

Highway 93 South Whitefish Corridor Plan and Zoning Amendment

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Submitted by

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On behalf of planning area landowners

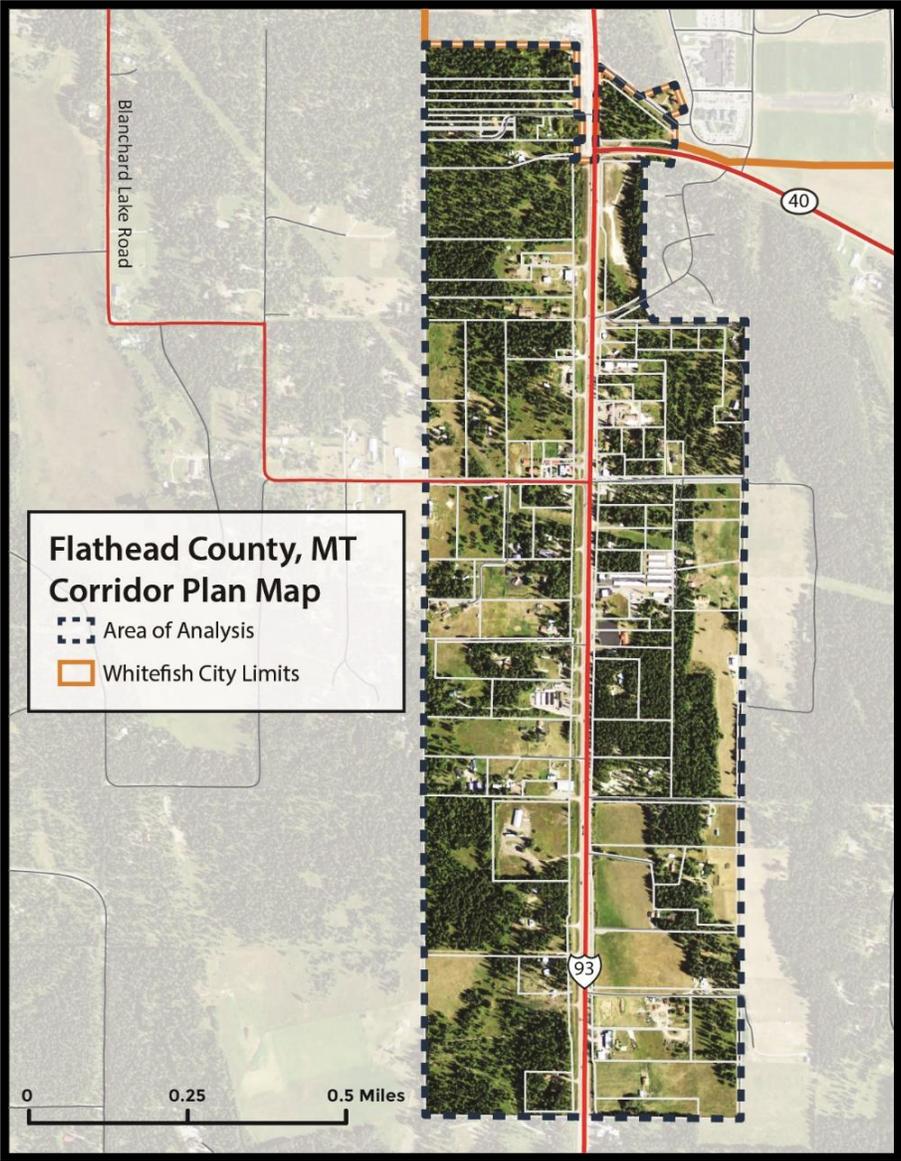
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Project Overview

The Highway 93 South Whitefish Corridor Plan and Zoning Amendment project area is approximately 490 acres in size and is located along a roughly 1.5 mile stretch of Highway 93 south of the City Whitefish – see Map 1. This project was initiated by a group of property owners along the corridor whose aim is to examine the potential for permitting a wider mix of land uses than are allowed under Flathead County’s current zoning regulations for the area. In carrying out this examination, this plan outlines existing land use and transportation conditions in the corridor, which are used to inform a series of land use, transportation and re-zoning recommendations for consideration by the Flathead County Planning Board and Board of County Commissioners.

Map 1: Planning Area



Purpose and Need

The purpose of this project is to provide opportunities that address increasing demand for development options in the planning area while minimizing visual and traffic safety impacts along the southern gateway to Whitefish. At this time the City of Whitefish has no plans to extend services or annex the subject area, limiting development opportunities to county zoning options. Flathead County has several zoning options in its current menu; however they lack specific policies to mitigate the scale, form, intensity and traffic safety needs of development to levels that are appropriate to this location, and that meet the goals and policies of the Flathead County and City of Whitefish Growth Policies.

The planning area is a transitional area along U.S. Highway 93, just south of the City of Whitefish. The zoning in the area is part of the Blanchard Lake Zoning District adopted in 1993, 23 years ago. Highway 93, the primary route linking Kalispell and Whitefish, was two lanes wide at that time. The population of Flathead County was around 60,000. The municipal boundary of the City of Whitefish was further north of the project area than it is today.

Since the adoption of the zoning district in 1993, the circumstances affecting the planning area have changed. The City of Whitefish municipal boundary is now adjacent to the subject area. Highway 93 is now five lanes wide, carrying 20,000 vehicle trips per day. The U.S. Census Bureau estimates the population of Flathead County to be more than 90,000. As traffic volumes and the population increased, the area has become progressively more attractive to new and additional uses than currently allowable under the zoning.

Population growth is expected to continue in Flathead County. The Montana Department of Commerce Census and Economic Information Center projects the population of to be over 100,000 in 2018 and the Flathead County Growth Policy projects the population to be over 125,000 in 2030, indicating a need for additional residential, commercial, industrial and tourist oriented development to accommodate growth.

The planning documents that guide land use decisions are an important consideration in the need for this project. The goals and objectives that guided the formation of the Blanchard Lake Zoning District were based on a planning document that has long been replaced. Since 1993, the Whitefish City-County Master Plan was adopted (1996) and rescinded (2015). The City of Whitefish took jurisdiction of the area (2005) and the county was awarded jurisdiction by the Montana Supreme Court (2014). In 2007, the county adopted a growth policy, made major revisions in 2012, and minor amendments in 2015. Today, the Flathead County Growth Policy guides land use decisions in the planning area.

Finally, the zoning in the project area is out of date. It only marginally reflects existing land uses and lot sizes and provides minimal opportunities for development. The zoning also does not address design, buffering, signage and other elements that are necessary to maintain the appearance and function of this gateway into Whitefish.

Project Goals

While this plan was initiated to allow for a wider mix of uses in the project area, this plan also recognizes that the corridor does not exist in isolation and that any land use changes will likely have impacts on transportation function, safety and the visual appearance of the corridor. As a result this plan seeks to also mitigate impacts to highway travel and preserve the scenic qualities of the corridor while allowing for a wider range of development options and parcel sizes.

