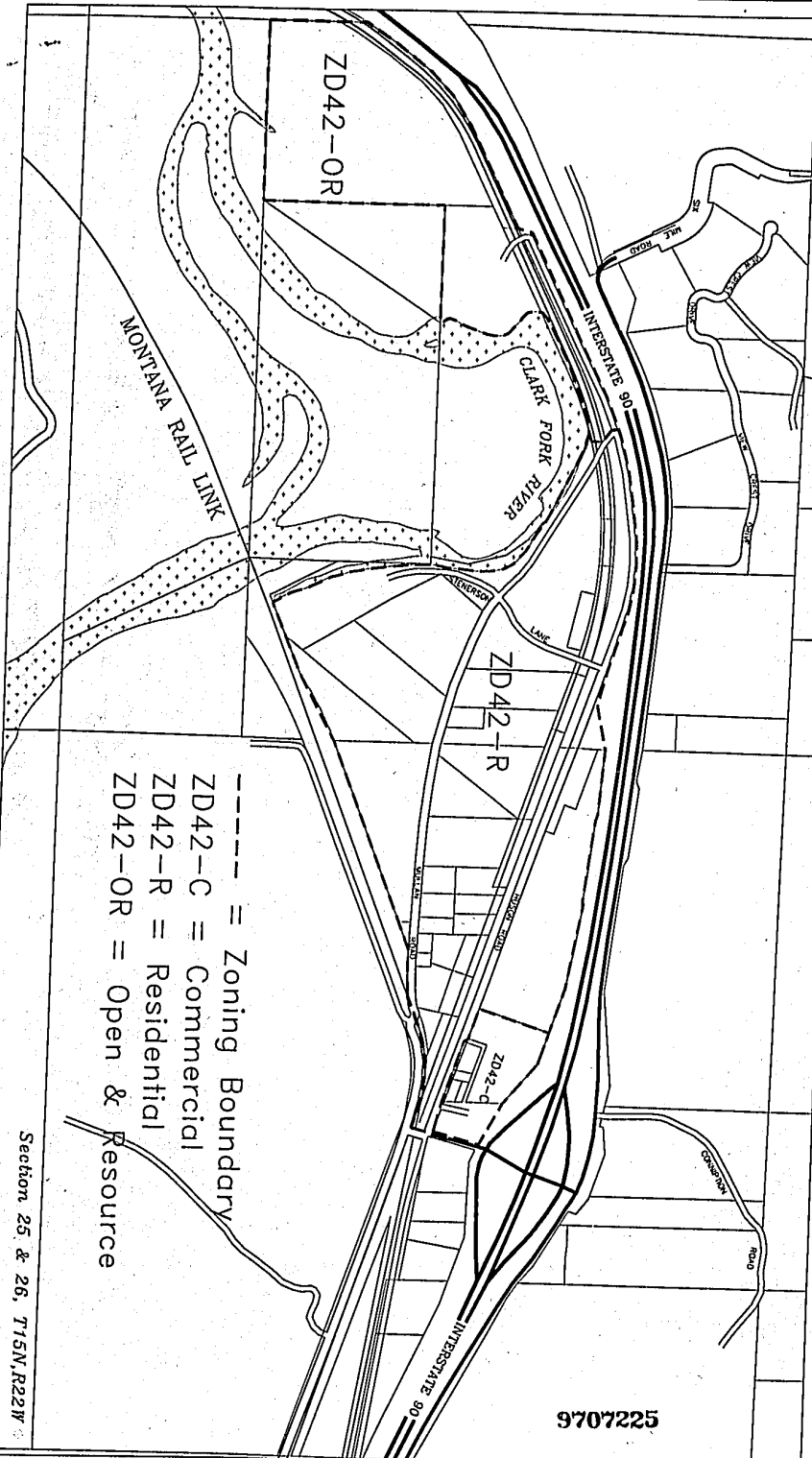
APPROVED AS TO FORM AND CONTENT:


Michael Sehestadt, Deputy County Attorney
Huson Res. Revised 3/5/97

502 MAR 1997

9707225

Huson Zoning District EXHIBIT "A-1"



----- = Zoning Boundary
ZD42-C = Commercial
ZD42-R = Residential
ZD42-OR = Open & Resource

Section 25 & 26, T15N, R22W

Drawn By: D.J.D.
March 6, 1997

I RECEIVED AND FILED THIS INSTRUMENT FOR RECORD ON THE 16 DAY OF MAY 1997 AT 1:53 O'CLOCK P.M. AND IT IS RECORDED IN VOL 502 OF MICRO RECORDS OF THE COUNTY OF MISSOULA, STATE OF MONTANA, ON PAGE 180. FEE PAID \$ RETURN TO ADDRESS BY DEPUTY REC'D

SUB-STANDARD QUALITY WHEN FILMED