



Chapter Two

Zoning Districts

What This Chapter Does

This chapter establishes zoning districts in the city and surrounding county jurisdictional area; adopts an official zoning map; provides for permitted and special permit land uses; and includes specification and performance standards for each district.

DRAFT CHAPTER II – ADMINISTRATIVE PROCEDURES ZONING DISTRICTS

A. What This Chapter Does. This chapter establishes zoning districts in the City and the surrounding jurisdictional area, adopts an official zoning map, and provides a procedure for the interpretation of zoning district boundaries and land uses.

Division 1 – Zoning Districts Established

B. Zoning Districts. A zoning district is a geographic area within which development of certain uses and buildings is permitted upon approval of a development zoning conformance permit (see ~~II.K-III.J~~ and certain other uses and buildings may be developed upon approval of a special use permit (see ~~II.L-III.K~~). ~~All uses not explicitly permitted, upon approval of a development permit or special use permit, shall be prohibited. (moved below)~~

The following zoning districts and their boundaries, as shown on the Polson City-County Planning Area Zoning Districts Map, are established:

1. Productive Lands (PLZD);
2. Rural Residential (RRZD);
3. Low Density Residential (LRZD);
4. Medium Density Residential (MRZD);
- ~~4A.5.~~ Mixed Use Residential (XRZD);
- ~~5.6.~~ Transitional (TZD);
- ~~6.7.~~ Resort (RZD);
- ~~7.8.~~ Highway Commercial (HCZD);
- ~~8.9.~~ Central Business (CBZD);
- ~~9.10.~~ General Commercial-Industrial (CIZD);
- ~~11.~~ Supplemental Recreational Vehicle Condominium Sites and/or General Campgrounds (RCZD); and
- ~~11.~~ Hospital Mixed (HMZD).

C. Overlay Districts. An overlay district modifies the regulations applicable in the zoning districts “over” which it is mapped. The following overlay districts and their boundaries, as shown on the Polson City-County Planning Area Zoning Districts Map, are established:

1. Airport Safety (ASOD);
- ~~2. Railyard-Wellhead Protection (WPOD);~~
3. Resort Residential (RROD); and
- ~~4. Salish Point, and~~
- 5.4. Planned Unit Development (PODOD).

D. Zoning Map. The Polson City-County Zoning District Map is adopted, by reference, as part of these regulations. A copy of that map shall be maintained for public inspection at the office of the administrator.

E. District Boundaries. Any person who disputes the location of a zoning district boundary, as interpreted by the administrator, may appeal the administrator’s decision to the applicable City or

County Board of Adjustment (BOA) using the procedure of ~~III.Q~~ III.Q. When definite distances are not shown on the zoning district map, the following rules apply:

1. Boundaries indicated as approximately following the right-of-way or centerlines of streets, highways, trails, pathways or alleys shall be construed to follow such rights-of-way or centerlines;
2. Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits;
3. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines; and
4. Boundaries indicated as approximately following centerlines of streams, rivers, canals, irrigation ditches or other bodies of water or other physical features shall be construed as to follow such centerlines.

F. Land Use. It is the intent of this section to group similar or compatible land uses into specific zoning districts, either as permitted or special permit uses. Evaluation of uses shall be as follows:

1. The administrator shall determine if a use not listed is materially similar to a permitted or special permit use listed in that chapter. Interpretations may be appealed to the appropriate BOA (see III.Q).
2. Materially similar means the use provides a similar function, occurs within a similar structure or setting, and has a similar scale to a permitted or special permit use listed in that chapter.
3. Land uses deemed not to be materially similar to a permitted or special permit use shall be prohibited unless a variance is received (see III.R.) or amendment to these regulations is made (see III.S.).

G. Uses Preempted by State Statute. Uses that are required to be permitted in a zoning district by state statute shall be permitted in accordance with state law whether or not the use is included in this chapter.

H. Use Table. Table II.1.

The table below provides a general, illustrative look at land uses allowed in the various zoning districts. The district regulations in Chapter II provide more detail. In case of a conflict between the table and the district regulations, the district regulations prevail. Specific questions and interpretations regarding land uses and districts should be directed to the administrator.

Key

P= Permitted Use. A land use allowed as-of-right in the district, subject to compliance with performance and specifications standards and other requirements.

S= Special Permit Use. A land use that may be approved in accordance with the review procedure in Chapter III.K.

- = A land use that is not permitted in the specific district without a variance (Chapter III.R) or a zoning amendment (Chapter III.S)

Table II.1

Land Use/Activity	PLZD	RRZD	LRZD	MRZD	XRZD	TZD	RZD	HCZD	CBZD	CIZD	RCZD	HMZD	Standards/Notes
Residential													
Single-family residential	P	P	P	P	P	P	P	-	-	-	-	P	
Two-family dwelling	-	S	-	P	P	P	P	-	-	-	-	P	Performance standards IV.EE apply in some circumstances
Multiple-family up to 4 units per structure	-	-	-	P	P	P	S	-	S	-	-	P	Performance standards IV.EE
Multiple-family 5-8 units per structure	-	-	-	S	S	P 1	S	-	S	-	-	S	See IV.EE, also some districts have performance standards for MF dwellings/complexes
Condominium/townhouse structures	-	-	-	S	P	S	S	-	S	-	-	S	See IV.EE, also some districts have performance standards for MF dwellings/complexes
Mobile home park	-	-	-	S	-	-	S	-	-	-	-	-	See district specific performance standards
Community residential facilities (8 or fewer residents)	P	P	P	P	S	S	P	-	-	-	-	P	See 76-2-412, MCA
Community residential facilities (9 or more residents)	S	S	S	S	-	-	-	-	-	-	-	S	
Cluster development	P	P	P	-	-	-	P	-	-	-	-	-	Performance standards IV.FF
Accessory apartment in residences	P	P	P	P	P	P	P	P	P	P	P	P	Either separate dwelling or apartment allowed, not both. See IV.BB
Separate accessory dwelling on residential lots	P	P	P	P	-	-	P	-	-	-	-	-	Either separate dwelling or apartment allowed, not both. See IV.BB
Accessory dwelling on commercial / industrial lots	-	-	-	-	-	P	P	P	P	P	P	P	Performance standards IV.EE
Family and group day care	P	P	P	P	P	P	P	-	-	-	-	P	Permitted as accessory use in all single-family residences
Public/Civic													
Parks & recreation areas	S	S	S	S	P	S	P	S	P	-	S	S	
Campgrounds	-	-	-	-	-	-	S	-	-	-	P	-	
Religious Institutions	-- -	S	S	S	S	S	-	S	-	-	-	S	
Schools	-	S	S	S	S	S	-	-	-	-	-	S	
Hospital complexes	-	-	-	-	-	-	-	-	-	S	-	P	
Cemeteries	-	-	-	S	-	-	-	-	-	-	-	-	
Government, public service/ safety, libraries, non-profits	-	-	-	-	-	-	-	-	P	S	-	S	

Land Use/Activity	PLZD	RRZD	LRZD	MRZD	XRZD	TZD	RZD	HCZD	CBZD	CIZD	RCZD	HMZD	Standards/Notes
Commercial/Industrial													
Home occupation (≤ 1 employee)	P	P	P	P	P	P	P	P	P	P	-	P	Performance standards IV.CC
Home occupation (2-4 employees)	S	-	-	S	-	S	-	-	-	-	-	S	Performance standards IV.CC
Bed & breakfasts	-	S	S	P	-	P	P	-	-	-	-	P	Performance standards IV.DD
Land Application	-	-	-	-	-	-	-	-	-	S	-	-	
Minor Utility Installations	P	P	P	P	P	P	P	P	P	P	P	P	
Day Care Centers	-	-	S	S	S	S	-	-	-	-	-	S	See district performance standards
Day care for employees' children	-	-	-	-	-	P	-	P	P	P	-	P	Accessory use to any commercial or industrial use
Lake-oriented resort commercial	-	-	-	-	-	-	S	-	-	-	-	-	See RZD performance standards
Mixed commercial/residential, Limited commercial uses	-	-	-	-	-	S	S	-	P	-	P	-	See TZD & RZD perf. standards, MF perf. standards (IV.EE), CBZD and RCZD regulations
Highway-oriented commercial	-	-	-	-	-	-	-	S	-	-	-	-	HCZD performance standards
Commercial, general	-	-	-	-	-	-	-	-	P	S	-	-	
Industrial, general	-	-	-	-	-	-	-	-	-	S	-	-	
Professional and medical offices, support services	-	-	-	-	-	P	-	-	P	S	-	S	
Wireless communication facilities	P	P	P	P	P	P	P	P	P	P	P	P	Performance standards IV.GG.
Agricultural and Resource													
Continuing agricultural and mining	P	-	-	-	-	-	-	-	-	S	-	-	
New mining operations	S	-	-	-	-	-	-	-	-	S	-	-	
Processing of agricultural and mining products	S	-	-	-	-	-	-	-	-	S	-	-	
Community gardens	P	P	P	S	S	-	P	-	-	P	-	S	
Sand / gravel mining	S	-	-	-	-	-	-	-	-	S	-	-	
Concrete mixing / asphalt plant	S	-	-	-	-	-	-	-	-	S	-	-	
Limited livestock	P	P	P 2	-	-	-	-	-	-	-	-	-	See performance standards in RRZD and LRZD

(1)Up to 16 units per multiple-family structure allowed in TZD with a special use permit.

(2)Livestock only allowed outside of city limits in LRZD.

Division 2 – Zoning District Regulations

I. PRODUCTIVE LANDS ZONING DISTRICT.

1. ~~What this Chapter Does.~~ **Purpose.** The Productive Lands Zoning District (PLZD) is intended to encourage continuing agricultural and mineral production in the Polson City-County Planning Area; limit the potential for conflict between urban development and economically productive rural land uses, including agriculture and gravel mining; and direct urban development into a compact form to facilitate the provision of public services. In addition to crop and livestock raising, and the extraction of gravel or other earth products, initial processing of these commodities is permitted upon approval of a special use permit.

2. **Land Use.** The permitted and special uses allowed in the PLZD shall be as shown in Table ~~IV III.1.~~ II.2 All uses not explicitly permitted are prohibited.

Table ~~IV III.1.~~ II.2. PLZD Land Use

Permitted Uses	Special Permit Uses
Continuing agriculture and mining (See III.D.) (SLUC 81, 8321, and 85)	New mining operations – (See III.D.)
Replacement of existing homes One additional single-family dwelling for each 160 <u>20 acres</u>	Initial processing of farm and mine products (SLUC 82 and 85)
Accessory uses customarily associated with the permitted and special permit uses	<u>Community residential facilities, 9 or more residents</u>
<u>Community residential facilities, 8 or fewer residents</u>	<u>Home occupations 2-4 employees (see IV.CC)</u>
Home occupations <u>up to one employee</u> (see Appendix D <u>IV.CC</u>)	<i>Land application (i.e., irrigation with industrial waste) is not an agricultural use. It is an industrial activity that is prohibited in the PLZD.</i>
<u>Cluster development (see IV.FF.)</u>	
<u>Community gardens</u>	
Minor utility installations (see II.D.6.-III.C.5.)	
<u>Parks and other public and private recreation areas</u>	
<u>Wireless communication facilities (see IV.GG)</u>	

SLUC – Standard Land Use Code. Note that some accessory buildings, like shops and machine sheds, may require a development zoning conformance and/or building permit, even though the use to which they are accessory (raising crops, mining gravel) does not require a permit.

3. **Specification Standards.** The specification standards ~~for the limited residential development permitted in the PLZD shall be the same as for the Rural Residential Zoning District: see Table V.2 appear in Table II.3., below.~~ Initial processing uses shall comply with the specification standards for the Industrial Zoning District: ~~see XII.C, referring to Table X.2.~~

Table II.3. PLZD Specification Standards

Standard	Specification	Standard	Specification
Minimum lot size <u>Average density</u>	Lake frontage – 1.0 Elsewhere – 2.0 20 acres	Minimum lot width at front setback line	Lake frontage – 100 Elsewhere – 200 feet
Minimum front yard setback (feet)	Along arterials – 50 On other roads – 30	Minimum rear yard setback	30 feet
Minimum side yard setback	30 feet	Maximum height	30-35 feet **
Maximum lot coverage	20%*, <u>40% for cluster development</u>	Parking spaces <u>Minimum setback from lake, stream or wetlands</u>	See Appendix E <u>50 feet</u>

*Maximum lot coverage is affected by slope. The maximum lot coverage given here is for slopes of 0-8%. See ~~XVIII.D~~ IV.D for the maximum lot coverage permitted on steeper slopes. **Building height may be affected by performance standards protecting views to Flathead Lake (see IV.Z).

- D. Performance Standards.** All developments shall comply with the performance standards of Chapter ~~XVIII~~ IV, as applicable.
- E. Overlay Districts.** All developments shall comply with any additional requirements imposed by overlay districts.

