



ZONING ORDINANCE

Adopted by the Kalispell City Council
Ordinance No. 1677
Date: July 19, 2010

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\$15.00

KALISPELL ZONING ORDINANCE

Ordinance No.
1677

Adopted:
7/10/10

Amended:

1702	Amend Section 27.20.202(d) clarifying accessory structure size limit; Amend Section 27.22.050 temporary signs in public right-of-way; Section 27.22.070 light intensity of electronic reader boards; and Section 27.29.020 update zoning map amendments to reflect current state law.	11/7/11
1712	Amend Section 27.12.030 to add “kennels, animal shelters” as admin conditional use in B-2; Amend definition of “dwelling, townhouse”; and amend definition of “automobile sales and/or repair”.	3/19/12
1715	Amend Section 27.22:040 to allow certain changes to existing reader boards to be considered routine maintenance rather than an alteration of the sign.	8/20/12
1720	Amend various sections to change government uses from conditionally permitted to permitted uses.	1/22/13
1722	Amend section 27.34.040(3) to increase the maximum percentage of floor area allowed for casinos as a minor accessory use to 20%.	3/18/13
1743	Amend section 27.12.020 (23) Retail, limited to include office supply and amend Appendix B, Table of Uses Allowed by Zone Footnotes #5 to include office supply.	9/15/14
1744	Amendments to various sections.	10/6/14
1763	Amend section 27.24.040(6) b.3 Special Parking Maintenance District No. 2	11/16/15
1764	Amend section 27.34.040 Casinos	11/16/15
1768	Add Chapter 27.14A – B-3 Core Area –Business Zoning District	3/21/15
1771	Amendments to various sections.	6/6/16

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**CHAPTER 27.01
GENERAL PROVISIONS**

Sections:

- 27.01.010: Title.** This title and all chapters herein shall be known and cited as the “City of Kalispell Zoning Ordinance” in accordance with and exercising the authority of the laws of the State of Montana, 76-2-301, M.C.A.
- 27.01.020: Severability.** Where any word, phrase, clause, sentence, paragraph, or section, or other part of these regulations is held invalid by a court of competent jurisdiction, such judgment shall affect only that part held invalid.
- 27.01.030 Repealing Clause.** Ordinance Number 1460 of the City of Kalispell, Montana, and all parts or portions of other ordinances in conflict herewith, are hereby repealed.
- 27.01.040 Purpose.** The purpose of this ordinance is to promote the health, safety and general welfare of the community; to promote the visual and aesthetic objectives of the community; to conserve energy and natural resources; to lessen congestion in the streets and to provide adequate accommodations for transportation of people and goods; to provide adequate light and air; to promote the efficient use of land; to facilitate the provision of transportation, water, sewer, schools, parks, stormwater management, other public requirements and environmental needs; to promote orderly development according to the Kalispell Growth Policy and other adopted city land use and facilities policies; to secure safety from fire, panic, and other dangers; to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards and other open spaces, and the location and use of buildings, structures and land for trade, industry, residences and/or other purposes.

CHAPTER 27.02
ESTABLISHMENT OF DISTRICTS

Sections:

27.02.010: Official Zoning Map. The city is hereby divided into zones or districts, as shown on the official zoning map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter. Within such districts, the city will regulate and restrict the creation, construction, reconstruction, alteration, repair, or use of buildings, structures, or land.

For the purpose of this chapter, the city is hereby divided and classified into the following use districts:

- (1) R-1: Residential
- (2) R-2: Residential
- (3) R-3: Residential
- (4) R-4: Residential
- (5) R-5: Residential/Professional Office
- (6) RA-1: Residential Apartment
- (7) RA-2: Residential Apartment/Office
- (8) RA-3: Combined with RA-2 under July, 2010, amendment
- (9) H-1: Health Care
- (10) B-1: Neighborhood Business
- (11) B-2: General Business
- (12) B-3: Core Area - Business
- (13) B-4: Central Business
- (14) B-5: Industrial Business
- (15) I-1: Light Industrial
- (16) I-2: Heavy Industrial
- (17) P-1: Public
- (18) PUD: Planned Unit Development Overlays

The official zoning map, including any changes made pursuant to this ordinance, shall be maintained by and available in the office of the Zoning Administrator and is also available on-line at the City's website. The official zoning map shall be the final authority as to the current zoning status of land and water area, buildings and other structures in the city.

27.02.020: Interpretations of Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the boundaries shall be interpreted as following the nearest logical line to that shown:

- (1) Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines;
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- (3) Boundaries indicated as approximately following city limits shall be construed as following such city limits;
- (4) Boundaries indicated as approximately following railroad lines shall be construed as following such railroad lines;
- (5) Boundaries indicated as approximately following the centerline of streams, rivers, canals, or ditches shall be construed as following such centerlines;
- (6) Boundaries indicated as parallel to or extensions of features indicated on the official zoning map shall be determined by the scale on the map;
- (7) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or where other circumstances or controversy arise over district boundaries, the Zoning Administrator shall interpret the district boundary; and
- (8) Where property abuts an unzoned public or private right-of-way, the zoning designation of the property adjoining the right-of-way shall be deemed to extend to the centerline of the right-of-way, or, if the property on the opposite side of the right-of-way is not within the city limits, the zoning designation shall extend to the opposite side of the right-of-way.

27.02.030: Interpretation of Uses. If questions arise concerning the appropriate classification of a particular use, or if the specific use is not listed, the Zoning Administrator shall determine the appropriate classification for that use. In interpreting use classification, the Zoning Administrator shall determine the listed, use, if any, which is so like the requested use in purpose, function, character, and effect as to be substantially similar to said listed use. Neither the intent of this ordinance nor the intent of the district will be abrogated by such classification. Appeal of the interpretation may be made pursuant to Chapter 27.31.

CHAPTER 27.03
APPLICATION OF DISTRICT REGULATIONS

Sections:

27.03.010: Application of District Regulations. Except as otherwise provided herein, the regulations set by this chapter and Chapters 27.04 through 27.19 shall be the minimum regulations and all regulations as categorized shall apply uniformly to each class or kind of structure or land and particularly:

- (1) No building, structure or land shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless it is in conformity with all of the regulations herein specified for the district in which it is located and a building permit, if necessary, has been issued.
- (2) No part of any yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building except as otherwise provided for shared parking as set forth by Section 27.24.040(3)(a).
- (3) No yard or lot existing at the time of adoption of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.
- (4) The Kalispell City Council shall determine the appropriate zoning for any and all areas to be annexed to the city but shall request a recommendation from the Kalispell City Planning Board and Zoning Commission. The adopted Kalispell Growth Policy and relevant legal precedent shall be the primary considerations in the selection of an appropriate zoning classification. When such zoning of annexed territory is to be effective at the time of such annexation, the Planning Board shall have held a public hearing in order that the City Council may determine the proper zoning.
- (5) The following shall be an exception to the required lot areas as set out in Chapters 27.04 through 27.19:
 - (a) Lots which are non-conforming in respect to lot area requirements.

- (b) Sublots are not subject to the area, yard, or other dimensional requirements of this ordinance, but the parent tract shall be subject to the property development standards of each zoning district and the density requirements set forth in this ordinance.
- (6) Any building permit or other authorization issued, granted or approved in violation of the provisions of this ordinance shall be null and void and of no effect without the necessity of any proceedings for a revocation or nullification thereof. Any work undertaken or use established pursuant to any void building permit or other authorization shall be unlawful and no action may be taken by any officer or any employee of the city purporting to validate any such violation.
- (7) Multiple contiguous lots held in common ownership may obtain a written zoning lot determination by the Zoning Administrator. The purpose of the zoning lot determination is to recognize the exterior boundaries of the combined lots as a single tract of land for zoning purposes, including the application of the area, dimensional, and setback requirements of the zoning ordinance. Any modification of the interior lot lines pursuant to a boundary line adjustment, amended plat or other instrument, other than the elimination of the interior lot lines, shall void the written zoning lot determination.
- (8) No use of land shall be permitted or conditionally permitted within the City of Kalispell that is in violation of federal, state, or local law.

CHAPTER 27.04
R-1 RESIDENTIAL

Sections:

27.04.010: Intent. A transitional district intended to provide for estate-type residential development and for the performance of limited agricultural activities. This district would normally be located in transitional areas on the fringes of the city and serve as a buffer between urban and rural/agricultural uses. Lots within this zoning district may have city municipal water and/or sewer. This zoning district would typically be found in areas designated as suburban residential on the Kalispell Growth Policy Future Land Use Map.

27.04.020: Permitted Uses.

- (1) Agricultural and horticultural uses
- (2) Day care – home (12 or fewer)
- (3) Dwelling - single family
- (4) Fairgrounds (public)
- (5) Home occupations (refer to Section 27.20.060)
- (6) Jail Facilities (public)
- (7) Parks
- (8) Police and fire stations
- (9) Safe houses
- (10) Schools – K-12 (public)
 - post secondary (public)

27.04.030: Uses Which May Be Permitted By Conditional Use Permit.

- (1) Bed and breakfast
- (2) Cemeteries, mausoleums and columbariums
- (3) Church
- (4) Community center
- (5) Day care – center (13 or more)
- (6) Golf courses
- (7) Greenhouses, nursery, landscaping materials
- (8) Group home - 8 or fewer
- (9) Guest house
- (10) Monument manufacture and sales
- (12) Residential care home or facility
- (13) Schools - K-12 (private)
 - post secondary (private)
- (14) Shooting and archery - indoor
 - outdoor (archery only)
- (15) Utilities (primary distribution site)

27.04.040: Property Development Standards.

- (1) Minimum Lot Area (sq ft): 20,000
- (2) Minimum Lot Width (ft): 100
- (3) Minimum Setbacks (ft):
 - Front Yard - 20
 - Side Yard - 20
 - Rear Yard - 20
 - Side Corner - 20
 - Attached Garage (Front/Side Corner) - 20
 - Accessory Structures – See Section 27.20.020
- (4) Maximum Building Height (ft): 35
- (5) Permitted Lot Coverage (%): 35
- (6) Off-Street Parking (refer to Chapter 27.24)
- (7) Fences (refer to Section 27.20.040)
 - Maximum Height (ft):
 - Front - 4
 - Rear - 6.5
 - Side - 6.5
 - Side Corner - 6.5
- (8) Signs (refer to Chapter 27.22)

**CHAPTER 27.05
R-2 RESIDENTIAL**

Sections:

27.05.010: Intent. A district intended to provide adequate lot areas for lower density residential development; should have good thoroughfare access, and be in proximity to community and neighborhood facilities, i.e., schools, parks, shopping areas, etc. This development will normally require all public utilities. This zoning district would typically be found in areas designated as suburban residential on the Kalispell Growth Policy Future Land Use Map.

27.05.020: Permitted Uses.

- (1) Day care – home (12 or fewer)
- (2) Dwelling - single family
- (3) Fairgrounds (public)
- (4) Home occupations (refer to Section 27.20.060)
- (5) Jail Facilities (public)
- (6) Parks
- (7) Police and fire stations
- (8) Safe houses
- (9) Schools – K-12 (public)
- post secondary (public)

27.05.030: Uses Which May Be Permitted By Conditional Use Permit.

- (1) Bed and breakfast
- (2) Church
- (3) Community center
- (4) Day care – center (13 or more)
- (5) Dwelling - townhouse (2 attached units)
- townhouse (3 or more attached units)
- (6) Golf courses
- (7) Group home - 8 or fewer
- (8) Residential care home or facility
- (9) Schools – K-12
- post-secondary
- (10) Schools – K-12 (private)
- post secondary (private)
- (11) Utilities (primary distribution site)

27.05.040: Property Development Standards.

- (1) Minimum Lot Area (sq ft): 10,000
- (2) Minimum Lot Width (ft): 70
- (3) Minimum Setbacks (ft):
 - Front Yard - 20
 - Side Yard - 10
 - Rear Yard - 20
 - Side Corner - 20
 - Attached Garage (Front/Side Corner) - 20
 - Accessory Structures – See Section 27.20.020
- (4) Maximum Building Height (ft): 35
- (5) Permitted Lot Coverage: 35 %
- (6) Off-Street Parking (refer to Chapter 27.24)
- (7) Fences (refer to Section 27.20.040)
 - Maximum Fence Heights (ft):
 - Front Yard - 4
 - Side Yard - 6.5
 - Rear Yard - 6.5
 - Side Corner - 6.5
- (8) Signs (refer to Chapter 27.22)

**CHAPTER 27.06
R-3 RESIDENTIAL**

Sections:

27.06.010: Intent. A district intended to provide lot areas for urban residential development. This district should have good thoroughfare access, and be in proximity to community and neighborhood facilities, i.e., schools, parks, shopping areas, etc. Development within this district must be served by all public utilities. This zoning district would typically be found in areas designated as suburban residential or urban residential on the Kalispell Growth Policy Future Land Use Map.

27.06.020: Permitted Uses.

- (1) Day care - home (12 or fewer)
- (2) Dwelling - single family
- (3) Fairgrounds (public)
- (4) Home Occupations (Refer to Section 27.20.060)
- (5) Jail Facilities (public)
- (6) Parks
- (7) Police and fire stations
- (8) Safe houses
- (9) Schools – K-12 (public)
- post secondary (public)

27.06.030: Uses Which May Be Permitted By Conditional Use Permit.

- (1) Bed and breakfast
- (2) Church
- (3) Community center
- (4) Day care – center (13 or more)
- (5) Dwelling - townhouse (2 attached units)
- townhouse (3 or more attached units)
- (6) Golf courses
- (7) Group home - 8 or fewer
- (8) Residential care home or facility
- (9) Schools - K-12 (private)
- post secondary (private)
- (10) Utilities (primary distribution site)

27.06.040: Property Development Standards.

- (1) Minimum Lot Area (sq ft): 6,000
- (2) Minimum Lot Width (ft): 50
- (3) Minimum Setbacks (ft):
 - Front Yard - 15
 - Side Yard - 5
 - Rear Yard - 10
 - Side Corner - 15
 - Attached Garage (Front/Side Corner) - 20
 - Accessory Structures – See Section 27.20.020
- (4) Maximum Building Height (ft): 35
- (5) Permitted Lot Coverage (%): 45
- (6) Off-Street Parking (refer to Chapter 27.24)
- (7) Fences (refer to Section 27.20.040)
 - Maximum Heights (ft):
 - Front - 4
 - Side - 6.5
 - Rear - 6.5
 - Side Corner - 6.5
- (8) Signs (refer to Chapter 27.22)

**CHAPTER 27.07
R-4 RESIDENTIAL**

Sections:

27.07.010: Intent. This district is comprised of primarily single-family and duplex dwellings. Development within the district will require all public utilities, and all community facilities. This zoning district would typically be found in areas designated as urban residential on the Kalispell Growth Policy Future Land Use Map.

27.07.020: Permitted Uses.

- (1) Day care - home (12 or fewer)
- (2) Dwelling - single family
 - duplex
 - townhouse (2 attached units)
- (3) Fairgrounds (public)
- (4) Home Occupations (refer to Section 27.20.060)
- (5) Jail Facilities (public)
- (6) Parks
- (7) Police and fire stations
- (8) Safe houses
- (9) Schools – K-12 (public)
 - post secondary (public)

27.07.030: Uses Which May Be Permitted By Conditional Use Permit.

- (1) Bed and breakfast
- (2) Church
- (3) Community center
- (4) Day care - center (13 or more)
- (5) Dwelling - townhouse (3 or more attached units)
- (6) Golf courses
- (7) Group home - 8 or fewer
- (8) Mobile home park
- (9) Residential care home or facility.
- (10) Schools - K-12 (private)
 - post secondary (private)
- (11) Utilities (primary distribution site)

27.07.040: Property Development Standards.

- (1) Minimum Lot Area (sq ft): 6000
- (2) Minimum Lot Width (ft): 50
- (3) Minimum Setbacks (ft):
 - Front Yard - 15
 - Side Yard - 5
 - Rear Yard - 10
 - Side Corner - 15
 - Attached Garage (Front/Side Corner) - 20
 - Accessory Structures – See Section 27.20.020
- (4) Maximum Building Height (ft): 35
- (5) Permitted Lot Coverage (%): 45
- (6) Off-Street Parking (refer to Chapter 27.24)
- (7) Fences (refer to Section 27.20.040)
 - Maximum Heights (ft):
 - Front - 4
 - Side - 6.5
 - Rear - 6.5
 - Side Corner - 6.5
- (8) Signs (refer to Chapter 27.22)

CHAPTER 27.08
R-5 RESIDENTIAL / PROFESSIONAL OFFICE

Sections:

27.08.010: Intent. An urban residential district intended to accommodate professional offices where it is not deemed desirable to permit a more intensive business activity of a retail nature. Such a district should serve as a buffer between residential areas and other commercial districts and should be associated with arterial or minor arterial streets. This zoning district would typically be found in areas designated as urban mixed use on the Kalispell Growth Policy Future Land Use Map.

27.08.020: Permitted Uses.

- (1) Church
- (2) Day care – home (12 or fewer)
- (3) Dwelling - single family
 - duplex
 - townhouse (2 attached units)
- (4) Fairgrounds (public)
- (5) Funeral homes and crematoriums
- (6) Home occupations (refer to Section 27.20.060)
- (7) Jail Facilities (public)
- (8) Office - professional/governmental
- (9) Parks
- (10) Photographic studio (no retail)
- (11) Police and fire stations
- (12) Safe houses
- (13) Schools – K-12 (public)
 - post secondary (public)

27.08.030: Uses Which May Be Permitted By Conditional Use Permit.

- (1) Bed and breakfast
- (2) Community center
- (3) Day care – center (13 or more)
- (4) Dwelling - townhouse (3 or more attached units)
- (5) Golf courses
- (6) Group home - 8 or fewer
- (7) Residential care home or facility
- (8) Schools - K-12 (private)
 - post secondary (private)
 - commercial
- (9) Utilities (primary distribution site)

27.08.040: Property Development Standards.

- (1) Minimum Lot Area (sq ft): 6,000
- (2) Minimum Lot Width (ft): 50
- (3) Minimum Setbacks (ft):
 - Front Yard - 15
 - Side Yard - 5
 - Rear Yard - 10
 - Side Corner - 15
 - Attached Garage (Front/Side Corner) - 20
 - Accessory Structures – See Section 27.20.020
- (4) Maximum Building Height (ft): 35
- (5) Permitted Lot Coverage (%): 50
- (6) Off-Street Parking (refer to Chapter 27.24)
- (7) Fences (refer to Section 27.20.040)
 - Maximum Heights (ft):
 - Front - 4
 - Side - 6.5
 - Rear - 6.5
 - Side Corner - 6.5
- (8) Signs (refer to Chapter 27.22)

CHAPTER 27.09
RA-1 RESIDENTIAL APARTMENT

Sections:

27.09.010: Intent. A residential district intended to provide for urban areas for multi-family use and compatible non-residential uses of medium land use intensity. It should be served with all public utilities and be in close proximity to municipal services, parks, or shopping districts. This zoning district would typically be found in areas designated as urban residential or high density residential on the Kalispell Growth Policy Future Land Use Map.

27.09.020: Permitted Uses.

- (1) Church
- (2) Day care – home (12 or fewer)
- (3) Dwelling - single family
 - duplex
 - townhouse (2 attached units)
- (4) Fairgrounds (public)
- (5) Home occupations (Refer to Section 27.20.060)
- (6) Jail Facilities (public)
- (7) Parks
- (8) Police and fire stations
- (9) Safe houses
- (10) Schools – K-12 (public)
 - post secondary (public)

27.09.030: Uses Which May Be Permitted By Conditional Use Permit.

- (1) Bed and breakfast
- (2) Community center
- (3) Day care - center (13 or more)
- (4) Dwelling - townhouse (3 or more attached units)
 - multi-family
- (5) Golf courses
- (6) Group home - 8 or fewer persons
 - 9 or more persons
- (7) Homeless shelters
- (8) Residential care home or facility
- (9) Schools - K-12 (private)
 - post secondary (private)
 - commercial
- (10) Utilities (primary distribution site)

27.09.040: Property Development Standards.

- (1) Minimum Lot Area (sq ft): 6000 + 3000 for each additional unit beyond duplex.
- (2) Minimum Lot Width (ft): 50
- (3) Minimum Setbacks (ft):
 - Front Yard - 15
 - Side Yard - 5
 - Rear Yard - 10
 - Side Corner - 15
 - Attached Garage (Front/Side Corner) - 20
 - Accessory Structures – See Section 27.20.020
- (4) Maximum Building Height (ft): 40
- (5) Permitted Lot Coverage (%): 45
- (6) Off-Street Parking (refer to Chapter 27.24)
- (7) Fences (refer to Section 27.20.040)
 - Maximum Heights (ft):
 - Front - 4
 - Side - 6.5
 - Rear - 6.5
 - Side Corner - 6.5
- (8) Signs (refer to Chapter 27.22)

CHAPTER 27.10
RA-2 RESIDENTIAL APARTMENT/OFFICE

Sections:

27.10.010: Intent. A district to provide areas for residential development including multi-family housing and compatible non-residential uses of high land use intensity. This district would typically serve as a buffer zone between other commercial districts and adjacent residential areas. The location of this district depends on proximity to major streets, arterials, and business districts. This district shall be located within or adjacent to business corridors, shopping islands or the Central Business District. This zoning district would typically be found in areas designated as urban mixed use, high density residential and commercial on the Kalispell Growth Policy Future Land Use Map.

27.10.020: Permitted Uses.

- (1) Barber and beauty services
- (2) Catering establishments
- (3) Church
- (4) Day care - home (12 or fewer)
- (5) Dwelling - single family
 - duplex
 - townhouse (2 attached units)
- (6) Fairgrounds (public)
- (7) Funeral homes and crematoriums
- (8) Home occupations (refer to Section 27.20.060)
- (9) Jail Facilities (public)
- (10) Laundromats or dry cleaners
- (11) Office - professional/governmental
- (12) Parks
- (13) Police and fire stations
- (14) Safe houses
- (15) Schools – K-12 (public)
 - post secondary (public)

27.10.030: Uses Which May Be Permitted By Conditional Use Permit.

- (1) Bed and breakfast
- (2) Banks and financial institutions
- (3) Community center
- (4) Day care - center (13 or more)
- (5) Dwelling - townhouse (3 or more attached units)
 - multi-family
- (6) Golf courses
- (7) Group home - 8 or fewer persons

- 9 or more persons

- (8) Homeless Shelters
- (9) Libraries, museums and similar cultural facilities (Administrative CUP)
- (10) Office – medical with limited overnight stay
- (11) Residential care home or facility
- (12) Schools - K-12 (private)
 - post secondary (private)
 - commercial
- (13) Utilities (primary distribution site)

27.10.040: Property Development Standards.

- (1) Minimum Lot Area (sq ft): 6000 + 1500 for each additional unit beyond duplex.
- (2) Minimum Lot Width (ft): 50
- (3) Minimum Setbacks (ft):
 - Front Yard - 15
 - Side Yard - 5
 - Rear Yard - 10
 - Side Corner - 15
 - Attached Garage (Front/Side Corner) - 20
 - Accessory Structures – See Section 27.20.020
- (4) Maximum Building Height (ft): 40
- (5) Permitted Lot Coverage (%): 50
- (6) Off-Street Parking (refer to Chapter 27.24)
- (7) Fences (refer to Section 27.20.040)
 - Maximum Heights (ft):
 - Front - 4
 - Side - 6.5
 - Rear - 6.5
 - Side Corner - 6.5
- (8) Signs (refer to Chapter 27.22)

27.10.050: Consolidation with RA-3 (Residential Apartment/Office).

Under the July, 2010, adopted version of the zoning ordinance, the RA-2 (High Density Residential Apartment) and the RA-3 (Residential Apartment/Office) zones were consolidated.

**CHAPTER 27.11
H-1 HEALTH CARE**

Sections:

27.11.010: Intent. A zoning district intended to provide hospitals and medical facilities and supportive services for the care of the sick, elderly and distraught. This zone is not intended to serve the general retail or overnight accommodation needs of the general public. This zoning district would typically be found in areas designated as urban mixed use on the Kalispell Growth Policy Future Land Use Map.

27.11.020: Permitted Uses.

- (1) Aircraft hangers
- (2) Automobile parking - surface
- (3) Barber and beauty services
- (4) Church
- (5) Day care – home (12 or fewer)
- (6) Dwelling - single family
 - duplex
 - townhouse (2 attached units)
- (7) Fairgrounds (public)
- (8) Funeral homes and crematoriums
- (9) Home occupations (refer to Section 27.20.060)
- (10) Jail Facilities (public)
- (11) Laboratories, tech research, development and testing
- (12) Office - professional/governmental
 - medical with limited overnight stay
- (13) Parks
- (14) Police and fire stations
- (15) Restaurants
- (16) Retail, limited:
 - book stores
 - florist
 - medical supplies and equipment
 - opticians
 - pharmacy
 - similar uses
- (17) Safe houses
- (18) Schools – K-12 (public)
 - post secondary (public)

27.11.030: Uses Which May Be Permitted By Conditional Use Permit.

- (1) Airports and heliports

- (2) Athletic club
- (3) Auto parking - structure
- (4) Bed and breakfast
- (5) Campground/RV parks
- (6) Community center
- (7) Day care - center (13 or more) (Administrative CUP)
- (8) Dwelling - townhouse (3 or more attached units)
 - multi-family
- (9) Group home - 8 or fewer persons
 - 9 or more persons
- (10) Homeless shelters
- (11) Hospital (including treatment centers and 24 hour care facilities)
- (12) Residential care home or facility
- (13) Schools - K-12 (private)
 - post secondary (private)
 - commercial
- (14) Utilities (primary distribution site)

27.11.040: Property Development Standards.

- (1) Minimum Lot Area (sq ft): 7000 + 1,500 for each additional unit beyond a duplex.
- (2) Minimum Lot Width (ft): 70
- (3) Minimum Setbacks (ft):
 - Front Yard - 15
 - Side Yard - 5
 - Rear Yard - 10
 - Side Corner - 15
 - Attached Garage (Front/Side Corner) - 20
 - Accessory Structures – See Section 27.20.020
- (4) Maximum Building Height (ft) - 60 (unlimited with Conditional Use Permit)
- (5) Permitted Lot Coverage (%): 45
- (6) Off-Street Parking (refer to Chapter 27.24)
- (7) Fences (refer to Section 27.20.040)
 - Maximum Heights (ft):
 - Front - 4
 - Side - 6.5
 - Rear - 6.5
 - Side corner - 6.5
- (8) Signs (refer to Chapter 27.22)

CHAPTER 27.12
B-1 NEIGHBORHOOD BUSINESS

Sections:

27.12.010: Intent. A business district intended to provide certain commercial and professional office uses where such uses are compatible with the adjacent residential areas. This district would typically serve as a buffer between residential areas and other commercial districts. Development scale and pedestrian orientation are important elements of this district. This district is also intended to provide goods and services at a neighborhood level. The district is not intended for those businesses that require the outdoor display, sale and/or storage of merchandise, outdoor services or operations to accommodate large-scale commercial operations. This zoning district would typically be found in areas designated as neighborhood commercial or urban mixed use on the Kalispell Growth Policy Future Land Use Map.

27.12.020: Permitted Uses.

- (1) Bakery
- (2) Banks and financial institutions
- (3) Barber and beauty services
- (4) Catering establishments
- (5) Churches
- (6) Day care - home (12 or fewer)
- (7) Dwellings - single family
 - duplex
 - townhouse (2 attached units)
- (8) Fairgrounds (public)
- (9) Funeral homes and crematoriums
- (10) Home occupations (refer to Section 27.20.060)
- (11) Jail Facilities (public)
- (12) Laundromats and dry cleaners
- (13) Media (newspaper, radio, TV)
- (14) Offices - professional/governmental
- (15) Pack and ship shops
- (16) Parks
- (17) Photographic studio
- (18) Police and fire stations
- (19) Post office
- (20) Print and copy shops
- (21) Repair shops (clothing, electronics)
- (22) Restaurants (no outdoor intercom; no larger than 4,000 square feet)
- (23) Retail, limited
 - retail enterprises no larger than 4,000 sq ft
 - office supply

- (24) Safe houses
- (25) Schools – K-12 (public)
 - post secondary (public)
 - commercial
- (26) Veterinary clinic - small animals

27.12.030: Uses Which May Be Permitted By Conditional Use Permit.

- (1) Auto service station
- (2) Bars, taverns and clubs
- (3) Bed and breakfast
- (4) Community center
- (5) Day care - center (13 or more).
- (6) Dwellings - townhouse (3 or more attached units)
 - multi-family
- (7) Group home - 8 or fewer persons
 - 9 or more persons
- (8) Libraries, museums, and similar cultural facilities
- (9) Microbreweries, wineries, distilleries, and tasting rooms
- (10) Residential care home or facility
- (11) Utilities (primary distribution site)

27.12.040 Property Development Standards.

- (1) Minimum Lot Area (sq ft): 7000
- (2) Minimum Lot Width (ft): 70
- (3) Minimum Setbacks (ft):
 - Front Yard - 15
 - Side Yard - 5
 - Rear Yard - 10
 - Side Corner - 15
 - Attached Garage (Front/Side Corner) - 20
 - Accessory Structures – See Section 27.20.020
- (4) Maximum Building Height (ft): 60 (unlimited with Conditional Use Permit)
- (5) Permitted Lot Coverage (%): 50
- (6) Off-Street Parking (refer to Chapter 27.24)
- (7) Fences (refer to Section 27.20.040)
 - Maximum Heights (ft):
 - Front - 4
 - Side - 6.5
 - Rear - 6.5
 - Side corner - 6.5
- (8) Signs (refer to Chapter 27.22)

CHAPTER 27.13
B-2 GENERAL BUSINESS

Sections:

27.13.010: Intent. A district which provides for a variety of sales and service establishments to serve both the residents of the area and the traveling public. This district depends on the proximity to major streets and arterials and should be located in business corridors or in islands. This zoning district would typically be found in areas designated as commercial and urban mixed use on the Kalispell Growth Policy Future Land Use Map.

27.13.020: Permitted Uses.

- (1) Athletic club
- (2) Assembly - light
- (3) Auctions, indoor
- (4) Auto parking - surface
- (5) Auto (RV, boats, motorcycles) sales and/or repair
- (6) Auto rental, limo, shuttle (taxi) services
- (7) Auto service station
- (8) Bakery
- (9) Banks and financial institutions
- (10) Barber and beauty services
- (11) Bed and breakfast
- (12) Bus station
- (13) Car wash, auto detailing shop
- (14) Catering establishments
- (15) Church
- (16) Community center
- (17) Day care - home (12 or fewer)
- center (13 or more)
- (18) Dwelling - single family
- duplex
- townhouse (2 attached units)
- (19) Fairgrounds (public)
- (20) Food bank
- (21) Funeral homes and crematoriums
- (22) Greenhouses, nursery centers and landscaping materials
- (23) Home occupations (refer to Section 27.20.060)
- (24) Hotel, motel
- (25) HVAC/electrical/plumbing, sales/service
- (26) Jail Facilities (public)
- (27) Janitor services
- (28) Laboratories, tech research, development and testing
- (29) Laundromats or dry cleaners

- (30) Libraries, museums and similar cultural facilities
- (31) Lumber/building material sales (with outdoor display/storage)
- (32) Media (newspaper, radio, TV)
- (33) Media, towers and facilities (accessory)
- (34) Microbreweries, wineries, distilleries, and tasting rooms
- (35) Office - professional/governmental
 - medical (with limited overnight stay)
- (36) Pack and ship shops
- (37) Parks
- (38) Photographic studio
- (39) Police and fire stations
- (40) Print and copy shops
- (41) Post office
- (42) Recreation area, indoor
- (43) Rental service stores and yards
- (44) Repair shops - appliance
 - clothing/electronics
- (45) Restaurants
- (46) Retail business
- (47) Safe houses
- (48) Schools - K-12 (public)
 - post secondary (public)
 - commercial
- (49) Small engine sales, service and repair
- (50) Tattoo parlor
- (51) Theaters
- (52) Veterinary clinic - small animals

27.13.030: Uses Which May Be Permitted By Conditional Use Permit.

- (1) Assembly halls/stadiums/convention hall facilities (includes public fair grounds, auditoriums, and racetracks)
- (2) Auto or vehicle body shops
- (3) Auto parking - structure
- (4) Bars, taverns, and clubs (Administrative CUP)
- (5) Campground/RV Park
- (6) Casino-accessory (refer to Section 27.34.040)
- (7) Contractor's storage yard
- (8) Dwellings - multi-family
 - townhouse (3 or more attached units)
- (9) Group home - 8 or fewer persons
 - 9 or more persons
- (10) Homeless shelters
- (11) Kennels, animal shelters (Administrative CUP)
- (12) Mini-storage/recreational vehicle storage (Administrative CUP)
- (13) Recreation area, outdoor

- (14) Residential care home or facility
- (15) Shooting/archery - indoor (Administrative CUP)
- (16) Utilities (primary distribution site)

27.13.040: Property Development Standards.

- (1) Minimum Lot Area (sq ft): 7000
- (2) Minimum Lot Width (ft): 70
- (3) Minimum Setbacks (ft):
 - Front Yard - 15
 - Side Yard - 5
 - Rear Yard - 10
 - Side Corner - 15
 - Attached Garage (Front/Side Corner) - 20
 - Accessory Structures – See Section 27.20.020
- (4) Maximum Building Height (ft): 60 (unlimited with Conditional Use Permit)
- (5) Permitted Lot Coverage (%): N/A
- (6) Off-Street Parking (refer to Chapter 27.24)
- (7) Fences (refer to Section 27.20.040)
 - Maximum Heights (ft):
 - Front - 4
 - Side - 6.5
 - Rear - 6.5
 - Side corner - 6.5
- (8) Signs (refer to Chapter 27.22)

CHAPTER 27.14A
B-3 CORE AREA - BUSINESS

Sections:

27.14A.010: Intent. A district which is intended to provide a variety of both commercial and residential uses. Commercial uses would typically include a mix of retail, office, restaurant, and other similar uses. This zone is based primarily on the core area plan adopted by the city for the area along the railroad corridor and is intended to further the goals and policies in that plan.

27.14A.020: Permitted Uses.

- (1) Assembly - light
- (2) Athletic club
- (3) Auto parking - structure
- (4) Auto parking – surface
- (5) Auto rental, limo, shuttle (taxi) services
- (6) Auto service station
- (7) Bed and breakfast
- (8) Bakery
- (9) Banks and financial institutions
- (10) Barber and beauty services
- (11) Bus station
- (12) Car wash, auto detailing shop
- (13) Catering establishments
- (14) Church
- (15) Community center
- (16) Day care - home (12 or fewer)
- center (13 or more)
- (17) Dwellings - single family
- duplex
- townhouse (2 attached units)
- townhouse (3 or more attached units)
- multi-family
- (18) Fairgrounds (public)
- (19) Film production studios
- (20) Food bank
- (21) Food processing - light
- (22) Funeral homes and crematoriums
- (23) Home occupations (refer to Section 27.20.060)
- (24) Hotel, motel
- (25) Jail Facilities (public)
- (26) Laboratories, tech research, development and testing
- (27) Laundromats or dry cleaners
- (28) Libraries, museums and similar cultural facilities

- (29) Manufacturing – light (no smoke, fumes, odor, dust)
- (30) Media (newspaper, radio, TV)
- (31) Media, towers and facilities (accessory)
- (32) Microbreweries, wineries, distilleries, and tasting rooms
- (33) Office - professional/governmental
- medical with limited overnight stay
- (34) Parks
- (35) Pack and ship shops
- (36) Photographic studio
- (37) Police and fire stations
- (38) Post office
- (39) Print and copy shops
- (40) Recreation area, indoor
- (41) Repair shops (clothing, electronics)
- (42) Restaurants
- (43) Retail business
- (44) Schools – K-12 (public)
- post secondary (public)
- commercial
- (45) Safe houses
- (46) Tattoo parlors
- (47) Technology – research, design, engineering and telecommunication facilities
- (48) Theaters
- (49) Veterinary clinic - small animals

27.14A.030: Uses Which May Be Permitted By Conditional Use Permit.

- (1) Assembly halls/stadiums/convention hall facilities (includes public fair grounds, auditoriums, and racetracks)
- (2) Auto (RV, boats, motorcycles) sales and/or repair
- (3) Bars, taverns and clubs (Administrative CUP)
- (4) Casino-accessory (refer to Section 27.34.040)
- (5) Group home - 8 or fewer persons
- 9 or more persons
- (6) Homeless shelters
- (7) HVAC/electrical/plumbing, sales/service
- (8) Recreation area, outdoor
- (9) Repair shops (appliance)
- (10) Residential care home or facility
- (11) Shooting/archery (indoor) (Administrative CUP)
- (12) Small engine sales, service and repair
- (13) Utilities (primary distribution site)

27.14A.040: Property Development Standards.

- (1) Minimum Lot Area: N/A
- (2) Minimum Lot Width (ft): N/A
- (3) Minimum Yards (ft):
 - Front Yard - N/A
 - Side Yard - N/A
 - Side Corner - N/A
 - Rear Yard - N/A
 - Attached Garage (Front/Side Corner) - 20
 - Accessory Structures – See Section 27.20.020
- (4) Maximum Building Height (ft): 60 (unlimited with CUP)
- (5) Permitted Lot Coverage (%): N/A
- (6) Off-Street Parking (refer to Chapter 27.24)
- (7) Fences (see Section 27.22.040)
 - Maximum Fence Heights (ft):
 - Front - 4
 - Side - 6.5
 - Rear - 6.5
 - Side corner - 6.5
- (8) Signs (refer to Chapter 27.22)

CHAPTER 27.14B
B-4 CENTRAL BUSINESS

Sections:

27.14B.010: Intent. A business district intended to set apart that portion of the city which forms the center for financial, commercial, governmental, professional and cultural activities. This district is not intended for general application throughout the planning area. This zoning district would typically be found in areas designated as commercial on the Kalispell Growth Policy Future Land Use Map.

27.14B.020: Permitted Uses.

