

Resolution No. 97-23

## To Create the Lake Mary Ronan Zoning District and Regulations

- WHEREAS, the Board of Lake County Commissioners adopted a comprehensive land use plan in July 1988, entitled the Lake County General Plan; and
- WHEREAS, the Lake County General Plan provides for establishing better land use controls around Lake Mary Ronan; and
- WHEREAS, the Board of Lake County Commissioners have adopted an amendment to the Lake Mary Ronan portion of the General Plan specific to the proposed zoning; and
- WHEREAS, the Lake County Planning Board prepared a proposal to create the zoning district and recommended the Lake Mary Ronan Zoning District and Regulations be adopted by the County Commissioners; and
- WHEREAS, the Board of County Commissioners conducted a public hearing on June 19, 1997 on the proposed creation of the Lake Mary Ronan Zoning District and the adoption of the proposed regulations; and
- WHEREAS, the Board of County Commissioners has determined that there is sufficient public interest to create the district and adopt the regulations for the Lake Mary Ronan area; and
- WHEREAS, the Board of County Commissioners adopted a Resolution of Intent No. 97-17 on May 8, 1997 to create the Lake Mary Ronan Zoning District and adopt regulations; and
- WHEREAS, notice of the Resolution of Intention was published in the Lake County Leader for two consecutive weeks; and
- WHEREAS, the 30-day protest period as required by law expired on June 14, 1997; and
- WHEREAS, the Board of County Commissioners conducted a final public hearing on June 19, 1997; and
- WHEREAS, no written protest was received against the proposed creation of the District or the adoption of the regulations for the Lake Mary Ronan Area.

NOW THEREFORE, BE IT RESOLVED, BY THE BOARD OF LAKE COUNTY COMMISSIONERS THAT:

STATE OF MONTANA, COUNTY OF LAKE

Recorded At 3:03 O'Clock P. M. JUN 19 1997

Microfilm 382636 RUTHE HODGES Recorder

Fees \$ AC By Judyming Deputy

The Lake Mary Ronan Zoning District and Regulations are hereby adopted by action taken by the Board of Commissioners on June 19, 1997, pursuant to Section 76-2-201 through 76-2-228, Montana Code Annotated.

That the Lake Mary Roan Zoning District and Regulations are hereby attached to this resolution as Exhibit 'A' and are on file with the Lake County Clerk and Recorder.

That the effective date of the Lake Mary Ronan Zoning District and Regulations shall be June 20, 1997.

PASSED AND ADOPTED THIS 19th Day of June 1997.

LAKE COUNTY BOARD OF COUNTY COMMISSIONERS

  
BARRY BAKER, CHAIRMAN

  
MIKE HUTCHIN, MEMBER

  
DAVE STIPE, MEMBER

Attest:

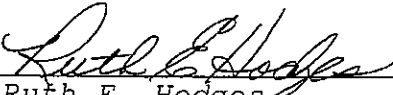
  
Ruth E. Hodges  
Clerk and Recorder

EXHIBIT 'A'  
LAKE MARY RONAN PLANNING AND ZONING DISTRICT  
JUNE 20, 1997

I. Purpose:

The purpose of zoning is to help guide growth and development in the area, to maintain the rural character of the area and allow for development that is consistent and compatible with the existing pattern of growth, to protect and enhance property values and amenities, and to protect and enhance the natural environment and water quality.

II. Boundary:

The district contains all of the land in Township 25 North, Range 22 West described as follows:

Section 10. All.

Section 11. N $\frac{1}{2}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Government Lots 4, 5, 6, and 7.

Section 12. NW $\frac{1}{4}$ , N $\frac{1}{2}$  SW $\frac{1}{4}$ , NE $\frac{1}{4}$ , And N $\frac{1}{2}$  SE $\frac{1}{4}$

Section 13. NE $\frac{1}{4}$ , E $\frac{1}{2}$  NW $\frac{1}{4}$ , NW $\frac{1}{4}$  SW $\frac{1}{4}$ , And SE $\frac{1}{4}$

Section 15. W $\frac{1}{2}$  NW $\frac{1}{4}$ , Government Lots 1, 2, 3, 4 and 5.

Section 22. All, Except Government Lot-2 and Tract-2 on COS 5099.

Section 23. All

Section 24. Government Lots 2 and 3, SW $\frac{1}{4}$  SW $\frac{1}{4}$

THE PURPOSE OF THESE DESCRIPTIONS ARE TO ESTABLISH THE ZONING DISTRICT BOUNDARY, THEY SHALL NOT BE CONSTRUED AS TRACTS OF RECORD FOR SUBDIVISION PURPOSES.

