

## SECTION 5

### ESTABLISHMENT OF ZONING DISTRICTS AND ADOPTION OF ZONING MAP

What this Section Does. This section creates zoning districts and overlay zoning districts and adopts an official zoning map for the City of Swan Valley. It also provides rules for the interpretation of zoning district boundaries.

- A. Zoning Districts. The following zoning districts and overlay zoning districts are established as part of this code to implement the purposes of this code and the Comprehensive Plan:

**COMMERCIAL GENERAL PURPOSE: (C)** The intent and purposes of the commercial zoning districts are to establish areas within the City of Swan Valley that are primarily commercial in character and to set forth certain minimum standards for development within those areas. The purpose in having more than one commercial district is to provide opportunities for a variety of employment and community service opportunities within the community, while providing a basic level of predictability. There is a rebuttable presumption that the uses set forth for each district will be compatible with each other both within the individual districts and to adjoining zoning districts when the standards of this title are met and any applicable conditions of approval have been satisfied.

1. Purpose: The intent of the (C) neighborhood business district is to provide for smaller scale retail and service activities frequently required by neighborhood residents on a day to day basis, as well as residential development as a secondary purpose, while still maintaining compatibility with adjacent residential land uses. Development scale and pedestrian orientation are important elements of this district.
2. Permitted Uses: Permitted uses are allowed in accordance with the land use table
3. Conditional Uses: Conditional uses may be permitted if specified in the land use table. The planning commission may, after notice and public hearing, permit the uses as referred to in the land use table, such uses are deemed essential or desirable to the public convenience or welfare. The commission shall have the authority to impose such conditions and safe guards, as it deems necessary to protect the best interests of the surrounding property or neighborhood from damage, hazard, nuisance or other detriment.

Any other uses not specifically mentioned but of a significantly similar nature may be considered for a conditional use application after review and approval of the county.

4. Height regulations: Any building or structure or portion thereof hereafter erected shall not exceed two and one-half stories, or thirty-five feet in height unless a greater height is approved by conditional use permit.
5. Setback and Lot Line requirements:

Front	50 feet from property line road/80 feet center line of road
	60 feet from property line/ road if the road is a major or minor arterial
Side	0 feet from the property line.
Rear	15 feet from the property line.

6. Area requirements: There shall be no minimum lot size.
7. Accessory uses: Permitted uses are allowed in accordance with the land use table.
8. Access to a State or County Road: All access to city, county or state roads shall follow all access policies and ordinances as set by the city, county or state. Multiple accesses will be discouraged and shared access will be encouraged under these policies.

**RESIDENTIAL GENERAL PURPOSE: (R)** The purpose of this Residential Zones is to provide for and protect residential lands of a single-family residential environment, located conveniently near urban centers, by providing for an area of transition from agricultural to residential. To provide for gardening and family recreation opportunities, the keeping of a limited number of livestock and poultry as forth below, and similar rural activities on a limited scale. The minimum lot size and building location in this zone must be such that water and sewer facilities and locations for the same can be easily provided on an individual basis on each lot, without affecting surrounding properties adversely.

1. Purpose: The purpose of the (R) single-family residential zone is to preserve residential neighborhood, to prevent over-crowding of the land and to encourage the development of low density area which are best suited for residential purposes. The density in this zone is two and one half acre per dwelling.
2. Permitted Uses: Permitted uses are allowed in accordance with the land use table
3. Conditional Uses: Conditional uses may be permitted if specified in the land use table. The planning commission may, after notice and public hearing, permit the uses as referred to in the land use table such uses are deemed essential or desirable to the public convenience or welfare. The commission shall have the authority to impose such conditions and safe guards as it deems necessary to protect the best interests of the surrounding property or neighborhood from damage, hazard, nuisance or other detriment.
4. Width Requirements: There shall be lot width requirements for residential buildings the minimum width of lots shall be one hundred (100) feet.
5. Setback requirements
 

Front	50 feet from the property line
Side	20 feet from the property line
Rear	20 feet from the property line
6. Any other uses not specifically mentioned but of a significantly similar nature may be considered for a conditional use application after review and approval of the city.
7. Domestic Animal Allowance:
 

Number of domestic livestock within the Residential Zone (R)

  - a. Livestock including horses, cattle, llamas, sheep, goats, or relative livestock will be limited to two (2) per acre of land.
  - b. Domestic poultry or fowl limited to ten (10) per acre of land.
  - c. During normal crop growing season the allowed number of animals may be exceeded to maintain the property.

