

**FLATHEAD COUNTY PLANNING BOARD
WORKSHOP MINUTES
APRIL 9, 2014**

**CALL TO
ORDER
6:41 pm**

A workshop of the Flathead County Planning Board was called to order at approximately 8:17 p.m. Board members present were Marie Hickey-AuClaire, Noah Bodman, Jim Heim, Tim Calaway, Greg Stevens, Ron Schlegel and Jeff Larsen. Gene Shellerud was absent. BJ Grieve and Erik Mack represented the Flathead County Planning & Zoning Office.

There were no people in the audience.

**PUBLIC
COMMENT
6:41 pm**

There were no members of the public present.

**DISCUSSION ON
THE ZONING
TEXT
AMENDMENT
PROPOSED BY
THE PLANNING
BOARD AND
PREPARED BY
STAFF
REGARDING
"ACCESSORY
APARTMENTS",
PER 76-2-204
M. C. A.
6:42 pm**

Grieve reviewed the discussion at the March 12, 2014 workshop for the board. He reviewed in depth the changes discussed and prepared regarding "accessory apartments" viewed on computer presentation.

The board and Grieve debated if minimums had been discussed in either lot size or dwelling size.

Grieve went through the proposed changes individually, explained each one and discussed them at length with the board. *(Please see attached)*

Grieve and the board discussed what they were implementing under the Growth Policy and what was included. They discussed goal #15 which was 'promote diverse demographic of residents' and goal #16 which was 'safe housing which was available, accessible and affordable for all sectors of the population.' Under goal #16 they discussed policy to promote development of affordable single and multifamily housing in areas of adequate service networks. Also discussed was goal #17 which encourages affordable home ownership in Flathead County. They talked about where zoning was, who would be renting the Accessory Dwelling Units (ADUs) and proximity to services.

Grieve thanked the board for their time and efforts on the amendments.

The board and Grieve discussed the process the amendments

would follow from this point on.

Bodman expressed his concern with the percentage allowed for an ADU.

The board and Grieve discussed in depth the pros and cons of the proposed 40 percent of primary dwelling allowance for an ADU.

Heim and the board discussed possible tax repercussions for having an ADU.

Grieve said if the board was comfortable with the amendments, then they would see the file before them at the June 2014 board meeting. He went on to summarize the other applications on the June meeting docket.

**DISCUSSION ON
NEXT SUBJECT
TO ADDRESS
REGARDING
THE ZONING
TEXT
AMENDMENT
8:06 pm**

Grieve and the board discussed taking a hiatus from the zoning regulations workshops given the Planning Office would have two new employees and the office was short staffed.

The board and Grieve discussed possible projects which might arise for the Planning Office in the next months and decided to continue workshops in August or September.

**PUBLIC
COMMENT
8:08 pm**

There was no public present.

**ADJOURNMENT
8:08 pm**

The workshop was adjourned at approximately 8:08 pm.

Marie Hickey-AuClaire, Chairman

Donna Valade, Recording Secretary

APPROVED AS **SUBMITTED**/CORRECTED: 5 / 14 / 14

SECTION 3.04 AG-80 AGRICULTURAL**3.04.010 Definition.**

A district to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development.

3.04.020 Permitted Uses (AG-80).

1. Agricultural/horticultural/silvicultural use.
2. Cellular tower.
3. Class A and Class B manufactured home (See Chapter VII – Definitions).
4. Cluster housing (See Chapter V – Performance Standards).
5. Dairy products processing, bottling, and distribution.
6. Day care home.
7. Dwelling, single-family.
8. Dwelling unit, accessory (ADU).
- ~~9~~8. Feed and seed processing and cleaning.
- ~~10~~9. Feed lot: cattle, swine, poultry.
- ~~11~~0. Fish hatchery.
- ~~12~~1. Guest house.
- ~~13~~2. Home occupation (See Chapter V – Performance Standards and Chapter VII – Definitions).
- ~~14~~3. Homeowners park and beaches.
- ~~15~~4. Kennel.
- ~~16~~5. Nursery, landscaping materials.
- ~~17~~6. Park.
- ~~18~~7. Produce stand.
- ~~19~~8. Public transportation shelter station.
- ~~20~~19. Public utility service installation.
- ~~21~~0. Ranch employee housing.
- ~~22~~1. Stable, riding academy, rodeo arena.