Existing Conditions

Land Use

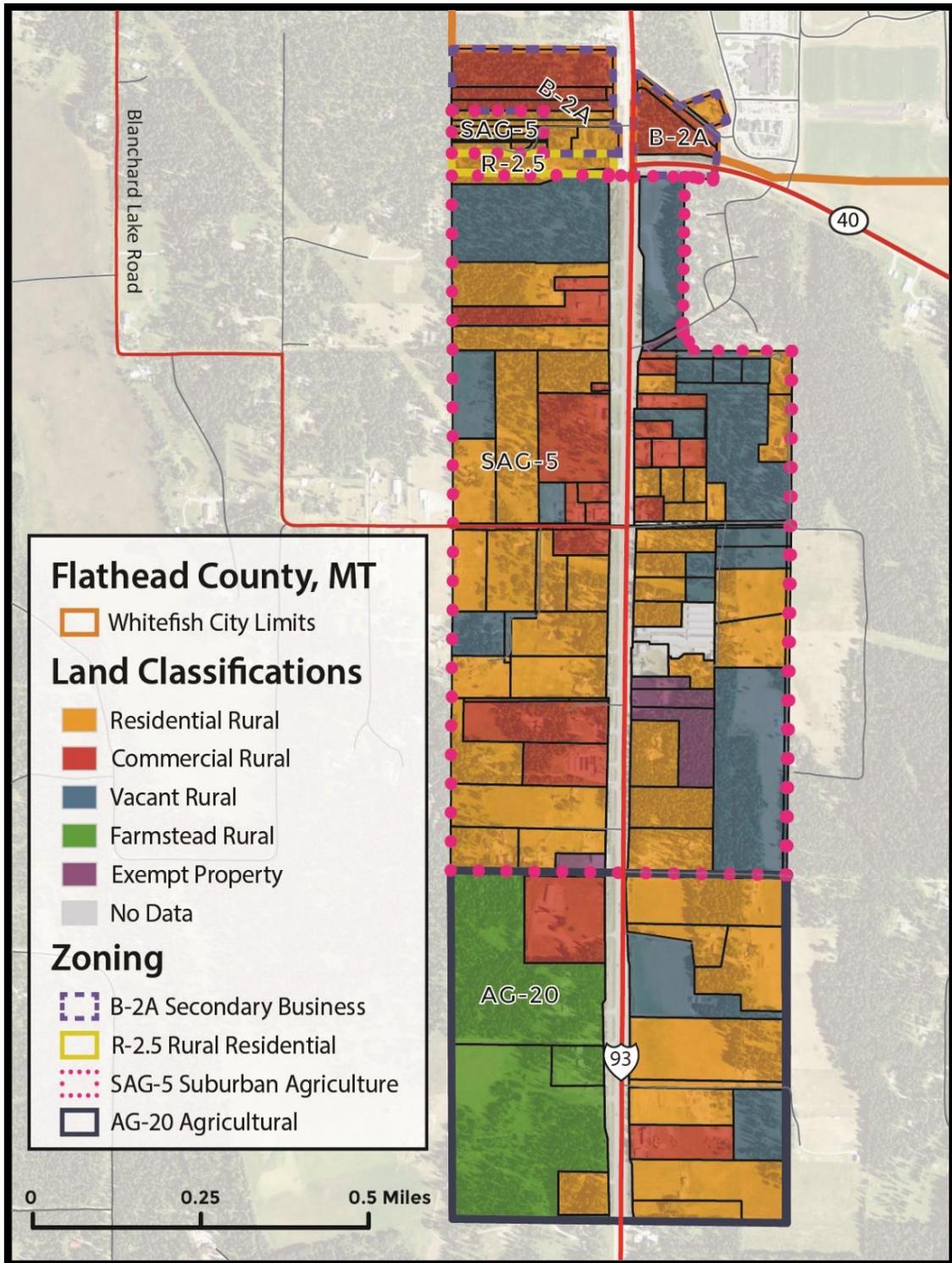
Development Patterns and Constraints

Within the corridor is a mix of parcel sizes and land uses. The area north of Blanchard Lake Road contains lots ranging from less than one acre to 17 acres in size. Land uses are a mixture of residential, small scale commercial and vacant properties. This is the most intensive portion of the planning area with regard to commercial land uses including medical offices, a coffee roaster, veterinary clinic, a sign company, dance studio and others. Several of the parcels in this area are vacant. The mixture of land uses and parcel sizes is indicative of an area in transition from rural to urban. Map 2 shows Montana Department of Revenue tax classifications in the planning area.

South of Blanchard Lake Road parcel sizes tend to be larger, and while a mixture of residential, commercial, vacant and agricultural land uses is present, the majority of the parcels are taxed residentially. One of the comments repeatedly voiced by landowners throughout the corridor is the traffic volume, vehicle speeds and noise associated with Highway 93 make the corridor unsuitable for residential development, at least for those properties abutting the highway.

With regard to constraints to development, properties in the corridor are served by onsite wells and wastewater treatment systems as opposed to public water and sewer, which limits the intensity of future development at this time. No streams are located within or in close proximity to the planning area. No rock outcroppings are known in the area. Some steep slopes are located along the eastern edge, but the topography is not a significant constraint for those properties with highway frontage which are located on a bench. Based on a review of well logs in the planning area, high groundwater is generally not a constraint to development. A few isolated wetlands exist in the planning area, primarily on the west side of the intersection of Highway 93 and Highway 40, according to the National Wetlands Inventory Data Mapper. The greatest constraint to development is traffic safety, discussed in the transportation section below.

Map 2: Land Use by Montana Department of Revenue Tax Classification



Zoning

The corridor is under the jurisdiction of Flathead County and land use is regulated by Flathead County Zoning Regulations. Map 3 displays the existing zoning districts in the corridor. A brief description of each district is provided below. Please note the number of parcels discussed in the following paragraphs exclude MDT rights-of-way, local street parcels, narrow parcels less than 35 feet in width, and those parcels less than 1/10th of an acre.

B-2A Secondary Business

The B-2A zoning covers 27 acres and 12 parcels of land in the northern portion of the corridor near the intersection of Highways 93 and 40. This district is intended to be compatible with zoning in the City of Whitefish. The B-2A zoning district provides for retail sales and services which are typically characterized by the need for large display or parking areas, large storage areas and by outdoor commercial amusement or recreational activities. Permitted uses include a range of commercial enterprises ranging from convenience stores, auto repair shops, and wholesale operations to professional offices, supermarkets and hotels. Conditional uses include light manufacturing, bars, and manufactured home parks. There are no requirements for minimum lot area or lot coverage in the B-2A district.

R-2.5 Rural Residential

The R-2.5 zoning covers two parcels of land and four acres in the northern portion of the corridor. The R-2.5 zoning district is intended to provide for rural residential development in transitional areas between higher density residential areas and suburban agriculture. The zoning text states the district is not appropriate in areas surrounded by suburban agriculture and agriculture zones. Permitted uses in the R-2.5 district include single family homes, nurseries, stables and parks. Conditional uses include bed and breakfasts, golf courses, institutional uses such as schools, and manufactured home parks. The minimum lot area in the R-2.5 district is 2.5 acres with 25% permitted lot coverage.

SAG-5 Suburban Agriculture

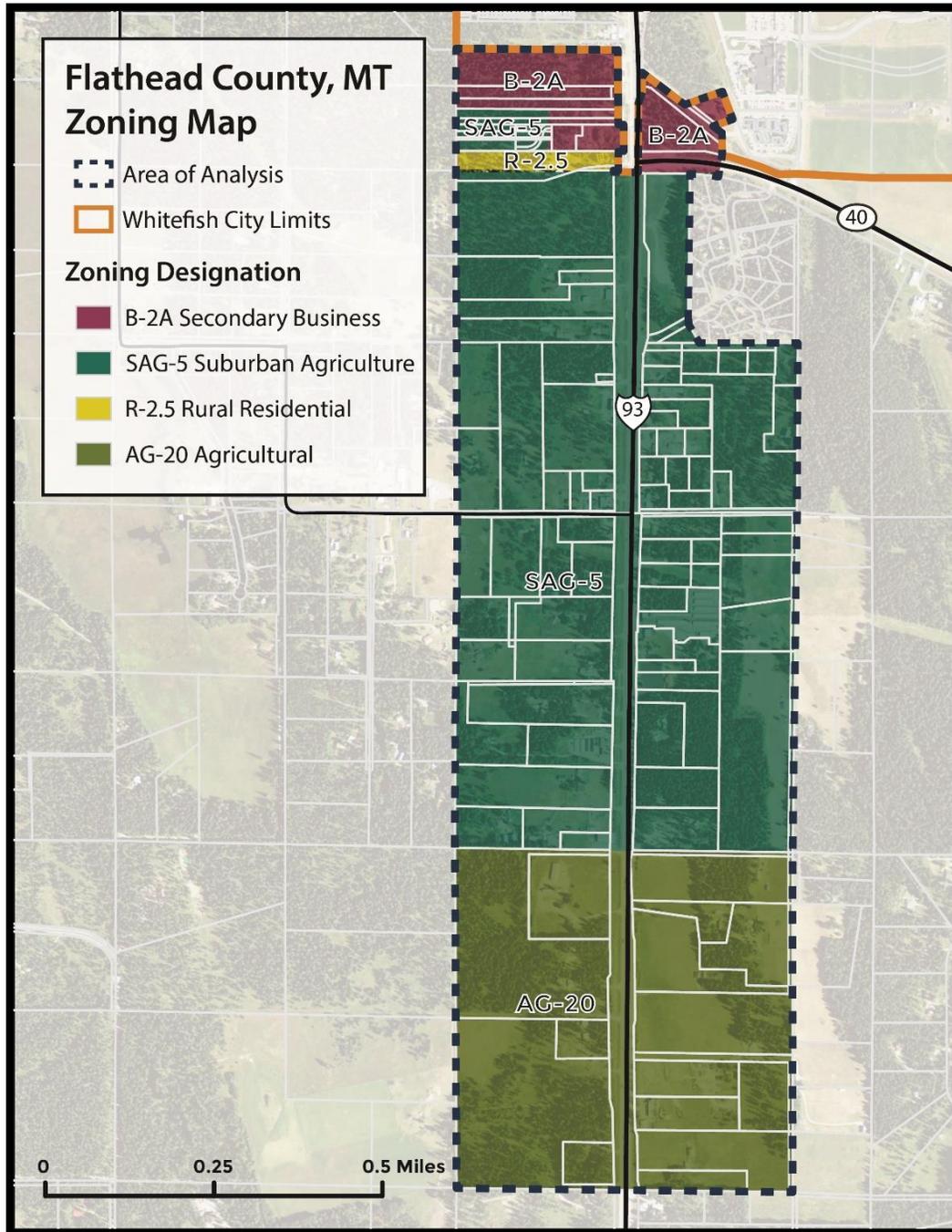
The majority of the corridor is zoned Suburban Agricultural 5 (SAG-5). This district covers 301 acres and 82 parcels of land. The SAG-5 zoning district is intended to preserve small-scale agricultural operations and provide a buffer between urban and larger scale agricultural operations. Although this is a residential/agricultural district, none of the properties are taxed agriculturally. Permitted uses include agriculture, single family dwellings, nurseries and landscaping businesses, and home occupations. Conditional uses include airfields, animal hospitals and veterinary clinics, churches, golf courses, community centers, schools, manufactured home parks, and limited commercial including bed and breakfasts, extractive industries, contractors' storage yards and recreational facilities. The minimum lot area in the SAG-5 district is five acres. Sixty six of the 82 parcels of land in this district (80%) are less than five acres in size.

AG-20 Agricultural

The southern portion of the planning area is zoned AG-20 Agricultural. This district includes 159 acres and 15 parcels of land. The AG-20 district is intended to protect and preserve agricultural lands and prevent

intrusions of uses not compatible with agricultural activities. Permitted uses are limited to agriculture and uses in support of agriculture, kennels, and single family dwellings. Conditional uses included institutional uses such as schools, storage yards, and limited commercial including bed and breakfasts, extractive industries, golf courses, and low impact recreational facilities. The minimum lot area in the AG-20 district is twenty acres. Two of the 15 parcels of land in this district are 20 acres or greater in size.

Map 3: Existing Zoning



Transportation

The planning area contains a 1.5-mile section of Highway 93 as well as its intersection with Highway 40, both of which are principal arterials on the National Highway System and managed by the MDT. Also within the corridor is Blanchard Lake Road, which is a paved county road providing an alternate route to the City of Whitefish. Other roads in the corridor provide local access to individual properties.

