

**SECTION 5.09 RESIDENTIAL CLUSTERING IN AG AND SAG DISTRICTS**  
 (See Section 4.05 for Cluster Housing Development in Residential Districts)

The purpose of this regulation is to allow single-family dwellings to be clustered in areas of non-prime agricultural soils in a manner that prime agricultural land, timberland, or unique natural amenities will be preserved. Clustering of residential dwellings in agricultural zoning districts may be permitted whenever a parcel of land is determined to be eligible based on the criteria set forth in this Section.

5.09.010 Procedure

The procedure to establish a cluster development shall be the review and approval of the land division as a subdivision by the Flathead County Commissioners, subject to Flathead County Subdivision Regulations. Resubdivision of a cluster development must be reviewed and approved by the Flathead County Commissioners.

5.09.020 General Provisions

1. Residential clustering may be permitted in the following zoning districts: AG-80, AG-40, AG-20, SAG-10, and SAG-5.
2. Single-family dwellings may be either attached or detached. If attached, no more than 4 dwellings may occupy a single structure and each separate dwelling must be conveyable as a townhouse unit. All dwellings must be built on-site or a Class A manufactured home, and be situated upon permanent foundations.
3. Density and open space requirements:
  - A. Lots within the cluster subdivision may not exceed a net average of two (2) acres.
  - B. Maximum cluster site density: 15 dwellings per acre
  - C. Maximum residential density of parent tract:  
     150% of allowable density in zoning district
  - D. Minimum proportion of parent tract in open space:
 

AG-80	80%
AG-40	80%
AG-20	80%
SAG-10	70%
SAG-5	60%
4. A “cluster site” shall mean a designated location within a “parent” tract of land that has sufficient size to allow for the density and open space requirements within the specific zoning district.
5. A “parent” tract shall mean a single tract of record that is used for calculating a cluster density allowance.

Note: Multiple tracts of land under single ownership must be aggregated with a boundary line adjustment (BLA) if a combination of multiple tracts are intended to qualify as a “parent” tract.

6. Density allowance shall be based on the size of the parent tract.

Density bonus allowance is 150% of standard number of dwelling units (du).

Note: This chart is based on a parent tract of 100 acres.

District	Permitted	Cluster	Open Space	Dev. Ac.	Avg Lot
AG-80	1 du	1 du	80%	20 ac.	2.0 ac.
AG-40	2 du	3 du	80%	20 ac.	2.0 ac.
AG-20	5 du	7 du	80%	20 ac.	2.0 ac.
SAG-10	10 du	15 du	70%	30 ac.	2.0 ac.
SAG-5	20 du	30 du	60%	40 ac.	1.3 ac.

7. The differences in area between the (net) residential lot sizes of a cluster site and the total (gross) area of the “parent” tract used in the density allowance calculation must be retained in some form of open space until such time as the planning and zoning documents for the area are amended to facilitate appropriate additional development.
8. A covenant shall be recorded with the filing of any plat that establishes a cluster site. The covenant shall restrict the use of the required open space in a manner that includes the following:
  - A. Prohibition of any further divisions of land or change in use of the property until such time as the planning and zoning documents for the area are amended to facilitate appropriate additional development/uses. This will not preclude phased cluster projects up to the allowed density.
  - B. Description of the intended use, management, and ownership of the open space.

5.09.030

Performance Standards

Each cluster site shall adhere to the following performance standards:

The cluster sites

1. shall be able to obtain safe and convenient access to a public or private road but individual lot access onto a highway or road is not allowed;
2. shall be located off of prime agricultural land (SCS soil classification I-IV) to the greatest extent possible when determining a location for the cluster development or, if located within a forested area, not be within an area that is rated as “very high” or “extreme” fire risk by the Montana Department of Natural Resources after subdivision improvements;
3. shall have suitable soils for on-site treatment of sewage;
4. shall not be situated or otherwise associated with any environmentally sensitive area, hazard area, or wildlife habitat of local significance or habitat for

endangered or threatened species, big game winter range, waterfowl nesting areas, or other significant wildlife habitat as determined by the Montana Department of Fish, Wildlife and Parks;