3.04.030 Conditional Uses (AG-80).

1. Airport.
2. Animal farm (See Chapter VII – Definitions).
3. Animal hospital, veterinary clinic.
4. Bed and breakfast establishment.
5. Camp and retreat center (See Chapter IV – Conditional Use Standards and Chapter VII – Definitions).
6. Caretaker's facility.*
7. Cemetery, mausoleum, columbarium, crematorium.
8. Church and other place of worship.
9. Communication tower/mast.
10. Community center building operated by a non-profit agency.
11. Contractor's storage yard (See Chapter IV – Conditional Use Standards).*
12. Dwelling, family hardship.*
13. Electrical distribution station.

SECTION 3.05**AG-40 AGRICULTURAL****3.05.010****Definition.**

A district to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development.

3.05.020**Permitted Uses (AG-40)**

1. Agricultural/horticultural/silvicultural use.
2. Cellular Tower.
3. Class A and Class B manufactured home (See Chapter VII – Definitions).
4. Cluster housing (See Chapter V – Performance Standards).
5. Dairy products processing, bottling, and distribution.
6. Day care home.
7. Dwelling, single-family.
8. Dwelling unit, accessory (ADU).
- ~~9~~8. Guest house.
- ~~10~~9. Fish hatchery.
- ~~11~~0. Home occupation (See Chapter V – Performance Standards and Chapter VII – Definitions).
- ~~12~~4. Homeowners park and beaches.
- ~~13~~2. Kennel.
- ~~14~~3. Nursery, landscaping materials.
- ~~15~~4. Park.
- ~~16~~5. Produce stand.
- ~~17~~6. Public transportation shelter station.
- ~~18~~7. Public utility service installation.
- ~~19~~8. Ranch employee housing.
- ~~20~~19. Stable, riding academy, rodeo arena.

3.05.030**Conditional Uses (AG-40).**

1. Airport.
2. Animal farm (See Chapter VII – Definitions).
3. Animal hospital, veterinary clinic.
4. Bed and breakfast establishment.
5. Camp and retreat center (See Chapter IV – Conditional Use Standards and Chapter VII – Definitions).
6. Caretaker's facility.*
7. Cemetery, mausoleum, columbarium, crematorium.
8. Church and other place of worship.
9. Communication tower/mast.
10. Community center building operated by a non-profit agency.
11. Contractor's storage yard (See Chapter IV – Conditional Use Standards).*
12. Dwelling, family hardship.*
13. Electrical distribution station.
14. Extractive industry.
15. Feed and seed processing and cleaning.
16. Feed lot: cattle, swine, poultry

SECTION 3.06**AG-20 AGRICULTURAL****3.06.010****Definition.**

A district to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development.

3.06.020**Permitted Uses (AG-20)**

1. Agricultural/horticultural/silvicultural use.
2. Cellular tower.
3. Class A and Class B manufactured home (See Chapter VII – Definitions).
4. Cluster housing (See Chapter V – Performance Standards).
5. Dairy products processing, bottling, and distribution.
6. Day care home.
7. Dwelling, single-family.
8. Dwelling unit, accessory (ADU).
- ~~98.~~ Guest house.
- ~~109.~~ Fish hatchery.
- ~~110.~~ Home occupation (See Chapter V – Performance Standards and Chapter VII – Definitions).
- ~~121.~~ Homeowners park and beaches.
- ~~132.~~ Kennel.
- ~~143.~~ Nursery, landscaping materials.
- ~~154.~~ Park.
- ~~165.~~ Produce stand.
- ~~176.~~ Public transportation shelter station.
- ~~187.~~ Public utility service installation.
- ~~198.~~ Ranch employee housing.
- ~~2019.~~ Stable, riding academy, rodeo arena.

3.06.030**Conditional Uses (AG-20).**

1. Airport.
2. Animal farm (See Chapter VII – Definitions).
3. Animal hospital, veterinary clinic.
4. Bed and breakfast establishment.
5. Camp and retreat center (See Chapter IV – Conditional Use Standards and Chapter VII – Definitions).
6. Caretaker's facility.*
7. Cemetery, mausoleum, columbarium, crematorium.
8. Church and other place of worship.
9. Communication tower/mast.
10. Community center building operated by a non-profit agency.
11. Contractor's storage yard (See Chapter IV – Conditional Use Standards).*
12. Dwelling, family hardship.*
13. Electrical distribution station.
14. Extractive industry.
15. Feed and seed processing and cleaning.
16. Feed lot: cattle, swine, poultry.

SECTION 3.07 SAG-10 SUBURBAN AGRICULTURAL**3.07.010 Definition.**

A district to provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.

