

RESOLUTION 2008- 143

**A RESOLUTION TO AMEND THE DISTRICT DEVELOPMENT PATTERN FOR
CITIZEN-INITIATED ZONING DISTRICT #8**

WHEREAS, a request was submitted to the Board of County Commissioners of Missoula County, Montana, from the residents of the Placid Lake Citizen Initiated Zoning District #8 for the amendment of the district development pattern to add Subdistrict #8A regulations; and

WHEREAS, notice of hearing was posted in at least three public places within the zoning district, at least 15 days prior to the two public hearings held August 6, 2008 and October 8, 2008; and

WHEREAS, the Planning and Zoning Commission and the Board of County Commissioners held two public hearings on the adoption of an amended district development pattern on August 6, 2008 and October 8, 2008; and

WHEREAS, the Planning and Zoning Commission recommended amendment of the development pattern and the Board of County Commissioners recommended approval of amendments to the development pattern in the Zoning District #8 to add Subdistrict #8A regulations for Placid Lake shoreline properties and a portion of Owl Creek, as reflected in Attachment A of this resolution;

NOW, THEREFORE, BE IT RESOLVED that the district development pattern of the Missoula County Citizen Initiated Zoning District #8 is hereby amended to add Subdistrict #8A regulations as shown in Attachment A of this resolution and shall regulate the use of lands and structures within Citizen Initiated Zoning District #8 and it's Subdistrict #8A, 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, bulk, and location of future buildings is established, and open spaces are provided for.

ADOPTED THIS 1ST DAY OF DECEMBER 2008.

SIGNED THIS 4TH DAY OF DECEMBER 2008.

ATTEST:

VICKIE M. ZEIER, Clerk and Recorder

By [Signature]

Vickie Zeier, Clerk and Recorder

APPROVED AS TO FORM AND CONTENT:

[Signature]
James McCubbin, Deputy County Attorney

BOARD OF COUNTY COMMISSIONERS
MISSOULA COUNTY

[Signature]
Jean Curtiss, Chair

[Signature]
Bill Carey, Commissioner

[Signature]
Larry Anderson, Commissioner

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Vickie M Zeier, Missoula County Clerk & Recorder

ZONING DISTRICT #8 – PLACID LAKE AREA

Established June 5, 1958

District Regulations Revised October 8, 2008

Being Sections 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33 in T16N, R15W.

Section I – Uses

It is unlawful to erect, establish, operate, or maintain: taverns, bars, night clubs, dance halls, stores, service stations, cafes, hotels or motels, or commercial activity of a similar nature or kind as enumerated herein.

Section II – Variances

The Board of County Commissioners may authorize such variance from these regulations as will not be contrary to the public interest where, owing to special conditions, literal enforcement would result in unnecessary hardship.

Section III – Records

Reference is made to the descriptive matter contained in the petition filed in connection with this district and to its map which is on file with the Secretary of the Planning and Zoning Commission. (Contact County Zoning Officer)

Section IV – Subdistrict #8A Standards

See Attachments:

Exhibit #1 - Subdistrict #8A Regulations

Exhibit #2 - Map of Zoning District #8 and Subdistrict #8A

Section V History

1. Zoning District #8 was established June 5, 1958
2. Zoning District #8 was amended to apply district regulations to Subdistrict #8A on October 8, 2008.

EXHIBIT #1**SUB- DISTRICT #8A DISTRICT REGULATIONS
PLACID LAKE LAKESHORE****SECTION 1 – INTENT**

A dramatic increase in the recreational use of Placid Lake has threatened the quality of the lake and lakeshore environment and the health and safety of lake users. Property owners in and around the lake seek to preserve the traditional and distinctive quality of life enjoyed in and around Placid Lake which includes protection of the water quality threatened by overuse of the lake by boating and recreational use. These standards are intended to ensure that the built elements of the Placid Lake community complement the natural beauty and the public safety of the lake, lakeshore, and surrounding area. In addition to the purposes set forth in Mont. Code Ann. § 76-2-104, these regulations are intended to:

1. Preserve the ecological value of wetlands;
2. Maintain and enhance desirable natural, physical, biological, and aesthetic characteristics of the shoreline of Placid Lake;
3. Maintain and enhance the qualities of the landscape and its environs;
4. Preserve the scenic qualities of views from land and water;
5. Maintain, preserve and enhance desirable natural, physical, chemical and biological water quality aspects of Placid Lake; protect Placid Lake from degradation due to overuse by boating or other recreational activities to an extent greater than would be expected of a typical residential lakefront lot of the size and density allowed by these regulations;
6. Protect desirable natural aquatic plant and animal communities;
7. Preserve fish spawning areas, water fowl nesting and rearing areas and rare and endangered plant and animal species and their necessary habitat; and
8. Protect public, health and safety.

SECTION 2 – APPLICABILITY

The zoning regulations contained herein shall apply to the lands located adjacent to Placid Lake above the dam, located in Missoula County, Montana, and shown on Exhibit #2, the map of Zoning District #8 and Sub-district #8A incorporated herein by reference.

SECTION 3 - PERMITTED USES

1. Single-family dwellings
2. Structures accessory to permitted uses including garages, sheds, and docks as permitted by the Missoula County Shoreline Regulations.
3. Home Occupation:

An activity involving the sale of goods or services conducted entirely within the dwelling which is clearly incidental and factually subordinate to the use of the dwelling and does not change the character thereof shall comply with the following requirements:

- a. No window display or other public display of any material or merchandise in connection with any home occupation.
- b. No sign shall be displayed on the premises advertising the occupation carried on in the home, except one sign which shall not be more than two square feet in area, and which shall be attached, flush, to the house.
- c. No outside display or storage of products, materials, or machinery.
- d. No more than one (1) employee who is not a member of the immediate family.
- e. The use shall not occupy more than twenty-five percent (25%) of the gross floor area of the main building.

SECTION 4 – PROHIBITED USES

1. Commercial Uses.
2. Industrial Uses.

3. **Boat Marinas:** A waterfront facility which provides for recreational boating and other water related activities and which provides dock slips or moorage for five (5) or more boats is considered a marina, as defined by the Missoula County Shoreline Regulations. This prohibition does not apply to public lands.
4. **Boat Ramp:** A facility consisting of a pad, wire surface driveway or roadway extending from or across the Shoreline Protection Zone into the lake which is designed to facilitate launching or retrieving boats, as defined by the Missoula County Shoreline Regulations. This prohibition does not apply to public lands.

SECTION 5 – SPACE AND DENSITY REQUIREMENTS

1. Minimum lake frontage: 150 feet, as measured along the mean low-water line of the lake
2. Minimum lot size: 1 acre
3. Minimum building setback from the typical high-water mark of the lake: 50 horizontal feet from the high-water line

SECTION 6 – GENERAL REGULATIONS AND VARIANCES

1. A legal non-conforming use is an existing use of the land at the time of adoption of these regulations the use of which does not conform to these regulations.
2. A legal, non-conforming structure is a dwelling or structure which does not comply with these regulations at the time of their adoption or amendment.
 - a. A legal non-conforming structure may continue to exist and be maintained as constructed.
 - b. A legal non-conforming structure may be enlarged or replaced to occupy a greater area of land than was previously occupied so long as the enlargement occurs only on the side of the structure opposite the water front and or beyond the 50' setback. (See Diagrams 1, 2, and 3 below).