- (1) Athletic club
- (2) Auto parking - surface
- (3) Bed and breakfast
- (4) Bakery
- (5) Banks and financial institutions
- (6) Barber and beauty services
- (7) Bus station
- (8) Car wash, auto detailing shop
- (9) Catering establishments
- (10) Church
- (11) Community center
- (12) Day care - home (12 or fewer)
- center (13 or more)
- (13) Dwellings - single family
- duplex
- townhouse (2 attached units)
- multi-family (multi-family dwellings on the second or higher floor are permitted)
- (14) Fairgrounds (public)
- (15) Food bank
- (16) Funeral homes and crematoriums
- (17) Home occupations (refer to Section 27.20.060)
- (18) Hotel, motel
- (19) Jail Facilities (public)
- (20) Police and fire stations
- (21) Libraries, museums and similar cultural facilities
- (22) Laundromats or dry cleaners
- (23) Media (newspaper, radio, TV)
- (24) Media, towers and facilities (accessory)
- (25) Microbreweries, wineries, distilleries, and tasting rooms
- (26) Office - professional/governmental
- medical with limited overnight stay

- (27) Parks
- (28) Pack and ship shops
- (29) Photographic studio
- (30) Post office
- (31) Print and copy shops
- (32) Recreation area, indoor
- (33) Repair shops (clothing, electronics)
- (34) Restaurants
- (35) Retail business
- (36) Schools – K-12 (public)
 - post secondary (public)
 - commercial
- (37) Safe houses
- (38) Tattoo parlors
- (39) Theaters
- (40) Veterinary clinic - small animals

27.14B.030: Uses Which May Be Permitted By Conditional Use Permit.

- (1) Assembly halls/stadiums/convention hall facilities (includes public fair grounds, auditoriums, and racetracks)
- (2) Auto (RV, boat, motorcycle) sales and/or repair
- (3) Auto parking - structure
- (4) Auto service station
- (5) Bars, taverns and clubs (Administrative CUP)
- (6) Casino-accessory (refer to Section 27.34.040)
- (7) Dwellings - townhouse (3 or more attached units)
 - multi-family
- (8) Group home - 8 or fewer persons
 - 9 or more persons
- (9) Homeless shelters
- (10) Residential care home or facility
- (11) Utilities (primary distribution site)

27.14B.040: Property Development Standards.

- (1) Minimum Lot Area: N/A
- (2) Minimum Lot Width (ft): N/A
- (3) Minimum Yards (ft):
 - Front Yard - N/A
 - Side Yard - N/A
 - Side Corner - N/A
 - Rear Yard - N/A
 - Attached Garage (Front/Side Corner) - 20
 - Accessory Structures – See Section 27.20.020

- (4) Maximum Building Height (ft): 60 (unlimited with Conditional Use Permit)
- (5) Permitted Lot Coverage (%): N/A
- (6) Off-Street Parking (refer to Chapter 27.24)
- (7) Fences (see Section 27.22.040)
 - Maximum Fence Heights (ft):
 - Front - 4
 - Side - 6.5
 - Rear - 6.5
 - Side corner - 6.5
- (8) Signs (refer to Chapter 27.22)

CHAPTER 27.15
B-5 INDUSTRIAL-BUSINESS

Sections:

27.15.010: Intent. A zoning district intended primarily to accommodate a variety of business, warehouse, and light-industrial uses and incorporating these uses into an integrated design for compatibility. Compatibility issues may be addressed through development of an industrial-commercial park development or through a planned unit development (PUD) overlay zoning district. Such uses would typically not create objectionable characteristics (such as dirt, noise, glare, heat, odor, smoke, etc.) which extend beyond lot lines. This district should be located near major arterials or rail services. This zoning district would typically be found in areas designated as industrial or urban mixed use on the Kalispell Growth Policy Future Land Use Map.

27.15.020: Permitted Uses.

- (1) Art foundry, metal sculpture, molding and casting
- (2) Assembly - light
- (3) Athletic club
- (4) Auctions, indoor
- (5) Auto parking - surface
- (6) Auto (RV, boats, motorcycles) sales and/or repair
- (7) Auto rental, limo, shuttle (taxi) services
- (8) Auto or vehicle body shops
- (9) Auto service station
- (10) Bakery
- (11) Banks and financial institutions
- (12) Bars, taverns and clubs
- (13) Barber and beauty services
- (14) Bus station
- (15) Car wash, auto detailing shop
- (16) Catering establishments
- (17) Church
- (18) Contractor's storage yards
- (19) Community center
- (20) Fairgrounds (public)
- (21) Farm machinery assembly, repair and sales
- (22) Fertilizer, bulk sales
- (23) Film production studios
- (24) Food bank
- (25) Food processing - light
- (26) Funeral homes and crematoriums
- (27) Glazier
- (28) Greenhouse, nursery centers and landscaping materials

- (29) Heavy equipment, sales and service
- (30) Hotel, motel
- (31) HVAC/electrical/plumbing, sales/service
- (32) Jail Facilities (public)
- (33) Janitor services
- (34) Laboratories, tech research, development and testing
- (35) Laundromats or dry cleaners
- (36) Laundries/dry cleaning plants
- (37) Libraries, museums, and similar cultural facilities
- (38) Lumber/building material sales (with outdoor display/storage)
- (39) Manufacturing – light (no smoke, fumes, odor, dust)
- (40) Media (newspaper, radio, TV)
- (41) Media, towers and facilities (accessory)
- (42) Microbreweries, wineries, distilleries, and tasting rooms
- (43) Monument manufacture and sale
- (44) Office - professional/governmental
 - medical with limited overnight stay
- (45) Pack and ship shops
- (46) Print and copy shops
- (47) Parks
- (48) Photographic studios
- (49) Police and fire stations
- (50) Post office
- (51) Recreation area, indoor
- (52) Rental service stores and yards
- (53) Repair shops - appliance
 - clothing/electronics
- (54) Restaurants
- (55) Retail business
- (56) Safe houses
- (57) Schools – K-12 (public)
 - post secondary (public)
 - commercial
- (58) Shooting/archery - indoor
- (59) Small engine sales, service and repair
- (60) Tattoo parlors
- (61) Taxidermy facilities
- (62) Technology – research, design, engineering and telecommunication facilities
- (63) Truck and trailer rental
- (64) Truck terminal
- (65) Theaters
- (66) Veterinary clinic - small animals
 - large animals
- (67) Warehousing and distribution
- (68) Woodworking shops, mill work

27.15.030: Uses Which May Be Permitted By Conditional Use Permit.

- (1) Assembly halls/stadiums/convention hall facilities (includes public fair grounds, auditoriums, and racetracks)
- (2) Casino (refer to Section 27.34.040)
- (2) Casino-accessory (refer to Section 27.34.040)
- (3) Feed/seed/ processing/cleaning
- (4) Fuel oil/gas/petroleum products, bulk storage/sale
- (5) Grain elevators
- (6) Homeless shelters
- (7) Kennels, animal shelters (Administrative CUP)
- (8) Mini storage/recreational vehicle storage (Administrative CUP)
- (9) Pre-release centers and private jail facilities
- (10) Recreation area, outdoor
- (11) Recycling center
- (12) Shooting/archery ranges – outdoor (archery only)
- (13) Telecommunication towers, cellular communication towers (including radio, TV, internet, phone and cable providers)
- (14) Utility storage yards and associated offices
- (15) Utilities (primary distribution site)

27.15.040: Property Development Standards.

- (1) Minimum Lot Area (sq ft): 7000
- (2) Minimum Lot Width (ft): 70
- (3) Minimum Setbacks (ft):
 - Front Yard - 20
 - Side Yard - 5
 - Rear Yard - 10
 - Side Corner - 15
 - Attached Garage (Front/Side Corner) - 20
 - Accessory Structures – See Section 27.20.020
- (4) Maximum Building Height (ft): 60 (unlimited with Conditional Use Permit)
- (5) Permitted Lot Coverage (%): N/A
- (6) Off-Street Parking (refer to Chapter 27.24)
- (7) Fences (refer to Section 27.20.040)
 - Maximum Heights (ft):
 - Front - 4
 - Side - 6.5
 - Rear - 6.5
 - Side corner - 6.5
- (8) Signs (refer to Chapter 27.22)

CHAPTER 27.16
I-1 LIGHT INDUSTRIAL

Sections:

27.16.010: Intent. An industrial district intended to provide areas for light industrial, research and technology. The uses would typically not create objectionable characteristics (such as dirt, noise, glare, heat, odor, smoke, etc.), which extend beyond the lot lines. This zoning district would typically be restricted to areas designated as industrial on the Kalispell Growth Policy Future Land Use Map.

27.16.020: Permitted Uses.

- (1) Auctions, indoor
- (2) Aircraft maintenance/repair
- (3) Art foundry, metal sculpture, molding and casting
- (4) Assembly - light
- (5) Auto (RV, boats, motorcycles) sales and/or repair
- (6) Auto parking - surface
- (7) Auto or vehicle body shops
- (8) Auto service station
- (9) Auto rental, limo, shuttle (taxi) services
- (10) Bakery
- (11) Bus station
- (12) Car wash, auto detailing shop
- (13) Catering establishments
- (14) Contractor's storage yards
- (15) Fairgrounds (public)
- (16) Farm machinery assembly, repair and sales
- (17) Feed/seed/processing/cleaning
- (18) Fertilizer, bulk sales
- (19) Film production studios
- (20) Food bank
- (21) Food processing - light
- (22) Greenhouses, nursery centers, landscaping materials
- (23) Glazier
- (24) Heavy equipment sales and service
- (25) HVAC/electrical/plumbing, sales/service
- (26) Jail Facilities (public)
- (27) Janitor services
- (28) Laboratories, tech research, development and testing
- (29) Laundromats or dry cleaners
- (30) Laundries/dry cleaning plants
- (31) Lumber/building material sales with outdoor display/storage
- (32) Manufactured home sales lot

- (33) Manufacturing – light (no smoke, fumes, odor, dust)
- (34) Media (newspaper, radio, TV)
- (35) Media, towers and facilities (accessory)
- (36) Microbreweries, wineries, distilleries, and tasting rooms
- (37) Monument manufacture and sales
- (38) Office – professional/governmental
- (39) Pack and ship shops
- (40) Parks
- (41) Print and copy shops
- (42) Police and fire stations
- (43) Recreation area, indoor
- (44) Rental service stores and yards
- (45) Repair shops - appliance
- clothing/electronics
- (46) Recycling center
- (47) Retail, limited (showrooms only)
- (48) Safe houses
- (49) Schools – K-12 (public)
- post secondary (public)
- commercial
- (50) Shooting/archery - indoor
- (51) Small engine sales, service and repair
- (52) Taxidermy facilities
- (53) Technology – research, design, engineering and telecommunication facilities
- (54) Truck and trailer rental
- (55) Truck terminal
- (56) Utility storage yards and associated offices
- (57) Veterinary clinic - large animal
- small animal
- (58) Warehousing and distribution
- (59) Woodworking shops, mill work

27.16.030: Uses Which May Be Permitted By Conditional Use Permit.

- (1) Assembly halls/stadiums/convention hall facilities (includes public fair grounds, auditoriums, and racetracks)
- (2) Auction yards, livestock
- (3) Auto wrecking/salvage yards
- (4) Energy production
- (5) Forest products and manufacturing
- (6) Fuel oil/gas/petroleum products, bulk storage/sale
- (7) Grain elevators
- (8) Kennels, animal shelters (Administrative CUP)
- (9) Mini-storage/recreational vehicle storage (Administrative CUP)
- (10) Pre-release centers and private jail facilities

- (11) Recreation area, outdoor
- (12) Scrap processing yard (recycle/metal yard)
- (13) Shooting/archery – outdoor (archery only)
- (14) Sexually oriented business
- (15) Telecommunication towers and cellular communication towers (including radio, TV, internet, phone and cable providers)
- (16) Utilities (primary distribution site)

27.16.040: Property Development Standards.

- (1) Minimum Lot Area (ft): 7000
- (2) Minimum Lot Width (ft): 70
- (3) Minimum Setbacks (ft):
 - Front Yard - 20
 - Side Yard - 10
 - Rear Yard - 10
 - Side Corner - 20
 - Accessory Structures - See Section 27.20.020
- (4) Maximum Building Height (ft): 60 (unlimited with Conditional Use Permit)
- (5) Permitted Lot Coverage (%): N/A
- (6) Off-Street Parking (refer to Chapter 27.24)
- (7) Fences (refer to Section 27.20.040)
 - Maximum Heights (ft):
 - Front - 4
 - Side - 8*
 - Rear - 8*
 - Side corner - 8*
 - *Option to increase side, rear and side corner fence heights by 2 feet with barbed wire
- (8) Signs (refer to Chapter 27.22)

CHAPTER 27.17
I-2 HEAVY INDUSTRIAL

Sections:

27.17.010: Intent. An industrial district intended to provide areas for heavy industrial uses to accommodate heavy manufacturing, processing, fabrication and assembling of products or materials. It is also intended that the encroachment of non-industrial uses within the district be prevented. This zoning district would typically be restricted to areas designated as industrial on the Kalispell Growth Policy Future Land Use Map.

27.17.020: Permitted Uses.

- (1) Auctions, indoor
- (2) Auto (RV, boats, motorcycles) sales and/or repair
- (3) Auto rental, limo, shuttle (taxi) services
- (4) Auto or vehicle body shops
- (5) Auto parking - surface
- (6) Aircraft maintenance/repair
- (7) Art foundry, metal sculpture, molding and casting
- (8) Assembly - heavy
- light
- (9) Auto service station
- (10) Bakery
- (11) Bus station
- (12) Car wash, auto detailing shop
- (13) Catering establishments
- (14) Contractor's storage yards
- (15) Energy production
- (16) Fairgrounds (public)
- (17) Farm machinery assembly, repair and sales
- (18) Feed/seed/processing/cleaning
- (19) Fertilizer, bulk sales
- (20) Food processing - heavy
- light
- (21) Forest products and manufacturing
- (22) Foundry and metal fabrication plants
- (23) Glazier
- (24) Heavy equipment sales/service
- (25) HVAC/electrical/plumbing, sales/service
- (26) Jail Facilities (public)
- (27) Janitor services
- (28) Laboratories, tech research, development and testing
- (29) Laundromats or dry cleaners
- (30) Laundries and dry cleaning plants

- (31) Manufacturing - light (no smoke, fumes, odor, dust)
- (32) Monument manufacture and sales
- (33) Microbreweries, wineries, distilleries, and tasting rooms
- (34) Office - professional/governmental
- (35) Pack and ship shops
- (36) Police and fire stations
- (37) Print and copy shops
- (38) Rail Industrial Park
- (39) Recycling center
- (40) Rental service stores and yards
- (41) Repair shops - appliance
- (42) Retail, limited (showrooms only)
- (43) Parks
- (44) Safe houses
- (45) Schools – K-12 (public)
 - post secondary (public)
 - commercial
- (46) Shooting/archery - indoor
- (47) Small engine sales, service and repair
- (48) Taxidermy facilities
- (49) Truck terminal
- (50) Truck and trailer rental
- (51) Utility storage yards and associated offices
- (52) Veterinary clinic - large animals
 - small animals
- (53) Warehousing and distribution
- (54) Woodworking shops, mill work

27.17.030: Uses Which May Be Permitted By Conditional Use Permit.

- (1) Asphalt batch plants
- (2) Assembly halls/stadiums/convention hall facilities (includes public fair grounds, auditoriums, and racetracks)
- (3) Auction yards, livestock
- (4) Auto wrecking/salvage yards
- (5) Extractive industries
- (6) Fuel oil/gas/petroleum products, bulk storage/sale
- (7) Grain elevators
- (8) Kennels, animal shelters (Administrative CUP)
- (9) Landfills
- (10) Manufacturing - heavy
- (11) Mini-storage/recreational vehicle storage (Administrative CUP)
- (12) Pre-release centers and private jail facilities
- (13) Recreation area, outdoor
- (14) Scrap processing yard (recycle/metal yard)
- (15) Sexually oriented business

- (16) Shooting/archery ranges - outdoor (archery only)
- (17) Telecommunication towers and cellular communication towers (including radio, TV, internet, phone and cable providers)
- (18) Utilities (primary distribution site)

27.17.040: Property Development Standards.

- (1) Minimum Lot Area (sq ft): 7000
- (2) Minimum Lot Width (ft): 70
- (3) Minimum Setbacks (ft):
 - Front Yard - 40
 - Side Yard - 20
 - Rear Yard - 40
 - Side Corner - 40Accessory Structures - See Section 27.20.020
- (4) Maximum Building Height (ft): 60 (unlimited with Conditional Use Permit)
- (5) Permitted Lot Coverage (%): N/A
- (6) Off-Street Parking (refer to Chapter 27.24)
- (7) Fences (refer to Section 27.20.040)
 - Maximum Heights (ft):
 - Front - 4
 - Side - 8*
 - Rear - 8*
 - Side Corner - 8*
 - *Option to increase side, rear and side corner fence heights by 2 feet with barbed wire
- (8) Signs (refer to Chapter 27.22)

CHAPTER 27.18
P-1 PUBLIC

Sections:

27.18.010: Intent. A public district intended to provide and reserve areas for public uses in order to preserve and provide adequate land for a variety of community facilities which serve the public health, safety and general welfare. Such public uses would include schools, public buildings, parks, airports, jails, utilities, etc. This zoning district would typically be found in the public land use designation as shown on the Kalispell Growth Policy Future Land Use Map but can be applied to any land use designation.

27.18.020: Permitted Uses.

- (1) Aircraft hangers
- (2) Auto parking - surface
- structure
- (3) Bus station
- (4) Community center
- (5) Fairgrounds (public)
- (6) Food bank
- (7) Jail Facilities (public)
- (8) Libraries, museums and similar cultural facilities
- (9) Office – professional/governmental
- (10) Parks
- (11) Police and fire stations
- (12) Post office
- (13) Safe houses
- (14) Schools – K-12 (public)
- post secondary (public)
- commercial

27.18.030: Uses Which May Be Permitted By Conditional Use Permit.

- (1) Aircraft maintenance/repair
- (2) Airports and heliports
- (3) Assembly halls/stadiums/convention hall facilities (includes public fair grounds, auditoriums, and racetracks)
- (4) Cemeteries, mausoleums and columbariums
- (5) Energy production
- (6) Golf courses
- (7) Homeless shelters
- (8) Hospital (including treatment centers and 24 hour care facilities)
- (9) Landfill
- (10) Monument manufacture and sale
- (11) Pre-release center and private jail facilities

- (12) Recreation area, outdoor
- (13) Schools - K-12 (private)
 - post-secondary (private)
- (14) Telecommunication towers and cellular communication towers (including radio, TV, internet, phone and cable providers)
- (15) Utilities (primary distribution site)
- (16) Utility storage yards and associated offices

27.18.040: Property Development Standards.

- (1) Minimum Lot Area (sq ft): 7000
- (2) Minimum Lot Width (ft): 70
- (3) Minimum Setbacks (ft):
 - Front Yard - 15
 - Side Yard - 5
 - Side Corner - 10
 - Rear Yard - 15
 - Attached Garage (Front/Side Corner) - 20
 - Accessory Structures – See Section 27.20.020
- (4) Maximum Building Height (ft): 60 (unlimited with Conditional Use Permit)
- (5) Permitted Lot Coverage (%): 45
- (6) Off-Street Parking (refer to Chapter 27.24)
- (7) Fences (refer to Section 27.20.040)
 - Maximum Heights (ft):
 - Front - 4
 - Side - 6.5
 - Rear - 6.5
 - Side corner - 6.5
- (8) Signs (refer to Chapter 27.22)

**CHAPTER 27.19
PLANNED UNIT DEVELOPMENT DISTRICT (PUD)**

Sections:

- 27.19.010: Intent.** A planned unit development district shall serve as an overlay zoning district. It shall function in concert with one or more of the underlying zones to provide a comprehensive, integrated development plan which will serve to modify the underlying zone and, where appropriate, subdivision standards with the intent of providing flexibility of architectural design and density as well as providing the option to mix land uses and densities while preserving and enhancing the integrity and environmental values of a area.
- 27.19.020: General.** The following application and review procedures shall apply to designation and approval of all planned unit developments in the city.
- (1) **Initiation of Application:** The land owner(s) or designee(s) shall schedule a pre-application meeting with the planning department prior to official submission of a PUD application. The PUD application shall be submitted on a form provided by the city. Where multiple owners of the property or properties exist, all owners shall either sign the application or submit a letter of consent authorizing submission of the PUD application.
 - (2) **PUD Application Thresholds:** It is anticipated that PUD applications will be submitted in one of two forms, a PUD full application meeting all the requirements of this section and a PUD Placeholder application which serves as a place marker for a future PUD application. Within any PUD application it is possible to incorporate one or both of the categories listed below:
 - (a) **PUD Full Application** – This application will be processed in accordance with the full provision of this chapter and will require the submission of all application materials required in Section (3) PUD Application Materials below.
 - (b) **PUD Placeholder Application** – This submittal typically is involved with annexation and initial zoning or a rezoning in which the applicant requests a PUD designation noting the applicant’s intent to develop a PUD and enter into a development agreement with the city, binding the property to a future PUD application but not providing any application materials or development plan nor receiving any entitlements other than a commitment between the city and the applicant that when development is to proceed it will be done via the PUD process.
 1. Prior to the use or development of any property within the PUD Placeholder beyond the specifically listed uses and activities within this section, the applicant shall submit an application for and proceed with the full PUD application process as outlined in subsection 3 below.

2. Interim use in a PUD Placeholder prior to development of the full PUD is allowed based on the criteria below:
 - a. All proposed uses and activities of the land and existing structures must comply with the underlying zone.
 - b. An administrative conditional use permit would be required to document and approve the interim use or activity.
 - c. Only the following activities are allowed:
 1. Remodeling/repair/removal of existing structures or buildings;
 2. Parking of vehicles and equipment for storage as long as the purpose is not meant for display from a public right-of-way;
 3. Fencing and lighting; and
 4. Earth work, site leveling and drainage work.
 - d. The following new uses and activities are not allowed without the full PUD application process:
 1. Freestanding signs;
 2. Additional access points onto a public road system;
 3. Expansion of existing structures by more than 10%; and
 4. New structures or building development beyond what is otherwise specifically allowed under this section.
 - e. Interim use of the property as described above does not relieve the owner from compliance with overall PUD requirements at the time additional development beyond the scope of interim development occurs.
- (3) **PUD Application Materials.** The full PUD application submittal shall contain the following information in the form of an overall PUD development plan and supporting text:
 - (a) A listing of each deviation or class of deviation from the underlying zoning district and a justification of the appropriateness for the deviation;
 - (b) A listing of each deviation or class of deviation from the city subdivision regulations design standards and a justification of the appropriateness for the deviation;
 - (c) An existing topo map showing existing building and features and a proposed topo map showing proposed topography using one to five foot intervals drawn to a scale not less than one inch equals 200 feet showing all proposed streets, lots, buildings, open space, wetlands, floodplain,

environmental hazards, storm water facilities and other elements basic to the development;

- (d) Proposed locations, areas, densities and types of residential and nonresidential uses and structures within the area proposed to be developed and maximum height of buildings or structure;
- (e) Proposed plans for handling:
 - 1. Vehicular traffic;
 - 2. Pedestrian traffic routes & trails including safe routes to school;
 - 3. Sewage disposal; conceptual storm water drainage and water supply;
 - 4. Parks and open space;
 - 5. Parking;
 - 6. Prominent landscaping, buffering, site perimeter and entrance treatment features;
 - 7. Club houses, sales offices;
 - 8. Retaining wall work in excess of 3 feet in height;
 - 9. Common fencing designs and locations where proposed;
 - 10. Commercial, directional and entrance signage;
 - 11. Street lighting and parking lot lighting where applicable;
 - 12. Any other pertinent site development features.
- (f) Elevation drawings which demonstrate visually the general architectural features of each proposed building or architecturally distinct group or type of buildings and the site perimeter treatment. Note – This may be waived by the Zoning Administrator on a case specific situation for uses listed below which may include but are not limited to:
 - 1. Single family detached housing when the lots equal or exceed the minimum lot size of the underlying zone; and
 - 2. Two unit townhouse or duplex development which is alley loaded and the lots equal or exceed the minimum lot size of the underlying zone.
- (g) The PUD plan shall show the boundary lines of adjacent subdivided or unsubdivided land and the existing zoning of the area proposed for the PUD overlay;
- (h) A timeline expressing the order in which the development shall occur and estimated time for completing key components or phases;
- (i) Adequate provision for a homeowners association or other public or private management organization to provide for the operation and maintenance of all private (non-governmental) common facilities including any private streets or alley ways, homeowners parks, club houses, sales offices, open

space, trails, recreational facilities and amenities, shared parking facilities, private lighting systems, subdivision entrance signage and common mail receptacles;

- (j) Adequate provisions shall be made for maintenance of all public common facilities (e.g. a trail or park) which are developed on public land, but intended to be maintained by a private organization or homeowners association;
- (k) Where a PUD also involves a subdivision of land, it shall also meet the application requirements of the Kalispell Subdivision Regulations and the Montana Subdivision and Platting Act at the time the preliminary plat is submitted;
- (l) For multi-phase projects to be developed over a long period of time or where project components are proposed which may not be built for many years;
 - 1. The first phase of development must comply with the full application process outlined above.
 - 2. Each phase of a multi-phase PUD must be able to be free standing.
 - 3. Each phase of a PUD shall not exceed the density provisions of the underlying zone as limited by the PUD. Where a phase is proposed that complies with the overall PUD plan but the actual density of the particular phase may exceed the average density allowed by the underlying zone and PUD agreement, the applicant shall either provide the necessary corresponding open space or park facilities or suitably bond for them for development in a latter phase.
 - 4. Future phase or major development components may show conceptual street designs, proposed park and open space areas, trail concepts, proposed residential density, housing types (single family, townhouse, apartment, etc.) and commercial areas versus detailed lot, block, street and park development and building designs. Based on a finding and associated conditions placed on the PUD at time of approval, the applicant may be required to provide more specific information prior to development of succeeding phases based on one of the following processes: (Note: The planning staff, Planning Board or council, at their discretion, may also request additional or more complete information relative to the future phases or components prior to recommending or granting initial PUD approval).

- a. A finding that the outstanding items are significant and therefore future phases or components should follow the full PUD application process;
 - b. A finding that the outstanding items are generally minor and therefore future phases or components should be reviewed under the conditional use permit process; or
 - c. A finding that the outstanding issues are insignificant and therefore future phases or components should be subject to administrative review by the Kalispell Site Review Committee; or
 - d. A combination of the above provisions.
- (m) Any other information, plans and details which the city staff, Planning Board and/or City Council may request to fully evaluate the development proposal and its impacts.
- (4) **Review of Application:** Upon submission of the application the Zoning Commission shall review such application based on the following:
- (a) The compliance of the proposed PUD with the city growth policy and in particular the density and use policies of the plan;
 - (b) The extent to which the PUD departs from the underlying zoning and the reasons why such departures are or are not deemed to be in the public interest, and the mitigating conditions that the PUD provides to address the deviations;
 - (c) The extent to which the PUD departs from the subdivision regulations (if subdivision is anticipated) and the public works standards for design and construction applicable to the subject property, the reasons why such departures are deemed to be in the public interest, and the mitigating conditions that the PUD provides to address the deviations;
 - (d) The overall internal integrity of the PUD including the appropriate use of internal design elements, the use of buffers between different land uses, the use of transitions between uses of greater and lesser intensity, the use of enhanced design features to provide connectedness for both vehicle and pedestrian traffic throughout the PUD and the use of innovative and traditional design to foster more livable neighborhoods;
 - (e) The nature and extent of the public parks and common open space in the PUD, the reliability of the proposal for maintenance and conservation of these areas and the adequacy or inadequacy of the amount and function of

the parks and open space in terms of the land use, densities and dwelling types proposed in the PUD;

- (f) The manner in which the PUD plan makes adequate provision for public services, provides adequate control over vehicular traffic and furthers the amenities of recreation and visual enjoyment;
- (g) The relationship, beneficial or adverse, of the PUD plan upon the neighborhood in which it is proposed to be established in concert with the underlying zone;
- (h) In the case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions proposed to protect and maintain the integrity of the PUD; and
- (i) Conformity with all applicable provisions of this chapter.

(5) **Action by the Zoning Commission.**

- (a) The Zoning Commission shall hold at least one work session on a proposed PUD plan prior to any public hearing. The work session is intended for information purposes only to inform both the public and the commission about the various aspects of the project. It is not intended to be a public hearing and the commission shall take no formal action on the application. As a courtesy, all adjoining property owners shall be invited to at least one work session. This invitation may be included within the formal public hearing notice or it may be sent separately.
- (b) The Zoning Commission shall hold a public hearing on the application pursuant to Section 27.28.030. The Zoning Commission shall submit its recommendations to the City Council. The Zoning Commission may recommend approval in whole or in part, may recommend modification and can impose conditions which will clarify facets of the PUD, implement city standards, regulations or policy, or serve to mitigate potential negative impacts, or the commission may recommend disapproval.

- (6) **Action by the City Council.** The City Council shall consider the recommendation of the Zoning Commission and may affirm, modify or deny the PUD. If the PUD is approved, the applicant shall submit a final PUD in accordance with the conditions of approval as adopted by City Council. When the City Council approves the PUD, the area of land involved shall be re-designated as a PUD district by ordinance which shall incorporate the final PUD including any conditions or restrictions that may be imposed by the City Council and shall constitute the zoning for the district.

- (7) **Preparation and Filing of Final PUD.** Upon approval of the preliminary PUD by the City Council, the property owner(s) shall proceed with the preparation of the final PUD plan:
- (a) The final PUD plan shall incorporate all the conditions imposed by the City Council at the time of approval of the preliminary plan;
 - (b) The applicant shall submit three signed copies of the PUD, final plan and related documents to the planning department. Upon approval by the Zoning Administrator, one signed copy of the plan shall be returned to the applicant, a signed copy shall be retained on file in the city clerk's office and one signed copy shall be kept on file with the planning department;
 - (c) Upon receipt of the final PUD plan and related documents by the planning department, the city attorney shall prepare a PUD agreement between the city and the developer(s) binding the developer, his successors, heirs and assigns to the terms and conditions of the PUD;
 - (d) The final PUD shall be submitted to the planning department in a timely fashion following approval by the City Council but in no case shall a final plat or building permit be issued until the final PUD plan has been submitted and approved and the PUD agreement has been executed;
 - (e) Where there is a question concerning compliance with a condition of the PUD, by either the applicant or planning staff, the issue will be forwarded to the next available Kalispell Site Review Committee meeting. If the issue cannot be satisfactorily resolved it shall be forwarded to City Council; and
 - (f) Prior to the approval of a final plat or where a subdivision is not involved prior to issuance of a certificate of occupancy or commencement of a use approved by a PUD, when specific aspects of the PUD are not yet completed that are pertinent to the phase or use, the City Council shall require bonding or any other appropriate collateral to ensure that all required public improvements or conditions of approval specifically required to be in place prior to final plat, occupancy or commencement of use as appropriate shall be satisfactorily completed in accordance to the approved plans, specifications and time schedule.
- (8) **Limitation on Rezoning.** The Zoning Commission shall not initiate any amendment to the PUD before the completion of the development as long as development is in conformity with the approved detailed PUD and proceeding in accordance with the time requirements imposed therein by the completion schedule.
- (9) **Amending an Approved Final PUD.**

(a) Once approved, a PUD may be amended by the developer(s). Proposed amendments shall be submitted to the Kalispell Site Review Committee. The committee shall make one of the following findings:

1. The change(s) is deemed minor in scope and may be granted or denied with or without conditions by the Kalispell Site Review Committee; or
2. The change(s) is deemed major, in which case the amendment(s) is forwarded to the City Council for consideration and final action.

Note: Any action of the Kalispell Site Review Committee is appealable to the City Council.

(b) Individual property owners within the PUD may bring forth amendments, which shall be processed as an amendment to the official zoning map in accordance with Chapter 27.29.

(10) **Abandonment or Expiration.**

The Zoning Administrator shall monitor the PUD for compliance with the completion schedule set forth in the approved development plan and to assure that all improvements have been made in accordance with the approved development plan. The following procedures are to be following when the PUD fails to comply with the completion schedule:

- (a) PUD's or portions thereof which do not involve or require a subdivision:
1. If a PUD project falls out of compliance with its approved completion schedule, notice of noncompliance with the completion schedule shall be delivered in writing to the landowner and/or developer;
 2. No later than 30 days after the notice of noncompliance is delivered the landowner and/or developer may request from the City Council an extension of time. Said request shall set forth a proposed completion schedule and/or new timetable for installation of the improvements. The City Council may grant one or more extension(s) but each extension is a matter of grace which, if approved, may be subject to additional conditions imposed by the City Council which may be deemed necessary to address issues that have arisen due to the lapse in time;
 3. Abandonment shall be deemed by the City Council to have occurred when the landowner/developer is deemed to be out of compliance

with the approved completion schedule and has failed to secure an extension as provided for in (2) above;

4. Upon the abandonment of a development authorized under this section the City Council shall direct the Zoning Administrator to do the following;
 - a. If a portion of the PUD site was developed in accordance with the PUD, the PUD shall stay in force for that portion already developed; and
 - b. For that portion of the PUD which was not developed under the terms of the PUD, the provisions of the PUD shall lapse and the site shall revert back to a PUD Placeholder designation as provided for in Section 27.19.020(2)(b).
- (b) PUD's which are implemented by or subject to a subdivision application the developer has the option to request the PUD approval coincide with the preliminary plat approval and any phasing thereof or the PUD approval may exceed the time frame approvals of the underlying preliminary plat. In this case the developer shall provide reasons the PUD approval should extend beyond any preliminary plat approvals for the Planning Board and City Council to consider:
1. If the PUD approval coincides with the underlying preliminary plat and the preliminary plat lapses, the PUD conditions of approval for that area shall lapse.
 - a. In such case the city shall notify the property owner of the lapse of the preliminary plat and associated PUD conditions of approval;
 - b. The Zoning Administrator shall modify the PUD designation on the official zoning maintaining the underlying zoning classification but classifying the property as a PUD Placeholder as provided for in Section 27.19.020(2)(b).
 2. If the PUD approval extends beyond the underlying preliminary plat approval, the developer shall request extensions of the PUD on a yearly basis after expiration of the underlying preliminary plat.
 - a. At least 30 days prior to the expiration of the PUD approval the landowner and/or developer may request from the City Council an additional one year extension. Said request shall set forth a revised completion schedule and/or new timetable for installation of the improvements and completion of the project. The City Council may grant one or more extensions

but each extension is a matter of grace which, if approved, may be subject to additional conditions imposed by the City Council which may be deemed necessary to address issues that have arisen due to the lapse in time;

- b. If the PUD project fails to secure an extension or falls out of compliance with its approved completion schedule provided for in 2.a. above, the project will be considered abandoned.
- c. Upon the abandonment of a development authorized under this section, the City Council shall direct the Zoning Administrator to do the following:
 - I. If a portion of the PUD site was developed in accordance with the PUD, the PUD shall stay in force for that portion already developed;
 - II. For that portion of the PUD which was not developed under the terms of the PUD, the provisions of the PUD shall lapse and the site shall revert back to a PUD Placeholder designation as provided for in 27.19.020(2)(b).

27.19.030: Standards for Planned Unit Development District (PUD).

(1) **General Standards.**

- (a) **Developable area** of a PUD shall be defined as all land that could potentially be available for development including land in existing or potential lots, streets, open space and parks. **Undevelopable area** is defined as land within un-buildable areas including land in a 100 year floodplain, BPA power line easements, federally designated wetlands, and slopes in excess of 30% unless satisfactory geotechnical information is submitted by a licensed engineer.
- (b) Both the permitted and conditionally permitted uses of the underlying zone shall be deemed to be eligible for inclusion as permitted uses in a PUD however not all such uses may be deemed appropriate within the overall design of a particular PUD and may be limited or modified by the PUD plan.

(2) **Establishment of PUD Districts.**

(a) **Residential PUD District.**

- 1. Minimum size is two acres including both developable and undevelopable area. For PUD's less than 2 acres in size, a PUD

application may be submitted; however, such site will not be eligible for a density bonus as provided for in table 1 below.

2. A residential PUD district may be established in areas zoned R-1 through R-5, RA-1, RA-2 and the H-1.
3. Housing types within a residential PUD may include single family, duplex and multi-family housing arranged in attached, detached, townhouse, apartment or condominium configurations.
4. Residential dwelling unit density: Within a proposed residential PUD district residential densities are set forth below:

**Table 1
PUD Density Allocation**

Underlying Residential District	Max # Dwelling Units/Developable Acre
R-1 District	1 dwelling unit
R-2 District	3 dwelling units
R-3 District	4 dwelling units
R-4 District	7 dwelling units
R-5 District	10 dwelling units
RA-1 District	10 dwelling units
RA-2 District	20 dwelling units
H-1 District	20 dwelling units

- a. Table 1 provides for the maximum # of dwelling units per developable acre. Developable acres are based on land in developable area and exclude undevelopable land as defined in 27.19.030(1)(a) above;
- b. PUD's are not entitled automatically to the maximum density allowed in Table 1 above. Density shall be established based upon:
 - I. An analysis of the environmental factors affecting the land;
 - II. Compatibility with surrounding land uses and impact on adjacent neighborhood;
 - III. Availability of public infrastructure and services; and
 - IV. Consistency with the Kalispell Growth Policy.

