

Land Uses			
	Issue	Who Brought up the Issue?	Relevant Sections
1	Evaluate permitted and conditional uses in various zones <ul style="list-style-type: none"> a. Commercial wedding facility in AG and SAG? b. Add microbrewery in B-2, CVR ? c. VRBO, tourism major part of economy, many people do VRBO in zones where it is not permitted, specifically R zones, (Ashley Lake was mentioned)? d. What about adding coffee stands as permitted or CUP to some zones? e. Family hardship dwelling listed as Permitted in WV, definition of family hardship says CUP should it be CUP in all zones? f. More uses in B and I zones? 	PB, Planner on Duty Interaction w/ Public, Realtors, Staff	Section 3.04-3.44, 3.17-3.26 & Section 7
2	BR-4 states 'special uses' not 'conditional uses ' this is inconsistent if meant to be CUP should be called conditional uses.	Staff	Section 3.20.030
3	In B-2 manufactured home not listed as a permitted use, presumably because it is a commercial zone (not as residential)	Previous attempt to Update Regulations	Section 3.17
4	In NF zone 'Cellular towers' are allowed as ACUP per development standards but not listed under Conditional uses, this should be fixed.	Staff	Section 3.40.040(7)
5	Similar uses use different terminology in different districts. Can be confusing to public and staff. Examples would be Cellular Tower v. Cellular Antenna and Monopole; Bar, Lounge, Tavern v. Tavern; home-based business v. home occupation	Staff	Sections 3.04-3.44
6	Agricultural uses are permitted in AG, SAG, R-2.5 and R-1, livestock is listed separately in R-2.5 and R-1 but not in AG & SAG, Is this implied or should livestock be added to list??	Planner on Duty Interaction w/ Public	Sections 3.04-3.13 & 3.43
7	People want to keep poultry in higher density areas besides R-1, R-2.5. Is this appropriate?	Planner on Duty Interaction w/ Public	Section 5.07, Section 3
8	Private Stable listed as permitted use R-1, listed in Sag-5 and Sag-10 as CUP, this seems inconsistent with the intent of these zones.	Staff	Section 3.07, 3.08, & 3.09
9	PUD <ul style="list-style-type: none"> a. Although there are content standards for 	Staff & Previous attempt to Update	Section 3.31

	<p>PUD Final plan, there are no procedural standards for PUD final plan.</p> <p>b. There is no process given for amending existing PUD?</p> <p>c. Although residential PUDs may have mixed/commercial uses, another section of regulations says the only uses allowed are those in the underlying 'R-1, R-2, R-2.5, R-3, R-4, R-5, and RA-1 districts'</p>	Regulations	
10	<p>Definition of Scenic Corridor district does not reference cell towers because scenic corridor district specifically says it regulates cell towers. '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 area. If zoned, this district will only regulate off-premise advertising signs.'</p>	Staff	Section 3.32.010
11	<p>Does scenic corridor regulations are unclear as to the regulations of on premise signage. Are all on premise signs unregulated or regulated as permitted?</p>	Staff	Section 3.32
12	<p>What about allowing Church as permitted use in more zones?</p>		Section 3.04-3.44
13	<p>Consider appropriateness of allowing accessory apartments in some residential zones.</p>	Previous attempt to Update Regulations	Section 3.04-3.44
14	<p>Some zones list very specific zones other zones list broad categories.</p>		Section 3.04-3.44
15	<p>Consider adding 'High impact recreational facilities' to AG zones as CUP, or address the fact that high impact recreation facilities are not listed as a CUP, but 'Camps and Retreat Centers' have CUP standards and list of permitted uses include 'Outdoor Recreation, Low impact and high impact facilities'</p>	Previous attempt to Update Regulations	Section 3.04.030(18) & 4.03
16	<p>Right now chimneys, water tanks, etc are exempt from building height restrictions but wind turbines are not listed, while many similar things are.</p>		Section 3.03.020(6)
17	<p>Not clear if RV can be used for a dwelling unit, if so for how long?</p>		Section 7.17.060

