

Lisa Bennett

**BOARD OF COUNTY COMMISSIONERS
RESOLUTION NO. 2029**

Document # 565830

Ret: Commissioners Office

WHEREAS, the Board of County Commissioners adopted Resolution No. 1793 on January 19, 2006, to create the Rippling Woods Voluntary Zoning District; and

WHEREAS, no protests of the formation of the Rippling Woods Voluntary Zoning District were received by the County; and

WHEREAS, the Planning and Zoning Commission adopted Resolution No. 2007-1 on January 9, 2007, recommending that the Board of County Commissioners adopt the Rippling Woods Voluntary Zoning District Standards; and

WHEREAS, the Board of County Commissioners provided legal advertisement and conducted a public meeting regarding the proposed development pattern and district standards for the Rippling Woods Voluntary Zoning District on January 23, 2007, and received public comment on the proposal; and

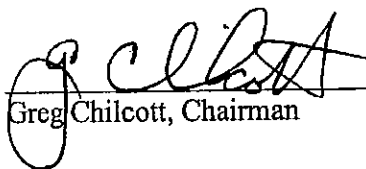
WHEREAS, after consideration of the development pattern and district standards, the findings and conclusions of the staff report, staff's recommended amendments to the district standards and the Planning and Zoning Commissions recommendation, the Board of County Commissioners makes the findings below.

1. The Rippling Woods Voluntary Zoning District standards improve impacts on public health and safety, as compared to keeping this area unzoned;
2. The proposed district standards will help maintain a consistent development pattern within the Rippling Woods Voluntary Zoning District and the surrounding area that is beneficial to the current physical and economic development of the area;
3. The district standards substantially comply with relevant provisions of the Growth Policy; and
4. The district standards will have minimal effects on agricultural activities.

NOW THEREFORE BE IT RESOLVED, that the Board of County Commissioners hereby establishes the Rippling Woods Voluntary Zoning District Standards as shown in Exhibit A.

Passed and adopted this 23rd day of January 2007.

BOARD OF COUNTY COMMISSIONERS


Greg Chilcott, Chairman

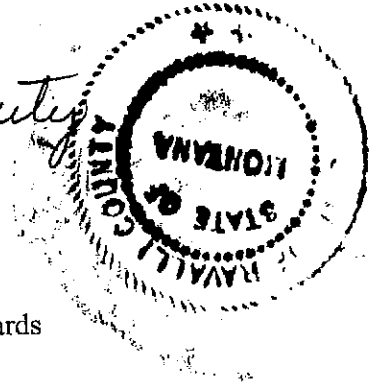


Howard W. Lyons
Howard Lyons, Member

Alan Thompson
Alan Thompson, Member

Attest:

Regina Plettenberg / Benad Miller, deputy
Regina Plettenberg, Clerk and Recorder



Attachments:

Exhibit A Rippling Woods Voluntary Zoning District Standards

RIPPLING WOODS HOMEOWNER'S ASSOCIATION

VOLUNTARY ZONING DISTRICT STANDARDS

EXHIBIT "A"

This document is the initial document to be recorded for the Voluntary Zoning District applying to the below described parcels of land.

Tracts #3 through #18 indicated in Certificate of Survey 1280 (Ravalli County Montana), and:
The SW1/4NW1/4NE1/4 of Section 13, Township 8 North, Range 21 West, P.M.M, Ravalli County Montana

The SE1/4NW1/4NE1/4 of Section 13, Township 8 North, Range 21 West, P.M.M., Ravalli County Montana

The NW1/4SE1/4NE1/4 of Section 13, Township 8 North, Range 21 West, P.M.M, Ravalli County Montana

The SW1/4SE1/4NE 1/4 of Section 13, Township 8 North, Range 21 West, P.M.M, Ravalli County Montana

SUBJECT TO roadway and utility easements of the above described tracts and being shown on the certificate of survey filed on June 6, 1977, as document no. 1280, Office of the County Clerk and Recorder, Ravalli County Courthouse, Hamilton, Montana.

ALSO, TOGETHER WITH all water, water rights, ditches, dams and flumes appurtenant or in *any* wise belonging to the above described property.