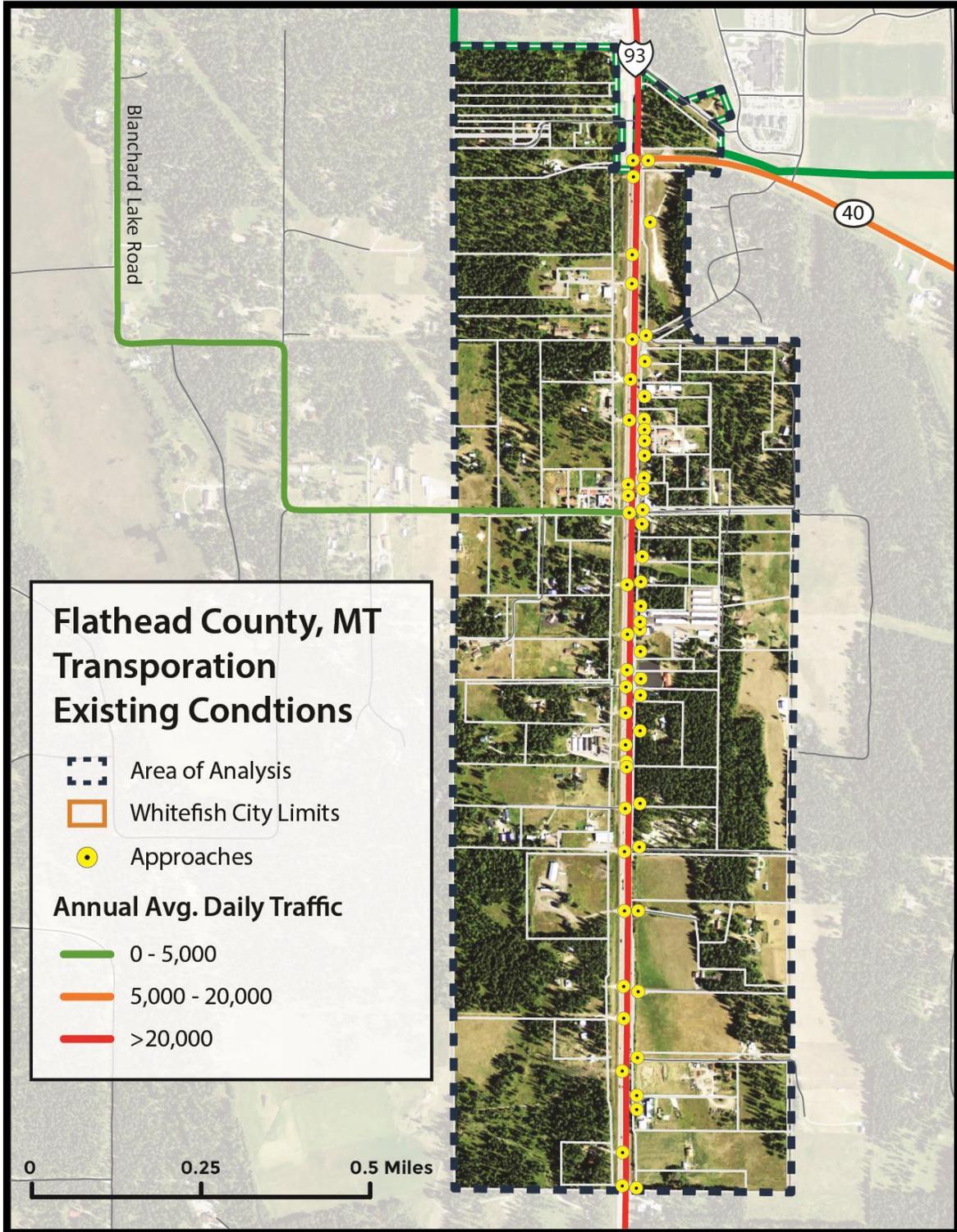
Highway 93 through the corridor is five lanes wide – two lanes each going north and south with a center turn lane and 10-foot shoulders on both sides. The highway right-of-way varies from roughly 200 to 250 feet wide. Through the majority of the corridor the speed limit is 65 miles per hour (MPH), with a 45 MPH zone beginning roughly 500 feet south of the intersection of Highway 93 and Highway 40. There are no pedestrian or bicycle facilities.

Relative to other state highways in Montana the corridor experiences high traffic volumes induced by both tourist traffic and traffic related to growth in Flathead County. Map 4 shows annual average daily traffic volumes within the corridor, showing that Highway 93 experienced volumes in excess of 20,000 average vehicle trips per day during 2015. Highway 40 traffic volumes in this area are also significant, with an average of 12,580 vehicle trips per day in 2015. The intersection of Highways 93 and 40 includes a three-way stop light to manage traffic flow.

The MDT Right-of-Way Operations Manual provides guidance on access management for Montana roads. According to the manual, this section of Highway 93 would be classified as an intermediate undivided highway, which is defined as, *“Key areas that benefit from strong access management. Areas that are adjacent to fully developed areas, including urban areas adjacent to city limits, and where MDT is concerned that development without attention to access management will significantly affect the performance and safety of the system.”*

For intermediate undivided highways MDT’s access density threshold is five to 25 access points per mile with a minimum of 660 feet spacing between access points. Within the 1.5 mile long corridor there are over 50 access points onto Highway 93, with spacing ranging from 40 feet to roughly 630 feet. The high density of access points coupled with the 65 MPH speed limit presents a safety concern, in particular with regard to left turns, which are considered to be the highest risk movements at intersections. On this particular stretch of road, between 2006 and 2015 there were six serious injury crashes and one fatal crash within the corridor.

Map 4: Traffic Volumes and Approaches



Guidance Documents

An area plan such as this is made under the authority of the Flathead County Growth Policy, but also must be guided and give consideration to other plans. A discussion of relevant guidance documents is presented below.

Flathead County Growth Policy

Flathead County's Growth Policy provides a general framework and foundation for land use planning and zoning in the county. Three elements of the growth policy are directly applicable to this plan and any subsequent zone changes.

The first element defines how a plan like this is to be viewed. The Flathead County Growth Policy describes this area as a 'Special Consideration Area' because it acts as a gateway to the City of Whitefish. (Chapter 11, Part 5, Page 162). The growth policy states, "Regulations applicable to 'Special Consideration Areas' should be the minimum necessary to mitigate the impact of growth and development. Special consideration areas should not be misconstrued to prohibit development, but should be used to create impact mitigating standards and/or incentives to promote appropriate and compatible development in these areas." Special Consideration Areas are distinct from neighborhood plans as described in the growth policy.

The second element of the Flathead County Growth Policy that is applicable to this plan is the Designated Land Use Map. The text describing this map, which is considered an 'officially adopted map,' is a bit ambiguous. On the one hand the growth policy states, "This map depicts areas of Flathead County that are legally designated for particular land uses. This is a map which depicts existing conditions.... The uses depicted are consistent with the existing regulations and individual plan documents. This map may be changed from time to time to reflect additional zoning districts, changes in zoning districts, map changes and neighborhood plans as they are adopted. Since this map is for informational purposes, the Planning Staff may update the same to conform to changes without the necessity of a separate resolution changing this map."

On the other hand, the growth policy states that officially adopted maps are "extensions of the growth policy serving as 'visual policy statements' which are intended to be implemented and regarded the same as written portions." (Chapter 10, Part 3, page 157) Due to this potential ambiguity and because the growth policy provides the foundation on which zoning is based, if this plan is adopted and zoning modifications are made, the safest route would be for the Designated Land Use Map to be amended prior to or concurrent with any zone changes.

The third element of the growth policy that provides guidance on how this plan and any zone changes should be developed contains the goals and supporting policies for subjects like land use, transportation and coordination with other governments. The growth policy contains 50 goals and over 200 supporting policies designed to help achieve the goals. Because the goals and policies cover many subjects, no plan

can address every one. However, several goals and objectives are applicable to this planning area. Below is a list of 19 applicable goals and policies:

- Goal 5:** Adequate industrial land in areas that are close enough to goods and services to be efficient but far enough from other uses to offset objectionable impacts to the human and natural environment.
- Goal 6:** Adequate commercial land that is safely accessible and efficiently serviceable.
- Policy 6.1:** Encourage internal, interconnected roads for commercial development and frontage roads where appropriate.
- Policy 6.3:** Provide ample commercial land designation to promote affordability.
- Policy 6.4:** Require traffic impact analysis for all major commercial projects on major highways and arterials.
- Goal 7:** Consider existing community character in commercial land development.
- Policy 7.2:** Develop regulations that promote (the seven elements of the Flathead County Vision) and mitigate the negative impacts of commercial development.
- Policy 7.4** Identify existing areas that are suitable for impact-mitigated commercial uses.
- Policy 7.5** Encourage commercial development that is visually and functionally desirable.
- Policy 11.2:** Identify development impacts that threaten gateway areas and develop land use guidelines that mitigate these impacts without prohibiting development.
- Policy 11.5:** Develop guidelines to ensure that lighting should not destroy the reasonable enjoyment by all residents of the night skies.
- Policy 21.1:** Provide adequate land area designated for commercial and industrial use to promote affordability, creating entrepreneurialism and/or businesses relocation to Flathead County.
- Policy 23.2:** Limit private driveways from directly accessing arterials and collector roads to safe separation distances.
- Policy 24.3:** Require development projects to design road systems that complement planned land uses and maintain mobility on arterial roads and highways.
- Policy 24.4:** Require road easement dedications for identified areas of future connectivity as subdivision developments are proposed, to serve present and future needs of the county residents.
- Policy 25.2:** Identify and prioritize areas for a predictable regional and interconnected bicycle path network and require pedestrian/bicycle easements on both sides of county roads. Encourage developments that aid and/or connect to this network.

Policy 49.1: Promote representation by county officials of those residents outside of the City of Whitefish, while giving consideration to both the interests of those residents as well as the growth needs of the City of Whitefish during county planning processes.

