

RESOLUTION NO. 2006- 106

**A RESOLUTION TO EXTEND THE BOUNDARIES AND TO AMEND THE DEVELOPMENT
PATTERN OF CITIZEN-INITIATED ZONING DISTRICT #44**

WHEREAS, a petition was filed with the Board of County Commissioners of Missoula County, Montana, to extend the boundaries of Citizen-Initiated Zoning District #44 described in the petition and shown on the map submitted with the petition; and amend the district development pattern, and

WHEREAS, the petition was signed by more than sixty (60) percent of the freeholders within the proposed zoning district; and

WHEREAS, a notice of a hearing to be held on April 26, 2006 was published in the Missoulian on April 9 & 16, 2006; and

WHEREAS, notice was posted in at least three public places within the area affected, at least 15 days prior to the April 26, 2006 hearing; and


WHEREAS, the Planning and Zoning Commission and Board of County Commissioners held a public hearing on April 26, 2006 on the petition to amend the district boundaries and voted to approve the amendment to extend the boundaries of the district; and

WHEREAS, the Planning and Zoning Commission and Board of County Commissioners held a public hearing on April 26, 2006 on the petition to amend the district development pattern and voted to approve the development pattern subject to amendments,

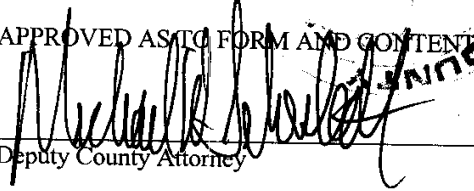
NOW, THEREFORE, BE IT RESOLVED that Zoning District #44 is hereby amended as illustrated by the map, legal descriptions, and district development pattern attached to this resolution.

Dated this 21st day of July, 2006.

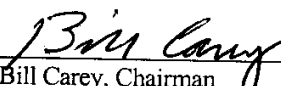
ATTEST:


Vickie Zeier, Clerk & Recorder

APPROVED AS TO FORM AND CONTENT


Deputy County Attorney

BOARD OF COUNTY COMMISSIONERS
Missoula County, Montana


Bill Carey, Chairman


Jean Curtiss, Commissioner

NOT AVAILABLE FOR SIGNATURE

Barbara Evans, Commissioner

SLEEMAN GULCH ZONING DISTRICT NO. 44
Created on March 10, 2003
Amended on April 26, 2006

SECTION I - APPLICABILITY

This Zoning District applies to the following property:

Region One:

The SW 1/4 of Section 28, the east 1/2 of Section 29 excepting that portion of Tract 34 of Certificate of Survey 1605 that lies in the SE 1/4 of Section 29, the NE 1/4 of Section 32 excepting Tracts 34, 35, 36, 37 and 38 of Certificate of Survey 1605, and Tract 40B of COS 3765 in Section 33, Township 12 North, Range 20 West, PMM, Missoula County, Montana.

Region Two:

The NW 1/4 of Section 29 and all of Section 20 excepting the SW 1/4 and the West 1/2 of the NW 1/4, Township 12 North, Range 20 West, PMM, Missoula County, Montana.

Region Three: Tracts 34 and 35 of COS #1605 in Sections 28, 29, 32 and 33; Tracts 1 and 2 of COS #5514 in Section 33, Tract 40A of COS # 3765 in Section 33, and Tract 39-A3 of COS #3582 in Section 33 of Township 12 N, Range 20 W, P.M.M.

Region Four: Lots 1, 2, 3, and 4 of Chief Joseph Addition in Section 33 of Township 12 N, Range 20 W, P.M.M.

Region Five: Tract S of COS #4155 and Tract R of COS #2450 in Section 33 of Township 12 N, Range 20 W, P.M.M.

Region Six: Tracts 39-A1, 39-A1A, and 39-A2 of COS #3582 in Section 33, Portion A of COS #3783 and Portion B of COS #4006 in Section 33, and the property in SE4 NW4 & in SW4 NE4 of Section 33 with Property Identification Number 5908941, all in Township 12 N, Range 20 W, P.M.M.

SECTION II - USES

Permitted uses

1. Single-family dwellings;
2. One accessory dwelling unit per legal lot of record;
3. Accessory buildings;
4. Home occupation;
5. Agricultural activities as defined in MCA 76-2-902; and
6. Storage of a portable sawmill less than 20 feet long within an accessory building.
The sawmill may be operated on-site no more than seven days per month.
7. Sand and gravel operations within 1/4 mile of Route US12.

Prohibited uses

1. Any commercial uses;
2. Any industrial uses; and
3. Mobile homes, trailers, campers, tents, or any structure temporary in character shall not be used as a residence, except on a temporary basis up to six (6) months in duration, which can be extended another six (6) months, for a total of twelve (12) months, if the landowner is building a home on their property.

SECTION III - SPACE AND BULK REQUIREMENTS

Note: Regions One and Two are subject to a minimum lot size standard, whereas Regions Three through Six are subject to a maximum density standard.