SUBJECT TO all deed restrictions and reservations of record.

SUBJECT TO the following standards.

- (1) **PARCEL SUB DIVISIONS.** Each parcel or lot of land described above shall not be sub divided. The exception to this restriction will be the construction of a guest home or cottage for non income use. Construction of guest homes or cottages shall be reviewed in accordance with the Ravalli County Subdivision Regulations.
- (2) **LAND USE.** It is intended that this land shall not be used except for residential purposes, and no industry, business or manufacture of any sort or nature shall be conducted thereon with the exception of a home occupation including small scale agricultural operations. The keeping of animals or fowl within the District is addressed within the covenants.

A home occupation or profession that is: accessory to a residential use and is customarily carried on in a dwelling unit or a building or other structure accessory to a dwelling unit; carried on by a member of the family residing in the dwelling unit; clearly incidental and secondary to the use of the dwelling unit for residential purposes; conforms to the following conditions:

- The occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto;
- Not more than two people outside the family shall be employed in the home occupation, and there shall be no stock in trade;

-There shall be no exterior display, no exterior sign, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building;

-No nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be generated with the exception of those associated with small scale agricultural/forestry operations;

-No traffic shall be generated by such home occupation in greater volumes than would be normally expected in the neighborhood; and,

-The home occupation shall not utilize more than 20 percent of the total floor area of the dwelling unit.

A home occupation shall include, but not be limited to, the following: art studio, home-based day care, dressmaking shop, teaching or tutoring facilities, or professional office.

A home occupation shall not be interpreted to include the following: facilities for the repair of motor vehicles, daycare center.

- (3) **BUILDING TYPE.** It is intended that all structures or buildings constructed for permanent residence purposes shall be single family dwellings with minimum floor area, exclusive of open porches, and garages, of 860 square feet. Guest homes and summer cottages (see Section 1), shall not come within this restriction. Manufactured housing placed on site will meet the following requirements:

Manufactured housing is permitted. A manufactured home does not include a mobile home or house trailer, as defined in MCA 15-1-101, both of which are prohibited in this district. "Manufactured housing" means a single family dwelling built offsite 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, 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.

- (4) **TEMPORARY STRUCTURES.** Trailer houses or mobile homes are not permitted, either for temporary or permanent residential purposes; provided, however, that camp trailers may be stored on premises. Manufactured housing as permanent housing is permitted per Section 3. No basement, tent, shack, garage, barn or other building shall at any time be used as a residence and all residences or dwellings must be complete on the exterior before occupancy.

- (5) **ACCUMULATIONS.** It shall never be permitted to conduct or operate a "Junk" Yard on said lots, nor shall the accumulation of unsightly objects, used and wrecked automobiles, or parts thereof, be permitted to remain thereon. A junkyard shall be defined as follows:

A building structure, or parcel of land, or portion thereof used for collecting, storage, or sale of waste paper, rags, scrap metal, rubber tires, bottles, or discarded material.

Any space for storage, abandonment or sale of junk, scrap material or similar waste, including the dismantling, demolition or abandonment of automobiles, other vehicles, machinery or parts. Junkyard shall be synonymous with salvage yard. Any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two or more unregistered motor vehicles that are no longer intended or in condition for legal use on the public highways, or used parts of motor vehicles or old iron, metal, glass, paper, cordage, or other waste or discarded or second hand material which has been a part, or intended to be a part of any motor vehicle, the sum of which parts or material shall be equal in bulk to two or more motor vehicles. Such terms shall also include any place of business or storage or deposit of motor vehicle purchased for the purpose of dismantling the vehicles for parts or for the use of the metal for scrap.

(6) FENCES. All fences bordering a roadway shall be of wooden posts or wooden rails. The surface of said fence shall be painted or stained either dark brown or black. This does not include fences erected for the purpose of wild animal protection for garden-yard-court areas.

(7) BUILDING STANDARDS.

-Building height: 40 feet maximum

-Setbacks and areas of yards, courts and open spaces shall be a minimum of 60 feet from the edge of roadway, right-of-way or easement

(8) VARIANCES.