Policy 49.2: Request comments from the City of Whitefish agencies on subdivision, zoning and other land use issues within 2 miles of city limits and give consideration to those comments during the county review process.

How these goals and policies are addressed in this plan is described in Appendix A.

Whitefish Growth Policy

Although Flathead County maintains jurisdictional land use authority in the planning area, the Flathead County Growth Policy calls for coordination with the city during county planning processes like this one. Under the Flathead County Growth Policy the planning area is considered a ‘gateway’ to Whitefish so measures to address items like traffic safety and visual impacts are appropriate. Additionally, respect for the interest and plans of the city is important because land use changes in the county impact the appearance, feel and function of the city.

The Whitefish City-County Growth Policy (2007) was adopted by the City of Whitefish when the city maintained land use planning authority over the subject planning area. The Montana Supreme Court awarded land use jurisdiction to Flathead County in 2014. Several components of the Whitefish Growth Policy address development in the planning area, for example:

“Hwy 93 South is characterized by a number of commercial establishments of various kinds. Many are legal non-conforming uses, but most are legal permitted and conditional uses under the SAG-5 Flathead County zoning district (administered by the City of Whitefish within the jurisdictional area). Most of this corridor is heavily timbered, and many of the commercial buildings are of high quality. These two factors make the corridor far less visually distracting than many commercial strips in unincorporated Flathead County. Still, the corridor suffers from a lack of screening and landscaping, and from multiple uncontrolled highway approaches. Widening of the highway and growth in traffic have made the residential environment increasingly hostile. Because of this factor, there has been disinvestment in residential property resulting in some of those properties taking on a rundown appearance. ADT is approximately 15,000. While the issues facing the Hwy 93 South corridor are complex and will be difficult to solve, the Whitefish community has long history of discouraging this area from becoming a ‘commercial strip’.” (Chapter 3: Land Use Element, Page 56)

To address these issues, the growth policy calls for the creation of a corridor plan. The growth policy envisions the City of Whitefish leading this effort but due to legal jurisdictional issues, the city did not initiate the project. (Memo from David Taylor to Whitefish City Council, November 2009) The Whitefish Growth Policy calls for several issues to be addressed in a corridor plan as listed below:

Commercial growth: Commercial growth will continue to be discouraged by the City of Whitefish.

Scale: The existing modest scale of commercial and residential structures should be maintained. No “big box” retail or office buildings should be proposed.

Architectural standards: Any successful plan must include high standards of architectural design that is compatible with the wooded environs of the corridor.

Landscaping/screening: The corridor plan must include standards for replacement of existing forest stands, on-site landscaping, and screening of parking and service areas.

Utilities: Water and sewer service must be provided, or, the corridor plan should support no more development than can be served by well and septic systems without adversely affecting water quality or wells on neighboring properties.

Trip generation: With growing traffic volumes on Hwy 93 already, additional non-residential uses should not be of a nature that attracts large numbers of additional vehicle trips. The corridor plan must include a traffic impact and access analysis.

Traffic safety, circulation, and access: Traffic safety will be a major concern with any new growth in this corridor. The proliferation of access points can cause both safety and traffic access problems. An access and circulation component must be a product of the over-all corridor plan.

Bike/pedestrian facilities: Bicycle and pedestrian ways must be provided within the corridor itself, and should link to the existing commercial areas north of Hwy 40.

How these goals and policies are addressed in this plan is described in Appendix A.

Other Plans

The Whitefish Transportation Plan (2009) includes the subject planning area, although it does not significantly focus on it. The Transportation Plan recommends a bike route through the planning area along Highway 93 and a bike/ped pathway along Highway 40 (also included in the Whitefish Pedestrian and Bikeway Master Plan). It also recommends improvements to Blanchard Lake Road, including a separated bike/ped path in a manner sensitive to the lower density development pattern and rural character of lands southwest of Whitefish. [These improvements are also mentioned in the South Whitefish Transportation Plan (1999), which also does not thoroughly address the subject planning area.] The 2009 Transportation Plan notes that the levels of service at the intersection of Highway 93 and Highway 40 and the intersection of Highway 93 and Blanchard Lake Road are likely to decrease during peak hours without additional improvements. The Transportation Plan does not recommend other improvements through the planning area.

The Whitefish Downtown Master Plan (2015) does not consider the subject planning area but generally seeks to ensure the downtown area remains the community’s focus for commerce, government services, civic and recreational activities. The Whitefish Extension of Services Plan (2009) does not anticipate extending services to the planning area.

The planning area is located approximately 10 miles from the City of Kalispell. Due to this distance and the low density development pattern between the planning area and the city this plan does not consider Kalispell to be ‘nearby’ as described in Montana Code Annotated 76-2-203.

Flathead County does not have a transportation plan that would influence this project. The Montana Department of Transportation does not have an access management or similar plan to address land use changes along this corridor, and instead reviews changing land uses through its Systems Impact Review process on a case by case basis.

Montana Code Annotated

Montana Code Annotated includes the following requirements for counties when adopting zoning regulations:

- In the adoption of zoning regulations, the board of county commissioners shall consider compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities; and
- Zoning regulations must, as nearly as possible, be made compatible with the zoning ordinances of nearby municipalities. (Montana Code Annotated 76-2-203)

Recommended Zoning Map Changes

Given the corridor’s proximity to the City of Whitefish, its location at the intersection of two major highways and few environmental constraints, this area is well suited for increased levels of development. However, increased development will create additional traffic demand and will change the appearance of the corridor which acts as a gateway to the City of Whitefish. As a result, the impacts of changing development patterns on transportation safety and scenic qualities must be accounted for.

The northern portion of the corridor is suited for a wider array of commercial uses as this would be a congruent extension of the commercial area on the south end of Whitefish. In the event that the City of Whitefish chooses to work with property owners to extend water and wastewater services this would be a logical southern extension, enabling increased growth and development.

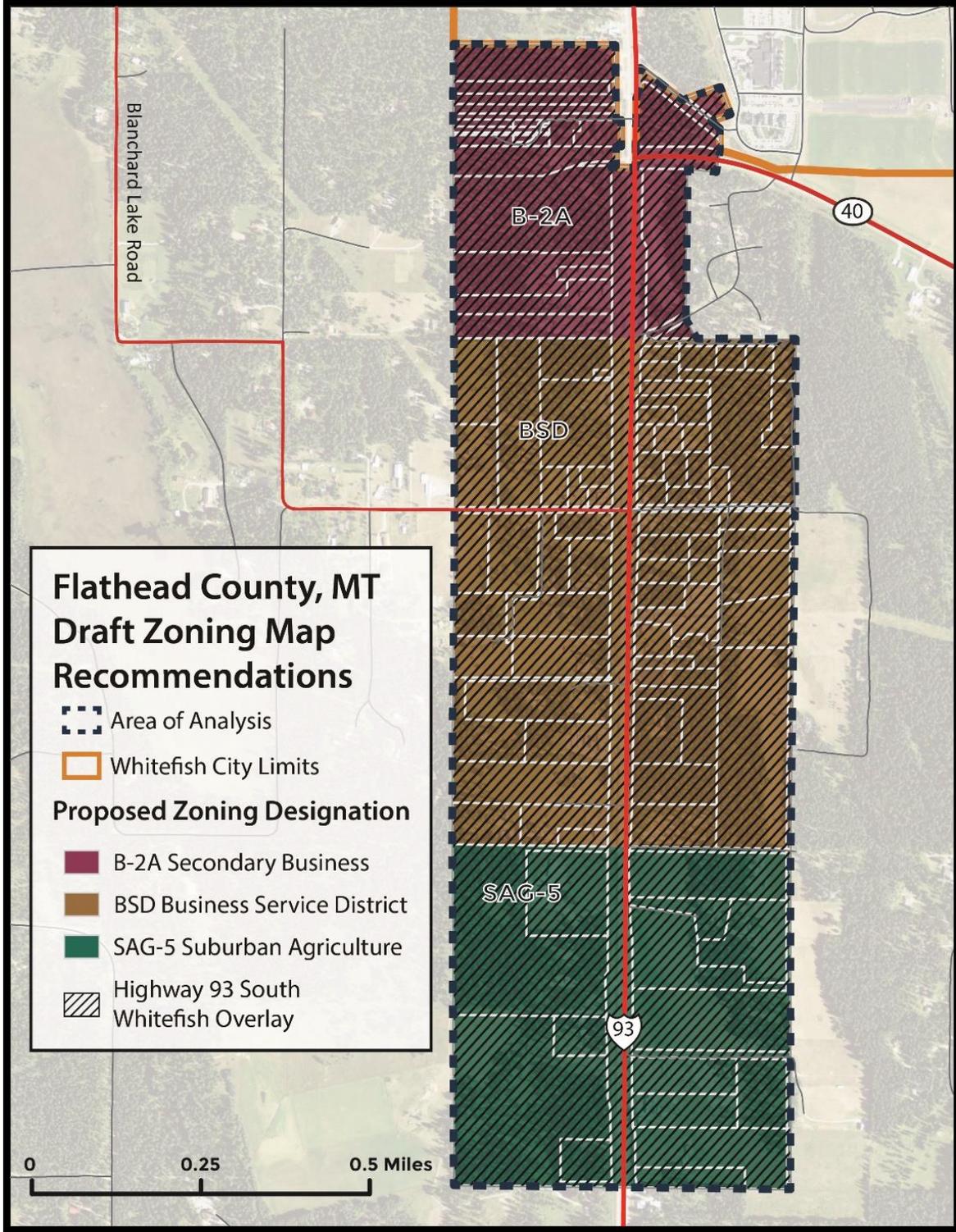
Moving south on Highway 93 the speed limit increases and the development pattern transitions from more urban to a wide mixture of uses of limited scale. While this middle section of the corridor can support more intensive uses, it is not recommended for a broad range of commercial uses like the northern portion is. Rather this area is better suited for non-retail limited commercial services, light industrial, small scale professional offices and uses of similar intensity that will not generate significant amounts of traffic and are more characteristic of the transitional nature of this area. Where possible, new land uses should be clustered to include common access, parking, landscaping, signage and structural design features.

