

PLANNING & ZONING COMMISSION



Wendy McClure
Commission Chair

~Meeting Minutes~
February 14, 2018

Mike Ray
Staff Liaison

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<http://www.ci.moscow.id.us/commissions/Pages/pz.aspx>

The meeting was called to order at 7:00 PM.

MEMBERS PRESENT: Joel Hamilton, Vice Chair; Scott Gropp, Wendy McClure (via phone), Kurt Obermayr, Nels Reese, Victoria Seever, Dennis Wilson.

MEMBERS ABSENT: Robb Parish

ALSO IN ATTENDANCE: Mike Ray, Staff Liaison; Anne Zabala, Council Liaison; Anne Peterson, Deputy City Clerk

1. Approval of minutes from January 24, 2018

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Wilson
SECONDER:	Reese

Motion carried by acclamation.

2. Correspondence

Ray distributed input from Nancy Chaney and Linda Pall regarding the Third Street Corridor, as well as a letter to Pall from Mayor Lambert. (Attached as part of the official record.)

3. Transportation Commission Meeting Report

Hamilton reported that the SMART Transit director has asked the Commission for input regarding possible route and/or schedule changes. A subcommittee is being formed to research options. Representatives from Gritman presented ideas regarding changes to on-street parking regulations in the vicinity of the hospital. Suggestions include permitted parking and patient-only spaces on Main Street between the hospital and the Medical Office Building. Discussions on that topic will continue. Hamilton also reported on two vacations of rights-of-way reviewed by the Commission: the turn-around on Lande Lane and one foot of an unused alley off of West C Street to make the adjacent parcel of legal conforming size. The Commission supported both proposals. The next meeting will be March 8th.

4. Public Comment

None.

5. Zoning Code Revisions

Ray reviewed the proposed ordinance changes to the Zoning Code and requested feedback.

Chapter 1: Hamilton didn't think the manufacturing definitions appropriately covered agricultural storage such as grain bins. Ray will look at whether this would be included within the exiting NAICS definition of Warehousing and Storage or if "storage" needed to be inserted into the definition of light manufacturing.

Chapter 2: No comments.

Chapter 3: There was some discussion about drive-through queuing and how to avoid the issues occurring regularly at Dutch Brothers. Ray said enforcement is up to ITD and the best the City can do is create

regulations that suffice for the average business. Dutch Brothers just happens to enjoy an inordinate level of business. Commissioners were very pleased with the new user-friendly table format.

Chapter 4: No concerns. Commissioners especially appreciated the set-backs illustration for flagpole lots. Hamilton asked about curb cuts and Ray said it was moved to the Public Works street regulations because it isn't a zoning issue. Public Works is in the process of updating Chapter 5 and codifying many street standards that aren't currently documented. McClure asked if staff fielded enough questions about front yard setbacks to warrant an illustration for alternate front yard setbacks. Ray said since they changed the definition of where the front yard setback is measured on lots that abut local neighborhood streets (back of sidewalk), that they don't run into the issue near as much.

Chapter 6: Commissioners liked the table outlining parking requirements for all the new use definitions.

Chapter 11: No concerns.

Ray will return with another single-ordinance draft incorporating tonight's comments and then it will be ready to schedule for public hearing. Obermayr recommended extra review time for the public due to the document size. Ray suggested three weeks between the public notice and public hearing, and the same prior to Council action.

6. 2009 Comprehensive Plan Updates

Ray explained clarification from the Library regarding their recommended additions. There were no concerns and staff was directed to continue working toward the public comment/open house portion of Comp Plan review. Ray said he should have the Water Department comments for the next meeting.

7. Shared Readings

Density article is posted online for discussion at the next meeting. Some future projects relating to density could include tiny homes and Airbnbs.

The meeting adjourned at 8:23 p.m.

Wendy McClure, Chair

Chapter 2

RESIDENTIAL ZONING DISTRICTS

- Sec. 2-1:** Purpose
- Sec. 2-2:** Agriculture/Forestry Zoning District (AF)
- Sec. 2-3:** Farm, Ranch, and Outdoor Recreation Zoning District (FR)
- Sec. 2-4:** Suburban Residential Zoning District (SR)
- Sec. 2-5:** Low Density, Single Family Residential Zoning District (R-1)
- Sec. 2-6:** Moderate Density, Single Family Residential Zoning District (R-2)
- Sec. 2-7:** Medium Density Residential Zoning District (R-3)
- Sec. 2-8:** Multiple Family Residential Zoning District (R-4)

Sec. 2-1. Purpose.

The residential zoning districts created by this Chapter are established to promote the orderly development and maintenance of livable and attractive neighborhoods where residents can live their home life with minimal disturbance and disruption. The residential zoning districts established herein vary in the intensity of development allowed and level of activity accommodated. Application of each particular residential zoning district will be determined by consideration of a number of factors including but not limited to: physical character of the land, availability of public services and utilities, current land use in the area, access via the transportation network of the community, and community development policies as stated in the Plan.

Sec. 2-2. Agriculture/Forestry Zoning District (AF).

- A. Intent: The purpose of the Agriculture/Forestry (AF) zoning district is to foster agriculture and forestry land uses while providing for limited, low-density residential land

uses which will not conflict with farm and forest practices nor place inappropriate demands on rural public services nor promote the indiscriminate conversion of farm and forest land to other uses.

B. Permitted Principal Uses and Structures:

- 1. Agriculture, including the raising, harvesting, and selling of crops; on-site storage of grain and seed; the raising and sale of livestock or poultry; dairying and sale of dairy products; and other similar agricultural, horticultural, or animal husbandry uses, excluding feedlots with more than twenty (20) animals.

- 2. Accessory building and uses normal and incidental to the buildings and uses permitted, including dwellings for persons engaged for farm or forestry labor provided such dwelling units are located on the farm owned or operated by the employer.

- 3. Forestry, including the raising, harvesting, and sale of timber and other forest products.

- 4. Small sawmills operated as a short-term or subsidiary use on farms or woodlots.

- 5. Home occupations.

- 6. Single family dwelling.

- 7. Family day care facility and group day care facility.

- 8. Bed and breakfast inn.

- 9. Boarding house.

- 10. Residential Rental Unit, with the conditions that adequate off-street parking be provided and that the use will not change the character of the neighborhood.

- 11. Type I Accessory Home Occupations.