3.07.020 Permitted Uses (SAG-10).

1. Agricultural/horticultural/silvicultural use.
2. Cellular tower.
3. Class A and Class B manufactured home (See Chapter VII – Definitions).
4. Cluster housing (See Chapter V – Performance Standards).
5. Dairy products processing, bottling, and distribution.
6. Day care home.
7. Dwelling, single-family.
8. Dwelling unit, accessory (ADU).
- ~~9~~8. Guest house.
- ~~10~~9. Home occupation (See Chapter V – Performance Standards and Chapter VII – Definitions).
- ~~11~~0. Homeowners park and beaches.
- ~~12~~1. Nursery, landscaping materials.
- ~~13~~2. Park and publicly owned recreational facility.
- ~~14~~3. Produce stand.
- ~~15~~4. Public transportation shelter station.
- ~~16~~5. Public utility service installation.
- ~~17~~6. Ranch employee housing.
- ~~18~~7. Stable, riding academy, rodeo arena.

3.07.030 Conditional Uses (SAG-10).

1. Airfield.
2. Aircraft hangars when in association with properties within or adjoining an airport/landing field.*
3. Animal hospital, veterinary clinic.
4. Bed and breakfast establishment.
5. Camp and retreat center (See Chapter IV – Conditional Use Standards and Chapter VII – Definitions).
6. Caretaker's facility.*
7. Cemetery, mausoleum, columbarium, crematorium.
8. Church and other place of worship.
9. Community center building operated by a non-profit agency.
10. Community residential facility.**
11. Contractor's storage yard (See Chapter IV – Conditional Use Standards).*
12. Dwelling, family hardship.*
13. Electrical distribution station.
14. Extractive industry.
15. Golf course.
16. Golf driving range.
17. Kennel, commercial (See Chapter IV – Conditional Use Standards).*

SECTION 3.08 SAG-5 SUBURBAN AGRICULTURAL

3.08.010 Definition.

A district to provide and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.

3.08.020 Permitted Uses (SAG-5).

1. Agricultural/horticultural/silvicultural use.
2. Class A and Class B manufactured home (See Chapter VII – Definitions).
3. Cluster housing (See Chapter V – Performance Standards).
4. Day care home.
5. Dwelling, single-family.
- ~~5-6.~~ Dwelling unit, accessory (ADU).
- ~~6-7.~~ Guest house.
- ~~7-8.~~ Home occupation (See Chapter V- Performance Standards and Chapter VII – Definitions).
- ~~8-9.~~ Homeowners park and beaches.
- ~~9-10.~~ Nursery, landscaping materials.
- ~~10-11.~~ Park and publicly owned recreational facility.
- ~~11-12.~~ Produce stand.
- ~~12-13.~~ Public transportation shelter station.
- ~~13-14.~~ Public utility service installation.

3.08.030 Conditional Uses (SAG-5).

1. Airfield.
2. Aircraft hangars when in association with properties within or adjoining an airport/landing field.*
3. Animal hospital, veterinary clinic.
4. Bed and breakfast establishment.
5. Camp and retreat center (See Chapter IV – Conditional Use Standards and Chapter VII – Definitions).
6. Caretaker’s facility.*
7. Cellular tower.*
8. Cemetery, mausoleum, columbarium, crematorium.
9. Church and other place of worship.
10. Community center building operated by a non-profit agency.
11. Community residential facility.**
12. Contractor’s storage yard (See Chapter IV – Conditional Use Standards).*
13. Dwelling, family hardship.*
14. Electrical distribution station.
15. Extractive industry.
16. Golf course.
17. Golf driving range.
18. Kennel, commercial (See Chapter IV-Conditional Use Standards).
19. Manufactured home park.
20. Recreational facility, high-impact.
21. Recreational facility, low-impact.

SECTION 3.09 R-1 SUBURBAN RESIDENTIAL**3.09.010 Definition.**

A district to provide estate-type development. These areas would normally be located in rural areas away from concentrated urban development, typically not served by water or sewer services, or in areas where it is desirable to permit only low-density development (e.g., extreme topography, areas adjacent to floodplains, airport runway alignment extensions).

3.09.020 Permitted Uses (R-1).

1. Agricultural/horticultural/silvicultural use.
2. Class A manufactured home.
3. Day care home.
4. Dwelling, single-family.
5. Dwelling unit, accessory (ADU).
65. Guest house.
76. Home occupation (See Chapter V- Performance Standards and Chapter VII – Definitions).
87. Homeowners park and beaches.
98. Livestock (See Chapter V – Performance Standards).
109. Nursery, landscaping material.
110. Park and publicly owned recreational facility.
121. Produce stand.
132. Public transportation shelter station.
143. Public utility service installation. (A minimum of five feet of landscaped area shall surround such building or structure.)
154. Stable, private.

