



# Flathead County

## Planning & Zoning

1035 1st Ave W, Kalispell, MT 59901  
Telephone 406.751.8200 Fax 406.751.8210



### PETITION FOR ZONING AMENDMENT

*Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.*

**FEE ATTACHED \$ \_\_\_\_\_**

#### **APPLICANT/OWNER:**

1. Name: **North Fork Land Use Advisory Committee** Phone: \_\_\_\_\_
2. Mail Address: \_\_\_\_\_
3. City/State/Zip: \_\_\_\_\_
4. Interest in property: Land Use Advisory Committee for the North Fork

**Check which applies:**     Map Amendment     Text Amendment:

#### **TECHNICAL/PROFESSIONAL PARTICIPANTS:**

Name: **Flathead Count Planning and Zoning** \_\_\_\_\_ Phone: **751-8200** \_\_\_\_\_  
 Mailing Address: 1035 1st Ave W \_\_\_\_\_  
 City, State, Zip: Kalispell, MT, 59901 \_\_\_\_\_  
 Email: \_\_\_\_\_

#### **IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE TEXT OF THE ZONING REGULATIONS, PLEASE COMPLETE THE FOLLOWING:**

A. What is the proposed zoning text/map amendment?

**The proposal would amend Section 3.40.040(2) to read "Setbacks of new buildings and temporary structures from public roadways and waterways:"**

**The proposal would also add a new definition to Section 3.40.050 (FCZR). The new definition is "TEMPORARY STRUCTURE: An enclosure with a roof or other protective cover that does not have or require a permanent attachment to the ground and that is used or can be used for the housing, shelter or storage of any person, animal or chattel. An operable, licensed motor vehicle shall not be considered a temporary structure."**

#### **IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE ZONING MAP PLEASE COMPLETE THE FOLLOWING:**

A. Address of the property: \_\_\_\_\_

B. Legal Description: \_\_\_\_\_  
*(Lot/Block of Subdivision or Tract #)*

\_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_  
Section Township Range    *(Attach sheet for metes and bounds)*

C. Total acreage: \_\_\_\_\_

D. Zoning District: **NORTH FORK** \_\_\_\_\_

E. The present zoning of the above property is: \_\_\_\_\_

F. The proposed zoning of the above property is: \_\_\_\_\_

G. State the changed or changing conditions that make the proposed amendment necessary: **When the zoning was originally drafted by the residence of the North Fork, it was intended that all buildings, permanent and temporary, would not be allowed within the setbacks for roads and streams. However, the NFLUAC recently learned the Planning Office's interpretation is that only permanent buildings are restricted in the setbacks because temporary buildings do not have a permanent attachment to the ground and can be moved. The NFLUAC wishes to change the text of the North Fork Zoning District so it is clear the setbacks apply to both permanent and temporary structures.**

**H. THE FOLLOWING ARE THE CRITERIA BY WHICH ZONING AMENDMENTS ARE REVIEWED. PLEASE PROVIDE A RESPONSE AND DETAILED EXPLANATION FOR EACH CRITERION FOR CONSIDERATION BY THE PLANNING STAFF, PLANNING BOARD, AND COMMISSIONERS.**

1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood Plan?

**The text amendment is made in accordance with the North Fork Neighborhood Plan because it is consistent with goals 1, 2, and 3, and policies 2.2 and 3.1.**

2. Is the proposed amendment designed to:

a. Secure safety from fire and other dangers?

**The location of temporary structures on property will not have an impact on fire and other dangers.**

b. Promote public health, public safety and the general welfare?

**Setbacks for buildings from watersheds protect water quality.**

c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?

**Setbacks for buildings from watersheds protect water quality keeping septic systems away from streams and rivers.**

3. Does the proposed amendment consider:

a. The reasonable provision of adequate light and air?

**The location of temporary structures on a property will not have an impact on light and air.**

b. The effect on motorized and non-motorized transportation systems?

SEP - 9 2010

**The location of temporary structures on a property will not have an impact on transportation systems.**

- c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities?

**The North Fork zoning district not in the proximity of any incorporated areas.**

- d. The character of the district and its peculiar suitability for particular uses?

**The north fork is characterized by open spaces and having a setback for temporary structures from roads and waterways is in character with the north fork.**

- e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area?

**The north fork is characterized by open spaces and having a setback for temporary structures from roads and waterways is in character with the north fork.**

- 4. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities?

**The North Fork zoning district not in the proximity of any municipalities.**

\*\*\*\*\*

*The signing of this application signifies approval for the Flathead County Planning & Zoning staff to be present on the property for routine monitoring and inspection during approval process.*

*Paul Frederick*  
Owner/Applicant Signature(s)

*3 September 2010*  
Date

SEP - 9 2010