At the southern end of the corridor rural land uses become more prevalent and highway approaches are fewer. In order to preserve the scenic qualities of the corridor and maintain highway safety it is

recommended that the southern portion of the corridor remain primarily suburban, recreational, and smaller scale, low-impact commercial uses that blend in with the forested landscape.

Flathead County already has zoning districts in its menu that can be applied to the planning area to meet some of the goals of this project and the guiding planning documents by providing a wider mix of land uses and moderate scale of development. Flathead County's B-2A Secondary Business, BSD Business Service District, and SAG-5 Suburban Agricultural zoning would help to meet these goals (Map 5 below and zoning text in Appendix B). However, some of the goals would not be met by applying these designations alone. Therefore, overlay zoning text to address visual impacts and transportation system recommendation and are provided below.

Map 5: Recommended Zoning Map Changes



Recommended Zoning Text Changes

Highway 93 South Whitefish Overlay Zoning

Maintaining and improving the visual quality of this gateway to Whitefish is an important component of this plan. As such, overlay zoning is proposed to be applied to the planning area that address landscaping and bufferring, signage, building design, lighting and parking as provided below. Until public water and sewer are extended along the corridor, the scale of development will be limited to that which can be supported by onsite water and wastewater facilities. Below is overlay zoning text based on standards adopted by the City of Whitefish.

I. LANDSCAPING

These standards apply to all new development in the B-2A and BSD districts and new commercial development in the SAG-5 district. These standards take precedence over section 5.05 Greenbelts

Section A. Landscaping Standards

- 1) Landscaping shall be provided for that portion of the developed area according to the following schedule:

Developed Area	Minimum Landscaping Requirements
Up to 1 acre	10% of developed area
1 acre up to 5 acres	8% of developed area
5 acres up to 10 acres	6% of developed area
10 acres or more	4% of developed area

- 2) For the purpose of determining the required amount of landscaping, "developed area" is defined as: The area encumbered by building footprints, parking lots, driveways and retail sales areas (both interior and exterior).
- 3) Landscaping standards for parking lots and buffers are in addition to the required minimum specified above.
- 4) At least 50% of the required landscaping shall occur between the building setback line and the MDT right-of-way and/or public road easements.

Section B. Design Standards

- 1) General Standards
 - a) The minimum inside width of any required landscaped area, or of any form or fixed planter box used to satisfy required landscaping, shall be three feet.

- b) Plant species native to the area and that will require minimal watering and treatments are encouraged. Information on suitable species may be obtained from the Flathead Chapter of the Montana Native Plant Society or the City of Whitefish.

2) B2-A and BSD Special Standards

- a) At least 40% of the landscaped area shall consist of shrubs or living ground cover that is a minimum of six inches in height.
- b) Along the street frontage, a minimum five foot wide landscaped buffer shall be installed with at least one large canopy tree per 50 feet of frontage or two small ornamental trees per 50 feet of frontage.
- c) When a parking lot fronts a street, a minimum five foot wide landscape buffer (seven feet wide if curb stops are not used and the car bumper hangs over the landscaped area) shall be installed that achieves a 50% visual screen within three years of planting.
- d) Landscaping treatments in parking lots shall be implemented and shall include trees both on the perimeter and interior of the parking lots.

Section C. Maintenance

Required landscaped areas shall be maintained in a neat, clean, orderly and healthful condition. Maintenance shall include proper pruning of trees and shrubs, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary, and the regular watering of all plantings.

Section D. Buffers

- 1) Applicability: Buffers shall be required between different zoning districts, and may be required between dissimilar uses in accordance with the provisions of the zoning regulations, conditional use or variance approval.
- 2) Standards for Permanent Buffers:
 - a) Width of Buffers: When a commercial use is adjacent to any residential or suburban agricultural zoning, the property boundaries adjacent to the residential or suburban agricultural zoning must incorporate a buffer of 20 feet, except as authorized by a condition of conditional use, or variance approval.
- 3) Screening Requirements:
 - a) Buffers shall consist of a mixture of trees, shrubs and ground cover. The buffer shall achieve a 50% visual screen of such nature and density so as to screen activities, structures and uses on the property from view from the normal level of a first story window on an abutting lot and shall further provide a year round effective visual screen.
 - b) Buffers shall be natural, undisturbed, and free of encroachments except as authorized by a condition of conditional use, or variance approval, or as authorized herein, and shall contain the existing tree cover and vegetation as well as any supplemental plantings or replanting as may be required in order to meet the 50% visual screen in 3.a above.
 - c) When buffers do not contain an adequate natural mixture of trees, shrubs and ground cover to meet the 50% visual screen, the buffer shall achieve a 50% visual screen within three years after planting following the provisions in (4) below.

- d) Buffers required alongside property lines shall extend to a the MDT right-of-way line or public road easement line unless otherwise required by the administrator in order to observe the sight distance requirements contained in the development regulations, or as authorized by a condition of conditional use or variance approval.
 - e) In situations where the required buffer width is partially or completely contained within an existing easement (e.g., power or natural gas transmission, etc.), the screening requirements of this section may be met outside of the easement area.
- 4) Supplemental Plantings:
- a) Buffers in which vegetation is nonexistent or is inadequate to meet the screening requirements of this section shall be planted with supplemental plantings so as to provide a year round effective visual screen.
 - b) Supplemental plantings and replanting shall consist of evergreen trees, shrubs, or combination thereof, native or adaptable to the region. All trees planted shall be a minimum of six feet in height at time of planting and shall be a species which will achieve a height of at least 20 feet at maturity. All shrubs planted shall be a large growing species, shall be a minimum of three feet in height at time of planting and shall be a species which will achieve a height of at least 10 feet at maturity.
 - c) All supplemental plantings shall be installed to allow for proper plant growth and maintenance.
- 5) Non-vegetative Screening:
- a) Non-vegetative materials utilized to satisfy the screening requirements of this section, in addition to the use of existing vegetation and/or supplemental plantings, may consist of walls, fences, earthen berms or any combination thereof.
 - b) If walls or fences are to be utilized, their placement and installation shall be such so as to cause minimal disturbance of existing vegetation and located so as to provide an effective visual screen.
 - c) If fences are used in the buffer, the fence shall be made of material commonly used in construction such as wood or vinyl but not chain link.
- 6) Disturbance or Encroachments:
- a) Ditches, swales, storm water conveyance facilities, storm water detention ponds, sanitary sewer conveyance facilities, similar facilities, and any associated easements shall not encroach into a buffer; except, that necessary access and utility crossings (e.g., storm water or sanitary sewer pipes) may encroach into the buffer as near to perpendicular as practical.
 - b) Supplemental plantings or replanting of vegetation, or authorized non-vegetative screening devices shall be authorized to encroach into a buffer, provided there is minimal disturbance of any significant existing vegetation.
 - c) Land disturbance is authorized in areas of a buffer that are devoid of significant vegetation; provided, that the final grade and replanting of vegetation meet the screening requirements contained herein.
 - d) Dying, diseased or dead vegetation may be removed from a buffer, provided minimal disturbance occurs. Vegetation thus removed shall be replaced where necessary to meet the screening requirements contained herein.

Section E. Site Plan Required

- 1) A site plan showing required landscaping shall be submitted to the zoning administrator for review and approval prior to development. A site plan shall be approved if it meets the requirements and intent of this chapter. A site plan shall include, but not be limited to, the following:
 - a) Location of proposed landscaping drawn to scale, which scale shall be appropriate to the size of the project and agreed upon by the applicant and the zoning administrator.
 - b) Location, size, type and condition of proposed vegetation and natural or manmade materials, including benches, walks, plaza, lighting, etc.
 - c) Irrigation system.
 - d) Description of the proposed maintenance plan.
 - e) Estimated date of completion of the installation of plantings and finish materials.
- 2) The approved landscape and maintenance plans shall not be changed or altered without review and approval by the zoning administrator. All landscaping shown on the approved plan shall be installed and maintained.

Section F. Temporary Waiver

If, due to seasonal, climatic or weather conditions, installation of landscaping prior to expiration of an approved site plan is impractical, the zoning administrator may waive such installation for a reasonable time. If such a waiver is granted, the zoning administrator shall establish a time schedule for the installation of all required landscaping in accordance with the approved plan. In such a case, the owner or developer of the property shall, upon request, provide the county with an approved financial guarantee, in the amount of the estimated cost of landscaping plus ten percent (10%), which shall be forfeited if all required landscaping is not installed within the time provided.

Section G. Reduction of Landscaping Requirement

- 1) Landscaping which exists on any property or for any use, subject to the provisions of this chapter, shall not be altered or reduced below the minimum requirements of this chapter, unless suitable substitutions are made which meet the requirements of this chapter, and a site plan is first approved by the zoning administrator.
- 2) Preserving existing trees or groves of trees will provide a 100% bonus in calculating the required landscaping in Section A of this chapter. The bonus will not exceed 25% of the total landscaping requirement. (Example: The regulations require 1,000 square feet of landscaping. An existing grove of trees covers 300 square feet of area. The existing grove, if preserved, will account for 300 square feet plus 100 percent bonus for a total of 600 feet of the required landscaping. However, because the bonus cannot exceed 25 percent of the required 1,000 square feet or 250 square feet, the total will be 550 square feet (300 + 250).

II. SIGNS

These standards are in addition to Flathead County Zoning Regulations Section 5.11. In areas where the two sections conflict, the standards in this section shall apply.