- c. Residential density bonuses: The maximum PUD residential density provided for in Table 1 may be increased in the following situations:
 - I. Up to a 20% increase in residential units for projects which exceed the minimum park and open space requirements as follows:
 - i. A 5% increase in density for each 10% increase over and above the minimum required developed park lands.
 - ii. A 5% increase in density for each 10% increase of open space over and above the minimum park land requirement.
 - iii. Up to a 20% bonus density (at a rate of two additional housing units for each affordable unit created) for projects which advance long term work force housing opportunities (rental or owner occupied housing available to people earning up to 80% of median income). For lots/units to be eligible they must be associated with such organizations as Habitat For Humanity, a local housing authority, a single or multi-county housing assistance organization or an incorporated land trust.
5. Commercial uses and their associated parking may be allowed in a residential PUD district, provided:
- a. Lots devoted to commercial uses and their associated parking shall not occupy more than 10% of the developable land area of the PUD district;
 - b. Commercial uses shall be so located, designed and operated as to serve primarily the needs of persons within the district and secondarily persons residing elsewhere; and
 - c. The acreage proposed for commercial use and its parking shall be excluded from the gross acreage when computing total allowable dwelling units.
6. Residential park/open space requirements:

- a. The minimum park land required is based on a ratio of .03 acres per residential unit. Residential units are defined as both owner and renter occupied units and includes single family and multi-family attached and detached construction but specifically excludes licensed retirement, assisted living or nursing home units.
- b. Lands considered undevelopable as provided for in 27.19.030 (1)(a) shall not be considered as meeting the minimum park land and open space requirements.
- c. The applicant shall submit a plan for development of each of the park areas. The approved plans shall be fully implemented by the applicant.
- d. In addition to developed park lands, the PUD shall incorporate open space features, where and when appropriate to enhance the overall development, to serve as a necessary noise or visual barrier or to protect sensitive areas such as stream setbacks, floodplains, areas of steep slopes or other fragile areas.
- e. The first 20 feet of width of a required pedestrian trail system (trail and associated easement) shall be considered a transportation facility and shall not be counted towards any open space of park land requirement.

(2) **Commercial PUD District.**

- (a) Minimum size is two acres of developable area.
- (b) A commercial PUD district may be established in areas zoned B-1 through B-5, P-1 and H-1.

(3) **Industrial PUD District.**

- (a) Minimum size is two acres of developable area.
- (b) An industrial PUD district may be established in areas zoned I-1, I-2, P-1 and B-5.

(4) **Residential Mixed Use PUD.**

- (a) The minimum size is 5 acres of developable area.

- (b) A residential mixed use PUD may be established in areas zoned R-1 through R-5, RA-1, RA-2, B-1, P-1 and H-1.
 - (c) The predominant land use character of the PUD must be residential; commercial uses should primarily be sized and located to address the needs of the immediate neighborhood.
 - (d) The residential uses and densities appropriate to a mixed use PUD are the same as those permitted in a residential PUD.
 - (e) Commercial uses appropriate to a mixed use PUD are the same as those permitted in a commercial PUD.
 - (f) Incompatible industrial and commercial uses are not permitted.
 - (g) The combined area of all commercial/industrial lots cannot exceed 35% of the developable area.
- (5) **Non-Residential Mixed Use PUD.**
- (a) Minimum size is two acres of developable area.
 - (b) A non-residential mixed use PUD may be established in any zoning district which would allow a commercial or industrial PUD.
 - (c) Uses allowed under either a commercial or industrial PUD are allowed.

**CHAPTER 27.20
SUPPLEMENTARY REGULATIONS**

Sections:

27.20.010	Intent
27.20.020	Accessory Uses
27.20.025	Airport Affected Area
27.20.027	Cellular Service Antennae Location
27.20.030	Exceptions to Height Regulations
27.20.040	Fences, Walls, and Hedges
27.20.050	Greenbelts
27.20.060	Home Occupations
27.20.070	Lots in Two Zones
27.20.080	Principal Structures
27.20.085	Recreational Vehicles In Conjunction With Residential Uses
27.20.090	Safe Houses and Domestic Violence Shelters
27.20.100	Side Corner Setback Reduction
27.20.110	Single Family and Duplex Dwellings – Design Standards
27.20.120	Site Plan Review
27.20.130	Special Events
27.20.140	Structures To Have Access
27.20.150	Sublots
27.20.160	Visibility at Intersections

27.20.010: **Intent.** The supplementary regulations listed and described herein apply to a specific district, to several districts, or to all districts. These regulations pertain to certain specific uses, authorize certain exemptions, or relate to unusual conditions.

27.20.020: **Accessory Uses.** In addition to any permitted or conditionally permitted principal uses, accessory uses and structures are permitted as set forth in this section.

- (1) **General Provisions.** Each permitted accessory use shall:
 - (a) Be customarily incidental to the principal use established on the same lot;
 - (b) Be subordinate to and serve such principal use;
 - (c) Be subordinate in area, extent, and purpose to such principal use; and
 - (d) Contribute to the comfort, convenience, or necessity of users of such principle use.
- (2) **Standards for accessory uses and structures.** The following is a list of restrictions on accessory uses and structures:

(a) **Setbacks.**

	Front	Side	Rear	Side Corner
Accessory Structures (larger than 400 square feet) in all zones except B-4	See setback for principal structure	5 ft	5 ft	See setback for principal structure
Accessory Structures (400 square feet or less) in all zones except B-4	See setback for principal structure	5ft (N/A if to the rear of the principal structure)	N/A	See setback for principal structure
B-4	N/A	N/A	N/A	N/A

When a garage or carport is entered from an alley, it shall not be located closer than ten feet from the alley right-of-way line. When a garage or carport is entered from any other public or private right-of-way, it shall not be located closer than twenty feet from the right-of-way line unless a greater setback is provided for under the particular zoning district development standards.

- (b) In R and RA zones, accessory structures shall not exceed 18 feet in height and are limited to single story construction. Accessory structures in other zones shall not exceed the maximum height for principal structures as provided under the particular zoning district development standards.
- (c) No accessory structure or use shall be constructed or established on any lot prior to the time of the substantial completion of the construction of the principal structure to which it is accessory.
- (d) Accessory structures shall be limited to no more than 1000 square feet in size.

27.20.025: Airport Affected Area.

The Kalispell City Airport Affected Area Ordinance, as it presently is written and as it may be amended in the future, is hereby incorporated by reference into the Kalispell Zoning Ordinance.

27.20.027 Cellular Service Antennae Location

Cellular service antennae may locate on any existing or proposed structure that is otherwise allowable pursuant to the regulations applicable to that district, provided that the antennae does not extend above or beyond the envelope of the structure without taking steps to visually camouflage its presence, such as within belfries, chimneys, elevator

housings, or similar architectural features that would customarily be a part of the structure and tend to add to the architectural character of the structure.

27.20.030: Exceptions to Height Regulations.

- (1) The height limitations contained in any district regulations do not apply to spires, belfries, cupolas, chimneys, water tanks, ventilators, elevator housing, grain elevators, or other agriculture buildings, telecommunication towers and cellular communication towers and facilities, unless otherwise prohibited by regulations related to the airport affected area referenced under Section 27.20.025 of this ordinance or by Federal Aviation Regulations, part 77.
- (2) The height of any structure may be limited pursuant to requirements related to a conditional use permit. The limitation may be less than otherwise allowed under this ordinance.
- (3) Additional height may be allowed under a conditional use permit in those zones where additional height is provided for under the development standards.
- (4) Masts for flagpoles and antennas accessory to an allowed use shall not exceed the height limits of the zoning district.
- (5) Masts for flagpoles must be set back from the property line to prevent the intrusion of the extended flag into or over any public right-of-way or adjoining property.

27.20.040: Fences, Walls, Hedges.

- (1) Except as otherwise provided by this ordinance, no fence, hedge, or free-standing wall shall exceed 48 inches in height anywhere within or bounding the front yard or 78 inches within the rear, side corner, or side yards when placed within the required yard setback areas. Fences, hedges, and walls shall not interfere with clear vision triangles. A single archway serving as a pedestrian entrance and being no more than nine feet tall, five feet wide and four feet deep, may be attached to a fence in the required setback area.
- (2) Open wire fences exceeding the above heights may be built around schools, day cares, tennis courts, swimming pools, or other public or quasi-public institutions when necessary for the safety or restraint of occupants thereof. The acceptable height of said fences shall be determined by the Zoning Administrator after giving consideration to the character of the neighborhood, available options on-site, and purpose of the fence.
- (3) Security fences are allowed on side and rear yards up to 8 feet in height when used to enclose commercial or industrial storage yards. Barbed wire may be used along the upper one-third portion of the fence (up to a total of 2 feet). Barbed wire is not permitted within the front or side corner setback area.

- (4) Except where necessary to contain livestock and as otherwise indicated in (3) above, no barbed wire or other sharp fencing materials and no electrically charged fences shall be erected or maintained in any district created by this code. When electrically charged fences are used, such fence shall be posted with warning signs at intervals not to exceed 150 feet where such fences are adjacent to public rights-of-way or other zoning districts.

27.20.050: Greenbelts.

- (1) All sites in a “B” or “I” classified district having a common boundary with an “R”, “H”, or “RA” classified property, shall erect and maintain a view-obscuring fence or dense, coniferous hedge along such common boundary. Fences shall not be less than six feet in height. Hedges shall be subject to approval by the parks department. Any vegetation shall be a minimum of 3 feet in height at planting and obtain a height of not less than six feet at maturity. Where the wall of a building, or public alley, or public street is on such common boundary, no separate wall, fence or hedge need be installed along that portion of the boundary occupied by such building, street, or alley. Fences and hedges utilized as greenbelts are subject to the height limitations for the district in which they are located.
- (2) Fences or greenbelts erected as a requirement of this section shall be maintained in a neat and orderly manner, and any vegetation shall be healthy and attractive.

27.20.060: Home Occupations. Home occupations are allowed in conjunction with any residential use that is a primary residence for the occupant(s) provided that:

- (1) The home occupation is clearly incidental and secondary to the use of the property as a residence.
- (2) Any commodity sold upon the premises must be produced on the premises. This is not intended to preclude the occasional home party sales associated with such products as Tupperware, Amway and Avon. This would include but not be limited to music lessons, educational tutoring, consulting services, personal services and photography studios.
- (3) Home occupations would not include any type of auto, boat or RV repair, maintenance or painting; any type of food preparation for on-site consumption or retail sales which include items not produced on-site, or any other use which creates traffic uncharacteristic of a residential area or requires outdoor storage of materials.
- (4) Any disturbance such as noise, vibration, smoke, dust, odor, heat or glare beyond the confines of the dwelling unit or accessory building would not be in excess of that which would normally be anticipated in a residential area.

- (5) There shall be no exterior display, or exterior storage of materials, house calls after 9:00 p.m. or before 8:00 a.m., or other indication from the exterior that the dwelling unit or accessory building is being used in part for any use other than that of a dwelling or accessory building for purely residential purposes.
- (6) There shall be no employees other than those residing on the premises.
- (7) There shall be no pedestrian or vehicular traffic in excess of that which is characteristic of a typical neighborhood of its type and shall not exceed more than one at a time or eight all day.
- (8) A wall sign flush mounted to the building not to exceed six square feet may be allowed in association with a home occupation.

27.20.070: Lots in Two Zones. District boundaries shall, except for unique conditions or circumstances, take into consideration property boundaries as platted and every effort shall be made to not divide a platted lot, parcel or tract of land into two (2) or more use districts. If, however, a property is divided into two (2) use districts, the property may be utilized in conformance with one zoning district or the other as long as the use is confined to that portion of the property for which it is zoned. The remainder of the lot lying within the other zoning classification will remain open. This is not meant to preclude the possibility of the owner applying for a zone map amendment or subdivision of the lot to address the situation.

27.20.080: Principal Structures. In any “B”, “P”, or “I” district, more than one structure housing a permitted and customary principal use may be erected on a single lot or tract of land, provided that yard and other requirements of this code shall be met for each structure as though it were on an individual lot. This provision shall not apply to any lot within an “R” district where only one principal structure is permitted. Multiple structures proposed in an “RA” or “H” district shall be subject to approval as a conditional use.

27.20.085 Recreational Vehicles In Conjunction With Residential Uses.

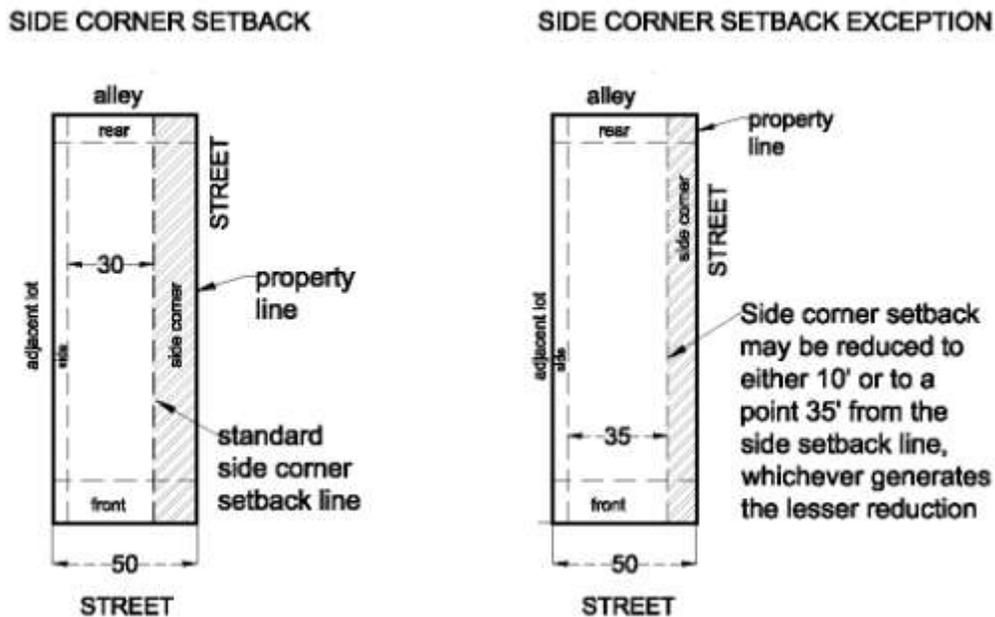
On any property used for residential purposes, temporary use of a recreational vehicle for housing occupants of the principal structure or their guests is allowed provided that the use is free of charge and limited to a period of one week or less per month.

27.20.090: Safe Houses. Safe houses are not subject to public review because of the need for anonymity to protect the victims of domestic violence and abuse from their abusers. However, they will be required to be reviewed and approved by the Kalispell Site Development Review Committee for compliance with applicable health, safety and zoning regulations prior to occupancy. Periodic inspections shall be conducted to insure compliance with fire and life safety codes. Any inquiries or issues associated with the review process shall be kept strictly confidential to the extent allowed by law in order to protect the integrity, intent and operation of the safe house. Information acquired as part of the review process will be kept confidential. Should issues arise within the neighborhood

regarding the operation of the safe house the City of Kalispell shall make every reasonable effort to amicably resolve potential conflicts.

- 27.20.100: Side Corner Setback Reduction.** Notwithstanding any side corner setback otherwise required under this ordinance, if the distance between the side setback and side corner setback (i.e. the buildable width) on a corner lot is less than 35 feet, development may occur within the side corner setback to either a point 35 feet from the side setback or ten feet from the side corner property line, whichever generates a lesser encroachment. (See Figure 1).

Figure 1: Side Corner Setback Exception



- 27.20.110: Single Family and Duplex Dwellings – Design Standards.** The purpose of this section is to promote public health, safety and welfare and to ensure neighborhood compatibility by establishing minimum standards for single family dwellings and duplexes. All single family dwellings and duplexes shall comply with the following standards:

- (1) As used in this section, a manufactured home means:
 - (a) A single family dwelling, built off site in a factory on or after January 1, 1990;
 - (b) That is placed on a permanent foundation;
 - (c) Is at least 1,000 square feet in size;
 - (d) Has a pitched roof and siding materials that are customarily used on site-built homes; and

- (e) Is in compliance with the applicable prevailing standards of the United States Department of Housing and Urban Development at the time of its production.
- (2) All single family dwellings and duplexes must be site built or manufactured homes. Manufactured homes must:
 - (a) Be a minimum of 20 feet at the narrowest width;
 - (b) For factory assembled housing, have all tow bars, wheels and axles removed at time of installation;
 - (c) Be placed on a permanent foundation that meets applicable building code requirements; and
 - (d) Have not been previously located.
 - (3) Site built homes may be moved as follows:
 - (a) To a different location on the same parcel;
 - (b) From one lot in the city to a different lot; or
 - (c) From outside the city to a lot inside the city.

27.20.120: Site Plan Review. The purpose of this section is to establish site design criteria and review procedures to promote the general health and welfare by encouraging attention to site planning and giving regard to the natural environment, creative project design, and the character of the neighborhood or area.

- (1) **Application of These Procedures.** These procedures shall apply to all developments within the zoning jurisdiction of the City of Kalispell. The site plan shall be submitted and approved prior to the issuance of any building permit for any construction, development or any site preparation. A pre-application conference with the city public works department and building department is strongly encouraged prior to the preparation of any site plan or working drawings. Distinction is made below between the procedures and standards applicable to minor and major site plans.
- (2) **Application for Minor Site Plan Approval.** Minor site plan approval will be required for single family dwellings and duplexes. Exterior structural remodeling projects, not involving an expansion of a structure or use, are also subject to minor site plan approval when such remodeling does not involve a change of use.
 - (a) Two sets of working drawings including site plan for a single family dwelling or duplex on an existing lot shall be submitted directly to the

planning and building department for review to show compliance with the Kalispell Zoning Ordinance. The department is authorized to require any revisions and/or attach any conditions necessary to ensure compliance.

- (b) A site plan/application is required to have the following information:
1. Name, address, and phone number of owner, builder/architect and/or engineer;
 2. Building site address, lot and block number, legal description of property, north arrow, and date;
 3. All lot lines, easements, rights-of-way, and distances to both the wall line and the eave line of all existing and proposed structures, drawn to a reasonable and accurate scale; and
 4. Location of all buildings, parking areas, driveways (including paving details), fences and other improvements.
- (3) **Major Site Plan Approval.** Commercial, industrial, and multi-family developments and remodeling of existing structures when a change of use or structural expansion would result shall be subject to the following application and review procedures:
- (a) Site Plan Information. In addition to a completed building permit application form, three sets of working drawings and five sets of site plans shall be submitted incorporating the following information:
1. Boundary line of property with dimensions and a north arrow indicator;
 2. Topography contours at a minimum interval of two feet or as determined by the public works director;
 3. Adjacent streets and street rights-of-way to a distance of 150 feet, including existing and proposed improvements such as curb, gutter, sidewalks, bike paths, and landscape boulevard treatments/plantings;
 4. Utilities and utility rights-of-way or easements;
 5. All existing and proposed structures, including distances to both the wall line and the eave line of all structures;
 6. Parking facilities, including bicycle racks, landscaping, drainage, lighting, handicap-accessible parking, typical dimensions (including labeling angles for angled parking), traffic flow on-site, ingress and egress points, driveways, and paving details;

7. Water bodies, floodplain, and wetlands;
 8. Grading and drainage plans;
 9. Location of fire hydrants and designated fire lanes/turnarounds;
 10. Sidewalks, walkways, driveways, loading areas and docks, and bike paths;
 11. Provision for handicapped accessibility, including but not limited to wheelchair ramps, parking spaces, handrails, and curb cuts;
 12. Fences and walls;
 13. Exterior signs;
 14. Exterior refuse collection areas;
 15. Outdoor lighting plan (see Outdoor Lighting provisions, Chapter 27.26);
 16. Landscaping (detail plans showing plantings, equipment, and other appropriate information):
 - a. Size of plantings, time of planting and size at maturity, and
 - b. Areas to be irrigated.
 17. Site plan review fee as established by the City Council.
- (b) **Criteria for Design Review.** The following criteria shall be utilized by the Site Development Review Committee, when required, in reviewing site plans to ensure that the purpose and intent of the zoning ordinance, city tree ordinance, and all other applicable city ordinances are met:
1. The landscape shall be preserved in its natural state, in so far as practical, by minimizing tree and soil removal and any grade changes shall be in keeping with the general appearance of the neighborhood or area, and safe, and efficient development of the site.
 2. The proposed development or physical improvements will not impair or interfere with (a) the development, use, enjoyment or value of other property in the vicinity; (b) the orderly development of the neighborhood; or (c) the area as a whole.

3. Project Development.
 - a. The proposed development or physical improvement has a desirable, efficient and workable interrelationship among buildings, parking, circulation, open space, landscaping and related activities and uses;
 - b. The proposed development or physical improvement is in character with the design qualities of other developments in the area; and
 - c. Utilities are placed underground.
 4. Curbs, gutters, sidewalks, and boulevard landscaping in adjacent rights-of-way shall be developed or upgraded to current public works design and construction standards. Travel surfaces may, where appropriate, be required to be repaired or upgraded. Boulevard landscaping shall include grass and tree species approved by the parks department. Boulevard landscaping shall not include rocks, gravel, or similar non-vegetative treatments.
 5. Development or physical improvement shall provide sufficient landscaping to assure a pleasant and aesthetic on-site environment and provide protective screening, when necessary. This may include landscaping for the front yard or any yard adjacent to any public right-of-way, along any lot adjacent to a residential zone, or in association with off-street parking areas. All landscaping shall be continually maintained including necessary watering, weeding, pruning and replacing, in a substantially similar manner as approved.
- (c) Review Authority for Major Site Plan Approval. A “Site Development Review Committee” has the authority to review and require revisions to any major site plan. Said committee shall consist of the head of each department in the city or his/her designee and any other staff member so designated by the city manager.
 - (d) Power to Amend Plans. When approving an application for a site design and use, the Site Development Review Committee will include any or all of the following conditions, if they find it necessary to meet the intent and purpose and the criteria for approval of this ordinance. Any condition of approval must substantially advance a legitimate public interest and the cost of the condition must be roughly proportional to the public interest served.

1. Require such modifications in the landscaping plan as will insure proper screening, aesthetic appearance, and use of appropriate material within the right-of-way.
 2. Require the retention of existing trees, rocks, water ponds, or courses and other natural features.
 3. Require the retention and restoration of existing historically significant structures on the project site.
 4. Require the modification or revision of the design or remodeling of structures, signs, accessory buildings, etc. to be consistent with all city codes, ordinances, policies and guidelines.
 5. Require on-site fire protection during the construction phase of a project.
 6. Require placing all utilities underground.
 7. Require new developments to provide limited controlled access onto a public street by means of traffic signals, traffic controls and turning islands, landscaping, or any other means necessary to insure the viability, safety, and integrity of the public street as a true corridor. In some cases, the city may require the developer to provide off-site improvements and right-of-way consideration, including but not limited to water, sanitary sewer, storm drainage, street improvements, pedestrian ways, lighting and signalization. The city may require the developer to also furnish the city with appropriate engineering studies regarding the various impacts that the development might have on the city's public facilities as per the City's standards for design and construction.
 8. Require on-site pedestrian access and connectivity to adjacent facilities, separate pedestrian access ways, and sidewalks/bike paths.
- (e) Permit Issuance for Major Site Plans. The Site Development Review Committee shall issue a permit for the development upon a finding that all applicable city regulations and guidelines of this section have been adhered to.
- (4) **Appeals.** Any applicant for site plan approval may file an appeal when aggrieved by a decision or interpretation made by the Site Development Review Committee.
- (a) A written appeal and payment of a fee as prescribed by the City Council must be received in the office of the city manager within 30 days from the

time the officer(s) charged with the enforcement of this section have made a written interpretation or determination on the site plan application.

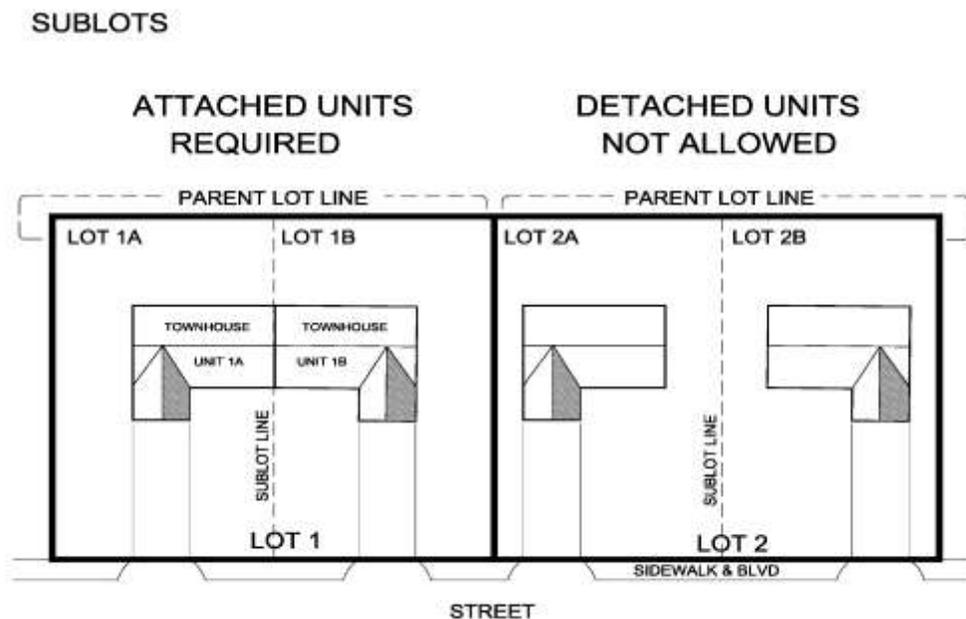
- (b) The city manager shall review the appeal and transmit the appeal and associated materials to the City Council.
- (c) The City Council shall act on the appeal within 30 days following receipt of the appeal by the city manager.
- (d) Decisions by the City Council shall be by Resolution. The basis for the decision on each appeal and a detailed summary of the facts and basis supporting such determination shall be recorded in the decision and shall constitute a part of the record thereof.

27.20.130: Special Events. Special events such as car shows, boat shows, RV shows, carnivals, concerts and similar outdoor activities are permitted in the “B”, “I”, and “P” zones provided they do not exceed seven days in a one month period.

27.20.140: Structures to Have Access. Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be located on lots as to provide safe convenient access for servicing, fire protection, and required off-street parking.

27.20.150: Sublots. Sublots may be created in any zoning district other than the R-1. Sublots are subject to subdivision approval and, if required, a conditional use permit.

Figure 2: Sublots



(1) **Site Requirements.**

- (a) The allowable number of sublots shall be determined by dividing the gross area of the parent lot by the density limits of the applicable zoning district. In the event that the design utilizes common ownership of common areas, the area of the lot(s) plus the common area shall be divided by the density limits of the applicable zoning district to determine the allowable number of sublots.
- (b) In no case, however, shall a subplot located in an “R” or “RA” zone have more than one dwelling unit thereon.

(2) **Building Limitations.**

- (a) The yard, height, and area requirements of the district shall apply to the entire area of the parent lot.
- (b) Common ownership of the yards is permitted.
- (c) The shared interior property boundary(ies) is/are required to be developed at a zero lot line.
- (d) Sublots shall not be used to develop detached units. (See figure 2 above)

27.20.160: Visibility at Intersections. In any residential district, fences, signs, walls, hedges, or other planting may be permitted in any required yard, provided that nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede a clear vision triangle. (See definitions).

CHAPTER 27.21
ARCHITECTURAL REVIEW

Sections:

- 27.21.010 Findings and Objectives.**
- 27.21.020 Architectural Review Committee.**
- 27.21.030 Jurisdiction and Powers of the Architectural Review Committee.**
- 27.21.040 Criteria and Standards.**
- 27.21.050 Procedure.**

27.21.010: Findings and Objectives.

- (1) Excessive uniformity, dissimilarity, inappropriateness or poor quality of design on the exterior appearance of structures and signs and the lack of proper attention to site development and landscaping in Kalispell hinders the harmonious development of the city, impairs the desirability of residences, investment or occupation in the city, limits the opportunity to attain the optimum use and value of land and improvement, adversely affects the stability and value of the property, produces degeneration of property in such areas with attendant deterioration of condition affecting the peace, health and welfare of the city, and destroys a proper relationship between the taxable value of property and the cost of municipal services.
- (2) The purposes and objectives of architectural site design review procedure are to:
 - (a) Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development;
 - (b) Discourage monotonous, drab, unsightly, dreary and inharmonious development;
 - (c) Conserve the city's natural beauty and visual character and charm by insuring that structures, signs and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs, and other improvements;
 - (d) Protect and enhance the city's appeal to tourists and visitors and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial properties;

- (e) Stabilize and improve property values and prevent blighted areas and, thus, increase tax revenues;
- (f) Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns, and thus decrease the cost of governmental services;
- (g) Foster civil pride and community spirit so as to improve the quality and quantity or citizen participation in local government and in community growth, change and improvement; and
- (h) Sustain the comfort, health, tranquility and contentment of residents by reason of the city's favorable environment, and thus to promote and protect the peace, health and welfare of the city.

27.21.020: Architectural Review Committee.

- (1) The mayor, with the approval of the council, shall appoint an Architectural Review Committee (ARC) of at least five persons, each with one or more of the following qualifications: special education, training or experience in the financing of commercial real property, architecture, or landscape architecture; active engagement in business, commerce or industry; and/or education, training or experience in the area of graphic or allied arts. Whenever possible, the mayor shall appoint individuals who are either property owners, residents or actively engaged in business or employment in the city.
- (2) The members shall serve at the pleasure of the mayor. The mayor, with approval of the council, may remove any member of the ARC after hearing, for misconduct or non-performance of duty. Any vacancies of the ARC shall be appointees of the mayor with the approval of the council.
- (3) The ARC may adopt and amend rules to govern the conduct of its business including, but not limited to: Officers, quorum, voting, schedule of meetings and records.

27.21.030: Jurisdiction and Powers of the ARC.

- (1) Except for single family and duplex dwellings, no building permit shall be issued for a new building or major remodeling of an existing building, and no sign permit shall be issued for the construction or alteration of a sign, until the plans, drawings, sketches and other documents required under Section 27.21.050 have been reviewed and approved by the ARC in conformity with the criteria specified in Section 27.21.040. Wall signs and groupings of wall signs less than 50 square feet in area are exempt from ARC review. For purposes of this ordinance, the term "major remodeling" shall mean any remodeling that substantially changes the exterior appearance of the building.

- (2) Construction, site development and landscaping, signing and graphics shall be carried out in the substantial accord with the plans, drawings, sketches and other documents approved by the ARC, unless altered with the ARC's approval. Nothing in this section shall be construed to prevent ordinary repair, maintenance and replacement of any part of the building or landscaping which does not involve a substantial change from the goals and objectives of section 27.21.010.

27.21.040: Criteria and Standards.

- (1) The following standards shall be utilized by the ARC in reviewing the plans, drawings, sketches and other documents required under section 27.21.050. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the ARC. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specifications on one or more particular architectural style are not included in these standards.
- (a) City of Kalispell, Montana, Architectural Design Standards: The project should be designed to follow the architectural design standards.
 - (b) Relation of proposed buildings to environment: Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings.
 - (c) Advertising features: The size, location, design, color, texture, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.
 - (d) Special features: Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setback, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
 - (e) Application of design standards: The standards of review outlined in this section also apply to all accessory buildings, structures, exterior signs and other site features, however related to the major buildings or structures.
- (2) The ARC shall also be guided by the objectives of section 27.21.010, and such objectives shall serve as additional criteria and standards.

27.21.050: Procedure.

- (1) Submission of documents. A prospective applicant for a building or other permit, who is subject to site design review, shall submit to the planning department the following:
 - (a) A site plan, drawn to scale, showing the proposed layout of all structures and other improvements including, where appropriate, driveways, pedestrian walks, landscaped areas, fences, walls, off-street parking and loading areas, and railroad tracks. The site plan shall indicate the location of entrances and exits and the direction of traffic flow into and out of off-street parking and loading areas, the location of each parking space and each loading berth and areas of turning and maneuvering vehicles.
 - (b) A landscape plan, drawn to scale, showing the location of existing trees proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties and sizes of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain trees and plant materials.
 - (c) Architectural drawings or sketches, drawn to scale, including floor plans, in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures and other improvements as they will appear on completion of construction.
 - (d) Specifications as to type, color and texture of exterior surfaces of proposed structures.
 - (e) Specifications for each exterior light fixture.
 - (f) A sign plan, drawn to scale, showing the location, size, design, material, color and methods of illumination of all exterior signs.
- (2) The ARC shall make a decision in a timely manner pursuant to their rules and schedule. An applicant may appeal a decision to the City Council. The appeal shall be filed in writing to the city manager within 30 days after the ARC has rendered its decision at the scheduled meeting.

**CHAPTER 27.22
SIGN REGULATIONS**

Sections:

27.22.010	Purpose
27.22.020	Scope
27.22.030	Signs Prohibited
27.22.040	Permits Required
27.22.050	Signs Not Requiring Permits
27.22.060	General Standards for all Signs
27.22.070	Reader Boards
27.22.080	Sign Area Allowances
27.22.090	Regulations for Specific Categories of Signs
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27.22.110	Permitted Signs in Zones R-5, RA-1, RA-2, B-1 and P-1
27.22.120	Permitted Signs in Zone H-1
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27.22.140	Construction Standards
27.22.150	Maintenance
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27.22.180	Exemption for Historic Signs
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27.22.010: Purpose. The purpose of this chapter shall be to coordinate the type, placement, and physical dimensions of signs within the different land-use zoning classifications of Kalispell; 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 promote the aesthetic objectives of the city; to improve pedestrian and traffic safety; to enhance the natural scenic qualities of the area; to minimize the possible adverse effect of signs on nearby public and private property; to promote the tourist economy of the city; and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. These shall be accomplished by regulation of the display, erection, use and maintenance of signs. The use of signs is regulated according to zoning classifications. No sign shall be permitted as an accessory use to a permitted or conditionally permitted use except in accordance with the provisions of this Chapter.

27.22.020: Scope. This chapter shall not regulate official traffic or government signs; the copy and message of signs; signs not intended to be viewed from a public right-of-way; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government or noncommercial organization; gravestones; religious symbols;

commemorative plaques; decorative holiday light displays; traditional barber poles; the display of street numbers; or any display or construction not defined herein as a sign.

27.22.030: Signs Prohibited. The following types of signs are prohibited in all districts: No permit shall be issued for the erection of any signs prohibited by this section.

- (1) Abandoned Signs.
- (2) Inflatable signs, searchlights, beacons or other gas filled or air filled figures (except as allowed in Section 27.22.050(1)(c)).
- (3) Banners on public property or rights-of-way, except as otherwise permitted by other city standards or policies.
- (4) Signs imitating or resembling official traffic or government signs or signals.
- (5) Snipe signs or signs attached to trees, telephone/electrical poles, public benches, streetlights, or placed on any public right-of-way.
- (6) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign. (This does not apply to signs or lettering on buses, taxis, or vehicles operating during the normal course of business).
- (7) Roof signs unless architecturally incorporated (matching colors/materials/embellishments) into the facade of the building, and mounted on a parapet wall or similar extension of an exterior wall. No part of the sign shall extend over the wall.
- (8) Any temporary or portable signs except as otherwise permitted in Section 27.22.050(1).
- (9) Mechanically animated and/or flashing signs. See also Section 27.22.060(1).
- (10) Any temporary or portable sandwich board signs or other portable signs located on public sidewalks or in the public right-of-way, except as otherwise provided in this chapter.

27.22.040: Permits Required. Unless otherwise provided by this ordinance, all signs shall require permits and payment of fees as described in Section 27.22.160 of this ordinance.

- (1) No permit is required for the routine maintenance of a sign except as otherwise specified in this section.
- (2) Changing a face or other component of a sign is considered an alteration of the sign and shall not be considered routine maintenance except that the replacement of reader boards with reader boards of the same size, color lights, and type are considered to be routine maintenance provided that a permit is obtained. Any

reader board replaced under this provision shall comply with light intensity requirements for electronic reader boards as provided for in Section 27.22.070.

27.22.050: Signs Not Requiring Permits. The following types of signs are exempted from permit requirements, but must be in conformance with all other requirements of this ordinance:

- (1) Allowed Temporary Signs. Signs erected on a temporary basis such as, but not limited to, the following categories of signs:
 - (a) Construction Signs. No more than one sign per contractor of a building which is under construction provided the advertising display area of such sign shall not exceed six square feet in residential districts or 32 square feet in other districts. The signs may be combined on a single sign not to exceed 32 square feet. Additionally, one sign is allowed which shall not exceed 16 square feet advertising the business(es) which will occupy the lot. Such signs shall be removed within 30 days of occupancy of the building.
 - (b) Real Estate Signs. One two-faced sign per lot not exceeding six square feet per sign face in residential districts or 32 square feet in other districts. A subdivision sales sign up to 32 square feet is permitted at each entrance to a subdivision, and shall be removed at 75% build-out of the subdivision (or phase, if applicable).
 - (c) Temporary signs are allowed in association with commercial and industrial uses for special events such as grand openings or special sales for a single period of time not to exceed 14 total days within a 6 month period and subject to the written approval of the Zoning Administrator.
 1. Banners mounted directly on and parallel to a building wall.
 2. Temporary or portable signs (such as a portable reader board or sandwich board, etc) per lot are allowed.
 3. Inflatable signs, balloons, tethered balloons, or other gas filled or air filled figures.
 - (d) Political signs not exceeding 32 square feet located on private property.
 - (e) Campaign and election signs which are removed within 14 days after the election.
 - (f) Signs associated with neighborhood garage or yard sales or similar function. Such signs may be located on-premise or off-premise within a residential zoning district. The signs must be removed within two days following the sale.

- (g) In the area shown in Figure 2.1 (see below), A-frame/sandwich board signs within the public right-of-way are permitted under the following conditions:
1. Only one single or double-sided sign is permitted per lot;
 2. A minimum 5 foot wide pathway remains on the sidewalk;
 3. The sign is immediately in front of the business being advertised and adjacent to the building;
 4. The sign is limited to a maximum of 3 feet in height and 10 square feet per face;
 5. The sign may be displayed from 8:00 a.m. to 9:00 p.m.;
 6. Insurance coverage is provided in a manner to be reviewed and approved by the City Attorney; and
 7. A permit is obtained from the zoning administrator.



