

ARTICLE L. WB-3 GENERAL BUSINESS DISTRICT

SECTION:

11-2L-1: Intent And Purpose

11-2L-2: Permitted Uses

11-2L-3: Conditional Uses

11-2L-4: Property Development Standards

11-2L-5: Noise Control

11-2L-6: Nonconforming Uses

11-2L-1: INTENT AND PURPOSE:

The WB-3 District is a broad Commercial District intended to accommodate financial, retail, governmental, professional, institutional and cultural activities. The WB-3 District also encompasses two (2) unique commercial areas which require special considerations: the Old Town Central District (Central Avenue between 4th Street and Depot Street, the west side of Spokane Avenue between 4th Street and 3rd Street, both sides of Spokane Avenue from 3rd Street to Railway Street, the east side of Baker Avenue between 4th Street and 3rd Street, and both sides of Baker Avenue between 3rd Street and Railway Street), and the Old Town Railway District (Railway Street to 3rd Street, and the east side of Miles Avenue to both sides of Lupfer Avenue). This zoning classification is not intended for general application throughout the Whitefish area. (Ord. 18-25, 9-4-2018)

11-2L-2: PERMITTED USES:

- Bed and breakfast establishments (see special provisions in section 11-3-4 of this title).
- Colleges, business and trade schools, with the exception that in the Old Town Central District, such use is limited to floors other than the ground floor.
- Convention centers.
- Daycare (registered home, 5 to 15 individuals), with the exception that in the Old Town Central District, such use is limited to floors other than the ground floor.
- Dry cleaning and cleaning agencies, with the exception of the Old Town Central District.
- Financial institutions and professional offices, with the exception that on Central Avenue between Fourth and Railway, such uses must be located on floors other than the ground floor or else be ancillary to the retail use, covering no more than thirty percent (30%) of the ground floor area and not visible from Central Avenue nor located within the retail storefront area.
- Governmental, cultural and institutional facilities.
- Home occupations (see special provisions in section 11-3-13 of this title).
- Entertainment uses.
- Music and dance studios, with the exception that in the Old Town Central District, such use is limited to floors other than the ground floor unless associated with a performing arts center.
- Newspaper publishing and printing establishments, with the exception that in the Old Town Central District, such use is limited to floors other than the ground floor.
- Public utility buildings and facilities when necessary for serving the surrounding territory, excluding repair or storage facilities.
- Publicly owned or operated buildings, uses, or recreational facilities, including parks and playgrounds.
- Residential, with the exception that in the Old Town Central District, such use, with the exception of multi-family, is limited to floors other than the ground floor:
 - Accessory dwelling units, when accessory to a single-family dwelling (see special provisions in subsection 11-3-1 of this title).
 - Boarding houses, fraternity and sorority houses.
 - Foster and group homes.
 - Guesthouse, when an accessory use to a one-family dwelling.
 - Multi-family dwellings.
 - Single-family, duplex, triplex, and fourplex dwellings, including residential short-term rentals.

- Restaurants, with the exception of formula restaurants (see definition of "formula retail" in section 11-9-2 of this title).
- Retail sales and service, with the exception of "formula retail" (see definition in section 11-9-2 of this title).
- Shopping malls.
- Upholstery and drapery shops, with the exception of Central Avenue between Fourth and Railway.
- Vendors (see special provisions in section 11-3-23 of this title).
- Veterinarian office, small animal, with the exception of the Old Town Central District. (Ord. 19-14, 7-1-2019; amd. Ord. 22-04, 3-21-2022; Ord. 23-13, 8-21-2023)

11-2L-3: CONDITIONAL USES:

- Automotive service stations, with the exception of the Old Town Central District and the Old Town Railway District.
- Bars/lounges.
- Churches or similar places of worship, including parish houses, parsonages, rectories, convents and dormitories, with the exception that in the Old Town Central District, such use is limited to floors other than the ground floor.
- Clubs.
- Daycare centers (more than 15 individuals), with the exception that in the Old Town Central District, such use is limited to floors other than the ground floor.
- Hotels and motels.
- Marijuana manufacturing.
- Marijuana sales (administrative CUP). Formula businesses prohibited.
- Microbreweries and microdistilleries.
- Residential:
 - Dwelling groups or clusters
- Schools (K - 12), with the exception that in the Old Town Central District, such use is limited to floors other than the ground floor.
- Wholesale, light assembly and light manufacturing. Such uses must contain a retail component at ground level fronting a major street if located on Central Avenue between Fourth and Railway. (Ord. 19-14, 7-1-2019; amd. Ord. 21-17, 12-6-2021; Ord. 22-04, 3-21-2022; Ord. 23-13, 8-21-2023)