III. District Regulations:

A. Permitted Uses

1. Single family residential
2. Agricultural and forestry operations
3. Coverage of 29% or less of the buildable area on each lot.
4. Accessory buildings customary to a single family residence.
5. Manufactured housing on non-lakefront lots. Manufactured housing of any type is prohibited on lakefront lots.
6. Temporary use of a Recreational type Vehicle for land owners guests on a property for a time period not to exceed 14 days.

B. Sub-Districts

Due to the variation in existing land use patterns, the area is divided into two Sub-Districts to allow for variable densities and uses.

1. East side

This area consists of all of the land around Lake Mary Ronan in Sections E $\frac{1}{2}$  of 11, 12 and 13. See the attached district map.

a. Conditional Uses:

1. Home occupations
2. Bed and Breakfast
3. Guest House-one per lot
4. Guest Ranch
5. Resorts/Marinas/Golf Courses
6. R.V. Parks
7. Commercial signs
8. Campgrounds and retreat centers
9. Coverage of 30-49% of the buildable area on each lot.
10. Planned unit developments

b. Prohibited Uses

All uses not specifically allowed as a permitted use or may be allowed as conditional uses are expressly prohibited.

## c. Density

1. All land development on the lake shall not exceed one dwelling unit per two (2) acres, and development on the lakeshore shall provide for an average of 125 feet of actual lake frontage, provided that no individual lot shall have less than 100 feet of actual lake frontage.
2. All land development off the lake shall not exceed one dwelling unit per five (5) acres.

## 2. Westside

This area consists of all the land owned by in Sections 10, West ½ of 11, 15, 22, 23, and 24. See the attached district map.

## a. Conditional Uses

1. Home occupations
2. Guest house-one per lot
3. Bed and Breakfast
4. Guest ranch
5. Resorts/Marinas/Golf Courses
6. Commercial signs
7. Campground and retreat centers
8. Planned Unit Developments
9. coverage of 30 to 49% of the buildable area of each lot.

## b. Prohibited Uses

All uses not specifically allowed as a permitted use or may be allowed as conditional uses are expressly prohibited.

## c. Density

1. All land development on the lake shall not exceed one dwelling unit per 5 acres, and shall provide for an average of 200 feet of lake frontage, provided that no individual lot shall have less than 100 feet of actual lake frontage.
2. All land development off the lake shall not exceed one dwelling unit per ten (10) acres.

IV. Density Clustering:

The density requirements shall not be construed as a minimum lot size requirement. Development which provides for lot sizes to be less than the density limitation may be allowed provided that the overall density of the subject parcel shall not exceed the required density per acre. However, no lakefront lot shall have less than 100 feet of actual lake frontage.

V. Structures:

- A. Structures shall not be located on slopes which are 25% or greater.
- B. Accessory structures shall meet all setback requirements, with the exception of lake related structures (which are regulated under Lakeshore Protection Regulations).
- C. Structure height shall not exceed 30 feet as measured from the average ground elevation.

## D. Setbacks

The required setback for structures shall be:

1. 50 feet from the Mean Annual High Water Elevation of Lake Mary Ronan (3071 feet).
2. 20 feet from any public road.
3. 20 feet from property lines, except for lots with an average width less than 200 feet the setback shall be 10% of the lot width, provided that no building shall be located closer than 10 feet to a property line.

- E. Satellite dish with a 24-inch or larger diameter and ham radio antennae shall be located a minimum of 100 feet from the Lake and shall meet all setbacks in section 5(D) (2) and (3).

VI. Signs:

1. New business signs may be allowed in this district only as a conditional use, and are subject to the following:
  - a. Detached signs located at a place of business shall not exceed 64 square feet in sign area, or extend more than 15 feet in height above the average elevation of the natural ground level at the site.
  - b. Signs attached to a place of business shall not exceed 64 square feet in sign area, or extend more than 30 feet in height above the average elevation of the natural ground level at the site.
  - c. Signs which are not located at the place of business shall not exceed 16 square feet in sign area, or extend more than 10 feet in height above the average elevation of the natural ground elevation at the site.
  - d. Signs shall be designed and constructed of materials and colors that blend with the surrounding natural environment, but also maintain visual clarity to convey their message to the public.
2. Exemptions
  - a. Political signs shall be allowed as a permitted use during campaign seasons, provided they do not exceed 16 square feet in sign area, and are removed within one month of the date of the applicable election.
  - b. Signs advertising property and/or improvements for sale shall be allowed as permitted uses provided that they do not exceed 16 square feet in sign area.
  - c. Signs in this section are also exempt to the permit requirements of Section 7.

