

**RESOLUTION 2020 - 110**

**A RESOLUTION TO AMEND THE CB-2 REGULATIONS  
OF SPECIAL ZONE DISTRICT NO. 13-A**

**WHEREAS**, a petition to amend the regulations for the CB-2 zone of Special Zone District No. 13-A has been submitted to the County for consideration; and

**WHEREAS**, the Board of County Commissioners (Board) is authorized to amend Citizen-initiated zoning as set forth in Sections 76-2-101 through 76-2-117, MCA; and

**WHEREAS**, all required types and forms of legal notice regarding the proposed amendments have been provided compliant with Section 7-1-2121, MCA and Sections 76-2-101 through 76-2-117, MCA; and

**WHEREAS**, the Board has received no written comments from the public regarding the proposed amendments; and

**WHEREAS**, the Board has received no comments from agencies expressing any opposition to and/or concerns about the proposed amendments; and

**WHEREAS**, a public hearing regarding the proposed amendments was held by the Planning and Zoning Commission on December 9, 2020; and

**WHEREAS**, the Planning and Zoning Commission recommended approval (5-0) of the proposed amendments to the Board, as recommended by Community Development and Planning Staff; and

**WHEREAS**, a public hearing regarding the proposed amendments was held by the Board on December 17, 2020; and

**WHEREAS**, the Board received no public testimony regarding the proposed amendments during this hearing; and

**WHEREAS**, the Board has carefully reviewed and weighed the Staff Report (File No. 2020-004), along with all of its attachments, including the boundary map and proposed amendments to the regulations; and

**WHEREAS**, the Board has carefully reviewed and weighed all information provided as part of the public hearing process; and

**WHEREAS**, the Board votes \_\_\_\_\_ to adopt the amendments to the regulations for the District, as recommended by the Planning and Zoning Commission.

**NOW THEREFORE BE IT RESOLVED** by the Board of County Commissioners:

1. That the CB-2 regulations for the District be amended as shown on Exhibit "A", attached hereto, and made a part hereof.

**PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS** on this 17th Day of December 2020.



LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
Susan Good Geise, Chair



Attest:



Amy Reeves, Clerk of the Board

Attachments: Exhibit - A (Regulations)

## EXHIBIT "A" TO RESOLUTION NO. 2020-110

### REGULATIONS FOR COUNTY SPECIAL ZONING DISTRICT NO. 13-A BRYANT TRACTS

#### SECTION A

#### CR-1 SINGLE FAMILY RESIDENTIAL

Intent: It is the primary intent of this district to accommodate and protect the uses of single family dwelling units and also preserve and promote the residential character of the area. It is also intended that these districts be located in areas where the environment can support high human population densities.

Permitted Uses: The following types of residential and related uses are those which are permitted within this residential district:

1. A conventional detached single family dwelling.
- 2.A modular detached single family dwelling on a permanent foundation. Modular as used here applies more to size and general shape than to the degree of either finish or completeness. Modular Dwelling defined: A detached one family dwelling with all of the following characteristics:
  - a.Designed for long term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
  - b.Designed to be transportable on temporary wheels, a flatbed, or some other type of trailer.
  - c.Designed without a permanent frame or undercarriage, so that it may be placed on a permanent foundation necessary for occupancy.
  - d.That the factory construction is able to meet or exceed the Uniform Building Codes.
  - e.That the dwelling unit is eligible for long term amortized mortgage financing.
- 3.Temporary buildings for and during construction but not for habitation.
- 4.Accessory uses.

Minimum Lot Width and Area: Each lot shall not be less than one hundred (100) feet in width and shall have a minimum area of ten thousand (10,000) square feet, provided that a central sewage and

water system are established for the area under consideration. In the case where individual on-lot water and/or septic tank sewer is provided, the lot area shall conform to the State of Montana Health Board and/or City-County Health Department requirements concerning said systems.

Bulk Requirements:

1. Front Yard: Every lot shall have a front yard extending not less than twenty (20) feet from road rights-of-way or property lines.

## SECTION B

### CB-2 GENERAL COMMERCIAL

**Intent:** It is the intent of this district to provide for community shopping facilities consisting of varied retail, service, and office functions, conveniently grouped near major traffic arterials to serve a trade area encompassing several neighborhoods. Furthermore, the requirements of this district are directed at the achieving of an aesthetic unity and harmony between the community business district and other surrounding land uses.

