

**SECTION
3.37**

LBL LITTLE BITTERROOT LAKE

3.37.010

Definition:

A development code designed to implement the Little Bitterroot Lake Neighborhood Plan by protecting the quality, character and openness of Little Bitterroot Lake and the surrounding neighborhood and by providing guidance for future development.

3.37.020

Permitted Uses

1. Agriculture/silviculture as provided for in M.C.A. 76-2-209.
2. Dwelling, single-family.
3. Dwelling unit, accessory (ADU).¹
4. Manufactured home
5. Home occupation.

¹Administrative Site Plan Review required (See Section 2.10)

3.37.030

Conditional Uses

1. Bed and breakfast establishment on view lots only (maximum four bedrooms for rent).
2. Cellular communications tower.²
3. Cluster housing.
4. Common boat dock and lakeshore facility.
5. Guesthouse.
6. Homeowner's park.
7. Publicly owned park and recreational facility.
8. Short-term rental housing. (See Chapter V – Performance Standards)²
9. Structures in open space areas.

²Administrative Conditional Use Permit (See Section 2.06.045).

3.37.040

PUD Uses

1. Commercial lodge and related recreational amenities.

3.37.050

Bulk and Dimensional Requirements

1. Minimum lot size: $\frac{1}{2}$ acre
2. Maximum density:
 - A. Lakefront lots 1 lot/residence per 5 acres.
 - B. View lots: 1 lot/residence per 10 acres.
3. Average Lakeshore Frontage

- A. Lots fronting on the lakeshore shall maintain an average density of one residential lot per 150 feet of lake frontage as measured at the average high water line.
- B. This density figure shall determine the maximum number of residential lots/units permitted on a particular piece of lakeshore frontage. Homeowner's parks may be located within a lakeshore lot development as long as the developer is able to comply with the minimum lot widths as provided for in 3.37.050(4) below.

4. Minimum Lakeshore Frontage

Any residential lot which abuts Bitterroot Lake shall maintain a minimum of 100 feet of frontage along the lakeshore (measured along the average high water line).

- 5. Maximum Height: 35 feet.
- 6. Minimum Yard Requirements:
 - Front: 50 feet.
 - Side: 10 feet each.
 - Side Corner: 20 feet.
 - Rear: 20 feet.

When a property abuts Little Bitterroot Lake or any year-round stream, a 50-foot setback, measured landward of the average high water line shall be maintained. (Note: For the purposes of these regulations, high water of Little Bitterroot Lake for construction and building setback shall be 1192.12(m) or 3911.2(ift) NAVD 1988.

- 7. A reasonable variance shall be granted to allow construction or replacement of a residence on a pre-existing lot (lot that existed at the time zoning is adopted) which cannot meet the yard requirements as provided for in number 6 immediately above. Generally, when existing structures are being rebuilt or replaced the new structure will be constructed no closer than the existing structure to the lake or other property lines provided that no residence shall be built closer than 20 feet to the average high water line of Little Bitterroot Lake.

3.37.060 Open Space (LBL)

For the purposes of the LBL regulations, open space is defined as permanently open areas which may only be utilized for agriculture (excluding feed lots), timber management, passive recreation or natural areas. All structures, including the parking or storage of equipment, shall be conditional uses and subject to review by the Little Bitterroot Lake Land Use Advisory Committee.

- 1. Open Space Design Standards
 - A. When new lots are created and the cumulative land in lots is less than the minimum land area needed to meet density requirements, the balance of the required land area shall be designated and maintained as open space. For example, if an owner wanted to create two new one-acre lakefront lots (lakefront lots carry a five acre minimum density), 10 acres is

needed, two acres would be in lots, the remaining eight acres is required to be in open space.

- B. Open space shall be located within the single, contiguous ownership proposed to be developed.
 - C. If an owner proposes to develop property in a phased program, the overall open space plan shall be submitted with the first application.
 - D. Open space may be held in common ownership by the homeowners association or it may be maintained or sold by the original owner. In either case, the designated open space tract shall carry with it a deed restriction limiting its future use to open space as defined herein.
 - E. The open space must exhibit a beneficial relationship to the lots to be created and further the overall concepts of good design, including but not limited to standards F-J below.
 - F. Open space should provide for buffering, passive recreation and pedestrian circulation designed to enhance subdivision lots;
 - G. Reinforce a natural landscape setting along and near the lakeshore;
 - H. Retain large contiguous areas of open space;
 - I. Retain sensitive areas as open space, such as steep slopes, streams, and wetlands; and
 - J. Provide suitable access and design for management.
2. Open Space Structures – Conditional Use Standards
- A. A structure may or may not be allowed in an open space area, as appropriate to retain a predominantly “open” character in that area. The type, size and location, and design of the structure must not significantly detract from that open character.
 - B. Structures shall be substantially screened from public and neighbors view by a buffer of trees. Where an existing buffer of mature trees is not in place, the structure shall be set back a minimum of 200 feet from the property boundary, and a perimeter buffer of trees shall be planted.
 - C. Structures for residential, commercial, or industrial use are prohibited.
3. Special Lakefront Lot Open Space Development Standards
- A. A minimum 50% of the site shall be maintained in open space, except that such open space will not be required for lot sizes that meet or exceed five acres in size and which carry a recorded permanent deed restriction forever prohibiting any further subdivision (including boundary line adjustment) which would create any lots smaller than five acres or which would create lake frontage lots with less than 150 feet of lake frontage.