J. RURAL RESIDENTIAL ZONING DISTRICT

1. ~~What This Chapter Does.~~ **Purpose.** The Rural Residential Zoning District (RRZD) is intended to permit exurban residential development on suitable sites within the jurisdictional area, but not where such development will impede the City’s expansion.
2. **Land Use.** The permitted and special uses allowed in the RRZD shall be as shown in Table ~~IV-1~~ II.4. All uses not explicitly permitted are prohibited.

Table ~~IV-1~~ II.4 RRZD Land Use

Permitted Uses	Special Permit Uses
Single-family dwellings <u>See Ordinance #545 or Chapt. XXI, YY</u>	Two-family dwellings
Accessory uses customarily associated with permitted and special permit uses, including the keeping of livestock, as provided in V.D.1.	Parks and other public <u>and private</u> recreation areas
<u>Community residential facilities, 8 or fewer residents</u>	<u>Community residential facilities, 9 or more residents</u>
Home occupations <u>up to 1 employee</u> (see <u>Appendix D-IV.CC.</u>)	<u>Bed and breakfasts (See IV.DD.)</u>
Minor utility installations (<u>see II.D.6-III.C.5.</u>)	<u>Religious institutions, schools</u>
<u>The keeping of livestock, as provided in 4.a, below</u>	
<u>Community gardens</u>	
<u>Cluster development (see IV.FF.)</u>	
<u>Wireless communication facilities (see IV.GG)</u>	

3. **Specification Standards.** The specification standards for the RRZD appear in Table ~~IV-2~~ III.5. Where previous development has resulted in setbacks less than those specified by Table ~~IV-2~~ III.5, the administrator may permit building in conformance with the existing pattern, if:
 - a. Covenants recorded prior to the effective date of these regulations dictate setbacks less than those specified by these regulations, and a. the subdivision was not vacant on the effective date of these regulations, and b. the developer submits drawings, photos or similar evidence to demonstrate that existing dwellings have been build in compliance with the setbacks provided by the covenants; or
 - b. Covenants do not dictate setbacks, or such covenants have not been enforced, but the developer submits evidence demonstrating that the proposed setbacks are consistent with, or greater than, those on at least 50% of the adjoining lots.
 - c. Setbacks along arterial roads shall not be reduced by the administrator, nor shall conformance with covenants or the setbacks on adjoining properties be used to permit development that does not comply with the City’s fire and building codes within the City limits.

Table IV.2. II.5. RRZD Specification Standards

Standard	Specification	Standard	Specification
Minimum lot size Average density	Lake frontage – 1.0 ac. Elsewhere – 2.0 ac.	Minimum lot width at front setback line (feet)	Lake frontage – 100 Elsewhere – 200
Minimum front yard setback (feet)	Along arterials – 50 On other roads – 30	Minimum rear yard setback (feet)	30 -20
Minimum side yard setback (feet)	30 <u>20</u>	Maximum height (feet)	30 <u>35</u> **
Maximum lot coverage	20%-25%** , <u>45% for cluster development</u>	Parking spaces <u>Minimum setback from lake, stream or wetlands</u>	See Appendix E <u>50 feet</u>

*Maximum lot coverage is affected by slope. The maximum lot coverage given here is for slopes of 0-8%. See ~~XVIII~~ IV.D. for the maximum lot coverage permitted on steeper slopes. **Building height may be affected by performance standards protecting views to Flathead Lake.

4. Performance Standards. All developments shall comply with the performance standards of Chapter ~~XVIII~~ IV, as applicable, and the following additional performance standards.

a. Livestock. ~~The RRZD is the only zoning district in which the keeping of livestock on residential lots or agricultural parcels is a permitted accessory use. (Administrative Note: Livestock is also permitted in the PLZD and county areas of the LRZD).~~

- i. No livestock shall be kept on a lot of less than one acre in size, ~~or within 50 feet of a property line.~~
- ii. Livestock shall be fenced out of shoreline buffers established by these regulations (see ~~XVIII.C.IV.C.~~) and Wellhead Protection Zone I, as established by ~~XIV.B.II.V.~~ Surface runoff from corrals and other areas in which livestock are kept shall be directed to a densely vegetated filter strip and prevented from entering surface water.
- iii. Manure shall be removed from corrals and other areas in which livestock are confined at least twice each year, and more frequently where the administrator determines that its accumulation constitutes a nuisance because odor, flies, etc. are adversely affecting neighboring properties.

b. Outdoor Storage. See also ~~XVIII.W-6.IV.W.~~, Potential Nuisances. Outdoor storage shall be permitted anywhere it is fully screened from public view and adjoining properties. Outdoor storage that is not fully screened shall be permitted in rear yards, but not in front yards or required side yards (setback areas). ~~{This permits storage to the side of a dwelling that has a larger than required side yard},~~ except that:

- i. Construction equipment and materials may be stored in front yards and required side yards during the course of work for which a permit has been approved in compliance

with these regulations. This exception expires with the permit or upon issuance of a certificate of compliance.

- ii. Vehicles and watercraft with current registrations may be parked in front yards and required side yards. Parked vehicles or watercraft shall not block vision at intersections or where driveways enter public streets.

- c. **Accessory Buildings.** Accessory buildings shall be permitted in any portion of rear yards, but not in front yards or required side yards (this permits accessory buildings in side yards that are larger than the required setback). However, on lots abutting Flathead Lake and the Flathead River, accessory buildings may be placed in front yards in compliance with the required setback distance and include a landscaped buffer as per IV.X. (Ord. #567, 8/16/99).

- d. **Overlay Districts.** All developments shall comply with any additional requirements imposed by overlay districts.

K. LOW DENSITY RESIDENTIAL ZONING DISTRICT

1. ~~What This Chapter Does.~~ **Purpose.** The Low Density Residential Zoning District (LRZD) is intended to provide for neighborhoods of single-family dwellings that are connected to municipal utilities. Areas in the LRZD will generally be buffered from commercial or industrial uses or arterial roads by areas of the Medium Density or Transitional zoning districts.
2. **Land Use.** The permitted and special uses allowed in the LRZD shall be as shown in Table ~~VI.1.~~ II.6. All uses not explicitly permitted are prohibited.

Table VI.1. II.6 LRZD Land Use (~~Ord. #547, 9/2/97~~)

Permitted Uses	Special Permit Uses
Single-family dwellings excluding all manufactured homes — manufactured homes of any type are prohibited; system built housing is allowed (Ord #589, 9/15/03)	Churches <u>Religious institutions</u>
Accessory uses customarily associated with the permitted and special permit uses	Day care centers <u>(13+ children)</u> and elementary schools
Home occupations up to 1 employee (see Appendix D IV.CC.)	Parks and other public and <u>private</u> recreation areas
<u>Community residential facilities, 8 or fewer residents</u>	<u>Community residential facilities, 9 or more residents</u>
Minor utility installations (see II.D.6-III.C.5.)	<u>Bed and breakfasts (see IV.DD.)</u>
Limited livestock outside of city limits only (see VI.F 4.d., below (for criteria, and XXI.V and XXI.CC for definitions)	
<u>Cluster development (see IV.FF.)</u>	
<u>Community gardens</u>	
<u>Wireless communication facilities (see IV.GG)</u>	

3. **Specification Standards.** The specification standards for the LRZD appear in Table ~~VI.2~~ II.7. Where previous development has resulted in setbacks less than those specified by Table ~~VI.2.~~ II.7. the administrator may permit building in conformance with the existing pattern if:
 - a. Covenants recorded prior to the effective date of these regulations dictate setbacks less than those specified by these regulations, and a. the subdivision was not vacant on the effective date of these regulations, and b. the developer submits drawings, photos or similar evidence to demonstrate that existing dwellings have been build in compliance with the setbacks provided by the covenants; or
 - b. Covenants do not dictate setbacks, or such covenants have not been enforced, but the developer submits evidence demonstrating that the proposed setbacks are consistent with, or greater than, those on at least 50% of the adjoining lots.
 - c. Conformance with covenants or the setbacks on adjoining properties shall not be used to permit development that fails to comply with the City’s fire and building codes.

Table VI.2. II.7. LRZD Specification Standards

Standards	Specifications	Standards	Specifications
Minimum lot size	7,000 square feet	Minimum lot width at front setback line	50 feet
Minimum front yard setback	30 feet	Minimum rear yard setback	15 feet
Minimum side yard setback	5 feet	Maximum height (feet)	30 <u>35*</u>
Maximum lot coverage	35% <u>40%, 45% for cluster development</u> **	Parking spaces	See Appendix E-IV. P.
Minimum setback from lake, stream or wetlands	<u>50 feet</u>		

*Building height may be affected by performance standards protecting views to Flathead Lake. **Maximum lot coverage is affected by slope. The maximum lot coverage given here is for slopes of 0-8%. See XVIII.IV.D. for the maximum lot coverage permitted on steeper slopes.

4. Performance Standards. All developments shall comply with the performance standards of Chapter XVIII IV., as applicable, and the following additional performance standards.

a. **Outdoor Storage.** See also XVIII.W.6. IV.W., Potential Nuisances. Outdoor storage shall be permitted anywhere it is fully screened from public view and adjoining properties. Outdoor storage that is not fully screened shall be permitted in rear yards, but not in front or required side yards (this permits storage to the side of a dwelling that has a larger than required side yard), except that:

- i. Construction equipment and materials may be stored in front and required side yards during the course of work for which a permit has been approved in compliance with these regulations. This exception expires with the permit or upon issuance of a certificate of compliance.
- ii. Vehicles and watercraft with current registrations may be parked in front and required side yards. Parked vehicles or watercraft shall not block vision at intersections or where driveways enter public streets.

~~c. Notwithstanding any other provision of these codes, system built homes built and installed in conformance with Uniform Building Codes and International Building Codes and any applicable building code provisions of the City of Polson or the State of Montana, and otherwise in conformance with the mandates of this code, shall be permitted in this zoning district. (Ord. # 589, 9/15/03)~~

b. **Accessory Buildings.** Accessory buildings shall be permitted in rear yards but not front or required site yards (this permits accessory buildings in side yards that are larger than the required setback). However, on lots abutting Flathead Lake or the Flathead River, accessory buildings may be placed in front yards in compliance with the required setback distance and include a landscaped buffer as per Appendix F. IV.X (Ord. #567, 8/16/99).

c. Day Care Centers. Day care centers shall:

- i. Be registered with the Montana Department of Family Services;
- ii. Provide off-street parking and loading areas in compliance with Appendix E;
- iii. Retain a residential appearance, or the appearance of a special permit use (like a church); and
- iv. Provide a minimum six-foot high opaque wood or masonry fence or a 20-foot basic landscaped buffer (as provided in ~~Appendix F~~ IV.X).
- v. Day care centers may display a single non-illuminated wall sign of no more than six square feet.

d. Livestock. ~~(applies to the County Planning Area, outside City limits.) LRZD Permitted Uses (County Res #02-26, 4/4/02)~~ Livestock is only permitted within LRZD outside the Polson City limits. The keeping or raising of domestic livestock for show, breeding or other purposes incidental to the principal use of the premises is permitted, subject to the following:

- i. Livestock or fowl shall not be permitted on a lot less than five acres in area.
- ii. Domestic animals and livestock, except pigs, buffalo, llama, alpacas, emu, rheas geese, and ostrich, may be kept on a lot provided they are not bred or maintained for any commercial purpose.
- iii. Not more than two head of cattle, or one horse, or one mule, or four goats, or four sheep, or four lambs, or 20 fowl, or a reasonable combination shall be permitted per five acres of lot area unless a qualified person (extension agent or similar person) can substantiate that the land and management practices can support more livestock.
- iv. No permanent structure of fixed facility for housing livestock shall be kept within 50 feet of a property line.
- v. Livestock areas shall be adequately fenced.
- vi. Manure shall be removed from corrals and other areas in which livestock are confined at least twice each year, and more frequently where the administrator determines that its accumulation constitutes a nuisance because odor, flies, etc. are adversely impacting neighboring properties.
- vii. When the property contains or is adjacent to surface water, ~~the~~ property owners shall create and maintain a process to direct and filter surface runoff from corrals and other areas in which livestock are kept. The diverted surface water shall be retained on the property.

vii. Common area within a subdivision, that meets the minimum acreage for the keeping of livestock, may be utilized ~~as defined in the zoning~~, if livestock use is addressed in the subdivision covenants so residents are aware of such potential use.

ix. See ~~XXI.C and XXI.VV~~ Chapter VII for definitions of livestock and fowl, ~~per County Res #02-26, 4/4/02.~~

5. Overlay Districts. All developments shall comply with the additional requirements imposed by overlay districts.

L. MEDIUM DENSITY RESIDENTIAL DISTRICT

1. ~~What This Chapter Does.~~ **Purpose.** The Medium Density Residential Zoning District (MRZD) is intended to permit the development of single- and multiple-family dwellings with municipal services.
2. **Land Use.** The permitted and special uses allowed in the MRZD shall be shown in Table ~~VII.1 II.8~~. All uses not explicitly permitted are prohibited.