Section A. Freestanding and ground mounted signs

- 1) All freestanding and ground mounted signs shall have a landscaped area around the base of the sign that is in addition to the required landscaping in section I. above.
- 2) The use of architectural structures and/or embellishments that enhance the building or site and are an integrated part of the sign are encouraged. Architectural embellishments that do not exceed more than 25% of the allowed height or 50% of the allowed square footage will not be counted against an area allowance.
- 3) A freestanding 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 with and be compatible with the existing sign structure. All freestanding signs may be single-face or back-to-back but shall not be canted or constructed in a "V" shape.
- 4) Signs will be mounted on two parallel posts or an aggregate base rather than a single post.

Section B. Building mounted and wall mounted signs

- 1) Building mounted signs include projecting signs, awning/canopy signs, hanging signs, and building wall painted signs.
- 2) One projecting sign is allowed per business. The sign may not extend more than five feet beyond the building.
- 3) Awning/canopy signs may be used in conjunction with other building mounted signs and would be placed on permanent or temporary awning or canopy.
- 4) Hanging signs are typically mounted on an awning, canopy or similar overhang on a building.
- 5) Building wall painting signs are generally painted directly on the building wall.

Section C. Allowable Sign Area

- 1) Free standing and ground mounted signs
 - a) Every property or developed site is allowed at least one freestanding, ground mounted or monument sign that does not exceed eight feet in height and 50 square feet per face. For lots that have less than 250 feet of highway or road frontage, one freestanding sign is allowed. For lots that have 250 feet or more of frontage, two freestanding signs are allowed. No property, regardless of the amount of frontage, or status as a through lot or corner lot, shall have more than a total of two free standing or ground mounted signs.
 - b) Businesses located on a corner lot with frontage along two public roads may have a sign along each frontage provided that the signs may not be located within the same building setback area.
 - c) The nearest edge of any freestanding sign shall be set back a minimum of five feet from the property line, right-of-way or road easement.
- 2) Building mounted and wall mounted signs
 - a) Each business shall be allowed a minimum of one building mounted sign subject to the following standards:
 - i) Maximum Number Of Signs Allowed: A maximum of two building mounted signs are allowed on developed sites with a single business.

- ii) Single-Tenant Sites: The allowable sign area for a single-tenant site shall be 24 square feet unless otherwise provided.
 - iii) Multi-Tenant Sites: The allowable sign area for multi-tenant sites shall be 24 square feet per tenant unless otherwise provided.
 - iv) Awning/Canopy Signs: One awning/canopy sign is allowed per business or tenant in addition to a building mounted sign; provided, the total sign area does not exceed the allowable square footage provided for building mounted signs.
 - v) One projecting sign is permitted per business and cannot exceed 12 square feet per face; awning/canopy signs, painted wall signs and flush mounted building signs may be used in lieu of a projecting sign; provided, the total square footage does not exceed that which is allowed.
- 3) Multiple Businesses:
- a) Each tenant is allowed one building mounted sign not to exceed 24 square feet or a maximum of 30 square feet if freestanding square footage is transferred to a building mounted sign.
 - b) Developed sites with two or more tenants shall be allowed one freestanding or ground mounted sign not to exceed 50 square feet per face, or as otherwise provided. Where more than one freestanding sign is allowed for a single property, the total allowable square footage for each sign shall not exceed 50 square feet per face.

Section III. ARCHITECTURAL DESIGN

- 1) Building elevations shall be submitted to the zoning administrator for review and approval in compliance with this section. The elevations shall show building colors, materials, dimensions and architectural features.
- 2) Buildings shall be designed with architectural features based on mountain town, historic American west, national parks, or similar architectural themes.
- 3) The exterior of buildings should include timber beam, log, brick, rock, wood, textured masonry, stucco and similar materials. Exposed concrete block and unmodulated metal siding are prohibited.
- 4) Building planes shall be broken with recesses and projections a minimum of every 40 feet on at least the side(s) paralleling publicly travelled ways. Other features such as projecting ribs, windows, landscaping, trellises and similar features are encouraged.
- 5) Buildings shall have varying rooflines and pitches which may include dormers, recessed upper floors, overhangs and similar features.
- 6) Corners shall have special massing and architectural treatments.
- 7) Building footprints shall not exceed 15,000 square feet. More than one building may be located on a property as a developed site with common access, landscaping, parking, walkways, utilities and service areas and have complimentary structural design elements.
- 8) Accessory buildings shall be designed to complement primary structures.

Section IV. LIGHTING

- 1) Lighting shall be designed, located, shielded and directed to prevent misdirected or excessive artificial light and to maximize energy efficiency.

- 2) Lighting shall have adequate shielding or screening so that it does not cast glare or direct light from artificial illumination upon any adjacent public right of way, surrounding property, residential property or motorist's vision. Downward directed lighting is encouraged.
- 3) Internally illuminated individual letters and internally illuminated signs are prohibited. Canopies, awnings, fascia and similar structures, whether or not they contain sign copy, may not be intentionally illuminated with direct internal illumination. Canopies, awnings, and fascias which are only minimally and indirectly illuminated may be permitted if, in the determination of the zoning administrator, they do not attract attention to a location or subject matter. Wood signs and signs made of natural materials that are externally lit are encouraged.
- 4) Use of neon and/or other lighting arranged around a building, sign or other structure for the purpose of attracting attention is prohibited.
- 5) Because night light pollution is a growing problem, reduction or turning off sign lighting during non-operating hours is encouraged.

SECTION V. PARKING AND SERVICE AREAS

The following standard applies to all development in the B-2A and BSD districts and new commercial development in the SAG-5 district.

- 1) At least 40% of the required parking shall be located to the side and/or rear of the building(s) fronting on Highway 93 and/or Highway 40.
- 2) Parking lot landscaping and buffering shall meet the requirements in Section I.
- 3) Parking lots built below grade are encouraged.
- 4) Service areas (garbage, loading, etc.) shall be screened from public roads by being located to the rear of buildings or by wood fencing and landscaping of sufficient height to provide effective screening.

Recommended Transportation Improvements

Increased development along the corridor will likely result in higher traffic volumes and increased turning movements as new development will attract and generate vehicle trips. A zoning text and map amendment to allow for additional development will not by itself create traffic demand and thus does not necessitate an immediate need for transportation safety improvements. However, when new development projects are proposed there will be a need to coordinate land use and transportation planning activities to mitigate impacts to highway safety and transportation system performance under MDT's Systems Impact process. This process is used to evaluate and potentially require changes to the transportation system based on the specific circumstances of each project including expected vehicle trips, road configuration and sight distance, travel speeds, nearby approaches and other site specific factors.

Flathead County and landowners within the corridor cannot steer MDT policy but can offer recommendations for how to coordinate land use and transportation improvements. Below are transportation improvement recommendations and options aimed at maintaining highway safety and transportation system performance, in the event additional development occurs in the corridor.

Backage and Frontage Roads: Require new commercial development to construct and utilize a network of backage roads where feasible to access new development. Where backage roads are not feasible frontage roads should be developed as an alternative. To the extent possible backage or frontage road outlets should be located at least 300 feet from Highway 93 to prevent excess queuing (see Figure 1).

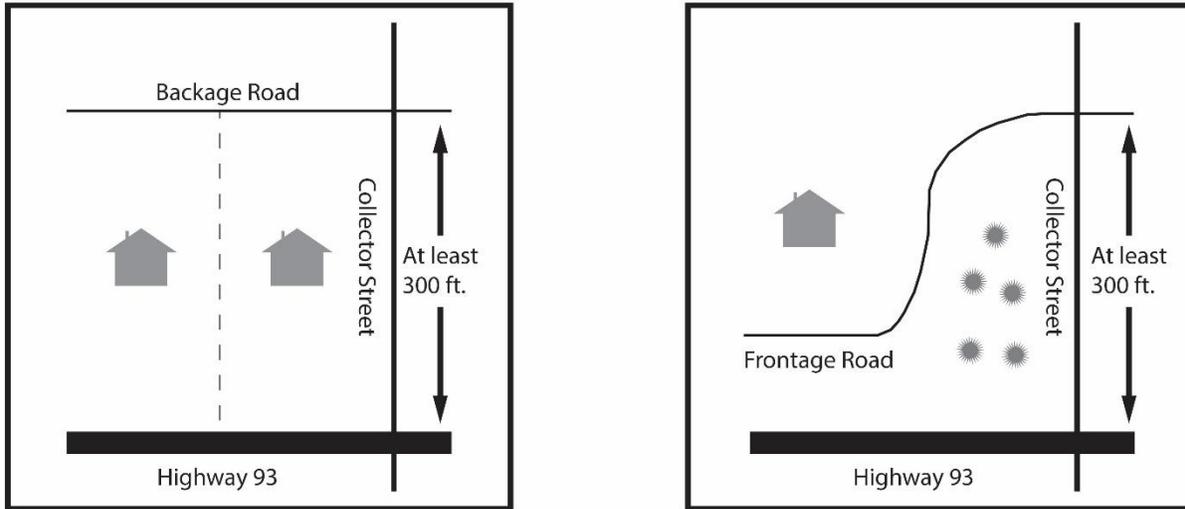


Figure 1 – Backage and Frontage Roads

Connected Development: Where development is planned in phases or adjacent to other parcels that have significant likelihood of being developed more intensively, internal road networks should be connected so vehicles are not required to travel on Highway 93 to access other portions of a development or to access adjoining development. This can be accomplished by requiring commercial developers to provide road easements to the bordering property, then requiring construction of the connecting roads as part of a development approval process.

Access Control: As vehicle trips increase due to increased population and visitor travel, Flathead County should work with MDT to develop an access control plan for the corridor to evaluate the need for access management strategies including but not limited to:

- Vacating/consolidating existing approaches
- Installing center medians with left turn pockets to control left turn movements and act to reduce vehicle speeds (Figure 2)

- Installing additional traffic signals or roundabouts dependent upon the scale and impact of development. So as not to adversely impact transportation system performance this should be a last resort option.