Diagram 1 – Example of an Illegal Expansion of a Non-Conforming Structure

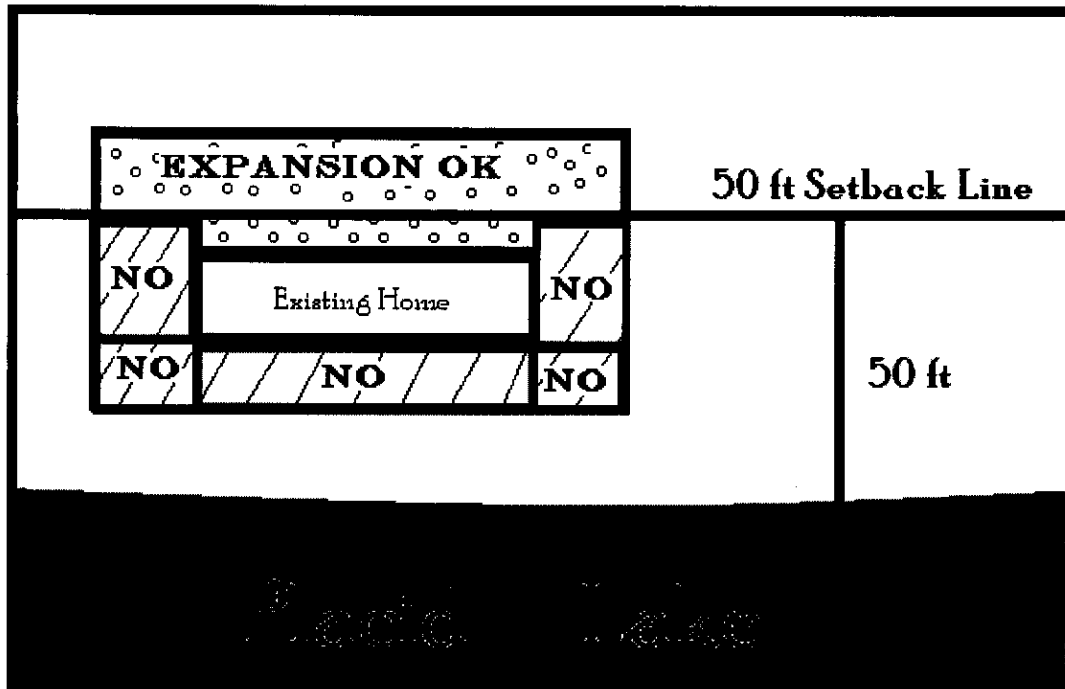


Diagram 2 – Example of Legal Non-conforming Expansion of a Structure.

