# FLATHEAD COUNTY ZONING REGULATIONS

ADOPTED SEPTEMBER 27, 1993
RESOLUTION NO. 955A

ON FILE PERMANENT FILE NO. 9327013500
RECORDS OF FLATHEAD COUNTY, MONTANA
AND AS AMENDED

**REVISED: 5/12/15**

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| RESOLUTION | FLATHEAD COUNTY ZONING REGULATION AMENDMENTS | ADOPTED |
|---|---|---|
| 955C *(zoning maps only)* | Because B-1 and B-2 were previously consolidated, this amendment renamed B-4 to B-3, and B-3 to B-2. | 4/21/94 |
| 955E | Amending Various Sections. | 6/2/94 |
| 955G | Section 5.08.020(3)(A) amended to state, "Lots within the cluster subdivision may not exceed a net average of two (2) acres. Section 5.08.020(3)(D) amended to change open space requirements. Section 5.08.020(6) amended by replacing the Density Bonus Allowance Chart. | 7/18/94 |
| 955I | Amend Section 3.13.030(12) to allow campgrounds/RV parks as a conditional use in R-5 (Two Family Residential) | 7/25/94 |
| 955K | Add Section 3.32 adding an overlay SC (Scenic Corridor) Zoning Classification. | 2/6/95 |
| 955M | Amend Various Sections. | 7/25/95 |
| 955O | Amend Sections: 2.08.020(9) & 2.08.030(1)(E) – protests against amendments to zoning regulations so as to comply with 1995 legislative changes, Amend Section 5.10.020(10) re: Manual Changeable Copy, Section 3.18.020 deleting 20. Pet Shops, Sections: 3.17.030, 3.18.030, 3.27.030, 3.28.030 & 3.29.030 adding use: caretaker's facility, Add Section 4.07, Contractors Storage Yards. | 1/16/96 |
| 955Q | Add Section 3.33 (LBL) Little Bitterroot Lake Classification. | 2/27/96 |
| 955S | Amend Sections: 3.04.040.3, 3.05.040.3, 3.06.040.3, 3.07.040.3, 3.08.040.3, 3.09.040.3 & 2.07.040, Reduce side yard setback requirements for existing lots, which are below the minimum lot width. | 4/30/96 |
| 955U | Amend Sections: 7.13.010(1) & 7.13.010(2) – delete "on a permanent foundation" & amend Section 7.13.010(1)(E) – manufactured home standards & Add Section 7.07 – definition "Foundation, properly engineered". | 6/3/96 |
| 955W | Amend Section: 3.14.030 add new subsection 13 allowing "Motor Coach Subd" as conditional use in RC-1 zoning districts; add new Sec. 4.14 conditional use standards for Motor Coach Subd., and adding definition in Sec. 7.13. | 8/1/96 |

| RESOLUTION | FLATHEAD COUNTY ZONING REGULATION AMENDMENTS *(Continued…)* | ADOPTED |
|---|---|---|
| 955Y | Amend Sections: 3.09.040.4, 3.10.040.4, 3.12.040.4, 3.13.040.4, - Building Heights to allow accessory buildings to be as high as primary buildings. Amend Sections: 3.07.040.2, 3.08.040.2 reducing lot widths in SAG-10 & SAG-5 & Sections: 7.13.010.1.B & 7.13.010.A – defining manufactured homes width.<br><br>*Administrative clarification, 11/03/11: The above summary of Resolution No. 955Y added to the regulations at that time inaccurately describes its affect on accessory building heights in residential zones, which is clarified as follows: Resolution 955Y amended Section 3.09.040.4 to allow a tiered increase in accessory building height in R-1 zones dependent on the setback distance; and amended Sections 3.10.040.4, 3.11.040.4, 3.12.040.4 and 3.13.040.4 to increase accessory building height in R-2, R-3, R-4 and R-5 zones from 15 to 18 feet.* | 12/19/96 |
| 955AA | Add Section 3.34 West Valley Zoning District. | 4/9/97 |
| 955AC | Amend Section 3.17.020 Add theaters housed in permanent indoor structures to list of permitted uses in B-2 (General Business). | 4/28/97 |
| 955AE | Add Section 3.36 (HD) Hubbard Dam Zoning Classification. | 5/5/97 |
| 955AG | Add Section 3.37 (RL) Rogers Lake Zoning Classification. | 5/27/97 |
| 955AI | Amend Sections: 7.15.030, 7.23.010, & 5.08.040, Open Space Text Amendments redefining permitted uses of open space. | 9/22/97 |
| 955AK | Amend Section 3.27.202 – clarify and expand permitted uses in I-1 (Light Industrial) zoning districts. | 11/4/97 |
| 955AM | Add Section 3.38 (AL) Ashley Lake Zoning Classification. | 12/8/97 |
| 955AP | Amend Section 3.18.030 – add duplex dwellings, multi-family dwellings, dwellings in mixed-use buildings and resort dwellings as conditional uses in B-3 zoning districts. | 2/18/98 |
| 955AR | Amend Section 3.26.020 add single-family, duplex, multi-family and dwellings in mixed-use buildings as permitted uses in CVR zoning district, amend Section 5.01.030, 5.09 and 7.17 to define and clarify the provisions regarding retaining walls. | 7/23/98 |
| 955AT | Amend Section 5.07 Lots (Flag Lots). | 8/24/98 |
| 955AV | Amend Section 3.33.060 Special lakefront lot open space development standards (LBL). | 9/8/98 |
| 955AX | Add Section 3.39 (LL) LaBrant/Lindsey Lane Zoning Classification. | 10/5/98 |
| 955AZ | Add Section 3.40 (NF) North Fork Zoning Classification. | 10/26/98 |
| 955BB | Amend Little Bitterroot Lake Zoning Classification. | 1/27/99 |

**FLATHEAD COUNTY ZONING REGULATION AMENDMENTS**

*(Continued…)*

| RESOLUTION | | ADOPTED |
|---|---|---|
| 955BD | Amend Sections 3.20.015, 3.20.020, 3.20.030, and 3.20.040 and delete Section 3.20.050. | 2/2/99 |
| 955BH | Amend Section 3.13.040(5) R-5, Two Family Residential, increase permitted lot coverage. | 3/29/99 |
| 955BF | Add new section 2.06.45 Administrative Conditional Use Permit Procedure. | 5/25/99 |
| 955BJ | Amend 7.04.120 definition of Community Residential Facility, Add Section 5.03, Community Residential Facilities, delete various sections as a result of text amendment and renumber. | 5/25/99 |
| 955BL | Amend Section 5.11.030, Billboard Signs Requiring a Permit. | 11/15/99 |
| 955BN | Add subsection 10 to Section 5.11.010, Residential Subdivision Signs. | 11/15/99 |
| 955BR | Amend Ashley Lake Zoning District Regulations, Section 3.38, to clarify the use of Recreation Vehicles. | 1/3/00 |
| 955BT | Amend Sections 3.27 & 3.28, allowable and conditional uses in I-1 and I-1H districts. | 1/3/00 |
| 955BV | Amend Section 2.07.040; remove additional 20' required along state & federal roadways in various zoning districts. | 1/3/00 |
| 955BP | Add Marina definition, add sections 3.31.030(3)(D) Marina PUD Districts and Section 3.31.030(4)(D) Marina PUD District Use Regulations. | 1/18/00 |
| 955BX | Add Section 3.41, Creating Airport Overlay Zoning District. | 1/27/00 |
| 955BZ | Amend Section 3.34.030, allowing Class 3 Landfills as a conditional use. | 1/27/00 |
| 955CB | Amend Section 3.28.050(3)(B) to allow an exemption from landscape requirements in the I-1H zoning district. | 1/27/00 |
| 955CD | Add Section 3.42, Lakeside Zoning District Classifications, Amend Section 3.31 to include the Lakeside Zone in which a marina PUD may be proposed. | 2/24/00 |
| 955CF | Add Section 3.33.120 to Little Bitterroot Lake Zoning Classification to allow for temporary recreational vehicle parking and camping. | 3/29/00 |
| 955CH | Amend Sections 3.04.030(10), 3.05.030(10), 3.06.030(10), 3.07.030(9), 3.08.030(9), 3.09.030(8), 3.10.030(4), 3.11.030(3), 3.12.030(4), 3.13.030(4), 3.14.030(3), & 3.15.030(6) to clarify Community Center building use and add Section 7.04.115 defining Community Center Buildings. | 6/15/00 |
| 955CJ | Amend numerous sections to include Cellular Towers as permitted and conditional uses and add new Section 5.13, containing Performance Standards for cellular communication towers. | 6/15/00 |

| RESOLUTION | FLATHEAD COUNTY ZONING REGULATION AMENDMENTS *(Continued…)* | ADOPTED |
|---|---|---|
| 955CL | Amend Section 3.27.020 to add new/used automobile, recreational vehicle, utility trailer, and watercraft sales to I-1 Light Industrial. | 9/18/00 |
| 955CO | Amend Sections 3.16 by adding branch bank operations to B-1 Neighborhood/Professional Business. | 11/16/00 |
| 955CQ | Amend Section 3.33.050(5) to change the maximum height of buildings in the Little Bitterroot Lake (LBL) Classification from 30 feet to 35 feet. | 11/28/00 |
| 955CS | Amend Sections 3.38.020, 3.38.030, and 3.38.065 to clarify the standards for placement of recreational vehicles on a temporary basis in the Ashley Lake Zoning District. | 1/9/01 |
| 955CU | Amend Sections 3.27.020 and 3.28.020 to include high tech industrial business in I-1 and I-1H and amend Chapter VII to add a definition for high tech industrial business. | 4/18/01 |
| 955CW | Amend Section 3.37.050 to change height restriction in Rogers Lake Zoning Classification from 30 feet to 35 feet. | 4/18/01 |
| 955CY | Amend Section 3.38.050 to change height restriction in Ashley Lake Zoning Classification from 30 feet to 35 feet. | 4/18/01 |
| 955DA | Amend Sections 3.38.020 & 3.38.030 to allow Class A & Class B manufactured homes & allow use of two recreational vehicles on an undeveloped tract of land after issuance of an Administrative Conditional Use Permit. | 4/18/01 |
| 955DC | Add Section 3.17.20 Permitted Uses (B-2) Day care Centers and add Section 3.18.20 Permitted Uses (B-3) Day care centers. | 6/26/01 |
| 955DE | Remove references to Countywide Administrative Board and Flathead Regional Development Office and replace them with Flathead County Board of Commissioners and Flathead County Planning & Zoning Office. | 7/26/01 |
| 955DG | Add Section 5.11.020(11)(D) to require that allowed sign area is calculated by measuring only one face of multiple-faced signs. | 7/26/01 |
| 955DI | Add new Section 3.32.010(2) to allow cellular towers as a permitted use in the Scenic Corridor Zoning Classification, delete Section 3.32.030 under which cellular towers are a conditional use in the Scenic Corridor Zoning Classification, and add Section 5.13.115 setting forth performance standards for cellular towers. | 7/26/01 |
| 955DK<br>*Reaffirmed*<br>*955EU* | Amend Sections 3.04.040.3, 3.05.040.3, 3.06.040.3, 3.07.040.3, and 3.08.040.3 to decrease the side corner setbacks in the AG-80, AG-40, AG-20, SAG-10 and SAG-5 agricultural zones from 20 feet to 15 feet for nonconforming lots with average widths of less than 200 feet. | 12/18/01<br>*8/18/03* |
| 955DM<br>*Reaffirmed*<br>*955FM* | Amend Section 3.31.030(4) to allow for an expanded percentage of commercial use in residential or mixed-use Planned Unit Developments. | 2/11/02<br>*9/30/03* |

**FLATHEAD COUNTY ZONING REGULATION AMENDMENTS**

*(Continued…)*

| **RESOLUTION** | | **ADOPTED** |
|---|---|---|
| 955DO<br>*Reaffirmed*<br>*955EO* | Amend Section 5.09.020 to allow for additional development opportunities for properties that utilize the Cluster Development provisions in the AG (Agricultural) and SAG (Suburban Agricultural) zoning classifications. | 2/11/02<br>*8/12/03* |
| 955DQ<br>*Reaffirmed*<br>*955EM* | Amend Section 3.08.030(24) to allow rodeo arenas as a conditional use in SAG-5 zoning districts. | 2/11/02<br>*8/12/03* |
| 955DS<br>*Reaffirmed*<br>*955FK* | Amend Sections 3.27.020, 3.27.030, 3.28.010, 3.28.020, 3.28.030, 3.29.010, 3.29.020, and 3.29.030, and delete Section 3.28.060 to allow for many commercial and residential uses, as permitted or conditional uses, in all of the industrial zoning districts, i.e., I-1(Light Industrial), I-1H (Light Industrial – Highway), and I-2 (Heavy Industrial). | 3/5/02<br>*8/25/03* |
| 955DU<br>*Reaffirmed*<br>*955FC* | Amend Section 2.07.040(4) to remove the 50% restriction on expansion of non-conforming uses and to allow for expansion of nonconforming uses within the confines of the parcel of land. | 4/8/02<br>*8/19/03* |
| 955DW<br>*Reaffirmed*<br>*955 FA* | Amend Section 3.31.030(3)(A) by adding the Lakeside (LS) District to the Residential PUD Districts and Section 3.31.030(4)(A) by adding the Lakeside (LS) District to the Residential PUD District Density @ 15 dwelling units/acre. | 4/8/02<br>*8/19/03* |
| 955DY<br>*Reaffirmed*<br>*955 FG* | Amend Section 3.42.020 & 3.42.030 to allow public schools as a permitted use and private schools as a conditional use in the Lakeside Zoning Classification. Amend Section 7.18 by adding Section 7.18.15 – definition of public schools. | 6/13/02<br>*8/19/03* |
| 955EA<br>*Reaffirmed*<br>*955EY* | Amend Section 7.08.050 to allow for kitchens in guest houses and deleting the requirement that guest houses be used for sleeping quarters only. | 7/2/02<br>*8/19/03* |
| 955EC<br>*Reaffirmed*<br>*955EW* | Amend Section 5.11.040 to allow more signage to advertise permitted and conditional use businesses in B-1 (Neighborhood/Professional Business) zoning districts. | 9/3/02<br>*8/18/03* |
| 955EG<br>*Reaffirmed*<br>*955ES* | Amend Sections 3.09.040, 3.10.040, 3.11.040, 3.12.040, 3.13.040, 3.14.040, and 3.15.040 to increase the maximum fence height for front yards in residential zones (R-1, R-2, R-3, R-4, R-5, RC-1 and RA-1) from 3 feet to 4 feet. | 11/27/02<br>*8/18/03* |
| 955EI<br>*Reaffirmed*<br>*955EQ* | Amend Section 5.11.010(10) to apply sign requirements for subdivision signs to all subdivisions, including commercial and industrial subdivisions, rather than only residential subdivisions, and allow "earth tone" background colors rather than only "brown" backgrounds. | 12/30/02<br>*8/18/03* |
| 955EK<br>*Reaffirmed*<br>*955FE* | Amend Section 7.03.100 Definition of Building Line to allow eaves on buildings to encroach up to two feet into setbacks required in the zoning districts. | 3/6/03<br>*8/19/03* |
| 955FI | Amend Sections 3.12.030, 3.13.030, and 3.15.030 to add Beauty Salons and Barbershops as a conditional use in R-4, R-5 and RA-1 zones. | 9/2/03 |

## FLATHEAD COUNTY ZONING REGULATION AMENDMENTS

*(Continued…)*

| RESOLUTION | | ADOPTED |
|---|---|---|
| 955FQ | Amend Sections 3.05.020 & 3.06.020 by adding Kennels as a permitted use in AG-40 and AG-20 zones. | 12/8/03 |
| 955FS | Amend Section 5.11.040(4)(D) and 5.11.040(5)(D) to correct a typographical error to refer to Section 5.11.020(11) rather than Section 5.10.020(11). | 12/8/03 |
| 955FO | Amend North Fork Zoning Regulations – Section 3.40 by adding Permitted & Conditional Uses – Sections 3.40.020 & 3.40.030; and Add Section 3.40.050 Definitions. | 12/24/03 |
| 955FY | Amend Sections 4.10.010 & 4.10.040 of the Flathead County Zoning Regulations to recognize that the Montana Open Cut Mining Act, due to a statutory change, is now administered by the Montana Department of Environmental Quality rather than the Montana Department of Natural Resources. | 5/4/04 |
| 955GA | Amend Sections 3.07.040(2) and 3.08.040(2) in the SAG-10 and SAG-5 (respectively) classifications, to allow for lot depth to exceed lot width by more than three times if the average lot width is at least 300 feet (changed from 330 feet). | 04/21/04 |
| 955GE | Amend Sections 3.12.040.2, 3.13.040.2, & 3.15.040.2 in the R-4, R-5, RA-1 classifications to allow for sub lot minimum width to be 25-feet rather than the 50-foot minimum lot width in order to allow for building of townhouses in the urban density zoning classifications. | 7/12/04 |
| 955GG | Amend Section 4.13.040 to change the height limitation for mini-storage facilities from one story (18-ft at peak) to two stories (35-ft at peak). | 7/22/04 |
| 955GM | Added new subsections 9 and 10 to Section 3.03.020 to define those zoning districts that allow residential uses as residential ones for purposes of Section 76-2-209, M.C.A., to delete Section 3.09.030(14) in order to delete extractive industries as a condition use in R-1 zones, and to amend Section 3.07.010 to allow for estate-type residential development in SAG-10 zoning districts, in order that regulation of operations that mine sand and gravel or that mix concrete or batch asphalt may be allowed, conditioned or prohibited in those residential zones. | 8/17/05 |
| 955GK | Amend Section 3.30.030 by adding Sewage treatment plans as item 18 in the list of Conditional Uses for Public Zoning Districts. | 12/14/05 |
| 955GO | Amend Section 3.17.020 (B-2, General Business) by adding #34 to include the following uses: Repair of equipment and consumer items such as appliances, clocks and watches, lawn and garden equipment, computers, televisions, shoes, and furniture in an enclosed facility. | 12/14/05 |
| 955GS | Amend Sections 3.04.040, 3.05.040, 3.06.040, 3.07.040, and 3.08.040 to clarify that residential clustering setbacks for AG and SAG districts found in the performance standards are different from setbacks set forth in the AG and SAG districts where clustering is not employed. | 03/04/08 |

## FLATHEAD COUNTY ZONING REGULATION AMENDMENTS

*(Continued…)*

| RESOLUTION | | ADOPTED |
|---|---|---|
| 955GU | Amend Section 3.03.020 of the Flathead County Zoning Regulations to redefine what districts are "residential" for purposes of applying the zoning regulations to gravel operations, and clarify that AG-40 (Agricultural) and AG-80 (Agricultural) districts are not residential zones for those purposes and (ii) amend Section 4.10.010 of the Flathead County Zoning Regulations to remove the requirement that a Montana Department of Environmental Quality reclamation contract be executed prior to the issuance of a conditional use permit for gravel operations. | 03/20/08 |
| 955GW | Amend Section 1.04.020 of the Flathead County Zoning Regulations to state as follows: The growth policy and neighborhood plans are not regulatory and do not confer any authority to regulate. The growth policy and neighborhood plans are intended to provide direction and guidance when consideration is given to adopting, amending, and interpreting zoning regulations. | 10/09/08 |
| 955GY | Amend Section 4.10.040 of the Flathead County Zoning Regulations, setting forth the process by which conditional use permits for gravel permits are issued, by deleting the sentence thereof which requires that "When such a plan is also required by the Open Cut Mining Act, the submitted plan shall have been approved by the Department of Environmental Quality" and replacing it with a sentence that states that "When such a plan is also required by the Open Cut Mining Act, the submitted plan must include all information required by the Department of Environmental Quality for such an application." | 10/09/08 |
| 955HA | Add Section 3.43 to the Regulations which would define a new zoning classification denominated R-2.5 (Rural Residential) intended for rural, primarily residential areas where larger, estate-type lot sizes are appropriate and where agricultural, silvicultural and horticultural operations are a decreasingly viable land use, and by amending other sections of the Flathead County Zoning Regulations to make references to the new classification where appropriate. | 12/08/08 |
| 955HC | Section 2.08.020(4) amended to read: Applications shall be reviewed under the regulations in place on the date a complete application is submitted to the Zoning Administrator. Section 3.03.030 to read: In the interpretation of Sections 3.04 through 3.43. Sections 3.31.030(4)(A), 4.03.030, and 7.04.120, are amended by adding a reference to the R- 2.5 classification. Section 3.30.020 is amended by adding the following subsections: 13. Fire Stations and 14. Police Stations. Section 7.07 is amended by adding the following subsection: 7.07.055. Section 7.16 is amended by adding the following subsection: 7.16.075. Section 3.03.020(3) is amended to replace the word "primary" with "principal." Section 7.18.045 is amended by adding front, side, side corner, and rear setback subsections. Section 7.19 is amended by adding the following subsection: 7.19.005. Section 2.08.020(7) is amended in regard to public hearing notice, pursuant to changes to statute made in the 2009 legislative session. Section 2.08.040 is amended regarding zoning amendment criteria, pursuant to changes to statute made in the 2009 legislative session. | 01/04/10 |

**FLATHEAD COUNTY ZONING REGULATION AMENDMENTS**

*(Continued…)*

| RESOLUTION | | ADOPTED |
|---|---|---|
| 955HE | Add Section 7.08.025 to the definitions chapter of the regulations to define "Gravel Extraction" to include mining of gravel and, *inter alia*, the processing of gravel through crushing, screening, asphalt, wash and concrete plants, and transportation and stockpiling of materials on gravel mining sites. | 03/01/10 |
| Correction of Administrative Error | On July 12, 2004 the Commissioners approved Resolution 955GE amending the R-4, R-5 and RA-1 zones to allow 25' minimum lot widths for sub lots *in addition to* the 50' minimum lot width for standard lots. At that time, the planning office erroneously *replaced* the 50' minimum lot width with a 25' minimum lot width in the text of the zoning regulations. This error was discovered in October of 2010 and the regulations were corrected to accurately reflect the text amendment which was originally approved in 2004. | 10/13/10 |
| 955HG | Add Section 3.34.030 "Community residential facilities" as a conditional use under the West Valley zoning designation with facilities serving eight or fewer residents eligible for an administrative conditional use permit (defined as Class I facilities according to Section 7.04.120 of the zoning regulations). | 11/08/10 |
| 955HJ | Amend Section 3.14.030 Conditional Uses under SECTION 3.14 RC-1 RESIDENTIAL CLUSTER replacing #14 "Real estate office" with "Professional Offices". | 5/23/11 |
| 955HL | Add Section 3.44 to the regulations creating the "B-2HG General Business Highway Greenbelt" zone. Also amend references throughout regulations so existing references to the B-2 zone add the B-2HG zone. | 7/27/11 |
| 955HN | Various amendments to improve administration of the regulations, including: 1) Eliminate plural endings for words in descriptions of permitted and conditional uses throughout the regulations which erroneously imply that multiple instances of a use are permitted on a single tract of record. 2) Delete the second paragraph of § 3.38.160, which refers to the Ashley Lake Neighborhood Plan for regulatory authority. 3) Add a sentence to § 5.07.010 to clarify that there is no restriction on the number of livestock animals in agricultural zoning districts. 4) Delete the first sentence of § 5.05.030 which removes the one year time-frame to meet 'greenbelt' landscaping requirements. | 5/08/12 |
| Correction of Administrative Error | On February 24, 2000 the Flathead County Commissioners approved Resolution #955CD adding a Lakeside (LS) zoning classification to the Flathead County Zoning Regulations. When the LS zoning classification was then codified inserted into the Flathead County Zoning Regulations, it was done so erroneously. The error was discovered on August 07, 2012 during the processing of a Conditional Use Permit. The regulations were administratively amended to reflect the correct codification of the LS zoning classification as it appeared attached to Resolution 955CD. | 8/15/12 |

| RESOLUTION | FLATHEAD COUNTY ZONING REGULATION AMENDMENTS *(Continued…)* | ADOPTED |
|---|---|---|
| 955HP | Various amendments to improve administration of the regulations, including: 1) Amend § 3.40.030 to add 'Cellular tower' to the list of conditional uses as an administrative conditional use. 2) Amend § 3.04.020, § 3.05.020, § 3.06.020, § 3.07.020, and § 3.08.020 to add 'Livestock' to the list of permitted uses in AG-80, AG-40, AG-20, SAG-10 and SAG-5. 3) Amend § 3.04.020, § 3.05.020, § 3.06.020 and § 3.07.020 by removing Stable from 'Stable, riding academy rodeo arena' and add 'Stable, public and private' to the list of permitted uses in AG-80, AG-40, AG-20 and SAG-10. 4) Amend § 3.08.020 and § 3.08.030 by adding 'Stable, private' to the list of permitted uses in SAG-5 and replacing 'Stable, riding academy rodeo arena' with 'Stable, public' and 'Riding academy, rodeo arena' on the list of conditional uses in SAG-5. 5) Remove restrictions on timing of posting of political signs on all private property in § 5.11.010(8). 6) Amend § 6.16.010 by replacing 'Approach Standards for Montana Highways' with 'Montana Department of Transpiration or Flathead County Road and Bridge Department' and replace the word 'greater' with 'more stringent.' 7) Amend § 1.02.010, § 2.02.040, § 3.01.010, § 3.31.030(3)(A) and § 3.39.110(2) by replacing 'Master Plan' with 'Growth Policy.' 8) Amend § 4.04.010 and § 7.04.025 by replacing 'principle dwelling' with 'principle use.' 9) Amend § 4.04.010(4) to strike all references to deed restrictions. 10) Amend § 5.09.030(7) by replacing 'at least 40 feet from any other boundary of the "parent" tract or adjacent property(ies);' with 'otherwise conform to the minimum setbacks of the district;' and amend § 3.04.040(3), § 3.05.040(3), § 3.06.040(3), § 3.07.040(3), § 3.08.040(3) by removing reference to clustering setbacks. | 6/10/14 |
| Correction of Administrative Error | On June 10, 2014 the Flathead County Commissioners approved Resolution #955HP amending § 3.04.040(3), § 3.05.040(3), § 3.06.040(3), § 3.07.040(3), § 3.08.040(3) by removing reference to clustering setbacks. When § 3.04.040(3), § 3.05.040(3), § 3.06.040(3), § 3.07.040(3), § 3.08.040(3) were then codified and inserted into the Flathead County Zoning Regulations, it was done so erroneously as '***' remained after the reference was removed. This error was discovered in August of 2014 and the regulations were corrected to accurately reflect the text amendment which was originally approved in June of 2014. | 8/21/14 |
| 955HR | Amend § 3.04.020, § 3.05.020, § 3.06.020, § 3.07.020, §3.08.020, § 3.09.020, and § 3.43.020 to add 'Dwelling unit, accessory (ADU).' to the list of permitted uses. Amend § 3.10.030, § 3.11.030, § 3.12.030, § 3.13.030 and § 3.15.030 to add 'Dwelling unit, accessory (ADU).*' to the list of conditional uses. Add 'Dwelling unit, accessory (ADU).' to § 5.01.020(1) and add 'Dwelling unit, accessory (ADU) requires Administrative Conditional Use Permit.' to § 5.01.020(3). Amend § 5.01.030(7) to read 'Guest houses, caretakers facilities, and accessory dwelling units (ADU) are subject to the same setback requirements as the principal structure.' Add § 6.02.060 to the residential parking requirements. Add § 7.05.150 to the definitions chapter of the regulations to define 'Dwelling unit, accessory (ADU)'. | 1/21/15 |
| 955HT | Amend § 5.06.020(1)(e) to increase vehicle traffic allowed for a home occupation from 8 all day to 16 vehicle trips all day and remove restriction of 1 at a given time. Amend § 5.06.020(2)(c) to allow between 16 and 32 | 5/12/15 |

vehicle trips all day with a conditional use permit. Amend § to remove language from the definition of home occupation. Add § 7.19.045 definition of trips.

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# CHAPTER I

# GENERAL PROVISIONS

## SECTION 1.01 TITLE

1.01.010 These regulations and the accompanying map(s) shall be known as, and shall be cited and referred to as, the "Flathead County Zoning Regulations" in accordance with and exercising the authority of Section 76-2-201, M.C.A.

## SECTION 1.02 PURPOSE

1.02.010 The purpose of these regulations is to promote the health, safety, and general welfare of the community; to conserve natural resources; to provide adequate accommodations for transportation of people and goods; to provide adequate light and air; to facilitate the provisions for public works requirements such as water, sewer, and environmental needs; to ensure orderly development according to the Growth Policy adopted for all or parts of Flathead County; to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentages of a lot that may be covered by impervious surfaces, the size of yards and other open spaces, the location and use of buildings, structures, and land for trade, industry, residences, and/or other uses; and the protection of the aesthetic resources of Flathead County.

## SECTION 1.03 SEVERABILITY

1.03.010 If any provision of these regulations is held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end the provisions of these regulations are declared to be severable.

## SECTION 1.04 SCOPE

1.04.010 It is not intended for these regulations to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances, or resolutions, except those specifically repealed by the adoption of these regulations, or with restrictive covenants running with the land to which the Board of County Commissioners is a party. Where these regulations impose a greater restriction on land, buildings, or structures than is imposed or required by such existing provisions of law, ordinance, resolution, contract, or deed, the provisions of these regulations shall control.

1.04.020 The growth policy and neighborhood plans are not regulatory and do not confer any authority to regulate. The growth policy and neighborhood plans are intended to provide direction and guidance when consideration is given to adopting, amending, and interpreting zoning regulations.

1.04.030 When a proposed amendment to the zoning designations of Flathead County falls within the jurisdiction of the City-County Planning Board of an incorporated city, the City-County Planning Board shall have the authority to review the request and make a recommendation to the Board of County Commissioners for a final determination.

1.04.040 These regulations may be applied throughout the County, regardless of planning jurisdictions, wherever a County zoning district is created.

# CHAPTER II

# ADMINISTRATION

## SECTION 2.01 ZONING ADMINISTRATOR

2.01.010 There is hereby created the position of Zoning Administrator, who shall be a duly appointed person charged with the administration, interpretation, and enforcement of these zoning regulations.

2.01.020 Duties of Zoning Administrator:

The Zoning Administrator, his assistant, or designee shall:

1. Enforce any and all provisions of these regulations;

2. Keep complete, accurate, and secure records;

3. Accept applications and appeals and ensure their appropriateness and completeness;

4. Accept and remit fees as established in the adopted administrative procedures;

5. Update these regulations and any associated maps as directed by the Board of County Commissioners.

6. Undertake any other administrative function appropriate to the Office of Zoning Administrator upon written approval of the Board of County Commissioners;

7. Report to the Board of County Commissioners any recommendations for changes and improvements in these regulations and procedures therein;

8. Issue any permit granted by the Board of County Commissioners or the Board of Adjustment, and make periodic inspections to verify that all conditions of such granted permits are complied with by the applicant or his agent;

9. Receive and investigate allegations of non-compliance or violations of these regulations, report findings to the Board of County Commissioners, and file a complaint where such allegations are based on apparent fact;

10. Refer any matters under appeal to the Board of Adjustment for their action;

11. Make recommendations to the Planning Board or to the Board of County Commissioners in connection with any subdivision review or to the Board of Adjustment in connection with any application for Conditional Use Permit, variance, or appeal, such conditions as he may deem necessary in order to fully carry out the provisions and intent of these regulations.

12. Determine the location of any district boundary shown on the zoning districts adopted as part of these regulations when such location is in doubt; and

13. Refer to the Planning Board for placement of all uses not categorically permitted and not sufficiently similar to listed uses for the Zoning Administrator to administratively declare them allowable.

**SECTION 2.02 PLANNING BOARD**

2.02.010 The Planning Board for Flathead County shall be known as the "Flathead County Planning Board: and may be referred to as the "Planning Board" (Section 76-1-101, M.C.A.)

2.02.020 The membership of the Planning Board shall consist of nine (9) members representative of the Board's jurisdiction with terms, status and appointments as set forth in Section 76-1-211 and 212, M.C.A.

2.02.030 The members of the Planning Board shall serve without compensation, other than reimbursement for approved budgeted expenditures incurred in carrying out the functions of the Planning Board.

2.02.040 It shall be the duty of the Planning Board to hold public hearings and to make recommendations to the Board of County Commissioners on all matters relating to the creation and amendment of the Growth Policy; the creation of zoning districts and the regulations to be enforced therein; amendments to the zoning districts of Flathead County; and future amendments to these regulations; (Section 76-1-106, M.C.A.) The Planning Board is also authorized to confer with and advise other City, County, Regional, or State planning and/or zoning commissions.

Refer also to Section 2.08.050.

2.02.050 The jurisdiction of the Flathead County Planning Board for the review of the creation of new zoning districts and the re-zoning of existing zoning districts shall be made up of those areas outside of the planning jurisdictions of the incorporated cities of Flathead County.

**SECTION 2.03 BOARD OF ADJUSTMENT**

2.03.010 There is hereby created a "Board of Adjustment".

2.03.020 The Board of Adjustment shall consist of five members appointed by the Board of County Commissioners.

2.03.030 Board members shall serve without compensation, other than reimbursement for approved budgeted expenditures incurred in carrying out the functions of the Board.

2.03.040 Board members shall be appointed for a term of 2 years. The powers, duties, and terms of office, including hearing appeals, variances, and Conditional Use Permits are set forth in Section 76-2-221 through 76-2-228, M.C.A., and any supplemental Rules of Procedure adopted by the Flathead County Board of Adjustment.

## SECTION 2.04 APPEALS (BOARD OF ADJUSTMENT)

2.04.010 Any person, unit of government or agency may file an appeal when aggrieved by a decision or interpretation by the Zoning Administrator, provided that the appeal is based on an allegation that:

1. The Zoning Administrator made an error in the interpretation of these regulations, and

2. The erroneous interpretation specifically aggrieves the appellant.

2.04.020 Application and Procedure

1. Appeals must be filed in the manner provided, and after payment of fees within 30 days from the time the officer charged with enforcement of these regulations has made a written interpretation or determination of these regulations.

2. No part of any such fee shall be refundable after an appeal is filed and such fee paid.

3. The Zoning Administrator shall fix a reasonable time for a hearing and give public notice thereof to the parties of interest and the public by publishing notice in a newspaper of general circulation in the community at least 15 days prior to such hearing.

4. Where an appeal concerns a particular piece of property, all property owners within 150 feet of the subject property shall be notified by mail at least 15 days prior to said hearing. When the subject property abuts a right-of-way, the 150-foot measurement shall be in addition to this right-of-way along the abutting side.

5. An appeal under the terms of these regulations stays all proceedings in the matters appealed unless the Zoning Administrator certifies to the Board of Adjustment hearing the application that, by reason of the facts stated in the certification, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, except by a restraining order granted by the Board hearing the appeal or a court of record.

6. Decisions of the Board shall be by motion. The basis for the decision on each appeal, and a detailed summary of the facts and basis supporting such determination shall be recorded in the decision and shall constitute a part of the record thereof.

7. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of the appellant on any other matter.

8. A hearing may be continued at the request of the appellant or upon motion of the Board, provided however, that the granting of a continuance is a matter of grace, resting solely in the discretion of the Board, and a refusal to continue is not a denial of a right, condition or otherwise.

9. Decision on continuance of a hearing can be reached by a simple majority, but must be made prior to voting on the appeal itself.

10. Any person aggrieved by a decision of the Board of Adjustment may file an appeal with a court of competent jurisdiction within 30 days of the filing of the decision by the Board (Section 76-2-227, M.C.A.). The decision is considered filed on the day that the Zoning Administrator mails notification of the Board's decision.

**SECTION 2.05 VARIANCE (BOARD OF ADJUSTMENT)**

2.05.010 Certain circumstances may exist or arise wherein an unnecessary hardship is created through strict adherence to the provisions of these regulations. There are hereinafter provided provisions for the granting of a variance from the provisions of these regulations, so that the public welfare is secured and substantial justice can be done to those so affected. However, a variance that would allow the placement of a use that is not normally allowed under the zoning of the site shall be neither considered nor granted.

2.05.020 Application for a Variance

1. Application for a variance may be filed by any property owner or their designated agent for the affected property.

2. Such application shall be made on a form provided by the office of the Zoning Administrator. Multiple requests for variances for the same project may be filed on a single application and charged a single fee.

3. The completed application and fee as set by the Flathead County Board of Commissioners shall be submitted to the Zoning Administrator.

4. No part of any such fee shall be refundable after an application is filed and such fee paid.

2.05.030 Procedure for Consideration

1. After acceptance by the Zoning Administrator or his designee, the completed application shall be transmitted to the staff of the Board of Adjustment for their review and evaluation. The Zoning Administrator shall set a hearing date, publish notice thereof as provided for in these regulations, and notify all parties of interest. Public notice of the hearing shall be placed in a newspaper of general circulation in the community at least 15 days prior to the date of the hearing.

2. Written notice shall be mailed to all property owners within 150 feet of the subject property at least 15 days prior to the said hearing. Where the subject property abuts a right-of-way, the 150-foot measurement shall be in addition to this right-of-way along the abutting side.

3. Findings are required to be made by the Board for approval of a variance. No variance shall be granted unless the Board finds that all of the following conditions are met or found to be not pertinent to the particular case:

A. Strict compliance with the provisions of these regulations will:

(1) Limit the reasonable use of the property, and
(2) Deprive the applicant of rights enjoyed by other properties similarly situated in the same district.

B. The hardship is the result of lot size, shape, topography, or other circumstances over which the applicant has no control.

C. The hardship is peculiar to the property.

D. The hardship was not created by the applicant.

E. The hardship is not economic (when a reasonable or viable alternative exists).

F. Granting the variance will not adversely affect the neighboring properties or the public.

G. The variance requested is the minimum variance which will alleviate the hardship.

H. Granting the variance will not confer a special privilege that is denied other similar properties in the same district.

4. Every decision of the Board of Adjustment shall be made by motion and shall be based upon "Findings of Fact" and every Finding of Fact shall be supported in the record of its proceedings. The above criteria required to grant a variance under these regulations shall be construed as limitations on the power of the Board to act. A mere finding or recitation of the enumerated conditions unaccompanied by findings of specific fact shall not be deemed in compliance with these regulations.

5. In approving a variance, the Board may impose such conditions as are, in its judgment, necessary to promote the general provisions of these regulations.

6. It shall take the affirmative vote of three members of the Board to grant a variance. Failing such vote the request for variance is denied.

7. A hearing may be continued at the request of the applicant or upon motion of the Board, provided however, that the granting of a continuance is a matter of grace, resting solely in the discretion of the Board, and a refusal to continue is not a denial of a right, conditional or otherwise.

8. Decision on continuance of a hearing can be reached by a simple majority, but must be made prior to voting on the application itself.

9. A variance shall be valid indefinitely, provided it is exercised within one year of the date of issuance, or as otherwise provided for by the Board of Adjustment.

10. A request may be re-heard only when there has been a manifest error affecting the Board's decision or it appears that a substantial change in facts, evidence, or conditions has occurred. Such determination shall be made by the Zoning Administrator within 60 days of final action of the Board.

11. Any persons aggrieved by a decision of the Board of Adjustment may file an appeal with a court of competent jurisdiction within 30 days of the filing of the decision by the Board (Section 76-2-227, M.C.A.).

**SECTION 2.06 CONDITIONAL USE PERMITS (BOARD OF ADJUSTMENT)**

2.06.010 No structure, building or land shall be used, constructed, altered, or expanded where a Conditional Use Permit is specifically required by the terms of these regulations until a Conditional Use Permit for such use has been authorized by the Board of Adjustment and issued by the Zoning Administrator.

2.06.020 Structures or buildings devoted to any use which is permitted under the terms of these regulations, subject to the securing of a Conditional Use Permit, may be altered, added to, enlarged, expanded, or moved from one location to another on the lot only after securing a new Conditional Use Permit.

2.06.030 Application

1. Application for a Conditional Use Permit may be made by the owner of the affected property or by his designated agent on a form that may be obtained from the Zoning Administrator.

2. The completed application and fee as set by the Flathead County Board of Commissioners shall be submitted to the Zoning Administrator. Said fee is not refundable.

2.06.040 Procedures for Consideration

1. After acceptance by the Zoning Administrator or his designee, the completed application shall be transmitted to the staff of the Board of Adjustment for their review and evaluation.

2. The Zoning Administrator shall set a date for a public hearing and publish a public notice which advertises said hearing before the Board of Adjustment at least once in a newspaper of general circulation in the community at least 15 days prior to the meeting of the Board at which the application is to be considered.

3. The Zoning Administrator shall also mail written notice to all abutting and adjacent property owners within 150 feet of the subject property not less than 15 days prior to the date of formal review by the Board. When the subject property abuts a right-of-way, the 150-foot measurement shall be in addition to the right-of-way along the abutting side.

4. Written comments from adjacent property owners shall specifically state how the granting of the Conditional Use Permit would adversely or injuriously affect their personal or legal interests.

5. The Board shall consider the application at its next regular meeting following the public notice process.

6. In certain circumstances, the Board of County Commissioners may elect to place certain required Conditional Use Permits into an administrative review category; for example, those that may be required for minor amendment to the already approved Conditional Use Permit, whereby the Zoning Administrator may issue such an Administrative Conditional Use Permit in compliance with guidelines set forth by the Board of Adjustment. This provision shall not be construed so as to give the power to grant or deny the Conditional Use Permit to other than the Board of Adjustment, and shall apply only to specific categories of instances predetermined by the Board of County Commissioners and the Board of Adjustment.

2.06.045 Administrative Conditional Use Permit Procedure

1. In certain circumstances, the Board of County Commissioners may elect to place certain required Conditional Use Permits into an administrative review category; for example, those that may be required for minor amendment to the already approved Conditional Use Permit, whereby the Zoning Administrator may issue such an Administrative Conditional Use Permit in compliance with guidelines set forth by the Board of Adjustment. This provision shall not be construed so as to give the power to grant or deny the Conditional Use Permit to other than the Board of Adjustment, and shall apply only to specific categories of instances predetermined by the Board of County Commissioners and the Board of Adjustment.

2. Upon receipt of a complete application and filing fee as set by the Flathead County Board of Commissioners, the Zoning Administrator or his designee shall prepare a notice containing the pertinent facts to the application and shall have said notice served by first class mail upon property owners within 150 feet of the subject property. When the subject property abuts a right-of-way or river, the 150-foot measurement shall be in addition to the right-of-way or river width along the adjacent side. The notice shall provide a reasonable period of time, not less than 15 calendar days, for interested parties to submit comments on the proposed activity. Within 10 working days of the end of the comment period a written determination shall be mailed to the applicant approving or denying the Permit.

3. The application and format used for the submittal of the Administrative Conditional Use Permit shall be the same as found in the Flathead County Zoning Regulations for Conditional Use Permit applications. All information required for the application shall be supplied by the applicant. The evaluation criteria for this Administrative Permit shall be supplied by the applicant. The evaluation criteria for this Administrative Permit shall be the same criteria as outlined in Section 2.06.080 (Criteria Required for Consideration of a Conditional Use Permit) of the Flathead County Zoning Regulations. The application and all subsequent information, correspondence, evaluations, recommendations, and decisions shall be placed on permanent file in the office of the Flathead County Zoning Administrator.

4. If there is no written public opposition and the project meets the criteria, the project will be approved. The Zoning Administrator shall issue a Grant of Administrative Conditional Use Permit with or without conditions of approval, which will be indicated on the face of the permit.

5. When written opposition from the property owners within 150 feet of the property subject to the request are received prior to the end of the comment period and the expressed concerns of the opposition cannot be resolved by the applicant, the Administrative Conditional Use Permit will be scheduled for the next available Board of Adjustment meeting for a decision. The applicant shall be responsible for all additional information and filing fees required.

6. If the Administrative Conditional Use Permit is denied by the Zoning Administrator the denial may be appealed. This appeal shall be made in accordance with Section 2.04 (Appeals) of the Flathead County Zoning Regulations. The appellant is responsible for all information and additional filing fees required.

**NOTE:**

DESIGNATION OF ADMINISTRATIVE CONDITIONAL USE PERMITS AND ADMINISTRATIVE USES.

The following uses that are provided for as conditional uses in all County Zones, AG-80, 40, 20, SAG-10, 5, R-2.5, R-1, 2, 3. 4. 5, RC-1, RA-1, B-1, 2, 2-HG, 3, I1, I-1H, I-2, and P, shall be designated as Administrative Conditional Uses:

- Caretaker Unit
- Certain Types of Community Residential Facility
- Minor Expansion of an Existing Use that Required a Conditional Use Permit
- Airplane Hangars in Conjunction with an Airport
- Temporary Housing
- Temporary Structure
- Family Hardship Dwelling

2.06.050 Approval of Application and Granting of Conditional Use Permits.

Upon rendering a decision to grant a Conditional Use Permit, the Board of Adjustment shall notify the Zoning Administrator of their decision, and he shall issue a Conditional Use Permit with stipulations, itemized in brief on the face of the permit. The application and all subsequent information, correspondence, evaluations, recommendations, and decisions shall be placed on permanent file in the office of the Zoning Administrator.

2.06.060 Termination and Transferability.

Once granted, the Conditional Use Permit, with its terms and conditions, shall:

1. Run with the lot, building, structure, or use and shall not be affected by change of ownership.

2. Terminate twelve (12) months from the date of authorization if commencement of authorized activity has not begun:

   A. Unless otherwise specified in the conditions of approval, or
   B. Unless the applicant can demonstrate and maintain a continuous effort in good faith (preparing financing, securing state or federal permits, undertaking engineering and design, etc.) in commencing the activity.

2.06.070 Denial of Application

In the event an application is denied by the Board of Adjustment, no resubmittal of an application for a Conditional Use Permit may be made for one year from the date of said denial, unless sufficient new evidence or conditions are offered to the Zoning Administrator to demonstrate to him that circumstances have altered and that further consideration of the application is warranted. In such an event, the resubmitted application shall follow the same procedures as the original, and shall be treated as a new application.

2.06.080 Criteria Required for Consideration of a Conditional Use Permit.

1. A Conditional Use Permit may be granted only if the proposal, as submitted, conforms to all of the following general Conditional Use Permit criteria, as well as to all other applicable criteria that may, be requested.

A. Site Suitability.

That the site is suitable for the use. This includes:
(1) adequate usable space,
(2) adequate access, and
(3) absence of environmental constraints.

B. Appropriateness of Design.

The site plan for the proposed use will provide the most convenient and functional use of the lot. Consideration of design should include:
(1) parking scheme,
(2) traffic circulation,
(3) open space,
(4) fencing, screening,
(5) landscaping,
(6) signage, and
(7) lighting

C. Availability of Public Services and Facilities.

The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed:
(1) sewer,
(2) water,
(3) storm water drainage,
(4) fire protection,
(5) police protection, and

(6) streets.

D. Immediate Neighborhood Impact.

That the proposed use will not be detrimental to surrounding neighborhoods in general. Typical negative impacts which extend beyond the proposed site include:

(1) excessive traffic generation,
(2) noise or vibration,
(3) dust, glare, or heat,
(4) smoke, fumes, gas, or odors, and
(5) inappropriate hours of operations.

2.06.090 Burden of Proof.

The burden of proof for satisfying the aforementioned criteria shall rest with the applicant and not the Board of Adjustment. The granting of a Conditional Use Permit is a matter of grace, resting in the discretion of the Board of Adjustment and a refusal is not the denial of a right, conditional or otherwise.

2.06.100 Board of Adjustment Decision Based on Findings.

Every decision of the Board of Adjustment pertaining to the granting, denial, or amendment of a request for a Conditional Use Permit shall be based upon "Findings of Fact", and every Finding of Fact shall be supported in the records of its proceedings. The conditions in Section 2.06.080 as they relate to matters, which the Board of Adjustment is empowered to review under these regulations, shall be construed as a limitation on the power of the Board of Adjustment to act in the matter of issuance of Conditional Use Permits. A mere finding or recitation of the enumerated conditions, unaccompanied by findings of specific fact, shall not be deemed in compliance with these regulations.