- (2) **General Standards for Temporary Signs.**
 - (a) A temporary sign shall not be placed on or extend over the public right-of-way, except as otherwise provided in this chapter.
 - (b) The location of a temporary sign is subject to clear vision triangle requirements and the location requirements for freestanding/ground signs contained in Section 27.22.090(1). The location is further subject to site and building access requirements.
 - (c) A temporary sign shall be designed to be stable under all weather conditions, including high winds.
 - (d) A temporary sign shall not advertise or promote any off-premise commercial enterprise or event.
- (3) **Directional Signs.** A sign, other than a government sign, not more than four square feet which provides directions for traffic flow to places of business.
- (4) **Identification Signs.** One sign per street front, setting forth or denoting the name of any public, charitable, or religious institution when located on the premises of such institution, provided such sign or bulletin board shall not exceed 24 square feet in sign area per face, subject to the height for the given zoning district.
- (5) **Interior Window Signs.** Any incidental signage erected inside of or painted on a window or otherwise located within a building except strobe lights, blinking lights or other such similar devices that are intended to draw attention to a use from passing vehicular traffic. An electronic reader board within a window shall be considered a wall sign and is subject to review as a sign requiring a permit.
- (6) **Subdivision Identification Signs.** One sign not to exceed 24 square feet in area or two signs not to exceed 12 square feet each per exclusive entrance to a subdivision or tract. Such signs shall be restricted to the subdivision or development name and shall not exceed six feet in height.
- (7) **Government Signs.** Any sign erected by a government agency and signs indicating utility locations.
- (8) **Nameplates.** One per dwelling or tenant name(s) at a main entrance, not exceeding one square foot per nameplate.
- (9) **Incidental Signs.** Signs that are generally informational, that have a purpose secondary to the use on the lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a

commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

- (10) **Works of art** that do not include a commercial message.

27.22.060: General Standards for all Signs.

- (1) Signs shall not rotate, move, flash, change or blink, except if utilized by a government agency for public safety or information.
- (2) Signs, if illuminated, shall be lighted by continuous, stationary, shielded light sources. Internally illuminated signs may not be lit at night when any face of the sign is removed or damaged in such a way that the light may distract or intrude on drivers or adjacent properties. Signs that have exterior lighting must be lit from above the sign and the light shielded, except that ground lighting may be used for ground mounted signs with a solid base. In all cases, lighting must be directed at the surface of the sign area.
- (3) Signs attached to buildings shall not extend above the wall to which they are attached unless erected to comply with 27.22.030(7).
- (4) The advertising display area for freestanding signs shall include no more than two faces, except that more than two faces may be permitted for signs serving multiple businesses. The advertising display area for wall signs shall be limited to a single sign face.

27.22.070: Reader Boards.

- (1) Portable or movable reader boards signs are prohibited except when used to announce a temporary event [see 27.22.050(1)(c)].
- (2) A sign may include electronic and manually changeable reader boards.
 - (a) No more than 25% of any sign area may incorporate an electronic reader board.
 - (b) No more than 50% of any sign area may incorporate a manually changeable reader board.
 - (c) In no event shall the percentage of sign area occupied by reader board exceed 50%.
 - (d) The reader board portion shall be architecturally incorporated into the overall design of the sign.

- (e) No such sign shall be considered to be architecturally incorporated unless the reader board is contiguous to the remainder of the sign face and is bounded by the same or similar framework.
- (3) The electronic message shall:
 - (a) Not change in increments of less than five seconds;
 - (b) Not use flashing or blinking characters; and
 - (c) Not utilize streaming video.
- (4) Electronic reader boards shall be set back a minimum of 25 feet from an intersection (i.e. where right-of-way lines intersect) if the intersection contains a traffic signal. If the reader board is located less than 25 feet from an intersection, it shall be set back a minimum of ten feet from all right-of-way lines.
- (5) Electronic reader boards may not display light of such intensity or brilliance to cause glare or otherwise impair the vision of a driver, or results in a nuisance to the driver. Brightness on such signs shall not exceed 0.3 foot candles above ambient light as measured using a foot candle (lux) meter at a distance of one hundred feet from the sign.
- (6) Prior to issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed 0.3 foot candles above ambient light as measured from one hundred feet from the display and that the intensity level is protected from manipulation by password-protected software or other method as deemed appropriate by the Planning Department.

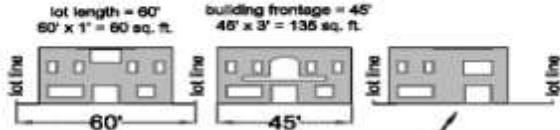
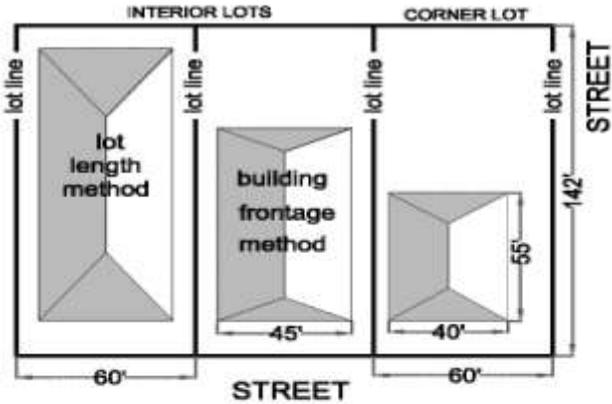
27.22.080: Sign Area Allowances. The maximum sign area allowance for a particular property shall be calculated as per subsection (1) or (2) below unless otherwise specified in this Chapter. Sign area allowances shall only be applicable to developed properties, and shall include all conforming and nonconforming signage for which permits have been issued per Section 27.22.170.

- (1) Building Frontage Method. (See Figure 3)
 - (a) When building frontage is less than 200 feet, the maximum sign area for the property shall be as follows:

ZONING CLASSIFICATION	MAXIMUM SIGN AREA
B-2, B-3, B-4, B-5, I-1 and I-2	3 square feet per lineal foot of building frontage length
R-5, RA-1, RA-2, B-1 and P-1	2 square feet per lineal foot of building frontage length
R-1, R-2, R-3 and R-4	1 square foot per lineal foot of building frontage length
H-1	See Section 27.22.120

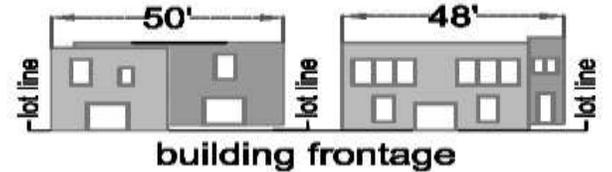
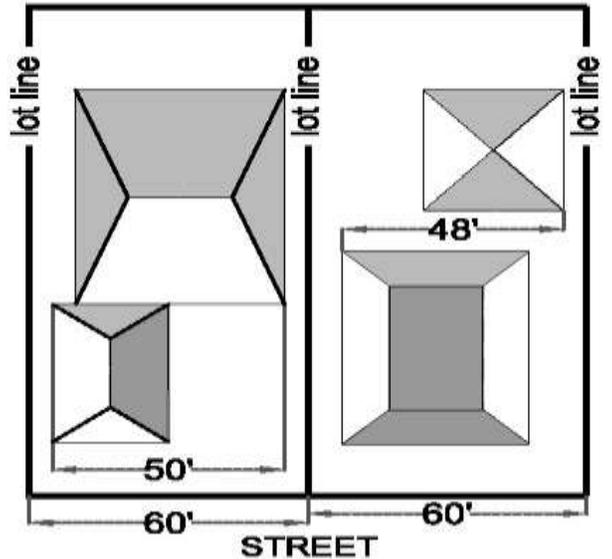
- (b) When building frontage exceeds 200 feet, the maximum sign area shall be equal to the maximum sign area calculated under subsection (a) of this section plus one square foot for each additional lineal foot of frontage beyond 200 feet.
- (c) In the B-2, B-3, B-4, B-5, I-1 and I-2 zones, shopping centers or lots containing multiple businesses or where common signage is shared between two or more adjacent lots, the calculation of allowable sign area shall be as per (a) and (b) above, except the square footage allowance increases to 3-1/2 square feet and 1-1/2 square feet, respectively, provided that a common signage plan is submitted and approved.
- (d) The sign allowance shall be calculated on the basis of the length of the one building frontage which is most nearly parallel to the street it faces. In the event a building does not have frontage on a dedicated public street or has frontage on more than one street, the owner of a building may designate the one building frontage which shall be used for the purpose of calculating the sign allowance.
- (2) Lot Length Method. (See Figure 3)
- (a) In lieu of using the length of building frontage as a means of calculating sign area allowance, the calculation may be based on a ratio of one square foot of sign allowance for each lineal foot of lot frontage along a single public road.
- (b) The lot length method is not applicable in the R-1, R-2, R-3, and R-4 zoning districts.

Figure 3: Sign Area Allowance



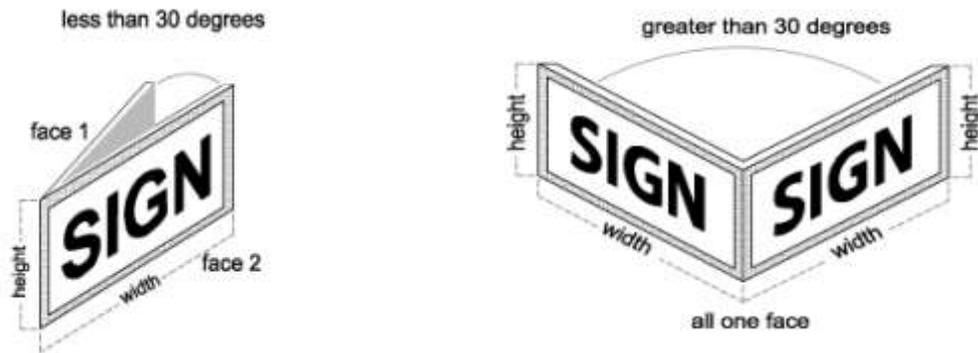
Optional Methods :

- Lot Length Method**
60' x 1' = 60 sq. ft.
142' x 1' = 142 sq. ft.
- Building Frontage Method**
40' x 3' = 120 sq. ft.
55' x 3' = 165 sq. ft.



- (3) Multi-faced Signs. All faces of a multi-sided sign shall be counted towards the maximum sign area allowance (for example, both sides of a double-sided, double-faced freestanding sign are counted). Signs shall not exceed a 30 degree angle. (See Figure 4)

Figure 4: Multi-Sided Signs

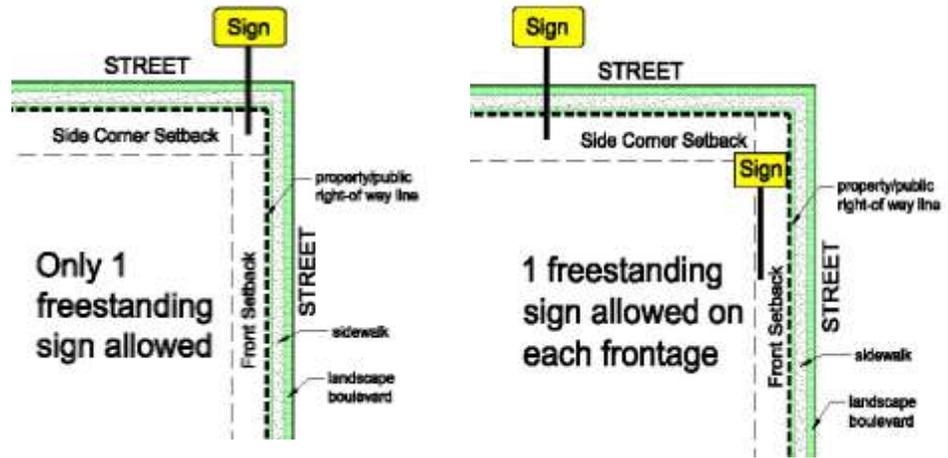


- (4) Exception. Businesses having approved entrances from more than two collector streets and/or arterial highways may submit a signage plan to the City Council for their approval that exceeds the sign area allowable in this ordinance. A portion of the proposed signage may be off-premise provided the business property does not abut a third or fourth collector street or arterial highway and such off-premise signage does not direct traffic through a residential zone.

27.22.090: Regulations for Specific Categories of Signs.

- (1) **Freestanding and Ground Signs.**
- (a) The advertising display area per sign face shall not exceed 200 square feet except as otherwise permitted by Section 27.22.090(3).
- (b) A single sign may be permitted on a lot having at least 30 feet of frontage along a public road except up to two signs may be permitted when the frontage of the lot along a single road exceeds 500 feet. Under this provision, a corner lot with frontage along two public roads is eligible for a sign along each frontage, provided that the signs may not be located within the same building setback area. (See Figure 5)

Figure 5: Freestanding Signs – Corner Lots



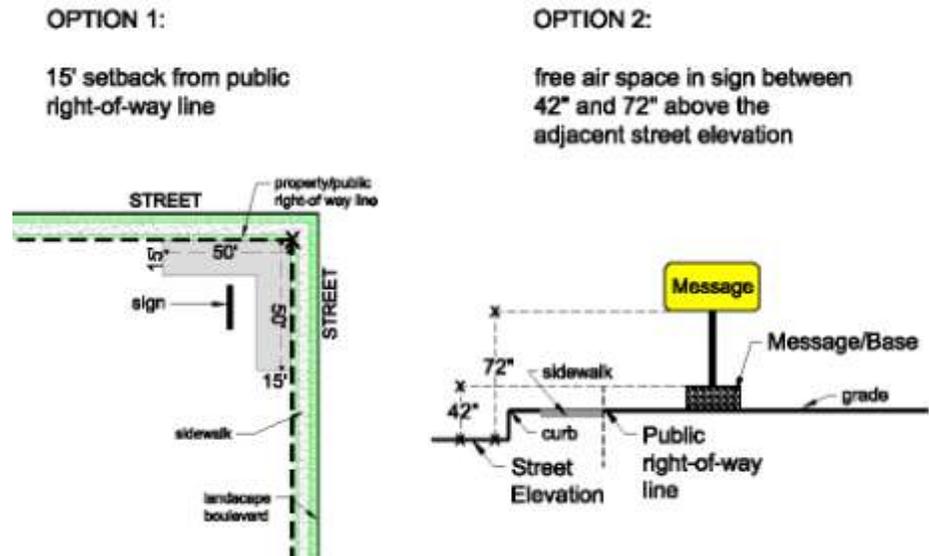
- (c) Signs shall be setback from any side property line a distance equal to the building setback in the given zoning district. This requirement does not apply to side corner property lines. No sign shall be erected or extend over any public right-of-way.
- (d) Heights, area, and front yard setbacks of freestanding signs in the B-2, B-3, B-4, B-5, I-1 and I-2 zones are established in the “Freestanding Sign Standards” table below. The height, area and front yard setbacks of freestanding signs in other districts are established under Sections 27.22.100, 27.24.110, and 27.24.120 of this ordinance. The setback shall be measured from each street right-of-way line adjacent to the property, and the lowest height and smallest size per face shall apply.

Freestanding Sign Standards		
Distance from Street Right-Of-Way Line (Feet)	Maximum Height Above Grade (Feet)	Maximum Size Allowed Per Face (Square Feet)
0-10	15	60
11-20	20	80
21-30	22	90
31-40	24	120
41-50	26	150
51 and greater	28	200

- (e) Signs within 50 feet (measured along the street right-of-way) of an intersection, which exceed 42 inches in height, shall be set back at least 15 feet from the street right-of-way line or shall maintain free air space between a height of 42 inches above the adjacent street elevation and a height of 72 inches above said elevation. A freestanding sign shall not be

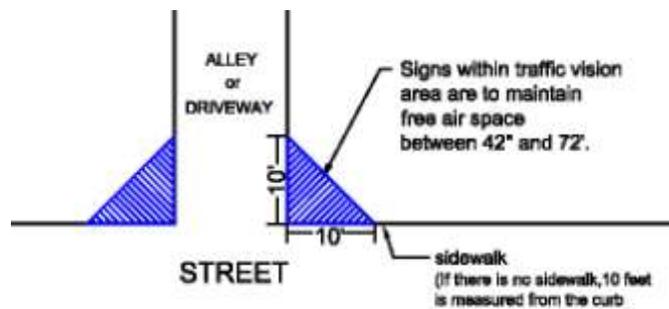
construed to have free air space if such sign has a base which is greater than 50% of the width of its face or three feet wide, whichever is smaller. (Figure 6)

Figure 6: Freestanding Signs - Intersections



- (f) Signs within an isosceles triangle having 10 feet along the right-of-way line of an alley or along the edge line of a private drive/parking lot access and along (i) the inside line of the sidewalk, or (ii) if there is no sidewalk, the curb line, shall maintain free airspace between a height of 42 inches above the adjacent street elevation and a height of 72 inches above said elevation. (Figure 7)

Figure 7: Freestanding Signs By Alleys or Driveways



- (g) When electrical service is provided to freestanding signs or ground signs, all such electrical service shall be underground.

(2) **Wall Signs.**

- (a) No part of a wall sign shall extend above the top of the wall or parapet wall upon which it is placed. If a sign extends over the roof line, it is allowed only if it is architecturally incorporated (matching colors/materials/embellishments) into the façade of the building, and mounted on a parapet wall or similar extension of an exterior wall, without any part of the sign extending over the wall.
- (b) On corner lots, the total allowable sign area allocated to wall signs along a single frontage shall be limited to the maximum sign area for that frontage. (See also Section 27.22.080, which allows the use of only one frontage for purposes of the actual calculation of maximum sign area allowance for a property).
- (c) Under-canopy/marquee signs which are parallel to the face of the building shall be deemed to be wall signs and are not subject to the 18 inch or less extension requirements.
- (d) On buildings with a building frontage of 200 feet or more along a single street and undulating architecture, signs which are attached to all or a portion of the wall of the building are not subject to the 18 inch or less extension requirements provided the signs are parallel to the linear face of the building, attached to all or a portion of the building wall at its outermost points, and comply with all other provisions related to wall signage.

(3) **Signs for Shopping Centers and/or Multiple Businesses.**

- (a) All signs of a shopping center and/or lot containing multiple businesses (more than one) shall be coordinated as to the number, mode of display, location, size, height, colors, finish materials, and illumination of each sign with the other signs and with the architecture of the building(s). A common signage plan shall be required prior to issuing a sign permit. A common signage plan can also be prepared for businesses on two or more adjoining lots.
- (b) A 25% increase in the maximum size allowed per face as set forth in Section 27.22.090(1)(d) shall apply to freestanding signs that are subject to a common signage plan.
- (c) Advertising for multiple businesses sharing a common zoning lot shall be incorporated into a single freestanding sign consistent with the provisions of 27.22.080(1)(c) and 27.22.090(1). Freestanding signs shall not be permitted to any single business or tenant.

(4) **Projecting Signs.**

- (a) The sign shall be erected at right angles to the building face and be at least eight feet above grade.
- (b) The maximum area per sign face shall not exceed 15 square feet.
- (c) Signs extending over a public right-of-way shall extend no closer than two feet from the curb of the street or beyond 48 inches, whichever is less.

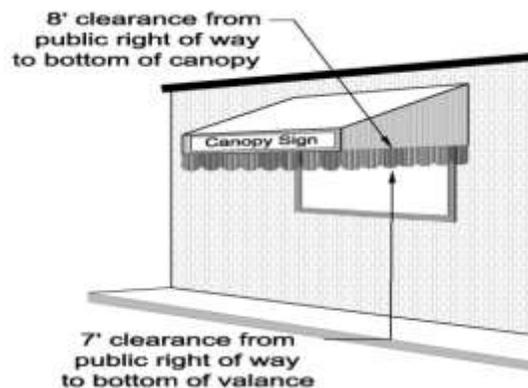
(5) **Marquee Signs.**

- (a) No marquee sign shall project above the top of the marquee upon which it is mounted.
- (b) No marquee sign shall project from the face of a marquee.
- (c) Under-marquee signs, which are perpendicular to the face of the building, shall be deemed to be projecting wall signs.
- (d) Under-marquee signs, which are parallel to the face of the building, shall be a minimum of eight feet above grade and shall be deemed to be flush wall signs.

(6) **Canopy Signs.**

- (a) No canopy sign shall project above the top of the canopy upon which it is mounted.
- (b) No canopy sign shall project from the face of a canopy.
- (c) Canopies on which canopy signs are mounted shall be at least eight feet above any public right-of-way, except that any valance attached to a canopy may be only seven feet in height above a public right-of-way. (Figure 8)

Figure 8: Canopy Signs



(7) **Billboards.**

- (a) No billboard shall exceed 288 square feet per sign face. The sign area shall count towards the maximum sign area allowance for the property.
- (b) No billboard structure shall exceed a maximum height of 28 feet.
- (c) Billboards shall be erected using single-pole construction.
- (d) Billboards shall not utilize any changeable copy, streaming video or any light-emitting surface.
- (e) No billboard may be constructed within 300 feet of any other billboard located on the same side of the road right-of-way and facing the same traffic flow. Distance shall be measured along the nearest edge of pavement of the road near whose right-of-way the sign is located.
- (f) No billboard may be constructed nearer the road right-of-way than the applicable building setback requirement for the zone in which the billboard is located.
- (g) No billboard shall be constructed along a road, which is not a federal or state highway (i.e. US Highways 2 and 93).
- (h) In order that the total face area and number of faces of all lawful billboards within the city not be increased beyond the number of faces occurring on March 19, 1992, no billboard shall be constructed without first removing billboard(s) equal in face area and number of faces. In order to administer this provision, the administrator shall issue a replacement permit to anyone who permanently removes a lawfully existing billboard. The administrator shall note on the replacement permit the number of faces and face area, and the zoning district in which the sign was located, for every sign face removed. Replacement permits may be transferred. No billboard sign construction permit shall be issued without a replacement permit which corresponds to the number of sign faces to be replaced. The total number of billboard faces in the city limits of Kalispell shall not exceed 18 plus any billboards added though annexation as provided herein.
- (i) Any billboard, except those subject to annexation as specified herein, located within any zoning district in which billboards are prohibited were to be relocated at the billboard owner's expense to a zoning district which permits billboards by March 19, 1997, and billboards that were located within 1500 feet of the intersection of Main and Idaho streets were to be relocated by March 19, 1994.

- (j) Whenever a parcel of land containing any billboard is rezoned, or annexed and zoned, to a zone which does not allow billboards, the billboard or billboards shall be removed within seven years of the rezoning or, in the case of annexation, within seven years of the date upon which a city zoning classification is imposed upon the annexed parcel; provided, that any billboards removed pursuant to this subsection may be reinstated within any of the permitted zones listed in Section 27.22.130, in accordance with subsection (h).

27.22.100: Permitted Signs in Zones R-1, R-2, R-3, and R-4.

- (1) Signs listed in Section 27.22.050, Signs not requiring permits.
- (2) Non-residential Uses: Wall signs and one freestanding sign.
- (3) Residential Uses: Home occupations and other residential uses are permitted one non-illuminated wall sign not to exceed six square feet. Day care centers are allowed signage equal to non-residential uses.
- (4) The height of a freestanding sign shall be limited to six feet and the size shall be limited to 24 square feet per face.

27.22.110: Permitted Signs in Zones R-5, RA-1, RA-2, B-1, and P-1.

- (1) Signs listed in Section 27.22.050, Signs not requiring permits.
- (2) One freestanding sign. The sign shall not exceed 24 square feet per sign face and the height shall not exceed six feet above natural grade, except for B-1 zone where the sign area shall be limited to 36 square feet per sign face and height shall not exceed six feet above natural grade.
- (3) Wall signs, canopy signs, and marquee signs.
- (4) Home occupations are limited to one non-illuminated wall sign not to exceed six square feet.

27.22.120: Permitted Signs in Zone H-1

- (1) Signs listed in Section 27.22.050 - Signs not requiring permits.
- (2) Non-residential uses, other than hospitals, are permitted one freestanding sign and one wall, marquee or canopy sign per developed lot. The sign area for a freestanding or ground sign shall not exceed 24 square feet per sign face and the height shall not exceed six feet above natural grade. Walls signs shall not exceed 20 square feet per use.

- (3) An entrance sign shall be permitted at all parking lot entrances to a hospital facility or complex provided the sign does not block the visibility of incoming or outgoing vehicles. The sign shall not exceed 14 square feet per face nor six feet in height.
- (4) Up to three signs may be permitted in association with a hospital complex and may be freestanding, marquee (canopy) or wall signs. Allowable sign area shall not exceed 70 square feet per face nor six feet in height and will be subject to the Section 27.24.090(1)(d).
- (5) Not more than two off-premise signs may be permitted at primary hospital entrance roads to provide direction to a hospital facility from a major arterial. One sign shall be permitted per intersection entrance. Each sign shall not exceed 54 square feet per face nor 12 feet in height. Off-premise hospital signs will be allowed on developed or undeveloped property and will not be counted as part of the sign type or allowance permitted for that parcel.
- (6) One non-illuminated wall sign not to exceed six square feet in connection with a home occupation.

27.22.130: Permitted Signs in Zones B-2, B-3, B-4, B-5, I-1, and I-2.

- (1) Signs listed in Section 27.22.050, Signs not requiring permits.
- (2) Freestanding and ground signs.
- (3) Wall signs.
- (4) Projecting signs, except on Main Street between Center Street and 8th Street. Projecting signs in that area are permitted provided they meet the following:
 - (a) Only externally lit signs are allowed, subject to the outdoor lighting regulations;
 - (b) No reader boards are allowed;
 - (c) A maximum area of nine square feet is allowed, or a maximum of 15 square feet if the lowest part of the sign is at least 15 feet above grade and meets a higher artistic standard under architectural review, including a maximum of 25% of the sign area being text, colors coordinating with those on the building, and other elements as determined by the Architectural Review Committee; and
 - (d) The sign otherwise meets the standards for projecting signs.
- (5) Freestanding multiple business sign.

- (6) Canopy signs.
- (7) Marquee signs.
- (8) Off-premise signs, except in zoning classification B-4 when the location and size complies with all other provisions of this Chapter.
- (9) Billboards, except: (a) in zoning classifications B-3, B-4 and B-5; and (b) not within 1500 feet of the intersection of Main and Idaho streets.

27.22.140: Construction Standards.

- (1) All signs, except for under-canopy signs, shall be braced or secured to prevent motion.
- (2) All freestanding signs and billboards shall be self-supporting structures utilizing permanent foundations.
- (3) Permanent signs shall be designed to withstand a wind speed of 70 miles per hour.
- (4) 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.
- (5) No sign shall be attached in any form, shape, or manner which will interfere with any opening required for ventilation.
- (6) Signs shall be located in such a way as to maintain horizontal or vertical clearance of all overhead electrical conductors. In no case shall a sign be installed closer than 24 inches horizontally or vertically from any conductor or public utility guy wire.

27.22.150: Maintenance. All signs shall be maintained in good condition at all times. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust-resistant metals. Failure to properly maintain a sign shall be considered a violation of this ordinance.

27.22.160: Sign Permit. It shall be unlawful to display, erect, relocate, or alter any sign without first filing with the Zoning Administrator an application in writing and obtaining a sign permit except as otherwise exempted as per Section 27.22.050.

- (1) **Application.** Application for a permit for the erection, alteration, or relocation of a sign shall be made to the administrator upon a form provided by the administrator and shall include the information listed below.
 - (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 type of sign or sign structure as defined in this chapter.
 - (d) A site plan showing the proposed location of the sign along with the locations and square footage areas of all existing signs on the same premises.
 - (e) Specifications and scale drawings showing the materials, design, dimensions, structural supports, and electrical components of the proposed sign.
 - (f) Length of the lot frontage and building frontage.
 - (g) Location of ingress/egress and overhead wires.
 - (h) Any other information that may be deemed necessary for purposes of clarification.
 - (i) The fee established by the City Council.
- (2) **Architectural Review.** Signs are subject to the architectural review requirements as set forth in Chapter 27.21. Wall signs and groupings of wall signs less than 50 square feet in size are exempted from review.
- (3) **Issuance and Denial.** The Zoning Administrator shall issue a permit and permit sticker for the erection, alteration, or relocation of a sign provided that the sign complies with the laws of all applicable jurisdictions.
- (a) In all applications, where a matter of interpretation arises, the more specific definition or higher standard shall prevail.
 - (b) The Zoning Administrator may suspend or revoke an issued permit for any false statement or substantive misrepresentation of fact in the application.
- (4) **Inspection.** The Zoning Administrator shall inspect each sign for which a permit is issued during the sixth month after the issuance of such permit or at such earlier date as the owner may request. If the construction is not substantially complete within six months of the date the permit is issued, the permit shall lapse and become void.

27.22.170: Nonconforming Signs and Signs Without Permits. Existing signs that do not conform to the provisions of these regulations, but were legally in place prior to the adoption or application of this ordinance, are considered non-conforming. All non-conforming signs shall be removed or brought into compliance with these regulations as follows:

- (1) Electronic message boards or signs that blink, flash or change copy in less than five second increments or do not display time and temperature shall be brought into compliance with regard to displayed messages within one year.
- (2) Signs, on and off-premise, that have been damaged by fire, wind, or other involuntary causes, except in the case of vandalism, in excess of 50% of current or replacement cost shall be brought into compliance immediately upon replacement. In the case of vandalism, a sign may be restored to original condition if done within six months.
- (3) Signs, on and off-premise, which are voluntarily destroyed or removed (except for maintenance not involving structural modification), shall be brought into compliance immediately upon replacement.
- (4) Discontinued freestanding signs shall be brought into compliance immediately unless part of a multi-panel sign, subject to Section 27.22.170(7).
- (5) Signs which were unlawfully erected shall be brought into compliance immediately.
- (6) Signs that are replaced, relocated, reconstructed or requiring structural modification, including modifications to accommodate a change of copy, shall be brought into compliance immediately.
- (7) Freestanding signs containing removable or replaceable panels shall be brought into compliance when a cumulative total of more than 50% of the sign area or sign panels are replaced or modified.
- (8) In the event additional right-of-way is purchased by a government agency, any affected sign that must relocate due to the increased right-of-way shall be brought into compliance when replaced.
- (9) Non-conforming status for signs that blink, rotate, flash, or animate ended on March 19, 1993.

27.22.180 Exemption for Historic Signs. Notwithstanding the general and specific provisions of this chapter, certain nonconforming signs that are deemed to have historical significance may be retained, preserved or restored. If there is a question regarding the historical significance of a sign, it will be subject to review and approval by the Architectural Review Committee who shall consider the following criteria:

- (1) The sign demonstrates characteristics of style, function, method of construction, workmanship, design, or materials that gives the sign its historic identity and associate it with a specific place, time, or cultural pattern.

- (2) The sign is an integral part of the original architecture and has an association with the building.
- (3) The sign is at least 30 years old. If less than 30 years, then a finding of exceptional importance of historical significance shall be made.

27.22.190: Violations. Any of the following shall be a violation of this ordinance and shall be subject to the enforcement remedies and penalties provided by this ordinance, by city code, and by state law. Each sign installed, created, erected, or maintained in violation of this ordinance shall be considered a separate violation when applying the penalty portions of this ordinance.

- (1) To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located;
- (2) To install, create, erect, or maintain any sign requiring a permit without such a permit;
- (3) To fail to remove any sign that is installed, created, erected, or maintained in violation of this ordinance, or for which the sign permit has lapsed; or
- (4) To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this ordinance.

27.22.200: Enforcement and Remedies. Any violation or attempted violation of this chapter or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. The remedies of the city shall include the following:

- (1) Issuing a stop-work order for any and all work on any signs on the same zone lot;
- (2) Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity;
- (3) Imposing any penalties that can be imposed directly by the city under the zoning ordinance;
- (4) Seeking in court the imposition of any penalties that can be imposed by such court under the zoning ordinance; and
- (5) In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the city under the applicable provisions of the zoning ordinance and building code for such circumstances.

The city shall have such other remedies as are and as may from time to time be provided for or allowed by state law for the violation of the zoning ordinance.

All such remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

27.22.210: Removal of Signs by the Administrator. The Zoning Administrator may cause the removal of an illegal sign in cases of emergency (health and safety), or for failure to comply with the written orders of removal or repair. After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the Zoning Administrator together with an additional ten percent for inspection and incidental costs.

If the amount specified in the notice is not paid within 60 days of the notice, it shall become a lien against the property of the sign owner, and will be certified as an assessment against the property together with a 10% penalty for collection in the same manner as the real estate taxes.

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

For purposes of removal, the definition of sign shall include all sign embellishments and structures designed specifically to support the sign.

27.22.220: Appeals and Variances. Appeals and variances may be filed pursuant to Chapters 27.31 and 27.32.

**CHAPTER 27.23
NONCONFORMING LOTS, USES AND STRUCTURES**

Sections:

- 27.23.010 Intent**
- 27.23.020 Nonconforming Structures**
- 27.23.030 Nonconforming Uses**
- 27.23.040 Nonconforming Accessory Uses and Structures**
- 27.23.050 Changes to Historically Significant Residential Structures**
- 27.23.060 Reconstruction**

27.23.010: Intent. It is the intent of this chapter to permit nonconformities which were lawful before the adoption of this code to continue until they are removed. It is further the intent of this chapter that nonconformities shall not, unless otherwise permitted by this chapter, be enlarged upon or expanded, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses are declared by this chapter to be incompatible with permitted uses in the district involved. However, to avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment to this title and which actual building construction has been carried on diligently. A change of tenancy, ownership, or management of any legally existing nonconforming use is allowed.

27.23.020: Nonconforming Structures. If a structure was lawfully constructed (conforming to zoning regulations then in effect) prior to the effective date of adoption or amendment of this code and does not conform with the current standards of this code, the structure may remain as long as it remains otherwise lawful and subject to other conditions set forth herein.

- (1) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- (2) Changes to Nonconforming Structures. A structure conforming with respect to use but nonconforming with respect to other standards may be enlarged or altered provided that the enlargement or alteration does not further deviate from these regulations. For example, an extension, whether horizontal along a property line or vertical with additional height, of a structure within a setback area creates a further deviation beyond the existing nonconformity.

- (3) Repairs and Maintenance.
 - (a) On any nonconforming structure, work may be done on ordinary repairs, maintenance, and remodeling to an extent not exceeding 25% of the replacement value of the building in any one year. The repair or replacement of bearing walls and foundations is permitted.
 - (b) Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or portion thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Such work may exceed 25% of the replacement value of the building in any one year.

27.23.030 Nonconforming Uses. If the lawful use of a structure or land was established prior to the effective date of adoption or amendment of this code (conforming to zoning regulations then in effect) and does not conform with the current standards of this code, the use may continue as long as it remains otherwise lawful and subject to other conditions set forth herein.

- (1) Any structure, or structure and land, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations of the district in which it is located and the nonconforming use may not thereafter be resumed.
- (2) The removal or destruction of a structure containing a nonconforming use shall eliminate the nonconforming status of the use.
- (3) If both a structure and land are nonconforming, the removal or destruction of the structure shall eliminate the nonconforming status of the land.
- (4) Whenever a nonconforming use of a structure or a premise is abandoned for 180 days, the structure or land shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- (5) A structure devoted to a nonconforming use may only be enlarged, extended, constructed or structurally altered, and a use of land devoted to a nonconforming use may only be enlarged or extended, if a conditional use permit is obtained.
 - (a) Any change(s) allowed by such permit(s) is/are limited to a cumulative increase of 50% in the area devoted to the nonconforming use. The allowable increase shall apply to each of the following:
 - 1. The gross square footage of land occupied by the use;
 - 2. The gross square footage of the footprint of the structure(s); and

3. The gross square footage of the floor area of the structure(s).
 - (b) Whenever the expansion of a nonconforming use involves a cumulative increase of 25% or less of the area devoted to the nonconforming use, an administrative conditional use permit shall be required.
 - (c) A conditional use permit shall be obtained for any expansion involving an increase of more than 25%, but less than or equal to 50%.

27.23.040: Nonconforming Accessory Uses and Structures. No use or structure which is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless such accessory use or structure shall thereafter conform to all the regulations of the zoning district in which it is located. Nonconforming signage shall be further regulated by Section 27.22.170 of this ordinance.

27.23.050: Changes to Historically Significant Residential Structures. Modifications to existing historically significant residential structures that may be eligible or are on the historical registry will be allowed to encroach into the setback area established for the district in which they are located if:

- (1) The purpose of the modification is to regain the historical integrity of the building; and
- (2) The proposed modifications, alterations, additions or other changes are reviewed and approved by the Architectural Review Committee.

27.23.060: Reconstruction.

- (1) A nonconforming building, structure or use upon the land having been wholly or partially damaged or destroyed by fire or other calamity may be reconstructed, provided that:
 - (a) The process of reconstruction is commenced within 180 days of the date of destruction.
 - (b) Any reconstruction must be completed without unreasonable delay.
 - (c) This provision shall not exempt the structure or use from other applicable regulations nor does it allow the replacement of structures or uses that were willfully demolished, destroyed, or removed.
- (2) If reconstruction has not commenced within 180 days, the property, building and structure or use upon the land shall not thereafter be occupied, except by a use which is permitted in the district in which it is located.

**CHAPTER 27.24
OFF-STREET PARKING DESIGN STANDARDS**

Sections:

27.24.010	Intent
27.24.020	Required Parking for New Construction, Expansions, and Change of Use
27.24.030	Design
27.24.040	Special Provisions
27.24.050	Minimum Standards By Use

27.24.010: **Intent.** The intent of this section is to reduce traffic congestion and the need for parking on public streets and to provide off-street parking adequate for each type of development in terms of quantity, location and design. This chapter is also intended to help avoid the negative impacts associated with excess off-street parking requirements in the downtown and in adjacent neighborhoods.