During development review Flathead County should work with applicants to consolidate access points when possible.

Vehicle Speeds: Under MDT standards speed limits in the corridor are already high given the number of access points. With increased development, the 65 MPH speed limit coupled with left turning movements has the potential to increase the risk of crashes in the corridor. As

development occurs it may be appropriate for the 45 MPH speed zone to be extended south so that drivers reduce speed ahead of more intensive development.

Speed limits in Montana are set and changed by the Montana Transportation Commission. To change the speed limit in the corridor Flathead County will need to request for MDT to conduct a speed zone study. With the results of a speed zone study, the Flathead County Commissioners could then make a formal request to the Montana Transportation Commission for a speed limit reduction in at least a portion of the corridor.

Bike/Pedestrian Facilities: Trail easements should be required along Highway 93 and Highway 40 when development occurs to provide alternative modes of transportation. Construction of the facilities should occur as part of a larger bike/pedestrian project.



Figure 2 – Center median with left turn lanes

APPENDIX A

Flathead County and City of Whitefish Growth Policy statements with an explanation as to how the statement is addressed.

Flathead County Growth Policy

Goal or Policy	How the Goal or Policy is Addressed
Goal 5: Adequate industrial land in areas that are close enough to goods and services to be efficient but far enough from other uses to offset objectionable impacts to the human and natural environment.	Light industrial land uses near the City of Whitefish are recommended. Lot sizes, landscaping and buffering, signage, building design, parking and lighting standards are recommended to offset impacts.
Goal 6: Adequate commercial land that is safely accessible and efficiently serviceable.	Additional commercial opportunities with recommended traffic safety improvements.
Policy 6.1: Encourage internal, interconnected roads for commercial development and frontage roads where appropriate.	Internal, interconnected roads, frontage and backage roads are recommended.
Policy 6.3: Provide ample commercial land designation to promote affordability.	Additional land that may be used commercially is recommended.
Policy 6.4: Require traffic impact analysis for all major commercial projects on major highways and arterials.	Traffic impact analysis requirement to be implemented through MDT's Systems Impact Review process and Flathead County subdivision review processes when development approval is requested.
Goal 7: Consider existing community character in commercial land development.	Landscape buffers, signage, building design, parking and lighting standards compatible with Whitefish standards are provided.
Policy 7.2: Develop regulations that promote (the seven elements of the Flathead County Vision) and mitigate the negative impacts of commercial development.	Not all of the seven elements apply. However, protecting scenic views, promoting a diverse economy, managing transportation, maintaining the identify of rural communities, properly managing and protecting the natural and human environment, and preserving private

	property rights have all been addressed in various ways.
Policy 7.4 Identify existing areas that are suitable for impact-mitigated commercial uses.	The planning area has been identified as suitable for impact-mitigated commercial uses.
Policy 7.5 Encourage commercial development that is visually and functionally desirable.	Standards addressing landscaping and buffers, signage, building design and lighting, and transportation improvements are provided.
Policy 11.2: Identify development impacts that threaten gateway areas and develop land use guidelines that mitigate these impacts without prohibiting development.	Visual, functional and safety impacts are possible with increased development. Overlay zoning and transportation recommendations are provided to address these impacts.
Policy 11.5: Develop guidelines to ensure that lighting should not destroy the reasonable enjoyment by all residents of the night skies.	Outdoor lighting standards are provided.
Policy 21.1: Provide adequate land area designated for commercial and industrial use to promote affordability, creating entrepreneurialism and/or businesses relocation to Flathead County.	Additional commercial and light industrial land is proposed to help to implement this policy.
Policy 23.1: Manage land use and the transportation system as a unified and coordinated system to ensure one does not outpace the other.	This plan recommends frontage and backage roads, connected development, trail easements and recommends access control and speed limit review. MDT’s Systems Impact Review ensures impacts to the transportation system are addressed when development is proposed.
Policy 23.2: Limit private driveways from directly accessing arterials and collector roads to safe separation distances.	This will occur through MDT’s Systems Impact process as development is proposed. No new direct highway accesses are anticipated under MDT’s current policies. The plan recommends consolidating accesses and asking MDT to develop an access control plan.
Policy 24.3: Require development projects to design road systems that complement planned land uses and maintain mobility on arterial roads and highways.	Guidelines for interconnected, frontage and backage roads are included. Trail easements are recommended to be required as development occurs.
Policy 24.4: Require road easement dedications for identified areas of future connectivity as subdivision	Road easement dedication to adjoining commercial properties is recommended.

developments are proposed, to serve present and future needs of the county residents.	
Policy 25.2: Identify and prioritize areas for a predictable regional and interconnected bicycle path network and require pedestrian/bicycle easements on both sides of county roads. Encourage developments that aid and/or connect to this network.	Ped/bike easements are recommended in accordance with the growth policy Bike & Pedestrian Paths Network map as a condition of development approval.
Policy 49.1: Promote representation by county officials of those residents outside of the City of Whitefish, while giving consideration to both the interests of those residents as well as the growth needs of the City of Whitefish during county planning processes.	This plan is intended to address the needs and rights of landowners outside of Whitefish while respecting the interests and plans of the city and its residents.
Policy 49.2: Request comments from the City of Whitefish agencies on subdivision, zoning and other land use issues within 2 miles of city limits and give consideration to those comments during the county review process.	Participation by Whitefish officials is expected as part of the public review process. Consideration of comments to occur during the county review process.

Whitefish Growth Policy

Plan statement	How the Plan Statement is Addressed
Commercial growth: Commercial growth will continue to be discouraged by the City of Whitefish	The plan attempts to mitigate the impacts of commercial growth through an overlay zoning district that addresses landscaping and buffering, building design, signage, lighting and parking standards.
Scale: The existing modest scale of commercial and residential structures should be maintained. No “big box” retail or office buildings should be proposed.	The scale of development is limited by the current lack of public water and sewer and also by building size and height limitations.
Architectural standards: Any successful plan must include high standards of architectural design that is compatible with the wooded environs of the corridor.	Architectural design standards that are compatible with the wooded environs are included.
Landscaping/screening: The corridor plan must include standards for replacement of existing forest	Standards providing incentive to maintain forest stands and requiring landscaping and screening are included.

stands, on-site landscaping, and screening of parking and service areas.	
Utilities: Water and sewer service must be provided, or, the corridor plan should support no more development than can be served by well and septic systems without adversely affecting water quality or wells on neighboring properties.	The city does not plan to extend water or sewer at this time. All development will be served by wells and onsite wastewater systems in compliance with Montana Department of Environmental Quality standards to protect water quality.
Trip generation: With growing traffic volumes on Hwy 93 already, additional non-residential uses should not be of a nature that attracts large numbers of additional vehicle trips. The corridor plan must include a traffic impact and access analysis.	The plan addresses the impacts of potential additional traffic by recommending ways to improve traffic safety such as backage and frontage roads, access management, center medians and turn lanes, speed limit review and other measures. MDT’s Systems Impact review will determine what safety improvements are necessary when development is proposed. The plan includes an analysis of traffic impacts and access issues.
Traffic safety, circulation, and access: Traffic safety will be a major concern with any new growth in this corridor. The proliferation of access points can cause both safety and traffic access problems. An access and circulation component must be a product of the over-all corridor plan.	The plan recommends that Flathead County request MDT to conduct an access management study and recommends shared/consolidated approaches, frontage and backage roads and other measures to ameliorate safety concerns.
Bike/pedestrian facilities: Bicycle and pedestrian ways must be provided within the corridor itself, and should link to the existing commercial areas north of Hwy 40.	Requirements for trail easements are included. Easements are recommended to be required as a condition of development approval.

APPENDIX B

B-2A Secondary Business

BSD Business Service District

SAG-5 Suburban Agricultural

SECTION 3.46 B-2A SECONDARY BUSINESS

3.46.010 Definition:

The B-2A district is intended to be, as nearly as possible, compatible with the zoning ordinance of the City of Whitefish and to provide for those retail sales and services the operations of which are typically characterized by the need for large display or parking areas, large storage areas and by outdoor commercial amusement or recreational activities. This district depends on proximity to the City of Whitefish, highways or arterial streets and may be located in business corridors or islands.

3.46.020 Permitted Uses (B-2A):

1. Antique, gift and card retail sales and auction barn.
2. Automobile (new and used) and accessory sales.
3. Automobile repair shop.
4. Automobile service station.
5. Beauty Salon and Barbershop.
6. Bed and breakfast establishment.
7. Boat and RV sales, new and used.
8. Boat and RV repair shop
9. Bowling alley.
10. Bus depot.
11. Churches and other places of worship.
12. Clinic, medical and dental.
13. Commercial caretaker's facility in a detached accessory building in conjunction with a business.
14. Convenience store.
15. Daycare centers (13 or more individuals).
16. Dwelling, single family.
17. Feed, seed and farm supply.
18. Financial institution.
19. Food store, supermarket, and delicatessen.
20. Frozen food lockers, not including slaughtering.
21. Funeral Home and crematorium.
22. Furniture and floor covering store.
23. Heavy equipment sales, rental and service.
24. Hospitals, and associated related nursing homes, retirement homes, congregate housing and personal care facilities in a campus setting.
25. Hotel and motel (including restaurants, lounges or bars integral to the facilities).
26. Household appliance and electronics store.
27. Laundromat or dry cleaner.
28. Lumber yard, building supply.
29. Military surplus store.
30. Pack-n-ship.
31. Professional offices.
32. Public building.
33. Recreational facility, high impact.
34. Recreational facility, low impact.
35. Restaurant.
36. Small animal veterinarian clinic (no outside activity).

- 37. Theater.
- 38. Wholesale trade and warehousing.

