

Denise Alexander
OPG

RESOLUTION NUMBER 2006- 053

**A RESOLUTION TO AMEND THE DISTRICT DEVELOPMENT PATTERN FOR
CITIZEN INITIATED ZONING DISTRICT #26**

WHEREAS, a request was submitted to the Board of County Commissioners of Missoula County, Montana, from the residents of the Lake Inez Citizen Initiated Zoning District #26 for the amendment of the district development pattern; and

WHEREAS, notice of hearing was posted in at least three public places within the zoning district, at least 15 days prior to the March 1, 2006 public hearing; and

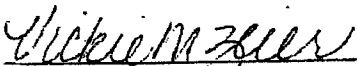
WHEREAS, the Planning and Zoning Commission and the Board of County Commissioners held a public hearing on the adoption of an amended district development pattern on March 1, 2006; and

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 Lake Inez Citizen Initiated Zoning District #26, as reflected in Attachment A of this resolution,

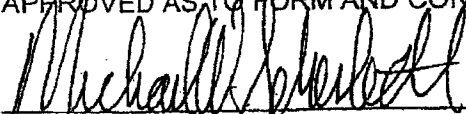
NOW, THEREFORE, BE IT RESOLVED that the district development pattern of the Missoula County Citizen Initiated Zoning District #26 is hereby amended as shown in Attachment A of this resolution and shall regulate the use of lands and structures within Citizen Initiated Zoning District #26, including the 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.

DATED THIS 5th DAY OF APRIL, 2006.

ATTEST:


Vickie Zeier, Clerk and Recorder

APPROVED AS TO FORM AND CONTENT:


Michael Sehestedt, Deputy County Attorney

BOARD OF COUNTY COMMISSIONERS
MISSOULA COUNTY

NOT AVAILABLE FOR SIGNATURE

Bill Carey, Chairman


Barbara Evans, Commissioner


Jean Curtiss, Commissioner

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Citizen Initiated Zoning District # 26
Established October 2, 1969
District Regulations Revised March 1, 2006

SECTION 1 - INTENT

A dramatic increase in the recreational use of Lake Inez has threatened the quality of the lake and lakeshore environment and the health and safety of lake users. Property owners in Zoning District 26 seek to preserve the traditional and distinctive quality of life enjoyed in and around Lake Inez. These standards are intended to ensure that the built elements of the Lake Inez community complement the natural beauty and the public safety of the lake, lakeshore, and surrounding area. In addition to the purposes set forth in Montana Code Annotated § 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 Lake Inez;
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 Lake Inez;
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 - PERMITTED USES

1. Single family residential uses, including one single-dwelling unit.
2. In addition to a single family residence on a lot, a guest house, cottage, or apartment over or attached to a garage, provided the guest house, cottage, or apartment does not contain a plumbed kitchen.
3. Weekly, monthly or seasonal renting of single dwelling homes.
4. Structures accessory to permitted uses including garages, sheds, boat ramps and docks.

SECTION 3 – PROHIBITED USES

1. Commercial Uses.
2. Industrial Uses.
3. Gravel mines and batch plants.
4. All other uses not specifically listed as a Permitted Use in Section 2.

SECTION 4 – SPACE AND DENSITY REQUIREMENTS

1. Lots without lake frontage One Dwelling Unit per ten acres
2. Lake front Lots Minimum lake frontage of 200 feet

SECTION 5 – GENERAL REGULATIONS AND VARIANCES

1. A legal non-conforming use is an existing use of the land at the time of adoption of the Zoning District 26 regulations, October 2, 1969, or at the time of the amendment 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, replaced or extended to occupy a greater area of land than was previously occupied as long as the structure complies with all applicable regulations.
3. A legal, non-conforming lot or parcel of record is in existence when these regulation are adopted or amended to create the non-conformity and is:
 - (a) smaller than 10 acres if it is located off of the lake; or
 - (b) has less frontage than 200 feet if it is on the lake.The following apply to a legal non-conforming lot of record:
 - (c) A dwelling or structure may be constructed, remodeled, enlarged, or replaced;
 - (d) A lot may not be divided to a width or size smaller than the requirements of these regulations.

ATTACHMENT A

4. No lot owner shall grant an easement, license or permission to use a lakefront lot as an access way to and from Lake Inez from any other lot.
5. A Zoning Compliance Permit from the 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.
6. To avoid human-bear conflicts all garbage, pet foods, agricultural grain products, and stock feed must be stored indoors or in bear-resistant containers.
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.

SECTION 6 - HISTORY

Zoning District 26 was created on October 2, 1969, following public hearings before the Missoula County Planning and Zoning Commission and the Missoula County Commissioners on April 2, 1969, and October 2, 1969. The district regulations were amended following public hearings before the Missoula County Planning and Zoning Commission and the Missoula County Commissioners on March 1, 2006.