C. Permitted Accessory Uses and Structures:

Accessory Dwelling Unit, subject to the Specific Use Standards of this Code.

D. Conditional Uses:

- 1. Self-service Storage Facility.

2. Commercial stables, golf courses, parks and gun clubs, and recreational resorts.

3. Antenna towers.

4. Airports, landing fields, and heliports.

5. Carnivals and circuses, except those in conjunction with a county fair or other governmentally-sponsored outdoor event.

6. Wastewater treatment plants.

7. Churches, convents, monasteries, synagogues, mosques and other similar places of worship and religious practice.

8. Schools, commercial schools and educational institutions.

9. Meeting halls, community and neighborhood center, grange halls, and similar gathering places not for commercial use.

10. Small and large day care facility.

11. Feedlots with twenty to two hundred (20 to 200) animals shall be permitted only after issuance of a conditional use permit by the Board of Adjustment. Feedlots with more than two hundred (200) animals shall not be allowed in this district.

12. Rural Businesses, subject to the following limitations:

a. No retail sales shall be permitted on site, except as permitted by other provisions of the AF zoning district.

b. The number of on-site employees shall be limited to four (4).

c. All material related to the business shall be stored indoors with the exception of a maximum of four (4) business-related vehicles.

d. The area within a building devoted to the business use shall be limited to a maximum of two thousand four hundred (2,400) square feet.

13. Type II Accessory Home Occupations.

E. Special Uses:

1. Recreational vehicle parks and campgrounds subject to the

development standards of City Code Title 6, Chapter 4.

2. Public service and utility facilities not listed as permitted uses in this zoning district, such as fire stations, police stations, telephone switching facilities, fairgrounds, cemeteries, national guard armories, fire training facilities, pumping stations, electric substations, and similar public service facilities necessary to the neighborhood or community, including signage and other necessary accessory structures.

3. Cemeteries.

F. Minimum Lot Area Requirements: Forty (40) Acres.

1. Exception to minimum forty (40) acre lot size: No more than one (1) parcel of land less than forty (40) acres may be divided from an existing parcel of forty (40) acres or more in the AF zoning district (a 1/4-1/4 section or full Government Lot shall be treated as a forty (40) acre parcel for the purposes of this Zoning Code). The small parcel shall be at least one (1) acre in area and must be registered with the Office of the Latah County Clerk and the City Community Development Department. Such exceptions must be reviewed and approved by the Council and the Board of Latah County Commissioners.

2. No parcel shall be eligible for a building permit unless the owner demonstrates that:

a. Adequate access is provided by parcel frontage to a public road. If either parcel does not front a public road, the parcel must contain a recorded easement of at least thirty feet (30') in width which connects to a public road. Access to a public road, either direct or by easement, will require written approval from the jurisdiction maintaining the accessed public road.

b. Adequate sewage disposal facilities can be located on the parcel as evidenced by written approval from the North Central District Health Department.

c. A legal description and map have been prepared by the applicant and reviewed by the Latah County Surveyor. The map should contain a vicinity map, dimensions of the boundary and proposed lot lines, north arrow, scale, adjacent property owners and width of any easements.

G. Minimum Yard Requirements:

1. Front yard: Twenty feet (20') from the public right-of-way.
2. Rear yard: Thirty-five feet (35') for a principal building; ten feet (10') for a detached accessory building.
3. Side yard: Thirty-five feet (35') for a principal building; ten feet (10') for a detached accessory building.
4. Street Side Yard: Twenty feet (20').

H. Signs: Pursuant to the Moscow Sign Code.

(Ord. 2007-11, 09/17/2007; 2008-22, 10/20/2008; 2015-06, 04/06/2015)

Sec. 2-3. Farm, Ranch, and Outdoor Recreation Zoning District (FR).

A. Intent: This classification is intended to permit current agricultural, outdoor recreation and other open land uses to be maintained and at the same time to set minimum standards for the development of similar new uses in order that this open zoning district be protected against spasmodic, disorderly and indiscriminate development until such time as another appropriate use of the land in this zoning district has been determined. It is also intended that newly annexed areas of the City be placed in this classification until land use studies determine the character and appropriate use of such areas.

B. Permitted Principal Uses and Structures:

1. One (1) single family dwelling per lot.
2. Market Gardens, Community Gardens and Accessory Gardens, including on-site retail sales.

3. Public parks and public recreation facilities.

4. Group day care facility.

5. Keeping of animals and fowl as permitted by this Code.

C. Permitted Accessory Uses and Structures:

1. Barns and other accessory structures commonly associated with farming, ranching or outdoor recreation.

2. Attached or detached private garages and workshops not to exceed one thousand (1,000) square feet.

3. Parking lots for uses permitted in the FR zoning district.

4. Family day care facility.

5. Uses, buildings and structures that utilize electricity and/or water and are accessory to a single family or duplex residence shall be serviced by the same electrical and/or water meter as the single family or duplex residence.

6. Type I Accessory Home Occupations.

7. Accessory Dwelling Unit, subject to the Specific Use Standards of this Code.

D. Conditional Uses:

1. Type II Accessory Home Occupations.

2. Churches, convents, monasteries, synagogues, mosques and other similar places of worship and religious practice.

3. Schools, commercial schools and educational institutions.

4. Small day care facility.

5. Veterinary offices, kennels, animal training centers, and animal hospitals.

6. Feed lots for horses, cattle, goats and sheep, provided that such activities are on a parcel of land of not less than twenty (20) acres, and provided that buildings of feed lots are no closer than five hundred feet (500') from the nearest property line.

