

Harrison County, Mississippi Unified Development Code

02Harrison County Unified development Code
Adopted After Public Hearing on August 28, 2000
As Amended through
June 12, 2023

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| Code 0101PC003 | § 415 Portable building sales | Adopted 02/05/01 |
| Code 0101PC018 | § 906.02.02 a-g | Adopted 02/05/01 |
| Code 0103PC050 | § 809 Outdoor Lighting | Adopted 04/09/01 |
| Code 0105HC076 | § 415 Office-warehouse developments... | Adopted 05/29/01 |
| Code 0106HC097 | § 416 & others, min. lot sizes and types of developments to be consistent with the Harrison County Land Use Regulations | Adopted 07/02/01 |
| Code 0109HC169 | § 903.02 and others, establishing appeal periods of Planning Commission recommendations and decisions | Adopted 10/01/01 |
| Code 0111HC193 | § 415 Radio, television and ... | Adopted 12/10/01 |
| Code 0112HC209 | § 203 & others definitions add Drinking establishment | Adopted 01/28/02 |
| Code 0201HC013 | § 415 Recreational Vehicle Park | Adopted 01/28/02 |
| Code 0201HC018 | § 1404.02 Scheduling and notice given to adjacent property owners for Conditional Use Permits... | Adopted 01/28/02 |
| Code 0203HC047 | § 415 Extractive Operation | Adopted 04/01/02 |
| Code 0204HC078 | § 203 Requirements for manufactured or modular home parks | Adopted 05/06/02 |
| Code 0205HC101 | § 203 & others, Guest Cottages | Adopted 06/03/02 |
| Code 0206HC114 | § 415 Machine shop | Adopted 07/01/02 |
| Code 0208HC174 | § 415 Automotive and truck accessory retail sales & related services | Adopted 08/26/02 |
| Code 0209HC184 | § 415 Automobile and truck repair and maintenance | Adopted 10/07/02 |
| Code 0210HC211 | § 415 Hospice | Adopted 11/04/02 |
| Code 0212HC235 | § 203 & others, Kennel, Breeding | Adopted 02/03/03 |
| Code 0212HC245 | § 415 Kennel, Boarding | Adopted 01/13/03 |
| Code 0212HC246 | § 415 Fireworks Stand | Adopted 01/13/03 |
| Code 0212HC247 | § 415 Manufactured Home Subdivision | Adopted 01/06/03 |
| Code 0212HC248 | § 813 Existing Conditional Use Permits | Adopted 01/13/03 |
| Code 0303HC039 | § 415 Amusement Arcade | Adopted 04/07/03 |
| Code 0303HC042 | § 203 & others, Reduced Lot Line Dwellings | Adopted 04/07/03 |
| Code 0303HC072 | § 415 Accessory Residence to a Business Use | Adopted 06/02/03 |
| Code 0306HC097 | § 415 & 814, Extraction Operation | Adopted 07/07/03 |
| Code 0307HC116 | § 203 & 815, Accessory Residential Buildings | Adopted 08/11/03 |
| Code 0307HC117 | § 415 Snowball Stand | Adopted 08/11/03 |
| Code 0311HC198 | § 816 & others Recreational Vehicle Parks | Adopted 02/02/04 |
| Code 0405HC089 | § 415 Golf Driving Range | Adopted 06/14/04 |
| Code 0406HC120 | § 415 Skeet/Trap Outdoor Shooting Range | Adopted 07/06/04 |
| Code 0407HC137 | § 415 Oyster House | Adopted 08/02/04 |
| Code 0408HC159 | § 203 & 415 Automotive Impound Facility | Adopted 09/07/04 |
| Code 0504HC061 | § 415 Manufactured, modular and mobile homes | Adopted 05/09/05 |
| Code 0505HC092 | § 701.1 & 805 Off-Street Parking & Excess Height | Adopted 08/08/05 |
| Code 0512HC208 | § 415 Radio, television and... | Adopted 03/16/06 |
| Code 0604HC124 | § 203 & others, definition of Manufactured Home | Adopted 04/20/06 |
| Code 0602HC046 | § 415 Heavy Equipment | Adopted 12/11/06 |
| Code 0607HC238 | § 906.02.02.h Time Requirements between Zoning Map Requests | Adopted 07/20/06 |
| Code 0607HC242 | § 415 Drinking Establishment | Adopted 07/20/06 |
| Code 0609HC326 | § 900 & others, Cease & Desist Orders | Adopted 10/09/06 |
| Code 0610HC377 | § 415 Personal Care Home | Adopted 11/06/06 |
| Code 0610HC379 | § 415 Excess Height | Adopted 11/06/06 |
| Code 0602HC046 | § 415 & others, Heavy Equipment sales and service | Adopted 12/11/06 |
| Code 0610HC352 | § 415 Sign Shop | Adopted 12/11/06 |

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| Code 0709HC299 § 203, 415 & others Banquet Halls, Bed & Breakfast | Adopted 10/01/07 |
| Code 0710HC338 § 203, 415 & others Home Based Business | Adopted 01/04/08 |
| Code 0810HC268 § 203,415 & 821 Antique, Inoperable junked & Nuisance Vehicles | Adopted 12/08/08 |
| Code 0810HC269 § 203, 415 & 819 Home Based Business Activity | Adopted 12/08/08 |
| Code 0810HC270 § 203, 415 & 826 Animal Farming | Adopted 03/09/09 |
| Code 0810HC271 § 203, 415 & 809 Outdoor Lighting | Adopted 01/12/08 |
| Code 0811HC294 § 203, 415, 815 & 812 Group Homes and Secondary Living Unit | Adopted 12/08/08 |
| Code 0811HC295 § 203, 415 & 829 Solar Wind Energy Systems Code | Adopted 12/08/08 |
| Code 0812HC324 § 203, 413 & 414 1-2 General Industry District | Adopted 02/02/09 |
| Code 0812HC325 § 810, 811 Low Density Manufactured Home Parks | Adopted 02/02/09 |
| Code 0812HC326 § 203, 416 700 & 828 Landscaping Standards | Adopted 02/02/09 |
| Code 0812HC327 § 203 & 500 Special Use and Overlay District | Adopted 01/12/08 |
| Code 0812HC328 § 203, 416 & 830 Lot Coverage Requirements | Adopted 01/12/08 |
| Code 0901HC014 § 203,415, 815, 816 Accessory Buildings, Temp. Housing & Uses | Adopted 02/02/09 |
| Code 0901HC015 § 203 Definition for consistency | Adopted 02/02/09 |
| Code 0901HC016 § 203, 415 & 820 Drinking Establishments Requirements | Adopted 02/02/09 |
| Code 0901HC017 § 203, 415 700 & 702 Bicycle Parking | Adopted 02/02/09 |
| Code 0901HC018 § 203 & 700 off Street Parking | Adopted 02/02/09 |
| Code 0901HC019 § 203 & 816 Recreational Vehicles | Adopted 02/02/09 |
| Code 0901HC020 § 203 & 700 off Street Parking | Adopted 03/09/09 |
| Code 0901HC022 § 203,416 & 1000 Site Standards | Adopted 02/02/09 |
| Code 0902HC051 § 405, 407 & 831 Accessible Design | Adopted 03/09/09 |
| Code 0902HC052 § 401, 600 601 Non-Conforming Lots of Record | Adopted 03/09/09 |
| Code 0902HC053 § 500 Special Uses and Overlay District | Adopted 03/09/09 |
| Code 0902HC054 § 203,415 & 411 C-3 Resort Commercial District | Adopted 03/09/09 |
| Code 0902HC055 § 300, 408 409, 413 410 415 & 416 700-1 Comm. Districts | Adopted 03/09/09 |
| Code 0902HC056 § 203 & 822 Fencing | Adopted 03/09/09 |
| Code 0902HC057 § 832 Green Development Standards | Adopted 03/09/09 |
| Code 0902HC058 § 500 Education Institution District | Adopted 03/09/09 |
| Code 0902HC059 § 203, 404, 405, 407 & 801 Open Space | Adopted 03/09/09 |
| Code 0902HC060 § 1400 Administration and Enforcement | Adopted 03/09/09 |
| Code 0903HC102 § 800 Site Plan Review | Adopted 04/06/09 |
| Code 0903HC103 § 500 Smart Code | Adopted 04/06/09 |
| Code 0905HC148 § 203, 415 & 823 Junkyard and Automobile Junk Area Screening | Adopted 06/02/09 |
| Code 0911HC261 § 1000 Site Standards | Adopted 12/07/09 |
| Code 1001HC010 § 1012 Drainage Site Plan | Adopted 03/08/10 |
| Code 1010HC169 § 833 Subdivision and Private Access Easement Conditional Use | Adopted 11/09/10 |
| Code 1102HC027 § 814 Extraction Operation Access Road | Adopted 04/04/11 |
| Code 1203HC019 § 815 Accessory buildings | Adopted 04/02/12 |
| Code 1207HC079 § 203 & 415 Correction for omission in Ordinance (kennels) | Adopted 08/06/12 |
| Code 1307HC087 § 415 Tattoo Parlors | Adopted 08/05/13 |
| Code 1307HC115 § 415 Radio, Television & other Communication Towers | Adopted 10/07/13 |
| Code 1512HC170 § 900 Sign Regulations ONLY for Hwy 67 & 605 Scenic Byways | Adopted 03/07/16 |
| Code 1602HC032 § 1409 Violations and Penalties | Adopted 03/07/16 |
| Code 1606HC116 § 203, 416, 700 & 828 Enhanced Landscape State Hwys 49, 67 & 605 | Adopted 08/08/16 |
| Code 1909HC134 § 500 NCBC, Woolmarket & Keesler AFB Overlay Districts | Adopted 12/09/19 |
| Code 2009HC162 § 203, 415 Food Truck and Subdivisions | Adopted 10/05/20 |
| Code 2010HC169 § 415 Meat slaughtering and/or packing house | Adopted 11/02/20 |
| Code 2101HC009 § 1011.14.3 (g) Private Access Code | Adopted 03/08/21 |
| Code 2103HC052 § 203, 1408 Appeals | Adopted 05/03/21 |
| Code 2011HC186 § 203, 834 Short-Term Rentals | Adopted 08/02/21 |
| Code 2201HC001 § 203, 828 Landscaping Standards | Adopted 03/07/22 |
| Code 2202HC024 § 1404 Conditional Uses | Adopted 03/07/22 |
| Code 2204HC074 § 822 Fencing | Adopted 05/09/22 |

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| Code 2203HC037 § 203, 402, 415 Medical Cannabis & General Agriculture District | Adopted 08/08/22 |
| Code 2207HC114 § 203, 415 Swimming Pool | Adopted 08/08/22 |
| Code 2207HC115 § 203, 415 Outdoor Music Drinking Establishment, Marina, Restaurant | Adopted 08/08/22 |
| Code 2206HC106 § 415, 416 Subdivision, Lot sizes | Adopted 09/12/22 |
| Code 2211HC187 § 203, 413.07 (I) Site Requirements | Adopted 12/12/22 |
| Code 2305HC076 § 1409 Violations and Penalties | Adopted 06/12/23 |

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UNIFIED DEVELOPMENT CODE

Harrison County, Mississippi

A Code dividing Harrison County, Mississippi into Zoning Districts which regulate the size of yards and open spaces, density and distribution of population, and the uses of buildings, structures and lands; and prescribing procedures for the administration, enforcement and appeal of regulations contained herein.

Article I - Title and Purpose

100 - Enactment Clause

Whereas, the Board of Supervisors of Harrison County, Mississippi having been authorized by the laws of Mississippi, including among others, Title 17, Chapter 1 of the 1972 Mississippi Code, and to provide for the preparation, adoption, amendment, extensions and carrying out of a Comprehensive Plan for the purpose of bringing about coordinated physical development in accordance with present and future needs.

Whereas, the Gulf Regional Planning Commission has made recommendations to the Board of Supervisors, after review and modification of the Comprehensive Plan including a proposed Unified Development Code and Official Zoning Map; and

Whereas, the Board of Supervisors, after study and review of this Unified Development Code consider the regulations contained herein to be in the best interest for the health, safety, and general welfare of the citizens of Harrison County;

Now it shall so be ordained by the Board of Supervisors of Harrison County, Mississippi that:

101 - Title

This Code shall be known and cited as the "Harrison County Unified Development Code ".

102 - Purpose

This Code has been prepared in accordance with a Comprehensive Plan and is enacted to promote the general welfare of the citizens of Harrison County. Specifically, this Code is designed to -

- 102.01 Lessen congestion in the streets.
- 102.02 Secure safety from fire, panic and other dangers.
- 102.03 Provide adequate light and air.
- 102.04 Prevent overcrowding of land and inappropriate mixing of land uses.
- 102.05 Facilitate the provision of transportation, public utilities, and community facilities.

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The regulations contained herein have been made with reasonable consideration, among other things, to the character of the zoning district and its suitability for particular uses and with the intention of conserving the values of buildings and encouraging use of land throughout the county.

Article II - Interpretation and Definitions

200 - Interpretation

In interpreting and applying the provisions of this Code, the restrictions set forth herein shall be held to the minimum requirements necessary for promotion of public safety, health, and general welfare.

Where other codes or regulations which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other codes or regulations is mandatory. This Code shall not lower the restrictions of plats, deeds, or private contracts if such are greater than the provisions of this Code, i.e., that which is more restrictive shall apply.

201 - Repeal of Conflicting Codes

All codes or parts of a Code, in conflict with this Code or inconsistent with the provisions of this Code, are hereby repealed to the extent necessary to give this Code full force and effect.

202 - Validity

If any section, clause, provision, or portion of this Code shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, or portion of this Code which is not in and of itself invalid or unconstitutional.

203 - Meaning of Words and Terms

Except as specified herein, all words used in this Code have their customary dictionary definitions. Words used in the singular shall include the plural, words used in the present tense shall include the future tense, the word "person" includes a firm or corporation as well as an individual, the word "lot" includes the word plot or parcel, the term "shall" is always mandatory and the word "used" or "occupied" as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied. For the purpose of this Code certain words and terms shall be defined as follows: *0901HC015 – 02/02/09

A.A.S.H.T.O. - American Association of State Highway and Transportation Officials.

Accessible floor- Any occupiable floor which is on the ground floor of a structure or dwelling or provides a zero step or low step access on the ground floor. *0902HC051 – 03/09/09

Accessible Housing- Dwellings that incorporate universal design guidelines and visit ability standards including features that increase functionality and usability of a dwelling unit. *0902HC051 – 03/09/09

Accessory Building or Use - Any building or use which is subordinate or incidental to the main building or use of a lot. Accessory buildings may include structures such as private garages, storage

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sheds, and carports but shall not include secondary living units (guest cottages) or agricultural buildings. *0901HC014 – 02/02/09

Agriculture - The raising or growing of crops, fowl or livestock, and includes the growth of trees for pulp, lumber, and other wood products.

Agricultural Produce Stands- A temporary, open structure used for the retail sales of fresh fruits, vegetables, flowers, herbs, or plants. May also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces, or baked goods and homemade handicrafts. The floor area devoted to the sales of these accessory items shall not exceed 50 percent of the total sales area. *0901HC017 – 02/02/09

Alcoholic beverage sales - A principal commercial activity involving the sale of alcoholic beverages for off-premises consumption, such that twenty-five percent (25%) or more of the floor area is occupied by the display of alcoholic beverages. *0901HC016 – 02/02/09

Alley - Any public right of way which offers a secondary means of access for properties.

Animal Shelter - An establishment that provides a temporary home for dogs, cats, and other animals that are offered for adoption. *0901HC015 – 02/02/09

Antique Vehicle - A vehicle, not including reproductions, manufactured more than twenty-five (25) years prior to the current year and which, because of discontinued production and limited availability, is considered to be a model or make of significant value to collectors or exhibitors and which has been maintained in or restored to a condition which is generally in conformity with the manufacturer's specifications and appearance. *0810HC268 – 12/08/08

Apartment Building - Any structure or building designed for use by three or more households living independently of each other as separate housekeeping units, including apartment houses, apartment hotels, and flats, but not including auto or trailer courts or camps, hotels, motels, or resort-type hotels. *0901HC015 02/02/09

Applicant- The person or entity making application for a permit as provided herein and who shall be responsible for, and in charge of, a project; the applicant may be the owner, developer, project manager or contractor. *2201HC001 – 03/07/22

Approved Private Treatment Facility - Any private facility, service or program approved by the division providing treatment or rehabilitation services for alcoholics including, but not limited to, detoxification centers, licensed hospitals, community or regional mental health facilities, clinics or programs, halfway houses, and rehabilitation centers. *0811HC294 – 12/08/08

Approved Public Treatment Facility - Any center, facility, service or program approved by the division owned and operated or sponsored and operated by any federal, state or local governmental entity and which provides treatment and rehabilitation services for alcoholics. *0811HC294 – 12/08/08

Assembly Hall - A building intended to support the gathering or meeting of a company of persons collected together in one place for some common purpose, including for deliberation and legislation,

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for worship, for social entertainment, or for general education and communication. *0901HC015 – 02/02/09

Automotive Impound Facility - a facility that provides temporary outdoor storage for vehicles that are to be claimed by titleholders or their agents. Such a facility is enclosed by a fence not less than six feet in height to provide visual screening, and vehicles, remaining structurally and mechanically roadworthy at all times, are not stored for more than 45 days. *0408HC159 – 09/07/04

Automobile Junk Area - An area other than a street, alley, or public land used for dismantling or wrecking of used automobiles or the storage, sale, or dumping of dismantled or wrecked automobiles or their parts.

Auto Wrecking - The collecting, burning out, dismantling or wrecking of used motor vehicles, wheeled or track laying equipment, or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles, wheeled or track laying equipment, trailers, or their parts. The dismantling and rebuilding other than custom repair, of more than one motor vehicle, piece of wheeled, or track laying equipment, or trailer at a time, even though not for profit, as a principal use of a parcel of land shall be defined as auto-wrecking. The storage of a partially dismantled motor vehicle, piece of wheeled or track laying equipment or trailer shall also be considered auto wrecking.

Awning Sign – A sign attached to, affixed to, or painted on an awning or canopy. *1512HC170 – 03/07/16

AWWA - American Water Works Association. *0901HC015 – 02/02/09

Bank - A sloped area of land immediately next to a body of water. *0812HC327 – 01/12/09

Berm - Mounds or walls of earth that are molded into landforms in a landscaped area. *0812HC326 02/02/09

Banquet Hall - Any place of business maintained, in whole or in part, for public rental for the purpose of private party events, whether family, group, or corporate in nature, where access by the general public is restricted, and with or without the sale, serving, or consumption of alcoholic beverages. A banquet hall is not considered a nightclub, and may have a dance floor located in the room where the meals for banquets are consumed. *0709HC299 –10/01/07

Base flood - A flood having a one percent chance of annual occurrence. *0901HC015 – 02/02/09

Bed and Breakfast - An owner-occupied single-family dwelling, or portion thereof, where short-term lodging is provided, with or without meals, for compensation, to transient guests only. Meals may be provided to guests only. Up to five (5) guest rooms may be provided. *0709HC299 – 10/01/07

Bed and Breakfast Inn - A single-family dwelling, or portion thereof, where short-term lodging is provided for compensation to transient guests only. The operator may or may not live on the premises. Meals may be provided to guests only. Up to fifteen (15) guest rooms may be provided. *0709HC299 – 10/01/07

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Bicycle parking space- A space located on private or public property sufficient in size to store one (1) bicycle. *0901HC017 – 02/02/09

Block - A piece or parcel of land surrounded by highways, streets, streams, railroad rights-of-way, parks, or any other barrier, or a combination thereof. *0901HC015 – 02/02/09

Board, Board of Supervisors - The Board of Supervisors of Harrison County, Mississippi. *0901HC015 – 02/02/09

Boarding House - A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five (5) or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

Break - A feature located on wind turbines that prevents the movement of blades.*0811HC295 – 12/08/08

Brew Pub - A restaurant type establishment that also has a beer brewery, producing beer in batch sizes not less than seven (7) U.S. barrels (31 gallons), on the same property which produces, only enough beer for sale and consumption on site or for retail carryout sale in containers holding less than two liters (2 l). At least fifty percent (50%) of the beer sold shall be brewed on the premises. Revenue from food sales shall constitute at least fifty percent (50%) of the total business revenues, excluding retail carryout sales of beer and the allowed sales. *0901HC015 – 02/02/09

Buffer- An area of land which includes landscape material established for the purposes of separating, screening, or shielding a use from a dissimilar or more intense use. *2201HC001 – 03/07/22

Buffer Area - An area which acts as a separation area between two or more different uses. *0901HC015 – 02/02/09

Buildable Area - That portion of a lot remaining after required yards have been provided.

Building - Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind and which is permanently affixed to the land.

Building, Alteration of - Any change or rearrangement in the supporting members (such as bearing walls, beams, columns, or girders) of a building, any addition to a building or movement of a building from one location to another.

Building, Front Line of - A line intersecting the foremost portion of a building, and parallel and/or concentric to the street line.

Building Height - The vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of the roof surface.

Building Setback Line - The distance required by this Code to be maintained between a given lot line, easement, or right-of-way line and the front, rear, or side of any structure as specified.

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Building, Main - A building in which is conducted or intended to be conducted the principal use of the lot on which it is situated.

Building Lot or Site - A single parcel of land occupied or intended to be occupied by a building or structure, and appropriate accessory buildings or uses.

Building Official - The person or persons authorized by the County to enforce the adopted building codes as they apply to construction and development within the County. *0901HC015 – 02/02/09

Building Permit - A certificate issued by the Building Official permitting the construction, erection or placement of a dwelling unit upon a lot of an approved recorded development, or any other building or structure constructed, erected or placed for the support, enclosure, shelter or protection of a person or persons, animals, chattels or property of any kind. *0901HC015 – 02/02/09

Building Setback Line - The distance required by this Code to be maintained between a given lot line, easement, or right-of-way line and the front, rear, or side of any structure as specified. *0901HC015 02/02/09

Caliper - Diameter of a plant's main stem measured at six inches above ground level. *2201HC001 – 03/07/22

Campus - Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to the institution's educational purposes. These buildings include residential halls, any building or property that is owned by the institution but controlled by another person, those frequently used by students and those that support institutional purposes such as a food or retail vendor. *0902HC058 – 03/09/09

Canopy Tree - A large tree or group of trees that has a distinct presence in the landscape or forest. *2201HC001 – 03/07/22

Cemetery - A tract of land, private or public, divided into plots for internment of the human dead and in compliance with applicable state statutes.

Certificate of Zoning Compliance - A document issued by the Zoning Officer indicating that the use of the building or land in question is in conformity with this Code or that there has been a legal variance there from, as provided by the Code.

Change of Ownership - When the legal title or owner of the property changes from person, entity or corporation to another person, entity, or corporation. *2201HC001 – 03/07/22

Child Care Center - An establishment providing care for twelve (12) or more children who are not related within the third degree computed according to the civil law to the operator and who are under thirteen (13) years of age, for any part of the twenty-four (24) hour day, whether such place be organized or operated for profit or not. The term "child care center" includes day care nurseries, day care centers and any other facilities that fall within the scope of the definition set forth herein, regardless of auspices. Child Care Centers shall comply with the Regulations Governing Licensure of

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Child Care Facilities (Mississippi Department of Health, Office of Health Protection Child Care Facilities Licensure - Title 15 Part III Subpart 55 Chapter 01). *0810HC269 – 12/08/08

Child Care Home - An establishment which provides shelter and personal care for up to twelve (12) children, who are not related within the third degree computed according to the civil law to the operator and who are under thirteen (13) years of age, for any part of the twenty-four (24) hour day, whether such place be organized or operated for profit or not. Regulations Governing Licensure of Child Care Facilities for 12 or fewer Children in Operator's Home shall apply (Mississippi Department of Health, Office of Health Protection Child Care Facilities Licensure - Title 15 Part III Subpart 55 Chapter 02). *0810HC269 – 12/08/08

Clerk - Shall mean the Chancery Clerk of Harrison County. *0901HC015 – 02/02/09

Commercial Development - Construction of buildings for the purpose of conducting retail and/or wholesale businesses. Commercial development does not include residential uses such as multifamily, Recreational Vehicular parks, or mobile home parks. *0901HC015 – 02/02/09

Community gardens- An area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.*0901HC017 – 02/02/09

Community Scale Commercial – A retail, mixed use and/or office building with no more than 75,000 gross square feet serving a single tenant or as part of a multi-tenant commercial center. *0902HC055 – 02/09/09

Communication Tower - A guyed, monopole, or self-supporting tower, constructed as a free standing structure. *0901HC015 – 02/02/09

Comprehensive Plan - A compilation of policy statements, goals, standards, and maps for guiding the physical, social, and economic development, both public and private, of the county as adopted by the Board of Supervisors pursuant to Section 17 of the revised Statutes of Mississippi, and includes any part of such plan separately adopted and any amendment to such plan or parts thereof. *0901HC015 – 02/02/09

Concentrated Feeding Operations, not including aquaculture operations - Agricultural facilities that house and feed a large number of domestic livestock for commercial purposes in a confined area for 45 days or more during any 12-month period. *0810HC270 – 03/09/09

Conditional Use - A use which is not allowed in the zone as a matter of right, but which is permitted upon findings of the planning commission that under the particular circumstances present and subject to specific conditions, is in harmony with the permitted uses of the zone. Allowable conditional uses are listed under the district regulations. Uses not so listed shall not be allowed as conditional uses. *0901HC015 – 02/02/09

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Condotel - A condominium hotel that shall have rental and reservation desks, and may have short-term occupancy of less than thirty (30) days, food and telephone services, and daily cleaning services; it is operated as a commercial hotel even though the units are individually owned. *0902HC05 – 102/02/09
Condominium - A unit available for sale in fee simple contained in a multi-occupancy project subject to covenants and restrictions placing control over the common facilities in an elected board. *0901HC015 02/02/09

Conforming Use - Any lawful use of a building or lot which complies with the provisions of this Code.

Construction Details - The details, drawings and specifications showing the specific location and design of public improvements to be installed in accordance with the requirements of the County. *0901HC015 02/02/09

County - Harrison County, Mississippi. *0901HC015 – 02/02/09

County Engineer - The Harrison County Engineer. *0901HC015 – 02/02/09

Coverage - The percentage of the lot area covered by the building area. *0901HC015 – 102/02/09

Critical Root Zone (CRZ) - The minimum area beneath a tree which must be undisturbed in development to preserve a sufficient root mass to assure a tree a reasonable chance of survival. The critical root zone (CRZ) shall be a concentric circle centering on the tree's trunk with a radius equal in feet to one times the number of inches of the trunk diameter; i.e., the CRZ radius of a 20-inch diameter tree shall be 20 feet. *2201HC001 – 03/07/22

Cul-de-sac - A street having only one end open to traffic and being permanently terminated by a vehicle turnaround. *0901HC015 – 02/02/09

Development - The division or re-division of land into two (2) or more lots, tracts, sites or parcels, for the purpose of transfer of ownership or for development or both, or the dedication or vacation of a public or private right-of-way or easement. The definition of the term development shall also include any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operation.

- a. Type I Development - A development which contains lots of less than 20,000 square feet.
- b. Type II Development - A development wherein the smallest lot contains lots not less than 20,000 square feet.
- c. Type III Development - A development wherein the smallest lot contains lots not less than one (1) acre (43,560 square feet). *0106HC097 7-02-01, *0901HC015 – 02/02/09

Developer - The owner of land or his representative who is proposing the subdivision of land or improvements to the land that requires review under the provisions of this Code. *0901HC015 – 02/02/09

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Directional Sign - Any sign which serves solely to designate the location or direction of any place or area. *1512HC170 – 03/07/16

Discarded Vehicle Parts - Parts of a vehicle or old iron, assorted junk or loose material, such as metal, glass, paper, cordage, or other discarded waste or secondhand material which has been part of or is intended to be a part of any vehicle, or any part of a vehicle which is located on private property, provided that any such parts or materials are not lawfully stored within a garage, building, structure, or other enclosure. *0810HC268 12/08/08

District - Zoning district.

Drinking Establishment - Includes lounges, taverns, bars, private club lounges, brewpubs and similar establishments where alcoholic beverages are sold and consumed on premises. Drinking establishment may be accessory to a principal use. Commonly principal uses are hotels, motels, restaurants and socially recognized fraternal organizations. A drinking establishment may be a primary use itself; these uses are commonly referred to as "stand alone" or free standing uses. *0112HC209 – 01/28/02

Drip Line - A vertical line extending from the outermost portion of a tree canopy to the ground. *2201HC001 – 03/07/22

Dry cleaning - Process of cleaning, altering, dyeing, and pressing of clothing and textiles using an organic solvent rather than water. *0901HC015 – 02/02/09

Dwelling - A building or portion thereof, designed and used exclusively for residential occupancy.