Table ~~VII.1 II.8~~ MRZD Land Use (Ord. 547, 9/2/97)

Permitted Uses	Special Permit Uses
Single-family dwellings	Multiple-family dwellings, <u>including condominium and townhouse structures</u> , 5 to 8 units per structure
Two-family dwellings ¹	Mobile home parks — any manufactured home not meeting the definition of a single-family dwelling as set forth in City of Polson Ordinance No. 545 must be located in a mobile home park. See also Chapt. XXI, YY
Multiple-family dwellings, up to 4 units per structure	Churches <u>Religious institutions</u> – day care centers - schools
<u>Community residential facilities, 8 or fewer residents - day care home</u>	Congregate living facilities — nursing homes — hospitals <u>Community residential facilities, 9 or more residents</u>
Accessory uses customarily associated with the permitted and special permit uses	Parks and other public <u>and private</u> recreation areas
Home occupations <u>up to 1 employee</u> in compliance with <u>Appendix D-IV.CC</u>	<u>Home occupations 2-4 employees</u> in compliance with <u>(see IV.CC)</u>
Minor utility installations (see II.D.6 . III.C.5).	<u>Community gardens</u>
<u>Bed and breakfasts (ee IV.DD.)</u>	<u>Cemeteries</u>
<u>Wireless communication facilities (see IV.GG)</u>	

3. **Specification Standards.** The specification standards for the MRZD appear in Table ~~VI.2. II.8~~. Where previous development has resulted in setbacks less than those specified by Table ~~VI.2., II.8.~~, the administrator may permit building in conformance with the existing pattern if:
 - a. Covenants recorded prior to the effective date of these regulations dictate setbacks less than those specified by these regulations, and a. the subdivision was not vacant on the effective date of these regulations, and b. the developer submits drawings, photos or similar evidence to demonstrate that existing dwellings have been build in compliance with the setbacks provided by the covenants; or
 - b. Covenants do not dictate setbacks, or such covenants have not been enforced, but the developer submits evidence demonstrating that the proposed setbacks are consistent with, or greater than, those on at least 50% of the adjoining lots.

¹ For the purposes of this district, two-family dwellings are not considered multi-family dwellings.

- c. Setbacks along arterial roads shall not be reduced by the administrator, nor shall conformance with covenants or the setbacks on adjoining properties be used to permit development that does not comply with the City’s fire and building codes.

Table VII.2. II.9 MRZD Specification Standards

Standards	Specifications	Standards	Specifications
Minimum lot or mobile home space size (square feet)	Permitted and non-residential special permit uses 7,000 <u>5,000</u> Special permit residential uses – 5,000 <u>4,000</u>	Lot size for each add'l unit in multiple-family dwellings (square feet)	1,000
Minimum lot width, at front setback line (feet)	50 <u>40</u>	Minimum front yard setback (feet)	Along arterials – 50 <u>40</u> On public streets – 25 <u>20*</u>
Minimum rear yard setback (feet)	Single, two-family – 15 Multiple family - 20	Minimum side yard setback (feet)	Single, two-family – 5 Multiple-family - 10
Maximum height (feet)	30 <u>35**</u>	Maximum lot coverage	55% <u>65%***</u>
Parking spaces	See Appendix E <u>IV.P.</u>		

*The front setback may be reduced to 15 feet along internal roads serving multiple-family dwelling complexes and mobile home parks. **Building height may be affected by performance standards protecting views to Flathead Lake. ***Maximum lot coverage is affected by slope. The maximum lot coverage given here is for slopes of 0-8%. See ~~XVIII~~ IV.D. for the maximum lot coverage permitted on steeper slopes.

4. Performance Standards. All developments shall comply with the performance standards of Chapter ~~XVIII~~ IV, as applicable, including performance standards for multi-family dwellings (IV.EE.), and the following additional performance standards.

- a. **Outdoor Storage.** See also ~~XVIII.W.6~~ IV.W., Potential Nuisances. Outdoor storage shall be permitted anywhere it is fully screened from public view and adjoining properties. Outdoor storage that is not fully screened shall be permitted in any portion of rear yards, but not in front yards or required side yards or setback areas. ~~{This permits storage to the side of a dwelling that has a larger than required side yard}~~, except that:
- i. Construction equipment and materials may be stored in front and required side yards during the course of work for which a permit has been approved in compliance with these regulations. This exception expires with the permit or upon issuance of a certificate of compliance.
 - ii. Vehicles and watercraft with current registrations may be parked in front and required side yards. Parked vehicles or watercraft shall not block vision at intersections or where driveways enter public streets.
- b. **Accessory Buildings.** Accessory buildings shall be permitted in any portion of rear yards, but not in front yards or the required side yards (this permits accessory buildings in side yards that are larger than the required setback), ~~(Ord. #567, 8/16/99)~~.

- c. **Day Care Centers.** Day care centers shall:
 - i. Be registered with the Montana Department of Family Services;
 - ii. Provide off-street parking and loading areas in compliance with ~~Appendix E~~ IV.P.;
 - iii. Retain a residential appearance, or the appearance of a special permit use (like a ~~church~~ religious institution or a school)
 - iv. Provide a minimum six-foot high opaque wood or masonry fence or a 20-foot basic landscaped buffer (as provided in ~~Appendix F~~ IV.X.) between all outdoor play areas and adjoining dwellings.
 - v. Day care centers may display a single non-illuminated wall sign of no more than ~~six~~ 16 square feet and external lighting only. *(Note: The sign performance standards permit day care centers to have an externally lit wall sign that is 16 square feet)*

- d. **Multiple-Family Dwelling Complexes.** Multiple-family dwelling complexes include more than eight units and shall:
 - i. Have direct access onto a collector or arterial street, or otherwise be located where they will not channel traffic onto local residential streets; ~~and~~
 - ii. Provide all improvements required by ~~Chapter XVIII, Division 2~~ IV.EE., and the Detailed Performance Standards for Multiple-Family Dwellings; and
 - iii. ~~with~~ Include internal improvements ~~being that are~~ maintained by the owner or an owners association.

- e. **Mobile Home Parks.** Mobile home parks do not permit short-term (less than 30 days) occupancy, and shall:
 - i. Have direct access onto a collector or arterial street, or otherwise be located where they will not channel traffic onto local residential streets; and
 - ii. Provide all improvements required by Chapter ~~XVIII~~, IV Division 2, with internal improvements being maintained by the owner or operator.

- 5. **Overlay Districts.** All developments shall comply with the additional requirements imposed by overlay districts.

M. CHAPTER VII SUPPLEMENT— MIXED USE RESIDENTIAL DISTRICT (~~Ord. 603, 1/05~~)

1. ~~What This Chapter Does.~~ **Purpose.** The Mixed Use Residential Zoning District (XRZD) is intended to provide a special district that allows for the continuation of a residential neighborhood with single-family homes, ~~and~~ townhouses and condominiums that are connected to municipal services.
2. **Land Use.** The permitted and special uses allowed in this district shall be shown in Table VII-Supp. 1. All uses not explicitly permitted are prohibited.

Table VII-Supp. 1. II.10 XRZD Land Use

Permitted Uses	Special Permit Uses
Single-family dwellings	<u>Churches Religious Institutions</u>
Townhouses <u>and condominiums</u>	Day care centers and elementary schools
Common areas, recreational buildings and uses, club houses	<u>Community gardens</u>
Accessory uses customarily associated with the permitted and special permit uses	<u>Community residential facilities, 8 or fewer residents</u>
Home occupations <u>up to 1 employee</u> in compliance with <u>Appendix D-IV.CC.</u>	
Minor utility installations (see II.D.6. <u>III.C.5.</u>)	
<u>Wireless communication facilities (see IV.GG)</u>	

3. **Specification Standards.** The specification standards for this district are shown in Table VII-Supp.2. II.10., below.
4. **Performance Standards.** All developments shall comply with the performance standards of Chapter ~~XVIII~~ IV, including performance standards for multi-family dwellings, as applicable, and the following additional performance standards:
 - a. ~~The additional standards as listed in the MRZD standards, Chapter VII, section D.1 through D.3, except as provided in this chapter and as listed below, shall apply. (Note: The struck-through subjects—outdoor storage, accessory buildings and day care centers—are addressed below)~~
 - b. ~~Chapter XVIII.Q. shall apply with the following modification: Streets having a right of way width of 40 feet or less and a length of 200' or less shall not be required to provide sidewalks.~~
 - a. **Outdoor Storage.** See also ~~XVIII.W.6.~~ IV.W., Potential Nuisances. Outdoor storage shall be permitted anywhere it is fully screened from public view and adjoining properties. Outdoor storage that is not fully screened shall be permitted in any portion of rear yards, but not in front yards or required side yards or setback areas. ~~{This permits storage to the side of a dwelling that has a larger than required side yard}~~, except that:

- i. Construction equipment and materials may be stored in front and required side yards during the course of work for which a permit has been approved in compliance with these regulations. This exception expires with the permit or upon issuance of a certificate of compliance.
 - ii. Vehicles and watercraft with current registrations may be parked in front and required side yards. Parked vehicles or watercraft shall not block vision at intersections or where driveways enter public streets.
- b. Accessory Buildings.** Accessory buildings shall be permitted in any portion of rear yards, but not in front yards or the required side yards (this permits accessory buildings in side yards that are larger than the required setback), ~~(Ord. #567, 8/16/99).~~
- c. Day Care Centers.** Day care centers shall:
- i. Be registered with the Montana Department of Family Services;
 - ii. Provide off-street parking and loading areas in compliance with IV.P.;
 - iii. Retain a residential appearance, or the appearance of a special permit use (like a ~~church~~ religious institution or a school)
 - iv. Provide a minimum six-foot high opaque wood or masonry fence or a 20-foot basic landscaped buffer (as provided in ~~Appendix F~~ IV.X.) between all outdoor play areas and adjoining dwellings.
 - v. Day care centers may display a single non-illuminated wall sign of no more than ~~six~~ 16 square feet and external lighting only. *(Note: The detailed performance standards for signs permit day care centers to have an externally lit wall sign that is 16 square feet)*
- 5. Overlay Districts.** All developments shall comply with the additional requirements imposed by overlay districts.
- ~~**6. Density.** As per LRZD standards or less. *(Note: The minimum lot sizes and densities are addressed in the table below.)*~~

Table VII-Supp.2. II.11 XRZD Specification Standards

Standards	Specifications	Standards	Specifications
Minimum lot (square feet)	Single-family - 5,900 Townhouse or condominium* - 3,400 Special permit uses - 5,000	Lot size for each add'l unit in multiple-family dwellings (square feet)	1,000
Minimum lot width, at front setback line (feet)	Single family - 60 Townhouse - 40	Minimum front yard setback (feet)	Building wall - 20 Open porches, decks - 10
Minimum rear yard setback (feet)	15	Minimum side yard setback (feet)	Side yard - 5 Common wall - 0
Maximum height (feet)	30 35**	Maximum lot coverage	Single family lot 10,000 square feet or greater - 35%*** Single family lot <10,000 square feet - 55%*** Townhouse <u>or</u> condominium lot <u>with</u> townhouse - 65%***
Parking spaces	See Appendix E-IV.P.		

~~*The front setback may be reduced to 15 feet along internal roads serving multiple family dwelling complexes and mobile home parks. (Note: The previous sentence applies to MRZD, not XRZD and seems to have erroneously been included.)~~ *For condominiums, a minimum of 3,400 square feet per unit + 1,000 square feet for each unit in a multi-family dwelling is required. **Building height may be affected by performance standards protecting views to Flathead Lake. ***Maximum lot coverage is affected by slope. The maximum lot coverage given here is for slopes 0-8%. See ~~XVIII~~-IV.D for the maximum lot coverage permitted on steeper slopes.

N. CHAPTER VIII— TRANSITIONAL ZONING DISTRICT

1. ~~What this Chapter Does.~~ **Purpose.** This chapter establishes ~~The~~ Transitional Zoning District (TZD), the purpose of which is intended to provide for a well-planned transition from predominantly single-family residential to higher density residential, ~~or commercial, and mixed~~ uses in specific areas ~~identified in the plan~~ predominantly located near the central business district. Transitional developments must comply with performance standards designed to protect the remaining residences.
2. **Land Use.** The permitted and special uses allowed in the TZD shall be as shown in Table ~~VIII.1.~~ II.12. All uses not explicitly permitted are prohibited.