**SECTION 2.07 NON-CONFORMING USES**

2.07.010 If, at the time of adoption of these regulations or of any amendments thereto, or at the time a zoning district to which these regulations are applied is created, any lot, structure, or building being used in an otherwise lawful manner that does not conform to the use provisions of these regulations, or if any structure or building was located or erected in an otherwise lawful manner that does not conform to the yard, lot coverage, height limit, or parking and loading provisions of these regulations, such use of such location or erection shall be deemed to be a non-conforming use and may continue in the manner and to the extent that it existed or was being used at the time of adoption of these regulations. Such non-conforming status will run with the lot, building, structure, or use and shall not be affected by changes in ownership.

2.07.020 Any non-conforming use may be continued except if any such non-conforming use is abandoned or deserted, or voluntarily or by legal action caused to be discontinued for a period of 180 days, then any subsequent use of the lot, building, structure, or use of the land shall be required to be in conformity with the provisions of these regulations.

2.07.030 Any building for which a building permit has been issued or, if a building permit is not required, on-site construction has begun prior to the adoption or amendment of these

regulations, or creation of a zoning district to which these regulations apply, and the erection of which is in conformity with the plans submitted and approved for such permit, but does not conform to the provisions of these regulations, is a non-conforming use.

2.07.040 Changes Permitted to Non-Conforming Uses.

1. Routine maintenance and repair or those modifications required by applicable health and safety codes shall be permitted.

2. A non-conforming building or structure may be enlarged, extended, reconstructed, or structurally altered if said building or structure is changed to completely conform with these regulations.

3. A building or structure conforming with respect to use but non-conforming with respect to height, setback, or lot coverage may be altered or extended if the alteration or extension does not further deviate from these regulations.

4. A non-conforming use may be expanded, subject to a Conditional Use Permit, within the confines of the lot or parcel of land upon which it is located at the time of the adoption or amendment of these regulations.

5. If no structural alterations are made to a non-conforming building or other structure, the non-conforming use may, upon approval and issuance of an Administrative Conditional Use Permit, be changed to another non-conforming use of the same or more restricted use classification, provided that said new non-conforming use is no more deleterious to the neighborhood, considering all factors, than was the previous non-conforming use.

6. The existing use of a legal, non-conforming Class B or Class C manufactured home in any zoning district can be upgraded without being subject to a Conditional Use Permit, as required under Section 2.07.040(4), provided that the manufactured housing to be installed meets all of the criteria outlined in Section 7.13.010(2), Class B Manufactured Housing, of these regulations.

7. In the AG-80, AG-40, AG-20, SAG-10, SAG-5, R-2.5, and R-1 use districts, the minimum side yard setback shall be 10 feet on each side for non-conforming properties with lot widths of less than 150 feet. For non-conforming properties with lot widths of less than 50 feet within these use districts, the minimum side yard setback shall be 5 feet on each side.

8. Where an existing building or use is located entirely within the setback area, that building or use may be expanded to the rear of the property away from the setback line.

2.07.050 Reconstruction of Damaged Non-Conforming Buildings.

A non-conforming use or building that is damaged or destroyed by fire, explosion, or unforeseeable natural act (flood, wind storm, lightning strike, etc.) shall be allowed to be rebuilt by a person with an interest in the structure or use, upon the issuance of a Building Permit (where applicable), in such a fashion that the structure or use is no larger and is equally or more in conformance with these regulations than it was prior to

the disaster. This provision shall not exempt the structure or use from other applicable regulations nor does it allow the replacement of structures or uses that were willfully demolished, destroyed, or removed. All applicable permits shall be obtained within twelve (12) months of the damage or destruction.

**SECTION 2.08 AMENDMENTS TO TEXT OR DISTRICTS (PLANNING BOARD)**

2.08.010 The provisions of these regulations may, from time to time, and for the furtherance of public necessity, convenience, and welfare and in recognition that circumstances and conditions may be altered substantially as time passes, be amended, supplemented, changed, modified, or replaced.

2.08.020 Amendments to the Text.

Amendments to the provisions of the text of these regulations:

1. Requests to amend the text of these regulations may be initiated by the local governing body, the Planning Board, or any affected party or entity on a form provided by the Zoning Administrator.

2. The completed application and fee shall be submitted to the Zoning Administrator or his designee. Such fee is non-refundable.

3. The completed application shall be processed as per the adopted administrative procedures.

4. After acceptance by the Zoning Administrator or his designee, the completed application shall be transmitted to the staff of the Planning Board for their review and evaluation. Applications shall be reviewed under the regulations in place on the date a complete application is submitted to the Zoning Administrator.

5. The Zoning Administrator shall set a public hearing date and publish a public notice once in a newspaper of general circulation in the community at least 15 calendar days prior to the meeting of the Planning Board at which the application is to be considered.

6. The Planning Board shall consider the application at its next regular meeting following the public notice process. The Board shall make a recommendation to the Board of County Commissioners to grant, amend, or deny the application.

7. Upon receipt of the recommendation of the Planning Board, the Board of County Commissioners shall hold a public hearing. Notice of this hearing stating the boundaries of the proposed district, the general character of the proposed regulations, the time and place of the hearing and that the proposed zoning regulations are on file for public inspection at the office of the clerk and recorder shall be posted not less than 45 days before the public hearing in at least 5 public places, including but not limited to public buildings and adjacent to public rights of way, within the proposed district and advertised once a week for two weeks in a newspaper of general circulation within the county. Based on the results of the hearing, other public input, the staff report and findings of the Planning Board, the Flathead County Board of Commissioners shall render a decision to grant, amend, or deny the requested amendment.

8. In the event that the Board of County Commissioners approve or amend the requested amendment, a Resolution of Intent shall be passed and a notice of intent to adopt shall be published in a newspaper of general circulation. The publication of the notice shall begin a thirty (30) day protest period on the proposed resolution, after which the final reading of the resolution may be considered.

9. In the event that a written protest against a proposed amendment is filed in the office of the Board of County Commissioners within thirty (30) days of the first publication of the advertisement of the adoption of a Resolution of Intent by the Board of County Commissioners by forty percent (40%) of the freeholders of land within the districts zoned pursuant to Section 76-2-201, et. seq., whose names appear on the latest update of the tax rolls as of the beginning of the protest period, or by freeholders representing 50% of the titled property ownership whose property is taxed for agricultural purposes or whose property is taxed as forest land, the Board of County Commissioners shall not adopt the resolution and no further zoning resolution shall be proposed for the district for a period of one (1) year.

10. Should the proposed amendment be adopted by resolution, the Board of County Commissioners shall officially notify the Zoning Administrator of the amendment now in force and he shall incorporate the amendment into the appropriate chapter, section or paragraph of these regulations.

11. In the event that an application to amend these regulations is denied by the Board of County Commissioners or that the application for amendment is withdrawn after the hearing of the Planning Board, the Zoning Administrator shall have the authority to refuse to accept another application for any similar amendment for one (1) year from the date of hearing of the previous application by the Board.

2.08.030 Amendments to the Zoning Districts

1. An amendment proposing changes to the zoning districts shall follow substantially the same procedures as provided for in Section 2.08.020 with the following additional requirements to be met.

   A. The applicant shall provide names and addresses of all property owners within 150 feet of the proposed amendment area.

   B. The application for amendment shall be signed by an owner of record or his authorized agent in the space provided on the application.

   C. When rezoning a previously zoned tract of land, the staff of the Planning Board shall mail a notice to all property owners included in the proposed amendment area and all property owners adjacent to and within 150 feet of the boundary of the proposed amendment area. (Where the subject property abuts a public right-of-way, the 150-foot measurement shall be in addition to the right-of-way along the abutting sides.) Such notice shall be mailed no less than 15 days prior to the Planning Board hearing date.

D. In the event that the Board of County Commissioners approves or amends the requested amendment, a Resolution of Intent shall be passed and a notice of intent to adopt shall be published in a newspaper of general circulation. The publication of the notice shall begin a thirty (30) day protest period on the proposed resolution, after which the final reading of the resolution may be considered.

E. In the event that a written protest against a proposed amendment is filed in the office of the Board of County Commissioners within thirty (30) days of the first publication of the advertisement of the adoption of a Resolution of Intent by the Board of County Commissioners by forty percent (40%) of the freeholders of land within the district of the proposed amendment whose names appear on the latest update of the tax rolls as of the beginning of the protest period, or by freeholders representing fifty percent (50%) of the titled property ownership whose property is taxed for agricultural purposes or whose property is taxed as forest land, the Board of County Commissioners shall not adopt the resolution and no further zoning resolution shall be proposed for the district for a period of one (1) year.

2. In the event that the Board of County Commissioners grants the application to amend or re-zone by resolution, they shall notify the Zoning Administrator of their action and he shall be responsible for updating the maps. Said updating shall include the posting on the face of the appropriate map of the date and the number of the resolution amendment of said map.

3. In the event an application to amend (re-zone) is denied by the Board of County Commissioners or that the application is withdrawn after the Planning Board hearing, the Zoning Administrator shall have the authority to refuse to accept another application for any similar amendment within one (1) year from the date of the hearing of the previous application before the Board.

2.08.040 Evaluation of Amendment Requests.

When considering an application for amendment to the provisions of these regulations or the zoning districts, the Planning Board and Board of County Commissioners shall be guided by and adopt findings of fact based upon the following:

1. Whether the zoning regulations are made in accordance with the Growth Policy.

2. Whether the zoning regulations are designed to:
   a. Secure safety from fire and other dangers;
   b. Promote public health, public safety, and general welfare, and;
   c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

3. Consideration of:
   a. The reasonable provision of adequate light and air;
   b. The effect on motorized and non-motorized transportation systems;

c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;
d. The character of the district and its peculiar suitability for particular uses;
e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

4. Whether the zoning regulations are, as nearly as possible, compatible with the zoning ordinances of nearby municipalities.

2.08.050 When a proposed zone change or zoning district falls within the jurisdiction of a City-County Planning Board, the City-County Planning Board, rather than the Flathead County Planning Board, shall have the authority to review the request and make a recommendation to the Board of County Commissioners.

2.08.060 New Zoning Districts.

The creation of new zoning districts shall be done in accordance with Sections 76-2-201 to 76-2-211, inclusive, M.C.A.

**SECTION 2.09 ENFORCEMENT**

2.09.010 Penalty for Violation.

Any person or corporation, whether owner, lessee, principal agent, employee, or otherwise, who violates any provisions of these regulations or permits any such violation or fails to comply with any of the requirements thereof, or who erects, constructs, reconstructs, alters, enlarges, converts, moves, or uses any building or uses any land in violation of any detailed statement or plans submitted by him and approved under the provisions of these regulations, may be found guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine not exceeding five hundred dollars ($500.00) or imprisonment not to exceed six (6) months or both. Each day of continued violation after notification shall constitute a separate, additional violation.

2.09.020 Use of Available Remedies Authorized.

In the event that any building or structure is erected, reconstructed, altered, converted, or maintained, or any building, structure, or land is used in violation of these regulations, the proper legal authorities of the Board of County Commissioners, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent an illegal act, conduct, business, or use in or about such building, structure or land.

# 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. |
| B-1 | Neighborhood Business | 7,500 sq. ft. |
| B-2 | General Business | 7,500 sq. ft. |
| 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. |
| 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), and RA-1 (Residential Apartment) 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.

## SECTION 3.04 AG-80 AGRICULTURAL

3.04.010 Definition.

A district to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development.

3.04.020 Permitted Uses (AG-80).

1. Agricultural/horticultural/silvicultural use.
2. Cellular tower.
3. Class A and Class B manufactured home (See Chapter VII – Definitions).
4. Cluster housing (See Chapter V – Performance Standards).
5. Dairy products processing, bottling, and distribution.
6. Day care home.
7. Dwelling, single-family.
8. Dwelling unit, accessory (ADU).
9. Feed and seed processing and cleaning.
10. Feed lot: cattle, swine, poultry.
11. Fish hatchery.
12. Guest house.
13. Home occupation (See Chapter V – Performance Standards and Chapter VII – Definitions).
14. Homeowners park and beaches.
15. Kennel.
16. Livestock.
17. Nursery, landscaping materials.
18. Park.
19. Produce stand.
20. Public transportation shelter station.
21. Public utility service installation.
22. Ranch employee housing.
23. Riding academy, rodeo arena.
24. Stable, public and private

3.04.030 Conditional Uses (AG-80).

1. Airport.
2. Animal farm (See Chapter VII – Definitions).
3. Animal hospital, veterinary clinic.
4. Bed and breakfast establishment.
5. Camp and retreat center (See Chapter IV – Conditional Use Standards and Chapter VII – Definitions).
6. Caretaker's facility.*
7. Cemetery, mausoleum, columbarium, crematorium.
8. Church and other place of worship.
9. Communication tower/mast.
10. Community center building operated by a non-profit agency.
11. Contractor's storage yard (See Chapter IV – Conditional Use Standards).*

12. Dwelling, family hardship.*
13. Electrical distribution station.
14. Extractive industry.
15. Landfill, sanitary for disposal of garbage and trash.
16. Radio and television broadcast studio.
17. Recreational facility, low-impact.
18. Rifle range.
19. School, primary and secondary.
20. Temporary building or structure.*
21. Water and sewage treatment plant.
22. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045)

3.04.040 Bulk and Dimensional Requirements (AG-80).

1. Minimum Lot Area: 80 acres

2. Minimum Lot Width:
   Cul-de-sacs: 60 feet.

3. Setbacks:
   A. Minimum Yard Requirements for Principal Structure:
      Front: 20 feet.
      Side:* 20 feet each.
      Side Corner:** 20 feet.
      Rear: 20 feet.

   B. Detached Accessory Structures:
      Front: 20 feet.
      Side:* 5 feet each.
      Side Corner:** 20 feet.
      Rear: 5 feet.

      * For non-conforming properties with lot widths of less than 150 feet, the side yard setback shall be 10 feet each. For non-conforming properties with lot widths of less than 50 feet, the side yard setback shall be 5 feet each.

      ** For non-conforming properties with lots with average widths of less than 200 feet, the side corner setback shall be 15 feet.

   C. A 20-foot setback is required from streams, rivers, and unprotected lakes, which do not serve as property boundaries.

   D. Increase yard requirements as follows when property fronts: **
      County Road:* 20 feet.

      * Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.

      ** If the lot is in a subdivision created under the provisions of clustering in AG or SAG Districts (Section 5.09.030) a minimum 100 foot setback from the boundary of a highway for all structures is required.

| | | |
|---|---|---|
| 4. | Maximum Height:<br>(Agricultural buildings exempt) | 35 feet. |
| 5. | Permitted Lot Coverage: | 20%. |
| 6. | Maximum Fence Height: | Not applicable. |
| 7. | Off-Street Parking: | See Chapter VI-Parking and Loading. |

## SECTION 3.05 AG-40 AGRICULTURAL

3.05.010 Definition.

A district to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development.

3.05.020 Permitted Uses (AG-40)

1. Agricultural/horticultural/silvicultural use.
2. Cellular Tower.
3. Class A and Class B manufactured home (See Chapter VII – Definitions).
4. Cluster housing (See Chapter V – Performance Standards).
5. Dairy products processing, bottling, and distribution.
6. Day care home.
7. Dwelling, single-family.
8. Dwelling unit, accessory (ADU).
9. Guest house.
10. Fish hatchery.
11. Home occupation (See Chapter V – Performance Standards and Chapter VII – Definitions).
12. Homeowners park and beaches.
13. Kennel.
14. Livestock
15. Nursery, landscaping materials.
16. Park.
17. Produce stand.
18. Public transportation shelter station.
19. Public utility service installation.
20. Ranch employee housing.
21. Riding academy, rodeo arena.
22. Stable, public and private

3.05.030 Conditional Uses (AG-40).

1. Airport.
2. Animal farm (See Chapter VII – Definitions).
3. Animal hospital, veterinary clinic.
4. Bed and breakfast establishment.
5. Camp and retreat center (See Chapter IV – Conditional Use Standards and Chapter VII – Definitions).
6. Caretaker's facility.*
7. Cemetery, mausoleum, columbarium, crematorium.
8. Church and other place of worship.
9. Communication tower/mast.
10. Community center building operated by a non-profit agency.
11. Contractor's storage yard (See Chapter IV – Conditional Use Standards).*
12. Dwelling, family hardship.*
13. Electrical distribution station.
14. Extractive industry.

15. Feed and seed processing and cleaning.
16. Feed lot: cattle, swine, poultry
17. Landfill, sanitary for disposal of garbage and trash.
18. Radio and television broadcast studio.
19. Recreational facility, low-impact.
20. Rifle range.
21. School, primary and secondary.
22. Temporary building or structure.*
23. Water and sewage treatment plant.
24. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045)

3.05.040 Bulk and Dimensional Requirements (AG-40).

1. Minimum Lot Area: 40 acres

2. Minimum Lot Width:
   Cul-de-sacs: 60 feet.

3. Setbacks:
   A. Minimum Yard Requirements for Principal Structure:
      Front: 20 feet.
      Side:* 20 feet each.
      Side Corner:** 20 feet.
      Rear: 20 feet.

   B. Detached Accessory Structures:
      Front: 20 feet.
      Side:* 5 feet each.
      Side Corner:** 20 feet.
      Rear: 5 feet.
      * For non-conforming properties with lot widths of less than 150 feet, the side yard setback shall be 10 feet each. For non-conforming properties with lot widths of less than 50 feet, the side yard setback shall be 5 feet each.
      ** For non-conforming properties with lots with average widths of less than 200 feet, the side corner setback shall be 15 feet.

   C. A 20-foot setback is required from streams, rivers, and unprotected lakes which do not serve as property boundaries.

   D. Increase yard requirements as follows when property fronts: **
      County Road:* 20 feet.

      * Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.
      ** If the lot is in a subdivision created under the provisions of clustering in AG or SAG Districts (Section 5.09.030) a minimum 100 foot setback from the boundary of a highway for all structures is required.

4. Maximum Height: 35 feet.

| | | |
|---|---|---|
| | (Agricultural buildings exempt) | |
| 5. | Permitted Lot Coverage: | 20%. |
| 6. | Maximum Fence Height: | Not applicable. |
| 7. | Off-Street Parking: | See Chapter VI-Parking and Loading. |

## SECTION 3.06 AG-20 AGRICULTURAL

3.06.010 Definition.

A district to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development.

3.06.020 Permitted Uses (AG-20)

1. Agricultural/horticultural/silvicultural use.
2. Cellular tower.
3. Class A and Class B manufactured home (See Chapter VII – Definitions).
4. Cluster housing (See Chapter V – Performance Standards).
5. Dairy products processing, bottling, and distribution.
6. Day care home.
7. Dwelling, single-family.
8. Dwelling unit, accessory (ADU).
9. Guest house.
10. Fish hatchery.
11. Home occupation (See Chapter V – Performance Standards and Chapter VII – Definitions).
12. Homeowners park and beaches.
13. Kennel.
14. Livestock
15. Nursery, landscaping materials.
16. Park.
17. Produce stand.
18. Public transportation shelter station.
19. Public utility service installation.
20. Ranch employee housing.
21. Riding academy, rodeo arena.
22. Stable, public and private

3.06.030 Conditional Uses (AG-20).

1. Airport.
2. Animal farm (See Chapter VII – Definitions).
3. Animal hospital, veterinary clinic.
4. Bed and breakfast establishment.
5. Camp and retreat center (See Chapter IV – Conditional Use Standards and Chapter VII – Definitions).
6. Caretaker's facility.*
7. Cemetery, mausoleum, columbarium, crematorium.
8. Church and other place of worship.
9. Communication tower/mast.
10. Community center building operated by a non-profit agency.
11. Contractor's storage yard (See Chapter IV – Conditional Use Standards).*
12. Dwelling, family hardship.*
13. Electrical distribution station.
14. Extractive industry.

15. Feed and seed processing and cleaning.
16. Feed lot: cattle, swine, poultry.
17. Radio and television broadcast studio.
18. Recreational facility, low-impact.
19. School, primary and secondary.
20. Temporary building or structure.*
21. Water and sewage treatment plant.
22. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045)

3.06.040 Bulk and Dimensional Requirements (AG-20).

1. Minimum Lot Area: 20 acres

2. Minimum Lot Width:
   Cul-de-sacs: 60 feet.

3. Setbacks:
   A. Minimum Yard Requirements for Principal Structure:
      Front: 20 feet.
      Side:* 20 feet each.
      Side Corner:** 20 feet.
      Rear: 20 feet.

   B. Detached Accessory Structures:
      Front: 20 feet.
      Side:* 5 feet each.
      Side Corner:** 20 feet.
      Rear: 5 feet.

      * For non-conforming properties with lot widths of less than 150 feet, the side yard setback shall be 10 feet each. For non-conforming properties with lot widths of less than 50 feet, the side yard setback shall be 5 feet each.

      ** For non-conforming properties with lots with average widths of less than 200 feet, the side corner setback shall be 15 feet.

   C. A 20-foot setback is required from streams, rivers, and unprotected lakes which do not serve as property boundaries.

   D. Increase yard requirements as follows when property fronts: **
      County Road:* 20 feet.

      * Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.

      ** If the lot is in a subdivision created under the provisions of clustering in AG or SAG Districts (Section 5.09.030) a minimum 100 foot setback from the boundary of a highway for all structures is required.

4. Maximum Height: 35 feet.
   (Agricultural buildings exempt)

| | | |
|---|---|---|
| 5. | Permitted Lot Coverage: | 20%. |
| 6. | Maximum Fence Height: | Not applicable. |
| 7. | Off-Street Parking: | See Chapter VI-Parking and Loading. |

## SECTION 3.07 SAG-10 SUBURBAN AGRICULTURAL

3.07.010 Definition.

A district to provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.

3.07.020 Permitted Uses (SAG-10).

1. Agricultural/horticultural/silvicultural use.
2. Cellular tower.
3. Class A and Class B manufactured home (See Chapter VII – Definitions).
4. Cluster housing (See Chapter V – Performance Standards).
5. Dairy products processing, bottling, and distribution.
6. Day care home.
7. Dwelling, single-family.
8. Dwelling unit, accessory (ADU).
9. Guest house.
10. Home occupation (See Chapter V – Performance Standards and Chapter VII – Definitions).
11. Homeowners park and beaches.
12. Livestock
13. Nursery, landscaping materials.
14. Park and publicly owned recreational facility.
15. Produce stand.
16. Public transportation shelter station.
17. Public utility service installation.
18. Ranch employee housing.
19. Riding academy, rodeo arena.
20. Stable, public and private

3.07.030 Conditional Uses (SAG-10).

1. Airfield.
2. Aircraft hangars when in association with properties within or adjoining an airport/landing field.*
3. Animal hospital, veterinary clinic.
4. Bed and breakfast establishment.
5. Camp and retreat center (See Chapter IV – Conditional Use Standards and Chapter VII – Definitions).
6. Caretaker's facility.*
7. Cemetery, mausoleum, columbarium, crematorium.
8. Church and other place of worship.
9. Community center building operated by a non-profit agency.
10. Community residential facility.**
11. Contractor's storage yard (See Chapter IV – Conditional Use Standards).*
12. Dwelling, family hardship.*
13. Electrical distribution station.
14. Extractive industry.
15. Golf course.

16. Golf driving range.
17. Kennel, commercial (See Chapter IV – Conditional Use Standards).*
18. Manufactured home park.
19. Recreational facility, low-impact.
20. School, primary and secondary.
21. Temporary building or structure.*
22. Water and sewage treatment plant.
23. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045)

**Administrative Conditional Use Permit, eight or fewer.

3.07.040 Bulk and Dimensional Requirements (SAG-10).

1. Minimum Lot Area: 10 acres

2. Minimum Lot Width: No parcel or lot shall have an average depth greater than three times its average width unless the average lot width is more than 300 feet.

   Cul-de-Sacs: 60 feet.

3. Setbacks:

   A. Minimum Yard Requirements for Principal Structure:

   | | |
   |---|---|
   | Front: | 20 feet. |
   | Side:* | 20 feet each. |
   | Side Corner:** | 20 feet. |
   | Rear: | 20 feet. |

   B. Detached Accessory Structures:

   | | |
   |---|---|
   | Front: | 20 feet. |
   | Side:* | 5 feet each. |
   | Side Corner:** | 20 feet. |
   | Rear: | 5 feet. |

   * For non-conforming properties with lot widths of less than 150 feet, the side yard setback shall be 10 feet each. For non-conforming properties with lot widths of less than 50 feet, the side yard setback shall be 5 feet each.

   ** For non-conforming properties with lots with average widths of less than 200 feet, the side corner setback shall be 15 feet.

   C. A 20-foot setback is required from streams, rivers, and unprotected lakes, which do not serve as property boundaries.

   D. Increase yard requirements as follows when property fronts: **

   County Road:* 20 feet.

   * Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.

   ** If the lot is in a subdivision created under the provisions of clustering in AG or SAG Districts (Section 5.09.030) a minimum 100 foot setback from the boundary of a highway for all structures is required.

| | | |
|---|---|---|
| 4. | Maximum Height: | 35 feet. |
| 5. | Permitted Lot Coverage: | 20%. |
| 6. | Maximum Fence Height: | Not applicable. |
| 7. | Off-Street Parking: | See Chapter VI-Parking and Loading. |

## SECTION 3.08 SAG-5 SUBURBAN AGRICULTURAL

3.08.010 Definition.

A district to provide and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.

3.08.020 Permitted Uses (SAG-5).

1. Agricultural/horticultural/silvicultural use.
2. Class A and Class B manufactured home (See Chapter VII – Definitions).
3. Cluster housing (See Chapter V – Performance Standards).
4. Day care home.
5. Dwelling, single-family.
6. Dwelling unit, accessory (ADU).
7. Guest house.
8. Home occupation (See Chapter V- Performance Standards and Chapter VII – Definitions).
9. Homeowners park and beaches.
10. Livestock
11. Nursery, landscaping materials.
12. Park and publicly owned recreational facility.
13. Produce stand.
14. Public transportation shelter station.
15. Public utility service installation.
16. Stable, private.

3.08.030 Conditional Uses (SAG-5).

1. Airfield.
2. Aircraft hangars when in association with properties within or adjoining an airport/landing field.*
3. Animal hospital, veterinary clinic.
4. Bed and breakfast establishment.
5. Camp and retreat center (See Chapter IV – Conditional Use Standards and Chapter VII – Definitions).
6. Caretaker's facility.*
7. Cellular tower.*
8. Cemetery, mausoleum, columbarium, crematorium.
9. Church and other place of worship.
10. Community center building operated by a non-profit agency.
11. Community residential facility.**
12. Contractor's storage yard (See Chapter IV – Conditional Use Standards).*
13. Dwelling, family hardship.*
14. Electrical distribution station.
15. Extractive industry.
16. Golf course.
17. Golf driving range.
18. Kennel, commercial (See Chapter IV-Conditional Use Standards).
19. Manufactured home park.

20. Recreational facility, high-impact.
21. Recreational facility, low-impact.
22. Recreational vehicle park.
23. Riding academy and rodeo arena.
24. School, primary and secondary.
25. Stable, public.
26. Temporary building or structure.*
27. Water and sewage treatment plant.
28. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045)

**Administrative Conditional Use Permit, eight or fewer.

3.08.040 Bulk and Dimensional Requirements (SAG-5).

1. Minimum Lot Area: 5 acres.

2. Minimum Lot Width: No parcel or lot shall have an average depth greater than three times its average width unless the average lot width is more than 300 feet.

   Cul-de-Sacs: 60 feet.

3. Setbacks:
   A. Minimum Yard Requirements for Principal Structure:
      Front: 20 feet.
      Side:* 20 feet each.
      Side Corner:** 20 feet.
      Rear: 20 feet.

   B. Detached Accessory Structures:
      Front: 20 feet.
      Side:* 5 feet each.
      Side Corner:** 20 feet.
      Rear: 5 feet.
      * For non-conforming properties with lot widths of less than 150 feet, the side yard setback shall be 10 feet each. For non-conforming properties with lot widths of less than 50 feet, the side yard setback shall be 5 feet each.
      ** For non-conforming properties with lots with average widths of less than 200 feet, the side corner setback shall be 15 feet.

   C. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.

   D. Increase yard requirements as follows when property fronts: **
      County Road:* 20 feet.

      * Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.

** If the lot is in a subdivision created under the provisions of clustering in AG or SAG Districts (Section 5.09.030) a minimum 100 foot setback from the boundary of a highway for all structures is required.

4. Maximum Height: 35 feet.

5. Permitted Lot Coverage: 25% (Residential Uses).

6. Maximum Fence Height (Residential Uses):
   Front: 6 feet.
   Side: 6 feet.
   Rear: 6 feet.

7. Off-Street Parking: See Chapter VI – Parking and Loading.

## SECTION 3.09 R-1 SUBURBAN RESIDENTIAL

3.09.010 Definition.

A district to provide estate-type development. These areas would normally be located in rural areas away from concentrated urban development, typically not served by water or sewer services, or in areas where it is desirable to permit only low-density development (e.g., extreme topography, areas adjacent to floodplains, airport runway alignment extensions).

3.09.020 Permitted Uses (R-1).

1. Agricultural/horticultural/silvicultural use.
2. Class A manufactured home.
3. Day care home.
4. Dwelling, single-family.
5. Dwelling unit, accessory (ADU).
6. Guest house.
7. Home occupation (See Chapter V- Performance Standards and Chapter VII – Definitions).
8. Homeowners park and beaches.
9. Livestock (See Chapter V – Performance Standards).
10. Nursery, landscaping material.
11. Park and publicly owned recreational facility.
12. Produce stand.
13. Public transportation shelter station.
14. Public utility service installation. (A minimum of five feet of landscaped area shall surround such building or structure.)
15. Stable, private.

3.09.030 Conditional Uses (R-1).

1. Airfield.
2. Aircraft hangars when in association with properties within or adjoining and airport/landing field.*
3. Bed and breakfast establishment.
4. Camp and retreat center (See Chapter IV – Conditional Use Standards an Chapter VII – Definitions).
5. Caretaker's facility.*
6. Cellular antenna & monopole.
7. Cemetery, mausoleum, columbarium, crematorium.
8. Church and other place of worship.
9. Community center building operated by a non-profit agency.
10. Community residential facility.**
11. Dwellings, cluster development (See Chapter IV – Conditional Use Standards).
12. Dwelling, family hardship.*
13. Electrical distribution station.
14. Golf course.
15. Golf driving range.
16. Manufactured home park.
17. Radio and television broadcast station.
18. School, primary and secondary.

19. Stable, public.
20. Temporary building or structure.*
21. Water and sewage treatment plant.
22. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045)

**Administrative Conditional Use Permit, eight or fewer.

3.09.040 Bulk and Dimensional Requirements (R-1).

1. Minimum Lot Area: 1 acre.

2. Minimum Lot Width: 150 feet.

   Cul-de-Sacs: 60 feet.

3. Setbacks:

   A. Minimum Yard Requirements for Principal Structure:

| | |
|---|---|
| Front: | 20 feet. |
| Side:* | 20 feet each. |
| Side Corner: | 20 feet. |
| Rear: | 20 feet. |

   * For non-conforming properties with lot widths of less than 150 feet, the side yard setback shall be 10 feet each. For non-conforming properties with lot widths of less than 50 feet, the side yard setback shall be 5 feet each.

   B. Detached Accessory Structures:

| | |
|---|---|
| Front: | 20 feet. |
| Side: | 5 feet each. |
| Side Corner: | 20 feet. |
| Rear: | 5 feet. |

   C. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.

   D. Increase yard requirements as follows when property fronts:

| | |
|---|---|
| County Road:* | 20 feet. |

   * Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.

4. Maximum Height:

| | |
|---|---|
| Principal Structure: | 35 feet. |
| Accessory Structure: | 35 feet when the accessory building meets the principal building setback requirements; 18 feet when the principal building setback requirements are not met. |

5. Permitted Lot Coverage: 40%.

6. Maximum Fence Height (Except as Otherwise Noted):
   Front: 4 feet.
   Side: 6 feet.
   Rear: 6 feet.

7. Off-Street Parking: See Chapter VI – Parking and Loading.

## SECTION 3.10 R-2 ONE FAMILY LIMITED RESIDENTIAL

3.10.010 Definition.

A district to provide for large-tract residential development. These areas will typically be found in suburban areas, generally served by either sewer or water lines.

3.10.020 Permitted Uses (R-2).

1. Class A manufactured home.
2. Day care home.
3. Dwelling, single-family.
4. Guest house.
5. Home occupation (See Chapter V – Performance Standards and Chapter VII – Definitions).
6. Homeowners park and beaches.
7. Park and publicly owned recreational facility.
8. Public transportation shelter station.
9. Public utility service installation. (A minimum of five feet of landscaped area shall surround such building or structure.)

3.10.030 Conditional Uses (R-2).

1. Bed and breakfast establishment.
2. Cellular antenna & monopole.
3. Cemetery, mausoleum, columbarium, crematorium.
4. Church and other place of worship.
5. Community center building operated by a non-profit agency.
6. Community residential facility.**
7. Dwellings, cluster development (See Chapter IV – Conditional Use Standards).
8. Dwelling, family hardship.*
9. Dwelling unit, accessory (ADU).*
10. Electrical distribution station.
11. Golf course.
12. Golf driving range.
13. Manufactured home park.
14. School, primary and secondary.
15. Temporary building or structure.*
16. Water and sewage treatment plant.
17. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045).

**Administrative Conditional Use Permit, eight or fewer.

3.10.040 Bulk and Dimensional Requirements (R-2).

| | | |
|---|---|---|
| 1. | Minimum Lot Area: | 20,000 square feet. |
| 2. | Minimum Lot Width: | 100 feet. |
| | Cul-de-sacs: | 60 feet. |

3. Setbacks:

   A. Minimum Yard Requirements for Principal Structure:

| | |
|---|---|
| Front: | 20 feet |
| Side: | 10 feet each. |
| Side Corner: | 20 feet. |
| Rear: | 20 feet. |

   B. Detached Accessory Structures:

| | |
|---|---|
| Front: | 20 feet. |
| Side: | 5 feet each. |
| Side Corner: | 20 feet. |
| Rear: | 5 feet. |

   C. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.

   D. Increase yard requirements as follows when property fronts:

| | |
|---|---|
| County Road:* | 20 feet. |

   * Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.

4. Maximum Height:

| | |
|---|---|
| Principal structure: | 35 feet. |
| Accessory structure: | 18 feet. |

5. Permitted Lot Coverage: 30%.

6. Maximum Fence Height (Except as Otherwise Noted):

| | |
|---|---|
| Front: | 4 feet. |
| Side: | 6 feet. |
| Rear: | 6 feet. |

7. Off-Street Parking: See Chapter VI – Parking and Loading.

## SECTION 3.11 R-3 ONE FAMILY RESIDENTIAL

3.11.010 Definition.

A district to provide adequate lot size for urban residential development; should have good thoroughfare access, and be in proximity to community and neighborhood facilities, i.e., schools, parks, shopping areas. This district will normally require all public utilities.

3.11.020 Permitted Uses (R-3).

1. Class A manufactured home.
2. Day care home.
3. Dwelling, single-family.
4. Home occupation (See Chapter V – Performance Standards and Chapter VII – Definitions).
5. Homeowners park and beaches.
6. Park and publicly owned recreational facility.
7. Public transportation shelter station.
8. Public utility service installation. (A minimum of five feet of landscaped area shall surround such building or structure.)

3.11.030 Conditional Uses (R-3).

1. Bed and breakfast establishment.
2. Cellular antenna & monopole.
3. Church and other place of worship.
4. Community center building operated by a non-profit agency.
5. Community residential facility.**
6. Day care center.
7. Dwellings, cluster development (See Chapter IV – Conditional Use Standards).'
8. Dwelling unit, accessory (ADU).*
9. Electrical distribution station.
10. Family hardship dwelling.*
11. Golf course.
12. Golf driving range.
13. Manufactured home park.
14. School, primary and secondary.
15. Temporary building or structure.*
16. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045).

**Administrative Conditional Use Permit, eight or fewer.

3.11.040 Bulk and Dimensional Requirements (R-3).

| | | |
|---|---|---|
| 1. | Minimum Lot Area: | 10,000 square feet. |
| 2. | Minimum Lot Width: | 70 feet. |
| | Cul-de-sacs: | 60 feet. |

3. Setbacks:

   A. Minimum Yard Requirements for Principal Structure:

| | |
|---|---|
| Front: | 20 feet |
| Side: | 10 feet each. |
| Side Corner: | 20 feet. |
| Rear: | 20 feet. |

   B. Detached Accessory Structures:

| | |
|---|---|
| Front: | 20 feet. |
| Side: | 5 feet each. |
| Side Corner: | 20 feet. |
| Rear: | 5 feet. |

   C. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.

   D. Increase yard requirements as follows when property fronts:

| | |
|---|---|
| County Road:* | 20 feet. |

   * Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.

4. Maximum Height:

| | |
|---|---|
| Principal structure: | 35 feet. |
| Accessory structure: | 18 feet. |

5. Permitted Lot Coverage: 30%.

6. Maximum Fence Height (Except as Otherwise Noted):

| | |
|---|---|
| Front: | 4 feet. |
| Side: | 6 feet. |
| Rear: | 6 feet. |

7. Off-Street Parking: See Chapter VI – Parking and Loading.

## SECTION 3.12 R-4 TWO-FAMILY RESIDENTIAL

3.12.010 Definition.

A district to provide lot areas for urban residential development. Development within the district will require all public utilities and all community facilities. A duplex is allowed in this district.

3.12.020 Permitted Uses (R-4).

1. Class A and Class B manufactured home~~s~~ (See Chapter VII – Definitions).
2. Day care home.
3. Dwelling, single-family.
4. Duplex.
5. Home occupation (See Chapter V – Performance Standards and Chapter VII – Definitions).
6. Homeowners park and beaches.
7. Park and publicly owned recreational facility.
8. Public transportation shelter station.
9. Public utility service installation. (A minimum of five feet of landscaped area shall surround such building or structure.)

3.12.030 Conditional Uses (R-4).

1. Beauty Salon and Barbershop.
2. Bed and breakfast establishment.
3. Cellular antenna & monopole.
4. Church and other place of worship.
5. Community center building operated by a non-profit agency.
6. Community residential facility.**
7. Day care center.
8. Dwellings, cluster development (See Chapter IV – Conditional Use Standards).
9. Dwelling unit, accessory (ADU).*
10. Electrical distribution station.
11. Golf course.
12. Manufactured home park.
13. Mini-storage, RV storage.
14. School, primary and secondary.
15. Temporary building or structure.*
16. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045).

**Administrative Conditional Use Permit, eight or fewer.

3.12.040 Bulk and Dimensional Requirements (R-4).

1. Minimum Lot Area:
   6,000 square feet for single-family dwellings.
   7,500 square feet for duplexes and all other uses.

2. Minimum Lot Width: 50 feet.

Sub Lot Minimum Width: 25 feet

3. Setbacks:

A. Minimum Yard Requirements for Principal Structure:

| | |
|---|---|
| Front: | 20 feet |
| Side: | 5 feet each. |
| Side Corner: | 20 feet. |
| Rear: | 20 feet. |

B. Detached Accessory Structures:

| | |
|---|---|
| Front: | 20 feet. |
| Side: | 5 feet each. |
| Side Corner: | 20 feet. |
| Rear: | 5 feet. |

C. A 20-foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries.

D. Increase yard requirements as follows when property fronts:
County Road:* 20 feet.

* Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.

4. Maximum Height:

| | |
|---|---|
| Principal structure: | 35 feet. |
| Accessory structure: | 18 feet. |

5. Permitted Lot Coverage: 40%.

6. Maximum Fence Height (Except as Otherwise Noted):

| | |
|---|---|
| Front: | 4 feet. |
| Side: | 6 feet. |
| Rear: | 6 feet. |

7. Off-Street Parking: See Chapter VI – Parking and Loading.

## SECTION 3.13 R-5 TWO-FAMILY RESIDENTIAL

3.13.010 Definition.

A residential district with minimum lot areas. Development within the district will require all public utilities, and all community facilities. A duplex is allowed in this district.

3.13.020 Permitted Uses (R-5).

1. Class A and Class B manufactured home. (See Chapter VII – Definitions).
2. Day care home.
3. Dwelling, single-family.
4. Duplex.
5. Home occupation (See Chapter V – Performance Standards and Chapter VII - Definitions).
6. Homeowners park and beaches.
7. Park and publicly owned recreational facility.
8. Public transportation shelter station.
9. Public utility service installation. (A minimum of five feet of landscaped area shall surround such building or structure.)

3.13.030 Conditional Uses (R-5).

1. Beauty Salon and Barbershop.
2. Bed and breakfast establishment.
3. Cellular tower.*
4. Church and other place of worship.
5. Community center building operated by a non-profit agency.
6. Community residential facility.**
7. Day care center.
8. Dwellings, cluster development (See Chapter IV – Conditional Use Standards).
9. Dwelling unit, accessory (ADU).*
10. Electrical distribution station.
11. Golf course.
12. Manufactured home park.
13. Mini-storage, RV storage.
14. Recreational vehicle park/campground.
15. School, primary and secondary.
16. Temporary building or structure.*
17. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045).

**Administrative Conditional Use Permit, eight or fewer.

3.13.040 Bulk and Dimensional Requirements (R-5).

| | | |
|---|---|---|
| 1. | Minimum Lot Area: | 5,400 square feet. |
| 2. | Minimum Lot Width: | 50 feet. |
| | Sub Lot Minimum Width: | 25 feet. |

3. Setbacks:

   A. Minimum Yard Requirements for Principal Structure:

| | |
|---|---|
| Front: | 20 feet |
| Side: | 5 feet each. |
| Side Corner: | 20 feet. |
| Rear: | 20 feet. |

   B. Detached Accessory Structures:

| | |
|---|---|
| Front: | 20 feet. |
| Side: | 5 feet each. |
| Side Corner: | 20 feet. |
| Rear: | 5 feet. |

   C. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.

   D. Increase yard requirements as follows when property fronts:

| | |
|---|---|
| County Road:* | 20 feet. |

   * Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.

4. Maximum Height:

| | |
|---|---|
| Principal structure: | 35 feet. |
| Accessory structure: | 18 feet. |

5. Permitted Lot Coverage: 40%.

6. Maximum Fence Height (Except as Otherwise Noted):

| | |
|---|---|
| Front: | 4 feet. |
| Side: | 6 feet. |
| Rear: | 6 feet. |

7. Off-Street Parking: See Chapter VI – Parking and Loading.

## SECTION 3.14 RC-1 RESIDENTIAL CLUSTER

3.14.010 Definition:

A district to provide a residential theme in a rural environment. The district is primarily intended to encourage a master planned community with a central recreational focus. A full range of public services, such as public water supplies and sewage treatment are generally required to serve the district. The gross density for units to be clustered is one (1) unit per acre (i.e., a one acre lot can only have one unit).

3.14.020 Permitted Uses (RC-1)

1. Class A manufactured home.
2. Day care home.
3. Dwellings, cluster (attached or detached when less than 4 du/building).
4. Dwelling, single-family.
5. Guest house.
6. Home occupation (See Chapter V – Performance Standards and Chapter VII - Definitions).
7. Homeowners park and beaches.
8. Park and publicly owned recreational facility.
9. Public transportation shelter station.
10. Public utility service installation.

3.14.030 Conditional Uses (RC-1).

1. Cellular tower. *
2. Church and other place of worship.
3. Community center building operated by a non-profit agency.
4. Community residential facility. **
5. Dwellings, cluster (attached or detached when greater than 4 du/building).
6. Dwelling, family hardship. *
7. Electrical distribution station.
8. Food or convenience store when less than 3,000 sq. ft.
9. Golf course.
10. Golf driving range.
11. Health club.
12. Manufactured home park.
13. Motor coach subdivision.
14. Professional Offices.
15. Restaurants within established resort facilities.
16. School, primary and secondary.
17. Temporary building or structure. *
18. Tourist accommodation units.
19. Tourist retail facilities as accessory uses of motel, clubhouse, health club, or marina operations.
20. Water and sewage treatment plant.
21. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045).

**Administrative Conditional Use Permit, eight or fewer.

3.14.040 Bulk and Dimensional Requirements (RC-1).

1. Minimum Lot Area:
   Minimum lot size when detached dwelling unit = 4,500 sq. ft.
   Minimum lot size when attached dwelling unit = 2,500 sq. ft./unit.
   Gross unit density must not exceed one du/acre.

2. Minimum Lot Width: 50 feet.

3. Setbacks:

   A. Minimum Yard Requirements for Principal Structure:
      Front: 20 feet
      Side: 5 feet each.
      Side Corner: 20 feet.
      Rear: 20 feet.

   B. Detached Accessory Structures:
      Front: 20 feet.
      Side: 5 feet each.
      Side Corner: 20 feet.
      Rear: 5 feet.

   C. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.

   D. Increase yard requirements as follows when property fronts:
      County Road: * 20 feet.

      * Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.

4. Maximum Height:
   Principal structure: 35 feet.
   Accessory structure: 15 feet.

5. Permitted Lot Coverage: 40%.

6. Maximum Fence Height (Except as Otherwise Noted):
   Front: 4 feet.
   Side: 6 feet.
   Rear: 6 feet.

7. Off-Street Parking: See Chapter VI – Parking and Loading.

## SECTION 3.15 RA-1 RESIDENTIAL APARTMENT

3.15.010 Definition.

A district to provide areas for multi-family use and for non-residential uses, which support or are compatible with the primarily residential character. This district is intended as a buffer between residential districts and other non-residential districts. This district shall be served by community water and sewer and have immediate access to fire, police, refuse, and park facilities.

3.15.020 Permitted Uses (RA-1).

1. Class A manufactured home.
2. Day care home.
3. Dwelling, single-family.
4. Duplex.
5. Home occupation (See Chapter V – Performance Standards and Chapter VII – Definitions).
6. Homeowners park and beaches.
7. Park and publicly owned recreational facility.
8. Public transportation shelter station.
9. Public utility service installation. (A minimum of five feet of landscaped area shall surround such building or structure.)

3.15.030 Conditional Uses (RA-1).

1. Beauty Salon and Barbershop.
2. Bed and breakfast establishment.
3. Cellular tower.*
4. Church and other place of worship.
5. Clinic, medical and dental.
6. College, business school, trade school, music conservatory, dance school.
7. Community center building operated by non-profit agency.
8. Community residential facility.**
9. Day care center.
10. Dwelling, multi-family.
11. Dwelling unit, accessory (ADU).*
12. Electrical distribution station.
13. Fraternity or sorority house.
14. Golf course.
15. Golf driving range and putting course.
16. Hospital.
17. Lodge, fraternal and social organization provided that any such establishment shall not be conducted primarily for gain.
18. Manufactured home park.
19. Mini-storage, RV storage.
20. Mortuary.
21. Pharmacy, operated within a clinic or physician’s office and selling only drugs, prescription medicine, medical supplies and appliances, and pharmaceutical products, provided that no more than 50% of the ground floor of the building shall be used for such purpose.
22. Recreational facility, low-impact.

23. School, primary and secondary.
24. Temporary building or structure.*
25. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045).

**Administrative Conditional Use Permit, eight or fewer.

3.15.040 Bulk and Dimensional Requirements (RA-1).

1. Minimum Lot Area:
   7,500 square feet.
   1,500 square feet additional for each dwelling unit in excess of two.

2. Minimum Lot Width: 50 feet.
   Sub Lot Minimum Width: 25 feet

3. Setbacks:

   A. Minimum Yard Requirements for Principal Structure:
      Front: 20 feet
      Side: 5 feet each.
      15 feet for 3-plex or larger.
      Side Corner: 20 feet.
      Rear: 20 feet.

   B. Detached Accessory Structures:
      Front: 20 feet.
      Side: 5 feet each.
      Side Corner: 20 feet.
      Rear: 5 feet.

   C. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.

   D. Increase yard requirements as follows when property fronts:
      County Road:* 20 feet.

      * Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.