**Permitted Uses:** The uses listed below appear in general form and are established as categorical subjects of which underlying related uses can be implied at the discretion of the City-County Planning Director.

**1.Retail Trade:** Building materials, hardware and farm equipment; general merchandise (department stores, mail order houses, direct selling organizations); food; automotive dealers, auto accessories, mobile home sales and service; apparel and accessories; furniture, home furnishings and equipment; eating and drinking establishments; miscellaneous retail stores (drug, liquor, antique, book, sporting goods, jewelry).

**2.Service Activities:** Finance, insurance, and real estate; transient lodgings; personal services; automobile repair services, parking; miscellaneous repair services that are not considered hazardous, detrimental or offensive to surrounding land uses; commercial amusement and recreational; medical and health services, excluding hospitals, sanitarium convalescent and rest homes; other professional services including professional associations, labor unions, fraternal organizations, etc.; and childcare facilities (A childcare facility is a building or structure, or portion thereof, used for educational, supervisory, or personal care services for more than twelve children.)

**Minimum Lot Requirements:** Other than to meet other requirements of this section, no minimum lot requirement is specified.

**1.Front Yard:** Every lot shall have a front yard extending not less than twenty (20) feet from road rights-of-way or property lines.

**2.Side Yards:** No side yards are required if a two (2) hour fire stop is provided on each building. In the case of corner lots where a public street or where a "CR" District is located adjacent thereto there shall be side yards of not less than twenty (20) feet. In all other cases side yards of twenty (20) feet are required.

**3.Rear Yard:** Every lot shall have a rear yard extending not less than twenty (20) feet from road rights-of-way or property lines.

**Building Height:** No building shall be higher than twenty-four (24) feet.

## SECTION C

### NON-CONFORMING LOTS, STRUCTURES, AND USES OF LAND AND/OR STRUCTURES

#### Intent

Within the districts established by these regulations or amendments thereto, there may exist lots, structures, and uses of land and structures which were lawful before these regulations were adopted or amended, but which would be prohibited, regulated or restricted under the terms of these regulations or their amendments. It is the intent of these regulations to permit these non-conforming uses to continue. The effective date of these regulations is considered to be June 3, 1986, the date when interim zoning was enacted. Subsequent amendments will have different effective dates.

Where a landowner wishes to make a change or expansion from an existing prior non-conforming situation to another or expanded non-conforming situation, the landowner may request a change in non-conforming status. Such requests will be considered at a noticed public hearing by the planning and zoning commission, which will make a recommendation to the Board of County Commissioners. The Board of County Commissioners shall have the power to authorize changes in non-conforming status which are not contrary to the public interest.

Any request for a change or expansion of a non-conforming use shall be granted if the requested change is to a similar or higher grade of conformity or is to a similar or lesser degree of non-conformity. Further, any changes which are not material or are not substantial shall be approved.

## SECTION D

### VARIANCES

Where, owing to special conditions, a literal enforcement of the zoning regulations would result in unnecessary hardship to a landowner, the landowner may request a variance from the regulations. Such requests will be considered at a noticed public hearing by the planning and zoning commission, which will make a recommendation to the Board of County Commissioners. The Board of County Commissioners shall have the power to authorize variances which are not contrary to the public interest.

## SECTION E

### SEVERABILITY CLAUSE

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

**SECTION F**  
**PUBLIC INTEREST**

The recommendations of the planning and zoning commission and the zoning decisions of the Board of County Commissioners shall be based upon the considerations and factors set forth below, provided, that no one consideration shall be controlling:

1. Lessen congestion in the streets
2. Secure safety from fire and other dangers
3. Promote health and general welfare
4. Provide adequate light and air
5. Prevent the overcrowding of land
6. Avoid undue concentration of people
7. Facilitate provision of public requirements
8. Consider the character of the district
9. Conserve building values
10. Encourage the appropriate use of the land
11. Conformance with the development pattern or comprehensive plan
12. Expressed public opinion
13. Applicable decisions of the Courts and Attorney General Opinions
14. Other applicable factors.