7. Driving tees and ranges and miniature golf courses.

8. Barbed wire and other fences constructed in a manner that, without

LAND USE TABLE

P = Permitted Use

PA = Permitted Accessory Use

C = Conditional Use Permit

Blank = Not Permitted

[illegible]

NON-RESIDENTIAL USES	NAICS 2012 Code No.	AF	FR	SR	R-1	R-2	R-3	R-4	RO	NB	RTO	CB	GB	MB	I	UMC	U
Agricultural Uses																	
Agriculture, Animal Production	112	P	C ⁵														P
Animals and Fowl (as permitted by City Code Title 10)		PA	PA	PA	PA	PA	PA	PA	PA								
Animal Slaughtering and Processing	31161	P													P		P
Gardens (Market and Community) no on-site retail sales ¹		P	P	P	P	P	P	P	P	P		P	P	P	P	P	P
With on-site retail sales ¹		P	P	C	C	C	C	C	P	P		P	P	P	P	P	P
Sawmills	321113	P													C		
Amusement and Recreation Facilities																	
Archery/Shooting Ranges (indoor only)	713990											P	P	P	P	P	P
Bowling Centers	713950											P	P	P		P	P
Dance Halls	713990											P	P	P		P	P
Fitness Centers	713940									P		P	P	P		P	P
Golf Courses and Country Clubs	713910	C	C	C	C	C	C	C	C								P
Miniature Golf Facilities	713990											P	P	P		P	P
Movie Theaters	512131											P	P	P		P	P
Riding Stables	713990	C										P	P	P	P	P	P
Stadiums and Sports Arenas (Ice/Roller Rinks, Gymnasiums, Ballfields)	713940							C	C			P	P	P		P	P
Animal-Related Business																	
Veterinary Services	541940	C	C						P	P			P	P	P		
Pet Care Services ¹	812910	C	C							P ¹⁰				P	P		
Financial and Technology Services																	
Agencies, Brokerages and Other Insurance Related Activities	5242							P ⁶	P	P	P	P	P	P		P	
Commercial Banking, Credit Unions, and Savings Institutions	522110/120/130											P	P	P			
Data Processing, Hosting, and Related Services	518								P	P	P	P	P	P	P	P	P
Professional, Scientific, and Technical Services	541							P ⁶	P	P	P ¹¹	P ¹¹	P	P	P	P ¹¹	P
Publishing Industries (except Internet)	511										P	P	P	P	P	P	P
Securities, Commodity Contracts, and Other Financial Investments	523							P ⁶	P	P	P	P	P	P		P	
Software Publishers	5112							P ⁶	P	P	P	P	P	P	P	P	
Food and Beverage Service																	
Coffee/Esspresso Stand										P		C	C	P		C	P
Drinking Places (Alcoholic Beverages)	722410											P	P	P		P	P
Restaurants	72251								P ⁹	P		P	P	P		P	P

NON-RESIDENTIAL USES	NAICS 2012 Code No.	AF	FR	SR	R-1	R-2	R-3	R-4	RO	NB	RTO	CB	GB	MB	I	UMC	U
Manufacturing																	
Beverage Manufacturing	3121									C		P	P	P	P	P	
Manufacturing, Heavy															C		
Manufacturing, Light													C	P	P	C	
Aerospace Product and Parts Manufacturing	3364										P		C	P	P	C	
Computer and Electronic Product Manufacturing	334										P		C	P	P	C	
Electrical Equipment, Appliance, and Component Manufacturing	335										P		C	P	P	C	
Medical Equipment and Supplies Manufacturing	3391										P		C	P	P	C	
Pharmaceutical and Medicine Manufacturing	3254										P		C	P	P	C	
Public/Institutional Uses																	
Antenna Towers (<i>new</i>)		C	C	C	C	C	C	C	C	C		C	C	C	C	C	C
Co-Location ¹⁴		P	P	P	P	P	P	P	P	P		P	P	P	P	P	P
Cemeteries	812220	C	C	C	C	C	C	C	C					C			
Child Day Care Services ¹	624410																P
<i>Family, 5 or fewer children</i>		PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	P	
<i>Group, 6 to 12 children</i>		P	P	P	P	P	P	P	P	P	C	C	C	C	C	P	
<i>Small, 13 to 20 children</i>		C	C	C	C	C	P	P	P	P	C	C	C	C	C	P	
<i>Large, 21 or more children</i>		C	C	C	C	C	C	C	C	P	C	C	C	C	C	C	
Civic and Social Organizations	813410											P	P	P		C	P
Community/Neighborhood Center		C	C	C	C	C	C	C	P	P		P	P	P			P
Correctional Institutions	922140													C	C		
Educational Services ¹	611	C	C	C	C	C	C	C	C	C	C ¹⁶	C	C	C	C	C	P
Fairgrounds		C	C	C	C	C	C	C	C					C			
Funeral Homes and Funeral Services	81221							C	C	P		C	P	P			
Government Office Buildings		C	C	C	C	C	C	C	C	P		P	P	P	P	P	P
Health Care Services (Ambulatory)	621								P	P	P ⁸	P	P	P	P	P	P
Hospitals	622											C	P	C			P
Museums and Art Galleries	712110							C	C	P		P	P	P		P	P
Nursing and Residential Care Facilities	623			C	C	C	C	C	C				P	P			
Public Parks & Recreational Facilities (operated by local government) ⁷		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public Service and Utility Facilities		C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P
Religious Facilities	813110	C	C	C	C	C	C	C	C	P		P	P	P		C	P
Telecommunications Services ¹	517							P ⁶	P	P	P	P	P	P	P	P	
Retail and Personal Services																	
Laundries and Drycleaners	812310									P		P	P	P	P	P	P
Retail Sales (excluding 4411, 444, & 453930)	44-45								PA	P	PA	P	P	P	P	P	P
Large Retail Establishment ¹														P	P		

NON-RESIDENTIAL USES	NAICS 2012 Code No.	AF	FR	SR	R-1	R-2	R-3	R-4	RO	NB	RTO	CB	GB	MB	I	UMC	U
Storage Services																	
Self-Storage Facilities	531130	C	C											C	P		
Warehousing and Storage	493										PA ¹²			C	P		
Wholesale Uses	423										PA ¹²			C	P		
Temporary Uses¹												P	P	P	P	P	
Vehicles and Equipment																	
Automobile and RV Dealers	4411											C	C	P	P		
Automotive Repair and Maintenance	8111											C	C	P	P		
Building Material Sales & Garden Equipment/Supplies	444													P	P		
Commercial and Industrial Machinery and Equipment Repair and Maintenance	811310														P		
Gasoline Stations	447											C	C	P	P		
Heavy Equipment Sales (manufactured home dealers, farm and garden equipment)	453930 423820													C	P		
Parking Lots and Garages	812930	PA	PA	PA	PA	PA	PA	PA	P	P	PA	P	P	P	P	P	P
Railroad Yards and General Freight Trucking	488210/4841														P		
Scrap Yards/Material Recycling	423930														C		
Visitor Accommodations																	
Bed and Breakfast	721191	P	P	C	C	C	C	P	P	P		P	P	P		P	
Hotels and Motels	721110											P	P	P		P	P
RV Parks and Campgrounds	721211	C	C					C					P	P	P		P
USE ELEMENTS & EXCEEDANCES TO BULK & DIMENSIONAL REQUIREMENTS		AF	FR	SR	R-1	R-2	R-3	R-4	RO	NB	RTO	CB	GB	MB	I	UMC	U
Drive-Through Facilities ¹												P/C ¹³	C	P		C	
Exceedance of maximum building height (for permitted non-residential uses)			C	C	C	C	C	C	C	C	C	C	C			C ¹⁷	

