

SECTION 3.44 HO HIGHWAY OVERLAY**3.44.010 Definition.**

A zoning overlay district to protect and enhance the visual quality of state and federal highway throughout the County while maintaining all of the permitted and conditional uses of the underlying zone. This overlay zone is specifically created to protect scenic corridors adjacent to major transportation corridors and to mitigate impacts of new non-residential development, expansion existing non-residential development and any changes of non-residential uses by requiring additional landscaping, buffering, signage, building, lighting, and parking design standards.

3.44.020 General

These standards apply to all new development, expansion of existing development, and any change of commercial development use in the B-4 and BS districts and new commercial development in the SAG-5 district. These standards take precedence over Section 5.05 Greenbelts.

3.44.030 Landscaping

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

A.

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

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

3.44.040 Design Standards

1. General Standards

- A. The minimum inside width of any required landscaped area, or of any form of fixed planter box used to satisfy required landscaping, shall be three (3) feet.

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

2. B-4 and BS Special Standards

- A. At least 40% of the landscaped area shall consist of shrubs or living ground cover that is a minimum of six inches in height.
- B. Along the street frontage, a minimum five foot wide landscaped buffer shall be installed with at least one large canopy tree per 50 feet of frontage or two small ornamental trees per 50 feet of frontage.
- C. When a parking lot fronts a street, a minimum five (5) foot wide landscape buffer (seven (7) feet wide if curb stops are not used and the car bumper hangs over the landscaped area) shall be installed that achieves a 50% visual screen within three years of planting.
- D. Landscaping treatments in parking lots shall be implemented and shall include trees both on the perimeter and interior of the parking lots.

3.44.050

Maintenance

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

3.44.060

Buffers

1. Applicability

- A. Buffers shall be required between different zoning districts, and may be required between dissimilar uses in accordance with the provisions of the zoning regulations, conditional use or variance approval.

2. Standards for Permanent Buffers

A. Width of Buffers

- (1) When a commercial use is adjacent to any residential or suburban agricultural zoning, the property boundaries adjacent to the residential or suburban agricultural zoning must incorporate a buffer of 20 feet, except as authorized by a condition of conditional use, or variance approval.

3. Screening Requirements

- A. Buffers shall consist of a mixture of trees, shrubs and ground cover. The buffer shall achieve a 50% visual screen of such nature and density so as to screen activities, structures and uses on the property from

view from the normal level of a first story window on an abutting lot and shall further provide a year round effective visual screen.

- B. Buffers shall be natural, undisturbed, and free of encroachments except as authorized by a condition of conditional use or variance approval, or as authorized herein, and shall contain the existing tree cover and vegetation as well as any supplemental plantings or replanting as may be required in order to meet the 50% visual screen in Section 3.A above.
- C. When buffers do not contain an adequate natural mixture of trees, shrubs and ground cover to meet the 50% visual screen, the buffer shall achieve a 50% visual screen within three (3) years after planting following the provisions in Section 4 below.
- D. Buffers required alongside property lines shall extend to the MDT right-of-way line or public road easement line unless otherwise required by the administrator in order to observe the sight distance requirements contain in the Flathead County Zoning Regulations, or as authorized by a condition of conditional use or variance approval.
- E. In situations where the required buffer width is partially or completely contain within an existing easement such as a power line or natural gas transmission line, the screening requirements of this section may be met outside of the easement area.

4. Supplemental Plantings

- A. Buffers in which vegetation is nonexistent or is inadequate to meet the screening requirements of this section shall be planted with supplemental plantings so as to provide a year round effective visual screen.
- B. Supplemental plantings and replanting shall consist of evergreen trees, shrubs, or combination thereof, native or adaptable to the region. All trees planted shall be a minimum of six feet in height at time of planting and shall be a species which will achieve a height of a least 20 feet at maturity. All shrubs planted shall be a large growing species, shall be a minimum of three feet in height at time of planting and shall be a species which will achieve a height of at least 10 feet at maturity.
- C. All supplemental plantings shall be installed to allow for proper plant growth and maintenance.