Signage & Parking

	Issue	Who Brought up the Issue?	Relevant Sections
18	<p>Signage</p> <ul style="list-style-type: none"> a. Clarify sign regulations. b. Address electronic changeable copy c. Too little signage allowed 	Representative of Sign Company	Section 5.11
19	<p>There are new types of signs that exist that were not specifically contemplate when the regulations where written</p> <ul style="list-style-type: none"> a. Video signage provisions b. New LED Signage provisions 	Sub-Committee B & Planner on Duty Interaction w/ Public	Section 5.11
20	Signage regulations contain a reference to 2003 sunset clause of billboards. Consider revising this language.	Previous attempt to Update Regulations	Section 5.11.030(9)
21	Restrictions on political signs may be limitations on free speech, research and revise		Section 5.11.010(8)
22	In signage regulations specific zones are listed however LBL, LS, NF, and other zones not specified. Was this intended as no signage in these zones (unlikely) or simply an oversight that needs fixing?		Section 5.11.040
23	Many uses do not have a corresponding parking standard. Consider adding to list of parking standards.		Section 6.02-6.13
24	All minimum parking requirements may require too much parking. Consider nationwide trend in eliminating parking requirements and allow the market to dictate?	Staff	Section 6.01
25	Right now projecting signs not allowed in CVR, but they are commonplace.	Bigfork Zoning Complaint	Section 5.11.040(3)
26	There is no provision for a temporary sign.	Jordan Lister	Section 5.11.040
27	Not clear if ADA parking is in addition to or part of parking requirement. Clarify	CUP in Bigfork	Section 6.01.010(3)

Administrative

	Issue	Who Brought up the Issue??	Relevant Sections
28	Accessory structures in AG and SAG zones have smaller setbacks than principal structures. However both have asterisk (*) after side yard setbacks allowing for reduced setbacks on non-conforming lots of an amount which is greater than the accessory setback, so this would actually increase setback for accessory structures on narrower lots.	Planner on Duty Interaction w/ Public	Section 3.04-3.08 .040(3)(B)
29	Change 'Approach Standards for Montana Highways' to 'Minimum design standards for design and construction for Flathead County, Montana.'	Staff	Section 6.16.010
30	Change references in zones 'Classified as a collector or major/minor arterial as defined by the County Master Plan or City-County Master Plan' to 'Classified as MDT Maintenance or County Collector as defined by the Flathead County Functional Road Classification Map.'	Staff	Section 3.04-3.44
31	Change references from 'Flathead County Master Plan' to 'Growth Policy'	Staff	Section 3.01.010(1) & 2.02.040
32	Minimum lot size list does not include all zones nor all information about the zones. Evaluate purpose of list and consider revising or removing.		Section 3.01.020
33	Over the years many zoning administrator interpretations (ZAI) have been written when regulations were unclear per Section 2.01 and 3.03.030. In order to be consistent planning office keeps these and references them as needed. Consider reviewing ZAIs and clarifying corresponding regulation.	Staff	Everywhere
34	In the conditional use permit section written comments appear to only be allowed from adjacent landowners and requires specific information. However a public hearing is also held where anyone can comment. So when a member of the public reads about a project in the paper and wants to comment, is the public hearing their only forum if they are not adjacent landowners?	Gary Krueger 7/29/10	Section 2.06.040(4)
35	Procedures for reviewing an administrative conditional use permit only allow written opposition from property owners within 150 feet.		Section 2.06.045(5)