5. should be situated near the perimeter boundary of the “parent” tract of land in order to maximize the extent of uninterrupted open space;
6. shall not interfere or otherwise conflict with adjoining farming activities;
7. shall establish minimum setbacks for all structures of 100 feet from the boundary of a highway right-of-way and otherwise conform to the minimum setbacks of the district; ~~at least 40 feet from any other boundary of the “parent” tract or adjacent property(ies);~~
8. shall not be located in:
  - A. a 100-year floodplain (floodway and flood fringe) as determined by the Federal Emergency Management Agency (FEMA);
  - B. areas on sloped banks or within 50 horizontal feet of high water of water bodies or streams;
  - C. wetlands as determined by the U.S. Army Corps of Engineers;
  - D. steep areas in excess of 30% slope or other areas subject to excessive geological hazards; or
  - E. areas where development will be detrimental to significant natural, historic, or cultural resources.

**Comment [EM52]:** PB believes that if a lot is on the boundary of the parent tract the setbacks for the underlying zoning should apply.

5.09.040 Open Space Requirements

The location and size of the area designated as open space shall be shown on the final plat of the subdivision. A single-family dwelling on open-space area 20-acres or larger, and utilities are permitted.

**SECTION 5.10 RETAINING WALLS**

Retaining walls over thirty-six (36) inches in height above the original grade shall meet the setback requirements and height limitations for accessory structures. The height shall be measured as the total height of the retaining wall or combination of tiered retaining walls within the setback area.

**SECTION 5.11 SIGNS**

5.11.010 Signs permitted in all districts (exempt signs):

1. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, and not exceeding thirty-two (32) square feet in area.
2. Signs bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.

- 12. Dwelling, family hardship.\*
  - 13. Electrical distribution station.
  - 14. Extractive industry.
  - 15. Landfill, sanitary for disposal of garbage and trash.
  - 16. Radio and television broadcast studio.
  - 17. Recreational facility, low-impact.
  - 18. Rifle range.
  - 19. School, primary and secondary.
  - 20. Temporary building or structure.\*
  - 21. Water and sewage treatment plant.
  - 22. Water storage facility.
- \*Administrative Conditional Use Permit (See Section 2.06.045)

3.04.040

Bulk and Dimensional Requirements (AG-80).

- 1. Minimum Lot Area: 80 acres
- 2. Minimum Lot Width:  
Cul-de-sacs: 60 feet.
- 3. Setbacks:
  - A. Minimum Yard Requirements for Principal Structure: \*\*\*
    - Front: 20 feet.
    - Side:\* 20 feet each.
    - Side Corner:\*\* 20 feet.
    - Rear: 20 feet.
  - B. Detached Accessory Structures: \*\*\*
    - Front: 20 feet.
    - Side:\* 5 feet each.
    - Side Corner:\*\* 20 feet.
    - Rear: 5 feet.
    - \* For non-conforming properties with lot widths of less than 150 feet, the side yard setback shall be 10 feet each. For non-conforming properties with lot widths of less than 50 feet, the side yard setback shall be 5 feet each.
    - \*\* For non-conforming properties with lots with average widths of less than 200 feet, the side corner setback shall be 15 feet.
    - \*\*\* ~~If the lot is in a subdivision created under the provisions of clustering in AG or SAG Districts (Section 5.09.030) setbacks of 40 feet from any other boundary of the "parent" tract or adjacent property(ies) is required.~~
  - C. A 20-foot setback is required from streams, rivers, and unprotected lakes, which do not serve as property boundaries.
  - D. Increase yard requirements as follows when property fronts: \*\*
    - County Road:\* 20 feet.
    - \* ~~Classified as a collector or major/minor arterial as defined in the County Master Plan or City-County Master Plan~~ [Classified](#)

**Comment [EM6]:** PB believes that if a lot is on the boundary of the parent tract the setbacks for the underlying zoning should apply.

- 15. Feed and seed processing and cleaning.
- 16. Feed lot: cattle, swine, poultry
- 17. Landfill, sanitary for disposal of garbage and trash.
- 18. Radio and television broadcast studio.
- 19. Recreational facility, low-impact.
- 20. Rifle range.
- 21. School, primary and secondary.
- 22. Temporary building or structure.\*
- 23. Water and sewage treatment plant.
- 24. Water storage facility.

\*Administrative Conditional Use Permit (See Section 2.06.045)

3.05.040

Bulk and Dimensional Requirements (AG-40).