Table ~~VIII.1.~~ II.12. TZD Land Use

Permitted Uses	Special Permit Uses
Single-family dwellings	Multiple-family dwellings, up to 16 units per structure
Two-family dwellings ²	Limited commercial uses, as provided in VIII.D.4.b., <u>below</u>
Accessory uses customarily associated with the permitted and special permit uses	Day care centers, in compliance with 4.d., below
Home occupations <u>up to 1 employee</u> in compliance with Appendix D-IV.CC	<u>Home occupations 2-4 employees</u> in compliance with <u>IV.CC</u>
Minor utility installations (see II.D.6-III.C.5.)	<u>Churches Religious Institutions</u> and schools
<u>Community residential facilities, 8 or fewer residents</u>	Parks and other public and private recreation areas
<u>Bed and breakfasts (see IV.DD)</u>	
<u>Wireless communication facilities (see IV.GG)</u>	

~~C. Specification Standards.~~ The specification standards for the TZD shall be the same as MRZD (see Table VII.2.), except that:

1. ~~the maximum number of multiple-family units per structure shall be increased to 16, and~~
2. ~~the maximum lot coverage may be increased to: a. for residential conversions, as defined in VIII.D.2: 55%, and b. for block conversions, as defined in VIII.D.3: 75%. (Note: These items are addressed in Table II.13, below. The specification standards below are not new but have been inserted so readers don't have to flip back and forth between chapters.)~~
3. **Specification Standards.** The specification standards for the TZD appear in Table II.13. except that: Where previous development has resulted in setbacks less than those specified by Table II.13., the administrator may permit building in conformance with the existing pattern if:
 - a. Covenants recorded prior to the effective date of these regulations dictate setbacks less than those specified by these regulations, and a. the subdivision was not vacant on the

² For the purposes of this district, two-family dwellings are not considered multi-family dwellings.

effective date of these regulations, and b. the developer submits drawings, photos or similar evidence to demonstrate that existing dwellings have been build in compliance with the setbacks provided by the covenants; or

- b. Covenants do not dictate setbacks, or such covenants have not been enforced, but the developer submits evidence demonstrating that the proposed setbacks are consistent with, or greater than, those on at least 50% of the adjoining lots.
- c. Setbacks along arterial roads shall not be reduced by the administrator, nor shall conformance with covenants or the setbacks on adjoining properties be used to permit development that does not comply with the City’s fire and building codes.

Table II.13. TZD Specification Standards

Standards	Specifications	Standards	Specifications
Minimum lot size (square feet)	Permitted uses 7,000 and <u>non- residential special permit uses 5,000</u> Special permit <u>residential uses – 5,000 4,000</u>	Lot size for each add'l unit in two-family and multiple-family dwellings (square feet)	1,000
Minimum lot width, at front setback line (feet)	50 <u>40</u>	Minimum front yard setback (feet)	Along arterials – 50 <u>40</u> On public streets – 25 <u>20*</u>
Minimum rear yard setback (feet)	Single, two-family – 15 Multiple family - 20	Minimum side yard setback (feet)	Single- and two-family – 5 Multiple-family - 10
Maximum height (feet)	30 <u>35**</u>	Maximum lot coverage	55% <u>65%</u> Block conversions – 75%***
Parking spaces	See Appendix E <u>and the performance standards below.</u>	<u>Setback from Lake, stream or wetlands</u>	<u>50</u>

*The front setbacks may be reduced to 15 feet along internal roads serving multiple-family dwelling complexes.

Building height may be affected by performance standards protecting views to Flathead Lake. *Maximum lot coverage is affected by slope. The maximum lot coverage given here is for slopes of 0-8%. See ~~XVIII~~ IV.D. for the maximum lot coverage permitted on steeper slopes.

4. Performance Standards. All developments shall comply with the performance standards of Chapter ~~XVIII~~ IV, as applicable, and these additional performance standards.

a. Transition to Multiple-Family Dwellings. Two-family dwellings are permitted in the TZD. Multiple-family dwellings shall comply with the performance standards for the MRZD and detailed performance standards for multiple-family dwellings (IV.EE).

b. Transition to Commercial Uses: Residential Conversions. A residential conversion is the conversion of a single existing dwelling to commercial use.

- i. **Land Use.** The commercial uses permitted shall be compatible with neighboring residences. They shall retain a residential appearance, and generate only low to moderate levels of activity. Examples of the commercial uses that may be appropriate in the TZD include: i. retail sale of clothing and locally produced arts, crafts and foodstuffs; ii. retail coffee and tea shops, confectioneries and bakeries (~~SLUC 544-546~~); iii. book and stationery stores (~~SLUC 594~~); iv. retail florists (~~SLUC 5991~~); v. gift shops (~~SLUC 5995~~); vi. insurance and real estate offices (~~SLUC 6142 and 6152~~); vii. beauty and barber services (~~SLUC 623~~); viii. legal and other professional services (~~SLUC 652 and 659~~); ix. The offices of civic organizations (~~SLUC 699~~) and x. travel agencies (~~SLUC 4923~~).
- ii. **Operating Hours.** Operating hours shall begin no earlier than 8:00 a.m. and end no later than ~~8:00~~ 10:00 p.m.
- iii. **Residential Landscaping.** Landscaping similar to that of neighboring homes (yards with turf or ground cover, trees, including street trees, shrubs, flowers, etc.) shall be retained on the ~~45%~~ 35% or more of the lot left open to comply with ~~VIII.C Table II.13.~~, above. Where such landscaping is absent or in poor condition, it shall be restored.
- iv. **Side and Rear Yards.** A minimum six foot high opaque wood fence or masonry wall shall be installed and maintained along the side and rear property lines that adjoin dwellings. The City may also require supplemental plantings to protect the privacy and enjoyment of residential neighbors. Rear yards may be used as outdoor dining or display areas, but all storage shall be within the converted dwelling or an accessory building (like an existing garage). Outdoor dining in rear and side yards shall include no more than four tables serving no more than 16 patrons.
- v. **Front Yard.** The front yard shall be left unfenced, or if one is existing, or in conformance with neighboring properties, with a low, open fence (like a picket fence) or hedge. No commercial use shall be made of the front yard, except for outdoor dining with no more than three tables serving no more than 12 patrons, and that existing front driveways may be used for employee parking.
- vi. **Architecture.** The residence being converted to commercial use may be remodeled or expanded, in compliance with these regulations and the City's fire and building codes, but such activity shall retain a residential appearance. The developer shall submit elevations and other drawings to demonstrate compliance with this performance standard.
- vii. **Parking.** Parking for all employees shall be on-premises. Customers may utilize public street areas.

- c. Block Conversions.** A block conversion is the development of commercial or mixed commercial and multiple-family dwellings on at least one-half of a platted block.
- i. Land Use.** Block conversions involve a higher intensity of commercial use, but must still respect neighboring residences. Examples of additional uses that may be appropriate in a block conversion in the TZD include: i. retail apparel and accessories (~~SLUC 56~~); ii. Retail electronics (~~SLUC 573~~ – but not including installation of automotive sound systems); iii. eating and drinking places (~~SLUC 58~~ – but not including drive-in restaurants); iv. other retail uses that do not require large outdoor sales areas, outdoor storage, or drive-in service; v. finance, insurance, and real estate services (~~SLUC 61~~); vi. Personal services such as laundering, photography, beauty and barber shops, apparel alteration and repair, and funeral and crematory services (~~SLUC 62~~); and vii. professional services such as medical and health, law, engineering, planning and surveying, education, research and accounting (~~SLUC 65~~); and viii. Miscellaneous services (~~SLUC 65~~).
 - ii. Landscape.** There shall be a coherent planting plan for the entire development. Landscaping will not retain its residential character with a maximum 75% lot coverage, but should retain functional existing vegetation to the extent possible, and utilize landscape design themes from the surrounding residential neighborhood. See ~~XVIII.X~~ IV.X for landscaped buffer requirements.
 - iii. Architecture.** The buildings in the block conversion shall present a coherent appearance and utilize themes from the surrounding residential neighborhood.
 - iv. Outdoor Sales and Storage.** Limited outdoor sales, including open dining areas, shall be permitted. All storage except temporary storage of construction materials and equipment being used for work in progress, shall be within buildings.
 - v. Parking.** Parking for all employees shall be on-premises. Customers may utilize public street areas.
- d. Day Care Centers.** Day care centers shall:
- i. Be registered with the Montana Department of Family Services;
 - ii. Provide off-street parking and loading areas in compliance with IV.P.;
 - iii. Retain a residential appearance, or the appearance of a special permit use like a religious institution or a school

- iv. Provide a minimum six-foot high opaque wood or masonry fence or a 20-foot basic landscaped buffer (as provided in IV.X.) between all outdoor play areas and adjoining dwellings.
 - v. Day care centers may display a single non-illuminated wall sign of no more than 16 square feet and external lighting only.
5. **Overlay Districts.** All developments shall comply with any additional requirements imposed by overlay districts.

O. CHAPTER IX— RESORT ZONING DISTRICT

1. ~~What This Chapter Does.~~ **Purpose.** This chapter establishes The Resort Zoning District (RZD), the purpose of which is intended to permit mixed higher density residential and resort commercial development primarily along the Flathead Lake and Flathead River shoreline. Because the lakeshore is so critical to the City’s prosperity and quality of life, new uses in the RZD require a special use permit.
2. **Land Use.** The permitted and special uses allowed in the RZD shall be as shown in Table ~~IX.1~~ II.13. All uses not explicitly permitted are prohibited.

Table ~~IX.1~~ II.13 RZD Land Use

Permitted Uses	Special Permit Uses
<u>Single family dwellings</u>	Lake-oriented resort commercial uses
Parks and other public <u>and private</u> recreation areas	Multiple-family dwellings, and mobile home parks
Accessory uses customarily associated with the permitted and special permit uses	Mixed resort commercial and multiple-family residential uses
Minor utility installations (see II.D.6. III.C.5.)	
<u>Bed and breakfasts (see IV.DD.)</u>	
<u>Cluster development (see IV.FF.)</u>	
<u>Wireless communication facilities (see IV.GG)</u>	
<u>Community residential facilities, 8 or fewer residents</u>	

3. **Specification Standards.** The specification standards in the RZD shall be the same as the MRZD (See Table ~~VII.2.II.9.~~) for both residential and commercial developments, but: 1. shoreline buffers are also required, 2. the maximum number of multiple-family dwelling units permitted per structure is increased to 16 ~~and~~, 3. Special permit uses with lake facilities may be required to include shoreside pumpout stations for sewage disposal, and 4. Per Ordinance #635, 08/18/08: the minimum lot size requirements of Table VII.2., converts to a maximum density requirement of eight ~~nine~~ dwelling units per acre. The minimum lot size requirement does not apply. The residential lot size or density requirement shall be determined based on compliance with lot coverage, buffering, building height, parking and other performance standards. Note also that a lot coverage incentive is offered for provision of public access to the shoreline: see ~~IX.D.5.~~ 4.e., below.
4. **Performance Standards.** All developments shall comply with the performance standards of Chapter ~~XVIII~~ IV, as applicable, and these additional performance standards.
 - a. **Multiple-Family Dwellings and Mobile Home Parks.** Multiple-family dwellings and mobile home parks shall comply with the performance standards for the MRZD. Multiple family dwellings shall also comply with the detailed performance standards in Chapter ~~XVIII~~ IV.
 - b. **Commercial Development.** Commercial uses should use the limited shoreline available to link local residents and travelers with the lake and river. Uses that can as effectively be located away from the shoreline should be. Also, the uses permitted in the RZD must pose

no special threat to water quality. Examples of commercial uses that would be appropriate in the RZD include: i. hotels (~~SLUC 15~~); ii. recreational vehicle parks; iii. restaurants (~~SLUC 58~~ – but not with drive-in service); iv. ~~retail~~ sporting goods sales and rentals (~~SLUC 595~~); v. guide services; and, vi. marinas (~~SLUC 744~~ – in compliance with 7., below).

- c. **Landscape.** There shall be a coherent planting plan for the entire development, with special attention given to the role of vegetated surfaces in channeling and absorbing surface runoff, and to the shoreline buffer, which shall serve as an effective vegetative filter strip. See ~~XVIII.~~ IV.X for landscaped buffer requirements.
- d. **View Corridors.** Developments in the RZD shall be designed and constructed to afford views from adjoining public streets and sidewalks/trails to the lake and river. Building masses must be: a. below the grade of the adjoining public street, sidewalk or trail, so they do not block views; or b. designed to permit occasional views to the lake or river through or between buildings. The developer shall submit drawings or electronic simulations demonstrating compliance with this performance standard.
- e. **Access to the Lakeshore.** Any development that provides safe, continuous public pedestrian/bicycle access to the shoreline shall be permitted to increase its maximum lot coverage from ~~55%~~ 65% to 75%. Award of such bonus does not eliminate the requirements of ~~XVIII.~~ IV.C. for shoreline buffers.
- f. **Outdoor Sales and Storage.** Limited outdoor sales, including outdoor dining areas, shall be permitted. All storage, except temporary storage of construction materials and equipment being used for work in progress, shall be within buildings.
- g. **Marinas.** A marina may be an appropriate use in the RZD, but because marinas involve extensive lakeshore disturbance and the handling of fuel and other potential contaminants, the developer shall be require to:
 - i. Provide for a professionally prepared environmental assessment, including recommended mitigation measures, ~~and~~
 - ii. Provide plans sufficient to demonstrate compliance with the most current edition of National Fire Protection Association (NFPA) 303, *Fire Protection Standards for Marinas and Boatyards*, and other fire and building codes specifically applicable to marinas, ~~and~~
 - iii. Provide shoreside pumpout facilities.