VII. Zoning Conformance Permit:

Prior to construction of any structure, modification, change or expansion of any use of structure or property within the zoning district, the landowner shall obtain a zoning conformance permit from the Lake County Land Services Department to assure compliance with the Zoning Regulations. Failure to obtain a permit or failure to comply with the standards of the zoning district or any term, limit or condition imposed by any order or permit issued pursuant to these regulations shall constitute violation of the zoning and may be punishable under the violation section of these regulations.

No permit shall be required for structures less than 120 square feet in size and for temporary Recreational Vehicles as permitted in Section 3(A)(6), provided they all requirements of Section 5 for structures.

VIII. Common Lake Access:

For development of land or living units which include common lake access, the common lake access shall be a minimum of one acre in size and contain a minimum of 125 feet of actual lake frontage, except that an additional 10 feet of lake frontage shall be added for each dwelling unit in excess of 5.

IX. Home Occupations:

A. Intent

The intent is to prevent the commercialization of a residential area, by limiting the floor area and potential impacts resulting from an occasional commercial transaction.

B. Determination

The decision as to whether a use is a home occupation under the zoning regulations shall be made by the Planning Director and that decision may be appealed to the Board of Adjustments. Said appeal shall be filed by the owner or affected landowners within 30 days of the decision of the Planning Director.

C. Review Guidelines

A use is determined to be a home occupation under the terms of the zoning regulations, may be allowed as a conditional use, and the following guidelines shall be considered by the County Board of Adjustments:

1. The use of the residential property for a home occupation must be clearly subordinate to its use for residential purposes.
2. The home occupation may be conducted within the residence or an accessory building, but the total floor area used for the home occupation shall not exceed 1200 square feet.
3. The outside appearance of the building or premises used for the home occupation shall be substantially similar to the appearance of other residential properties in the area.
4. No unreasonable traffic shall be generated by the home occupation in greater volumes than would normally be expected in the surrounding neighborhood.
5. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the property.
6. Vehicle or equipment repair shall be conducted only in enclosed buildings.

X. Existing Uses:

Nothing in these regulations shall be construed to prevent or prohibit the use of any existing building, structure or lot at the time of adoption of such ordinance.

XI. Storm Drainage:

All development shall demonstrate that any storm run off that results from physical improvement of the property will be removed without causing damage or harm to the natural environment and water quality to the property adjacent to the subject property.

XII. Wetlands:

Residential, Commercial and Industrial development shall not be allowed in wetland areas, as defined by the N.R.C.S.

XIII. Floodplains:

Residential, Commercial and Industrial development shall not be allowed in areas designated as having a 100-year flood hazard, as defined by F.E.M.A. Flood Insurance Rate Maps, Lake County, Montana.

XIV. Administration:1. Interpretation:

The Lake County Planning Director shall be designated as the Zoning officer with the responsibility to implement the zoning regulations. Any interpretation or decision by the Zoning Officer concerning the zoning district and regulations may be appealed to the Lake County Board of Adjustments by any landowner within the district in accordance with the appeals and grievance sections of these regulations.

2. Appeals, Conditional Uses and Variance:

The Lake County Board of Adjustment has been created by the Lake County Board of County Commissioners and shall have the authority to hear and decided upon appeals, conditional uses and variances in accordance with Section 76-2-223, M.C.A.

3. Grievance:

An aggrieved landowner within the district, may appeal the decision of the Zoning Officer to the Board of Adjustment or a decision of the Board of Adjustment to a Court of Record provided that, the appeal is filed in 30 days or less of the issuance of the decision to be contested.

XV. Violation:

A violation shall be deemed to have occurred when any structure is erected, constructed, reconstructed, altered. Repaired, converted, or maintained or any land used in a manner that is contrary to terse regulation. Additionally, it shall be a violation to fail to fully comply with any condition contained in a permit or to fail to fully comply with any condition contained in a permit or to fail to wholly comply with any lawful order issued pursuant to these regulations.

In the event a violation occurs, the County Attorney may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use of such structure or land; to prevent any illegal act, conduct, business, or use in or about such premises.

XVI. Amendment:A. Mandatory Review

The zoning shall be reviewed by the Lake County Planning Board after the district regulations have been in effect for one (1) year. Then the zoning shall be reviewed by the Planning Board in the first and sixth year of each decade. The Planning Board shall conduct a public hearing and submit a written finding to the Board of Commissioners which addresses the applicability of the zoning regulations to the current land use, development, social, economic and environmental situation in the district. The Planning Board may propose amendments to the zoning regulations.

