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## APPENDIX A - SUBDIVISION EXEMPTIONS

**1. Purpose.** The purpose of this appendix is to provide an easy reference to the exemptions established by the Montana Subdivision and Platting Act.

**76-3-201. Exemption for certain divisions of land.** Unless the method is adopted for the purpose of evading this chapter, the requirements of this chapter shall not apply to any division of land which:

(1) is created by order of any court of record in this state or by operation of law or which, in the absence of agreement between the parties to the sale, could be created by an order of any court in this state pursuant to the law of eminent domain (Title 70, chapter 30);

(2) is created to provide security for construction mortgages, liens, or trust indentures;

(3) creates an interest in oil, gas, minerals, or water which is now or hereafter severed from the surface ownership of the property;

(4) creates cemetery lots;

(5) is created by the reservation of a life estate;

(6) is created by lease or rental for farming or agricultural purposes.

**76-3-202. Exemption for structures on complying subdivided lands.** Where required by this chapter, when land upon which an improvement is situated has been subdivided in compliance with this chapter, the sale, rent, lease, or other conveyance of one or more parts of a building, structure, or other improvement situated on one or more parcels of land is not a division of land and is not subject to the terms of this chapter.

**76-3-203. Exemption for certain condominiums.** Condominiums constructed on land divided in compliance with this chapter are exempt from the provisions of this chapter.

**76-3-204. Exemption for conveyances of one or more parts of a structure or improvement.** The sale, rent, lease, or other conveyance of one or more parts of a building, structure, or other improvement, whether existing or proposed, is not a division of land, as that term is defined in this chapter, and is not subject to the requirements of this chapter.

**76-3-205. Exemption for state-owned lands -- exception.** The provisions of chapter shall not apply to the division of state-owned lands unless the division creates a second or subsequent parcel from a single tract for sale, rent, or lease for residential purposes after July 1, 1974.

**76-3-206. Exemption for conveyances executed prior to July 1, 1974.** This chapter shall not be applicable to deeds, contracts, leases, or other conveyances executed prior to July 1, 1974.

**76-3-207. Subdivisions exempted from review but subject to survey requirements -- exceptions.**

(1) Except as provided in subsection (2), unless the method of disposition is adopted for the purpose of evading this chapter, the following divisions of land are not subdivisions under this chapter but are subject to the surveying requirements of 76-3-401 for divisions of land not amounting to subdivisions: (a) divisions made outside of platted subdivisions for the purpose of relocating common boundary lines between properties; (b) divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family; (c) divisions made outside of platted subdivisions by sale or agreement to buy and sell where the parties to the transaction enter a covenant running with the land and revocable only by mutual consent of the governing body and the property owner that the divided land will be used exclusively for agricultural purposes; (d) for five or fewer lots within a platted subdivision, relocation of common boundaries and use aggregation of lots; and (e) divisions made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.

(2) Notwithstanding the provisions of subsection (1): (a) within a platted subdivision filed with the county clerk and recorder, a division of lots that results in an increase in the number of lots or which redesigns or rearranges six or more lots must be reviewed and approved by the governing body, and an amended plat must be filed with the county clerk and recorder; (b) a change in use of the land exempted under subsection (1)(c) for anything other than agricultural purposes subjects the division to the provisions of this chapter.

(3) A division of land may not be made under this section unless the county treasurer has certified that real property taxes assessed and levied on the land to be divided are not delinquent.

**76-3-208. Subdivisions exempted from surveying and filing requirements but subject to review provisions.**

Subdivisions created by rent or lease are exempt from the surveying and filing requirements of this chapter but must be submitted for review and approved by the governing body before portions thereof may be rented or leased.

**76-3-209. Exemption from surveying and platting requirements for lands acquired for state highways.**

Instruments of transfer of land which is acquired for state highways may refer by parcel and project number to state highway plans which have been recorded in compliance with 60-2-209 and are exempted from the surveying and platting requirements of this chapter. If such parcels are not shown on highway plans of record, instruments of transfer of such parcels shall be accompanied by and refer to appropriate certificates of survey and plats when presented for recording.

**APPENDIX B – DETAILED PERFORMANCE STANDARDS FOR SIGNS**  
 (City Ord. 579 – 6/4/01; County Res. 01-17)

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## APPENDIX B - DETAILED PERFORMANCE STANDARDS FOR SIGNS

1. Purpose. The purpose of these performance standards is to ensure that signs do not constitute a traffic or pedestrian safety hazard, or obstruct public ways; or create a nuisance; and to protect and enhance the community's image while allowing local businesses to communicate with potential customers in a reasonable manner.

### SECTION ONE -- PURPOSE AND SCOPE

#### SEC. 1.01 – PURPOSE

The purpose of this Ordinance/Resolution is to promote and protect the health, safety, morals, and the general welfare of the community; to coordinate the type, placement, and physical dimensions of signs within the different land-use zones; to recognize the commercial communication requirements of all sectors of the business community; to encourage the innovative use of design; to promote both renovation and proper maintenance; to allow for special circumstances; and to guarantee equal treatment under the law. The use is regulated according to zone.

#### SEC. 1.02 – SCOPE

These Regulations shall not relate to building design. Nor shall these regulations regulate official traffic or government signs; the copy of message of signs; signs not intended to be viewed from a public right-of-way; window displays; product dispensers and point of purchase displays (i.e. – newspaper dispensers); scoreboards on athletic fields; flags of any nation, government, or noncommercial organization; gravestones; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign.

Thus, the primary intent of this Ordinance shall be to regulate signs of a commercial nature intended to be viewed from any vehicular or pedestrian public right-of-way. This Ordinance shall supercede any existing sign ordinance governing commercial signage.

### SECTION TWO -- DEFINITIONS

*Certain terms are defined for the purpose of this Ordinance as follows:*

**Abandoned Sign:** A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found. This definition also applies to any/all portion(s) of the sign structure not required for maintaining the structural integrity and not part of an architectural embellishment for a legal permitted sign [**compare “Seasonal Business Sign”**].

**Administrator:** The City of Polson or its designated representative or employee within the City Limits and the Board of Lake County Commissioners or its designated representative or employee within the County jurisdiction of the Polson Planning Area.

**Animated Sign:** Any sign that uses movement or change of lighting to depict action or to create a special effect or scene [**compare “Flashing Sign,” “Changeable copy sign (automatic)”**].

**Area:** [see “Sign, Area of”]

**Awning:** A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid or rigid materials on a supporting framework [**compare “Marquee”**].

**Awning Sign:** A sign painted on, printed on, or attached flat against the surface of an awning.

**Banner Sign:** A sign made of fabric or any non-rigid material with no enclosing framework. [**Compare “Wall Sign”**]

**Billboard:** Off-Premise sign with a surface area of any one side exceeding 128 square feet in area. This type of sign is not permitted. [**Compare “Off-Premise Sign”**]

**Building:** Any structure used or intended for supporting or sheltering any use or occupancy.

**Changeable Copy Sign (Automatic):** A sign on which the copy changes automatically on a lampbank or through mechanical means, e.g., electrical or electronic time and temperature units.

**Changeable Copy Sign (Manual):** A sign, on which copy is changed manually in the field, e.g., reader boards with changeable letters.

**City:** Unless the context clearly discloses a contrary intent, the word “City” shall mean the City of Polson and its extra-jurisdictional area.

**Clearance (of a Sign):** The smallest vertical distance between the existing grade at the base of the sign and the lowest point of such sign, including framework and embellishments, extending over that grade.

**Construction Sign:** A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

**Copy:** The wording, design or lighting on a sign surface in either permanent or removable form. It is intended that “lighting” in this definition be limited to the lighting on the sign itself.

**County:** Unless the context clearly discloses a contrary intent, the word “County” shall mean Lake County. The jurisdictional area of Lake County under this Resolution is the area within the Polson/Lake County City/County Planning Area that is outside of the Polson City Limits.

**Directional/Informational Sign:** An on-premise sign giving directions, instructions, or facility information, e.g., parking or exits and entrance signs.

**Double Faced Sign:** A sign with two faces. If the thickness between the two faces of the sign(s) exceed 36” the area of the sign face(s) will be calculated separately.

**Electrical sign:** A sign or sign structure in which electrical wiring, connections, or fixtures are used.

**Electronic Message Center:** [see “Changeable Copy Sign, Automatic”]

**Facade:** The entire building front including the parapet.

**Face of Sign:** The area of a sign on which the copy is placed, this includes any design or lighting on such face.

**Festoons:** A string of ribbons, tinsel, small flags, or pinwheels.

**Flashing Sign:** A sign that contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing or intermittent light [compare “Animated Sign,” “Changeable Copy Sign”].

