See Amended 2006-106

RESOLUTION 2003- 027

A RESOLUTION TO CREATE CITIZEN-INITIATED ZONING DISTRICT #44

WHEREAS, a petition was filed with the Board of County Commissioners of Missoula County, Montana, for the creation of a citizen-initiated zoning district in the Sleeman Gulch area, within the boundaries described in the petition and shown on the map submitted with the petition; 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 January 8, 2003 was published in the Missoulian on December 22 & 29, 2002; and

WHEREAS, notice was posted in at least three public places within the area affected, at least 15 days prior to the January 8, 2003 hearing; and

WHEREAS, the Planning and Zoning Commission and Board of County Commissioners held a public hearing on January 8, 2003 on the petition to create the district and voted to approve creation of the district; and

WHEREAS, the Board of County Commissioners requested that the previously appointed Planning and Zoning Commission review and recommend a development pattern for the district; and,

WHEREAS, notice of a hearing to be held on January 19, 2003 before the Planning and Zoning Commission and the Board of County Commissioners was published in the Missoulian on February 2 & 9, 2003; and

WHEREAS, notice was posted in at least three public places within the area affected, at least 15 days prior to the January 19, 2003 hearing; and

WHEREAS, the Planning and Zoning Commission and the Board of County Commissioners held a public hearing on the adoption of a development pattern on February 19, 2003;

NOW, THEREFORE, BE IT RESOLVED that Missoula County Citizen Initiated Zoning District No. 44 is established in the Sleeman Gulch area of Missoula County, depicted on the map on Attachment B of this resolution, creating two zoning Regions, legally described as:

LEGAL DESCRIPTION FOR REGIONS ONE AND TWO

Region One:
The SW 1/4 of Section 28, the east ½ 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 ½ of the NW 1/4, Township 12 North, Range 20 West, PMM, Missoula County, Montana.

Containing approximately 1090 acres more or less.

IT IS FURTHER RESOLVED, that the development pattern for ZD #44, as stated in Attachment A and shown in Attachment B, shall regulate the use of lands and structures within Citizen Initiated Zoning District No. 44, including the right to or the restriction of the right to erect, construct, alter, or maintain certain buildings or to carry on certain trades or industries and within which the height and bulk of future buildings is established, open spaces are provided for, and setbacks determined.

Dated this 10th day of March, 2003.

ATTEST:

Vickie Zeier, Clerk & Recorder

BOARD OF COUNTY COMMISSIONERS
Missoula County, Montana

Bill Carey, Chairman

Jean Curtiss, Commissioner

Barbara Evans, Commissioner

APPROVED AS TO FORM AND CONTENT:

Deputy County Attorney

SLEEMAN GULCH ZONING DISTRICT NO. 44

SECTION I - APPLICABILITY

This Zoning District applies to the following property:

Region One:
The SW 1/4 of Section 28, the east ½ 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 ½ of the NW 1/4, Township 12 North, Range 20 West, PMM, Missoula County, Montana.

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.

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

1. Minimum lot size:
   - A. Region one: 10 acres
   - B. Region two: 40 acres

2. Minimum building size: 1,250 square feet of gross floor area

3. 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.

4. Placement of Structures (Setbacks): 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.

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.

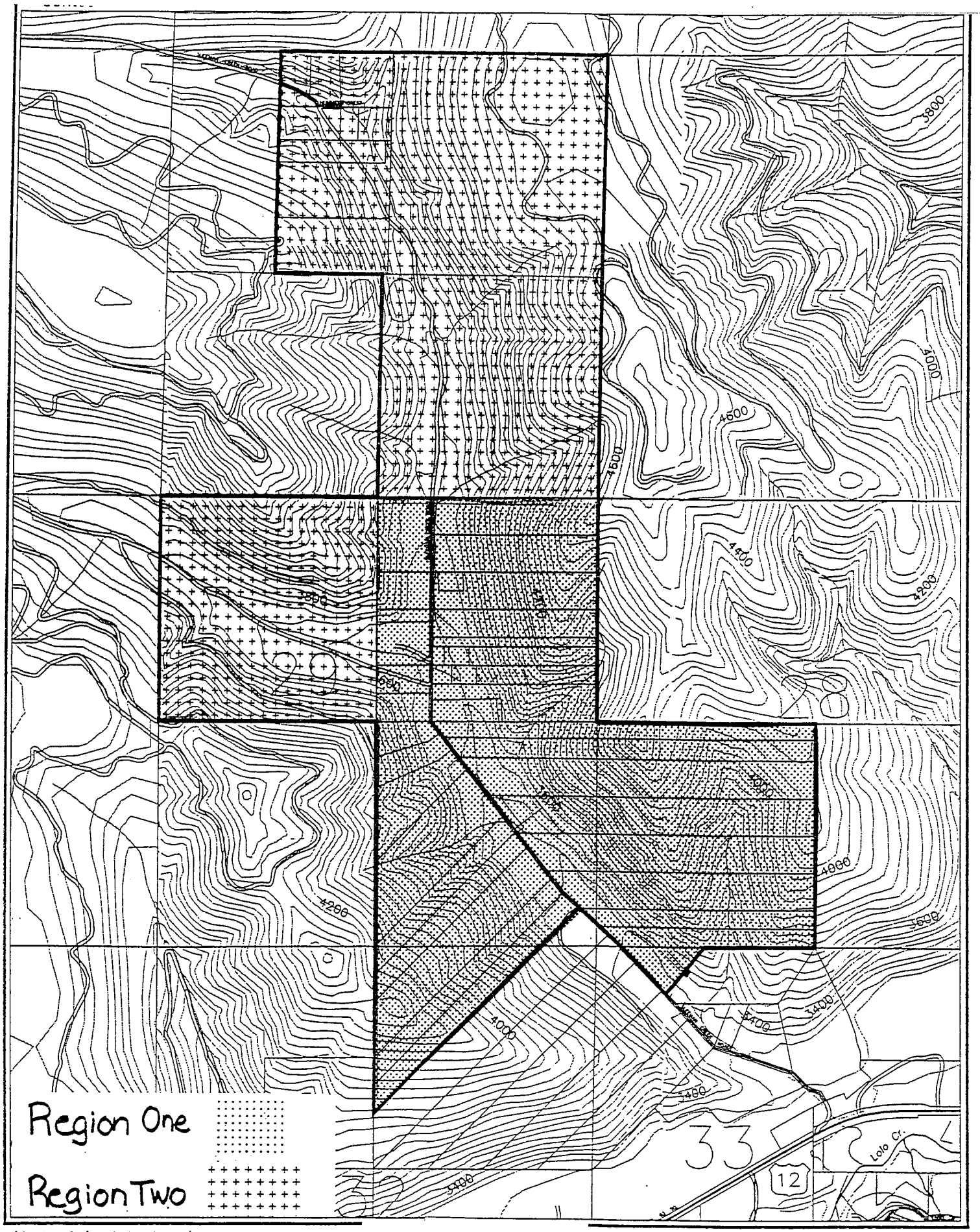
SECTION IX - APPEAL

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.

SLEEMAN GULCH ZONING DISTRICT #44



ATTACHMENT B