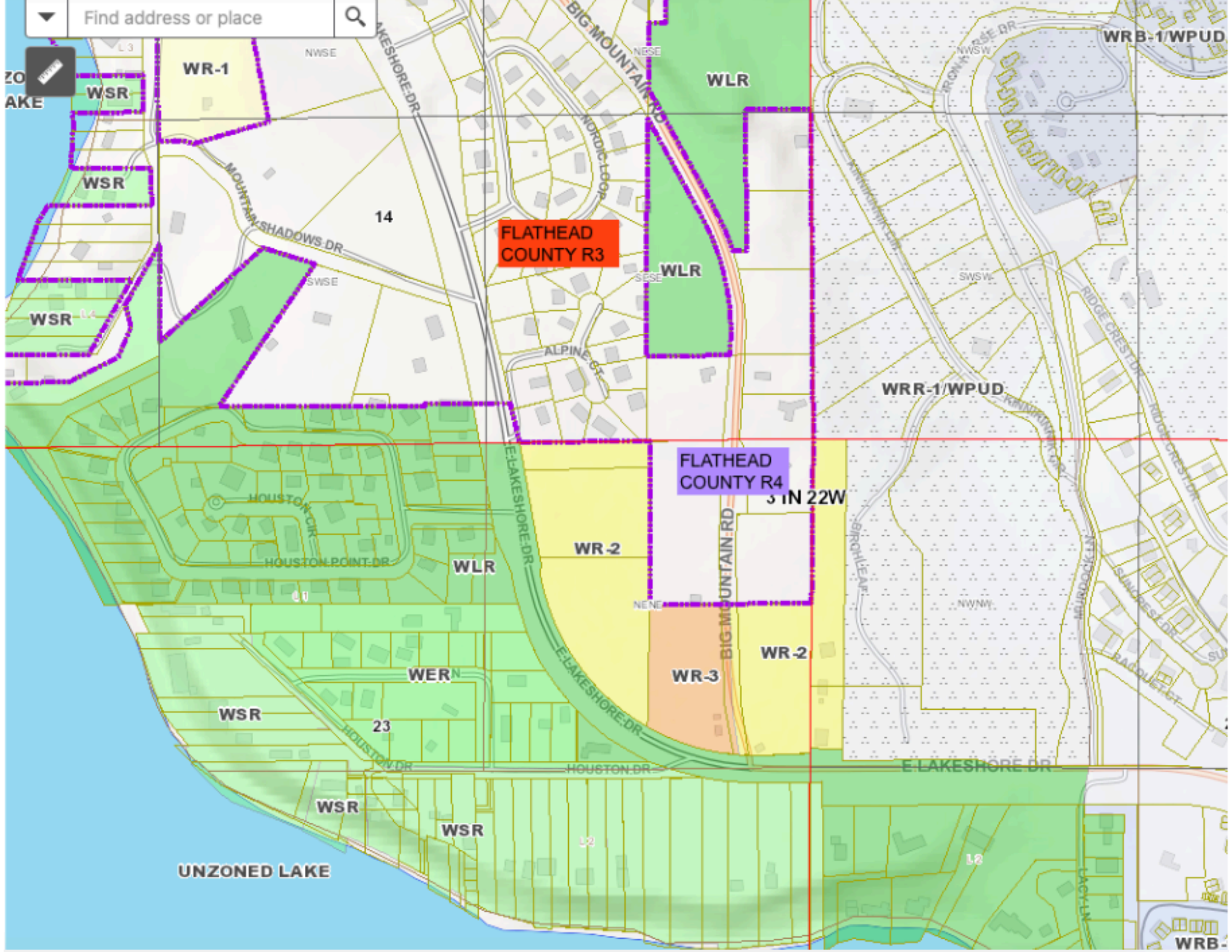


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FLATHEAD COUNTY R3

FLATHEAD COUNTY R4
3 IN 22W

UNZONED LAKE

WRB-

ARTICLE C. WSR SUBURBAN RESIDENTIAL DISTRICT

SECTION:

11-2C-1: Intent And Purpose

11-2C-2: Permitted Uses

11-2C-3: Conditional Uses

11-2C-4: Property Development Standards

11-2C-1: INTENT AND PURPOSE:

The WSR District is intended for single-family homes in an estate type setting and is designed to maintain, protect and preserve a character of development characterized by uses of a residential purpose and with no more than one dwelling unit and customary accessory buildings on one lot. (Ord. A-407, 3-15-1982)

11-2C-2: PERMITTED USES:

- Cemeteries and mausoleums.
- Home occupations (see special provisions in section 11-3-13 of this title).
- Homeowners' parks.
- Livestock (see special provisions in subsection 11-3-22B of this title).
- Public utility buildings and facilities when necessary for serving the surrounding territory, excluding business offices and repair or storage facilities. A minimum of five feet (5') of landscaped area shall surround such a building or structure.
- Publicly owned or operated buildings, uses, or recreational facilities, including parks and playgrounds.
- Residential:
 - Class A manufactured homes.
 - Daycare (registered home, 5 to 12 individuals).
 - Single-family dwellings. (Ord. 19-14, 7-1-2019)

11-2C-3: CONDITIONAL USES:

- Accessory apartments.
- Bed and breakfast establishments (see special provisions in section 11-3-4 of this title).

