

**BOARD OF COUNTY COMMISSIONERS
RESOLUTION NO. 3281**

WHEREAS, the Board of County Commissioners adopted Resolution No. 3280 on October 1st, 2015, to create the Ravalli County Airport Area Voluntary Zoning District; and

WHEREAS, the Planning and Zoning Commission on October 29th, 2015 held a public hearing and recommended that the Board of County Commissioners adopt the Ravalli County Airport Area 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 Ravalli County Airport Area Voluntary Zoning District on November 2nd, 2015; and

WHEREAS, after consideration of the development pattern and district standards and the Planning and Zoning Commission's recommendation, the Board of County Commissioners amended the standards to allow for private enforcement.

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

Passed and adopted this 2nd day of November, 2015.

BOARD OF COUNTY COMMISSIONERS

Jeff Burrows
Jeff Burrows, Chair

J.R. Iman
J.R. Iman, Member

Ray Hawk
Ray Hawk, Member

Regina Plettenberg
Attest: Regina Plettenberg, Clerk and Recorder
by R. Montgomery, Deputy

Doug Schallenberger
Doug Schallenberger, Member

Greg Chilcott
Greg Chilcott, Member



Attachments: T.V.
Exhibit A Ricketts Road Voluntary Zoning District Standards
Ravalli County Airport Area

Ret: Commissioners Office

Exhibit A

Establishment of the Ravalli County Airport Area Voluntary Zoning District development pattern and land use regulations.

Authority:

This district is enacted pursuant to and consistent with the requirements and authority of Section 76-2-101 and 76-2-205 MCA.

Purpose of the District:

It is the intent of the property owners of the Ravalli County Airport Area Voluntary Zoning District to protect the functionality of the Airport while creating an opportunity for an industrial area to utilize a targeted economic development district and accommodating appropriate development and growth.

Enforcement:

- (a) County Enforcement. The County shall enforce the provisions of this district.
- (b) Private Enforcement. A property owner within the district or anyone with standing may enforce the provisions of this district.
- (c) Effect of Non-enforcement. Failure to immediately enforce any of these provisions shall not in any event be construed or held to be a waiver thereof or consent to any further or succeeding breach or violation,

Variances:

(a) Generally: The Board of County Commissioners (BCC) may grant a variance from the strict application of any provision of this Code.

Amendments:

(b) Landowner Initiated: The County may amend the district boundary or any provision that applies to this district provided either sixty (60) percent of the landowners within said district submit a signed petition to the Board of County Commissioners.

(c) County Initiated: The County may amend the regulations and standards, or any other provision of the district when done in the context of a comprehensive plan revision.

The uses and standards that shall be permitted throughout the district follow in the "Rules".

Ravalli County Airport Area Voluntary Zoning District Comprehensive Development Plan and Pattern:

All land located in and owned by Ravalli County under the designation of the Ravalli County Airport shall be bound by the Rules and Regulations for the Airport as currently described in Resolution 2530, Dated Marth 31, 2010 and recorded as Document 629454. The Development Pattern for the Airport Property shall be subject to amendments to said Resolution 2530, and allowed under FAA rules and restrictions.

All other properties in the District shall have the following Development Pattern:

- 1) **LAND USE:** Airport and Light Industrial and Technology

This district provides land for a wide range of activities, including Airport and associated activities, manufacturing, technology, value-added agriculture, services, trade, and transportation and utilities.

Permitted Principal Uses

1. Ambulance services
2. Accessory Parking, Park and ride lots.
3. Agriculture.
4. Agricultural Manufacturing, Processing and Storage Facilities.
5. Airport.
6. Airport Related and Support Facilities.
7. Aviation Related and Support Production, Repair and Manufacturing Facilities.
8. Communications services - cellular telephone towers
9. Computer and data processing.
10. Education Facilities.
11. Electric Production, Manufacturing and Generation Facilities.
12. Essential Services.
13. Food Processing and Production.
14. Forest Resource Development.
15. Forest Resource Manufacturing, Processing and Storage Facilities.
16. Foundries.
17. Furniture Manufacturing.
18. Gas Production, Manufacturing and Generation Facilities.
19. Government Facilities and Services.
20. Heavy Equipment Sales, Rental and Service.
21. Laboratories, Research and Diagnostic.
22. Land and building development, construction and maintenance
23. Local and regional utilities.
24. Manufacturing.
25. Mineral Resource Development.
26. Mineral Resource Manufacturing, Processing and Storage Facilities.
27. Motor Vehicle transportation
28. Non-motorized transportation - sidewalks and bike paths
29. Parcel Delivery Services.
30. Professional and Technical Service Contractors.
31. Radio and TV broadcasting relay towers, satellite dishes.
32. Rail Transportation.
33. Rental and Leasing.
34. Security Operations.
35. Solar Power Generation Collectors and Facilities.
36. Technology Research, Development and Manufacturing.
37. Telecommunications Towers and Facilities.
38. Truck, Bus and Rail Terminal Facilities.
39. Vehicle/boat service, repair and washing
40. Veterinary Clinic.
41. Repair Services.
42. Warehousing.
43. Wind Power Generation Turbines and Facilities.

