

CHAPTER 11.13

URBAN GROWTH AREA RESIDENTIAL DISTRICT (UGAR)

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11.13.010 PURPOSE. The Urban Growth Area Residential District (UGAR) are lands within Urban Growth Areas (UGAs) that have been designated to accommodate the land use needs of a city's projected future population growth. The UGAR District allows higher densities and a variety of uses similar to those typically found in the adjacent cities. The densities, uses and development provisions allowed within this district assure that development prior to annexation by a city results in densities, land uses and development patterns that are consistent with that city's Comprehensive Plan.

[Ord. 490 (2011) § 2]

11.13.020 APPLICABILITY. Provided all applicable code provisions are satisfied, the provisions of this chapter shall apply to the areas designated as an Urban Growth Area Residential District (UGAR) on the official zoning maps of Benton County and located within an Urban Growth Area of the unincorporated Benton County.

[Ord. 490 (2011) § 3]

11.13.030 ALLOWABLE USES. The following uses are allowed within the Urban Growth Area Residential District (UGAR) on a single parcel of record:

- (a) Single Family Dwelling (SFD).
- (b) Duplex.
- (c) One or more accessory buildings and uses commonly appurtenant to a single family dwelling.
- (d) On any tract of land having an area of one (1) acre or more, the keeping of one animal unit equivalent per one-half acre of ground, exclusive of suckling animals.
- (e) Church.
- (f) Adult Family Home.
- (g) Crisis residential center.
- (h) Kennel, private.
- (i) Yard sales occurring for no more than three (3) consecutive days on two (2) different occasions during a calendar year.

[Ord. 490 (2011) § 4]

11.13.040 USES SUBJECT TO PLANNING DIRECTOR REVIEW AND APPROVAL. The following uses may be allowed within the Urban Growth Area Residential District (UGAR) on a single parcel of record upon the review and approval of the Planning Director:

- (a) Temporary Dwelling, subject to BCC 11.52.091 and 11.52.0941.
- (b) Home Occupation, subject to the provisions of BCC 11.13.090 through BCC 11.13.120, involving business activities not otherwise expressly allowed or requiring a permit under BCC 11.13.050.
- (c) Child Day Care Facility, Type A, subject to the provisions of BCC 11.52.067.
[Ord. 490 (2011) § 5]

11.13.050 USES REQUIRING A CONDITIONAL USE PERMIT. The following uses may be permitted on a single parcel of record within the Urban Growth Area Residential District (UGAR) if a conditional use permit is issued by the Hearings Examiner after notice and public hearing as provided in BCC 11.52.090:

- (a) School, library, community clubhouse, grange hall, senior center and/or other non-profit organizational hall.
- (b) Fire department facility, law enforcement facility, and/or medical facility.
- (c) Child Day Care Facility, Type B, subject to the provisions of BCC 11.52.068.
- (d) Public transit center.
- (e) Bed and Breakfast Establishment.
- (f) Home occupation involving the display and/or sale of products on the premises; provided, a home occupation permit is also required under BCC 11.13.090 through BCC 11.13.120.

- (g) Nursery.
- (h) Park.
- (i) Hiking and non-motorized biking trails.
- (j) Utility substation facility.
[Ord. 490 (2011) § 6; Ord. 512 (2011) § 1; Ord. 544 (2014) § 1]

11.13.060 USES PROHIBITED. Any use not authorized or approved pursuant to BCC 11.13.030, BCC 11.13.040, or BCC 11.13.050 is prohibited within the Urban Growth Area Residential District (UGAR).
[Ord. 490 (2011) § 7]

11.13.070 PROPERTY DEVELOPMENT STANDARDS--GENERAL STANDARDS. All lands, structures and uses in the Urban Growth Area Residential District (UGAR) shall conform to the following general standards, and if applicable, to the standards set forth in Title 15 BCC (Protection of Critical Areas and Resources).

(a) Minimum parcel size. Except as otherwise set forth herein, the minimum parcel size that may be created in the UGAR District is seven thousand five hundred (7,500) square feet; provided, the Benton-Franklin Health District may require a larger parcel size as necessary to meet on-site sanitary well and sewer provisions. Duplexes may only be located on parcels of at least fourteen thousand (14,000) square feet; provided, the Benton-Franklin Health District may require a larger parcel size as necessary to meet on-site sanitary well and sewer provisions.

(b) Lot Width. Each parcel shall have an average lot width of no less than seventy (70) feet.
[Ord. 490 (2011) § 8]

11.13.080 PROPERTY DEVELOPMENT STANDARDS--SETBACK REQUIREMENTS. All lands, structures, and uses in the Urban Growth Area Residential (UGAR) shall meet the following setback requirements, and if applicable, the setback requirements set forth in Title 15 BCC (Protection of Critical Areas and Resources).

(a) Setback Requirements. The following minimum setbacks shall apply:

(1) Each dwelling unit, accessory building, and accessory use on a parcel shall have a setback of twenty-five (25) feet from the property line bordering any public road right-of-way; and a setback of twenty-five (25) feet from the closest edge of any legally-established boundary line of a private access easement.