3.09.030 Conditional Uses (R-1).

1. Airfield.
2. Aircraft hangars when in association with properties within or adjoining and airport/landing field.*
3. Bed and breakfast establishment.
4. Camp and retreat center (See Chapter IV – Conditional Use Standards and Chapter VII – Definitions).
5. Caretaker's facility.*
6. Cellular antenna & monopole.
7. Cemetery, mausoleum, columbarium, crematorium.
8. Church and other place of worship.
9. Community center building operated by a non-profit agency.
10. Community residential facility.**
11. Dwellings, cluster development (See Chapter IV – Conditional Use Standards).
12. Dwelling, family hardship.*
13. Electrical distribution station.
14. Golf course.
15. Golf driving range.
16. Manufactured home park.
17. Radio and television broadcast station.
18. School, primary and secondary.

SECTION 3.10 R-2 ONE FAMILY LIMITED RESIDENTIAL

3.10.010 Definition.

A district to provide for large-tract residential development. These areas will typically be found in suburban areas, generally served by either sewer or water lines.

3.10.020 Permitted Uses (R-2).

1. Class A manufactured home.
2. Day care home.
3. Dwelling, single-family.
4. Guest house.
5. Home occupation (See Chapter V – Performance Standards and Chapter VII – Definitions).
6. Homeowners park and beaches.
7. Park and publicly owned recreational facility.
8. Public transportation shelter station.
9. Public utility service installation. (A minimum of five feet of landscaped area shall surround such building or structure.)

3.10.030 Conditional Uses (R-2).

1. Bed and breakfast establishment.
2. Cellular antenna & monopole.
3. Cemetery, mausoleum, columbarium, crematorium.
4. Church and other place of worship.
5. Community center building operated by a non-profit agency.
6. Community residential facility.**
7. Dwellings, cluster development (See Chapter IV – Conditional Use Standards).
8. Dwelling, family hardship.*
9. Dwelling unit, accessory (ADU).*
- ~~109.~~ Electrical distribution station.
- ~~110.~~ Golf course.
- ~~124.~~ Golf driving range.
- ~~132.~~ Manufactured home park.
- ~~143.~~ School, primary and secondary.
- ~~154.~~ Temporary building or structure.*
- ~~165.~~ Water and sewage treatment plant.
- ~~176.~~ Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045).

**Administrative Conditional Use Permit, eight or fewer.

3.10.040 Bulk and Dimensional Requirements (R-2).

- | | | |
|----|--------------------|---------------------|
| 1. | Minimum Lot Area: | 20,000 square feet. |
| 2. | Minimum Lot Width: | 100 feet. |
| | Cul-de-sacs: | 60 feet. |

SECTION 3.11 R-3 ONE FAMILY RESIDENTIAL

3.11.010 Definition.

A district to provide adequate lot size for urban residential development; should have good thoroughfare access, and be in proximity to community and neighborhood facilities, i.e., schools, parks, shopping areas. This district will normally require all public utilities.

3.11.020 Permitted Uses (R-3).

1. Class A manufactured home.
2. Day care home.
3. Dwelling, single-family.
4. Home occupation (See Chapter V – Performance Standards and Chapter VII – Definitions).
5. Homeowners park and beaches.
6. Park and publicly owned recreational facility.
7. Public transportation shelter station.
8. Public utility service installation. (A minimum of five feet of landscaped area shall surround such building or structure.)

3.11.030 Conditional Uses (R-3).

1. Bed and breakfast establishment.
2. Cellular antenna & monopole.
3. Church and other place of worship.
4. Community center building operated by a non-profit agency.
5. Community residential facility.**
6. Day care center.
7. Dwellings, cluster development (See Chapter IV – Conditional Use Standards).
8. Dwelling unit, accessory (ADU).*
- ~~9~~8. Electrical distribution station.
- ~~10~~9. Family hardship dwelling.*
- ~~11~~0. Golf course.
- ~~12~~1. Golf driving range.
- ~~13~~2. Manufactured home park.
- ~~14~~3. School, primary and secondary.
- ~~15~~4. Temporary building or structure.*
- ~~16~~5. Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045).

**Administrative Conditional Use Permit, eight or fewer.

3.11.040 Bulk and Dimensional Requirements (R-3).

- | | | |
|----|--------------------|---------------------|
| 1. | Minimum Lot Area: | 10,000 square feet. |
| 2. | Minimum Lot Width: | 70 feet. |
| | Cul-de-sacs: | 60 feet. |

SECTION 3.12 R-4 TWO-FAMILY RESIDENTIAL

3.12.010 Definition.

A district to provide lot areas for urban residential development. Development within the district will require all public utilities and all community facilities. A duplex is allowed in this district.