**Freestanding Sign:** A sign supported upon the ground by poles or braces and not attached to any building [compare “Billboard & Off-Premise Sign”].

**Frontage:** The length of the property line of any one premise along a public right-of-way on which it borders.

**Frontage, Building:** The length of an outside building wall fronting on a public right-of-way.

**Government Sign:** Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

**Ground Mounted Sign (Monument):** Any sign attached to or supported directly on the surface below by masonry, wood, or similar materials.



**Height (of a sign):** The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of the public street or the grade of the land at the principal entrance to the principal structure on the premises, whichever is lower [**compare “Clearance”**].

**Identification Sign:** A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

**Illegal Sign:** A sign that does not meet the requirements of this Ordinance exclusive of legal-nonconforming signs.

**Illuminated Sign:** A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

**Incidental Sign:** A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business.

**Legal Nonconforming Sign:** A sign that does not conform to the specific provisions of this ordinance but may be designated "legal nonconforming" pursuant to Section 5.01.

**Lot:** A parcel of land legally defined on a subdivision plat recorded with the assessment department or land registry office, or a parcel of land defined by a legal record of survey.

**Maintenance:** For the purposes of this Ordinance, the cleaning, painting, repair, or replacement of defective parts of a sign.

**Mansard:** A sloped roof or roof-like façade architecturally comparable to a building wall.

**Marquee:** A permanent roof-like structure or canopy of rigid materials supported by and extending from the façade of a building [**compare “Awning”**].

**Marquee Sign:** Any sign attached to the front or side of a marquee structure.

**Nameplate:** A non-electric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

**Nonconforming Sign:** A sign that was installed or erected in violation of this Ordinance exclusive of legal nonconforming signs.

**Occupancy:** The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

**Off-Premise Sign:** A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located. Such signage is limited to a maximum area of 128 square feet per face, and shall have minimum spacing between signs of 750 lineal feet. The minimum spacing requirement also applies to the distance between Off-Premise signs and freestanding or ground mounted signage.

**On-Premise Sign:** A sign that pertains to the use of the premises on which it is located.

**Owner:** A person recorded as such on official records. For the purposes of this Ordinance, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Administrator, e.g., a sign leased from a sign company or constructed by a renter.

**Painted Wall sign:** Any sign that is applied with paint or similar substance on the face of a wall.

**Parapet:** The extension of a false front or wall above a roofline.

**Person:** For the purpose of this Ordinance, any individual, corporation, association, firms, partnership, or similar defined interest.

**Point of Purchase Display:** Advertising of a retail item accompanying its display, e.g., an advertisement on a product dispenser.

**Pole Cover:** Covers enclosing or decorating poles or other structural supports of a sign.

**Political Sign:** For the purposes of this Ordinance, a temporary sign used in connection with a local, state, or national election or referendum.

**Portable Sign:** Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

**Premises:** A parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate within a specific zoning district.

**Projecting Sign:** A sign which is attached to, suspended from, or supported by a building and which projects more than sixteen (16) inches from the building.

**Real Estate Sign:** A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

**Roofline:** The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

**Roof Sign:** Any sign erected upon or above any portion of a roof or parapet wall of a building and which is wholly or partially supported by said building [**compare “Mansard,” “Wall Sign”**].

**Rotating Sign:** A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.

**Seasonal Business Signage:** A sign that is used to advertise a business that is operated on a seasonal basis for less than eight months in one calendar year.

**Sign:** Any device, structure, fixture, enclosure, or placard using graphics, symbols, lighting, and/or written copy designed specifically for the purpose of advertising, identifying, or attracting attention to any establishment, product, goods, or services [**compare Sec. 1.02**].

**Sign, Area of:**

(1) **Projecting, Freestanding or monument sign:** The area of a projecting, freestanding or monument sign shall have only one face [the largest one] of any double or multi-faced sign counted in calculating its area. The area of the sign shall be measured as follows if the sign is composed of one or two individual cabinets:

(a) The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy, design, or lighting on such embellishments.

(b) If the sign is composed of more than two sign cabinets or modules, the area enclosing the entire perimeter of all sign cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign. Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy, design, or lighting.

(2) **Wall Signs:** The area shall be within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising copy, design, and lighting. If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined areas of the individual figures shall be considered the total sign area.

**Snipe Sign:** A temporary sign or poster affixed to a tree, fence, etc.

**Subdivision Identification Sign:** A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

**Temporary Sign:** A sign not constructed or intended for long-term use.

**Under-Canopy Sign:** A sign suspended beneath a canopy, ceiling, roof, or marquee.

**Use:** The purpose for which a building, lot, signs, or structure is intended, designed, occupied, or maintained.

**Wall Sign:** A sign attached parallel to and extending not more than **16** inches from the wall of a building. This definition includes painted, individual letter, cabinet signs, and signs on a mansard. Banners with a rigid enclosed framework or attached to a solid support on three sides may be considered a wall sign.

**Window Sign:** A sign installed inside or outside a window and intended to be viewed from the outside.

### **SECTION THREE -- GENERAL PROVISIONS**

It shall hereafter be unlawful for any person to erect, place, or maintain a sign in the City/County Planning Area except in accordance with the provisions of these regulations.

#### **SEC. 3.01 – SIGNS PROHIBITED**

The following types of signs or attractive devices are prohibited in all districts:

- (a) Any sign which identifies or advertises an activity, business, product, service or special event no longer produced, conducted, performed or sold on the premises where the sign is located. **[see “seasonal business signage”]**
- (b) Signs imitating or resembling official traffic or government signs or signals.
- (c) Any sign attached to a utility pole or structure, street light, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench or other location on public property except as otherwise provided. This prohibition is not intended to include any tags, signs or other informational signs required by utility companies.
- (d) Any sign placed in any public right-of-way except for signs, pennants, banners, etc. erected by the City/County or other authorized entity.
- (e) Signs which have been unlawfully or illegally erected and/or maintained.
- (f) Roof signs on pitched roofs shall not extend above the roofline. Roof signs on essentially flat roofs shall not extend more the 6 feet above the highest point of the roofline excluding cupolas, pylons, chimneys, antennas, or minor projections.
- (g) Any strobe lights or searchlights.
- (h) Billboards

#### **SEC. 3.02 – SIGN PERMITS REQUIRED**

Unless otherwise provided by this Ordinance/Resolution, all new signs after adoption of this Ordinance/Resolution shall require permits and payment of fees as described in Section Seven of these regulations. No permit is required for the maintenance of a sign, for a change of copy on painted, printed, or changeable copy signs or for legal non-conforming signs under Sec 5.01.

### **SEC. 3.03 – SIGNS NOT REQUIRING PERMITS**

The following types of signs are exempt from permit requirements **but must be in conformance with all other requirements of this Ordinance/Resolution:**

- (a) Signs used by churches, synagogues, museums or civic organizations;
- (b) Construction signs;
- (c) Directional/Information signs less than 4 feet in overall height and maximum of 12 square feet in area per face;
- (d) Holiday decorations and signs, and seasonal banners and pennants erected by authorized entities;
- (e) Nameplates;
- (f) Political signs not exceeding 10 square feet in residential areas or 32 square feet in other areas. Such signs shall not be erected more than 45 consecutive days prior to the pertinent election or referendum and shall be removed within 14 days following such election or referendum unless federal or state laws would require an earlier removal. Political signs may be placed only on private property and only with the permission of the property owner;
- (g) Public or government signs or notices, or any sign relating to an emergency;
- (h) Real estate signs which do not exceed 10 square feet for residential properties and 32 square feet for all other structures or properties for sale, lease or rent;
- (i) Window signs, displays, and painted/vinyl or other substance window lettering;
- (j) Incidental signs;
- (k) Signs that can not be read from the public right-of-way. (i.e. – menu board at drive thru);
- (l) Banners, pennants, festoons, balloons, tethered objects, strings of flags, streamers, inflated objects or any device intended as an attractant that is affected by the movement of the air; such signs shall be maintained in a undamaged, clean condition;
- (m) Portable signs including but not limited to portable readerboard, sandwich boards, A-frame, tire or tire rim, costumed character, stuffed animal, strings of lights arranged in the shape of a product, arrow or commercial message;
- (n) Holiday decorations and community signs, banners and pennants as otherwise provided;
- (o) Signs for events of city-wide, civic, or public benefit as authorized by the City Council or Mayor/County Commissioners which must be removed within seven days after conclusion of the event;

### **SEC. 3.04 – MAINTENANCE**

All signs shall be properly maintained.