	However our office has had many complaints about this over the years from those in a larger area. Was this the intent? Clarify if yes or no.		
36	The regulations do not contain guidance on public comments received after staff report is completed but before hearing. Consider revising to add clarity.	Previous attempt to Update Regulations	Section 2
37	Some performance standards list specific zones some definitions reference specific zones but zones like WV, AL etc. are not referenced. Consider adding cross-reference with WV, AL, etc. zoning districts.	Previous attempt to Update Regulations	Multiple Sections
38	The regulations offer no guidance for expansion of non-conforming uses with regard to bulk and dimensional requirements. Do non-conforming uses being expanded with CUP need to comply with bulk and dimensional requirements? Section 2.070.040(4) states, 'within the confines of the lot or parcel of land upon which it is located at the time of adoption of these regulations.' Does 'within the confines' mean setbacks are not applicable?	Sonju CUP	Section 2.07.040(4)
39	Multiple principal uses are allowed in some zones with CUP and not allowed in others. Consider allowing for multiple principal uses in AG, & SAG zones	Planning Board & CoCo Workshop	Section 3.03.020(3)
40	Define, clarify and make consistent what is a zoning 'district' and what is a zoning 'classification.' Most definitions for zones start out as, 'A district intended...'		Multiple Sections
41	Currently the regulations say an aggrieved party has 30 days to appeal a ZAI. 30 days to appeal ZAI seems short, what happens if a neighbor is aggrieved by ZAI but doesn't know about it w/in 30 days.	Planner on Duty Interaction w/ Public, Brian Launius 7/27/10	Section 2.04
42	It is not clear if violating the conditions of a CUP results in enforcement action or revocation of the permit. Our current interpretation is that permit becomes a property right to develop and a violation is subject to enforcement like any other violation. Some have argued permits should be revoked if conditions are violated. This subject warrants discussion.	CoCo & PB	Section 2.06
43	SAG-5 has standards for fence heights and permitted lot coverage for residential uses but does not address fence heights or lot coverage for other uses. Are fence heights and lot coverage not		Section 3.08.040 (5 & 6)

	restricted?		
44	Currently, regulations do not authorize fees for creation of new privately initiated zoning districts. Should fees be authorized in regulations for new zoning districts, similar to the way fees are authorized to be collected in other applications?	Previous attempt to Update Regulations	Section 2.08.060
45	Check references to state laws throughout zoning regulations.	Previous attempt to Update Regulations	Section 2

Conditional Use Standards

	Issue	Who Brought up the Issue?	Relevant Sections
46	Criteria for burden of proof for CUP being on the applicant to prove how the use will not impact the neighbors should be changed to require the burden of proof to be on neighbors to prove how use will harm them. Criteria should be health and safety.	Tutvedt 7/28/10 email string	Section 2.06.090
47	Currently no clarity for amending an existing CUP. Does a process need to be added for requesting an amendment to a CUP?	Previous attempt to Update Regulations	Section 2.06
48	Right now a non-conforming use discontinued for more than 180 days loses status and must comply. This creates challenges for buildings built for a specific purpose but then possibly cannot be used.	Gary Krueger	Section 2.07.020
49	Temporary Use is listed as conditional use in many zoning districts. However there are no conditional use standards are for temporary uses only for temporary structure and building. Do we need for standards for temporary use and temporary structure and building? There is a ZAI regarding this matter that has made them the same but it is not clear to the reader.	Previous attempt to Update Regulations	Sections 4.16 & 4.17
50	Improve the ACUP Process	Previous attempt to Update Regulations	Section 2.06.045
51	Is a provision needed that a CUP be extinguished once they are no longer needed (reference to gravel pits)? Right now CUP travels with the property even if the use is originally intended to be	Gary Krueger	Section 2.06

	for a limited time.		
52	Right now there is no clarity for a process for CUPs and other applications to be pulled/postponed/ etc. Should this be clarified?	Previous attempt to Update Regulations	Section 2
53	Currently there are no clear requirements for the contents of a conditional use permit application. Frequently neighbors and the courts want more information but applicants frequently have minimal information. This results in staff begging and pleading and sometimes arguing with applicants to insure adequate and thorough review. Consider adding minimum standards for site plans and application materials to insure a defensible review process.		Section 2.06

