

1/24/84

RESOLUTION NO. 84-010

VOL 200 PAGE 1285

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 a portion of Lolo, within the boundaries described in said petition and shown on the map submitted herewith; 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. 41, in a portion of Lolo, which said district is described as follows:

IN SECTION 25, TOWNSHIP 12 NORTH, RANGE 20 WEST, all land west of the center of the Bitterroot River, except that portion east of Tyler Way and south of Phase II of the Lakewood Estates subdivision.

IN SECTION 26, TOWNSHIP 12 NORTH, RANGE 20 WEST, that portion described as follows:

Beginning at the northern point of the mid-section line, thence south to the rear lot line of Lot 2, Block 1 of Lake View Addition; thence southeast along the rear lot lines of Lots 3,4,5,6,7,8,9,10,11,12, and 13 of Block 1, Lake View Addition; thence southwest along the east property line of Lot 13 to the southeast corner of Lot 15, Block 9, Lake View Addition; thence southeast along the rear lot lines of Lots 15, 14, 13, 12, 11, 10, and 9 of Block 9, Lake View Addition; thence southeast to the southwest corner of Lot 16, Block 7, Lake View Addition; thence southeast along the rear lot lines of Lots 16, 15, 14, 13, 12, 11, 10, and 9 of Block 7, Lake View Addition; thence east to the east section line of Section 26; thence north along the section line to the center of the Bitterroot River; thence northwest along the center of the River to the north section line of Section 26; thence west to the mid-section line of Section 26, Township 12 North, Range 20 West, the point of beginning.

IN SECTION 23, TOWNSHIP 12 NORTH, RANGE 20 WEST, that portion described as follows:

Beginning at the southern point of the mid-section line, thence east to the center of the Bitterroot River; thence northwest along the center of the River to the mid-section line; thence south to the south section line, the point of beginning.

IT IS FURTHER ORDERED, and this does order, that the following shall govern the use of lands and structures within the above Planning and Zoning District No. 41:

SECTION I - PERMITTED USES

No use shall be permitted except single-family residential uses, grazing, horticulture, agriculture, and timber growing activities.

Single-family residential uses shall be restricted to one single-family dwelling per lot.

SECTION II - PROHIBITED USES

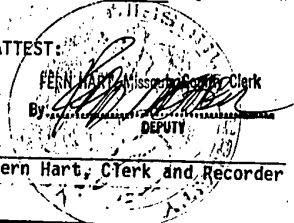
Any use other than the permitted uses.

SECTION III - GENERAL REGULATIONS AND VARIANCES

1. Mobile homes shall not be interpreted to be single-family dwellings. A mobile home is defined as any residential structure larger than two hundred fifty-six (256) square feet in area which is either wholly or in substantial part manufactured at an off-site location, over thirty-two (32) feet in length and over eight (8) feet wide, constructed to be towed on its own chassis and designed without a permanent foundation for year-round occupancy, which includes one (1) or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or of two (2) or more units separately towable, but designed to be joined into one integral unit, as well as a portable residential structure composed of a single unit.
2. A legal nonconforming use shall be defined as a use of land which was an actual and lawful use at the time of adoption of the current Zoning District No. 41 development regulations, but which use because of such adoption or subsequent changes in district boundaries or regulations, does not conform to the existing regulations.
3. A legal nonconforming use shall not be enlarged, increased or extended to occupy a greater area of land than was occupied at the effective date of adoption the Zoning District No. 41 Regulations.
4. No such nonconforming use shall 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 Zoning District No. 41 Regulations.
5. If any such nonconforming use of land or structure ceases for any reason for a period of five (5) years, any subsequent use of land shall conform to the standards specified by the Zoning District No. 41 Regulations.
6. The minimum lot size of lots shall be ten-thousand (10,000) square feet.
7. Lots 40 and 41 of Lakewood Estates - Phase II may be developed as four-plex lots, as per the Final Plat approval of the Lakewood Estates, Phase II subdivision.
8. The Board of County Commissioners may authorize variances which will not be contrary to the public interest where, owing to special conditions, literal enforcement would result in unnecessary hardship.

Dated this 24th day of January, 1984.

ATTEST:



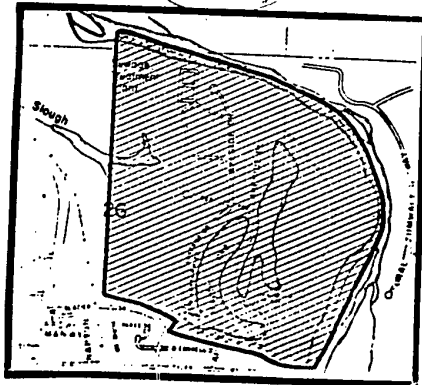
 By Fern Hart, Clerk and Recorder

BOARD OF COUNTY COMMISSIONERS
Missoula County, Montana

Bob Palmer
Bob Palmer, Chairman

Barbara Evans
Barbara Evans, Commissioner

Ann Mary Dussault
Ann Mary Dussault, Commissioner



I received and filed this instrument for record on the 24 day of Jan, 1984 at 5:37 o'clock P.M., and it is recorded in Vol. 200 of Micro Records of the County of Missoula, State of Montana, on page 1285.

Witness my hand:
By Fern Hart, County Recorder
Anna C. [unclear], Deputy
Fee \$ Paid
Return to
Address Res. [unclear] [unclear]

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