- Churches or similar places of worship, including parish houses, parsonages, rectories, convents and dormitories.
- Daycare centers (more than 12 individuals).
- Guesthouses.
- Livestock where density exceeds the table in subsection 11-3-22B of this title:
- Land inside City subject to conditional use permit.
- Private recreational facilities.
- Schools (K - 12).
- Type I community residential facilities. (Ord. A-407, 3-15-1982; amd. Ord. 05-25, 11-21-2005; Ord. 09-09, 8-3-2009; Ord. 14-21, 1-5-2015)

11-2C-4: PROPERTY DEVELOPMENT STANDARDS:

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

Minimum lot area	1 acre (43,560 square feet)
Minimum lot width	130 feet
Minimum yard spaces:	
Front	25 feet
Side	15 feet
Rear	20 feet
Wisconsin Avenue setback	35 feet from the Wisconsin Avenue right- of-way
Maximum height	35 feet
Permitted lot coverage	25 percent maximum
Off street parking	See chapter 6 of this title
Accessory buildings	Accessory buildings conforming to the definition in section 11-9-2 of this title are allowed subject to the standards set forth in section 11-3-2 of this title. Accessory buildings with footprints not exceeding 600 square feet shall be set back a minimum of 6 feet from side and rear property lines that do not border a street, lake, any intermittent or perennial stream, or the front 1/2 of any adjoining lot. Setbacks for accessory buildings with

	footprints exceeding 600 square feet shall be the same as those for the principal structure
Landscaping	See chapter 4 of this title (single-family uses exempted)

(Ord. A-407, 3-15-1982; amd. Ord. 05-25, 11-21-2005; Ord. 19-14, 7-1-2019)



ARTICLE D. WER ESTATE RESIDENTIAL DISTRICT

SECTION:

11-2D-1: Intent And Purpose

11-2D-2: Permitted Uses

11-2D-3: Conditional Uses

11-2D-4: Property Development Standards

11-2D-1: INTENT AND PURPOSE:

A Residential District to provide for single-family, large tract or estate development. These areas will typically be found in suburban areas, generally served by Municipal sewer and water lines. (Ord. A-407, 3-15-1982)

11-2D-2: PERMITTED USES:

- Home occupations (see special provisions in section 11-3-13 of this title).
- Homeowners' parks.
- Livestock (see special provisions in subsection 11-3-22B of this title).
- Public utility buildings and facilities when necessary for serving the surrounding territory, excluding business offices and repair or storage facilities. A minimum five feet (5') of landscaped area shall surround such a building or structure.
- Publicly owned or operated buildings, uses, or recreational facilities, including parks and playgrounds.
- Residential:
 - Class A manufactured homes.
 - Daycare (registered home, 5 to 12 individuals).
 - Single-family dwellings. (Ord. 19-14, 7-1-2019)

11-2D-3: CONDITIONAL USES:

- Accessory apartments.
- Bed and breakfast establishments (see special provisions in section 11-3-4 of this title).
- Churches or similar places of worship, including parish houses, parsonages, rectories, convents and dormitories.
- Daycare centers (more than 12 individuals).
- Dwelling groups or clusters.
- Guesthouses.
- Livestock where density exceeds the table in subsection 11-3-22B of this title:
- Land inside City subject to conditional use permit.
- Private recreational facilities.
- Schools (K - 12).
- Type I community residential facilities. (Ord. A-407, 3-15-1982; amd. Ord. 05-25, 11-21-2005; Ord. 09-09, 8-3-2009; Ord. 14-21, 1-5-2015)

11-2D-4: PROPERTY DEVELOPMENT STANDARDS:

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

Minimum lot area	20,000 square feet
Minimum lot width	100 feet
Minimum yard spaces:	
Front	25 feet
Side	15 feet each
Rear	20 feet
Maximum height	35 feet
Permitted lot coverage	30 percent maximum
Off street parking	See chapter 6 of this title
Accessory buildings	Accessory buildings conforming to the definition in section 11-9-2 of this title are allowed subject to the standards set forth in section 11-3-2 of this title. Accessory buildings with footprints not exceeding 600 square feet shall be set back a minimum of 6 feet from side and rear property lines that do not border a street, lake, any intermittent or perennial

	stream, or the front $\frac{1}{2}$ of any adjoining lot. Setbacks for accessory buildings with footprints exceeding 600 square feet shall be the same as those for the principal structure
Landscaping	See chapter 4 of this title (single-family uses exempted)

(Ord. A-407, 3-15-1982; amd. Ord. 05-25, 11-21-2005)



ARTICLE E. WLR ONE-FAMILY LIMITED RESIDENTIAL DISTRICT

SECTION:

11-2E-1: Intent And Purpose

11-2E-2: Permitted Uses

11-2E-3: Conditional Uses

11-2E-4: Property Development Standards

11-2E-1: INTENT AND PURPOSE:

The WLR District is intended for residential purposes to provide for single-family homes in a low density setting, connected to Municipal utilities and services. (Ord. A-407, 3-15-1982)

11-2E-2: PERMITTED USES:

- Home occupations (see special provisions in section 11-3-13 of this title).
- Homeowners' parks.
- Livestock (see special provisions in subsection 11-3-22B of this title).
- Public utility buildings and facilities when necessary for serving the surrounding territory, excluding business offices and repair or storage facilities. A minimum five feet (5') of landscaped area shall surround such a building or structure.
- Publicly owned or operated buildings, uses, or recreational facilities, including parks and playgrounds.
- Residential:
 - Class A manufactured homes.
 - Daycare (registered home, 5 to 12 individuals).
 - Single-family dwellings. (Ord. 19-14, 7-1-2019)

11-2E-3: CONDITIONAL USES:

- Accessory apartments.
- Bed and breakfast establishments (see special provisions in section 11-3-4 of this title).
- Churches or similar places of worship, including parish houses, parsonages, rectories, convents and dormitories.
- Daycare centers (more than 12 individuals).
- Dwelling groups or clusters.
- Guesthouses.
- Livestock where density exceeds the table in subsection 11-3-22B of this title:
- Land inside City subject to conditional use permit.
- Private recreational facilities.
- Schools (K - 12).
- Type I community residential facilities. (Ord. A-407, 3-15-1982; amd. Ord. 05-25, 11-21-2005; Ord. 09-09, 8-3-2009; Ord. 14-21, 1-5-2015)

11-2E-4: PROPERTY DEVELOPMENT STANDARDS:

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

Minimum lot area	15,000 square feet
Minimum lot width	80 feet
Minimum yard spaces:	
Front	25 feet
Side	15 feet
Rear	20 feet
Wisconsin Avenue setback	35 feet from the Wisconsin Avenue right- of-way
Maximum height	35 feet
Permitted lot coverage	30 percent maximum
Off street parking	See chapter 6 of this title
	Accessory buildings conforming to the definition in section 11-9-2 of this title are allowed subject to the standards set forth in section 11-3-2 of this title. Accessory buildings with footprints not exceeding 600 square feet

Accessory buildings

shall be set back a minimum of 6 feet from side and rear property lines that do not border a street, lake, any intermittent or perennial stream, or the front $\frac{1}{2}$ of any adjoining lot. Setbacks for accessory buildings with footprints exceeding 600 square feet shall be the same as those for the principal structure

Landscaping

See chapter 4 of this title (single-family uses exempted)

(Ord. A-407, 3-15-1982; amd. Ord. 05-25, 11-21-2005; Ord. 19-14, 7-1-2019)

ARTICLE G. WR-2 TWO-FAMILY RESIDENTIAL DISTRICT

SECTION:

11-2G-1: Intent And Purpose

11-2G-2: Permitted Uses

11-2G-3: Conditional Uses

11-2G-4: Property Development Standards

11-2G-1: INTENT AND PURPOSE:

The WR-2 District is intended for residential purposes to provide for one-family and two-family homes in an urban setting connected to all Municipal utilities and services. (Ord. 02-30, 6-16-2003)

11-2G-2: PERMITTED USES:

- Home occupations (see special provisions in section 11-3-13 of this title).
- Homeowners' parks.
- Public utility buildings and facilities when necessary for serving the surrounding territory, excluding business offices and repair or storage facilities. A minimum of five feet (5') of landscaped area shall surround such a building or structure.
- Publicly owned or operated buildings, uses, or recreational facilities, including parks and playgrounds.
- Residential:
 - Class A manufactured homes.
 - Daycare (registered home, 5 to 12 individuals).

- Manufactured home subdivisions (5 acre minimum size).
- Single-family or two-family (duplex) dwellings.
- Sublots (see special provisions in subsection 11-3-14C of this title). (Ord. 19-14, 7-1-2019)

11-2G-3: CONDITIONAL USES:

- Accessory apartments.
- Bed and breakfast establishments (see special provisions in section 11-3-4 of this title).
- Churches or similar places of worship, including parish houses and parsonages.
- Daycare centers (more than 12 individuals).
- Dwelling groups or clusters.
- Guesthouses, only on lots over ten thousand (10,000) square feet.
- Livestock, subject to an administrative conditional use permit.
- Private recreational facilities and structures.
- Professional artist studio/gallery. (Limited to Baker Avenue between Sixth Street and Tenth Street. See special provisions in section 11-3-15 of this title.)
- Professional offices. (Limited to Baker Avenue between Sixth Street and Tenth Street. See special provisions in section 11-3-16 of this title.)
- Schools (K - 12).
- Type I and type II community residential facilities. (Ord. 02-30, 6-16-2003; amd. Ord. 05-25, 11-21-2005; Ord. 08-22, 10-20-2008; Ord. 09-09, 8-3-2009)

11-2G-4: PROPERTY DEVELOPMENT STANDARDS:

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

Minimum lot area:	
Single-family dwelling	6,000 square feet
Two-family dwelling	7,200 square feet
Attached one-family dwelling on a subplot	3,600 square feet
Minimum lot width	50 feet
Minimum subplot width	25 feet
Minimum yard spaces:	
Front	25 feet

Side	10 feet
Rear	20 feet
Wisconsin Avenue setback	35 feet from the Wisconsin Avenue right-of-way
Maximum height	35 feet
Permitted lot coverage	40 percent maximum
Off street parking	See chapter 6 of this title
Accessory buildings	Accessory buildings conforming to the definition in section 11-9-2 of this title are allowed subject to the standards set forth in section 11-3-2 of this title. Accessory buildings with footprints not exceeding 600 square feet shall be set back a minimum of 6 feet from side and rear property lines that do not border a street, lake, any intermittent or perennial stream, or the front 1/2 of any adjoining lot. Setbacks for accessory buildings with footprints exceeding 600 square feet shall be the same as those for the principal structure
Landscaping	See chapter 4 of this title (single-family uses exempted)

(Ord. 02-30, 6-16-2003; amd. Ord. 05-25, 11-21-2005; Ord. 19-14, 7-1-2019)



ARTICLE H. WR-3 LOW DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT
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SECTION:

11-2H-1: Intent And Purpose

11-2H-2: Permitted Uses

11-2H-3: Conditional Uses

11-2H-4: Property Development Standards

11-2H-1: INTENT AND PURPOSE:

The WR-3 District is intended for residential purposes to provide for one-family, duplex, triplex, fourplex and attached single-family residential uses in an urban setting connected to all Municipal

utilities and services. (Ord. 02-30, 6-16-2003)

11-2H-2: PERMITTED USES:

- Home occupations (see special provisions in section 11-3-13 of this title).
- Homeowners' parks.
- Public utility buildings and facilities when necessary for serving the surrounding territory, excluding business offices and repair or storage facilities. A minimum of five feet (5') of landscaped area shall surround such a building or structure.
- Publicly owned or operated buildings, uses, or recreational facilities, including parks and playgrounds.
- Residential:
 - Class A manufactured homes.
 - Daycare (registered home, 5 to 12 individuals).
 - Manufactured home subdivisions (5 acre minimum size).
 - One-family, two-family and triplex dwellings.
 - Sublots (see special provisions in subsection 11-3-14C of this title). (Ord. 19-14, 7-1-2019)

11-2H-3: CONDITIONAL USES:

- Bed and breakfast establishments (see special provisions in section 11-3-4 of this title).
- Churches or similar places of worship, including parish houses and parsonages.
- Daycare centers (more than 12 individuals).
- Hostels.
- Livestock, subject to an administrative conditional use permit.
- Nursing or retirement homes.
- Personal services. (Limited to Second Street West and Wisconsin Avenue south of Glenwood. See special provisions in section 11-3-30 of this title.)
- Private recreational facilities.
- Professional artist studio/gallery. (Limited to Second Street West and Wisconsin Avenue south of Glenwood. See special provisions in section 11-3-15 of this title.)
- Professional offices. (Limited to Second Street West and Wisconsin Avenue south of Glenwood. See special provisions in section 11-3-16 of this title.)
- Residential:

- Accessory apartments.
- Dwelling groups or clusters.
- Guesthouses.
- Multi-family dwellings, four (4) to eight (8) dwelling units - administrative conditional use permit (subsection 11-7-8M of this title) (see special provisions in section 11-3-42 or 11-3-43 of this title).
- Multi-family dwellings, nine (9) or more dwelling units (see special provisions in section 11-3-42 or 11-3-43 of this title).
- Schools (K - 12).
- Type I and type II community residential facilities. (Ord. 19-14, 7-1-2019)

11-2H-4: PROPERTY DEVELOPMENT STANDARDS:

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

Minimum lot area:	
Single-family dwelling	6,000 square feet
Other dwellings/unit	3,000 square feet
Attached one-family dwelling on a subplot	2,400 square feet
Minimum lot width	50 feet
Minimum subplot width	25 feet
Minimum yard spaces:	
Front	25 feet
Side	10 feet
Triplex or larger	15 feet
Rear	20 feet
Wisconsin Avenue setback	35 feet from the Wisconsin Avenue right- of- way
Maximum height	35 feet
Permitted lot coverage	40 percent maximum
Off street parking	See chapter 6 of this title
	Accessory buildings conforming to the definition in section 11-9-2 of this title are allowed subject to the standards set forth in section 11-3-2 of this title. Accessory buildings with footprints not exceeding 600 square feet

Accessory buildings	shall be set back a minimum of 6 feet from side and rear property lines that do not border a street, lake, any intermittent or perennial stream, or the front $\frac{1}{2}$ of any adjoining lot. Setbacks for accessory buildings with footprints exceeding 600 square feet shall be the same as those for the principal structure
Landscaping	See chapter 4 of this title (single-family uses exempted)

(Ord. 02-30, 6-16-2003; amd. Ord. 05-05, 2-7-2005; Ord. 05-25, 11-21-2005; Ord. 19-14, 7-1-2019)

ARTICLE S. WPUD PLANNED UNIT DEVELOPMENT DISTRICT

Publisher's Note: This Chapter has been **AMENDED** by new legislation (Ord. 21-11 , passed 8-16-2021). The text of the amendment will be incorporated below when the ordinance is codified.

SECTION:

11-2S-1: Purpose And Intent

11-2S-2: PUD Types And Permitted Uses

11-2S-3: Standards Of Development

11-2S-4: Legal Requirements

11-2S-5: Deviations From Standards

11-2S-6: Community Benefit

11-2S-7: Application Procedure

11-2S-8: Approval Of The Planned Unit Development

11-2S-9: Enforcement And Modification

11-2S-10: Abandonment Or Expiration

11-2S-1: PURPOSE AND INTENT:

The purpose of the WPUD overlay is to:

A. Provide a community development tool that encourages creativity and innovation in design and development.

B. Allow design flexibility so as to enhance the character and quality of development through variety in the type, design, and arrangement of structures and improvements.

- C. Allow the developer and design professionals the flexibility to respond to unique qualities and environmental characteristics of a site.
- D. Ensure that new development respects the character, scale, and qualities of the surrounding neighborhood.
- E. Encourage new development to integrate with existing neighborhoods to result in stronger, livable, sustainable neighborhoods, rather than series of individual developments.
- F. Allow the developer to incorporate the latest innovations in design and construction techniques to address market demands and housing needs of the Whitefish community. (Ord. 19-11, 6-3-2019)

11-2S-2: PUD TYPES AND PERMITTED USES:

Four (4) types of Planned Unit Development Overlays are available, depending on the underlying zoning and intended use.

A. Residential Planned Unit Development (R-PUD): The purpose of the Residential PUD option is to facilitate creatively designed, livable neighborhoods in Residential Zoning Districts where the proposed product type, density, scale, and character are appropriate and complement adjacent development. The residential units provided could include single-family attached and detached as well as multi-family of all types. The Residential PUD provides for design flexibility and the ability to vary certain standards in order to deal effectively with physical constraints such as parcel configuration, topography, and environmentally sensitive areas.

1. A Residential PUD may be established in all districts except WB-4, WI, and WI-T.
2. Permitted uses:
 - Accessory buildings and uses.
 - Any uses permitted or conditionally permitted in the underlying zoning district, provided that any conditional use is specifically considered with the PUD and all conditional use criteria required under this Code for that use are met or conditioned with the PUD approval. If a conditional use is not considered during the PUD approval, then such uses must follow the standard CUP review process found in section 11-7-8 of this title.
 - Private and/or semiprivate recreation and service facilities intended for the residents of the district.
 - Residential:
 - Multi-family dwellings.
 - Single-family dwellings.
 - Two-family dwellings.
 - A combination of any of the above arranged in attached, detached, townhouse, apartment, or condominium configurations.

B. Mixed-Use Planned Unit Development (M-PUD): The Mixed-Use PUD is primarily intended to provide for the mixing of compatible non-residential uses allowed in the underlying zone with residential units of various types in urban areas. Residential product types include single-family, two-family, and multi-family in any ownership configuration. Residential types also include units integrated into primarily non-residential structures, including above office and retail space. Where the zoning is both residential and non-residential, the amount of land dedicated to any non-residential component shall generally be consistent with and give due consideration to the location and extent of the non-residential zoning.