4. Maximum Height:
   Principal structure: 35 feet.
   Accessory structure: 15 feet.

5. Permitted Lot Coverage: 35%.

6. Maximum Fence Height (Except as Otherwise Noted):
   Front: 4 feet.
   Side: 6 feet.
   Rear: 6 feet.

7. Off-Street Parking: See Chapter VI – Parking and Loading.

## SECTION 3.16 B-1 NEIGHBORHOOD/PROFESSIONAL BUSINESS

3.16.010 Definition.

A business district to provide certain commercial and professional office uses where such uses are compatible with adjacent residential areas. This district should serve as a buffer between residential areas and other land-use districts and is intended to meet the daily needs of those nearby residents living within one (1) mile of the district. The district is not intended for those businesses that require the outdoor display, sale and/or storage of merchandise, outdoor services or operation, or outdoor consumption of food and beverages. This district shall be an island rather than a strip.

3.16.020 Permitted Uses (B-1).

1. Accessory apartments.
2. Branch bank operation with associated offices, 5,000 square feet or less of gross floor area and no more than 4 drive-through lanes.
3. Cellular tower.
4. Coin operated laundry facility.
5. Convenience food store, retail only and less than 3,000 square feet of floor area.
6 Day care center.
7. Drug store.
8. Park and publicly owned recreational facility.
9. Professional offices.
10. Public transportation shelter station.
11. Public utility service installation. (A minimum of five feet of landscaped area shall surround such building or structure.)
12. Small animal veterinarian clinic (no outside activity).

3.16.030 Conditional Uses (B-1).

1. Branch bank operation with associated offices, 5,000 square feet or less of gross floor area and more than 4 drive-through lanes.
2. Car washing and waxing, enclosed.
3. Convenience store with gasoline, retail only and less than 3,000 square feet of floor area.
4. Electrical distribution station.
5. Health club.
6. Restaurant, drive-in/drive-through.
7. Temporary building or structure.*
8. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045).

3.16.040 Bulk and Dimensional Requirements (B-1).

1. Maximum District Area: 5 acres.

2. Minimum Lot Area: 7,500 square feet.

3. Minimum Lot Width: 75 feet.
4. Setbacks:

A. Minimum Yard Requirements:

| | |
|---|---|
| Front: | 20 feet |
| Side: | 5 feet each. |
| Side Corner: | 20 feet. |
| Rear: | 15 feet. |

B. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.

C. Increase yard requirements as follows when property fronts:

| | |
|---|---|
| County Road:* | 10 feet. |

* Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.

5. Maximum Height: 35 feet.

6. Permitted Lot Coverage: 45%.

7. Maximum Fence Height (Except as Otherwise Noted):

| | |
|---|---|
| Front: | 8 feet.<br>(for security purposes only). |
| Side: | 6 feet. |
| Rear: | 6 feet. |

8. Off-Street Parking: See Chapter VI – Parking and Loading.

## SECTION 3.17 B-2 GENERAL BUSINESS

3.17.010 Definition.

A business district to provide for those retail sales and service functions and operations that are typically characterized by outdoor display, storage, and/or sale of merchandise, by major repair of motor vehicles, and by outdoor commercial amusement and recreational activities. This district should also serve the general needs of the tourist and traveler.

3.17.020 Permitted Uses (B-2).

1. Accessory apartments.
2. Art foundry.
3. Automobile (new and used) and accessory sales.
4. Automobile service station.
5. Boat sales, new and used.
6. Bus station.
7. Car wash.
8. Cellular tower.
9. Church and other place of worship.
10. Day care center.
11. Farm equipment sales.
12. Financial institution.
13. Food store, supermarket, and delicatessen.
14. Health club.
15. Hotel, motel.
16. Lodge and fraternal and social organization, provided that any such establishment shall not be conducted primarily for gain.
17. Lumber yard, building materials; storage and sales.
18. Manufactured home sales and storage.
19. Nursery, landscaping materials.
20. Offices.
21. Park and publicly owned recreational facility.
22. Public transportation shelter station.
23. Public utility service installation. (A minimum of five feet of landscaped area shall surround such building or structure.)
24. Quasi-public building. (fire station, government office, etc.)
25. Radio and television broadcast station.
26. Recreational facility, high-impact.
27. Recreational facility, low-impact.
28. Recreational vehicle park.
29. Recycling drop-off station.
30. Rental yard.
31. Retail sales and service.
32. Restaurant.
33. Theater, housed in permanent indoor structure.
34. Repair of equipment and consumer items such as appliances, clocks and watches, lawn and garden equipment, computers, televisions, shoes, and furniture in an enclosed facility.

3.17.030 Conditional Uses (B-2).

1. Animal hospital, veterinary clinic.
2. Automobile repair shop.
3. College, business school, trade school, music conservatory, dance school.
4. Commercial caretaker's facility in a detached accessory building in conjunction with a business.*
5. Commercial recreation area.
6. Convention hall facility.
7. Electrical distribution station.
8. Golf driving range and putting course.
9. Mini-storage, RV storage.
10. Mortuary.
11. Tavern.
12. Temporary building or structure.*
13. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045).

3.17.040 Bulk and Dimensional Requirements (B-2).

1. Minimum Lot Area: 7,500 square feet.

2. Minimum Lot Width: 50 feet.

3. Setbacks:

A. Minimum Yard Requirements:

| | |
|---|---|
| Front: | 20 feet |
| Side: | 5 feet each. |
| Side Corner: | 20 feet. |
| Rear: | 15 feet. |

B. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.

C. Increase yard requirements as follows when property fronts:

| | |
|---|---|
| County Road:* | 10 feet. |

* Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.

4. Maximum Height: 35 feet.

5. Permitted Lot Coverage: Not applicable.

6. Maximum Fence Height (Except as Otherwise Noted):

| | |
|---|---|
| Front: | 8 feet.<br>(for security purposes only). |
| Side: | 6 feet. |
| Rear: | 6 feet. |

7. Off-Street Parking: See Chapter VI – Parking and Loading.

## SECTION 3.18 B-3 COMMUNITY BUSINESS

3.18.010 Definition.

A business district to provide areas for the development of congregated community shopping areas, to serve the range of a number of neighborhoods of a major segment of the Planning Area. This district should be a business center and not a strip development.

3.18.020 Permitted Uses (B-3).

1. Accessory apartments.
2. Assembly hall, coliseum, stadium.
3. Automobile parking, commercial enterprise.
4. Automobile service station.
5. Car washing and waxing facility.
6. Caretaker apartment (See Chapter VII – Definitions).
7. Cellular tower.
8. Church and other place of worship.
9. Clinic, medical and dental.
10. College, business school, trade school, music conservatory, dance school; provided that no students reside on campus.
11. Day care center.
12. Drug store.
13. Food store, super market, delicatessen.
14. Financial institution.
15. Laundromat.
16. Laundry pick-up station.
17. Library, museum, and art gallery.
18. Lodge, fraternal and social organization, provided that any such establishment shall not be conducted primarily for gain.
19. Museum.
20. Offices, public and private.
21. Park and publicly owned recreational facility.
22. Pharmacy.
23. Public transportation shelter station.
24. Public utility service installation. (A minimum of five feet of landscaped area shall surround such building or structure.)
25. Radio and television broadcast station.
26. Restaurant.
27. Recreational facility, low-impact.
28. Retail sales and service.
29. Shopping mall.
30. Storage, within the building, of goods intended for retail sales on the premises.
31. Theater, housed in permanent indoor structures.

3.18.030 Conditional Uses (B-3).

1. Bowling alley.
2. Commercial caretaker’s facility in a detached accessory building in conjunction with a business.*
3. Commercial recreation area.
4. Convention hall facility.

5. Dwelling, duplex and multi-family.
6. Dwelling, resort.
7. Dwellings in mixed-use building.
8. Electrical distribution station.
9. Health club.
10. Hotel, motel.
11. Lumber yard.
12. Quasi-public building, non-profit.
13. Recycling drop-off station.
14. Tavern.
15. Taxidermist.
16. Temporary building or structure.*
17. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045).

3.18.040 Bulk and Dimensional Requirements (B-3).

1. Minimum District Area: 5 acres.

2. Minimum Lot Area: Not applicable.

3. Minimum Lot Width: Not applicable.

4. Setbacks:

A. Minimum Yard Requirements:

| | |
|---|---|
| Front: | 20 feet |
| Side: | 5 feet each. |
| Side Corner: | 20 feet. |
| Rear: | 15 feet. |

B. A 20-foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries.

C. Increase yard requirements as follows when property fronts:

| | |
|---|---|
| County Road:* | 10 feet. |

* Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.

5. Maximum Height: 35 feet.

6. Permitted Lot Coverage: Not applicable.

7. Maximum Fence Height (Except as Otherwise Noted):

| | |
|---|---|
| Front: | 8 feet.<br>(for security purposes only). |
| Side: | 6 feet. |
| Rear: | 6 feet. |

8. Off-Street Parking: See Chapter VI – Parking and Loading.

## SECTION 3.19 BR-2 BUSINESS RESORT

3.19.010 Definition.

The BR-2 district is intended to provide for diversity of low density resort facilities and dispersed recreational activities on sites consisting of twenty acres or more where ownership of the land and facilities is vested in a single entity. Such resorts, lodges, dude ranches, and country inns shall provide for the use of their facilities by the local population and neighboring communities as well as non-resident visitors and user groups. Lodging, whether in detached units or in cluster units, and facilities shall be appropriate to the rural surroundings in which the resort is situated. All facilities shall be served by a central water system. Septic systems or sewage treatment plants must conform to County and State regulations. All structures and facilities shall be so sited as to conserve the natural landscape and wildlife habitat. Primary use of all facilities is for local residents and on-site guests staying a limited time. Any historic structures occurring on the site shall be conserved.

Prior to establishment of this zoning classification, an overall development plan shall be submitted for review. The overall development plan will address each of the following:

1. All such districts shall be served by water and septic, or sewer systems approved by the State.
2. Land uses and open areas in the project showing the location of lodging facilities and the density mix between the central Lodge or Inn and the detached or cluster units.
3. The mix between commercial activity, residential activity, and housekeeping activity by mix and location identifying the areas committed within the overall project.
4. The land uses committed for recreational purposes such as golf courses, tennis courts, private parks, beaches, etc., and their location within the overall development plan.
5. The provision for utility services, sewer or septic systems, showing the locations and service capacity of all water, sewer, gas, electric, and telephone utilities and showing the plan for providing these utilities and phasing the services within the development and the anticipated or desired routes and easements associated with utility trunks and extensions.
6. Identify routes and locations for all arterial and collector systems, and parking areas associated with the development. The actual location of the local streets within the development will be designed for conceptual purposes only and to identify access and egress points from the project.
7. For all projects, the overall development plan shall serve as the guideline for development and appropriate review.

3.19.020 Permitted uses (BR-2).

1. Accessory apartments.
2. Amphitheater.
3. Art gallery.
4. Beach facilities and dock.
5. Cellular tower.
6. Craft seminar, class and sales facility.
7. Convenience store (600 sq. ft. maximum).

8. Equestrian and livestock facility.
9. Gardens and horticultural facility.
10. Health club and exercise facility.
11. Laundry facility (for on-site guests).
12. Lodging (primarily for on-site guests staying a limited time in either a central complex or detached units).
13. Marina facility (for on-site guests).
14. Museum.
15. Nature trail and natural history facility.
16. Parking facilities (for on-site activities).
17. Restaurant and food service (including cafeteria, dining hall, and delicatessen for indoor and outdoor operation).
18. Recreational facilities (for on-site guests).
19. Sports field.
20. Storage and maintenance facilities (for resort operation).
21. Swimming pool (outdoor/indoor).
22. Staff housing.
23. Tennis court.
24. Theater facility.
25. Transportation office (car rental, trolley terminal, etc.).
26. Travel agency (500 sq. ft. maximum).

3.19.030 Special Uses (BR-2).

1. Bar, lounge, operated in conjunction with food service facility.
2. Conference facilities.
3. Emergency medical clinic.
4. Marina (commercial).

3.19.040 Bulk and Dimensional Requirements (BR-2).

1. Minimum District Area: 20 acres.

2. Minimum Lot Area: 20 acres.

3. Minimum Lot Width: Not applicable.

4. Setbacks:

   A. Minimum Yard Requirements:

| | |
|---|---|
| Front: | 20 feet |
| Side: | 20 feet each. |
| Side Corner: | 20 feet. |
| Rear: | 20 feet. |

   B. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.

   C. Increase yard requirements as follows when property fronts:

| | |
|---|---|
| County Road:* | 20 feet. |

* Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.

5. Maximum Height: 35 feet.

6. Permitted Lot Coverage: 10%.

7. Maximum Fence Height:
   Front: 6 feet.
   Side: 6 feet.
   Rear: 6 feet.

8. Off-Street Parking: See Chapter VI – Parking and Loading.

9. Density:
   Low density in BR-2 shall allow for up to 200 guests accommodated in housekeeping on the site. To enhance a cabin camp, a small resort setting as the BR-2 is intended, no more than 30% of the total accommodations allowed on the site shall be in any one building.

## SECTION 3.20 BR-4 RESORT BUSINESS

3.20.010 Definition.

The BR-4 district is intended for resort purposes and to provide for the development of medium and high density resort uses, including hotels, motels, resort condominiums and other similar uses oriented towards tourism and resort businesses. This district may also provide as allowed uses meeting rooms, convention facilities, bars, lounges and restaurants, and retail and commercial uses intended primarily for the guests of the facilities.

3.20.015 Acceptance of an application for BR-4 zoning will be contingent upon an overall development plan for the area requested being submitted for review. The overall development plan (ODP) may be a conceptual plan, which will address each of the following:

1. All such districts shall be served by community water and sewer systems.

2. A conceptual land use plan shall be developed showing the densities and uses assigned to each development pod; overall acreage; and the generalized location of the residential, commercial, recreational and other non-residential land uses. Such uses or categories of uses may include single-family, duplex, triplex, cluster housing, residential rentals, retail, food and beverage establishments, hotels and motels, mixed-use buildings, resort maintenance yards, parking facilities, open space and common areas, recreational areas for skiing, golfing, public and private beaches and other information that will establish the general pattern of development within the overall development plan.

3. The provision of utility services showing the general locations of the utilities and how service capacity will be addressed for water, sewer, gas, electric, and telephone utilities.

4. A map(s) showing the location of the project area and the existing and surrounding land uses; street systems, environmentally sensitive areas such as lakes, streams, rivers and wetlands, 100-year floodplain, steep slopes, topographical contours, and other significant physical features.

5. An environmental assessment shall be included, using the format required in the Flathead County Subdivision Regulations.

6. Identify routes and general locations for all arterial and collector systems associated with the development. The major traffic routes will be identified throughout the development and general locations of the collectors adjacent to the proposed commercial, recreational and residential uses. The actual location of the local streets within the development will be designed for conceptual purposes only and to identify access and egress points from the project.

7. Identify policies for parking, architectural themes and design characteristics of structures and signage associated with development within the overall development plan.

8. For developments whose build-out over a number of years is anticipated, the overall development plan will identify the proposed phasing of the project and provide a proposed schedule of phased development. This phasing plan for large- scale projects can be general and not necessarily time critical.

9. Outline the extent to which the Overall Development Plan departs from zoning and subdivision regulations otherwise applicable to the subject property.

3.20.017 Implementation of the Overall Development Plan.

1. Once the overall development plan has been adopted, it shall be considered zoning and shall serve as the guidelines for the development.

2. Development within a platted subdivision may include both permitted and special uses provided those use categories are approved at the time of preliminary and final plat review and will require no additional review at the time of development.

3. Accessory uses and structures of a minor character such as, but not limited to, ticket offices, rest rooms, minor alteration and expansion of 25 percent in existing building and lift towers directly related to established recreational uses are permitted without review.

4. Development of permitted uses outside of a platted subdivision shall be reviewed for compliance with the overall development plan and zoning as follows:

   A. The developer/applicant shall provide information to the Flathead County Planning & Zoning Office including a site plan and description of the project, which demonstrates that the project complies with the ODP and the zoning regulations.

   B. The developer/applicant shall be notified in writing within one week of the receipt of the material whether or not the submitted information is complete. A written determination shall be given to the applicant within two weeks of submittal of the developer/applicant material whether or not the project is in conformation with the ODP and zoning regulations. If the project is found to be not in conformance with the ODP or zoning, it shall be specifically stated why the project does not comply.

5. Development of special uses outside of a platted subdivision shall be reviewed for zoning compliance as follows:

   A. The developer/applicant shall provide information to the planning office demonstrating that the project complies with the ODP and the Flathead County Zoning Regulations, as applicable, and addressing, as the criteria for review only, the factors set forth in Section 2.06.080 of the Flathead County Zoning Regulations.

   B. The planning office shall review the information and schedule a public hearing before the appropriate planning board for their next regularly scheduled meeting.

C. The planning board shall hold a public hearing. Following the public hearing, the board will forward its recommendation to approve, approve with conditions, or reject the project to the County Commissioners.

D. The County Commissioners shall hold a public hearing. Following the public hearing, the County Commissioners may approve with conditions or reject the project.

3.20.020 Permitted Uses (BR-4).

1. Accessory apartments.
2. Art gallery.
3. Bar, lounge and tavern.
4. Bed and breakfast establishment.
5. Casino as an accessory use to bar or tavern.
6. Cellular tower.
7. Church and other place of worship.
8. Clothing store.
9. Coffee shop, snack bar, bakery, candy shop, etc.
10. Convenience food store.
11. Curio shop.
12. Day care center.
13. Dwelling, resort: one through four-plex dwelling units such as resort and recreational condominiums, townhouses, time sharing and interval ownership residences or vacation units and other multiple ownership arrangement residential uses, allowing overnight accommodations and ancillary uses for the use of occupants and guests.
14. Educational and cultural facility such as museum, school, theater.
15. Financial institution.
16. Grocery store (maximum 3,000 square feet).
17. Health club.
18. Hotel and motel (including restaurants, lounges or bars integral to the facilities).
19. Laundromat.
20. Multi-use structure containing permitted uses.
21. Offices, public and private including but not limited to professional, medical, real estate, travel, government and post office.
22. Recreation facility, low-impact.
23. Recreational facility and accessory structures such as ski trails and lifts, hiking and biking trails, tennis, swimming pools, etc.
24. Repair facilities as an accessory use for the on-site maintenance and repair of resort rental equipment.
25. Restaurant, excluding drive-in/drive-through.
26. Retail sales service and rental of items of a minor character relating to the resort including but not limited to gift shops, clothing stores, photo labs, barber and beauty salons, boating supplies, ski equipment, sports equipment sales and rental. This does not include sales of major recreational vehicles, self-contained campers, boats, jet skis, or snow machines.

3.20.030 Special Uses.

1. Boat launching ramp and dock.
2. Convention center and facility.
3. Dwelling: 5-plex or larger.
4. Emergency medical clinic and hospital.
5. Gas and automobile service station.
6. Golf course.
7. Marina (commercial).
8. Parking structure and open air commercial lot.
9. Recreational facility, high-impact.
10. Recreational vehicle park and campground.
11. Resort area equipment maintenance facilities.
12. Staff employee housing.
13. Transportation facility such as car rental, bus terminal and mass transit terminal.

3.20.040 Bulk and Dimensional Requirements (BR-4).

1. Minimum District Area: 10 acres.

2. Minimum Lot Area:
Single-family dwelling – 7,500 square feet.
Two family dwelling or larger – 2,000 square feet for each dwelling unit.
Condominium – Not applicable.
Non-residential – Not applicable.

3. Minimum Lot Width:
Single-family residential – 50 feet.
Townhouse sub-lots – 25 feet.
Condominium – Not applicable.
Non-residential – Not applicable.

4. Setbacks/Minimum Yard Requirements:*

A. A 20-foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries.

B. Detached single-family and parent lots in residential areas:

| | |
|---|---|
| Front: | 20 feet. |
| Side: | 5 feet each. |
| Side Corner: | 15 feet. |
| Rear: | 15 feet. |

* Projects that are intended to be constructed as attached units on separate parcels are not required to comply with the yard requirements along the common wall.

C. Non-residential – None.

D. These minimum yard requirements also apply for non-residential uses when abutting a residential area or development pod.

E. Increase yard requirements as follows when property fronts:
County Road:* 20 feet.

* Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.

5. Maximum Height: 40 feet.
Mixed-use structures: 45 feet.
(structures directly related to recreation such as but not limited to ski lift towers and cables are exempt.)

6. Permitted Lot Coverage:
Detached single-family residential 45%.
Attached multi-unit residential 80%.
Non-residential – Not applicable.

7. Maximum Fence Height:
Front: 0 feet.
Side: 6 feet.
Rear: 6 feet.

8. Off-Street Parking: See Chapter VI – Parking and Loading.

Parking can be either supplied on the same site as the project, as part of a general parking area or structure or combination thereof by use of a shared or joint use parking agreement plan approved by the Board of County Commissioners.

## SECTION 3.21 B-5 TOURIST RETAIL

3.21.010 Definition.

A district to provide hotel, motel, and limited retail and commercial service facilities where such uses are desirable for tourist retail development and where public facilities are available. This district is not intended for general application but should be limited to tourist attraction areas.

3.21.020 Permitted Uses (B-5).

1. Accessory apartments.
2. Bed and breakfast establishment.
3. Cellular tower.
4. Commercial and retail facilities in an established hotel/motel complex that meet the following conditions:

    A. The total floor area devoted to such uses does not exceed twenty percent (20%) of the total floor area of the main building situated on the lot.
    B. No such use shall have an outside entrance for general use and shall be within the main building. No individual shop shall exceed 500 square feet of floor space.
    C. No exterior signs.
    D. The commercial or retail facilities shall be as listed below or of a similar nature:
        (1) Art gallery.
        (2) Baked goods shop.
        (3) Barber and beautician shop.
        (4) Candy shop.
        (5) Florist shop.
        (6) Garment shop.
        (7) Gift, curio and hobby shop.
        (8) Health club.
        (9) Ice cream shop.
        (10) Laundry and cleaning pickup station.
        (11) Lounge serving alcoholic beverages.
        (12) Non-gambling recreation room.
        (13) Sporting goods shop.
        (14) Travel agency.
5. Hotel, motel.
6. Museum.
7. Recreational facility, low-impact.
8. Restaurant and coffee shop operated independently or in conjunction with and ancillary to established lodging facility.

3.21.030 Conditional Uses (B-5).

1. Church and other place of worship.
2. Club, tavern.
3. Commercial recreational facility.
4. Day care center.

5. Golf course.
6. Recreational facility, high-impact.
7. Recreational vehicle park and campground (2 acre minimum size).
8. School, public and private.
9. Zoo.

3.21.040 Bulk and Dimensional Requirements (B-5).

1. Minimum District Size: 5 acres.

2. Minimum Lot Area: 7,500 square feet.

3. Minimum Lot Width: 50 feet.

4. Setbacks:

   A. Minimum Yard Requirements:
      Front: 15 feet.
      Side: 5 feet.
      Side Corner: 15 feet.
      Rear: 15 feet.

   B. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.

   C. Increase yard requirements as follows when property fronts:
      County Road:* 20 feet.

      * Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.

5. Maximum Height: 35 feet.

6. Permitted Lot Coverage: Not applicable.

7. Maximum Fence Height:
   Front: 3 feet.
   Side: 6 feet.
   Rear: 6 feet.

8. Off-Street Parking: See Chapter VI – Parking and Loading.

## SECTION 3.22 B-6 RESORT BUSINESS

3.22.010 Definition.

A district to provide high density hotel, motel, multi-family and limited retail and commercial service facilities where such uses are desirable for resort development and where public facilities are available. This district is not intended for the general application but should be limited to tourist destination centers.

3.22.020 Permitted Uses (B-6).

1. Accessory apartments.
2. Accessory use.
3. Alcohol beverage packaged retail sales.
4. Antique, gift and card retail sales.
5. Art gallery.
6. Automobile parking operated in conjunction with permitted use. (See Chapter VI, Parking and Loading)
7. Automobile service station. (See definition)
8. Boat launching ramp.
9. Boiler work.
10. Candy products manufacture, retail on premise.
11. Car washing and waxing, inside a building.
12. Cellular tower.
13. Club and other place of entertainment operated as commercial enterprise.
14. Coin operated laundry facility.
15. Commercial recreation area. (See definition)
16. Dairy bar and ice cream manufacture for retail sale on the premise only.
17. Dock and pier for pleasure craft, public and private, no sale of fuel or supply.
18. Drug store.
19. Dry-cleaning and laundry pick-up station.
20. Eating and drinking establishment except drive-ins.
21. Florist, retail.
22. Fuel oil, kerosene for domestic heating purposes in ground containers. (Must comply with applicable fire codes)
23. Commercial and retail facilities in an established hotel/motel complex that meet the following conditions:

    A. The total floor area devoted to such uses does not exceed twenty percent (20%) of the total floor area of the main building situated on the lot.
    B. No such use shall have an outside entrance for general use and shall be within the main building. No individual shop shall exceed 500 square feet of floor space.
    C. No exterior signs.
    D. The commercial or retail facilities shall be as listed below or of a similar nature:
        (1) Art gallery.
        (2) Baked goods shop.
        (3) Barber and beautician shop.
        (4) Candy shop.
        (5) Florist shop.

(6) Garment shop.
(7) Gift, curio and hobby shop.
(8) Health club.
(9) Ice cream shop.
(10) Laundry and cleaning pickup station.
(11) Lounge serving alcoholic beverage.
(12) Non-gambling recreation room.
(13) Sporting goods shop.
(14) Travel agency.

23. Motel.
24. Museum.
25. News stand.
26. Park.
27. Public transportation shelter station.
28. Public utility service installation.
29. Restaurant.
30. Sporting goods sales.
31. Temporary building structure.
32. Theater.

3.22.030 Conditional Uses (B-6).

1. Amusement park or zoo.
2. Boat marina and sale of boating supplies and fuel.
3. Community center building, gymnasium, swimming pool, beaches and other similar activities operated by a public agency, neighborhood or homeowners association.
4. Convention hall facility.
5. Dwelling multi-family, provided that the same shall comply with the floor area, open space, living space, and recreation space ratios of the RA districts.
6. Electrical distribution station.
7. Golf course driving ranges.
8. Heliport.
9. Hotel.
10. Water storage facility.

3.22.040 Bulk and Dimensional Requirements (B-6).

1. Minimum District Size: Not applicable.

2. Minimum Lot Area: 15,000 square feet.

3. Minimum Lot Width: 50 feet.

4. Setbacks:

A. Minimum Yard Requirements:

| | |
|---|---|
| Front: | 15 feet. |
| Side: | 5 feet. |
| Side Corner: | 15 feet. |
| Rear: | 10 feet. |

B. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.

C. Increase yard requirements as follows when property fronts:
County Road:* 20 feet.

* Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.

5. Maximum Height: 35 feet.

6. Permitted Lot Coverage: Not applicable.

7. Maximum Fence Height:
Front: 3 feet.
Side: 6 feet.
Rear: 6 feet.

8. Off-Street Parking: See Chapter VI – Parking and Loading.

## SECTION 3.23 B-7 RURAL AREA COMMERCIAL

3.23.010 Definition.

A district to provide rural neighborhood services and travelers' supplies on a small scale and intended to provide local consumer amenities within short driving range or moderate bicycling distance of a dispersed population.

3.23.020 Permitted Uses (B-7).

1. Accessory apartments.
2. Cellular tower.
3. Community meeting hall.
4. Convenience store, including retail wine/beer, not to exceed 2,000 square feet gross floor area.
5. Day care center.
6. Delicatessen, including take-out food (not including drive-in services).
7. Gas station (2 service islands max.)
8. Health club.
9. Laundry facility, coin-operated.
10. Parks and publicly owned recreation facilities.
11. Professional office.
12. Public school.
13. Rural postal delivery boxes.
14. Restaurant w/indoor and outdoor service, but no drive-in/drive-through service. (Beer/wine and liquor sales with food only)

3.23.030 Conditional Uses (B-7).

1. Car washing and waxing facility.

3.23.040 Bulk and Dimensional Requirements (B-7).

1. Maximum District Area:
   240,000 sq. ft. (4 separate corner parcels)
   Maximum 60,000 sq. ft. per corner parcel
   Maximum 350-foot frontage on one roadway of intersection per corner.

2. Minimum Lot Area: 30,000 sq. ft.

3. Minimum Lot Width: 100 feet.

4. Setbacks:

   A. Minimum Yard Requirements:

| | |
|---|---|
| Front: | 20 feet. |
| Side: | 15 feet each. |
| Side Corner: | 40 feet. |
| Rear: | 15 feet. |

   B. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.

| | | |
|---|---|---|
| 5. | Maximum Height: | 35 feet. |
| 6. | Permitted Lot Coverage: | 40%. |
| 7. | Maximum Fence Height: | |
| | Front: | 3 feet. |
| | Side: | 6 feet. |
| | Rear: | 6 feet. |
| 8. | Off-Street Parking: | See Chapter VI – Parking and Loading. |

## SECTION 3.24 CCC-1 COMMERCIAL COUNTRY CORNER – CLASS 1

3.24.010 Definition.

A district to provide rural neighborhood services and travelers' supplies on a small scale at intersections of a county road and a state highway, as well as to provide local consumer amenities within short driving range or moderate bicycling distance to avoid unnecessary congestion at shopping centers.

3.24.020 Permitted Uses (CCC-1).

1. Community meeting hall.
2. Convenience store, including retail wine/beer, not exceeding 2,000 sq. ft. gross floor area.
3. Day care facility, home and center.
4. Delicatessen, including take-out food (not including drive-in services).
5. Gas station (2 service islands max.).
6. Health club.
7. Laundry facility, coin operated.
8. Park and publicly owned recreation facilities.
9. Professional offices.
10. Public school.
11. Restaurant w/indoor and outdoor service, but no drive-in service. (Beer/wine and liquor sales with food only.)
12. Rural postal delivery boxes.

3.24.030 Conditional Uses (CCC-1).

1. Car washing and waxing facility.
2. Cellular tower.*

*Administrative Conditional Use Permit (See Section 2.06.045)

3.24.040 Bulk and Dimensional Requirements (CCC-1).

1. Maximum District Area:
   240,000 sq. ft. (4 separate corner parcels).
   Maximum 60,000 sq. ft. per corner parcel.
   Maximum 350-foot frontage on one roadway of intersection per corner.

2. Minimum Lot Area: 30,000 sq. ft.

3. Minimum Lot Width: 100 feet.

3. Setbacks:

   A. Minimum Yard Requirements:

| | |
|---|---|
| Front: | 20 feet. |
| Side: | 15 feet. |
| Side Corner: | 40 feet. |
| Rear: | 15 feet. |

B. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.

| | | |
|---|---|---|
| 5. | Maximum Height: | 35 feet to eave line. |
| 6. | Permitted Lot Coverage: | 40%. |
| 7. | Maximum Fence Height: | |
| | Front: | 3 feet. |
| | Side: | 6 feet. |
| | Rear: | 6 feet. |
| 8. | Off-Street Parking: | See Chapter VI – Parking and Loading. |

## SECTION 3.25 CCC-2 COMMERCIAL COUNTRY CORNER - CLASS 2

3.25.010 Definition.

A commercial district at the intersection of two state highways in a rural area to provide limited community services for the surrounding rural area and traveler services and supplies.

3.25.020 Permitted Uses (CCC-2).

1. Art gallery.
2. Automatic teller machine (ATM).
3. Bed and breakfast establishment.
4. Car service station (1 truck bay max.)
5. Church and place of worship.
6. Community meeting hall.
7. Convenience store, including retail wine/beer, not exceeding 4,000 sq. ft. gross floor area.
8. Day care facility, home and center.
9. Delicatessen, including take-out food (not including drive-in services).
10. Health club.
11. Laundry facility, coin operated.
12. Motel (40-unit max., may have tennis courts and pools, and must have a 200-foot setback).
13. Museum.
14. Professional offices.
15. Public utilities service installation.
16. Quasi-public building (fire station, police call station, chamber of commerce facility, etc.).
17. Restaurant, with indoor/outdoor services on attached decks and patios. No drive-in/drive-through services. Beer/wine and liquor sales with food only. Such facilities must have a 200-foot setback.

3.25.030 Conditional Uses (CCC-2).

1. RV dump station.
2. Cellular tower.*

*Administrative Conditional Use Permit (see Section 2.06.045)

3.25.040 Bulk and Dimensional Requirements (CCC-2).

1. Maximum District Area:
   400,000 sq. ft. (4 separate corner parcels).
   Maximum 100,000 sq. ft. per corner parcel.
   Maximum 650-foot frontage on one roadway of intersection per corner.

2. Minimum Lot Area: 50,000 sq. ft.

3. Minimum Lot Width: 240 feet.

4. Setbacks:

   A. Minimum Yard Requirements:

| | |
|---|---|
| Front: | 30 feet. |
| Side: | 5 feet. |
| Side Corner: | 75 feet. |
| Rear: | 15 feet. |
| Motels and Restaurants: | |
| Front Corner: | 200 feet. |
| Side Corner: | 200 feet. |

   B. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.

5. Maximum Height: 35 feet.

6. Permitted Lot Coverage: 40%.

7. Maximum Fence Height:

| | |
|---|---|
| Front: | 3 feet. |
| Side: | 6 feet. |
| Rear: | 6 feet. |

8. Off-Street Parking: See Chapter VI-Parking and Loading.

## SECTION 3.26 CVR COMMERCIAL VILLAGE RESORT

3.26.010 Definition.

A district which provides for several categories of commercial and residential uses within the same development, constrained by the need to maintain intimacy and human scale in a village setting. The overall goal is to preserve the renewable resources and enhance the unique qualities and characteristics of rural communities.

3.26.020 Permitted Uses (CVR).

1. Art gallery.
2. Bakery.
3. Bar, lounge, tavern.
4. Bed and breakfast establishment.
5. Bicycle facility (sales and rental).
6. Book store.
7. Brokerage facility (insurance, real estate, and financial).
8. Candy shop.
9. Convenience store.
10. Church and other place of worship.
11. Coffee house.
12. Craft shop.
13. Dance, drama, and music school.
14. Delicatessen.
15. Design and decorator studio.
16. Dwelling, single-family, duplex, and multi family.
17. Dwelling, resort; single, duplex, and townhouses.
18. Dwelling in mixed-use building.
19. Florist shop.
20. Garment/apparel store.
21. Gift, curio, and hobby shop.
22. Gourmet food, spices, and wine shop.
23. Ice cream shop.
24. Library.
25. Liquor store.
26. Museum.
27. Offices; professional, public and private.
28. Park.
29. Public transportation shelter station.
30. Restaurant (indoor or outdoor, excluding drive-in/drive-through).
31. Secretarial services, fax and mailing services.
32. Swimming pool.
33. Tennis court.
34. Travel agency.
35. Vacation rental units (single-family and duplex).

3.26.030 Conditional Uses (CVR).

1. Bank, credit union, and other financial institution.
2. Cellular tower.*
3. Health club.

4. Hotel and motel (not to exceed 12 units).
5. Laundry and dry cleaning pickup station.
6. Sporting goods store (excluding motorized equipment).
7. Theater (housed in permanent structures).

*Administrative Conditional Use Permit (See Section 2.06.045).

3.26.040 Bulk and Dimensional Requirements (CVR).

1. Minimum Lot Area: 2,500 sq. ft.

2. Minimum Lot Width: 25 feet

3. Setbacks:

   A. A 20-foot setback is required from streams rivers and unprotected lakes, which do not serve as property boundaries.

4. Maximum Height: 35 feet.

5. Permitted Lot Coverage: 80%.

6. Maximum Fence Height:
   Front: 3 feet.
   Side: 6 feet.
   Rear: 6 feet.

7. Parking: In order to determine the number of parking spaces required, divide the average of the front and rear of the lot by nine. The whole number quotient equals the number of parking spaces to be provided on the property for a commercial use. (Example: 50 feet + 55 feet = 105 feet, divided by 2 = 52.5, divided by 9 = 5.83, = 5 parking spaces). Residential use must meet the parking requirements of Chapter VI – Parking and Loading.

## SECTION 3.27 I-1 LIGHT INDUSTRIAL

3.27.010 Definition.

A district to provide areas for light industrial uses and service uses that typically do not create objectionable by-products (such as dirt, noise, glare, heat, odors, smoke, etc.), which extend beyond the lot lines. It is also intended that the encroachment of non-industrial uses within the district be prevented other than those listed herein.

3.27.020 Permitted Uses (I-1), Light Industrial.

1. Accessory apartments.
2. Animal related services such as pet grooming and training, veterinary clinic and animal hospital, taxidermy, aviary and farrier services.
3. Art foundry.
4. Auction yard, without livestock.
5. Automobile, RV, watercraft (new and used) and accessory sales.
6. Automobile service station.
7. Boat sales, new and used.
8. Bus station.
9. Car wash.
10. Cellular tower.
11. Church and other place of worship.
12. Contractors' storage yard and building supply outlet.
13. Day care center.
14. Direct mailing and telemarketing.
15. Farm equipment sales.
16. Feed, seed and farm supply, including grain elevators.
17. Financial institution.
18. Food store, supermarket, and delicatessen.
19. Health club.
20. Heating, ventilation, air conditioning and plumbing sales, service and repair.
21. Heavy equipment sales, rental and service.
22. High tech industrial business.
23. Hotel, motel.
24. Janitorial service.
25. Light assembly and manufacturing, fabrication and processing, repairing, packing, storage facilities, warehousing and distribution of products and equipment provided that such uses do not produce objectionable impacts beyond the lot lines and do not involve materials that are explosive, hazardous or toxic. Examples of such uses would include but are not limited to the following:
    A. Automobile, bus, truck, boat and equipment washing, detailing, repairing, service and storage.
    B. Manufacture of products such as clothing; furniture; fabricated wood, glass, plastic and metal products; leather and leather goods; medical, dental and optical products and equipment and boat building.
    C. Processing and manufacturing of food such as baked goods, dairy products, alcoholic beverages and beverage manufacturing and bottling.
    D. Repair of equipment and consumer items such as appliances, clocks and watches, lawn and garden equipment, computers, televisions, shoes, and furniture.

E. Storage and warehousing such as mini-storage, boat and vehicle storage.

26. Lodge and fraternal and social organization, provided that any such establishment shall not be conducted primarily for gain.
27. Lumber yard, building materials; storage and sales.
28. Manufactured home sales and storage.
29. Nursery and landscape materials, wholesale and retail.
30. Office.
31. Parcel delivery service.
32. Park and publicly owned recreational facilities.
33. Public transportation shelter station.
34. Public utility service installation. (A minimum of five feet of landscaped area shall surround such building or structure.)
35. Quasi-public building (fire station, government offices, etc.)
36. Radio and television broadcast station.
37. Recreational facility, high-impact.
38. Recreational facility, low-impact.
39. Recreational vehicle park.
40. Recycling drop-off station.
41. Rental store and yard.
42. Research laboratory and institution.
43. Retail sales and services.
44. Restaurant.
45. Security guard service.
46. Theater, housed in permanent indoor structures.
47. Tire recapping and retreading.
48. Truck terminal.
49. Wholesale trade and warehousing.

3.27.030 Conditional Uses (I-1).

1. Auction yard, livestock.
2. Automobile wrecking yard, junkyard, salvage yard.
3. College, business school, trade school, music conservatory, dance school.
4. Commercial caretaker's facility in a detached accessory building in conjunction with a business.*
5. Commercial recreation area.
6. Communication tower/mast.
7. Convention hall facility.
8. Electrical distribution system.
9. Golf driving range and putting course.
10. Landfill, sanitary for disposal of garbage and trash.
11. Mini-storage, RV storage.
12. Mortuary.
13. Radio and television broadcast station.
14. Recycling processing plant.
15. Small wood product processing with five (5) or less employees.
16. Tavern.
17. Temporary building or structure.*
18. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045)

3.27.040 Bulk and Dimensional Requirements (I-1).

1. Minimum Lot Area: 7,500 sq. ft.

2. Minimum Lot Width: 75 feet.

3. Setbacks:

   A. Minimum Yard Requirements:
      Front: 20 feet.
      Side: 10 feet each.
      Side Corner: 20 feet.
      Rear: 20 feet.

   B. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.

   C. Increase yard requirements as follows when property fronts:
      County Road:* 20 feet.

      * Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.

4. Maximum Height: 40 feet.

5. Permitted Lot Coverage: Not applicable.

6. Maximum Fence Height:
   Front: 10 feet.
   Side: 10 feet.
   Rear: 10 feet.

7. Off-Street Parking: See Chapter VI-Parking and Loading.

## SECTION 3.28 I-1H LIGHT INDUSTRIAL – HIGHWAY

3.28.010 Definition.

A district to provide areas for light industrial uses and service uses that typically do not create objectionable by-products (such as dirt, noise, glare, heat, odors, smoke, etc.), which extend beyond the lot lines. It is also intended that the encroachment of non-industrial or non-specified commercial uses within the district be prevented other than those listed herein. This district is intended for industrial areas which are located along state and federal highways and contain greater levels of performance and mitigation utilizing increased setbacks, landscape buffering, access control and signage restriction for the purpose of protecting the County's major travel ways from unnecessary encroachments, limiting access points to encourage improved traffic flows and to preserve scenic corridors and entrance ways to major communities.

3.28.020 Permitted Uses (I-1H).

1. Accessory apartments.
2. Animal related services such as pet grooming and training, veterinary clinic and animal hospital, taxidermy, aviary and farrier services.
3. Art foundry.
4. Auction yard, without livestock.
5. Automobile, RV, watercraft (new and used) and accessory sales.
6. Automobile service station.
7. Boat sales, new and used.
8. Bus station.
9. Car wash.
10. Cellular tower.
11. Church and other place of worship.
12. Contractors' storage yard and building supply outlets.
13. Day care center.
14. Direct mailing and telemarketing.
15. Farm equipment sales.
16. Feed, seed and farm supply, including grain elevators.
17. Financial institution.
18. Food store, supermarket, and delicatessen.
19. Health club.
20. Heating, ventilation, air conditioning and plumbing sales, service and repair.
21. Heavy equipment sales, rental and service.
22. High tech industrial business.
23. Hotel, motel.
24. Janitorial service.
25. Light assembly and manufacturing, fabrication and processing, repairing, packing, storage facilities, warehousing and distribution of products and equipment provided that such uses do not produce objectionable impacts beyond the lot lines and do not involve materials that are explosive, hazardous or toxic. Examples of such uses would include but are not limited to the following:
    A. Automobile, bus, truck, boat and equipment washing, detailing, repairing, service and storage.

B. Manufacture of products such as clothing; furniture; fabricated wood, glass, plastic and metal products; leather and leather goods; medical, dental and optical products and equipment; and boat building.
C. Processing and manufacturing of food such as baked goods, dairy products, alcoholic beverages and beverage manufacturing and bottling.
D. Repair of equipment and consumer items such as appliances, clocks and watches, lawn and garden equipment, computers, televisions, shoes, and furniture.
E. Storage and warehousing such as mini-storage, boat and vehicle storage.

26. Lodge and fraternal and social organization, provided that any such establishments shall not be conducted primarily for gain.
27. Lumber yard, building materials; storage and sales.
28. Manufactured home sales and storage.
29. Nursery and landscape materials, wholesale and retail.
30. Office.
31. Parcel delivery services.
32. Parks and publicly owned recreational facility.
33. Public transportation shelter station.
34. Public utility service installation. (A minimum of five feet of landscaped area shall surround such building or structure.)
35. Quasi-public building (fire station, government office, etc.)
36. Radio and television broadcast station.
37. Recreational facility, high-impact.
38. Recreational facility, low-impact.
39. Recreational vehicle park.
40. Recycling drop-off station.
41. Rental store and yard.
42. Research laboratory and institutions.
43. Retail sales and services.
44. Restaurant.
45. Security guard services.
46. Theater, housed in permanent indoor structure.
47. Tire recapping and retreading.
48. Truck terminal.
49. Wholesale trade and warehousing.

3.28.030 Conditional Uses (I-1H).

1. Auction yard, livestock.
2. College, business school, trade school, music conservatory, dance school.
3. Commercial caretaker's facility in a detached accessory building in conjunction with a business.*
4. Commercial recreation areas.
5. Communication tower/mast.
6. Convention hall facility.
7. Electrical distribution station.
8. Golf driving range and putting courses.
9. Landfill, sanitary for disposal of garbage and trash.
10. Mini-storage, RV storage.
11. Mortuary.

12. Radio and television broadcast station.
13. Recycling processing plant.
14. Tavern.
15. Temporary building or structure.*
16. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045)

3.28.040 Bulk and Dimensional Requirements (I-1H).

1. Minimum Lot Area: One acre.

2. Minimum Lot Width: 150 feet, but not less than 1/3 the length.

3. Setbacks:

A. Minimum Yard Requirements:

| | |
|---|---|
| Front: | 20 feet. |
| Side: | 10 feet each. |
| Side Corner: | 20 feet. |
| Rear: | 20 feet. |

B. When a property abuts the following features, the abutting setback shall be increased to the following:

| | |
|---|---|
| Highway – direct access lot | 100 feet. |
| Highway – no access: | 35 feet. |
| County Road - direct access: | 50 feet. |
| Stream – high water mark: | 50 feet. |

4. Exemption to Setbacks:

Specific exemptions for structures (excluding signs) and uses in place at the time of adoption of these regulations:

A. Where a lot is previously developed and a primary building encroaches into the setback, the existing building line of the primary building shall be used as the setback line for future development.

B. Any such existing building or use which encroaches into a setback and is subsequently destroyed partially or completely by an “act of God” may be rebuilt within 180 days within the same location or utilize greater setbacks. They may not encroach any further into a designated setback than existed prior to the calamity. If a greater setback is chosen (but still less than the minimum requirement), that setback becomes the new standard for the lot.

C. In the event that an existing right-of-way is widened, and such widening necessitates the removal or relocation of any building or use and the owner wishes to rebuild on the same tract:

(1) The owner may abide by the previously existing setback distance (the distance between the building prior to right-of-way acquisition and the previous right-of-way line) as the minimum setback for the new building if reconstruction is started within 180 days.

If the structure is not rebuilt within 180 days, any new structure on the tract of land shall conform completely to all sections of this code including setbacks and landscaping.

5. Maximum Height: 40 feet.

6. Permitted Lot Coverage: Not applicable.

7. Maximum Fence Height:

| | |
|---|---|
| Front: | 0 feet. |
| Side: | 10 feet. |
| Rear: | 10 feet. |

8. Off-Street Parking: See Chapter VI-Parking and Loading.

3.28.050 Additional Design Standards

1. Access

A. Interior roads built to County standards serving multiple lots back from the Highway are encouraged. A shared or common driveway between two lots is allowed. New individual driveways providing direct highway access to highway frontage lots are prohibited. Where this is the only option, shared/consolidated access with an adjoining property is required.

B. Private, shared or common approaches onto a Highway shall be allowed no closer than 660 feet on the same side of the right-of-way.

C. Whenever a lot is created which fronts or borders the Highway and does not extend the full depth of the use district, a 60-foot minimum road easement right-of-way shall be provided which allows logical coordinated access to the interior land.

D. All private drives, access roads and required customer/employee parking areas shall be hard surfaced using either asphalt or concrete. All interior-lot access roads shall be built to County Road Standards.

E. All access points onto public roads (County, Federal and State) shall be designed to accommodate the current and anticipated traffic loads.

2. Building Design

A. Overhead doors and loading bays shall not be placed facing a highway.

3. Landscaping

A. A minimum landscape buffer of 25 feet is required for properties abutting a Highway. A minimum landscape buffer of 15 feet is required for all properties abutting a County road.

(1) A landscape plan shall be submitted for this area showing primarily live greenery such as grass, shrubs, bushes or trees. In addition, decorative low fencing and a combination of non-growing features such as rock and timber may be used. The intent is to create a pleasing break (not a visual barrier) between the traveling public and industrial activity beyond.

(2) The applicants shall post a performance bond for landscape improvements for one year to insure the landscape plan is implemented and maintained.