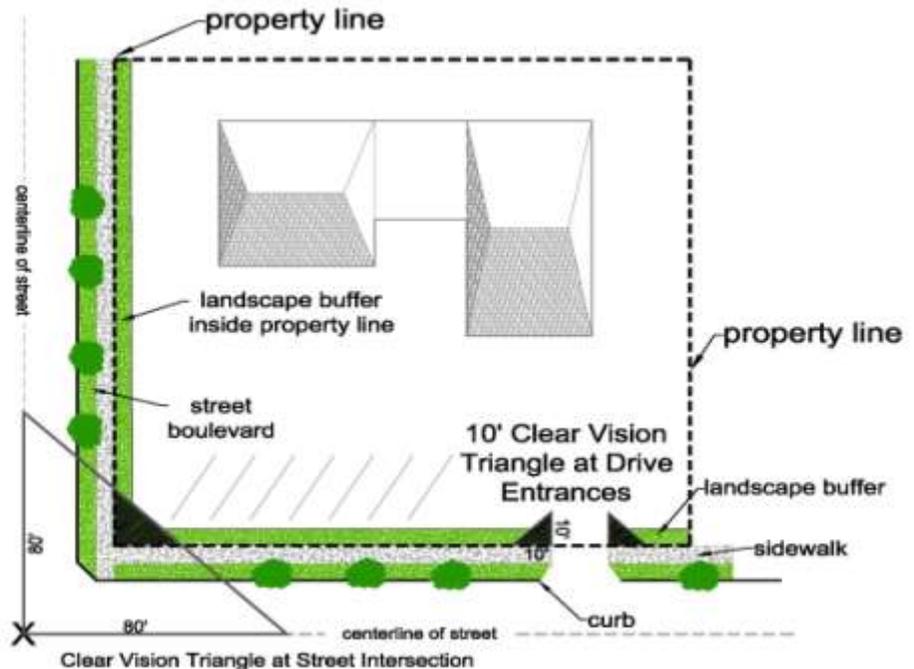
27.24.020: **Required Parking for New Construction, Expansions, and Change of Use.** No building permit shall be issued within the city limits for the construction or enlargement of any building or structure nor shall said permits be issued for the change of use of any building or structure unless the requirements established by this ordinance regarding off-street parking are satisfied. Whenever any building is enlarged, off-street parking shall be provided for said addition. Whenever a change of use is proposed, the number of required parking spaces shall be reviewed. The requirement for additional spaces shall equate to the difference between the number of parking spaces required for the existing use and the proposed use.

27.24.030: **Design.**

- (1) **Size.** A parking space is typically nine (9) feet wide and twenty (20) feet deep (See Appendix A for minimum parking lot requirements). In cases where stacking spaces are required or otherwise provided, each stacking space shall be a minimum of nine (9) feet wide and twenty (20) feet deep.
- (2) **Location.** Off-street parking lots shall be located as hereinafter specified. When a distance is specified, such distance shall be in walking distance measured from the nearest point of the parking lot to the nearest point of the building that such facility is required to serve. Parking lots, including both spaces and maneuvering area(s), shall be located entirely outside of a public and/or private right-of-way, except single family residential and duplexes, which may utilize driveways as a maneuvering area provided that the parking for separate units within a duplex does not conflict. For any use other than single family residential and duplexes, parking spaces which back into an alley shall be set back ten (10) feet from the alley right-of-way line.

- (a) For single family, duplex, and multifamily residential dwellings: Off-street parking is required on the same lot with the building it is required to serve.
- (b) For all other uses not herein specified: Off-street parking is required within 300 feet from the zoning lot it is required to serve and must be located within the same zoning classification as the use intended to be served. Noncontiguous lots shall not be used for off-street parking in the R and RA zoning districts. See section 27.24.040(3) regarding requirements for off-site parking.
- (c) Parking shall not be located in any required front, side corner, or side yard, except one off-street parking space for each single family residential use, or one space for each unit within a duplex, may fall into the front yard or side corner yard setback. In addition, multi-family dwelling units not served by an alley may place one off-street parking space per dwelling unit in the required front yard setback area. No parking space in the front or side corner yard shall extend to within five feet of the property line (except that parking spaces associated with single family residences or duplexes do not have a required setback, provided that the full 20 foot length of the parking space is located entirely outside of the right-of-way).

Figure 9: Parking Lots



- (d) Parking spaces may be allowed to locate within the front and side yard setbacks in the following sections:
1. In R-5 and RA-2 zones:
 - a. Parking spaces shall be setback ten feet from the front lot line and five feet of the side corner lot line.
 - b. Any parking space located within a required front or side corner building setback area shall have a landscape buffer between the parking space and the lot line. (Figure 9)
 - c. Parking spaces are allowed in the side yard setback as long as a sight obscuring fence is constructed along the side lot line obscuring the presence of the parked vehicles to the extent fencing is otherwise permitted under this ordinance. This requirement may be waived where this property abuts an existing parking lot. (Note: When a designated parking lot abuts a residentially zoned property other than the R-5 or RA-2 zones, the side yard abutting the residential zone may not be used for parking.)
 2. In B-1, B-2, B-3, B-4, B-5, H-1, I-1, I-2, and P-1 zones:
 - a. Parking spaces shall be setback five feet from the front and side corner lot line.
 - b. Any parking space located within a required front or side corner building setback area shall have a landscape buffer between the parking space and the lot line. In every case, a minimum five foot landscape buffer is required regardless of the building setback. (Figure 9)
 - c. Parking spaces are allowed in the side yard setback as long as a sight obscuring fence or landscaping is constructed along the side lot line obscuring the presence of the parked vehicles to the extent fencing is otherwise permitted under this ordinance. The requirement may be waived where property abuts an existing parking lot. (Note: When a designated parking lot abuts a residentially zoned property other than the R-5 or RA-2 zones, the side yard abutting the residential zone may not be used for parking.)
- (e) Location of parking spaces within a lot are subject to clear vision triangle requirements. (Figure 9)

- (3) **Plans.** A plan of the proposed off-street parking lot shall be submitted along with the application for the building permit for the use the off-street parking is required to serve. Said plan shall clearly indicate curb cuts, lighting, landscaping, construction details, fencing, striping, surfacing materials, pedestrian circulation, snow storage areas and other features which may be required by the Zoning Administrator or the Site Development Review Committee.

When off-street parking spaces are required, the parking lot shall be designed in accordance to the standards of Figure 1, Appendix A.

- (a) All traffic control devices such as parking stripes, directional arrows, wheel stops, curbs and other developments shall be installed and completed as shown on the approved plans.
- (b) Upon review of any permit application with the city involving existing structures, the parking area design of the affected use shall be reviewed to gain substantial compliance with these regulations.
- (c) For driveways and driving aisles where parking spaces do not back into the driving lane, the minimum dimensions are as follows:
1. Single-family and duplex: 10 feet
 2. Multi-family: 10 feet per lane (10 feet for one-way aisles and 20 feet for two-way aisles)
 3. Other uses: 12 feet per lane (12 feet for one-way aisles and 24 feet for two-way aisles)
- (4) **Construction.** All off-street parking lots and associated access areas shall be improved with asphalt or concrete or a comparable permanent hard surface.
- (5) **Drainage.** All off-street parking lots shall be designed and constructed to allow proper drainage in accordance with and subject to public works procedures and standards.
- (6) **Landscaping and Screening.** All parking lots (excluding single family residences and duplexes) shall meet the following conditions. Any landscaping is subject to clear vision triangle requirements. See also: required landscape buffer requirements listed in section in 27.24.030(2)(d).
- (a) A minimum of 5% of the total interior parking lot area (excluding any landscape buffer) shall be landscaped for any parking lot with ten (10) or more spaces.

- (b) The perimeter landscape buffer along a street shall consist of planting materials or planting materials and man-made features to create a visual relief in the form of a hedge, fence, planter box, berm, dividers, shrubbery, grass or trees, or a combination of the above. Perimeter landscaping shall not include round river rocks, gravel, or similar non-vegetative treatments. Perimeter landscaping adjoining a landscaped boulevard shall be designed in cooperation with the city parks director.
 - (c) A performance bond may be required to ensure compliance with this section and to cover maintenance for a period not to exceed one year after time of planting. (Figure 9)
- (7) **Lighting.** Any lights provided to illuminate any public or private parking lot shall be designed in accordance with the Outdoor Lighting Standards contained in Chapter 27.26 of these regulations.

27.24.040: Special Provisions.

- (1) **Nonconforming Uses.** Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking lots to serve any existing use of land or buildings even though nonconforming; provided, that all regulations herein governing the location, design, and operation of such facilities are adhered to.
- (2) **Mixed Occupancies.** In the case of mixed uses, the total requirements for the various uses shall be computed separately. Where a lot contains one or more buildings containing three or more separate commercial businesses developed and managed as a unit, the parking ratio for “Shopping Center” may be applied to the property as a whole.
- (3) **Off-Street Parking and Joint Use.** The Zoning Administrator may authorize off-site parking facilities for the following uses or activities under conditions specified:
 - (a) **Off-Site Parking.** Off-site parking lots are typically off-site lots utilized solely for parking by the lot being served. The off-site parking lot must abut a public or private street or alley and shall be owned or leased by the owner or lessee of the lot being served. Such parking lot shall have a recorded land covenant and easement which requires such land to be maintained as a parking lot so long as the building and/or use served is in operation or until another suitable parking area is established to the satisfaction of the Zoning Administrator. Off-site parking lots may also be developed as shared parking lots with another use provided that both the lot being served and the lot where the parking is located satisfy the minimum number of required parking spaces.

(b) **Joint Use.**

1. Up to 50% of the parking spaces required by this ordinance for primarily “night time” uses such as theaters, bowling alleys, bars, restaurants and related uses, may be supplied by certain other types of buildings or uses herein referred to as “day time” uses such as banks, offices, retail and personal service shops, clothing, food, furniture, manufacturing or wholesale and related uses.
2. Up to 50% of the parking spaces required by this ordinance for primarily “day time” uses may be supplied by primarily “night time” uses.
3. Up to 100% of the parking spaces required by this ordinance for a church building or for an assembly facility incidental to a public or private school, may be supplied by the off-street parking lots provided by uses primarily of a “day time” nature.

(c) **Conditions Required for Joint Use.** The building or use for which application is being made to utilize the off-street parking lot provided by another building or use shall be located within 300 feet of such parking lot in addition to which:

1. The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking lot is proposed; and
2. The applicant shall present to the Zoning Administrator a properly drawn legal instrument to be recorded with the county clerk and recorder, executed by the parties concerned for joint use of off-street parking facilities and approved as to form and manner of execution by the city attorney; such instrument to be filed with the Zoning Administrator.

(4) **Access Standards.** Access to businesses, service stations, roadside stands, public parking lots and all other businesses requiring motor vehicle access shall meet the requirements as hereinafter provided or as prescribed by the State of Montana pursuant to the Approach Standards for Montana Highways (whichever requirements are greater).

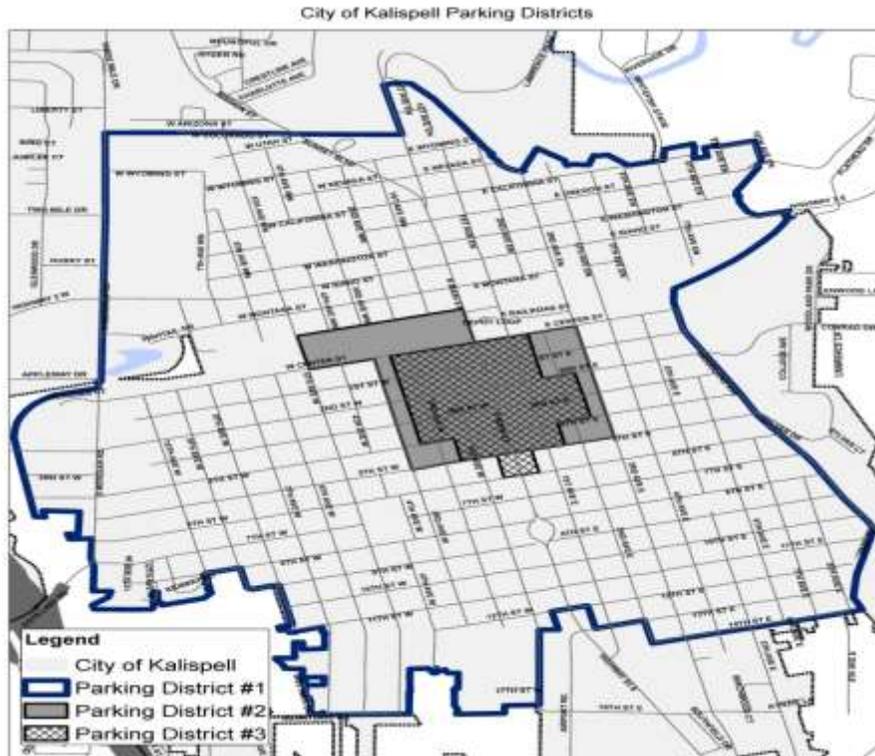
- (a) Fences, walls, landscaping, or other obstructions to view which are higher than 30 inches (measured from the level of the established top-of-street curb grade or, if there is no curb, the adjacent street level) shall not be located in any area within the isosceles triangle having sides of 10 feet along the edge of a private drive/parking lot access and along (i) the inside edge of the sidewalk, or (ii) if there is no sidewalk, the curb line.

- (b) Access onto public rights-of-way shall be controlled and be limited to no more than two approaches per 100 feet.
 - (c) Parking lots and driveways serving three or more dwelling units and all other uses shall be arranged to permit vehicular traffic to move into and out of parking lots, driveways, and ramps without the backing of any vehicle onto a street or highway.
 - (d) Parking lots, driveways, maneuvering aisles, ramps, and turnaround areas shall be kept free and clear of obstructions at all times.
 - (e) In all cases where there is an existing curb and gutter or sidewalk on the street, the applicant for a permit shall provide a safety island (boulevard) along the entire frontage of the property, except in the area of the permitted driveways if required by the Site Development Review Committee. The boulevard shall be bounded by concrete curb, the height, location and structural specifications of which shall be approved by the Site Development Review Committee.
 - (f) Where there is no existing curb and gutter or sidewalk, the applicant shall install such curb, gutter and sidewalk and, except for the driveways, shall install a landscaped boulevard along the entire length of the property line if required by the Site Development Review Committee.
 - (g) No two driveway/access roadways shall be closer to each other than 12 feet on the same parcel, and no roadway shall be closer to a side property line than two feet.
- (5) **Handicapped Parking Spaces.** The required number of handicapped parking spaces with the required dimensions shall be provided pursuant to federal law.
- (6) **Parking Districts:** See (Figure 10) for parking district maps.
- (a) **Parking District No. 1.** (Figure 10)
 - 1. The following permitted or conditionally permitted uses on properties zoned R or RA located within Parking District No. 1 shall have the minimum number of off-street parking spaces required under section 27.24.050 reduced by 50%:
 - Banks
 - Barber and beauty services
 - Church
 - Community center
 - Day care center
 - Mortuaries

- Office-professional/governmental
- Schools-commercial
- Schools K-8

2. Multi-family dwellings within this district shall provide 2 parking spaces per unit.
 - a. The length of lot frontage on the street shall count towards the required parking spaces per unit with every 23 feet of street frontage equating to one required parking space.
 - b. A minimum of one parking space per unit is required on the same lot with the multi-family building it is serving.
- (b) **Special Parking Maintenance District No. 2.** (Figure 10)
1. No additional off-street parking is required for a change of use within this district.
 2. Off-street parking for uses listed in Parking District No. 1 and potential reductions thereof shall also apply to this district.
 3. New construction and additions to existing buildings shall provide the following off-street parking spaces (in no case shall more parking be required than is otherwise provided for under this chapter):
 - a. One parking space for every 400 square feet of gross floor area.
- (c) **Parking District No. 3 (Downtown).** Property located within Parking District No. 3 is not required to provide any off-street parking. (Figure 10)
- (d) **B-3 (Core Area – Business).** Property located in the B-3 zone shall have the minimum number of off-street parking spaces required under section 27.24.050 reduced by 50%.

Figure 10: Parking Districts



Plot Date: January 26, 2010
 City of Kalispell Planning Department (406) 758-7540



Plot Date: January 26, 2010
 City of Kalispell Planning Department (406) 758-7540

Figure 10: Continued

City of Kalispell Parking District No. 2



Plot Date: January 26, 2010
City of Kalispell Planning Department (404) 756-7940

City of Kalispell Parking District No. 3



Plot Date: January 26, 2010
City of Kalispell Planning Department (404) 756-7940

- (7) **Reductions.** The number of required parking spaces may be reduced by one parking space for every bicycle rack (space for minimum of five bicycles) provided on the lot, up to a total five (5) percent reduction.
- (8) **Administrative Adjustments.** Administrative adjustments for parking setbacks and minimum number of required parking spaces are provided for in the chapter relating to administrative adjustments. See Chapter 27.35.

27.24.050: Minimum Standards By Use.

- (1) Required parking spaces shall be in conformance with this section;
- (2) Where alternative standards prevail, the greater applies in conflicting computations;
- (3) Where the total quota results in a fraction, the number of required spaces shall be rounded to the nearest whole number (greater than zero).
- (4) In the case of a use not specifically mentioned below, the requirements for off-street parking facilities shall be determined by the Zoning Administrator and shall be based upon the requirements for the most similar use listed.
- (5) Parking spaces within a structure, such as carports, garages, and parking garages, shall apply toward the total parking space requirement.
- (6) Where a calculation is based on gross floor area of a structure, a basement or crawl space shall be included in gross floor area if:
 - (a) The area has a clearance of seven (7) feet or more;
 - (b) There is at least one (1) code compliant access; and
 - (c) There is a hard floor surface such as steel, wood, or concrete.
- (7) The following table provides minimum parking standards by use:

Minimum Parking Standards By Use

Athletic Clubs:	1 space per 200 gross square feet of floor area.
Auditoriums, Convention Facilities and Assembly Halls:	1 space per 4 fixed seats or 1 space per 40 square feet of gross floor area used for assembly purposes, whichever is greater.
Banks:	1 space per 300 square feet of gross floor area plus 4 spaces off-street waiting (loading) spaces per drive-in lane (2 stacking spaces per drive-up ATM).
Beauty and Barber Shops:	2 spaces per operator.

Bowling Alleys:	4 spaces per alley.
Business and Professional Offices:	1 space per 300 square feet gross floor area.
Cemetery:	1 space per employee.
Churches:	1 per 5 seats or 90 lineal inches of pew or 40 square feet of gross floor area in the largest assembly area.
Commercial or Trade School:	1 space per 3 students, plus 1 space per employee (including faculty) at capacity class attendance period.
Community and Recreation Center:	1 space per 250 square feet of gross floor area or 1 space per 4 patrons to the maximum capacity, plus 1 space per employee on the largest shift.
Convenience Grocery:	1 space per 300 square feet of gross floor area, plus 1 space per gas pump located at the pump.
Day Care Home, Day Care Center, Group Day Care Home or Nursery School:	1 space for teacher/employee plus 1 loading space per six students with a maximum of 2 loading spaces to be provided on the street adjacent to the property where the facilities are located.
Furniture, Appliance, Hardware Stores:	1 per 600 square feet gross floor area.
Golf Courses:	3 spaces per hole of main course, plus 1 space per tee for the driving range.
Grocery and Supermarkets:	1 space per 300 square feet of gross floor area.
Hospitals:	1 per 2 beds, excluding bassinets, plus 1 per 5 employees on maximum working shift, plus 1 per each staff doctor.
Hotels, Motels:	1 per sleeping room plus 1 per each 2 employees, plus 50% of the parking required for accessory restaurants, bars, and convention facilities.
Libraries, Museums and Art Galleries:	1 per each 500 square feet gross floor area.
Manufacturing Uses, Research Testing and Processing, Assembling all Industries, Wholesale Business (no outlet sales):	1 per 1000 square feet gross floor area.

Mortuaries:	1 per 5 seats or 90 lineal inches of pew or 40 square feet of gross floor area used for assembly purposes.
Nursery and Landscaping Supply Uses:	1 space per 300 square feet of gross floor area of inside sales or display.
Private Clubs and Lodges:	1 space per 100 gross square feet.
Recreation Areas (Commercial):	Less than 75,000 square feet of gross area – none required; more than 75,000 square feet or containing a structure with 800 square feet or more of gross floor area – 1 space per 10,000 square feet of gross area or 1 space per 1,000 square feet of gross floor area in the structure, whichever is greater.
Recreational Vehicle Park:	1.5 spaces per each recreational vehicle site, plus 1 space per employee on the largest shift.
Repair Services:	1 space per 300 square feet of gross floor area.
Residential:	<p>Single Family Residence, Accessory Single Family, and Duplex: 2 spaces per unit.</p> <p>Multi-family: 1 space per efficiency unit and 1.5 spaces per units with one or more bedrooms.</p> <p>Bed and Breakfast: 2 spaces plus .5 per sleeping room.</p> <p>Rooming Houses and Dormitories: Minimum of 1 space per sleeping room (more may be required under the conditional use permit process).</p> <p>Shelters, Public and Private: 1 space per 5 occupants.</p> <p>Convalescent or Nursing Homes for Aged, Disable or Handicapped: 1 space per 8 beds plus 1 space per employee/maximum shift.</p> <p>Elderly Housing (projects qualifying under federal regulations) and Assisted Living Complexes: 1 space per 2 dwelling units.</p>
Restaurants and Bars:	If less than 4,000 square feet floor area: 1 per 100 square feet gross floor area. If over 4,000 square feet floor area: 40 + 1 per 200 square feet gross floor area in excess of 4,000 square feet. Drive-through facilities require 4 stacking spaces per drive-through lane (espresso stands require 3 stacking spaces per window).

Retail:	1 per 300 square feet gross floor area.
Schools, Elementary and Junior High:	1 per each employee plus 1 space per 2 classrooms plus either (i) 1 space per 4 fixed seats or (ii) 1 space per 40 square feet of gross floor area in the largest assembly area, whichever is greater.
Schools, High and Colleges:	1 space per 5 students plus 1 per each employee plus either (i) 1 space per 4 fixed seats or (ii) 1 space per 40 square feet of gross floor area in the largest assembly area, whichever is greater.
Shopping Center:	1 space per 250 square feet of gross floor area.
Skating Rank, Ice or Roller:	1 space per 300 square feet of gross floor area.
Stadiums, Sport Areas and Similar Open Assemblies:	1 per 8 seats plus 1 space per 100 square feet of assembly space.
Swimming Facility:	1 space per 75 square feet of gross water area, plus 1 space per employee on the largest shift.
Theaters:	1 per 4 seats.
Vehicle Repair and Maintenance Services:	2 spaces per bay in addition to the bay.
Vehicle Sales and Service:	1 space per 1,500 square feet of gross floor area plus parking required for repair and maintenance services.
Veterinary Clinic, Pound, Shelter, Commercial Kennel:	1 space per 400 square feet of gross floor space.
Warehouse and Storage:	1 space per 2000 square feet of gross floor area for warehouses; 2 per manager's office for storage unit.

**CHAPTER 27.25
OFF-STREET LOADING DESIGN STANDARDS**

Sections:

- 27.25.010 Intent.** The intent of this chapter is to reduce traffic hazards and congestion by providing off-street loading berths on the same lot as the building to be served by deliveries of goods without adverse effects on adjacent properties.
- 27.25.020 Standards.**
- (1) Off-street loading berths shall be provided on the same lot as the use they serve.
 - (2) No loading berth shall be located closer to a residentially zoned lot than 50 feet unless enclosed by a wall or solid fence, not less than six feet in height.
 - (3) Each loading berth shall be designed with access to a public street or alley and so designed as not to interfere with traffic movement.
 - (4) Each berth shall be at least 12 feet by 35 feet in size with a height clearance of 14 feet.
 - (5) Loading berths shall not be considered as off-street parking spaces.
 - (6) All or part of the required loading berths may be within buildings.
 - (7) If more than one use is combined in one building, the fractional requirements for each use shall be added together.
 - (8) In situations where loading berths are shared, the number of berths can be reduced as determined by the Zoning Administrator.
 - (9) Where uses are not specifically mentioned, the number of berths shall be determined by the Zoning Administrator using as a guide the most similar use listed below.
 - (10) Downtown Buildings in the Central Business District (B-4) without off-street loading berths may be changed from one permitted use to another permitted use without compliance of this section.
- 27.25.030: Berths Required.** Off-street loading berths shall be provided in accordance with the following schedule:

Required Loading Berth Standards

<u>Use</u>	<u>Gross Floor Area Square Feet</u>	<u>Number of Berths Required</u>
Schools, Auditoriums, Meeting Halls	Over 20,000 – 50,000	1
	50,000 – 300,000	2
	Each Additional 300,000	1
Restaurants	Over 10,000	1
Hotel, Retail, Grocery, Shopping Center or Office Building	25,000 – 100,000	1
	Each Additional 100,000	1
Industrial Plant, Manufacturing, or Wholesale Establishment	10,000 – 40,000	1
	40,000 – 65-000	2
	65,000 – 100,000	3
	Each Additional 50,000	1

CHAPTER 27.26 OUTDOOR LIGHTING STANDARDS

Sections:

27.26.010	Intent
27.26.020	Applicability
27.26.030	General Standards
27.26.040	Specific Standards
27.26.050	Specific Uses
27.26.060	Procedure
27.26.070	Nonconforming Lighting
27.26.080	Figures

- 27.26.010: Intent.** Light pollution obscures the night sky, a resource important to residents and visitors. Light trespass interferes with the quality of life and public safety of the community. Standards for outdoor lighting are intended to control artificial light from non-vehicular sources that produce glare, light trespass, nuisance light and/or degrade the night sky. These standards are intended to reduce and eliminate nuisance glare and light trespass from poorly placed, inappropriate, misaligned or improperly shielded light sources. It is the further intent of these standards to conserve energy and resources as well as to curtail and reverse the degradation of the night sky through the regulation of the type and use of outdoor lighting while maintaining night-time safety, utility and security.
- 27.26.020: Applicability.** All residential and commercial lighting whether on public or private property installed in the city limits of Kalispell shall comply with the requirements and specifications established with these regulations. Lighting within a public or private right-of-way is not within the scope of these regulations.
- 27.26.030: General Standards:**
- (1) All outdoor lighting, including the fixture, pole, and other supporting elements, shall be designed to complement the overall architectural appearance of the site and prevent excessive glare.
 - (2) Low voltage landscape lighting will be allowed provided it is directed toward the object or building and does not leave the perimeter of the site or contribute to light trespass.
 - (3) Nothing herein shall be deemed to prohibit the installation of minimum emergency lighting standards required by the applicable building and/or fire codes.
 - (4) When practical, timing mechanisms and photo cells shall be used to reduce light levels and conserve energy during non-operational hours.

- (5) Mercury vapor lights are prohibited because of the poor color spectrum, light intensity and inefficient energy use. Low pressure or high pressure sodium lights and metal halide are encouraged rather than the use of fluorescent lights.
- (6) Light fixtures or lamps shall be shielded in such a manner so that the light emitting surface is not visible and to direct incident rays away from all adjacent property.
- (7) Any light fixture must be placed in such a manner so that no light emitting surface is visible from any residential area or public/private roadway, walkway, trail or other public way when viewed at ground level.

27.26.040 Specific Standards:

- (1) Lights mounted on poles shall not be taller than 25 feet (pole height to be calculated from grade to the top of the pole structure).
- (2) The level of lighting shall not exceed 0.3 foot candles at any residential property line or 1.0 foot candles at any non-residential property line, except that the measurement along any right-of-way shall be taken from the curb line, or, if there is no curb, the edge of the asphalt. Measurements shall be taken from ground level. If a side or rear property line is adjacent to a parking lot, the maximum foot candle measurement may be exceeded provided that the increase is otherwise designed to meet the intent of this ordinance.
- (3) Light (including, but not limited to, pole lights, floodlights, wall lights, etc.) shall have external shielding or shall be directed and angled so that no light is visible above a 90 degree angle measured from a vertical line from the center of the lamp (i.e. shall be a full cutoff fixture) and shall not shine onto any adjacent public right-of-way or adjacent property.
- (4) Roof illumination is not allowed.

27.26.050: Specific Uses:

- (1) **Architectural Accent Lighting.** Fixtures used to accent architectural features, materials, colors, style of buildings, landscaping, or art shall be located, aimed and shielded so that light is directed only on those features. Such fixtures shall be aimed or shielded to prohibit light spill.
- (2) **Signs:**
 - (a) Any interior lighted signs may not be lit at night when any face of the sign is removed or damaged in such a way that the light may distract or intrude on drivers or adjacent properties.

- (b) Signs that have exterior lighting must be lit from above the sign and the light shielded except that ground lighting may be used for ground mounted signs with a solid base (i.e. no gaps between the sign and the framework or the ground). In all cases lighting must be directed at the surface of the sign area.

(3) **Canopy Lighting and Lighting of Service Stations:**

- (a) Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy or shielded by the fixture or the edge of the canopy so that light is restrained to 90 degrees or less from vertical.
- (b) Indirect lighting may be used where light is beamed upward and then reflected down from the underside of the canopy. When this method is used, light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.
- (c) Lights shall not be mounted on the top or sides (fascias) of the canopy.
- (d) Lights shall be fully recessed and shielded to ensure that no light source is visible from or causes glare in the public right-of-way or adjacent properties.

- (4) **Outdoor Sports or Recreation Fields or Performance Areas.** Lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, special event or show areas, are exempt from this ordinance provided that the lights are to be used only when the facility is in use.

- (5) **Flags.** Flags of the United States or Montana, and flags displayed with either the United States and/or Montana flags, may be illuminated from below provided such lighting is focused primarily on the individual flag or flags to limit light trespass and spill into the dark night sky.

- (6) **Searchlights.** The operation of searchlights for any purpose other than an emergency need is prohibited.

- (7) **Towers.** Lighting on towers is prohibited except as required by regulations of the Federal Aviation Administration.

27.26.060: Procedure. At the time of site plan approval by the Kalispell Site Development Review Committee, the applicant must supply a lighting plan in accordance with these regulations and shall demonstrate conformance with these standards. At a minimum the lighting plan shall include:

- (1) Manufacturer specifications regarding the light fixture, proposed locations, mounting heights and direction of all exterior lighting.
- (2) If the building, signage or landscaping is proposed to be lit, relevant drawings shall be provided showing the type, location and direction of the light fixture.
- (3) Photometric data of all parking lot lighting and other descriptive information on the fixtures and/or a computer generated photometric grid showing foot candle reading every 10 feet within the property or site and 10 feet beyond the property boundaries.

27.26.070: Nonconforming Lighting:

- (1) **Commercial.** Lighting for commercial uses including but not limited to parking lot and building lighting that does not conform to these regulations shall be brought into compliance with those provisions relating to full cutoff fixtures and/or lamps by January 1, 2010. A one year extension may be considered by the Kalispell City Council based upon a specific hardship and upon written request.
- (2) **Residential.** Residential lighting that does not conform to these regulations shall be brought into compliance with those provisions relating to fixtures and lamps by January 1, 2007.

27.26.080: Figures. The attached figures are incorporated as guidelines for public information and enforcing this section. (Figure 11).

Figure 11: Lighting Examples

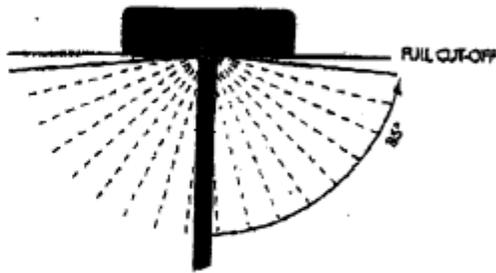


FIGURE 2
85° Full Cut-Off Fixture

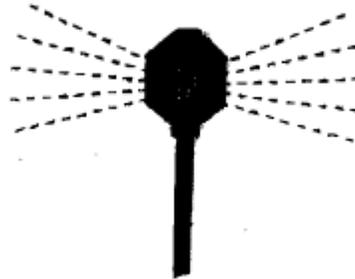


FIGURE 3
Partially Shielded
(translucent siding - bulb not visible)

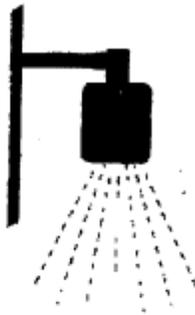


FIGURE 4
Shielded

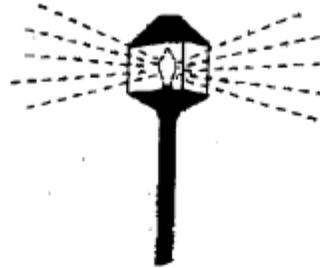


FIGURE 5
Unshielded with Opaque Top
(less than 375 lumens)

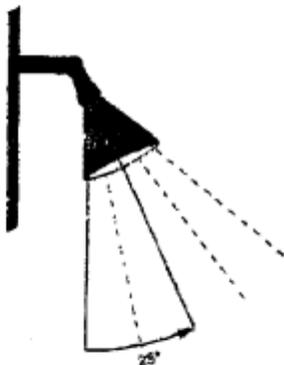


FIGURE 6
Angle of Flood Light
with External Shielding

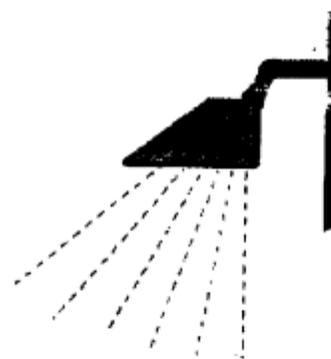
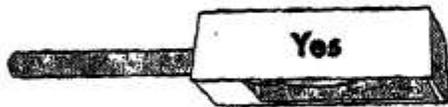
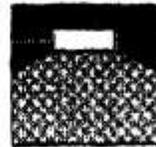


FIGURE 7
Directional Flood Light

Figure 11: Lighting Examples Continued

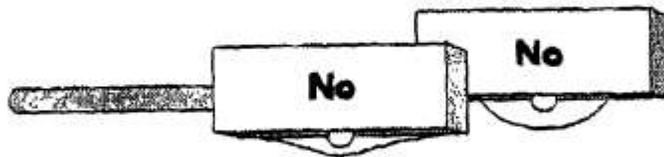
What is a True Full Cutoff Outdoor Lighting Fixture?



Flat glass lens, eliminates or minimizes direct glare, no upward throw of light. The housing for these fixtures are available in many styles.



Same fixture as above mounted incorrectly – defeating the horizontal mounting design. The fixture now produces direct glare, and can also produce uplight at steeper mounting angles.

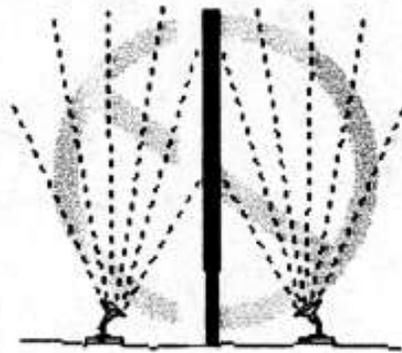


Known as just "Cutoff" Center "drop" or "sag" lens with or without exposed bulb, produces direct glare.

Figure 11: Lighting Examples Continued

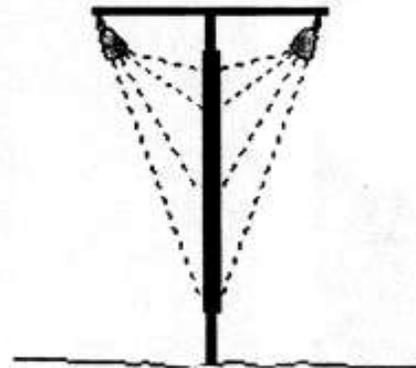
EXAMPLES OF SOME COMMON LIGHTING FIXTURES

POOR

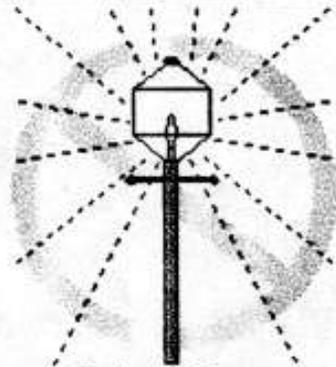


Ground-mounted
Billboard Floodlights

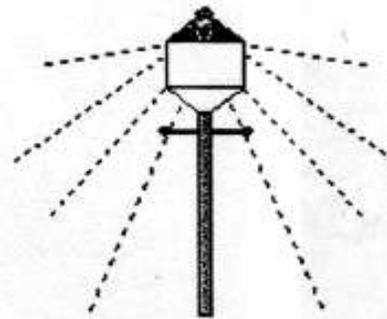
GOOD



Top-mounted
Billboard Floodlights
(carefully focused onto billboard)



Post-style Lamp
(more than 1,800 lumens)

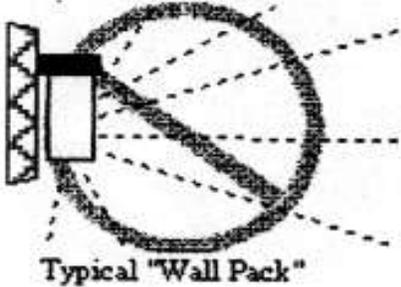


Post-style Lamp
(lamp set in opaque top)

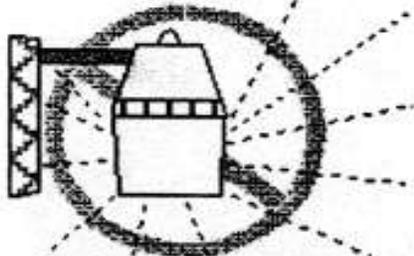
Figure 11: Lighting Examples Continued

EXAMPLES OF SOME COMMON LIGHTING FIXTURES

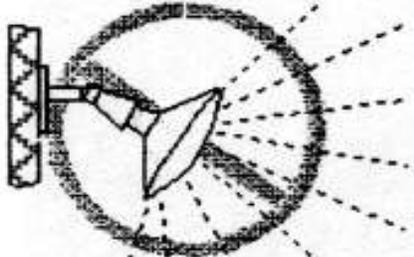
POOR



Typical "Wall Pack"

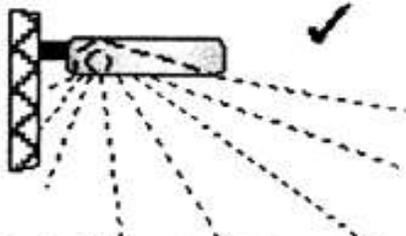


Typical "Yard Light"

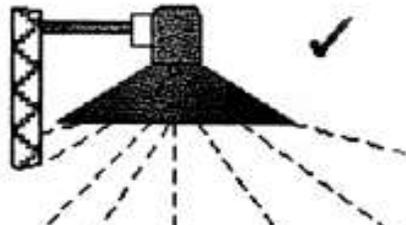


Area Flood Light

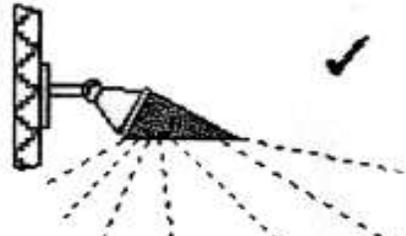
GOOD



Typical "Shoe Box" (forward throw)



Opaque Reflector (lamp inside)



Area Flood Light with Hood

CHAPTER 27.27
ZONING ADMINISTRATOR

Sections:

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

27.27.020: Powers and Duties. The Zoning Administrator, his assistant or designee will:

- (1) Enforce the provisions of these regulations.
- (2) Keep complete, accurate and secure records.
- (3) Accept applications and appeals and ensure their appropriateness and completeness.
- (4) Accept and remit fees as established in the adopted administrative procedures.
- (5) Update these regulations and the official zoning map as directed by the Kalispell City Council.
- (6) Provide for the accuracy and security of the official zoning map.
- (7) Undertake any other administrative function appropriate to the office of the Zoning Administrator.
- (8) Report to the city manager any recommendations for changes and improvements in these regulations and the procedures therein.
- (9) Issue any permit granted by the Board of Adjustment or Kalispell City Council and make periodic inspections to verify that all conditions of such granted permits are complied with by the applicant or his agent.
- (10) Receive and investigate allegations of noncompliance or violation of these regulations and file a complaint where such allegations are based on apparent fact.
- (11) Refer any matters under appeal to the Board of Adjustment for their action.
- (12) Make recommendations to the Board of Adjustment in connection with any application for variance.