Procedures for Variance

Requests

1. Applications for a variance from the zoning regulations may be submitted by *any* person by filing an Application for Variance with the Planning Department Application forms shall be available at the Ravalli County Planning Department.
2. The Application for Variance must identify the applicant, identify the property at issue, identify the owner of the property and explain the relationship between the applicant and owner (if different), describe the factual background and particulars of the variance requested, set forth the specific reasons for requesting the variance and explain how the applicant believes the variance criteria set forth herein are satisfied. Applications for variances shall be reviewed by staff for completeness, and shall be returned to the applicant without further processing if determined not to meet the requirements of this section.
3. The Planning Department shall fix a reasonable time for the Board of County Commissioners hearing of the variance request.
4. The Planning Department shall publish two (2) notices, one (1) week apart in a newspaper of general County circulation, the first of which shall appear at least fifteen (15) days prior to the public hearing. The notice shall contain a brief description of the variance request; the location of the property; the date, time and place of the public hearing; and the statement that the application is on file for public inspection at the Planning Department
5. The Planning Department shall send written notification of the variance request to the property owners according to the following procedures:
 - a. Mailing lists shall include all persons listed in the most current available data in County Records who own the subject property(s) and property within five hundred (500) feet of the property proposed for a variance.
 - b. The mailing shall be made at least fifteen (15) days prior to the public hearing.
 - c. The notice shall contain a brief description of the nature of the application; the time, place, and date of the public hearing; and the phone number and address of the Planning Department.

6. At the hearing any party may appear in person or be represented by an agent or attorney.

Requirements for Granting a Variance

1. Variances shall not be allowed for Standards #1 through #5.
2. To grant a variance the Board of County Commissioners must make findings that:
 - a. the granting will not be contrary to the public interest or injurious to the neighborhood; and
 - b. owing to special conditions, a literal enforcement of the provisions of these regulations will result in unnecessary hardship if the variance is not granted; and
 - c. the spirit of the regulations shall be observed and substantial justice done; and
 - d. the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and
 - e. the special conditions and circumstances do not result from the action of the applicant or prior owners of the parcel at issue; and
 - f. the granting of the variance will not result in a situation that is in conflict with the Ravalli County Growth Policy.
3. Neither the permitted or nonconforming use of other lands, structures or buildings in the jurisdiction, are grounds for the issuance of a variance.
4. "Hardship" refers to circumstances peculiar to the particular property. Financial or economic difficulties or consequence of actions by the property owner are not "hardships" for zoning or variance purposes.

(9) NONCONFORMITIES

A. Purpose

1. Within the jurisdiction, structures and uses of land may exist which were lawful at the time these regulations were adopted, but which would be prohibited or regulated under the terms of these regulations or future amendment. The intent of this Section is to permit these nonconformities to continue until they are removed, but not to encourage their continuation. These regulations further intend that nonconformities shall not be enlarged or expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the jurisdiction.
2. Nonconforming uses and structures and declared by these regulations to be incompatible with permitted uses and structures. However, to avoid undue hardship, nothing in these regulations shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoptions of these regulations and where actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction material in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

B. Nonconforming Uses of Land and Structures

Where, at the time of passage of these regulations, a lawful use of land or a structure exists which would be permitted by the regulations imposed by these regulations, the use or structure may be continued where it remains otherwise lawful, provided:

1. A nonconforming use or structure may not be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the effective date of adoption of these regulations. Any enlargement or expansion of the

- nonconforming use or structure shall eliminate the allowance for the nonconforming use or structure, and the entire use or structure must then be brought into conformance with these Regulations.
2. Should any nonconforming use cease for any reason for a period of more than one year, any subsequent use of the land or structure shall conform to these regulations.
 3. Should a nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in compliance with the provisions of these regulations.
 4. Nothing in these regulations shall be deemed to prevent the routine repair and maintenance of a nonconforming structure.

(10) SEVERABILITY CLAUSE.

If any section or provision of these regulations is declared unconstitutional or invalid by a court of competent jurisdiction, the decision shall not affect the validity of the Regulations as a whole, nor any part thereof other than the specific portion declared to be unconstitutional or invalid.