NOTES

¹ Subject to Specific Use Standards within Section 4-3-4 of this Zoning Code

² Only one principal dwelling permitted per building lot in AF, FR, SR, R-1, and R-2 Zones

³ Residential dwellings located on ground floor on secondary street frontages require a Conditional Use Permit in CB and UMC Zone

⁴ One dwelling unit per lot is allowed where accessory to a permitted principal use

⁵ Must be on at least 20 acres of land and feed lot buildings must be set back at least 500 ft from the nearest property line

⁶ Use shall not exceed 2,000 sq ft of office space

⁷ Including all public facilities operated by local government (including but not limited to parks, recreational facilities, and recycling centers)

⁸ Excluding Outpatient Care Centers, Home Health Care Services, and Other Ambulatory Health Care Services (NAICS 6214, 6216, and 6219)

⁹ Restaurants shall not exceed 1,500 sq ft in the RO Zone

¹⁰ Indoor kennels only

¹¹ Excluding Veterinary Services

¹² Indoor storage only

¹³ Drive-up windows permitted for financial institutions only, Conditional Use Permit is required for drive-up windows associated with all other uses in the CB Zone

¹⁴ Antenna shall not extend more than 18 ft above, and shall not project more than 8 ft horizontally away from the existing tower or support structure

¹⁵ Or 600 sq ft per dwelling unit in R-3 and R-4 Zones

¹⁶ Business Schools and Computer and Management Training, and Technical and Trade Schools Only, as defined by NAICS code number 6114 and 6115, and excluding aviation and flight training instruction schools,

¹⁷ Residential or commercial uses may obtain a Conditional Use Permit for exceedance of the maximum building height in the UMC Zone

ARTICLE 3

LAND USE ZONES

SECTION 3.01 AGRICULTURE/FOREST ZONE

The Agriculture/Forest Zone is shown on the "Official Zoning Map of Latah County". This zone is established to achieve the purposes of this ordinance and the goals and policies of the Latah County Comprehensive Plan by accommodating, providing opportunities for, and the continuation of agricultural and forest land uses. Uses allowed in this zone include those that are integral to agriculture and forestry, uses which will not conflict with accepted farm and forest practices, and uses which will not result in the excessive conversion of productive farm and forest land to uses which can be more appropriately located in other zoning designations, and which are consistent with Idaho's Agricultural Protection Act.

3.01.01 PERMITTED USES

The following uses are permitted in this zone as a right of property ownership:

1. Agronomy and all uses normally associated with raising, harvesting, and selling of crops, including trees and other plants.
2. Animal husbandry and all of the uses normally associated with raising, feeding, and selling of livestock. Feedlots, dairies, continuous confined animal management operations, or other types of similar facilities that operate for 6 or more months out of any 12 month period, with fewer than 250 animal units.
3. Forestry and all uses normally associated with raising, harvesting, and selling of timber and other forest products.
4. Accessory buildings and uses required to conduct, and normally associated with, the uses permitted in this zone (but not including commercial or industrial uses such as commercial storage, processing facilities, dairies, feedlots, production facilities, slaughterhouses, or agricultural or forestry service industries with more than five full-time equivalent employees).
5. One single family dwelling for each eligible parcel. Approved single family dwellings shall have no more than two rooms for rent or remuneration and these rooms shall not exceed an average occupancy of two persons per room.
6. Home occupations as provided by Section 4.02.
7. Veterinary Clinics

3.01.02 PERMITTED USES REQUIRING AN ADMINISTRATIVE ZONING PERMIT

The following uses require an "Administrative Zoning Permit" prior to being allowed. All such uses shall conform to the conditions set by this code and set in the permit. The application must be approved and inspection(s) shall be conducted to ensure any use listed conforms to the conditions of the permit prior to the use being enacted.

1. Additional single family dwelling units for parcels that have existing residences. The additional dwelling units may be located on any site within the parcel, but shall not exceed a total density of one unit per 40 acres (i.e. a parcel must have 80 acres to be eligible for a second dwelling or 120 acres for a third dwelling, etc.). All second dwelling units are subject to the following conditions:
 - A. Each second dwelling shall be located outside of a designated flood hazard area unless there is no other place on the parcel that will accommodate this or unless there is a need for the second dwelling to be located close to the home site and all available areas that are close to the primary residence are in the flood hazard area.
 - B. The applicant must obtain approval for a septic system.
 - C. The applicant must submit plans for a water system or a statement that individual wells will be used.
 - D. A shared driveway and access point is required unless the new residence is far from the primary dwelling and is near a different road where access approval is obtained. No new access points will be made onto state highways. A driveway map must be submitted to the Planning Department.
 - E. In addition to meeting the requirements of Section 9.01.02.4, all shared private driveways shall have a graveled or paved surface of at least 20 feet wide.
 - F. Access approval is required from the appropriate agency overseeing the roadway.
 - G. The applicant shall provide to the Planning Department a site. The site plan shall include the location of the building site, the potential or actual location and plans for the wells or water system, septic systems, other structures, easements, driveways and regulatory setbacks.
 - H. All new dwellings shall meet setback requirements.

If the second dwelling is more than 100 feet from the primary residence, in addition to the above, it and all accessory structures related to the residential use shall be required to be placed in a manner to preserve productive farm land, commercial timber stands, streams, riparian areas, and other unique natural features to ensure the rural nature of Latah County is preserved, that agriculture and forest industries are protected from residential growth, and to ensure that natural resources are protected.