3.12.020 Permitted Uses (R-4).

1. Class A and Class B manufactured homes (See Chapter VII – Definitions).
2. Day care home.
3. Dwelling, single-family.
4. Duplex.
5. Home occupation (See Chapter V – Performance Standards and Chapter VII – Definitions).
6. Homeowners park and beaches.
7. Park and publicly owned recreational facility.
8. Public transportation shelter station.
9. Public utility service installation. (A minimum of five feet of landscaped area shall surround such building or structure.)

3.12.030 Conditional Uses (R-4).

1. Beauty Salon and Barbershop.
2. Bed and breakfast establishment.
3. Cellular antenna & monopole.
4. Church and other place of worship.
5. Community center building operated by a non-profit agency.
6. Community residential facility.**
7. Day care center.
8. Dwellings, cluster development (See Chapter IV – Conditional Use Standards).
9. Dwelling unit, accessory (ADU).*
- ~~109.~~ Electrical distribution station.
- ~~110.~~ Golf course.
- ~~121.~~ Manufactured home park.
- ~~132.~~ Mini-storage, RV storage.
- ~~143.~~ School, primary and secondary.
- ~~154.~~ Temporary building or structure.*
- ~~165.~~ Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045).

**Administrative Conditional Use Permit, eight or fewer.

3.12.040 Bulk and Dimensional Requirements (R-4).

1. Minimum Lot Area:
6,000 square feet for single-family dwellings.
7,500 square feet for duplexes and all other uses.
2. Minimum Lot Width: 50 feet.

SECTION 3.13 R-5 TWO-FAMILY RESIDENTIAL

3.13.010 Definition.

A residential district with minimum lot areas. Development within the district will require all public utilities, and all community facilities. A duplex is allowed in this district.

3.13.020 Permitted Uses (R-5).

1. Class A and Class B manufactured home. (See Chapter VII – Definitions).
2. Day care home.
3. Dwelling, single-family.
4. Duplex.
5. Home occupation (See Chapter V – Performance Standards and Chapter VII - Definitions).
6. Homeowners park and beaches.
7. Park and publicly owned recreational facility.
8. Public transportation shelter station.
9. Public utility service installation. (A minimum of five feet of landscaped area shall surround such building or structure.)

3.13.030 Conditional Uses (R-5).

1. Beauty Salon and Barbershop.
2. Bed and breakfast establishment.
3. Cellular tower.*
4. Church and other place of worship.
5. Community center building operated by a non-profit agency.
6. Community residential facility.**
7. Day care center.
8. Dwellings, cluster development (See Chapter IV – Conditional Use Standards).
9. Dwelling unit, accessory (ADU).*
- ~~109.~~ Electrical distribution station.
- ~~110.~~ Golf course.
- ~~124.~~ Manufactured home park.
- ~~132.~~ Mini-storage, RV storage.
- ~~143.~~ Recreational vehicle park/campground.
- ~~154.~~ School, primary and secondary.
- ~~165.~~ Temporary building or structure.*
- ~~176.~~ Water storage facility.

*Administrative Conditional Use Permit (See Section 2.06.045).

**Administrative Conditional Use Permit, eight or fewer.

3.13.040 Bulk and Dimensional Requirements (R-5).

1. Minimum Lot Area: 5,400 square feet.
2. Minimum Lot Width: 50 feet.
Sub Lot Minimum Width: 25 feet.

SECTION 3.15 RA-1 RESIDENTIAL APARTMENT

3.15.010 Definition.

A district to provide areas for multi-family use and for non-residential uses, which support or are compatible with the primarily residential character. This district is intended as a buffer between residential districts and other non-residential districts. This district shall be served by community water and sewer and have immediate access to fire, police, refuse, and park facilities.

3.15.020 Permitted Uses (RA-1).

1. Class A manufactured home.
2. Day care home.
3. Dwelling, single-family.
4. Duplex.
5. Home occupation (See Chapter V – Performance Standards and Chapter VII – Definitions).
6. Homeowners park and beaches.
7. Park and publicly owned recreational facility.
8. Public transportation shelter station.
9. Public utility service installation. (A minimum of five feet of landscaped area shall surround such building or structure.)