- (13) Determine the location of any district boundary shown on the zoning map adopted as part of these regulations when such location is in doubt as provided for in section 27.02.030 of these regulations.
- (14) Refer to the Board of Adjustment of any appeal of the determination of the Zoning Administrator as relative to section 27.02.040.
- (15) Issue zoning lot determinations upon request for a landowner who desires to utilize multiple contiguous lots as a single parcel for application of the bulk and dimensional requirements of this ordinance.

27.27.030: Limitations of Power. The Zoning Administrator shall not:

- (1) Make any changes in the uses categorically permitted in any zoning classification or zoning district, or make any changes in the terms of these zoning regulations, or make any changes in the terms, classifications or their boundaries on the official zoning map without the prior specific direction of the City Council following the procedures herein set forth by these regulations.
- (2) Issue any variance without the specific direction to do so from the Board of Adjustment.

**CHAPTER 27.28
ZONING COMMISSION**

Sections:

- 27.28.010: Creation.** There is hereby created the “Zoning Commission” also known as the Kalispell City Planning Board and Zoning Commission for the city of Kalispell in accordance to 76-2-307 (MCA). The “Zoning Commission” is commonly referred to as the “Planning Board”, and use of the term “Planning Board” in this ordinance is intended to apply to either or both as appropriate.
- 27.28.020: Membership.** The membership of the “Zoning Commission” shall consist of seven members, having terms and qualifications as set forth by 76-1-221 through 224, MCA. The members of the Zoning Commission shall serve without compensation, other than reimbursement for approved budgeted expenditures incurred in carrying out the functions of the Zoning Commission.
- 27.28.030: Powers and Duties.** It shall be the duty of the Zoning Commission to hold public hearings where necessary and make recommendations to the City Council on all matters concerning or relating to the creation of zoning districts, the boundaries thereof, the appropriate regulations to be enforced therein, the amendments of these regulations, conditional use permits, and any other matter within the scope of the zoning power. The Zoning Commission is also authorized to confer and advise with other city, county, regional, or state planning or zoning commissions.

CHAPTER 27.29
ADMENDMENTS AND CHANGES

Sections:

27.29.010: Initiation and Amendment.

- (1) The City Council may, from time to time, amend, supplement, or change the text of this ordinance and the official zoning map. An amendment, supplement, or change may be initiated by the City Council or Zoning Commission.
- (2) A property owner affected by these regulations may also seek an amendment or change to the official zoning map via petition and application to the city planning department.
- (3) Any individual may submit a petition and application regarding amendments relating to the text of this ordinance.

27.29.020: Investigation of Amendment. Upon initiation of an amendment by the City Council or the Zoning Commission, or upon petition from a property owner, the Zoning Commission shall cause to be made such an investigation of facts bearing on such initiation or petition as will provide necessary information to assure that the action of each such petition is consistent with the intent and purpose of this title.

When considering an application for amendment to the official zoning map, the Zoning Commission and City Council shall be guided by and give consideration to the following:

- (1) Whether the new zoning was designed in accordance with the growth policy.
- (2) Whether the new zoning will affect motorized and nonmotorized transportation systems.
- (3) Whether the new zoning will secure safety from fire and other dangers.
- (4) Whether the new zoning will promote public health, public safety and general welfare.
- (5) Whether the new zoning includes the reasonable provision of adequate light and air.

- (6) Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
- (7) Whether the new zoning gives consideration to the character of the district and its peculiar suitability of the property for particular uses.
- (8) Whether the new zoning was adopted with a view of conserving the value of buildings.
- (9) Whether the new zoning will encourage the most appropriate use of land throughout the municipality.

27.29.030: Hearing for Amendment. The Zoning Commission shall hold public hearings on the matters referred to in such initiation or petition at which parties in interest and citizens shall have an opportunity to be heard.

- (1) At least 15 days notice of time and place of such hearing shall be published in an official paper or paper of general circulation in the city.
- (2) All property owners within 150 feet of the site of the proposed zone change shall be notified via the United States mail at least 15 days prior to the public hearing.
- (3) Names and addresses of adjoining property owners will be assembled by the city planning department.
- (4) After such hearing or hearings, the Zoning Commission will make reports and recommendations on said petition or initiation to the City Council.
- (5) Based on the results of the Zoning Commission hearing, the staff report and the findings of the Zoning Commission, the City Council shall by ordinance render a decision to grant, amend or deny the requested amendment.
- (6) Such amendments shall not become effective except by the favorable vote of two-thirds of present members of the City Council whenever a protest signed against such changes is signed by the owners of 25% or more of the area of:
 - (a) The lots included in such proposed change; or
 - (b) Those lots immediately adjacent on either side thereof within the block; or

- (c) Those directly opposite thereof extending 150 feet from the street frontage of such opposite lots.

**CHAPTER 27.30
BOARD OF ADJUSTMENT**

Sections:

- 27.30.010: Creation.** There is hereby created the “Board of Adjustment” for the City of Kalispell in accordance to 76-2-321, MCA.
- 27.30.020: Membership.** The membership of the Board of Adjustment shall consist of five members having terms and qualifications as set forth by 76-2-322, MCA. The members shall serve without compensation.
- 27.30.030: Powers and Duties.** The Board of Adjustment shall have authority to:
- (1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this part or of any ordinance adopted pursuant thereto; and
 - (2) Authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done.
- 27.30.040: Limitations of Power.** The Board of Adjustment shall not by either variance or appeal process make any change in the uses categorically permitted in any zoning classification or zoning district; or amend the zoning text or map.
- 27.30.050: Meeting Procedures.**
- (1) Meetings of the board shall be held at least once a month; provided, there is business to transact and at such other times as the chairman of the board may determine.
 - (2) All regular board meetings shall be open to the public.
 - (3) The board shall adopt its own rules of procedure and keep minutes of its proceedings, findings and action in each case and the vote of each member present on each question considered in the proceedings, unless a member disqualifies himself.

- (4) The presence of four members shall be necessary to constitute a quorum.
- (5) Four affirmative votes shall be necessary for granting a variance or appeal.
- (6) No proxy vote is permissible.

CHAPTER 27.31 APPEALS

Sections:

27.31.010: Basis of Appeal. Any person, the City of Kalispell, or federal, state, county, school district or city government agency, may file an appeal when aggrieved by a decision or interpretation made by the Zoning Administrator, provided that the appeal is based on an allegation that:

- (1) The Zoning Administrator made an error in interpretation of these regulations; and
- (2) The erroneous interpretation specifically aggrieves the appellant.

27.31.020: Application and Procedure.

- (1) Appeals must be filed in the manner provided, and after payment of fees as prescribed by the City Council, within 30 days from the time the officer charged with enforcement of these regulations has made a written interpretation or determination of these regulations.
- (2) No part of any such fee shall be returnable after an appeal is filed and such fee is paid, except upon petition by the appellant and approval by the Zoning Administrator. No fee paid for an action which is declared closed or ruled invalid shall be refunded, provided that a refund shall be allowed upon petition by the applicant if the board rules in favor of the applicant.
- (3) The appeal, fee, and supporting materials must be received in the office of the Zoning Administrator at least 30 days prior to the next regularly scheduled meeting of the board.
- (4) The Zoning Administrator shall fix a reasonable time for the hearing and give notice thereof to the parties of interest and the public by publishing notice in a newspaper of general circulation in the community, at least 15 days prior to such hearings.
- (5) Where an appeal concerns a particular piece of property, all property owners within 150 feet of the subject property shall be notified by mail at least 15 days prior to said hearing. (When the subject property abuts a public right-of-way, the 150 foot measurement shall be in addition to this right-of-way along the abutting side.)

- (6) The zoning administrator shall transmit any appeal with all supporting materials to the Board of Adjustment within three days of the scheduled public hearing.
- (7) An appeal under the terms of these regulations stays all proceedings in the matter appealed from unless the Zoning Administrator certifies to the Board of Adjustment that, by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, except by a restraining order granted by the board hearing the appeal or by a court of record on application and notice to the Zoning Administrator from whom the appeal was taken and on due cause shown.
- (8) Decisions of the Board of Adjustment shall be by motion. The basis for the decision on each appeal, and a detailed summary of the facts and basis supporting such determination shall be recorded in the decision and shall constitute a part of the record thereof.
- (9) The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter.
- (10) A hearing may be continued at the request of the applicant or upon motion of the board, provided however, that the granting of a continuance is a matter of grace, resting solely in the discretion of the board, and a refusal to continue is not a denial of a right, conditional or otherwise.
- (11) Decision on continuance of a hearing can be reached by a simple majority, but must be made prior to voting on the application itself.

27.31.030: Appeals from the Board of Adjustment. Appeals from the Board of Adjustment to a court of record are governed by Section 76-2-327, MCA.

**CHAPTER 27.32
VARIANCES**

Sections:

27.32.010: Application. Certain circumstances exist or arise wherein an unnecessary hardship is created through strict adherence to the provisions of these regulations. There is hereinafter provided provisions for the granting of a variance from the provisions of these regulations, so that the public welfare is secured and substantial justice can be done to those so affected. Application procedures for a variance follow:

- (1) Application for a variance may be filed by any property owner or their designated agent for the affected property.
- (2) Such application shall be made on a form provided by the office of the Zoning Administrator. Multiple requests for variance for the same project may be filed on a single application and charged a single fee.
- (3) The completed application and fee as set by the City Council shall be submitted to the Zoning Administrator.
- (4) The application must be complete and received with the required fee in the office of the Zoning Administrator at least 30 days prior to the next regularly scheduled meeting of the Board of Adjustment.
- (5) No part of any such fee shall be refundable after an application is filed and such fee paid, except under petition by the applicant and approval by the Zoning Administrator. No fee paid for an action which is declared closed or ruled invalid shall be refunded.

27.32.020: Processing of Application.

- (1) Notice of the hearing shall be placed in a newspaper of general circulation in the community at least 15 days prior to the date of the hearing.
- (2) Written notice shall be mailed to all property owners within 150 feet of the subject property at least 15 days prior to the said hearing. (Where the subject property abuts a public right-of-way, the 150 foot measurement shall be in addition to this right-of-way along the abutting side.)

- (3) The zoning administrator shall transmit any appeal with all supporting materials to the Board of Adjustment within three days of the scheduled public hearing.
- (4) Before any variance can be granted, the board shall make findings of fact based upon evidence produced at a public hearing setting forth and showing that the following circumstances exist:
 - (a) In considering all proposed variances to this ordinance, the board shall, before making any findings in a specified case, first determine that the proposed variance will not amount to a change in the use of the property to a use which is not permitted within the district;
 - (b) That special conditions and circumstances exist which are peculiar to the land such as size, shape, topography or location, not applicable to other lands in the same district and that literal interpretation of the provision of this ordinance would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same district under the terms of this ordinance;
 - (c) That the special conditions and circumstances do not result from the actions of the applicant;
 - (d) That granting the variance requested will not confer a special privilege to the subject property that is denied other lands in the same district;
 - (e) That granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated;
 - (f) The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land;
 - (g) The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and

- (h) The fact that property may be utilized more profitably will not be the sole element of consideration before the Board of Adjustment.
- (5) Every decision of the Board of Adjustment shall be made by motion and shall be based upon "Findings of Fact" and every finding of fact shall be supported in the record of its proceedings. The enumerated conditions required to grant a variance under these regulations shall be construed as limitation on the power of the board to act.
- (6) In approving a variance, the board may impose such conditions as are in its judgment necessary to promote the general provisions of these regulations.
- (7) It shall take the affirmative vote of four members of the board to grant a variance.
- (8) A hearing may be continued at the request of the applicant or upon motion of the board, provided however, that the granting of the continuance is a matter of grace, resting solely in the discretion of the board, and a refusal to continue is not a denial of a right, conditional or otherwise.
- (9) Decision on continuance of a hearing can be reached by a simple majority; but must be made prior to voting on the application itself.
- (10) A variance shall be valid indefinitely, provided it is exercised within one year of the date of issuance, or as otherwise provided for by the Board of Adjustment.

27.32.030: Appeal from Board of Adjustment.

- (1) A request may be re-heard only when there has been a manifest error affecting the board's decision; or it appears that a substantial change in facts, evidence or conditions has occurred. Such determinations shall be made by the Zoning Administrator within 60 days of final action by the board.
- (2) Any person aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or part, specifying the grounds of illegality. Such petition shall be presented to the court within 30 days after the filing of decision in the office of the Board of Adjustment. Appeals from the Board of Adjustment to a court of record are governed by Section 76-2-327 MCA.

**CHAPTER 27.33
CONDITIONAL USE PERMITS**

Sections:

- 27.33.010 General Provisions**
- 27.33.020 Application**
- 27.33.030 Processing of Application - Full Conditional Use Permit Only**
- 27.33.040 Administrative Conditional Use Permits**
- 27.33.050 Violations and Revocation of Permit**
- 27.33.060 Termination and Transferability**
- 27.33.070 Denial of Application**
- 27.33.080 Review Criteria**
- 27.33.090 Burden of Applicant**
- 27.33.100 Decision Based on Findings**

27.33.010: General Provisions.

- (1) No structure, building or land shall be used, constructed, altered, moved or expanded where a Conditional Use Permit (as used in this section “Conditional Use Permit” includes both a full Conditional Use Permit and an Administrative Conditional Use Permit unless otherwise noted) is specifically required by the terms of these regulations until a Conditional Use Permit for such use has been issued.

- (2) Any use which was lawfully established prior to the adoption, extension or application of these regulations and which is now permitted by these regulations subject to a Conditional Use Permit, may continue in the same manner and to the same extent without securing a Conditional Use Permit.

27.33.020: Application.

- (1) Application for a Conditional Use Permit shall be made by the owner of the affected property on a form obtainable from the Zoning Administrator.

- (2) The completed application and associated fee shall be submitted to the Zoning Administrator. Said fee is not refundable.

27.33.030: Processing of Application – Full Conditional Use Permit Only.

- (1) The Zoning Administrator shall:

- (a) Accept the completed application;
 - (b) Circulate the application to city departments and other advisory agencies as deemed necessary for evaluation;
 - (c) Set a public hearing date;
 - (d) Publish a notice advertising the public hearing before the Planning Board at least once in a newspaper of general circulation in the community at least 15 calendar days prior to the meeting of the Planning Board at which the application is to be considered;
 - (e) Mail written notice to all property owners within 150 feet of the subject property not less than 15 calendar days prior to the time of the Planning Board hearing (where the subject property abuts a public right-of-way, the 150 foot measurement shall be in addition to the right-of-way along the abutting side); and
 - (f) Prepare a staff report which establishes the basis for a recommendation on the requested conditional use.
- (2) The Planning Board shall hold the public hearing.
- (a) Testimony should be specific in establishment of the level and degree of positive or negative impacts associated with the project.
 - (b) Based on factual findings, the Planning Board shall make a recommendation to the City Council to approve, approve with conditions, or deny the application.
- (3) The City Council shall, based upon the record, approve, conditionally approve, or deny the conditional use permit request.
- (4) The Zoning Administrator shall notify the applicant of the council decision and forward a conditional use permit with conditions, if any, or a letter of denial as appropriate.

27.33.040: Administrative Conditional Use Permits

- (1) Administrative uses fall into three categories:

- (a) Designated as ACUP in the zoning district standards or otherwise provided for in the ordinance;
 - (b) Up to 25% cumulative expansions of non-conforming uses (see Section 27.23.030); and
 - (c) Up to 25% cumulative expansions of existing CUPs.
- (2) Application.
- (a) A completed application shall be submitted to the Zoning Administrator.
 - (b) The application shall contain:
 - 1. A certified list of property owners within 150 feet (excluding adjacent rights-of-way);
 - 2. The fee as established by the City Council; and
 - 3. Other information as requested by the Zoning Administrator.
- (3) The Zoning Administrator shall:
- (a) Accept the completed application;
 - (b) Mail written notice to all property owners within 150 feet of the subject property providing at least 15 days for formal comment (where the subject property abuts a public right-of-way, the 150 foot measurement shall be in addition to the right-of-way along the abutting side); and
 - (c) Review the application pursuant to the review criteria contained in this chapter.
- (4) If no public comment is received, the Zoning Administrator shall approve, conditionally approve, or deny the application as appropriate.
- (5) If public comment is received, the Zoning Administrator shall contact the applicant.

- (a) If the comment can be satisfactorily resolved by additional information or appropriate conditions, the Zoning Administrator shall approve, conditionally approve, or deny the application as appropriate.
 - (b) If the comment is of substance and cannot be mitigated, the Zoning Administrator shall schedule the conditional use permit for the next available Planning Board public hearing and follow the procedures as outlined above for the processing of an application for a full CUP.
- (6) If the applicant wishes to appeal the Zoning Administrator’s decision regarding the application, the application shall be forwarded to the Planning Board for consideration. Their recommendation shall be forwarded to the City Council for a determination as to whether the permit should be approved, conditionally approved, or denied. Any appeal by the applicant must be submitted in writing to the Zoning Administrator within 30 days from the date the permit was issued or denied. The applicant shall be responsible for paying a fee equal to the difference between an Administrative and a full Conditional Use Permit at the time the request for appeal is submitted. Any application forwarded to the Planning Board shall be processed as a full Conditional Use Permit, including, but not limited to, public notice as provided in section 27.33.030.

27.33.050: Violations. Failure to comply with the terms and/or conditions of a Conditional Use Permit is a violation of the zoning ordinance in addition to a violation of any other applicable ordinance or policy.

27.33.060: Termination and Transferability.

- (1) The Conditional Use Permit shall run with the lot, building, structure, or use and shall not be affected by changes in ownership.
- (2) The Conditional Use Permit shall terminate 18 months from date of authorization if commencement of the authorized activity has not begun:
 - (a) Unless otherwise spelled out in the conditions of approval; or
 - (b) Unless the applicant can demonstrate and maintain a continuous good faith effort (preparing financing, securing state or federal permits, undertaking engineering and design, etc.) in commencing the activity. An extension request must be submitted to the Zoning Administrator, who may grant up to two one year extensions.

27.33.070: Denial of Application.

- (1) In the event an application is denied by the City Council, no re-submittal of an application for a Conditional Use Permit may be made for one year from the date of said denial, unless sufficient new evidence or conditions are offered to the Zoning Administrator to demonstrate that circumstances have altered and that further consideration of the application is warranted. In such an event, the re-submittal application shall follow the same procedures as the original, and shall be treated as a new application.
- (2) Denial of an application for a Conditional Use Permit may be appealed to a court of competent jurisdiction within 30 days from the date of such a denial.

27.33.080: Review Criteria.

- (1) No Conditional Use Permit shall be issued except upon a finding that the proposed use conforms to the requirements set forth in this chapter and that the proposed conditional use will have no more adverse effect on the health, safety, or comfort of persons living or working in the area and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the district. An authorized conditional use may not be denied arbitrarily or if no specific adverse effect is found.
- (2) A Conditional Use Permit may be granted only if the proposal, as submitted, conforms to all of the following general Conditional Use Permit Criteria, as well as to all other applicable criteria that may be requested:
 - (a) That the site is suitable for the use. This includes:
 1. adequate usable space;
 2. height, bulk and location of structures;
 3. adequate access; and
 4. the absence of environmental constraints (floodplain, slope, etc.).
 - (b) That the site plan for the proposed use will provide the most convenient and functional use for the lot. Consideration should include:

1. parking scheme;
 2. loading areas;
 3. exterior lighting;
 4. traffic circulations;
 5. open space;
 6. fencing/screening;
 7. landscaping; and
 8. signage.
- (c) That the following services and facilities are available and adequate to serve the needs of the use as designed and proposed:
1. sewer;
 2. water;
 3. storm water drainage;
 4. garbage collection;
 5. fire protection;
 6. police protection;
 7. streets;
 8. sidewalks and bike trails; and
 9. other public services.
- (d) That the proposed use will not be detrimental to abutting properties in particular and the neighborhood in general. Typical negative impacts which extend beyond the proposed site include:
1. excessive traffic generation;
 2. noise or vibration;
 3. dust, glare, heat;
 4. smoke, fumes, gas, or odors; and
 5. inappropriate hours of operation.
- (e) That the historical uses and established use patterns be weighed with recent change in trends in the neighborhood.
- (f) That the proposed use will not cause or contribute to a decline in property values of adjacent properties.

27.33.090: Burden of Applicant. The burden of proof for satisfying the aforementioned criteria considered for approval shall rest with the applicant and not the City Council. The granting

of the Conditional Use Permit is a matter of grace, resting in the discretion of the City Council and a refusal is not the denial of a right, conditional or otherwise.

27.33.100: Decision Based on Findings. Every decision of the City Council pertaining to the granting, denial or amendment of a request for a Conditional Use Permit shall be based upon “Findings of Fact”, and every finding of fact shall be supported in the records of its proceedings.

**CHAPTER 27.34
ADDITIONAL REQUIREMENTS FOR SPECIFIC CONDITIONAL USES**

Sections:

- 27.34.010 Animal Hospitals, Pounds, Kennels, Animal Shelter, and Veterinary Clinics**
- 27.34.020 Bed and Breakfast**
- 27.34.040 Casinos**
- 27.34.050 Day Care Centers – 13 or more individuals**
- 27.34.060 Dwellings, Multi-family**
- 27.34.070 Electrical Distribution Stations**
- 27.34.080 Extractive Industries**
- 27.34.090 Mini-Storage, Recreation Vehicle Storage**
- 27.34.100 Sexually Oriented Business**
- 27.34.110 Transmission Towers and Cellular Communication Towers, Equipment and Facilities**

27.34.010: Animal Hospitals, Pounds, Kennels, Animal Shelters, and Veterinary Clinics

- (1) Household animals (specifically dogs and cats) boarded overnight should be kept in climate-controlled, sound-proofed buildings.
- (2) Household animal excreta shall be removed from the site daily or as otherwise necessary to avoid the spread of objectionable odors, insects, pests, and objectionable surface drainage.
- (3) No partially or fully enclosed structure or fenced open area (runs, pens, etc.) used to confine animals shall be closer than 100 feet to any property line.

27.34.020: Bed and Breakfast.

- (1) The Conditional Use Permit shall specify the number of rental rooms and total number of guests permitted in the facility.
- (2) The bed and breakfast uses shall be limited to the principal structure and not extend to any accessory structure.
- (3) Room rentals shall not exceed fourteen consecutive days.
- (4) The bed and breakfast facility must maintain an up-to-date guest register.

- (5) The owner(s) of the dwelling or the manager of the facility must be in permanent residence and maintain full use of the kitchen, dining room, living room, and at least one bedroom and bathroom not accessible to the overnight lodgers.
- (6) Overnight lodgers shall not have direct access to cooking facilities although the permanent resident(s) of the dwelling may provide breakfast service to the guests.
- (7) The residential structure shall not be significantly modified to provide additional sleeping rooms or exhibit a non-residential appearance except for signage as provided under Chapter 27.22.
- (8) The use of the bed and breakfast facilities shall be limited to the exclusive use of the residential dwellers and their overnight guests. No other use such as a restaurant, bar or otherwise which attracts non-boarding customers is permitted. No alcoholic beverages shall be sold on the premises.
- (9) No people, other than the residents of the dwelling may be employed or otherwise assist in the operation of a bed and breakfast facility.

27.34.040: Casinos

- (1) Casinos shall be a minimum of 600 feet from churches, schools, parks, city residential zones, federal highway, and other casinos, measured from property line to property line, or from the right-of-way of a federal highway.
- (2) Accessory casinos may be located closer than 600 feet from churches, schools, parks, city residential zones, federal highway, and other casinos, measured from property line to property line or from the right-of-way of a federal highway. An accessory casino shall meet the requirements of this section.
- (3) A casino is considered accessory to a primary use if the primary use (e.g. restaurant or bar, but not shopping center or other multi-use designation) and its associated facilities constitute at least 80% of the proposed floor space and the casino constitutes no more than 20% of the proposed use. In addition, an accessory casino is generally shielded or screened from view of the primary use and patrons.
- (4) The following design standards as appropriate may be placed on either a casino or an accessory casino:

- (a) Limiting or prohibiting the on-premise signage or building from using the following:
 - 1. Any terms such as gaming, gambling, cards, dice, chance, etc.
 - 2. Any reference to any associated activity or any symbols or words commonly associated with gaming.
 - 3. Any words, terms, figures, art work, or features intended or designed to attract attention to the fact that a casino is on site.
 - 4. Neon Lighting.
- (b) Limiting the number and location of entrances into the casino.
- (c) Increasing landscaping requirements in order to create a buffer between the casino and adjacent land uses.

27.34.050: Day Care Centers – 13 or more individuals.

- (1) Where outside recreation facilities are provided, a minimum four-foot high sight-obscuring fence around the recreation area may be required to be maintained and the recreation area should be situated in the rear half of the site.
- (2) In all residential (R-1 through R-4) zones:
 - (a) Existing residential structures shall not be significantly modified so as to exhibit a non-residential appearance;
 - (b) Signage shall be architecturally compatible with the primary building;
 - (c) Preference is given to day care centers located on collector or arterial streets; and
 - (d) Any new construction allowed in a residential zone for the operation of a day care facility shall substantially resemble a conventional single-family dwelling.

27.34.060: Dwellings, Multi-family.

- (1) All multi-family dwellings shall provide pedestrian access from the main entrance(s) of the building(s) to the right-of-way.
- (2) For multi-family dwellings with five or more units (including common developments which contain five or more units), one of the following shall be provided:
 - (a) 500 square feet of land per unit which has recreational value for the residents;
 - (b) Recreational amenities equivalent to the fair market value of 500 square feet of undeveloped land per unit;
 - (c) Equivalent funds payable to the city to develop neighborhood facilities in the immediate vicinity; or
 - (d) A combination of any of the above.

27.34.070: Electrical Distribution Stations. When located within an R, RA, or B zone, electrical distribution stations shall meet the following requirements:

- (1) The station shall be completely surrounded by a security fence that shall be at least eight feet in height.
- (2) The perimeter of the electrical distribution station shall be landscaped with sight-obscuring trees, shrubs or bushes. Such landscaping shall be designed to improve the appearance of the site while allowing for normal operational and safety factors of the station.
- (3) A parcel of land that does not meet the minimum lot area requirement of the zone may be created for the placement of an electrical distribution station. The site shall be large enough to accommodate any required landscaping.

27.34.080: Extractive Industries. Requirements contained in this section shall not exempt the owner or operator of an extractive industry from compliance with the Montana Open Cut or Strip Mine Reclamation Act, Title 82, Chapter 4, M.C.A., but shall be in addition to the requirements of said Act.

- (1) Operational requirements. The site of an extractive industry shall be of sufficient size and dimensions to accommodate the proposed operations. Consideration shall

be given to noise, light, dust, smoke and vibration and how they affect adjoining properties. Blasting operations shall be restricted to Monday through Friday between the hours of 8 am and 5 pm. Off-street parking areas adequate for all employee vehicles and trucks shall be provided.

- (2) Plan for development of the site. The plan to be submitted with the application for a Conditional Use Permit shall include a plan for development of the subject property which shall consist of two phases: The exploitation phase and the re-use phase.
 - (a) Exploitation phase. The plan for the exploitation phase shall show the proposed development as planned in relation to surrounding property within three hundred feet and shall include topographic surveys and other materials indicating existing conditions, including soil and drainage and the conditions, including drainage, topography and soil which shall exist at the end of the exploitation phase. Contour intervals for topography shall be five feet in areas where slope is 10% or greater and two feet in areas where slope is less than 10%.
 - (b) The plan for the exploitation phase shall demonstrate the feasibility of the operation proposed without creating hazards or causing damage to other properties. This plan shall also show the different states of exploitation, where and how traffic will be handled, where equipment will be operating, the location and dimension of structures, the manner in which safeguards will be provided, including those for preventing access by children and other authorized persons to dangerous areas. The final stage of this plan shall indicate how the project is to be finished in accordance with the phase for reuse.
 - (c) Reuse phase. The plan for the reuse phase shall indicate how the property is to be left in a form suitable for reuse for purposes permissible in the district, relating such reuses to uses existing or proposed for surrounding properties. Among items to be included in such plan are feasible circulation patterns in and around the site, the treatment of exposed soil or subsoil including measures to be taken to replace topsoil or establish vegetation in excavated areas in order to make the property suitable for the proposed reuse and treatment of slopes to prevent erosion.

27.34.090: Mini-Storage, Recreation Vehicle Storage.

- (1) This section shall apply to the review of mini-storage and recreational vehicle storage facilities proposed to be located in districts that require a Conditional Use Permit for the establishment of such uses.
 - (a) All buildings shall meet the required setback of the district. However, on sites where the rear property line is adjacent to a commercial district, no rear setback is required.
 - (b) Landscaping that produces a sight-obscuring barrier shall be provided in areas adjacent to residentially zoned areas and to collector and arterial streets. Landscaping shall consist of a variety of hardy evergreen materials consisting of trees, low-, medium-, and high-profile shrubs, together with suitable ground cover such as native grasses, bark, ornamental gravel, or a combination thereof.
 - (c) Building heights shall be limited to one story (18 feet at the peak).
 - (d) One (1) parking space shall be provided for the on-site manager with two (2) additional spaces provided at the leasing office.
 - (e) Parking shall be provided by parking/driving lanes adjacent to the storage units. These lanes shall be at least 26 feet wide.
 - (f) All storage shall be kept within an enclosed building, except fossil fuel engines or storage tanks or any boat or vehicle incorporating such components, which shall be stored in screened exterior areas. This provision shall not be interpreted to permit the storage of partially dismantled, wrecked, or inoperable vehicles.
 - (g) Any use other than storage is prohibited. The offering for sale or sale thereof of any item from or at mini-storage or recreational vehicle storage facilities is expressly forbidden, except that the facility owner may hold liquidation sales of contents of rental units to recover rental fees except as allowed by law.
 - (h) The repair, construction, or reconstruction of any boat, engine, motor vehicle, or furniture, and the storage of any fossil fuel engine or fossil fuel storage tank or any boat or vehicle incorporating such components is prohibited within any structure on a tract of land designated as a mini-storage or recreational vehicle storage facility.

- (i) The exterior architecture of the structures shall be designed to conceal the industrial and storage use of the property. The design shall also focus on neighborhood compatibility, particularly along collector and arterial streets.

27.34.100: Sexually Oriented Business.

- (1) A sexually oriented business shall not be located within 1, 000 feet of any of the following:
 - (a) A church;
 - (b) A public or private elementary or secondary school;
 - (c) A boundary of any residential district;
 - (d) A public park adjacent to any residential district;
 - (e) The property line of a lot devoted to residential use;
 - (f) Another sexually oriented business.
- (2) Consideration and evaluation of a proposed sexually oriented business shall address the relationship of the proposed business with the surrounding character of the area. At a minimum, conditions of approval shall address the following land use features:
 - (a) Traffic, ingress/egress;
 - (b) Signage;
 - (c) Exterior lighting;
 - (d) Landscaping and screening;
 - (e) Exterior colors of structure; and
 - (f) General site plan characteristics such as parking and extension of utilities.

27.34.110: Transmission Towers and Cellular Communication Towers, Equipment and Facilities.

- (1) The location of the transmission towers and cellular communication towers, equipment and facilities shall take into consideration the following:
 - (a) Visual effects;
 - (b) Height;
 - (c) Structural integrity;
 - (d) Radiation emissions;
 - (e) Effects on adjoining land use;
 - (f) Possibility of shared use;
 - (g) Effects on city airport operations;

- (h) Effects on other communication devices; and
 - (i) Site location alternatives.
- (2) General requirements of a Conditional Use Permit for locating a transmission tower or cellular communication tower shall include:
- (a) Required collocation on an existing tower or other structure whenever possible and practical;
 - (b) Screening equipment and structures when located adjacent to a residential district;
 - (c) Engineer's certification regarding structural safety;
 - (d) Location of the tower so that visual impact to adjacent property owners is limited to the greatest extent possible;
 - (e) That the structure be placed to avoid location on the crest of a mountain or hill or extension into the skyline thus creating aesthetic concerns;
 - (f) Address potential FAA (Federal Aviation Administration) lighting requirements for aviation safety;
 - (g) That the structure/tower be camouflaged to blend in with the surrounding environment;
 - (h) The new structure shall allow for collocation with a minimum of four other users;
 - (i) That all transmission and cellular communication towers be located a minimum of one mile apart, unless collocation opportunities do not exist;
 - (j) If a security fence is proposed, a five foot tall dense landscaping screen shall be planted around the security fence of any structure/tower;
 - (k) Where a new tower is proposed, the applicant shall demonstrate that there is no feasible existing structure on which to locate; and
 - (l) A freestanding tower shall be setback from the right-of-way line(s) a distance equal to the height of the tower.
- (3) Should any cellular communication tower, facility or antenna be abandoned or cease to operate for a period of 180 days, the structure/tower shall be removed **at the expense of the owner**. It shall be the responsibility of the structure/tower owner to promptly notify the city if a facility is abandoned or ceases operation.

**CHAPTER 27.35
ADMINISTRATIVE ADJUSTMENTS**

Sections:

27.35.010	Intent
27.35.020	Authority
27.35.030	Procedure
27.35.040	Standards Subject to Administrative Adjustment
27.35.050	Criteria
27.35.060	Additional Criteria Related to Specific Standards
27.35.070	Termination and Transferability

27.35.010: **Intent.** The intent of this chapter is to provide administrative relief in the form of minor deviations from specific requirements under this code. The administrative relief is to be provided upon a showing by an applicant that certain circumstances exist which are beneficial to the community to design around rather than strictly applying the code. Only those sections specifically listed are eligible for relief, and only upon the appropriate showing.

27.35.020: **Authority.** The Zoning Administrator is authorized to review and approve, conditionally approve, or deny an application for an administrative adjustment in accordance with this chapter.

27.35.030: **Procedure.**

- (1) An applicant shall submit a completed application form and fee to the Zoning Administrator.
- (2) After reviewing the application for compliance with this code and in particular with the criteria listed in this chapter, the Zoning Administrator shall approve, conditionally approve, or deny the application.
- (3) The Zoning Administrator may grant a lesser modification than the maximum allowed by this chapter.

27.35.040: Standards Subject to Administrative Adjustment.

Standard	Allowable Modification
Height limits for buildings (contained in development standards for each zoning district)	10%
Building setbacks (contained in development standards for each zoning district)	20%
Required setback for parking spaces (Section 27.24.030(2))	30%
Minimum required number of parking spaces (Section 27.24.050)	10%

27.35.050: Criteria. Administrative adjustments shall be approved upon a finding that the applicant has met the following criteria:

- (1) **General.** The request is consistent with the character of development in the surrounding area, and will not result in incompatible uses.
- (2) **Mitigates Adverse Impacts.** Any adverse impacts resulting from the adjustment will be mitigated to the maximum extent practicable.
- (3) **Technical Nature.** The request is of a technical nature (i.e. relief from a dimensional or design standard) and is based on three or more of the following:
 - (a) Required to compensate for some unusual aspect of the site or the proposed development that is not shared by landowners in general;
 - (b) Supporting an objective or goal from the purpose and intent statements of the zone district where located;
 - (c) Proposed to provide improved architectural appearance or site design;
 - (d) Proposed to save healthy existing trees (recommendation to be provided by the parks department based upon age, caliper, condition, and value); or
 - (e) Proposed to maintain the historic integrity of a structure which is on, or is eligible to be on, the historic registry.

- (4) **Does Not Substantially Interfere with Adjacent Land.** The request will not substantially interfere with the convenient and enjoyable use of adjacent lands, and will not pose a danger to public health or safety.

27.35.060: Additional Criteria Related to Specific Standards.

- (1) **Height Limits.** An adjustment to building height is allowable when the additional height is necessitated by a specific function of the building or constraint of the site. The height shall not exceed the standards set forth for additional height permitted by conditional use permit.

27.35.070: Termination and Transferability.

- (1) The Administrative Adjustment shall:
 - (a) run with the lot, building, structure, or use;
 - (b) shall not be affected by changes in ownership; and
 - (c) terminate 18 months from the date of approval if commencement of the authorized activity has not begun unless otherwise stated in the approval; and
- (2) The Administrative Adjustment may be extended by the Zoning Administrator for an additional 12 months if it is demonstrated that the applicant has made a continuous good faith effort to commence the approved development.

CHAPTER 27.36 ENFORCEMENT

Sections:

- 27.36.010: Penalty for Violation.** Any person or corporation, whether owner, lessee, principal agent, employee, or otherwise, who violates any provisions of these regulations or permits any such violation or fails to comply with any of the requirements thereof, or who erects, constructs, reconstructs, alters, enlarges, converts, moves, or uses any building or uses any land in violation of any detailed statement or plans submitted by him and approved under the provisions of these regulations, may be subject to penalties as a municipal infraction pursuant to Chapter 1, Article II of the Kalispell City Code. Each day of continued violation shall constitute a separate, additional violation. The Zoning Administrator or his authorized agent is hereby authorized to enforce the City of Kalispell Zoning Ordinance by issuing a civil citation.
- 27.36.020: Use of Available Remedies Authorized.** In the event that any building or structure is erected, reconstructed, altered, converted, or maintained, or any building, structure, or land is used in violation of these regulations, the proper legal authorities of the City Council in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent an illegal act, conduct, business, or use in or about such building, structure or land.