Dwelling, Guest Cottage - *0205HC101 – 06/03/02 see Secondary Living Unit *0811HC294 12/08/08

Dwelling, Single-Household - A building designed for or occupied by one household, excluding mobile homes and manufactured homes and modular homes.

Dwelling, Duplex - A building designed for or occupied exclusively by two households.

Dwelling, Multi-Household - A building designed for or occupied exclusively by more than two households.

Dwelling, Reduced Lot Line - A detached single household dwelling unit that may be constructed nearer the lot line on one side (but not directly on either lot line) of a lot than the other side. It is designed for or occupied by one household situated in a reduced lot line development on a lot created expressly for this purpose. *0901HC015 – 02/02/09

Easement - A non-possessing interest in land held by one person or entity that is accorded partial use of such land for a specific purpose. Easements may be used to provide access to abutting property or for drainage and other public improvements. *0901HC015 – 02/02/09

Extractive operations - The removal or excavation of minerals including, but not limited to sand, gravel, shale, rock, coal, soil, peat or clay. This shall not include the following:

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- a. Excavation and grading at building construction sites where such construction is authorized by a valid building permit.
- b. Excavation and grading in public rights-of-way for the purpose of on-site road construction, or in private rights-of way for the same purpose if authorized by the public works department.
*0901HC015 – 02/02/09

Excavate - Means to dig out, scoop out, hollow out, or otherwise make a hole, trench or cavity by removing soil, sand, gravel, or other material from any property so as to change the grade of such property.

Exterior lighting - Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outdoors. *0810HC271 – 01/12/08

Existing Use - Means any use existing at the time of the adoption of this Code and includes any use authorized by a building permit issued by Harrison County in effect or valid as of the date of the adoption of this Code.

Family Boarding Home or Foster Home - A home (occupied residence) operated by any entity or person which provides residential child care to at least one (1) child but not more than six (6) children who are not related to the primary caregivers. *0811HC294 – 12/08/08

Farmers' Market- The seasonal selling or offering for sale at retail of home-grown vegetables or produce, occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetable or produce or have taken the same on consignment for retail sale. *0901HC017 – 02/02/09

Factory-built housing - a dwelling designed for long-term residential use. For the purpose of these regulations, factory build housing consists of three types - manufactured, mobile and modular homes.

Fence - Any structure composed of wood, metal, stone, plastic, or other natural and permanent material erected in such a manner and positioned as to enclose or partially enclose any premises or any part of any premises. *0902HC056 – 03/09/09

Fence, Privacy - A structure erected between two pieces of property. *0902HC056 – 03/09/09

Final Subdivision Plat - The map of a subdivision to be recorded after the approval of the Board and any accompanying material as described in this Code. *0901HC015 – 02/02/09

Flag Lot - A parcel of land having less than the customary minimum frontage whose primary area (larger portion) is setback a distance from the County maintained right of way. *0911HC261 – 12/07/09

Flood Plain - The channel of a river or stream or lake or other body of water and the land adjacent thereto, regardless of physical obstructions, which is subject to inundation in the event of a base flood. *0901HC015 02/02/09

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Flood light - is designed to flood a well-defined area with light. *0810HC271 – 01/12/08

Floodway - That portion of a river or creek designated on the National Flood Insurance Program maps (FIRM) required for the conveyance of flood waters. *0901HC015 – 02/02/09

Floor Area, Livable - the area of the first floor plus the area of the floors next above, and the area under a sloping roof having a minimum height of five (5) feet when one-half (1/2) of the floor area has a ceiling height of seven (7) feet-six (6) inches. Garage floor area, basements, decks, porches, patios, terraces, and carport floor area are not included as livable floor area. *0901HC015 – 02/02/09

Food Truck – A mobile food service establishment in a currently licensed motorized vehicle or trailer pulled by a vehicle that serves to-go meals. Food Trucks may use outside power to avoid generator noise and exhaust but must otherwise be fully mobile concerning power, water, wastewater, food waste and trash. *2009HC162 – 10/05/20

Freestanding Sign - A sign that is permanent and self-supporting, being nondependent on support from a building or other structure. Monument and Pole signs are examples of freestanding signs. *1512HC170 03/07/16

Freestanding Hospice - A hospice that is not a part of any other type of health care provider. *0811HC294 –12/08/08

Freeway - A divided roadway serving high speed traffic over long distances, characterized by complete control of access and grade separated crossings, which is a sub classification of thoroughfares. These streets are shown on the thoroughfare plan, and are of regional or national significance. *0901HC015 – 02/02/09

Frontage - All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

Full cut-off luminaries - A luminaries designed and installed where no light is emitted at or above a horizontal plane running through the lowest point on the luminaries. *0810HC271 – 01/12/08

Fully shielded - The luminaries incorporates a solid barrier (the shield), which permits no light to escape through the barrier. *0810HC271 – 01/12/08

Garage, Private – A building used for the care and storage of personal vehicles where such vehicles are not kept for remuneration, hire, or sale as is the case with public garages. A private garage may either be attached and part of a building or it may be detached and accessory to a primary building. *0901HC014 – 02/02/09

Garage, Public - A building other than a private or storage garage, used for the care, repair, or storage of self-propelled vehicles or where such vehicles are kept for remuneration, hire, or sale. This includes premises commonly known as filling stations or service stations. *0901HC014 – 02/02/09

Glare - Stray, unshielded light striking the eye that may result in:

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- (a) nuisance or annoyance glare such as light shining into a window;
- (b) discomfort glare such as bright light causing squinting of the eyes;
- (c) disabling glare such as bright light reducing the ability of the eyes to see into shadows
- (d) reduction of visual performance. *0902HC05 – 02/02/09

Green Roof - A roof of a building that is covered with a growing medium and vegetation, planted over a waterproof membrane. A green roof may include additional layers such as a root barrier and drainage and irrigation systems. It does NOT refer to roofs which are colored green (as with green roof shingles) or to container gardens on roofs (where plants are maintained in pots.) *0902HC05 – 02/02/09

Green Space - Lands to be left as natural areas or landscapes in accordance with this ordinance after development. *2201HC001 – 03/07/22

Group Care Home - Any place or facility operated by any entity or person which provides residential child care for at least seven (7) children but not more than twelve (12) children who are not related to the primary caregivers. *0811HC294 – 12/08/08

Heavy Equipment - All types of large mechanized equipment used for moving and leveling of earth, creating motorways, drives and parking lots, lifting and carrying materials, and the apparatus necessary for the transport of such equipment. *0602HC046 – 12/11/06

Height of Sign - The vertical distance measured from the adjacent street grade or upper surface of the nearest street curb other than an elevated roadway, which permits the greatest height to the highest point of such sign. *1512HC170 – 03/07/16

Home Business, rural - Any business activity conducted primarily within a single-family detached dwelling unit and/or accessory unit(s) in an A-1 and E-1 district that is clearly incidental and secondary to its principal use as a dwelling unit, and not otherwise permitted in the use district. Such an accessory use may involve storage in an accessory building of equipment and materials necessary to the business in accordance with Section 819. *0710HC338 – 01/04/08, *0901HC015 – 02/02/09

Home Employment - A business activity conducted within a single-family detached dwelling unit and/or accessory unit(s) by residents of that unit, which clearly incidental and secondary to its principal use as a dwelling unit. Home employment uses may be permitted in accordance with the provisions of Section 819. *0710HC338 01/04/08

Home Occupation - Any occupation or activity which is clearly incidental and secondary to the use of a premises for dwelling purposes and which is carried on wholly within a main building by a member of a household residing on the premises. Such use shall not change the character of the dwelling unit nor have any exterior evidence of operation, nor have any customers coming to the building. Such uses shall meet the standards of Section 819. *0710HC338 – 01/04/08

Hospice - An autonomous, centrally administered, nonprofit or profit, medically directed, nurse coordinated program providing a continuum of home, outpatient and homelike inpatient care for not less than four (4) terminally ill patients and their families. It employs a hospice care team to assist in providing palliative and supportive care to meet the special needs arising out of the physical,

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emotional, spiritual, social and economic stresses which are experienced during the final stages of illness and during dying and bereavement. This care is available twenty-four (24) hours a day, seven (7) days a week, and is provided on the basis of need regardless of inability to pay. *0811HC294 – 12/08/08

Household - One (1) person living alone, or two (2) or more persons living together as a single, housekeeping unit, whether related to each other legally or not, and distinguished from a group of persons occupying a boarding house, lodging house, hotel, motel, dormitory or similar dwelling for group use. A household shall be deemed to include domestic employees of said household when these employees are on-premises residents.

Hunting Camp - A parcel of land in excess of one hundred (160) acres, the seasonal use of which is devoted to the activity of hunting game animals. *0311HC198 – 02/02/04

Identification Sign - A sign lettered to give the name of a building itself, as opposed to the name of occupants or services. *1512HC170 – 03/07/16

Illuminated Sign - Any sign which emanates light either by means of exposed tubing or lamps on its surface, or by means of illumination transmitted through the sign faces. *1512HC170 – 03/07/16

Improvements - Street pavements with curbs, sanitary and storm sewers, permanent street monuments, water mains, survey monuments, sidewalks, street name signs, traffic control signs, fire hydrants, street lights, and other utility lines. *0901HC015 – 02/02/09

Industrial Park - Multiple parcels/building sites in a contiguous land area that is used for industrial, light manufacturing, research, office, warehousing, distribution and associated activities, usually characterized by coordinated building design, usually located close to transportation facilities, especially where more than one transportation mode coincides including highways, railroads, airports, and navigable waterways. *0812HC324 02/02/09

Inoperable Vehicle - Any vehicle deemed inoperable which may not have moved in 30 days parked in a yard which does not have affixed thereto a current license plate and vehicle registration or a vehicle which has affixed thereto a license plate and vehicle registration which were issued for another vehicle, or to which the certificate of title, registration card, or license plates have been revoked, expired, canceled or suspended; provided, however, this definition shall not apply to vehicles owned or leased by an automobile dealer or junk yard. *0810HC268 – 12/08/08

Interior Landscape Area - The area inside the perimeter of a site which is permeable and capable of being planted with live landscape materials. *0812HC326 – 02/02/09

Interior Planting Area - The area within vehicular use area devoted to growing plants or vegetation. *2201HC001 – 03/07/22

Joint or Shared Access - Driveway access point to public road shared between two or more adjacent parcels. *0901HC022 02/02/09

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Junk - Waste or refuse that includes but is not limited to scrap metal, paper, cardboard, rags, rubber tires, bottles, iron, and other used or secondhand materials. *0905HC148 – 06/08/09

Junk Vehicle - Any vehicle, trailer or semitrailer which is wrecked, partially wrecked, dismantled, partially dismantled, junked or discarded, major components missing, including but not limited to engine, transmission, drive mechanisms, wheels, or other parts missing which are required for the safe and normal operation, any vehicle that is deteriorated, rusted or disintegrated from exposure to weather. *0810HC268 12/08/08

Junk Yard, Open Storage - An open area where waste, used, or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. Activities typical of a Junk Yard, Open Storage include baling or sale of rags, paper, iron or junk. *0901HC015 – 02/02/09 *0905HC148 – 06/08/09

Kennel, Commercial - Any facility wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats, or where there are regularly kept six or more adult dogs or cats, or any combination thereof. *0901HC015 02/02/09, *1207HC079 08/06/12

Kennel, Non-commercial - Any facility where five or less dogs, cats or other domesticated animals are housed and/or bred for the pleasure of the owner, and where the operation of said facility is exempt from Federal, State or County business regulations. *0212HC235 02/03/03, *0901HC015 02/02/09, *1207HC079 08/06/12, *2211HC187 12/12/22

Lamp - The generic term for an artificial light source, to be distinguished from the whole assembly, commonly referred to as “bulb”. *0810HC271 01/12/08

Land Disturbance Activity - Any activity, including, but not limited to clearing, dredging, grading, excavating, transporting, and/or the filling of a parcel with topsoil or landfill soils. Land disturbance activity shall not include agricultural practices. *2201HC001 – 03/07/22

Landscape - Existing natural vegetation or the placing of ground cover, shrubs or trees in a planting area in accordance with the requirements of this ordinance. *2201HC001 – 03/07/22

Landscaped Buffer Area - Landscaped areas which act as a buffer or separation area between two or more land uses.

Landfill - Any site managed, controlled, and operated by the county for the purpose of disposing of garbage, trash, debris and other types of refuse material. The site is operated for the purpose of maintaining and protecting the public health, safety and welfare. *0901HC015 02/02/09

Large Trees - An evergreen or deciduous upright woody perennial plant having a single main stem or several main stems, which is a minimum of two (2) inch caliper and ten (10) to twelve (12) feet in height at the time of planting and which attains generally more than thirty (30) feet in height at maturity. *0812HC326 02/02/09, 1606HC116 08/08/16

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Light trespass - Light falling on the property of another or the public right-of-way when it is not required to do so. *0810HC271 01/12/08

Lighting - Any or all parts of a luminaire that function to produce light.
*0810HC271 01/12/08

Livestock - Any animal normally considered to be a farm animal or commercially produced animal. This includes but is not limited to - cows, horses, mules, pigs, hogs, goats, ducks, geese, chickens, and other forms of poultry. *0901HC015 02/02/09

Long-term Care Facility - Any skilled nursing facility, extended care home, intermediate care facility, and personal care home or boarding home which is subject to regulation or licensure by the State Department of Health. . *0811HC294 12/08/08

Lot - A plot or parcel of land devoted to or suitable for a common use or occupied by a building and its accessory buildings, or by a dwelling or group of dwellings and their accessory buildings, together with such open spaces as are required under the provisions of this Code and having not less than the minimum area required by this Code for a lot in the district in which it is located and having its principal frontage upon a public street or right-of-way.

Lot Area - The area of a horizontal plane bounded by the front, side, and rear lot lines of a building lot or parcel of land.

Lot, Corner - A lot situated at the intersection of two or more streets.

Lot Coverage- The area of a lot occupied by the principal structure or main building and any accessory structures, including garages, carports, patios, driveways, swimming pools , and roofed porches. Lot coverage is expressed as a percentage of the total lot area. *0812HC328 01/12/09

Lot Depth - The average horizontal distance between the front lot line and the rear lot line of a lot.

Lot, Interior - A lot other than a corner lot.

Lot Line - The boundary of a lot.

Lot Line Adjustment - The sale or exchange of parcels of land between owners or adjoining properties for the purpose of adjustments in boundaries or of adjusting building lines, wherein no new lots are created. *0901HC015 02/02/09

Lot of Record - A lot which is part of a subdivision, the map of which has been recorded in the Office of the Chancery Clerk of Harrison County, or a parcel of land the deed to which has been recorded as required by law, prior to the adoption of this Code.

Lot Width - The width of a lot at the building set-back line measured parallel to the dedicated street right-of-way line. *0901HC015 02/02/09

Luminaire - A complete lighting unit, consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power, When used, includes ballasts and photocells, Commonly referred to as “fixture”. *0810HC271 01/12/08

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Maternity Home - Any place or facility operated by any entity or person which receives, treats or cares for more than one (1) child or adult who is pregnant out of wedlock, either before, during or within two (2) weeks after childbirth; provided, that the licensed child-placing agencies and licensed maternity homes may use a family boarding home approved and supervised by the agency or home, as a part of their work, for as many as three (3) children or adults who are pregnant out of wedlock, and provided further, that the provisions of this definition shall not include children or women who receive maternity care in the home of a person to whom they are kin within the sixth degree of kindred computed according to civil law, nor does it apply to any maternity care provided by general or special hospitals licensed according to law and in which maternity treatment and care are part of the medical services performed and the care of children is brief and incidental. *0811HC294 12/08/08

Manufactured home –

- a. A dwelling defined by, and constructed in accordance with, the National Manufactured Housing and Safety Standards Act of 1974, as amended, and manufactured after June 14, 1976. A mobile home, modular home, trailer, or camper is not to be considered a manufactured home.
- b. A dwelling built in a manufactured housing factory on the same or similar permanent metal chassis used in the construction of the manufactured home. Built to the adopted building codes of the State of Mississippi and Harrison County. *0604HC124 4/20/06, *0901HC015 02/02/09

Manufactured Home Park - Any parcel of land upon which two (2) or more manufactured homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations. A manufactured home park must have a minimum of five (5) acres. *0604HC124 04/20/06.

Manufactured Home Subdivision - Any parcel of land divided into two (2) or more lots for the purpose of sale or development and the placement of manufactured homes. *0604HC124 04/20/06

Marina - A boat basin, harbor or dock, with facilities for berthing and servicing boats which may include the provision of bait, ice and fishing tackle and eating establishments.

Master Plan - The general plan of a master-planned community showing phases and other general information. *0901HC015 02/02/09

Master Planned Community - A development by one or more developers of real estate consisting of residential, commercial, educational, health care, open space and recreational components that is developed pursuant to a long range, multi-phase master plan providing comprehensive land use planning and staged implementation and development. *0901HC015- 02/02/09

Medical Cannabis Testing Facilities - “Cannabis cultivation facility” means a business entity licensed and registered by the Mississippi Department of Health that acquires, grows, cultivates and harvests medical cannabis in an indoor, enclosed, locked and secure area. *2203HC037 - 08/08/22

Medical Cannabis Dispensaries - “Medical cannabis dispensary” or “dispensary” means an entity licensed and registered with the Mississippi Dept of Revenue (MDOR) that acquires, possesses, stores,

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transfers, sells, supplies or dispenses medical cannabis, equipment used for medical cannabis, or related supplies and educational materials to cardholders. *2203HC037 - 08/08/22

Medical Cannabis Disposal Entities - “Cannabis disposal entity” means a business licensed and registered by the Mississippi Department of Health that is involved in the commercial disposal or destruction of medical cannabis. *2203HC037 - 08/08/22

Medical Cannabis Establishment - “Medical cannabis establishment” means a cannabis cultivation facility, cannabis processing facility, cannabis testing facility, cannabis dispensary, cannabis transportation entity, cannabis disposal entity or cannabis research facility licensed and registered by the appropriate agency. The main point of entry of a Medical Cannabis Establishment shall not be located within one thousand (1000) of the nearest property boundary line of any School, Church or Day-Care facility or 500 feet if a waiver is granted by the School, Church or Day-Care.

Text of the Mississippi Medical Cannabis Act can be found at the following website:

<http://billstatus.ls.state.ms.us/documents/2022/pdf/SB/2001-2099/SB2095SG.pdf> *2203HC037 - 08/08/22

Medical Cannabis Processing Facilities - “Cannabis processing facility” means a business entity that is licensed and registered by the Mississippi Department of Health that:

Acquires or intends to acquire cannabis from a cannabis cultivation facility;

Possesses cannabis with the intent to manufacture a cannabis product;

Manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and sells or intends to sell a cannabis product to a medical cannabis dispensary, cannabis testing facility or cannabis research facility. *2203HC037 - 08/08/22

Medical Cannabis Research Facilities - “Cannabis research facility” or “research facility” means a research facility at any university or college in this state or an independent entity licensed and registered by the Mississippi Department of Health pursuant to this chapter that acquires cannabis from cannabis cultivation facilities and cannabis processing facilities in order to research cannabis, develop best practices for specific medical conditions, develop medicines and provide commercial access for medical use. *2203HC037 - 08/08/22

Medical Cannabis Testing Facilities - “Cannabis testing facility” or “testing facility” means an independent entity licensed and registered by the Mississippi Department of Health that analyzes the safety and potency of cannabis. *2203HC037 - 08/08/22

Medical Cannabis Transportation Entities - “Cannabis transportation entity” means an independent entity licensed and registered by the Mississippi Department of Health that is involved in the commercial transportation of medical cannabis. *2203HC037 - 08/08/22

Medical Canopy - “Canopy” means the total surface area within a cultivation area that is dedicated to the cultivation of flowering cannabis plants. The surface area of the plant canopy must be calculated in square feet and measured and must include all of the area within the boundaries where the cultivation of the flowering cannabis plants occurs. If the surface area of the plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used in the cultivation area the surface area of each tier or shelf must be included in

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calculating the area of the plant canopy. Calculation of the area of the plant canopy may not cultivate immature cannabis plants and seedlings, prior to flowering, and that are not used at any time to cultivate mature cannabis plants. *2203HC037 - 08/08/22

Metes and Bounds Description - A description of real property described by starting at a known point and describing the bearing and distances of the lines forming the boundaries of the property or described by delineation of a fractional portion of a section, lot, or area by described lines or portions thereof, and not described by reference to a lot or a block. *0901HC015 - 02/02/09

Mini-warehouse storage - A wholly enclosed building used for the storage of personal property in self-contained, self-storage units, each of which units has separate and exclusive access from either the exterior or interior of the building.

Mobile Home - A fabricated or factory-built housing unit, built on a chassis whether on wheels or a foundation having the following characteristics -

- a. Designed for a long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
- b. Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels.
- c. Arriving at the site where it is to be occupied as a complete dwelling ready for occupancy except for assembly operations, location on foundation supports, connection to utilities and the like.
- d. A dwelling manufactured before June 15, 1976 that is not constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended. A trailer, camper is not to be considered a mobile home.

Modular Home - A dwelling built in components substantially assembled in an off-site factory and transported to the building site for final assembly on a permanent foundation. This home is constructed without a permanent metal chassis. This home is built to the adopted building codes of the State of Mississippi and Harrison County. *0604HC124 - 04/20/06

Monument Sign - A sign which is supported by and integrated with a solid base, as opposed to poles, posts, or other such supports. *1512HC170 - 03/07/16

Multiple Dwelling Unit Building - Any structure or building designed for use by three or more households living independently of each other as separate housekeeping units, including apartment houses, apartment hotels, flats, and townhouses or condominiums, but not including auto or trailer courts or camps, hotels, motels, or resort-type hotels.

Nameplate - a nonelectric sign identifying only the name and occupation or profession of the occupant of premises on which the sign is located. If any premises includes more than one (1) occupant, nameplate refers to all names and occupations or professions as well as the name of the building and directional information. *1512HC170 - 03/07/16

Harrison County, Mississippi Unified Development Code

Neighborhood Scale Commercial – A retail, mixed use and/or office building with no more than 12,000 gross square feet serving a single tenant or as part of a multi-tenant commercial center with no more than 30,000 square feet with no single building more than 12,000 square feet. *0902HC055 - 02/09/09

Night club - Any establishment, except for a banquet hall, that provides dancing involving a dance floor with 200 square feet or greater with live entertainment or music in conjunction with the sale, serving or consumption of alcoholic beverages. *0709HC299 - 10/01/07

Non-conforming Use - The use of any building, structure or land which was lawful at the time of the passage of this Code, or amendment thereto but which use does not conform, after the passage of this Code or amendment thereto, with the use regulations of the district in which it is suitable.

Off Premises Sign/Billboard – A sign which relates to a product, service, place, activity, person, institution or solicitation conducted or located on premises other than those on which the sign is located. *1512HC170 - 03/07/16

On Premises Sign – a sign which pertains to the site on which it is situated. *1512HC170 - 03/07/16

Open Space - Area that is left in its natural state or maintained for passive or active recreation activities is typically void of buildings other than recreation related buildings. The Open Space shall be designated for public or private ownership *0802HC059 12/18/08, *0902HC059 - 03/09/09

Outdoor music- Live music performed outside of a fully enclosed structure. Outdoor music also includes music performed and/or broadcast inside a fully enclosed structure which music can be heard for a distance of more than 300 feet from the outside walls of said structure. *2207HC115 – 08/08/22

Outdoor Storage - A depository or place for storing goods related to the establishment on the same premises and not located within a building.

Outdoor Advertising - Advertising on billboards or signboards, outside of a building and generally by the roadside. *0901HC015 - 02/02/09

Outparcel - A parcel of property adjacent to a principal development not included in the original or first development but intended to be developed or sold or leased for development separately or at a later time. *2201HC001 – 03/07/22

Opacity - The state of being impenetrable by light, heat, sound, or radiation. *0902HC056 - 03/09/09

Overflow Parking- An area that serves as parking for vehicles when the primary off- street parking lot for a use is full. *0812HC326 - 02/02/09

Parent Property - An original property from which new lots are created. *0911HC261 - 12/07/09

Park - Any protected area, in its natural or semi-natural state, planted, or groomed, and set-aside for recreation and enjoyment *0802HC059 - 12/18/08, *0902HC059 - 03/09/09

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Park Model Recreational Unit - A manufactured unit intended for temporary or seasonal living accommodation constructed on a chassis and having a width of greater than eight and a half (8.5) feet. Such models are designed for occasional relocation using a heavy tow vehicle and require a moving permit. Park model recreational units are not constructed in accordance with the National Manufactured Housing and Safety Standards Act of 1974, as amended. *0311HC198 - 02/02/04

Park Model Trailer - A manufactured unit intended for temporary or seasonal living accommodation constructed on a chassis and having a width of less than eight and a half (8.5) feet when the vehicle is folded or stowed away for transit. Park model trailers are not constructed in accordance with the National Manufactured Housing and Safety Standards Act of 1974, as amended. A park model trailer of less than 400 square feet of total floor area is considered to qualify as a travel trailer for the purposes of this Code. *0311HC198 - 02/02/04

Parking Space - A space located on private or public property sufficient in size to store one (1) automobile.

Parking, Tandem- A parking space within a group of parking spaces arranged one behind the other such that the space nearest the street serves as the only means of access to the other space(s). *0901HC018 - 02/02/09

Party Wall - A wall that adjoins two units and it is shared by the respective property owners. *0701HC338 - 01/04/08

Pedestrian Way - A right-of-way dedicated to public use to facilitate pedestrian access to adjacent streets, properties, or public areas. Parking Space - A space located on private or public property sufficient in size to store one (1) automobile. *0901HC015 - 02/02/09

Perimeter Planting Area - The front, sides and rear yard areas between vehicular surface areas and adjacent property lines designed for planting and landscaping. *2201HC001 – 03/07/22

Permitted Use - A use of a zoned lot or parcel of land which is among the uses allowed as a matter of right in the district in which the lot or parcel is located.

Person - Any individual, person, corporation, partnership, or any other entity. *0901HC015 - 02/02/09

Physical plant - Physical plant or mechanical plant refers to the necessary infrastructure used in support and maintenance of a given facility. Plants usually include air conditioning (both heating and cooling systems) and other mechanical systems. It often also includes the maintenance of other systems, such as plumbing and lighting. The facility itself may be part of an office building, a school campus, military base, or apartment complex. *0902HC058 - 03/09/09

Planned Unit Development - An area of a minimum size to be planned and developed as a single entity containing one or more residential clusters and in which land not used for residential structures or yards shall be preserved as open space for the purpose of providing recreational facilities and pedestrian circulation. Multiple-household dwellings, commercial development or public/quasi-public facilities or utilities may be part of this development. *0901HC015 - 02/02/09

Harrison County, Mississippi Unified Development Code

Planning Commission - Harrison County Planning Commission. *0901HC015 - 02/02/09

Planting Area - An outdoor area devoted entirely to the planting or conservation and maintenance of trees, shrubs, and ground covers. *2201HC001 – 03/07/22

Plat, Construction - A plat submitted after approval of the Sketch Plat, which shall include surveys of existing conditions, a plat of the new development, construction drawings and other detailed specifications. *0901HC015 - 02/02/09

Plat, Final - A complete and exact subdivision plat, prepared for official recording as required by statute, to define property boundaries and proposed streets and other improvements. *0901HC015 - 02/02/09

Plat, Sketch - An initial plan for subdivision drawn to scale indicating prominent existing features of a tract and its surroundings and the general layout of the proposed subdivision. *0901HC015 - 02/02/09

Pole - A connecting corridor between the primary area (large portion) of a Flag Lot parcel and the County maintained right of way. The corridor is included in the deed (fee simple) as part of the overall property description and is not an access easement used to reach the primary area. *0911HC261 - 12/07/09

Pole Sign – a sign that is affixed, attached or erected on a pole that is not itself an integral part of or attached to the building or structure to which the sign pertains. Any sign that project more than 5 feet from the side of the building to which it is attached. *1512HC170 - 03/07/16

Portable Sign – A sign that is moveable and not permanently attached to a structure or the ground. Portable signs include sandwich board signs, portable reader boards on wheels that display changeable letters, trailer signs, gas filled balloons, and similar signs. *1512HC170 - 03/07/16

Porous Pavement – A permeable surface paving material comprised of bituminous concrete mixtures that permit storm water to infiltrate through small spaces. *0902HC020 - 03/09/09

Premises - A lot or parcel of land together with structure or structures occupying the lot or parcel.