Wholesale trade and Retail Trade

1. Automobile supplies
2. Farm supplies and equipment
3. Eating and drinking establishments. (eating establishments as subordinate use only – a use which is secondary or incidental to a permitted use, located on the same lot or in the same structure as the permitted use and which is functionally related to the permitted use, and which is generally limited in size to 25 percent of the floor area devoted to the related permitted use.)
4. Garden Supplies and Nurseries
5. Gasoline stations
6. Hardware, paint, tile wallpaper.
7. Lumber and building products
8. Trucks, motorcycles, RV's boats
9. Wholesale trade

Accessory Uses

1. Day Care Center, Accessory.
2. Dwelling, Accessory.
3. Hazardous Waste Generated On-Site Disposal.
4. Incidental uses customarily and necessarily related to and included in principal uses.
5. Offices, Accessory.
6. Parking, Accessory.
7. Related Interpretive Facilities.
8. Retail Sales of goods produced or warehoused on-site, not to exceed 40% of gross floor area or 10,000 square feet, whichever is less.
9. Signs, Identification.
10. Signs, Subdivision Identification.
11. Storage Yard.

Conditional Uses (Must be approved by BCC)

1. Structures over 45 feet in Height.
2. Convenience Retail; limited to one (1) in entire district. Dwelling(s), Work Force Housing (number of units can be up to 35% of total number of jobs created by any one business).
3. Expansion of a Non-Conforming Structure.
4. Hazardous Waste Disposal Facility.
5. Medical Waste Disposal Facility.
6. Personal Services.
7. Restaurants; limited to three (3) in entire district.
8. Warehousing; Residential Storage Facility (mini warehousing)

Prohibited Uses

1. Adult Use.
2. Bars.
3. Casinos.
4. Dwellings (other than Work Force Housing).
5. Residential uses to include manufactured and mobile homes for any use;
6. Auto wrecking and salvage yards; and

Minimum area regulations.

1. Minimum lot area: Twenty thousand (20,000) square feet.
2. Minimum frontage: One hundred fifty (150) feet.
3. Minimum yards:
 - a. Front yard: Twenty (20) feet measured from the front property line.
 - b. Rear yard: None.
 - c. Side yard: None for interior lots.
 - d. Corner lots: Twenty (20) feet from the side yard facing a secondary street.
4. Maximum height regulations.
 - a. Three stories or forty-five (45) feet, whichever is less.
 - b. None established for smokestacks, air pollution equipment, water towers and wireless communication facilities.

2) **BUILDING TYPE:** All buildings must be built in accordance with Montana Building Codes, in accordance with Title 50, Chapter 60 and Title 50, Chapter 74 Montana Code Annotated and the codes that are adopted and amended through Title 24, Chapter 301, Administrative Rules of Montana.

3) **WASTE DISPOSAL:** All properties must maintain suitable garbage disposal facilities such as to prevent escape of noxious odors and provide for removal and disposition of same in manner and place other than in or upon said lots (compost piles are exempt).

4) **ACCUMULATIONS:** It shall not be permitted to conduct or operate a junkyard on said lots nor shall the accumulation of unsightly objects, used and wrecked automobiles, or parts thereof, be permitted to remain thereon.

Variances.

Procedures for Variance Requests

1. Applications for a variance to the Board of County Commissioners may be submitted by any person by filing an Application for Variance with the Ravalli County Planning Department. Fees shall be required to be paid by the applicant in the amounts established in a fee schedule adopted by the Ravalli County Commissioners.
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 Ravalli County Planning Department shall fix a reasonable time for the Board of County Commissioners hearing of the variance request.

4. The Ravalli County 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 Ravalli County 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 in the Ravalli County Airport Area Voluntary Zoning District.
 - 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. To grant a variance the Board of County Commissioners must make findings that:
 - a. granting the variance will not be contrary to the public interest or injurious to the district; 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.
2. Neither the permitted nor nonconforming use of other lands, structures or buildings in the jurisdiction is grounds for the issuance of a variance.
3. “Hardship” refers to circumstances peculiar to the particular property. Financial or economic difficulties or consequences of actions by the property owner are not “hardships” for variance purposes.

Severability. The provisions of these regulations are severable. If any provision or portion thereof is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining provisions, all of which shall remain in full force and effect.