1. A mixed-use PUD may be established in any Non-Residential Zoning District with the exception of the WB-4, the WI, and the WI-T, as well as where the overall development also includes both non-residential and residential zoning.

2. Permitted uses:

- Accessory buildings and uses.
- Any uses permitted or conditionally permitted in the underlying zoning district, provided that any conditional use is specifically considered with the PUD and all conditional use criteria required under this Code for that use are met or conditioned with the PUD approval. If a proposed conditional use is not noted with the PUD application, then such uses must follow the standard CUP review process found in section 11-7-8 of this title. Other uses may also be considered for which justification can be derived on the basis that the use will be compatibly incorporated into the design and use of the planned development. Such uses should be integrated with and complementary to included and adjacent residential uses.
- Private and/or semiprivate recreation and service facilities intended for the residents of the district.
- Residential:
 - Single-family dwellings.
 - Two-family dwellings.
 - Multi-family dwellings.
 - A combination of any of the above arranged in attached, detached, townhouse, apartment, or condominium configurations.

C. Commercial Planned Unit Development (C-PUD): The purpose of the Commercial PUD option is to promote flexibility in design and permit planned diversification in the relationships between location of and types of uses and structures; promote the advantages of large scale site planning through the efficient use of land, facilitating a more economic arrangement of buildings, circulation systems, land uses, and utilities; preserve, to the greatest extent possible, the existing landscape features and amenities, and to utilize such features in a harmonious way.

1. A Commercial PUD may be established in the following districts: WB-1, WB-2, WB-3, WB-4, WRB-1, WRB-2, WBMV, WBSD, and WI-T.

2. Permitted uses:

• Any uses permitted or conditionally permitted in the underlying zoning district, provided that any conditional use is specifically considered with the PUD and all conditional use criteria required under this Code for that use are met or conditioned with the PUD approval. If a proposed conditional use is not noted with the PUD application, then such uses must follow the standard CUP review process found in section 11-7-8 of this title. Other uses may also be considered for which justification can be derived on the basis that the use will be compatibly incorporated into the design and use of the planned development.

D. Light Industrial Or Industrial Planned Unit Development (I-PUD): The Industrial PUD options are intended to allow complexes and clusters of industrial and light industrial uses in either a lot by lot or integrated business park configuration. Light manufacturing and fabrication can be combined with offices, warehousing, and showroom space to create multi-functional business and industrial facilities. Caretaker and on-site work force housing can be provided where appropriate and compatible with the neighborhood and specific industrial uses in the project.

1. A Light Industrial or Industrial PUD may be established in the following districts: WB-4, WI, WBSD, and WI-T.

2. Permitted uses:

• Any uses permitted or conditionally permitted in the underlying zoning district, provided that any conditional use is specifically considered with the PUD and all conditional use criteria required under this Code for that use are met or conditioned with the PUD approval. If a proposed conditional use is not noted with the PUD application, then such uses must follow the standard CUP review process found in section 11-7-8 of this title. Other uses may be considered for which justification can be derived on the basis that the use will be compatibly incorporated into the design and use of the planned development. (Ord. 19-11, 6-3-2019)

11-2S-3: STANDARDS OF DEVELOPMENT:

A. Minimum Site Area: The minimum site area designated for a planned unit development shall be two (2) acres except in the WR-2, WR-3, WR-4, and WB-3 Zoning Districts where the minimum site area shall be one acre. The minimum site area may be reduced from the standards set forth above should the Zoning Administrator determine that a parcel, by virtue of its unique character, is best developed as a PUD, or, the project meets the provisions for the density bonus described in subsection B of this section.

B. Density Bonus: Residential and mixed-use developments shall be subject to chapter 1A, "Whitefish Legacy Homes Program", of this title and are allowed the density bonus permitted therein without justification. A development may request additional density if justified by one or more community benefits. The maximum allowed residential density bonus for a planned unit development shall be as follows:

Underlying Zone	Base Zoning Density	Maximum Allowed PUD Density
WA	1/15 dwelling unit/gross acre	1/15 dwelling unit/gross acre
WCR	0.4 dwelling unit/gross acre	0.5 dwelling unit/gross acre

WSR	1 dwelling unit/gross acre	1.5 dwelling units/gross acre
WER	2 dwelling units/gross acre	3 dwelling units/gross acre
WLR	3 dwelling units/gross acre	5 dwelling units/gross acre
WR-1	4 dwelling units/gross acre	7 dwelling units/gross acre
WR-2	12 dwelling units/gross acre	18 dwelling units/gross acre
WR-3	14 dwelling units/gross acre	21 dwelling units/gross acre
WR-4	38 rental or condominium units or 21 townhouse units/gross acre	57 rental or condominium units or 31 townhouse units/gross acre
WB-1*	13 dwelling units/gross acre	20 dwelling units/gross acre
WB-2*	13 dwelling units/gross acre	20 dwelling units/gross acre
WB-3*	13 dwelling units/gross acre	20 dwelling units/gross acre
WRR-1	10 dwelling units/gross acre	10 dwelling units/gross acre
WRR-2	15 dwelling units/gross acre	15 dwelling units/gross acre
WRB-1*	15 dwelling units/gross acre	15 dwelling units/gross acre
WRB-2*	15 dwelling units/gross acre	15 dwelling units/gross acre
WT-3*	14 dwelling units/gross acre	20 dwelling units/gross acre
WBSD*	1 dwelling unit/gross acre	1 dwelling unit/gross acre

(*Gross acreage shall exclude all lands set aside for commercial or industrial activities and associated accessory uses unless the PUD contains residential above commercial uses.)

1. Maximum Average Density: In order to allow greater development flexibility to achieve the purpose and intent outlined in section 11-2S-1 of this article, when a proposed PUD overlay site is subject to more than one underlying zoning district, density averaging shall determine the maximum allowable density. Maximum average density per acre is calculated as follows: (maximum density of zoning district A multiplied by acreage of zoning district A) + (maximum density of zoning district B multiplied by acreage of zoning district B) divided by (total combined acreage of property within proposed PUD boundary). In no case shall a PUD allow more units to be approved than the maximum average density.