2. Accessory Cottage Housing

The intent of this Section of the ordinance is to enable the placement of one accessory housing unit, either attached or separate from an existing principal dwelling, on parcels that are not eligible for additional building permits. The accessory cottage house shall meet all of the following requirements:

- A. Any new structure must meet all other zoning requirements, the owner of such property must obtain a valid building permit prior to any construction, the building must pass all inspections, and the building must receive a certificate of occupancy.
- B. Any existing structure must be brought into compliance with all current zoning requirements, building codes, and occupancy ratings for a residence, the owner of such property must obtain a valid building permit prior to making any changes or commencing construction, the building must pass all inspections, and the building must receive a certificate of occupancy.
- C. Accessory cottage housing roofs shall comply with snowload requirements in the area in which they are constructed.
- D. Minimum constructed roof pitch shall be of a 3:12 rise to run ratio. Constructed roof pitch in excess of rise to run ratio of 5:12 shall be credited for snowload construction requirements. The attached roof shall meet the Latah County snowload requirements (as set forth in the Latah County Building Code Ordinance) for the area in which they are constructed or placed. In the event there is a conflict with any other adopted codes, such as the Building Code, the more restrictive shall apply.
- E. Accessory cottage housing shall be installed as real property with a permanent foundation.
- F. Septic system for accessory cottage housing shall be inspected and approved by the North Central District Health Department.
- G. A plan for a water supply system or a statement that individual wells will be used shall be submitted to the Planning Department. If individual wells are used, their location shall be shown on a map submitted to the Planning Department.
- H. The square footage for accessory cottage housing shall be the minimum allowed by the building code and a maximum of 900 square feet, and the square footage of the accessory cottage housing unit shall not exceed fifty (50) percent of the total square footage of the principal dwelling.
- I. The maximum separation between the principal dwelling and the accessory cottage housing shall be 100 feet unless it is physically impractical to do so, in

which case it must be located as close as is physically practical to the principal dwelling.

- J. A deed restriction shall be recorded prior to issuance of a building permit indicating that the accessory cottage housing unit shall forevermore be tied to the principal building and shall not be separated or put on its own parcel for sale or any other purpose. If the parcel becomes eligible for a land division as per Section 8.01 of this ordinance, so long as the accessory dwelling and the primary residence can meet the setback requirements, the owner of the property may apply for a land division and, as part of the approval, can create a parcel that includes the accessory dwelling. Once the land division has been approved, the Planning Department shall record a document that indicates that the division of the accessory cottage house is allowed by the regulation and approved by the Department.
 - K. Unless impossible, accessory cottage housing shall use the same driveway as the primary residence. In addition to meeting the requirements of Section 9.01.02.4, the shared private driveway shall have a graveled or paved surface of at least 20 feet wide. A driveway map must be submitted to the Planning Department.
3. Public parks subject to the following requirements:
- A. Daytime hours of operation only 5 AM to 10 PM.
 - B. The applicant must submit a site plan showing locations of playgrounds, bathrooms, paths, parking, campground areas, picnic shelters, events areas.
 - C. The applicant must submit a playground safety plan if a playground is proposed.
 - D. If any of the following are proposed, the applicant must submit a facilities plan that includes bathrooms (or porta-potties), sewage system location and approval, and the well site and water distribution system (including fountains).
 - E. The applicant must submit a parking plan that shows adequate off street parking.
 - F. The applicant must submit a plan for lighting. Lighting must not interfere with neighboring properties, must be full cut off fixtures, and, when feasible, be shut off at night.
 - G. All structures, including signs and fences, are subject to building permit requirements.
 - H. Structures, parking, and other features of the park may be subject to the Accessibility requirements of the building code.

- I. Any public parks that have overnight accommodations, want to operate outside of the prescribed hours of operation, that rent space for events, or that charge for admissions require a conditional use permit.
4. Water treatment facilities subject to the following requirements:
- A. Submittal of approval from the agency in charge of approval of the facility.
 - B. Submittal of a plan for chemical storage and handling.
 - C. If in a designated flood hazard area, the facility must meet all of the requirements of Section 5.01 that are applicable, including Section 5.01.04.8.
 - D. Submittal of a map of power, gas and other utility plans for the facility.
 - E. Building permits for all structures as prescribed by code.
 - F. If a facility for workers is proposed, plans for that structure must be submitted.
 - G. Submittal of plan for lighting, if any lighting is proposed. All lighting must be directed away from neighboring residences and must be full cut off fixtures.
 - H. Submittal of plan for fencing and buffering. Fencing may be required to ensure that the public's safety is not compromised.
 - I. Submittal of a plan for parking.
5. Bed and Breakfasts with no more than four single or double guest rooms that will be conducted outside of the primary residence and/or that will be beyond the scope of the home occupation provisions as provided in Section 4.02 of this ordinance or the provisions set forth in Section 3.01.01.5 of this ordinance. Guest rooms outside of the primary residence shall only have a bed (beds) and/or a bathroom, and shall not have a kitchen. Guest rooms outside of the primary residence must be within 100 feet of the primary residence or a conditional use permit will be required. One common hall/room may be used for entry/exit into the guest rooms but such common hall/room shall not have any kitchen facilities.
6. Public buildings subject to the following requirements:
- A. Hours of operation anywhere between the hours of 7 AM to 10 PM.
 - B. No outdoor events or activities.

- C. Submittal of a plan for parking. Parking plan must include enough parking spots to accommodate an event that is of a maximum number; parking plan must include a landscape buffer; parking areas must be built prior to occupancy of the structure.
 - D. Submittal of a plan for lighting; lighting must be directed away from nearby residences and must be of a full cut off fixture.
 - E. Submittal of a plan for noise; plan must include information that shows that no event will be a nuisance to neighboring residential properties.
7. Utility structures and uses, not including dams, power plants, or very similar structures
- A. Submittal of approval from the agency in charge of approval of the facility.
 - B. Submittal of a plan for chemical storage and handling.
 - C. If in a flood hazard area, the facility must meet all of the requirements of Section 5.01 that area applicable, including Section 5.01.04.8.
 - D. Submittal of a map of power, gas and other utility plans for the facility.
 - E. Building permits must be obtained for any structures as prescribed by code.
 - F. If a facility for workers is proposed, plans for that structure must be submitted.
 - G. When applicable, the facility must have an odor control plan.
 - H. Landscape buffers shall be provided for utility structures that are a visual nuisance. Fencing shall be provided for utility structures that are a hazard to public health. A plan shall be submitted, and once approved, the landscaping and fencing shall be installed prior to occupancy.
 - I. Submittal of a stormwater drainage plan.
 - J. Submittal of plan for lighting, if any lighting is proposed. All lighting must be directed away from neighboring residences and must be full cut off fixtures.
 - K. Submittal of a plan for parking.
8. Unlit communication towers and transmission facilities lower than 50' high subject to the following requirements:
- A. Towers are subject to Section 4.05, changing "Conditional Use Permit" to "Administrative Zoning Permit" and changing "Zoning Commission" to "Planning Department".