### **SEC. 3.05 – LIGHTING**

Unless otherwise specified by this Ordinance, all signs may be illuminated. However, no sign regulated by this Ordinance shall create a public nuisance or utilize an exposed incandescent lamp without an external reflector, screen or comparable diffusion.

### **SEC. 3.06 – CHANGEABLE COPY**

Unless otherwise specified by this Ordinance, any sign herein allowed may use manual or automatic changeable copy.

### **SEC. 3.07 – INDEMNIFICATION AND INSURANCE**

All persons involved in the maintenance, installation, alteration, or relocation of signs near or upon any public right-of-way or property shall agree to hold harmless and indemnify the City/County, its officers, agents, and employees,

against any and all claims of negligence resulting from such work or placement.

**SECTION FOUR ---  
REGULATION OF ON-PREMISE  
SIGNS BY ZONE**

**SEC. 4.01 – GENERAL REGULATIONS**

The following are general regulations that apply to all signs in all districts. Specific standards are contained in each of the zoning districts and may have restrictions beyond what is required by these general regulations.

- (a) **Total Number of Signs:** Commercial, special use and other non-residential uses are allowed: one freestanding or monument sign per premises unless restricted elsewhere in this ordinance. A combination of any of the permitted signs is allowed provided they do not exceed the total square footage allowed under the zoning district in which the property is located.
- (b) **Freestanding & Monument Signs:** Freestanding and/or monument signs shall be permitted according to the size and height standards of the sign district in which the property is located.
  - A freestanding or monument sign may consist of more than one sign panel provided all such sign panels are consolidated into one common integrated sign structure. In the event a sign is installed that does not utilize the maximum sign area permitted, any supplemental additions shall conform within, and be compatible with the existing sign structure.
  - The outermost edge on any freestanding or monument sign shall be set back so that such sign will not obstruct traffic visibility thereby creating a traffic hazard.
- (c) **Building Mounted Signs:** Building mounted signs include signs that are flush mounted on a building and signs which are attached to the building in some other manner. Building mounted signs are allowed in all zoning districts. The zoning district in which the property is located determines the allowable square footage. Building Mounted Signs would include, but not be limited to, Projecting Signs, Awning/Marquee Signs, Wall Signs and Under Canopy Signs, etc.

Streetward projection of such signs shall be determined as follows: 1) in diagonal parking areas, streetward sign projection shall not extend beyond the vertical curb plane, 2) in parallel parking areas, streetward projection shall not extend beyond the vertical plane 2 feet inward from curb, 3) along federal, state, or county highways or roadways, the applicable federal, state, or county regulations shall apply.

- (d) **Multiple Occupants on a Premise:** Multiple occupants on a premise will be required to share the permitted number and area allowed for freestanding and non-freestanding signs in that zoning district.
- (e) **Alley Entrance and Signs: Businesses** shall be permitted one flush mounted sign each.
- (f) **Businesses without Frontage On a Public Street or Road: Businesses** shall be permitted one flush mounted sign each.

**SEC. 4.03 – SIGNS PERMITTED IN HIGHWAY COMMERCIAL, & COMMERCIAL/INDUSTRIAL ZONING DISTRICTS ( HCZD, & CIZD)**

*Signs are allowed as follows in HCZD, & CIZD*

- (a) All signs in compliance with Sec. 3.03
- (b) Freestanding Signs

One Freestanding or monument sign per premises as follows:

Within the zoning districts listed above, the computed area of freestanding signs shall be the calculated average of the following not to exceed the Maximum Sign Area SF.

Maximum Height	14 Ft	20Ft
Max Sign Area SF	210	150
% Ground Floor Area of Principal Building	1%	1%
SF of Sign per lineal FT of Street Frontage	1	1

<b>Example 1.</b>		14 Ft	20Ft
Ground Floor Area	14000	140	140
Street Frontage	120	120	120
Maximum SF, from above		210	150
Average		157	137
<b>Maximum Freestanding Sign Size</b>		<b>157</b>	<b>137</b>
Actual Present Freestanding Signage	0		

<b>Example 2.</b>		14 Ft	20Ft
Ground Floor Area	3760	37.6	37.6
Street Frontage	200	200	200
Maximum SF, from above		210	150
Average		149	129
<b>Maximum Freestanding Sign Size</b>		<b>149</b>	<b>129</b>

**(c) Non-Freestanding Signs**

Within the Ordinance area, Non-Freestanding Signs in PLZD, HCZD, & CIZD, Non-Freestanding signs (Projecting Signs, Awning Signs and Wall Signs) shall have as their limit, 35% of the visible building surface area not to exceed 35% of two sides of the building structure.

**(d) For home occupations:**

- One freestanding or monument sign per premises, not to exceed 32 square feet per sign face, a maximum of 4 feet in overall height, and externally lighted only.
- For home occupations, day care centers, and others within the area zoned , HCZD, & CIZD, Non-Freestanding signs shall have as their limit, 15% of street visible building surface area not to exceed 15% of the surface area of two sides of a building structure.

**(e) Incidental signs not to exceed 2 square foot in aggregate sign area per occupancy.**

**(f) All freestanding or ground mounted signs shall be set back pursuant to 4.01b.**

**SEC. 4.04- SIGNS PERMITTED IN THE CENTRAL BUSINESS DISTRICT AND RESORT ZONES (CBZD, RZD)**

*Signs are allowed as follows in CBZD and RZD*

**(a) All signs in compliance with sec. 3.03**

**(b) Freestanding Signs**

One freestanding or monument sign per premises as follows:

Within the Ordinance area zoned CBZD and RZD, the computed area of freestanding signs shall be the calculated average of the following not to exceed the Maximum Sign Area SF.

Maximum Height	14 Ft	20Ft
Max Sign Area SF	160	115
% Ground Floor Area of Principal Building	1%	1%
SF of Sign per lineal FT of Street Frontage	1	1

<b>Example 1.</b>		14 Ft	20Ft
Ground Floor Area	14000	140	140
Street Frontage	120	120	120
Maximum SF, from above		160	115
Average		140	125
<b>Maximum Freestanding Sign Size</b>		<b>140</b>	<b>115</b>
Actual Present Freestanding Signage	0		

<b>Example 2.</b>		14 Ft	20Ft
Ground Floor Area	3760	37.6	37.6
Street Frontage	200	200	200
Maximum SF, from above		160	115
Average		133	118
<b>Maximum Freestanding Sign Size</b>		<b>133</b>	<b>115</b>
Actual Present Freestanding Signage	328		

**(c) Non-Freestanding Signs:**

Within the Ordinance area, Non-Freestanding signs in CBZD and RZD (Projecting signs, awning signs, and wall signs) shall have as their limit, 35% of the visible building surface area not to exceed 35% of the surface area of two sides of the building structure.

**(d) For home occupations:**

- One freestanding or monument sign per premises, not to exceed 32 square feet per sign face, a maximum of 4 feet in overall height, and externally lighted only.
- For home occupations, day care centers, and others within the Ordinance area zoned CBZD and RZD, Non-Freestanding signs (Projecting signs, awning signs and wall signs) shall have as their limit, 15% of street visible building surface area not to exceed 15% of the surface area of two sides of a building structure.

**(e) One subdivision identification sign per neighborhood, subdivision, or development, not to exceed 32 square feet in total sign area and 4 feet in height. This height does not include architectural embellishments and appendages of reasonable design standards approved by the administrator. Such signs shall only use external lighting and must have landscaping around the base.**

- (f) One identification sign per apartment or condominium complex, or mobile home park not to exceed 32 square feet in total sign area and 4 feet in height. This height does not include architectural embellishments and appendages of reasonable design standards approved by the administrator. Such signs shall only use external lighting and must have landscaping around the base.
- (g) Incidental signs not to exceed 2 square feet in aggregate sign area per occupancy.
- (h) All freestanding or ground mounted signs shall be set back pursuant to Sec. 4.01b.