C. Open Space: Not more than seventy percent (70%) of the planned unit development site shall be devoted to parking facilities, streets, buildings and accessory buildings. The remaining thirty percent (30%) must remain as open space as defined under section 11-9-2 of this title. Note: This provision shall not apply to projects which both propose only permitted uses and which comply with the minimum lot sizes of the underlying zone.

For purposes of this article, minimum standards for open space are:

1. Open space must be common areas available to all residents (and the public where applicable) and not private areas.

2. Open space must have active and/or passive recreational facilities appropriate to the persons expected to reside within the proposed development.

3. Landscaped areas around buildings, parking lots, or roadways must be a minimum of twenty feet (20') wide to be considered open space.

4. If all or a portion of the open space provided is available for use by the general public or provides one or more public benefits such as those listed under section 11-2S-6 of this article, it may be considered a community benefit.

5. Open space for non-residential PUDs can include hard scape courtyards, plazas, or other public spaces without structures as long as those areas include intermittent landscaping elements.

When a planned unit development provides additional units of "affordable housing" as defined in these regulations above and beyond what is otherwise required, the applicant may devote eighty percent (80%) of the development to parking, street, and buildings with City Council approval. The remaining twenty percent (20%) of the property shall remain as open space.

D. Off Street Parking And Loading: Off street parking and loading shall be provided according to chapter 6, "Off Street Parking And Loading", of this title.

E. Landscaping: Additional landscaping may be required by the City Council to provide a buffer between proposed uses or between the adjacent zoning districts.

F. Utilities: Utilities shall be provided in a manner to meet the specifications of the City Council.

G. Architectural Design: Architectural design of buildings shall be aesthetically compatible throughout the development. However, the applicant shall take appropriate measures to ensure that multi-family buildings and town homes have a varied exterior appearance within the overall architectural theme. Visual monotony and institutional sameness are to be avoided. (Ord. 19-11, 6-3-2019)

11-2S-4: LEGAL REQUIREMENTS:

In a planned unit development where ownerships are subject to restrictions, the subdivision plat, dedications, covenants, and other agreements shall be recorded in the Office of the County Clerk and Recorder. These documents will include those that:

A. Create automatic membership in a nonprofit homeowners' association or corporation to be formed to control, develop, and maintain common areas, properties, and facilities.

B. Place title to any common property or facilities in the association or corporation. (Ord. 19-11, 6-3-2019)

11-2S-5: DEVIATIONS FROM STANDARDS:

In order to provide flexibility in the design approach, the Planned Unit Development Overlay allows deviations from many standards of the underlying zoning district as well as from certain standards in the "Standards for Design and Construction" (Public Works Design Manual). Any proposed deviations from adopted standards above and beyond those allowed under chapter 1A of this title must be justified by one or more clear community benefits as set forth in section 11-2S-6 of this article, and shall directly relate to the purpose and intent of the PUD as set forth in section 11-2S-1 of this article.

A. The following standards may be deviated from through approval of a PUD site plan and PUD overlay:

1. Setbacks;
2. Building height;
3. Lot coverage;
4. Minimum lot size;
5. Lot width and/or frontage;
6. Any other lot standards set forth in the subdivision regulations;
7. Street design;
8. Stormwater management;
9. Sidewalks, except that fee in lieu of sidewalks may not be waived except by the City Council for just cause;
10. Landscape standards, except for required buffers; and
11. Parking and loading standards.

B. Standards that may not be deviated from through the PUD overlay include, but are not necessarily limited to, the following:

1. Density standards as set forth in this chapter. Where the PUD Overlay includes more than one underlying zoning district, maximum average density cannot be exceeded (see subsection 11-2S-3B1 of this article);
2. General categories of use as set forth in the underlying zoning district (nonresidential use in a Residential Zoning District, etc.) except as set forth in this chapter;
3. Lakeshore protection regulations;
4. Whitefish Legacy Homes Program requirements (see chapter 1A of this title);
5. Utility standards for construction, installation, sizing, etc.;
6. Fire Code requirements such as through access, specific access and circulation requirements, hydrant locations, and sprinkling; and
7. Any and all fees and charges except as set forth in this chapter. (Ord. 19-11, 6-3-2019)

11-2S-6: COMMUNITY BENEFIT:

As set forth in section 11-2S-5 of this article, deviations from adopted standards must be justified by one or more clear community benefits. For purposes of this article, a community benefit is an amenity, facility, or service that is of intrinsic or economic value to the community and/or adjacent neighborhood introduced by the proposed planned development that would not otherwise be required. Community facilities and services such as streets, water, sewer, and storm drainage

(including on and off- site easements for these facilities), and parkland and parkland dedications or fees in lieu, that are required under a conventional subdivision or other City codes or standards may not be considered community benefits. The following list outlines desirable community benefits and is not all-inclusive as each development site is unique and the developer may propose alternative community benefits.