3.46.030 Conditional Uses (B-2A):

- 1. Accessory Apartment.
- 2. Amusement park or zoo.
- 3. Animal hospital.
- 4. Any new building greater than 15,000 square feet, existing buildings where an addition would cause the total footprint to be 15,000 square feet or greater, and additions to buildings where the footprint already is 15,000 square feet or greater.
- 5. Bar, lounge and tavern.
- 6. College, business school, trade school, music conservatory, dance school.
- 7. Community residential facility (See Chapter V- Performance Standards and Chapter VII- Definitions).**
- 8. Light assembly and manufacturing.
- 9. Manufactured home park.
- 10. Microbrewery.
- 11. Mini-storage, RV storage.
- 12. Recreational vehicle park.
- 13. Truck stop.

** Administrative Conditional Use Permit, 8 or fewer.

3.46.040 Bulk and Dimensional Requirements (B-2A):

- 1. Minimum Lot Area: Not Applicable.
- 2. Minimum Lot Width: Not Applicable.
- 3. Setbacks:
 - A. Minimum Yard Requirements for Structures:
 - Front: 20 feet.
 - Side:* 0 feet each.
 - Side Corner: 20 feet.
 - Rear:* 0 feet.
 - * 20 foot setback when abutting a residential district.
 - B. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.
 - C. Increase yard requirements as follows when property fronts:
 - MDT Maintained/County collector road:* 10 feet.
- 4. Maximum Height: 35 feet.
- 5. Permitted Lot Coverage: Not Applicable.
- 6. Maximum Fence Height:
 - Front: 4 feet.
 - Side: 6 feet.

Rear: 6 feet.

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

SECTION 3.49 BSD BUSINESS SERVICE DISTRICT

3.49.010 Definition:

The business service district is intended to be, as nearly as possible, compatible with the zoning ordinance of the City of Whitefish and to create defined areas that are appropriate for nonretail limited commercial services and light industrial uses in proximity to the City of Whitefish. Typical uses would be light manufacturing and component assembly, office/warehouse showrooms, contractors, wholesale trades, and other nonretail commercial services of a destination nature. The grouping of uses shall be incorporated in order to develop as an island rather than as a strip. Landscaping will be extensive with good quality and effective screening and buffering.

3.49.015 Acceptance of an application for BSD zoning will be contingent upon a site plan, vicinity map and building concepts for the area requested being submitted for review. The site plan, vicinity map and building concepts will address each of the following:

1. The site plan shall include all buildings, structures, parking, driveways, sidewalks, utilities, drainage, landscaping and signage.
2. The site plan shall demonstrate conformance with the zoning regulations and other applicable county regulations. All projects constructed in accordance with an approved site plan shall be permanently maintained as approved.
3. The vicinity map shall include surrounding parcels, buildings, structures, circulation systems and major physical features.
4. Shared driveway access or frontage roads (whether public or private) are required where possible to provide a cohesive internal circulation pattern and to limit access onto arterials and collectors when development contains multiple commercial uses.

3.49.017 Implementation of Site Plan and Vicinity Map:

1. Once the site plan and vicinity map have been adopted, they shall be considered zoning and shall serve as the guidelines for the development.
2. Prior to any site development, a detailed site plan shall be submitted to the zoning administrator to demonstrate compliance with the approved site plan and vicinity map. Any desired subsequent changes shall be submitted for approval as an amendment to the site plan.
3. Minor deviations to the site plan shall be allowed which do not involve more than ten percent (10%) of the building site for a single building. This would include, but is not limited to, the location and/or expansion of the building, parking lot location, signage, number of parking spaces and landscaping. Minor deviations to the site plan shall be reviewed and approved by the zoning administrator.
4. Substantial modifications to the site plan will be required to be reviewed and approved by the County Commissioners. Substantial changes would include, but not be limited to, an increase in the number of buildings, major changes in

access or circulation, an increase in building size by more than ten percent (10%), major changes to signage and major changes to landscaping design and location.

3.49.020

Permitted Uses (BSD):

1. Agricultural/horticultural/silvicultural use.
2. Ancillary retail or showrooms, less than fifty (50%) percent of the gross floor area of each individual lease space or tenant
3. Animal hospital, veterinary clinic.
4. Contractors' storage yard and building supply outlet.
5. Dance, drama, and music school.
6. Dwelling, single family.
7. Farm equipment sales.
8. Feed, seed and farm supply, including grain elevators.
9. Home occupation (See Chapter V – Performance Standards and Chapter VII – Definitions).
10. Homeowners park.
11. Light assembly and manufacturing, fabrication, including light food manufacturing and processing, repairing, packing or storage facilities in enclosed buildings, provided that such uses do not produce objectionable impacts beyond the lot lines and do not involve materials that are explosive, hazardous or toxic.
12. Livestock.
13. Nursery, landscaping materials.
14. Parcel delivery service.
15. Park and publicly owned recreational facility.
16. Personal services with incidental retail sales.
17. Print and copy shop.
18. Produce stand.
19. Professional offices.
20. Public utility service installation (A minimum of five feet of landscaped area shall surround such building or structure).
21. Repair of equipment and consumer items such as appliances, clocks and watches, lawn and garden equipment, computers, televisions, shoes, furniture, and small engines, (no outdoor storage permitted).
22. Riding academy, rodeo arena.
23. Small equipment sales, rental and repair conducted indoors, (no outdoor storage permitted).
24. Stable, public and private.
25. Wholesale trade and warehousing, including offices and showrooms.

3.49.030

Conditional Uses (BSD):

1. Accessory apartments.
2. Ancillary retail or showrooms, more than fifty (50%) percent of the gross floor area of each individual lease space or tenant.
3. Churches and other place of worship.
4. College, business school, trade school.
5. Commercial caretaker's facility in a detached accessory building in conjunction with a business.*
6. Convention hall facility.

7. Day care center.
8. Kennel.
9. Mini-storage.
10. Research laboratory and institution.
11. When not shown on the initial site plan required for zoning or rezoning properties, all new structures with a gross floor area of ten thousand (10,000) square feet or greater, existing structures where an addition causes the total floor area to be ten thousand (10,000) square feet or greater, and additions to structures where the total floor area already is ten thousand (10,000) square feet or greater.

* Administrative Conditional Use Permit (See Section 2.06.045)

3.49.040

Bulk and Dimensional Requirements (BSD):

1. Minimum District Area: 5 acre.
2. Minimum Lot Area: 1 acre.
3. Minimum Lot Width: 125 feet.
4. Setbacks:
 - A. Minimum Yard Requirements for Structures:

Front:	30 feet.
Side:	10 feet each.
Side Corner:	30 feet.
Rear:	15 feet.
 - B. When a property abuts the following features, the abutting setback shall be increased to the following:

Agricultural – use or zone:	30 feet.
Residential – use or zone:	30 feet.
Stream – high water mark:	20 feet.
5. Maximum Height:

Principal Structures:	35 feet.
Accessory Structures:	24 feet.
6. Permitted Lot Coverage: 40%.
7. Maximum Fence Height:

Front:	4 feet.
Side:	6 feet.
Rear:	6 feet.
8. Off-Street Parking: See Chapter VI – Parking and Loading.

3.49.050

Additional Design Standards (BSD):

1. One commercial use permitted per gross acre. Multiple commercial uses should cluster development to include both shared parking areas and internal road access. Buildings shall be grouped into localized areas and shall not be developed in a linear fashion.
2. Clustering:
 - A. Clustering of uses includes incorporation of common shared areas such as courtyards to create central nodes of business/development as opposed to linear development.
 - B. Clustering should include shared access, parking, landscaping, with the overall development designed to protect surrounding properties from adverse impacts.
 - C. For the purpose of clustering, the site will be developed as one lot. Property setbacks for commercial uses shall not apply except for separation from residential uses. This allows for cohesive development on multiple properties developed in conjunction with an overall development theme or business park plan.
3. Landscaping:
 - A. Landscape design shall be in accordance with the concept of a business park. A combination of landscape materials should be arranged in a harmonious manner as an integral part of the project design to enhance building design, public view and interior spaces and provide buffers and transitions, as appropriate.
 - B. Landscaping shall comply with Section 5.05 and parking lot landscaping shall comply with Section 6.13.010(2).
 - C. Exposed utilities, storage areas, machinery, installations, service and loading areas and similar accessory areas and structures shall be set back to the primary structure requirements or screened to minimize the loss of views, privacy and the general aesthetic value of surroundings.
4. Signage:

A combination of natural materials and colors should be arranged in a harmonious manner that complements the overall design of the site and does not create visual clutter, distractions for passing motorists or the obstruction of important architectural or landscaping features.

SECTION 3.08 SAG-5 SUBURBAN AGRICULTURAL**3.08.010 Definition.**

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

3.08.020 Permitted Uses (SAG-5).

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

3.08.030 Conditional Uses (SAG-5).

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

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

*Administrative Conditional Use Permit (See Section 2.06.045)

**Administrative Conditional Use Permit, eight or fewer.

3.08.040

Bulk and Dimensional Requirements (SAG-5).

1. Minimum Lot Area: 5 acres.
2. Minimum Lot Width: No parcel or lot shall have an average depth greater than three times its average width unless the average lot width is more than 300 feet.

Cul-de-Sacs: 60 feet.

3. Setbacks:
 - A. Minimum Yard Requirements for Principal Structure:

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

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

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

** For non-conforming properties with lots with average widths of less than 200 feet, the side corner setback shall be 15 feet.
 - C. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.
 - D. Increase yard requirements as follows when property fronts: **

County Road:*	20 feet.
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* Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan.

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

4. Maximum Height: 35 feet.
5. Permitted Lot Coverage: 25% (Residential Uses).
6. Maximum Fence Height (Residential Uses):
 - Front: 6 feet.
 - Side: 6 feet.
 - Rear: 6 feet.
7. Off-Street Parking: See Chapter VI – Parking and Loading.