(3) No parking or structures shall be allowed in the landscape buffer except for signs described below.

B. Specific exemptions for structures (excluding signs) and uses in place at the time of adoption of these regulations:

(1) The landscape buffer is only required when an applicant/owner expands the existing structures or uses on a property by more than 50% following the adoption of these regulations. Reconstruction due to “acts of God” or Highway right-of-way expansion do not trigger the landscape requirement if reconstruction activities are commenced within 180 days of the action or calamity and the applicant proposes a structure similar in design and no larger than the pre-existing one. The width of the landscape buffer in such case will be the required width if land is available or at a minimum the remaining area between the building line and the front property line.

(2) When an existing developed landscape buffer as required by Subsection A above is reduced or eliminated due to public acquisition of road right-of-way, that portion of the landscape buffer acquired is not required to be replaced or reestablished.

4. Signage

In addition to Section 5.10 of these regulations, the following conditions apply:

A. Billboards are considered an intrusion in this use district and are not a permitted use. Existing billboards shall not be expanded. If removed for over 180 days they may not be replaced. If relocated on the lot, they shall be brought into immediate conformance with the provisions of the sign code for size, height and setback. All billboards shall be brought into conformance with the County sign code provisions for size, height and setback location within 5 years of adoption of this regulation.

B. If the owner/applicant proposes to develop a new building or use, or expand an existing building or use on a property containing a billboard,

the billboard is no longer a primary use and shall be removed under the following schedule:

(1) Where a billboard has an existing lease, the billboard shall be removed at the end of the current lease.

(2) If no lease exists, said billboard shall be removed prior to the initiation of any proposed lot development, construction, or expansion.

C. Pole signs and ground mounted signs shall not be placed closer than 50 feet from a public right-of-way for all properties fronting a highway except under the following situation:

(1) Where an interior access road exists which provides sole access to businesses located on interior lots, one ground mounted sign listing businesses served by the access may be placed at the entrance way within the landscape buffer in compliance with the other applicable sign restrictions of the zoning regulations.

## SECTION 3.29 I-2 HEAVY INDUSTRIAL

3.29.010 Definition.

A district to provide for industrial uses to accommodate heavy manufacturing, processing, fabrication, and assembly of parts or materials. It is also intended that the encroachment of non-industrial or unspecified commercial uses within the district be prevented.

3.29.020 Permitted Uses (I-2).

1. Automobile repair shop.
2. Cellular tower.
3. Contractors' yard.
4. Manufacturing, fabricating, processing, repairing, packing, or storage facility. Such uses may include:
   A. Boiler work.
   B. Dry kiln.
   C. Fuel oil sales and storage.
   D. Log storage.
   E. Wood products processing (plywood mill, lumber mill, pulpwood processing, fiberboard plant, etc.).
5. Parcel delivery services.
6. Park.
7. Petroleum products, wholesale and retail.
8. Railroad yard.
9. Recycling processing plant.
10. Uses permitted in I-1.

3.29.030 Conditional Uses (I-2).

1. Acid manufacture.
2. Airport, landing field.
3. Automobile wrecking yard, junk yard, salvage yard.
4. Commercial caretaker's facility in a detached accessory building in conjunction with a business.
5. Communication tower/mast.
6. Explosives manufacture.
7. Extractive industry and ore processing.
8. Heliport.
9. Landfill, sanitary for disposal of garbage and trash.
10. Pesticide manufacture.
11. Racetrack, motor-vehicle.
12. Sanitary landfill.
13. Sewage treatment plant.
14. Uses conditionally permitted in I-1.

3.29.040 Bulk and Dimensional Requirements (I-2).

1. Minimum Lot Area: 7,500 sq. ft.

2. Minimum Lot Width: 75 feet.

3. Setbacks:

   A. Minimum Yard Requirements:

| | |
|---|---|
| Front: | 20 feet. |
| Side: | 10 feet each. |
| Side Corner: | 20 feet. |
| Rear: | 20 feet. |

   B. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.

   C. Increase yard requirements as follows when property fronts:

| | |
|---|---|
| County Road:* | 20 feet. |

   * Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.

4. Maximum Height: 60 feet.

5. Permitted Lot Coverage: Not applicable.

6. Maximum Fence Height:

| | |
|---|---|
| Front: | 10 feet. |
| Side: | 10 feet. |
| Rear: | 10 feet. |

7. Off-Street Parking: See Chapter VI-Parking and Loading.

## SECTION 3.30 P PUBLIC

3.30.010 Definition.

A district to provide and reserve areas for public uses in order to provide adequate land for a variety of community facilities which serve the public health, safety, and general welfare. These uses would include schools, public buildings, parks and open spaces, etc.

3.30.020 Permitted Uses (P).

1. Assembly hall.
2. Cellular tower.
3. Fairground.
4. Hospital.
5. Jail and penal institution.
6. Library, museum and art gallery.
7. Office building, governmental.
8. Park and publicly owned recreational facility.
9. Public transportation shelter station.
10. Public utility service installation.
11. Recreational facility, low-impact.
12. School, primary and secondary.
13. Fire Station
14. Police Station

3.30.030 Conditional Uses (P).

1. Airport and landing field.
2. Amusement park or zoo.
3. Cemetery, mausoleum, columbarium, crematory.
4. Coliseum and stadium, profit and non-profit.
5. College and university, public and private.
6. Community center buildings, gymnasium, swimming pools, beaches, and other similar activities operated by a public agency.
7. Community residential facility.**
8. Electrical distribution station.
9. Electric light or power generating station.
10. Golf course, public.
11. Heliport.
12. Landfill, sanitary for disposal of garbage and trash.
13. Microwave relay station.
14. Recreational facility, high-impact.
15. Temporary building or structure.*
16. Water treatment plant.
17. Water storage facility.
18. Sewage treatment plant.

* Administrative Conditional Use Permit (See Section 2.06.045)

** Administrative Conditional Use Permit, eight or fewer.

3.30.040 Bulk and Dimensional Requirements (P).

1. Minimum Lot Area: Not applicable.

2. Minimum Lot Width: Not applicable.

3. Setbacks:

   A. Minimum Yard Requirements:

| | |
|---|---|
| Front: | 20 feet. |
| Side: | 5 feet each. |
| Side Corner: | 20 feet. |
| Rear: | 20 feet. |

   B. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.

   C. Increase yard requirements as follows when property fronts:
   County Road:* 20 feet.

      * Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.

4. Maximum Height: Not applicable.

5. Permitted Lot Coverage: 45%.

6. Maximum Fence Height (Except as Otherwise Noted):

| | |
|---|---|
| Front: | 10 feet. |
| Side: | 10 feet. |
| Rear: | 10 feet. |

7. Off-Street Parking: See Chapter VI-Parking and Loading.

## SECTION 3.31 PUD PLANNED UNIT DEVELOPMENT

3.31.010 Definition.

An overlay district to encourage a more efficient use of land and public services by providing a classification which may provide flexibility of architectural design and mixing of land uses while preserving and enhancing the integrity and environmental values of an area. The underlying zoning designation shall establish the uses and density allowable in the PUD area.

3.31.020 General.

The following application and review procedures shall apply to designation and approval of all planned unit developments in the County:

1. Initiation of Application

   The landowner shall submit an application to the Planning Board for a change of zoning from the existing district to a proposed PUD district or for creation of a PUD district. The application shall be accompanied by a preliminary plan containing the information required in Section 3.31.030(5). In cases where the development will be executed in increments, a schedule showing the time frame for completion of each increment shall also be included in the application. Any request for a variation from the approved schedule must be approved by the Board of County Commissioners.

2. Review of Application

   Upon submission of the application and preliminary plan, the Planning Board shall review such application and plan based on the following:

   A. The extent to which the plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to, density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;

   B. The nature and extent of the common open space in the planned development project, the reliability of the proposals for maintenance and conservation of the common open space and the adequacy or inadequacy of the amount and function of the open space in terms of the land use, densities and dwelling types proposed in the plan;

   C. The manner in which said plan does or does not make adequate provision for public services, provide adequate control over vehicular traffic and further the amenities of light or air, recreation and visual enjoyment;

   D. The relationship, beneficial or adverse, of the planned development project upon the neighborhood in which it is proposed to be established;

E. In the case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions proposed to protect and maintain the integrity of the plan which finding shall be made only after consultation with the County Attorney;

F. Conformity with all applicable provisions of this chapter.

3. Action by the Planning Board

The Planning Board shall review the plans and shall hold a public hearing on the application pursuant to Section 2.02.040. Within thirty (30) days after the public hearing, the Planning Board shall submit its recommendations to the County Commissioners. The Planning Board may recommend approval in whole or in part, with or without modifications, or recommend disapproval. Such recommendations shall include:

A. Lot area;
B. Permitted and conditional uses;
C. Landscaping and buffering;
D. Area in which structures may be built ("buildable area");
E. Open space;
F. Setback lines and minimum yards;
G. Building separations;
H. Height of structures;
I. Signs;
J. Off-street parking and loading spaces;
K. Design standards;
L. Phasing of development.

4. Action by the County Commissioners

The County Commissioners shall consider the recommendation of the Planning Board and, pursuant to a public hearing called by them, may affirm, modify or deny the PUD plan. If the PUD is approved, the applicant shall submit a final plan in accordance with the approval of the County Commissioners. When the County Commissioners approve the final plan and plat, the area of land involved shall be redesignated as a PUD district by resolution which shall incorporate the final plan, including any conditions or restrictions that may be imposed by the County Commissioners.

5. Effect of Approval

The final plan as approved, together with the conditions and restrictions imposed, shall constitute the zoning for the district. No building permit shall be issued for any structure within the district unless such structure conforms to the provisions of the plan.

6. Abandonment or Expiration

The Flathead County Planning & Zoning Office shall monitor the Planned Unit Development for compliance with the completion schedule set forth in the

approved development plan and to assure that all improvements have been made in accordance with the approved development plan. Notice of noncompliance with the completion schedule or failure to install improvements in accordance with the approved development plan shall be delivered in writing to the landowner and/or developer. Within ninety (90) days of the notice of noncompliance or notice of failure to complete improvements, the landowner and/or developer may apply to the County Commissioners for an extension of time. Said application shall set forth a proposed completion schedule and/or new timetable for installation of the improvements. Upon the application of the landowner and/or developer, the County Commissioners may grant only one extension, and the extension may not be in excess of the time limit imposed upon the original development plan.

Upon the abandonment of a development authorized under this section, the project area shall revert back to the underlying use district that was in place prior to the approval of the Planned Unit Development. Abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved development plan for a period of three (3) years or upon the expiration of the completion schedule approved as a part of the development plan for a development, which has not been completed. Improvements as used in this section shall mean those activities, excluding design and obtaining financing, necessary for the orderly development of property including installation of private and public roads, sidewalks and curbs, public and private utilities, street lighting, construction of buildings and landscaping, and other changes in the property described in the approved development plan (see 7-5-2501, et seq, 7-14-2616 and 2617, and 7-14-4114 and 4115, M.C.A.).

7. Limitation on Rezoning

The Planning Board shall not initiate any amendment to the zoning regulations or zoning map concerning the property involved in a planned unit development before the completion of the development as long as development is in conformity with the approved detailed planned unit development and proceeding in accordance with the time requirements imposed therein. After approval of the planned unit development by the County Commissioners under Section 3.31.020.4, the developer is authorized to begin construction of buildings and uses complying with approved plan.

3.31.030 Standards for Planned Unit Development District (PUD).

1. Location of PUD

A PUD district shall be located in an area where public and private facilities and services are available or are to become available by the time development reaches the stage where they will be required.

2. Land Area Requirement

The minimum land area required for a change to or designation as a PUD shall be two acres and shall be under single ownership. In determining whether minimum area requirements for a PUD district have been met, computations shall include the entire area within the boundaries of the district proposed,

including the area of streets. Lands in such districts may be divided into streets, but shall be so located, dimensioned and arranged as to permit unified planning and development, to meet all requirements for PUD districts, and to provide adequate protection for uses within the district and in surrounding areas.

3. Establishment of PUD Districts

The following locational criteria shall govern the type of planned unit developments that may be reviewed and approved by the County Commissioners:

A. Residential PUD Districts:

Residential PUD districts can be established only in R-1 through R-5, RA-1, R-2.5, SAG-5, SAG-10, AG-20 or LS use districts, or in any area designated as "residential" in the Flathead County Growth Policy.

B. Commercial PUD Districts:

A commercial PUD district may be established in B-2 through B-5 districts.

C. Industrial PUD Districts:

An industrial PUD may be established in I-1, I-1H and I-2 districts.

D. Marina PUD Districts:

A marina PUD may be established in:
R-4, R-5, RC-1, RA-1, B-2, B-2HG, B-3 CVR, I-1, I-1H, I-2, P and LS.

E. Mixed-use PUD Districts:

Based on a site plan review, and after establishing compatibility with the adjoining land uses and determining that the adverse environmental impacts shall only be minimal, the County Commissioners may allow a Mixed-use PUD in any district which qualifies for a Residential, Commercial, or Industrial PUD.

4. Use Regulations

The following regulations shall apply to permitted uses and densities in various types of Planned Unit Developments:

A. Residential PUD District:

Within a Residential PUD District, the uses and structures permitted or conditionally permitted in the underlying R-1, R-2, R-2.5, R-3, R-4, R-5, and RA-1 districts shall be allowed. Residential dwelling unit densities within a proposed Residential PUD District shall be as follows:

| Residential PUD Created | Maximum Permissible Density |
|---|---|
| R-1 District | 2 dwelling units/acre |
| R-2 District | 3 dwelling units/acre |
| R-3 District | 7 dwelling units/acre |
| R-4 District | 15 dwelling units/acre |
| LS District | 15 dwelling units/acre |
| R-5 District | 15 dwelling units/acre |
| RA-1 District | 33 dwelling units/acre |
| R-2.5 District | 2 dwelling units/2.5 acres |
| SAG-5 District | 2 dwelling units/5 acres |
| SAG-10 District | 2 dwelling units/10 acres |
| AG-20 District | 2 dwelling units/20 acres |

Commercial uses may be allowed in Residential PUD District, provided:

(1) Such establishments and their parking areas shall not occupy more than twenty percent (20%) of the land area of the planned unit development district with a gross area 5.0 acres or more. For those under 5.0 acres in area, the permissible gross commercial area shall be subject to negotiation (up to a maximum of 15% of the total area of the PUD) with the Planning Board and the County Commissioners;

(2) Industrial and non-compatible commercial uses are not permitted. Commercial uses that may be permitted include all uses permitted in B, BR, CCC, and CVR districts (refer to Sections 3.16 to 3.26);

(3) Such establishments shall be so located, designed and operated as to serve the needs of persons within the immediate vicinity of the district;

(4) No building used for a commercial establishment may be opened until fifty-one percent (51%) of the dwelling units contemplated in the development plan have been constructed;

(5) The acreage proposed for commercial use and its parking shall be excluded from the gross acreage when computing total allowable dwelling units.

B. Commercial PUD District:

The uses permitted in a Commercial PUD District shall be the same as those allowed as permitted or conditional uses in the district associated with the PUD created. For example, in a B-3 PUD all uses allowed as permitted or conditional uses in a B-3 district shall be allowed.

C. Industrial PUD District:

The uses permitted in an Industrial PUD District shall be the same as those allowed as permitted or conditional uses in the district associated with the PUD district created. For example, in an I-1 PUD District all

uses allowed as permitted or conditional uses in an I-1 district shall be allowed.

D. Marina PUD District:

The uses permitted in a Marina PUD District shall be the same as those allowed as permitted or conditional uses in the district associated with the PUD created. The underlying development standards in the district shall not be varied by the PUD process.

A Marina PUD will require the submittal of an environmental assessment and may be evaluated in accordance with the design guidelines of the Maryland Clean Marina Guide Book, 1998.

A marina development may be regulated by any or all of the following programs: Floodplain, Lakeshore Protection, US Army Corps of Engineers (404 program) and the Flathead County Conservation District (310 program).

E. Mixed Use PUD District:

Commercial/Industrial Mixed Use

A Mixed Use Commercial/Industrial PUD may be located in any district which qualifies for a Commercial or Industrial PUD.

The uses appropriate to a Mixed Use PUD shall be determined by the County Commissioners on the basis of (a) their compatibility with the surrounding land uses, and (b) their compatibility with one another.

Residential Mixed-use:

A Mixed-use PUD proposed in a residential district (refer to Section 3.31.030(3)(A)) may be permitted with both residential and commercial uses as per the following criteria:

| Mixed PUD Zoning District | Maximum Permissible Density |
|---|---|
| R-1 District | 2 dwelling units/acre |
| R-2 District | 3 dwelling units/acre |
| R-3 District | 7 dwelling units/acre |
| R-4 District | 15 dwelling units/acre |
| R-5 District | 15 dwelling units/acre |
| RA-1 District | 33 dwelling units/acre |
| R-2.5 District | 2 dwelling units/2.5 acres |
| SAG-5 District | 2 dwelling units/5 acres |
| SAG-10 District | 2 dwelling units/10 acres |
| AG-20 District | 2 dwelling units/20 acres |

(1) The minimum land area for a Mixed-use PUD in a residential district is twenty (20) acres;

(2) The predominant land use character of the district must be residential;
(3) The residential uses appropriate to a Mixed-use PUD in a residential district shall be the same as those allowed as permitted or conditional uses in a Residential PUD;
(4) The maximum permissible building height is 35 feet;
(5) Commercial uses shall not exceed 35% of the gross area in the PUD;
(6) The maximum permissible ground coverage including all roads, buildings, and other areas of impervious coverage must be less than 70%;
(7) Industrial and non-compatible commercial uses are not permitted. Commercial uses that may be permitted include all uses permitted in B, BR, CCC and CVR districts (refer to Sections 3.16 to 3.26);
(8) Vehicular access to all uses and/or activities of the Mixed-use PUD shall be limited to the internal road system of the Mixed-use PUD.

5. PUD Preliminary Plan

The property owner applying for a PUD district classification shall submit sixteen (16) copies of a PUD preliminary plan which shall contain the following information. If a PUD also involves a subdivision, the submittal shall also include the information and documents required for application stated in the Flathead County Subdivision Regulations.

A. Proposed dimensional layout plan superimposed on a two to five foot interval topographic map of the area drawn to a scale not less than one inch equals two hundred feet showing all streets, buildings, open space, lots and other elements basic to the development;

B. Proposed locations, areas, densities and types of residential and non-residential uses and structures within the area proposed to be developed and maximum height of buildings or structures;

C. Proposed plans for handling vehicular traffic, parking, sewage disposal, drainage, water supply, landscaping, berming, fencing, signage, and other pertinent site development features;

D. Elevation drawings which demonstrate visually the general architectural features of each proposed building or architecturally distinct group or type of buildings and the site perimeter treatment;

E. The plan shall show the boundary lines of adjacent subdivided or unsubdivided land and the existing zoning of the area proposed to be changed to PUD as well as the land adjacent thereto;

F. An enumeration of covenants in detail proposed to be made a part of the PUD;

G. A statement expressing the order in which the development shall occur and estimated time for completing the development. In case of a phased development, estimated time schedule for starting and completing each phase of the development shall be provided;

H. Adequate provisions shall be made for a private organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities, including private streets jointly shared by each property owner, if such facilities are a part of the planned unit development, and in such instance, legal assurances shall be provided which show that the private organization is self-perpetuating and adequately funded to accomplish its purposes. Real property taxes of the private streets and common areas shall be assessed as levied pro rata to all privately owned parcels within the district;

I. Adequate provisions shall be made for common facilities, which are not dedicated to the public to be maintained to standards assuring continuous and adequate maintenance at a reasonable and nondiscriminatory rate of charge to the beneficiaries thereof. Common facilities not dedicated to the public shall be operated and maintained by the private organization and at no expense to any governmental unit;

J. All private streets shall be maintained by the aforesaid private organization in such a manner that adequate and safe access is provided at all times to vehicular traffic so that fire, police, health, sanitation and public utility vehicles can serve the properties contiguous or adjacent thereto and so that said vehicles will have adequate turning area;

K. The off-street parking to be provided shall meet the minimum standards for off-street parking as shown in these zoning regulations;

L. Where a PUD also involves a subdivision of land, it shall also meet the requirements of the Flathead County Subdivision Regulations, and the Montana Subdivision and Platting Act;

M. The County Commissioners shall require bonding or any other appropriate collateral to ensure that all required improvements shall be satisfactorily completed in accordance to the approved plans, specifications and time schedule; and

N. Any other information, plans and details which the Planning Board or County Commissioners may desire to fully evaluate the development proposal and its impacts.

6. Preparation of Final Plan:

   Upon approval of the preliminary plan by the County Commissioners, the property owner may proceed with the preparation of the PUD Final Plan, which shall:

   A. Incorporate all the conditions imposed by the County Commissioners at the time of approval of the preliminary plan;

   B. Have the following certification on the face of the plan and/or plat:

      I, _____, owner and developer of the property set forth above, do hereby agree that I will develop the above property as a Planned Unit Development in accordance to the submitted PUD Plan.

      _____
      Signature
      Property Owner/Developer

      Approved this _____ day of _____, 20 __, by the Flathead County Commissioners.

      Attest: _____
      Clerk & Recorder

7. Filing and maintenance of final plan: The applicant shall submit four signed copies of the PUD, final plan and related documents to the Flathead County Planning & Zoning Office. Upon approval by the County Commissioners, one signed copy of the plan shall be returned to the applicant, a signed copy shall be retained on file in the Clerk and Recorder's Office, and one signed copy each shall be forwarded to the Flathead County Planning & Zoning Office and the County Commissioners.

8. For developments whose build-out over a number of years is anticipated, the overall development plan will identify and justify the proposed phasing of the project and provide a proposed schedule of phased development.

   For all projects, the overall development plan shall serve as the guidelines for development. The implementation of the plan shall be accomplished by the submittal of a Planned Unit Development (PUD) for the entire plan or for each phase of the development.

## SECTION 3.32 SC SCENIC CORRIDOR

3.32.010 Definition:

An overlay or standing district intended to protect the scenic vistas and provide greater traffic safety along the highway corridors by restricting the number, size and location of outdoor advertising signs and billboards. This district can function as a standing district or can be applied to zoned areas. If zoned, this district will only regulate off-premise advertising signs.

No other land use restrictions apply in this district other than those relating to signs.

3.32.020 All signs are permitted in this district except the following:

1. Off-premise signs: outdoor advertising signs, billboards and painted bulletin signs except as follows:

   A. Each property shall be allowed off-premise rural directional signage. Each sign shall not be greater than eight (8) inches in height and thirty-six (36) inches in length and shall not exceed more than eight (8) signs. The height of the signpost shall not exceed twelve (12) feet.

2. Cellular towers are a permitted use in this district, subject to the performance standards found in Section 5.13 of these regulations.

## SECTION 3.33 LBL LITTLE BITTERROOT LAKE

3.33.010 Definition:

A development code designed to implement the Little Bitterroot Lake Neighborhood Plan by protecting the quality, character and openness of Little Bitterroot Lake and the surrounding neighborhood and by providing guidance for future development.

3.33.020 Permitted Uses

1. Agriculture/silviculture as provided for in M.C.A. 76-2-209.
2. Class A manufactured home.
3. Dwelling, single-family.
4. Home occupation.

3.33.030 Conditional Uses

1. Bed and breakfast establishment on view lots only (maximum four bedrooms for rent).
2. Cellular tower.*
3. Cluster housing.
4. Common boat dock and lakeshore facility.
5. Guesthouse.
6. Homeowners park.
7. Publicly owned park and recreational facility.
8. Structures in open space areas.

*Administrative Conditional Use Permit (See Section 2.06.045).

3.33.040 PUD Uses

1. Commercial lodge and related recreational amenities.

3.33.050 Bulk and Dimensional Requirements

1. Minimum lot size: ½ acre

2. Maximum density:

   a. Lakefront lots 1 lot/residence per 5 acres.

   b. View lots: 1 lot/residence per 10 acres.

3. Average Lakeshore Frontage

   a. Lots fronting on the lakeshore shall maintain an average density of one residential lot per 150 feet of lake frontage as measured at the average high water line.

   b. This density figure shall determine the maximum number of residential lots/units permitted on a particular piece of lakeshore frontage. Homeowners parks may be located within a lakeshore lot development

as long as the developer is able to comply with the minimum lot widths as provided for in 3.33.050(4) below.

4. Minimum Lakeshore Frontage

Any residential lot which abuts Bitterroot Lake shall maintain a minimum of 100 feet of frontage along the lakeshore (measured along the average high water line).

5. Maximum Height: 35 feet.

6. Minimum Yard Requirements:

| | |
|---|---|
| Front: | 50 feet. |
| Side: | 10 feet each. |
| Side Corner: | 20 feet. |
| Rear: | 20 feet. |

When a property abuts Little Bitterroot Lake or any year-round stream, a 50-foot setback, measured landward of the average high water line shall be maintained. (Note: For the purposes of these regulations, high water of Little Bitterroot Lake for construction and building setback purposes only shall be 3906.48 l.d. using for reference a brass cap elevation 3907.50 as found on the east wing wall of the outlet gates of the Dam Structure. This cap is maintained by the Engineers of the U.S. Safety of Dams Program).

7. A reasonable variance shall be granted to allow construction or replacement of a residence on a pre-existing lot (lot that existed at the time zoning is adopted) which cannot meet the yard requirements as provided for in number 6 immediately above. Generally, when existing structures are being rebuilt or replaced the new structure will be constructed no closer than the existing structure to the lake or other property lines provided that no residence shall be built closer than 20 feet to the average high water line of Little Bitterroot Lake.

3.33.060 Open Space (LBL)

For the purposes of the LBL regulations, open space is defined as permanently open areas which may only be utilized for agriculture (excluding feed lots), timber management, passive recreation or natural areas. All structures, including the parking or storage of equipment shall be conditional uses and subject to review by the Little Bitterroot Lake Land Use Advisory Committee.

1. Open Space Design Standards

a. When new lots are created and the cumulative land in lots is less than the minimum land area needed to meet density requirements, the balance of the required land area shall be designated and maintained as open space. For example, if an owner wanted to create two new one-acre lakefront lots (lakefront lots carry a five acre minimum density), 10 acres is needed, two acres would be in lots, the remaining eight acres is required to be in open space.

b. Open space shall be located within the single, contiguous ownership proposed to be developed.

c. If an owner proposes to develop property in a phased program, the overall open space plan shall be submitted with the first application.
d. Open space may be held in common ownership by the homeowners association or it may be maintained or sold by the original owner. In either case, the designated open space tract shall carry with it a deed restriction limiting its future use to open space as defined herein.
e. The open space must exhibit a beneficial relationship to the lots to be created and further the overall concepts of good design, including but not limited to standards f-j below.
f. Open space should provide for buffering, passive recreation and pedestrian circulation designed to enhance subdivision lots;
g. Reinforce a natural landscape setting along and near the lakeshore;
h. Retain large contiguous areas of open space;
i. Retain sensitive areas as open space, such as steep slopes, streams, and wetlands; and
j. Provide suitable access and design for management.

2. Open Space Structures – Conditional Use Standards

a. A structure may or may not be allowed in an open space area, as appropriate to retain a predominantly "open" character in that area. The type, size and location, and design of the structure must not significantly detract from that open character.
b. Structures shall be substantially screened from public and neighbors' view by a buffer of trees. Where an existing buffer of mature trees is not in place, the structure shall be set back a minimum of 200 feet from the property boundary, and a perimeter buffer of trees shall be planted.
c. Structures for residential, commercial, or industrial use are prohibited.

3. Special Lakefront Lot Open Space Development Standards

1. A minimum 50% of the site shall be maintained in open space, except that such open space will not be required for lot sizes that meet or exceed five acres in size and which carry a recorded permanent deed restriction forever prohibiting any further subdivision (including boundary line adjustment) which would create any lots smaller than five acres or which would create lake frontage lots with less than 150 feet of lake frontage.

2. As part of subsection 3.33.060(1) above, an area equal to 10% of the combined lake frontage of each lakefront lot created containing 150 or fewer feet of lake frontage, shall be maintained in permanent open space along the lakeshore.

a. This open space shall be held in common ownership by the homeowners association.
b. The placement of the open space buffer is intended to provide a natural undeveloped shoreline and further good site design.
c. Where possible, such buffers shall be located in combination with an adjoining buffer for the purpose of creating substantial natural areas. Example – A 10-lot lakefront development where each lot has 100-foot frontages shall maintain a 100-foot

wide permanent open space area equal in depth to the adjoining lots.

3.33.070 Cluster Housing Provisions

1. Single through 4-plex residential uses allowed.

2. Density shall not exceed that which is allowed in the underlying zone.

3. All setbacks as provided for in these regulations shall be adhered to.

3.33.080 Common Boat Docks and Lakeshore Facilities

Two or more property owners may construct a common boat dock or other lakeshore facility for the purpose of consolidating structures and impacts on the lake within the confines of the Flathead County Lakeshore Protection Program. When such a facility is contemplated, however, it would normally preclude the owners who joined together from constructing such individual features elsewhere on their own property.

3.33.090 Homeowner Park Design Standards

1. Homeowners parks shall be designed and developed to serve only those properties within the adjoining residential subdivision. They shall not serve properties outside of the Little Bitterroot Lake Zoning District.

2. Activities shall be limited to day-use-only in nature and be single-family residential in scale and intensity. Commercial use and use by clubs or other private or semi-private organizations other than the specific residential homeowners association is prohibited.

3. Rest room facilities as approved by the Flathead City-County Health Department are required to serve each homeowners park.

4. Common dockage is permitted and “I, T or L” dock configurations are allowed.

5. All types of boat storage including shore stations, boat houses and the open parking of boats overnight either at a dock or on land is prohibited.

6. Homeowners parks with lake frontage shall be sized as follows:

   a. Minimum depth: 175 feet or where adjacent side residential lot lines extend further than 175 feet back from the lake, equal with the adjacent side lot lines but not to exceed 350 feet.

   b. Minimum amount of lake frontage: 250 feet.

   c. Park to be sized based on a ratio of 25 feet of width (lake frontage) for each lot/residential housing unit in the subdivision accessing the park.

   Note: The minimum 250-foot homeowners park would accommodate 10 view lots.

7. All development in the lake, on the lakeshore or 20 feet landward of the average high water line of Little Bitterroot Lake shall comply with the Flathead County Lakeshore Protection Regulations.

3.33.100 Special PUD Provisions for Commercial Lodge and Related Recreational Amenities.

1. No single lodge development shall exceed a maximum of 50 rooms offered for overnight accommodations.

2. The minimum land area for a lodge shall be based on a ratio of 5 acres for every room offering overnight accommodations in the lodge. This land area may be incorporated into the overall site design or may be provided elsewhere in the District. If some or all of the land area set aside is not adjacent to the proposed lodge and accessory uses and is to be provided for elsewhere in the District, such land must be subject to review and approval and the setting aside of such lands in permanent open space must achieve significant goals of the plan.

3. Lodges developed on lakefront lots shall be required to have 25 feet of lakeshore frontage for every 2 rooms offering overnight accommodations.

4. Lodges may provide eating facilities as well as related recreational amenities such as trail rides, dock facilities, golf course, etc., as long as all uses are developed as an integrated project.

3.33.110 Exterior Lighting Standards

1. Exterior lighting fixtures shall be placed or shielded such that direct light from any fixture shines generally downward, so that no significant direct light shines upward or more than thirty (30) feet beyond the boundaries of the property in any direction, or thirty (30) feet beyond the boundary of any public or private right-of-way that borders the property. An “exterior lighting fixture” shall include a fixture existing inside a structure, which primarily illuminates area outside the structure.

2. No permanent artificial lighting fixtures shall be placed in designated open space except as approved as a conditional use. If so approved as a conditional use, such lighting shall otherwise comply with the requirements set forth in Section 1 above.

3. Nothing in this section shall restrict the use of temporary emergency lighting necessary to protect human safety or property.

3.33.120 Temporary Recreational Vehicle and Camping

1. The occasional placement of a single recreational vehicle on a parcel of land which may or may not contain an existing residence, for private use of the owner, guest or visitor for infrequent use and not as a permanent residence shall be regulated as follows:

   a. All temporary recreational vehicles shall be located in accordance with the minimum setback standards of the district regulations. (Front - 50 feet, Side - 10 feet each; Side Corner - 20 feet; and Rear - 20 feet. A 50-foot setback is required from the lake or year-round stream.)

b. Use of a recreational vehicle as a dwelling unit shall be subject to the following limitations and permit requirements:

(1) Length of stay 90 days or less in a calendar year, permitted use; must have legal and appropriate sewage disposal.
(2) Length of stay 91 days or more in a calendar year, conditional use.
(3) There may only be one (1) recreational vehicle stored on any property that is not enclosed in a garage.
(4) Use of a recreational vehicle as a temporary dwelling during the construction of a permanent residence shall not exceed 12 months and may be permitted subject to the issuance of an Administrative Conditional Use Permit.
(5) It is the intent of these regulations to allow for family gatherings for special events and holidays on an infrequent basis. These regulations should not be construed as to allow for the creation of a recreational vehicle park de facto or otherwise.

Definition:

Recreational Vehicle (Section 7.17.060, Flathead County Zoning Regulations) Travel trailer or camping trailer designed to be towed, motorized homes, pickup campers or coaches, designed and constructed for human habitation, which can be operated independently of utility connections and designed to be used principally as a temporary dwelling for travel, recreation and vacation.

## SECTION 3.34 WV WEST VALLEY

3.34.010 Definition:

A district to promote orderly growth and development in the West Valley area consistent with the community vision statements as expressed by the text and map exhibits of the West Valley Neighborhood Plan, County Resolution #1226-A.

3.34.020 Permitted Uses

1. Agricultural/horticultural uses, practices, and related accessory uses.
2. Cemetery.
3. Church.
4. Class A or B manufactured home (See definitions).
5. Community meeting centers, publicly owned and operated.
6. Dairy products processing, bottling, and distribution.
7. Day care.
8. Dwelling, single-family.
9. Dwelling, family hardship.
10. Farm/ranch/caretaker/employee housing.
11. Feed and seed processing and cleaning.
12. Feed lot: cattle, swine, poultry.
13. Grange.
14. Home-based business (See related performance standards).
15. Livestock (See performance standards applicable on lots 10 acres or less in size).
16. Nursery, landscaping materials.
17. Park.
18. Post office.
19. Produce stand.
20. Public transportation shelter station.
21. Recreational facility publicly owned and operated.
22. School.
23. Silvicultural and related forest management practices.
24. Temporary building or structure, occupied less than one year.
25. Public utility installation, minor (limited to neighborhood service area).

3.34.030 Conditional Uses

1. Animal hospital/veterinary clinic.
2. RV park with no tent camping.
3. Camp and retreat center.
4. Cellular tower.
5. Class 3 Landfill.
6. Communication tower, mast.
7. Golf course and related facility (dwelling lots must be approved through the cluster provisions of these regulations).
8. Gravel extraction.
9. Gun club, shooting range.
10. Commercial hunting ranch for small game.
11. Kennel.
12. Neighborhood convenience store (See related performance standards).

13. Commercial stable/riding academy.
14. Temporary building or structure, occupied one year or longer.
15. Public utility installation, major (service area beyond neighborhood).
16. Community residential facility. *

* Administrative Conditional use Permit, eight or fewer

3.34.040 Bulk and Dimensional Requirements

1. Minimum lot size: 1 acre.

2. Maximum density: See density performance standards.

3. Minimum yard requirements:

   A. A 20-foot setback is required from any property line, road easement, or intermittent stream.
   B. A 50-foot setback is required from any perennial water body.

4. Maximum height: 35 feet (agricultural buildings exempt).

3.34.050 Density Performance Standards

1. 20-acre density: All property within the District is eligible for a residential density of one dwelling per 20 acres.

2. 15-acre density: Maximum residential density shall be one dwelling per 15 acres if the following criterion is met:

   A. No more than 10% of the lot area shall have soils with Capability Classes I, II, III, or IV as identified by the 1960 Soil Survey for the Upper Flathead Valley Area.

3. 10-acre density: Maximum residential density shall be one dwelling per 10 acres if the following criteria are met:

   A. The average slope of any proposed lot shall be less than 25%.
   B. No more than 35% of the lot area shall have soils with Capability Classes I, II, III, or IV as identified by the 1960 Soil Survey for the Upper Flathead Valley Area.
   C. All lots shall be located within a rural fire district.
   D. A portion of each lot shall be located within 1,500 feet of a road maintained by the County and have access to and use of said road.

4. 5-acre density: Maximum residential density shall be one dwelling per 5 acres if the following criteria are met:

   A. The average slope of any proposed lot shall be less than 15%.
   B. All lots shall be located within a rural fire district.
   C. No more than 20% of the lot area shall have soils with Capability Classes I, II, III, or IV as identified by the 1960 Soil Survey for the Upper Flathead Valley Area.

D. No more than 25% of the area of any lot shall be within the 100-year floodplain, wetlands, river, lake, or any combination thereof.

E. A portion of each lot must be within 300 feet of a road maintained by the County and have access to and use of said road.

5. Clustering

A bonus density of up to 1 dwelling unit per 5 acres on average is permitted by clustering (see Residential Clustering Standards).

6. Expansion of existing platted subdivisions

Lands located within the perimeter of existing platted subdivisions where lots average 2 acres or less are eligible for additional subdivision. All new or amended lots must have access and use of the water and road systems of the existing subdivision and be subject to the covenant restrictions of the existing platted subdivision.

7. Lot area and average slope determination

Compliance with lot area and average slope requirements shall be certified by a registered land surveyor on any certificate of survey or subdivision plat. To determine the area of lakes or rivers, use the average high water line as the perimeter of the water body. To determine the area of wetlands, the Zoning Administrator may require wetland delineation by a professional hydrologist.

8. Average slope calculation

The average slope (S%) of a parcel shall be calculated as follows: S% = .0023 x I x L / A. To use this formula, a contour map of the parcel is necessary, and the contour interval (vertical distance between adjacent contour lines on the map) must be no more than 10 feet for a subdivision and 40 feet for a certificate of survey. I is the contour interval in feet. L is the total length in feet of all contour lines within the parcel. A is the area in acres of the parcel.

3.34.060 Land Use Advisory Committee

A citizen land use advisory committee of 7 individuals shall be established by the Board of County Commissioners to advise the Flathead County Planning Board, Kalispell City-County Planning Board, Flathead County Board of Adjustment, and Board of County Commissioners, as appropriate, on all subdivision and conditional use applications. Said Committee should include representation from both the timber and agricultural industries. All members must be landowners within the District. In the instance where a landowner holds title to real property through a corporate or business name, the duly appointed representative of the business or corporation will be eligible to be a member of the District.

3.34.070 Home-Based Business Performance Standards

1. General

A. Home-based businesses are permitted throughout the District.

B. Within the West Valley district, a home-based business is defined as any occupation, profession, activity or use which is clearly a customary, incidental

and secondary use of a residential lot and which does not affect the residential or agricultural character of the property or area.

2. Specific Standards

A. Home-based businesses are permitted in accessory buildings as well as residential buildings.
B. A home-based business must be operated by the individual(s) who own and live on the property.
C. Home-based business shall be architecturally compatible with the buildings in the immediate vicinity.
D. All parking shall be maintained on site.
E. A Conditional Use Permit must be obtained for a home-based business generating more than 10 daily vehicle trips.
F. Any outdoor storage of materials shall be shielded from public view.
G. Signs for business identification are permitted, not to exceed a total sign area of ten square feet and a height of eight feet. Signs shall not be lighted and shall not rotate, move, flash, change or blink.
H. A Conditional Use Permit must be obtained for a home-based business having more than 5 employees.

3.34.080 Residential Clustering Standards

1. General

A. The minimum size of the tract of land subject to the cluster development shall be 20 acres.
B. Clustering is not mandatory but may be used as an option to subdivide property.
C. All subdivided lots or multiple dwellings on a single tract of land shall be clustered so as to prevent a scattered development pattern.
D. A cluster development must obtain approval as a subdivision under the Flathead County Subdivision Regulations or as a conditional use if multiple dwellings are being placed on property without subdivision into lots.
E. The required open space shall be exterior to the created lots and, if applicable, not be segregated from a larger remaining tract of land. The open space must remain as a single contiguous tract or a portion of a larger parent tract of land. Road and utility easements shall not be counted as open space.
F. The property owner shall either grant in perpetuity an irrevocable conservation easement or file with the Flathead County Clerk and Recorder a deed restriction running with the land, which shall dedicate the land as permanent open space and require that it shall not be further divided.
G. The preferred use of the required open space is agriculture or silviculture. Any open space 20 acres or larger in size is eligible for a single residential building site of no larger than 2 acres in size, but residential development is not permitted on smaller open space tracts. The open space and associated building site can be sold as a single tract of land but is not eligible for further subdivision.

2. 10-acre cluster provision: Maximum residential density in a cluster development shall be one dwelling per 10 acres, if the following criterion is met:

A. A minimum of 50% of the eligible property shall be dedicated as permanent open space on the subdivision plat.

3. 5-acre cluster provision: Maximum residential density in a cluster development shall be one dwelling per 5 acres, if the following criteria are met:
   A. Individual lot sizes shall not exceed 1 net acre.
   B. A minimum of 76% of the eligible property shall be dedicated as permanent open space on the subdivision plat.

3.34.090 Neighborhood Convenience Store Performance Standards

1. General

   A. A neighborhood convenience store in the West Valley District is permitted in accordance with strict architectural, size, use, and locational criteria.
   B. It is not the intent of these regulations to promote, encourage, or permit general retail commercial uses within the District.
   C. Within the West Valley District, neighborhood convenience store is defined as a retail establishment having a trade area that does not extend beyond the neighborhood and offering for sale a variety of convenience items, typically including prepackaged food and beverages, household items, and motor fuel.
   D. Building architecture shall be compatible to a rural residential setting by emphasizing log or wood exterior with a pitched roofline and asphalt composition, tile, or wood shingles in natural colors, and limited commercial signage.
   E. Compliance with the requirements set forth herein shall be determined by the Zoning Administrator. A site plan, elevation drawing, and other applicable materials demonstrating compliance with these performance standards shall be submitted to the Zoning Administrator, and approval shall be obtained prior to commencement of construction. Appeal of any decision by the Zoning Administrator shall follow the process set forth in the Flathead County Zoning Regulations as applicable to Conditional Uses.

2. Specific Standards

   A. The footprint of the commercial structure shall not exceed 2000 square feet.
   B. Minimum lot size shall be 3 acres.
   C. A maximum of 4 fueling pumps shall be permitted.
   D. The store dumpster site shall be provided to the rear of the building and be screened from public view. Any mechanical/refrigeration equipment or propane tanks located exterior to the building shall be appropriately screened from public view.
   E. All structures shall be set back a minimum of 100 feet from any lot line adjoining a public road and 35 feet from all other lot lines. Parking and other paved surfaces shall not extend into the required landscape areas.
   F. Fencing and weed control shall be provided on all commercial lot lines having frontage with a public road.
   G. Signage shall be limited to a single-faced wall identification sign not to exceed 36 square feet, except that gas price signage having maximum letter height of 8 inches may be placed below the roofline of the gas island canopy. Outside security lighting is mandatory during hours of darkness. Lighting shall be

directed downward and shielded to prevent light from shining onto adjacent roads or properties. Lighting shall not blink, flash, or rotate.

H. Parking shall be provided at a ratio of 1 space (9'x20') per 150 square feet of gross floor area.

I. All parking, circulation, and approaches shall be either asphaltic or Portland cement concrete and appropriately striped to designate traffic flow direction and parking spaces.

J. Landscaping consisting of grass, shrubs, and tree species shall be provided along any lot line adjoining a public road. Said landscaping shall extend the entire length of the developed frontage, except for the driveway entrances, and have a depth of at least 35 feet as measured inward from the public road right-of-way. Said landscaping shall be irrigated with an underground sprinkling system and be maintained throughout the growing season.

K. No liquor shall be sold from the premises nor shall gaming (gambling) machines be permitted. A single upstairs apartment unit shall be permitted if architecturally incorporated into the overall building design.

L. Exterior wall finishes shall emphasize natural wood features such as log or beveled cedar siding, stained to natural wood tones. Windows shall not have mirrored glazing. The roof shall have a minimum 6:12 pitch, utilizing Class 'A' roofing material. The fueling island canopy shall have a visual expression of log or timber framing (or as otherwise modified for reasons of fire safety) with a sloped roof of a 4:12 minimum pitch in a gable shape.

M. Fire protection measures shall be incorporated as recommended by the West Valley Volunteer Fire Department.

N. The store shall not be open for business between the hours of 10:00 PM and 6:00 AM.

O. Outside PA (public address) systems are prohibited.

P. Prior to the development of a store, the landowner shall submit and implement a traffic mitigation study prepared by a professional transportation engineer.

## SECTION 3.35 WVO WEST VALLEY OVERLAY

3.35.010 Definition:

A district to extend the provisions relating to the Land Use Advisory Committee and Residential Clustering of the WV West Valley Zoning District to other properties outside that district but within the jurisdiction of the West Valley Neighborhood Plan, County Resolution #1226-A.

3.35.020 Land Use Advisory Committee

A citizen land use advisory committee of 7 individuals shall be established by the Board of County Commissioners to advise the Flathead County Planning Board, Kalispell City-County Planning Board, Flathead County Board of Adjustment, and Board of County Commissioners, as appropriate, on all subdivision and conditional use applications. Said Committee should include representation from both the timber and agricultural industries. All members must be landowners within the District. In the instance where a landowner holds title to real property through a corporate or business name, the duly appointed representative of the business or corporation will be eligible to be a member of the District.

3.35.030 Residential Clustering Standards.

1. General

   A. The minimum size of the tract of land subject to the cluster development shall be 20 acres.
   B. Clustering is not mandatory but may be used as an option to subdivide property.
   C. All subdivided lots or multiple dwellings on a single tract of land shall be clustered so as to prevent a scattered development pattern.
   D. A cluster development must obtain approval as a subdivision under the Flathead County Subdivision Regulations or as a conditional use if multiple dwellings are being placed on property without subdivision into lots.
   E. The required open space shall be exterior to the created lots and, if applicable, not be segregated from a larger remaining tract of land. The open space must remain as a single contiguous tract or a portion of a larger parent tract of land. Road and utility easements shall not be counted as open space.
   F. The property owner shall either grant in perpetuity an irrevocable conservation easement or file with the Flathead County Clerk and Recorder a deed restriction running with the land, which shall dedicate the land as permanent open space and require that it shall not be further divided.
   G. The preferred use of the required open space is agriculture or silviculture. Any open space 20 acres or larger in size is eligible for a single residential building site of no larger than 2 acres in size, but residential development is not permitted on smaller open space tracts. The open space and associated building site can be sold as a single tract of land but is not eligible for further subdivision.

2. 10-acre cluster provision: Maximum residential density in a cluster development shall be one dwelling per 10 acres, if the following criterion is met:

   A. A minimum of 50% of the eligible property shall be dedicated as permanent open space on the subdivision plat.

3. 5-acre cluster provision: Maximum residential density in a cluster development shall be one dwelling per 5 acres, if the following criteria are met:

   A. Individual lot sizes shall not exceed 1 net acre.
   B. A minimum of 76% of the eligible property shall be dedicated as permanent open space on the subdivision plat.

## SECTION 3.36 HD HUBBART DAM AREA

3.36.010 Definition:

A district to protect and preserve the remote rural character of the Hubbart Dam Area, as well as to retain the quality of life and recreational experience it provides to residents and visitors.

3.36.020 Permitted Primary Uses

1. Class A or B manufactured home
2. Agricultural/horticultural/silvicultural uses
3. Dwelling, single-family
4. Seasonal dwelling

3.36.030 Permitted Accessory Uses

1. Agricultural structures.
2. Home occupation.
3. Accessory structures, such as private garages, sheds, outbuildings, greenhouses, saunas, swimming pools, fences (including barbed wire and electric), etc.
4. Cellular tower.*

* Administrative Conditional Use Permit (See Section 2.06.045).

