

CHAPTER 128.500

ACREAGE RESIDENTIAL-FIVE ACRE (AR-5) ZONING DISTRICT

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128.510. PURPOSE. It is the purpose and function of the Acreage Residential - 5 acre (AR-5) zone to:

- (A) Provide for the best use of the land based on the location, inherent limitations and ability to serve the functional needs of the area.
- (B) Provide larger acreage homesites which will be a buffer area between farm zones and higher density urban and urbanizing areas, thus reducing the conflicts between residential use and usual and normal farming practices.
- (C) Provide for the orderly growth of the urban areas so that as urbanization occurs, the supporting community will be able to afford the increased capital investments required for services to and within the new urban area and the costs of maintenance of utility facilities, rebuilding of arterial streets, protective services and desired social services.
- (D) To provide for the efficient, redivision of acreage subdivisions which may occur in the area.
- (E) To promote the pre-planning of future important streets in the area.
- (F) To meet the needs of a segment of the population for non-urban, non-farm acreage homesites.
- (G) To provide for the above, yet not adversely affect fish and wildlife resources and habitat areas, natural areas, and scenic areas. [Amended by Ordinance 256]

128.520. USE. Within any AR-5, Acreage Residential 5-acre zone, no building, structure or premises shall be used or arranged, designed, erected, or maintained to be used except for the following purposes:

- (A) Single-family dwelling including single-family mobile home;
- (B) Farm Use (as defined in Section 110.223);
- (C) Public parks, playgrounds;
- (D) Public buildings such as libraries and fire stations;
- (E) Churches;
- (F) Accessory uses and structures:
 - (1) Accessory dwelling units within an Urban Growth Boundary, subject to the requirements of PCZO Chapter 118; [Amended by Ordinance 18-02]
 - (2) Customary residential accessory building for private use, such as pergola, greenhouse, hothouse, hobby house, summer house, patios, enclosed or covered patios, woodshed, quarters for domestic animals maintained as pets;
 - (3) Fallout shelters;
 - (4) Fences;
 - (5) Private garages and parking areas for the storage and protection of the motor vehicles of the residents of the dwelling; [Amended by Ordinance 12-01]
 - (6) Storage for a commercial vehicle, maximum of one per dwelling;
 - (7) Sleeping quarters in a garage for domestic employees of the main building to which the garage is attached;
 - (8) Guest houses and guest quarters not in the main building are permitted if such quarters are, and remain, dependent upon the main building for either or both kitchen and bathroom facilities and the guest facilities are not used for residential purposes;

- (9) Swimming pools for private use (requires building permit);
- (G) Home occupation as defined in Section 116.020;
- (H) The taking of boarders or leasing of rooms by a resident family providing the total number of boarders and roomers does not exceed two in a single-family dwelling nor more than four (4) in any legally established two-family dwelling.
- (I) The use of a manufactured home during construction (see Limited Uses, Section 125.010).
- (J) Schools (elementary, junior high and high);
- (K) Privately operated kindergartens or day nurseries, providing the residential character of the building is maintained.
- (L) Residential homes, as defined in Section 110.477. [Amended by Ordinance 89-17]
- (M) Transportation Improvements [Amended by Ordinance 01-01]
- (N) 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]

128.530. USES PERMITTED SUBJECT TO REVIEW AND APPROVAL.

- (A) **HARDSHIP TEMPORARY MANUFACTURED DWELLING.** One manufactured dwelling unit in conjunction with an existing dwelling as a temporary use for the term of the hardship suffered by the existing resident or a relative of the resident, provided that:
 - (1) The medical hardship is certified by a licensed physician;
 - (2) The manufactured home is connected to the existing sewage disposal system; except when the County Sanitarian finds the existing system to be inadequate and that it cannot be repaired or is not physically available; If the manufactured home will use a public sanitary system, such condition will not be required.
 - (3) The applicant agrees to renew the permit every two years.
 - (4) Within three months of the end of the hardship, the manufactured home shall be removed, demolished, or converted to an approved nonresidential use. [Amended by Ordinance 12-01]
 - (5) **Notice of Determination.** Upon issuance of a temporary hardship determination by the Planning Director, determinations shall be mailed to the applicant and to interested parties based upon the provisions of Section 111.270 of the Polk County Zoning Ordinance. An appeal of the Planning Director's decision shall be processed pursuant to Section 111.280 of the Polk County Zoning Ordinance. [Amended by Ordinance 95-12]
- (B) 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]

128.540. CONDITIONAL USE.

- (A) The following allied farm commercial processing and similar activities may be permitted as a separate business or enterprise, not operated in conjunction with a farm.
 - (1) hop, nut and fruit driers;
 - (2) feed mixing and storage facilities;
 - (3) hullers;
 - (4) rendering plants;
 - (5) mint distilleries;
 - (6) seed processing, packing, shipping and storage facilities;
 - (7) slaughter houses;
 - (8) agricultural produce storage, i.e., onion warehouses, grain elevators and similar facilities;
 - (9) feed lots;
 - (10) vegetable oil processing and refining;
 - (11) any other similar processing and allied farm commercial activities (includes farm equipment repair shop).
- (B) Planned recreational developments.
- (C) Sand and gravel excavation and processing facilities as provided for by Chapter 120.400;
- (D) Solid waste disposal sites as provided for in Chapter 120.300;
- (E) Kennels;
- (F) Community or neighborhood club buildings, including swimming pools, and other allied facilities, when erected by a non-profit community club for the improvements of the community or social recreation of the members;
- (G) Private airfield;
- (H) Motor race track;
- (I) A two (2) family dwelling (duplex) on a corner lot (see Specific Conditional Uses, Section 119.150 (B));
- (J) Boat, camper and trailer storage area or lot (see Specific Conditional Uses, Section 119.150 (C));
- (K) [Subsection (K) deleted by Ord. 95-12.]
- (L) Church conference and campground (see Specific Conditional Uses, Section 119.150 (F));
- (M) Planned development;
- (N) Radio and TV transmitters and antennas as provided in Section 112.135; [Amended by Ordinance 01-3]
- (O) Riding clubs and stables, rodeo grounds and similar uses;

- (P) Beauty shops, where no assistants are employed;
- (Q) Use of an accessory building for conducting a home occupation;
- (R) Conditional home-occupation (see Section 116.030).
- (S) Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale, as provided in Section 112.135.
[Amended by Ordinance 91-15]
- (T) Cottage Industry Home Occupations (see Section 116.040).
- (U) 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]
- (V) 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]