Performance Standards

	Issue	Who Brought up the Issue?	Relevant Sections
54	The issue of home occupation standards and whether or not they are currently appropriate has been raised. This includes concerns regarding traffic restrictions, as well as some zones some zones allowing a CUP for a more impactful home occupation and other zones not allowing the same use.	Erica Wirtala at Planning Board & CoCo Workshop	Section 5.06
55	There are no Performance Standards specific to wind mills.	Bigfork Land Use Advisory Committee	Section 5
56	There are no provisions for taller fence for gardens, tennis courts, etc.	Staff	Section 5.04.030 & 7.07.050
57	References to, 'tower located within one-quarter (1/4) mile from centerline of ROW of all state and federal highways,' change to 'tower located within scenic corridor.'		Section 5.18.115
58	Retaining wall of only 36" seems unreasonable for area with mountainous terrain.		Section 5.10
59	Remove reference to 'junk vehicle storage of 7 days' not really a zoning issue	Staff	Section 5.01.030(1)

Definitions

	Issue	Who Brought up the Issue?	Relevant Sections
60	<p>Right now many permitted and conditional uses do not have corresponding definitions, nor do many other administrative or procedural terms. Consider adding more definitions.</p> <ul style="list-style-type: none"> a. Add definition for tract of record, parcel, and other terms used in regulations to define property, but also used in Plat room and MCA b. Definition for Holiday c. Consider adding definition for condo, townhome and duplex with diagrams d. Retail Business/Services definition lists examples should consider adding things like tattoo parlors and computer sales. e. Add Watchman's quarters Definition, referenced as accessory use in 5.01.020(5)but no definition given f. Change definition of Vacation Rental unit to remove 30 day requirement g. Add definition of 'sub lot' or 'Lot, sub' as referenced in sections 3.12.040, 3.13.040 & 3.15.040 h. Definition of road instead of street? i. Definition of flag lot j. definition for casino 	Staff & Result of a Zoning Violation complaint, Confusion over term by alleged violator	Section 7
61	Right now it is the long standing interpretation that guest houses cannot be rented because that would make them accessory apartments or tourist homes. However it does not say it specifically that they may not be rented. Clarify the intent.	Previous attempt to Update Regulations & Various Planner on Duty Interaction w/ Public	Section 7.08.050
62	Clarify definition of Business or Commercial use. Someone doing a few transactions a year out of their home could be considered commercial. But someone running a large scale operation but accepting donations will try to argue that they are not a business.	Previous attempt to Update Regulations	Section 7.3.120
63	Consider adding more diagrams to visualize setbacks, building types etc.	Staff	Section 7.18.045
64	Caretaker's Facility definition states , 'a dwelling which is constructed or designed to provide living quarters for caretakers and/or property managers and is clearly subordinate to the principal dwelling with regard to size and location' Change to 'principal use' from 'principal dwelling'	Result of CUP review FACU-12-08	Section 7.04.025 & 4.04.10

65	<p>Manufactured Home</p> <ul style="list-style-type: none"> a. Difference b/w log homes, kit homes, & manufactured homes? b. Where do park models (recognized by HUD) fit? 	Previous attempt to Update Regulations	Section 7.13.10
66	<p>In some zones recreational facilities are a CUP. However some of the uses within recreational facility are already a permitted use within that zone. This does not make sense consider revising.</p>	Previous attempt to Update Regulations	Section 7.17.040
67	<p>Many things that possibly should be setback from property lines (overseas storage containers, large tuff sheds) are not considered 'structures' and therefore aren't required to meet setbacks. Evaluate definitions of structure, building, permanent, etc.</p>	Previous attempt to Update Regulations	Section 7.18.020
68	<p>Right now some zones have their own definitions, is this appropriate?</p>		Section 3.33 – 3.42 & 7