3.36.040 Density

No more than one dwelling is allowed per 20 acres of land. Variances shall not circumvent the intent of this rule.

3.36.050 Setbacks

1. The following minimum setbacks are required from any new buildings, structures, trailers or campers:

| | |
|---|---|
| County road: | 100 feet. |
| Access road: | 100 feet. |
| Property boundary: | 100 feet. |

2. A 20-foot minimum setback is required from streams, rivers, and unprotected lakes, which do not serve as property boundaries.

3.36.060 Grandfathering

For the purpose of this zoning classification, building additions to non-conforming dwellings are permitted. Furthermore, non-conforming structures that were placed in violation of sanitation regulations shall not be replaced.

3.36.070 Definitions

Seasonal dwelling – For the purpose of this zoning classification, a dwelling of any size or construction, including campers and recreational vehicles, which is not occupied year-round and is not rented or leased.

Access road – For the purpose of this zoning classification, a road or trail right-of-way that is used by more than one landowner to access their properties.

## SECTION 3.37 RL ROGERS LAKE

3.37.010 Definition:

This development code is designed to implement the Rogers Lake Neighborhood Plan by protecting the quality, character and openness of Rogers Lake and the surrounding neighborhood and by providing guidance for future development.

3.37.020 Permitted Primary Uses

1. Agriculture/silviculture as provided for in M.C.A. 76-2-209
2. Class A and B manufactured home
3. Single-family residence
4. Temporary recreational vehicle or camping

3.37.030 Permitted Accessory Uses

Any of the following uses may be permitted on a tract of record in association with a principal use on the tract or group of contiguous tracts under a single ownership:

1. Agriculture/silviculture as provided for in M.C.A. 76-2-209
2. Guest house or caretaker's facility
3. Home occupation
4. Private garages, sheds, greenhouses, swimming pools and tennis courts, etc.
5. Public utility service installation
6. Temporary recreational vehicle or camping

3.37.040 Conditional Uses

1. Bed and Breakfast maximum of four (4) rooms for rent
2. Cellular tower.*
3. Homeowners park
4. Publicly owned park and recreational facility
5. Small guest ranch

*Administrative Conditional Use Permit (See Section 2.06.045)

3.37.050 Bulk and Dimensional Requirements

1. Minimum Lot Size: 1 acre

2. Maximum Density:

   a. Lakefront lots: 1 lot/residence per 5 acres.

   b. View lots: 1 lot/residence per 10 acres.
   1 lot/residence per 20 acres in Section 31, T27N, R23W

3. Average Lakeshore Frontage: Lakefront lots shall have an average lake frontage of 200 feet per lot as measured at the average high water line.

4. Minimum Lakeshore Frontage: Lakefront lots shall have a minimum lake frontage of 100 feet measured at the average high water line.

5. Maximum Height: 35 feet (Agricultural buildings exempt)

6. Setback Requirements:

| | |
|---|---|
| Front: | 20 feet. |
| Side: | 10 feet. |
| Side Corner: | 20 feet. |
| Rear: | 20 feet. |
| Lake: | 50-foot setback landward of the average high water line. |
| Stream: | 50-foot setback measured landward of the average high water line for all structures. Other activities shall comply with Montana Streamside Management Zone Requirements. |

7. A reasonable variance shall be granted to allow construction or replacement of a structure on a lot that existed at the time this development code was adopted which cannot meet the setbacks. When an existing structure is rebuilt or replaced, the new structure shall be constructed no closer than the existing structure to the lake or other property lines.

3.37.060 Open Space Requirements for Lakefront Lot Development

1. Whenever a developer proposes new lakefront lots, at least 50% of a project development site shall be maintained in permanent open space. The amount of lake frontage that shall be incorporated into the open space design and layout shall be determined using Table 1.

   This open space shall be held in common ownership by the homeowners association. The placement of the open space buffer is intended to provide a natural undeveloped shoreline and further good site design. Where possible such buffers shall be located in combination with an adjoining buffer for the purpose of creating substantial natural areas.

Table 1. Open Lake Frontage to be Incorporated into Open Space Design and Layout.

| Lake Frontage of Lot | Amount of Permanent Open Space Lake Frontage |
|---|---|
| | Per Lot with the Lake Frontage Indicated |
| 200 feet or more | 0 feet |
| 180 feet – 199 feet | 10 feet |
| 160 feet – 179 feet | 30 feet |
| 140 feet – 159 feet | 40 feet |
| 100 feet – 139 feet | 50 feet |

3.37.070 Homeowners Park Design Standards

1. Homeowners parks shall be designed and developed to serve only those properties within an adjoining development. They shall not serve properties outside of the Rogers Lake Neighborhood.

2. Activities shall be limited to day-use-only in nature and be single-family residential in scale and intensity. Commercial use and use by clubs or other

private or semi-private organizations other than the specific residential homeowners association is prohibited.

3. Rest room facilities approved by the Flathead City-County Health Department are required to serve each homeowners park.

4. A common dock is permitted.

5. All types of boat storage including shore stations, boat houses and the open parking of boats overnight either at a dock or on land is prohibited.

6. Homeowners parks with lake frontage shall be sized as follows:

   a. Minimum depth: 175 feet or equal with the adjacent side lot lines, whichever is greater, but not to exceed 350 feet.
   b. Minimum amount of lake frontage: 250 feet or 25 feet for every housing unit in the subdivision accessing the park, whichever is greater.

7. All development in the lake, on the lakeshore or 20 feet landward of the average high water line of Rogers Lake shall comply with the Flathead County Lakeshore Protection Regulations.

3.37.080 Mandatory Review of Plan and Regulations

1. These regulations shall be reviewed for effectiveness and appropriateness on a regular basis.

2. A review committee consisting of the Rogers Lake Land Use Advisory Committee, as provided for in the Rogers Lake Neighborhood Plan, shall convene, at a minimum, within one year, three years and five years from the date of adoption of these regulations by the County Commissioners.

3. The committee shall review the regulations and neighborhood plan in light of development activity that has occurred and forward a report to the Flathead County Planning Board and County Commissioners recommending changes as deemed appropriate to:

   a. ensure the smooth administration of the plan and regulations;
   b. ensure that the regulations are meeting the desired goals of the plan; and
   c. address any unforeseen issues or circumstances not originally or adequately addressed by the plan and regulations.

4. The special annual and biennial reviews shall not preclude the convening of a special review where need warrants or for action on a specific amendment during the interim periods.

3.37.090 Relationship of These Regulations to Other Regulations in the County

The Rogers Lake Development Standards are intended to be adopted as a zoning district, either by reference, or by direct insert, into the Flathead County Zoning Regulations. As such, the existing administrative structure, Flathead County Planning

Board, Flathead County Board of Adjustment and Board of County Commissioners shall have established responsibilities for ensuring the proper administration of these regulations.

## SECTION 3.38 AL ASHLEY LAKE

3.38.010 Definition:

This development code is designed to implement the Ashley Lake Neighborhood Plan by protecting the quality, character and openness of Ashley Lake and the surrounding neighborhood and by providing guidance for future development.

3.38.020 Permitted Uses

1. Agriculture/silviculture
2. Manufactured homes Class A and B
3. Dwelling, single-family
4. Home occupation.
5. Public service utility installations

3.38.030 Conditional Uses

1. Bed and Breakfast (Maximum 4 bedrooms for rent)
2. Cellular tower.*
3. Cluster housing.
4. Dwelling, multi-family.
5. Guest house or caretaker's facility.
6. Home-based business.
7. Homeowners park.
8. Publicly owned parks and recreational facilities.
9. Recreational vehicles*

* Administrative Conditional Use Permit (See Section 2.06.045)

3.38.040 PUD Uses

1. Commercial lodge, similar resort recreational accommodations and related recreational amenities.
2. Campground.
3. Free standing commercial marina.
4. Restaurant.

3.38.050 Bulk and Dimensional Requirements

1. Minimum Lot Size: 1/2 acre

2. Maximum Density:
   a. Lakefront property: 1 lot/residence per 5 acres.
   b. Lake View property: 1 lot/residence per 10 acres.

3. Average Lakeshore Frontage: Lakefront lots shall have an average lake frontage of 150 feet per dwelling unit as measured at the average high water line.

4. Minimum Lakeshore Frontage: Lakefront lots shall have a minimum lake frontage of 100 feet measured along the average high water line.

5. Maximum Height: 35 feet

6. Minimum Setback Requirements

The following setbacks shall apply on all properties in the Ashley Lake Planning Area:

a. Property lines: 10-foot setbacks from all property lines, in addition;
b. Lake/Stream: 20-foot setback for all structures landward of the average high water line

3.38.060 Exceptions to Setbacks, Lake Frontage and Density Standards for Existing Lots

1. Setbacks:

a. When a structure which 1) existed at the time of adoption of these regulations and 2) exceeded one or more setbacks, is replaced, the new structure may be constructed within the same setback areas. It shall not be allowed to be placed closer than the existing structure was to the lake or other property line setbacks that it exceeded.
b. When a structure that existed at the time of adoption of these regulations is expanded or modified, no variance is needed if the expansion does not reduce the setback further than exists.

2. Lake frontage and density standards:

a. A lot or tract of land existing at the time of adoption of these regulations which contains either inadequate land area or lake frontage to allow the creation of one additional lot or tract may be subdivided to allow the creation of one additional lot or tract if either or both the land area or lake frontage of the proposed lot/tract are within 75% of the required density or lake frontage.
b. Where existing lots/tracts contain less than 75% of the required minimum lot area or lake frontage, this would not preclude the owner from applying for a variance to these standards through the Flathead County Board of Adjustment. Factors supporting the granting of the variance would include presence of suitable access and building site and compatibility with adjoining land use and development practices.

3.38.065 Recreational Vehicles

The placement of recreational vehicle(s) on a parcel of land, which may or may not contain a residence, for private use of the owner or guest and not as a permanent residence shall be regulated as follows:

1. An owner of undeveloped property that intends to place their recreational vehicle on the undeveloped property is required to apply for an Administrative Conditional Use Permit as soon as the recreational vehicle is placed upon the property.

2. Owners of undeveloped property are given a 30-day grace period during which the recreational vehicle may be placed and utilized on the property while the Administrative Conditional Use Permit application is being processed.

3. All recreational vehicles shall be located in accordance with the minimum setback standards of the District regulations. Front, 10 feet; Side, 10 feet each; Side Corner, 10 feet; and Rear, 10 feet. (A 20-foot setback is required from the lake or stream)

4. There shall not be more than two (2) recreational vehicles on any developed tract, except as provided by numbers 7 and 8 below.

5. The permit requirements do not apply to developed properties.

6. Use of a recreational vehicle on an undeveloped property shall be subject to the following limitations and permit requirements:

   a. Must have "adequate facilities" for the treatment of wastewater as defined in the Flathead County Regulations for sewage treatment.
   b. Administrative Conditional Use Permit shall be applied for within 30 days of the placement of the recreational vehicle on the undeveloped property.
   c. There may be a maximum of two (2) recreational vehicles on an undeveloped tract. THE PROVISIONS OF NUMBERS 7 AND 8 BELOW DO NOT APPLY TO UNDEVELOPED TRACTS.

7. It is the intent of these regulations to allow for family gatherings for special events and holidays on an infrequent basis. These regulations should not be construed as to allow for the creation of a recreational vehicle park de facto or otherwise.

8. These regulations shall not be construed as to limit, regulate or prevent the owner of property from storing their recreational vehicle on their developed property within the district, but rather to regulate the use/occupancy of recreational vehicles within the District.

3.38.070 Special Open Space Development Standards

a. When new lots are created and the owner proposes to utilize lots less than the maximum density required for lakefront or view lots with the resulting land to be maintained in common open space, this open space shall be maintained within the overall bounds of the single contiguous ownership proposed to be developed. The open space must exhibit a beneficial relationship to the lots to be created and it must further the overall concepts of good design. In particular, the open space shall be contiguous and shall be used to provide a buffer between lakefront lots and view lots when both are proposed within a development so as to both discourage and mitigate the practice of shifting view lot densities into the immediate vicinity of the lakeshore. When an owner proposes to develop property in a phased program, the overall open space plan shall be submitted with the first application.
b. The overall open space may be held in common ownership by the homeowners association or it may be maintained or sold by the original owner. In either

case the designated open space tract shall carry with it a deed restriction limiting its future use to open space activities/uses.

c. The open space areas may be utilized for agriculture, timber management, homeowner recreation, natural areas, etc. The areas may contain accessory buildings necessary to carry these things out such as agricultural buildings, homeowner association community buildings, parking areas, gazebos, tennis courts, well houses, etc.

3.38.080 Homeowners Park Design Standards

1. Homeowners parks shall be designed and developed to serve only those properties within the adjoining residential subdivision. They shall not serve properties outside of the Ashley Lake Neighborhood.

2. Activities shall be limited to day-use-only in nature and be single-family residential in scale and intensity. Commercial use and use by clubs or other private or semi-private organizations other than the specific residential homeowners association is prohibited.

3. Restroom facilities as recommended and approved by the Flathead City-County Health Department are required to serve each homeowners park.

4. Homeowners parks with lake frontage shall be sized as follows:

   Minimum lake frontage: 150 feet for the first lot/residential housing unit and 25 feet for each additional lot/residential housing unit in the subdivision accessing the park.

5. All development in the lake, on the lakeshore or 20 feet landward of the average high water line of Ashley Lake shall comply with the Flathead County Lake and Lakeshore Protection Regulations.

3.38.090 Cluster Housing Provisions

1. Single, duplex, triplex and larger units allowed

2. Density shall not exceed that which is allowed in the underlying zone.

3. All setbacks as provided for in these regulations shall be adhered to.

4. Lakeshore frontage per development, as specified in Section D(3) above, shall be maintained at an average of 150 feet per primary dwelling unit.

3.38.100 Campground Standards

Where a campground proposes direct lake access, the minimum amount of lake frontage that the campground must have shall be 250 feet or 25 feet for each campsite in the entire campground, whichever is greater. Note: A campground with the minimum 250 feet of lake frontage would accommodate a maximum of 10 campsites.

3.38.110 Special PUD Provisions for Commercial Lodge and Related Recreational Amenities

1. No single lodge development shall exceed a maximum of 50 sleeping rooms offered for overnight accommodations.

2. The minimum land area for a lodge shall be based on a ratio of 5 acres for every room offering overnight accommodations in the lodge. This land area may be incorporated into the overall site design or may be provided elsewhere in the District. If some or all of the land area set aside is not adjacent to the proposed lodge and accessory uses and is to be provided for elsewhere in the District, such land must be subject to review and approval and the setting aside of such lands in permanent open space must achieve significant goals of the plan.

3. Lodges developed on lakefront lots shall be required to have 25 feet of lakeshore frontage for every room offering overnight accommodations.

4. Lodges may provide eating facilities as well as related recreational amenities such as trail rides, dock facilities, etc., as long as all uses are developed as an integrated project.

3.38.120 Ashley Lake Land Use Advisory Committee

There is hereby created the Ashley Lake Land Use Advisory Committee. This shall be a citizen's advisory committee formed to serve as the neighborhood voice for all issues affected by the Ashley Lake Neighborhood Plan or these Ashley Lake Land Development Regulations. The Committee shall contain seven (7) individuals representing the varied interests of the Neighborhood. Specifically, the Committee shall be composed of 1 representative from the timber/agricultural owners, 4 members from lake front properties, and 2 members from lake view properties. Initially, members of the Committee shall be appointed by the County Commissioners, and by-laws shall be prepared by the Committee and adopted by the Commissioners to govern the Committee. The Committee shall be advisory to the Flathead County Planning Board, Flathead County Board of Adjustment and the County Commissioners. The Committee shall review all applications for variances, conditional uses permits, PUDs and amendments to these regulations as well as major and minor subdivision applications.

3.38.130 Conditional Use Preview Process

1. A special expedited local review process is created for the processing of conditional uses as listed in Section 3.38.030 above because of their minor impacts to the surrounding neighborhood.

2. A Conditional Use Permit application and filing fee (available at the Flathead County Planning & Zoning Office) shall be submitted to the Flathead County Planning & Zoning Office as provided for in Section 2.4 of the Flathead County Zoning Ordinance. Flathead County Planning & Zoning Office shall forward the application to all members of the Ashley Lake Land Use Advisory Committee and to all adjoining property owners within 150 feet of the site. The Committee shall hold a public hearing concerning the request using the same notification procedures of the Board of Adjustment as provided for in Section 2.4, Flathead County Zoning Ordinance.

3. The Committee shall approve or deny an application based on the criteria enumerated in Section 2.06.080 of the Flathead County Zoning Ordinance.

Criteria include site suitability, appropriateness of design, availability of public services and immediate neighborhood impact.

4. The Committee's action is final. However, any party aggrieved by the decision of the Committee may, within 30 days of the Committee's decision, appeal the action to the Flathead County Board of Adjustment who will hear the issue and make a decision concerning the appeal.

3.38.140 Variance Review Process

Where the application of these regulations creates an undue hardship, a variance to these regulations may be applied for as provided for in Section 2.05 of the Flathead County Zoning Ordinance. Prior to action on the variance request by the Flathead County Board of Adjustment, the request shall be submitted to the Ashley Lake Land Use Advisory Committee for review and comment. The Committee shall hold a public meeting on the issue and make a recommendation based on findings as provided for in Section 2.05.030 of the Flathead County Zoning Ordinance. Said findings include among other things that reasonable use of the property is limited without the variance, the hardship is caused by lot size, shape, topography, etc. which the owner has no control over, the hardship was not self created, it is not an economic hardship, it will not adversely affect neighboring properties and will not confer a special privilege to the owner if granted.

3.38.150 Mandatory Review of Plan and Regulations

1. These regulations shall be reviewed for effectiveness and appropriateness on a regular basis.

2. A review committee consisting of the Ashley Lake Land Use Advisory Committee, as provided for in the Ashley Lake Neighborhood Plan, shall convene, at a minimum, within one year, three years and five years from the date of adoption of these regulations by the County Commissioners.

3. The committee shall review the regulations and neighborhood plan in light of development activity that has occurred to date and forward a report to the Flathead County Planning Board and County Commissioners recommending changes as deemed appropriate to:

   a. ensure the smooth administration of the plan and regulations;
   b. ensure that the regulations are meeting the desired goals of the plan; and,
   c. address any unforeseen issues or circumstances not originally or adequately addressed by the existing plan and regulations.

4. The special annual and biennial reviews shall not preclude the convening of a special review where need warrants or for action on a specific amendment during the interim periods.

3.38.160 Relationship of These Regulations to other Regulations in the County

The Ashley Lake Development Standards are intended to be adopted as a zoning district, either by reference, or by direct insert, into the Flathead County Zoning

Regulations. As such, the existing administrative structure, the Flathead County Planning Board, Flathead County Board of Adjustment and Board of County Commissioners shall have established responsibilities for ensuring the proper administration of these regulations.

3.38.170 Definitions Particular to this District

1. **DEVELOPED PROPERTY:** Any lot, tract, parcel or other ownership that has a domestic water supply, sewage disposal system and a manufactured or site built home located in accordance with these regulations and the applicable rules of the Flathead City-County Health Department and the Montana Department of Environmental Quality. For the purposes of these regulations, recreational vehicles do not qualify as manufactured homes and shall not be used as permanent residences.

2. **HOME-BASED BUSINESS:** A home occupation that proposes any of the following: employs more than one non-resident employee; uses outbuildings (detached garage, shed, barn, shop, etc.) for principal business activity; or, in the case of a home-based service business, the business sells products that are directly related to the service provided (for example, a small engine repair business that sells spark plugs, filters, oil or other parts associated with a repair). (See Home Occupation definition below.)

3. **HOME OCCUPATION:** Any business conducted entirely within a dwelling and carried on by the members of the family and up to one non-resident employee, which is clearly incidental and secondary to the dwelling for dwelling purposes, does not utilize unscreened outdoor storage and does not change the character of the dwelling or neighborhood.

4. **HOMEOWNERS PARK:** A park which has been dedicated as part of a subdivision for the exclusive use by the property owners within that subdivision, and is maintained through private funds provided from annual fees paid to the homeowners association. (See Section 3.38.080 above).

5. **LAKEFRONT PROPERTY:** Land which has deeded direct access to the lakeshore.

6. **LAKE VIEW PROPERTY:** Land which lies near or within the general vicinity of a lake but which does not have deeded direct access to the lakeshore. Lake View Property may have access to the lakeshore via an approved homeowners park.

7. **OPEN SPACE:** A contiguous portion of land in a development set aside to remain open in character while building density is shifted to another part of the development site, typically through a residential cluster or planned unit development process. Permitted primary uses, which are considered to be open in character, are limited to agricultural/horticultural/silvicultural uses, recreational space, a single-family dwelling on open space area 20 acres or larger, with density limitations and utilities. Accessory uses to these primary uses are also permitted. Examples of permitted structures or uses include barns, corrals, stables, mint stills, granaries, hay sheds, farm or logging machinery

storage buildings, golf courses, playgrounds, swimming pools, and courtyards. Open space calculation shall exclude road easements and road rights-of-way.

8. **RECREATIONAL VEHICLE:** Travel trailer or camping trailer designed to be towed, motorized homes, pickup campers, or coaches, designed and constructed for human habitation, which can be operated independently of utility connections and designed to be used principally as a temporary dwelling for travel, recreation and vacation.

## SECTION 3.39 LL LABRANT/LINDSEY LANE

3.39.010 Definition:

This development code is designed to implement the LaBrant/Lindsey Lane Neighborhood Plan by protecting the water quality, rural character and openness of the neighborhood and by providing guidance for future development.

3.39.020 Permitted Uses

1. Agriculture/silviculture.
2. Dwelling, single-family.
3. Guest house, caretakers facility, or family hardship dwelling (only one per lot/tract in addition to the primary dwelling).
4. Home occupation.
5. Manufactured home (Class A, B, or C).
6. Public service utility installations.
7. Temporary building or structure.
8. Temporary recreational vehicle or camping (private use).

3.39.030 Conditional Uses

1. Bed and Breakfast (Maximum 4 bedrooms for rent).
2. Cellular tower.*
3. Extractive industry (including gravel).
4. Home-based business.
5. Contractor's storage yard.

* Administrative Conditional Use Permit (See Section 2.06.045)

3.39.040 Lot Size and Dimensional Requirements

1. All legal lots existing at the time of adoption of these regulations are grandfathered regardless of size or configuration.

2. Any new lot created must comply with one of the following:

   a. One lot per 20 acres

      1) The smallest lot created can be one acre.
      2) The average of all lots created must be one per 20 acres.

   b. One lot per 10 acres

      1) The smallest lot created can be one acre.
      2) The average of all lots created must be one per 10 acres.
      3) The applicant must have at least 20 acres of land to start with.
      4) 75% of the development site must be left in contiguous open space (7.5 acres per every 10 acres developed).
      5) 25% of the development site can be developed into building lots (2.5 acres for every 10 acres owned).

6) An original home site is allowed on the open space tract as part of the overall density.

3. Minimum setbacks for structures:

a. 20 feet from any public or private road right-of-way.
b. Lake/perennial stream: 50-foot setback for primary structures, measured landward of the average high-water line.

Note: These regulations set a standard of one lot per every 20 acres owned in order to maintain the rural character. They do not require minimum 20-acre lots, instead they allow flexibility in lot size. For example, 60 acres may be divided into a maximum of 3 lots (at a 1 per 20 acre ratio). The three lots could vary in size based on terrain, suitable building site, and amount of land desired as long as each is over 1 acre in size.

One option is offered if owners wish to develop at a greater density of one lot per 10 acres and still maintain the rural privacy, lifestyle and wildlife characteristics of the area. In this case, the greater density (more lots) is intended to be offset by the owner setting aside 75% of the total development into open space as described in Section 3.39.050 below. Using the same example, if an owner had 60 acres of land, he could create up to 6 lots (one lot per every 10 acres owned). The 6 lots would have to be clustered on a maximum of 25% of the site (in this example, 15 acres) and the remaining 75% of the site (45 acres in this example) would remain in open space. This option would also allow an original home site to be maintained on the open space tract in which case the remaining 5 lots allowed would be clustered elsewhere on the site.

3.39.050 Exceptions to Minimum Density and Setbacks

1. A lot or tract of land existing at the time of adoption of these regulations which contains inadequate land area to allow the creation of one additional lot or tract may be subdivided to allow the creation of one additional lot or tract if the land area of the proposed lot/tract is within 75% of the required density. (Intended to handle hardships where property owners don't have enough land to create a second tract. Example – in the 10-acre density classification, someone with 17.5 acres could create two tracts even though they don't have a full 20 acres).

2. When a structure which 1) existed at the time of adoption of these regulations and 2) exceeded one or more setbacks, is replaced, the new structure shall be constructed no closer than the existing structure to the lake, perennial stream or other property lines.

3. When a structure that existed at the time of adoption of these regulations is expended or modified, no variance is needed if the expansion does not reduce the setback further than exists.

3.39.060 Special Open Space Development Standards.

1. When new lots are created and the owner proposes to utilize option b (10 acre density) as provided for in Section 3.39.040(2) above, the resulting land to be maintained in common open space shall be maintained within the overall bounds of the single contiguous ownership proposed to be developed. The open space must exhibit a beneficial relationship to the lots to be created and further the overall concepts of good design. When an owner proposes to develop

property in a phased program, the overall open space plan shall be submitted with the first application.

2. The overall open space may either be held in common ownership by a homeowners association as is typical in the case of a subdivision or it may be maintained or sold by the original owner. In either case, the designated open space tract shall carry with it a deed restriction limiting its future use to open space activities/uses as listed below.

3. The open space areas may be utilized for agriculture, timber management, homeowner recreation, natural areas, etc. The areas may contain accessory buildings necessary to carry these things out such as agricultural buildings, homeowner association community buildings, parking areas, gazebo, tennis courts, well houses, etc. In addition, one residence is allowed for each open space tract within the overall density limitations of the ownership.

3.39.070 LaBrant/Lindsey Lane Land Use Advisory Committee

There is hereby created the LaBrant/Lindsey Lane Land Use Advisory Committee, a citizen's advisory committee formed to serve as the neighborhood voice for all issues affected by the LaBrant/Lindsey Lane Neighborhood Plan or these Land Development Regulations. The Committee shall contain five (5) individuals representing the varied interests of the Neighborhood including timber interests, large and small tract owners, lake interests and DNRC public lands as follows: two large lot owners who own over 20 acres of land, two small lot owners who own 20 acres or less and a fifth member at large. The Committee shall be appointed by the County Commissioners. By-laws shall be prepared by the Committee and adopted by the Commissioners to govern the Committee. The Committee shall be advisory to the Flathead County Planning Board, Flathead County Board of Adjustment and the County Commissioners. The Committee shall review all applications for variances, conditional uses permits, and amendments to these regulations as well as major and minor subdivision applications.

3.39.080 Conditional Use Review Process

A conditional use is a use which may be allowed in an area but which because of size, technological processes or equipment used, or because of the exact location with reference to surroundings, streets, and existing improvements or demands upon public facilities, requires a special degree of control to make such uses consistent with and compatible to other existing or permitted uses in the area. A Conditional Use Permit application (available at the Flathead County Planning & Zoning Office) and filing fee shall be submitted to the Flathead County Planning & Zoning Office as provided for in Section 2.06 of the Flathead County Zoning Ordinance. The Flathead County Planning & Zoning Office shall forward the application to all members of the LaBrant/Lindsey Lake Land Use Advisory Committee and to all adjoining property owners within 150 feet of the site. The Committee shall hold a public meeting and shall recommend to approve with conditions or deny an application based on the criteria enumerated in Section 2.06.080 of the Flathead County Zoning Ordinance. Criteria include site suitability, appropriateness of design, availability of public services and immediate neighborhood impacts. The application is then forwarded to the Flathead County Board of Adjustment who will hear the issue and make a final decision concerning the request.

3.39.100 Variance Review Process

Where these regulations create an undue hardship, a variance to these regulations may be applied for as provided in Section 2.05, Flathead County Zoning Ordinance. Prior to action on the variance request by the Flathead County Board of Adjustment, the Flathead County Planning & Zoning Office shall forward the request to all members of the LaBrant-Lindsey Lane Land Use Advisory Committee and to all adjoining property owners within 150 feet of the site. The Committee shall hold a public meeting and make a recommendation based on findings as provided for in Section 2.05.030 of the County Zoning Ordinance. Said findings include, among other things, that reasonable use of the property is limited without the variance, the hardship is caused by lot size, shape or topography which the owner has no control over, the hardship is not self created, is not merely economic, it will not adversely affect neighboring properties and it will not confer a special privilege to the owner if granted.

3.39.110 Relationship of These Regulations to Other County Regulations

1. The LaBrant-Lindsey Lane Development Standards are intended to be adopted as a zoning district, either by reference, or by direct insert, into the Flathead County Zoning Regulations. As such, the existing administrative structure, the Flathead County Planning Board, Flathead County Board of Adjustment and Board of County Commissioners shall have established responsibilities for ensuring the proper administration of these regulations.

2. The LaBrant-Lindsey Lane Development Code is based on the LaBrant-Lindsey Lane Neighborhood Plan, which has been adopted as an addendum to the Flathead County Growth Policy. The Neighborhood Plan and Development Code provide the more specific detail and guidance for the Neighborhood in land use issues.

3.39.120 Definitions

1. **GUEST HOUSE**: A detached structure being accessory to a single-family dwelling and limited to a maximum of two bedrooms.

2. **HOME-BASED BUSINESS**: A home occupation that proposes any of the following: a) employs more than one non-resident employee; b) that uses outbuildings (detached garage, shed, barn, shop, etc.) for principal business activity; c) or in the case of a home-based service business, where the business sells products that are directly related to the service provided (for example, a small engine repair business that sells spark plugs, filters, oil or other parts associated with a repair). (See Home Occupation definition below.)

3. **HOME OCCUPATION**: Any business conducted entirely within a dwelling and carried on by the members of the family and up to one non-resident employee, which is clearly incidental and secondary to the dwelling for dwelling purposes, does not utilize unscreened outdoor storage and does not change the character of the dwelling or neighborhood.

4. **MANUFACTURED HOME**: Housing built on a chassis designed and constructed for transportation to a site for installation and use when connected to required utilities. Also referred to as “mobile home” or “modular home”.

5. **OPEN SPACE**: A portion of a development set aside to remain open in character while building density is shifted to another part of the development site, typically through a residential cluster or planned unit development process. Permitted primary uses, which are considered to be open in character, are limited to agricultural/horticultural/silvicultural uses, recreational space, a single-family dwelling on open space area, with density limitations and utilities. Accessory uses to these primary uses are also permitted. Examples of permitted structures or uses include barns, corrals, stables, mint stills, granaries, hay sheds, farm or logging machinery storage buildings, golf courses, playgrounds, swimming pools, and courtyards. Open space calculation shall exclude road easements and road rights-of-way.

6. **TEMPORARY RECREATIONAL VEHICLE AND CAMPING (PRIVATE USE)**: The occasional placement of a single recreational vehicle on a parcel of land which may or may not contain an existing residence, for the private use of the owner, guest or visitor for infrequent use and not as a permanent residence.

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

* Administrative Conditional Use Permit (See Section 2.06.045)

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 mechanism to insure compliance with the rental cabin density in the event of subdivision of the parent tract.

4. RESIDENTIAL BUSINESS: Any use conducted entirely within the dwelling, accessory buildings or outbuildings and carried on by a landowner, members of the landowner's immediate family and up to five non-family employees.

5. RESIDENTIAL BUSINESS WITH MORE THAN FIVE EMPLOYEES: A Residential Business that employs more than five non-family members for its operation.

## SECTION 3.41 AO AIRPORT OVERLAY

### 3.41.010 Purpose and Intent

The purpose of an Airport Overlay District is to promote and maintain land use compatibility in areas influenced by airport operations. These provisions are meant to minimize conflict between airport operations and surrounding land uses. Compatible uses should be encouraged and non-compatible uses restricted. The intent is to promote public health, safety and welfare by minimizing exposure to hazards, disruptive levels of noise, aircraft over flight or other potential impacts that may arise from airport operations.

### 3.41.020 Determination of Compatible Uses

Uses should be allowed with consideration of the intent and purpose of these provisions, the sensitivity of the proposed development to noise and other impacts, and the density of development. Strict scrutiny should be made of proposed residential development or development that will tend to congregate members of the public.

Each proposed use or change in use within an airport influence area shall be reviewed by the airport board and airport manager, or some similar authority with control over airport operations. The airport authority shall make a determination regarding compatibility and provide the county written comment and recommendations. Permits shall be issued by the County only after receiving and considering the written comments of the appropriate airport authorities. (Recommendations of the airport authority shall become conditions of permit approval, land use and development shall be implemented by the applicant, property owner and developer.)

### 3.41.030 Uses

Any proposed use or change in use of any land or structure and any proposed construction, siting, remodeling, replacement, conversion or alteration of a structure or construct within an airport influence area must comply with these provisions.

Land use proposals should be made and reviewed with due consideration of the land's location in relationship to the boundaries of all airport influence areas and the proposal's relationship to airport operations.

No use shall be made of any land within any airport influence area which may create electrical interference with radio communication between the airport and aircraft; make it difficult for pilots to distinguish between airport lights and other lights; cause glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport; or otherwise endanger the landing, taking off, or maneuvering of aircraft at the airport or in the vicinity of the airport.

Nothing in this section shall be construed to require the removal or alteration of any existing use, structure or object of natural growth, which is rendered nonconforming by the requirements of this section. Nonconforming uses or structures may be continued and maintained exactly as they existed as of the date these provisions were first adopted. Objects of natural growth shall not be allowed to grow in such a manner as to increase the degree of nonconformity. A nonconforming use or structure may only be altered or changed to bring them into conformance with these provisions. If any

nonconforming use or structure is destroyed or damaged to the extent of at least 50% of its appraised (fair market) value, then it shall be abandoned and any reuse, reconstruction or replacement shall be deemed a new use and shall conform to the provisions of this section.

Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was permitted by the County, actually begun and diligently pursued, prior to the effective date of this section. Upon completion such a structure and its use shall be subject to the provisions herein concerning nonconforming uses and structures.

The owner of any nonconforming structure or object of natural growth shall permit the installation, operation and maintenance thereon of such markers and lights as the airport authorities deem necessary to alert the operators of aircraft in the vicinity of the airport of the presence of such nonconforming structures or objects of natural growth. Such markers and lights shall be installed, operated, and maintained at the expense of the airport owners and operators.

3.41.040 Special Limitations Within the Airport Influence Area District

Height Limitations. Height limitations established in these provisions are in addition to any limitation of the underlying zoning district within which the property is located and to any recommendations of the airport authorities, the Federal Aviation Administration (FAA), or other appropriate referral agencies. No structure or object of natural growth shall be constructed, erected, altered, allowed to grow, or be maintained in excess of height limits herein established.

Submission to the Federal Aviation Administration of an FAA "Notice of Proposed Construction and Alteration" (FAA Form 7460-1), and subsequent written approval from the FAA shall be required before the issuance of a permit for and before the construction or alteration of any structure penetrating a 100:1 foot plane located within twenty thousand (20,000) feet of any runway.

3.41.050 Federal Aviation Regulation Part 77 (FAR Part 77) Imaginary Surface Limitations

Imaginary surface limitations as prescribed by FAR Part 77, within an airport influence area, include all land and air space which may pose or contain a hazard to aircraft. Limitations concern areas or zones above real or imaginary surfaces and are intended to regulate the height of structures, trees and other possible obstructions to safe aircraft operation in the vicinity of an airport. Such surfaces, areas or zones are more particularly described by the Federal Aviation Administration in FAR Part 77 (copies available from the FAA or airport authority) but they can be summarily categorized and labeled as follows:

1. Runway Protection Zone: A runway protection zone (RPZ) is trapezoidal in shape and centered about the extended runway centerline. The RPZ is the land at ground level that begins 200 feet beyond the end of each runway.

2. Object Free Area: The object free area (OFA) is a two dimensional ground area surrounding runways, taxiways and taxi lanes which is clear of all objects except those whose location is fixed by function and exempted by the FAA.

3. Runway Safety Area: A defined surface area surrounding the runway prepared or suitable for reducing the risk of damage to airplanes.
4. Primary Surface: A FAR Part 77 airport surface longitudinally centered on a runway. The primary surface extends 200 feet beyond the paved surface end.

5. Approach Surface: A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end. Refer to the particular ALP for the airport to determine the approach surfaces and slope for the runway.

6. Transitional Surfaces: The transitional surfaces are located on both sides of the approach and primary surfaces. These surfaces extend outward and upward at right angles to the runway centerline and extended runway centerline, at a slope of 7 feet horizontal for every 1 foot vertical rise from the sides of the primary and approach surfaces, until it reaches 150 feet above the highest point on any runway (airport elevation).

7. Horizontal and Conical Surfaces: These are the upper aeronautical surfaces surrounding an airport that are used by aircraft for turning and maneuvering in close proximity to the airport before landing and after takeoff.

3.41.060 Land Use Limitations. The following land use limitations shall apply within the specified areas:

1. Horizontal and Conical Surfaces Zone: Exposure to airport impacts, noise or hazards, especially those associated with overflights, is considered minimal, but increases nearer the end of a runway. The developer or seller of residential property shall make adequate provision for full public disclosure of current and future airport impact, noise and hazard potential. Nonresidential development of such a nature that the public tends to gather or congregate on the site, including by way of example such things as hospitals, schools, churches, recreation centers, community halls, amusement parks, shopping malls, retail sales centers or business parks shall be carefully scrutinized for compatibility with airport operations and denied if doubts or concerns regarding public health, safety or welfare cannot be resolved. Noise-sensitive development of any kind near runway approaches shall be actively discouraged and, in any event, permitted only when adequate noise attenuation measures are incorporated into facility design.

2. Approach Surface Zone: Exposure to airport impacts, noise or hazards, especially those associated with overflights, is considered moderate. Residential development and nonresidential development of such a nature that the public tends to gather or congregate on the site, including by way of example such things as hospitals, schools, churches, recreation centers, community halls, amusement parks, shopping malls, retail sales centers or business parks shall be prohibited in the approach surface zone. Uses shall only be approved when adequate noise attenuation measures are incorporated into facility design and adequate warning of potential hazards or impacts associated with airport operations are provided to members of the general public visiting the facility.

3. Runway Protection Zone: All land in this zone should be kept clear of any structures. Land use in this area shall be restricted to open space or agriculture.

3.41.070 Avigation Easement

An avigation easement is a non-possessory property interest in the airspace over a parcel of land. It is a legal document obtained by an airport authority to provide for such things as the right of overflight, right to remove obstructions, or the right to post, light or mark obstructions, but it does not necessarily prohibit the use or development of the land within the limits of the rights obtained. The Airport Board or other appropriate authority should strive to obtain avigation easements for all affected lands. Avigation easements may be required as a condition of development, or the issuance of a permit authorizing development, in an airport influence area.

3.41.080 Fair Disclosure Statements

Fair disclosure statements serve to notify prospective buyers or occupants of property near airports that they may be exposed to hazards, disruptive levels of noise, aircraft overflight, or other potential impacts associated with airport operations. These statements generally do not abrogate the right, if any, of an individual affected by such impacts to bring an action against the airport. At the least they are intended to provide fair warning of what impacts may be expected and in some jurisdictions may create an additional cause of action against a seller and/or their agent for failure to disclose. Conveyors of property interests within an area of airport influence, and their agents, are encouraged to provide fair disclosure statements concerning potential impacts associated with airport operations or aircraft overflight. Prospective purchasers are encouraged to request disclosure.

3.41.090 General Provisions

Jurisdiction: This section shall apply to all lands within or around an airport which may be impacted by aircraft or airport operations or any possible hazard or peril related to the operation and maintenance of aircraft and airport facilities.

Warning and Disclaimer of Liability: The degree of protection provided by this section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. This section does not imply that areas outside of an airport influence area zoning overlay are now or will remain free from hazards and impacts. Nor shall these provisions be construed as creating any liability on the part of, nor cause of action against, the County or any officer or employee thereof, for any damages that may result directly or indirectly from reliance on these provisions.

Boundaries and Maps: Airport owners or operators shall provide the County with an FAA approved Airport Layout Plan (ALP). The ALP, upon approval of the County Commission and filing with the County Clerk, defines an airport influence area zoning overlay and constitutes an official zoning map. An ALP shall depict all airport influence area boundaries including the dimensions and location in relation to the airport of all specially designated surfaces, areas or zones of special impact or concern as categorized above. As the boundaries depicted on an ALP are determined more as a matter of linear distance along horizontal, vertical and inclined arises from fixed points or constructs, and since such boundaries may relate to imaginary as well as real surfaces, they are not necessarily susceptible to precise description. If a question arises concerning the

location or relationship of a particular parcel of land, structure or object of natural growth with regards to an airport influence area, or a particular surface, area or zone within an influence area, the question shall be resolved in favor of applying these provisions and placing the parcel, structure or object within the airport influence area and within the more restrictive of any disputed surface, area or zone depicted on the ALP.

Conformance With Other Regulations: The provisions, limitations and requirements of an airport influence area zoning overlay shall be superimposed on designated lands near airports (as shown on an ALP). These provisions shall be applied in addition to any other land use, zoning, or subdivision regulations, and any other use of development codes, provisions or restrictions that may be applicable to any particular parcel of land. If there is a conflict between the provisions of this section and any other applicable regulatory provisions then the more restrictive provision shall apply.

## SECTION 3.42 LS LAKESIDE

3.42.010 Purpose

The purpose of this development code is to further the goals of the Lakeside Neighborhood Plan by providing for the orderly development of Lakeside and specifically by providing for a commercial center, encouraging residential development within existing neighborhoods by establishing height and setback standards that reflect the existing pattern of growth and by protecting existing uses within the community of Lakeside.

3.42.020 Uses Permitted Anywhere In District

1. Single-family dwelling
2. Class A manufactured home
3. Bed and Breakfast
4. Home occupation
5. Mobile home park (1 unit per 5,000 sq. ft.)
6. Day care home
7. Guest house
8. Parks and public recreational facility
9. Class I community residential facility**
10. School, public

**Requires issuance of an Administrative Conditional Use Permit

3.42.030 Uses Allowed For Property Abutting U.S. Highway 93 And Stoner Loop Between Bierney Creek Road and Ben Williams Lane

All uses in Section 3.42.020 above.

In addition, the following permitted uses:

1. Accessory apartment
2. Automobile service station
3. Car washing and waxing facility
4. Caretaker facility, apartment and detached residence
5. Church and other places of worship
6. Clinic, medical and dental
7. Drug store
8. Dwelling, duplex, multi family, resort and mixed-use building
9. Food store, super market, delicatessen
10. Financial institution
11. Health club
12. Laundromat
13. Library, museum, and art gallery
14. Lodge, fraternal and social organization provided that any such establishment shall not be conducted primarily for gain
15. Office, public and private
16. Park and publicly owned recreational facility
17. Public utility service installation (A minimum of five feet of landscaped area shall surround such building or structure)

18. Restaurant
19. Retail sales and service
20. Theater, indoor

Conditional Uses

1. Cellular tower*
2. Commercial recreation area
3. Community residential facility (nursing home)
4. Electrical distribution station
5. Hotel, motel
6. Lumberyard
7. Mini-storage, recreational vehicle storage
8. Quasi-public building, non-profit
9. Recreational vehicle park
10. Recycling drop-off station
11. School, Private
12. Tavern
13. Temporary building or structure

*Administrative Conditional Use Permit (See Section 2.06.045)

3.42.040 Uses Allowed For Property Within 500 Feet Of U.S. Highway 93 Between Bierney Creek Road and Ben Williams Lane But Not Abutting the Highway

1. All uses in Section 3.42.020 above
2. All permitted uses (1-20) in Section 3.42.030 by Administrative Conditional Use
3. All conditional uses (1-13) in Section 3.42.030 by Conditional Use Permit

3.42.050 Development Standards

1. Minimum lot size (for new lots):
   - A. Commercial: 10,000 sq. ft.
   - B. Single-family: 10,000 sq. ft.
   - C. Multi-family: Additional 5,000 sq. ft. per lot for each additional residential unit over one (duplex – 15,000, triplex – 20,000, etc.)

2. Setbacks: Setbacks are measured from the drip line of the roof.
   - A. Front: 20 feet
   - B. Side: 10 feet
   - C. Side Corner: 20 feet
   - D. Rear: 20 feet

3. Maximum Height: 35 feet

4. Signs:
   - A. Maximum Height 15 feet (Free Standing Pole or Ground Mounted)
   - B. Signs on buildings that extend above the roofline are prohibited.
   - C. Scenic Corridor Rule Applies to this District. (No Billboards)

D. Flashing, Blinking or Rotating signs and lights are prohibited.

5. Parking: Flathead County Zoning Regulations, Chapter 6.

6. Non-Conforming Uses (grandfather clause):

   Per Section 2.07 of the Flathead County Zoning Regulations.

7. Conditional Use Process:

   Per Section 2.06 of the Flathead County Zoning Regulations, except that the area of notification of adjacent property owners shall be increased to 300 feet of the site.

8. Administrative Conditional Use Permit

   Per Section 2.06.045 of the Flathead County Zoning Regulations, except that the area of notification of adjacent property owners shall be increased to 300 feet of the project site.

9. Variance Review Process:

   Per Section 2.05 of the Flathead County Zoning Regulations, except that the area of notification of adjacent property owners shall be increased to 300 feet of the project site.

10. PUD Applications.

    Per Section 3.31 of the Flathead County Zoning Regulations, except that the area of notification of adjacent property owners shall be increased to 300 feet of the project.

## SECTION 3.43 R-2.5 RURAL RESIDENTIAL

3.43.010 Definition.

A district intended for rural, primarily residential areas where larger, estate-type lot sizes are appropriate and agricultural/silvicultural/horticultural operations are a decreasingly viable land use. The use of this district is appropriate in transition areas adjacent to and between higher-density Residential (R) and lower-density Suburban Agriculture (SAG) zones. This district is not appropriate in areas primarily surrounded by lower-density SAG and AG zones and/or areas adjacent to significant ongoing agricultural/silvicultural/horticultural and/or extractive industry operations. Furthermore, public facilities should be appropriately developed to accommodate the density and land uses of this designation. This includes paved roads. It is intended that no uses be permitted in this district that will tend to devalue property for residential purposes or interfere with the health, safety, order or general welfare of persons residing therein.

3.43.020 Permitted Uses (R-2.5)

1. Agricultural/horticultural/silvicultural use.
2. Class A manufactured home.
3. Day care home.
4. Dwelling, single-family.
5. Dwelling unit, accessory (ADU).
6. Guest house.
7. Home occupation (See Chapter V- Performance Standards and Chapter VII- Definitions).
8. Homeowners park and/or beach.
9. Livestock (See Chapter V- Performance Standards).
10. Nursery, landscaping material.
11. Park and/or publicly owned recreation facility.
12. Produce stand.
13. Public transportation shelter station.
14. Public utility service installation (a minimum of five feet of landscaped area shall surround such building or structure).
15. Stable, private.

3.43.030 Conditional Uses (R-2.5)

1. Airfield.
2. Aircraft hangar when in association with properties within or adjoining an airport/landing field.*
3. Bed and breakfast establishment.
4. Camp and retreat center (See Chapter IV- Conditional Use Standards and Chapter VII- Definitions.
5. Caretaker's facility.*
6. Cellular antenna and monopole.
7. Cemetery, mausoleum, columbarium, crematorium.
8. Church.
9. Community center building operated by a non-profit agency.
10. Community residential facility (See Chapter V- Performance Standards and Chapter VII- Definitions).**

11. Dwellings, cluster development (See Chapter IV- Conditional Use Standards).
12. Dwelling, family hardship.*
13. Electrical distribution station.
14. Golf course.
15. Golf driving range.
16. Manufactured home park.
17. Radio and television broadcast station.
18. School, primary and secondary.
19. Stable, public.
20. Temporary building or structure.*
21. Water and sewage treatment plant.
22. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045)

** Administrative Conditional Use Permit, 8 or fewer.

3.43.040 Bulk and Dimensional Requirements (R-2.5)

1. Minimum Lot Area: 2.5 acres

2. Minimum Lot Width:

No parcel or lot shall have an average depth greater than three times its average width unless the average lot width is more than 300 feet.