The need for an environmental assessment shall be established at the pre-application review and the production of the assessment will follow the procedure provided for community impact reports in Chapter IV.

- 5. **Overlay Districts.** All developments shall comply with any additional requirements imposed by overlay districts.

P. CHAPTER X – HIGHWAY COMMERCIAL ZONING DISTRICT

- 1. ~~What This Chapter Does.~~ Purpose.** This chapter establishes The Highway Commercial Zoning District (HCZD) which provides a place for commercial uses that rely on easy automobile access. It is also the appropriate location for any commercial development that needs outdoor sales space. The view from the highway is critical to the city’s image, so all new developments in the HCZD require a special use permit.
- 2. Land Use.** The permitted and special uses allowed in the HCZD shall be as shown in Table ~~X-1.~~ II.14. All uses not explicitly permitted are prohibited.

Table ~~X-1.~~ II.14 HCZD Land Use

Permitted Uses	Special Permit Uses
Changes of occupancy in existing buildings	Highway-oriented commercial
Accessory uses customarily associated with the permitted and special permit uses	<u>Parks and other public and private recreation areas</u>
Minor utility installations (see II.D.6. <u>III.C.5.</u>)	<u>Religious institutions</u>
<u>Wireless communication facilities (see IV.GG)</u>	

- 3. Specification Standards.** The specification standards for the HCZD appear in Table ~~X-2.~~ II.15

Table ~~X-2.~~ II.15 Specification Standards

Standards	Specifications	Standards	Specifications
Minimum lot size (square feet)	---	Minimum lot width, at front setback line (feet)	---
Minimum front yard setback (feet)	Along arterials – <u>50-30</u> Along other streets – see XVIII.X. <u>and Appendix F IV.X., landscape buffers (for all streets)*</u>	Minimum rear yard setback (feet)	See XVIII.X. and Appendix F IV.X., landscape buffers
Minimum side yard setback (feet)	See XVIII.X. and Appendix F IV.X., landscape buffers	Maximum height (feet)	30**
Maximum lot coverage	80%***	Parking spaces	<u>See Appendix E-IV.P.</u>

*Except along arterials, minimum setbacks in the HCZD ~~will~~ shall be determined by the requirements of these regulations for landscaped buffers, as established in Chapter ~~XVIII-IV.~~ **Building height may be affected by performance standards protecting views to Flathead Lake. ** Maximum lot coverage is affected by slope. The maximum lot coverage given here is for slopes of 0-8%. See ~~XVIII.IV.D.~~ for the maximum lot coverage permitted on steeper slopes.

- 4. Performance Standards.** All developments shall comply with the performance standards of Chapter ~~XVIII-IV,~~ as applicable, and the following performance standards.

- a. **No Strip.** Development in the HCZD shall be designed and constructed to minimize the functional and appearance problems associated with the strip development pattern. Conditions to be minimized, to the extent feasible given the location, size, and context of the lot or parcel, include:
- i. Commercial Development that is only one lot in depth, has numerous points of access to public streets, and makes no provision for safe pedestrian and bicycle circulation. To address these issues:
 - Development in the HCZD shall connect to adjoining properties in the HCZD by providing access and utility easement(s), and vehicle, pedestrian and bicycle facilities;
 - Continuous pedestrian walkways and bikeways shall be provided from the property perimeter to the principal public entrance;
 - Crosswalks shall have contrasting pavement color from the surrounding asphalt surface; and
 - Bicycle parking stands shall be provided.
 - ii. View from the road that is dominated by vehicles, asphalt, and signs. To address these issues:
 - All development in the HCZD shall include landscaped buffers that meet or exceed the requirements of IV.X.
 - No more than 50% of automobile parking shall be located between the front façade of the principal building and the primary abutting or access street.
 - Signs shall be architecturally related to the building to which they are principally related and meet the requirements of IV.Y. Freestanding signs shall have landscaping at their base.
 - Landscaping shall be used to break up all parking areas and building edges. A minimum of 10% of the lot shall be landscaped, with no parking space located more than 120 feet from a landscaped area. Landscaping that is indigenous to the area and requires limited irrigation is encouraged.
 - Loading docks, truck parking, trash containers, HVAC equipment and other such permanent features shall be screened from public view and pedestrian areas. Screening structures shall be made of the same materials as the principal structure, or of material intended to visually blend into a cohesive architectural theme.
 - iii. Bland, monolithic architecture that has little connection to the setting, community or history and limited visual appeal. To address this issue:

- Special use permit applications shall include elevations showing an architectural theme that reflects the setting and may include the local Native American and pioneer heritage, logging, farming, or a lake-related concept;
 - Building façades shall be finished in subtle, neutral or earth tones with low reflectivity and be finished with varying materials, textures and colors.
 - Building façades shall include modulated wall planes with projections, recesses and/or offset planes with a minimum depth of 2 feet;
 - Rooflines shall be varied;
 - Landscaping shall be incorporated into the building design and include at least 1 tree and 4 shrubs per each 40 linear feet of building façade that faces a public street; and
 - Designs are encouraged to include amenities such as shaded plazas, children’s play areas, trellis structures, covered walkways, clock towers, seating and drinking fountains that are shaded and located in or near circulation routes, outdoor employee areas, water features and outdoor art. Amenities shall be linked to and incorporated pedestrian and bicycle facilities. A visual focal point such as a clock tower may extend an additional 15 feet above the principal structure.
- b. Access to Commercial and Industrial Uses.** No commercial development shall have its principal access through the RRZD, LRZD, or MRZD.
- c. Outdoor Sales and Storage.** Outdoor sales shall be permitted in the HCZD. Outdoor storage is also permitted, but shall be screened from public view by any effective combination of the placement of buildings, landscaped buffers, and screening fences or walls. Temporary storage of construction materials and equipment being used for work in progress is exempted from this screening requirement.
- 5. Overlay Districts.** All developments shall comply with any additional requirements imposed by overlay districts.

Q. CHAPTER XI— CENTRAL BUSINESS ZONING DISTRICT

1. ~~What This Chapter Does.~~ **Purpose.** This chapter establishes ~~the~~ The Central Business Zoning District (CBZD) ~~which is intended to~~ encompasses the “commercial core” of the city, and provides a place for the redevelopment or development of uses that depend on pedestrian circulation and a central location.
2. **Land Use.** The permitted and special uses allowed in the CBZD shall be as shown in Table ~~XI.1.~~ II.16. All uses not explicitly permitted are prohibited.

Table ~~XI.1.~~ II.16. CBZD Land Use

Permitted Uses	Special Permit Uses
Commercial	<u>Multiple-family dwellings</u>
Accessory uses customarily associated with the permitted and special permit uses, including residential use of the upper stories of commercial buildings	
Minor utility installations (see II.D.6. <u>III.C.5.</u>)	
<u>Parks and other public recreation areas</u>	
<u>Government, public safety/service, libraries, non-profits</u>	
<u>Wireless communication facilities (see IV.GG)</u>	

3. **Specification Standards.** The specification standards for the CBZD appear in Table ~~XI.2.~~ II.17.

Standards	Specifications	Standards	Specifications
Minimum lot size (square feet)	---	Minimum lot width, at front setback line (feet)	---
Minimum front yard setback (feet)	<u>15 feet for multiple-family dwellings, also see XVIII.X. and Appendix F IV.X.</u>	Minimum rear yard setback (feet)	<u>15 feet for multiple-family dwellings, also see XVIII.X. and Appendix F IV.X.</u>
Minimum side yard setback (feet)	<u>10 feet for multiple-family dwellings, also see XVIII.X. and Appendix F IV.X.</u>	Maximum height (feet)	30 <u>40</u>
Maximum lot coverage	100% for commercial <u>80% for multiple-family dwellings</u>	Parking spaces	See <u>Appendix E IX.P</u>

~~There are no minimum setbacks in the CBZD, except where it borders another zoning district and landscaped buffers are required, as provided in Chapter XVIII.~~

4. Performance Standards. All developments shall comply with the performance standards of Chapter ~~XV~~ IV, as applicable, and the following additional performance standards.

a. Outdoor Sales and Storage. Limited outdoor sales, including outdoor dining areas and participation in temporary “sidewalk sales” shall be permitted. All storage, except temporary storage of construction materials and equipment being used for work in progress, shall be within buildings.

b. Multiple-Family Dwellings. Multiple-family dwellings shall comply with the Detailed Performance Standards for Multiple-Family Dwellings (IV.EE.). Multiple-family dwellings shall not be located in the CBZD along Main Street, 1st Street West, or 1st Street East.

E. Overlay Districts. All developments shall comply with any additional requirements imposed by overlay districts.

R. CHAPTER XII – GENERAL COMMERCIAL – INDUSTRIAL ZONING DISTRICT

1. **What This Chapter Does Purpose.** This Chapter establishes The General Commercial – Industrial Zoning District (CIZD) ~~which is intended to~~ provides a place for a wide range of commercial uses that do not rely on direct highway access or a CBD location, and industrial development in the city and jurisdictional area.
2. **Land Use.** The permitted and special uses allowed in the CIZD shall be as shown in Table ~~XII.1-~~ II.18. All uses not explicitly permitted are prohibited.

Table ~~XII.1-~~ II.18. CIZD Land Use

Permitted Uses	Special Permit Uses
<u>Commercial</u>	<u>Commercial</u>
<u>Industrial</u>	<u>Industrial</u>
Accessory uses customarily associated with the permitted and special permit uses	<u>Government, public safety/service, libraries, non-profits</u>
Minor utility installations (see II.D.6- <u>III.C.5.</u>)	
Changes of occupancy in existing buildings	
<u>Community gardens</u>	
<u>Wireless communication facilities (see IV.GG)</u>	

3. **Specification Standards.** The specification standards for the CIZD ~~shall be the same as in the HCZD: See Table X.2.~~ are shown in Table II.19.

Table II.19 Specification Standards

Standards	Specifications	Standards	Specifications
Minimum lot size (square feet)	---	Minimum lot width, at front setback line (feet)	---
Minimum front yard setback (feet)	Along arterials – <u>50-30</u> Along other streets – see XVIII.X. <u>Appendix F IV.X.</u> (for all streets)*	Minimum rear yard setback (feet)	See XVIII.X. <u>Appendix F IV.X.</u>
Minimum side yard setback (feet)	See VIII.X. <u>Appendix F IV.X.</u>	Maximum height (feet)	<u>30 35</u> **
Maximum lot coverage	80%***	Parking spaces	See Appendix E-IV.P.

*Except along arterials, minimum setbacks in the CIZD shall be determined by the requirements of these regulations for landscaped buffers, as established in Chapter ~~XVIII.~~ IV.X. **Building height may be affected by performance standards protecting views to Flathead Lake. ** Maximum lot coverage is affected by slope. The maximum lot coverage given here is for slopes of 0-8%. See ~~XVIII.~~ IV.D. for the maximum lot coverage permitted on steeper slopes.

4. **Performance Standards.** All developments shall comply with the performance standards of Chapter ~~XVIII~~ IV, as applicable, and the following additional performance standards.

- a. **Access to Commercial and Industrial Uses.** No commercial or industrial development shall have its principal access through the RRZD, LRZD, or MRZD.
 - b. RESERVED.
- 5. **Overlay Districts.** All developments shall comply with any additional requirements imposed by overlay districts.

ORDINANCE # 626

S. CHAPTER XII – SUPPLEMENTAL RECREATIONAL VEHICLE CONDOMINIUM SITES AND/OR GENERAL CAMPGROUNDS ZONING DISTRICT

1. ~~What This Chapter Does.~~ **Purpose.** This chapter establishes The Recreational Vehicle Condominium Sites and/or General Campgrounds Zoning District (RCZD) is intended to the purpose of which is to permit recreational vehicle (RV) condominium developments and campground developments and within the city. The RCZD is intended to allow for condominium ownership of certain recreational vehicle developments (~~see permitted uses~~) in addition to the rental/lease of individual sites and the permitted and special permit uses, as applicable. All applicable permitted uses shall adhere to the Administrative Rules of Montana, Title 37, Chapter 111, subchapter 202-230 (ARM 37-111-202-230).