3.15.030 Conditional Uses (RA-1).

1. Beauty Salon and Barbershop.
2. Bed and breakfast establishment.
3. Cellular tower.*
4. Church and other place of worship.
5. Clinic, medical and dental.
6. College, business school, trade school, music conservatory, dance school.
7. Community center building operated by non-profit agency.
8. Community residential facility.**
9. Day care center.
10. Dwelling, multi-family.
11. Dwelling unit, accessory (ADU).*
- ~~12~~4. Electrical distribution station.
- ~~13~~2. Fraternity or sorority house.
- ~~14~~3. Golf course.
- ~~15~~4. Golf driving range and putting course.
- ~~16~~5. Hospital.
- ~~17~~6. Lodge, fraternal and social organization provided that any such establishment shall not be conducted primarily for gain.
- ~~18~~7. Manufactured home park.
- ~~19~~8. Mini-storage, RV storage.
- ~~20~~19. Mortuary.
- ~~21~~0. Pharmacy, operated within a clinic or physician’s office and selling only drugs, prescription medicine, medical supplies and appliances, and pharmaceutical products, provided that no more than 50% of the ground floor of the building shall be used for such purpose.

SECTION 3.43**R-2.5 RURAL RESIDENTIAL**

3.43.010

Definition.

A district intended for rural, primarily residential areas where larger, estate-type lot sizes are appropriate and agricultural/silvicultural/horticultural operations are a decreasingly viable land use. The use of this district is appropriate in transition areas adjacent to and between higher-density Residential (R) and lower-density Suburban Agriculture (SAG) zones. This district is not appropriate in areas primarily surrounded by lower-density SAG and AG zones and/or areas adjacent to significant ongoing agricultural/silvicultural/horticultural and/or extractive industry operations. Furthermore, public facilities should be appropriately developed to accommodate the density and land uses of this designation. This includes paved roads. It is intended that no uses be permitted in this district that will tend to devalue property for residential purposes or interfere with the health, safety, order or general welfare of persons residing therein.

3.43.020

Permitted Uses (R-2.5)

1. Agricultural/horticultural/silvicultural use.
2. Class A manufactured home.
3. Day care home.
4. Dwelling, single-family.
- ~~4.5.~~ Dwelling unit, accessory (ADU).
- ~~5.6.~~ Guest house.
- ~~6.7.~~ Home occupation (See Chapter V- Performance Standards and Chapter VII- Definitions).
- ~~7.8.~~ Homeowners park and/or beach.
- ~~8.9.~~ Livestock (See Chapter V- Performance Standards).
- ~~9.10.~~ Nursery, landscaping material.
- ~~10.11.~~ Park and/or publicly owned recreation facility.
- ~~11.12.~~ Produce stand.
- ~~12.13.~~ Public transportation shelter station.
- ~~13.14.~~ Public utility service installation (a minimum of five feet of landscaped area shall surround such building or structure).
- ~~14.15.~~ Stable, private.

3.43.030

Conditional Uses (R-2.5)

1. Airfield.
2. Aircraft hangar when in association with properties within or adjoining an airport/landing field.*
3. Bed and breakfast establishment.
4. Camp and retreat center (See Chapter IV- Conditional Use Standards and Chapter VII- Definitions).
5. Caretaker's facility.*
6. Cellular antenna and monopole.
7. Cemetery, mausoleum, columbarium, crematorium.
8. Church.
9. Community center building operated by a non-profit agency.
10. Community residential facility (See Chapter V- Performance Standards and Chapter VII- Definitions).**

CHAPTER V

PERFORMANCE STANDARDS

SECTION 5.01 ACCESSORY USE

The uses of land, buildings, and other structures permitted in each of the districts established by these zoning regulations are designated by tables or lists of principal uses permitted. In addition to such principal use, this section shall regulate an accessory use customarily incidental to any principal use permitted in the district.

5.01.010 General Provisions

Each permitted accessory use shall:

1. Be customarily incidental to the principal use established on the same lot.
2. Be subordinate to and serve such principal use.
3. Be subordinate in area, extent, and purpose to such principal use.
4. Contribute to the comfort, convenience, or necessity of users of such principal use.

5.01.020 The accessory uses, buildings or other structures permitted in each district may include the following:

1. In the AG-80, AG-40, AG-20, SAG-10, SAG-5, R-2.5, and R-1 districts:
 - A. Barns, silos, corrals, etc.
 - B. Fences, including barbed wire and electric fences used for the containment of livestock or other animals
 - C. Private garages and sheds for the storage or maintenance of recreation and farm equipment.
 - D. Private greenhouses, vegetable, fruit, or flower gardens.
 - E. Structures for the shelter of household pets (not kennels).
 - F. Non-commercial communication towers and satellite receiving devices when located in the rear yard.
 - G. Gazebos, enclosed patios, and similar structures for recreational use.
 - H. Roadside stands for the sale of produce grown on the premises provided that such stand shall not contain more than 600 square feet of floor area, the stand is located not less than 20 feet from a street, and access to the stand is from an entrance to the farm or residence.
 - I. Private recreational uses and facilities including, but not limited to, swimming pools and tennis courts.
 - J. Signs as regulated by Chapter V.
 - K. Off-street parking as regulated by Chapter VI.
 - L. Home occupation that complies with the provisions of Chapter V.
 - M. Dwelling unit, accessory (ADU).
2. In the RC-1 district:

- A. Those accessory uses described in subsection 1.
 - B. Uses incidental to golf courses, such as clubhouses, maintenance buildings, golf cart storage sheds, etc.
 - C. Uses incidental to conditionally permitted motels, clubhouses, or health clubs. These incidental uses include restaurants, lounges, clubs, etc.
 - D. Uses incidental to boat marinas including: boat storage, restaurants, retail sales of fishing supplies, and incidental marine supply such as fuels, gas and minor repair items.
3. In the R-2, R-3, R-4, R-5, and RA-1 districts:
- A. Private garages and sheds for the storage or maintenance of recreation and yard equipment used on the premises.
 - B. Private greenhouses, vegetable, fruit, or flower gardens.
 - C. Structures for the shelter of household pets except kennels.
 - D. Non-commercial communication towers and satellite receiving devices when located in the rear yard.
 - E. Gazebos, enclosed patios and similar buildings for recreational use.
 - F. Private recreational uses and facilities including but not limited to swimming pools and tennis courts.
 - G. Signs as regulated in Chapter V.
 - H. Off-street parking as regulated by Chapter VI.
 - I. Home occupation that complies with the provisions of Chapter V.
 - J. Non-commercial domestic storage buildings associated with multi-family dwellings.
 - K. Off-street loading.
 - L. [Dwelling unit, accessory \(ADU\) Requires Administrative Conditional Use Permit \(ACUP\).](#)
4. In the B, BR, CVR, CCC, and P districts:
- A. Storage buildings incidental to the primary use.
 - B. Signs as regulated by Chapter V.
 - C. Off-street parking and loading as regulated by Chapter VI.
 - D. Uses incidental to permitted hotels such as clubs, gift shops, restaurants, lounges, etc.
5. In the I districts:
- A. Offices.
 - B. Employee cafeteria.
 - C. Watchman's quarters.
 - D. Signs as regulated by Chapter V.
 - E. Parking and loading as regulated by Chapter VI.

5.01.030

Accessory Use Restrictions:

The following is a list of restrictions on accessory uses and structures:

- 1. In R districts, there shall be no storage or overnight parking of trucks, buses, or other vehicles with a manufacturer's rating of more than two tons capacity, excluding recreational vehicles. No manufactured home, no heavy equipment,

- and no wrecked, junked or inoperable motor vehicle without a valid license tag shall be allowed to be parked or stored in an R district for a period of more than seven days unless stored in a completely enclosed building.
2. No accessory structures except fences or hedges shall be constructed in any front yard. Accessory structures shall not be located any closer than five (5) feet to a rear or side lot line. Signage shall be located on a lot in conformance to the requirements of Chapter V.
 3. Accessory buildings shall not cover more than 25% of any rear yard in R districts.
 4. When a garage or carport is entered from an alley, it shall not be located closer than ten (10) feet from the alley right-of-way line.
 5. Attached accessory buildings shall be located pursuant to the setback requirements for principal buildings.
 6. Without an Administrative Conditional Use Permit showing future construction and placing of the principal structure, no accessory structure or use shall be constructed or established on any lot prior to the time of the substantial completion of the construction of the principal structure to which it is accessory.
 7. Guest houses ~~and~~, caretaker facilities, and accessory dwelling units (ADUs) are subject to the same setback requirements as the ~~primary~~-principal structure.

SECTION 5.02 CLEAR VISION TRIANGLE

5.02.010 A clear vision triangle, as defined by Chapter VII, shall be maintained on all public and private property at the intersection of roadways or of a roadway and an alley or a railroad. The clear vision triangle shall contain no trees, shrubs, or other plantings; nor fences, walls, signs, or other temporary or permanent sight obstructions of any nature exceeding thirty (30) inches above the centerline elevation of the adjacent roadway, except that trees with a maximum trunk diameter of eight (8) inches may be permitted if all branches and foliage is removed to a height of nine (9) feet above the existing centerline of the adjacent roadway.

SECTION 5.03 COMMUNITY RESIDENTIAL FACILITY

5.03.010 The operators of a community residential facility as defined in Section 7.04.120 shall submit to the Zoning Administrator a notarized certification of the intended operation, class category, and how the proposed facility and use complies with the following standards:

1. Exterior signs shall be restricted to those permitted in the district in which the community residential facility is located.
2. Parking shall be provided off street in accordance with the following criteria:
 - A. 1 per staff member at maximum shift; plus
 - B. 1 per 5 beds or fractional remainder thereof; plus
 - C. 2 for the dwelling unit.