3. Setbacks:

a. Minimum yard requirements for Principal Structure:

| | |
|---|---|
| Front: | 20 feet. |
| Side:* | 20 feet. |
| Side (Corner lot):* | 20 feet. |
| Rear: | 20 feet. |

b. Detached Accessory Structure:

| | |
|---|---|
| Front: | 20 feet. |
| Side: | 5 feet. |
| Side (Corner lot):* | 20 feet. |
| Rear: | 5 feet. |

*See Section 2.07.040

c. A 20-foot setback is required from streams, rivers, and unprotected lakes, which do not serve as property boundaries.

d. Increase yard requirements as follows when property fronts:
Arterial/Collector Road: 20 feet

4. Maximum Height:

Principal Structure: 35 feet.

Accessory Structure:

35 feet when the accessory building meets the principal building setback requirements; 18 feet when the accessory building setback requirements are met.

5. Permitted Lot Coverage: 25%

6. Maximum Fence Height: (Residential Uses)

| | |
|---|---|
| Front: | 4 feet |
| Side: | 6 feet |
| Rear: | 6 feet |

Off-street parking: See Chapter VI- Parking and Loading.

## SECTION 3.44 B-2HG GENERAL BUSINESS HIGHWAY GREENBELT

3.44.010 Definition:

A business district intended to provide for impact-mitigated retail sales and service functions along Montana state primary and secondary highways within the County. The uses serve the needs of the community and the general tourist/traveler while the unique performance standards mitigate the potential impacts of "strip" commercial development. The zone is specifically created with the intent of protecting the viewshed by providing a greenbelt, tiered building heights and enhanced signage and lighting standards.

A greater number of overall uses combined with expedited, administrative review for many conditional uses will promote predictability and economy for developers and landowners while assuring conformance with impact-mitigating standards of the district. This zone protects the rights of property owners and the aesthetics that make Flathead County unique and desirable.

3.44.020 Permitted Uses

1. Accessory Apartment
2. Art foundry/gallery
3. Bakery
4. Bank and financial institution
5. Barber and beauty services
6. Bed and breakfast
7. Church
8. Coffee stand
9. Deli
10. Food store (less than 5,000ft$^2$ gross floor area)
11. Food bank
12. General Retail Establishment (less than 5,000ft$^2$)
13. Hotel/motel
14. Lodge; fraternal and social organization
15. Media; newspaper, radio, tv, internet
16. Offices (professional and governmental)
17. Offices (medical)
18. Pack-n-ship
19. Park and publicly-owned recreational facility
20. Photographic studio
21. Print and Copy shop
22. Public transportation shelter station
23. Public utility service installation (A minimum of five feet of landscaped area shall surround such building or structure.)
24. Quasi-public building
25. Restaurant
26. Tattoo parlor
27. Veterinary clinic

3.44.030 Conditional Uses

1. Any building greater than 3,000ft$^2$

2. Art foundry*
3. Auctions, indoor*
4. Automotive (new and used) and accessory sales*
5. Automobile Service Station (gas stations)
6. Bar/tavern, liquor store, casino
7. Boat Sales, new and used*
8. Bus station
9. Car wash – auto detailing
10. College, business school, trade school, music conservatory, dance school.
11. Community center*
12. Convention center facility
13. Condominiums either residential or commercial
14. Day care center*
15. Dwelling:*
    a. Duplex
    b. Townhouse
16. Electrical Distribution station
17. Farm equipment sales
18. Funeral Home and crematorium
19. Greenhouse, nursery center and landscaping materials*
20. HVAC/electrical/plumbing, sales and service*
21. Laundromat or dry cleaner
22. Lumber yard, building supply*
23. Manufactured home sales and storage*
24. Microbrewery
25. Mini-storage, RV Storage
26. Recreational facility, high impact
27. Recreational facility, low impact*
28. Recreational vehicle park
29. Recycling drop-off station
30. Rental service store and yard*
31. Repair shop- appliances, clothing & electronics*
32. Small engine repair*
33. Structure containing multiple and/or mixed permitted uses*
34. Supermarket (food store w/ 5,000ft$^2$ gross floor area or more)
35. Theater (non-drive in)*
36. Theater (drive in)

*Administrative Conditional Use Permit (See Section 2.06.045)

3.44.040 Bulk and Dimensional Requirements

1. Minimum Lot Area:
    a. 7500ft$^2$ (when public sewer and water are available)
    b. 1 acre (when public sewer and water are not available)

2. Minimum Lot Width:
    a. 50 feet (when gross area of lot being created is less than one acre)
    b. 150 feet (when gross area of lot being created is greater than one acre)

3. Setbacks:
    a. Greenbelt Standards:

In addition to complying with Section 5.05 of the Flathead County Zoning Regulations, greenbelts within the B-2HG zone shall comply with the following requirements (properties not on a highway shall only need to comply with Section 5.05):

i. 10% of depth of lot as it existed prior to proposed development/subdivision (measured from edge of road right of way or easement) shall be set aside at the time of development as a greenbelt running adjacent to and parallel to the road frontage. For lots less than 400' in depth, minimum setbacks apply. For lots greater than 1,000 feet in depth, greenbelt maximum is capped at 100 feet.
ii. A minimum 10'-wide bicycle path easement within the greenbelt running parallel to the highway/road shall be preserved at the time of development of the property.
iii. Up to 50% of the greenbelt area may be utilized for meeting landscaped parking requirements.
iv. The greenbelt may be used for septic drainfields.
v. At a minimum, the first 40' of greenbelt from the front property line shall be developed and maintained with berms, rockwork, and/or irrigated trees, grass and/or shrubs. Trees shall be spaced when planted so that mature trees will generally create a continuous canopy.

b. Minimum Yard Requirements:

| | |
|---|---|
| Front: | 40 feet (minimum greenbelt)* |
| Side: | 5 feet each** |
| Side Corner: | 20 feet |
| Rear: | 10 feet** |

*For properties not on a highway, front setbacks are 20 feet.

** When development is adjacent to existing residential zoning classification, increase minimum yard requirements by an additional 10 feet.

4. Maximum Building Heights:
   a. Front of structure located 40 to 80 feet from front property line: 20 feet
   b. Front of structure located 81 to 125 feet from front property line*: 30 feet
   c. Front of structure located 126 feet or more from front property line*: 35 feet

*NOTE: Structures may be built to utilize multiple building heights, so long as the height of the building conforms to the distances from the front property line outlined above. For example, a structure that begins at 60 feet from the front property line shall not exceed 20 feet in height to a distance 80 feet from the front property line, but from 81 to 125 feet from the front property line, the same structure may be built to a maximum height of 30 feet.

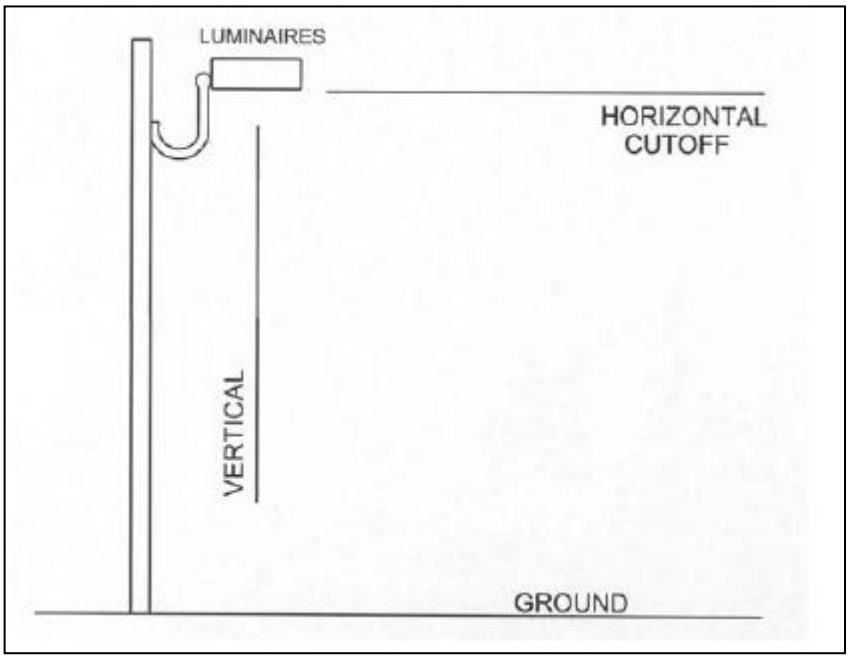
5. Permitted Lot Coverage: Not applicable

6. Maximum Fence Height:

| | |
|---|---|
| Front: | 4 feet |
| Side: | 6 feet each |
| Rear: | 6 feet |

7. Off-Street Parking: See Chapter VI-Parking and Loading

8. Lighting Standards: In addition to complying with Section 5.12 of the Flathead County Zoning Regulations, lighting within the B-2HG zone shall comply with the following impact-mitigating standards:
   a. The height and level of lighting should be appropriate for the development and not exceed 25 feet.
   b. Roof illumination is not allowed.
   c. All pole mounted lighting shall have a full cut-off lens that does not allow light to shine above a 90-degree angle measured from a vertical line from the center of the lamp.




9. Signage Standards: In addition to complying with Section 5.11 of the Flathead County Zoning Regulations, signage within the B-2HG zone shall comply with the following impact-mitigating standards:
   a. Use of neon and/or other lighting arranged around a building, sign or structure for the purpose of attracting attention is prohibited. Lighting for purposes of illuminating the sign face at night is allowed.
   b. Every property or developed site within the B-2HG district is allowed one freestanding, ground mounted or monument sign that does not exceed the height of the primary use structure and $50ft^2$ per sign face. For lots that have less than 250’ of road frontage, one sign is allowed. For lots that have more than 250’ of road frontage, two freestanding signs are allowed.

c. The freestanding sign can be placed within the greenbelt area, however it cannot block the bicycle/pedestrian easement or visibility requirements for access locations.
d. Street numbers shall be included on the face of the sign.
e. Building mounted signs shall not project above the roofline of the building.

# CHAPTER IV

# CONDITIONAL USE STANDARDS

## SECTION 4.01 ANIMAL HOSPITAL, POUND, KENNEL, ANIMAL SHELTER, VETERINARY CLINIC

4.01.010 Household animals (specifically dogs and cats) boarded overnight shall be kept in climate-controlled, soundproofed buildings. Where facilities are not soundproofed, no partially or fully enclosed structure or fenced open area (runs, pens, etc.) used to confine any animals shall be closer than 150 feet to an adjacent property line.

4.01.020 Animal excreta shall be removed from the site daily or as otherwise necessary to avoid the spread of objectionable odors, insects, pests, and objectionable surface drainage.

## SECTION 4.02 BED AND BREAKFAST ESTABLISHMENT/BOARDING HOUSE

4.02.010 The operation of a bed and breakfast establishment shall be limited to single-family residences. Houses on or eligible to be placed on the National Register of Historic Places are preferable locations for such establishments.

4.02.020 Location on collector or arterial streets is encouraged.

4.02.030 The residential structure shall not be substantially modified to provide additional sleeping rooms or exhibit a non-residential appearance.

4.02.040 Signs shall be architecturally compatible with the residence; shall not flash, blink or rotate; and shall be in conformance with the sign ordinances applicable to the district.

4.02.050 A manager must be in permanent residence and maintain full use of the kitchen and at least one bedroom.

4.02.060 Sleeping quarters and meal facilities shall not be allowed in accessory buildings.

4.02.070 Overnight lodgers shall not have direct access to cooking facilities, although the permanent residents of the dwelling may provide meal service to the guests.

4.02.080 Use of the residential structure shall be limited to the exclusive use of the permanent residents and their overnight guests. No other use such as a restaurant, bar, or other use which attracts non-boarding customers is permitted. No alcoholic beverages shall be sold on premises.

## SECTION 4.03 CAMP OR RETREAT CENTER

4.03.010 A camp or retreat center use is defined as a land use to provide camping or retreat center activities characterized by rural settings in a rustic environment. Uses are primarily seasonal but they shall not be limited to such. The uses permitted may be affiliated with the organization running the camp or retreat center, however, the general public is not restricted from such use.

4.03.020 The following uses are anticipated in a camp or retreat center designation:

1. Auditoriums
2. Boat marinas
3. Docks for swimming
4. Changing facilities
5. Churches and other places of worship
6. Community center buildings (e.g., crafts, games)
7. Concessions (e.g., snack shack, vending machines, souvenirs)
8. Convention hall facilities
9. Dormitories and cabins (for both guests and employees)
10. Education facilities
11. Infant day care
12. Infirmaries
13. Kitchens and dining facilities
14. Laundry facilities
15. Maintenance and repair facilities
16. Offices for camp employees
17. Outdoor recreation, low impact and high impact facilities
18. Outdoor cooking facilities
19. Recreation vehicle parks and campgrounds (maximum 20 percent of the camp's area)
20. Restroom facilities
21. Sewage treatment facilities
22. Silvicultural uses
23. Camp equipment storage facilities (e.g., canoes, paddles, rafts, inner tubes, life vests)
24. Water extraction facilities

4.03.030 A camp or retreat center designation shall be restricted to the AG, SAG, R-2.5, and R-1 designations.

**SECTION 4.04 CARETAKER'S FACILITY IN AG, SAG, AND R-1 DISTRICTS**

4.04.010 A caretaker's facility is a dwelling, which is constructed and designed to provide living quarters for caretakers or servants, and is clearly subordinate to the principal use with regard to size and location. Caretaker's facilities are allowed as a conditional use in the AG-80, AG-40, AG-20, SAG-10, SAG-5, R-2.5, and R-1 districts subject to the following conditions:

1. The caretaker's facility shall be designed in such a manner that its use is clearly subordinate to the principal use with regard to size and location.

2. In SAG-5, R-2.5, and R-1 districts the parcel on which the caretaker's facility is located shall be double the size of the underlying district minimum lot size.

3. The dwelling shall not be rented or leased to someone other than a caretaker.

**SECTION 4.05 CLUSTER HOUSING DEVELOPMENT IN RESIDENTIAL DISTRICTS**
(See Section 5.09 for Residential Clustering in AG & SAG Districts)

4.05.010 Cluster housing developments, with the exception of the RC-1 districts, shall be subject to the following:

1. Minimum area of the development shall be two (2) acres.

2. Types of buildings:

   A. Within the R-2.5, R-1, R-2 and R-3 residential districts, only one-family detached dwellings shall be permitted;
   B. Within the R-4 and R-5 residential districts, detached, semi-detached and attached dwellings shall be permitted.

3. The overall density of the cluster development shall not exceed the density allowed in the underlying district.

4. The minimum size of a lot of record within a cluster development shall be as follows:

   A. The minimum size of a lot of record within the development for detached dwellings shall be at least 50 percent (50%) of the minimum area required per dwelling unit but not less than 4,500 square feet, provided that an area equal to the difference, if any, between the minimum area required per dwelling unit and the size of the lot of record actually provided shall be set aside as common open space.
   B. The minimum lot size of a lot of record within the development for attached dwellings shall be 2,500 square feet for one dwelling unit and 5,000 square feet for two dwelling units. Attached dwellings shall not exceed eight (8) dwelling units in one building. The area equal to the difference, if any, between the minimum area required per dwelling unit and the size of the lot of record actually provided shall be set aside as common open space.

5. Yards abutting the boundaries of cluster developments shall conform to the minimum setback requirements for the district, provided that landscaped strips of at least ten (10) feet in width shall be maintained along the boundaries of the development. Such strips shall not be used as drives or for parking. Where groups of buildings in the development are other than perpendicular to a side or rear boundary of the cluster development and such boundary is not a street or alley, the setback adjacent to such boundary shall be thirty (30) feet and a ten (10) foot landscaped strip shall be maintained free from drives or parking.

6. The maximum lot coverage by all buildings, as specified for the district, shall be applied to the cluster development as a whole and not to individual lots of record within the cluster development.

7. Adequate provisions shall be made for the perpetual maintenance of all open space areas by the inclusion of covenants running with the land in the deeds or other instruments of conveyance, delineating such open areas; and,

   A. Obligating purchasers to participate in a homeowners association and to support maintenance of the open space areas by paying to the association assessments sufficient for such maintenance and subjecting their properties to a lien for enforcement of payments of the respective assessments;
   B. Obligating such association to the maintenance of open space areas;

C. Empowering the County as well as purchasers in the development to enforce the covenants in the event of failure of compliance; and

D. Providing for an agreement that if the County is required to perform any maintenance work pursuant to item "C" above, said purchasers would pay the cost thereof and the same shall be a lien upon their properties until said cost has been paid. Assurance that such covenants will be included in the deeds or other instruments of conveyance shall be evidenced by the recording in the County Clerk and Recorder's Office of Flathead County, Montana, of a declaration providing for perpetual maintenance of the open space areas, as prescribed above and identifying the tract and each lot therein. The declaration shall be included in the deed or other instrument of conveyance of each lot of record and shall be made binding on all purchasers, provided that such declaration may, as to subsequent conveyance other than the initial conveyance of each lot of record, be incorporated by reference in the instrument of conveyance.

E. All open space shall be made up of land that is suitable for general recreational and agricultural purposes. Suitable land shall not include land that is regularly inundated, land that exceeds a 25% slope, land that is shaped to preclude normal recreational activities, or land that is otherwise unusable.

## SECTION 4.06 COMMERCIAL CARETAKER'S FACILITY IN B-2, B-2HG, B-3, I-1, I-1H AND I-2 DISTRICTS

4.06.010 Subject to an Administrative Conditional Use Permit, a detached accessory structure in conjunction with a business is allowed for the purpose of providing housing for the owners, watchmen or facility managers which may not be rented to the general public and which may not be subdivided as a separate use. Class B manufactured homes are allowed under this category in the Industrial districts.

## SECTION 4.07 CONTRACTOR'S STORAGE YARD IN AG AND SAG DISTRICTS

4.07.010 Subject to an Administrative Conditional Use Permit, a private contractor's storage yard shall be allowed in the agricultural and suburban agricultural districts subject to the following conditions:

1. That the use is accessory to the full-time residence of the occupant;

2. That the yard is used for a staging area only and no retail sales from the property will be conducted;

3. That any outdoor storage of equipment or materials is adequately screened from public view with fencing or accessory structures which are in compliance with the standards for the district;

4. That employee parking will be limited to a maximum of three additional vehicles and parking shall be met on-site; and

5. That signage shall be limited to six square feet.

**SECTION 4.08 DAY CARE CENTER – 13 OR MORE INDIVIDUALS**

4.08.010 Day care center must be properly licensed by the State of Montana.

4.08.020 Day care center must provide adequate drop-off and pick-up areas. The required area shall be based upon the maximum number of individuals cared for at a single time. Specifically, there shall be 160 square feet of signed drop-off/pick-up area for every eight (8) individuals.

4.08.030 Where outside recreation facilities are provided, a six-foot high sight-obscuring fence around the recreation area may be required to be maintained and the recreation area should be situated in the rear half of the site.

4.08.040 In all residential (AG, SAG, R, and RA) and resort (RC, BR, B-5, and B-6) districts:

1. Existing residential structure shall not be significantly modified so as to exhibit a non-residential appearance;

2. Signage shall be architecturally compatible with the primary building and shall not flash, blink or rotate; and

3. Preference is given to day care center located on collector or arterial streets.

4. Any new construction allowed in a residential district for the operation of a day care facility shall substantially resemble a conventional single-family dwelling.

**SECTION 4.09 ELECTRICAL DISTRIBUTION STATION**

4.09.010 When located within a residential (R and RC), residential apartment (RA), or business district (B and BR), an electrical distribution station shall meet the following requirements:

1. The station shall be completely surrounded by a security fence that shall be at least eight (8) feet in height.

2. The perimeter of the electrical distribution station shall be landscaped with sight-obscuring trees, shrubs or bushes. Such landscaping shall be at least 20 feet in width and designed to improve the appearance of the site while allowing for normal operational and safety factors of the station.

4.09.020 A parcel of land that does not meet the minimum lot area requirement of the district may be created for the placement of an electrical distribution station. The site shall be large enough to accommodate any required landscaping.

**SECTION 4.10 EXTRACTIVE INDUSTRY**

4.10.010 Requirements contained in this section shall not exempt the owner or operator of an extractive industry from compliance with the Montana Open Cut Mining Act, 82-4-401, *et seq*., M.C.A., as administered by the Montana Department of Environmental Quality, but shall be in addition to the requirements of said Act.

4.10.020 Operational Requirements

1. The site of an extractive industry shall be of sufficient size and dimensions to accommodate the proposed operations. Consideration shall be given to noise, light, dust, smoke and vibration and how they affect adjoining properties. Blasting operations shall be restricted to Monday through Friday between the hours of 8:00 A.M. and 5:00 P.M. Pockets and stagnant pools of water resulting from surface drainage shall either be:

   A. Sprayed to eliminate breeding places for mosquitoes and other insects. Method and chemical uses shall be approved by the Montana State Department of Agriculture; or
   B. Drained to prevent the creation of such breeding places.

4.10.030 Off-street parking areas adequate for all employees' vehicles and trucks shall be provided.

4.10.040 Plan for Development of the Site.

The plan to be submitted with the application for a Conditional Use Permit shall include a plan for the development of the subject property which shall consist of two phases: the exploitation phase and the re-use phase.

When such a plan is also required by the Open Cut Mining Act, the submitted plan must include all information required by the Department of Environmental Quality for such an application.

1. Exploitation Phase

   A. The plan for the exploitation phase should show the proposed development as planned in relation to surrounding property within 300 feet and shall include topographic surveys and other materials indicating existing conditions, including soil and drainage and the conditions, including drainage, topography and soil which shall exist at the end of the exploitation phase. Contour intervals for topography shall be five (5) feet in areas where slope is less than ten (10%) percent.
   B. The plan for the exploitation phase shall demonstrate the feasibility of the operation proposed without creating hazards or causing damage to other properties. This plan shall also show the different stages of exploitation, where and how traffic will be handled, where equipment will be operating, the location and dimension of structures, the manner in which safeguards will be provided, including those for preventing access by children and other unauthorized persons to dangerous areas. The final stage of this plan shall indicate how the project is to be finished in accordance with the plan for re-use.

2. Re-Use Phase

   A. The plan for the re-use phase shall indicate how the property is to be left in a form suitable for re-use for purposes permissible in the district, relating such re-uses to uses existing or proposed for surrounding properties. Among items to be included in the plan are feasible

circulation patterns in and around the site, the treatment of exposed soil or subsoil, including measures to be taken to replace topsoil or establish vegetation in excavated areas in order to make the property suitable for the proposed re-use and treatment of slopes to prevent erosion. In such a re-use plan, intermittent lakes shall be allowed, provided that such lakes are deep enough to sustain a species of game fish approved by the Montana Department of Fish, Wildlife and Parks. Such fish should have the capacity of feeding on insects and mosquito larvae, thereby eliminating an insect and mosquito breeding area.

**SECTION 4.11 FAMILY HARDSHIP DWELLING**

4.11.010 A family hardship dwelling may consist of a structure that meets the provisions of Section 4.16 as a second residence on a single tract of land wherein a family member whose health necessitates continual care resides. The structure must be connected to approved utility and septic systems and meet the setback standards of the district. The family hardship dwelling may receive a permit under this section for a period of one year, subject to renewal by the Zoning Administrator upon the presentation of evidence of continued need. At the time the permit expires, the temporary use and all appurtenances shall be moved from the property within 90 days.

**SECTION 4.12 MANUFACTURED HOME PARK**

4.12.010 A manufactured home park may be allowed by conditional use to the standards found in the Flathead County Subdivision Regulations: Chapter IV: Sections 4.1 through 4.8. The manufactured home park shall not exceed the residential density required for the districts as designated in Chapter III. All Class A, B, and C manufactured homes shall be allowed in the parks (permanent foundation not required).

**SECTION 4.13 MINI-STORAGE, RECREATIONAL VEHICLE STORAGE**

4.13.010 This section shall apply to the review of a mini-storage and recreational vehicle storage facility proposed to be located in districts that require a Conditional Use Permit for the establishment of such uses.

4.13.020 All buildings shall meet the required setback of the district. However, on sites where the rear property line is adjacent to a commercial district, no rear setback is required.

4.13.030 Landscaping that produces a sight-obscuring barrier shall be provided in areas adjacent to residentially zoned areas. Landscaping shall consist of a variety of hardy evergreen materials consisting of trees, low-, medium-, and high profile shrubs, together with suitable ground cover such as native grasses, bark, ornamental gravel, or a combination thereof. The landscaping shall be designed, placed, and maintained in such a manner that no wall, fence, sign, or other structure or plant growth of a type that would interfere with traffic visibility shall be permitted or maintained higher than three (3) feet above curb level, within 15 feet of the intersection of any street right-of-way line or driveway.

4.13.040 Building heights shall be limited to two stories (35-feet at the peak).

4.13.050 One (1) parking space shall be provided for the on-site manager with two (2) additional spaces provided at the leasing office.

4.13.060 Parking shall be provided by parking/driving lanes adjacent to the storage units. These lanes shall be at least twenty-six (26) feet wide when storage units open to one side of the lane only and at least thirty (30) feet wide when storage units open onto both sides of the lane.

4.13.070 All storage shall be kept within an enclosed building, except propane or gasoline engines or storage tanks or any boat or vehicle incorporating such components, which shall be stored in screened exterior areas. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperable vehicles.

4.13.080 The sale of any item from or at mini-storage or recreational vehicle storage facilities is expressly forbidden, except that the facility owner may hold liquidation sales of contents of rental units to recover rental fees.

4.13.090 The repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture, and the storage of any propane or gasoline engine or propane or gasoline storage tank or any boat or vehicle incorporating such components is prohibited within any structure on a tract of land designated as a mini-storage or recreational vehicle storage facility.

## SECTION 4.14 MOTOR COACH SUBDIVISION

4.14.010 Shall be able to obtain safe and convenient access to public or private roads. That this development be located along and have direct potential access to a County collector or arterial road.

4.14.020 Shall not allow individual lot access onto a highway or County road.

4.14.030 Shall have a full-time manager who shall verify and record that occupancy is by owner or owner's authorized agent, that motor coaches are occupied, enforce any rules and regulations, verify the individual lots are not being rented and enforce maintenance requirements for each coach, lot, and the management plan. An overall management plan is to be developed to ensure acceptability of motor coaches, landscape maintenance, noxious weed control, road users maintenance, assessments, and legal funds to enforce standards.

4.14.040 Shall not be located in areas of sloped banks or within 50 feet of the high water mark of lakes and ponds or wetlands, or 100 feet of rivers or streams, whichever is greater, and in no event be permitted within the 100-year floodplain as determined by FEMA, or in steep sloped areas in excess of 10% slope or other areas subject to geologic or environmental hazards. Manmade landscape water features internal to the development are exempted from these setback requirements.

4.14.050 Each lot shall meet the following standards prior to occupancy:

a. not less than 7,000 square feet per lot;
b. two off-street paved parking spaces per lot;
c. minimum lot width of 40 feet;
d. minimum setbacks shall be in accordance with RC-1 zone;
e. have a concrete pad for parking;
f. hook-ups for one motor coach per lot shall include: facilities for public water, public sewer, power, and telephone.

4.14.060 Shall be landscaped at a minimum to the following standards, prior to filing the final plat:

a. seeding or sodding with complete automatic landscape irrigation system;
b. perimeter landscaping conforming to the following guidelines (the perimeter landscaping requirements apply along all public rights-of-way and at all adjoining properties not an integral part of the master planned community):

1) all surfaces shall be seeded, sodded or covered with hard surfaced landscape;
2) bermed to heights varying between four (4) and six (6) feet in irregular or undulating configuration; bermed heights are measured from the elevations of the adjacent pads or the crown of the road (whichever is higher) for those areas adjacent to the road;
3) bermed with hardy shrubs, which will, at planting, be not less than three feet in height;
4) a mix of coniferous and deciduous trees climatically suited for the area.

The combination of the required berming, plantings, fences, and trees shall provide screening or a site obscuring barrier covering not less than 60% horizontal visibility of the boundary between the adjoining properties (in accordance with "B") or rights-of-way and/or waterway and the development.

c. Interior landscaping within the yard setbacks shall conform to the following guidelines:

1) all lot areas shall be covered by seeding, sodding, approved landscaping, parking, patio, and approved accessory buildings as allowed in the RC-1 zone;
2) side yard setbacks shall be planted with a combination of shrubs, deciduous trees and evergreens in the following combinations (these are minimum requirements):
   1 evergreen not less than 12 feet in height;
   4 deciduous trees not less than 6 to 8 feet in height;
   various bushes and shrubs;
3) rear yard and front yard setbacks shall be planted with a combination of shrubs, deciduous trees and evergreens in the following combinations (these are minimum requirements):
   1 evergreen not less than 10 feet in height;
   2 deciduous trees not less than 8 and 10 feet in height;
   various bushes and shrubs.

4.14.070 Shall include the recreational facility of the conceptual planned community's recreation facility and be an integral part of this development. This conceptual land use plan is to be kept on file in the Planning Office. The plan is to indicate general locations for land uses already allowed in the RC-1 District. The plan would be approved through the Planning Office to the County Commissioners. The recreational facility shall be a minimum of 35 acres, not including the required landscape and buffering of the motor coach subdivision. The ratio of the motor coach subdivision tract to the recreation facility shall be a maximum of 40% motor coach subdivision to a minimum 60% recreation facility tract. For example, a 60-acre recreation facility tract of land would

permit a maximum 40-acre motor coach subdivision tract of land for a total of a 100-acre development, which is covered by the Conditional Use Permit.

4.14.080 Shall include provisions for year round maintenance of all landscape, streets, lots, common areas, and common facilities.

a. shall provide a common laundry and shower facility.
b. provide for the creation of a Lot Owners Association.

4.14.090 Shall include sidewalks or pathways on one side of all streets (minimum of 5'0" width).

4.14.100 Shall include a 50-foot setback to adjoining residential areas, which are not part of the community, and a 50-foot setback to all public rights-of-way.

4.14.110 Shall allow for a gated community with controlled access.

4.14.120 Shall allow no more than 15 units or lots without a 20-foot open space landscape buffer.

4.14.130 Shall require curb and gutter on all streets.

4.14.140 Shall require a minimum 28 feet paved street width back of curb to back of curb.

4.14.150 Shall be single-family ownership lots.

4.14.160 Shall allow one (1) enclosed accessory building per the RC-1 zone with a maximum 720 square feet under roof.

4.14.170 Shall have a plan and equipment available for sewage and petroleum spill control and clean-up.

4.14.180 The Conditional Use Permit shall be approved prior to the Planning Board action on the preliminary plat and shall include: a specific landscape plan and include the area and uses of the recreational facility within the master plan community that is to be utilized in connection with the motor coach subdivision.

4.14.190 The recreation facility may not necessarily be adjoining or adjacent to the motor coach subdivision but shall be a part of the recreation master plan community.

4.14.200 The recreation facility utilized in connection with this facility is to be included in the RC-1 use district.

4.14.210 The density of the development shall not exceed the density of the RC-1 use district.

## SECTION 4.15 RECREATIONAL FACILITY

4.15.010 Due to the diverse nature of the potential recreational facilities that may be proposed or developed in the planning jurisdiction, no specific standards are established. However, proposed uses that must obtain a Conditional Use Permit may be reviewed subject to a number of criteria. These criteria may include, but are not limited to, traffic generation, parking availability, impact on surrounding uses, landscaping, noise generation, and accessibility. Mitigation strategies for the possible impacts of recreational facilities that

must obtain a Conditional Use Permit may be submitted with the permit application materials.

**SECTION 4.16 TEMPORARY USE**

4.16.010 A temporary use not exceeding 12 months in duration may be approved by the issuance of an Administrative Conditional Use Permit from the Zoning Administrator. Such an administrative permit shall not be renewable. Any extension to the permit must be granted by an application to and permit approval by the Board of Adjustment.

4.16.020 Temporary use of a duration exceeding 12 months shall be approved in writing through the granting of a temporary Conditional Use Permit by the Board of Adjustment. Conditions may be placed on the use to promote neighborhood compatibility and to mitigate health and safety issues.

4.16.030 Temporary use shall comply with all setback requirements of the district.

4.16.040 A Class B manufactured home on a temporary foundation or RV may be allowed on an occupied site when either a building or demolition permit (when applicable) has been secured for that lot and the occupants of the temporary use are actively involved in demolishing and clearing the site or constructing a new primary building.

4.16.050 Temporary use must be connected to approved water and sewer utilities, where appropriate.

4.16.060 Seasonal temporary use such as fireworks stands, Christmas tree sales and produce stands shall have specific and definable time frames to coincide with the particular season and shall be considered to be permitted uses in non-residential districts during the appropriate time frame.

# CHAPTER V

# PERFORMANCE STANDARDS

## SECTION 5.01 ACCESSORY USE

The uses of land, buildings, and other structures permitted in each of the districts established by these zoning regulations are designated by tables or lists of principal uses permitted. In addition to such principal use, this section shall regulate an accessory use customarily incidental to any principal use permitted in the district.

5.01.010 General Provisions

Each permitted accessory use shall:

1. Be customarily incidental to the principal use established on the same lot.

2. Be subordinate to and serve such principal use.

3. Be subordinate in area, extent, and purpose to such principal use.

4. Contribute to the comfort, convenience, or necessity of users of such principal use.

5.01.020 The accessory uses, buildings or other structures permitted in each district may include the following:

1. In the AG-80, AG-40, AG-20, SAG-10, SAG-5, R-2.5, and R-1 districts:

   A. Barns, silos, corrals, etc.
   B. Fences, including barbed wire and electric fences used for the containment of livestock or other animals
   C. Private garages and sheds for the storage or maintenance of recreation and farm equipment.
   D. Private greenhouses, vegetable, fruit, or flower gardens.
   E. Structures for the shelter of household pets (not kennels).
   F. Non-commercial communication towers and satellite receiving devices when located in the rear yard.
   G. Gazebos, enclosed patios, and similar structures for recreational use.
   H. Roadside stands for the sale of produce grown on the premises provided that such stand shall not contain more than 600 square feet of floor area, the stand is located not less than 20 feet from a street, and access to the stand is from an entrance to the farm or residence.
   I. Private recreational uses and facilities including, but not limited to, swimming pools and tennis courts.
   J. Signs as regulated by Chapter V.
   K. Off-street parking as regulated by Chapter VI.
   L. Home occupation that complies with the provisions of Chapter V.
   M. Dwelling unit, accessory (ADU).

2. In the RC-1 district:

   A. Those accessory uses described in subsection 1.
   B. Uses incidental to golf courses, such as clubhouses, maintenance buildings, golf cart storage sheds, etc.
   C. Uses incidental to conditionally permitted motels, clubhouses, or health clubs. These incidental uses include restaurants, lounges, clubs, etc.
   D. Uses incidental to boat marinas including: boat storage, restaurants, retail sales of fishing supplies, and incidental marine supply such as fuels, gas and minor repair items.

3. In the R-2, R-3, R-4, R-5, and RA-1 districts:

   A. Private garages and sheds for the storage or maintenance of recreation and yard equipment used on the premises.
   B. Private greenhouses, vegetable, fruit, or flower gardens.
   C. Structures for the shelter of household pets except kennels.
   D. Non-commercial communication towers and satellite receiving devices when located in the rear yard.
   E. Gazebos, enclosed patios and similar buildings for recreational use.
   F. Private recreational uses and facilities including but not limited to swimming pools and tennis courts.
   G. Signs as regulated in Chapter V.
   H. Off-street parking as regulated by Chapter VI.
   I. Home occupation that complies with the provisions of Chapter V.
   J. Non-commercial domestic storage buildings associated with multi-family dwellings.
   K. Off-street loading.
   L. Dwelling unit, accessory (ADU) requires Administrative Conditional Use Permit.

4. In the B, BR, CVR, CCC, and P districts:

   A. Storage buildings incidental to the primary use.
   B. Signs as regulated by Chapter V.
   C. Off-street parking and loading as regulated by Chapter VI.
   D. Uses incidental to permitted hotels such as clubs, gift shops, restaurants, lounges, etc.

5. In the I districts:

   A. Offices.
   B. Employee cafeteria.
   C. Watchman's quarters.
   D. Signs as regulated by Chapter V.
   E. Parking and loading as regulated by Chapter VI.

5.01.030 Accessory Use Restrictions:

The following is a list of restrictions on accessory uses and structures:

1. In R districts, there shall be no storage or overnight parking of trucks, buses, or other vehicles with a manufacturer's rating of more than two tons capacity, excluding recreational vehicles. No manufactured home, no heavy equipment, and no wrecked, junked or inoperable motor vehicle without a valid license tag shall be allowed to be parked or stored in an R district for a period of more than seven days unless stored in a completely enclosed building.
2. No accessory structures except fences or hedges shall be constructed in any front yard. Accessory structures shall not be located any closer than five (5) feet to a rear or side lot line. Signage shall be located on a lot in conformance to the requirements of Chapter V.
3. Accessory buildings shall not cover more than 25% of any rear yard in R districts.
4. When a garage or carport is entered from an alley, it shall not be located closer than ten (10) feet from the alley right-of-way line.
5. Attached accessory buildings shall be located pursuant to the setback requirements for principal buildings.
6. Without an Administrative Conditional Use Permit showing future construction and placing of the principal structure, no accessory structure or use shall be constructed or established on any lot prior to the time of the substantial completion of the construction of the principal structure to which it is accessory.
7. Guest houses, caretaker facilities, and accessory dwelling units (ADU) are subject to the same setback requirements as the principal structure.

## SECTION 5.02 CLEAR VISION TRIANGLE

5.02.010 A clear vision triangle, as defined by Chapter VII, shall be maintained on all public and private property at the intersection of roadways or of a roadway and an alley or a railroad. The clear vision triangle shall contain no trees, shrubs, or other plantings; nor fences, walls, signs, or other temporary or permanent sight obstructions of any nature exceeding thirty (30) inches above the centerline elevation of the adjacent roadway, except that trees with a maximum trunk diameter of eight (8) inches may be permitted if all branches and foliage is removed to a height of nine (9) feet above the existing centerline of the adjacent roadway.

## SECTION 5.03 COMMUNITY RESIDENTIAL FACILITY

5.03.010 The operators of a community residential facility as defined in Section 7.04.120 shall submit to the Zoning Administrator a notarized certification of the intended operation, class category, and how the proposed facility and use complies with the following standards:

1. Exterior signs shall be restricted to those permitted in the district in which the community residential facility is located.

2. Parking shall be provided off street in accordance with the following criteria:

   A. 1 per staff member at maximum shift; plus
   B. 1 per 5 beds or fractional remainder thereof; plus
   C. 2 for the dwelling unit.

3. The facility shall be licensed by the State of Montana Department of Health and Human Services.
4. A Class 3 facility shall be served by public water and sewer.
5. A landscape management plan shall be submitted for approval for all Class 2 and 3 facilities.

**SECTION 5.04 FENCES**

5.04.010 Height limitations of fences in the various zoning districts are designated in Chapter III.

5.04.020 Open wire fences exceeding the designated height may be built around schools or other public or quasi-public institutions when necessary for the safety or restraint of the occupants.

5.04.030 Open wire fences may, at the discretion of the Zoning Administrator, be built around tennis courts, swimming pools, and other recreational facilities, after considering safety, proposed location, and effect on the surrounding area.

5.04.040 Security fences are allowed in side and rear yards up to eight (8) feet in height when used to enclose commercial storage areas.

5.04.050 Barbed wire and/or electric fences used for confining livestock are allowed only in AG-80, AG-40, AG-20, SAG-10, SAG-5, R-2.5, and R-1 districts. Additionally, they are allowed along the boundary of any district which directly abuts one of the above districts.

**SECTION 5.05 GREENBELTS**

5.05.010 All sites in a commercial ("B" and "BR" designations) district having a common boundary with a residential district ("R", "RA", or "RC" designation) shall erect and maintain a view-obscuring fence or dense coniferous hedge along such common boundary. Fences shall be six (6) feet high. Hedges shall obtain a height of at least six (6) feet within three (3) years. Where the wall of a building is on such common boundary, no separate wall, fence, or hedge is required along the portion of the common boundary occupied by the building.

5.05.020 All sites in an industrial district ("I" designation) having a common boundary with a residential district ("R", "RA", or "RC" designation) shall have planted and maintained along such common boundary a view-obscuring coniferous greenbelt of shrubs and trees at least eight (8) feet in height at maturity and at least ten (10) feet in width for screening purposes and controlling access.

5.05.030 The proposed greenbelt shall be shown on the plat or site plan.

**SECTION 5.06 HOME OCCUPATION**

5.06.010 Operators of a home occupation shall submit to the Zoning Administrator a notarized certification that the home occupation is in conformance with the provisions of this Section.

5.06.020 A home occupation is permitted in any dwelling unit, subject to the following provisions:

1. A home occupation shall comply with the following standards:

   A. No outdoor storage shall be permitted.
   B. Exterior signs shall be restricted to those permitted in the district in which the home occupation is located.
   C. No home occupation shall be conducted in a manner which will be detrimental to the residential use of said residence or cause a nuisance to surrounding residences, because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.
   D. Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front or side yard.
   E. The home occupation shall not generate pedestrian or vehicle traffic in excess of that which is characteristic of the neighborhood in which it is located. Vehicle traffic would not be increased by more than sixteen (16) vehicle trips all day.
   F. No home occupation shall generate as a by-product for disposal or cause to be dumped any hazardous waste including chemicals and cleaners, other than the volume and types that would be normally generated by a typical single-family home.
   G. No home occupation shall cause an increase in any one or more utilities so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.

2. An occupation in an AG-80, AG-40, AG-20, SAG-10, SAG-5, R-2.5, R-1, or R-2 district, which meets one or more of the following criteria, shall be deemed a conditional home occupation and shall be required to obtain a Conditional Use Permit:

   A. More than one (1) person other than members of a family residing on the premises shall be engaged in such occupation on the property at any given time.
   B. Outbuildings or accessory structures are used for the home occupation.
   C. Vehicle traffic that exceeds sixteen (16) vehicle trips but less than thirty-two (32) vehicle trips all day.

## SECTION 5.07 LIVESTOCK

5.07.010 There is no restriction on the number of A.U. (animal units) in AG Agricultural districts. The keeping of fowl and livestock is allowed in SAG-10 and SAG-5, suburban agricultural, R-2.5, Rural Residential, and R-1, residential, districts provided the following minimum requirements are met:

1. The lot or tract of land must have at least one (1) acre. If there is less than one (1) acre of usable pasture, supplemental feed shall be provided.

2. The number of animals shall be limited to one animal unit (A.U.) per acre. Animal unit values shall be as follows:

A. Horse, cow, donkey, etc. – 0.50 A.U. (2 per acre).
B. Sheep, goat, llama, etc. – 0.20 A.U. (5 per acre).
C. Chickens, geese, fowl, etc. – 0.04 A.U. (25 per acre).

3. Livestock and fowl in R-2.5 and R-1 residential districts are allowed only for domestic use or consumption and shall not be raised for commercial purposes. The keeping or raising of pigs, swine, or non-domesticated animals in areas zoned as suburban agricultural and residential is not allowed.

4. All animals in SAG-10 and SAG-5 suburban agricultural, R-2.5, Rural Residential, and R-1 residential districts shall be kept inside fenced enclosures. Related buildings such as barns and animal pens shall not be allowed in the front yard or required setbacks.

5. This Section shall not be deemed to allow the keeping of livestock on parcels where they are precluded by other text, ordinances, or covenants.

**SECTION 5.08 LOTS**

5.08.010 A lot, as defined, shall be subject to the following special regulations:

1. Where two or more lots are used as a building site and where main buildings cross lot lines, then the entire area shall be considered as one lot, except that the front of the parcel shall be determined to be the front of the individual lots as platted, subdivided, or laid out. Refer also to Section 3.03.020(5).

2. For the siting of dwellings for rent or lease, each dwelling shall be on a single tract of record.

3. Flag lots:

Flag lots shall be permitted in the “R” districts only and the following special standards shall apply:

A. All flag lots shall have a 20-foot minimum width deeded access road, which abuts to a public or private street with a minimum 10-foot wide gravel driveway. A minimum 20-foot wide road easement shall be indicated on the plat, which extends the full length of the lot to provide for future dedication for access and roadway extensions.
B. The maximum length of access road shall be limited to 250 feet.
C. A 15-foot setback shall be applied to all setbacks within the newly created lot. There will be no distinction between front, rear or side yards.
D. The Zoning Administrator shall determine lot width (typically the distance between the longest parallel lot line) and lot length (typically the distance between the shortest parallel lot lines). The width of the access road shall be included in the lot width of both lots.
E. Flag lots should be utilized when all other methods of lot development fail. Flag lots are to be used in “infill” situations within developed areas and are not considered appropriate in areas of new development. Only one flag lot shall be allowed per parcel.

F. A note shall be placed on the plat stating that if two flag lots are created on adjoining parcels, shared access shall be required when possible. Common access shall be created for both parcels by relocating existing driveway, if necessary.

G. Property owners within 150 feet shall be notified in the event of the creation of a flag lot concurrent with the minor subdivision process.

**SECTION 5.09 RESIDENTIAL CLUSTERING IN AG AND SAG DISTRICTS**

(See Section 4.05 for Cluster Housing Development in Residential Districts)

The purpose of this regulation is to allow single-family dwellings to be clustered in areas of non-prime agricultural soils in a manner that prime agricultural land, timberland, or unique natural amenities will be preserved. Clustering of residential dwellings in agricultural zoning districts may be permitted whenever a parcel of land is determined to be eligible based on the criteria set forth in this Section.

5.09.010 Procedure

The procedure to establish a cluster development shall be the review and approval of the land division as a subdivision by the Flathead County Commissioners, subject to Flathead County Subdivision Regulations. Resubdivision of a cluster development must be reviewed and approved by the Flathead County Commissioners.

5.09.020 General Provisions

1. Residential clustering may be permitted in the following zoning districts: AG-80, AG-40, AG-20, SAG-10, and SAG-5.

2. Single-family dwellings may be either attached or detached. If attached, no more than 4 dwellings may occupy a single structure and each separate dwelling must be conveyable as a townhouse unit. All dwellings must be built on-site or a Class A manufactured home, and be situated upon permanent foundations.

3. Density and open space requirements:

A. Lots within the cluster subdivision may not exceed a net average of two (2) acres.

B. Maximum cluster site density: 15 dwellings per acre

C. Maximum residential density of parent tract:

150% of allowable density in zoning district

D. Minimum proportion of parent tract in open space:

| | |
|---|---|
| AG-80 | 80% |
| AG-40 | 80% |
| AG-20 | 80% |
| SAG-10 | 70% |
| SAG-5 | 60% |

4. A "cluster site" shall mean a designated location within a "parent" tract of land that has sufficient size to allow for the density and open space requirements within the specific zoning district.

5. A "parent" tract shall mean a single tract of record that is used for calculating a cluster density allowance.
Note: Multiple tracts of land under single ownership must be aggregated with a boundary line adjustment (BLA) if a combination of multiple tracts are intended to qualify as a "parent" tract.

6. Density allowance shall be based on the size of the parent tract.

Density bonus allowance is 150% of standard number of dwelling units (du).
Note: This chart is based on a parent tract of 100 acres.

| District | Permitted | Cluster | Open Space | Dev. Ac. | Avg Lot |
|---|---|---|---|---|---|
| AG-80 | 1 du | 1 du | 80% | 20 ac. | 2.0 ac. |
| AG-40 | 2 du | 3 du | 80% | 20 ac. | 2.0 ac. |
| AG-20 | 5 du | 7 du | 80% | 20 ac. | 2.0 ac. |
| SAG-10 | 10 du | 15 du | 70% | 30 ac. | 2.0 ac. |
| SAG-5 | 20 du | 30 du | 60% | 40 ac. | 1.3 ac. |

7. The differences in area between the (net) residential lot sizes of a cluster site and the total (gross) area of the "parent" tract used in the density allowance calculation must be retained in some form of open space until such time as the planning and zoning documents for the area are amended to facilitate appropriate additional development.