Preserved Tree - Any tree designated on a site development plan that is to be preserved during development for incorporation into the final landscaping of the developed parcel. *2201HC001 – 03/07/22

Primary Structure - The main building on a lot. Commonly used with an adjective specifying the category of use, i.e. primary residential structure. *0307HC116 - 08/11/03

Primary Use - The predominant use to which the premises is devoted and the principal purpose for which the premises exists. Commonly used with an adjective specifying the category of use, i.e. primary residential use. *0307HC116 - 08/11/03

Professional (Licensed) Land Surveyor - A land surveyor licensed and registered in the State of Mississippi. *0901HC015 - 02/02/09

Harrison County, Mississippi Unified Development Code

Public building - A building owned and used by the city, county, state or federal governments.

Public Transit Shelter - A small, roofed structure, usually having three walls, located near a street and designed primarily for the protection and convenience of transit passengers. *0901CH017 - 02/02/09

Public Transit Stop - A curbside place where passengers board transit. *0901CH017 - 02/02/09

Public Utility Company - Any utility company having the power of eminent domain. *0901HC015 - 02/02/09

Recreational vehicle - A vehicular type unit designed to provide temporary accommodations for travel, vacation, or recreational use. It must be able to be driven, towed or transported on its wheels or jacking system. Recreational vehicles include folding camping trailers, travel trailers, fifth wheeler trailers, slide-in truck campers and motor homes. A conversion vehicle, mobile home or park model recreational unit is not considered to be a recreational vehicle and as such is not suitable for use by patrons in a recreational vehicle park. *0311HC198 - 02/02/04. The recreational vehicle length should not exceed forty-six (46) feet and an overall width not exceeding eight and a half (8.5) feet when the vehicle is folded or stowed away for transit. *0901HC019 - 02/02/09

Recreational vehicle park - A single parcel of land upon which recreational vehicle sites are established and maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational camping, travel or seasonal use, not to be confused with a mobile or manufactured home park. *0311HC198 - 02/02/04

Recreational vehicle site - A plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle on a temporary basis. *0311HC198 - 02/02/04

Regional Scale Commercial – A retail, mixed use and/or office building serving a single tenant or as part of a multi-tenant commercial center that is intended to serve a regional customer base. *0902HC055 - 02/09/09

Registered Professional Engineer - An engineer licensed and registered in the State of Mississippi. *0901HC015 - 02/02/09

Replatted Lots - Lots which are reconsolidated and re-subdivided with different size and/or number of lots from that shown on the original plat. *0901HC015 - 02/02/09

Residential Development - The building of dwelling units for residential use which requires the subdivision of land into discrete lots and blocks and/or single-site or group home residential construction such as multi-family, condominium, assisted living or nursing homes which are built on a single site. *0901HC015 - 02/02/09

Residential Structure - A building or portion thereof designed or used exclusively for residential occupancy but not including hotels, motels and motor lodges.

Retention/Detention Basin - Land area designed to temporarily retain or detain storm water runoff. *2201HC001 – 03/07/22

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Right-of-Way - A portion of land used or intended to be used for a street, crosswalk, railroad, road, or other public use not included within the dimensions or areas of lots or parcels. *0901HC015-02/02/09

Roof Sign – A sign erected on a roof, or signs that project above the highest point of the roofline, parapet, or fascia of the building. *1512HC170 - 03/07/16

Rural Resort - A private establishment consisting of a detached structure located in a rural setting in which lodging is available to transient guests for compensation as the principal use, and which may include meeting facilities, restaurant, banquet hall, and/or recreational amenities of a rural nature. Up to twenty-five (25) guest rooms may be provided. *0709HC299 - 10/01/07

Screen/Screening – Fencing and/or wall designed to provide a visual barrier. *0905HC148 – 06/08/09

Secondary Living Unit - An attached or detached accessory structure secondary to a principal detached single household dwelling; the unit has kitchen, sleeping, and full bathroom facilities and is permitted on single family lots. Secondary living units can take a variety of forms, including but not limited to a converted garage, an addition above an existing garage, an addition connected to the side of a house, or a freestanding newly built structure. Only one secondary living unit is permitted on any given single-family lot; Terms commonly used to describe a secondary living unit are mother-in-law's house, “granny flat,” and grounds keeper's cottage. *0811HC294 - 12/08/08

Setback Line or Building Line - A specifically established line parallel to and set back from the street right-of-way line, which identifies an area into which no part of the building shall project except as provided in the Unified Development Code. *0901HC015 - 02/02/09

Short Term Rental - A transient vacation rental or use in which overnight accommodations are provided in single family dwelling units, duplex dwelling units or condominiums to guests for compensation, for periods of less than 30 days

Sidewalk - That portion of a street or cross-walk paved and intended for pedestrian use only. *0901HC015 - 02/02/09

Sight Triangle- The area on either side of the intersection of two streets, forming a right-triangle shape, within which clear visibility of traffic and pedestrians shall be maintained. *0812HC326 - 02/02/09

Sign – A sign is any device, structure, fixture or placard that is visible from a public right-of-way or surrounding properties and uses graphics, symbols or written copy for commercial or non-commercial purposes to advertise or identify any establishment, product, good or service. For the purpose of removal, signs shall also include all sign structures. *1512HC170 - 03/07/16

Small Tree - An evergreen or deciduous upright woody perennial plant having a single main stem or several main stems, which is a minimum of six to eight (6-8) feet overall height at the time of planting and which attains a minimum height of fifteen (15) feet and a maximum height of thirty (30) feet generally with few or no branches on its lower part. *0812HC326 - 02/02/09

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Solar Energy System - Systems intended to collect solar energy for the purposes of conversion into usable electricity, to heat water, home heating, etc. including but not limited to photovoltaic (PV) cells mounted on roofs, poles, or ground, other solar collector panels or units, solar integrated roofing panels, solar water heaters, etc. *0811HC295 - 12/08/08

Storage Building – An accessory building that is used as a depository for goods; it is sometimes referred to as a shed or barn. *0901HC014 - 02/02/09

Story - That portion of a building or structure between the surface of a floor and the ceiling immediately above.

Stream - A natural watercourse of perceptible extent that has a generally sandy or rocky bottom or definite banks and those confines and conducts continuously or intermittently flowing water. *0812HC327 - 01/12/08

Street - A right-of-way or thoroughfare which affords a primary means of access to lots, or parcels of land which has been accepted by the County as a public street.

Street, Arterial - A street or highway which is used principally for fast or heavy traffic movement and that forms a part of the Primary Street and highway system serving Harrison County. *0901HC015 - 02/02/09

Street, Collector - A street which carries traffic from minor streets to major streets and may include the principle entrance streets of a residential development and streets for circulation within such a development. *0901HC015 - 02/02/09

Street, Cul-de-sac - A minor street with only one outlet that terminates in a vehicular turnaround and is used primarily for access to abutting properties.

Street, Dead-end - A street or portion of a street with only one vehicular traffic outlet. *0901HC015 - 02/02/09

Street, Frontage or Service - A minor street, auxiliary to and located along the side of a major street, freeway or highway for service to abutting properties and adjacent areas. *0901HC015 - 02/02/09

Street, Local - A street used primarily for access to abutting residential properties. *0901HC015 - 02/02/09

Street, Loop - A local service street that originates from and returns to the same street. *0901HC015 - 02/02/09

Street, Major - A street which provides access to the various traffic generators within the county and connects with the county highway system. *0901HC015 - 02/02/09

Street, Private - A street providing access to individual properties but not dedicated to public use. *0901HC015 - 02/02/09

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Structural Alterations - Any change in the roof, exterior walls or supporting members of a building.

Structure - Any type of construction which requires a permanent location, including buildings, carports, and pools.

Structure, “fully enclosed-” a structure fully enclosed by walls and roof which has no openings to the outside other than regular entrance and service doors. *2207HC115 – 08/08/22

Structure, Swimming Pool/hot tub - a structure, whether above or below grade, designed to hold water, connected to a circulation system, and it’s intended use is swimming, wading, or bathing. Pools or hot tubs located in FEMA flood zones may be further regulated by Harrison County’s Flood Control Ordinance. *2207HC114 – 08/08/22

Subdivider - A person proposing or undertaking the subdividing of land. *0901HC015 - 02/02/09

Subdivision - The act of creating two or more smaller parcels of land from one larger original parcel. Also includes the creation of streets, lots, alleys, and other public rights-of-way, changes in street lines, and changes in lot lines. Subdivision of land includes simple subdivisions, minor lot line adjustments and the platting of land for the purpose of creating new lots for residential, mixed-use and commercial development. *0901HC015 - 02/02/09

Substantial Improvement - Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the actual cash value of the structure either 1) before the improvement is started, or 2) if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement is started when the first alteration of any structural part of the building commences.

Temporary Occupancy - The occupancy of a recreational vehicle or park model recreational unit, whether continuous or part time, whether by a single individual, family or a succession of individuals, for a time not extending beyond six (6) months in a twelve-month period. *0311HC198 - 02/02/04

Temporary Sign – A sign which is not permanently affixed. All devices such as banners, pennants, streamers, flags (not intended to include flags of any government, twirling, inflatable or sandwich type signs, sidewalk or curb signs are to be considered temporary. *1512HC170 - 03/07/16

Townhouse - A single household dwelling forming one of a group or series of three or more attached single household dwellings separated from one another by party walls without doors, windows, or other provisions for human passage or visibility through such from basement or cellar to roof and having roofs which may extend from one of the dwelling units to another. *0901HC015 - 02/02/09

Travel trailer - A type of recreational vehicle. *0311HC198 - 02/02/04

Treatment Facility - A hospital, community mental health center, or other institution qualified to provide care and treatment for mentally ill, mentally retarded, or chemically dependent persons. *0811HC294 - 12/08/08

Turf - Low growing perennial grasses, which creep along the earth’s surface to form a solid mat or lawn. *0812HC326 - 02/02/09

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Unreduced Road Frontage - Minimum road frontage width may not be reduced until the prescribed minimum buildable width has been reached. *0901HC015 - 02/02/09

Utility Authority, Harrison County - An agency created by the Mississippi Gulf Coast Region Utility Act (Section 49-17-701), et. seq. Mississippi Code of 1972 authorized to plan, acquire, construct, maintain, operate and coordinate water systems in order to ensure the delivery of water services to citizens within Harrison County, Mississippi. *0901HC015 - 02/02/09

Vacant – Vacant-Empty, unoccupied, unused for its primary use for more than one year. *2103HC052 - 5/3/21

Vacated Subdivisions - Previously platted subdivisions which the Board of Supervisors approves to be abandoned upon application of the owner(s). *0901HC015 - 02/02/09

Variance - A modification from the literal provisions of this, Code where such modification will not be contrary to the public interest and in cases where a literal enforcement of its provisions would result in unnecessary hardship due to circumstances unique to the subject property and not a result of actions of the owner. A variance shall not authorize a use of the subject property which is not permitted by right within the district in which the property is located.

Vegetated Buffer - A strip of vegetation that protects sensitive areas, such as water bodies, wetlands, woodlands, or erodible soils, or provide additional landscaping to residential and commercial development. *0812HC327 - 01/12/09

Vehicle - Any vehicle propelled or drawn by any power, including, but not limited to, an automobile, bus, car, moped, motorcycle, recreational vehicle, tractor-trailer, or truck, and/or any similar vehicle. *0810HC268 - 12/08/08

Vehicular Use Area - That area of development subject to vehicular traffic, which is required to be a hard surface, all-weather area, including access ways, loading and service areas, areas used for parking, storage or display of vehicles, boats, or portable construction equipment, and all land which vehicles cross over as a function of primary use. *0812HC326 - 02/02/09

Wall Sign – A sign mounted flat against and projecting less than one foot from or painted on the wall of a building or structure. *1512HC170 - 03/07/16

Warehouse – A primary building that is used as a depository for goods – differs from a storage building in that it is not an accessory to another use. *0901HC014 - 02/02/09

Waterfront Property -A parcel of land in compliance with the land development regulations of Harrison County adjacent to a waterway or body of water that offers the use of recreational watercraft (motorized and non-motorized), swimming, fishing and similar activities. *0311HC198 - 02/02/04

Waterway - A watercourse in which water flows either continuously or intermittently and has a definite channel, bed, or bank. *0812HC327 - 01/12/09

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Wetland - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence or vegetation typically adapted for life in saturated conditions. *0901HC015 - 02/02/09

Wind Energy System - Systems, including wind turbines, that utilize the kinetic energy produced by wind shear and converts the energy into mechanical energy powering an electric generator. *0811HC295 - 12/08/08

Yard - An open space at grade between a building and the adjoining lot lines. In determining yard widths and depths, the minimum horizontal distance between the building and the respective property line, easement, or right of way line shall be used. Such space shall be unoccupied and unobstructed from 30 inches above the ground upward, except as otherwise specified herein.

- a. A roof overhang of not greater than thirty (30) inches shall be permitted to project into the required open space.
- b. Air conditioning equipment, which may include a support platform used to elevate said equipment, placed in or projecting into the open space shall be exempt. *0307HC116 - 08/11/03

Yard, Front - That area of a yard which extends along the entire length of the front line of a lot, within the two side lines and the minimum horizontal distance between the street right of way and the front building setback.

Yard, Rear - That area of a yard which extends along the entire length of the rear lot line within the two side lot lines, and the minimum horizontal distance between the rear lot line and the rear building setback.

Yard, Side - That area of a yard which extends along the entire side lot line between the front and rear lot lines and the minimum horizontal distance between the side lot line and the side building setback.

Zoning Officer - The person or persons designated by the Harrison County Board of Supervisors, to enforce the provisions of this Code. *0901HC015 - 02/02/09

Zoning Map - The official zoning map or maps which are a part of this Unified Development Code and delineate the boundaries of the zoning districts. *0901HC015 - 02/02/09

Article III - General Provisions

300 - Establishment of Districts

For the purpose of applying the provision of this Code, Harrison County, Mississippi is hereby divided into zoning districts as follows:

A-1 General Agricultural District (section 402)

E-1 Very Low Density Residential District (section 403)

R-1 Low Density Residential District (section 404)

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- R-2 Medium Density Residential (section 405)
- R-3 High Density Residential (section 407)
- O-1 Office and Institutional District (section 408)
- C-1 Neighborhood Commercial District (section 409)
- C-2 General Commercial District (section 410)
- C-3 Resort Commercial District (section 411)
- C-4 Regional Commercial District (section 412) *0902HC055 02/02/09
- I-1 Light Industry District (section 413)
- I-2 General Industry District (section 414)
- Special Use and Overlay Districts (section 500)
- Master Planned Community District (section 501)
- Stream Corridor Overlay (section 502)

301 - Official Zoning Map

The zoning districts set forth herein before are identified and delineated on a map entitled "Official Zoning Map of Harrison County, Mississippi", which is to be maintained on file in the office of the Zoning Officer designated by the Board of Supervisors, from and after the adoption of this Code.

The Official Zoning Map shall carry the signature of the Board of Supervisors and the Chancery Clerk certifying that it is the true map adopted by the Board of Supervisors. All amendments shall be identified on the map and similarly certified.

The zoning districts, and the uses permitted in those districts, are in full force and effect from and after the adoption of this Code, and without more, the lots and other areas reflected on the Official Zoning Map may be used in accordance with the provisions of this Code.

302 - Rules for Interpretation of the Zoning Map

The boundaries of the districts are established as shown on the Official Zoning Map. Unless otherwise shown on the Official Zoning Map, the boundaries of districts are lot lines or such lines extended to the centerline of any adjacent right-of-way including railroad rights-of-way, streets, highways, alleys access easements or other right-of-way. Public rights-of-way and railroad rights of way derive their zoning district classification by extension of the zoning district indicated on adjacent zoning districts to the centerline of the subject right-of-way. Similarly, lakes, streams, rivers, bayous ditches, gullies, or other natural features and water bodies derive their zoning district classification by extension of the zoning district indicated on adjacent zoning districts to the centerline of the subject natural feature. All of the land area within the limits of Harrison County's Jurisdiction, exclusive of land included in a municipal jurisdiction, is subject to a zoning classification determined as described next above. Where the boundaries of zoning districts are uncertain as shown the Official Zoning Map, the following rules shall apply.

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- 302.01 Boundary lines indicated or defined as approximately following the centerlines of streets, railroad lines, highways, or alleys shall be construed to follow such center lines.
- 302.02 Boundary lines indicated or defined as approximately following platted lot lines or corporate limits shall be construed as following such lot lines or corporate limits.
- 302.03 Boundary lines indicated or defined as approximately following the center lines of streams, rivers, ditches, gullies, or other natural features shall be construed to follow such center lines.
- 302.04 Boundary lines indicated or defined as approximately parallel to or extensions of features mentioned above shall be so construed.
- 302.05 Where streets, property lines, or other physical boundaries are not applicable, boundaries shall be determined by the measurement and scale of the certified Official Zoning Map.

303 - Lots in Two Districts

Where a district boundary line divides any lot or parcel which was in single ownership at the time of passage of this Code or any amendment thereto; the property shall be considered to have multiple districts and each portion of lot or parcel shall be governed by the district regulations in which it is located, except when said parcel has over seventy percent (70%) of its square footage in one district and said square footage fronts on a public street. In this case, the entire parcel will be considered in the district that contains the seventy percent (70%) area.

304 - Vacation of Public Easements

Whenever any street, alley or other public easement is vacated, the district classifications of the property to which the vacated portions of land accrue shall become the classification of the vacated land.

305 - Non-classified Uses

For any use not specifically listed, the planning commission shall make a determination of the district or districts in which such use shall be permitted, either by right or on a conditional basis. Any such determination shall be based on the subject use's similarity in nature, intensity of land use impact and general character to other uses listed in the various districts.

Article IV - District Regulations

400 - Application of District Regulations

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400.01 Use of Property. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected or altered unless in conformity with the regulations herein specified for the District in which said building or land is located.

400.02 Restrictions

- a. No building or structure shall hereafter be erected or altered to occupy a greater percentage of lot area; or to have narrower or smaller rear yards, front yards, or side yards than is specified herein for the district in which such building or structure is located.
- b. No part of a yard or other open space required for the purpose of complying with the provisions of this Code shall be included as a part of a yard or other open space similarly required for another building.

401 - All Districts

401.01 Uses Permitted

- a. Uses by temporary permit - The Board of Supervisors may grant temporary permits, not to exceed six (6) months, allowing a deviation from the uses hereinafter provided. Applications for a temporary use permit shall be in writing and provide proof that good cause exists for the granting of a temporary permit and evidence that the temporary use requested will not have an adverse impact on abutting properties or other properties in the vicinity. All applications for a temporary use permit shall be referred to the County Planning Commission for consideration. A temporary permit shall not be granted except upon a favorable recommendation from the County Planning Commission.
- b. Publicly owned uses necessary for conducting the business of operating the County, State, and/or Federal Government including parks, playgrounds, schools and utilities.
- c. Any use that is an existing use at the time of adoption of this Code or any subsequent amendment thereto, which is designated by this Code or amendment as a conditional use in which it is located shall be considered a legally nonconforming use and shall comply with the provisions of Section 600 of this Code. *0902HC052 02/02/09
- d. Any existing use that meets the requirements of the district in which it is situated including any use pending or under construction and subject to a building permit lawfully issued by Harrison County as of the date of adoption of this Code which meets the requirements of the district in which it is situated is considered a legally nonconforming use and shall comply with the provisions of Section 600 of this Code. *0902HC052 02/02/09

402 - A-1 General Agricultural District

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General Agriculture zoning is the holding district classification for large tracts (15-acres or more) of land currently undeveloped or in agricultural /forestry use and away from public or franchised water and wastewater facilities. *2203HC037 08/08/22

- 402.01 The purpose of the A-1 General Agriculture District is intended to provide an area primarily for farming, agricultural, silvicultural, dairying, the raising of livestock, poultry or other similar enterprises or uses. It is the purpose of this district to encourage and protect such uses from urbanization and suburban sprawl until change to such uses is warranted, is provided for in the Harrison County Comprehensive Plan and can be accommodated with appropriate infrastructure for water supply, sanitary waste disposal, transportation and the provision of essential governmental services. Multiple uses of a single parcel of land are allowed provided such uses are consistent with uses normally permitted in the A-1 district. Residential use incidental to and normally appurtenant to agricultural uses is consistent with the purpose of the A-1 district. Development of lots or tracts primarily for residential use is not consistent with the purpose of the A-1 District.
- 402.02 Permitted Uses - See Section 415 Table of Uses for permitted uses.
- 402.03 Conditional uses. See Section 415 Table of Uses for conditional uses. All conditional uses require review and approval by the Planning Commission. See Article XIV, Section 1404.
- 402.04 Yard Required. See Section 416 Table of Area and Dimensional Requirements for yard requirements.
- 402.05 Lot Requirements. See section 416 Table of Area and Dimensional Requirements or lot requirements.
- 402.06 Height Regulations. See Section 416 Table of Area and Dimensional Requirements or height requirements.

403 - E-1 Very Low Density Residential District

- 403.01 The purpose of the E-1 Estate District is to provide for very low density, estate type, residential development while allowing limited scale or hobby agricultural and farm uses adjacent to areas where the character of development is established as or is planned to be predominantly residential. The principal use of land is for single-household dwellings. Recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area are also permitted. These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related

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facilities and through consideration of the proper functional relationships of each element.

- 403.02 Permitted Uses - See Section 415 Table of Uses for permitted uses.
- 403.03 Conditional Uses - See Section 415 Table of Uses for conditional uses. All conditional uses require review and approval by the Planning Commission. See Article XIV, Section 1404.
- 403.04 Yard Requirements - See Section 416 Tables of Area and Dimensional Requirements.
- 403.05 Lot Requirements - See Section 416 Tables of Area and Dimensional Requirements.
- 403.06 Height Requirements - See Section 416 Tables of Area and Dimensional Requirements.

404 - R-1 Low Density Residential District

- 404.01 The purpose of the R-1 Low Density Residential District is to provide for low density residential uses. The principal use of land is for single-household dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be well defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationships of each element.
- 404.02 Permitted Uses - See Section 415 Table of Uses for permitted uses.
- 404.03 Conditional Uses - See Section 415 Table of Uses for conditional uses. All conditional uses require review and approval by the Planning Commission. See Article XIV, Section 1404.
- 404.04 Yard Requirements - See Section 416 Table of Area and Dimensional Requirements.
- 404.05 Lot Requirements - See Section 416 Table of Area and Dimensional Requirements.
- 404.06 Height Requirements - See Section 416 Table of Area and Dimensional Requirements.

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404.07 Open Space Requirements - See Section 801 Open Space for New Subdivisions *0802HC059 02/02/09, *0902HC059 03/09/09

405 - R-2. Medium Density Residential District

405.01 The purpose of the R-2 Medium Density Residential District is to provide for medium density residential uses on smaller lots with reduced setbacks. The principal use of land is for single-household and two-household (duplex) dwellings and related recreational, religious and educational facilities that would normally require providing the basic elements of a balanced and attractive residential area. These areas are intended to be well defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, open space for dwellings and related facilities and through consideration of the proper functional relationships of each element.

405.02 Permitted Uses - See Section 415 Table of Uses for permitted uses.

405.03 Conditional Uses - See Section 415 Table of Uses for conditional uses. All conditional uses require review and approval by the Planning Commission. See Article XIV, Section 1404.

405.04 Yard Requirements - See Section 416 Table of Area and Dimensional Requirements.

405.05 Lot Requirements - See Section 416 Table of Area and Dimensional Requirements.

405.06 Height Requirements - See Section 416 Table of Area and Dimensional Requirements.

405.07 Accessible Design - See Section 831 Accessible Design

405.08 Open Space Requirements - See Section 801 Open Space for New Subdivisions. *0802HC059 02/02/09, *0902HC059 03/09/09

406 - Reserved

407 - R-3 High Density Residential District

407.01 The purpose of the R-3 High Density Residential District is to provide for high density residential uses on smaller lots or in multiple dwelling unit structures where access to the public transportation network, public water supply and an appropriate means of wastewater treatment and disposal can be made available to support development at high densities. The principal use of land is for residential structures normally associated with higher population densities including apartments, townhouses, garden homes,

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mobile home parks, manufactured housing subdivisions and the like. Related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area are also permitted. These areas are intended to be well defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air, open space for dwellings and related facilities and through consideration of the proper functional relationships of each element.

- 407.02 Permitted Uses - See Section 415 Table of Uses for permitted uses.
- 407.03 Conditional Uses - See Section 415 Table of Uses for conditional uses. All conditional uses require review and approval by the Planning Commission. See Article XIV, Section 1404.
- 407.04 Yard Requirements - See Section 416 Table of Area and Dimensional Requirements.
- 407.05 Lot Requirements - See Section 416 Table of Area and Dimensional Requirements.
- 407.06 Height Requirements - See Section 416 Table of Area and Dimensional Requirements.
- 407.07 Accessible Design - See Section 831 Accessible Design *0902HC051 02/02/09
- 407.08 Open Space Requirements - See Section 801 Open Space for New Subdivisions *0902HC052 02/02/09, 0902HC059 03/09/09

408 - O-1 Office District

- 408.01 The purpose of the O-1 Office District is to provide areas for office and professional buildings compatible with adjacent or nearby commercial and residential environments and in cases where such uses can provide a transition between more restrictive residential districts and less restrictive commercial or Industry Districts. The principal use of land is for professional offices for doctors, accountants, realtors, insurance agents, lawyers, dentists, architects, artists, engineers, and other business offices provided that the following uses shall not be permitted - any office, business or establishment wherein retail or wholesale trade or business is conducted or wherein any commodities, merchandise or products are stored, handled, conveyed, sold or otherwise disposed. These areas are intended to be well defined and protected from the encroachment of uses not performing a function appropriate to the office environment. Single household and multi-household dwellings are permitted to support employment uses in this District. Internal stability, attractiveness, order and efficiency are

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encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationships of each element. *0902HC055 02/02/09

- 408.02 Permitted Uses - See Section 415 Table of Uses for permitted uses.
- 408.03 Conditional Uses - See Section 415 Table of Uses for conditional uses. All conditional uses require review and approval by the Planning Commission. See Article XIV, Section 1404.
- 408.04 Yard Requirements - See Section 416 Table of Area and Dimensional Requirements.
- 408.05 Lot Requirements - See Section 416 Table of Area and Dimensional Requirements.
- 408.06 Height Requirements - See Section 416 Table of Area and Dimensional Requirements.
- 408.07 Density Requirements - Residential densities are permitted up to 14 units per acre, following the requirements in Section 416 Table of Area and Dimensional Requirements.
- 408.08 Landscaping - See Section 828, Landscaping Requirements
- 408.09 Green Development Requirements - See Section 832, Green Development Standards. *0902HC055 - 02/02/09

409 - C-1 Neighborhood Commercial District

- 409.01 The purpose of the Neighborhood Commercial District is to serve the convenience of nearby and/or adjacent residential areas with everyday retail and personal service needs. No use permitted in this district shall be dangerous, offensive, or detrimental by reasons of the emission of dust, gas, smoke, noise, fumes, glare, odor, vibration, or constitute a chemical, fire or explosion hazard. Commercial uses permitted in C-1 District shall not be of a type that causes undue traffic congestion in a residential neighborhood. Multi-household dwellings are permitted to support commercial uses in this District. Areas considered suitable for inclusion in a C-1 District shall have direct access to a public thoroughfare designated as a collector or minor arterial street. *0902HC055 - 02/02/09
- 409.02 Permitted Uses - See Section 415 Table of Uses for permitted uses.
- 409.03 Conditional Uses - See Section 415 Table of Uses for conditional uses. All conditional uses require review and approval by the Planning Commission. See Article XIV, Section 1404.