- 1. Minimum Lot Area: 40 acres
- 2. Minimum Lot Width:  
Cul-de-sacs: 60 feet.
- 3. Setbacks:
  - A. Minimum Yard Requirements for Principal Structure: \*\*\*
    - Front: 20 feet.
    - Side:\* 20 feet each.
    - Side Corner:\*\* 20 feet.
    - Rear: 20 feet.
  - B. Detached Accessory Structures: \*\*\*
    - Front: 20 feet.
    - Side:\* 5 feet each.
    - Side Corner:\*\* 20 feet.
    - Rear: 5 feet.
    - \* For non-conforming properties with lot widths of less than 150 feet, the side yard setback shall be 10 feet each. For non-conforming properties with lot widths of less than 50 feet, the side yard setback shall be 5 feet each.
    - \*\* For non-conforming properties with lots with average widths of less than 200 feet, the side corner setback shall be 15 feet.
    - \*\*\* ~~If the lot is in a subdivision created under the provisions of clustering in AG or SAG Districts (Section 5.09.030) setbacks of 40 feet from any other boundary of the "parent" tract or adjacent property(ies) is required.~~
  - C. A 20-foot setback is required from streams, rivers, and unprotected lakes which do not serve as property boundaries.
  - D. Increase yard requirements as follows when property fronts: \*\*
    - County Road:\* 20 feet.
    - \* ~~Classified as a collector or major/minor arterial as defined in the County Master Plan or City County Master Plan~~ Classified

**Comment [EM10]:** PB believes that if a lot is on the boundary of the parent tract the setbacks for the underlying zoning should apply.

- 15. Feed and seed processing and cleaning.
  - 16. Feed lot: cattle, swine, poultry.
  - 17. Radio and television broadcast studio.
  - 18. Recreational facility, low-impact.
  - 19. School, primary and secondary.
  - 20. Temporary building or structure.\*
  - 21. Water and sewage treatment plant.
  - 22. Water storage facility.
- \*Administrative Conditional Use Permit (See Section 2.06.045)

3.06.040 Bulk and Dimensional Requirements (AG-20).

- 1. Minimum Lot Area: 20 acres
- 2. Minimum Lot Width:  
Cul-de-sacs: 60 feet.
- 3. Setbacks:
  - A. Minimum Yard Requirements for Principal Structure: \*\*\*
    - Front: 20 feet.
    - Side:\* 20 feet each.
    - Side Corner:\*\* 20 feet.
    - Rear: 20 feet.
  - B. Detached Accessory Structures: \*\*\*
    - Front: 20 feet.
    - Side:\* 5 feet each.
    - Side Corner:\*\* 20 feet.
    - Rear: 5 feet.
    - \* For non-conforming properties with lot widths of less than 150 feet, the side yard setback shall be 10 feet each. For non-conforming properties with lot widths of less than 50 feet, the side yard setback shall be 5 feet each.
    - \*\* For non-conforming properties with lots with average widths of less than 200 feet, the side corner setback shall be 15 feet.
    - \*\*\* ~~If the lot is in a subdivision created under the provisions of clustering in AG or SAG Districts (Section 5.09.030) setbacks of 40 feet from any other boundary of the "parent" tract or adjacent property(ies) is required.~~
  - C. A 20-foot setback is required from streams, rivers, and unprotected lakes which do not serve as property boundaries.
  - D. Increase yard requirements as follows when property fronts: \*\*
    - County Road:\* 20 feet.
    - \* ~~Classified as a collector or major/minor arterial as defined in the County Master Plan or City County Master Plan~~ Classified as a county collector or MDT Maintenance as defined by the Flathead County Functional Road Classification Map.

**Comment [EM14]:** PB believes that if a lot is on the boundary of the parent tract the setbacks for the underlying zoning should apply.

**Comment [EM15]:** The Flathead County Functional Road Classification was adopted by the County on 3.14.13 and is the most up to date road classification in the County.

- 16. Golf driving range.
- 17. Kennel, commercial (See Chapter IV – Conditional Use Standards).\*
- 18. Manufactured home park.
- 19. Recreational facility, low-impact.
- 20. School, primary and secondary.
- 21. Temporary building or structure.\*
- 22. Water and sewage treatment plant.
- 23. Water storage facility.