8. A covenant shall be recorded with the filing of any plat that establishes a cluster site. The covenant shall restrict the use of the required open space in a manner that includes the following:

   A. Prohibition of any further divisions of land or change in use of the property until such time as the planning and zoning documents for the area are amended to facilitate appropriate additional development/uses. This will not preclude phased cluster projects up to the allowed density.
   B. Description of the intended use, management, and ownership of the open space.

5.09.030 Performance Standards

Each cluster site shall adhere to the following performance standards:

The cluster sites

1. Shall be able to obtain safe and convenient access to a public or private road but individual lot access onto a highway or road is not allowed;

2. Shall be located off of prime agricultural land (SCS soil classification I-IV) to the greatest extent possible when determining a location for the cluster development or, if located within a forested area, not be within an area that is

rated as "very high" or "extreme" fire risk by the Montana Department of Natural Resources after subdivision improvements;

3. Shall have suitable soils for on-site treatment of sewage;

4. Shall not be situated or otherwise associated with any environmentally sensitive area, hazard area, or wildlife habitat of local significance or habitat for endangered or threatened species, big game winter range, waterfowl nesting areas, or other significant wildlife habitat as determined by the Montana Department of Fish, Wildlife and Parks;

5. Should be situated near the perimeter boundary of the "parent" tract of land in order to maximize the extent of uninterrupted open space;

6. Shall not interfere or otherwise conflict with adjoining farming activities;

7. Shall establish minimum setbacks for all structures of 100 feet from the boundary of a highway right-of-way and otherwise conform to the minimum setbacks of the district;

8. Shall not be located in:

   A. a 100-year floodplain (floodway and flood fringe) as determined by the Federal Emergency Management Agency (FEMA);
   B. areas on sloped banks or within 50 horizontal feet of high water of water bodies or streams;
   C. wetlands as determined by the U.S. Army Corps of Engineers;
   D. steep areas in excess of 30% slope or other areas subject to excessive geological hazards; or
   E. areas where development will be detrimental to significant natural, historic, or cultural resources.

5.09.040 Open Space Requirements

The location and size of the area designated as open space shall be shown on the final plat of the subdivision. A single-family dwelling on open-space area 20-acres or larger, and utilities are permitted.

## SECTION 5.10 RETAINING WALLS

Retaining walls over thirty-six (36) inches in height above the original grade shall meet the setback requirements and height limitations for accessory structures. The height shall be measured as the total height of the retaining wall or combination of tiered retaining walls within the setback area.

## SECTION 5.11 SIGNS

5.11.010 Signs permitted in all districts (exempt signs):

1. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, and not exceeding thirty-two (32) square feet in area.

2. Signs bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.

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.

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.

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.

   A. When building frontage is less than 200 feet the maximum sign area for the property shall be equal to one and one half (1.5) square feet for each lineal foot of building frontage length.
   B. When building frontage exceeds 200 feet, the maximum sign area shall be equal to 300 square feet plus one (1) square foot for each lineal foot of building frontage length.
   C. As applicable to shopping centers or lots containing multiple businesses or where common signage is shared between two or more adjacent lots, the calculation of allowable sign area shall be as per A and B above.
   D. The sign allowance shall be calculated on the basis of the length of the building frontage, which is most nearly parallel to the street it faces. In the event a building does not have frontage on a dedicated public street, the owner of a building may designate the one building frontage which shall be used for the purpose of calculating the sign allowance.

3. Freestanding, Ground, and Off-Site Signs

   A. Free-standing, ground, or off-site signs shall meet the requirements found in Table 1 of this Section.
   B. No free-standing, ground, or off-site sign may be erected or placed closer than 25 feet from a side or rear lot line abutting a zoned residential district.
   C. The height of a free-standing, ground, or off-site sign shall be measured from the grade at the lowest point of the sign structure to the highest point of the sign or its supporting structure.
   D. A single sign may be permitted on a lot having at least 25 feet of frontage along a public road, except up to two (2) signs may be permitted when the frontage of the lot along a single road exceeds 500 feet. A corner lot with frontage along two public roads is eligible for a single sign along each frontage.
   E. Area and setbacks of signs shall be permitted in accordance with Table 1.

TABLE 1

| Distance to Edge Of Right-of-Way* (Feet) | Maximum Size Allowed per Face (Square Feet) |
|---|---|
| 0-10 | 72 |
| 11-20 | 84 |
| 21-30 | 96 |
| 31-40 | 108 |
| 41-50 | 120 |
| 51 and greater | 150 |

*No signs shall be placed within any public right-of-way.

F. When electrical service is provided to freestanding signs or ground signs, all such electrical service shall be underground and shall be in accordance with the National Electrical Code.

G. Free-standing, ground, and off-site signs shall be set back from the edge of the right-of-way as found in Table 1 above. The signage setback shall be measured from the edge of the right-of-way of the road, street, or highway fronting the property to the closest plane of the sign.

H. The maximum surface area per side for off-site signs shall be 64 square feet per side. Each business is allowed two directional signs not to exceed 12 square feet, which are exempt from the overall sign calculations.

4. Revolving Signs: No revolving signs shall be permitted.

5. Projecting Signs: The sign shall be erected at right angles to the building face and be at least nine (9) feet above grade and shall not extend over any vehicular right-of-way. The maximum area per sign face shall not exceed sixty-four (64) square feet.

6. Roof Signs: No roof sign shall extend beyond 28 feet and/or the highest point of the roof.

7. Height: No freestanding, ground, or off-site sign shall exceed 28 feet in height.

   The height of free-standing signs, ground signs, pole-signs, and billboards shall be measured from the grade at the lowest point of the sign structure to the highest point of the sign or its supporting structure.

8. Permitted Surface Area: The total surface area of all signs on a property is limited to:

| | |
|---|---|
| Wall signs: | 40% of exposed street-front façade |
| Billboard/painted bulletin signs: | 432 square feet |

9. Illumination: Signs, if illuminated, shall be lighted by continuous, stationary, shielded light sources, directed solely at the sign, or internal to it. (Neon is permitted.)

10. Manual Changeable Copy: Any permitted sign may include manually changeable copy in up to seventy (70%) percent of its area. Portable or moveable reader boards may be displayed on-premise to advertise special events or grand openings in commercial or industrial districts for a period not to exceed 10 calendar days within any three month period subject to written approval of the Zoning Administrator.

11. Allowable Signage: The maximum sign area allowance for a particular property shall be calculated as follows unless otherwise specified in this chapter.

A. Building Frontage Length:

TABLE 2

| Building Frontage (lineal feet) | Maximum Sign Area (square feet) |
|---|---|
| 0-50 | 75 |
| 51-100 | 150 |
| 101-150 | 225 |
| 151-200 | 300 |
| 201-250 | 375 |
| 251 and over | 432 |

1) As applicable to shopping centers or lots containing multiple businesses, the allowable sign area can be divided in any way desired by the property owner.

2) The sign allowance shall be calculated on the basis of the length of the building frontage which is most nearly parallel to the street it faces. In the event a building does not have frontage on a dedicated public street, the owner of a building may designate which shall be used for the purpose of calculating the sign allowance.

B. Lot Length:

In lieu of using the length of building frontage as the means of calculating sign area allowance, the calculation may be based on lot frontage. In no event shall the total sign allowance for any property be less than one and a half (1.5) square feet of sign allowance for each lineal foot of lot frontage.

C. Distribution of Sign Allowance:

The sign allowance for a building may be distributed in any manner among its frontages.

D. Sign Area Calculation:

The calculation of maximum total sign area shall be restricted to measuring only one face of multiple faced signs.

5.11.030 Billboard Signs Requiring A Permit

1. No billboard sign shall exceed 432 square feet.

2. A billboard sign may be either single face or back-to-back, with no more than one face visible and readable from the same direction. Back to back would permit a “V” shaped sign provided that the angle of the “V” is no more than 30 degrees.

3. No billboard sign shall exceed 28 feet above grade. The height shall be measured from the grade at the lowest point of the sign structure to the highest point of the sign or its supporting structures.

4. No billboard sign may be constructed within 500 feet of any other billboard sign as measured along the road right-of-way.

5. No billboard sign may be set nearer to the lot line adjacent to a street than the required minimum setback for the principal uses in the district in which they are placed. No sign may be erected or placed closer than 25 feet from a side or rear lot line abutting a residential district.

6. A billboard not completely constructed on the effective date of these regulations shall not thereafter be constructed or completed nor may any billboard structure be moved to a different location. No billboard structure may be increased in size or height, notwithstanding any provision to the contrary in Section 2.07 of these regulations.

7. When electrical service is provided to a billboard sign, all such electrical service shall be installed underground and shall be in accordance with the National Electrical Code.

8. Illumination of billboard signs shall be continuous, stationary, shielded light sources directed solely at the sign.

9. All billboards shall comply with the provisions of Section 5.11.030 by July 1, 2003.

10. All proposed construction, reconstruction, replacement or any type of alteration beyond the normal change of copy and normal maintenance, shall be preceded by an application for, and issuance of, a conformance permit from Flathead County Planning & Zoning Office, prior to the start of any work.

5.11.040 Permitted Signs in Zoning Districts

1. Permitted signs in AG-80, AG-40, AG-20, SAG-10, SAG-5, CCC-1, and CCC-2 districts shall be as follows:

   A. Exempt signs listed herein;
   B. One freestanding sign plus one wall sign for each place of business; the sign area shall not exceed 40 square feet;
   C. Up to eight rural directional signs per property on a signpost not to exceed 12 feet in height.

2. Permitted signs in R 2.5, R-1, R-2, R-3, R-4, and R-5 districts shall be as follows:

   A. Exempt signs listed herein;
   B. No sign shall exceed eight (8) feet above ground elevation.
   C. One sign not exceeding six (6) square feet in area, in connection with a non-residential permitted or conditionally permitted use.

3. Permitted signs in RC-1, RA-1, CVR, and P districts shall be as follows:
   A. Exempted signs listed herein;
   B. Freestanding and ground signs shall not exceed six (6) feet in height;
   C. One free-standing or ground sign per developed multi-family or business lot provided the subject matter of such sign shall be limited to the name of the primary business and the business tenants of the building, as appropriate;
   D. One wall sign;
   E. The sign area shall not exceed sixteen (16) square feet per face.

4. Permitted signs in B-1, B-2, B-2HG, BR-2, B-3, BR-4, B-5, B-6, and B-7 districts shall be as follows (see additional requirements for B-2HG in Section 3.44):

   A. Affiliation sign not exceeding 16 square feet;
   B. Electronic automatic changeable copy sign;
   C. Exempt signs listed herein;
   D. One or a combination of the following three signs provided the singular or combined square footage does not exceed the allowed footage found in Section 5.11.020(11):
      1) Free-standing signs
      2) Ground signs
      3) Off-site signs
   E. Wall signs;
   F. Projecting signs.

5. Permitted signs in I-1, I-2, and I-1H districts shall be as follows:

   A. Affiliation sign not exceeding 16 square feet;
   B. Billboard/painted bulletin signs (not allowed in I-1H zone);
   C. Exempt signs listed herein;
   D. One or the combination of the following three signs provided the singular or combined square footage does not exceed the allowed footage found in Section 5.11.020(11):
      1) Free-standing sings
      2) Ground signs
      3) Off-site signs
   E. Message sign;
   F. Projecting signs;
   G. Wall signs.

6. Permitted signs in a PUD district shall be as follows:

   A. Exempt signs as listed herein, and
   B. As otherwise permitted in underlying districts.

5.11.050 Maintenance

All signs shall be kept in a neat, clean, and attractive condition. This includes the periodic cleaning, painting, repairing, and/or general maintenance of the sign.

Maintenance shall also include the updating of the information provided by signs such as:

Current goods and prices
Change of ownership/occupant
Name change

This maintenance shall be the responsibility of the sign owner. Any sign that is not properly maintained shall be deemed to be an illegal non-conforming use.

5.11.060 Enforcement and Remedies

Any violation or attempted violation of this Section or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. A violation of this Section shall be considered a violation of the zoning regulations of the County. The remedies of the County shall include the following:

1. Issuing a stop-work order for any and all work on any signs on the same lot;

2. Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity;

3. Imposing any penalties that can be imposed directly by the County under the zoning regulations;

4. Seeking in court the imposition of any penalties that can be imposed by such court under the zoning regulations; and

5. In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the County under the applicable provisions of the zoning regulations for such circumstances.

6. The County shall have other such remedies as are and as may from time to time be provided for or allowed by state law for the violation of the zoning regulations.

7. All such remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

8. Removal of Signs by the Zoning Administrator:

   The Zoning Administrator may cause the removal of an illegal sign in the cases of emergency, or for failure to comply with written orders of removal or repair. After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the Zoning Administrator together with an additional ten percent (10%) for inspection and incidental costs.

If the amount specified in the notice is not paid within sixty (60) days of the notice, it shall become a lien against the property of the sign owner, and will be certified as an assessment against the property together with a ten (10%) percent penalty for collection in the same manner as the real estate taxes.

The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the Zoning Administrator, as in the case of a leased sign. For purposes of removal, the definition of "sign" shall include all sign embellishments and structures designed specifically to support the sign.

5.11.070 Non-Conforming Signs

1. Existing signs which do not conform to the specific provisions of these regulations and which were legally constructed prior to the adoption of these regulations are designated as legal non-conforming signs.

2. All legal non-conforming signs shall be removed or brought into compliance with these regulations upon the earlier of the following events:

   A. The sign is relocated or replaced, except when the sign is displaced for right-of-way or utility easement condemnation.
   B. The structure or size of the sign is altered in any way except toward compliance with these regulations. This does not refer to change of copy or normal maintenance.
   C. The sign suffers more that 50% appraised damage or deterioration except in the case of vandalism.
   D. For signs, which are flashing or blinking: one (1) year from the date of adoption of these regulations.
   E. All non-conforming billboards shall be brought into compliance within 10 years from the adoption of these regulations or by Year 2003.

## SECTION 5.12 YARD, STREET AND SECURITY LIGHTING

5.12.010 The intent of this section is the enhancement of the visual integrity of the natural environs of the community area, particularly pertaining to the unwarranted and/or unwanted intrusion of artificial lighting in areas not desiring such light which detracts from the beauty and naturalness of the hours of normal darkness.

5.12.020 All porch and yard lighting shall be hooded, screened or directed in a manner such that the light source or the diffuser emitting the light shall not be deleterious to the adjoining property owners or occupants.

5.12.030 Any lights provided to illuminate any public or private parking area or vehicles sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential land use district or residential use.

5.12.040 Any non-conforming lighting situation shall be brought into compliance within 90 days after official notice by the Zoning Administrator that a non-conforming situation exists.

## SECTION 5.13 CELLULAR COMMUNICATIONS TOWER

The following requirements apply to all wireless telecommunications facilities regardless of the zoning district or overlay in which they are to be located.

5.13.010 If feasible, personal wireless service facilities shall be located on existing structures, including, but not limited to buildings, water towers, existing telecommunications facilities, utility poles and towers, and related facilities, provided that such installation preserves the character and integrity of those structures. In particular, applicants are urged to consider use of existing telephone and electric utility structures as sites for one or more personal wireless service facilities. The applicant shall have the burden of proving that there are no feasible existing structures upon which to locate.

5.13.020 Security fencing eight feet in height shall surround any lattice tower and accessory equipment shelter. Buffer landscaping is recommended, although not required.

5.13.030 Any applicant requesting permission to install a new tower shall provide evidence of written contact with all wireless service providers who supply service within a quarter mile of the proposed facility. The applicant shall inquire about potential collocation opportunities at all technically feasible locations. The contacted providers shall be requested to respond in writing to the inquiry within 30 days.

5.13.040 Any tower located outside the 60’ permitted corridor shall be painted or camouflaged as to minimize its visibility unless otherwise required by the FCC or FAA.

5.13.050 No advertising is permitted anywhere on the facility, with the exception of identification signage.

5.13.060 If at any time, the use of the facility is discontinued for 180 days, the facility shall be declared abandoned. Upon abandonment or discontinuation of use, the carrier shall physically remove the communication facility within 90 days from the date of abandonment. Physically remove shall mean: removal of antennas, mount, equipment shelters and security barriers from the subject property, proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations, and restoring the location of the facility to its natural state.

5.13.070 No tower under 150 feet shall be artificially lighted except to assure safety or as required by the FAA.

5.13.080 “No Trespassing” signs shall be posted around the facility with a telephone number of who to contact in the event of an emergency.

5.13.090 Applicants will provide evidence of legal access to the tower site thereby maintaining this access regardless of other developments that may take place on the site.

5.13.100 A wireless telecommunications facility, which includes monopoles or antennas, may be permitted as a Conditional Use in zones SAG-5, R-2.5, R-1, R-2, R-3, R-4, R-5, RC-1, RA-1, CCC-1, CCC-2, CVR, SC, LBL, HD, RL, AL, LL, NF and LS. In order to be considered for review, the applicant must prove that the proposed tower or antenna is necessary in that opportunities for collocation on an existing tower is not feasible, or that there is no other alternate sites in the immediate vicinity. The following steps must also be taken for the application to be considered for review in this category:

A. The applicant shall present a plan that indicates how the telecommunications facility will be screened/concealed/blended from the adjoining residential character of the neighborhood.

B. The applicant shall demonstrate that the tower must be located where it is proposed in order to service the applicant's service area. There shall be an explanation of why a tower and this proposed site is technically necessary.

C. Where the telecommunications facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the proposed facility and that the vehicular access is provided to the facility.

D. If the proposed facility is constructed within the Building Permit Jurisdiction of the cities of Kalispell, Whitefish or Columbia Falls, it shall conform to their standards for cellular communication towers.

E. Height restrictions may be considered for proposed towers at these locations.

5.13.110 Definitions

Antenna: An antenna is defined as a device that transmits and/or receives an electronic signal for the purposes of facilitating the communication of cellular telephone or personal communication services (PCS) messages. There are several varieties.

Collocation: The siting of antennas owned and/or operated by separate companies on the same structure, monopole, lattice tower or specialty pole and/or several mounts on an existing building or structure by more than one carrier.

Equipment Shelter: An enclosed structure, cabinet, shed or box at the base of the mount within which are housed batteries and electrical equipment, located on the same parcel as the telecommunications tower.

Guyed Tower: A monopole or lattice tower that it tied to the ground or other surface by diagonal cables.

Lattice Tower: A type of mount that is self-supporting with multiple legs and cross bracing of structural steel.

Monopole: The type of mount that is self-supporting with a single shaft of wood, steel, or concrete and a platform for panel antennas arrayed at the top.

Security Barrier: A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.

5.13.115 A wireless telecommunication tower located within one-quarter (1/4) mile from the centerline of the right-of-way of all State and Federal highway's shall:

A. Be a permitted use in all areas zoned for commercial and industrial uses.

B. In all other zoning designations or overlay areas, is a permitted use if sixty (60) feet or less in height and located sixty (60) feet or less from the edge of the right-of-way of State or Federal highways. If the tower is not located on or

within one-quarter (1/4) mile of a State or Federal highway, the underlying zoning regulations shall prevail.

C. If a wireless telecommunications tower exceeds sixty (60) feet in height or is located more than sixty (60) feet from the edge of the right-of-way of a State or Federal highway, it may be permitted as a conditional use provided that the tower be set back twenty (20) feet from the edge of the right-of-way for every one (1) foot in height in excess of sixty (60) feet.

D. Unless otherwise specified herein, should a conflict arise between these standards and other provisions of these regulations, the provisions of Section 5.13.115 shall prevail.

# CHAPTER VI

# PARKING AND LOADING

## SECTION 6.01 GENERAL REQUIREMENTS

6.01.010

1. Except as herein provided, no building or structure shall be erected, altered, or converted to any use unless there shall be provided on the lot or parcel vehicle parking of at least the following ratio of vehicle spaces for the uses specified in the designated districts and all roadways comply with the standards contained here, except that an established use lawfully existing at the effective date of these regulations need not provide parking or roadways as herein set forth and that no existing vehicle parking or roadways may be reduced or further reduced below the minimum standards herein required.

2. Parking Space Dimensions:

   A. Standard vehicle – 9 by 20 feet;
   B. Compact vehicle – 8 by 16 feet;
   C. Bus space – 12 by 60 feet.

3. Handicapped Parking – All non-residential uses shall comply with the parking requirements set forth in the Americans With Disabilities Act (ADA) with regard to the number and location of spaces.

4. Fractional Measurements: When units or measurements determining the number of required off-street parking and off-street loading spaces results in a requirement of a fractional space, any fraction less than one-half (1/2) shall be disregarded, and fractions of one-half (1/2) and over shall require one off-street parking or loading space.

5. For uses listed as Commercial Accommodations or Recreational Areas, up to ten percent (10%) of the required parking may be met with bus parking (1 bus space = 20 car spaces). That is, at least ninety percent (90%) of the required parking shall be met with car spaces.

6. Compact parking spaces may be permitted for parking lots containing more than four (4) parking spaces. No more than 20 percent (20%) of the off-street parking requirement shall be met by the use of compact spaces and all such spaces shall be suitably marked on the site. A compact car space shall not be smaller than eight (8) feet by sixteen (16) feet. This requirement shall not prevent the provision of additional compact spaces when the minimum number of spaces required by this chapter has been satisfied.

6.01.020 Off-street overflow/visitor parking shall be provided for multi-family housing developments, mobile home parks and recreational vehicle parks. This overflow parking may be provided in parking modules throughout the development, as additional parking per unit or space, or in a single parking area. The amount of parking provided shall equal at least one (1) parking space for every four (4) living units/spaces.

6.01.030 **Minimum Parking Lot Requirements. See Appendix A.**

| | | |
|---|---|---|
| **SECTION 6.02** | **RESIDENTIAL PARKING REQUIREMENTS** | |
| 6.02.010 | One-family dwelling | 2 spaces per dwelling unit |
| 6.02.020 | Two-family dwelling | 2 spaces per dwelling unit |
| 6.02.030 | Multi-family dwelling | 2 spaces per dwelling unit |
| 6.02.040 | Elderly housing projects (where 90% of the units are occupied by persons 60 years of age or older) | 1/2 space per dwelling unit or lodging unit |
| 6.02.050 | Homes for the aged, disabled or handicapped | 1 space per 5 beds for bed care patients plus 1 space for every other dwelling or lodging unit |
| 6.02.060 | Accessory dwelling unit (ADU) | 1 space per 400 square feet gross floor area; maximum 2 spaces required |
| **SECTION 6.03** | **COMMERCIAL ACCOMMODATIONS PARKING REQUIREMENTS** | |
| 6.03.010 | Bed and Breakfast | 2 spaces for the resident family or manager plus 1 space per room rented plus 1 space for every 2 outside employees of maximum shift |
| 6.03.020 | Boarding house | 1 space per guest room plus 2 spaces for residential family |
| 6.03.030 | Hotels, motels and cabins | 1 space per guest room or suite plus 1 space for every 2 employees per maximum shift |
| 6.03.040 | Convention and meeting facilities accessory to hotel, motel, or other use | 1 space per 10 fixed seats or 100 square feet of gross floor area used for assembly purposes, whichever is greater |
| 6.03.050 | Convention and meeting facilities, sole use | 1 space per 5 seats or 40 square feet of gross floor area used for assembly purposes, whichever is greater |
| **SECTION 6.04** | **INSTITUTIONS PARKING REQUIREMENTS** | |
| 6.04.010 | Animal hospitals, pounds shelters or commercial kennels | 1 space per 400 square feet of gross floor space; minimum 4 spaces |
| 6.04.020 | Auditoriums, theaters, | 1 space per 5 seats or 40 square feet |

| | | |
|---|---|---|
| | churches or other places of assembly | of gross floor area used for assembly purposes, whichever is greater |
| 6.04.030 | Hospitals | 1 space per bed |
| 6.04.040 | Libraries, museums and art galleries | 1 space for every 500 square feet of gross floor area plus 1 for every 2 employees per maximum shift |
| 6.04.050 | Mortuaries | 1 space per 75 square feet of gross floor area used for assembly |

**SECTION 6.05 SCHOOLS PARKING REQUIREMENTS**

| | | |
|---|---|---|
| 6.05.010 | Day care | 1 space per 10 supervised children or adults plus 1 for every employee per maximum shift |
| 6.05.020 | Kindergarten through junior high schools | 1 space per employee and faculty member, but not less than assembly facility area requirements of 1 space per 4 seats |
| 6.05.030 | High schools | 1 space for every 4 students plus 1 space per staff member |
| 6.05.040 | Colleges and universities | 1 space for every 2 students plus 1 space for each staff member |

**SECTION 6.06 RECREATIONAL AREAS PARKING REQUIREMENTS**

| | | |
|---|---|---|
| 6.06.010 | Boat launching areas, marinas | 1 boat trailer space per 1,500 square feet of developed area plus 1 single car space per 3 required trailer spaces |
| 6.06.020 | Bowling alleys | 4 spaces per lane plus 1 space for each employee on maximum shift |
| 6.06.030 | Golf courses | 3 spaces per hole of main course |
| 6.06.040 | Private clubs and lodges, special centers, athletic clubs and the like | 1 space per 400 square feet of gross floor area |
| 6.06.050 | Ski areas, cross-country | 2 spaces per mile of trail served by trailhead |
| 6.06.060 | Ski areas, downhill | 1 space per 4 skiers, based on skier per day capacity |

| | | |
|---|---|---|
| 6.06.070 | Stadiums, special arenas and similar open assemblies. | 1 space per 5 seats or 1 space for every 100 square feet of assembly space without seats, whichever is greater |

**SECTION 6.07 FOOD AND BEVERAGE PLACES PARKING REQUIREMENTS**

| | | |
|---|---|---|
| 6.07.010 | Drive-in restaurants | 1 space per 80 square feet of gross floor area with 10-space minimum |
| 6.07.020 | Restaurants, cafeterias, food and beverage establishments | 1 space per 4 seats plus 1 space per employee on maximum shift. Drive-through windows must be provided with 5 stacking spaces per window |

**SECTION 6.08 BANKS AND FINANCIAL INSTITUTIONS PARKING REQUIREMENTS**

| | | |
|---|---|---|
| 6.08.010 | Banks and financial institutions | 1 space per 400 square feet of gross floor area. Drive-in windows must be provided with 4 stacking spaces per window |
| 6.08.020 | Offices. | 1 space per 400 square feet of gross floor area |
| 6.08.030 | Offices not providing customer services | 1 space per 4 employees, but not less than 1 per 400 square feet of gross floor area |
| 6.08.040 | Medical and dental offices | 1 space per 150 square feet of gross floor area |

**SECTION 6.09 BUSINESSES PARKING REQUIREMENTS**

| | | |
|---|---|---|
| 6.09.010 | Retail or personal service stores | 1 space per 300 square feet of gross floor area |
| 6.09.020 | Service stations | 3spaces per service bay and 1 space per 2 fuel pumps |

**SECTION 6.10 MANUFACTURING AND WAREHOUSING PARKING REQUIREMENTS**

| | | |
|---|---|---|
| 6.10.010 | Manufacturing uses, research testing and processing, assembling, all industries | 1 space per 2 employees on maximum shift |
| 6.10.020 | Warehouse, storage and wholesale business and freight terminals | 1 space per 2 employees on maximum shift |

**SECTION 6.11 R-2.5, R-1, R-2, R-3, R-4, R-5, AND RA-1 PARKING REQUIREMENTS SPECIAL CONDITIONS**

6.11.010 No driveway in the front yard setback shall be wider than 22 feet.

6.11.020 Residential parking spaces shall be on the same lot with the main building. Parking for non-residential uses may be located up to 300 feet from the property.

6.11.030 All parking areas and access driveways shall have at a minimum:

1. Adequate drainage so that injuries will not be caused to adjacent properties nor will water drain across a public walk;

2. Appropriate bumper guards or curbs where needed to define parking spaces, limits of paved areas or to prevent vehicles from projecting into any setback or other portion of a lot where parking may be prohibited by another section of these regulations.

6.11.040 Uncovered, open air parking is allowed in the side yard and rear yard setbacks to serve tri-plex or larger residential uses and all non-residential uses allowed provided a five (5) foot landscaping and solid screening area is provided adjacent to the adjoining property boundary or a public right-of-way.

6.11.050 The parking of recreational vehicles in the side yard setbacks whether for storage or use shall be prohibited.

6.11.060 Only parking serving single-family and duplex housing units will be allowed in the front yard setback.

**SECTION 6.12 RC-1 PARKING REQUIREMENTS SPECIAL CONDITIONS**

6.12.010 All parking requirements included in Section 6.11.

6.12.020 All parking and access driveways for businesses and tourist accommodation facilities shall be a smoothly graded stabilized dust free surface that has been treated with dust retardants or paved.

6.12.030 Each property owner or lessee shall be responsible to see that their employees, visitors, or customers park in the designated parking areas.

6.12.040 Visitor, guest, or customer drop-off zones and parking shall be provided near visitor or customer entrances for conditionally permitted businesses and tourist accommodation facilities. The parking shall be separated from the all-day employee parking.

**SECTION 6.13 B, BR, CVR, CCC, I, AND P PARKING REQUIREMENTS SPECIAL CONDITIONS**

6.13.010 All parking areas and access driveways shall have at a minimum:

1. Adequate drainage so that injuries will not be caused to adjacent properties nor will water drain across a public walk;

2. Appropriate bumper guards or curbs where needed to define parking spaces, limits of paved area and setback area. Parking is allowed within the front yard setback areas within five (5) feet of the adjoining property boundary provided there is a five (5) foot maintained landscape buffer.

3. A smoothly graded stabilized dust free surface that has been treated with dust retardants or paved.

6.13.020 Each property owner or lessee shall be responsible to see that their employees, visitors, guests, or customers park in the designated parking areas.

6.13.030 Visitor, guest or customer drop-off zones and parking shall be provided near visitor or customer entrances into buildings and shall be separated from all-day employee parking.

**SECTION 6.14 OFF-STREET PARKING DESIGN STANDARDS**

6.14.010 All parking surfaces must be designated properly by painted lines or other methods of demarcation.

6.14.020 One access shall be allowed per lot, as they exist on the effective date of these regulations, or one access shall be allowed for each 200 feet of frontage. Minimum distance between accesses shall be 100 feet except for service stations where only two accesses are allowed per lot with one frontage; a third access shall be allowed for the other street frontage on corner lots.

**SECTION 6.15 OFF-STREET LOADING, GENERAL REQUIREMENTS**

6.15.010 Each off-street loading space shall measure not less than 35 feet by 12 feet and shall have an unobstructed height of 14 feet 6 inches and shall be made permanently available for such purposes, and shall be surfaced (asphalt, concrete, etc.), improved and maintained.

6.15.020 Expansion and Enlargement

1. Whenever any building existing on the effective date of these regulations is subsequently altered to increase floor area by 50% or more, off-street loading spaces shall be provided as indicated. Nothing in these provisions shall be construed to require off-street loading areas for the portions of such buildings existing at the time of adoption of these regulations.

6.15.030 Minimum Standards

Required off-street loading spaces shall be in conformance with the following:

1. Department stores, retail or wholesale stores, eating and drinking establishments, warehouses, repair, general service, manufacturing or industrial establishments:

| Square feet or aggregate gross floor area | Required number of spaces |
|---|---|

| | |
|---|---|
| Up to 19,999 | 1 |
| 20,000 to 39,999 | 2 |
| 40,000 to 59,999 | 3 |
| Each additional 20,000 | 1 additional |

2. Hotels, office buildings, hospitals or similar institutions, auditoriums or similar places of public assembly:

| Square feet or aggregate gross floor area | Required number of spaces |
|---|---|
| Up to 59,999 | 1 |
| 60,000 to 89,999 | 2 |
| 90,000 to 119,999 | 3 |
| Each additional 60,000 | 1 additional |

**SECTION 6.16 STREET AND ROADWAY STANDARDS**

6.16.010 Access to businesses, service stations, roadside stands, public parking lots and all other businesses requiring motor vehicle access shall meet the requirements as hereinafter provided or as applicable of the Montana Department of Transportation or Flathead County Road and Bridge Department (whichever requirements are more stringent).

6.16.020 Access shall be controlled as follows:

1. Access shall be by not more than two (2) roadways for each 100 feet, or fraction thereof, frontage on any street.

2. No two (2) of said roadways shall be closer to each other than 12 feet on the same parcel, and no roadway shall be closer to a side property line than 2 feet. (See Section 6.13.030 for when a parcel may have two access points.)

3. Each roadway shall be not more than 36 feet in width measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way. No roadway shall be less than 10 feet wide for one-way traffic or 20 feet wide for two-way traffic.

4. All accesses onto County roads shall have been approved by the County Road Department with the issuance of an encroachment permit. Such permits shall be obtained prior to the construction and/or use of such access.

6.16.030 On a corner lot, no roadway shall be closer than 20 feet to the point of intersection of two property lines at any corner as measured along the property line, and no roadway shall extend across such extended property line.

6.16.040 In all cases where there is an existing curb or gutter or sidewalk on the street, the applicant for an encroachment permit shall provide a safety island along the entire frontage of the property, except for the permitted roadways. On the two ends and street side of each such island shall be constructed a concrete curb, the height, location and structural specifications of which shall be approved by the Building Inspector or Zoning Administrator.

6.16.050 A safety barrier shall be established along the property line to limit access to and from the property when no curb and gutter exist. A sidewalk, curb, and gutter system may also be constructed.

# CHAPTER VII

# DEFINITIONS

## SECTION 7.01 GENERAL REQUIREMENTS

7.01.010 For the purpose of these regulations, certain terms and words are hereby defined as follows: words in the present tense include the future, words in the singular include the plural, and words in the plural include the singular. The words "shall" and "must" are mandatory and not discretionary. The following words when applied in these regulations shall carry full force when used interchangeably: lot, plot, parcel, or premises; used, arranged, occupied, or maintained; sold or dispensed; construct, reconstruct, erect, alter.

7.01.020 When there appears to be a conflict between the content of the text of these regulations and any definition given in the following chapters, the text shall control.

## SECTION 7.02 DEFINITIONS "A"

7.02.010 Abandonment – The actual cessation of a non-conforming use.

7.02.020 Accessory Apartment – Dwelling units that are in the principal structure on lots zoned for commercial uses (B and BR districts) or light industrial uses (I-1 and I-1H districts). Accessory apartments may be used as on-site housing for owners, watchmen, facility managers, or rented to the general public. The gross floor area of the accessory apartment(s) and access may not exceed fifty percent (50%) of the gross floor area of the principal structure.

7.02.030 Accessory Building/Use – A use, building or structure, or part of a building or structure which is subordinate to and the use of which is incidental to that of the main building, structure, or use of the same lot. If an accessory building is attached to the main building or structure by a common wall or roof, such accessory building shall be considered as part of the main building.

7.02.040 Agriculture – The use of land for agricultural purposes including farming, dairying, pasturage, grazing land, animal and poultry husbandry, feed lots and the necessary accessory uses for packing, treating, storing or shipping of products. Raising and harvesting timber are also included.

7.02.050 Alley – A passage or way open to public travel and dedicated to public use affording a secondary means of access to abutting lots and not intended for general traffic circulation.

7.02.060 Alterations – A change or rearrangement of the structural parts of existing facilities or an enlargement by extending the sides or increasing the height or depth or the moving from one location to another.

7.02.070 Animal Farm – A property where the primary use is the raising of animals for pelts, feathers, live sale or leasing. Uses shall include the training and/or keeping of animals for use in circuses, advertisements, commercials, or other functions. The animals found on animal farms may include, but are not limited to, one or more of the following:

minks, chinchillas, foxes, mountain lions, ferrets, martens, wolves, ostriches, emus and other exotic birds, pot-bellied pigs, and non-domesticated animals. Such uses shall have any and all applicable permits.

7.02.080 Apartment – A room or a suite of two or more rooms in a multiple family dwelling or in any other building, except a single-family dwelling or a two-family dwelling, occupied or suitable for occupancy as a dwelling unit for one family.

7.02.090 Apartment House – A building or a portion of a building arranged or designed to be occupied by three or more families living separately from each other and containing three or more apartments.

7.02.100 Arterial – See Street, Arterial.

7.02.110 Art Foundry – A facility wherein the casting and molding of metal into statuettes, busts, sculptures, and other artistic or aesthetic forms is the primary use. The products of such a facility are generally of such a size to allow them to be moved by a single person without assistance.

7.02.120 Automobile Repair Shop – A facility in which passenger cars and small trucks are serviced and repaired. Such services and repairs may include those offered by an automobile service station, engine removal for repair or replacement, transmission repair, bodywork and painting. Such facility shall not be involved in the dismantling of motor vehicles.

7.02.130 Automobile Service Station – See "Service Station".

7.02.140 Automobile Wrecking Yard – Any premises devoted to the destruction, wrecking, and/or dismantling of motor vehicles and trailers or the storage, sale or dumping of wholly or partially dismantled, obsolete, or wrecked vehicles or their parts. The keeping of four or more discarded, ruined, wrecked or dismantled motor vehicles, including component parts, or inoperable vehicles which are not lawfully and validly licensed, and remain inoperable or incapable of being driven constitutes an automobile wrecking yard.

**SECTION 7.03 DEFINITIONS "B"**

7.03.010 Basement – That portion of a building partly underground and having at least one-half of its height more than five (5) feet below the adjoining finished grade.

7.03.020 Bed and Breakfast – A single-family detached dwelling containing, in addition to living accommodations for the resident manager, individual sleeping rooms without cooking facilities for the purpose of providing to the general public for compensation, lodging, bathroom facilities, and breakfast only to overnight patrons.

7.03.030 Billboard – A standard outdoor advertising sign larger than 250 square feet of total structural surface area, which is designed to convey a message or to advertise products, services or businesses not located on the premises on which the sign is located. A sign shall not be considered a billboard unless the sign is designed and built with a surface on which poster panels or painted bulletins are mounted for the purpose of conveying visual messages or advertisements.

7.03.040 Board of Adjustment – A quasi-judicial body created under Section 2.03 of these regulations.

7.03.050 Boarding House – A dwelling or part thereof other than a hotel, motel, or restaurant where one or more meals per day and lodging for periods of one week or longer are provided for compensation for two or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

7.03.060 Buildable Area – That portion of a lot upon which a building may be lawfully constructed.

7.03.070 Building – Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or chattel. When any portion thereof is completely separated from every other portion thereof by a division wall without openings, then each such portion shall be deemed to be a separate building.

7.03.080 Building Area or Footprint – The total horizontal area covered by enclosed building space including the total area of all covered open space except for open space covered by eaves and normal overhang of roofs, but not including uncovered entrance platforms, uncovered terraces, or uncovered steps where such features do not themselves constitute enclosures for building areas below them.

7.03.090 Building Height – The vertical distance from the undisturbed ground level at the perimeter (drip edge) of the building to a parallel plane at the highest point of the roof or parapet wall. (See diagram in Appendix B)

7.03.100 Building Line – That part of the building nearest the property line including building corners, faces, covered decks or porches and decks over three feet in height. Eaves shall not extend more than two feet into the setbacks.

7.03.110 Building Permit – An official document, issued by the State of Montana or a local building official, that the proposed construction meets all applicable regulations. These regulations may include, but are not limited to, zoning regulations, Uniform Building Code, Uniform Fire Code, Uniform Plumbing Code, Uniform Mechanical Code, National Electrical Code, and floodplain regulations.

7.03.120 Business or Commercial Use – The purchase, sale, offering for sale, or other transaction involving the handling or disposition of any article, service, substance, or commodity for livelihood or profit; or the management or occupancy of office buildings, offices, recreation or amusement enterprises; or the maintenance and use of buildings, offices, structures, or premises by professions and trades or persons rendering services.

## SECTION 7.04 DEFINITIONS "C"

7.04.010 Camp and Retreat Center – A camp or retreat center use is defined as a land use to provide camping or retreat center activities characterized by a rural setting in a rustic environment. Uses are primarily seasonal, but they shall not be limited to such. The uses permitted may be affiliated with the organization running the camp or retreat center, however, the general public is not restricted from such use.

7.04.020 Campground – An area or tract of land used or designed to accommodate two or more camping parties including cabins, tents, camping trailers, or other camping outfits.

7.04.025 Caretaker's Facility – A dwelling which is constructed and designed to provide living quarters for caretakers and/or property managers and is clearly subordinate to the principal use with regard to size and location.

7.04.030 Carport – A structure to house or protect motor vehicles which has at least 50% of the total area of its sides open to the weather.

7.04.040 Child Care Center – See "Day Care".

7.04.050 Church – A building together with its accessory buildings and uses where persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.

7.04.060 Clear Vision Triangle – An area at the intersection of two roads or a road and railroad tracks, created by measuring along both roadways to a point 40 feet from the point of intersection and connecting those two points to form a triangle.

7.04.070 Clinic – A building designed and used for the medical or similar examination and treatment of persons on an outpatient basis.

7.04.080 Club – An incorporated or unincorporated association of persons organized for social, fraternal, religious, athletic, educational, literary, or charitable purposes whose activities are confined to members and their guests and are not extended to the general public. Property occupied by a club shall be subject to the regulations governing public buildings and places.

7.04.090 Cluster – A pattern of residential development wherein units are grouped together around access courts with the remainder of the yard left as improved open space.

7.04.100 Commercial or Business Use – See "Business or Commercial Use".

7.04.110 Common Wall – The wall or walls extending from the basement or ground floor line of a building to the roof along a side lot line that is shared with an adjoining lot.

7.04.115 Community Center Building – A building, structure, facility or use constructed and designed to serve a broad base community need and purpose. Community center buildings are intended to be used for recreational, social, educational, and cultural activities, open to the public, or a designated part of the public, owned and operated by a nonprofit group or agency. This definition specifically excludes any use, structure, building or facility that utilizes an on-premise alcohol consumption license.

7.04.120 Community Residential Facility – A community or group home, which may provide for skilled or intermediate nursing care for developmentally, mentally, or physically disabled persons. Such uses that would be covered by this term include, but are not limited to: A youth foster home, youth group home, a halfway house or an adult foster care home, a convalescent home, a family care home, a nursing home, retirement home, or personal care facility. The term does not include boarding houses and similar uses.

These facilities must be operated in accordance with regulations and license requirements of the Department of Public Health and Human Services.

Per Section 76-2-411, M.C.A., certain types of Class I community residential facilities are conforming residential uses in all residential zoning districts. These uses shall comply with the permit requirements and performance standards of this section and the performance standards of residential uses within the underlying zoning district.

There are three tiers of Community Residential Facilities:

Class 1: 8 or fewer persons. By Administrative Conditional Use Permit in all Residential Zoning Districts (SAG-5, 10, R-2.5, R-1, 2, 3, 4, and 5, RC-1, and RA-1).

Class 2: 9 to 12 persons, or a facility that will provide skilled or intermediate nursing care for 1 to 12 persons. By Conditional Use Permit in all Residential Zoning Districts SAG-5, 10, R-2.5, R-1, 2, 3, 4, and RC-1, and by Administrative Conditional Use Permit in Residential Zoning Districts R-5 and RA-1.

Class 3: More than 12 persons regardless of the type of care provided. By Conditional Use Permit in R-4, R-5, RC-1, and RA-1.

7.04.130 Conditional Use – A use which may be permitted in one or more districts as defined in these regulations but which, because of size, technological processes or equipment, or because of the exact location with reference to surroundings, streets and existing improvements, or demands upon public facilities, requires a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same district or districts. Conditional uses do not include uses that are special exceptions or that require the issuance of a variance.

7.04.140 Conditional Use Permit – The documented evidence of authority granted by the Board of Adjustment to locate a conditional use at a particular location.

7.04.150 Condominium – Ownership in common with others of a parcel of land and certain parts of a building together with individual ownership in fee of a particular unit or apartment in such building.

7.04.160 Cooperative Product Retailing – the sale of goods from one residence of products that are produced elsewhere. This would include such uses as craft sales and art work sales; the storage of products that are sold elsewhere (retailing of items such as food and kitchen storage items, household cleaning products, cosmetics, etc.) is not considered to be cooperative product retailing. Cooperative products retailing requires the issuance of a Conditional Use Permit.

7.04.170 Court – An open, unoccupied space other than a yard, which is on the same lot as a building or buildings and is bounded on two or more sides by such building or buildings, including the open space of a house, court, or apartment providing access to the units thereof.

## SECTION 7.05 DEFINITIONS "D"

7.05.010 Dairy – Any premises where three or more cows, three or more goats, or any combination thereof, are kept, milked and/or maintained as the primary use of the property.

7.05.020 Day Care – A facility which provides daily care and supervision of five or more children or handicapped, disabled or elderly adults, not related by blood or marriage, and not the legal ward of the attendant adult. Homes (5-12 individuals) must be registered with the appropriate state agency. Centers (13 or more individuals) must be licensed with the appropriate state agency.

7.05.030 Density – The number of dwelling units per gross acre in any residential development.

7.05.040 Detached Building – Any building surrounded on all sides by open space.

7.05.050 Developer – An owner or any person authorized by the owner who intends to improve or to construct improvements upon the owner's property.

7.05.060 District – An area defined by boundaries established by resolution of the Board of County Commissioners and within which area only certain types of land uses are permitted and within which other types of land uses are excluded as set forth in these regulations.

7.05.070 Dock – A basin for the storage of boats including a basin formed between the extension of two piers on the area between a bank or a key and a pier. Docking facilities may include moorage, docks or any place or structure connected with the shore or upon shore lands provided for the securing of a boat.

7.05.080 Drive-In/Drive-Through Restaurant – A use wherein its retail character is dependent upon a driveway approach and parking space on the premises for motor vehicles so as to either serve customers while in the vehicle or on the premises.

7.05.090 Dwelling – A building used for human residential purposes.

7.05.100 Dwelling, Duplex – A building designed to house two families living independently of each other in separate dwelling units but having one yard in common.

7.05.110 Dwelling, Family Hardship – A temporary dwelling used for housing a member of the immediate family whose physical or mental condition requires constant care or assistance. Such a use requires the issuance of a Conditional Use Permit.

7.05.120 Dwelling, Multi-Family – A building designed to house three or more families living independently of each other in separate dwelling units but having one yard in common.

7.05.130 Dwelling, Resort – A single-unit, duplex, or townhouse structure that offers lodging on a short-term basis. Such use may be under corporate ownership. If the total number of rooms or units exceeds five (5), the structure shall be defined as a hotel or motel.

7.05.140 Dwelling Unit – One or more rooms designed for or occupied by one family for living or sleeping purposes with stays of 30 days or longer. A dwelling unit must contain a kitchen and bathroom facilities for use solely by one family. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit.

7.05.150 Dwelling unit, accessory (ADU) – A single, separate habitable living unit added to, created within, or detached from the principal single-family dwelling that provides the basic requirements for living, sleeping, eating, cooking and sanitation with stays of 30

days or longer on a single-family lot. ADUs are subordinate in size (no larger than 40% of the floor area of the principal dwelling), location, and appearance to the principal single-family dwelling and have separate means of ingress and egress. One ADU is allowed per tract of record and it may be rented to the general public.

**SECTION 7.06 DEFINITIONS "E"**

7.06.010 Electrical Distribution Substation – An assembly of equipment designed to receive energy from a high voltage distribution supply system, convert it to a form suitable for local distribution, and to distribute the energy to feeders through switching equipment designed to protect the service from the effects of faults.

7.06.020 Equestrian and Livestock Facilities – Those structures and facilities necessary for the care and keeping of livestock in conjunction with a recreational operation such as a dude ranch or resort community. Such facilities may include corrals, barns, silage structures, and similar uses. This use does not include rodeo arenas, feedlots, or sale barns.