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- 409.04 Yard Requirements - See Section 416 Table of Area and Dimensional Requirements.
- 409.05 Lot Requirements - See Section 416 Table of Area and Dimensional Requirements.
- 409.06 Height Requirements - See Section 416 Table of Area and Dimensional Requirements.
- 409.07 Building Requirements - No individual building shall exceed 12,000 square feet or series of buildings on a single site shall exceed 30,000 square feet.
- 409.08 Landscaping - See Section 828, Landscaping Requirements
- 409.09 Density Requirements - Residential densities are permitted up to 14 units per acre, following the requirements in Section 416 Table of Area and Dimensional Requirements.
- 409.10 Green Development Requirements - See Section 832, Green Development Standards. *0902HC055 - 02/02/09

410 - C-2 General Commercial District

- 410.01 The purpose of the General Commercial District is to serve retail and service type trade. These types of establishments serve a community market population. Commercial uses permitted in C-2 District shall not be of a type that causes undue traffic congestion in a residential neighborhood. Areas considered suitable for inclusion in a C-2 District shall have direct access to a public thoroughfare designated as a collector or arterial street.
- 410.02 Building Requirements - No individual building or series of connected buildings shall exceed 75,000 square feet.
- 410.03 Landscaping - See Section 828, Landscaping Requirements
- 410.04 Density Requirements - Residential densities are permitted up to 16 units per acre, following the requirements in Section 416 Table of Area and Dimensional Requirements.
- 410.05 Green Development Requirements - See Section 832, Green Development Standards. *0902HC055 - 02/02/09

411 - C-3 Resort Commercial District

- 411.01 The purpose of the Resort Commercial District is to provide suitable areas for casinos and resort uses, activities and facilities permitted by the

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Mississippi Gaming Commission and all facilities that may be constructed and/or operated in connection with a resort development. These types of development may include but are not limited to hotels, condotels, restaurants, retail facilities, recreational vehicle parks, marina complexes and other uses required by law or uses that may be reasonably incidental to the primary use.

- 411.02 Prior to establishing a C-3 Resort Commercial District or when modifying an established Resort Commercial District, a Master Plan must be submitted to the Planning Commission.
- 411.03 The Master Plan shall include the following data to ensure that the proposed development conforms to the Unified Development Code, the Harrison County Comprehensive Plan, and other relative County Codes:
 - 411.03.01 Ownership: Proof of ownership or contractual lease of all properties involved with gaming establishment shall be provided to insure compliance of the proposed development.
 - 411.03.02 Layout: The Master Plan shall graphically depict the location of all improvements and facilities including the location and size of buildings, parking areas and any other facility proposed for the development. Photographs, artist's renderings, or other visual documents that will assist the County in establishing compatibility of the development to the surrounding area shall be provided. All visual documents shall be drawn to scale and shall accurately portray the proposed development.
 - 411.03.03 Parking: The number of parking spaces, layout, location, lighting and landscaping of the parking lots shall be provided. If off premises parking will be used, leases or contracts committing specific parking spaces to the gaming establishment, along with a plan to show how visitors and employees will be shuttled to and from the location shall be included. All parking lots must have landscaped islands.
 - 411.03.04 Traffic: A traffic impact study shall be submitted as a part of the Master Plan. The traffic impact study shall show the expected access routes to and from the proposed development, both on-site and off-site and expected traffic volume. Road improvements and traffic controls necessary to accommodate the proposed development and related uses shall also be included in the traffic impact study.
 - 411.03.05 Utilities: Expected infrastructure improvements including water, natural gas, electricity, communications, drainage and sewerage shall be indicated. All infrastructure improvements shall adequately support the proposed development.

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- 411.03.06 Fire and Police: The Master Plan shall demonstrate that adequate fire and police services exist. If such services are not currently sufficient to meet the needs of the proposed development, the site plan shall indicate how and where these services shall be provided.
- 411.03.07 Signage:
- 411.03.08 Lighting: All outdoor lighting associated with the C-3 district shall be shown on the Master Plan and shall comply with Section 809 Outdoor Lighting.
- 411.03.09 Buffer Area: Buffers shall be required between the proposed Resort Commercial District and any adjoining uses. All buffers shall be landscaped and have a minimum width of fifty (50) feet. A buffer greater than fifty (50) feet may be required if it is found that fifty (50) feet is not a sufficient width to protect adjoining uses from any adverse impact of the proposed development including noise, traffic, and excessive lighting.
- 411.03.10 Landscaping: Landscaping shall consist of a combination of trees, shrubs, vines, and ground covers that blend with and enhance the appearance of the ground structures with the surrounding area.
- a. Trees and other vegetation shall provide year round landscaping.
 - b. In the event that trees or other landscaped materials should die or be destroyed, such materials shall be replaced at the appropriate planting time. Such time shall not exceed nine months.
 - c. All trees and vegetation shall be native species. Any non-native species must be approved by the Beautification Commission.
 - d. All development must be in compliance with the Harrison County Tree Code.
- 411.03.11 Open Space:
- a. Passive Open Space: A minimum of five (5) acres of contiguous open space (fields, forest, etc.) must be provided for every twenty-five thousand (25,000) square feet of gaming space. This condition may not be satisfied through water features such as rivers, bayous, and salt water marshes, but may be satisfied by

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wetlands if the wetlands are placed permanently in conservation easements or land trusts.

- b. Active Open Space: A minimum of one-fourth (1/4) acre of active recreational space (i.e. tennis courts, golf courses, basketball courts, etc.) shall be provided for every twenty-five thousand (25,000) square feet of gaming space.

411.03.12 Green Development: See Section 832, Green Development Standards.

411.03.13 Other requirements: The Planning Commission may require additional information as deemed necessary, appropriate and in the interest of the public health, safety and welfare.

411.04 An approved Master Plan will be in effect for a period of three years from the date of approval. If no development has commenced by the end of the three-year period, a new Master Plan must be submitted to the Planning Commission.

411.05 Permitted Uses: See Section 415 Table of Uses for permitted uses.

411.06 Conditional Uses: See Section 415 Table of Uses for conditional uses. All conditional uses require review and approval by the Planning Commission. See Article XIV, Section 1404.

411.07 Yard Requirements: See Section 416 Table of Area and Dimensional Requirements.

411.08 Lot Requirements: See Section 416 Table of Area and Dimensional Requirements.

411.09 Height Requirements: See Section 416 Table of Area and Dimensional Requirements.

411.10 Voluntary Development Agreements: Purpose: It is the specific purpose of this section to authorize the County to exercise its powers to enter into Voluntary Development Agreements and to specify the content and procedures for such development agreements. Accordingly, a developer may choose to enter into such an agreement with Harrison County for any or all of the following reasons:

411.10.01 To vest certain development rights in the landowner and/or developer in exchange for construction and dedication of public improvements, infrastructure, certain restrictions on land uses, and other concessions on the part of developer.

411.10.02 To assist the developer who may need the cooperation of the County in extending infrastructure or public works (e.g., fire

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and police protection, water and sewer lines, drainage facilities, roads, utilities, etc.), and such cooperation may not be forthcoming in the absence of concessions voluntarily submitted to by the developer in the form of a development agreement.

- 411.10.03 To mitigate citizen controversy. The development agreement may become a flexible negotiating instrument whereby the developer can submit to certain concessions that will satisfy neighborhood concerns.
 - 411.10.04 To allow a developer who needs additional discretionary approval now or in the future to acquire long-term project approval, regardless of any local regulations that may be subsequently adopted.
 - 411.10.05 To provide assurances to the applicant for a particular development project, that upon approval of the project, the applicant may proceed with the project in accordance with all applicable local statues, Codes, rules, and policies in existence at the time the development agreement is executed.
- 411.11 Voluntary Development Agreements: Eligibility and Contents: Any person(s) having a legal or equitable interest in real property located in a C-3 Resort Commercial District may make application to enter into a Voluntary Development Agreement with the County. Applications shall be made to the Zoning Officer or his/her representative. Final approval of the agreement shall be made by the Board of Supervisors. An application for a Development Agreement shall at a minimum contain the following information:
- 411.11.01 Site Plan: A completed site plan as outlined in section 411.03.
 - 411.11.02 Parties: All parties to the agreement shall be named and their capacities to enter into the agreement clearly stated. In the case of developer/owners, their equitable or legal interests in the property must be stated.
 - 411.11.03 Relationship of the Parties: The relationship between the parties to the agreement shall be stated clearly. Typically, the statement will specify that the relationship is contractual and that the owner/developer is an independent contractor, and not an agent of the local government.
 - 411.11.04 Intent of the Parties: The intent of the parties to be bound by the terms of the agreement should be clearly stated. The agreement shall specifically include a statement that the

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property owner represents that it has an equitable or a legal interest in the real property and that all other persons holding legal or equitable interests in the real property are to be bound by the agreement. The development agreement may provide for the rights and obligations of the property owner under the agreement to be transferred or assigned.

- 411.11.05 Recitation of Benefits and Burdens: The agreement shall recite the benefits each party expects to gain from entering into the agreement, as well as the burdens each party agrees to bear. Because the agreement will be treated as a contract, the consideration each party is to receive from the other should be stated clearly in order to ensure enforceability. The benefits to the local government and community must be clearly expressed.
- 411.11.06 Applicable Land Use Regulations: The agreement shall contain a precise statement of all land use regulations to which the development project will be subject. The agreement should specify precisely which regulations will apply to the project regardless of future changes, or otherwise be affected by the agreement. The statement shall clearly state that regulations not specifically so identified will not be affected by the terms of the agreement, and will be subject to enforcement and change under the same criteria that would apply if no agreement were in effect.
- 411.11.07 Approval and Permit Requirements: The agreement shall specify all discretionary approvals and permits that will have to be obtained before the development can proceed beyond its various stages. All conditions precedent to the obtaining of the permits and approvals should be listed.
- 411.11.08 Dedications and Reservations: The agreement should provide, where appropriate, a statement of any land or improvements to be dedicated to the County or land reservations made by the developer for public purposes, and the specific time period for such dedications and reservations as they relate to the date of entering into the agreement.
- 411.11.09 Utility Connections: All water and sewer service, either to be provided by the developer or by the local government, shall be described in detail, together with schedules of construction completion, cost allocation (between or among developers and government and later developers), hookup or connection schedules, and parameters for permitting, including fees for utility provision and service.

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- 411.11.10 Fire and Police: All fire and police services, either to be provided by the developer or by the local government, shall be described in detail, together with schedules of construction completion, cost allocation (between or among developers and government and later developers), and hookup or connection schedules.
- 411.11.11 Duration of the Agreement: The agreement shall state a termination date. It should also specify project commencement and completion dates, either for the project on the whole, or for its various phases. The agreement should specify that the termination date can be extended by mutual agreement, and that commencement and completion dates may also be extended.
- 411.11.12 Amendments and Termination: The Development Agreement shall provide that it may be amended, or canceled in whole or in part, by mutual consent of the parties to the agreement or their successor in interest. The agreement shall include the conditions under which the agreement can be amended, canceled, or otherwise terminated. The agreement shall specifically include that in the event that State or Federal laws or regulations, enacted after a development agreement has been entered into, prevent or preclude compliance with one or more provisions of the development agreement, such provisions of the agreement shall be modified or suspended as may be necessary to comply with such State or Federal laws or regulations. The Development Agreement shall also specifically state that if the local government finds and determines, on the basis of substantial evidence, that the applicant or successor in interest thereto has not complied in good faith with the terms or conditions of the agreement, the local government may terminate or modify the agreement.
*0902HC052 02/02/09

412 - C-4 Regional Commercial District

- 412.01 The purpose of the Commercial Corridor District is to serve high volume retail and service type trade. These types of establishments serve the community and regional market area. Multi-household residential is appropriate to create walkable neighborhoods to create customers for the commercial centers. Areas considered suitable for inclusion in a C-4 District shall have direct access to a state or interstate highway.
- 412.02 Permitted Uses - See Section 415 Table of Uses for permitted uses.

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- 412.03 Conditional Uses - See Section 415 Table of Uses for conditional uses. All conditional uses require review and approval by the Planning Commission. See Article XIV, Section 1404.
- 412.04 Yard Requirements – See Section 416 Table of Area and Dimensional Requirements.
- 412.05 Lot Requirements – See Section 416 Table of Area and Dimensional Requirements.
- 412.06 Height Requirements - See Section 416 Table of Area and Dimensional Requirements.
- 412.07 Landscaping - See Section 828, Landscaping Requirements
- 412.08 Density Requirements – Residential densities are permitted up to 24 units per acre, following the requirements in Section 416 Table of Area and Dimensional Requirements.
- 412.09 Green Development Requirements - See Section 832, Green Development Standards.
- 412.10 Traffic impact analysis. Report to include the scope and criteria for the analysis. Impact on traffic flow on public streets, recommend mitigation measures to address conditions falling below standards set by the County, and show how the applicant will make the recommended improvements. The development must not adversely impact off-site public roads, intersections, and interchanges during the traffic peak associated with a full parking lot. Where the project adversely affects off-site traffic, the County may require off-site improvements.
- 412.11 Site Design Requirements – the purpose of this requirement is to establish general development standards for regional scale commercial developments. These standards are intended and designed to assure compatibility of uses; to contribute to the unique community character, and to enhance the health, safety and general welfare of the residents living within Harrison County.
 - 412.11.01 Outside storage. All areas of outside storage, truck parking, trash collection or compaction, loading, or other such uses shall not be visible from public right-of-way. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences and the cover shall conform to those used as predominant materials and colors of the building.
 - 412.11.02 Roof treatments. Parapets must conceal all rooftop equipment such as heating, ventilation, and air conditioning units from

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typical street level view; such parapets should feature 3-D cornice treatments. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and rooftop mechanical equipment from public view.

412.11.03 Parking – See Article VII, Parking Requirements

412.11.04 Parking Lot Design. No more than 75 percent of parking shall be located in front of the building(s).

412.11.05 Landscaping - See Section 828, Landscaping Requirements

413 - I-1 Light Industry District

413.01 The purpose of the I-1 Light Industry District is to provide suitable areas for firms engaged in light manufacturing and for the storage and distribution of goods. Light industrial uses are those manufacturing, repair, assembly or processing establishments or operations which do not use water in the manufacturing operation either for processing, cooling, or heating and which do not emit smoke, noise, odor, dust vibrations or fumes beyond the walls of the building in which such use is housed. The I-1 district seeks to encourage the formation and continuance of a compatible environment for similar types of industry and discourage any encroachment by residential developments or other uses capable of adversely affecting, or being affected by the industrial character of the district.

413.02 Permitted Uses - See Section 415 Table of Uses for permitted uses.

413.03 Conditional Uses - See Section 415 Table of Uses for conditional uses. All conditional uses require review and approval by the Planning Commission. See Article XIV, Section 1404.

413.04 Yard Requirements - See Section 416 Table of Area and Dimensional Requirements.

413.05 Lot Requirements - See Section 416 Table of Area and Dimensional Requirements.

413.06 Height Requirements - See Section 416 Table of Area and Dimensional Requirements.

413.07 Site Requirements:

- i) The side of all buildings facing a street, including side streets, shall be of a masonry type construction, brick facing or of another similar surface, and shall extend from the ground level to 20% of the total height of the building with a minimum of four (4) feet high.

*2212HC187 12/12/22

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- ii) No outside storage is allowed in front of a building.
- iii) Electric/Telephone/TV Cable service shall be underground from the point of service at the lot line to the building.
- iv) No lot shall be used for the storage of any property or thing that will cause any lot to appear in an unclean or untidy condition or that will be obnoxious to the eye or that would otherwise constitute either a public or private nuisance; nor shall any substance, thing or material be kept upon any lot that will emit foul or obnoxious odor.
- v) Service areas and loading docks servicing buildings shall not be oriented toward public roadways.
- vi) Street networks should be designed so that truck traffic movement is kept away from residential areas.
- vii) Wherever this District abuts an A-1, E-1, R-1, R-2, or R-3 District, the owner shall provide landscaping on all side and rear property lines that abut such other districts to provide a dense year-round screening of the property. Screen plantings shall be provided in sufficient density and of sufficient height to afford protection from the glare of lights, from blowing paper, dust and debris, from visual encroachment, and to effectively reduce the transmission of noise. The initial height of the planting must be a minimum of four (4) feet and of such a variety that the vegetation will grow to a minimum height of seven (7) feet within twenty-four (24) months of planting. The planting for individual industrial structures shall be twenty five (25) feet and for industrial parks one hundred (100) feet in width.

413.08 Fencing Requirements - See Section 822

413.09 Parking Requirements - See Section 700

413.10 Signage Requirements

413.10.01 Main entrances should have prominent decorative signage and landscaping.

413.10.02 Side entrances should be limited to directional signage.

413.10.03 All monument signs at multi-tenant sites should be of similar styles.

413.10.04 All signage and graphics shall be carefully coordinated with the building and architecture.

413.10.05 All signs shall be associated to the business conducted on the property.

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- 413.10.06 Signs may be erected providing the sum of all signs does not exceed two (2) square feet per foot of building linear frontage. The total area of signs shall not exceed one hundred (100) square feet. Such signs shall be attached to the principal building and shall not extend more than five (5) feet above the roofline.
- 413.10.07 In addition to building signs, each separate lot may have one (1) freestanding monument sign that is accessory to the business conducted on the premises. Any freestanding monument sign shall meet all of the following requirements:
- a. The height shall not exceed six (6) feet.
 - b. No freestanding monument sign shall be closer than five (5) feet from any abutting street right-of-way or property line.
 - c. The area of the sign shall not exceed nine (9) square feet.
 - d. In the event there is more than one (1) tenant in the building, each tenant is entitled to one (1) name plate sign attached to the free-standing monument sign; provided, however, each name plate sign shall be of uniform dimensions and lettering, and no name plate sign shall exceed nine (9) square feet in area.
 - e. No sign shall be lighted by means of flashing or intermittent illumination. *0812HC324 02/02/09

414 - I-2 General Industry District

- 414.01 The purpose of the I-2 General Industry District is to provide suitable areas for firms engaged in general manufacturing and for the storage and distribution of raw materials as well as finished goods. General industrial uses are those manufacturing, repair, assembly or processing establishments or operations which do not emit detectable levels of smoke, noise, odor, dust vibrations or fumes beyond the bounding property lines of the lot or tract upon which the use is located and which do not generate noises or vibrations perceptible in frequency or pressure above the ambient level of noise in areas lying beyond the zone district boundaries in which such operations are located. The I-2 district seeks to encourage the formation and continuance of a compatible environment for similar types of industry and discourage any encroachment by residential developments or other uses capable of adversely affecting, or being affected by the industrial character of the district.
- 414.10 Permitted Uses - See Section 415 Table of Uses for permitted uses.
- 414.11 Conditional Uses - See Section 415 Table of Uses for conditional uses. All conditional uses require review and approval by the Planning Commission. See Article XIV, Section 1404.

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- 414.12 Yard Requirements - See Section 416 Table of Area and Dimensional Requirements.
- 414.13 Lot Requirements - See Section 416 Table of Area and Dimensional Requirements.
- 414.14 Height Requirements - See Section 416 Table of Area and Dimensional Requirements.
- 414.15 Industrial development within an I-2 General Industry District shall comply with requirements and standards set for the I-1 Light Industry District. See Sections 413.07, 413.08., 413.09 and 413.10. *0812HC324 02/02/09

415 - Table of Uses

- 415.01 Conditions governing uses. Uses shall be governed by conditions set forth in the following categories -
 - 415.01.01 Uses Permitted by Right - Uses allowed by right are specified by an "R" in the chart.
 - 415.01.02 Uses Requiring Conditional Approval - Conditional uses are those uses which are permitted upon approval of location and the site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located. A "C" indicates a use which requires planning commission approval.
 - 415.01.03 Uses Requiring Establishment of a Special Use District - "S" indicates a use provided for in Article V, Section 500, special use districts.
 - 415.01.04 A "B" indicates a use requiring Board of Supervisors approval under Article V, Section 501.
 - 415.01.05 All uses are subject to such other requirements of Federal and State law and regulatory authority as may be or become applicable, at any time, including but not limited to required permits.

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|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Accessory uses and structures that are customarily incidental to any permitted use subject to the requirements of all pertinent sections of this Code; does not include secondary living units *0811HC294 12/08/08 | R | R | R | R | R | R | R | R | R | R | R | R |
| Agricultural produce stands. a. Such use shall comply with the front yard setback established for the district in which it is located b. There shall be a minimum of four off-street parking spaces *0901HC017 02/02/09 | R | C | | | | | C | R | | | | |
| Agriculture and related farming operations, including horticulture, plant nurseries, market gardening, field crops and orchards | R | R | | | | | | | | | | |
| Airport District as provided in Section 500.02.04 | S | | | | | | | | | | S | S |
| Airport | | | | | | | | | | | R | R |
| Amusement park | | | | | | | | S | R | | S | S |
| Animal clinic or veterinary service for large animals *0902HC055 02/02/09 | R | | | | | | | C | | | R | |
| Animal clinic or veterinary for small animals *0902HC055 02/02/09 | C | | | | | | | R | | R | R | |
| Antique vehicles * 0810HC268 12/08/08 | R | R | R | R | R | R | R | R | R | | R | R |
| Approved Private Treatment Facility *0811HC294 12/08/08 | C | C | | | | C | C | R | | | | |
| Approved Public Treatment Facility *0811HC294 12/08/08 | C | C | | | | C | C | R | | | | |

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|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Armory | | | | | | | | C | | | R | R |
| Asphalt products manufacture | | | | | | | | | | | | R |
| Assembly halls. Including, civic halls, and activities of a similar nature *0709HC299 10/01/07 | C | | | | | C | C | R | R | | R | R |
| Auditoriums | | | | | | | | S | R | | S | S |
| Automobile and truck repair and maintenance. All conditional use permits for this activity shall meet the following criteria - a. The facility shall be primarily intended for minor repairs and the maintenance of automobiles and trucks b. Major repair such as engine dismantling, body work and vehicle painting shall not be permitted in connection with such use c. All minor repair, maintenance activity, storage and similar activities shall be carried on entirely within an enclosed building d. All materials intended for recycling shall be stored within an enclosed building; materials intended for disposal shall be placed within a container approved for the purpose e. Long term parking or storage of vehicles awaiting repair is prohibited *0209HC184 10/07/02 *0902HC055 02/02/09 | | | | | | | C | R | | R | R | R |

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|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| <p>Automotive and truck accessory retail sales and related services. All conditional use permits for this activity shall meet the following criteria -</p> <p>a. The facility shall be primarily intended for the retail sales of new components considered accessory to the maintenance and upkeep of automobiles and trucks, and the installation of such</p> <p>b. Major repair such as engine or body dismantling and vehicle painting shall not be permitted in connection with such use. Minor repairs and maintenance limited to the installation of tires, attachment of modularized components, and other minor service activities incidental to the normal upkeep of automobiles and trucks shall be permitted</p> <p>c. All minor repair, maintenance activity, storage and similar activities shall be carried on entirely within an enclosed building</p> <p>d. All materials intended for recycling shall be stored within an enclosed building; materials intended for disposal shall be placed within a container approved for the purpose.</p> <p>e. Long term parking or storage of vehicles awaiting repair is prohibited *0208HC174 08/26/02 *0902HC055 02/02/09</p> | | | | | | | | | | | | |
| Automotive impound facility *0408HC159 09/07/04 | | | | | | | | C | | | R | R |
| Automobile parking lot or parking garage | | | | | | | | R | R | | R | R |

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|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Automobile sales, including trucks | | | | | | | C | R | | | R | R |
| Automobile repair and maintenance shop of a minor nature a. Major auto repair shall not be permitted in connection with such uses. Minor auto repair and maintenance shall include the installation of tires, carburetors, ignition parts and other minor accessory parts as shall be incidental to the normal upkeep of an automobile, but shall not include engine or body dismantling b. There shall be no body or fender repair, painting or dismantling of vehicles on the premises c. All minor auto repair, maintenance, service, storage of materials or similar activities connected with such use shall be carried on entirely within an enclosed building | | | | | | | C | R | | | R | R |
| Automobile repair and paint shops. a. All activities shall be carried on entirely within an enclosed building b. Such use shall not be established on a lot which is either adjacent to or directly across the street from any residential district or any property used for a school, park, playground, or hospital | | | | | | | | C | | | R | R |
| Automobile, truck and motorcycle race tracks *0902HC052 02/02/09 | | | | | | | | | | S | S | S |

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|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Automobile wash service a. Provided that a paved area shall be located on the same lot for the storage of vehicles awaiting service b. Provided that all wastewater shall be discharged directly into a sewer system | | | | | | | | C | R | | R | R |
| Automobile wrecker service a. Provided that a storage area screened from public view shall be located on the same lot for the temporary storage of vehicles b. No vehicle shall be stored on the premises for more than 30 days 0902HC055 02/02/09 | | | | | | | | | | | C | R |
| Automobile wrecking or junkyards a. Such use shall be enclosed by a fence or wall not less than eight feet in height which provides visual screening b. No such activity may be conducted within 200 feet of any property zoned or used for residential purposes | | | | | | | | | | | C | R |
| Bait store or sales (live bait) *0902HC055 02/02/09 | C | | | | | C | R | R | R | | C | |
| Bakery, wholesale | | | | | | | | | | | R | R |
| Banquet Hall *0709HC299 10/01/07 | | | | | | C | C | R | R | | R | R |
| Bed and Breakfast | C | C | | C | C | R | R | R | R | | R | R |
| Bed & Breakfast Inn *0709HC299 10/01/07 | C | C | | C | C | C | R | R | R | | R | R |
| Beverage distribution | | | | | | | | C | | | R | R |
| Boarding or rooming house | C | C | | | C | | C | R | | | | |
| Boat construction, storage, service, and repair, wet and dry *0902HC055 02/02/09 | | | | | | | | C | | | C | R |
| Bottling plants | | | | | | | | | | | R | R |

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|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Business school or college *0902HC055 02/02/09 | | | | | | | | C | | R | C | C |
| Butane and other liquefied petroleum gas products sales | | | | | | | | C | | | R | R |
| Cabinet or carpenter shop | | | | | | | | C | | | R | R |
| Cannabis Cultivation Facility Tiers 1-6. Minimum site size in the A-1 District is 2 acres. *2203HC037 – 08/08/22 | C | | | | | | | C | | | C | C |
| Cannabis Processing Facility *2203HC037 – 08/08/22 | C | | | | | | | C | | | C | C |
| Cannabis Transportation Entity *2203HC037 – 08/08/22 | C | | | | | | | C | | | C | C |
| Cannabis Disposal Facility *2203HC037 -08/08/22 | C | | | | | | | C | | | C | C |
| Cannabis Research Facility *2203HC037 -08/08/22 | C | | | | | | | C | | | C | C |
| Cannabis Research Facility on a College or University property *2203HC037 – 08/08/22 | C | | | | | | | C | | | C | C |
| Cannabis Dispensaries: must be 1500 feet from another dispensary. All Medical Cannabis Establishments must be 1000 feet away from a School, Church or Day-Care or 500 feet if a waiver is granted by the School, Church or Day-Care. *2203HC037 – 08/08/22 | | | | | | | | C | | | C | C |
| Canvas products manufacture | | | | | | | | | | | R | R |
| Casinos | | | | | | | | | R | | | |
| Cemetery *0902HC055 - 02/02/09 | C | C | C | C | C | C | C | R | | | C | C |
| Ceramic manufacture with dust, odor and fume control | | | | | | | | | | | C | R |

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|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Chemical manufacture or processing (heavy, industrial) *0902HC055 - 02/02/09 | | | | | | | | | | | | R |
| Child Care Center *0810HC269 - 12/08/08 | C | | | | | C | C | R | R | | C | |
| Child Care Home *0810HC269 - 12/08/08 | C | C | | | | | | | | | | |
| Churches and related accessory buildings *0902HC055 - 02/02/09 | C | C | C | C | C | C | R | R | R | R | | |
| Clay and clay products manufacture | | | | | | | | | | | C | R |
| Clothing manufacture | | | | | | | | | | | R | R |
| Community garden, satellite farms, and similar small group and/or neighborhood farming operations a. Off-street parking shall be permitted only for those garden sites exceeding 15,000 square feet in lot area. Such parking shall be limited in size to ten percent (10%) of the garden site lot area and shall be either unpaved or surfaced with gravel or similar loose material or shall be paved with pervious paving material. Walkways shall be unpaved except as necessary to meet the needs of individuals with disabilities b. Appropriate lighting shall be used, which shall be oriented to eliminate spillover onto adjacent property or create glare for any nearby right of ways c. Garden will be maintained in a way that will not produce excessive noise or act as a disturbance, particularly when located in a Residential District *0901HC017 02/02/09 | R | R | C | C | C | | | | | | | |