CHAPTER 27.37
DEFINITIONS

Sections:

27.37.010: Definitions. All words in this ordinance shall be first defined as provided herein and, if not defined herein, shall have their customary dictionary definitions. For the purposes of this ordinance certain words and terms used herein are defined as follows:

Words used in the present tense include the future tense; words used in the singular include the plural, and words used in the plural include the singular; the word “shall” is always mandatory, the word “person” includes a firm, association, organization, partnership, trust, corporation or company, as well as an individual; the word “lot” includes the words “plot” or “parcel”; the word “building” includes the word “structure”; the words “used” or “occupied,” as applied to any land or building, shall be constructed to include the words “intended, arranged, or designed to be used or occupied”; the words “map” or “zoning map” mean the zoning map(s) of the zoning jurisdiction of the City of Kalispell that delineate the area to be governed by these regulations.

- (1) **Abandonment.** The act of intentionally and permanently giving up, surrendering, deserting or relinquishing property, or a property right. In regard to a use, it is the actual cessation of a “nonconforming use” coupled with the intent not to put the premises again to the same use. Proof of said intent not to abandon must be clearly inferable from existing facts, such as actively pursuing in good faith the sale of lease of a property as a continuation of the existing use.
- (2) **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.
- (3) **Accessory Building/Structure.** A detached subordinate building/ structure situated on the same lot with the principal building/structure and used for an accessory use.
- (4) **Accessory Use.** A subordinate use of a building, other structure, or use of land:
 - (a) Which is clearly incidental to the primary use of the principal building, other structure, or use of land; and
 - (b) Which is used customarily in connection with the principal building, other structure, or use of land; and

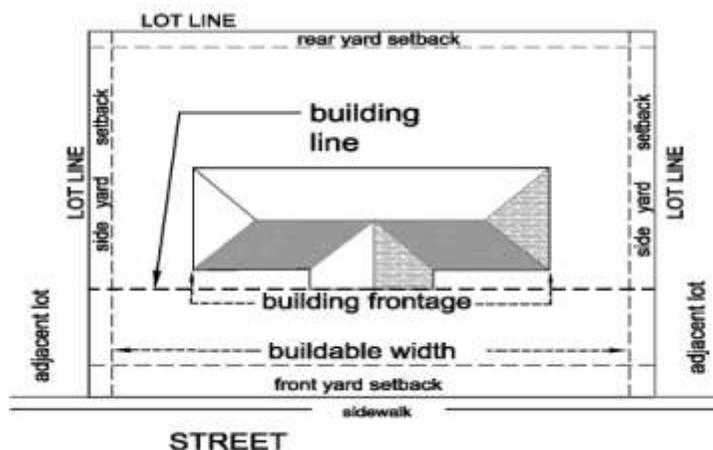
- (c) Which is located on the same zoned lot with the principal building, other structure, or use of land.
- (5) **Agriculture.** The use of land for agricultural, horticultural and silvicultural purposes, including farming, dairying, pasturage, grazing land, animal and poultry husbandry, feed lots, and includes the necessary accessory uses for packing, treating, storing or shipping of products. Does not include the manufacturing aspects of timber or agricultural activities such as animal slaughtering, wood processing plants, etc.
- (6) **Airport.** Any runway, landing area or other facility whether publicly or privately owned and operated, and which is designed or used either by public carriers or by private aircraft for the landing and taking off of aircraft and/or helicopters, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.
- (7) **Alley.** A passage or way, open to public travel, and dedicated to public use, affording a secondary means of vehicular and pedestrian access to abutting lots and not intended for general traffic circulations.
- (8) **Alteration.** A change or rearrangement of the structural parts of existing facilities, or an enlargement by extending the sides or increasing the height or depth, or the moving from one location to another.
- (9) **Arterial.** A street having the primary function of moving traffic and secondary function of providing access to adjacent land. Arterials generally carry relatively large volumes of traffic. Arterials have two to four lanes of traffic and provide limited access to abutting property.
- (10) **Assembly – Heavy.** The fitting or joining of parts of a mechanism by means of fasteners, nuts and bolts, screws, glue, welding, or other similar technique which may include the construction, stamping, or reshaping of any of the component parts. Heavy assembly may generate noise, vibration, smoke, or odors outside of the structure housing the activity or off-site. Activity may occur both indoors and outdoors.
- (11) **Assembly – Light.** The fitting together of already manufactured parts into a complete or semi-complete unit. (This would not limit the casting or forming of some components on site but such processes would typically not generate noise, vibration, smoke or odor.) Typically, all activity usually occurs indoors.
- (12) **Assembly halls/stadiums/convention hall facilities.** An open, partially enclosed, or fully enclosed facility used or intended to be used primarily for spectator sports,

entertainment events, expositions, and other public gatherings. Typical uses include convention and exhibition halls, sports arenas, and amphitheatres.

- (13) **Athletic Club.** A facility designed for the major purpose of physical fitness which includes, but is not limited to, such equipment as weight resistance machines, whirlpools, saunas, showers, swimming pools and lockers.
- (14) **Auction Yards, Livestock.** Any sale where livestock is sold by an auctioneer in an outdoor setting.
- (15) **Automobile Sales and/or Repair.** An area, other than a street, used for the display, sale or repair of new or used automobiles, boats, RVs, motorcycles, or trailers, whether inside a structure or in an outside area.
- (16) **Automobile Detailing Shop.** A facility wherein automobiles are cleaned. The seats and carpet are generally shampooed and the engine compartment degreased. The exterior is generally waxed. Customary and incidental associated uses shall not include painting, body work, or mechanical repair.
- (17) **Automobile or Vehicle Body Shops.** A facility which provides collision repair services, including, but not necessarily limited to, welding, body frame straightening, replacement of damaged parts, and painting.
- (18) **Automobile Service Station.** Any building or premises used primarily for the retail sale of gasoline and lubricants, but which may also provide for the incidental servicing of motor vehicles including grease racks, tire repairs, battery charging, hand washing of automobiles, sale of merchandise and supplies related to the servicing of motor vehicles and minor replacements, but excluding body and fender work, engine overhauling, painting, welding, storage of automobiles not in operating condition or other work involving noise, fumes, glare or smoke.
- (19) **Automobile Wrecking/Salvage.** The dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled or partially dismantled, obsolete or wrecked vehicles or their parts.
- (20) **Bakery.** An establishment primarily engaged in the retail sale of bakery products, but which may involve the production of baked goods for off-site sales.
- (21) **Banks and Financial Institutions.** An establishment that is open to the public and primarily engaged in the receipt, disbursement or exchange of funds and currencies, and that performs closely related functions such as making loans, investments, and fiduciary activities.

- (22) **Barber and Beauty Services.** Includes barber shops, hair styling, salons, nail care, hair removal, ear piercing, and other such similar businesses.
- (23) **Bars and Taverns.** An establishment whose primary activity is the sale of alcoholic beverages to be consumed on the premises.
- (24) **Bed and Breakfast.** “Bed and Breakfast” means a single-family dwelling with a resident family or manager in permanent residence where bedrooms without individual cooking facilities are rented for overnight lodging. Breakfast may be provided by the resident(s) to the overnight patrons.
- (25) **Billboard.** A standard outdoor advertising sign no larger than 288 square feet in area which is designed to advertise products, services or businesses not located on the premises on which the sign is located. A sign shall not be considered a billboard unless the sign is designed with a surface on which temporary poster panels or painted bulletins are mounted for the purpose of conveying a visual advertising message.
- (26) **Buffer.** Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically and visually separate one use or property from another in order to mitigate the impacts of noise, light, or other nuisance.
- (27) **Buildable Width.** The distance between the required side setbacks (or side and side corner setbacks) of a lot. (Figure 13)

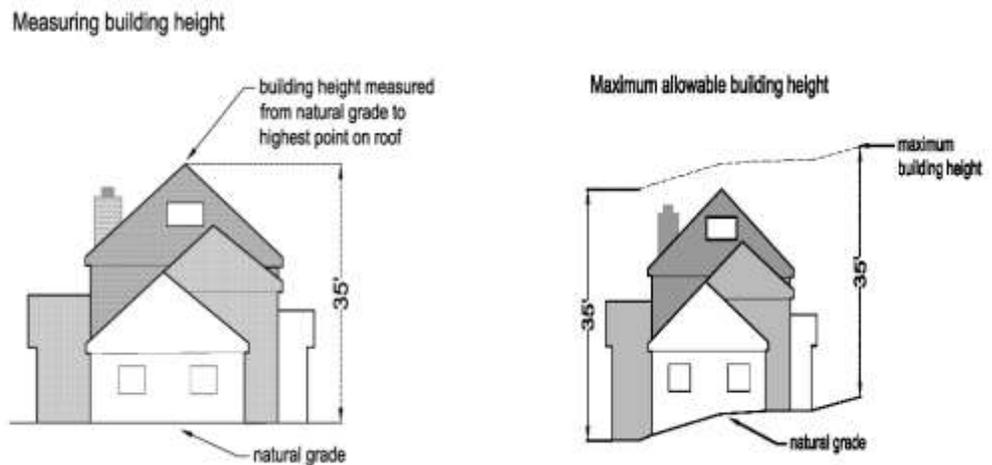
Figure 13: Building Width, Building Frontage, and Building Line



- (28) **Building.** Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels. When any portion thereof is completely separated from every other portion thereof by a division wall without openings then each such portion shall be deemed to be a separate building.

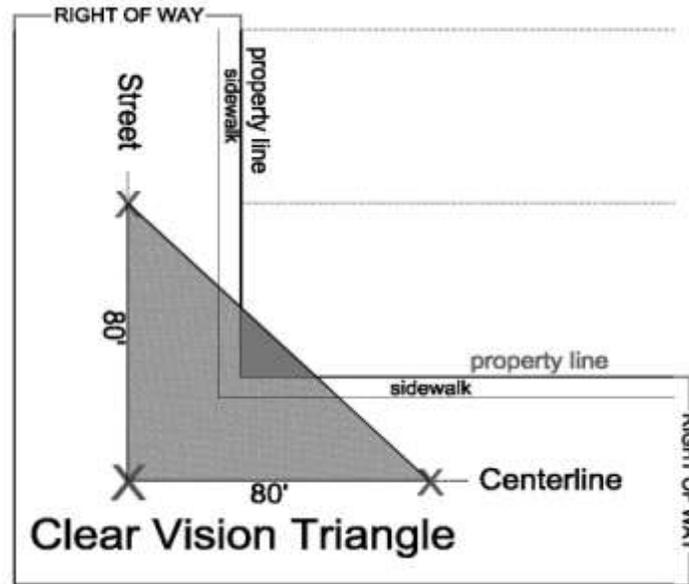
- (29) **Building Frontage.** The maximum width of a building measured in a straight line parallel with the abutting street, or, if the abutting right-of-way is a curved line, parallel with a line tangent to the property line at its midpoint. (See figure 13 above)
- (30) **Building Height, Maximum.** The maximum allowable vertical distance from the undisturbed ground level at the eave line of the building to a plane that is parallel with that undisturbed ground at the highest point of the roof or parapet wall. Variable slopes would require multiple planes to be established. (Figure 14)

Figure 14: Building Height, Maximum



- (31) **Building Line.** The line of that face, corner, roof or part of a building nearest the property line. A building line shall be established parallel to the property line which that side of the building faces or, if the abutting right-of-way is a curved line, parallel with a line tangent to the property line at its midpoint. (See figure 13 above)
- (32) **Business.** The purchase, sale, offering for sale, or other transaction involving the handling or disposition of any article, service, substance or commodity for livelihood or profit, or the management or occupancy of the office buildings, offices, recreation or amusement enterprises, or the maintenance and use of buildings, offices, structures, or premises by professions and trades or persons rendering services.
- (33) **Campground.** Any area or tract of land used or designed to accommodate two or more camping parties, including cabins, tents, camping trailers or other camping outfits (see also: Recreational Vehicle Park).

- (34) **Canopy Structure.** Any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.
- (35) **Carport.** A structure to house or protect motor vehicles which has at least fifty percent of the total area of its sides open to the weather.
- (36) **Casino.** An establishment that offers any form of legalized gambling authorized under Title 23, Chapter 5, Parts 1 (except for Section 23-5-160 regarding shaking dice or shake-a-day games) and 3 through 6, Montana Code Annotated, either as a primary use or as an accessory use. Organizations and facilities designated as exempt under state law shall not be classified as casinos.
- (37) **Catering Establishment.** An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.
- (38) **Change of Use.** The replacement of an existing use by a new use, or a change in the nature of an existing use, but not including a change of ownership, tenancy, or management where the previous nature of the use, line of business, or other function is substantially unchanged.
- (39) **Church.** A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
- (40) **Clear Vision Triangle.** As defined by City of Kalispell Ordinance No. 940A., it is an area established within a triangular area formed by the intersection of the center lines of the adjoining streets and a straight line connecting points on such center lines eighty feet from such intersection, in which the height of landscaping and vegetation is limited. (Figure 15)

Figure 15: Clear Vision Triangle

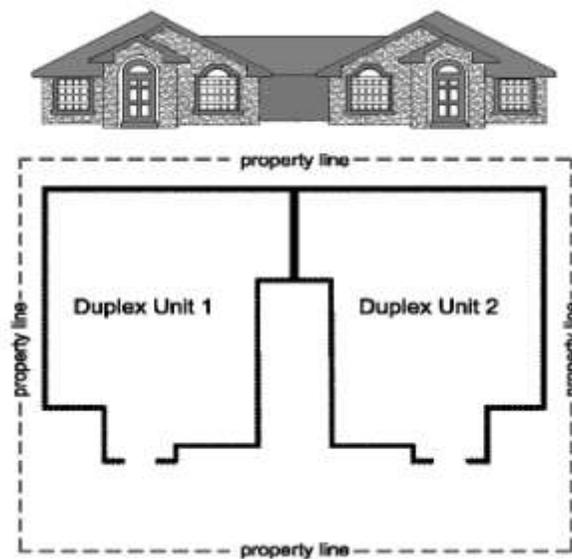
- (41) **Club.** An incorporated or unincorporated association of persons organized for social, fraternal, religious, athletic, educational, literary or charitable purposes whose activities are confined to the members and their guests and are not extended to the general public.
- (42) **Collector.** A street or road having the equally important functions of moving traffic and providing access to adjacent land. Collector streets have two traffic lanes and two parking lanes.
- (43) **Commence.** To start or begin; in relation to a project, “commence” means taking active steps towards starting a project, as opposed to intentions, and includes, but is not necessarily limited to, good faith efforts to secure financing, finalize plans, acquire additional permits necessary for construction, site preparation/construction, and/or actually beginning operation of the business/use. See also: abandonment.
- (44) **Commercial.** Any activity conducted with the intent of realizing a profit from the sale of goods or services to others.
- (45) **Community Center.** A place, structure, area, or other facility used for and providing religious, fraternal, social, or recreational programs. It is not operated for profit and generally open to the public and designed to accommodate and serve the community.
- (46) **Conditional Use.** “Conditional use” means a use that may be allowed in one or more zones as defined by this ordinance but which, because of characteristics

peculiar to such use, or because of the size, technological processes or equipment, or because of the exact location with reference to surroundings, streets and existing improvement or demands upon public facilities, requires a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same zone or zones.

- (47) **Condominium.** An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in the space in a residential, industrial, or commercial building on such real property such as an apartment, office, or store.
- (48) **Contractor's Storage Yard.** Open spaces used for the storage of machinery, equipment, materials, and supplies used by the contractor in the pursuit of his business. This is intended to be a yard owned or leased by a contractor engaged in some kind of construction work.
- (49) **Day Care.** A use which means care for children or adults other than the parent or other person living with the individual on a regular basis for daily periods of less than 24 hours, whether that care is for daytime or nighttime hours. Family day care home means a place in which supplemental care is provided to three to six children or adults on a regular basis. Group day care home means a place in which supplemental care is provided to seven to 12 children or adults on a regular basis. Day care center means a place in which care is provided to 13 or more children or adults on a regular basis.
- (50) **Density.** The number of dwelling units per gross acre in any residential development.
- (51) **Detached.** A building/structure surrounded on all sides by open space.
- (52) **Developed Properties.** A lot upon which a principal structure is located upon or a lot that is developed for its intended use (e.g. parking lot or park.)
- (53) **Discontinued Sign.** A sign which no longer identifies or advertises a bona fide business, service, product or activity on the property where it is located.
- (54) **District, Use.** An area defined as to boundaries and location on an official zoning map and within which area only certain types of land uses are permitted and within which other types of land uses are excluded, as set forth in this ordinance.
- (55) **Dwelling.** A building used for human residential purposes. (See also: Residential)
- (56) **Dwelling, Duplex.** A building designed as two structurally joined dwelling units and occupied exclusively by one family per dwelling unit living independently of

each other, and with separate entrances. “Structurally joined” means a substantial structural connection with a roof and other features. “Structurally joined” shall not include such improvements as decks, patios, architectural embellishments, below-grade connections, or other connections not involving a substantial roof connection. (Figure 16) (See also: Residential)

Figure 16: Dwelling, Duplex



- (57) **Dwelling, Multi-Family.** A building or buildings attached to each other and containing three or more dwelling units. The term “multi-family dwelling” is intended to apply to such dwelling types as triplex, fourplex, or apartments where any dwellings have their primary access to a common hallway or corridor or directly to the outside. (See also: Residential)
- (58) **Dwelling, Single-Family.** A building designed with living quarters for occupancy by one household only, and containing one dwelling unit on a lot. (See also: Residential)
- (59) **Dwelling, Townhouse.** Ownership of a parcel of land with an attached single-family dwelling unit that is connected with one or more similar dwelling units but separated from the other similar dwelling unit(s) by a common party wall having no doors, windows or other provisions for human passage or visibility. In order to be considered a townhouse as opposed to another dwelling type, such as a duplex or multi-family dwellings, each of the attached dwelling units must have (a) independent water and sewer service lines and metering pursuant to the applicable

plumbing code and any other city regulations; and (b) a two hour fire wall separating the unit from any adjoining units. (See also: Residential)

- (60) **Dwelling Unit.** One or more rooms designed for or occupied by one household for living or sleeping purposes and containing kitchen and bathroom facilities for use solely by one household. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit. (See also: Residential)
- (61) **Energy Production.** Any facility or installation such as a windmill, hydroelectric unit or solar collecting which is designed and intended to produce energy from natural forces such as wind, water, sunlight, or geothermal heat, or from biomass, for primarily off-site use.
- (62) **Enlarged.** For structures, additions which increase the square footage of the structure; for uses, expansion of services offered or an increase in the square footage of the building or lot occupied.
- (63) **Environmental Factors.** Physical characteristics such as streams, rivers, hills, ponds, wetlands and high ground water which affect development of the land. This includes but is not limited to slopes in excess of 30%, the 100-year floodplain and critical wildlife habitat.
- (64) **Extractive Industries.** “Extractive industries” are commercial or industrial operations involving the removal and processing of natural accumulations of sand, rock, soil, gravel or any mineral.
- (65) **Fairgrounds.** An area wherein buildings, structures, and land area used for agricultural-related offices, animal shows and judging, carnivals, circuses, community meetings, recreational uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, and similar uses. Public fairgrounds also may include temporary recreational vehicle parking and camping if done in conjunction with a sponsored event.
- (66) **Fence.** A masonry wall or a barrier composed of posts connected by boards, rails, panels or wire for the purpose of enclosing space or separating parcels of land. The term “fence” does not include retaining walls.
- (67) **Fixture.** The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, ballast, a reflector or mirror, and a refractor or lens.
- (68) **Floodplain.** The areas subject to the City of Kalispell Floodplain Management Ordinance, generally the channel of a river or stream and the area adjoining a river or stream, which would be covered by floodwater of a base flood except for

designated shallow flooding areas that receive less than one foot of water per occurrence. The floodplain consists of a floodway and a floodway fringe.

- (69) **Food Bank.** An establishment operated by a non-profit entity for the distribution of groceries to the general public for free.
- (70) **Food Processing – Heavy.** The preparation, processing, or canning and packaging of food products. Associated preparation, processing, canning or packaging of food may generate noise, vibration, smoke, or odors outside of the structure housing the activity or off-site.
- (71) **Food Processing – Light.** The preparation, processing, or canning and packaging of food products. Associated preparation, processing, canning or packaging of food would typically not generate noise, vibration, smoke or odor outside of the structure housing the activity.
- (72) **Forest Products and Manufacturing.** An establishment which utilizes wood in conjunction with mechanical or chemical transformations to create new wood products such as boards, veneers, particle board and fiber board for construction purposes.
- (73) **Four Sided Architecture.** Design of a building to create a street view design elements to all sides of a building.
- (74) **Frontage.** The length of the property line of any one premise along a public right-of-way on which it borders.
- (75) **Frontage, Lot.** The distance for which the front boundary line of the lot and the street line are coincident.
- (76) **Garage.** An accessory building or an accessory portion of the main building, enclosed on not less than three sides and designed or used only for the shelter of vehicles owned or operated by the occupants of the main building or buildings and which does not exceed 1,000 square feet in size.
- (77) **Gateway Entrances.** A street, typically an arterial street, that is one of the main thoroughfares into and out of the city as identified on the Kalispell Growth Policy Future Lane Use Map.
- (78) **Glare.** Direct light emitted by a luminaire that causes reduced vision or momentary blindness.
- (79) **Golf Course.** A tract of land laid out for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse (which

may include a restaurant, bar and limited retail), restrooms, driving range, and shelters as accessory uses.

- (80) **Grade.** The average level of the finished ground surfaces surrounding a structure, within a distance of 20 feet.
- (81) **Greenhouses, Nursery, Landscaping Materials.** An establishment where flowers, shrubbery, vegetables, trees, and other horticultural and floricultural products are grown both in open and enclosed buildings and includes the storage and sale of dirt, rocks, bark, mulch and similar complimentary materials for the landscaping and growing of flowers, shrubbery, vegetables and trees.
- (82) **Gross Acreage.** The entirety of the area within the boundaries of the proposed development properties.
- (83) **Gross Area.** The area of a lot including all private accessways, roadway and/or alley easement within the lot boundaries.
- (84) **Group Home.** A residential facility for eight or fewer persons (as a protected use under state law) or for nine or more persons, excluding the supervisors/operators, providing living facilities, sleeping rooms and meals and which shall have a permit issued by the appropriate governmental agency (See Section 76-2-412, MCA). This definition also includes a youth foster home, a kinship foster home, a youth shelter care facility, a transitional living program, or youth group home as further defined in Section 52-2-602 MCA; a halfway house operated in accordance with regulations of the department of public health and human services for the rehabilitation of alcoholics or drug dependent persons; a licensed adult foster family care home; or an assisted living facility licensed under Section 50-5-227 MCA.
- (85) **Growth Policy.** A general long range plan which guides development and growth of the city and is officially adopted by the Kalispell City Council.
- (86) **Heavy Equipment, Sales and Service.** The sale and repair of large equipment including but not limited to: trucks with greater than a one and one-half ton rating, cranes, crawler-type tractors, earth movers, dump trucks, and other equipment of equal or greater size and weight.
- (87) **Heavy Industrial.** Industrial uses and services that include the processing of raw materials (timber, wood chips, minerals, gravel, etc.) and use yards or out buildings for the storage and manipulation of the raw materials. Uses include, but are not limited to, mills, refineries, crushing facilities, stamping facilities, etc. These uses are often, but not always, associated with by-products.

- (88) **Home Occupation.** A home occupation is any occupation, profession, activity or use which is clearly a customary, incidental and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.
- (89) **Homeowner's Park.** A park which has been dedicated as part of a subdivision for the primary use by the property owners within the subdivision, and is maintained through private funds provided from annual fees paid to the homeowner's association. A homeowner's park may include a community center.
- (90) **Hotel/Motel.** A building, containing five or more individual sleeping rooms or suites, each having a private bathroom attached thereto, for the purpose of providing overnight lodging facilities to the general public for compensation with or without meals, excluding accommodations for employees. Where a hotel/motel is permitted as a principal use, all uses customarily and historically accessory thereto for the comfort, accommodation and entertainment of the patrons, including the service of alcoholic beverages, shall be permitted upon proper licensure. However, any use classified as a "casino" shall be considered to be a separate principal use on the property and shall be subject to the appropriate regulations under this ordinance.
- (91) **Interior Lot Lines.** The common boundary line between two or more adjoining lots under common ownership.
- (92) **Kenel, Animal Shelters.** The boarding, breeding, raising, grooming, or training of five or more dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain. Doggie day-cares and similar uses are included within this definition.
- (93) **Laboratories, Tech Research, Development and Testing.** A building or group of buildings in which are located facilities for scientific research, development, testing, assembly, repair, and manufacturing such as: biotechnology, pharmaceuticals, medical instrumentation or supplies, communications and information technology, electronics and instrumentation, and computer hardware and software. Office, warehousing, wholesaling, and distribution of the finished products produced at the site are allowed as part of this use.
- (94) **Lamp.** The component of a luminaire that produces the light.
- (95) **Landfills.** A lot or portion thereof used for the burial of non-hazardous and non-medical farm, residential, institutional, commercial, or industrial waste.

- (96) **Landscaping.** Some combination consisting primarily of planted, living trees, shrubs, hedges, vines, ground cover and flowers suitable for the climate, exposure and site condition. In addition, the combination or design may include earth sculpture, cobble, bark, mulch, edgers, flower tubs, rock and such structural features as foundations, pools, art works, screens, walls, fences or benches, but such objects alone shall not meet the requirements of this provision. The selected combination of objects and plants for landscaping purposes shall be arranged in a harmonious manner compatible with the building and its surroundings.
- (97) **Light Emitting Surface.** Any part of a fixture (lamp, diffuser) which emits light rays.
- (98) **Light Manufacturing.** The manufacturing, fabricating or casting of individual components of a larger unit or a complete unit. All such processing must occur indoors and would not typically generate noise, vibration, smoke, dust or odor detectable at the property boundary line. Furthermore, all new materials and final components should be limited in size, bulk and weight so that they could be handled by one worker without the aid of machines.
- (99) **Light Pollution.** General sky glow caused by the scattering of artificial light in the atmosphere, much of which is caused by poorly designed luminaire.
- (100) **Light Shield.** Any attachment which interrupts and blocks the path of light emitted from a luminaire or fixture.
- (101) **Light Source.** A single artificial point source of luminescence that emits measurable radiant energy in or near the visible spectrum.
- (102) **Light Trespass.** Light emitted by a luminaire that shines beyond the boundaries of the property on which the luminaire is located.
- (103) **Loading Space.** A space or berth used for the loading or unloading of cargo, products, or materials from vehicles.
- (104) **Lot.** A parcel of land, tract, or lot on file and of record in the office of the Clerk and Recorder, Flathead County, Montana. A zoning lot may include multiple contiguous lots held in single ownership upon written determination by the Zoning Administrator.
- (105) **Lot Area.** The total horizontal area within the boundary lines of a lot. Where surface utility or street easements are located within a parcel, lot area computation shall not include that area contained within the easement.

- (3) If the lot is triangular, the shortest distance between the front lot line and a line parallel to the front lot line, not less than ten feet long lying along the rear of the lot but still wholly within the lot.

(110) **Lot Line.** (See Figure 17 above)

- (1) Lot, Front – The front property line of a lot shall be determined as follows:
 - (a) Corner Lot – The front property line of a corner lot shall be the shorter of the two lines adjacent to the streets as platted, subdivided or laid out. Where the lines are equal, the front line shall be that line which is obviously the front by reason of the prevailing custom of the other buildings on the block. If such front is not evident, then either may be considered the front of the lot, but not both.
 - (b) Interior Lot – The front property line of an interior lot shall be the line bounding the street frontage.
 - (c) Through Lot – The front property line of a through lot shall be that line which is obviously the front by reason of the prevailing custom of the other buildings in the block. Where such front property line is not obviously evident, the Zoning Administrator shall determine the front property line. Such a lot over 200 feet deep shall be considered, for the purpose of this definition, as two lots each with its own frontage.
 - (d) Lot, Rear – The rear property line of the through lot is that lot line opposite to the front property line. Where the side property lines of a lot meet in a point, the rear property line shall be assumed to be a line not less than ten feet long, lying within the lot and parallel to the front property line. In the event that the front property line is a curved line then the rear property line shall be assumed to be a line not less than ten feet long, lying within the lot and parallel to a line tangent to the front property line at its midpoint.
 - (e) Lot, Side – The side property lines of a lot are those lot lines connecting the front and the rear property lines of a lot.
 - (f) Lot, Side Corner – On a corner lot, it is the remaining street frontage after the front lot line has been determined.

- (111) **Lot, Through.** A lot fronting on two streets that do not intersect on the parcel's lot lines. May be referred to as "double frontage lot". (See figure 17 above)
- (112) **Lot Width.** The dimension of the lot line at the street, or in an irregular shaped lot the dimension across the lot at the building line, or in a corner lot the narrow dimension of the lot at a street or building line.
- (113) **Luminaire.** The complete lighting system, including the lamp and the fixture.
- (114) **Manufactured Home.** A single-family dwelling, built off-site in a factory on or after January 1, 1990, that is placed on a permanent foundation, is at least 1,000 square feet in size, has a pitched roof and siding materials that are customarily used on site-built homes, and is in compliance with the applicable prevailing standards of the United States Department of Housing and Urban Development at the time of its production.
- (115) **Manufacturing – Heavy.** The manufacturing of products from raw or unprocessed materials, where the finished product may be combustible or explosive. This category shall also include any establishment or facility using large unscreened outdoor structures such as conveyor belt systems, cooling towers, cranes, storage silos, or similar equipment that cannot be integrated into the building design, or engaging in large-scale outdoor storage. Any industrial use that generates noise, odor, vibration, illumination, or particulate that may be offensive or obnoxious to adjacent lands uses, or requires a significant amount of on-site hazardous chemical storage shall be classified under this land use. Heavy manufacturing may generate noise, vibration, smoke, or odors outside of the structure housing the activity or off-site. Activity may occur both indoors and outdoors.
- (116) **Manufacturing – Light.** An establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials where such process would not typically generate noise, vibration, smoke or odor. Typically, all manufactured fabricated parts and the final assembled or packaged product would be limited in size, bulk and weight so that it could be handled by one worker without the aid of machines. Furthermore, all activity usually occurs indoors.
- (117) **Marquee.** Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

- (118) **Maximum sign area allowance.** The total amount of sign area permitted for a lot.
- (119) **Media (newspaper, radio, TV).** Establishments primarily engaged in the provision of broadcasting, electronic or printed publications containing information and editorials on current events and news of general interest.
- (120) **Media, towers and facilities (accessory).** A tower, pole, or similar structure that supports a telecommunications antenna operated for receiving or transmitting communication signals in the day to day operations of a media company. Such tower, pole, or similar structure shall be located on the same lot as the media company utilizing such equipment.
- (121) **Micro-Brewery, Brew Pub and Mini-Brewery.** A brewery where the total amount of beer sold or delivered directly to all retailers does not exceed 10,000 barrels a year and is licensed in accordance with state law.
- (122) **Mini-Storage/Recreational Vehicle Storage.** Storage facilities intended primarily for domestic usage and generally do not exceed 400 square feet per unit.
- (123) **Moved.** The physical act of transporting a structure from one location on a lot to another location on the same lot or from one lot in the city to a different lot in the city.
- (124) **Nameplate.** A non-electric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.
- (125) **Neighborhood.** Less than city-wide in scale. Typically this would be an area of one-half (1/2) mile, but not more than one mile, in radius which has a set of unifying characteristics such as housing style or quality, similar income strata, economic livelihood, topographic features, local recreational facilities or convenience shopping. Residents would normally be within walking distance of basic convenience services. Factors such as a railroad and highway rights-of-way, major streets, rivers and severe topographic constraints will form boundaries and serve to separate neighborhoods.
- (126) **NITS.** Visible light intensity commonly used to specify brightness of a LCD computer display. One nit is equivalent to one candela per square meter.
- (127) **Nonconforming.** A condition that occurs when, on the effective date of adoption of this code or a previous ordinance or on the effective date of an ordinance text amendment or rezoning, an existing lot, structure, building,

sign, development, or use of an existing lot or structure does not conform to one or more of the regulations currently applicable to the district in which the lot, structure, building, sign, development, or use is located.

- (128) **Office – Medical with Limited Overnight Stay.** A facility other than a hospital where human patients may be lodged overnight for up to five days for examination and treatment by a group of physicians or other health care professionals.
- (129) **Office, Professional/Governmental.** An office for the use of a person or persons generally classified as professionals, such as architects, engineers, attorneys, accountants, doctors, dentists, chiropractors, psychiatrists, psychologists, and the like (but wherein no overnight care for patients is given). This would also include, but not be limited to, title companies, travel agencies, insurance companies, real estate offices, and other persons providing services utilizing training in and knowledge of the mental discipline as distinguished from training in occupations requiring mechanical skill or manual dexterity or the handling of commodities.
- (130) **Office Zoning Map.** The map delineating the boundaries of zoning districts which, along with the zoning text, comprises the zoning ordinance.
- (131) **Off-Street Loading Berth.** A space, exclusive of driveways, aisles, maneuvering areas, ramps, and landscaping areas for the temporary parking of a commercial vehicle while loading or unloading goods or materials, and which abuts upon a street, alley, or other appropriate means of access.
- (132) **Off-Street Parking.** Parking facilities for motor vehicles on other than a public street or alley.
- (133) **Open Space.** Any part of a lot unobstructed by structure(s) from the ground upward. Any area used for parking or maneuvering of automotive vehicles or storage of equipment or refuse shall not be deemed open space.
- (134) **Pack and Ship Shops.** A small, primarily retail establishment which, in addition to selling supplies for mailing and shipping, would accept packages for shipping through private carriers. A public post office is not a pack and ship shop.
- (135) **Parent Lot.** In instances where sublots are created, the parent lot is defined as the land within the exterior boundaries of those sublots which are intended to have adjoining structures and intended to be developed with townhouse-style construction with no setbacks along the interior subplot

lines within the parent lot. Setbacks and other property development standards are applied to the external boundaries of the parent lot.

- (136) **Parking lot.** Any area used for the parking of one or more motor vehicles or used for the display or storage of one or more motor vehicles, trailers, or other similar items.
- (137) **Parks.** A noncommercial, not-for-profit facility designed to serve the recreation needs of the residents of the community. Such facilities include mini parks, neighborhood parks, community parks, large urban parks, regional parks, and special use areas, linear parks and open spaces, all as described in the Parks and Recreation Comprehensive Master Plan. Such facilities may also include, but shall not be limited to, ball fields, football fields, soccer fields, and pools/spray parks if they meet the above definition. Public parks may include temporary (one week or less) recreational vehicle parking and camping if done in conjunction with a sponsored event and at no charge. Commercial amusement facilities, such as water slides, go-cart tracks, and miniature golf courses and passive open spaces shall not be considered parks. (See also: Homeowner's Park)
- (138) **Permanent.** Having attachment to the ground through the use of a footing and foundation system in conformity with existing building codes.
- (139) **Permanent Residence.** An individual's primary place of abode.
- (140) **Permitted Use.** Any use authorized or permitted alone or in conjunction with another use in a specified district and subject to the limitations of the regulations of such use district.
- (141) **Person.** For the purposes of this chapter, any individual, corporation, association, firm, partnership, or similarly defined interest.
- (142) **Photographic Studios.** An establishment primarily engaged in the business of taking and processing photos, typically with a room designed for portrait sessions, as distinguished from a retail store which would process photos taken by a customer.
- (143) **Platted Lot Lines.** Lot lines established through the subdivision process.
- (144) **Point of Purchase Display.** Advertising of a retail item accompanying its display, e.g., an advertisement on a product dispenser.
- (145) **Pre-Release Center.** Pre-release centers are community based correctional facilities operated by either the State or non-profit Montana corporations

under contract with the Department of Corrections. The facilities provide supervision, counseling, assistance in locating employment, life skills training, and guidance. They function as a component of the State correctional system.

- (146) **Principal Use.** The primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.
- (147) **Principal Structure.** The main structure on a property which would typically house a principal use.
- (148) **Print and Copy Shops.** An establishment primarily engaged in the business of providing services related to photocopying, printing, and production of documents for individual customers, as opposed to larger scale printing/publishing operations.
- (149) **Property Development Standards.** Standards general relating to bulk and dimensional requirements which govern the development of land and/or structures.
- (150) **Quasi-Public.** Any facility to which a class or a group of the public is permitted to attend or use subject to the regulations of a club or other organization owning or regulating such facility.
- (151) **Rail Industrial Park.** A subdivision with uses directly served by railroad and each individual sub-use is listed as a permitted or conditionally permitted use within the zone where the subdivision sits.
- (152) **Reader Board.** Any sign which is designed to intermittently change copy, whether electronically, manually, or by changing panels. In relation to electronic reader boards, this definition encompasses any sign that uses changing lights to form a sign message or messages wherein the sequence of messages and rate of change is electronically programmed and can be modified by electronic processes.
- (153) **Reconstructed.** The rebuilding of a structure in such a manner and to such an extent as to substantially replace the existing structure.
- (154) **Recreational Area, Indoor.** A commercial recreational land use conducted entirely within a building, including, but not necessarily limited to, an arcade, bowling alley, gymnasium, pool or billiard hall, skating rink, swimming pool, or tennis court.