2. **Land Use.** The permitted and special permit uses allowed in the RCZD shall be shown in Table ~~XII.1.II.20~~. All uses not explicitly permitted are prohibited. The RCZD is intended to allow for a combination of the permitted and/or special permit uses within any development. All terms not defined in Chapter VII., Definitions, are defined in this section, below.

Table ~~XII.1~~ II.20 RCZD Land Use

Permitted Uses	Special Permit Uses
General service campgrounds	<u>Restaurants</u>
Recreational vehicle condominiums	Parks and other public <u>and private</u> recreation areas
Limited commercial uses, as provided below	
Accessory uses customarily associated with the permitted and special permit uses, including the incidental uses listed below	
Storage units (only for use by permitted and special permit uses occupants of campgrounds/condominiums) – see below.	
Minor utility installations (see II.D.6-III.C.5.)	
Wireless communication facilities (see IV.GG)	

- C. **Specification Standards.** The specification standards for the RCZD appear in Table ~~XII.2~~ II.21.

Table ~~XII.2~~ II.21. Specification Standards

Standards	Specifications	Standards	Specifications
Minimum Lot size (square feet)	2,000 (average) 1,200 (minimum)	Density (number of sites per acre, gross)	12
Minimum site width at access roadway (feet)	30	Maximum height (feet)	30
Maximum site coverage	60%		

4. Performance Standards. All developments shall comply with the performance standards in Chapter XVIII-IV, as applicable, and the following additional performance standards. Some of the following performance standards supersede those standards in Chapter XVIII-IV, and in such instances are specifically noted.

1. Land Use.

a. Limited Commercial Uses. The limited commercial uses permitted shall be compatible with campground developments and/or RV developments, and generate only low to moderate levels of activity. The commercial uses shall generally be intended to only serve the campground and/or RV developments. In order to minimize the levels of activity, there shall be no separate signage advertising commercial uses for which the sign is intended to be viewed from any vehicular or pedestrian right-of-way. Examples of permitted commercial uses ~~that may be appropriate~~ in the RCZD include:

- i. Convenience stores/markets;
- ii. Retail sales of items related to maintenance and operation of general services campgrounds and RV uses;
- iii. Gift shops;
- iv. Beauty and barber services; and
- v. Eating and drinking places (~~SLUC 58 — but not including special permit uses: restaurants~~).

b. Incidental Uses. The following incidental uses may only be included for the convenience of the RV park and campground occupants, owners and/or manager/caretaker.

- i. Two (maximum) single-family dwellings for occupancy by the campground owner and/or manager/caretaker;
- ii. Office for campground use or sales office for condominium use;
- iii. Service building (restroom and shower facilities) ~~as required by ARM 37.111.230 — See XVa.D.11.~~
- iv. Laundry facilities;
- v. Indoor and outdoor recreational facilities including a recreational center, tennis, basketball and volleyball courts, assembly rooms, swimming pools, hot tubs and game courts.
- vi. Maintenance shops or sheds; and
- vii. Tot lots or playgrounds.

2. Hillside Development. The maximum lot coverage shall be determined from the average slope of the entire tract of record; it shall not be determined from the average slope of individual campground sites or RV sites.

3. Vehicular Access (exception to XVIII-IV.). Developments within the RCZD shall provide private internal streets.

4. Pedestrian Access (exception to XVIII IV.). Provisions for pedestrian access are not required in the RCZD.

5. **Parks.** Park dedication must meet the requirements of 76-3-621(1), MCA as approved by the CC.
6. **Recreational Vehicle Storage.** An area may be provided only for the campground or recreational vehicle condominium site owners/leasees/renters to store RVs, trailers, other vehicles and watercraft to be stored when not in use. The storage area shall be fully fenced on all sides by a 6-foot minimum wall of decorative block, wood, wrought iron, or similar material.
7. **Landscaped Buffers.** The following landscaped buffer performance standards are intended to supersede the performance standards listed in IV.X. Any standard not specifically addressed below shall follow the performance standards of IV.X. Landscaped buffers shall be provided as follows and include at least four major trees per 100 lineal feet of buffer:
 - a. 15 feet along public rights-of-way or easements;
 - b. 10 feet along other exterior boundaries of the development;
 - c. No landscaped buffers are required along interior private streets.
8. **Streets, sidewalks and trails.** The following street, sidewalk and trail performance standards are intended to supersede the performance standards listed in ~~Appendix G~~ the *City of Polson Standards for Design and Construction*. Any standard not specifically addressed below shall follow the performance standards of ~~Appendix G~~ *City of Polson Standards for Design and Construction*.
 - a. Private Streets. All interior streets within the RCZD development shall be private streets.
 - b. Right-of-way. Street easements and surface widths shall conform to the following standards:

Table ~~XIII.3.~~ II.22. Right-of-way and Street Standards

	One-way streets & emergency access	Two-way streets	Two-way streets w/ parking on one side	Two-way streets w/ parking on both sides
Easement width (feet)*	20	30	35	45
Road surface width (feet)	15	24	28	36

*Utility and access areas shall be required to be dedicated as “common elements” for condominium developments that will benefit all owners of the condominium development. These elements shall be shown on a Condominium Plan filed in the office of the Lake County Clerk & Recorder. For campground developments, easements are not required.

- c. **Parking.**
 - i. No parallel parking of recreational vehicles on the streets is permitted;
 - ii. One visitor parking space per five campsites or condominium sites shall be provided. Handicap accessible parking shall be provided at a ratio of 1 space per every 25 campsite or RV condominium sites. Van accessible handicap spaces shall be

provided at a ratio of 1:8 for the total number of handicap spaces with the first handicap space being van accessible.

d. Surface Construction. Private street surfaces shall be laid over a properly compacted sub-grade and shall consist of:

- i. A geo-textile (woven) mat shall be installed over the existing excavated material;
- ii. A sub-base of well-graded 3-inch minus pit run material 18-24 inches in depth;
- iii. A base of well-graded ¾-inch minus crushed gravel a minimum of 4 inches deep;
- iv. In lieu of the above requirements, an alternative road cross section may be approved by the City Engineer if the cross section design is completed, sealed and signed by a professional engineer licensed in the State of Montana.

e. Sidewalk and Trail Construction. Sidewalk and trail construction is not required in the RCZD.

f. Minimum Centerline Offset of Intersections. There shall be no minimum centerline offset between intersections on the interior private streets in the RCZD.

9. Individual RV Condominium and Campground Site Improvements, ~~and as applicable to campgrounds.~~

- a. Each site shall contain a stabilized parking pad with adequate space to provide parking for one RV and one passenger vehicle. The parking spaces can be either in-line or tandem to each other, with a surface covering of crushed stone, pavers, tile, brick, paving, asphalt, concrete or other suitable material. The parking pad shall be sloped at a 1% minimum grade to accommodate drainage.
- b. All areas not hard surfaced shall be landscaped, unless approved by the owner of the campground development or by the Recreational Vehicle Space Owners Association (RVSOA) within a condominium development.
- c. RV condominium sites shall be provided with electrical, potable water and sewer service connections. Campground sites may be one of three types: full hook up, water and electric, or dry.
- d. One individual storage structure may be allowed per site, as approved by the RVSOA board within a RV condominium development, or by the owner(s) of a rental or lease campground development. Said storage structure shall be no larger than 80 square feet with a maximum height of 12 feet.

10. Number of RVs Per Site. One RV per site connected to utilities shall be allowed. No other vehicle parked at a condominium or campground site shall be used for human habitation on a temporary or permanent basis. In addition to the primary vehicle, two automobiles may be parked at the site. One RV may be substituted for these vehicles provided it is the only available source of transportation to and from the campground or RV condominium development. Golf carts, scooters and bicycles may be stored on a site if utilized as a source of transportation.

11. Service Buildings. Based on the standards set forth in ARM 37.111.230, a central service building shall be provided for each general services campground that has spaces designated for use by trailers or tents. The central service building must contain toilets and other plumbing fixtures as follows:

- a. Toilets, urinals, and combination hot and cold water lavatory sinks and showers are required at each general services campground in the ratios set forth under table XIII.4

Table XIII.4. II.23. RCZD Specification Standards

Number of Spaces	Toilets		Showers		Lavatories		Urinals
	Men	Women	Men	Women	Men	Women	
1-15	1	1	2	2	1	1	1
16-30	1	2	2	2	2	2	1
31-45	2	2	2	2	3	3	1
46-60	2	3	3	3	3	3	2
61-80	3	4	3	3	4	4	2
81-100	3	4	3	3	4	4	2

- b. The service building must be of permanent construction and equipped with lighting, lavatories, toilets, and a janitorial sink. Interior service building surfaces in plumbed areas must be smooth, non-absorbent, and easily cleanable. Showers must have non-slip surfaces and ventilation. All windows, doors, and other openings must be screened or closed.
- c. The service building must be conveniently located within a radius of 300 feet from all spaces or campsites to be served.

12. Condominium Ownership. Within the permitted RV condominium use, only RVs and park model sites can be placed under condominium ownership. All other sites including tent sites, cottages, and cabins may be rented as general services campground sites, as applicable. A membership organization (unit owners association) that adopts covenants shall be established with the Montana Secretary of State to provide for the use and maintenance of common areas and spaces by the members. The owner of a condominium site may rent or lease that site, and the owners have the right to combine sites, but not to re-subdivide.

13. Occupancy. General services campground uses shall limit occupancy between the dates of March 1 to November 30, inclusive. RV condominium sites shall not be used as permanent (year round) dwellings.

E. Overlay Districts. All developments shall comply with any additional requirements imposed by Overlay Districts.

F. **Definitions.** See also Chapter ~~XXI~~VII, Definitions, for additional definitions.

1. **Area.** See “site”.
2. **Cabin.** A hard-sided structure occupying a campsite that is set on a permanent or temporary foundation.
3. **Camping Trailer.** A vehicular portable unit mounted on wheels and designed for travel, recreation, and vacation, and constructed with collapsing partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.
4. **Campsite.** That part of a campground where a cabin is located or that is designated for a tent space, camping trailer, cottage, motor home, park model, or recreational vehicle space.
5. **Cottage.** A hard sided structure that include self-contained living quarters, with all of the amenities of a residence.
6. **Dry Campsite.** A campsite that provides no services. See “full hook up campsite” and “water and electric campsite”.
7. **Fifth Wheel Trailer.** A vehicular unit that is:
 - a. mounted on wheels;
 - b. designed to provide temporary living quarters for recreational, camping, or travel use;
 - c. of such size or weight that it does not require a special highway movement permit;
 - d. of gross trailer area not to exceed 400 square feet in the set-up mode; and
 - e. is designed to be towed by a motorized vehicle that has a towing mechanism mounted above or forward of the tow vehicle’s rear axle.
8. **Full Hook Up Campsite.** A campsite that provides water, electricity and sewer service connection. See “dry campsite”.
9. **General Services Campground.** A campground used for public camping that provides on-site water supply, sewage disposal, solid waste disposal, and other services such as laundry or groceries.
10. **Limited Services Campground.** Limited services campgrounds are not permitted in the RCZD. Limited services campgrounds are used for public camping that are accessible by a motorized vehicle but to not provide all of the following services:
 - a. an adequate and potable water supply, if required, as determined under ARM 37.111.206;
 - b. adequate sewage disposal, as determined under ARM 37.111.207; and
 - c. adequate solid waste disposal, as determined under 37.111.217.
11. **Motor Home.** A vehicular unit designed to provide temporary living quarters for recreational, camping, or travel use that is built on or attached to a self-propelled motor vehicle chassis or to a chassis cab or van. ~~Same as Recreation Vehicle.~~
12. **Park Model.** A recreational vehicle as certified by the Recreational Park Trailer Industry Association, Inc. (RPTIA), primarily designed as temporary living quarters for recreation, camping or seasonal use. Park models are built on a single chassis mounted on wheels, and have a gross area not exceeding a total of 700 square feet when set up, including detachable room add-ons. Add-ons are not to exceed 300 square feet. This square footage does not include covered decks or patios.
13. **Primitive Campground.** A campground that is used for backcountry camping and does not have any services. Primitive campgrounds are not permitted in the RCZD.
14. **Recreation Center.** A permanent facility containing area for indoor recreation. It may include fitness areas, restrooms, showers, dining, meeting and assembly rooms, meal preparation facilities and convenience food areas.