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|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Cold storage plant | | | | | | | | | | | R | R |
| College or university | | | | | | S | | S | | | S | S |
| College sorority or fraternity house *0902HC055 02/02/09 | | | | C | R | S | | S | | | S | S |
| Community Scale Commercial *0902HC055 02/02/09 | | | | | | | | R | | | C | |
| Concrete and concrete products manufacture | | | | | | | | | | | C | R |
| Condotel 0902HC052 02/02/09 | | | | | | | | C | R | R | | |
| Contractor's storage yard for vehicles, equipment, materials and supplies; need not be enclosed within a structure, but must be enclosed within a solid fence to screen view; chain link or similar open fence may be permitted if a screen planting adequate to obstruct the view is provided | | | | | | | | | | | R | R |
| Dairy products processing, bottling and distribution, ice cream manufacture, all on a wholesale basis | | | | | | | | C | | | R | R |
| Day care nurseries play school or kindergarten meeting all requirements of appropriate state regulations and standards, provided that all activities are carried on in an enclosed building or fenced yard | C | C | | | | C | C | R | R | | C | |
| Dog pound | C | | | | | | | | | | C | R |

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|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| <p>Drinking establishment -</p> <p>a. When not accessory to a principal use, a drinking establishment must be located further than 1000 feet from a church, school, kindergarten, or non-profit daycare center. The distance shall be measured between buildings.</p> <p>b. Liquor, wine or beer sales not to be consumed on premises and meeting local and state requirements.</p> <p>c. Outdoor music, with a residence within 300 feet of the establishment shall only be allowed on Fridays, Saturdays, Sundays, and on National land/or Harrison County holidays (both actual and observed) during the hours of 2:00 p.m. and 8:00 p.m.</p> <p>d. Outdoor recorded background music played outside of a fully enclosed structure is allowed during all days and business hours, but when played other than during the hours permitted for Outdoor Music, shall not be heard continuously from a distance more than 100 feet from the property line from which it is emanating.</p> <p>e. Outdoor music shall be performed and broadcast in such a manner and within sound levels so as not to constitute an unreasonable nuisance and with reasonable consideration of its impact upon neighboring properties. In the event such music causes complaints, given the purpose of this ordinance is to allow regulated outdoor music, and/or this if this paragraph is violated, such outdoor music may be terminated or regulated by law enforcement officers. *0607HC242 07/20/06, *0902HC055 02/02/09, *0901HC016 02/02/09, *2207HC115 – 08/08/22</p> | | | | | | | C | C | R | | | |
| Dry cleaning plant | | | | | | | | | | | C | R |

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|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Dry cleaning plants of not more than 2,500 square feet a. Such dry-cleaning plant shall comply with all of the requirements of the County Fire Prevention Code b. Such plant shall be designed to operate in a manner that will not emit smoke, odor, or objectionable waste materials and which will not produce noise that will carry beyond the walls of the building occupied by such plant | | | | | | | | C | | | R | R |
| Dwelling unit for proprietor, manager or night watchman as an accessory use to a conforming business or industrial use. One accessory unit may be permitted. *0305HC072 - 06/02/03 | | | | | | | C | C | | | C | C |
| Dwelling, attached single-household *0902HC055 02/02/09 | | | | C | R | R | R | | | | | |
| Dwelling, detached single-household *0902HC055 02/02/09 | R | R | R | R | R | R | R | R | | | | |
| Dwelling, duplex *0902HC055 02/02/09 | | | | R | R | R | R | R | | | | |
| Dwelling, reduced lot line *0303HC042 04/07/03, *0902HC055 02/02/09 | | | | C | R | R | R | R | | | | |

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|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| <p>Dwelling, Secondary Living Unit All Secondary Living Units shall comply with the following conditions</p> <ul style="list-style-type: none"> a. The size shall not exceed one half the size of the principal detached single household dwelling but shall not be required to be less than 750 square feet b. The exterior finish of the secondary living unit shall be compatible with the exterior finishes of the principal residence and other housing in the vicinity c. All applicable federal, state and local health and safety issues shall be addressed d. Secondary Living Units shall be used only for non-paying guests e. Mobile homes, manufactured homes, travel trailers, RV's, and similar structures shall not be used as Secondary Living Units f. A single Secondary Living Unit is allowed per principal detached single household dwelling g. The use of a Secondary Living Unit as a rental apartment is a violation of the zoning Code.*0205HC101 06/03/02, *0604HC124 04/20/06 and *0811HC294 12/08/08, *0902HC055 02/02/09 | C | C | C | C | R | | R | R | | | | |

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|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| <p>Dwelling, Secondary Living Unit All Secondary Living Units shall comply with the following conditions</p> <p>h. The size shall not exceed one half the size of the principal detached single household dwelling but shall not be required to be less than 750 square feet</p> <p>i. The exterior finish of the secondary living unit shall be compatible with the exterior finishes of the principal residence and other housing in the vicinity</p> <p>j. All applicable federal, state and local health and safety issues shall be addressed</p> <p>k. Secondary Living Units shall be used only for non-paying guests</p> <p>l. Mobile homes, manufactured homes, travel trailers, RV's, and similar structures shall not be used as Secondary Living Units</p> <p>m. A single Secondary Living Unit is allowed per principal detached single household dwelling</p> <p>n. The use of a Secondary Living Unit as a rental apartment is a violation of the zoning Code.*0205HC101 06/03/02, *0604HC124 04/20/06 and *0811HC294 12/08/08, *0902HC055 02/02/09</p> | C | C | C | C | R | | R | R | | | | |
| Dwelling, multi- household 15 units or less *0902HC055 02/02/09 | | | | C | R | R | R | R | | R | | |
| Dwelling, multi- household 15 units or more *0902HC055 02/02/09 | | | | C | R | R | R | C | | R | | |

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|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Dwelling, multi-household 4 units or less *0902HC055 02/02/09 | | | | C | R | R | R | C | | R | | |
| Dwelling, townhouse *0902HC055 02/02/09 | | | | C | R | R | C | C | | R | | |
| Electrical equipment assembly | | | | | | | | | | | R | R |
| Electric equipment repair shop *0902HC055 02/02/09 | | | | | | | | C | | | C | |
| Electroplating or battery making with acid, fume & odor controls | | | | | | | | | | | C | R |
| Exterminator service office *0902HC055 02/02/09 | | | | | | | | C | | | R | |
| Extractive operations of rock, gravel, sand, clay, dirt, topsoil and mining of natural deposits. (See Section 814) *0203HC047 04/01/02, *0306HC097 06/07/03 & 1102HC027 04/04/11 | C | | | | | | | | | | C | R |
| Fairgrounds, circus or carnival *0902HC055 02/02/09 | | | | | | | | C | | | | C |
| Family Boarding Home or Foster Home*0811HC294 12/8/08 | R | R | R | R | R | | | | | | | |
| Farm and garden equipment and supplies *0902HC055 02/02/09 | C | C | | | | | | C | | | R | |
| Farmer's market *0902HC055 02/02/09 | C | | | | | | C | R | | | | |
| Fertilizer manufacture and processing | | | | | | | | | | | | R |
| Fireworks stand, operated as a temporary seasonal use for less than two (2) months a year *0212HC246 01/13/03 | | | | | | | | C | | | C | C |
| Fire station | C | C | C | C | C | R | R | R | R | | R | R |
| Food locker plant including rental of lockers for the storage of food; cutting and packaging of meats and game, but not the slaughtering of animals or fowl | | | | | | | | | | | R | R |

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|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Food processing in wholesale quantity but excluding meat, fish, poultry, vinegar and yeast | | | | | | | | | | | R | R |
| Food processing in wholesale quantity of meat, fish and poultry, but excluding slaughtering of meat or poultry | | | | | | | | | | | C | R |
| Food Truck Proof of MS State Tax ID Number. Copy of MS State Department of Health Food Service Permit. Copy of property lease or vendor approval in a fair, festival, or Flea Market. Site Plan demonstrating Food Truck is 1000' from a restaurant *2009HC162 10/05/20 | | | | | | | | R | | | | |
| Foundry | | | | | | | | | | | | R |
| Freight depot | | | | | | | | C | | | R | R |
| Frozen food manufacture and packaging | | | | | | | | | | | C | R |
| Fruit and produce store excluding roadside stands *0902HC055- 02/02/09 | | | | | | | C | R | | | R | |
| Fruit and produce, wholesale | | | | | | | | C | | | R | R |
| Funeral home, mortuary, crematory or undertaking establishment | | | | | | | | C | | | | C |
| Furniture manufacture | | | | | | | | | | | C | R |
| Glass products manufacture | | | | | | | | | | | C | R |
| Golf course, miniature provided that lighting shall be established in such a way that adjacent properties and roadways are not adversely affected, and that no direct light is cast upon adjacent properties and roadways *0902HC055 - 02/02/09 | C | C | | | | | | C | R | | | |
| Golf course | R | C | S | S | S | S | S | S | R | | S | S |
| Golf driving range provided that lighting shall be established in such a way that adjacent properties and roadways are not adversely affected, and that no direct light is cast upon adjacent properties and roadways *0405HC089 06/14/04, *0902HC055 02/02/09 | C | C | | | | | | C | R | | | |

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|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Gun Dealer, Retail *0902HC055 02/02/09 | | | | | | | | R | | | R | |
| Group Care Home *0811HC294 12/08/08 | C | C | C | C | C | | | | | | | |
| Hatchery, poultry or fish | R | | | | | | | | | | C | R |
| Heavy Equipment, sales and service - In the C-2 and I-1 districts, all equipment that is offered for sale, awaiting service, or required for transport shall be parked on a heavy- duty crushed limestone pad; repair and servicing shall take place within an enclosed building; displayed equipment shall not impede a safe sight margin for traffic, and abandoned or equipment used for parts shall not be stored in the open *0602HC046 12/11/06 | | | | | | | | C | | | R | R |
| Home business, rural *0710HC338 01/04/08 | C | C | | | | | | | | | | |
| Home employment *0710HC338 01/04/08 | R | R | C | C | C | | | | | | | |
| Home occupation *0710HC338 01/04/08 | R | R | R | R | R | R | R | R | R | | R | R |
| Hospice includes freestanding hospice. *0210HC211 11/04/02, *0811HC294 08/12/08 | C | C | | | | C | C | R | | | | |
| Hospital | | | | | | S | | S | | | S | S |
| Hotel or Motel | | | | | | | | R | R | R | R | R |
| Ice plant | | | | | | | | | | | C | R |

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|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Incidental accessory retail uses and services such as food service, gift or novelty shops, soda bars, barber and beauty shops, children's day care facilities, and similar activities, conducted primarily for the convenience of employees, patients, patrons, or visitors, provided these activities are carried on wholly within a principal building and are not advertised to the general public by exterior signs or other advertising display | | | | | | R | | R | R | | R | R |
| Industrial park | | | | | | | | | | | R | R |
| Industrial research and educational facilities | | | | | | | | | | | R | R |
| Junk yard including storage, baling or sale of rags, paper, iron or junk; need not be enclosed within a structure but must be enclosed within a fence of sufficient height to obstruct view and noise; chain link or similar fence may be permitted if screen planting is provided | | | | | | | | | | | | R |
| Kennel, Dog Boarding The following conditions must be met at all times during operation of a boarding kennel: a. Animals will be housed within buildings having adequate ventilation and protection from weather. b. Exercise runs shall be provided. c. Confined animals shall be in areas of adequate size and allowed regular access of exercise runs. d. The kennel shall not be within 100' of an adjoining residential lot or residence. e. Proper sanitation and odor control shall be observed. f. Animals shall be humanely treated and shall not be deprived of clean water, proper food, and clean surroundings. g. Unless a public sewer connection is available, the sewer serving the facility must be installed as specified by the Mississippi State Department of Health. *0212HC245 01/13/03 | C | C | | | | | | C | | | R | R |

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|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Kennel, Commercial The following conditions must be met at all times during operation of a boarding kennel - a. Animals will be housed within buildings having adequate ventilation and protection from weather b. Exercise runs shall be provided c. Confined animals shall be in areas of adequate size and allowed regular access to exercise runs. d. The kennel shall not be within 100' of an adjoining residential lot or residence e. Proper sanitation and odor control shall be observed f. Animals shall be humanely treated and shall not be deprived of clean water, proper food, and clean surroundings g. Unless a public sewer connection is available, the sewer serving the facility must be installed as specified by the Mississippi State Department of Health *0212HC245 01/13/03, *0902HC055 02/02/09, *1207HC079 08/06/12 | C | C | | | | | | C | | | R | R |
| Laboratory, scientific or testing | | | | | | C | | R | | | R | R |
| Landfills | | | | | | | | | | | S | S |
| Laundry plant | | | | | | | C | R | | | R | R |
| Leather goods, manufacture | | | | | | | | | | | C | R |
| Library *0902HC055 02/02/09 | C | C | C | C | C | R | R | R | R | | | C |
| Linen supply or diaper service. *0902HC055 02/02/09 | | | | | | | | R | | | R | |
| Livestock (sheep and goats only) | R | C | | | | | | | | | C | R |

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|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Livestock Cattle, horses, and swine a. stocking densities not to exceed one animal per 1½ acres b. no building or enclosure for animals is located closer than 100 feet to any district other than A-1 c. a 10' buffer is established and maintained (mowed) between the pasture fence and adjoining property line whichever pasture abuts a district other than A-1 *0810HC270 03/09/09 | R | R | | | | | | | | | | |
| Livestock: concentrated feeding operations (not including aquaculture operations) a. located on a minimum parcel size of 100-acres b. stocking densities not to exceed one animal per 1½ - acres c. no building or enclosure for animals is located closer than 500 feet from any district other than A-1 d. a 100 foot buffer is established between the pasture fence and adjoining property line wherever pasture abuts a district other than A-1 e. there are proper animal waste management systems on-site, as stated in the Mississippi State Code Title 49, Chapter 17, Section 29 f. proper site screening to prevent movement of odors offsite *0810HC270 03/09/09 | C | C | | | | | | | | | | |
| Lodges, fraternal and social organizations, union halls headquarters for scout and other youth organizations *0902HC055 02/02/09 | | | | | | C | C | R | | | | |

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|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Long-term Care Facility *0811HC294 12/08/08 | C | C | | | | C | C | R | | | | |
| Lumber and other building material establishment *0902HC055 02/02/09 | | | | | | | | C | | | C | R |
| <p>Machine shop</p> <p>All applicants for a Conditional Use shall demonstrate compliance the following criteria -</p> <ol style="list-style-type: none"> The activities of the business shall be contained within an enclosed building There shall be no outdoor storage of material used in production, material retained for recycling, material awaiting processing, or material ready for pickup/shipping. Dumpsters and refuse containers for onsite generated litter are exempt No noise shall be produced by the operation of the business that is greater than the general background noise for the area No air born pollutants or irritants that may cause a public nuisance shall be discharged There shall be no surface contamination of soil, underground disposal of byproduct substances, or disposal of by-product substances into a public sewer The building shall be in harmony with the surrounding structures The proposed use of the property shall be in harmony with surrounding uses *0206HC114 07/01/02 | | | | | | | | C | | R | R | |

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|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Machinery, tools, construction equipment, sales and service | | | | | | | | | | | R | R |
| Manufactured or modular home for proprietor, manager or night watchman as an accessory use to a conforming business or industrial use. One accessory manufactured or modular home may be permitted *0305HC072 06/02/03, *0902HC055 02/02/09 | | | | | | | | C | | | | |
| Manufactured/Modular home sales *0902HC055 02/02/09 | | | | | | | | C | | R | | |
| Manufactured home park *0604HC124 04/20/06 | C | | | | C | | | | | | | |
| Manufactured/Modular home sales | | | | | | | | C | | | R | R |
| Manufactured home on individual lot: a. Must be installed on a permanent foundation constructed of brick or block and meeting current building code requirements b. The general shape and appearance of the manufactured home shall conform to housing in adjacent or nearby locations to insure compatibility of site built houses and manufactured housing c. The general shape and appearance of the roof of the manufactured home shall be compatible with the exterior appearance of the roofs of housing in adjacent or nearby locations d. The exterior finish of the manufactured home shall be compatible with the exterior finishes of other housing in the vicinity *0504HC061 05/09/05 and 0604HC124 04/20/06 | C | C | | C | R | | | | | | | |

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|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| <p>Manufactured home subdivision</p> <p>a. Must be installed according to the manufacturer's recommendations</p> <p>b. The general shape and appearance of the manufactured home shall conform to housing in adjacent or nearby locations to insure compatibility of site built houses and factory-built housing</p> <p>c. The general shape and appearance of the roof of the manufactured home shall be compatible with the exterior appearance of the roofs of housing in adjacent or nearby locations</p> <p>d. The exterior finish of the manufactured home shall be compatible with the exterior finishes of other housing in the vicinity *0604HC124 04/20/06</p> | | C | | C | C | | | | | | | |
| <p>Manufacturing incidental to a retail business where articles are sold at retail on the premises</p> | | | | | | | | C | | | R | R |
| <p>Manufacturing or industrial operations of any type which do not emit detectable dust, odor, smoke, gas or fumes beyond the bounding property lines of the lot or tract upon which the use is located and which do not generate noises or vibrations perceptible in frequency or pressure above the ambient level of noise in areas lying beyond the zone district boundaries in which such operations are located</p> | | | | | | | | | | | C | R |

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|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Manufacturing, repair, assembly or processing establishments of a light industrial nature which do not use water in the manufacturing operation either for processing, cooling, or heating, and which shall emit no smoke, noise, odor, dust, vibrations or fumes beyond walls of building in which housed | | | | | | | | | | | R | R |
| Marina including service and repair, wet and dry; boat sales, accessories and service, boat rentals, charter boat facilities, bait and concessions related to boating and outdoor activities. *2207HC115 – 08/08/22 | | | | | | | | R | R | | R | R |
| Master Planned Community District | B | B | B | B | B | B | B | B | B | | B | B |
| Maternity Home *0811HC294 12/8/08 | C | C | | | | C | C | R | | | | |
| Meat slaughtering and/or packing house *2010HC169 11/2/20 | C | C | | | | | | | | | | R |
| Metal products fabrication | | | | | | | | | | | C | R |
| Millwork and similar wood products manufacture | | | | | | | | | | | C | R |

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|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| <p>Mini-warehouse storage facilities for the storage of personal property provided that -</p> <ul style="list-style-type: none"> a. The storage building(s) shall be subdivided by permanent partitions into individual storage compartments with no single storage compartment having a floor area exceeding 300 square feet b. Each storage compartment shall have an exterior independent entrance under the exclusive control of the tenant thereof c. The use of the storage compartments shall be limited to the storage of personal property and no other use shall be permitted except a manager's office which is clearly incidental to the principal use d. There shall be no outside storage of goods or materials of any type on the site of a mini storage facility e. Building coverage may equal no more than 40 percent of total lot area f. No part of any fence enclosure shall be located within any required front yard g. The design of facades and landscaping of premises shall be compatible with the purposes of the zone district in which the mini storage facility is located <p>*0902HC055 02/02/09</p> | | | | | | | C | R | | R | R | R |
| Mobile home *0504HC061 05/09/05 | C | C | | | | | | | | | | |

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|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Modular home on an individual lot a. The exterior finish of the modular home shall be compatible with the exterior finishes of other housing in the vicinity b. The general shape and appearance of the roof and foundation of the modular home shall be compatible with the exterior appearance of the roofs of housing in adjacent or nearby locations c. Conditional use application must be accompanied by architectural elevations of the proposed structure *0604HC124 04/20/06 | R | R | C | R | R | | | | | | | |
| Modular home sales with no manufactured or mobile home storage on the premises *0604HC124 04/20/06 | | | | | | | | R | | | R | R |
| Monument sales establishment, with incidental processing to order, but excluding the shaping of stones and similar processing *0902HC055 02/02/09 | | | | | | | | C | | | R | |

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|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| <p>Neighborhood recreation centers or swimming pool</p> <p>a. Site plans shall be approved by the planning commission to ensure that all the provisions of this Code and all other applicable laws are complied with</p> <p>b. Buildings and structures established in connection with such use shall be set back not less than 100 feet from any property line (exterior property line in a planned development) except when such property line is a street line. In such case the front yard setback of the district shall apply. When a property line is on a natural waterway, a property line setback shall not be required</p> <p>c. A swimming pool shall be enclosed by a fence having a height of not less than six feet</p> <p>d. Outdoor activity shall cease by 11:00 p.m.</p> <p>e. Lighting shall be established in such a way that adjacent 2properties and roadways are not adversely affected, and that no direct light is cast upon adjacent properties and roadways.</p> <p>f. Such use shall be permitted only upon written approval of the Health Department to indicate compliance with Health Department swimming pool regulations. *0902HC055 02/02/09</p> | | | | | | | | | | | | |
| <p>Neighborhood Scale Commercial *0902HC055 02/02/09</p> | | | | | | | R | C | | C | | |

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|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Newspaper or magazine distribution rack | | | | | | R | R | R | R | | R | R |
| Newspaper or magazine distribution | | | | | | | | C | | | R | R |
| Newspaper publishing | | | | | | | | C | | | R | R |
| Novelty and souvenir manufacture | | | | | | | | | | | R | R |
| Nursery (Plant) and garden centers *0902HC055 02/02/09 | R | C | | | | | C | R | | | R | R |
| Nursing school | | | | | | S | | S | | | S | |
| Nursing, convalescent, rest and retirement home *0902HC055 02/02/09 | S | | | | S | S | S | S | | | | |
| Office equipment and supplies, manufacture | | | | | | | | | | | R | R |
| Offices incidental to a permitted use | | | | | | R | R | R | R | | R | R |
| Oil and gas exploration and production activities | C | C | | | | | | | | | C | R |
| Oil well equipment, supplies and machinery sales | | | | | | | | | | | C | R |
| Optical and scientific instrument manufacture | | | | | | | | | | | R | R |
| Outdoor advertising services, including the construction, repair and maintenance of outdoor advertising signs. All activities shall be conducted within a building or fenced area | | | | | | | | | | | R | R |
| Oyster house. A conditional use permit for this activity shall meet the following criteria - a. An Oyster house shall only be allowed on property where the applicant makes his residence b. Shells resulting from the shucking of oysters shall be disposed of regularly c. Odor control measures shall be enacted *0407HC137 08/02/04 | C | C | | | | | | | | | C | R |

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|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Paint, oil, shellac and lacquer manufacture when hoods and fume destructors are used in the cooking process | | | | | | | | | | | C | R |
| Park, public *0902HC055 02/02/09 | R | R | R | R | R | R | R | R | R | | | |
| Pawn or loan shop *0902HC055 02/02/09 | | | | | | | C | R | | | R | |
| Petroleum and petroleum products, manufacture, processing or storage provided that all structures or buildings shall be located not less than 100 feet from any property line and not less than 200 feet from any property used or intended to be used for residential purposes | | | | | | | | | | | | R |
| Pharmaceutical manufacturing | | | | | | | | | | | R | R |
| Pipe storage | | | | | | | | | | | C | R |
| Pistol or rifle range located wholly within an enclosed building | | | | | | | | | R | | R | R |
| Pistol or rifle range *0902HC055 02/02/09 | | | | | | | | | | | C | |
| Planned Unit Development (PUD) as described in Section 500.02.07 | S | S | | S | S | S | S | S | S | | S | S |
| Plant shop | | | | | | | R | R | R | | R | R |
| Plastic fabrication | | | | | | | | | | | R | R |
| Plastic products manufacture with dust and fume control | | | | | | | | | | | R | R |
| Police station or substation, including Highway Patrol | | | | | | C | C | R | R | | R | R |

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|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Portable building sales or rentals; no outdoor display of stock or materials may encroach into any sight lines or sight triangles required for safe ingress and egress to commercial properties and or street intersections as defined in Section 801.04.02 *0101PC003 02/05/01, *0902HC055 02/02/09 | | | | | | | | C | | C | | |
| Pottery manufacture with dust, odor and fume control | | | | | | | | | | | R | R |
| Poultry processing, storage and/or dressing | | | | | | | | | | | | R |
| Poultry raising | C | | | | | | | | | | | |
| Pre-fabricated and manufactured home sales | | | | | | | | | | | R | R |
| Public/Quasi-Public Facilities & Utilities Section 500.02.03 | S | S | S | S | S | S | S | S | S | | S | S |
| Radio and television broadcasting stations | | | | | | | | R | R | | R | R |
| Radio and television sales, service and repair store | | | | | | | C | R | | | R | R |

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|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| <p>Radio, television and other Communication transmission towers. See Section 805 Excess Height for applicability</p> <ol style="list-style-type: none"> 1. All self-support towers in excess of 100 feet and less than 175 feet must be set back from any street and any lot used or intended to be used for a residential structure a distance equal to or greater than the height of the tower 2. All guyed towers in excess of 100 feet and self-support towers in excess of 175 feet must be set back from any street and any lot used or intended to be used for a residential structure a distance equal to one-half the height of the tower or 500 feet, whichever is greater 3. All towers in excess of 100 feet must be set back from any structure located on the premises and any structures on adjacent properties a distance of one third the height of the tower or 100 feet, whichever is greater 4. All towers in excess of 100 feet not adjacent to any lot used or intended to be used for a residential structure shall be set back from all other lot lines as required in the zoning district with the additional requirements of Section 805 Excess Height 5. All towers less than 100 feet must be set back from any street a distance equal to or greater than the height of the tower, and set back from all other lot lines as required in the zoning district with the additional requirements of Section 805 Excess Height | | | | | | | | | | | C | C |

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|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| <p>6. All towers within the view of the driving public along a State of Mississippi Scenic Byway shall be designed to blend in with the surrounding environment through the use of color, camouflage and architecture, unless the FAA or other federal or state authorities require otherwise</p> <p>7. To allow and promote antenna colocation and to minimize the adverse visual impacts associated with the proliferation and clustering of telecommunication towers, co-location of facilities on existing or new towers shall be encouraged by:</p> <p>a. Towers existing and legally permitted prior to the enactment of this Code, may be increased in height, one time, upon application and consideration for a conditional use permit. The maximum allowed increase shall be no greater than 20% of the originally approved tower height or as otherwise directed at the discretion of the Planning Commission. *0512HC208 03/16/06</p> <p>b. All new towers shall have the capacity to permit multiple users, at a minimum; towers shall be designed and constructed to accommodate not less than three telecommunication users.</p> | | | | | | | | | | | | |

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|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 8. All applicants shall provide a scaled map identifying the exact location of all telecommunication towers and tall structures suitable for antenna placement within a two mile radius of the proposed tower. Information detailing the availability of co-location space on each tower or structure within the prescribed area shall be included. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission or Board of Supervisors that no existing tower or other tall structure can accommodate the applicant's proposed antenna | | | | | | | | | | | | |
| 9. The Planning Commission shall apply the Radio, Television, and Communication Tower Standards in its consideration of applications for Conditional Use approval *1309HC115 10/07/13 | | | | | | | | | | | | |
| Railroad car classification yard | | | | | | | | | | | | R |
| Railroad station | | | | | | | | | | | R | R |
| Recreational District as provided in 500.02.01 | S | S | S | S | S | S | S | S | S | | S | S |
| Recreational vehicles, temporary use in hunting camps and along waterfront property *0311HC198 02/02/04 | C | C | C | | | | | | | | | |
| Recreational vehicles, temporary use while constructing a home, for a period not to exceed six (6) months *0901HC014 02/02/09 | C | C | | | | | | | | | | |
| Recreational vehicle park *0201HC013 01/28/02;*0311HC198 02/02/04*0902HC055 02/02/09 | C | | | | | | | C | R | | | |
| Regional Scale Commercial *0902HC055 02/02/09 | | | | | | | | | | R | | |

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|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Religious meeting, temporary, for a period not to exceed 14 days and tents shall be allowed after approval by the Planning Commission *0902HC055 02/02/09 | | | | | | C | C | C | | | C | |
| Rental or sale of trucks, trailers, and heavy equipment *0902HC055 02/02/09 | | | | | | | | C | | | R | |
| Restaurant, excluding drive-in restaurant | | | | | | | R | R | R | | R | R |
| Restaurant; drive-in | | | | | | | C | R | R | | R | R |
| Restaurant, Outdoor Music a. Outdoor music, with a residence within 300 feet of the establishment shall only be allowed on Fridays, Saturdays, Sundays, and on National land/or Harrison County holidays (both actual and observed) during the hours of 2:00 p.m. and 8:00 p.m b. Outdoor recorded background music played outside of a fully enclosed structure is allowed during all days and business hours, but when played other than during the hours permitted for Outdoor Music, shall not be heard continuously from a distance more than 100 feet from the property line from which it is emanating. c. Outdoor music shall be performed and broadcast in such a manner and within sound levels so as not to constitute an unreasonable nuisance and with reasonable consideration of its impact upon neighboring properties. In the event such music causes complaints, given the purpose of this ordinance is to allow regulated outdoor music, and/or this if this paragraph is violated, such outdoor music may be terminated or regulated by law enforcement officers. *2207HC115 – 08/08/22 | | | | | | | | R | | | | |

