

CHAPTER III

ESTABLISHMENT AND DEFINITION OF DISTRICTS

SECTION 3.01 USE DISTRICTS

3.01.010 Intent

These zoning regulations are adopted with the purpose and intent of:

1. Implementing and promoting the Flathead County Growth Policy;
2. Lessening congestion in the streets;
3. Securing safety from fire, panic, and other dangers;
4. Promoting health and the general welfare;
5. Providing adequate light and air;
6. Preventing the overcrowding of land;
7. Avoiding undue concentration of population;
8. Facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
9. Giving reasonable consideration to the character of the district;
10. Giving reasonable consideration to the peculiar suitability of the property for particular uses;
11. Conserving the value of buildings;
12. Encouraging the most appropriate use of land; and,
13. Protecting the aesthetic resources of the County.

3.01.020 For the purpose of applying these regulations to the zoned areas of Flathead County, said areas are hereby divided into the following use districts:

District	Title	Minimum Lot Size
AG-80	Agricultural	80 acres
AG-40	Agricultural	40 acres
AG-20	Agricultural	20 acres
SAG-10	Suburban Agricultural	10 acres
SAG-5	Suburban Agricultural	5 acres
R-2.5	Rural Residential	2.5 acres
R-1	Suburban Residential	1 acre
R-2	One-Family Limited Residential	20,000 sq. ft.
R-3	One-Family Residential	10,000 sq. ft.
R-4	Two-Family Residential:	
	Single-family	6,000 sq. ft.
	Duplex	7,500 sq. ft.
R-5	Two-Family Residential	5,400 sq. ft.
RC-1	Residential Cluster	Max. Density 1 du/acre
	Detached Dwelling Unit	4,500 sq. ft.
	Attached Dwelling Unit	2,500 sq. ft.
RA-1	Residential Apartment	7,500 sq. ft.
<i>RR-1</i>	<i>Low Density Resort Residential</i>	<i>District,</i> <i>Min. 1 acre</i>
B-1	Neighborhood Business	7,500 sq. ft.

B-2	General Business	7,500 sq. ft.
<i>B-2A</i>	<i>Secondary Business</i>	<i>Not applicable</i>
B-2HG	General Business Highway Greenbelt	See Section 3.44
B-3	Community Business	District, Min. 10 acres
BR-2	Resort Business	District, Min. 20 acres
BR-4	Resort Business	District, Min. 10 acres
B-5	Tourist Retail	District, Min. 5 acres
B-6	Resort Business	15,000 sq. ft.
B-7	Rural Area Commercial	District, Max. 240,000 sq. ft.
<i>BMRR</i>	<i>Big Mountain Resort Residential</i>	<i>District, As prescribe by the Big Mountain Plan Land Use Plan</i>
<i>BMV</i>	<i>Big Mountain Village</i>	<i>District, As prescribe by the Big Mountain Plan Land Use Plan</i>
<i>BSD</i>	<i>Business Service District</i>	<i>1 acre</i>
CCC-1	Commercial Country Corner – 1	District, Max. 240,000 sq. ft.
CCC-2	Commercial Country Corner – 2	District, Max. 400,000 sq. ft.
CVR	Commercial Village Resort	2,500 sq. ft.
I-1	Light Industrial	7,500 sq. ft.
I-1H	Light Industrial – Highway	1 acre
I-2	Heavy Industrial	7,500 sq. ft.
P	Public	Not applicable
PUD	Planned Unit Development	See Section 3.31
SC	Scenic Corridor	See Section 3.32
LBL	Little Bitterroot Lake	See Section 3.33

SECTION 3.02 LOCATION AND BOUNDARIES OF DISTRICTS

- 3.02.010 The location and boundaries of the various use districts are established in the resolutions by the Board of County Commissioners that adopt the zoning districts. These regulations and the resolutions made to create the zoning districts are to be used in conjunction with each other.
- 3.02.020 Where uncertainty exists as to the boundary of any district that cannot be clarified by examination of the map of the particular zoning district, the exact location of the boundary shall be determined by the legal description of the boundaries adopted with the resolution that created the zoning district.
- 3.02.030 District boundaries shall generally take into consideration property boundaries as platted and not divide a platted lot, parcel, or tract of land into two or more use districts. If, however, a property is divided into two use districts, the property may be utilized in

conformance with one zoning designation or the other as long as the use is principally confined to that portion of the property that is zoned for the chosen use.