**SEC. 4.05 – SIGNS PERMITTED IN PRODUCTIVE AND RESIDENTIAL ZONES**

*Signs are allowed as follows in PLZD, RRZD, LRZD and MRZD:*

- (a) All signs in compliance with Sec. 3.03 with the exception of subsection (l) & (m), which are permitted for special events such as grand openings, garage sales, reunions, etc. for a time frame of 48 hours from the start of the event.
- (b) One subdivision identification sign per neighborhood, subdivision, or development, not to exceed 32 square feet in total sign area and 4 feet in height. This height does not include architectural embellishments and appendages of reasonable design standards approved by the administrator. Such signs shall only use external lighting and must have landscaping around the base.
- (c) One identification sign per apartment or condominium complex, or mobile home park not to exceed 32 square feet in total sign area and 4 feet in height. This height does not include architectural embellishments and appendages of reasonable design standards approved by the administrator. Such signs shall only use external lighting and must have landscaping around the base.
- (d) For permitted special uses; including churches and synagogues, schools, nursing homes and hospitals:
  - One freestanding or monument sign, not to exceed the commercial standard in 4.03.
  - One wall sign, not to exceed 24 square feet in total sign area and external lighting
- (e) For home occupations, day care centers, and others:
  - One wall sign, not to exceed 16 square feet in total sign area and external lighting
- (f) All freestanding or ground mounted signs shall be setback pursuant to 4.01b.
- (g) Commercial signs, other than those provided for above, are prohibited within the residential and productive lands zoning districts.

**SEC. 4.10 - SIGNS PROPOSED AS PART OF A VARIANCE APPROVAL**

- (a) All signs in compliance with Sec. 3.03
- (b) All other sign proposals shall conform to the regulations for permitted uses for that sign district with which it most approximately resembles. The applicant must keep in mind the use has been approved through the variance procedure and therefore has no specific regulations addressing that particular use within the sign district. Where an agreement cannot be reached, the City Council/County Commissioners will have the final decision making authority.

**SECTION FIVE --  
NONCONFORMING SIGNS**

**SEC 5.01 - DETERMINATION OF LEGAL NONCONFORMITY**

- (a) A sign, which was in existence prior to adoption of this Ordinance/Resolution, shall be considered a legal non-



conforming sign if it is not altered in any way that increases its non-compliance. (Refer to Sec. 3.02)

- (b) All non-conforming signs shall be brought into compliance within ninety (90) calendar days of notice from the City/County if:
  - 1) The use advertised is suspended for ninety (90) calendar days, or
  - 2) The use changes, or
  - 3) The sign is altered in any way except for ordinary maintenance, or
  - 4) The sign is relocated.
- (c) Any roof sign extending higher than the ridge-line of the roof or parapet wall, or any billboard in existence prior to adoption of the Ordinance/Resolution shall be considered a legal non-conforming sign if they are not altered in any way that increases their non-compliance.

## **SECTION SIX -- CONSTRUCTION SPECIFICATIONS**

### **SEC. 6.01 - COMPLIANCE WITH BUILDING AND ELECTRICAL CODES**

All signs shall be constructed in accordance with the requirements of the local building code and state electrical code.

### **SEC. 6.02 - COMPLIANCE WITH MONTANA DEPARTMENT OF TRANSPORTATION**

All signs shall be permitted and constructed in accordance with the requirements of the Montana Department of Transportation when applicable. This will address most freestanding or monument signage fronting on Highway 93 & 35 within the City/County Planning Area.

### **SEC. 6.03 – SIGNS IN THE PUBLIC RIGHT-OF-WAY**

No sign shall create a public hazard in the public right-of-way. Signage is permitted within the City right-of-way in the Central Business District only. Such signage requires an additional permit, please call for information concerning such signage.

### **SEC. 6.04 - ANCHORING**

- (a) All signs shall be anchored as appropriate for their design.

### **SEC. 6.05 - ADDITIONAL CONSTRUCTION SPECIFICATIONS**

- (a) No signs shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.
- (b) No sign shall be attached in any form, shape, or manner which will interfere with any opening required for ventilation, except that signs may be erected in front of and cover windows when not in violation of the provisions of the local building or fire prevention codes.

## **SECTION SEVEN -- ADMINISTRATION AND ENFORCEMENT**

### **SEC. 7.01 - CODE ADMINISTRATOR**

The Administrator shall be appointed by the City Council/County Commissioners and is authorized to process applications for permits, and enforce and carry out all provisions of this Ordinance/Resolution. The Administrator is empowered to inspect new sign construction for compliance with all applicable codes and ordinances. Such inspections shall be carried out, by appointment, during business hours unless an emergency exists.

### **SEC. 7.02 - APPLICATION FOR PERMITS**

Application for a permit for the erection, alteration, or relocation of a sign shall be submitted to the Administrator upon a form provided by the Administrator and shall include the following information:

- (a) Name and address of the owner of the sign.
- (b) Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.
- (c) The number and type of sign(s) or sign structure as defined in these regulations and the sign district in which it is located.
- (d) A site plan showing the dimensions of the property, building location, driveways and other relevant features including the proposed location of the sign(s) on the site and/or on the building and existing signs on the site.
- (e) Specifications and scale drawings showing the materials, design, dimensions, structural supports, lighting, and total square footage of each sign.

**SEC. 7.03 - PERMIT FEES**

All applications for permits filed with the Administrator shall be accompanied by a payment of the initial permit fee for each sign according to the following schedule:

- (a) On-Premise Signs (new permit):
  - \$20.00 plus \$ 0.25 for each square foot of sign area.
- (b) "Legal Nonconforming" sign (continuation):
  - No Charge, No Permit Required.
- (c) Off-Premise Signs (new permit):
  - \$20.00 plus \$0.25 for each square foot of sign area.

**SEC. 7.04 – ISSUANCE, DENIAL AND APPEAL**

The Administrator shall issue a permit for the erection, alteration, or relocation of a sign within 14 days of receipt of a valid application, provided that the sign complies with all applicable laws and regulations of the City of Polson/Lake County. In all applications, where a matter of interpretation arises, the more specific definition or higher standard shall prevail.

When the Administrator denies a permit, he/she shall give a written notice to the applicant along with a brief statement of the reasons for denial and instructions on the process to obtain a variance. Sign applicant shall have right of appeal to the City of Polson/Lake County Board of Adjustment and any other legal/judicial forum appropriate. The Administrator may suspend or revoke an issued permit for any false statement or material misrepresentation of fact in the application.

**SEC. 7.05 - PERMIT CONDITIONS, REFUNDS, AND PENALTIES**

If a permit is denied, the permit fee will be refunded to the applicant within 14 days.

If no inspections have been made and no work authorized by the permit has been performed, the permit fee, except for the base fee may be refunded to the applicant upon request, provided that the permit and permit sticker are returned to the Administrator within 7 days of issuance.

A permit issued by the Administrator becomes null and void if work is not commenced within 180 days of issuance, unless the permittee encounters unforeseen difficulties and notifies the administrator.

**SEC. 7.06 - INSPECTION UPON COMPLETION**

Any person installing, altering, or relocating a sign for which a permit has been issued shall notify the Administrator upon completion of the work. The Administrator shall make a final inspection within 7 working days of receiving notice of completion of work. If no inspection is conducted within those 7 working days the signage shall be deemed satisfactory if meeting all requirements of this sign ordinance for such permit.

## **SEC. 7.07 - VIOLATIONS**

If a violation of the code exists, the Administrator shall issue a written order to the alleged violator. The order shall specify those sections of the code of which the individual may be in violation and shall state that the individual has 15 days from the date of the order in which to respond to City/County regarding the alleged violation.

If, upon inspection, the Administrator finds that a sign or any portion of the sign structure is abandoned or structurally or materially defective the Administrator shall issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring them to respond to the order within 15 days of receipt of the order. In no event shall respondent have less than 30 working days to make any repairs that may be necessary.

In cases of emergency, the Administrator may cause the removal of a dangerous or defective sign. Signs removed in this manner must present a hazard to public safety.

## **SEC. 7.08 - REMOVAL OF ABANDONED, HAZARDOUS OR ILLEGAL SIGNS**

No sign shall be removed without the specific authorization of the Mayor/County Commissioners. After removal or demolition of any sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and requiring payment of the costs as certified by the Administrator.

The owner of the business upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the Administrator, as in the case of a leased sign.

For purposes of removal, the definition of sign shall include all sign embellishments and any portion of a sign or sign structure no longer necessary to provide structural support.

## **SEC. 7.09 - PENALTIES**

Any person who fails to comply with the provisions of this Ordinance may, after exhausting the normal response and appeal process, be subject to a fine of up to a maximum of \$500 or six months in jail.

## **SECTION EIGHT -- CONFLICT, SEVERABILITY, AND EFFECTIVE DATE**

### **SEC. 8.01 - CONFLICT**

If any portion of this code is found to be in conflict with any other provision or ordinance of the City of Polson/Resolution of Lake County, the provision that establishes the higher standard shall prevail.

### **SEC. 8.02 - SEVERABILITY**

If any Section, subsection, sentence, clause, or phrase of this code or its application to any person or circumstance is held invalid by the decision of any court of competent jurisdiction, the remainder of this code, or the application of the provision to other persons or circumstances is in effect and shall remain in full force and effect.