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|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Riding stable or academy a. Such stable shall be established on a lot having an area of not less than 10 acres b. Any structure shall be located at least 200 feet from any property line c. All animals shall be maintained at least 100 feet from any property line *0902HC055 02/02/09 | R | C | | | | | | | R | | | |
| Roofing and sheet metal shop | | | | | | | | C | | | R | R |
| Rural resort *0709HC299 10/01/07 | C | C | | | | | | | | | | |
| Sand and gravel storage yard | | | | | | | | | | | C | R |
| Sawmill or planing mill | | | | | | | | | | | | R |
| Schools, for grades one to twelve inclusive and no other, public and/or private, elementary and/or secondary meeting the requirements of the education laws of the State of Mississippi | C | C | C | C | C | R | C | R | | | | |
| Sewage treatment plant *0902HC055 02/02/09 | S | S | S | | | | | S | S | | | S |

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|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| <p>Short term rentals-</p> <p>All Permits for this activity shall meet the following:</p> <p>a. Maximum of 10 overnight guests for houses with four or fewer full bathrooms and five bedrooms or less. A maximum of 16 overnight guests are possible with houses that have four or more full bathrooms and six or more bedrooms.</p> <p>b. The maximum number of short-term rental units per parcel is one with the exception of duplexes or condominiums.</p> <p>c. Activities at a short-term rental unit must be compatible with neighboring properties with no outdoor noise between the hours of 10:00 pm and 7:00 am.</p> <p>d. All guest and visitor parking must be on site.</p> <p>e. Short term rentals are subject to all state “room sales” taxes based on per room occupancy. Additionally, a Harrison County Tax Privilege “Business” License is required.</p> <p>See Section 834 for complete regulations. *2011HC186 - 08/09/21</p> | R | R | R | R | | | | | | | | |

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|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Sign manufacture | | | | | | | | | | | R | R |
| Skeet/Trap outdoor shooting range a. Outdoor shooting ranges shall not be less than 40-acres in size b. The applicant for an outdoor shooting range shall submit a detailed written narrative describing the proposed use. This narrative shall at a minimum describe the type of firearms and targets expected to be used and the days and hours of operation c. The Board of Supervisors is authorized to impose any additional restrictions or conditions in the conditional use permit on the layout and design of the range *0406HC120 07/06/04 | C | | | | | | | | | | | |
| Solar Energy Systems *0811HC295 12/08/08 | R | R | R | R | R | R | R | R | R | | R | R |
| Snowball Stand | | | | | | | | R | | | | |
| Stockyard | | | | | | | | | | | C | R |
| Stone monument sales, retail; may include cutting and processing merchandise sold at retail | | | | | | | | | | | C | R |
| Storage yards, but not including the parking of vehicles or equipment for sale or lease. Such yards, whether a primary use or accessory to a permitted use, shall be enclosed by a fence not less than six feet in height to provide visual screening | | | | | | | | | | | C | R |
| Storage Yard *0902HC055 02/02/09 | | | | | | | | | | | C | R |
| Surgical or dental supplies manufacture *0902HC055 02/02/09 | | | | | | | | C | | | R | |
| Subdivision, with a private access easement, 2 lots or more; require a conditional Use Permit *1010HC169 11/09/10 | C | C | C | C | | | | | | | | |

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|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Subdivisions, Single family 6 lots or more and new construction on vacant lots in a Platted Subdivision recorded more than 5 years from the date of building permit request; *1010HC169 11/09/10 *2009HC162 10/05/20 *2206HC106 09/12/22 | | C | C | C | C | | | | | | | |
| Subdivisions, Conservation Single family a. A conservation subdivision shall permanently preserve by easement a minimum of ten (10) percent of the land area of the development or phase of the development with Type 1 development standards. b. Land to be permanently preserved may consist of wetlands excluded from lots and property conserved for no development by easement such as wetlands, parks, stormwater ponds, significant trees or tree stands. c. The maximum number of single-family residential lots is three units per acre for the total number of acres in areas that will be served by a franchised water and sewer system. d. Conservation subdivisions or phases thereof may be allowed to have 50% of the total lots that are smaller than 10,000 square feet but no smaller than 6,000 feet. For example, if the size of the subdivision is 100 acres then 300 lots is the maximum number of lots and 150 lots shall be 10,000 square feet and 150 lots may be smaller than 10,000 square feet, but no smaller than 6,000 square feet. *2206HC106 09/12/22 | | | C | C | C | | | | | | | |

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|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Swimming pool/hot tub may occupy a portion of the yard as an accessory structure. In no case shall the outer walls of an above ground pool be less than required setbacks per the district's regulations to a property line. An inground swimming pool or hot tubs minimum setback is equal to the maximum depth from the coping of the pool to the nearest property line, except those areas bound by the Steam Corridor Buffer. Any support structures and/or decks must meet traditional setbacks as required by the zoning and/or plat. All mechanical equipment needs to be screened from public view. Fencing will be necessary as required by building codes. *2207HC114 – 08/08/22 | R | R | R | R | R | R | R | R | R | R | | |
| Tattoo Parlors *1307HC087 08/05/13 | | | | | | | | C | | | | |
| Taxi stands and dispatching station *0902HC055 02/02/09 | | | | | | | C | R | R | R | | |
| Taxi terminal; storage and repair of vehicles *0902HC055 02/02/09 | | | | | | | | C | | C | R | R |
| Taxidermy shop | | | | | | | C | R | | | R | R |
| Teen club or youth center *0902HC055 02/02/09 | | | | | | | C | R | R | R | | |
| Telephone equipment storage including shops and garage; need not be enclosed within a structure but must provide adequate screening | | | | | | | | | | | | R |
| Telephone exchange | | | | | | | | R | | | R | R |

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|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Temporary uses, including the sale of Christmas trees, seasonal fruit and vegetables from roadside stands, and similar uses, for a period not to exceed two (2) months in any calendar year | C | | | | | | | C | C | | C | C |
| Textile manufacture with dust and odor control | | | | | | | | | | | C | R |
| Trade, business or vocational school or college, non-campus *0902HC055 02/02/09 | | | | | | | | C | | C | C | C |
| Tire recapping and retreading | | | | | | | | | | | R | R |
| Transit Station *0902HC055 02/02/09 | | | | | | | | R | R | R | | |
| Transit vehicle storage and servicing *0902HC055 02/02/09 | | | | | | | | | | | R | |
| Treatment Facility *0811HC294 12/8/08 | C | C | | | | C | C | R | | | | |
| Treatment Facility *0811HC294 12/8/08 | C | C | | | | C | C | R | | | | |
| Truck Stop *0902HC055 02/02/09 | | | | | | | | C | | R | R | R |
| Truck terminal *0902HC055 02/02/09 | | | | | | | | | | | R | |
| Truck wrecker service and repair *0902HC055 02/02/09 | | | | | | | | | | | R | |
| Union hall *0902HC055 02/02/09 | | | | | | C | | R | | R | R | |
| Utility facilities, such as distribution lines and transmission lines. Unless elsewhere permitted in the district, such facility shall not include a business office or storage yards | R | R | R | R | R | R | R | R | R | | R | R |
| Utility substation, electrical, gas, water, sewage, telephone | C | C | C | C | C | C | C | C | R | | R | R |
| Veterinary service (see animal clinic) | | | | | | | | | | | | |
| Vocational school | | | | | | | | S | | | S | S |
| Warehousing and storage facilities. *0902HC055 02/02/09 | | | | | | | | C | | C | R | R |

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|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Warehousing and storage facilities, no outside storage *0902HC055 02/02/09 | | | | | | | | C | | C | R | R |
| Waste, solid or recycling transfer station | | | | | | | | | | | C | R |
| Waterfront District as provided in Section 500.02.05 | S | S | | | | | S | S | S | | S | S |
| Welding shop | | | | | | | | | | | R | R |
| Well drilling company | | | | | | | | | | | | R |
| Wholesaling or distribution, including the handling of stock and incidental retail with all outside storage of goods, material and equipment screened from public view by an approved fence of uniform construction, not less than six feet in height, or by other acceptable buffering. Such fence or buffering shall not intrude upon any required front or street side yard | | | | | | | | | | | C | R |
| Wholesaling or distribution, including the handling of stock and incidental retail with all operations conducted wholly within a permanently enclosed building | | | | | | | | | | | R | R |
| Wholesaling or distribution | | | | | | | | | | | C | R |
| Wind Energy Systems a. Systems producing less than 3kw are permitted in all zones b. Systems producing no more than 10kw are permitted on residential lots of 1 or more acres c. Systems producing 100kw or less are permitted in agriculture, commercial and industrial zones *0811HC295 12/08/08 | R | R | R | R | R | R | R | R | R | | R | R |
| Wood preserving by creosote or other impregnation treatment | | | | | | | | | | | | R |
| Woodworking and planing mill with dust and noise control | | | | | | | | | | | C | R |

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416 - Table of Area and Dimensional Requirements

A-1 Minimum Lot area is 15-acres. *2203HC037 – 08/08/22

416.01 The area, yard, height and other dimensional requirements specified in the table below are established for the various districts defined by this Code. Type I, II or III developments as defined herein are permitted in the R-1, R-2 and R-3 zoning districts. The minimum area, yard, height and other dimensional requirements vary by development type and are individually specified in the table. The State Health Department may require a greater lot area for approval of on-site septic waste disposal systems.

416.02 Required improvements by development type are as follows –

- a. Type I Development - Water system, sewerage collection and disposal system, curb & gutter, underground storm drainage and paved streets. All streets shall have curb and gutter of such a design as approved by County Engineer.
- b. Type II Development - Water system, paved streets and culverts for driveway crossings of ditches. For lots less than one hundred (100) feet, curb and gutter shall be required.
- c. Type III Development - Paved streets and culverts for driveway crossings of ditches.

416.03 Minimum lot width at street right of way for Type I, II, and III development is thirty-five (35) feet'. Minimum lot depth for Type I, II, and III development is one hundred (100) feet'. Minimum lot size for all Type III development is one (1) acre.

416.04 Corner lots shall have the following dimensions -

- a. Side yards setback on the abutting public street of fifteen (15) feet.
*0901HC022 02/02/09

416.05 Where, a nonresidential use abuts a residential district, a minimum landscape buffer of five (5) feet shall be provided adjacent to the residential district. Such space shall be screened from the abutting residential district in a manner acceptable to the County Planning Commission, using one of the acceptable methods described below. *1606HC116 08/08/16

- a. A fence or wall at least eight (8) feet in height, in accordance with Section 822.
*1606HC116 08/08/16

Harrison County, Mississippi Unified Development Code

- b. Trees and other vegetation shall be provided in sufficient density and of sufficient height to afford protection to the residence district from the glare of lights, from blowing paper, dust and debris, from visual encroachment, and to effectively reduce the transmission of noise. The initial height of the planting must be a minimum of four (4) feet and of such a variety that the vegetation will grow to a minimum height of seven (7) feet within twenty-four (24) months of planting.

A landscaped earthen berm with a maximum slope of 3-1 rising no less than three (3) feet above the existing grade, as measure at the lot line between the subject parcel and adjacent properties, with additional landscaping to create a total screening height of six (6) feet. Berms shall be stabilized by not exceeding a 3/1 slope to prevent erosion and covered by turf or other native plants. *0812HC326 02/02/09, *1606HC116 08/08/16

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Table 416

| TABLE OF AREA AND DIMENSIONAL REQUIREMENTS DISTRICT | MINIMUM LOT AREA IN SQUARE FEET | MAXIMUM SITE DENSITY (DWELLING UNITS PER ACRE) | MINIMUM LOT WIDTH AT FRONT BUILDING LINE | YARD REQUIREMENTS - MINIMUM DISTANCE FROM PROPERTY LINE, EXCEPT MEAN HIGH TIDE LINE TO ANY BUILDING OR ACCESSORY STRUCTURE. RESIDENTIAL FRONT AND SIDE YARD SETBACKS MAY BE REQUIRED TO BE UP TO 40' ON A FUNCTIONALLY CLASSIFIED ROAD. | | | MAXIMUM STRUCTURE HEIGHT | MAXIMUM LOT COVERAGE |
|---|--|--|--|---|--------------------------|-----------------------|--------------------------|----------------------|
| | | | | FRONT | REAR | EACH SIDE | | |
| A-1 | (15-acres) | | 100' | 40' | 30' | 25' | 35' | 10% |
| E-1 | 130,680 (3 Acres) | | 100' | 40' | 30' | 15' | 35' | 10% |
| R-1 Type I Type I Conservation Type II Type III | 10,000 6,000 20,000 43,560 | 3 | 75' 60' 75' 100' | 25' 25' 25' 40' | 15' 15' 15' 15' | 8' 8' 8' 15' | *40' | 50% |
| R-2 Single Household Dwelling Type I Type I Conservation Type II Type III | 10,000 6,000 20,000 43,560 | 3 | 75' 60' 75' 100' | 25' 25' 25' 40' | 10' 10' 10' 10' | 8' 8' 8' 15' | *40' | 50% |
| R-2 Duplex Type I Type II Type III | 10,000 20,000 43,560 | 8 DU | 75' 100' 125' | 25' 25' 40' | 30' 30' 10' | 10' 10' 15' | *40' | 50% |
| R-2 Multi-Household Dwelling | 12,500 for the 1 ST two units and 3,000 for each additional unit | 10 DU | 100' | 25' | 30' | 10' | *40' | 50% |
| R-3 Single Household Dwelling Type I Type II Type III | 6,000 20,000 43,560 | 7.2 DU | 50' 75' 100' | 25' 25' 40' | 10' 10' 10' | 8' 8' 15' | *40' | 60% |
| R-3 Duplex Type I Type II Type III | 10,000 20,000 43,560 | 12 DU | 75' 100' 125' | 25' 25' 40' | 30' 30' 30' | 10' 10' 10' | *40' | 60% |
| R-3 Multi-Household Dwelling | 10,000 for the 1 ST two units plus 2,000 for each additional unit | 16 DU | 100' | 25' | 30' | 10' | *55' | 60% |
| O-1 Non-residential uses | 10,000 | | 80' | 40' | 25' | 5' | *40' | 80% |

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| TABLE OF AREA AND DIMENSIONAL REQUIREMENTS DISTRICT | MINIMUM LOT AREA IN SQUARE FEET | MAXIMUM SITE DENSITY (DWELLING UNITS PER ACRE) | MINIMUM LOT WIDTH AT FRONT BUILDING LINE | YARD REQUIREMENTS - MINIMUM DISTANCE FROM PROPERTY LINE, EXCEPT MEAN HIGH TIDE LINE TO ANY BUILDING OR ACCESSORY STRUCTURE. RESIDENTIAL FRONT AND SIDE YARD SETBACKS MAY BE REQUIRED TO BE UP TO 40' ON A FUNCTIONALLY CLASSIFIED ROAD | | | MAXIMUM STRUCTURE HEIGHT | MAXIMUM LOT COVERAGE |
|---|---|--|--|--|------|-----------|--------------------------|--|
| | | | | FRONT | REAR | EACH SIDE | | |
| O-1 Multi-Household Dwelling | 12,500 for the 1 ST two units and 3,000 for each additional unit | | | | | | | |
| Type I | 10,000 | 10 DU | 100' | 25' | 30' | 10' | *50' | 80% |
| Type II | 20,000 | | | | | | | |
| Type III | 43,560 | | | | | | | |
| C-1 | 10,000 | 12 DU | 80' | 40' | 25' | 5' | *40' | No individual building shall exceed 30,000 sq ft 50% |
| C-2 | 10,000 | 16 DU | 80' | 50' | 30' | 10' | *50' | No individual building shall exceed 60,000 sq ft 60% |
| C-3 | | | 80' | 50' | 30' | 10' | *50' | 60% |
| C-4 | 43,560 | 24 DU | 80' | 50' | 30' | 10' | *50' | 60% |
| I-1 | 87,120 (2 Acres) | | 100' | 50' | 50' | 50' | 35' | 60% |
| I-2 | >130,680 (3 Acres) | | 150'' | 75' | 75' | 75' | *50' | 60% |

***All structures greater than 35 (thirty-five) feet' in height require approval from the Harrison County Fire Marshal. *0901HC022 02/02/09 *0902HC055 02/02/09**

416.06 Building Height Measurement -

When a building is located in a flood zone identified on a FEMA rate map, building height limits shall be measured from a point two (2) feet above the base flood elevation as determined by FEMA provided that no habitable space or living space is located below the measurement point elevation. Automobile parking may be located under structures elevated above flood hazards provided that such elevation is sufficient to accommodate parking and the space is designed in a fashion that will not impede water flow or elevate the base flood elevation. Any structure which exceeds thirty-five (35) feet in height will require a site plan and

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approval from the fire marshal which states that the fire district has reviewed the plans and that the fire department's equipment and training can adequately fight a fire on the site.

416.07 Where a non-residential use abuts a residential district, the following shall apply -

Buffer - Where, a commercial use abuts a residential district, a minimum buffer of twenty-five (25) feet shall be provided adjacent to the residential district. Such space shall be screened from the abutting residential district by planted berms, walls or fences or by other screening not less than six (6) feet in height, in a manner acceptable to the County Planning Commission.

Side - The side yard building setback line on each side of the lot shall be not less than twenty-five (25) feet as measured from the side lot line to the nearest building or structure except in instances where a light industrial use abuts a residential district, in which case a minimum side yard of one hundred (100) feet shall be provided on the side adjacent to the residential district. Such space will remain open and unoccupied by any other structure or uses and will be screened from residential district by a fence not less than six (6) feet in height.

Rear - The rear yard building setback line shall be not less than fifty (50) feet except in instances where light industrial use abuts a residential district, in which case a rear yard of not less than one-hundred (100) feet shall be provided. Such space shall remain open and unoccupied by any structure or use. Where a light industrial use backs upon a railroad spur, a rear yard may not be required.

Article V - Special Use and Overlay Districts

500 - Special Use and Overlay Districts

500.01 The Special Use District is established to permit the development of specific types of land uses which because of their large size, special character or unique nature have the potential to create significant impact on abutting or nearby properties and therefore require special consideration and planning to avoid adverse impact on their surroundings and the community at large. Special use districts may include a single use of land or a group of associated or related uses. Individual types of land use that require approval of a Special Use District when proposed for development in a zoning district otherwise established by this Code are designated by an "S" in the Table of Uses included in Section 415 of this Code.

500.02 Types of Special Use Districts -

500.02.01 Stream Corridor Overlay District - This district is intended to protect natural vegetation, improve water quality, and protect the surrounding ecosystem of waterways in Harrison County.

*0812HC327 01/12/2009

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- 500.02.02 Recreational District - Includes such compatible and related active and passive recreational activities as regional recreation centers (which may include swimming pools, tennis courts, BMX tracks, bicycle trails and the like), major parks and multiple-use trails, golf courses, riding stables and trails, sports stadiums, outdoor tracks and related recreational uses.
- 500.02.03 Public/Quasi-Public Facilities and Utilities. Any building, structure, system, use or combination of uses, which is customarily and ordinarily, provided by either public or private agencies, groups, societies, corporations, or organizations, whose purpose is the provision of necessary and desirable services for the general public health, safety, and welfare. Such uses shall include, but are not limited to -
- a. Major governmental or private facilities, such as water pumping stations, sewage treatment plants, sanitary landfills and the like.
 - b. All hospitals, whether public or private.
 - c. Convalescent homes or nursing homes.
 - d. Country clubs and other major recreational facilities constructed by private groups.
 - e. Major facilities associated with privately owned utilities (electrical, natural gas, telephone) including but not limited to electrical generating plants, telephone communications centers, natural gas pumping facilities and similar significant uses.
- 500.02.04 Airport District - Includes such compatible and related activities as air fields, air strips and other directly related uses, provided, however, that any and all uses, improvements to facilities and buildings shall be erected and constructed in accordance with current regulations of the Federal Aviation Administration of the United States Government.
- 500.02.05 Waterfront District - This district is intended to provide for limited and controlled private and public uses associated with waterfront property and waterfront views along the Mississippi Sound and adjoining waters. To provide for and promote visual and physical accessibility to the water and support a number of uses, including commercial, gaming and amusement facilities along with their accessory uses. *0902HC053 02/02/09
- a. Facilities and Accessory uses:
 - i. Marina
 - ii. Marine sales, service and supplies
 - iii. Restaurants
 - iv. Lounges and night clubs

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- v. Retail
 - vi. Water-related rental equipment (Jet Ski, boats, sail boats, etc.)
 - vii. Hotels and motels
 - viii. All accessory uses associated with above (such as parking storage and utility structures) *0902HC053 02/02/09
- b. Green Point System Requirements: Development within the waterfront district must include 18 points worth of features from the green point system. See Section 832. *0902HC053 02/02/09
- 500.02.06 Planned Unit Development (PUD). A development constructed on a tract of at least 25 acres under single ownership platted and developed as an integral unit, and consisting of a combination of residential and nonresidential uses on land within a PUD district (see Article VIII, Section 808)
- 500.02.07 Educational Institution District - Includes campus type or large-scale educational facilities such as secondary schools, colleges and universities, technical and vocational training facilities and related activities including auditoriums, libraries and other directly related educational facilities.
- a. Uses permitted. The following uses shall be permitted in the education district:
- i. Administrative, business, and faculty offices;
 - ii. Athletic and recreation facilities;
 - iii. Book stores, snack bars and facilities for the sale of retail; to satisfy the needs of members of the college or university community;
 - iv. Child Care Classroom and laboratory buildings;
 - v. Co-location of telecommunication antenna and related equipment;
 - vi. Dining facilities and kitchens;
 - vii. Dormitory, student housing, and multi-household;
 - viii. Faculty, staff and student housing;
 - ix. Fire and police stations;
 - x. Incidental and accessory uses and structures;
 - xi. Libraries;
 - xii. Medical facilities.
 - xiii. Museums and Art Galleries
 - xiv. Offices for non-profit and not-for-profit organizations
 - xv. Physical plant facilities;
 - xvi. Post office facilities;
 - xvii. Public utilities;
 - xviii. Pubs/Restaurants;
 - xix. Single-family dwelling and group home;

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- xx. Student activity buildings;
 - xxi. Theaters and entertainment facilities;
 - xxii. Transmitting and receiving facilities and towers for cellular communications systems and similar communications systems;
 - xxiii. Other uses associated with the education district.
-
- b. Materials and colors, predominant exterior building materials shall be high quality materials, including, but not limited to, brick, sandstone, and other native stone and tinted/textured concrete masonry materials. Exterior building materials shall be constructed so that they extend around the corner of the facade to a minimum of thirty (30) feet horizontally.
 - c. Sidewalks. Sidewalks shall connect all buildings on premises, be a minimum of six (6) feet wide, and provide curb ramps whenever sidewalks cross curbs.
 - d. Crosswalks. Crosswalks are required for all street intersections throughout the entirety of the university campus. Crosswalks areas shall be visually dominant to drivers and pedestrians and shall be designated with white painted lines and/or brick or comparable materials. Refer to Section 1108 of the Harrison County Unified Development Code for more crosswalk regulations and access management.
 - e. Roof lines shall provide variations to reduce the massive scale of these structures and to add visual interest. Roof lines shall have a change in height every 100 linear feet in the building length.
 - f. Mechanical equipment located on rooftops shall be completely screened so no portion of the equipment is visible from the street. Extended parapets and other means of architectural screening shall be used to eliminate roof-top equipment from public view.
 - g. Service areas and dumpsters shall be visually screened from public view by a masonry wall or hedges at a minimum of six (6) feet high, measured from finished grade. Refer to Section 416 for further fencing allowances and restrictions.
 - h. Air conditioning units and recycling plants shall be setback by one hundred (100) feet from residential property so as to prevent imposing noise pollution.
 - i. Application and Master Plan. All conditions for Site Plan application and submittal of Master Plan of a special use district shall be met as outlined in Section 500.04 and Section 500.05.

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- j. Community Amenities. The development shall incorporate five (5) percent public space, such as plazas, courtyards or landscape gardens within the development and shall incorporate the following - pedestrian seating in the form of benches or ledges, water features, seasonal plantings, textured paving, raised brick planters with landscape, sculpture or other artwork.
- k. Parking. For parking requirements refer to Section 700.
- l. Landscaping. When adjacent to the property line of an existing residential use, a one hundred (100) foot landscaped buffer is required.
- m. Setback. All buildings shall be setback a minimum of 10 feet from Public Street right or way.
- n. Height regulations. See Table 416 for height requirements.
- o. Bicycles. The university shall provide one bicycle space per four students and one space per four employees. All bicycle parking conditions shall be met as outlined in Section 702.01.
- p. Solar Energy. Buildings shall be solar ready by orienting them in such a way as to provide for maximum solar exposure. Wiring, plumbing, and roof structures shall be predesigned to handle solar collectors as designated in Section 829 Solar and Wind Energy.
- q. Green Requirements - The Development Plan must include at least 18 points of green development features chosen from Section 832.*0902HC058 02/02/09

500.02.08 - Naval Construction Battalion Center and Woolmarket Military Influence Overlay Districts. *1909HC134 - 12/09/19

- (1) **Purpose.** The Naval Construction Battalion Center Military Influence Overlay District (NCBC MIOD) and the Woolmarket Military Influence Overlay District (Woolmarket MIOD) are hereby created with the following purpose: to ensure that the continually changing mission of the Naval Construction Battalion Center Gulfport and associated special training areas are facilitated to the greatest extent possible. The County shall support the Naval Construction Battalion Center Gulfport so that the installation remains viable and able to complete its mission. The NCBC MIOD and the Woolmarket MIOD shall serve as overlay districts that identifies properties that may be affected by military training and applies additional standards and requirements to those properties in order to encourage

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compatible land use patterns, protect the public health, safety and welfare, and to help prevent encroachment from incompatible development. In the case of conflicting standards and requirements, the more stringent standards and requirements shall apply.

- (2) **Development Review.** The development review process for the County shall apply to the NCBC MIOD and the Woolmarket MIOD, with the following additions:
- (a) The County shall consider the Naval Construction Battalion Center Gulfport input and concerns during its review of planning, regulatory, and development proposals located within the NCBC and Woolmarket MIODs. The County shall assess the compatibility of such planning, regulatory and development proposals as provided in the following criteria:
1. Whether such proposal is compatible with the findings of the NCBC Gulfport + Special Areas Joint Land Use Study (JLUS) approved by Resolution on August 7, 2017.
 2. Whether the mission of the Naval Construction Battalion Center Gulfport or the operation of the Woolmarket Small Arms Range will be adversely affected by the proposal.
 3. Whether such proposal creates any frequency interferences that are incompatible with the frequency spectrum of the Naval Construction Battalion Center Gulfport. To implement this provision, the County shall require that any new telecommunication facility or proposed development that warrants a Federal Communications Commission (FCC) license and are located within the NCBC MIOD or the Woolmarket MIOD submit an application specifically describing any frequency spectrum that is generated or emitted by the proposal to the County Zoning Office as part of the Development Order Application. As part of the review process, the application will be forwarded to the Naval Construction Battalion Center Gulfport Commanding Officer and to the Harrison County Emergency Management Director for review and comment.
- (b) **Joint Review.** A copy of any proposed map amendments, re-zoning applications, variances, conditional use permits, applications for development orders, and amendments to the County's land development regulations which are proposed in or affect any area found to be in the NCBC MIOD or the Woolmarket MIOD, including the development plan, shall be provided by the County within five (5) business days of a complete submittal to the Naval Construction Battalion Center Gulfport Commanding Officer, who will provide comment(s) to the Zoning Administrator within fifteen (15) business days of receipt.
- (3) **NCBC MIOD.** The NCBC MIOD includes the area located within the 87 dB Peak Noise Contour as shown on 500.02.08A. The geographic location of this district is

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indicated on the County's official zoning map, having been duly adopted by the County as per the requirements of this zoning ordinance provision.