- A. Environmentally Sensitive Areas: Protects environmentally sensitive areas that would not be protected otherwise to the same degree as without a PUD;
- B. Natural Features: Preserves, enhances, and rehabilitates natural features of the subject property, such as significant woodlands, native vegetation, view sheds, topography, or non- critical area wildlife habitats, not otherwise required by other City regulations;
- C. Public Access: Providing public access to a trail, trailhead, bike path, waterbody, parks, schools, or public lands;
- D. Streetscapes: Providing streetscape improvements such as pedestrian signals, ADA compliant curb height crossings, street furniture, bike racks, public art, cultural and interpretive displays, transit shelters, etc.;
- E. Public Facilities: Provides public facilities that could not be required by the City for development of the subject property without a PUD, such as fire stations, utility facilities, public playgrounds, recreational facilities, public parking, bike paths, etc.;
- F. Use Of Sustainable Development Techniques: Design which results in sustainable development; such as LEED certification, energy efficiency, use of alternative energy resources such as solar power, stormwater re-use, low impact development techniques, etc.;
- G. Rights-Of-Way: Extending public streets, bike paths, trails, and/or sidewalks in compliance with adopted transportation plans;
- H. Affordable Housing: Providing employee housing and/or affordable housing, land, or fees in lieu in greater quantity than otherwise required and consistent with housing needs assessments and the Whitefish Legacy Homes Program;
- I. Affordable Housing Type: Providing a greater mix of affordable housing unit types consistent with the array of housing types provided in the overall development; or
- J. Overall Design: Provides a PUD design that is superior to the design that would result from development of the subject property without a PUD. A superior design may include the following:
 - 1. Open Space/Recreation:
 - a. Provides increased functional open space or recreational facilities beyond standard Code requirements; and
 - b. Provides a quality environment through either passive or active recreation facilities and attractive common areas, including accessibility to buildings from parking areas and public walkways; or
 - 2. Circulation/Screening: Provides superior circulation patterns or location or screening of parking facilities; or

3. Landscaping/Screening: Provides superior landscaping, buffering, or screening in or around the proposed planned urban development; or
4. Site And Building Design: Provides superior architectural design, placement, relationship or orientation of structures, or use of solar energy; or
5. Alleys: Provides alleys for proposed detached or attached units with individual, private ground-related entries. (Ord. 19-11, 6-3-2019)

11-2S-7: APPLICATION PROCEDURE:

A pre-application meeting with planning staff is required prior to application submittal. The application for zoning or rezoning to a PUD district shall be executed by the individual(s) whose successors and assignees shall be responsible for carrying out the requirements and obligations of the planned unit development district. The application may be accompanied by the preliminary plat for joint review. Draft covenants shall also be submitted. Any submittal requirements set forth herein that are found to be not applicable to a particular project or site may be waived or deferred by the Planning and Building Department.

A. The applicant shall furnish the following information and materials with the application:

1. A written report on the results of any citizen participation effort done on their part. If an outreach is done, the report shall include details of the techniques the applicant may have used to involve the public and the surrounding neighborhoods. That may include dates and locations of meetings where citizens were invited to discuss the proposal, copies of mailings, posted notices, concept plans, etc., the name and location of those receiving notice, and the number of people that participated in the process. The outreach report should also include a summary of concerns and issues expressed by the public, and how the applicant will address or not address said issues or concerns in their formal proposal;
2. The proposed time schedule for the completion of the development or the phasing thereof;
3. A copy of all proposed covenants, restrictions, and easements;
4. An ownership designation and management plan must be provided for open space and common areas, including maintenance and weed control responsibilities. If a homeowner's association (HOA) is the owner, membership in the HOA is mandatory for all property owners within the development and their successors, and the HOA must have lien authority for collection of dues from all members. Should the responsible party fail to maintain all or a portion of the development in reasonable order and condition, the City may assume responsibility for maintenance and may enter the premises to take corrective action, including the provision of extended maintenance. The cost of such maintenance, plus administrative costs and penalties, may be charged to the owner, HOA, or to individual property owners that make up the HOA, and unpaid costs will become a lien on all properties within the development;
5. The developer shall provide a draft housing mitigation agreement as set forth in section 11-1A-5 of this title. Once finalized and approved by the City Council as a component of the PUD, this agreement is a legally binding contract between the developer and the City of Whitefish;
6. A copy of the proposed articles of incorporation and bylaws of any corporation and/or

homeowners' association to be formed;

7. Verification that the property is within the City limits. If recently annexed into City limits, an application for zoning map amendment shall accompany the planned unit development application;

8. Any other information that the Planning Board or the City Council may deem necessary;

9. Written statement of intent and justification for any proposed deviations from standards above and beyond those allowed in section 11-1A-6 of this title. Each PUD application must include a written explanation describing how the development meets the purpose and intent (section 11-2S-1 of this article) and approval criteria (subsection 11-2S-8B of this article) and describing the specific community benefits (section 11-2S-6 of this article) of the proposed development and how the project provides greater benefits to the City as applicable than would a development carried out in accordance with otherwise applicable Zoning and Subdivision Ordinance standards. The statement must also include a comparison of the proposed development with the standards of the base zoning district, subdivision standards, or public works standards and how it deviates from or exceeds those standards.

B. A detailed "to scale" site plan must be provided that includes the following:

1. Complete land development program including:

a. Total gross acreage;

b. Total undevelopable acreage;

c. Total net acreage;

d. Total area covered by buildings;

e. Total floor area of buildings and floor area ratio (FAR);

f. Total area dedicated to parking, loading, drive aisles, and other paved surfaces; and

g. Total area of open space and landscape ratio (LSR).

2. Present zoning classification and zoning classification of all surrounding properties;

3. Location, size, height, and number of stories, use or uses to be contained in each existing or proposed structure;

4. Location, width, surfacing and layout of all streets, parking areas, and pedestrian walks;

5. Location and number of proposed parking spaces;

6. Location, size, height and orientation of all signs in excess of one square foot;

7. Location and height of all fences, walls, and screen plantings;

8. Location of all common spaces and facilities;

9. Proposed landscaping; and

10. Notation of all proposed deviations from standards.

C. All documents included in the site plan must include space for certification of approval in accordance with the form used for subdivision platting.

D. The preliminary plat (if required) must be prepared in accordance with requirements of the subdivision regulations unless variances are granted and shall include space for certification of approval by the City Council. (Ord. 19-11, 6-3-2019)

11-2S-8: APPROVAL OF THE PLANNED UNIT DEVELOPMENT:

A. Approval of a planned unit development shall be based upon a finding that the proposed project substantially achieves the intent of the PUD as set forth in section 11-2S-1 of this article, the approval criteria outlined below are met as applicable, and that there are one or more clear community benefits and proper justification for any proposed deviations from standards.