- 15. Recreational Vehicle or RV.** ~~As defined in Chapter XXI, SS., except that recreational vehicles also include park models.~~ A recreational vehicle is a park model, motor home, travel trailer, truck camper, fifth wheel or camping trailer, with or without motive power, designed for temporary recreational or emergency occupancy. Recreational vehicles are not mobile homes.
- 16. Recreational Vehicle Condominium Development.** A recreational vehicle condominium development ~~which~~ is designed for the sales of RV and/or park model spaces. Spaces may also be rented or sub-leased or combined, but sites cannot be re-subdivided. Tent spaces, cottages and cabin use are allowed but may be rented only. Automobiles or passenger trucks may remain on-site during periods of non-occupancy, but occupancy shall meet the requirements of this chapter.
- 17. Recreational Vehicle Park.** Any lot or parcel used for temporary occupancy by recreational vehicles. Recreational vehicle parks are subdivisions. (Also located in the main definitions)
- 18. Site.** ~~The area defined on a condominium or campground plan used for camping that would be similar to the definition of a lot or parcel, except the sites do not represent the subdivision of land that may be occupied, sold, rented or leased, as applicable.~~ Has the same meaning as space or area, and is applicable to both campsite and condominium sites.
- 19. Site Coverage.** The percent of a site that is covered by rooftops, paved roads, tents, trailers, travel trailers, cabins, cottages, park models, RVs and other surfaces that prevent direct infiltration of precipitation or runoff into the soil.
- 20. Space.** See "site".
- 21. Storage Unit.** A permanent or semi-permanent structure for the exclusive use of campground or RV condominium site occupants for the storage of items related to permitted and special permit uses.
- 22. Tent.** A collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors.
- 23. Tent Space.** That part of a campground designated for the placement of a single tent and the exclusive use of its occupants. A tent space does not include a pitched tent on a designated trailer space that is used for sleeping purposes by persons who have rented the trailer space.
- 24. Trailer.** Trailers include camping trailers, motor homes, park models and RVs.
- 25. Trailer Space.** That part of a campground or condominium development designated for the placement of a single trailer and the exclusive use of its occupants.
- 26. Truck Camper.** A portable unit constructed to provide temporary living quarters for recreational, travel, or camping use, consisting of a roof, floor, and sides, and designed to be loaded onto and unloaded from the bed of a pickup truck.
- 27. Water and Electric Camp Site.** A site that provides potable water and electricity.

Note: This chapter is new and was created using the MRZD (the current zoning) as a basis.

T. HOSPITAL MIXED ZONING DISTRICT

1. **Purpose.** The Hospital Mixed Zoning District (HMZD) is intended to permit medical related services and mixed residential development.
2. **Land Use.** The permitted and special uses allowed in the HMZD shall be shown in Table II.24. All uses not explicitly permitted are prohibited.

Table II.24. HMZD Land Use

Permitted Uses	Special Permit Uses
Single-family dwellings, Two-family dwellings ³	Medical offices, medical support services, hospital complexes
Multiple-family dwellings, up to 4 units per structure	Multiple-family dwellings, including condominium and townhouse structures, 5 to 8 units per structure
Community residential facilities, 8 or fewer residents - day care home	Religious institutions – day care centers - schools
Accessory uses customarily associated with the permitted and special permit uses	Parks and other public and private recreation areas
Home occupations up to 1 employee in compliance with IV.CC	Home occupations 2-4 employees in compliance with IV.CC
Minor utility installations (see III.C.5).	Community residential facilities, 9 or more residents
Bed and breakfasts (see IV.DD)	Community gardens
Wireless communication facilities (see IV.GG)	Government, public safety/service, libraries, non-profits

3. **Specification Standards.** The specification standards for the HMZD appear in Table II.25. Where previous development has resulted in setbacks less than those specified by Table II.25., the administrator may permit building in conformance with the existing pattern if:
 - a. Covenants recorded prior to the effective date of these regulations dictate setbacks less than those specified by these regulations, and a. the subdivision was not vacant on the effective date of these regulations, and b. the developer submits drawings, photos or similar evidence to demonstrate that existing dwellings have been build in compliance with the setbacks provided by the covenants; or
 - b. Covenants do not dictate setbacks, or such covenants have not been enforced, but the developer submits evidence demonstrating that the proposed setbacks are consistent with, or greater than, those on at least 50% of the adjoining lots.

³ For the purposes of this district, two-family dwellings are not considered multi-family dwellings.

- c. Setbacks along arterial roads shall not be reduced by the administrator, nor shall conformance with covenants or the setbacks on adjoining properties be used to permit development that does not comply with the City's fire and building codes.

4. Performance Standards. All developments shall comply with the performance standards of Chapter IV, as applicable, including performance standards for multi-family dwellings (IV.EE.) and the following additional performance standards.

- a. **Outdoor Storage.** See also IV.W., Potential Nuisances. Outdoor storage shall be permitted anywhere it is fully screened from public view and adjoining properties. Outdoor storage that is not fully screened shall be permitted in any portion of rear yards, but not in front yards or required side yards or setback areas. This permits storage to the side of a building that has a larger than required side yard, except that:

- i. Construction equipment and materials may be stored in front and required side yards during the course of work for which a permit has been approved in compliance with these regulations. This exception expires with the permit or upon issuance of a certificate of compliance.
- ii. Vehicles and watercraft with current registrations may be parked in front and required side yards. Parked vehicles or watercraft shall not block vision at intersections or where driveways enter public streets.

- b. **Accessory Buildings.** Accessory buildings shall be permitted in any portion of rear yards, but not in front yards or the required side yards (this permits accessory buildings in side yards that are larger than the required setback areas).

- c. **Day Care Centers.** Day care centers shall:

- i. Be registered with the Montana Department of Family Services;
- ii. Provide off-street parking and loading areas in compliance with IV.P.;
- iii. Retain a residential appearance, or the appearance of a special permit use like a religious institution or a school
- iv. Provide a minimum six-foot high opaque wood or masonry fence or a 20-foot basic landscaped buffer (as provided in IV.X.) between all outdoor play areas and adjoining dwellings.
- v. Day care centers may display a single non-illuminated wall sign of no more than 16 square feet and external lighting only.

- d. **Multiple-Family Dwelling Complexes.** Multiple-family dwelling complexes include more than eight units and shall:

- i. Have direct access onto a collector or arterial street, or otherwise be located where they will not channel traffic onto local residential streets;

ii. Provide all improvements required by Chapter IV, Division 2, and the Detailed Performance Standards for Multiple-Family Dwellings; and

iii. Internal improvements that are maintained by the owner or a condominium association.

5. Overlay Districts. All developments shall comply with the additional requirements imposed by overlay districts.

Table II.25. HMZD Specification Standards

Standards	Specifications	Standards	Specifications
Minimum lot size (square feet)	Permitted uses 7,000 Special permit uses – 5,000	Lot size for each add'l unit in multiple-family dwellings (square feet)	1,000
Minimum lot width, at front setback line (feet)	50	Minimum front yard setback (feet)	Along arterials – 40 On public streets – 20
Minimum rear yard setback (feet)	15	Minimum side yard setback (feet)	Single, two-family – 5 Multiple-family, other - 10
Maximum height (feet)	35*	Maximum lot coverage	65%**
Parking spaces	See IV.P.		

*Building height may be affected by performance standards protecting views to Flathead Lake. **Maximum lot coverage is affected by slope. The maximum lot coverage given here is for slopes of 0-8%. See IV.D. for the maximum lot coverage permitted on steeper slopes.

U. ~~CHAPTER XIV~~ AIRPORT SAFETY OVERLAY DISTRICT

1. ~~What This Chapter Does.~~ Purpose. The purpose of the Airport Safety Overlay District (ASOD) is to protect the lives of aircraft pilots and passengers, and the public investment in the Polson Airport. This chapter establishes airport safety zones around the Polson Airport, as called for by the Federal Aviation Administration (FAA) in the Federal Aviation Regulations, Part 77 – *Objects Affecting Navigable Airspace*.

Division 1 – Procedural Requirements

2. Additional Requirements for Nonconforming Uses. Nonconforming buildings and uses are regulated by the provisions of Chapter III.HH. and, within the ASOD, these additional requirements.

- a. Nonconforming uses shall permit installation, operation, and maintenance of any markers or light needed to indicate their presence to aircraft pilots.
- b. No nonconforming building or tree shall be permitted to become a greater hazard to air navigation than it was on the effective date of these regulations (adopted march 7th, 1994).

3. Additional Requirements for Permits. Within the ASOD, the permit requirements established by ~~II.B.~~ III.B. shall be expanded to include the planting of any tree with a growth habit of more than 30 feet and the construction of any building that is more than 30 feet in height, but is exempted from the requirement for a permit by ~~II.D.~~ II.C.

4. Additional Requirements for Variances. The variance procedure is described at ~~II.Q.~~ III.R. Any application for a variance of the height limitations established by this chapter shall be accompanied by a determination from the FAA as to the effect of the proposal on the operation of air navigation facilities and the safe use of navigable airspace.

5. Obstruction Marking and Lighting. Approval of any application for a permit or variance may be conditioned upon the installation, operation, and maintenance, at the owner's expense, of the markings or lights necessary to indicate the presence of an obstruction to aircraft pilots.

Division 2 – Height and Use Limitations

6. Height Limitation Zones. The ASOD is composed of several height limitation zones, which include all land lying beneath the approach, transitional, horizontal, and conical surfaces appurtenant to the Polson Airport. Except as provided in ~~XIII.G.~~ 7., below, no building, structure, or tree may extend above any of these surfaces. ~~The height limitation zones are shown on a supplement to the zoning map adopted in III.D.~~ Any area located in more than one of these zones is considered to be only in the zone with the more restrictive height limitation.

a. Approach Zones. These approach zones are for utility visual approach runways.

- i. The inner edges of these zones coincide with the width of the primary surface and are 250 feet wide. The approach zones expand outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the ends of the primary surface and their centerlines and are continuations of the centerline of the runway.

- ii. The utility runway visual approach surfaces slope 20 feet outward for each foot upward beginning at the end of, and the same elevation as, the primary surface, and extending a horizontal distance of 5,000 feet along the extended runway centerline.
 - b. Transitional Zones.** The transitional zones are the areas beneath the transitional surfaces, which slope seven feet outward for each foot upward beginning at the sides of and same elevation as the primary and approach surfaces, and extending to the horizontal surface. Transitional surfaces also slope seven feet outward for each foot upward beginning at the sides of and same elevation as the approach surface, and extending to the conical surface.
 - c. Horizontal Zone.** This zone is described by swinging arcs of 5,000 feet from the center of each end of the primary surface and connecting the adjacent arcs by drawing lines tangent to them. The horizontal zone does not include the utility runway visual approach or transitional zones. The horizontal surface is 150 feet above the airport elevation.
 - d. Conical Zone.** This zone is the area that commences at the perimeter of the horizontal zone and extends outward from it a horizontal distance of 4,000 feet. The conical surface slopes 20 feet outward for each foot upward beginning at the edge of the horizontal surface, and extending to a height of 350 feet above the airport elevation.
 - e. Nothing in this chapter shall prevent construction or maintenance of any structure of 30 feet or less in height, or growth of any tree to a height of 30 feet, above the surface of the land within the horizontal and conical zones.**
- 7. Use Restrictions.** No use shall interfere with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards or in any way endanger or interfere with the operation of aircraft.
- 8. RESERVED.**

V. ~~CHAPTER XIV~~— WELLHEAD PROTECTION OVERLAY DISTRICT (~~Ord. 602, 1/05~~)

1. ~~What This Chapter Does.~~ **Purpose.** The Wellhead Protection Overlay District (WPOD) is intended to protect the City’s groundwater supply from contamination.
2. **Wellhead Protection Zones.** The WPOD consists of two wellhead protection zones, which are shown on a supplement to the zoning districts map adopted in ~~III.D.~~ II.B.
 - a. **Wellhead Protection Zone I** includes the area within a 100-foot radius of a municipal well or the current control region identified in accordance with guidelines in the Source Water Protection Program (MDEQ, 1999) and approved by the Montana Department of Environmental Quality.
 - b. **Wellhead Protection Zone II** includes the area within which groundwater has an approximately three year time of travel to a municipal well, or the current inventory region identified in accordance with the guidelines in the Source Water Protection Program (MDEQ, 1999) and approved by the Montana Department of Environmental Quality.

All development on existing parcels of land and the creation of new parcels within the WPOD shall be consistent with the protection of groundwater resources, including existing underground storage tanks. Land uses and developments or improvements may not result in exposure of the source water used by the public water supply to moderate or high susceptibility to contaminant sources as determined by a susceptibility assessment completed pursuant to ~~Section 5~~ of the Montana Source Water Protection Program (see Appendix J).

3. **Land Use in Wellhead Protection Zones.** Table ~~XIV.1~~ XVI.1. shows the additional land use regulations applicable in the wellhead protection zones.

