6-1-84

RESOLUTION NO. 84-078

A RESOLUTION TO AMEND THE DEVELOPMENT STANDARDS OF PLANNING AND ZONING DISTRICT NO. 41.

WHEREAS, on January 18, 1984, the Missoula County Planning and Zoning Commission created Planning and Zoning District No. 41 and adopted development standards governing the use of land and structures within this district; and,

WHEREAS, 76-2-106 M.C.A. authorizes the Planning and Zoning Commission to make changes in disticts; and,

WHEREAS, notices of public hearing were posted in three (3) public places more than fifteen (15) days prior to the public hearing; and,

WHEREAS, the Planning and Zoning Commission conducted a public hearing on May 23, 1984, to receive public comment on proposed revisions to the development standards governing the use of land and structures within Planning and Zoning District No. 41;

NOW, THEREFORE, BE IT RESOLVED by the Missoula Board of County Commissioners that the following amendments to the development standards of Planning and Zoning District No. 41 be adopted:

I. Planning and Zoning District No. 41 shall be divided into two sections:

District 41A: All of Planning and Zoning District No. 41 except that area specified to be District 41B.

District 41B: Beginning point 30 feet south of the southeast corner of Lot 21, Block 12, Greenwood Addition, being approximately the centerline of Red Fox Road. Thence in a northerly direction following the east property lines of Lots 21-34 of Block 12 of Greenwood Addition, thence along the Southwest end of Riverside Park to the center of the Bitterroot River, thence in a northwesterly direction along the Bitterroot River to the point of intersection of the North-South line of Planning and Zoning District No. 41, thence south along the west boundary of Planning and Zoning District No. 41 to a point intersecting the projected property line shared by Lots 1 and 7 of Block 16, Greenwood Addition on the cul-de-sac of Red Fox Road, thence in an easterly direction along this line to the centerline of Red Fox Road and continuing along the centerline of Red Fox Road in an easterly direction to the Point of Beginning.

II. The following shall govern District 41A:

A. All of the development standards previously governing Planning and Zoning District No. 41 with the following amendments:

1. Amend Section III (1) to read:

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. Amend all references to Planning and Zoning District No. 41 to read District 41A.

III. The following shall govern District 41B:

A. SECTION I - PERMITTED USES

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

2. Single-family residential uses shall be restricted to a density of two dwellings per acre.

B. SECTION II - PROHIBITED USES

1. Any use other than the permitted uses.

C. SECTION III - GENERAL REGULATIONS AND VARIANCES

1. Mobile homes shall 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 District 41B 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 of the Zoning District 41B 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 41B 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 41B Regulations.

6. The minimum lot size of lots shall be fifteen-thousand (15,000) square feet.

7. 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.

Adopted on this 23rd Day of May, 1984

ATTEST:

Fern Hart, Clerk and Recorder

BOARD OF COUNTY COMMISSIONERS
Missoula County, Montana

Bob Palmer, Chairman

Barbara Evans, Commissioner

Ann Mary Dussault, Commissioner

APPROVED AS TO FORM AND CONTENT:

Jean E. Wilcox, Deputy County Attorney

Dated this 7th day of June, 1984.

8410518

I received and filed this instrument for record on the 8 day June 1984, at 1:12 P.M. and it is recorded in Vol. 206 on Page 2269 Micro Record of the County of Missoula, State of Montana. Witness my hand, Fern Hart, County Recorder. By Donna Cot, Deputy. Doc. KE Fee ___ Pd. ___ Return: Real file

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