## B. Amendment Procedure

The zoning regulations may be amended in whole or in part by the affirmative vote of the Board of Commissioners after a public hearing is held. However, prior to taking any action to amend the regulations the Commissioners shall solicit a recommendation on the proposed action from the Lake County Planning Board.

XVIII. Definitions:

- A. Accessory Building  
A subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal structure or use.
- B. Agricultural Use  
Any management of any land for agriculture: raising of cows, horses, pigs, poultry and other livestock; forestry; horticulture or orchards; including the sale of products grown or raised directly on such land; and including the construction, alteration or maintenance of agricultural buildings, roads, drainage systems, irrigation systems, farm ponds, and fish ponds.
- C. Average Ground Elevation  
The average of the existing cross slope of a portion of the property which is proposed for construction. The overall height of the proposed structure shall be measured from this calculated elevation.
- D. Bed and Breakfast  
A home occupation for the purposes of providing short term travelers accommodations in which not more than 5 guest rooms are provided.
- E. Buildable Area  
That portion of a lot which meets the setback requirements of these regulations and has a slope of 25% or less.
- F. Commercial Use  
Any use involving the sale, rental, or distribution of goods, services, or commodities, either retail or wholesale, or the provision of recreation facilities or activities for a fee, except as may be allowed as a conditional use home occupation.
- G. Conditional Use  
Following a public hearing, the Board of Adjustment may issue a permit for such use, upon finding that it is compatible with surrounding land uses and will comply with all conditions and standards for location, design, and operation of such use.
- H. Dwelling Unit  
A structure or portion thereof which is used exclusively for human habitation.
- I. Guest House  
An accessory building designed for occupancy on a temporary basis by the landowner's guests. A guest house shall not be utilized for sale or rental purposes.
- J. Guest Ranch  
A centrally managed facility which provides full service lodging, dining, or cooking facilities, and on-site recreational activities for overnight guests or members for a fee.