B. A PUD may be approved by the Whitefish City Council upon findings that the approval criteria set forth herein are substantially met as they may apply and adverse impacts identified through the development review process are avoided or effectively mitigated through plan modification, conditions of record, or other legal and proper means. Approval criteria are as follows:

1. Environmentally sensitive areas of the site must be preserved and protected by the proposed development to the extent possible. Environmentally sensitive areas include, but are not necessarily limited to, wetlands and marshes, slopes in excess of twenty five percent (25%) average grade, and water bodies such as lakes or streams on and/or adjacent to the site. All lakeshore protection and water quality standards must be met.

2. Development must be sensitive to and respectful of wildlife habitat and/or seasonal migration corridors as identified by a competent wildlife assessment or verified by empirical evidence.

3. Open space, either planned for persons expected to reside in the completed development (children, young adults, seniors, etc.) or available to the public in general, must be provided by the development.

4. The character and qualities of existing neighborhoods must be preserved and protected. Proposed PUDs are to be integrated into the existing neighborhood in terms of scale, quality, character, and street continuity. When, in the judgment of the City Council, such integration is not possible, practical, or will otherwise not produce desired outcomes for the existing neighborhood, effective buffering and transitions must be provided by the proposed development.

5. Street continuity must be maintained through extending the Whitefish street grid and other established street systems consistent with adopted transportation plans.

6. New development must provide attractive, high quality streetscapes through the use of landscaping, sidewalks/bikeways, street trees, and quality street lighting fixtures, including design consideration for and integration with adjacent structures.

7. Proposed development must, to the extent possible, provide pedestrian, transit, and bicycle facilities, and encourage transportation alternatives consistent with the Whitefish Growth Policy, adopted transportation plans, and the Bicycle and Pedestrian Master Plan.

8. All proposed residential development must provide affordable housing of the unit type(s)

and quantity set forth in the Whitefish Strategic Housing Plan and the Whitefish Legacy Homes Program.

9. New development must avoid a monotonous and/or institutional appearance through varied architecture and orientation of buildings, and where appropriate, varying the type of residential unit within the project.

10. Preliminary designs for necessary public facilities, infrastructure, and services including but not limited to water, sewer, and stormwater, shall be deemed adequate.

11. All new development must demonstrate substantial compliance with and/or implementation of the growth policy, including adopted neighborhood plans and corridor plans.

C. In approving a PUD, the Council may impose reasonable conditions. Such conditions may be imposed in order to:

1. Mitigate or avoid adverse impacts to adjacent property, neighborhood, and/or the community at large.
2. Ensure the veracity of any claim of community benefit made by the applicant.
3. Support a finding that an approval criterion is met and/or ensure the veracity of the finding.
4. Address any subsequent procedural matters that may need additional attention following PUD approval by the Council.
5. Ensure compliance with any other City requirement or procedure not addressed in the application or in the findings for approval.

D. A PUD may be denied upon a finding that it does not substantially achieve the intent of the PUD, the approval criteria in subsection B of this section are not met, and/or deviations from standards are neither beneficial to the neighborhood or community at large, nor properly justified.

E. The City Council shall approve a planned unit development by ordinance, and such approval shall incorporate by reference the PUD site plan, all conditions, and all related documents.

F. Because the site planning and design issues involved with PUDs can be complex, there is no time limit for final action by the City Council.

G. When appropriate, a final plat must be submitted to and approved by the City Council and properly recorded with Flathead County. (Ord. 19-11, 6-3-2019)

11-2S-9: ENFORCEMENT AND MODIFICATION:

A. Any substantive modification or deviation from the site plan adopted by the Planned Unit Development Ordinance shall be by amendment to the PUD Ordinance. Substantive modification includes, but is not necessarily limited to, an increase in number of units and/or density, reduction in open space, alteration of buffers, additional deviations from standards, further encroachment into environmentally sensitive areas or buffers, major changes in access and/or circulation, or reduction of project amenities.

B. Minor modifications from the PUD site plan may be approved by the Zoning Administrator

upon written notice that any proposed modifications are inconsequential to the proposed development, that impacts associated with a proposed project are unchanged or diminished, and that no other issues associated with PUD approval are compromised.

C. Any other modification or deviation from an approved PUD site plan not otherwise authorized under this section shall constitute a violation of the ordinance establishing the PUD overlay, and the owner, lessee, or occupant of the area or building in violation shall be subject to the penalties and remedies imposed by this Code. (Ord. 19-11, 6-3-2019)

11-2S-10: ABANDONMENT OR EXPIRATION:

Planned unit developments may be abandoned or expire if not developed within a reasonable time frame as described below:

A. A planned unit development, the approval of which is contingent upon, or requires the approval of a subdivision plat, shall terminate or expire if the preliminary plat of the subdivision lapses or the final plat fails to be recorded. In a phased development, those portions of the planned unit development that did receive final plat approval shall remain in effect. Those portions of the phased development, which fail to receive final plat approval, and/or the preliminary plat lapses, shall terminate or expire. In all of the above cases, the undeveloped project area shall revert back to the underlying zone and the City shall initiate a zoning map amendment to remove the overlay.

B. Planned unit developments, or portions of planned unit developments which do not require subdivision approval, shall be required to proceed in accordance with an approved time frame. The owner/applicant shall be notified by the City of any noncompliance to the adopted time frame. The owner may petition the City Council for an amended completion schedule. The City Council may amend the completion schedule if it finds this action to be in the best interest of the City.

C. Abandonment shall be deemed to occur when no improvements have been made pursuant to the approved planned unit development plan for a period of three (3) years, or upon expiration of the completion schedule approved or amended as part of the planned unit development approval process. Improvements, as defined in this section, include actual construction and do not include design work or the activities of securing financing. Upon abandonment, the zoning of the undeveloped project area shall revert to the underlying zone and the City shall initiate a zoning map amendment to remove the overlay. (Ord. 19-11, 6-3-2019)