- B. Towers shall not be lit.
- C. Towers shall not be higher than 50 feet high.

3.01.03 CONDITIONAL USES

The following uses may be permitted by the Zoning Commission upon the issuance of a Conditional Use Permit as provided by Section 7.01:

1. Agricultural or forestry related commercial or industrial business or service uses with more than five full-time equivalent employees. Regardless of number of employees, all natural mineral resource developments that are related to or used for agriculture or forestry uses shall be subject to Section 3.01.03.8 of this ordinance.
2. Feedlots, dairies, continuous confined animal management operations, or other types of similar facilities that operate for 6 or more months out of any 12 month period, with more than 250 animal units.
 - A. Any containment of animals must be situated at least 35 feet from any perennial stream shown on a USGS 7.5 minute map.
 - B. At the time of application, the applicant shall show proof that plans and permits for water, nutrient management, and odor management will be approved by the relevant regulatory agency such as the Idaho Department of Water Resources, the Idaho Department of Agriculture, and/or the Idaho Department of Environmental Quality, and shall name the agency and contact person, or the applicant shall show proof that no such permit is required. Copies of these permit approvals must be provided to the Planning Department prior to any commencement of activities on the permitted property. The Board of Latah County Commissioners may request a review as per Idaho Code Section 67-6529E, the results of which shall be in the possession of the County prior to the public hearing being held.
 - C. Anyone, regardless of their property's distance from the site of the permit or regardless of whether they own property, may testify at the required public hearings.
3. Campgrounds and recreational vehicle parks (subject, at a minimum, to the requirements set forth in Section 3.04.02-introductory paragraph and Section 3.04.02.11), golf courses, recreational fields, gun clubs, meeting halls, concert and event venues, outdoor sports training centers, and fairgrounds (subject, at a minimum, to the introductory paragraph requirements set forth in Section 3.04.02).
4. Dog boarding operations with 4 or more dogs.
5. Public buildings that operate outside of the provisions of Section 3.01.02.6.

6. Dams and Power Plants, and other very similar utility structures.
7. Communication towers and transmission facilities that are lit and/or that are over 50 feet high, subject to Section 4.05.
8. Mineral resource developments subject to Section 4.03.
9. Landing strips, heliports, and airports.
10. Solid waste disposal facilities.
11. Cemeteries, mortuaries, crematoriums, churches, museums, child day care facilities and schools.
12. Single Residential Wind Turbine.
 - A. The applicant shall place the wind turbine in a location that will have the least negative effect upon neighboring properties.
 - B. A maximum of one per each residence. Each wind turbine and any repairs require a building permit.
 - C. The proposed wind turbine shall be set back a minimum of 150% the height of the wind turbine from any public road, public right-of-way, or property line. The proposed wind turbine shall be setback a minimum of 300% the height of the wind turbine from any residential public or commercial structure. The Zoning Commission may waive such setbacks if it deems such to be appropriate and if the following criteria are met:
 1. The applicant must file with the Planning Department a signed notarized form, approved by the Planning Department, from all owners of record of all such property and structures consenting to the location of the wind turbine;
 2. Each form shall be recorded in the Latah County Recorder's Office prior to submission to the Planning Department; and
 3. For property line waivers, the form(s) shall be accompanied by a current legal survey of the property line(s) relevant to the setback.

Setbacks from any public road or public right-of-way shall not be waived.
 - D. Residential wind turbines shall not be lit.
 - E. Wind turbines shall not be operated from 5:30 PM to 10PM Monday through Fridays. Wind turbines shall not be operated from 7 AM to 10 PM on Saturday and Sunday.

- F. Wind turbines shall be no higher than 50 feet high unless otherwise authorized by the Zoning Commission.
- G. Wind turbines shall have a blade size no larger than 4 feet.
- H. Wind turbines shall be designed and installed to have an automatic and a manually powered shut off that is available at ground level in the event the wind turbine becomes defective or there is a high wind event.
- I. Defective or Abandoned Wind Turbine: Any wind turbine found by the building official to be unsafe, abandoned, or defective shall be repaired by the landowner to meet federal, state and local safety standards and the Latah County Building Code. Such wind turbine shall be shut off immediately upon notification of the building official to the owner of the property and shall remain off until the building official has verified the structure has been repaired and is no longer unsafe or defective. The County shall have the authority to pursue legal action if necessary.

13. Commercial, Multiple Residential, or Other Wind Turbine.

- A. The following documents must be attached and submitted along with the application:
 - 1. A survey of the parcel of land on which the proposed wind turbine(s) is to be located. This survey shall include all real property described on the deed of conveyance most recently recorded for that parcel that complies with this ordinance.
 - 2. A detailed drawing of each wind turbine with the height and location specified.
 - 3. If monopole towers are to be used, information on noise reduction methods that will be used to reduce the noise.
 - 4. The amount of energy to be produced by each wind turbine.
 - 5. Documents demonstrating to the satisfaction of the Zoning Commission that the necessary easements have been obtained, as well as plans showing how vehicle access will be provided.
 - 6. If any proposed wind turbine is less than 2,000 feet from any residence or commercial or public building, and/or less than 300% the height of the wind turbine to any property line, the applicant shall submit a signed notarized form, approved by the Planning Department, from all owners of record of such residential, commercial, or public structures and all owners of record of such property consenting to the location of the wind turbine. Each form

shall be recorded in the Latah County Recorder's Office prior to submission to the Planning Department. Setbacks from any public road or public right-of-way shall not be waived.