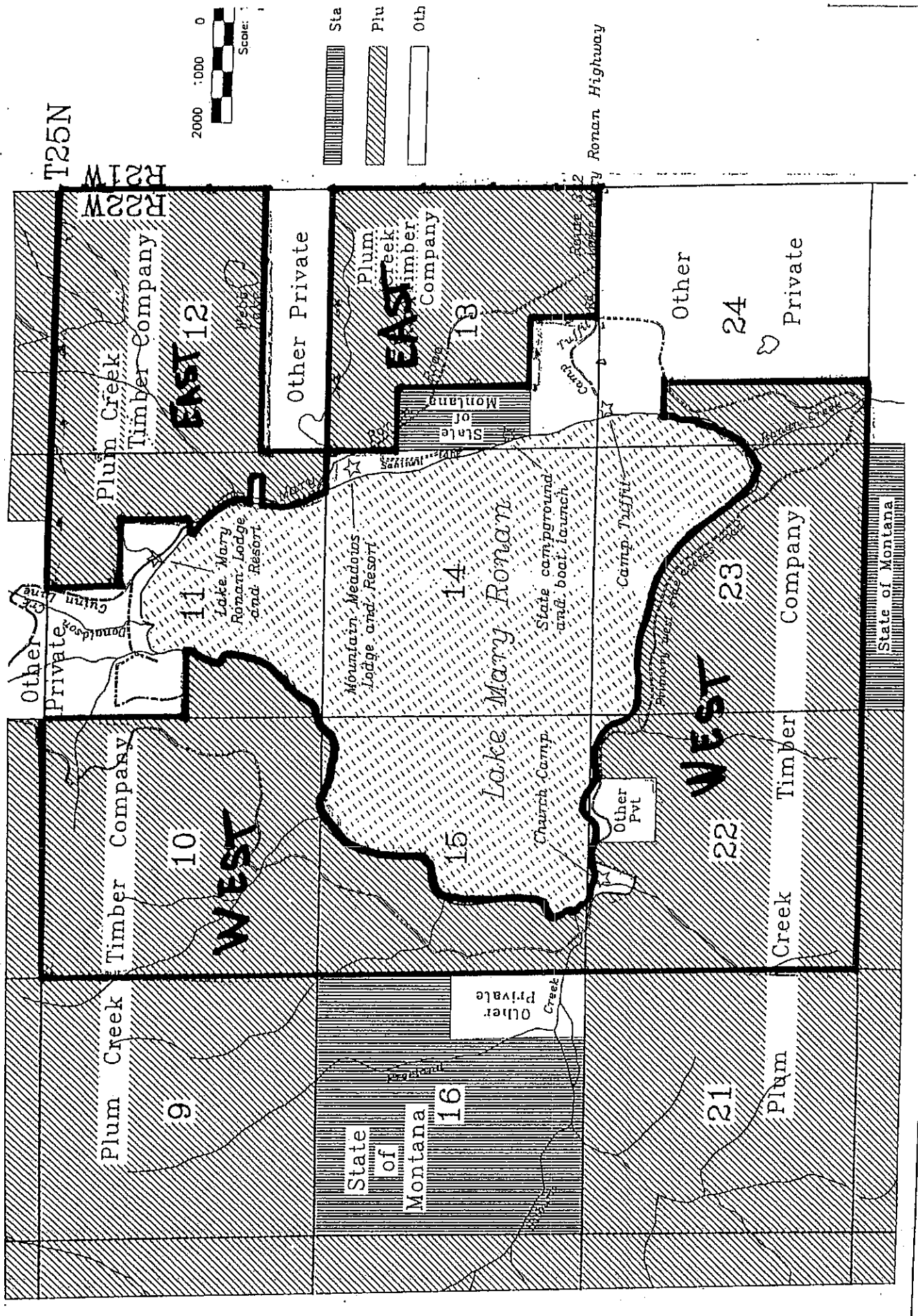


- K. Home Occupation  
Any occupation carried on entirely within a residence or approved accessory building by the occupants thereof, which activity is clearly incidental to the use of said property for residential purposes and does not change the residential character thereof, is conducted in such a manner as to not give any outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term, and does not infringe upon the rights of neighboring residents to enjoy a peaceful occupancy of their homes.
- L. Impervious Surface Area  
The part of the buildable portion of a lot that is covered with manmade improvements. This includes but is not limited to such items as a house, garage, shed, decks and hard surfaced driveways and parking areas.
- M. Industrial Use  
Any manufacturing, production or assembly of goods or materials, including any on-site waste disposal area directly associated with an industrial use. This term includes junkyards and similar facilities or uses. This term does not include manufacturing, production, or assembly that may be allowed as a home occupation under a conditional use or those provided by 76-2-209 M.C.A.
- N. Legally Existing  
The use is in full compliance with all applicable laws, rule, and regulations, including but not limited to possession of and compliance with any permit, license, or other approval required under Federal, State or Local regulations.
- O. Manufactured Home  
A single-family dwelling, built off-site in a factory on or after January 1, 1990, that is placed on a permanent foundation, is at least 1,000 square feet in size, is 20 or more feet in overall width, has a pitched roof and siding and roofing materials that are customarily used on site-built homes, and is in compliance with the applicable prevailing standards of the United States department of housing and urban development at the time of its production. Manufactured housing is prohibited on lake front lots.
- P. Marina  
A facility for storing, servicing, fueling, berthing and securing of pleasure boats and which may include eating, sleeping and retail facilities for owners, crews and guests.
- Q. Planned Unit Development (P.U.D.)  
A land development project consisting of single family residential clusters, and associated commercial and recreational uses, or any combination thereof which comprises a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in a common ownership or use.
- R. Permit  
Written authorization issued by the Zoning Officer on Behalf of Lake County or by the Board of Adjustment pursuant to these regulations.
- S. Permitted Use  
A use or activity which is allowed within the zoning district for which a permit may be required.

- T. Prohibited Use  
A use or activity which is not allowed within the zoning district. In order to establish a prohibited use, a variance must be issued by the Lake County Board of Adjustment.
- U. Residential Single Family  
Any detached building containing one dwelling unit, containing facilities for cooking, living, and sleeping and designed for permanent occupancy by one family.
- V. Recreational Vehicle Campground  
A place used for public camping where persons can rent space to park individual camping trailers, pick up campers, motor homes, travel trailers, or automobiles for transient dwelling purposes.
- W. Resort/Marina  
A facility for transient guests where the primary attraction is generally recreational features or activities.
- X. Retreat Center  
A quiet facility that people may come to for seclusion. (Examples of land uses that qualify under the definition are a treatment facility for health purposes, an educational or religious facility, or an executive meeting facility. Examples of land use that do not qualify as a retreat center under this definition are hotels, motels, and commercial resorts).
- Y. Slope or Grade  
The degree of deviation of a surface from horizontal. For the purposes of these regulations, slope or grade is expressed in percent.
- Z. Variance  
Relief afforded to a landowner by the Board of Adjustment from the standards contained in these regulations in accordance with 76-2-223 M.C.A.

# Lake Mary Ronan Study Area Ownership

382636



T25N

R22W  
R21W

Roman Highway

State of Montana