7.06.030 Existing Use – The actual lawful use of the premises at the time these regulations were adopted or at the time a building permit has been issued, provided the work has actually been done thereon or a valid contract made for such work within the intent of the permit, and before the amendment of these regulations insofar as it affects the use allowed under the permit.

7.06.040 Extractive Industries – Commercial or industrial operations involving the removal and processing of natural accumulations of sand, rock, soil, gravel, or any mineral.

**SECTION 7.07 DEFINITIONS "F"**

7.07.010 Family – One or more persons related by blood, marriage, adoption, or a group of not more than five persons, excluding servants, not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit.

7.07.020 Family Hardship Dwelling – see "Dwelling, Family Hardship".

7.07.030 Feed and Seed Processing/Cleaning – A commercial activity, that makes up the principal use of the property, wherein feed and seed products are processed for the sale to and use by the final consumer – normally a farming or ranching operation is the buyer.

7.07.040 Feed Lot – A commercial activity, that makes up the principal use of the property, wherein the feeder stock (cattle, swine, etc.) are purchased, enclosed in small areas, and fattened for sale and slaughter. Feedlots shall not include normal ranching operations that include the pasturing of livestock.

7.07.050 Fence – A masonry wall or a barrier composed of parts connected by boards, rails, panels, or wire for the purpose of enclosing space or separating parcels of land. Retaining walls are not considered to be fences.

7.07.055 Fire Station – A building used for fire equipment and firefighters, owned and operated by a duly authorized volunteer fire district.

7.07.060 Floor Area – The sum of the gross horizontal areas of the floors of a building or buildings measured from the exterior faces of exterior walls and from the centerline of division walls. Floor area shall include basement space where the ceiling is at least 30 inches above the ground elevation of adjacent portions of the lot, elevator shafts and stairwells at each floor, mechanical equipment rooms, or attic spaces with headroom of seven feet six inches or more, penthouse floors, interior balconies and mezzanines, enclosed porches. Floor area shall not include accessory water tanks and cooling towers, mechanical equipment or attic spaces with headroom of less than seven feet six inches, exterior steps or stairs, terraces, breezeways, and open spaces.

7.07.070 Foundation, Properly Engineered – A foundation system that provides adequate support of the home's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the home to the undisturbed ground (below the frost line in frost-susceptible areas).

7.07.080 Fraternity, Sorority, or Student Cooperative – A building operated by and maintained exclusively for students affiliated with an academic or professional college or university or other recognized institution of higher learning and regulated by such institution.

**SECTION 7.08 DEFINITIONS "G"**

7.08.010 Garage, Commercial – A building or portion thereof designed and used for the storage, repair, or servicing of motor vehicles or boats as a business.

7.08.020 Garage, Private – An accessory building or accessory portion of the main building enclosed on not less than three sides and designed to be used only for the shelter or storage of vehicles or other personal property owned or operated only by the occupants of the main building or buildings.

7.08.025 Gravel Extraction– includes the following activities, if they are conducted for the primary purpose of sale or utilization of materials: 1)removing the overburden and mining directly from the exposed natural deposits or mining directly from natural deposits of materials; 2) mine site preparation, including access; 3) processing of materials within the area that is to be mined or contiguous to the area that is to be mined or the access road; 4) processing materials within the area that is to be mined through crushing, screening, asphalt, wash, and concrete plants, and utilizing other equipment used in processing open-cut materials; 5) transportation of materials on areas referred to in subsections 1 - 3; 6) storing or stockpiling of materials on areas referred to in subsections 1 - 3; 7) reclamation of affected land; and 8) any other associated surface or subsurface activity conducted on areas referred to in subsections 1 - 3.

7.08.030 Greenbelt – a strip of land variable in width for the planting, growing and maintaining of a sight-obscuring screen of healthy trees or cultivated landscaping.

7.08.040 Ground Elevation – The finish grade of a sidewalk adjacent to any front yard property line or the adjacent street right-of-way line if no sidewalks exist. On side and rear property lines ground elevation shall be the natural grade of said side or rear property line.

7.08.050 Guest House – A detached structure which is accessory to a one family dwelling with not more than two bedrooms, which shall be used and/or designed for use primarily by guests and/or servants. One guesthouse is allowed per tract of record.

7.08.060 Guest Ranch – A centrally managed facility that provides full service lodging, dining or cooking facilities, and onsite recreational activities for overnight guests or members. A ranch resort shall include an organized program of activities such as hunting, fishing, nature study, arts, Nordic skiing, snowmobiling, boating, rafting, horseback riding, hiking, and pack trips. A guest ranch may also include corporate or religious retreats or conference facilities. Activities shall be provided on-site to the extent possible. Adjacent public lands and waterways may be used to supplement on-site activities if proper licenses and permits are obtained. Guest lodging within a ranch resort shall not be used for long-term residency beyond three (3) months. Hotels and motels are not considered guest ranches. All ranches providing guest services shall contain or have a use agreement for at least one hundred and sixty (160) acres.

**SECTION 7.09 DEFINITIONS "H"**

7.09.010 Health Club - A public or private facility that promotes and provides for developing, maintaining, and enhancing strength, fitness, flexibility, and/or cardiovascular capacity. Such facilities may include swimming pools, tennis courts, racket sports, weight lifting and weight machines, aerobic conditioning and equipment, indoor tracks, golf related activity, indoor climbing walls, and similar items as well as professional athletic instruction related thereto. Accessory uses may include locker/shower rooms, saunas, steam baths, hot tubs, physical therapy, rehabilitation, medical diagnostic facilities, massage, the sale of athletic equipment and accessories to uses of the health club, and the sale of pre-packaged foods and non-alcoholic beverages. The facilities may be used for meetings, sporting events, and competitions relating to athletic and recreational activities.

7.09.015 High Tech Industrial Business – A high tech industrial business would include, but not be limited to, companies that are involved in the research and development or manufacture and distribution of bioelectronics, biotechnology, microelectronics, computer hardware or software, engineering systems, information technology, semiconductors, or telecommunications. It does not include engineering drafting or design, telemarketing, research services, wholesale or retail trade of goods.

7.09.020 Home Occupation – Any use conducted entirely within the dwelling and carried on by the members of the family which use is clearly incidental and secondary to the dwelling for dwelling purposes and does not change the character thereof and in connection therewith are no commodities sold from the premises except that which is produced thereof, except as provided for in Section 5.06. Such uses may include, but are not limited to, art and/or photography studios, computer programming, insurance sales, and handicrafts provided that the use does not involve more than one-third of the total square footage of the dwelling.

7.09.025 Homeowners Park – A park that has been dedicated as part of a subdivision for the exclusive use by the property owners within that subdivision, and is maintained through private funds provided from annual fees paid to the homeowners association. In subdivisions where a homeowner's park provides common lake access, the common lake access shall be a minimum of one-half acre in size and contain a minimum of 100 feet of lakefront, except that an additional ten (10) feet of lakefront shall be added for each dwelling unit in excess of five (5).

7.09.030 Hospital – An establishment which provides accommodations, facilities, and services over a continuous period of 24 hours or more for observation, diagnosis and care of two or more individuals not related by blood or marriage to the operator, who are suffering from illness, injury, deformity, or abnormality, or from any condition requiring obstetrical, medical or surgical services.

7.09.040 Hospital, Animal – A building or premises for the medical or surgical treatment of animals or pets, including dog, cat, and veterinary hospitals, including the boarding of hospitalized animals but not excluding the boarding of animals not subjected to medical or surgical treatment.

7.09.050 Hotel – A building containing five or more individual sleeping rooms or suites each having a private bathroom attached thereto for the purpose of providing overnight lodging facilities to the public for compensation, with or without meals, excluding accommodations for employees. Where a hotel is permitted as a principal use, all uses customarily and historically accessory thereto for the comfort, accommodation and entertainment of the patrons, including the serving of alcoholic beverages, shall be permitted under proper licensure.

**SECTION 7.10 DEFINITIONS "J"**

7.10.010 Junkyard – A lot, land or structure, or a part thereof used for the collection, storage, and sale of waste material, rags, scrap metal, or discarded material, or for the collection, dismantling, storage, salvaging or sale of parts of machinery not in running condition.

7.10.020 Junk Vehicle – A vehicle which is wrecked, dismantled or inoperable, and unlicensed, and which is kept in a publicly visible front, rear or side yard.

**SECTION 7.11 DEFINITIONS "K"**

7.11.010 Kennel, Commercial – Any lot or building where four or more adult dogs and/or cats are kept, boarded, trained, or propagated as a commercial activity whether in special structures on runways or not.

**SECTION 7.12 DEFINITIONS "L"**

7.12.010 Livestock – Horses, bovine animals, sheep, goats, swine, donkeys, mules, and non-domesticated ungulates such as elk, deer, and moose.

7.12.020 Lot – A parcel of land on file in the Office of the Flathead County Clerk and Recorder.

7.12.030 Lot Area – The total horizontal area within the boundary lines of a lot. Where surface utilities or street easements are located within a parcel, lot area computations shall not include that area contained within the easement except for lots located in SAG-5, SAG-10, AG-20, AG-40, and AG-80 Zoning Districts.

7.12.040 Lot, Corner – A lot at the junction of and fronting two or more intersecting streets.

7.12.050 Lot Coverage – That portion of the lot that is occupied by any building or structure.

7.12.060 Lot Depth – The mean dimension of a lot from the front street line to the rear line.

7.12.070 Lot, Front – The front of the property line of a lot shall be determined as follows:

Corner Lot – The front property line of a corner lot shall be the shorter of the two lines adjacent to the streets as platted, subdivided or laid out. Where the lines are equal, the front line shall be that line which is obviously the front by reason of the prevailing custom of the other buildings on the block. If such front is not evident, then either may be considered the front of the lot, but not both.

Interior Lot – The front property line of an interior lot shall be the line bounding the street frontage.

Through Lot – The front property line of a through lot shall be that line which is obviously the front by reason of the prevailing custom of other buildings in the block. Where such front property line is not obviously evident, the Zoning Administrator shall determine the front property line. Such a lot over two hundred feet deep shall be considered, for the purpose of this definition, as two lots each with its own frontage.

7.12.080 Lot, Interior – A lot fronting on one street.

7.12.090 Lot, Irregular (flag lot) – An irregularly shaped lot typified by being almost entirely land-locked and having limited access and/or no direct frontage on a road. Access to a public or private road is typically by an extended strip of land either deeded or by easement.

7.12.100 Lot, Lakefront – A lot which has deeded direct access to the lakeshore or a lot which does not have deeded access to the lakeshore but which lies within 100 feet of the average high-water line of Little Bitterroot Lake or Rogers Lake.

7.12.110 Lot, Rear – The rear property line of a through lot is that lot line opposite to the front property line. Where the side property lines of a lot meet in a point, the rear property line shall be assumed to be a line not less than ten feet long, lying within the lot and parallel to the front property line. In the event that the front property line is a curved line then the rear property line shall be assumed to be a line not less than ten feet long, lying within the lot and parallel to a line tangent to the front property line at midpoint.

7.12.120 Lot, Side – The side property lines of a lot are those lot lines connecting the front and rear property lines of a lot.

7.12.130 Lot, Through – A lot fronting on two streets that do not intersect on the parcel's lot lines. May be referred to as a double frontage lot.

7.12.140 Lot, View – A lot which does not have deeded direct access to the lakeshore and which lies more than 350 feet landward of the average high-water line of Little Bitterroot or Rogers Lake. A view lot may have access to the lakeshore via an approved homeowners park.

7.12.150 Lot Width – A dimension of the lot line at the street. Where in an irregularly shaped lot the dimension at the building line or in a corner lot the narrowest dimension of the lot at a street or building line.

**SECTION 7.13 DEFINITIONS "M"**

7.13.010 Manufactured Home – Housing built on a chassis designed and constructed for transportation to a site for installation and use when connected to required utilities. Also referred to as "mobile home" or "modular home".

1. Class A Manufactured Home: Also known as a "double-wide" manufactured home and meeting the following standards:

   A. Constructed after June 15, 1976, and certified as meeting the mobile home construction safety standards of the Department of Housing and Urban Development.
   B. At least twenty (20.0) feet wide at the narrowest point.
   C. A roof pitch of not less than a three (3) foot rise for each 12 feet of horizontal run (3:12) and shall be constructed of conventional roofing material. A freestanding canopy pitch roof is qualified as meeting these standards.
   D. Use of siding material, which has the appearance of wood, masonry or vinyl, or other type of conventional siding material.
   E. Has perimeter skirting which has the appearance of wood, masonry, delta rib colored steel or other type of conventional foundation material. Manufactured homes must be set to manufacturer's specifications as outlined in the set-up and installation manual or placed on a properly engineered foundation which is in compliance with state and local building regulations.
   F. Hitch or tongue of manufactured home shall be removed.

2. Class B Manufactured Home: Also known as a "single-wide" manufactured home and meeting the following standards:

   A. Shall meet all the Class A criteria listed above except that it shall be at least thirteen (13.0) feet wide at its narrowest point.

3. Class C Manufactured Home: A manufactured home which does not meet Class A or Class B criteria, but which is at least ten (10) feet wide and forty (40) feet in length. The placement of such structures shall be limited to approved manufactured home parks.

7.13.020 Manufactured Home Park – A parcel of land which has been planned and improved for the placement of two or more manufactured homes for residential use.

7.13.030 Manufactured Home Subdivision – A subdivision designed and intended for residential use where residence is in manufactured homes exclusively and where the lot is sold or rented to the occupant.

7.13.040 Map – Any adopted zoning map of Flathead County, Montana.

7.13.050 Marina – A commercial waterfront facility which provides for recreational boating and other water related activities. Any commercial facility, which provides dock slips or moorage for five (5) or more watercraft, is considered a marina.

The term marina does not include homeowners parks, which have been reviewed and are platted with a subdivision. A dock which is accessory to a use, like a restaurant, that does not include services such as fuel, launching, maintenance, rental or sale of the moorage and provided that the length of stay is 24 hours or less, is not a marina for the purposes of these regulations.

7.13.060 Marquee – A fixed shelter used only as a roof and extending beyond a building line and which is entirely supported by the building to which it is attached.

7.13.070 Mean Ground Level – The average of the finished ground level at the center of all exposed walls of the building. Where walls are parallel to and within five feet of a sidewalk, the sidewalk shall be considered the mean ground level.

7.13.080 Mini-Storage – Any real property designed and used for the purpose of renting or leasing individual domestic storage spaces to tenants who are to have access to such space for the purpose of storing and removing personal property.

7.13.090 Motel – See "Hotel".

7.13.100 Motor Coach – A motor coach shall be a vehicle specifically designed from the manufacturer as a motorized vehicle that combines transportation and living quarters for the purpose of living quarters. Motor coaches, RVIA Type A, shall be a complete living unit designed as full time living quarters which have been entirely constructed on a bare specially designed chassis or frame. It shall be originally designed and constructed fully equipped with kitchen, sleeping, living and bathroom facilities and be equipped with the ability to store and carry fresh water and sewage. It shall be equipped to connect to service hook-ups for a year round occupancy. Motor coaches shall be not less than 32 feet long and eight feet wide. This definition does not include conversions from one use to residential use.

**SECTION 7.14 DEFINITIONS "N"**

7.14.010 Non-Conforming Use – Any building or land lawfully occupied by a use at the time of passage of this resolution or amendment thereto, which does not conform after the passage of this resolution or amendments thereto with the use or dimensional regulations of the district in which it is situated.

7.14.020 Nursery, Day – See "Day Care".

**SECTION 7.15 DEFINITIONS "O"**

7.15.010 Off-Street Parking – Parking facilities for motor vehicles on other than a public street or alley.

7.15.020 Open Space – A portion of a development set aside to remain open in character while building density is shifted to another part of the development site, typically through a residential cluster or planned unit development process. Permitted primarily uses, which are considered to be open in character, are limited to agricultural/ horticultural/silvicultural uses, recreational space, a single-family dwelling on open-space area 20 acres or larger, and utilities. Accessory uses to these primary uses are also permitted. Examples of permitted structures or uses include barns, corrals, stables, mint

stills, granaries, hay sheds, farm or logging machinery storage buildings, golf courses, playgrounds, swimming pools, and courtyards. Open space calculation shall exclude road easements and road rights-of-way; and

7.15.030 Open Space, Permanent – Open space held so in perpetuity.

7.15.040 Outdoor Recreation Facility – An establishment used for the provision of recreational activities that specialize in the use of outdoor and natural resources. These uses are generally seasonal in nature and may include facilities such as dude ranches, cabin resorts, and rafting/hiking/hunting outfitters and guides. Such uses shall not include water slides, mazes, putt-putt courses, or other high traffic generating uses.

**SECTION 7.16 DEFINITIONS "P"**

7.16.010 Parking Space – A space within or without a building, exclusive of driveways, at least 180 square feet in size used to temporarily park a motor vehicle and having access to a public street or alley.

7.16.020 Pasture – An area confined within a fence or other physical barrier and which area is used for grazing or roaming of livestock.

7.16.030 Permanent – Having attachment to the ground through the use of concrete footings and foundation in conformity with existing building codes.

7.16.040 Permitted Use – Any use authorized alone or in conjunction with another use in a specified district and subject to the limitations of the regulations of such use district.

7.16.050 Planned Unit Development (PUD) – A tract of land developed as an integrated unit. The development is unique and is based on a plan which allows for flexibility of design, setting and density not otherwise possible under the prevailing use district regulations.

7.16.060 Planning Office – The office designated by the County to provide planning services to the County.

7.16.070 Planning Staff – The staff, employees, or officials designated by the County to serve as its official County planners.

7.16.075 Police Station – A building used for police, police equipment, administrative offices, open or enclosed storage of patrol vehicles, temporary detention facilities and dispatching services.

7.16.080 Principal Use – The primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

7.16.090 Professional Offices – Offices maintained and used as a place of business conducted by persons engaged in the healing arts for human beings, such as physicians and dentists but wherein no overnight care for patients is given, and by engineers, attorneys, architects, accountants and by other persons providing services utilizing training in and the knowledge of mental disciplines as distinguished from training in occupations requiring mechanical skill or manual dexterity or the handling of commodities.

7.16.100 Projection – The distance any part of the structure extends over public property or beyond the building setback line.

7.16.110 Public Utility – A public service corporative performing some public service and subjected to special governmental regulations, or a government agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, electric power, telephone, television cable antennae, gas, fire stations, police stations, quick response units, and transportation for persons and freight.

7.16.120 Public Utility Service Station – A small building or shed type structure consisting of four walls and a roof which houses pumps, transformers, relays, equipment, etc., for the purpose of providing public utilities.

**SECTION 7.17 DEFINITIONS "R"**

7.17.010 Ranch Employee Housing – Accessory dwellings on an operational ranch or farm used to house only employees of such operation. Examples of this use would include bunkhouses, line shacks, and foreman's quarters.

7.17.020 Recreational Area, Commercial – An area operated for profit and devoted to facilities and equipment for recreational purposes, including swimming pools, tennis courts, playgrounds, and other similar uses whether the use of such area is limited to private membership or open to the public upon payment of a fee or service charge.

7.17.030 Recreational Area, Non-Commercial – An area devoted to facilities and equipment for recreational purposes, such as swimming pools, tennis courts, playgrounds, community club houses, and other similar uses maintained and operated by a non-profit club, homeowners association or other corporate structure and in which membership is limited to the residents within the area.

7.17.040 Recreational Facility – A structure or use of property not otherwise listed in these regulations to accommodate the enjoyment, healthful activities, and leisure of the facility's users. Such a use may be enclosed by walls and roof (indoor) or an open-air (outdoor) arrangement. Recreational facilities are also defined as being either "high impact" or "low impact", based on the following criteria:

1. Land Intensity – the amount of land necessary to operate the facility.

   Examples: High impact – golf course, ski area
   Low impact – archery range, video game arcade

   <u>Threshold</u>: Facility requires more than twice the "minimum lot size" determined by district classification.

2. Traffic Generation – the amount of motor vehicle traffic created by use.

   Examples: High impact – water slide, fairgrounds
   Low impact – golf driving range, dude ranch

   <u>Threshold</u>: Traffic greater than or equal to 20 trips per hour at peak hours or 75 trips per day.

3. Visibility – the visual impact of the facility; how obvious its presence is.

Examples: High impact – water slide, ski area
Low impact – dude ranch, day camp

Threshold: Structures unusual compared to surrounding uses are visible from adjacent roadways.

4. Risk – the possibility of danger to adjacent landowners or property.

Examples: High impact – zoos, rifle ranges
Low impact – bike rental, fishing

Threshold: Reasonable chance of danger or damage to nearby property or people.

If a facility is determined to have a "high" rating in any of these categories, it shall be considered a "high-impact" recreational facility.

7.17.050 Recreational Space – Open space for both passive and active recreation. Passive recreation facilities include outdoor sitting areas in the form of sun decks, balconies, or roof gardens, shaded areas along walkways or portions of walkways overlooking open areas. Active recreation areas include pedestrian ways located and landscaped to provide for strolling activities, tennis courts, swimming and boating areas, shuffleboard courts, bridle paths, play lots, playgrounds and playfields.

7.17.060 Recreational Vehicle – Travel trailer or camping trailer designed to be towed, motorized homes, pickup campers, or coaches, designed and constructed for human habitation, which can be operated independently of utility connections and designed to be used principally as a temporary dwelling for travel, recreation and vacation.

7.17.070 Recreational Vehicle Park – A lot, tract or parcel of land used or offered for use in whole or in part with or without charge for the parking of occupied recreational vehicles, tents or similar devices used for temporary living quarters for recreational camping or travel purposes.

7.17.080 Recycling Drop-off Station – A facility at which individuals deliver separated, recyclable material such as cans, glass and/or newspaper. Such facility may or may not include an attendant to assist the user. These facilities are not involved in the final processing of the material; the material is removed to a processing site on at least a weekly basis.

7.17.090 Recycling Processing Plant – A facility wherein recyclable household material (cans, glass, paper, rags, etc.) are compacted, shredded, melted, pulped, bundled, formed, crushed or otherwise modified on a large scale as an intermediate or final step in the recycling process.

7.17.100 Retail Business/Service – A business serving the consumer needs of the general public as opposed to a business that is a producer or wholesaler of goods. Retail businesses include but are not limited to the following: shops/stores/businesses that sell gifts, cards, appliances, art, art supply, automobile parts, bicycles, books, stationary, camera

supplies, clothing, flowers, furniture, garden supplies, hardware, toys, paints, shoes, sporting goods, wall and floor coverings, jewelry, records, pets and pet supplies, and/or crafts. Retail services may include barber and beauty shops, electrolysis clinics, fingernail clinics, manicurists, and other personal care services.

7.17.105 Retaining Wall – A wall designed to resist the lateral displacement of soil or other materials.

7.17.110 Rifle Range – A general term that includes uses in which the primary or accessory activity includes shooting sports that involve the firing of rifles, shotguns, and/or pistols by the general public or club membership in a structured or controlled setting. Such uses may include, but are not limited to, gun clubs, sportsman clubs, shooting clubs or ranges, skeet ranges, trap ranges, and firing ranges.

7.17.120 Rooming House – See "Boarding House".

**SECTION 7.18 DEFINITIONS "S"**

7.18.010 School, Commercial – A building where instruction is given to pupils in arts, crafts, or trades and operated as a commercial enterprise as distinguished from schools endowed and/or supported by public taxation.

7.18.015 Schools, Public – Schools established by recognized school districts supported by public funds.

7.18.020 Secondhand/Antique Store – Any retail establishment in which the principal portion of the articles, commodities, or merchandise handled, offered for sale, or sold on the premises is used or not new.

7.18.030 Semi-Private Facility – Any facility to which a class or a group of the public is permitted to attend or use, subject to the regulations of a club or other organization owning or regulating such facility.

7.18.040 Service Station, Automobile – An occupancy which provides for a drive-in type business and in which business or service may be provided with or without the customer leaving the vehicle. It may also include the following:

1. The servicing of motor vehicles and operations incidental thereto, limited to the retail sale of petroleum products and automotive accessories; automobile washing and waxing and polishing, tire changing and repairing, excluding re-capping; battery service, charging and replacement; radiator cleaning and washing, excluding steam cleaning and repair; and installation of accessories.

2. The following operations if conducted within a building: lubrication of motor vehicles; brake servicing, limited to servicing and replacement of brake cylinders, lines and brake shoes; wheel balancing; the testing, adjustment and replacement or servicing of carburetors, coils, condensers, distributor caps, fan belts, filters, generators, points, rotors, spark plugs, voltage regulators, water and fuel pumps, water hoses, or wiring.

7.18.045 Setback – The horizontal distance required between the right-of-way or property line, whichever is closest, and the building line.

1. Front- The setback for the front of a lot. For determining the front of a lot, see Section 7.12.070.

2. Side- The setback for the side of a lot, when the side is not adjacent to a road. For determining the side of a lot, see Section 7.12.120.

3. Side Corner- A lot at the junction of and fronting two or more intersecting streets is a corner lot. Corner lots have a increased setback on the side of the lot that is adjacent to a street but is not the "front" of the lot as defined in 7.12.070. For example, a lot which is at the corner of Maple Road and Birch Road, which has a home facing Maple Road and a Maple Road address would have a front setback from Maple Road and a side corner setback from Birch Road.

4. Rear- The setback for the rear of a lot. For determining the rear of a lot, see Section 7.12.110.

7.18.050 Shelter Station – A shelter for the protection from the elements of the waiting customer of a public transportation system.

7.18.060 Sign – Any medium or visual communication, including its supporting structure and source of light, which is used or intended to be used to attract attention to a location or subject matter for advertising, instruction, or informational purposes.

1. Affiliation sign means any sign which affiliates a business with a group or organization. Groups or organizations include: service organizations, non-profit organizations, and ratings services.

2. Billboard/painted bulletin sign means a standard outdoor advertising sign which is designed to advertise products, services or businesses not located on the premises on which the sign is located. A sign shall not be considered a billboard unless the sign is designed with a surface on which temporary poster panels or painted bulletins are mounted for the purpose of conveying a visual advertising message.

3. Construction sign means any sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction on the site where the sign is placed together with other information included thereon.

4. Electronic automatic changeable copy sign means a sign which displays community service oriented messages along with incidental advertising for the business to which it relates. It must contain electronically updated time, temperature and date.

5. Free-standing sign means a sign so located that it is not attached to a building, fence or any structure other than a framework, post or other such device erected primarily to support the sign. A freestanding sign is also a pole sign.

6. Ground sign means a sign that is mounted directly on the ground and/or using posts that extend not more than twelve (12) inches above ground level.

7. Illuminated sign means any sign illuminated in any manner by an artificial light source.

8. Off-site sign means a sign structure advertising an establishment, merchandise, service or entertainment, which is not sold, produced, manufactured or furnished at the property on which the sign is located. This does not include billboards.

9. Pole sign – See "Free-standing" sign.

10. Political sign means a sign with a message advocating a particular candidate, party or proposition.

11. Portable sign means a sign that is not permanently affixed to the ground or building and which is able to be readily moved from one location to another.

12. Projecting sign means a sign erected upon a building wall or canopy and projecting more than twelve inches outward from the plane of the business façade.

13. Reader board means a sign constructed to display an advertising message that may be changed by manual, electronic, or other manipulation of letters or numbers on its face(s).

14. Real estate sign means a temporary sign with a message announcing the offer to build on, sell, rent, or lease the premises upon which the sign is displayed.

15. Roof sign means any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure.

16. Rural directional sign means, in agricultural and suburban agricultural zoning districts, slat-type directional signs which do not exceed eight inches in height and 36 inches in length.

17. Special event sign means a banner or sign with a message identifying a civic or public event or holiday.

18. Wall sign means a sign erected upon a building, fence or other structure at no point projecting more than twelve inches horizontally to the back of the sign from the surface upon which it is erected. Also, the sign shall not project above the apex of the main roof or false roof structure which is visible from the public right-of-way.

7.18.070 Site Plan – A schematic diagram of the lot, tract or parcel of land showing the specific location of all existing and proposed features, such as buildings, other structures, driveways, parking, landscaped areas, easements, utilities, drainage, etc.

7.18.080 Solid Planting – The planting of evergreen trees and shrubs which will prevent a thorough or unobscured penetration of light and sight.

7.18.090 Sports Fields – Open areas used for the practice or conduct of athletic events such as soccer, rugby, polo, football, baseball, or other physical activity. Such use shall not

include activities that involve motor vehicles such as auto, motorcycle, or snowmobile racing.

7.18.100 Stable, Private - A detached accessory building in which horses or other animals owned by the occupant of the premises are kept and in which no such animals are kept for hire, remuneration or sale.

7.18.110 Stable, Public – A stable other than a private stable.

7.18.120 State – The State of Montana.

7.18.130 Storage Yard – Any lot or portion of the lot which is used for the sole purpose of the outdoor storage of fully operable motor vehicles, construction equipment, construction materials, or other tangible materials and equipment in an orderly manner.

7.18.140 Story – That part of a building lying between two floors or between the floor and ceiling of the highest usable level of the building.

7.18.145 Stream – A perennial stream as delineated and defined on the USGS Quad Maps (Quadrangle maps, scale 1:24,000).

7.18.150 Street, Arterial – A major street with moderate to fast speeds, high volume, and designed to provide access to the regional transportation system and move traffic through or around the cities or from one general area of the County to another.

7.18.160 Street, Collector – Intermediate street which collects local traffic from neighborhoods and moves it to an adjacent neighborhood or transfers the traffic to the arterial system.

7.18.170 Street, Local – Minor street intended to serve individual sites, buildings or lots. Local streets feed into collectors or provide destination access off of collectors.

7.18.180 Street – A dedicated right-of-way for vehicles that affords the principal means of access to abutting properties. This definition does not include an alley.

7.18.190 Structural Alterations – Any change in the supporting members of the building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or exterior walls.

7.18.200 Structure – A combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground including buildings and signs. Not included are residential fences less than six feet in height, retaining walls, rockeries and similar improvements of a minor character less than three feet in height.

**SECTION 7.19 DEFINITIONS "T"**

7.19.005 Tavern- An establishment used primarily for the serving of alcoholic beverages by the drink to the general public and where food or packaged alcoholic beverages may be served or sold only as accessory to the principal use. For the purposes of zoning, casinos are taverns.

7.19.010 Temporary – Not having or requiring permanent attachment to the ground or involving structures which have no required permanent attachment to the ground.

7.19.020 Theater – A structure used for dramatic, operatic, motion picture or other performances for admission to which entrance money is received and no audience participation or meal service is allowed.

7.19.030 Theater, Drive-In – An establishment to provide entertainment through projection of motion pictures on an outdoor screen for audiences whose seating accommodations are provided by their own motor vehicles. Parking spaces are provided on the same site with the outdoor screen.

7.19.040 Tourist Accommodation Units – Facilities offering lodging to visitors on a short-term, temporary basis. Such units may include attached or detached structures with a varying number of rooms ranging from single-unit cabins or bungalows to motels, hotels, and time-share condominiums.

7.19.045 Trip – A single or one-direction vehicle movement originating or terminating (exiting or entering) at a given location. For example a vehicle arriving at a home photography studio, staying for an hour and then leaving the studio would consist of two trips.

7.19.050 Truck Repair Shop – A facility that services and repairs large delivery vehicles, passenger busses and tractor/trailer rigs. Such facility shall not be involved in the dismantling of motor vehicles.

**SECTION 7.20 DEFINITIONS "U"**

7.20.010 Underlying Zone – The established zoning use district for an area for which a PUD or the equivalent is proposed.

7.20.020 Use – The specific purpose for which a building or lot is arranged, intended, designed, occupied, and maintained.

**SECTION 7.21 DEFINITIONS "V"**

7.21.010 Vacation Rental Units – Single-family or duplex units that are made available for rent on a monthly basis. Such units are owned by a private individual.

7.21.020 Variance – An adjustment made in the application of the specific regulations to a particular piece of property in the form of a special exception to these regulations granted by the appropriate body.

7.21.030 Veterinary Hospital – See "Hospital, Animal".

7.21.040 Veterinary Clinic – A building or premises for the medical or surgical treatment of small animals or pets, including dogs, cats, but not to include livestock or other large animals, including the boarding of hospitalized animals but excluding the boarding of animals not subjected to medical or surgical treatment.

**SECTION 7.22 DEFINITIONS "W"**

7.22.010 Wholesale – The business of selling goods or merchandise to retailers or jobbers for the resale to the ultimate user.

**SECTION 7.23 DEFINITIONS "Y"**

7.23.010 Yard – Area in front, rear or side on the same lot with the building or proposed building, unoccupied and unobstructed from the ground upward. (See definition of "building" and "setback").

7.23.020 Yard, Front – A yard extending between side lot lines across the front of a lot.

7.23.030 Yard, Rear – A yard extending between side lot lines across the rear of a lot.

7.23.040 Yard, Service – An open area, usually paved, with access to a street or alley to allow vehicular access to a building or use for purposes of loading or unloading equipment, freight, livestock, or people.

7.23.050 Yard, Side – A yard extending from the front yard to the rear yard across the side of a lot.

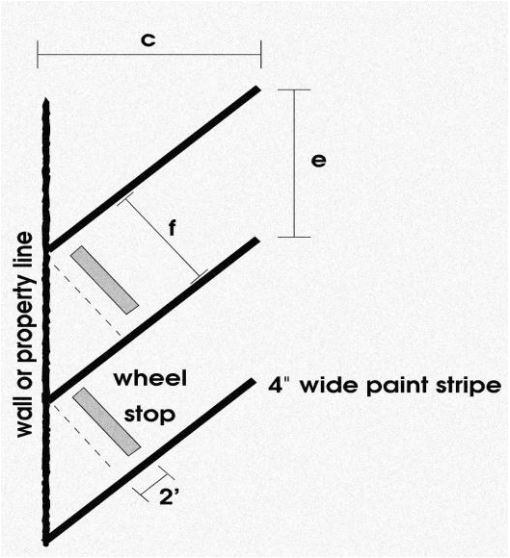
**SECTION 7.24 DEFINITIONS "Z"**

7.24.010 Zoning Administrator – A duly appointed officer of the County charged with the administration and enforcement of the provisions of these adopted regulations.

# APPENDIX

**MINIMUM PARKING LOT REQUIREMENTS**
**Refer to Section 6.01.030**

**ANGLED**

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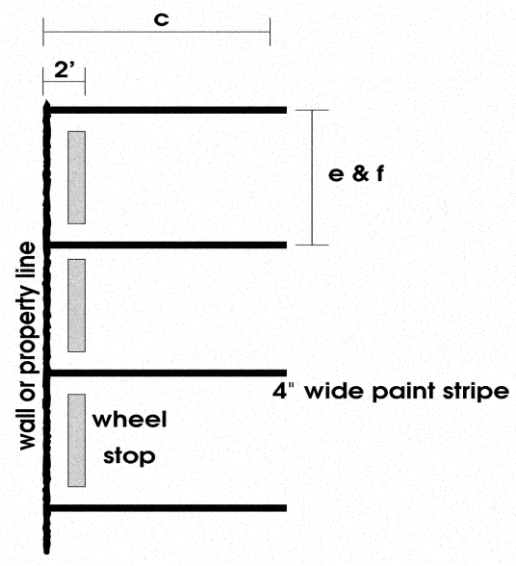


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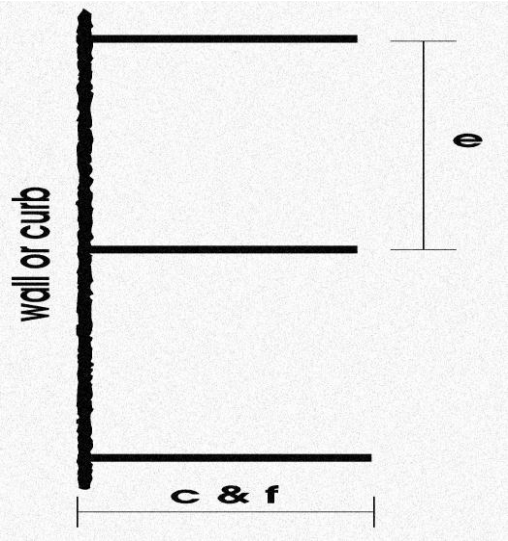


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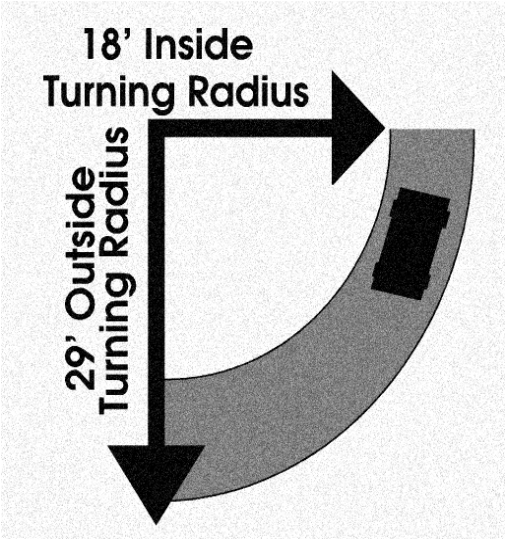
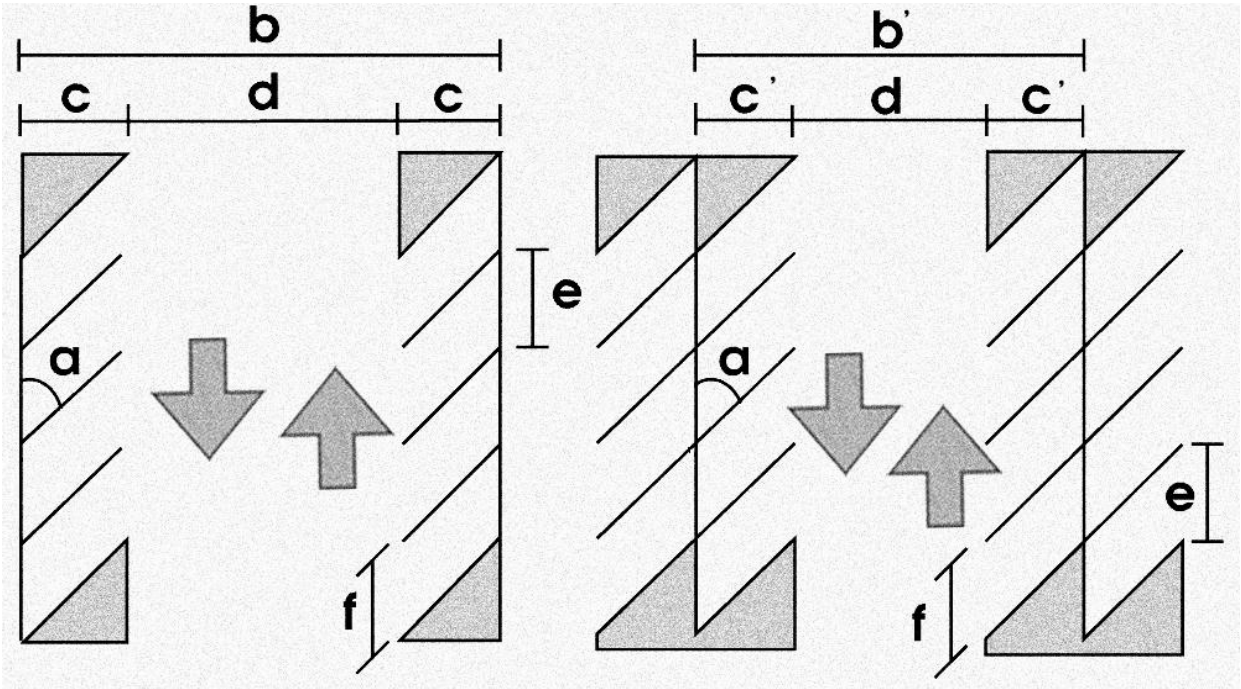



c Parking Bank Width
d Aisle Width
e Curb Length Per Car
f Car Stall Width

**MINIMUM PARKING LOT REQUIREMENTS**
**CONTINUED**
**Refer to Section 6.01.030**

**TWO WAY TRAFFIC**

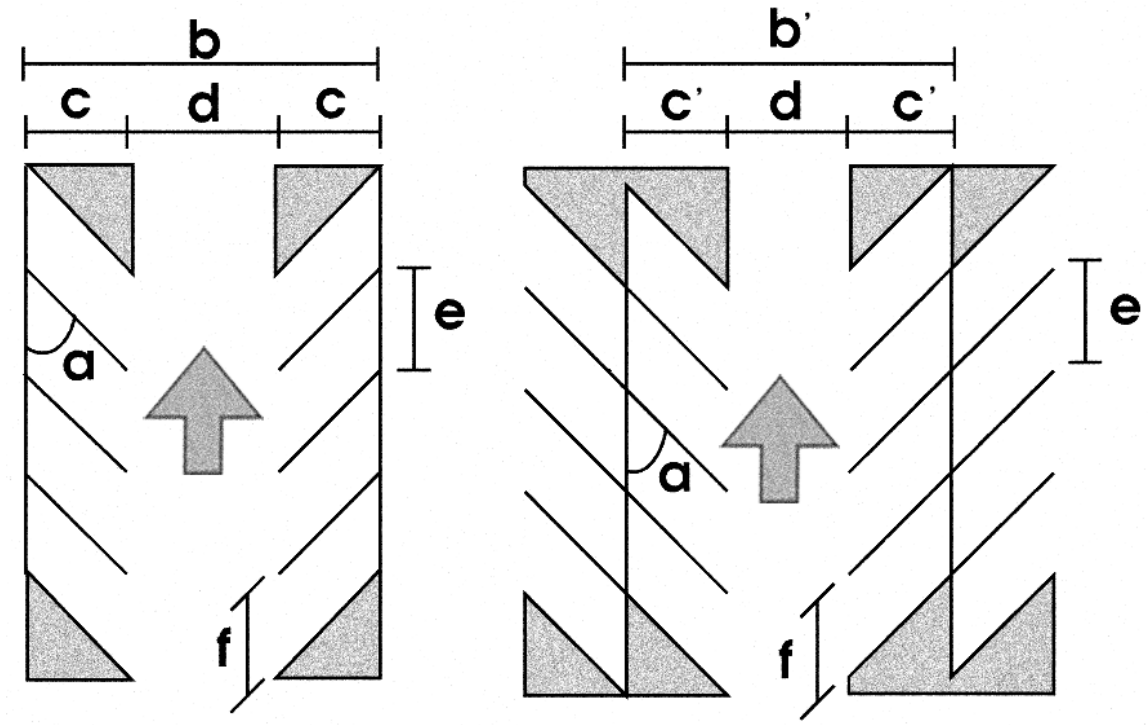



a Parking Angle
b/b' Parking Section Width
c/c' Parking Bank Width
d Aisle Width
e Curb Length Per Car
f Car Stall Width

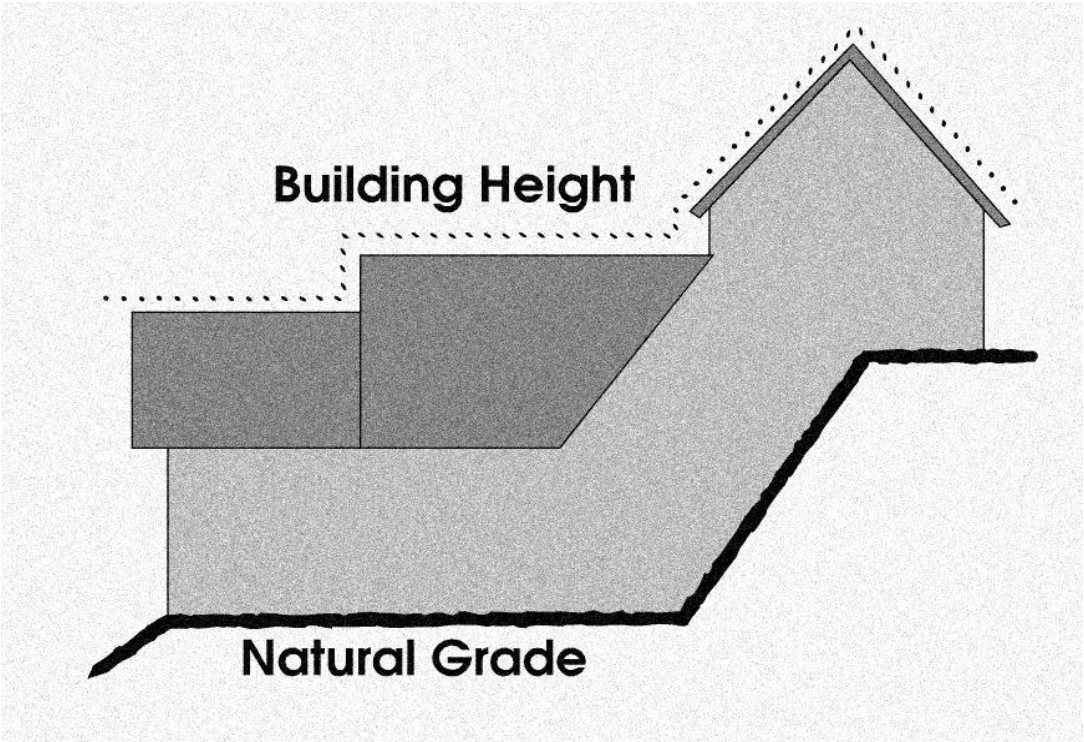
| a | b | c | d | e | f | b' | c' |
|---|---|---|---|---|---|---|---|
| 0- | 36' | 8' | 20' | 23' | 8' | - | - |
| - | - | - | - | - | - | - | - |
| 35- | 56' | 18' | 20' | 14.8' | 8.5' | 49' | 14.5' |
| 40- | 57' | 18.5' | 20' | 13.2' | 8.5' | 50' | 15' |
| 45- | 58' | 19' | 20' | 12.0' | 8.5' | 51' | 15.5' |
| 50- | 59' | 19.5' | 20' | 11.1' | 8.5' | 53' | 16.5' |
| 55- | 60' | 20' | 20' | 10.4' | 8.5' | 55' | 17.5' |
| 60- | 60' | 20' | 20' | 9.8' | 8.5' | 55' | 17.5' |
| 65- | 60' | 20' | 20' | 9.7' | 8.8' | 56' | 18' |
| 70- | 60' | 20' | 20' | 9.6' | 9' | 57' | 18.5' |
| 80- | 64' | 20' | 24' | 9.5' | 9' | 64' | 20' |
| 90- | 64' | 20' | 24' | 9' | 9' | 9' | 20' |

**MINIMUM PARKING LOT REQUIREMENTS**
**CONTINUED**
**Refer to Section 6.01.030**

**<u>ONE WAY TRAFFIC</u>**




a Parking Angle
b/b' Parking Section Width
c/c' Parking Bank Width
d Aisle Width
e Curb Length Per Car
f Car Stall Width

| a | b | c | d | e | f | b' | c' |
|---|---|---|---|---|---|---|---|
| 0- | 28' | 8' | 12' | 23' | 8' | - | - |
| - | - | - | - | - | - | - | - |
| 35- | 48' | 17.3' | 12' | 14.8' | 8.5' | 41' | 14.5' |
| 40- | 49' | 18.1' | 12' | 13.2' | 8.5' | 42' | 15' |
| 45- | 50' | 18.7' | 12' | 12.0' | 8.5' | 43' | 15.5' |
| 50- | 51' | 19.2' | 12' | 11.1' | 8.5' | 45' | 16.5' |
| 55- | 53' | 19.6' | 12' | 10.4' | 8.5' | 47' | 17.5' |
| 60- | 55' | 19.8' | 15' | 9.8' | 8.5' | 50' | 17.5' |
| 65- | 57' | 19.9' | 17' | 9.4' | 8.8' | 53' | 18' |
| 70- | 60' | 19.8' | 20' | 9.0' | 9' | 57' | 18.5' |
| 80- | 60' | 20' | 20' | 8.6' | 9' | 60' | 20' |
| 90- | 60' | 20' | 20' | 8.5' | 9' | 60' | 20' |

**APPENDIX B**
**BUILDING HEIGHT DIAGRAM**
**Refer to Section 7.03.090**