**AGRICULTURAL GENERAL PURPOSE: (A)** The purpose of the agricultural zone or district is to provide for and protect agricultural lands and uses. All other uses will be considered secondary and not allowed if they pose any interference or negative impacts upon the agricultural use of the land. The minimum lot size and building locations in this zone shall be of a size to allow for economically viable agricultural uses without affecting surrounding properties adversely.

1. Purpose -- This zone allows for agricultural uses with the development of residential lots that are ten acres in size or larger per dwelling unit.
2. Conditional Uses -- Conditional uses are allowed and may be permitted if specified in the land use table. The planning commission may, after notice and public hearing, permit the uses as referred to in the land use table, such uses are deemed essential or desirable to the public convenience or welfare. The commission shall have the authority to impose such conditions and safe guards as it deems necessary to protect the best interests of the surrounding property or neighborhood from damage, hazard, nuisance or other detriment.
3. Setback requirements
  - Front            50 feet from the property line
  - Side             20 feet from the property line
  - Rear             25 feet from the property line

- B. Official Zoning Map. The Official Zoning Map of the City of Swan Valley is adopted by reference and made a part of this code. A dated copy of the map, certified to be correct by the signatures of the mayor and city clerk, shall be maintained for public inspection at the office of the city clerk. The locations and boundaries of the established zoning districts are as shown on the Official Zoning Map. The administrator shall maintain the Official Zoning Map and must revise the map to reflect any amendments approved by the council as soon as possible after the effective date of any such amendments. No unauthorized person may alter or modify the Official Zoning Map. The administrator may authorize printed copies of the map be made for public distribution and shall maintain printed or digital copies of all versions of the map for historical reference.
- C. Official District Boundaries. Zoning district boundaries shall be as shown on the Official Zoning Map of the City of Swan Valley. The administrator shall use the following rules to determine the precise location of any zoning district boundary.
1. Boundaries Following Municipal Boundaries. Boundary lines shown as following or approximately following city boundaries shall be construed as following such limits.
  2. Boundaries Following Streets or Alleys. Boundary lines shown as following or approximately following streets or alleys shall be construed as following the centerline of such streets or alleys.
  3. Boundaries Following Section Lines, Platted Lot Lines, or Forest Service Boundaries. Boundary lines shown as following, or approximately following, section lines, platted lot lines, or forest service boundaries, or other property lines as shown on the Official Zoning District Map shall be construed as following such lines.
  4. Boundaries Following Streams or Rivers. Boundary lines shown as following, or approximately following, the centerline of streams or rivers, or other continuously flowing

watercourses shall be construed as following the thread of the channel of such watercourses. In the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the thread. In any instance where the thread extends beyond a City boundary, the zoning district boundary shall become coterminous with the City boundary.

5. Boundaries Following Ridgelines. Boundaries following or approximately following ridgelines shall be construed as following such lines.
6. Boundaries Following Bench Lines. Boundaries shown as following or approximately following bench lines shall be construed as following the top of the bench.
7. Parallel Boundaries. Boundaries shown as separated from, and parallel or approximately parallel to any of the features identified in subsection shall be construed to be parallel to such features and at such distances as shown on the Official Zoning District Map.

- D. Boundary dispute. Any person who disputes the location of a zoning district boundary, as interpreted by the administrator, may request review of the administrator's decision using the appeals procedure of this code.