SECTION 3.03 PERMITTED/CONDITIONAL USES AND DIMENSIONAL REGULATIONS

3.03.010 General Provisions

These zoning regulations shall apply to all private and public lands and structures within the adopted zoning districts in the jurisdiction of Flathead County.

3.03.020 Except as provided for elsewhere in these regulations:

1. A lot may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied, or used only as permitted by these regulations.
2. No lot dimension, yard, or off-street parking area existing on or after the effective date of these regulations shall be reduced below the minimum requirements contained herein.
3. Except as otherwise specified in these regulations, only one principal use shall be allowed per tract of record in the following zones: AG-80, AG-40, AG-20, SAG-10, SAG-5, R-2.5, R-1 through R-5, RA-1, and B-1. Multiple uses may be allowed on single lots in other zoning districts upon the issuance of a Conditional Use Permit.
4. A lot or the aggregate of contiguous lots or parcels platted prior to the adoption of these regulations which has an area or dimension that does not meet the requirements of these regulations, may be put to a use permitted in that zone subject to all other requirements of the zone in which it is located.
5. In the event that a parcel is made up of multiple adjacent lots, the property owner should obtain a zoning lot determination from the Zoning Administrator. Such determination would indicate the property lines from which setbacks would be measured for compliance with these zoning regulations. A form requesting such a determination is available from the Zoning Administrator.
6. The following types of structures or structural parts are not subject to the building height limitations of these regulations: chimneys; water tanks; church spires, belfries, and domes; public monuments approved by the State and/or local government; fire and hose towers; transmission towers (subject to issuance of a Conditional Use Permit); radio and television towers, masts, and aerials (subject to issuance of a Conditional Use Permit); cooling towers; and other similar projections.
7. Setback shall be measured from the property line or, where applicable, the edge of the right-of-way, whichever is closer to the proposed or existing building.
8. Public utility maintenance or service stations, fire stations and other public utility or facility stations are exempt from the minimum lot size requirement of the zoning district. A determination from the Zoning Administrator shall be required prior to creating the lots for these uses.

9. For the purpose of applying Section 76-2-209, M.C.A., which addresses the application of zoning regulations for sand and gravel extraction operations and asphalt and concrete batch plants, any zoning district or use district, including those overlaid with a Planned Unit Development, which provides for Single Family Residential Dwellings, Resort, 1 – 4 plex, or similar multi-family or other residential uses as a permitted use, is zoned as residential. In those districts the zoning regulations adopted and provided for herein shall specifically apply to sand and gravel extraction and asphalt or concrete batch plant use, except that AG-40 and AG-80 are not considered residential zones.
10. In R-2.5 (Rural Residential), R-1 (Suburban Residential), R-2 (One Family Limited Residential), R-3 (One Family Residential), R-4 (Two Family Residential), R-5 (Two Family Residential), RC-1 (Residential Cluster), RA-1 (Residential Apartment) *and RR-1 (Low Density Resort Residential)* zoning or use districts, sand and gravel extraction and asphalt and concrete batch plant uses are prohibited. In other residential districts, as defined herein, sand and gravel extraction and asphalt and concrete batch plant uses shall be conditioned under the provisions of Sections 2.06 and 4.10, provided however, that if the negative impacts (including those listed in Section 2.06.080.1.D) on the surrounding area cannot be reasonably mitigated, all sand and gravel extraction and associated operations, or processing of sand and gravel, or asphalt and/or concrete batch plant uses, may be prohibited.

3.03.030

In the interpretation of Sections 3.04 through 3.44, where a use or class of use is not specifically listed, its status shall, upon request, be determined by the Zoning Administrator, as per Section 2.01.020, by reference to that listed use, if any, which is so like the requested use in purpose, function, character, and effect as to be substantially similar to said listed use.