1. Minimum lot size:
 - A. Region One: 10 acres
 - B. Region Two: 40 acres
2. Maximum permitted density:
 - A. Region Three: 1 dwelling unit per 10 acres
 - B. Region Four: 1 dwelling unit per 20 acres
 - C. Region Five: 1 dwelling unit per 2.5 acres
 - D. Region Six: 1 dwelling unit per acre
3. Minimum building size: 1,250 square feet of gross floor area
4. Maximum accessory building(s) square footage: The cumulative accessory building square footage shall not be greater than 2,500 square feet of gross floor area.
5. Placement of Structures (Setbacks):
 - a. Structures must be set back at least 30 feet from side, front and rear adjacent properties and the Sleeman Creek Road right-of-way.

SECTION IV – DEVELOPMENT STANDARDS AND GENERAL REGULATIONS

1. Signs are prohibited, except for the following which shall be no larger than six (6) square feet:
 - a) land and “home for sale” signs
 - b) signs denoting address and landowner names, and
 - c) signs that exclude trespassing or unwanted activity.
2. **Definitions.** Applicable definitions of terms contained in the Section 1.05 of the Missoula County Zoning Regulations shall apply to this Zoning District, unless otherwise defined herein.

- a) Home Occupation – Any business use customarily conducted entirely within a dwelling or permitted accessory building and carried on by the inhabitants thereof which is clearly incidental and secondary to the purposes of the dwelling and conforms with Resolution #81-132.
- b) Accessory Dwelling Unit – A dwelling unit which is incidental and accessory to the primary residence and is contained wholly within the primary residence. The accessory dwelling unit (hereinafter “ADU”) must conform to the following standards: 1) have a gross floor area no greater than 50% of the primary residence’s total gross floor area (i.e. if the residence is 2,000 square feet, the ADU may be up to 1,000 square feet), 2) any separate access to the ADU must be on the side or rear of the primary residence, and 3) only one attached garage is allowed for both the primary residence and ADU combined.

3. Road and Driveway Standards

- a) New roadways or driveways that access a residence may not exceed an eight percent (8%) grade. A ten percent (10%) grade may be maintained for lengths not to exceed fifty feet (50').
- b) Dead-end driveways in excess of 150 feet in length shall have an approved turn-around for fire apparatus. A turn-around shall be located within 150 feet of the building. A minimum unobstructed width of not less than twenty (20) feet and an unobstructed vertical clearance of 13'6" shall be provided for any driveway over 150 feet. Driveways shall be at least twelve (12) feet wide. Final driveway design shall be subject to approval by the appropriate fire jurisdiction.

4. Hillside Design Standards

- a) Structures shall not be constructed on slopes with a grade of 25% or greater.
- b) Lots shall have a 2,000 square foot contiguous buildable area with a slope of less than 25%.

SECTION V - SUBMITTAL REQUIREMENTS FOR PERMIT

Any proposed new use, change in use, building construction, or road or driveway construction shall receive a zoning compliance permit from the County Zoning Officer. Each application for a zoning compliance permit shall be accompanied by a site plan drawn to a scale not less than 1"= 30' that demonstrates compliance with the development standards in this Zoning District.

SECTION VI – VARIANCES

The Missoula County Board of County Commissioners may authorize variances to this Zoning District that will not be contrary to the public interest, where, owing to special

conditions, literal enforcement would result in unnecessary hardship. The Planning and Zoning Commission shall conduct a public hearing and give notice in conformance with applicable Montana law.

SECTION VII – NONCONFORMING LOTS, USES AND STRUCTURES

1. Nonconforming Lots of Record - Buildings in conformance with this Zoning District may be constructed on a lot that does not meet the minimum lot size requirement, if the lot was legally created prior to the adoption of this Zoning District.
2. Nonconforming Structures - A lawful structure that existed prior to the adoption of this Zoning District which could not be built under this district due to restrictions on lot size, dwelling size, setbacks or other such restrictions, may continue to exist and may be replaced if destroyed by fire or other natural disaster. Nothing in these regulations are intended to prohibit the expansion or replacement of structures existing at the adoption date of this Zoning District.
3. Nonconforming Uses - A legal non-conforming use is an existing use of the land at the time of the amendment of these regulations, April 26, 2006, the use of which does not conform to these regulations. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of amendment of this district. If a nonconforming use of land ceases for any reason for a period of one hundred eighty (180) days, subsequent use of the land shall conform to these regulations.

SECTION VIII - VIOLATIONS

If a violation of these regulations occurs, or is alleged to have occurred, any person may file a written complaint to the County Zoning Officer stating the causes and basis of the alleged violation. The Zoning Officer shall record and investigate the complaint. If it is determined that any of the provisions are being violated, the zoning officer shall submit a written report to the Office of the County Attorney for appropriate legal action.

SECTION IX - APPEAL

Any person aggrieved by any decision of the Commission or the Board of County Commissioners may, within 30 days after such decision or order, appeal to the Missoula County District Court.

SECTION X – SEVERABILITY CLAUSE

In the event any section, part, term, clause or provision contained in the Zoning District regulation is held by any court to be invalid, illegal, unconstitutional or otherwise unenforceable, then, nevertheless, all other and remaining sections, parts terms, clauses and provisions thereof and hereof shall continue and remain in force and effect.



SECTION XI – HISTORY

Zoning District 44 was created on March 10, 2003 following public hearings before the Missoula County Planning and Zoning Commission and the Missoula County Commissioners on January 8, 2003 and February 9, 2003. It was amended on April 26, 2006 following a public hearing on April 26, 2006 before the Missoula County Planning and Zoning Commission and the Missoula County Commissioners.



Zoning District 44 Amended