- (a) The NCBC MIOD contains two noise contours that consist of the 87 dB Peak Noise Contour and the 104 dB Peak Noise Contour as defined in the 2017 Range Compatible Use Zones Study for the Naval Construction Battalion Center Gulfport and depicted on 500.02.08A. The County shall inform all applicants of any proposed map amendment, re-zoning application, variance, conditional use permit, application for development order or proposed development located within the NCBC MIOD Noise Contours that the property is subject to potential military training related noise. The County will provide to the applicant information regarding the Naval Construction Battalion Center Gulfport and 2017 Range Compatible Use Zones Study, along with optional sound-level reduction standards that could be implemented to mitigate or reduce nuisances caused by military training activities within the noise zones.
- (4) **Woolmarket MIOD.** The Woolmarket MIOD includes an area located within ¼ mile of the boundary of the Woolmarket Small Arms Range and the area encompassed by the 87 dB Peak Noise Contour as shown on 500.02.08B. The geographic location of this district is indicated on the County's official zoning map, having been duly adopted by the County as per the requirements of this zoning ordinance provision.
- (a) The Woolmarket MIOD contains four noise contours that extends outside of the Woolmarket Range property boundary and consist of the 87 to 104 dB Peak Noise Contour and the 115 to 130 dB Peak Noise Contour as defined in the 2017 Range Compatible Use Zones Study for the Naval Construction Battalion Center Gulfport and depicted on 500.02.08B. The County shall inform all applicants of any proposed map amendment, re-zoning application, variance, conditional use permit, application for development order or proposed development located within the Woolmarket MIOD Noise Contours that the property is subject to potential military training related noise. The County will provide to the applicant information regarding the Woolmarket Range and 2017 Range Compatible Use Zones Study, along with optional sound-level reduction standards that could be implemented to mitigate or reduce nuisances caused by military training activities within the noise zones.
 - (b) A buffering plan is encouraged for all new development or redevelopment on parcels located immediately adjacent to the Woolmarket Small Arms Range property and share a common property boundary. If proposed, the buffering plan would be jointly reviewed by the County Zoning Administrator and the Naval Construction Battalion Center Gulfport Commanding Officer as part of the Development Review Process.

The buffering plan may consist of visual screening through fences and/or walls that serve several functions including, establishing a setback from the Woolmarket Small Arms Range property line, land use buffering and noise

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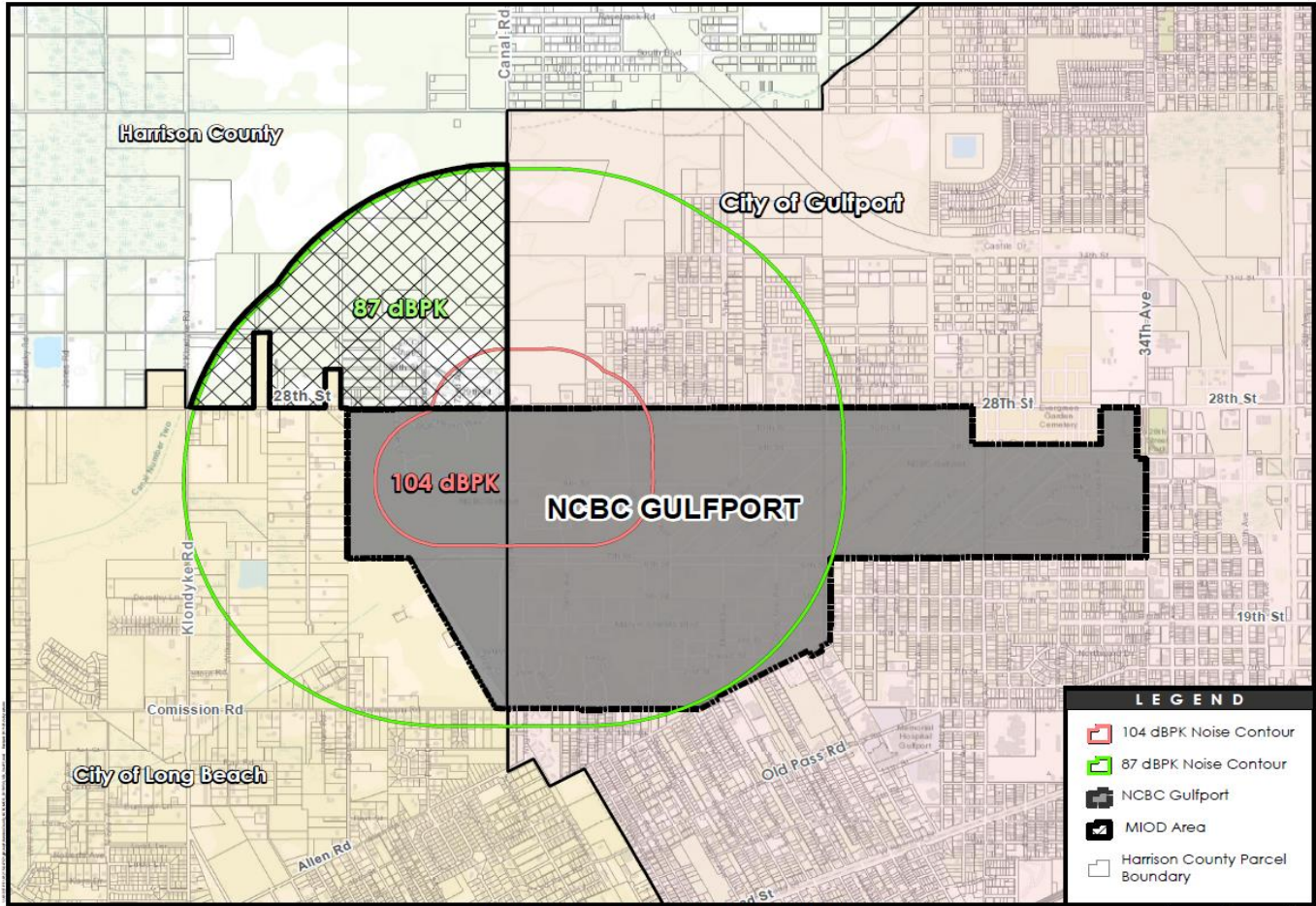
attenuation, privacy, and security. These structures shall be designed to provide a unifying element and to be aesthetically pleasing. The exact design, height, and location shall be determined during the processing of site-specific development plans. Earth berms shall not be allowed as part of the buffering plan.

500.02.09 - Keesler AFB Military Operations Surface Area Overlay District

*1909HC134 - 12/09/19

- (1) **Keesler MOSAO Established.** The Keesler MOSAO includes the area located within the FAA Part 77 Outer Horizontal Surface for Keesler AFB as shown on 500.02.09C. The geographic location of this district is indicated on the County's official zoning map, having been duly adopted by the County as per the requirements of this zoning ordinance provision.
- (2) **Purpose.** The Keesler AFB Military Operations Surface Overlay (Keesler MOSAO) is hereby created with the following purpose: to ensure that the continually changing mission of Keesler AFB is facilitated to the greatest extent possible. The County shall support the Installation so that it remains viable and able to complete its mission. The Keesler MOSAO shall serve as an overlay district that identifies properties that may be affected by military training and on which the height of structures should be restricted to ensure the safe operations of military aircraft. In the case of conflicting standards and requirements, the more stringent standards and requirements shall apply.
- (3) **Development Review.** The development review process for the County shall apply to the Keesler MOSAO with the following additions:
 - (a) The County shall consider Keesler AFB input and concerns during its review development proposals for structures exceeding 150' located within the Keesler MOSAO. The County shall assess the compatibility of such development proposals as provided in the following criteria:
 1. Whether such proposal is compatible with the findings of the Keesler AFB Joint Land Use Study (JLUS) approved by Resolution September 2017.
 2. Whether the mission of Keesler AFB will be adversely affected by the proposal.
 3. Whether such proposal creates a height hazard within Keesler AFB's FAA Part 77 Outer Horizontal Surface. As part of the review process, the application will be forwarded to Keesler AFB for review and comment.
 - (b) **Joint Review.** A copy of any applications for development orders for structures exceeding 150' which are proposed in or affect any area found to be in the Keesler MOSAO, including the development plan, shall be provided to Keesler AFB by the County within five (5) business days of a complete submittal. The Keesler AFB Commander will provide comment(s) to the Zoning Administrator within fifteen (15) business days of receipt.

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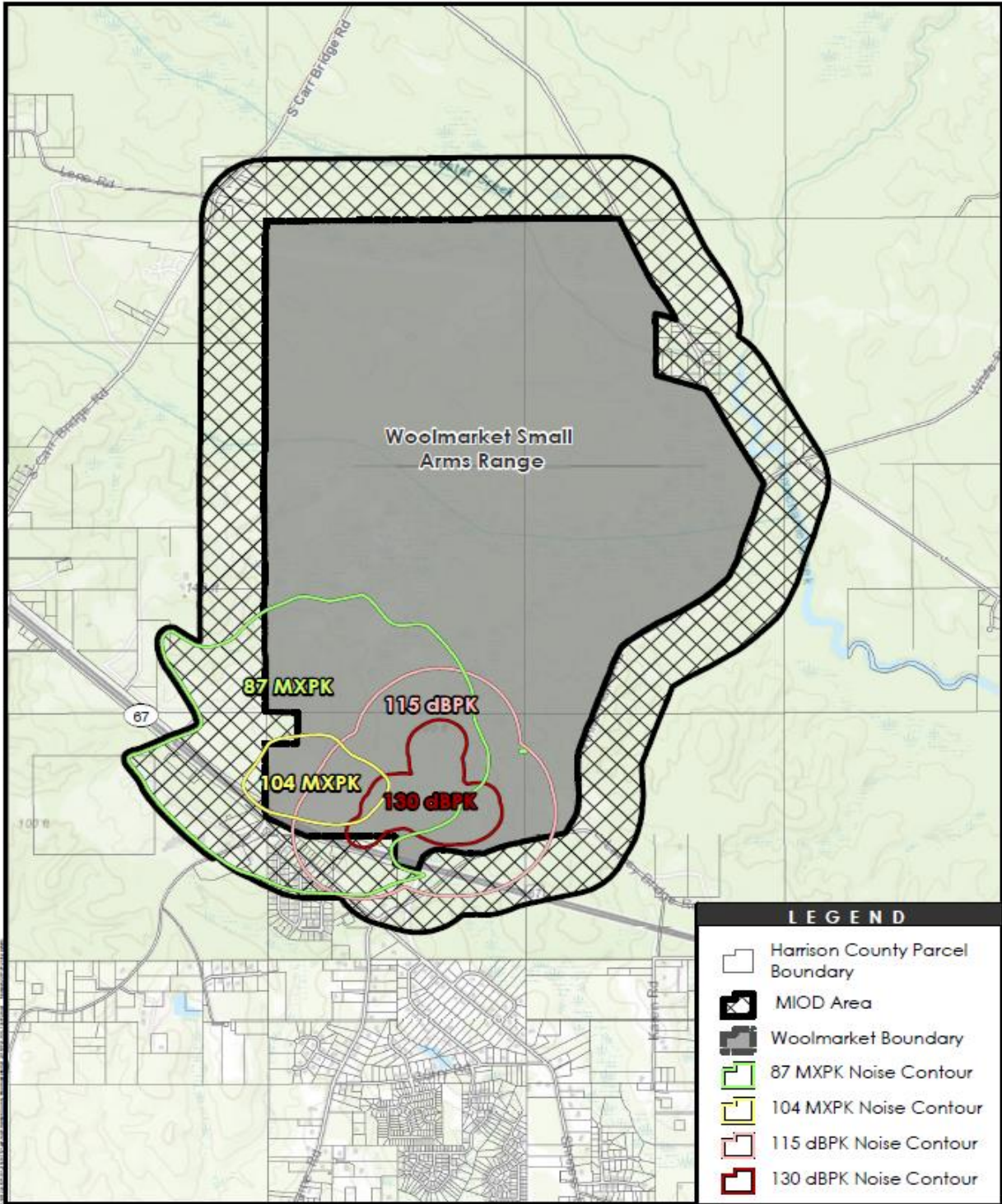
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Harrison County Naval Construction Battalion Center
 Military Influence Overlay District (NCBC Miod)
 September 2019

Stantec Consulting Services Inc.
 6500 Professional Parkway East
 Sarasota, FL 34240
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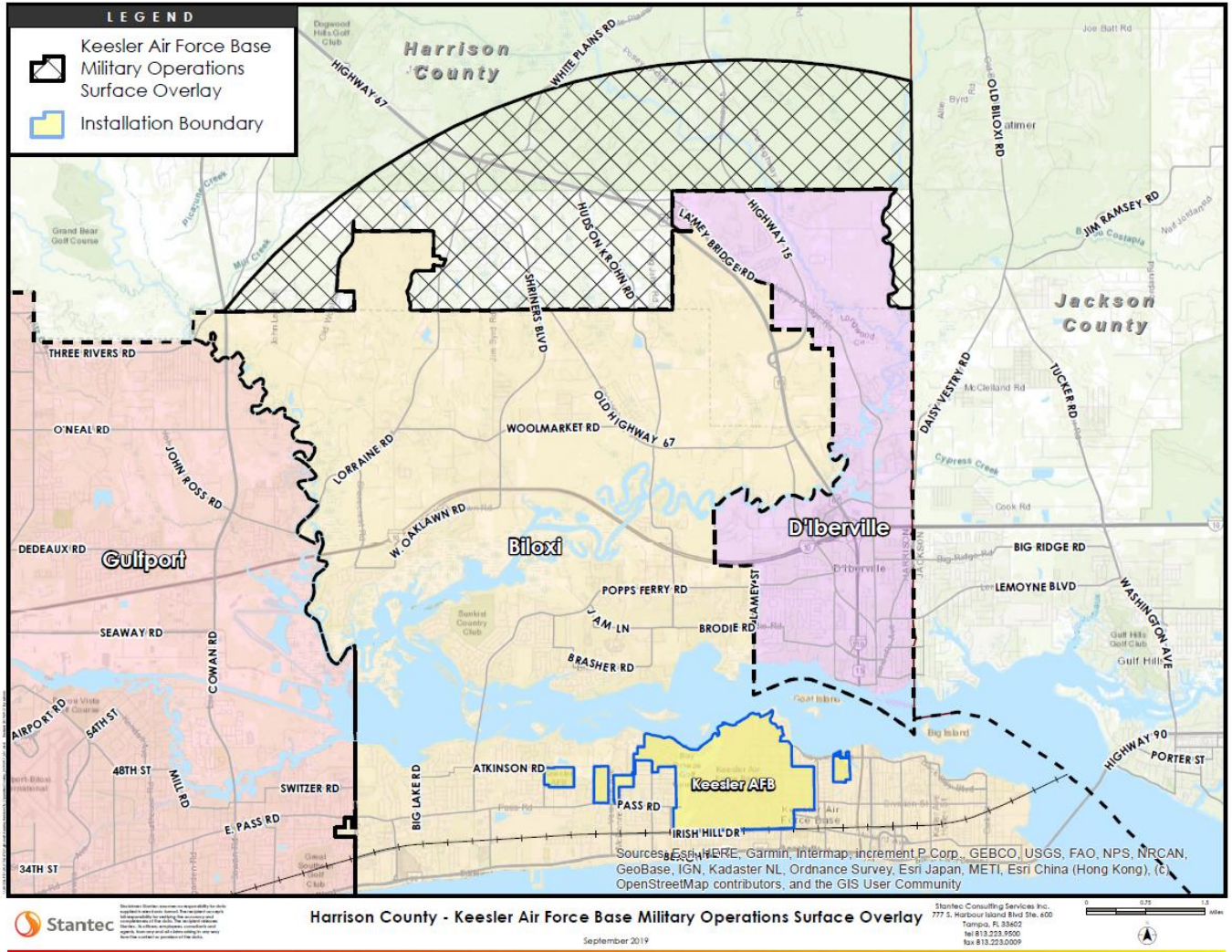
Woolmarket Range Military Influence Overlay District (WMR MIOD)

September 2019

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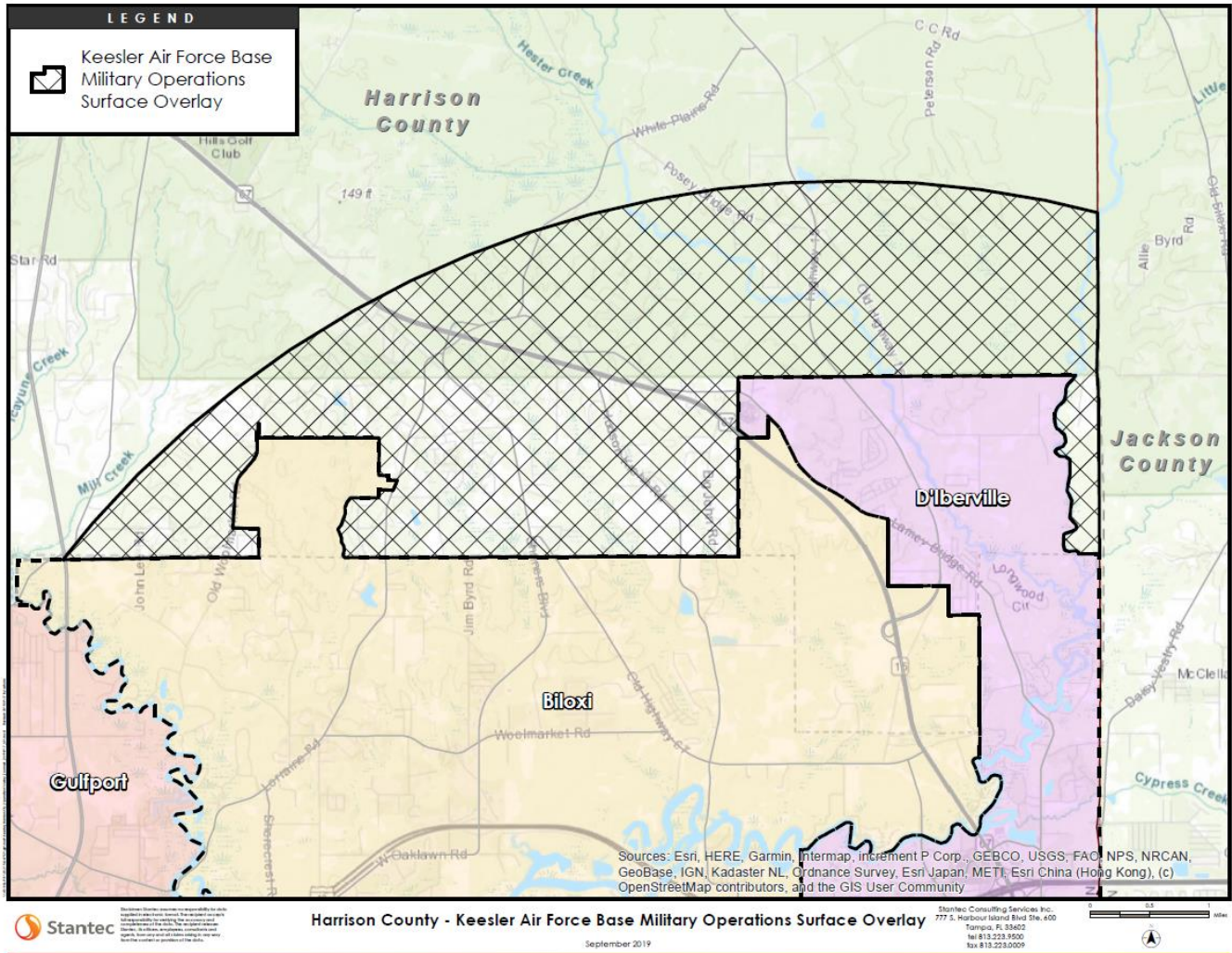


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*1909HC134 - 12/09/19

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- 500.02.10 SmartCode. This district is intended to provide for development consistent with the SmartCode ordinance. This includes a mix of uses consistent with the sector designation on the future land use map in the Harrison County Comprehensive Plan. *0903HC103 04/06/09
- 500.03 SmartCode v 9 SEE ATTACHMENT A
- 500.04 Permitted Land Uses. Each use proposed to be located in each Special Use District shall be directly related to the specific intent of the respective Special Use District, and may be permitted, provided no Conflict exists between existing land use patterns and the proposed uses.
- 500.05 Site Plan Submittal. When submitting an application for a Special Use District, a site plan shall be submitted. This site plan shall be referred to the Planning Commission which shall review said plan to determine that such plan does or does not comply with the provisions of this zoning district. If the plan does not comply, it shall be the duty of the Planning Commission in cooperation with the Zoning Officer and County Engineer to require such changes as will bring the site plan into conformance before submitting application to the Commission.
- 500.06 Prior to granting a special district the planning commission shall require applicants to provide a Master Plan, which will assist the planning commission in determining what the developers propose, where they intend to construct same and when it will be accomplished. The Master Plan will assist the planning commission with.
- 500.06.01 Establishing the compatibility of the proposed development with its surroundings.
- 500.06.02 Analyzing traffic flow and traffic congestion considerations.
- 500.06.03 Availability, adequacy and location of parking.
- 500.06.04 Determining the potential impact of the proposed operations on the County's infrastructure such as roads, water, and sewerage collection and disposal.
- 500.06.05 Determining the potential impact which could result in an increased need for county services such as fire and police.
- 500.06.06 Other requirements as may be deemed necessary, appropriate and in the interest of the public health, safety and welfare.
- 500.07 Dimensional Requirements - The minimum size of a Special Use District shall be five (5) acres.
- 500.08 Land Use Compatibility - All uses within a Special Use District shall be compatible with the adjacent land uses; otherwise, adequate screening or

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buffer zones shall be required to preserve the integrity of adjacent properties.

- 500.09 Time Requirement - Major uses proposed for a Special Use District shall be under construction within one (1) year after approval of the final plan. If construction has not been initiated within one (1) year, or a renewal of the plan has not been obtained, all land areas rezoned shall revert back to their previous zoning.
- 500.10 Designation to be Binding - Enactment of Special Use District zoning shall be binding upon the applicant or applicants, their successors and assignees and will limit the extent of the development to the conditions and limitations spelled out in the approved development plan for the specific area.
- 500.11 Undeveloped District - Any Special Use District designated on the zoning map at the time of adoption of this Code that has no existing development for that designation, shall exist for one year from the date of adoption. If no development has been granted approval by the Planning Commission to utilize said district during the one (1) year period, the Special Use District shall change to an A-1 Agricultural District.

501 - Master Planned Community District Overlay

- 501.01 The purpose of the M-1 Master Planned Community District is to provide for the development of a community, neighborhood or a tract of at least 500 acres in area which is comprehensively planned and combines, a complementary mix of residential, commercial, educational, health care, open space, employment-based and recreational land use components appropriate for the site and consistent with the ability to develop suitable support infrastructure for transportation, water supply, sanitary waste disposal and storm water management. A master planned community shall be defined by a master plan for the total area of development which is approved by the Board of Supervisors.
- 501.02 Permitted Uses - The master plan for each Master Planned Community District shall define the extent and location of land uses permitted within the District.
- 501.03 Governance. The Master Planned Community, through a community self-governing entity created by the owners of the property, shall administer, manage, and enforce the land use restrictions and covenants, land use designations, design standards, and any other private agreements, lawful limitations or restrictions on land and buildings provided in the master plan for the Master planned Community.
- 501.04 Approval of Master Plan by the Board of Supervisors - In order for the master plan of a Master Planned Community District to become effective, the Board of Supervisors shall review the master plan for the Master Planned Community and after public hearing as required by law, make a

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determination whether or not the provisions of the master plan providing for the use of land and development standards applicable thereto in the Master Planned Community are consistent with the Harrison County Comprehensive Plan.

- 501.05 Effect of approval of the Master Plan - Approval of the master plan of a Master Planned Community as provided in section 501.04 above shall constitute an amendment of the Harrison County Comprehensive Plan and Zoning District Map. The extent and boundaries of approved Master Planned Communities shall be designated on the Zoning District Map and labeled "MPC".
- 501.06 Boundary Survey to Be Recorded. The master plan shall have attached to it a boundary survey of the outer perimeter of the Master Planned Community Overlay District made by a Mississippi Registered Land Surveyor, and upon approval of the master plan by the Board of Supervisors; the boundary survey shall be recorded in the land records of the Chancery Clerk of the County. The recorded boundary survey shall serve as the description of the property within the Master Planned Community District, which thereafter shall be also be known by the name of the Master Planned Community appearing on the master plan and the recorded survey. All public roadways, rights of way, and easements within the districts shall be included within the outer perimeter of the boundary survey.
- 501.07 Definition of Master Planned Community. A "Master Planned Community", as the term is used in this Code, shall mean a mixed-use development, by one or more developers, of real estate consisting of residential, commercial, industrial, educational, health care, open space, employment-based and recreational land use components that is developed pursuant to a Master Plan approved as provided in section 501.04.
- 501.08 Modification of Master Plan. The master plan for a Master Planned Community shall be subject to modification by the original owner or owners of the real estate described in the initial master plan, its affiliates, successors or assigns, from time to time, to meet changing economic and market conditions; provided, however, such modifications in the master plan which materially change the form of the land use regulations, design standards, restrictions, covenants, and limitations pertaining to development standards, and land use designations in the initial master plan for the Master Planned Community as approved by the Board of Supervisors pursuant to the provisions of this Code, Section 501.04, Master Planned Community District, or which significantly change the overall plan concept shall be subject to, and shall not take effect until, approved by the board of supervisors as an amendment to the Harrison County Comprehensive Plan. A material or significant change requiring approval by the Board of Supervisors shall be defined as any proposed change within one-hundred feet (100 ft.) of a perimeter boundary, any change in the applicable development standards as approved in Section 501.04 or any change in the

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limit in land uses as determined by the application of unit yields as provided in Section 501.09. The Board of Supervisors may approve changes within one-hundred feet (100 ft.) of a perimeter boundary upon determination of no adverse impact on adjoining or nearby properties. A change in the master plan shall not be deemed significant under this provision, if the overall land use allocations for residential, commercial, institutional, recreational, open space and other uses within any modified master plan remain the same in unit area as approved in the initial master plan agreement. Land uses may be shifted from location to location by the developer(s) to accommodate market and planning requirements provided that any change occurring within one-hundred feet (100 ft.) of a perimeter boundary requires the approval of the Board of Supervisors.

- 501.09 Unit Yield - The following formula shall be used to determine the maximum yield of units and uses permitted within a Master Planned Community District having a minimum of 3,500 acres within its boundary survey as defined in section 501.06; the owner or owners or the developer or developers of the property within a Master Planned Community District, in addition to all other rights they may have, shall have the right, but not the duty, to plan, develop, build and sell, in the aggregate for the total of such a Master Planned Community District, up to, at least, the following quantities for the following uses, as defined pursuant to 501.02, above. Unit yield allocations shall apply in the same ratio to master planned communities of less than 3,500 acres in direct proportion to the total acreage in the district.
- (a) Twelve thousand (12,000) single household residential dwelling units;
 - (b) Three thousand (3,000) multi- household residential dwelling units;
 - (c) Two hundred (200) acres of mixed uses, including, but not limited to, retail, office, health care, neighborhood commercial, general commercial and light industrial uses;
 - (d) Two golf courses;
 - (e) Institutional sites, without limitation, for churches, schools, fire stations, public buildings and grounds, and other institutional facilities;
 - (f) Land area, without limitation, for environmental preserves, conservation easements, recreation, parks, walking trails, and greenways.

The land uses, and unit yields described in this section, or defined as provided in Section 501.02 may be shifted from location to location within the Master Planned Community District by the owner(s) or developer(s) to accommodate market and planning requirements, without requiring approval by the Board of Supervisors unless such changes affect an area within one hundred (100) feet of the perimeter boundary as defined in Section 501.06.

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502 - Stream Corridor Overlay

All properties within one hundred (100) feet of a waterway within Harrison County lie inside of the stream corridor overlay district.