7. All property owners of record located within 2,000 feet of any proposed wind turbine, as well as all adjacent property owners, shall be notified by regular mail at the last address listed in the Latah County Assessor's Office records by the Planning Department 15 days prior to the hearing.
- B. Each wind turbine and any repairs require a building permit.
- C. The following are required conditions for any wind turbine and for the approval of the construction of such and shall appear in any CUP approved for such use. These in no way limit the Zoning Commission from setting additional conditions to ensure that the wind turbine(s) is (are) in compliance with the criteria.
1. Any proposed wind turbine shall be set back a minimum of 300% the height of the wind turbine from any public road, public right-of-way, property line, residential, public, or commercial structure. At a minimum, the wind turbine shall be at least 1000 feet away from any residential, public, or commercial structures. The Zoning Commission may waive such setbacks if it deems such to be appropriate. To request to waive such setbacks, the applicant must file with the Planning Department a signed notarized form, approved by the Planning Department, from all owners of record of all such property or structures consenting to the location of the wind turbine. For property line waivers, this form shall be accompanied by a current survey approved by the Latah County Surveyor of the property line relevant to the setback. This form shall be recorded in the Latah County Recorder's Office by the Planning Department. Setbacks from any public road or public right-of-way shall not be waived.
 2. Vibrations shall not be produced that will be humanly perceptible beyond the property boundary.
 3. If equipment enclosures will be located on the ground, a six to seven foot high fence of wood, masonry or privacy slats completely surrounding the equipment enclosure is required to secure and screen the equipment and structure.
 4. A warning sign no larger than three square feet and no smaller than two square feet must be placed on the fencing access/gate. It must contain the name of the owner and operator of the facility, and a phone number for cases of emergency as well as any other information required by law.
 5. Any wind turbine/structure shall be finished in a non-reflective neutral color or as otherwise specified by the Zoning Commission.

6. No ladder rungs or climbing pegs on any wind turbine shall be allowed within 20 feet of the ground.
 7. The maximum wind turbine lighting is a low intensity red light as defined by the Federal Aviation Administration. No wind turbine shall be higher than can accommodate a low intensity red light.
 8. Wind turbines and all accompanying equipment enclosures or ancillary facilities shall be camouflaged to fit into their immediate surroundings at the discretion of the Zoning Commission.
 9. Compliance at all times with any applicable laws or regulations including the Latah County Land Use Ordinance and the Latah County Building Code Ordinance.
 10. All wind turbines must have an approval by the Idaho Department of Fish and Game (IDFG), based on a determination of the impact the proposed wind turbine will have on local and migratory birds. If the IDFG does not provide a written response to the Planning Department within 45 days of the IDFG receipt of the request for review, then IDFG approval of the site will be assumed by the Planning Department.
 11. Wind turbines shall be designed and installed to have an automatic and a manually powered shut off that is available at ground level in the event the wind turbine becomes defective, makes noise, or there is a high wind event.
 12. Each wind turbine and associated structure and any replacements or repairs are required to get building permits.
- D. In addition to the conditional use permit criteria set out in Section 7.01, the Zoning Commission shall take the following considerations into account when deciding whether to grant a conditional use permit for wind turbine :
1. Whether the height, design, and any proposed future modification of the wind turbine , will reduce or eliminate visual obtrusiveness to the greatest extent feasible and practical;
 2. Whether it has been demonstrated the wind turbine will have a negative impact on nearby property;
 3. Whether the existing land use of the proposed site is unique to that land;
and
 4. Whether any aspect of the wind energy operation may pose an unreasonable nuisance at the proposed site, including but not limited to lighting and noise.

E. Removal or Repair of Defective Wind Turbine

Any wind turbine found by the building official to be unsafe, abandoned, defective or causing an undue amount of noise heard on any nearby property shall be repaired by the landowner to meet federal, state and local safety standards, the Latah County Building Code, and to not create nuisance noise. Such wind turbine shall be shut off immediately upon notification of the building official to the owner of the property and shall remain off until the building official has verified the structure has been repaired and is no longer unsafe, defective, or a nuisance. If the wind turbine is not legally repaired within 120 days, it will be considered to be abandoned. At the end of the 120 days, the owner shall immediately take down the wind turbine. If the owner does not immediately take down the wind turbine, legal proceedings as set forth in Section 3.01.03.13.F. shall commence to ensure the wind turbine is taken down.

F. Abandoned Wind Turbine

1. In addition to the provisions set forth in Section 3.01.03.13.E, any wind turbine that has been turned off or not working for a period of 120 days shall be considered abandoned. The wind turbine owner or landowner thereof shall take down any such wind turbine(s) and any accompanying equipment enclosure within 60 days.
2. The Planning Department, upon determining that wind turbine has been abandoned, shall serve notice by certified mail of its determination of abandonment upon the owner of the system and to the land owner, to the address on file with the Latah County Assessor's Office. The notice shall contain the reasons why the wind turbine has been deemed abandoned, the owner's obligation to remove the wind turbine pursuant to this Section, and the owner's right to appeal the determination of abandonment.
3. The wind turbine owner or landowner may, during the 60 days, apply, and for good cause shown, have granted, an extension of time on such terms as the Planning Department shall determine.
4. If such structure and equipment enclosure are not so removed within said 60 days or any extension thereof, then the County has the right without further notice to enter upon the land and remove and abate such structures at the expense of the wind turbine owner or landowner by any remedy available at law or in equity. In the event Latah County exercises its right hereunder, any and all salvage rights shall inure to, and become property of Latah County at the County's sole option.
5. The Planning Department's determination of abandonment may be appealed pursuant to Section 1.02.17.

14. Accessory Cottage Housing

The intent of this Section of the ordinance is to enable the placement of one accessory housing unit, either attached or separate from an existing principal dwelling, on parcels that are not eligible for additional building permits that exceeds the size allowed in Section 3.01.02. The Zoning Commission shall, as a minimum, place the following requirements upon any accessory cottage housing conditional use permit.

- A. Any new structure must meet all other zoning requirements, the owner of such property must obtain a valid building permit prior to any construction, the building must pass all inspections, and the building must receive a certificate of occupancy.
- B. Any existing structure must be brought into compliance with all current zoning requirements, building codes, and occupancy ratings for a residence, the owner of such property must obtain a valid building permit prior to making any changes or commencing construction, the building must pass all inspections, and the building must receive a certificate of occupancy.
- C. Accessory cottage housing roofs shall comply with snowload requirements in the area in which they are constructed.
- D. Minimum constructed roof pitch shall be of a 3:12 rise to run ratio. Constructed roof pitch in excess of rise to run ratio of 5:12 shall be credited for snowload construction requirements. The attached roof shall meet the Latah County snowload requirements (as set forth in the Latah County Building Code Ordinance) for the area in which they are constructed or placed. In the event there is a conflict with any other adopted codes, such as the Building Code, the more restrictive shall apply.
- E. Accessory cottage housing shall be installed as real property with a permanent foundation.
- F. Septic system for accessory cottage housing shall be inspected and approved by the North Central District Health Department.
- G. A plan for a water supply system or a statement that individual wells will be used shall be submitted to the Planning Department. If individual wells are used, their location shall be shown on a map submitted to the Planning Department.
- H. The square footage for accessory cottage housing shall be a maximum of 1500 square feet, and the square footage of the accessory cottage housing unit shall not exceed fifty (50) percent of the total square footage of the principal dwelling.