### **SEC. 8.03 - EFFECTIVE DATE**

This code shall take effect and be in force upon adoption by the governing bodies.

## APPENDIX C - MODEL HEARING NOTICES

**1. Purpose.** This appendix provides models for the hearing notices required by these regulations.

**2. Notice for Subdivision Permit Application Hearing.**

PUBLIC HEARING NOTICE

Quartz Mountain Development, Inc. of P.O. Box 2, Spokane, WA proposes to subdivide the NE 1/4, SE 1/4, Section 37, T. 99 N., R. 99 W., a 39.8 acre parcel, into 118 lots for residential development. The lots will average 14,700 square feet in size, including streets. This property is located at the southwest corner of Washboard Road and Sorensen Lane, and is now used as dry pasture.

The Polson City-County Planning Board will conduct a public hearing on this proposal at 7:00 P.M. on Wednesday, January 14, 1994 at Polson City Hall. A copy of the application materials is available for public review at Polson City Hall during regular business hours. Public comment is encouraged.

**3. Notice for Special Use Permit Application Hearing.**

PUBLIC HEARING NOTICE

F. Jones of P.O. Box 90, Polson, MT proposes to construct a kayak manufacturing plant on Lot 77 of the Silt Industrial Park Subdivision. The address of this three-acre parcel, which is presently vacant, is 3300 W. Highway 93.

The Polson City-County Planning Board will conduct a public hearing on this proposal at 8:00 P.M. on Wednesday, January 14, 1994 at Polson City Hall. A copy of the application materials is available for public review at Polson City Hall during regular business hours. Public comment is encouraged.

**4. Notice of Variance Hearing.**

PUBLIC HEARING NOTICE

Mr. and Mrs. J. Doe of P.O. Box 999, Missoula, MT have applied for a variance of VI.C. of the Polson Development Code. The proposed variance would permit a three foot, eight inch extension of the residence at 45 South Perch into the required side yard.

The Polson City-County Board of Adjustment will conduct a public hearing on this proposal at 8:00 P.M. on Wednesday, January 1, 1994 at Polson City Hall. A copy of the application materials is available for public review at Polson City Hall during regular business hours. Public comment is encouraged.

**5. Notice of Appeal Hearing.**

PUBLIC HEARING NOTICE

The Vanishing Land Company of 569 Manzanita, Boise, ID is appealing the Polson City-County Planning Board's rejection of its application for a special use permit to construct a 16 unit condominium on Lots 100 and 101 of the Lakeside Addition. The grounds for appeal include Vanishing Land's claim that its proposed structure will not block existing lake views, and is in compliance with XVIII.Z. of the Polson Development Code.

The Polson City-County Board of Adjustment will conduct a public hearing on this appeal at 9:00 P.M. on Wednesday, January 14, 1994 at Polson City Hall. A copy of the appeal materials is available for public review at Polson City Hall during regular business hours. Public comment is encouraged.

## APPENDIX D - DETAILED PERFORMANCE STANDARDS FOR HOME OCCUPATIONS

- 1. Purpose.** The purpose of this appendix is to encourage "cottage industry" while protecting neighboring homes. A home occupation may be any commercial or industrial activity that complies with these performance standards, and the other performance standards of these regulations, as applicable.
- 2. Floor Area.** A home occupation may be located within any dwelling or an accessory building, but shall not occupy a floor area larger than: a. in the RRZD: that of the dwelling to which it is accessory, or b. in all other zoning districts: one-third of the floor area of the dwelling to which it is accessory.
- 3. Employees.** No home occupation shall have more than one full-time equivalent on-premise employee who is not a member of the resident family.
- 4. Parking.** Home occupations shall provide off-street parking in compliance with the requirements of Appendix E.
- 5. Outdoor Storage.** Outdoor storage associated with a home occupation shall be subject to the same performance standard governing other outdoor storage in its zoning district, and the other applicable performance standards of these regulations.
- 6. Signs.** Home occupations may display "residential" signs, as permitted by Appendix B.

## **APPENDIX E - DETAILED PERFORMANCE STANDARDS FOR OFF-STREET PARKING AND LOADING AREAS**

**1. Purpose.** These performance standards are intended to prevent traffic congestion by requiring provision of adequate off-street parking and loading areas.

**2. Off-Street Parking Required.** All uses and buildings shall provide the minimum number of off-street parking spaces required by Table E.1. Parking areas shall have properly graded and drained gravel or paved surfaces. Note that a runoff management plan will be required for any parking area of more than 20,000 square in size: see XVIII.B.

**3. Off-Street Parking Requirements for Uses Not Listed.** The classification of uses and the off-street parking requirements for uses not listed in Table E.1. shall be determined by the administrator. Any person who disputes a decision of the administrator may request a review of that decision using the appeals procedure of II.P.

**4. Location of Off-Street Parking.** Required off-street parking spaces shall be within 600 feet of a main entrance of the use or building served, except for spaces serving a dwelling, which shall be within 100 feet of the dwelling unit served.

**5. Control of Parking.** Off-street parking shall be provided on the same lot or parcel, and under the same ownership as the use it serves, but two or more uses may share parking where: a. the total number of spaces provided is not less than the sum of spaces required for all buildings or uses served, and b. a contract providing for shared parking for a period of at least 20 years is executed before approval of a permit and recorded before issuance of a certificate of compliance.

**6. Passenger Loading Areas.** Day care centers, schools, and places for public assembly located on arterial roads shall provide at least one safe, properly signed off-street passenger loading area.

**7. Freight Loading Areas.** Commercial and industrial buildings and uses shall provide one safe, properly signed off-street freight loading area for each 10,000 square feet of gross floor and/or outdoor storage area. Off-street freight loading areas shall be on the same lot or parcel and under the same ownership as the building or use they serve, be designed to accommodate the largest vehicle that may reasonably be anticipated, and have the following minimum dimensions: a. vertical clearance: 14 feet; b. width: 12 feet; and c. depth or length: 35 feet. No vehicle parked in an off-street freight loading area shall extend into a public right-of-way.

**8. Access to Off-Street Parking and Loading Areas.** Properly graded and drained gravel or paved driveways shall be provided for safe access to off-street parking and loading areas, including the off-street parking for single family dwellings.

a. No parking or loading area shall create a situation in which vehicles are required to back onto a public street. Parking areas for single family dwellings with access to local and collector streets are exempt from this requirement.

b. Continuous curb cuts shall be prohibited. All access to public streets shall be via driveways that comply with these performance standards.

c. Driveways accessing an arterial shall be at least 200 feet from any other point of access (other driveways or intersections). Driveways to roads intersecting an arterial shall be located at least 150 feet from the arterial or, where that distance cannot be attained, at the property line most distant from the arterial.

d. Clear vision triangles shall be provided on both sides of driveways. A clear vision triangle is defined by extending a line between two points: Point 1 shall be 15 feet from the outer edge of the driveway on the lot line paralleling the street the driveway enters; and Point 2 shall be 15 feet back from the lot line along the outer edge of the driveway. For driveways accessing arterials, the distance shall be increased to 30 feet.

**Table E.1. - Minimum Parking Space Standards**

<i>land use</i>	<i>parking spaces</i>	<i>land use</i>	<i>parking spaces per 1000 feet of gross floor area</i>
dwelling	2 per unit	retail automotive, marine	5
lodging places	1 per unit plus 1	eating, drinking places	15
theaters and places of assembly	.33 per seat	financial, real estate, insurance	3
elementary and junior high schools	1 per classroom plus 1, (auditoriums are places of assembly)	beauty and barber services	6
hospitals, rest homes & similar uses	2 per bed	other personal services, misc. services	3
<i>land use</i>	<i>parking spaces per 1000 feet of gross floor area</i>	health services, except hospitals	5
building materials, farm equipment, and furniture	1	professional services	3
hardware, apparel, misc. retail uses	3	shopping centers	4
general merchandise, groceries,	4	mixed office uses	3

Notes: Other uses (transportation, communications, and utilities; wholesale trade; and industrial) shall provide one parking space for each anticipated employee plus one and one parking space for each anticipated company vehicle, plus one. Where a place of assembly does not have fixed seating, one space shall be provided for each 25 square feet of assembly area. Off-street parking requirements for different uses in the same building shall be calculated separately.

