

## **SECTION 5.**                    **RESIDENTIAL DISTRICT (R)**

### **5.1      PURPOSE:**

The purpose of this district is to allow residential development in areas where substantial residential development has already taken place and where additional residential development is both anticipated and encouraged.

### **5.2      PERMITTED USES:**

- A.    Single Family Dwelling. Only one single family dwelling unit is permitted per lot.
- B.    Two-Family Dwellings. Only one two-family dwelling unit is permitted per lot.
- C.    Agricultural uses, subject to Section 10.3.
- D.    Parks and playgrounds.
- E.    Home occupations meeting Section 10.9 requirements.
- F.    Antennae when mounted on a rooftop or along a building or other structure.
- G.    One vacation rental unit per parcel which meet 10.30.3.2.a. requirements. *(AS AMENDED 7 July 2020)*
- H.    Accessory Solar Energy Systems: Residential/Personal, subject to the performance standards in Section 10.12. *(AS AMENDED 7 July 2020)*

### **5.3      CONDITIONAL USES:**

- A.    Churches, chapels, temples and synagogues.
- B.    The offices of members of recognized professions.
- C.    Planned Unit Developments.
- D.    Those commercial uses which serve local permanent residents and the resort industry, such as grocery stores, marine supplies, equipment and service; recreational equipment sales and privately owned and licensed recreational activity.
- E.    Multiple family dwellings allowed at a density of one unit per 7,500 square feet. Lots intended for multiple family dwellings must identify two (2) sewage treatment sites.
- F.    Bed and Breakfast facilities.
- G.    Manufactured Home Parks provided the criteria found in Section 10.13 are met.
- H.    Other uses of the same general character as those listed above, provided they are uses that are not more concentrated or intensive than the uses listed above, produce no greater impact on the neighborhood than those listed above, and are not incompatible with existing adjacent uses.
- I.    Towers, subject to the standards at Section 10.5.
- J.    Golf courses and other similar commercial recreational facilities characterized by significant open or green space.
- K.    Vacation rental properties, subject to the performance standards in Section 10.30. *(AS AMENDED 7 July 2020)*

- L. Solar Energy Systems: Solar Garden or Farm, subject to the performance standards in Section 10.12. *(AS AMENDED 7 July 2020)*

**5.4 MINIMUM LOT AREA FOR LOTS/STRUCTURES:**

Single	40,000	Square Feet
Duplex	80,000	Square Feet
Triplex	120,000	Square Feet
Quad	160,000	Square Feet

**5.5 SETBACKS:**

- A. **Side Yard Setback:** 10 Feet
- B. **Unplatted cemetery:** 50 Feet
- C. **From centerline of public roadways classified as:**
  - Arterials 225 Feet
  - Major Collectors 150 Feet
  - Minor Collectors 125 Feet
- D. **From centerline of town roads, public streets, and all other legal roads or streets not classified as an arterial or collector:** 100 Feet.
- E. **Reciprocal Feedlot Setbacks:** These setbacks apply to new structures or uses and do not apply to modifications of additions to established uses. Residential structures which serve farm property upon which feedlots are located are exempt from these requirements Setbacks which apply across district boundaries shall be governed by the requirements of the district which provide for the largest setback. In all instances involving the setback of a residential use from a feedlot or a feedlot from a residential use, the setbacks shall be consistently applied in a manner which produces a reciprocal setback between the two uses. This section shall not limit the authority of the county to require separation between a planned agricultural development and residential use greater than the provisions governing setbacks in the general districts as set forth below.

<u>Structure or Use</u>	<u>Setback from</u>	<u>Setback</u>
Single Residence	Feedlot perimeter	500 Feet
Duplex	Feedlot perimeter	500 Feet
Triplex	Feedlot perimeter	500 Feet
Quad	Feedlot perimeter	500 Feet

## 5.6 RESIDENTIAL DISTRICT REGULATIONS:

### 5.6.1 Steel Buildings, Pole Buildings, and Other Dwellings: *(AS AMENDED 6 April 2021)*

A. **Lots smaller than five acres:** The following uses, by their nature, are not necessarily typical on smaller lot developments and thus pose a potential for conflict with more traditional lot uses and development which may exist or which may develop in the immediate neighborhood. Typical arguments against such uses are devaluation of adjacent property values, cluttered or unsightly development and incompatibility of uses. The purpose of this section is to allow for public review of the following uses that may be proposed on parcels of less than five acres in size to minimize the potential conflicts of incompatible development, and to determine if they can or cannot be allowed.

1. Locating of accessory structures larger than 1100 square feet or with side wall height exceeding twelve (12) feet shall be by Conditional Use.
2. Placement of residential structures less than 20 ft. wide over more than 25% of the residential structure area shall be by Conditional Use.
3. Placement of any used accessory structure of greater than 200 square feet in area which is to be moved onto a lot shall be by Conditional Use.
4. In allowing the types of structures regulated by this section, the Planning Commission findings shall determine that the proposed structure will not look out-of-place in comparison with other structures of the same neighborhood (within 500 feet), will not tend to cause devaluation of adjacent properties, will not create a use that is incompatible with existing uses of the neighborhood. A temporary permit for a period of up to a three year duration may be allowed even if the findings do not meet those described above.

### 5.6.2 Height of Structures:

All structures, in residential districts except churches and non-residential agricultural structures must not exceed 30 feet in height. *(AS AMENDED 3 July 2007)*

**5.7 LOTS OF RECORD:**

- A. Lots located in an area zoned residential which were of record in the County Recorder's office prior to December 31, 1999 and which do not meet the requirements of this section may be allowed as building sites provided:
  - 1. Such use is permitted in the zoning district.
  - 2. The lot was in separate ownership from abutting lots or lands prior to the date on which the area was zoned residential; and
  - 3. All sanitary, dimensional and setback requirements of this ordinance are complied with.
- B. For parcels of less than 10,000 square feet with development existing as of the date on which the area was zoned residential and which were lots of record prior to the date on which the area was zoned residential, the following shall apply:
  - 1. The minimum structure from State or County Highway right-of-way is 25 feet.
  - 2. The minimum setback from other roads and streets is 20 feet.
  - 3. The minimum structure setback from side lot property is 5 feet.
  - 4. The minimum sewage system setback from property line is 5 feet.