- I. The maximum separation between the principal dwelling and the accessory cottage housing shall be 100 feet unless it is physically impractical to do so, in which case it must be located as close as is physically practical to the principal dwelling.
 - J. A deed restriction shall be recorded prior to issuance of a building permit indicating that the accessory cottage housing shall forevermore be tied to the principal building and shall not be separated or put on its own parcel for sale or any other purpose. If the parcel becomes eligible for a land division as per Section 8.01 of this ordinance, so long as the accessory dwelling and the primary residence can meet the setback requirements, the owner of the property may apply for a land division and, as part of the approval, can create a parcel that includes the accessory dwelling. Once the land division has been approved, the Planning Department shall record a document that indicates that the division of the accessory cottage house is allowed by the regulation and approved by the Department.
 - K. The applicant shall work with the Planning Department to ensure the best placement of the accessory cottage housing. The applicant shall try to minimize the impacts the accessory cottage house has on any nearby residences.
 - L. The accessory cottage housing shall be of a similar character of the primary residence or of a typical accessory structure seen in this zoning designation. Preliminary plans for the structure shall be submitted prior to the public hearing. The Planning Department shall review these plans and make recommendations, if necessary, to the Zoning Commission regarding changes that would need to be made to the residence to meet this requirement.
 - M. Unless impossible, the accessory cottage housing shall use the same driveway as the primary dwelling. In addition to meeting the requirements of Section 9.01.02.4, the shared private driveway shall have a graveled or paved surface of at least 20 feet wide. A driveway map must be submitted to the Planning Department.
- 15. Salvage, wrecking, and junk yards occurring outside of a fully enclosed building.
 - 16. Mini-storage units, recreational vehicle storage facilities, and boat storage facilities. One (one) recreational vehicle storage location, in conjunction with and on the same parcel as a single family residence, for use by the occupants of the residence in accordance with Section 4.06 of this ordinance, does not require a Conditional Use Permit.
 - 17. Public parks that have overnight accommodations, that have hours of operation outside of the prescribed hours of operation, that rent space for events, or that charge for admissions. Subject to Section 3.01.02.3.B through 3.01.02.3.I of this code as well as any other conditions as set in an approved conditional use permit.

18. Commercial kitchens no larger than 3000 square feet in size not related to agriculture or forestry as set forth in Section 3.01.03.1.
19. Food processing operations, regardless of number of employees, operating outside of the provisions for home occupations, that retail on-site.
20. Small scale retail sales and rental shops, no larger than 600 square feet in size, directly related to recreation in Latah County that are in proximity to recreational sites.
21. Waste water treatment facility subject to the following minimum conditions:
 - A. Submittal of approval from the state agency in charge of approval of the facility
 - B. Submittal of a plan for chemical storage and handling
 - C. If in a flood hazard area, the facility must meet all of the requirements of Section 5.01 that area applicable, including Section 5.01.04.8;
 - D. Submittal of a map of power, gas and other utility plans for the facility
 - E. Building permits must be obtained for any structures as prescribed by code
 - F. If a facility for workers is proposed, plans for that structure must be submitted.
 - G. Must submit an odor control plan;
 - H. Must submit plans for a landscape buffer around the facility and after approval, install the landscaping. The buffer should adequately shield any nearby uses that involve people from the facility;
 - I. Must submit a stormwater drainage plan for the waste water treatment facilities;
 - J. Must submit a plan for any locations for any composting areas. Composting areas shall have a landscape buffer that shall meet the requirements of item H.
 - K. Submittal of plan for lighting, if any lighting is proposed. All lighting must be directed away from neighboring residences and must be full cut off fixtures.
 - L. Submittal of plan for fencing. All wastewater treatment plants that have open sewage pits shall have a protective fence ensuring the safety of the public.
 - M. Submittal of a plan for parking. All parking lots must be constructed prior to occupancy.

3.01.04 SIZE AND SETBACK REQUIREMENTS

Minimum eligible parcel size is one acre. All accessory structures shall be a minimum of 10 feet from any property line. All other structures shall be a minimum of 35 feet from any property line not abutting a public right-of-way. All structures shall be a minimum of 20 feet from the boundaries of any public right-of-way or 60 feet from the center line of any road placed within the boundaries of a public right-of-way, whichever is greater. When the setback distance is disputed, the Planning Department may require the property owner to have the property line established by a professional surveyor licensed in the State of Idaho. A detached accessory building can be built to the side or rear lot lines provided a written mutual agreement of the abutting property owners on the property lines affected be recorded in the Latah County Recorder's Office. Fences, bridges, retaining walls, roads, driveways, in ground scales, poles, signs, access ramps, and mailboxes (respecting rights of way and easements) are exempt from setback requirements.

3.01.05 SIGN RESTRICTIONS

No sign shall exceed 64 square feet in display area and no sign for commercial purposes shall be allowed unless it pertains only to a permitted use engaged on the property. No sign or item used to post a sign may impair the sight of drivers traveling on public roads. No sign greater than two square feet shall be lighted and such lighting shall be directed onto the sign, shall be of a full-cut off fixture, and shall not impair the sight of drivers. Signs installed by the Idaho Transportation Department, local highway district, or other governmental agency for purposes of directing the safe and convenient flow of traffic are exempt from these restrictions.

SECTION 3.02 RURAL RESIDENTIAL ZONE

The Rural Residential Zone is shown on the "Official Zoning Map of Latah County". This zone is established to achieve the purposes of this ordinance and the goals and policies of the Latah County Comprehensive Plan by providing opportunities for residential development in areas appropriate for limited low density housing. Uses allowed in this zone include low density residential, limited horticultural and animal husbandry, and uses which will not conflict with a rural residential neighborhood.

3.02.01 PERMITTED USES

The following uses are permitted in this zone as a right of property ownership:

1. One single family dwelling for each eligible parcel. Approved single family dwellings shall have no more than two rooms for rent or remuneration and these rooms shall not exceed an occupancy of two persons per room.
2. Agronomy, orchards, commercial fruit and vegetable gardening, plant nurseries and related horticultural operations, not including any processing or year round sales facilities related to the primary use of the property.