

RESOLUTION NO. 2007- 045

**A RESOLUTION TO CREATE THE PONDA ROSA ACRES  
PART ONE "CITIZEN-INITIATED" ZONING DISTRICT #46  
AND APPLY A DEVELOPMENT PATTERN TO THIS DISTRICT**

**WHEREAS**, a petition was filed with the Board of County Commissioners of Missoula County, Montana, to create the boundaries of a Part One ("Citizen-Initiated") Zoning District described in the petition and shown on the map submitted with the petition; and create a 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**, notice was posted in at least three public places within the area affected, at least 15 days prior to the February 14, 2007, hearing; and,

**WHEREAS**, the Planning and Zoning Commission and Board of County Commissioners held a public hearing on February 14, 2007, on the petition to create the district boundaries and voted to approve the boundaries of the district as proposed; and,

**WHEREAS**, the Planning and Zoning Commission and Board of County Commissioners held a public hearing on February 14, 2007, on the petition to create and apply the district development pattern and voted to approve the development pattern subject to amendments;

**NOW, THEREFORE, BE IT RESOLVED** that the boundary of the Ponda Rosa Acres Zoning District #46 is hereby created as illustrated by the map and legal descriptions attached to this resolution and the Ponda Rosa Acres Zoning District #46 development standards, as shown in the attachment, do hereby apply to this Part One "Citizen-Initiated" Zoning District.

Dated this 28<sup>th</sup> day of March 2007.

ATTEST:

Vickie M Zeier  
Vickie Zeier, Clerk and Recorder



BOARD OF COUNTY COMMISSIONERS  
MISSOULA COUNTY

**NOT AVAILABLE FOR SIGNATURE**

Barbara Evans, Chairman

APPROVED AS TO FORM AND CONTENT:

Michael Sehestedt  
Michael Sehestedt, Deputy County Attorney

Jean Curtiss  
Jean Curtiss, Commissioner

Bill Carey  
Bill Carey, Commissioner

## Ponda Rosa Acres Part One ("Citizen-Initiated") Zoning District # 46

### **Section I: Purpose**

The Ponda Rosa Acres Part One Zoning District #46 is established in recognition of its citizen's desire to maintain the area's rural and low density character. This zoning district is compatible with the existing covenants which were amended in June of 2002 by notarized signatures from 80% of the lot holders. The intent is to maintain the area as a rural residential area of the first quality and to maintain and improve the environment, aesthetic qualities, property values, and other features of the area which are desirable to continue the rural residential nature of the district.

### **Section II: Applicable**

This district is applicable to the Ponda Rosa Acres subdivision in its entirety, Lots 1 – 52, and any re-subdivisions of these lots, located in Sections 7 and 8, Township 14 North, Range 22 West, and Section 1, Township 14 North, Range 23 West, P.M.M., Missoula County, Montana.

### **Section III: Space and Bulk Requirements**

- A. Minimum Lot Size: Four and one-half (4.5) acres
- B. Front and Rear Yard Setbacks: Fifty feet (50')
- C. Maximum Building Height: Thirty feet (30')

### **Section IV - Uses:**

- A. Permitted Uses
  - 1. Single Family Residential (No temporary dwellings of any kind are permitted)
  - 2. Residential Accessory Buildings
  - 3. Agricultural activities as defined in MCA §76-2-902
- B. Conditional Uses - Conditional uses require permits issued according to Section 8.09 of Missoula County Zoning Resolution 76-113
  - 1. Home Occupations

### **Section V: General Regulations:**

- A. Definitions of terms as contained in the Missoula County Zoning Resolution #76-113, as amended, and the Montana Code Annotated shall apply in this district.
- B. General Regulations as stated in Chapter 3 of the Missoula County Zoning Resolution No. 76-113, as amended, shall apply in this district.
- C. Nonconforming Lots, Uses and Structures
  - 1. A single family residential dwelling and customary accessory buildings may be erected on any single lot on record in the Missoula County Clerk and Recorder's office after the effective date of adoption of this zoning regulation. This shall apply although the lot fails to meet the minimum lot size requirement contained in Section III of this zoning district regulation.
  - 2. A legal non-conforming use existing on the effective date of adoption of these regulations may be continued so long as it remains otherwise lawful, subject to the following conditions:
    - a. No such legal non-conforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption of these regulations.

- b. No such legal non-conforming 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 of these regulations.
  - c. If any such legal non-conforming use of land ceases for any reason for a period of one year, any subsequent use of land shall conform to the regulations specified by these regulations.
3. A legal non-conforming structure is a dwelling or structure which does not comply with these regulations at the time of their adoption.
- a. A legal non-conforming structure may continue to exist and be maintained as constructed.
  - b. A legal non-conforming structure may be enlarged, replaced or extended to occupy a greater area of land than was previously occupied as long as the structure complies with all applicable regulations.
- D. Violations: Whenever a violation of these regulations occurs, or is alleged to have occurred, any person may file a written complaint fully stating the causes and basis of the complaint with the Planning Office. The Planning Office shall record and investigate the complaint, and if it is determined that any of the provisions of these regulations are being violated, The Planning Office shall submit a written investigation report to the Office of the County Attorney for appropriate legal action.
- If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or if any building, structure, or land is used in violation of this part or of any resolution adopted under this part, the county, in addition to other remedies, shall take any appropriate action or begin proceedings to:
1. Prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use;
  2. Restrain, correct, or abate a violation;
  3. Prevent the occupancy of a building, structure, or land; or
  4. Prevent any illegal act, conduct, business, or use in or near the premises.