(2) Each dwelling unit shall have a setback of twenty-five (25) feet from the rear parcel lines.

(3) Each accessory building and accessory use shall have a setback of ten (10) feet from all alleys and the rear parcel lines.

(4) Each dwelling unit, accessory building, and accessory use on a parcel shall have a setback of ten (10) feet from the side parcel lines.

(5) All shelters, coops, or other structures used for the habitation of livestock shall have a setback of at least thirty (30) feet from every property line of the parcel on which it is located, unless a greater setback is otherwise required under the Benton County Code.

(6) All dwelling units and swimming pools shall have a setback of one hundred fifty feet (150) from any parcel located partially or wholly within the Growth Management Act Agricultural District (GMAAD) and from any adjacent orchard, hop yard, or vineyard (or combination thereof) of ten (10) acres or more on one parcel or on contiguous parcels under common ownership.

(7) Cornices, eaves, belt courses, sills, fireplace chimneys, and open, unenclosed stairways or balconies not covered by a roof or canopy may extend or project from a building three (3) feet into any required setback area. However, none of these architectural features may be located within any easements.

(8) Ground floor uncovered, unenclosed porches, platforms, or landings may extend or project from a building six (6) feet into the setback area but no closer than five (5) feet from any parcel line; provided, none of these architectural features may be located within any easements.

[Ord. 490 (2011) § 9]

11.13.090 HOME OCCUPATION—GENERAL CRITERIA. Except for those types of activities identified in BCC 11.13.110 all home occupations that meet the following criteria are allowed within a legally existing dwelling unit upon issuance of a home occupation permit by the Planning Department:

(a) There must be a dwelling unit on the parcel, and a proprietor of the home occupation must reside in the dwelling unit.

(b) No more than two (2) non-resident persons, whether they work on site or not, may be employed by, or be partners or shareholders in the home occupation.

(c) The total area for all home occupations on the premises, including all storage spaces used for such home occupations, shall not occupy more than the lesser of: (i) thirty (30) percent of the dwelling unit's floor area and any attached garage; or (ii) six hundred (600) square feet within a dwelling unit or attached garage.

(d) No more than one (1) non-illuminating sign, with a maximum area of four (4) square feet, extending a maximum height of six (6) feet above grade, shall be permitted in connection with the home occupation. The posting of such sign is limited to the parcel on

which the home occupation is located. On-street (inside the road right-of-way) sign posting and any sign posting that interferes with the line-of-sight for road intersections are prohibited.

(e) Noise, lighting, dust, smoke and other potential off-site impacts of the home occupation shall be controlled as follows: noise shall not exceed sixty-five (65) decibels at any property line; smoke, spray, airborne dust, noxious odors or other particulate materials shall not migrate to adjacent properties; lights must be hooded to illuminate downward and minimize the impact to adjacent properties; interference with neighborhood radio, TV, or phone reception and transmission shall not occur.

(f) Only one (1) vehicle marked to identify the home occupation is allowed on the parcel at any one time, excluding vehicles parked within an enclosed structure. No other on-site, outside storage of vehicles, equipment, and/or supplies (including building materials and equipment such as lumber, plasterboard, pipe, paint, and heavy equipment) is allowed in connection with a home occupation.

(g) Once a home occupation permit is issued, the Benton County Fire Marshall may require that the parcel be placed on the Fire Marshall's Annual Inspection List.

[Ord. 490 (2011) § 10]

11.13.100 HOME OCCUPATION PERMIT-APPLICATION. Any person seeking a home occupation permit in accordance with BCC 11.13.090 shall submit the following information to the Planning Department:

(a) A completed application on a form supplied by the Planning Department;

(b) A non-refundable application fee as established by resolution of the Board of County Commissioners;

(c) A scaled site plan detailing the outer boundary and dimensions of the property, all structures located on the property, the

location of the home occupation within the dwelling unit, the square footage of the area (including all storage areas) to be used for the home occupation, and a description of the home occupation; and,

(d) Any additional information as required by the Planning Administrator, in accordance with Title 17 BCC (Permit Review Process).

[Ord. 490 (2011) § 11]

11.13.110 HOME OCCUPATION--USES NOT ALLOWED. The following types of home occupations are not allowed:

(a) Repair, bodywork, or painting services on automobiles, motorcycles, marine, off-road vehicles, trailers, heavy equipment, recreational vehicles, or semi-trucks for persons not residing on the premises.

(b) Cabinetwork and mill work.

(c) Veterinary clinic or hospital.

(d) Appliance repair.

(e) Machine and sheet metal shop.

[Ord. 490 (2011) § 12]

11.13.120 HOME OCCUPATION PERMIT--DECISION. The Planning Administrator shall issue or deny the permit. If the Planning Administrator determines that the proposed use is not consistent with BCC 11.13.090 through 11.13.110, the Administrator shall deny the request and inform the applicant in writing the reasons for the denial.

[Ord. 490 (2011) § 13]

11.13.130 EFFECTIVE DATE. This chapter shall take effect and be in full force on September 1, 2011.
[Ord. 490 (2011) § 15]