

SECTION 3.40 NF NORTH FORK

3.40.010 Definition.

The North Fork Flathead River Valley Land Use Plan adopted in 1987 and updated in 1992 begins by stating, “Those who live or own land in the North Fork of the Flathead River face the prospect of making difficult decisions about the future of this beautiful area.” The final statement of the Plan concludes “it is necessary to put into place a system which will protect the rights of all landowners, resident and non-resident, and also preserve those unique values so important to the North Fork: clean air, pure water, open space, freedom from noise and light pollution.” The following standards are intended to bridge those difficult decisions and give guidance to the area we call “the North Fork”.

3.40.020 Permitted Uses:

1. Agriculture/Timber Operation
2. Bed and Breakfast or Hostel
3. Church
4. Community Center Building
5. Community Residential Facility, Class One
6. Dwelling, Single-Family (Includes Accessory Structures per Section 5.01.020(1) Flathead County Zoning Regulations.)
7. Guest Cabin
8. Post Office
9. Public School
10. Public Utilities
11. Recreational Vehicle or Camping (private).
12. Residential Business
13. Rental Cabins

3.40.030 Conditional Uses:

1. Camp or Retreat Center
2. Cellular Tower*
3. ~~2.~~ Coin-Operated Laundry
4. ~~3.~~ Convenience Store
5. ~~4.~~ Extractive Industry
6. ~~5.~~ Gift/Souvenir Shop
7. ~~6.~~ Guest Ranch
8. ~~7.~~ Residential Business With More Than Five Employees
9. ~~8.~~ Private School
10. ~~9.~~ Public Showers
11. ~~10.~~ Outdoor Recreation Facility (rental Cabins are limited to 1 per 5 acres)
12. ~~11.~~ Recreational Vehicle or Camping (public)
13. ~~12.~~ Restaurant
14. ~~13.~~ Tavern

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 2"

Comment [EM34]: Section 3.40.040(6) states cellular tower is an administrative conditional use permit, but it was not listed under conditional uses.

3.40.040 Development Standards

1. Minimum lot size: No lot or tract smaller than 20 acres can be created.

2. Setbacks of new buildings from public roadways and waterways:
 - a. River, stream or lake (lakes over 20 ac.): 150 ft from high water line
 - b. North Fork Road: 150 ft. from R/W line
 - c. Other public roads: 100 ft. from R/W line
3. Any existing lot or tract which cannot meet these setbacks because of size or topographic limitations will be given a variance.
4. On-site signs: There are no restrictions on signs advertising a business or activity on the property it is located.
5. Off-site signs: Signs which advertise anything not on the property they are located (billboards, etc.) are prohibited except that directional signs (signs which state the name of the business and/or use with directional information and being a maximum size of 4 square feet, located on private property) are allowed.
6. Grandfathered (non-conforming) uses: Any lot, building or sign that legally exists at the time of adoption of these regulations and does not meet the above standards is legally protected and may continue to be used. In addition, if a building that exists at time of adoption of these regulations does not meet the setbacks, the owner is free to expand, modify or rebuild it.
7. Cellular towers – Administrative Conditional Use Permit (See Section 2.06.045).

3.40.050

Definitions:

The definitions of terms used in these regulations are to be those used in the Flathead County Zoning Regulations except for terms which have a specific definition set forth below. Those definitions stated below shall only apply to this Zoning District.

1. GUEST CABIN: A detached structure being an accessory to a single-family dwelling, which may or may not have cooking facilities and/or bathroom facilities. If a guest cabin is rented, it shall be deemed as a rental cabin and subject to density requirements placed upon rental cabins in this zoning district.
2. RECREATIONAL VEHICLE AND CAMPING (PRIVATE USE): The placement of a recreational vehicle or tent on a parcel of land that may or may not contain an existing residence for the private, non-commercial use of the landowner or a guest.
3. RENTAL CABINS: Rental cabins may be built at a density of one for each five acres of contiguous property owned. For example, a person owning 20 acres can have four rental cabins in addition to the main residence. One rental cabin is allowed per tract of record regardless of acreage (Lots less than 5.0 acres in size). Standards are the same as those outlined for a guest cabin. A deed restriction shall be placed on qualifying property by a landowners when two or more rental cabins are built and placed in service.

The purpose of the deed restriction is to inform future owners of the property of the rental cabin density allocation that has been used or to provide an additional

3. Flags and insignias of any government except when displayed in connection with commercial promotion.
4. Legal notices; identification, information, or directional signs erected or required by governmental bodies.
5. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
6. On-premise signs directing and guiding traffic and parking on private property, but bearing no advertising matter, shall not exceed 16 square feet.
7. Bulletin boards for churches, schools, or other public, religious, or educational institution provided such sign is located not less than ten (10) feet from the established right-of-way line of any street or highway and does not obstruct traffic visibility at street or highway intersections. Such signs shall not exceed thirty-two (32) square feet in area.
8. Political signs on private property, each not exceeding thirty-two (32) square feet, ~~not erected more than thirty (30) days prior to, and removed not more than one (1) week after, the election or event to which the sign pertains.~~
9. One construction sign per street frontage, per contractor of a building, which is under construction, provided the advertising display area of such a sign, shall not exceed thirty-two (32) square feet.
10. Signs identifying the entrances to subdivisions bearing only the name of the subdivision and the distance and direction to the subdivision. Where off-premise, such signs shall not exceed 32 square feet per sign face and no part of the sign structure may exceed 12 feet in height. Where on-premise, such signs shall not exceed 60 feet per sign face and no part of the sign structure may exceed 16 feet in height unless affixed to or suspended from a gate or other entry structure. Off-premise signs visible from any public roadway shall have an earth tone background with white lettering which may be reflective. On-premise signs shall be constructed of native material visually compatible with the surroundings. Lighting is prohibited on off-premise signs. Lighting is allowed for on-premise signs and may be external and indirect only.

Comment [EM44]: These changes are based on court decisions concerning residential political signs, mainly *Collier v. City of Tacoma*, *City of Painesville Building Department v. Dworken and Bernstein Co.*

5.11.020

General Standards For All Signs

All signs permitted as accessory uses in business and industrial districts are subject to the following regulations:

1. Animation: Signs shall not rotate, move, flash, change or blink, except if utilized by a government agency for public safety or information. An electronic message center may display changing information but shall not flash or blink the message or picture display.
2. Wall Signs: Projection of wall signs shall not exceed two (2) feet measured from the face of the building. No wall sign may project above the highest point of roof structure of the building to which it is attached.