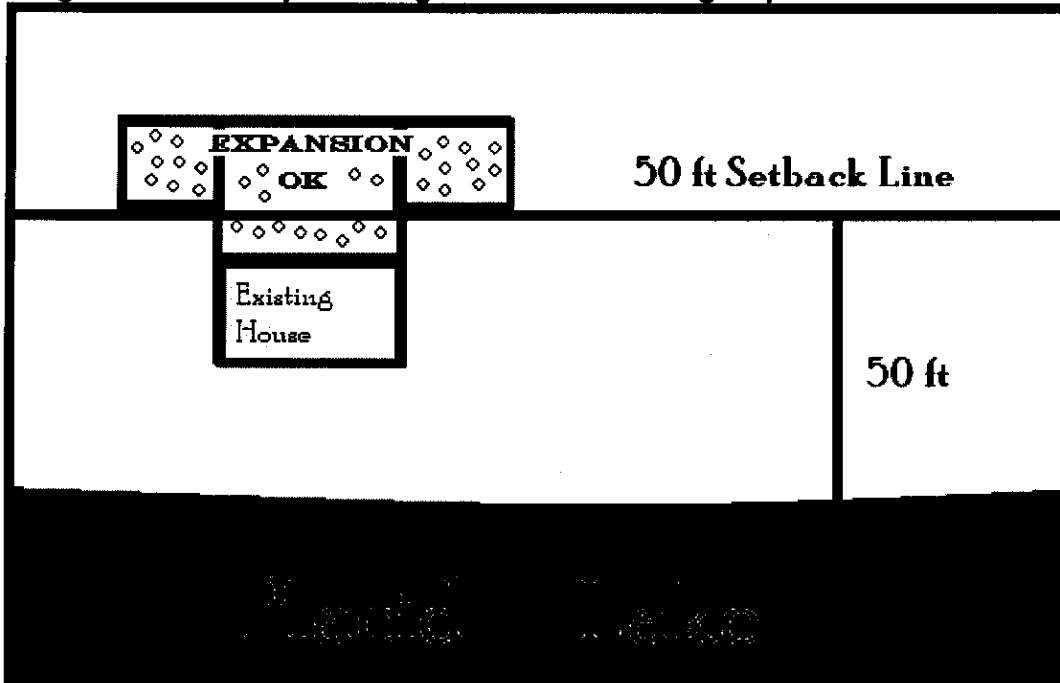
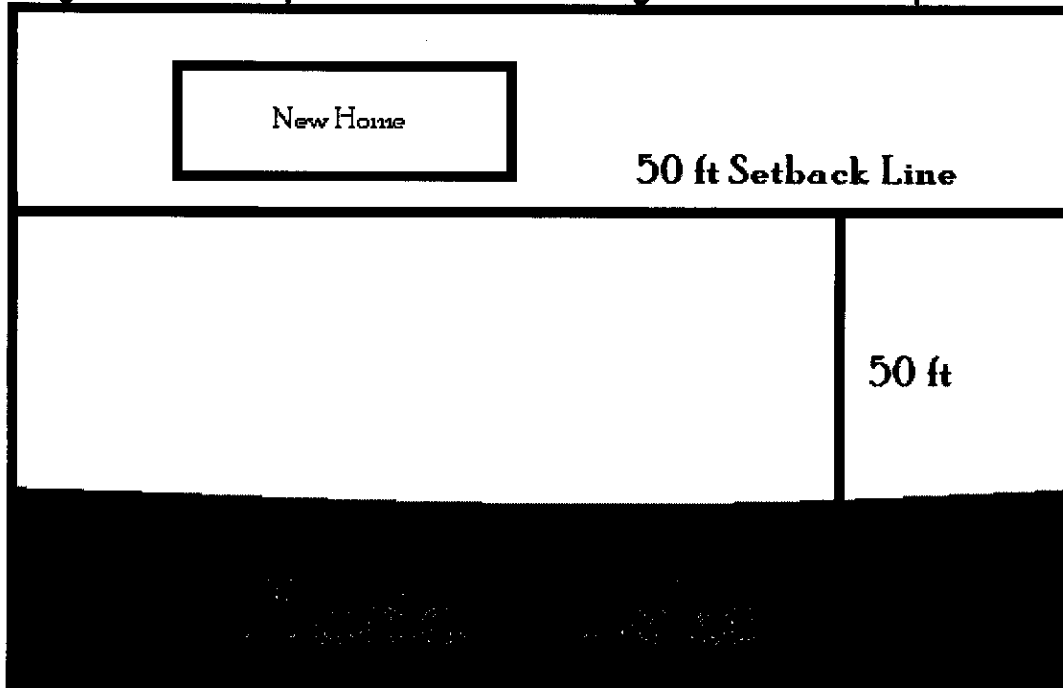


Diagram 3 – Example of a new conforming structure in compliance.

3. A legal, non-conforming lot or parcel of record is any parcel that has less than 150 feet of lake frontage and is less than 1 acre in size and is in existence when these regulations are adopted.
4. A Zoning Compliance Permit from the Missoula County Zoning Officer shall be required for any proposed new use, change in use, or new construction. Each application for a zoning compliance permit shall be accompanied by a site plan drawn to a scale not less than 1" = 30' and any other documentation deemed necessary by the County Zoning Office to demonstrate compliance with the development standards in this Zoning District.
5. These regulations shall not negate restrictive covenants that may be in existence on properties within the District. Where these regulations conflict with existing covenants, whichever is more restrictive shall apply.

SECTION 7 – VARIANCES

1. 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 an unnecessary hardship. The Planning and Zoning Commission shall conduct a public hearing and give notice in conformance with applicable Montana law.

2. A fee to cover the administrative costs of processing the variance request must be paid by the applicant at the time that the variance request is submitted to the Office of Planning and Grants. This fee may be revised from time to time to reflect the estimated cost of notice and staff time associated with processing of Variance applications in this zoning district.
3. In approving variances, the governing body may require conditions that secure the objectives of these regulations.

SECTION 8 – HISTORY

Zoning District 8 was established on June 5, 1958, following public hearings before the Missoula County. Subdistrict #8A lies within the boundaries of Zoning District No. 8 and amends the regulations within the boundaries of the new Subdistrict #8A District.

EXHIBIT #2

MAP OF ZONING DISTRICT #8 AND SUBDISTRICT #8A