Driveways expected to carry 300 or more ADT shall be treated as street intersections.

e. No parking, and no solid fence or wall, planter, hedge, shrub, or other visual obstruction more than 2.5 feet in height above grade shall be permitted in a clear vision triangle. Trees may be permitted in clear vision triangles, but only where all branches are pruned to a height of at least eight feet above grade.

f. Driveways for single-family dwellings shall be a minimum of 10 feet wide, with a minimum curb radius of five feet, and a maximum grade of 3% for at least 20 feet before the driveway intersects the street. Driveways for other uses shall be designed to accommodate the anticipated level of traffic.

g. Where required for drainage, driveways shall be constructed over a minimum 12 inch culvert capable of supporting a load of 40,000 pounds.

**9. Circulation in Off-Street Parking Areas.** The pattern of circulation within parking areas shall be designed to provide safe and efficient access to individual parking spaces, protect pedestrians moving through the parking area, and facilitate safe access to public streets.

a. Minimum aisle widths shall be: i. for two-way circulation and 90° parking: 24 feet; ii. for one-way circulation and 60° angle parking: 18 feet; iii. for one-way circulation and 45° angle parking: 15 feet; and iv. for one-way circulation and 30° angle parking: 13 feet.

b. Where one-way circulation is used, directional signs shall be installed at all access points to the parking area.

c. No parking area shall be designed so that circulation from one portion of the area to another relies on a public street.

d. There shall be safe pedestrian access around or through all parking and loading areas.

**10. Master Planning.** All developments proposing more than one use or building shall demonstrate that their site plan minimizes the number of points of access to public streets.



## APPENDIX F - DETAILED PERFORMANCE STANDARDS FOR LANDSCAPED BUFFERS

**1. Purpose.** Landscaping requirements are an essential element in mitigating potential land use conflicts and enhancing the visual appeal of the city. The purpose of this appendix is to assure that the landscaped buffers required by these regulations fulfill those goals.

**2. Use of Existing Vegetation.** Mature, functional existing vegetation should be retained to serve buffering functions wherever possible.

**3. Basic Buffer Width.** The width of required buffers shall vary with the nature of the uses being separated, the height of the buildings buffered, and the design of the buffer. Table F.1. shows the minimum width required where the buffer consists of a level or gently sloping area of sod or ground cover and four major trees in each hundred lineal feet of buffer.

**4. Height Adjustment.** The minimum buffer width shall be increased by the height adjustment factor, where one is established. That factor is a ratio expressing the number of feet that must be added to minimum buffer width for each foot in height over 30 feet of the building being buffered.

**5. Buffer Width Reduction: Berms.** The minimum buffer width requirement may be reduced where a berm is included in the buffer. The width reduction shall be twice the height of the berm, but the maximum permitted reduction shall be 10 feet. No berm shall have a slope of more than 3:1, except where it incorporates a retaining wall. Such walls may be used only on the side opposite the use or public way being buffered.

**6. Buffer Width Reduction: Additional Plantings.** The minimum width requirements may be reduced where a greater density and diversity of plantings is included in the buffer. The buffer width reductions permitted this section are cumulative and may result in a total reduction of 30%. The buffer width reductions permitted by D.5. are also cumulative with those permitted here, but see 7., below.

a. Major Trees. The required buffer width shall be reduced by 10% where five or more major trees are planted or retained in each 100 lineal feet of buffer.

b. Understory Trees. The required buffer width shall be reduced by 10% where five or more understory trees are planted or retained in each 100 lineal feet of buffer.

c. Shrubs. The required buffer width shall be reduced by 10% where 20 or more shrubs per hundred lineal feet are planted or retained.

**7. Minimum Buffer Width.** No required buffer shall be less than half the minimum buffer width established by Table F.1., or less than 10 feet in width, regardless of any reductions permitted by F.5. and F.6.

**8. Headlight Screen.** Table F.1. requires the installation of a headlight screen on the outer perimeter of parking and loading areas in certain situations. A headlight screen consists of a minimum 3.5 foot high screening fence or wall, earth berm, or dense hedge. It adds no width to the required buffer.

**9. Screening Fence or Wall.** Table F.1. requires the installation of a screening fence or wall in certain situations. A screening fence or wall is a minimum six foot high wood fence, chain link fence with slats, or masonry wall installed on the interior side of a landscaped buffer.

**10. Buffer Crossings/Inclusions.** Buffers may be crossed by driveways, utility lines, sidewalks, and pedestrian trails. A sidewalk or pedestrian trail may run along the length of a buffer, with its width, up to a maximum ten feet, included in the required buffer width, provided that a minimum width of 10 feet of landscaped area is still provided. Buffers may also include permitted freestanding signs.

**11. Plant Materials Specifications.** Plant materials installed in required buffers shall meet the following specifications: a. all trees, major and understory, shall be containerized or bagged-and-burlapped stock in good condition, with a caliper of at least 1.5 inch measured one foot above grade for deciduous trees, and a height of at least six feet for coniferous trees; and b. all shrubs shall be minimum one-gallon containerized stock, in good condition. All plant materials used shall comply with the *American Standard for Nursery Stock*.

**Table F.1 Buffering Requirements**

<i>zoning of proposed development</i>	<i>zoning of use or area to be buffered</i>	<i>basic buffer width (defined in F.3.)</i>	<i>height adjustment (defined in F.4.)</i>	<i>headlight screen?</i>	<i>screening fence or wall?</i>
CIZD	any area <b>not</b> zoned PLZD, HCZD, or CIZD	50 feet	1:1	Y	Y
CIZD	HCZD	20 feet	--	--	--
CIZD	any public street or road that is not entirely contained within the CIZD	12 feet	--	--	--
CBZD	RRZD, LRZD, or MRZD - CBZD uses may have 100% coverage elsewhere	20 feet	.25:1	Y	--
HCZD	RRZD, LRZD, MRZD, TZD, or RZD	20 feet	.50:1	Y	Y
HCZD, RZD	any public street or road	12 feet	--	--	--
RZD	RRZD, LRZD, MRZD, TZD, or RZD	12 feet	.50:1	Y	Y except TZD or RZD
TZD residential conversion block conversion	see VIII.D.2. RRZD, LRZD, MRZD	20 feet	.50:1	Y	--
MRZD multiple family dwellings special permit uses, except multiple-family dwellings	RRZD, LRZD, MRZD RRZD, LRZD, MRZD	10 feet 20 feet	-- 1:1	Y Y	-- --
LRZD special permit uses	RRZD, LRZD, MRZD	20 feet	1:1	Y	--

Note that screening may be required around solid waste handling and storage areas, or outdoor storage, even when not required for the entire development: see XVIII.

**APPENDIX G – DETAILED PERFORMANCE STANDARDS FOR DESIGN AND CONSTRUCTION OF STREETS,  
SIDEWALKS, AND TRAILS  
(Ord. # 542, 5/6/96)**

1. **Purpose:** The purpose of these regulations is to provide standards for the construction of public streets.
2. **Large-scale Development:** Any requirement of these regulations may be altered by the recommendation of a community impact report. Polson Development Code Chapter XVII.V
3. **Street Layout:** The design of street systems shall:
  - a. Respect terrain and protect water quality, minimizing the potential for accelerated runoff and erosion, slope failure, and visual "scars".
  - b. Be based on sound street classification principles.
  - c. Minimize the flow of traffic through residential neighborhoods.
  - d. Minimize the number of points of access to arterial streets.
  - e. Minimize the potential for conflict between traffic and pedestrians.
4. **Private Streets:** Private streets shall be limited to the internal circulation systems of multiple family or attached residential developments, mobile home parks, and commercial and industrial developments that remain in single ownership or control.
5. **Right-of-way:** Street right-of-way, surface, and sidewalk widths shall conform with the following standards:

<b>City Minimum</b>	<b>Arterial</b>	<b>Collector</b>	<b>Local</b>
Right-of-way	60 feet	55 feet	55 feet
Paved surface	33 feet	26 feet	24 feet
Sidewalks (residential)	5 feet	5 feet	5 feet
Sidewalks * (commercial or industrial)	10 feet	10 feet	10 feet
Trail	10 feet	10 feet	10 feet
Buffer btw. Sidewalks/trails & streets	3-5 feet	3-5 feet	3-5 feet

\* see also Polson Municipal Code for matching sidewalks with existing conditions

6. **Parking:** On street parking is prohibited on streets less than 33 feet of finished width. The City Council may waive the requirement for sidewalks on one or both sides of any cul-de-sac or other street segment serving fewer than 15 dwelling units.
7. **Surface Construction:** Street surfaces shall be laid over a properly compacted sub-grade and shall consist of:
  - a. A geo-textile (woven) mat shall be installed over the existing excavated material.
  - b. A sub-base of well graded 3 inch minus pit run material 18 to 243 inches in depth.
  - c. A base of well-graded ¾ inch minus crushed gravel a minimum of 4 inches in depth.
  - d. A wearing surface consisting of a minimum 2 inch asphalt pavement.
  - e. Curbs and gutters may be required for any street at the discretion of the City Council.
8. **Sidewalk and Trail Construction:** A soil sterilant shall, except where inconsistent with shoreline or wellhead protection regulations, be applied before sidewalk or trail surfaces are laid.