5. Non-vegetative Screening

- A. Non-vegetative materials utilized to satisfy the screening requirements of this section, in addition to the use of existing vegetation and/or supplemental plantings, may consist of walls, fences, earthen berms, or any combination thereof.
- B. If walls or fences are to be utilized, their placement and installation shall be such so as to cause minimal disturbance of existing vegetation and located so as to provide an effective visual screen.

- C. If fences are used in the buffer, the fence shall be made of material commonly used in construction such as wood or vinyl but not chain link.
6. Disturbances or Encroachments
- A. Ditches, swales, storm water conveyance facilities, storm water detention ponds, sanitary sewer conveyance facilities, similar facilities, and any associated easements shall not encroach into a buffer except that necessary access and utility crossings such as storm water or sanitary sewer pipes may encroach into the buffer as near to perpendicular as practical.
 - B. Supplemental plantings or replanting of vegetation or authorized non-vegetative screening devices shall be authorized to encroach into a buffer, provided there is minimal disturbance of any significant existing vegetation.
 - C. Land disturbance is authorized in areas of a buffer that are devoid of significant vegetation, provided that the final grade and replanting of vegetation meet the screening requirements contained herein.
 - D. Dying, diseased or dead vegetation may be removed from a buffer provided minimal disturbance occurs. Vegetation thus removed shall be replaced where necessary to meet the screening requirements contained herein.

3.44.070

Site Plan

- 1. A site plan showing required landscaping shall be submitted to the Zoning Administrator for review and approval prior to development. A site plan shall include, but not be limited to, the following:
 - A. Location of proposed landscaping drawn to scale, which scale shall be appropriate to the size of the project and agreed upon by the applicant and the Zoning Administrator.
 - B. Location, size, type, and condition of proposed vegetation and natural or manmade materials, including benches, walks, plaza, lighting, and signage.
 - C. Irrigation system.
 - D. Description of the proposed maintenance plan.
 - E. Estimated date of completion of the installation of plantings and finish materials.
- 2. The approved landscape and maintenance plans shall not be changed or altered without review and approval by the Zoning Administrator. All landscaping shown on the approved plan shall be installed and maintained.

3.44.080 Temporary Waiver

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

3.44.090 Reduction of Landscaping Requirement

1. Landscaping which exists on any property or for any use, subject to the provisions of this chapter, shall not be altered or reduced below the minimum requirements of this chapter unless suitable substitutions are made which meet the requirements of this chapter and a site plan is first approved by the Zoning Administrator.
2. Preserving existing trees or groves of trees will provide a 100% bonus in calculating the required landscaping in Section 3.51.030(1)(A) of this chapter. The bonus will not exceed 25% of the total landscaping requirement. (Example: The regulations require 1,000 square feet of landscaping. An existing grove of trees covers 300 square feet of area. The existing grove, if preserved, will account for 300 square feet plus 100% bonus for a total of 600 square feet of the required landscaping. However, because the bonus cannot exceed 25% of the required 1,000 square feet or 250 square feet, the total will be 550 square feet (300 + 250))

3.44.110 Signs

1. Freestanding and Ground Mounted Signs
 - A. All freestanding and ground mounted signs shall have a landscaped area around the base of the sign that is in addition to the required landscaping in Section 3.51.030 above.
 - B. The use of architectural structures and/or embellishments that enhance the building or site and are an integrated part of the sign are encouraged. Architectural embellishments that do not exceed more than 25% of the allowed height or 50% of the allowed square footage will not be counted against an area allowance.
 - C. A freestanding sign may consist of more than one sign panel provided all such sign panels are consolidated into one common integrated sign structure. In the event a sign is installed that does not utilize the maximum sign area permitted, any supplemental additions shall conform with and be compatible with the existing sign structure. All freestanding signs may be single-face or back-to-back but shall not be canted or constructed in a “V” shape.