SECTION 6.02 RESIDENTIAL PARKING REQUIREMENTS

6.02.010	One-family dwelling	2 spaces per dwelling unit
6.02.020	Two-family dwelling	2 spaces per dwelling unit
6.02.030	Multi-family dwelling	2 spaces per dwelling unit
6.02.040	Elderly housing projects (where 90% of the units are occupied by persons 60 years of age or older)	1/2 space per dwelling unit or lodging unit
6.02.050	Homes for the aged, disabled or handicapped	1 space per 5 beds for bed care patients plus 1 space for every other dwelling or lodging unit
<u>6.02.060</u>	<u>Accessory dwelling unit (ADU)</u>	<u>1 space per 400 square feet of floor area; maximum 2 spaces required.</u>

SECTION 6.03 COMMERCIAL ACCOMMODATIONS PARKING REQUIREMENTS

6.03.010	Bed and Breakfast	2 spaces for the resident family or manager plus 1 space per room rented plus 1 space for every 2 outside employees of maximum shift
6.03.020	Boarding house	1 space per guest room plus 2 spaces for residential family
6.03.030	Hotels, motels and cabins	1 space per guest room or suite plus 1 space for every 2 employees per maximum shift
6.03.040	Convention and meeting facilities accessory to hotel, motel, or other use	1 space per 10 fixed seats or 100 square feet of gross floor area used for assembly purposes, whichever is greater
6.03.050	Convention and meeting facilities, sole use	1 space per 5 seats or 40 square feet of gross floor area used for assembly purposes, whichever is greater

SECTION 6.04 INSTITUTIONS PARKING REQUIREMENTS

6.04.010	Animal hospitals, pounds, shelters or commercial kennels	1 space per 400 square feet of gross floor space; minimum 4 spaces
6.04.020	Auditoriums, theaters,	1 space per 5 seats or 40 square feet of

- 7.05.020 Day Care – A facility which provides daily care and supervision of five or more children or handicapped, disabled or elderly adults, not related by blood or marriage, and not the legal ward of the attendant adult. Homes (5-12 individuals) must be registered with the appropriate state agency. Centers (13 or more individuals) must be licensed with the appropriate state agency.
- 7.05.030 Density – The number of dwelling units per gross acre in any residential development.
- 7.05.040 Detached Building – Any building surrounded on all sides by open space.
- 7.05.050 Developer – An owner or any person authorized by the owner who intends to improve or to construct improvements upon the owner’s property.
- 7.05.060 District – An area defined by boundaries established by resolution of the Board of County Commissioners and within which area only certain types of land uses are permitted and within which other types of land uses are excluded as set forth in these regulations.
- 7.05.070 Dock – A basin for the storage of boats including a basin formed between the extension of two piers on the area between a bank or a key and a pier. Docking facilities may include moorage, docks or any place or structure connected with the shore or upon shore lands provided for the securing of a boat.
- 7.05.080 Drive-In/Drive-Through Restaurant – A use wherein its retail character is dependent upon a driveway approach and parking space on the premises for motor vehicles so as to either serve customers while in the vehicle or on the premises.
- 7.05.090 Dwelling – A building used for human residential purposes.
- 7.05.100 Dwelling, Duplex – A building designed to house two families living independently of each other in separate dwelling units but having one yard in common.
- 7.05.110 Dwelling, Family Hardship – A temporary dwelling used for housing a member of the immediate family whose physical or mental condition requires constant care or assistance. Such a use requires the issuance of a Conditional Use Permit.
- 7.05.120 Dwelling, Multi-Family – A building designed to house three or more families living independently of each other in separate dwelling units but having one yard in common.
- 7.05.130 Dwelling, Resort – A single-unit, duplex, or townhouse structure that offers lodging on a short-term basis. Such use may be under corporate ownership. If the total number of rooms or units exceeds five (5), the structure shall be defined as a hotel or motel.
- 7.05.140 Dwelling Unit – One or more rooms designed for or occupied by one family for living or sleeping purposes with stays of 30 days or longer. A dwelling unit must contain a kitchen and bathroom facilities for use solely by one family. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit.
- 7.05.150 Dwelling unit, accessory (ADU) – A single, separate habitable living unit added to, created within, or detached from the principal single-family dwelling that provides the basic requirements for living, sleeping, eating, cooking and sanitation with stays of 30

days or longer on a single-family lot. ADUs are subordinate in size (no larger than 40% of the floor area of the principal dwelling), location, and appearance to the principal single-family dwelling and have separate means of ingress or egress. One ADU is allowed per tract of record and it may be rented to the general public.