- a. Sidewalks shall be installed over a properly compacted sub-grade and consist of a minimum 4 inch minus gravel, with expansion joints every five feet. The compacted sub-grade and base shall extend at least two inches beyond the concrete surface on both sides of the walk.
- b. Trails shall be installed over a properly compacted sub-grade and consist of a minimum two inches of hot mix asphalt over a minimum base of 18 inches of 3 inch minus gravel. The compacted sub-grade and base shall extend at least two inches beyond the asphalt surface on both sides of the trail.

**9. Drainage:**

- a. Streets, sidewalks and trail surfaces shall be crowned so as to slope away from the centerline at a grade of 2 percent, or otherwise designed and constructed for proper drainage.
- b. Storm and melt water runoff will have to be collected and conveyed from some locations, including arterial streets and areas where there is extensive impervious surface coverage, drainage should generally rely on infiltration into shallow, "U" or "V" shaped vegetated swales on both sides of the street.
- c. The City Engineer may require subsurface drainage along any street, sidewalk or trail where such drainage is necessary to protect the street, sidewalk or trail surface from slumping, frost heaving, or other groundwater related damage.

**10. Grade:** The maximum grade of any street shall be 8 percent, except at intersections, where the maximum grade at, and within 60 feet along both approaches shall be a maximum of 3 percent.

**11. Cul-de-sac:** The minimum cul-de-sac radius shall be 50 feet and the maximum number of lots or dwellings units served on any cul-de-sac shall be 15. The maximum length of a cul-de-sac street shall be 1500 feet. Alternatives to the construction of a cul-de-sac may be proposed provided that the alternative meets with the standards of the Uniform Fire Code and are approved by the City Council.

**12. Dead End Streets:** Dead end streets are prohibited, except where temporarily permitted by the City Council as a portion of a phased subdivision plan or to provide for future connections between developments. A cul-de-sac, or other approved all weather turn around shall be provided wherever a temporary dead end street serves four or more lots.

**13. Alignment of Intersections:** All intersections shall be at a 90 degree, +/- 5 degree angle, with the approaching roads running at 90 degree, +/- 5 degree for at least 50 feet before the intersection.

**14. Minimum Centerline Offset of Intersections:** The minimum centerline offset of intersections shall be 125 feet, except for intersections with arterial streets, where the offset shall be 200 feet.

**15. Visibility at Intersections:**

- a. Clear vision triangles shall be provided at all intersections. A clear vision triangle is defined by extending a line between two points, each of which shall be 30 feet from the intersection of the right-of-way along the lot lines. For intersections with arterials, the distance shall be increased to 45 feet.
- b. No parking, and no solid fence or wall, planter, hedge, shrub or other visual obstruction more than 3 feet in height above grade shall be permitted in a clear vision triangle. Trees may be permitted in clear vision triangles, but only where all branches are pruned to a height of at least 8 feet above grade.

**16. Signs:** The developer shall install stop signs at all intersections with arterial and collector streets. The developer shall also install all other signs required for safe traffic and pedestrian movement as required by the City Council.

**17. Culverts and Bridges:** All culverts and bridges shall be designed by a licensed professional engineer. Bridges and culverts are subject to the shoreline buffer and floodplain requirements of the City of Polson, Lake County and the following criteria:

- a. Bridges and culverts on natural watercourses shall be designed to pass a 100 year flood without damage to the structure or its approaches, without diverting flood waters onto neighboring properties or increasing the level of the base flood upstream.
- b. The minimum gross vehicle load supported by any bridge or culvert shall be 48,000 pounds.
- c. There shall be a minimum 50-foot, 90-degree approach to all bridges and culverts.

**18. Definitions:**

**ARTERIAL STREET:** For the purpose of these regulations, the following roads within the City-County Master Planning and Zoning Area shall be considered to be Arterial Streets: Highway 93, Highway 35, 1<sup>st</sup> Street E., 7<sup>th</sup> Ave., Main St., 7<sup>th</sup> Street E., Kerr Dam Road and Rocky Point Road.

**COLLECTOR STREETS:** A street that will serve more than 15 dwelling units.

**LOCAL STREET:** A street that will serve 15 or fewer dwelling units.

## APPENDIX H - CONTENTS OF SITE PLANS AND PLATS

**1. Purpose.** This appendix establishes technical standards for the form and content of site plans and subdivision plats. The requirements it imposes are in addition to the requirements of state law.

### *Division I - Site Plans and Preliminary Plats*

**2. Part of Application.** A site plan or preliminary plat shall be one part of every application for any permit required by these regulations.

**3. Contents of Site Plans and Preliminary Plats.** Site plans and preliminary plats shall include all information necessary to demonstrate compliance with these regulations, including, but not limited to:

- a. a title block showing the name of the proposed development and its location by: i. lot, block, and subdivision or addition, or ii. quarter-quarter section, section, township, range, principal meridian, county, and state;
- b. the name, address of the person who prepared the site plan or preliminary plat, and for architects, landscape architects, engineers, or land surveyors, a registration number.
- c. a north point and scale (including both graphic and written scales on complex site plans and preliminary plats);
- d. a vicinity map that locates the proposed development within its subdivision or addition, or section, and shows major streets, watercourses, and other landmarks, and for preliminary plats, the boundaries and recorded names of all adjacent or nearby subdivisions;
- e. the exterior boundaries of the proposed development;
- f. the location, nature, and boundaries of all existing public streets or roads and public or private easements in or adjacent to the proposed development, and for preliminary plats, county book and page number references to the instruments establishing the easements;
- g. the location and size of all existing utility lines in or adjacent to the proposed development;
- h. the location, exterior dimensions, and number of proposed lots and blocks, or other parcels created by the proposed development, if any;
- i. where lots or parcels are created: the acreage of each proposed lot or parcel, and a table showing the total acreage of the area proposed for development, the total acreage in lots, total acreage in streets, and total acreage of parcels proposed for dedication to public use or to be held in common by the owners;
- j. the widths and boundaries of all proposed street rights-of-way and utility easements, and all proposed street names;
- k. the location, number and of spaces in, and circulation pattern of all existing and proposed parking and loading areas;
- l. the location of all irrigation structures, watercourses, and wetlands within or adjacent to the proposed development; any required shoreline buffers; and any floodplain and floodway boundaries;
- m. the location and exterior dimensions of all existing and proposed buildings;
- n. the location, dimensions, and general planting design of all existing and proposed landscaped buffers; and
- o. any other information required to demonstrate compliance with these regulations including supplemental runoff management plans, planting plans, etc.

**4. Scale and Dimensions.**

a. Site plans may be prepared at any scale appropriate to the site, but not less than one inch equals one hundred feet. Site plans for large sites may be prepared on multiple, serially numbered sheets with match lines and an index map. The vicinity and index maps shall appear on the first of the serially numbered sheets.

b. Preliminary plats shall be prepared at a scale of one inch equals one hundred feet, with all dimensions shown in feet and decimals thereof. Plats of large areas may be prepared on multiple, serially numbered sheets with match lines and an index map. The vicinity and index maps shall appear on the first of the serially numbered sheets.

### ***Division II - Final Plats***

**5. Contents of Final Plats.** All final plats submitted shall be prepared as provided by the Montana Subdivision and Platting Act and the administrative rules promulgated pursuant to that act.

**6. Copy.** The developer shall also provide the administrator with one reproducible copy of the final plat suitable for photographic reproduction and reduction.

**APPENDIX I - DETAILED PERFORMANCE STANDARDS FOR WIRELESS COMMUNICATION FACILITIES (Ord. #586, 10/7/02)**

**1. Purpose**

- A. To accommodate the provision of wireless communication services to residents, businesses and visitors.
- B. To enhance the ability of service providers to serve the community as quickly, effectively and efficiently as possible by clarifying the permitting process and design requirements.
- C. To protect residential property values and the visual environment from the adverse impacts of communication facilities through careful design standards.
- D. To limit the number of towers needed to serve the Polson area by requiring the co-location of wireless communication devices on existing and new antenna support structures, rooftop-mounted structures, public buildings and utilities.

