

~~SECTION 4.05 CLUSTER HOUSING DEVELOPMENT IN RESIDENTIAL DISTRICTS  
(See Section 5.09 for Residential Clustering in AG & SAG Districts)~~

~~4.05.010 Cluster housing developments, with the exception of the RC-1 districts, shall be subject to the following:~~

- ~~1. Minimum area of the development shall be two (2) acres.~~
- ~~2. Types of buildings:
  - ~~A. Within the R-2.5, R-1, R-2, and R-3 residential districts, only one-family detached dwellings shall be permitted;~~
  - ~~B. Within the R-4 and R-5 residential districts, detached, semi-detached, and attached dwellings shall be permitted.~~~~
- ~~3. The overall density of the cluster development shall not exceed the density allowed in the underlying district.~~
- ~~4. The minimum size of a lot of records within a cluster development shall be as follows:
  - ~~A. The minimum size of a lot of record within the development for detached dwellings shall be at least 50 percent (50%) of the minimum area required per dwelling unit but not less than 4,500 square feet, provided that an area equal to the difference, if any, between the minimum area required per dwelling unit and the size of the lot of record actually provided shall be set aside as common open space.~~
  - ~~B. The minimum lot size of a lot of record within the development for attached dwellings shall be 2,500 square feet for one dwelling unit and 5,000 square feet for two dwelling units. Attached dwellings shall not exceed eight (8) dwelling units in one building. The area equal to the difference, if any, between the minimum area required per dwelling unit and the size of the lot of record actually provided shall be set aside as common open space.~~~~
- ~~5. Yards abutting the boundaries of cluster developments shall conform to the minimum setback requirements for the district, provided that landscaped strips of at least ten (10) feet in width shall be maintained along the boundaries of the development. Such strips shall not be used as drives or for parking. Where groups of buildings in the development are other than perpendicular to a side or rear boundary of the cluster development, and such boundary is not a street or alley, the setback adjacent to such boundary shall be thirty (30) feet, and a ten (10) foot landscaped strip shall be maintained free from drives or parking.~~
- ~~6. The maximum lot coverage by all buildings, as specified for the district, shall be applied to the cluster development as a whole and not to individual lots of record within the cluster development.~~

- ~~7. Adequate provisions shall be made for the perpetual maintenance of all open space areas by the inclusion of covenants running with the land in the deeds or other instruments of conveyance, delineating such open areas; and;~~
  - ~~A. Obligating purchasers to participate in a homeowners association and to support maintenance of the open space areas by paying to the association assessments sufficient for such maintenance and subjecting their properties to a lien for enforcement of payments of the respective assessments;~~
  - ~~B. Obligating such association to the maintenance of open space areas;~~
  - ~~C. All open space shall be made up of land that is suitable for general recreational and agricultural purposes. Suitable land shall not include land that is regularly inundated, land that exceeds a 25% slope, land that is shaped to preclude normal recreational activities, or land that is otherwise unusable.~~

**SECTION 5.09****RESIDENTIAL CLUSTERING IN AG AND SAG DISTRICTS**

~~(See Section 4.05 for Cluster Housing Development in Residential Districts)~~

The purpose of this regulation is to allow single-family dwellings to be clustered in areas of non-prime agricultural soils so that prime agricultural land, timberland, or unique natural amenities will be preserved. Clustering of residential dwellings in agricultural, *suburban agricultural*, and *some residential* zoning districts may be permitted whenever a parcel of land is eligible based on the criteria outlined in this Section.

## 5.09.010

## Procedure

The procedure to establish a cluster development shall be the review and approval of the land division as a subdivision by the Flathead County Commissioners, subject to Flathead County Subdivision Regulations. Resubdivision of a cluster development must be reviewed and approved by the Flathead County Commissioners.

## 5.09.020

## General Provisions

1. Residential clustering may be permitted in the following zoning districts: AG-80, AG-40, AG-20, SAG-10, ~~and~~ SAG-5, *R-2.5, R-1, R-2, R-3, R-4, and R-5.*
2. ~~Single family~~ Dwellings may be either attached or detached. If attached, no more than 4 dwellings may occupy a single structure, and each separate dwelling must be conveyable as a townhouse *unit with a subplot*. All dwellings must be built upon permanent foundations.
3. Density and open space requirements:
  - ~~A. Lots within the cluster subdivisions may not exceed a net average of two (2) acres.~~
  - ~~B. Maximum cluster site density: 15 dwellings per acre~~
  - A. Maximum residential density of parent tract: ~~150%~~ *200%* of allowable density in *AG, or SAG* zoning districts.
  - B. *Maximum residential density of parent tract: 125% of allowable density in R-2.5, R-1, R-2, R-3, R-4, and R-5 zoning districts.*
  - C. Minimum proportion of parent tract in open space:
 

