

Polk County Legislative Amendment (LA) 17-01
Proposed Amendments to Chapter 131 of the Polk County Zoning Ordinance

As indicated below, proposed amendments include the addition of “Accessory dwelling units within an Urban Growth Boundary, subject to the requirements of PCZO Chapter 118” as an outright permitted use. Proposed text additions are double underlined. Proposed deletions are ~~strikethrough~~.

CHAPTER 131

SINGLE FAMILY RESIDENTIAL (RS) ZONING DISTRICT

- 131.010. Use
- 131.020. Transitional Uses
- 131.030. Uses Subject to Administrative Review
- 131.040. Conditional Uses

131.010. USE. Within an RS Single Family Residential zone no building, structure, or premises shall be used, arranged or designed to be used, erected, structurally altered, or enlarged except for 1 or more of the following uses:

- (A) Single-family dwelling;
- (B) Playgrounds, parks;
- (C) Public buildings and structures, such as libraries, fire stations;
- (D) Gardens, orchards and crop cultivation, provided no stable or barn, cattle or other livestock, or poultry is maintained in connection therewith, and provided no sales area or retail business is operated in connection therewith, and provided further, that all other applicable ordinances are complied with;
- (E) Right-of-way for:
 - (1) Electric service lines;
 - (2) Gas mains;
 - (3) Communications lines;
 - (4) Water lines; and
 - (5) Sewer lines.
 - (6) Transportation Improvements [Amended by Ordinance 01-01]
- (F) Public utility structures and buildings such as pump stations and reservoirs, electric substations, when they comply with all yard and setback requirements;
- (G) Accessory uses and structures:
 - (1) Accessory dwelling units, subject to the requirements of PCZO Chapter 118:
 - ~~(1)~~(2) Customary residential accessory buildings for private use, such as a pergola, greenhouse, hot house, hobby shop, or hobby house, summer house, patio, enclosed or covered patio, woodshed, quarters for domestic animals maintained as pets of the residents;
 - ~~(2)~~(3) Fallout shelters;
 - ~~(3)~~(4) Fences;
 - ~~(4)~~(5) A private garage for not more than 3 motor vehicles for each single-family dwelling on the same lot with or within the dwelling to which it is accessory and in which no garage, business or industry is conducted;
 - ~~(5)~~(6) Storage for a commercial vehicle with a maximum of 1 commercial vehicle per dwelling;
 - ~~(6)~~(7) Sleeping quarters in a garage for domestic employees of the resident of the main building to which the garage is accessory;
 - ~~(7)~~(8) Guest houses and guest quarters not in the main building provided such houses and quarters are and remain dependent upon the main building for either or both the kitchen and bathroom facilities and the guest facilities are not used for residential purposes;
 - ~~(8)~~(9) Swimming pools for private use (requires a building permit);
- (H) Home occupations, as defined in Section 110.270;
- (I) The taking of boarders or leasing of rooms by a resident family, providing the total number of boarders and roomers does not exceed 2 in any single-family dwelling, nor more than 4 in any legally established 2-family dwelling;

- (J) Subdivision or planned development pre-cutting and assembly facility (see Limited Use, Section 125.020);
- (K) Subdivision or planned development sales office or development office (see Limited Use, Section 125.030).
- (L) Wind energy systems, meteorological towers, and photovoltaic systems that are not commercial power generating facilities, but not including wind energy systems utilizing a tower and meteorological towers that require tower lighting, are located in an adopted urban growth boundary, or that would require modification to the height or type of construction standards described in Section 112.135(C)(1). Wind energy systems utilizing towers and meteorological towers are subject to standards listed in Sections 112.135 and 112.137. Roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone, are subject to the standards listed in Section 112.137. Photovoltaic systems are subject to the standards described in Section 112.138. [Amended by Ordinance 09-06]

131.020. TRANSITIONAL USES. Transitional uses shall be permitted in an RS zone where the side of a lot abuts upon any business zone or industrial district, provided that such transitional use does not extend across a street or alley and in no case more than 165' from the boundary of the less restricted zone which it adjoins, as follows:

- (A) Two-family dwelling (duplexes) on a lot of 7,000 square feet or more;
- (B) Public and semi-public uses, buildings and structures;
 - (1) Churches;
 - (2) Community or neighborhood club buildings, including swimming pools and other allied facilities, when erected by a non-profit community club for the improvement of the zone or social recreation of the members;
- (C) Other main uses:
 - (1) Public automobile parking areas when located and developed as prescribed in Chapter 118;
 - (2) Outdoor plant nursery;
 - (3) Privately operated kindergartens or day nurseries, provided the residential character of the building is unchanged.