11-2L-4: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards apply to land and buildings within this district:

Bulk and scale	All new structures with a building footprint of 15,000 (7,500 for Old Town Central and Railway Districts) square feet or greater, existing structures where an addition causes the total footprint to be 15,000 (7,500 for Old Town Central and Railway Districts) square feet or greater, and additions to structures where the footprint already is 15,000 (7,500 for Old Town Central and Railway Districts) square feet or greater, with the exception of multi-family and mixed-use with multi-family, are subject to a conditional use permit pursuant to section 11-7-8 of this title
Minimum lot area	n/a
Minimum lot width	n/a
Minimum yard spaces:	
Front	15 feet on Second Street west of Lupfer Avenue except for Lots 8, 9, 10 and the east 6 feet of Lot 11, block 38, Whitefish original. 15 feet on Kalispell Avenue, 10 feet on Lupfer Avenue north of East Second Street and all streets west of Lupfer except Second Street. 20 feet on Lupfer Avenue south of East Second Street and all streets south of East Second Street and west of Lupfer Avenue. None on all other streets.
Side	15 feet when abutting a Residential District; otherwise, none
Rear	15 feet when abutting a Residential District; otherwise, none
Railway District Shopping Loop	E. First Street (Baker Avenue east to Lupfer Avenue - north side of Block 37, Whitefish original and south side of Block 26, Whitefish original); Lupfer Avenue (E. First Street to E. Second Street - west side of Block 37, Whitefish original). In order to facilitate development of the Shopping Loop, new structures or additions to existing structures within the Shopping Loop, the following setbacks apply:
Front	5 feet on Lupfer Avenue; 15 feet on E. First Street.

Side	15 feet when the side property line is adjacent to E. First Street; between buildings, none.
Rear	None.
Maximum height	45 feet, 3 stories maximum, subject to the height and building design requirements of section 11-3-5 of this title, as well as the size, scale, and bulk restrictions of the architectural design standards. The overall height must also include the features listed in subsection 11-2-3B5 of this chapter, with the exception of aerials, belfries, chimneys, church spires, and flagpoles
Permitted lot coverage	n/a
Off street parking	See parking and loading in section 11-6-3-3 of this title, WB-3 special conditions
Accessory uses	Accessory uses must maintain the same yard requirements as the primary use. However, accessory uses (excluding any type of living quarters) may be built within 3 feet of a side or rear lot line that does not border a street, a river or lake, or the front half of any adjoining lot
Landscaping	See chapter 4 of this title (single-family and duplex uses exempted)

(Ord. 18-25, 9-4-2018; amd. Ord. 19-20, 10-7-2019; Ord. 23-13, 8-21-2023)

11-2L-5: NOISE CONTROL:

No commercial business located in the WB-3 Zoning District shall broadcast prerecorded music by means of: a) an audio speaker located outside of a business and directed toward the sidewalk or street located near such business; or b) an audio speaker located inside such business but broadcasting through an open window or door toward the public sidewalk or streets. This section shall not prohibit restaurants with outdoor dining from providing music to their patrons if the audio speakers used are directed away from the public sidewalk and streets, and are set at a loudness level allowing only an insignificant amount of volume to spill out onto the public sidewalk and streets; provided, however, that before such restaurants shall use such speakers, they shall first arrange an inspection by the Zoning Administrator, or his designee, to allow a determination to be made whether their speakers, and the volume used, are acceptable under this section. Once inspected and approved, such restaurants shall not alter the direction of their audio speakers and shall not increase the volume that was used during such inspection. A violation of this section shall constitute a misdemeanor, punishable as set forth in the general penalty in section 1-4-1 of this Code. (Ord. 18-25, 9-4-2018)

11-2L-6: NONCONFORMING USES:

Ground floor professional office uses made nonconforming on Central Avenue between Third Street and Railway Street through the passage of amendments approved through adoption of an ordinance passed on November 17, 2008, shall be allowed to remain as legal nonconforming uses indefinitely, until such use is changed to a conforming use, after which a conforming use must be maintained. Such nonconforming uses shall not be subject to the one hundred eighty (180) day restriction contained in subsection 11-7-11B of this title. (Ord. 18-25, 9-4-2018)