- D. Signs will be mounted on two parallel posts or an aggregate base rather than a single post.
2. Building Mounted and Wall Mounted Signs
- A. Building mounted signs include projecting signs, awning/canopy signs, hanging signs, and building wall painted signs.
 - B. One projecting sign is allowed per business. The sign may not extend more than five (5) feet beyond the building.
 - C. Awning/canopy signs may be used in conjunction with other building mounted signs and would be placed on permanent or a temporary awning or canopy.
 - D. Hanging signs are typically mounted on an awning, canopy or similar overhang on a building.
 - E. Building wall painting signs are generally painted directly on the building wall.
3. Allowable Sign Area
- A. Free standing and ground mounted signs
 - (1) Every property or developed site is allowed at least one freestanding, ground mounted or monument sign that does not exceed eight feet in height and 50 square feet per face. For lots that have less than 250 of highway or road frontage, one freestanding sign is allowed. For lots that have 250 feet or more of frontage, two freestanding signs are allowed. No property, regardless of the amount of frontage or status as a through lot or corner lot, shall have more than a total of two freestanding or ground mounted signs.
 - (2) Businesses located on a corner lot with frontage along two public roads may have a sign along each frontage provided that the signs may not be located within the same building setback area.
 - (3) The nearest edge of any freestanding sign shall be set back a minimum of five (5) feet from the property line, right-of-way or road easement.
 - B. Building mounted and wall mounted signs
 - (1) Each business shall be allowed a minimum of one building mounted sign subject to the following standards:
 - a. Maximum Number of Signs Allowed: A maximum of two building mounted signs are allowed on developed sites with a single business.
 - b. Single Tenant Sites; The allowable sign area for a single tenant site shall be 24 square feet unless otherwise provided.

- c. Multi-tenant Sites: The allowable sign area for multi-tenant sites shall be 24 square feet per tenant unless otherwise provided.
- d. Awning/Canopy Signs: One awning/canopy sign is allowed per business or tenant in addition to a building mounted sign provided the total sign area does not exceed the allowable square footage provided for building mounted signs.
- e. One projecting sign is permitted per business and cannot exceed 12 square feet per face. Awning/canopy signs, painted wall signs, and flush mounted building signs may be used in lieu of a projecting sign provided the total square footage does not exceed that which is allowed.

C. Multiple Business

- (1) Each tenant is allowed one building mounted sign not to exceed 24 square feet or a maximum of 30 square feet if freestanding square footage is transferred to a building mounted sign.
- (2) Developed sites with two or more tenants shall be allowed one freestanding or ground mounted sign not to exceed 50 square feet per face or as otherwise provided. Where more than one freestanding sign is allowed for a single property, the total allowable square footage for each sign shall not exceed 50 square feet per face.

3.44.120

Architectural Design

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

landscaping, parking, walkways, utilities and service areas, and have complementary structural design elements.

8. Accessory buildings shall be designed to complement primary structures.

3.44.130

Lighting

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

3.44.140

Parking and Service Areas

1. These standards apply to all new development, expansion of existing development, and any change of commercial development use in the B-4 and BSD districts and new commercial development in the SAG-5 district.
 - A. At least 40% of the required parking shall be located to the side and/or the rear of the building(s) fronting Highway 93 and Highway 40.
 - B. Parking lot landscaping and buffering shall meet the requirements outlined above.
 - C. Parking lots built below grade are encouraged.
 - D. Service areas (solid waste disposal and loading, etc.) shall be screened from public roads by being located to the rear of buildings or by wood fencing and landscaping of sufficient height to provide effective screening.

3.44.150

Transportation Improvements

1. Backage and Frontage Roads

- A. New commercial development shall construct and utilize a network of backage roads where feasible to access new development. Where backage roads are not feasible, frontage roads shall be developed. To the extent possible, backage or frontage roads shall be located at 300 feet from Highway 93 to prevent excess queuing.
- 2. Connected Development
 - A. Where development is planned in phases or adjacent to other parcels that have significant likelihood of being developed, internal road networks shall be connected.
- 3. Access Control
 - A. New development with frontage on Highway 93 may be required to vacate or consolidate access points.
 - B. New commercial development with frontage on Highway 93 may be required to install center medians with turn lands and acceleration and de-acceleration lanes in order to provide safe access to the property.
- 4. Bicycle and Pedestrian Facilities
 - A. New commercial development, expansion of existing commercial development or a change of use of an existing commercial development shall dedicate no less than a 10-foot easement for bicycle/pedestrian adjacent to the Highway 93 right-of-way.