\*Administrative Conditional Use Permit (See Section 2.06.045)

\*\*Administrative Conditional Use Permit, eight or fewer.

3.07.040

Bulk and Dimensional Requirements (SAG-10).

- 1. Minimum Lot Area: 10 acres
- 2. Minimum Lot Width: No parcel or lot shall have an average depth greater than three times its average width unless the average lot width is more than 300 feet.  
Cul-de-Sacs: 60 feet.
- 3. Setbacks:
  - A. Minimum Yard Requirements for Principal Structure: \*\*\*
    - Front: 20 feet.
    - Side:\* 20 feet each.
    - Side Corner:\*\* 20 feet.
    - Rear: 20 feet.
  - B. Detached Accessory Structures: \*\*\*
    - Front: 20 feet.
    - Side:\* 5 feet each.
    - Side Corner:\*\* 20 feet.
    - Rear: 5 feet.
    - \* For non-conforming properties with lot widths of less than 150 feet, the side yard setback shall be 10 feet each. For non-conforming properties with lot widths of less than 50 feet, the side yard setback shall be 5 feet each.
    - \*\* For non-conforming properties with lots with average widths of less than 200 feet, the side corner setback shall be 15 feet.
    - \*\*\* ~~If the lot is in a subdivision created under the provisions of clustering in AG or SAG Districts (Section 5.09.030) setbacks of 40 feet from any other boundary of the "parent" tract or adjacent property(ies) is required.~~
  - C. A 20-foot setback is required from streams, rivers, and unprotected lakes, which do not serve as property boundaries.
  - D. Increase yard requirements as follows when property fronts: \*\*
    - County Road:\* 20 feet.
    - \* [Classified as a county collector or MDT Maintenance as defined by the Flathead County Functional Road Classification](#)

**Comment [EM18]:** PB believes that if a lot is on the boundary of the parent tract the setbacks for the underlying zoning should apply.

- 20. Recreational facility, high-impact.
- 21. Recreational facility, low-impact.
- 22. Recreational vehicle park.
- 23. School, primary and secondary.
- ~~24. Stable, riding academy, and rodeo arena.~~
- ~~25.24.~~ Temporary building or structure.\*
- ~~26.25.~~ Water and sewage treatment plant.
- ~~27.26.~~ Water storage facility.

**Comment [EM22]:** Private stables are listed in R-1 and R-2.5 as a permitted use and public stable is listed as a conditional use. But in SAG-5 Stable is listed as conditional use and doesn't specify between public and private. Stable was separated from riding academy and rodeo to clarify public vs. private.

\*Administrative Conditional Use Permit (See Section 2.06.045)

\*\*Administrative Conditional Use Permit, eight or fewer.

3.08.040

Bulk and Dimensional Requirements (SAG-5).

- 1. Minimum Lot Area: 5 acres.
- 2. Minimum Lot Width: No parcel or lot shall have an average depth greater than three times its average width unless the average lot width is more than 300 feet.

Cul-de-Sacs: 60 feet.

- 3. Setbacks:
  - A. Minimum Yard Requirements for Principal Structure: \*\*\*
    - Front: 20 feet.
    - Side:\* 20 feet each.
    - Side Corner:\*\* 20 feet.
    - Rear: 20 feet.
  - B. Detached Accessory Structures: \*\*\*
    - Front: 20 feet.
    - Side:\* 5 feet each.
    - Side Corner:\*\* 20 feet.
    - Rear: 5 feet.

\* For non-conforming properties with lot widths of less than 150 feet, the side yard setback shall be 10 feet each. For non-conforming properties with lot widths of less than 50 feet, the side yard setback shall be 5 feet each.

\*\* For non-conforming properties with lots with average widths of less than 200 feet, the side corner setback shall be 15 feet.

~~\*\*\* If the lot is in a subdivision created under the provisions of clustering in AG or SAG Districts (Section 5.09.030) setbacks of 40 feet from any other boundary of the "parent" tract or adjacent property(ies) is required.~~

**Comment [EM23]:** PB believes that if a lot is on the boundary of the parent tract the setbacks for the underlying zoning should apply.

- C. A 20-foot setback is required from streams, rivers and unprotected lakes, which do not serve as property boundaries.
- D. Increase yard requirements as follows when property fronts: \*\*