AG-80	80%
AG-40	80%
AG-20	80%
SAG-10	70%
SAG-5	60%

R-2.5	60%
R-1	50%
R-2	40%
R-3	30%
R-4	30%
R-5	30%

- A “cluster site” shall mean a designated location within a “parent” tract of land that has sufficient size to allow for the density and open space requirements within the specific zoning district.
- A “parent” tract shall mean a single tract of record that is used for calculating a cluster density allowance. Note: Multiple tracts of land under single ownership must be aggregated with a boundary line adjustment (BLA) if a combination of multiple tracts is intended to qualify as a “parent” tract.
- Density allowance shall be based on the size of the parent tract.

~~Density bonus allowance is 150% of standard number of dwelling units (du).~~

~~Note: This chart is based on a parent tract of 100 acres.~~

District	Permitted	Cluster	Open Space	Dev. Ae.	Avg Lot
AG-80	1 du	1 du	80%	20 ac.	2.0 ac.
AG-40	2 du	3 du	80%	20 ac.	2.0 ac.
AG-20	5 du	7 du	80%	20 ac.	2.0 ac.
SAG-10	10 du	15 du	70%	30 ac.	2.0 ac.
SAG-5	20 du	30 du	60%	40 ac.	1.3 ac.

District	Permitted	Cluster	Open Space	Max. Dev. Ac.
AG-80	1 du	2 du	80%	20 ac.
AG-40	2 du	5 du	80%	20 ac.
AG-20	5 du	10 du	80%	20 ac.
SAG-10	10 du	20 du	70%	30 ac.
SAG-5	20 du	40 du	60%	40 ac.

*Note: This chart is based on a parent tract of 100 acres.*

District	Permitted	Cluster	Open Space	Max. Dev. Ac
R-2.5	4 du	5 du	60%	4 ac.
R-1	10 du	12.5 du	50%	5 ac.
R-2	21.8 du	27.2 du	40%	6 ac.
R-3	43.6 du	54.5 du	30%	7 ac.
R-4*	58.1 du	72.6 du	30%	7 ac.
R-5	80.6 du	100.8 du	30%	7 ac.

*\*Requires using 7,500 square feet*

*Note: This chart is based on a parent tract of 10 acres.*

- The differences in area between the (net) residential lot sizes of a cluster site and the total (gross) area of the “parent” tract used in the density

allowance calculation must be retained in some form of open space until such time as the planning and zoning documents for the area are amended to facilitate appropriate additional development.

8. A covenant shall be recorded with the filing of any plat that establishes a cluster site. The covenant shall restrict the use of the required open space in a manner that includes the following:

- A. Prohibition of any further divisions of land or change in use of the property until ~~such time as~~ the planning and zoning documents for the area are amended to facilitate appropriate additional development/uses. This will not preclude phased cluster projects up to the allowed density.
- B. Description of the intended use, management, and ownership of the open space.

9. *Bulk and Dimensional Requirements:*

A. *Minimum setbacks for all structures of 20 feet from the boundary of a highway right-of-way.*

B. *AG and SAG Districts:*

- 1. *Minimum Lot Width:* *No parcel or lot shall have an average depth greater than three times its average width unless the average lot width is more than 200 feet. 60 feet.*

*Cul-de-sacs:*

- 2. *Conform to the setback requirements underlying zoning.*

C. *R Districts:*

- 1. *Minimum Lot Width: 50 feet.\**  
*Sub Lot: 25 feet.*

*\* For properties with rear-loaded alleys or shared driveways, the minimum lot width shall be 40 feet.*

- 2. *Setbacks:*  
*Front: 20 feet*  
*Side: 15 feet each.*  
*Side Corner: 20 feet.*  
*Side Sub Lot : 0 feet.*  
*Rear: 10 feet*

5.09.030 Performance Standards

Each cluster *dwelling* site shall adhere to the following performance standards:

The cluster *dwelling* sites

1. Shall be able to obtain safe and convenient access to a public or private road, but individual lot access onto a highway or *county collector* road is not allowed;
2. Shall be located off of prime agricultural land (SCS soil classification I-IV) to the greatest extent possible when determining a location for the cluster development. ~~or, if located within a forested area, not be within an area that is rated as “very high” or “extreme” fire risk by the Montana Department of Natural Resources after subdivision improvements;~~
3. Shall have suitable soils for on-site treatment of sewage *if not on a public sewer system;*
4. *A recorded Wildland Fire Fuels Reduction and Maintenance Plan with long-term maintenance funding;*
- ~~4. Shall not be situated or otherwise associated with any environmentally sensitive area, hazard area, or wildlife habitat of local significance or habitat for endangered or threatened species, big game winter range, waterfowl nesting areas, or other significant wildlife habitat as determined by the Montana Department of Fish, Wildlife and Parks;~~
5. Should be situated near the perimeter boundary of the “parent” tract of land ~~in order~~ to maximize the extent of uninterrupted open space;
- ~~6. Shall establish minimum setbacks for all structures of 100 feet from the boundary of a highway right of way and otherwise conform to the minimum setbacks of the district in;~~
6. *Open space must be designed to reduce wildfire risk:*
  - A. *Highest-hazard areas (steep slopes, chimneys, heavy fuels) must be included in open space;*
  - B. *Open space must be contiguous, not leftover fragments;*
  - C. *Open space adjacent to clusters must function as a fuel break;*
  - D. *Open space must provide fire apparatus access for fuel treatment; and*
  - E. *Cluster dwelling sites shall be limited to 20 units per cluster with a minimum 300-foot separation between Cluster dwelling sites.*
  - F. *Open space is configured to function as a fuel break, located upwind and upslope of structures where feasible; and*

7. Shall not interfere or otherwise conflict with adjoining farming activities;
8. *Shall not be situated or otherwise associated with any environmentally sensitive area, or hazard area, including: ~~Shall not be located in:~~*
  - A. A 100-year floodplain (floodway and flood fringe) as determined by the Federal Emergency Management Agency (FEMA);
  - B. Areas on sloped banks or within 50 horizontal feet of the high water mark of water bodies or streams;
  - C. Wetlands as determined by the U.S. Army Corps of Engineers;
  - D. Steep areas in excess of 30% slope or other areas subject to excessive geological hazards; ~~or~~
  - E. Areas where development will be detrimental to significant natural, historic, or cultural resources;
  - F. *High, or Extreme County-Wide Protection Priority, or a Fire District Protection Priority, wildfire area. Highest-hazard areas must be placed in permanent open space; or*
  - G. *Wildlife habitat of local significance or habitat for endangered or threatened species, big game winter range, waterfowl nesting areas, or other significant wildlife habitat as determined by the Montana Department of Fish, Wildlife, and Parks.*

5.09.035

*Bonus Density Standards in R-2.5, R-1, R-2, R-3, R-4, and R-5 Zoning Districts*

*Additional performance standards may be considered to allow for an increase to the density bonus allowance. A 10% bonus density allowance is permitted for each of the performance standards implemented below. The total density bonus shall not exceed 175% of the allowable density of the zoning district.*

1. *Pedestrian Enhancements*
  - A. *Construct a multi-use trail a minimum of 10 feet wide when the specific location is identified as a proposed arterial or connector trail route in the Flathead County Trails Plan; and*
  - B. *Provide 4-foot-wide sidewalks on the internal subdivision roads on at least one side.*
2. *Surface Water and Wetland Buffer*  
*Provide a minimum 200-foot buffer from streams, rivers, lakes, and wetlands.*
3. *Increased Open Space*

*Increase open space by 25% from the required open space.*

4. *Workforce Housing*  
*10% of the development is classified as workforce housing*
5. *Public Water and Sewer*  
*Located on the public water and sewer system.*
6. *Perimeter Landscape Buffer*  
*Provide a landscape buffer of 50 feet along adjoining properties by preserving natural vegetation.*
7. *Secondary Emergency Access*
  - A. *Two independent access routes meeting fire code standards, or;*
  - B. *For small developments where two routes are infeasible, a fire authority-approved emergency access route with all-weather surfacing and year-round maintenance.*

5.09.040 Open Space Requirements

The location and size of the area designated as open space shall be shown on the final plat of the subdivision. A single-family dwelling on an open-space area of 20 acres or larger, and utilities are permitted.

**SECTION 8.09 DEFINITIONS “H”**

8.09.090 *Housing, Workforce – Housing of a cost that a household earning between 60% and 140% of the median household income for the county in which the person resides or the state, whichever is less would spend no more than 30% of gross monthly income for a mortgage payment, property taxes, and insurance.*