Table ~~XIV.1~~ II.26. WPOD Land Use

Use/Activity	Wellhead Protection Zone I	Wellhead Protection Zone II
Floor drains, sumps, injection wells (not to include runoff catchments From roofs of individual homes)	PROHIBITED	PROHIBITED
Drainage from a building interior shall be through an approved sewage disposal system, with pre-treatment Provided as required by the City, Lake County, Montana Department of Environmental Quality, or US EPA		
Generation, storage, or handling of hazardous materials in quantities regulated by state and federal law	PROHIBITED	PROHIBITED
Gravel mines and other excavations that are open for over six months	PROHIBITED	Special use permit required, for additional performance standards See 4.a., below.
Storm sewers	PROHIBITED	Permitted in compliance with an approved runoff management plan,
On-site sewage disposal	PROHIBITED	Permitted, see 4.c., below
Underground storage tanks	PROHIBITED	Development permit required. See 4.b., below

4. Additional Performance Standards.

- a. Gravel Mines, Other Excavations.** Gravel mines and similar excavations are prohibited in Wellhead Protection Zone I (see Table ~~XIV-1~~ II.26), but shall be permitted in Wellhead Protection Zone II, upon approval of a special use permit and compliance with the following additional performance standards.
- i. A 50-foot minimum vertical buffer shall be maintained between the bottom of the excavation and the water table. The developer shall drill one or more observation wells, or use any existing well(s) on the site to collect data and prepare a mining plan demonstrating that this buffer will be maintained. The mining plan ~~must~~ shall be submitted with the application for a special use permit.
 - ii. Surface runoff is channeled away from the excavation by vegetated berms and/or swales.
 - iii. No fuel or other hazardous material shall be stored in the excavated area or on the inward slope of the surrounding berms.
 - iv. An effective security fence shall be erected on the perimeter and the site shall be kept inaccessible when not in operation. The developer/operator is liable for the costs of clean-up if hazardous materials, septage, or other wastes are dumped on the site.
 - v. The site shall be reclaimed in compliance with state law, with reclamation phased to minimize the extent of excavation open at any one time.
- b. Underground Storage Tanks, not including individual propane tanks for household use.** Table ~~XIV-1~~ 11.26 and these performance standards apply to all underground storage tanks (USTs) in which fuel or other hazardous materials are or may be stored, including tanks that are not regulated by state or federal law. USTs are prohibited in Wellhead Protection Zone I, but may be permitted in Wellhead Protection Zone II, upon approval of a development or special use permit (where the UST is part of a proposed development that requires one), and compliance with applicable state and federal laws, and the following additional performance standards:
- i. All USTs installed in Wellhead Protection Zone II shall have a complete secondary containment system; and
 - ii. All USTs installed in the Wellhead Protection Zone II shall be subject to monitoring by Lake County or the City, and to the payment of an annual fee, set by resolution of the Commission/BOCC, to cover the costs of such monitoring.
- c. On-Site Sewage Disposal.** On-site sewage disposal systems are prohibited within Zone I. On-site sewage disposal systems are permitted in Zone II as described below.
- i. For lots less than one acre in size that were in existence as of the time of adoption of this Chapter (Ord. No. 605, 1/05), on-site sewage disposal systems are permitted if three engineered barriers (described below) are installed.

- ii. No new lots less than one acre in size are permitted to have individual on-site sewage disposal systems.
- iii. For all lots between one and two acres in size, two engineered barriers are required.
- iv. For all lots between two and four acres in size, one additional engineered barrier is required.
- v. For all lots over four acres in size, no additional engineered barriers are required unless specified in the Lake County On-Site Sewage Disposal Regulations, or other documents adopted by the City, Lake County and/or the Montana Department of Environmental Quality.
- vi. Engineered barriers for on-site sewage disposal systems include:
 - Level II (nutrient reduction) or advanced treatment technology;
 - An established operation and maintenance plan with required pumping schedule including annual inspection by an independent qualified party. Reports shall be submitted to the Lake County Environmental Health Department;
 - Pressure-dosed distribution systems; and
 - Soil investigation with soil boring(s) demonstrating the presence of a confining unit greater than 20 feet in thickness. For the purpose of this chapter a confining unit is defined as a thick, continuous layer of clay.

W. ~~CHAPTER XV~~— RESORT RESIDENTIAL OVERLAY DISTRICT

1. ~~What This Chapter Does.~~ **Purpose.** ~~This chapter establishes~~ The purpose of the Resort Residential Overlay District (RROD), ~~which is to~~ allows golf courses, tennis clubs, fitness centers, and similar commercial uses to be integrated into residential developments on the basis of a master plan for the entire property. Where it overlays the LRZD, this overlay district also permits attached housing, at the same density permitted for single-family dwellings in the LRZD.
2. **Additional Land Uses Permitted.** The additional land uses permitted by the RROD shall include:
 - a. Golf courses, tennis courts, health clubs, riding stables, ice skating rinks, playgrounds and playing fields, swimming areas, marinas and similar commercial recreational uses (~~SLUC-74~~), and incidental retail sales and restaurants associated with these uses; and
 - b. Where it overlays with the LRZD (See ~~Chapter VI.II.K~~), attached housing at a maximum density of six units per acre.
 - c. ~~For lots of one acre or larger, a detached garage and one single guest house (see definition) shall be allowed in front yards exclusive of the required setback areas. Only one municipal hookup for sewer and water shall be allowed per lot. A lot with a guest house shall not be further subdivided. (Ord. #609, 6/20/05). (Note: This issue is addressed in the Detailed Performance Standards for Accessory Dwelling Units in IV.BB)~~
3. **Site Plan.** The RROD may be applied to undeveloped areas zoned LRZD or MRZD by amendment of the ~~future land use map adopted in the plan, where necessary, and amendment of the zoning map adopted in Chapter III.D. II.D.~~ No such amendment shall be considered except upon submission of a site plan showing how the proposed commercial use will be made compatible with the neighboring residential development. Approval of the plan and/or map amendment shall constitute approval of the site plan, and development permits on the property shall be issued only in compliance with that site plan.
4. **Standards.** Commercial uses permitted in the RROD shall comply with the specification standards of the zoning district in which they are sited; the performance standards of Chapter ~~XVIII~~ IV, as applicable; and the following additional performance standards.
 - a. **Operating Hours.** Limited operating hours may be required.
 - b. **Traffic.** Commercial uses permitted in the RROD shall have direct access to a collector or arterial street, or otherwise be located where they will not channel traffic onto local residential streets.
 - c. **Outdoor Sales and Storage.** The RROD permits certain commercial outdoor recreational activities, but outdoor sales, with the exception of outdoor dining areas, shall not be permitted. All storage shall be enclosed in a building or fully screened from public view of the neighboring residences.

CHAPTER XVI — SALISH POINT OVERLAY DISTRICT

- A. ~~What This Chapter Does.~~** This chapter establishes the ~~Salish Point Overlay District (SPOD)~~, which will ultimately be used to implement the Salish Point urban renewal plan.
- B. ~~Interim Procedure.~~** A special use permit shall be required for all new uses and principal buildings in the SPOD, but not for changes of occupancy in existing buildings.
- C. ~~Interim Additional Performance Standard.~~** Compliance with the Salish Point policy statement of the plan shall be added to the determinations required for approval of a special use permit in the SPOD.

CHAPTER XVII — RAILYARD OVERLAY DISTRICT

- A. ~~What This Chapter Does.~~** This chapter establishes the ~~Railyard Overlay District (SPOD)~~, which will ultimately be used to implement the Railyard urban renewal plan.
- B. ~~Interim Procedure.~~** A special use permit shall be required for all new uses and principal buildings in the RYOD, but not for changes of occupancy in existing buildings.
- C. ~~Interim Additional Performance Standard.~~** Compliance with the Railyard policy statement of the plan shall be added to the determinations required for approval of a special use permit in the RYOD.

Note: This is an entirely new overlay district

X. PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

- 1. Purpose.** The purpose of the Planned Unit Development Overlay District (PUDOD) is to:
 - a. Provide flexibility in specification and performance standards in exchange for community benefits and innovative, quality design;
 - b. Encourage a complementary mixture of uses, developed in accordance with an approved plan, that protects adjacent properties;
 - c. Encourage the preservation and enhancement of natural amenities, cultural resources and open space;
 - d. Provide for a more efficient arrangement of land uses, buildings, circulation systems, and infrastructure; and,
 - e. Encourage infill development, traditional neighborhood development, affordable housing, low-impact, energy efficient and innovative projects, and a variety of housing types and sizes to accommodate households of all ages, sizes and incomes.
- 2. Applicability.** PUD designation is available in the following zoning districts: LRZD, MRZD, RZD, HMZD, TZD, HCZD and CIZD. Approved PUDs must be identified on the zoning districts map by appending the map symbol “/PUD” to the base zoning district (e.g., “LRZD/PUD”).
- 3. Requirements.** No application for a PUDOD will be accepted or approved unless all of the property included in the application is under unified ownership or a single entity’s control. In addition, PUDs must contain the following components:
 - a. A size of at least 10 acres except for infill development, where the minimum size is 2.5 acres;
 - b. Pedestrian and bicycle facilities throughout and connecting to adjacent facilities;
 - c. A mixture of land uses and housing types;
 - d. Interconnected roads, preferably lots and blocks with alleys;
 - e. Architectural design standards to be implemented by a private party such as a unit owners association;
 - f. A coordinated landscape plan;
 - g. Significant open spaces such as playground or park areas designed for active and passive users with the scale, type and natural features depending on the projected needs of the future users of the site; and
 - h. Community facilities in common ownership and use.

Larger scale projects are also encouraged to include:

- i. A functional neighborhood center that is the focal point of the neighborhood with indoor and outdoor spaces and a mixture of uses, opportunities for civic engagement and public art; and
- j. The majority of dwellings located within 2,000 feet of the neighborhood center.

4. Standards Eligible for Modification. Unless otherwise expressly approved by the governing body, PUDs are subject to all applicable standards of the base zoning district regulations. The governing body may approve PUDs that deviate from specific standards if it determines that the resulting development satisfies the approval criteria in 6. below. The specific standards that may be modified include:

- a. Allowed uses. Regardless of the underlying zoning, the governing body may approve a mix of use types within a PUD as a means of accommodating mixed-use developments and developments with a broader range of housing types and affordable housing options. A list of uses to be allowed in a PUD must be approved by the governing body;
- b. Minimum parcel size or maximum density (where applicable), provided that parcels sizes are adequate to safely accommodate all proposed buildings and site features and are warranted to support the public benefit likely to result from the proposed development;
- c. Setbacks, when determined to be warranted to support the public benefit likely to result from the proposed development;
- d. Building height, when the governing body determines that such an increase is warranted to support the public benefit likely to result from the proposed development;
- e. Maximum lot coverage, so long as stormwater is determined likely to be contained in a manner that will not negatively impact surface water quality or downstream properties;
- f. Parking and loading, when the governing body determines that such modifications are warranted to support the public benefit likely to result from the proposed development; and
- g. Street and non-motorized transportation standards so long as the governing body determines such designs would better meet the purpose of the PUD overlay while still providing a safe and efficient traffic

5. Review Process. Planned Unit Development Overlay Districts are established through the approval of a zoning map amendment (II.S.) and a PUD master site plan, which shall be reviewed concurrently. At the option of the developer, the master site plan may also serve as a preliminary subdivision plat if such intention is declared at the pre-application meeting and if the site plan includes all information required for preliminary plats. If the master site plan contemplates distinct phased preliminary plats, the plat for the first phase shall be reviewed concurrently with the zoning map amendment and master site plan.

A zoning map amendment and a PUD master site plan become final when approved by the governing body. A subdivision reviewed along with a PUD becomes final when all conditions of

approval have been complied with. All subdivisions authorized under a PUD must become final within 10 years of PUDOD and master site plan approval or the approval for the non-final portion shall lapse.

In addition to the requirements for zoning map amendments and subdivisions, Each PUD application must include the following items:

- a. A master site plan showing the location and area of lots and blocks, buildings, transportation facilities, parks, open space and other amenities, utilities and other pertinent features.
- b. A list of the specific standards that are requested to be modified;
- c. A list of land uses that are proposed in the PUDOD;
- d. A written description of the community benefits of the proposed development and how it provides greater benefits to the city or county than would development under conventional zoning district regulations;
- e. Architectural standards; and
- f. A description and draft documents indicating how common areas and facilities will be managed.

6. Review Criteria. In reviewing and making decisions on proposed PUDODs and site plans, review and decision making bodies shall consider and make findings on the following criteria:

- a. Whether the proposed PUD would result in a greater benefit to the city or county than would development under conventional zoning district regulations. Such greater benefit may include implementation of adopted planning policies, natural resource preservation, innovative urban design, low-impact or energy efficient development, affordable, workforce or senior housing, neighborhood or community amenities or an overall level of development quality;
- b. The zoning map amendment criteria of III.S;
- c. The proposal's consistency with the adopted plans for the area;
- d. Compliance section 1. Purpose, 3., Requirements, and 4. Standards).
- e. Special use permit criteria; and
- f. Primary review criteria for subdivisions, when applicable.