**2. Definitions**

- A. Antenna:** Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennae such as panels, microwaves dishes, and satellite dishes and omni-directional antennae, such as whip antennae.
- B. Antenna Support Structure:** Any structure or device designed, constructed, used and/or erected for the purpose of attaching, mounting or otherwise affixing antennae. The term includes but is not limited to buildings, light poles, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative antenna support structures, and the like. The term includes the structure and any support thereto.
- C. Antenna Support Structure Height:** The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure including any attached antennae. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.
- D. Co-location:** The use of a wireless communications facility by more than one wireless communications provider.
- E. FAA:** Federal Aviation Administration.
- F. FCC:** Federal Communications Commission.
- G. Non-Conforming:** Antenna support structures and/or facilities in existence on the date of the adoption of the Polson Development Code that do not comply with the regulations contained therein.
- H. Wireless Communication Facility:** A facility for the transmission and/or reception of radio frequency, microwave or other signals for communications purposes, typically consisting of an equipment enclosure, an antenna support structure, foundation and one or more antennae. Amateur radio and land mobile radio are excluded from this definition.

**3. Applicability**

All wireless communication facilities located within the Polson Master Plan area except for tribal, allotment or trust lands are subject to this ordinance/resolution. Amateur radio and other residential communication devices are exempt from the application of this ordinance/resolution.

**4. Location**

Wireless communication facilities within the Polson Master Plan area may be permitted in all zoning districts if the proposal meets the requirements of Section 5. (General Standards), Section 6. (Co-location Requirements), and Section 9, (Application Information) and the application is approved according to the terms of Section 10. (Application and Appeal Procedure).



The use of existing buildings and other structures for the placement of antennae is hereby encouraged. Additionally, all wireless communication facilities must meet the requirements of the FAA and FCC.

## **5. General Standards**

- A. Height: The maximum antenna support structure height is 70 feet.
- B. Design: The tower associated with a wireless communication facility shall be a monopole or similar structure designed so that guy wires are not necessary. Lattice towers are prohibited. Creative designs that seek to hide the structure or minimize the visual impact are encouraged.
- C. Spacing: The minimum distance from the base of an antenna support structure to the closest boundary of a residentially zoned parcel is equal to the height of the structure, including antennae. The spacing requirement does not apply to parcels adjacent to an existing wireless communication facility (i.e., there is no spacing requirement between antenna support structures).
- D. Color: All structures at a wireless communication facility shall be non-reflective and finished with a uniform earth or sky tone color including white, gray and brown. Galvanized steel is considered non-reflective.
- E. Lighting: No tower shall be artificially lit unless to assure safety as required by the FAA or FCC. If lighting is required, red beacons are preferable to flashing strobe lights.
- F. Signage: No advertising is permitted anywhere on the facility. Identification signage that lists contact information and is less than four square feet in size shall not be considered advertising.
- G. Screening: Communication facilities shall not include staffed offices, vehicle or equipment storage or other uses not required to send, receive or relay transmissions unless they are screened from public view.
- H. Fencing: A chain link or solid wood or masonry fence at least six feet in height shall be constructed and maintained around the perimeter of the wireless communication facility. Barbed wire fences are prohibited within the City limits. If the facility is located on top of a building or other structure, no fencing is required.
- I. Landscaping: A continuous hedge at least four feet in height when planted shall be planted and maintained around the perimeter of the fencing to provide a visual screen. If the facility is located on top of a building or other structure, no landscaping is required.

## **6. Co-location Requirements**

- A. New antenna support structures shall be designed to accommodate the applicant's antenna and at least one additional antenna unless technically infeasible.
- B. All new antennae must co-locate on existing or approved antenna support structures or existing structures. If co-location is not feasible, the service provider must demonstrate evidence supporting its claim. Such evidence may consist of the following:
  - 1. No existing structures are located within the geographic area required to meet the applicant's technical requirements.
  - 2. Existing structures are not of sufficient height or strength (including the possibility of reinforcement) to support the proposed antenna.
  - 3. The applicant's proposed antenna would electromagnetically interfere with an existing antenna or vice versa.
  - 4. The cost to co-locate substantially exceeds the costs to erect a new facility.
  - 5. Property owners or owners of existing facilities are unwilling to accommodate the applicant's

needs.

6. The applicant clearly demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

### **7. Abandonment**

If at any time the use of a wireless communication facility is discontinued for 180 days, the facility shall be declared abandoned. Determination of abandonment shall be made by the Zoning Administrator who shall have the right to request documentation from the facility owner regarding support or antenna usage. Upon abandonment, the facility owner will have 90 days to:

- A. Re-use the facility or transfer it to another service provider who will re-use it; or
- B. Dismantle the facility and return the site to pre-construction condition. If the facility is not removed within 90 days of determination of abandonment, the City of Polson or Lake County may remove the facility at the property owner's expense.

### **8. Variance**

If a service provider is unable to meet the requirements of this ordinance/resolution, the service provider may petition the applicable planning board and elected officials or board of adjustment for a variance. Such a request must include the fee associated with a variance request, steps to be taken to minimize impacts to surrounding landowners and demonstrate why the applicant cannot comply with the requirements. Variances from this resolution/ordinance may be granted so long as, in the board's determination, no other reasonable options exist and all relevant impacts are mitigated.

### **9. Application Information**

The applicant shall submit the following information for review:

- A. A site plan showing the location and legal description of the site, adjacent roadways, parking and access, areas of vegetation and landscaping, setbacks from property lines, rights-of-way, easements, covenants and residentially zoned areas, and the location of all improvements within the proposed or existing facility.
- B. A vicinity map showing properties and listing the names and addresses of landowners within 1000 feet and describing land uses.
- C. Elevation drawings showing all antennae, towers, structures, fencing, lighting, signage, landscaping and other improvements.
- D. A statement describing the reasons for the proposed design, the need for the facility including its role in the larger network, the capacity of the antenna and the number and type of antennae it can accommodate. Present and future need must be demonstrated by the applicant.
- E. A letter of intent to allow co-location on the antenna support structure.
- F. A letter of intent to remove the facility at the expense of the facility owner or landowner if it is abandoned. The letter shall include a signed statement by the property owner consenting to the County or City staff entering the property to remove an abandoned facility.
- G. Proof of ownership of the land upon which a communication facility is proposed to be constructed or a copy of the appropriate lease or rental agreement.
- H. Proof of legal and physical access.
- I. A statement by a licensed professional engineer that the facility will comply with all FAA and FCC standards for structures and radio emissions and local, state and/or federal building codes.
- J. A copy of the applicant's current FCC license.

## **10. Application and Appeal Procedure**

Upon receipt of a complete application and a designated fee, the Zoning Administrator will issue proper legal notice and notify landowners within 1000 feet of the proposed location. The Polson City-County Planning Board shall hold a public hearing and make a recommendation to the appropriate governing body. The recommendation of the planning board shall be based upon the application's degree of compliance with this ordinance/resolution. The governing body shall meet to decide on the proposal and issue a decision within 60 days from the date of the public hearing.

All appeals of a staff decision may be made to the appropriate board of adjustment by way of an application and fee. Appeals shall be noticed in a newspaper of general circulation 15 days prior to a public hearing and impacted parties shall receive written notice of the hearing. All appeals of a board of adjustment's decision may be made to district court.

## **11. Non-conforming uses**

- A. Non-conforming antenna support structures may continue to be used but may not be expanded or increased in height or size (with the exception of additional antenna arrays) without complying with these regulations and permitting process.
- B. Non-conforming antenna support structures which are damaged to less than 50 percent of the replacement cost may be repaired and restored to the former use, location and dimensions. If damaged to more than 50 percent of replacement cost, the replacement antenna support structure shall be brought into compliance with these regulations.
- C. Minor modifications to existing facilities shall be reviewed by a Zoning Administrator. Examples of such modifications include additional antenna arrays or general maintenance.

## **12. Penalties**

Any person, firm or corporation that violates the provisions of this ordinance/resolution upon conviction shall be guilty of a misdemeanor. Each separate violation of this ordinance/resolution shall be deemed a separate offense. This includes landowners, contractors, service providers and other parties. In cases of violation, the Lake County Attorney and/or Polson City Attorney shall prosecute to the fullest extent of the law.

## **13. Severability**

If any part or portions of this ordinance/resolution is declared invalid or unenforceable by a court of competent jurisdiction, the remainder shall nonetheless continue in effect.

## **14. Licensure**

All service providers must annually submit a copy of their FCC license and supporting information that demonstrate that they are using the wireless communication facilities in the Polson Master Plan area.