- (155) **Recreational Area, Outdoor.** Predominantly participant uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, go-karts, miniature golf, swimming pools, and tennis courts.
- (156) **Recreation Vehicle.** A travel trailer or camping trailer designed to be towed, motorized homes, and pick-up campers or coaches designed and constructed for human habitation, which can be operated independently of utility connections and designed to be used principally as a temporary dwelling for travel, recreation and vacation and is not intended for permanent or year-round habitation.
- (157) **Recreational Vehicle Park.** Any lot, tract or parcel of land used or offered for use in whole or in part with or without charge for the parking of occupied recreational vehicles, tents or similar devices used for temporary (i.e. 180 days or less) living quarters for recreational camping or travel purposes. (See also: Campground).
- (158) **Repairs and Maintenance.** The repair or replacement of fixtures, wiring, roofing, plumbing, or structural components not exceeding 25% of the replacement value of the building or structure.
- (159) **Replacement Permit.** In relation to billboards, it is a permit issued to anyone who permanently removes a lawfully existing billboard which allows the installation of a new billboard at the same or different location.
- (160) **Residential.** Regularly used by its occupants as a permanent place of abode, which is made one's home as opposed to one's place of business and which has housekeeping and cooking facilities for its occupants only. In situations where a dwelling is rented or leased, a residential use would involve lease periods of one month or more.
- (161) **Residential Care Home or Facility.** A facility that provides for long-term residence with one or more of the following types of care: 24-hour per day substitute care, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment they need, but which for any reason cannot be furnished in the person's own home.
- (162) **Restaurant.** Any land, permanent building, structure or portion thereof, where food is provided for sale for consumption on the premises for three or more persons, or where food is prepared and sold for consumption off the premises, including a café, coffeehouse, lunchroom, tearoom, dining room, drive-in, carry-out, or other similar establishments, shall be considered a restaurant; however, any establishment where the preparation of food is

merely incidental to the sale of food products, such as grocery stores and food markets, shall not be included. Restaurants and cafeterias connected with the operations of hospitals, nursing homes, boarding houses, schools, and private industry for employees and their guests shall be considered as accessory to the principal use.

- (163) **Retail.** A business serving the consumer needs of the general public as opposed to a business that is a producer or a wholesaler of goods. Retail businesses include, but are not limited to the following: shops/stores/businesses that sell gifts, cards, appliances, art, art supplies, automobile parts, bicycles, books, stationary, camera supplies, clothing, flowers, groceries, furniture, garden supplies, hardware, toys, paint, shoes, sporting goods, wall and floor coverings, jewelry, electronics, pet and pet supplies, and/or crafts. Except as otherwise referenced elsewhere in this ordinance, other uses specifically listed as permitted or conditional uses in Section 27.04 through 27.18 shall not be deemed retail businesses for the purpose of this ordinance.
- (164) **Retail, Limited.** A retail use limited to a specified list provided in the ordinance.
- (165) **Right-of-Way.** Any road or street maintained and used for access and travel. A right-of-way includes not only the constructed roadway, but also the entirety of the strip of land acquired by reservation, dedication, prescription, or condemnation, or otherwise set aside, for purposes of the right-of-way. A right-of-way may be either private (not publicly owned and maintained) or public.
- (166) **Right-of-Way Line.** The lines that form the boundaries of the right-of-way.
- (167) **Road.** See “Street.”
- (168) **Safe Houses.** A safe house is typically operated as a community based non-profit organization intended to stop abuse in the family environment by providing crisis intervention, shelter services for abuse victims, counseling, advocacy and education without regard to gender, age, race or economic status. The safe house will typically operate on a 24 hour basis providing victims of domestic violence and their children a refuge from their abusers.
- (169) **School, Commercial.** A building where instruction is given to pupils in arts, crafts or trades, and operated as a commercial enterprise as distinguished from K-12 schools and college/universities endowed and/or

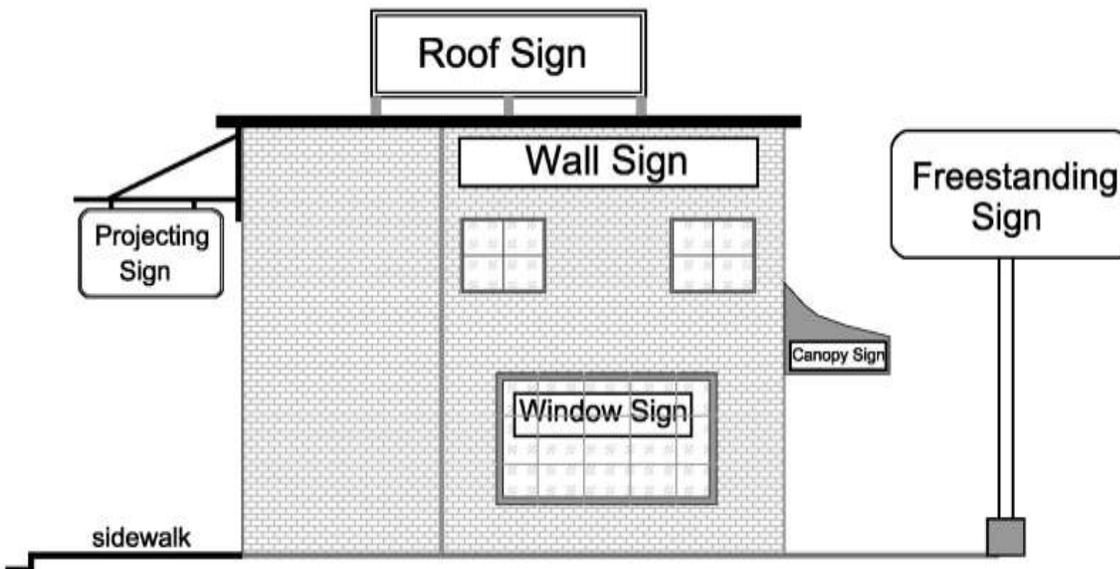
supported by public taxation, or similar private institutions. This category of use would also include such forms of instruction as music lessons, martial arts studios and dance studios.

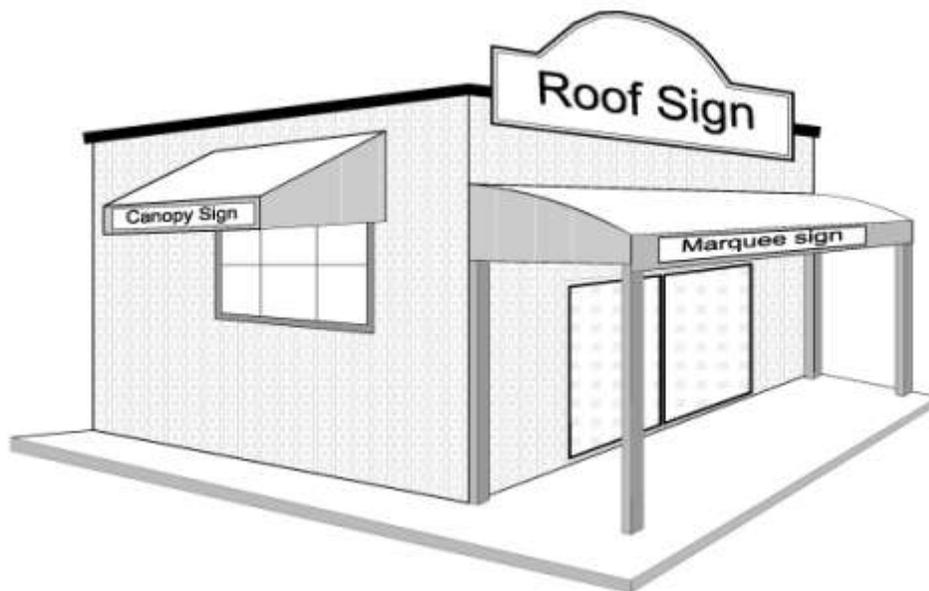
- (170) **Scrap Processing Yard (Recycle/Metal Yard).** Outdoor establishments primarily engaged in assembling, breaking up, sorting, and the temporary storage and distribution of recyclable or reusable scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, and the incidental wholesale or retail sales of parts from those vehicles. Includes light and heavy processing facilities for recycling.
- (171) **Service Area.** An outdoor area on a lot primarily used for loading, waste disposal, deliveries, and/or similar activities.
- (172) **Setback.** The horizontal distance required between any structure (i.e. the furthest extension of the structure, typically an eave line or deck) and a lot line. This distance is to be measured at right angles to the lot line. The setback line shall be parallel with the lot line.
- (173) **Sexually Oriented Business.** Sexually oriented business means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or similar facilities.
- (174) **Shelter.** A facility operated by a public or private party wherein the temporary boarding of the transient, homeless, or indigent is provided as a public service to satisfy a demonstrated public need.
- (175) **Shielded.** In relation to light fixtures, shielded means a solid or opaque covering made of metal, plastic, or similar material which creates a full cut-off fixture by blocking light emitting from above a 90 degree angle.
- (176) **Shooting and Archery.** The use of an outdoor area (outdoor) or a structure (indoor) for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.
- (177) **Shopping Center.** One or more buildings containing at least three separate businesses planned, developed and managed as a unit, with off-street parking provided on the property.
- (178) **Showroom.** A use that is primarily industrial in nature but provides limited show room and/or retail floor area for the purpose of display and sales. The predominate industrial character of the business would be established by recognized product storage, warehousing, and distribution of products.

These business uses should include the manufacture, storage and distribution of items as a primary component of the business. The use may include delivery of items as a routine and regular part of conducting business. This may include warehousing, staging and rental or sale of large items or products. This would not include large scale retail outlets that routinely warehouse and hold large inventories.

- (179) **Sign.** Any device, structure, fixture, attractant, object, holographic, projected or electronic image, lighting or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, goods, or service.

Figure 18: Sign Types





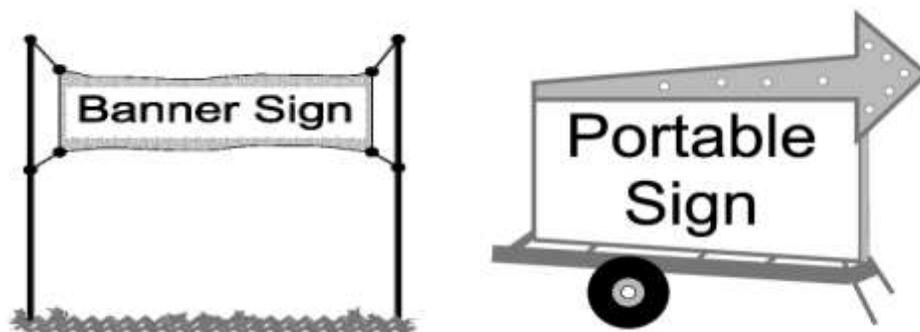
- (a) **Banner.** A sign made of fabric or any non-rigid material with no enclosing framework.
- (b) **Campaign and election.** For the purposes of this ordinance, a temporary sign used in connection with a local, state, or national election or ballot measure.
- (c) **Canopy.** Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy. (Figure 18)
- (d) **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.
- (e) **Directional/Information Sign.** An on-premise sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs.
- (f) **Freestanding and Groud Signs.** A sign supported upon the ground by poles or braces and not attached to any building. A sign attached to a fence or freestanding wall shall be considered to be a freestanding sign. (Figure 18)

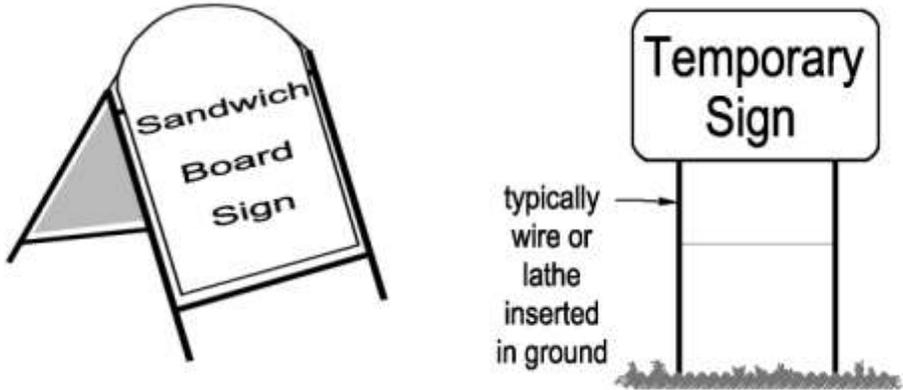
- (g) **Government or Traffic Sign.** Any temporary or permanent sign erected and maintained by the city, county, state or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.
- (h) **Identification 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.
- (i) **Incidental Sign.** A sign, generally informational, that has a purpose secondary to the use to the zone lot on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.
- (j) **Inflatable.** A sign displayed as part of a display inflated with air or other gas, such as a balloon or inflatable character.
- (k) **Interior Window Signs.** Signs mounted on the inside of a building window or displayed in a manner so as to be visible through such a window. (Figure 18)
- (l) **Marquee Sign.** Any sign attached to or supported by a marquee structure. (Figure 18)
- (m) **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 the sign is located. This does not include billboards, which are defined separately herein.
- (n) **Political Sign.** For the purposes of this ordinance, a temporary sign used in connection with a political issue.
- (o) **Portable Sign.** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; reader boards; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to, placed on or painted on vehicles parked and visible from the public right-of-way, unless said

vehicle is used in the normal day-to-day operations of the business. (Figure 19)

- (p) **Projecting Sign.** A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign. (Figure 18)
- (q) **Real Estate Sign.** A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.
- (r) **Roof.** Any sign erected over or on the roof of a building. (Figure 18)
- (s) **Sandwich board.** An advertising or business ground sign constructed in such a manner as to form an “A” or a tent-like shape, hinged or not hinged at the top. (Figure 19)
- (t) **Snipe Sign.** A temporary sign or poster affixed to a tree, fence, etc.
- (u) **Subdivision Identification Sign.** A freestanding or wall sign identifying a recognized subdivision, condominium complex, or development.
- (v) **Subdivision Sales.** A sign erected in conjunction with the initial sale of lots within a subdivision.
- (w) **Temporary Sign.** A sign not constructed or intended for long-term use. (Figure 19)

Figure 19: Sign Types (Temporary Signs)

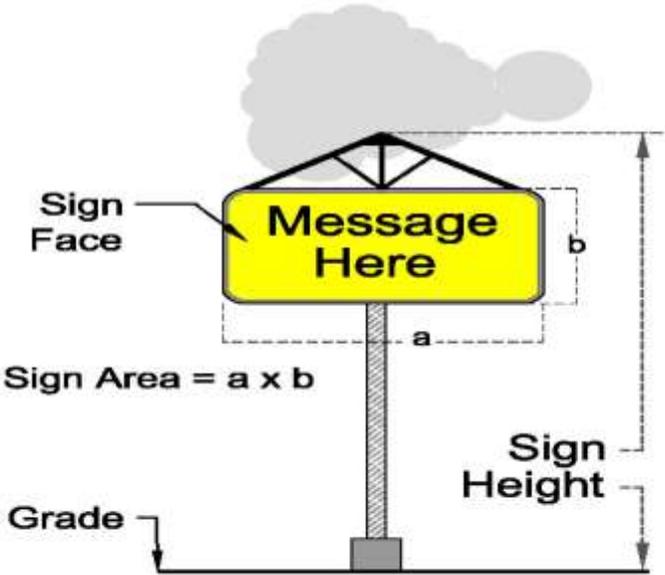




(x) **Wall Sign.** A sign attached parallel to and extending not more than 18 inches from the wall of a building. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard. (Figure 18)

(180) **Sign, Area of.**

Figure 20



The area of the sign shall be measured as follows:

(a) The area around and enclosing the perimeter of each cabinet, module, or other signage 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 on such embellishments. (Figure 20)

- (b) The area of each cabinet, module, or other signage shall be within a single, continuous perimeter composed of straight lines which encloses the extreme limits of the advertising message.
- (181) **Sign Face.** A side of the sign upon which advertising copy is placed. A sign face may have multiple cabinets or modules. A double-faced sign is typically comprised of two parallel faces oriented in opposite directions, but would refer to any sign with an angle of 30 degrees or less. Signs with an angle of more than 30 degrees are considered a single face. (Figures 20 and 4)
- (182) **Sign Height.** The vertical distance measured from the highest point of the sign, including decorative embellishments, to the surface grade beneath the sign. (See figure 20)
- (183) **Sight Obscuring.** In relation to fences and landscaping, sight obscuring means the creation of a visual buffer between adjoining uses, or between a use and a right-of-way.
- (184) **Site Built Home.** A residential structure constructed on the lot where it is intended to be permanently located.
- (185) **Small Engines.** Engines generally associated with lawnmowers, motorcycle engine, outboard motors, chain saws, tillers and the like. Does not include automobile engines.
- (186) **Stacking Space.** A place designed for cars to temporarily wait while in a drive-through lane. Vehicles in stacking spaces typically are left running with the driver remaining in the vehicle.
- (187) **Storage Containers.** Any factory-built container or part thereof designed or used for freight or storage and includes Conex boxes and sea-land containers. Conex boxes are lockable box-like containers designed for use by businesses to ship supplies overseas. Sea-land trailers are semi-truck trailers with detachable undercarriages that can be stacked for ship or rail transport.
- (188) **Storage Warehouse/Yard.** Any lot, or portion of a lot, which is used for the sole purpose of the outdoor storage of fully operable motor vehicles,

construction equipment, construction materials, or other tangible materials and equipment.

- (189) **Streaming Video.** In relation to signs, streaming video means the use or moving video images as signage or as part of a display.
- (190) **Street.** A public or private thoroughfare which affords the principal means of access to abutting properties.
- (191) **Structure.** A combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground, including signs. Not included are residential fences less than six feet in height, driveways, sidewalks, patios and other at grade improvements, retaining walls, rockeries, and similar improvements of a minor character less than three feet in height.
- (192) **Structural Alterations/Modifications.** Any change in the supporting members of a structure, such as bearing walls or partitions, columns, beams or girders, sign supports and frames, or any substantial change in the roof or in the exterior walls.
- (193) **Structural Expansion.** Any work which results in the enlargement of a structure's height, footprint, cubic content, or other measurement of size.
- (194) **Sublot.** A portion of a platted lot designed for separate ownership from other portions of the lot and used for townhouse or other construction that has separate ownership of parcels. Areas of common ownership to be utilized as open space, setback areas, or for other purposes are not considered to be sublots.
- (195) **Tattoo Parlor.** A commercial use involving the marking of skin of persons with a design by a process of pricking or ingraining an indelible pigment or by raising scars, or similar method. A tattoo parlor would also involve body piercing on any body part below the neck, as opposed to beauty services.
- (196) **Telecommunication Companies and/or Radio Common Carriers.** A company that provides wireless services. As used in this subsection, "carrier" shall also include companies that build telecommunications towers and lease tower space to carriers.
- (197) **Telecommunication Towers and Cellular Communications Towers.** A tower, pole, or similar structure that supports a telecommunications antenna operated for commercial purpose above ground in a fixed location,

freestanding, guyed, or on a building or other structures, as distinguished from accessory media towers and facilities.

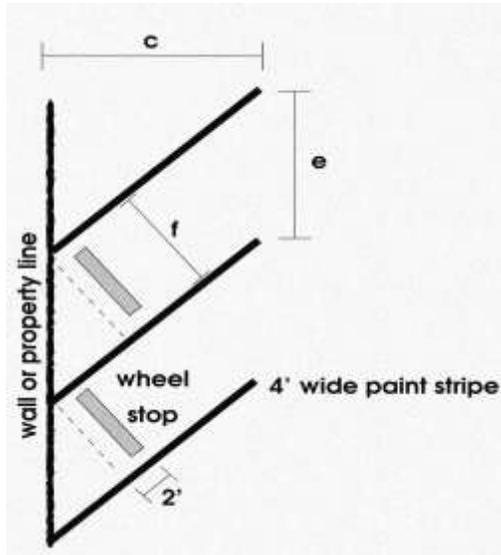
- (198) **Temporary.** For the purposes of these regulations, temporary shall mean a limited period of time, generally less than 180 days when in reference to a time frame, or not having or requiring permanent attachment to the ground, or involving structures which have not required permanent attachment to the ground.
- (199) **Truck Terminal.** Any premises used by a motor freight company as a carrier of goods, which is the origin or destination point of goods being transported, for the purpose of storing, transferring, loading, and unloading goods.
- (200) **Use.** Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied, or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.
- (201) **Use District.** (See District, Use)
- (202) **Utilities (Primary Distribution Site).** A public or quasi-public service performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services. Such services would typically include, but are not limited to, water tanks, electric substations, and TV cable antenna farms. This category is not intended to cover utility lines, lift stations, and other standard minor infrastructure components.
- (203) **Utility Storage Yards and Associated Offices.** Open spaces used for the storage of machinery, equipment, materials, and supplies used by the utility, and offices used in support of the utility company.
- (204) **Veterinary Clinic, Large Animals.** A building or premises for the medical or surgical treatment of small or large animals or pets, including dog, cat, livestock or other large animals. the boarding of hospitalized animals, but excluding the boarding of animals not subjected to medical or surgical treatment.
- (205) **Veterinary Clinic, Small Animals.** A building or premises for the medical or surgical treatment of small animals or pets, including dogs and cats but not livestock or other large animals. This category includes the boarding of

hospitalized animals, but excludes the boarding of animals not subjected to medical or surgical treatment.

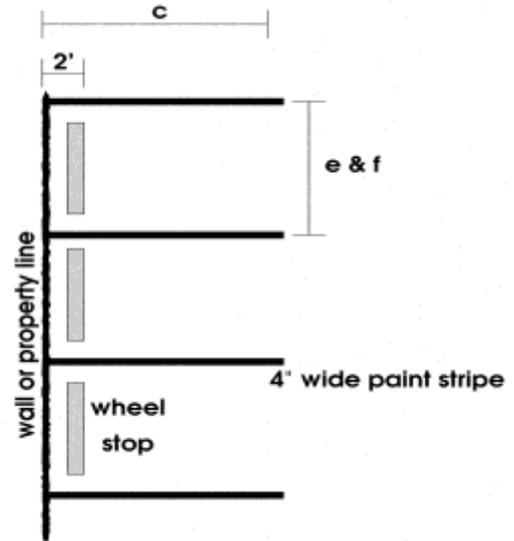
- (206) **View-Obscuring.** (See Sight-obscuring)
- (207) **Warehousing and Distribution.** A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.
- (208) **Woodworking Shops, Mill Work.** An establishment, relatively small in scale, where furniture or other items made primarily of wood are constructed through manual labor (with or without the use of power tools) as opposed to larger scale operations, particularly those using automated equipment.
- (209) **Yard.** A space on the same lot with a principal building, which is open and unoccupied other than by steps, walks, terraces, driveways, lamp posts and similar structures, and unobstructed by structures, except as otherwise provided in this ordinance. (See also: Lot line)
- (210) **Yard, Required.** The minimum dimension of a front, side, rear, or side corner yard as established by the use regulations for each district.
- (211) **Zero Lot Line.** In relation to sublots, zero lot line means that there is no required setback from the interior subplot boundaries within the parent lot.

**APPENDIX A
FIGURE A-1
MINIMUM PARKING LOT REQUIREMENTS**

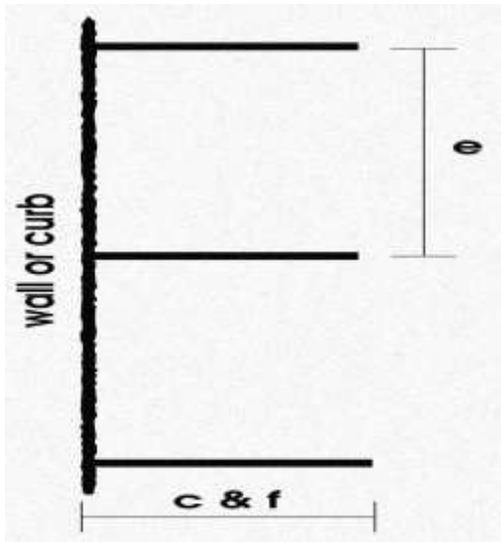
ANGLED



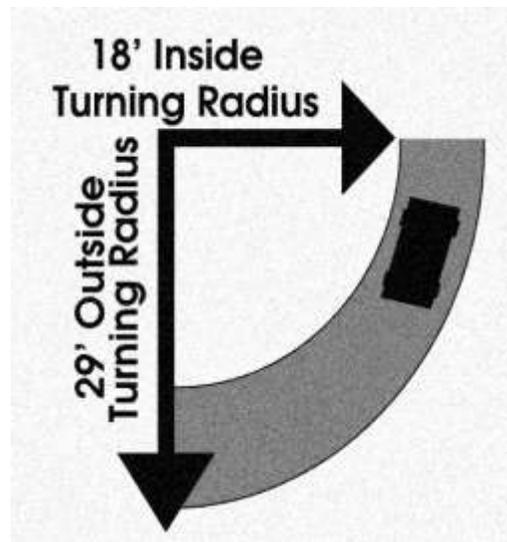
PERPENDICULAR



PARALLEL

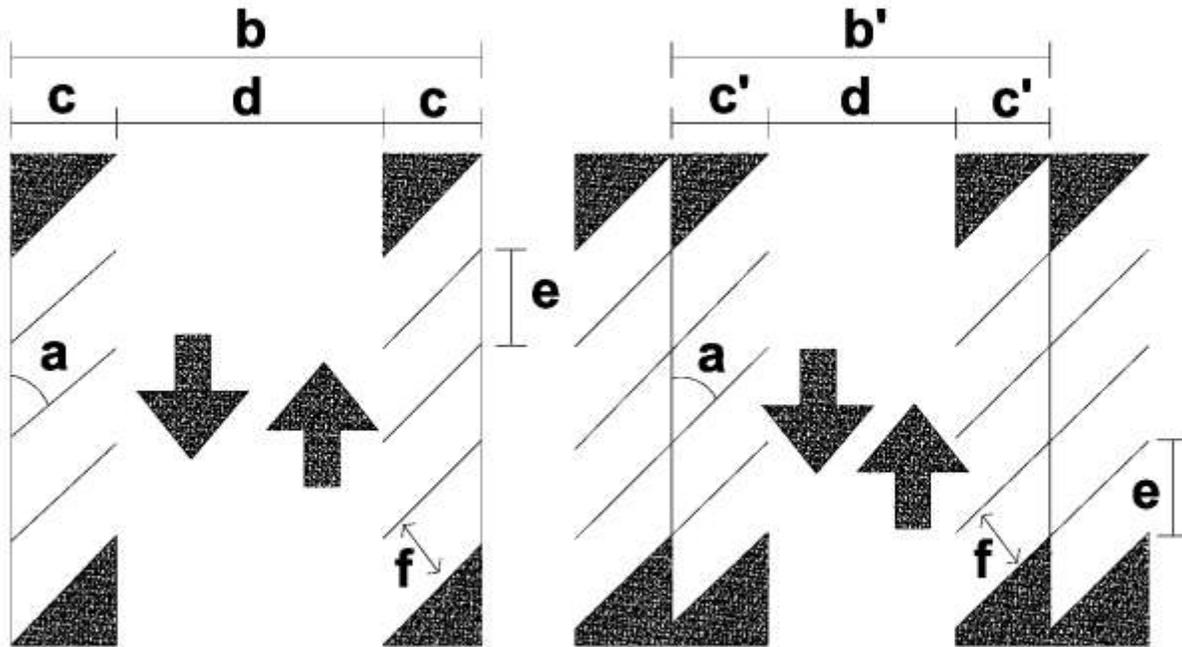


TURNING CLEARANCES



- b Parking Section Width
- d Aisle Width
- e Curb Length Per Car
- f Car Stall Width

**FIGURE A-2
MINIMUM PARKING LOT REQUIREMENTS
CONTINUED
TWO WAY TRAFFIC**

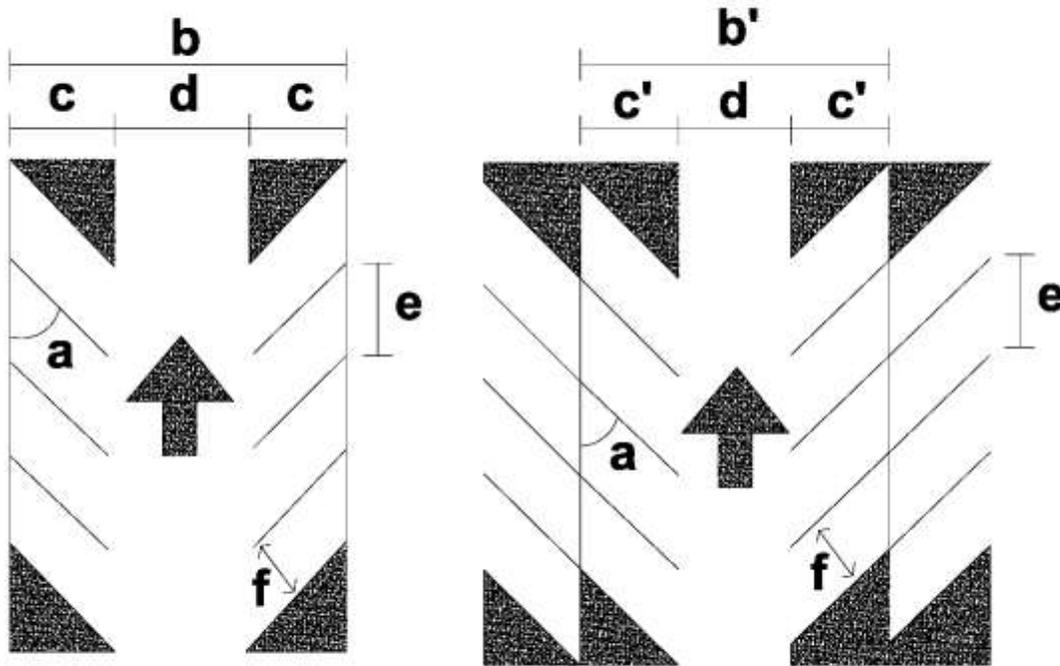


a Parking Angle
b/b' Parking Section Width
c/c' Parking Bank Width
d Aisle Width

e Curb Length Per Car
f Car Stall Width

a	b	c	d	e	f	b'	c'
0-	36'	8'	20'	23'	8'	-	-
-	-	-	-	-	-	-	-
35-	56'	18'	20'	14.8'	8.5'	49'	14.5'
40-	57'	18.5'	20'	13.2'	8.5'	50'	15'
45-	58'	19'	20'	12.0'	8.5'	51'	15.5'
50-	59'	19.5'	20'	11.1'	8.5'	53'	16.5'
55-	60'	20'	20'	10.4'	8.5'	55'	17.5'
60-	60'	20'	20'	9.8'	8.5'	55'	17.5'
65-	60'	20'	20'	9.7'	8.8'	56'	18'
70-	60'	20'	20'	9.6'	9'	57'	18.5'
80-	64'	20'	24'	9.5'	9'	64'	20'
90-	64'	20'	24'	9'	9'	64'	20'

**FIGURE A-3
MINIMUM PARKING LOT REQUIREMENTS
CONTINUED
ONE WAY TRAFFIC**



a Parking Angle
b/b' Parking Section Width
c/c' Parking Bank Width
d Aisle Width
e Curb Length Per Car
f Car Stall Width

a	b	c	d	e	f	b'	c'
0-	28'	8'	12'	23'	8'	-	-
-	-	-	-	-	-	-	-
35-	48'	17.3'	12'	14.8'	8.5'	41'	14.5'
40-	49'	18.1'	12'	13.2'	8.5'	42'	15'
45-	50'	18.7'	12'	12.0'	8.5'	43'	15.5'
50-	51'	19.2'	12'	11.1'	8.5'	45'	16.5'
55-	53'	19.6'	12'	10.4'	8.5'	47'	17.5'
60-	55'	19.8'	15'	9.8'	8.5'	50'	17.5'
65-	57'	19.9'	17'	9.7'	8.8'	53'	18'
70-	60'	19.9'	20'	9.6'	9'	57'	18.5'
80-	60'	20'	20'	9.5'	9'	60'	20'
90-	60'	20'	20'	9.0'	9'	60'	20'

REVISED USE CATEGORIES	R-1	R-2	R-3	R-4	R-5	RA-1	RA-2	H-1	B-1	B-2	B-3	B-4	B-5	I-1	I-2	P-1
Telecommunication towers, cellular communication towers (including radio, TV, internet, phone and cable providers)													C	C	C	C
Utilities (primary distribution site)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Retail, Service & Business Uses																
Athletic club								C		P	P	P	P			
Auctions, indoor										P			P	P	P	
Auto (RV, boats, motorcycles) sales and/or repair										P	C	C	P	P	P	
Auto or vehicle body shops										C			P	P	P	
Auto parking - surface								P		P	P	P	P	P	P	P
Auto parking - structure								C		C	P	C				P
Auto rental, limo, shuttle (taxi) services										P	P		P	P	P	
Auto service station									C	P	P	C	P	P	P	
Bakery									P	P	P	P	P	P	P	
Banks and financial institutions							C		P	P	P	P	P			
Barber and beauty services							P	P	P	P	P	P	P			
Bars, taverns and clubs									C	AC	AC	AC	P			
Campground/RV parks								C		C						
Car wash, auto detailing shop										P	P	P	P	P	P	
Casino (refer to Section 27.34.040)													C			
Casino-accessory										C	C	C	C			
Catering establishments							P		P	P	P	P	P	P	P	
Food bank										P	P	P	P	P		P

REVISED USE CATEGORIES	R-1	R-2	R-3	R-4	R-5	RA-1	RA-2	H-1	B-1	B-2	B-3	B-4	B-5	I-1	I-2	P-1
Funeral homes and crematoriums					P		P	P	P	P	P	P	P			
Greenhouses, nursery centers and landscaping materials	C									P			P	P		
Hotel, motel										P	P	P	P			
Janitor services										P			P	P	P	
Laundromats or dry cleaners							P		P	P	P	P	P	P	P	
Lumber/building material sales (with/outdoor display/storage)										P			P	P		
Media (newspaper, radio, TV)									P	P	P	P	P	P		
Media, towers and facilities (accessory)										P	P	P	P	P		
Microbreweries, wineries, distilleries, and tasting rooms									C	P	P	P	P	P	P	
Office - professional/governmental					P		P	P	P	P	P	P	P	P	P	P
Office - medical with limited overnight stay							C	P		P	P	P	P			
Pack and ship shops									P	P	P	P	P	P	P	
Photographic studio					P*2		P*2		P	P	P	P	P			
Print and copy shops									P	P	P	P	P	P	P	
Recreation area, indoor										P	P	P	P	P		
Recreation area, outdoor										C	C		C	C	C	C
Rental service stores and yards										P			P	P	P	
Repair shops (appliance)										P	C		P	P	P	
Repair shops (clothing, electronics)									P	P	P	P	P	P		
Restaurants								P	P*3	P	P	P	P			
Retail business										P	P	P	P			
Retail, limited								P*4	P*5					P*6	P*6	
Sexually oriented business														C	C	
Shooting/archery - indoor	C									AC	AC		P	P	P	

REVISED USE CATEGORIES	R-1	R-2	R-3	R-4	R-5	RA-1	RA-2	H-1	B-1	B-2	B-3	B-4	B-5	I-1	I-2	P-1
Fuel oil/gas/petroleum products, bulk storage/sale													C	C	C	
Glazier													P	P	P	
Grain elevators													C	C	C	
HVAC/electrical/plumbing, sales/service										P	C		P	P	P	
Heavy equipment sales/service													P	P	P	
Kennels, animal shelters										AC			AC	AC	AC	
Laboratories, tech research, development and testing								P		P	P		P	P	P	
Landfills															C	C
Laundries/dry cleaning plants													P	P	P	
Manufacturing - light (no smoke, fumes, odor, dust)											P		P	P	P	
Manufacturing - heavy															C	
Manufactured home sales lot														P		
Mini-storage/recreation vehicle storage										AC			AC	AC	AC	
Rail Industrial Park															P	
Monument manufacture and sales	C												P	P	P	C
Recycling center													C	P	P	
Scrap processing yard (recycle/metal yard)														C	C	
Taxidermy facilities													P	P	P	
Technology - research, design, engineering and telecommunication facilities											P		P	P		
Truck and trailer rental													P	P	P	

REVISED USE CATEGORIES	R-1	R-2	R-3	R-4	R-5	RA-1	RA-2	H-1	B-1	B-2	B-3	B-4	B-5	I-1	I-2	P-1
Truck terminal													P	P	P	
Utility storage yards and associated offices													C	P	P	C
Warehousing and distribution													P	P	P	
Woodworking shops, mill works													P	P	P	
Agricultural Uses																
Agricultural and horticultural uses	P															

Footnotes

1. Multi-family dwellings on the second or higher floor are permitted.
2. No retail.
3. No outdoor intercom; no larger than 4, 000 sq ft.
4. Retail uses include: florist, pharmacy, opticians, medical supplies and equipment, bookstores, and similar uses.
5. Retail enterprises no larger than 4,000 sq ft., and office supply
6. Showrooms only.

STRUCTURE SETBACKS (ft)	See Section 27.20.002 for Accessory Structure Setbacks for all zones															
	R-1	R-2	R-3	R-4	R-5	RA-1	RA-2	H-1	B-1	B-2	B-3	B-4	B-5	I-1	I-2	P-1
MAXIMUM BUILDING HEIGHT (ft)	35	35	35	35	35	40	40	60; unlimited w/CUP								
PERMITTED LOT COVERAGE (%)	35	35	45	45	50	45	50	45	50	N/A	N/A	N/A	N/A	N/A	N/A	45
FRONT FENCE HEIGHT (ft)	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
SIDE FENCE HEIGHT (ft)	6.5	6.5	6.5	6.5	6.5	6.5	6.5	6.5	6.5	6.5	6.5	6.5	6.5	8**	8**	6.5
REAR FENCE HEIGHT (ft)	6.5	6.5	6.5	6.5	6.5	6.5	6.5	6.5	6.5	6.5	6.5	6.5	6.5	8**	8**	6.5
SIDE CORNER FENCE HEIGHT (ft)	6.5	6.5	6.5	6.5	6.5	6.5	6.5	6.5	6.5	6.5	6.5	6.5	6.5	8**	8**	6.5

* Flag lots – property boundary abutting street(s) to meet the front setback requirement, all other lot line setbacks to meet the rear setback requirement. “Pole” portion of lot is not included in net acreage of lot.

** Option to increase side, rear and side corner fence heights by 2 feet with barbed wire in industrial zones.