#### **Section VI: Submittal Requirements for Zoning Compliance Permits:**

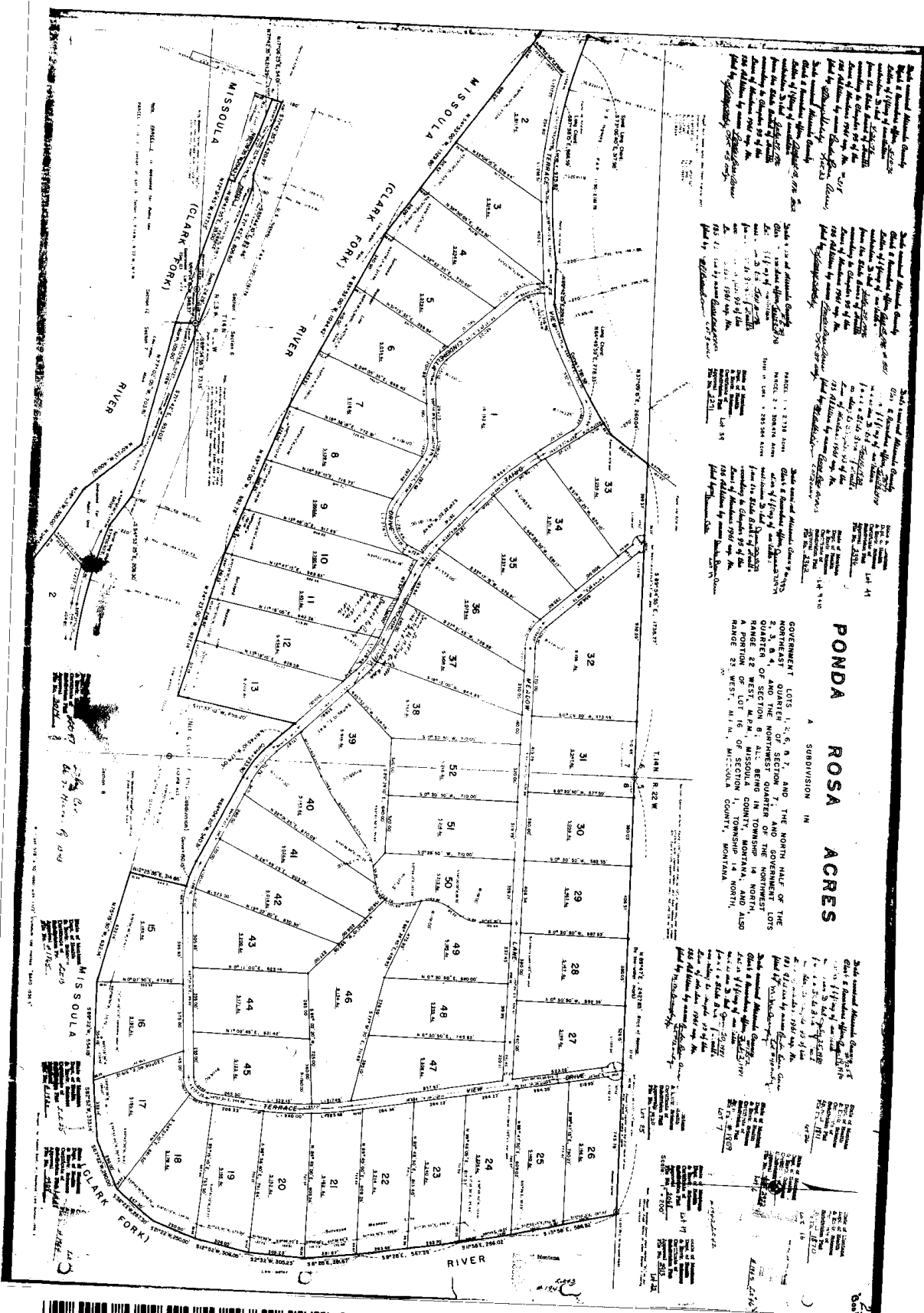
Any proposed new use, change in use, or building construction shall receive a Zoning Compliance Permit from the Planning Office. Each application for a Zoning Compliance Permit shall be accompanied by a site plan drawn to a scale not less than 1" = 30' which demonstrates compliance with the regulations in this zoning district. A fee will be charged for this service and may from time to time be revised by the Planning Office to reflect the estimated cost associated with the processing of the Zoning Compliance Permit.

#### **Section VII: Appeals:**

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 VIII: Severability:**

In the event any court of competent jurisdiction holds any section, subsection, part, term, clause or provision contained in the standards of this Zoning District to be invalid, illegal, unconstitutional or otherwise unenforceable, then, nevertheless, all other and remaining sections, subsections, parts, terms, clauses and provisions thereof and hereof shall continue and remain in force and effect.



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