131.030. USES SUBJECT TO ADMINISTRATIVE REVIEW. The following uses are permitted, subject to review and approval under the prescriptive standards specified herein and as may otherwise be indicated by federal, state and local regulations and permits:

- (A) Wind energy systems utilizing a tower and meteorological towers outside of an adopted urban growth boundary that are not commercial power generating facilities that would utilize a tower(s) that requires lighting or that requires modification to the height or type of construction standards described in Section 112.135(C)(1), as provided in Sections 112.135 and 112.137. [Amended by Ordinance 09-06]

131.040. CONDITIONAL USES. When authorized under the procedure provided for conditional uses in this ordinance, the following uses will be permitted in an RS zone:

- (A) Public and semi-public uses, buildings and structures;
 - (1) Churches;

- (2) Community or neighborhood club buildings, swimming pools and other allied facilities, when erected by a non-profit community club for the improvement of the zone or social recreation of the members;
- (3) Communications tower not exceeding 40-feet in height, as provided in Section 112.135 and the following:
 - a) The location, size, design and functional characteristics of the tower are reasonably compatible with the existing conditions and vegetation at the proposed site, the tower must be designed and constructed with material to reduce visibility of the tower by:
 - i) A site-specific study of the tower site identifying a proposed stealth (i.e. camouflage) construction type that may include but is not limited to a tree, or flagpole (no external antennas). The proposed color and surfacing of the tower and associated fixtures. [Amended by Ordinance 04-09]
- (4) Communications tower over 40-feet in height but not exceeding 100-feet in height, as provided in Section 112.135 and the following:
 - a) Coverage limitations showing the proposed height of the tower is needed in order to meet the service type and area coverage needs. Propagation maps stamped by a professional engineer that demonstrate service type and area coverage shall be provided for the 40-foot height, and each 20-foot interval to the proposed tower height; or
 - b) Type of system (e.g. broadcast, FM radio, television); or
 - c) Other requirements of local, state, and federal agencies; and
 - d) The location, size, design and functional characteristics of the tower are reasonably compatible with the existing conditions and vegetation at the proposed site. The tower must be designed and constructed with material to reduce visibility of the tower by:
 - i) A site-specific study of the tower site identifying a proposed stealth (i.e. camouflage) construction type that may include but is not limited to a tree, or flagpole (no external antennas).
 - ii) The proposed color and surfacing of the tower and associated fixtures. [Amended by Ordinance 04-09]
- (5) Schools (elementary, junior high, and high school);
- (B) Dwellings:
 - (1) Two-family dwellings (duplexes) on a corner lot of 7,000 square feet or more (see Specific Conditional Uses, Section 120.020);
- (C) Miscellaneous uses:
 - (1) Privately-operated kindergartens or day nurseries, provided the residential character of the building is unchanged;
 - (2) Beauty shop, where no assistants are employed;
 - (3) Use of an accessory building for conducting a home occupation;
- (D) Planned development;
- (E) Boat, camper and trailer storage area or lot (see Specific Conditional Uses, Section 120.030);
- (F) Temporary use of mobile homes during certain hardship conditions (see Specific Conditional Uses, Section 120.040).

- (G) Solid Waste Disposal Sites (see Specific Conditional Uses, Section 120.310 - 120.380);
- (H) Sand and Gravel Resource Sites (see Specific Conditional Uses, Section 120.410 - 120.460);
- (I) Conditional Home-Occupation (Other than those home occupations listed in Section 110.270)(See Specific Conditional Uses, Section 120.075).
- (J) Wind energy systems utilizing a tower and meteorological towers within an adopted urban growth boundary up to 100 feet in height that are not commercial power generating facilities, as provided in Sections 112.135 and 112.137. [Amended by Ordinance 09-06]
- (K) Bed and Breakfast Facility. A Bed and Breakfast Facility may be authorized within a single-family dwelling subject to the following standards:
 - (1) The Bed and Breakfast Facility shall be operated by a resident(s) of the dwelling in which the Bed and Breakfast Facility is located.
 - (2) The number of guest bedrooms shall not exceed five.
 - (3) The length of stay for any guest shall not exceed 15 consecutive nights.
 - (4) Food service may be provided only to overnight guests of the Bed and Breakfast Facility. Food service may include the service of meals other than breakfast. [Amended by Ordinance 14-04]