- B. As part of subsection 3.37.060(1) above, an area equal to 10% of the combined lake frontage of each lakefront lot created containing 150 or fewer feet of lake frontage, shall be maintained in permanent open space along the lakeshore.
 - (1) This open space shall be held in common ownership by the homeowners association.
 - (2) The placement of the open space buffer is intended to provide a natural undeveloped shoreline and further good site design.
 - (3) Where possible, such buffers shall be located in combination with an adjoining buffer for the purpose of creating substantial natural areas. Example – A 10-lot lakefront development where each lot has 100-foot frontages shall maintain a 100-foot wide permanent open space area equal in depth to the adjoining lots.

3.37.070 Cluster Housing Provisions

- 1. Single through 4-plex residential uses allowed.
- 2. Density shall not exceed that which is allowed in the underlying zone.
- 3. All setbacks as provided for in these regulations shall be adhered to.

3.37.080 Common Boat Docks and Lakeshore Facilities

Two or more property owners may construct a common boat dock or other lakeshore facility for the purpose of consolidating structures and impacts on the lake within the confines of the Flathead County Lakeshore Protection Program. When such a facility is contemplated, however, it would normally preclude the owners who joined together from constructing such individual features elsewhere on their own property.

3.37.090 Homeowner's Park Design Standards

- 1. Homeowner's parks shall be designed and developed to serve only those properties within the adjoining residential subdivision. They shall not serve properties outside of the Little Bitterroot Lake Zoning District.
- 2. Activities shall be limited to day-use-only in nature and be single-family residential in scale and intensity. Commercial use and use by clubs or other private or semi-private organizations other than the specific residential homeowners association is prohibited.
- 3. Rest room facilities as approved by the Flathead City-County Health Department are required to serve each homeowner;s park.
- 4. Common dockage is permitted and "I, T or L" dock configurations are allowed.
- 5. All types of boat storage including shore stations, boat houses and the open parking of boats overnight either at a dock or on land is prohibited.

6. Homeowner's parks with lake frontage shall be sized as follows:
 - A. Minimum depth: 175 feet or where adjacent side residential lot lines extend further than 175 feet back from the lake, equal with the adjacent side lot lines but not to exceed 350 feet.
 - B. Minimum amount of lake frontage: 250 feet.
 - C. Park to be sized based on a ratio of 25 feet of width (lake frontage) for each lot/residential housing unit in the subdivision accessing the park.

Note: The minimum 250-foot homeowner's park would accommodate 10 view lots.

7. All development in the lake, on the lakeshore or 20 feet landward of the average high water line of Little Bitterroot Lake shall comply with the Flathead County Lakeshore Protection Regulations.

3.37.100

Special PUD Provisions for Commercial Lodge and Related Recreational Amenities.

1. No single lodge development shall exceed a maximum of 50 rooms offered for overnight accommodations.
2. The minimum land area for a lodge shall be based on a ratio of 5 acres for every room offering overnight accommodations in the lodge. This land area may be incorporated into the overall site design or may be provided elsewhere in the District. If some or all of the land area set aside is not adjacent to the proposed lodge and accessory uses and is to be provided for elsewhere in the District, such land must be subject to review and approval and the setting aside of such lands in permanent open space must achieve significant goals of the plan.
3. Lodges developed on lakefront lots shall be required to have 25 feet of lakeshore frontage for every 2 rooms offering overnight accommodations.
4. Lodges may provide eating facilities as well as related recreational amenities such as trail rides, dock facilities, golf course, etc., as long as all uses are developed as an integrated project.

3.37.110

Exterior Lighting Standards

1. Exterior lighting fixtures shall be placed or shielded such that direct light from any fixture shines generally downward, so that no significant direct light shines upward or more than thirty (30) feet beyond the boundaries of the property in any direction, or thirty (30) feet beyond the boundary of any public or private right-of-way that borders the property. An "exterior lighting fixture" shall include a fixture existing inside a structure, which primarily illuminates area outside the structure.
2. No permanent artificial lighting fixtures shall be placed in designated open space except as approved as a conditional use. If so approved as a conditional use, such lighting shall otherwise comply with the requirements set forth in Section 1 above.

3. Nothing in this section shall restrict the use of temporary emergency lighting necessary to protect human safety or property.

3.37.120

Temporary Recreational Vehicle and Camping

1. The occasional placement of a single recreational vehicle on a parcel of land which may or may not contain an existing residence, for private use of the owner, guest or visitor for infrequent use and not as a permanent residence shall be regulated as follows:
 - A. All temporary recreational vehicles shall be located in accordance with the minimum setback standards of the district regulations. (Front - 50 feet, Side - 10 feet each; Side Corner - 20 feet; and Rear - 20 feet. A 50-foot setback is required from the lake or year-round stream.)
 - B. Use of a recreational vehicle as a dwelling unit shall be subject to the following limitations and permit requirements:
 - (1) Length of stay 90 days or less in a calendar year, permitted use; must have legal and appropriate sewage disposal.
 - (2) Length of stay 91 days or more in a calendar year, conditional use.
 - (3) There may only be one (1) recreational vehicle stored on any property that is not enclosed in a garage.
 - (4) Use of a recreational vehicle as a temporary dwelling during the construction of a permanent residence shall not exceed 12 months and may be permitted subject to the issuance of an Administrative Conditional Use Permit.
 - (5) It is the intent of these regulations to allow for family gatherings for special events and holidays on an infrequent basis. These regulations should not be construed as to allow for the creation of a recreational vehicle park de facto or otherwise.