- 502.01 Building Setback. All building activity adjacent to a waterway shall have a setback of fifteen (15) feet from the bank of all waterways.
- 502.02 Stream Corridor Buffer. A fifteen (15) foot vegetated buffer shall be maintained within the setback of the stream corridor consisting of trees, vegetation and open space within which no building, structures, or driveways shall be permitted.
- 502.03 Planting within the Stream Corridor. Flowers and plants may be planted in the buffer area of each parcel. General landscape should include the following -
- (a) All plant material shall be hardy to the region, free of disease and insects,
 - (b) All plant materials shall be installed in such a manner so as not to alter drainage patterns on site or adjacent properties, or to obstruct vision for reasons of safety, ingress, or egress.
- 502.04 Vegetation and Tree Removal for Safety. Vegetation and trees shall not be removed within the stream corridor buffer unless deemed a safety hazard by the Beautification Committee. Vegetation shall be pruned and/or removed only if necessary to ensure proper sight visibility, remove safety hazards or dying or diseased vegetation, or for other good cause. Removal of vegetation or trees requires the approval of the Beautification Committee.
- 502.05 Clear Cutting and Disturbances. Clear-cutting or disturbances to natural vegetation are prohibited. This includes tree and shrub removal, burning of vegetation, limbs, or trash, and/or spraying of chemical pesticides or fertilizers.
- 502.06 Open Space. Passive open space uses are allowed within the buffer providing that these uses do not disturb or destroy natural vegetation.
- 502.07 Septic and Sewage Systems. Septic systems or sewage disposal systems are prohibited within the stream corridor buffer.
- 502.08 Preservation of the Natural Environment. Mining, dumping of trash, soil, dirt, fill, vegetative or other debris, and extracting are prohibited within the fifteen (15) foot stream corridor buffer.
- 502.09 Pervious Parking for Residential and Commercial Development. All residential or commercial developments within twenty-five (25) feet of a waterway shall be comprised of pervious surfaces. *0812HC327 01/09/09

Article VI - Non-conforming Buildings, Structures, Lots and Uses of Land

600 - General Regulations Affecting Non-Conformities

Within the districts established by this Code or by amendments that may later be adopted, where there exist lots, premises, structures, and uses of land which were lawful before this Code was effective or amended, but which would be prohibited, regulated, or restricted under the provisions of this Code or future amendment, such uses shall be declared to be legal nonconforming. The following regulations apply to all legal non-conforming uses:

- 600.01 It is the intent of this Code to permit these legal non-conformities to continue until they are removed (except as otherwise provided herein), but not to encourage their survival. Such non-conformities are declared by this Code to be incompatible with the permitted structures and uses of land and structures in districts involved. It is further the intent of this Code that such non-conformities shall not be enlarged upon, expanded, or extended to occupy a greater area of land, moved to any portion of the premises or parcel of land nor to be used as grounds for adding other structures or uses prohibited elsewhere in the district.
- 600.02 When a non-conforming use of land, premises, structure or combination thereof is discontinued or abandoned for one (1) year (except when government action impedes access to the premises), the use, the structure, or structure and premises in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located. However, in cases of hardship not attributable to the owner or lessor of the non-conforming premises, the Board of Supervisors, upon favorable recommendation of the Planning Commission, shall at its discretion have the authority to extend said one year limitations for additional period of time upon application of the owner or leaseholder.
- 600.03 Should such nonconforming structure be destroyed by any means to an extent of more than 60 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Code.
- 600.04 Should any nonconforming structure be moved for any reason, for any distance whatever, it shall thereafter conform to the regulations and standards for the district in which it is located, after it is moved.
- 600.05 If any enlargements, alterations or movements are the result of local, state or federal action(s) and such actions are not caused by the property owner, the structure is exempt from the requirements of this subsection.
- 600.06 Deteriorated or dilapidated manufactured homes and mobile homes that are nonconforming may be replaced by a comparably sized structure in good condition. Such replacement shall not be subject to the provisions of this Section but shall constitute abandonment of a non-conforming use as provided in Section 600.02 if the site remains vacant for more than one year.

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600.07 On a structure devoted to a non-conforming use, work may be done in any period of twelve (12) consecutive months for ordinary repairs, or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not to exceed sixty (60) percent of the then current replacement value of the structure, provided that the value of such building or the size of such structure as it existed at the effective date of adoption or amendment of this Code shall not be increased.

600.08 If no structural alterations are made, any non-conforming use of a building or structure, or of any premises, may be changed to another non-conforming use provided that the Planning Commission, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such changes the Planning Commission may require appropriate conditions and safeguards in accordance with the provisions of this Code. Final approval of such changes shall be made by the Planning Commission. *0902HC052 02/02/09

601 - Non-conforming Lots of Record

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Code, notwithstanding limitations imposed by other provisions of this Code or other County or State regulations. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. Variance of yard requirements shall be obtained only through action of the Planning Commission. *0902HC052 02/02/09

Article VII - Off-street Parking and Off-street Truck Loading

700 - Off-street Parking

700.01 Provision of Off-Street Parking Required - The off-street parking facilities herein required shall be provided in at least the amount and maintained in the manner herein set forth for all uses and buildings established after the effective date of this Code and to all additions, expansions enlargement or reconstruction thereafter.

700.02 For all uses of land and buildings existing on the effective date of this Code these parking requirements shall apply to all additions, expansions, enlargement or reconstruction only.

700.03 No certificate of occupancy will be issued upon completion of any building or group of buildings unless and until all off-street parking and loading requirements conform to the requirements established by this Code.

700.04 Location - Each off-street parking space, shall be at least of the dimensions shown on Table 1, exclusive of access or maneuvering area, ramps, and other appurtenances and shall be located off the street right-of-way and, except for one-

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family and two-family dwellings, facilities shall be so planned that vehicles do not back into the roadway.

- 700.04.01 Entrances and Exits to parking facilities shall be so located as to minimize traffic congestion.
- 700.04.02 Prohibition of Other Uses - Parking spaces shall not be used for the sale, repair, dismantling, or storage of any vehicles, equipment, materials, or supplies.
- 700.04.03 On-Street Parking. In R-1, R-2, and R-3 Districts, on street parking shall be used only by vehicles up to 7,000 pounds gross vehicle weight (manufacturer's capacity rating) and having wheels not to exceed seventeen (17) inches in diameter.
- 700.05 Number and Dimensions of Parking Spaces Required - The minimum number of required off-street parking spaces, and their required dimensions, is shown in Table 700-1 below. For uses that are not listed, the parking requirements of a similar or related use or combination thereof shall be used. When a combination of listed uses is used to calculate the parking requirements for a subject use, the combination shall be applied in direct proportion to the measurement units or areas used for similar purposes in the subject case.
- 700.06 Combined Parking Spaces -Combined parking allows parking spaces to be shared among two (2) or more uses that typically experience peak parking demands at different times and are located on the same lot or on nearby lots. Because parking spaces are shared, the total number of parking spaces that would otherwise be required may be reduced. In addition to all other applicable requirements of this section, the following requirements shall apply to all shared parking:
 - 700.06.01 The owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature; weekday uses versus weekend uses)
 - 700.06.02 The properties are within a quarter mile of each other
 - 700.06.03 A convenient pedestrian connection between the properties exists
 - 700.06.04 Parking spaces reserved for specific individuals or classes of individuals shall not be counted toward the parking spaces that could be shared, except for those spaces designated and marked for use only by handicapped persons.
 - 700.06.05 Before making the decision to allow shared parking and to reduce the aggregate number of parking spaces, the Zoning Officer may require the applicant to submit a parking study to determine the peak parking demand periods or other information needed to determine the viability of shared parking under the particular circumstances of the application.
 - 700.06.06 Shared Parking Reduction. If shared parking is determined to be appropriate for the site, and all the above requirements have been met,

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the required number of shared parking spaces shall be based on the following calculation -

[Minimum Required Off-Street Parking for Use 1 + Minimum Required Off- Street Parking for Use 2] x Shared Parking Reduction
(see Table 700-2) *0902HC020 02/02/09

700.07 Off-Street Space Within 500 Feet of Principal Use - If, off-street parking space required above cannot be reasonably provided on the same lot on which the principal use is conducted, such space may be provided on other off-street property provided such space lies within five hundred (500) feet of the main entrance to such principal use.

Table 700-1 - Required Off-Street Parking Spaces and Minimum Dimensions

| Land Use | Unit | Spaces Per Unit | REQUIRED DIMENSIONS | | | | | | | | |
|---|---------------------------------------|------------------------|---------------------|---------------------|--------------------------|--------------|---------------------|--------------------------|--------------|---------------------|--------------------------|
| | | | 90° Aisle | | | 60° Aisle | | | 45° Aisle | | |
| | | | Stall width* | Stall Depth to Wall | Stall Depth to Interlock | Stall Width* | Stall Depth to Wall | Stall Depth to Interlock | Stall Width* | Stall Depth to Wall | Stall Depth to Interlock |
| Art Gallery | 400 Sq. Ft. GFA | 1.0 | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 12.7 | 17.5 | 15.3 |
| Auditorium | Seat | 0.2 | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 12.7 | 17.5 | 15.3 |
| Auto Sales and Repair | 500 Sq. Ft. GFA | 1.0 | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 12.7 | 17.5 | 15.3 |
| Banquet Hall | 50 Sq. Ft. GFA | 1.0 | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 12.7 | 17.5 | 15.3 |
| Bar *0901HC020 02/02/09 | 75 Sq. Ft. GFA | 1.0 | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 12.7 | 17.5 | 15.3 |
| Bed & Breakfast | Guest Room | 1.5 | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 12.7 | 17.5 | 15.3 |
| Bed & Breakfast Inn | Guest Room | 1.5 | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 12.7 | 17.5 | 15.3 |
| Church *0901HC020 02/02/09 | 100 Sq. ft. GFA in main assembly area | 1.0 | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 12.7 | 17.5 | 15.3 |
| Child care institution *0901HC020 02/02/09 | 10 Children enrolled | 1.0 (+ 1 per employee) | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 12.7 | 17.5 | 15.3 |
| College or university *0901HC020 02/02/09 | 3 student seats at maximum enrollment | 1.0 | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 12.7 | 17.5 | 15.3 |
| Community scale commercial *090HC055 02/02/09 | 250 Sq. Ft. GFA | 1.0 | 9.0 | 18.5 | 18.5 | 11.0 | 19.0 | 17.5 | 13.4 | 17.5 | 15.3 |
| Drinking Establishment *0901HC020 02/02/09 | 75 sq. ft. GFA | 1.0 | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 12.7 | 17.5 | 15.3 |
| Educational Institution (Elementary and Middle school) *0901HC020 02/02/09 | Classroom | 3.0 (+1/employee) | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 12.7 | 17.5 | 15.3 |

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| Land Use | Unit | Spaces Per Unit | REQUIRED DIMENSIONS | | | | | | | | |
|--|----------------------------|-------------------|-----------------------|---------------------|--------------------------|-----------------------|---------------------|--------------------------|-----------------------|---------------------|--------------------------|
| | | | 90 ¹ Aisle | | | 60 [□] Aisle | | | 45 [□] Aisle | | |
| | | | Stall width* | Stall Depth to Wall | Stall Depth to Interlock | Stall Width* | Stall Depth to Wall | Stall Depth to Interlock | Stall Width* | Stall Depth to Wall | Stall Depth to Interlock |
| Educational Institution (High School) *0901HC020 02/02/09 | Classroom | 7.5 (+1/employee) | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 12.7 | 17.5 | 15.3 |
| Exhibition Hall (no seats) | 100 Sq. Ft. GFA | 1.0 | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 12.7 | 17.5 | 15.3 |
| Fraternity/Sorority College | Resident Member | 1.0 | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 12.7 | 17.5 | 15.3 |
| Funeral Home | 50 Sq. Ft. GFA | 1.0 | 9.0 | 18.5 | 18.5 | 11.0 | 19.0 | 17.5 | 13.4 | 17.5 | 15.3 |
| Golf Club | 5 Members | 1.0 | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 12.7 | 17.5 | 15.3 |
| Hospital | Bed | 0.5 | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 12.7 | 17.5 | 15.3 |
| Hotel | Guest Room | 1.5 | 9.5 | 18.5 | 18.5 | 11.0 | 19.0 | 17.5 | 13.4 | 17.5 | 15.3 |
| Industrial | Employee Maximum # / shift | 1.0 | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 12.7 | 17.5 | 15.3 |
| Library | 400 Sq. Ft. GFA | 1.0 | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 12.7 | 17.5 | 15.3 |
| Lodge | 50 Sq. Ft. GFA | 1.0 | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 12.7 | 17.5 | 15.3 |
| Mobile Home | Dwelling | 2.0 | 8.5 | 18.5 | 18.5 | 9.8 | 19.0 | 17.5 | 12.0 | 17.5 | 15.3 |
| Manufactured Home | Dwelling | 2.0 | 8.5 | 18.5 | 18.5 | 9.8 | 19.0 | 17.5 | 12.0 | 17.5 | 15.3 |
| Motel | Guest Room | 1.5 | 9.5 | 18.5 | 18.5 | 11.0 | 19.0 | 17.5 | 13.4 | 17.5 | 15.3 |
| Museum | 400 Sq. Ft. GFA | 1.0 | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 12.7 | 17.5 | 15.3 |
| Neighborhood scale commercial 0905HC055 | 250 Sq. Ft. GFA | 1.0 | 9.0 | 18.5 | 18.5 | 11.0 | 19.0 | 17.5 | 13.4 | 17.5 | 15.3 |
| Nursing Home | Bed | 0.5 | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 12.7 | 17.5 | 15.3 |
| Office | 400 Sq. Ft. GFA | 1.0 | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 12.7 | 17.5 | 15.3 |
| Private Club | 50 Sq. Ft. GFA | 1.0 | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 12.7 | 17.5 | 15.3 |
| Regional scale commercial *090HC055 02/02/09 | 500 Sq. Ft. GFA | 1.0 | 9.5 | 18.5 | 18.5 | 11.0 | 19.0 | 17.5 | 13.4 | 17.5 | 15.3 |
| Residential Single Household | Dwelling | 2.0 | 8.5 | 18.5 | 18.5 | 9.8 | 19.0 | 17.5 | 12.0 | 17.5 | 15.3 |
| Residential Multiple-Household | 1,000 Sq. Ft. or less GFA | 1.5 | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 12.7 | 17.5 | 15.3 |

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| Land Use | Unit | Spaces Per Unit | REQUIRED DIMENSIONS | | | | | | | | |
|--|--------------------------------|-----------------|-----------------------|---------------------|--------------------------|-----------------------|---------------------|--------------------------|-----------------------|---------------------|--------------------------|
| | | | 90 ¹ Aisle | | | 60 [□] Aisle | | | 45 [□] Aisle | | |
| | | | Stall width* | Stall Depth to Wall | Stall Depth to Interlock | Stall Width* | Stall Depth to Wall | Stall Depth to Interlock | Stall Width* | Stall Depth to Wall | Stall Depth to Interlock |
| Residential Multiple-Household *0901HC018 2/2/09 | Greater than 1,000 Sq. Ft. GFA | 2.0 | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 12.7 | 17.5 | 15.3 |
| Rooming House | Guest Room | 1.5 | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 12.7 | 17.5 | 15.3 |
| Restaurant | 50 Sq. Ft. GFA | 1.0 | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 12.7 | 17.5 | 15.3 |
| Retail Sales | 300 Sq. Ft. GFA | 1.0 | 9.0 | 18.5 | 18.5 | 11.0 | 19.0 | 17.5 | 13.4 | 17.5 | 15.3 |
| Rural Resort *0709HC299 10/1/07 | Guest Room | 1.5 | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 13.4 | 17.5 | 15.3 |
| Shopping Center Mall *0901HC020 02/02/09 | 500 Sq. Ft. GFA | 1.0 | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 12.7 | 17.5 | 15.3 |
| Stadium | Seat | 0.2 | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 12.7 | 17.5 | 15.3 |
| Tavern | 75 Sq. Ft. GFA | 1.0 | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 12.7 | 17.5 | 15.3 |
| Theatre | Seat | 0.2 | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 12.7 | 17.5 | 15.3 |
| Timeshare | Unit | 1.5 | 9.5 | 18.5 | 18.5 | 11.0 | 19.0 | 17.5 | 13.4 | 17.5 | 15.3 |
| Condominium | | | | | | | | | | | |
| Tourist Court | Guest Room | 1.5 | 9.5 | 18.5 | 18.5 | 11.0 | 19.0 | 17.5 | 13.4 | 17.5 | 15.3 |
| Wholesale sales | 1,000 Sq. Ft. GFA | 1.0 | 9.0 | 18.5 | 18.5 | 10.4 | 19.0 | 17.5 | 12.7 | 17.5 | 15.3 |

* Stall width parallel to aisle
GFA = Gross Floor Area

Table 700-2 Shared Parking Calculation

| Use 1 | Use 2 | Shared Parking Reduction |
|--|---------|--------------------------|
| Residential | Lodging | 90% |
| Residential | Office | 71% |
| Residential | Retail | 83% |
| Lodging | Office | 59% |
| Lodging | Retail | 77% |
| Office | Retail | 83% |
| *The Shared Parking Reduction for two of the same use is 100% (no reduction) | | |

*0902HC020 02/02/09

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700.08 Parking Area Design Requirements- Except in E-1, R-1, and R-2 Districts, required off street parking shall meet the following design requirements.
*0901HC017 2/2/09

700.08.01 There shall be provided an access drive of not less than ten (10) feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles.

700.08.02 Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of parking spaces. The minimum width of such aisles shall be as follows -

- a. For ninety (90) degree of perpendicular parking, the aisle shall not be less than twenty-two (22) feet in width.
- b. For sixty (60) degree parking, the aisle shall not be less than eighteen (18) feet.
- c. For forty-five (45) degree parking, the aisle shall not be less than thirteen (13) feet in width.
- d. For parallel parking, the aisle shall not be less than ten (10) feet in width.

700.08.03 All off-street parking areas shall be drained so as to prevent runoff on to abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion.

700.08.04 Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot or institutional premises.

700.08.05 Any appropriate destination for public transportation must have an area for loading and unloading of transit riders. If such an area is not provided at the street, there must also be a section of parking lot set aside for the parking of transit vehicles when not unloading and loading passengers. The public transit parking area must be able to accommodate a bus with dimensions 40 feet long by 11.5 feet wide. The area leading to and from said parking area must have a safe turning radius for the group transit vehicle. *0901HC017 2/2/09

700.09 Tandem Parking- One (1) tandem parking space shall be permitted per detached single-household or multiple-household dwelling unit and can be included in the required parking calculations. A tandem parking space is double the length of a standard parking space. All tandem parking spaces must meet the following criteria -

700.09.01 The tandem parking space shall meet required parking space dimensions for its corresponding land use, as described in Table 700-1.

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- 700.09.02 The tandem parking space shall be entirely located on private property
- 700.09.03 The parking space shall not impede vehicular or pedestrian traffic.
- 700.09.04 The tandem parking space shall be located in a driveway that is assigned to the dwelling unit that it serves. The tandem parking space shall not block access to the driveway if the driveway is a shared driveway. *0901HC018 2/2/09

700.10 Overflow Parking- Any parking required by a use that is greater than the required off-street parking is considered overflow parking. Such overflow areas shall be designated as such on an approved site plan and shall be designed to the criteria set forth in this section. Areas so designated as overflow areas shall not count towards any required landscaping and shall be exclusive of required drainage and/or septic tank and septic drainage areas.

- 700.10.01 Off-street areas used for overflow parking may be constructed of any dust-free, compacted, pervious ground cover; the owner of the property shall be responsible for the maintenance of such parking in a clean and dust-free condition. Grass, porous pavement, and paver blocks are acceptable overflow parking materials. *0902HC020 02/02/09

701 Off-Street Loading Space

Off-street loading space with access to a public street or alley shall be provided on every lot on which is hereafter established a business, trade, or industrial use which customarily receives or distributes material or merchandise.

701.01 Plans and Specifications Required - Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Building Inspector for review at the time of application for a Building Permit or Certificate of Occupancy.

701.02 Off-Street Loading Area Design - Off-street loading space shall be located on the same lot with the use which it is intended to serve and shall be provided as indicated below.

701.02.01 All retail sales facilities, having less than five thousand (5,000) square feet of floor area, shall provide at least one (1) loading space which shall not be less than ten (10) feet by thirty-five (35) feet.

701.02.02 All retail sales facilities having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) off-street loading/unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction

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thereof, one (1) additional loading and unloading space. Said loading and unloading spaces shall not be less than ten (10) feet in width and fifth-five (55) feet in length with not less than fifteen (15) feet in height clearance.

701.02.03 Wholesale and industrial users shall provide one (1) space at least ten (10) feet in width be fifty-five (55) feet in length for each ten thousand (10,000) square feet of floor area or part thereof, with a minimum of not less than two (2) loading spaces.

701.02.04 Bus and truck terminals shall provide one (1) space to accommodate each bus or truck that will be stored or loading and unloading at the terminal at any one (1) time.

701.02.05 In the case of mixed uses on one lot or parcel, the total requirements for off-street loading/unloading facilities shall be the sum of the various uses computed separately.

701.02.06 Any loading/unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence, or compact planting not less than six (6) feet in height.

701.02.07 All off-street loading and unloading facilities that make it necessary to back out directly into a public road shall be prohibited.

701.03 Off-Street Loading Requirements - The following are the off-street loading space standards of Harrison County.

701.03.01 A building whose dominant use is handling and selling foods at retail shall provide spaces in relation to the total floor area used for retail purposes as follows -

| Area | Spaces Required |
|--------------------------|-----------------|
| 5,000 to 10,000 sq. ft. | 1 |
| 10,000 to 20,000 sq. ft. | 2 |
| 20,000 to 30,000 sq. ft. | 3 |
| Over 30,000 sq. ft. | 4 |

701.03.02 Manufacturing, repair, wholesale or warehouse uses shall provide spaces in relation to total floor area as follows -

| Area | Spaces Required |
|----------------------------------|-----------------|
| 5,000 to 40,000 sq. ft. | 1 |
| 40,000 to 50,000 sq. ft. | 2 |
| Each 75,000 sq. ft. over 100,000 | One Additional |

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701.03.03 Other buildings not listed above shall provide spaces in relation to total floor area as follows -

| Area | Spaces Required |
|-----------------------------|-----------------|
| 5,000 to 50,000 sq. ft. | 1 |
| 50,000 to 1000,000 sq. ft. | 2 |
| 100,000 to 2000,000 sq. ft. | 3 |
| Over 2000,000 sq. ft. | 4 |

701.04 Rules in Applying Off-Street Loading Requirements - In applying the requirements of this article, the following rules shall apply.

701.04.01 These requirements shall apply fully to all uses established and buildings erected after the effective date of this Code and all subsequent enlargements, expansions, or reconstruction thereof.

701.04.02 Except as provided in 701.04.03 below, for all uses of land and buildings existing on the effective date of this Code these parking requirements shall apply to all additions, expansions, enlargement or reconstruction only.

701.04.03 No building or part thereof in the C-1, C-2, I-1 or I-2 Districts, heretofore erected, shall hereafter be enlarged or extended to the extent of fifty percent or more in floor area or ground area used unless off-street loading space is provided in accordance with the provisions of this article for the entire building or use.

701.04.04 No certificate of occupancy will be issued upon completion of any building or group of buildings unless and until all off-street loading requirements conform to the requirements established by this Code.

702 - Bicycle Parking

To add another viable means of transportation to our community, better facilities for the parking of bicycles must be provided. It is the purpose of this section to provide adequate and safe facilities for the storage of bicycles.

702.01 The required number of bicycle parking spaces shall be provided as follows -

- a. There shall be a minimum of one (1) bicycle parking space for every three dwelling units in R-3 Districts.
- b. There shall be a minimum of one (1) bicycle parking space for every ten (10) required automobile parking spaces in C-2 Districts, with a maximum of thirty (30) bicycle parking spaces for a single use.

702.02 The location and design of the bicycle parking spaces shall be provided as follows:

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- a. All racks shall be securely anchored to the ground to prevent the racks from unauthorized removal.
- b. The bicycle areas must have adequate separation from motor vehicle parking areas to protect parked bicycles from damage by the motor vehicles and to prevent damage to motor vehicles. The separation can come from grade differences, landscaping, poles, physical barriers or other similar features.
- c. The bicycle parking areas must be installed on a hard-dustless surface that allows the parking structure to be securely fastened to the ground.
- d. Bicycle parking spaces shall be a minimum of two (2) feet by six (6) feet per bicycle.
- e. Bicycle racks must be installed a minimum of twenty- four (24) inches from all walls or obstructions.
- f. Bicycle racks must have a minimum of five (5) feet of clearance behind the bicycle to allow for room to maneuver.
- g. The bicycle rack shall be placed within fifty (50) feet of the entrance designated as the main entrance of the building for which the racks are required. The bicycle parking areas should be located in a clearly safe and convenient location as to not discourage their use.
- h. Bicycle parking can be shared by two buildings in the case that all of the buildings' entrances are within fifty (50) feet of another.
- i. Bicycle racks should be placed so as not to impede the flow of pedestrian traffic *0901HC017 2/2/09

Article VIII - Supplemental Regulations

800 - Condition of a More Restricted District

Whenever the specific district regulations pertaining to one district permit the uses of a more restrictive district, such uses shall be subject to the conditions as set forth in the regulations of the more restrictive district unless otherwise specified.

801 - Open Space

- 801.01 No open space or lot area required for a building or structure shall during its life be occupied by, or counted as open space for any other building or structure.
*0902HC059 03/09/09

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- 801.01.01 No dwelling unit shall be erected on a lot which does not abut or have access to at least one street.
- 801.01.02 On any corner lot on which a front and side yard is required, no wall, fence, sign, structure or any plant growth, shall obstruct sight lines at elevations over two feet, six inches (2'-6") above any portion of the crown of the adjacent roadways. A sight triangle shall be formed by measuring back twenty-five (25) feet from the point of intersection of the right-of-way lines and connecting the points so as to establish a sight triangle on the area of the lot adjacent to the street intersection
- 801.02 Applicability - Any residential developments in the R-1, R-2, and R-3 districts shall be required to provide parkland for its residents. *0902HC059 03/09/09
- 801.03 Parkland Requirement - In all new subdivisions with more than fifty (50) lots developed under the R-1 District two (2) average size lots for every one hundred (100) residential lots shall be provided for recreation space for the use of residents. For any development in the R-2 and R-3 Districts, four percent (4%) of the buildable area shall be provided for recreation space for the use of residents. No Right-of-Way shall be counted towards the Open Space requirement. Open spaces can be combined to create larger recreation areas. When practical, open space areas shall be located within one thousand three hundred and twenty (1320) feet of every lot. *0902HC059 03/09/09
- 801.04 Public Parkland Dedications - Guidelines and Requirements: Land dedicated for park and recreation purposes is provided in a proposed subdivision and such space may be dedicated to Harrison County, a land trust, or recorded as a legal instrument in its perpetuity by the subdivision's homeowners association. The parkland is to be maintained by the landowner. Such areas may be used for credit at the discretion of the Planning Commission against the requirement of dedication for park and recreation purposes, provided the Planning Commission finds it is in the public interest to do so and that the following standards are met:
- 801.04.01 Any land dedicated for parkland under this Section must be suitable for park and recreation uses. The dedication shall be free and clear of any and all liens and encumbrances that interfere with its use for park purposes. A current title report must be provided with the land dedication. The property owner shall pay all taxes or assessments owed on the property up to the date of acceptance of the dedication by the County.
- 801.04.02 Parks and playgrounds shall be improved by the sub divider with landscaping consistent with the other development within the subdivision, and shall contain tot lots, tennis, basketball courts, and playground equipment as swing sets and climbing apparatus, covered decks park benches, picnic tables or other related recreation equipment.

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- 801.04.03 Land dedicated for a park or recreational area shall be of such size, dimensions, topography, and general character as is reasonably required by the County for the type of use necessary to meet the demand and need of future residents.
- 801.04.04 Rare, unique, endangered, historic or other significant natural areas will be required to be for dedication pursuant to this Code. Areas that provide an opportunity for linkages between parks or that preserve the natural character of the surrounding environment may be required by the County to be included in the parkland dedication in concurrence with Conservation Subdivision Code.
- 801.04.05 Existing natural areas which have been set aside for conservation may be used to meet the open space requirements, provided they are not unusable due to flooding, steep slope or other for reasons.
- 801.04.06 The County will generally prefer not to accept dedication of land that may be subject to one (1) or more of the following disqualifications unless individually and expressly approved by the Planning Commission. Land within floodplain and floodway designated areas.
- a. Sites that do not have direct access to public streets.
 - b. Sites abutted by private properties on more than one-half (½) of the total boundary dimension of the site.
 - c. Areas included in easements for overhead utility lines or any other easement that might limit the opportunity for park and recreation development.
 - d. Sites containing hazardous and or municipal waste materials or dump sites.
- 801.04.07 Detention/retention areas shall not be counted towards the parkland requirement.
- 801.04.08 At least fifty (50) percent of park areas should have a grade less than four (4) percent. The balance may have natural features such as lakes, or steeper slope.
- 801.04.09 Where bicycle/pedestrian or recreational trails are identified in the Comprehensive Plan the developer shall be required to designate trail easements of at least twenty (20) feet in width. This land or easements may serve to satisfy parkland requirements.
- 801.04.010 The open space is restricted for park and recreational purposes in its perpetuity by a recorded legal instrument which runs with the land in favor of the future owners of property within the tract and which

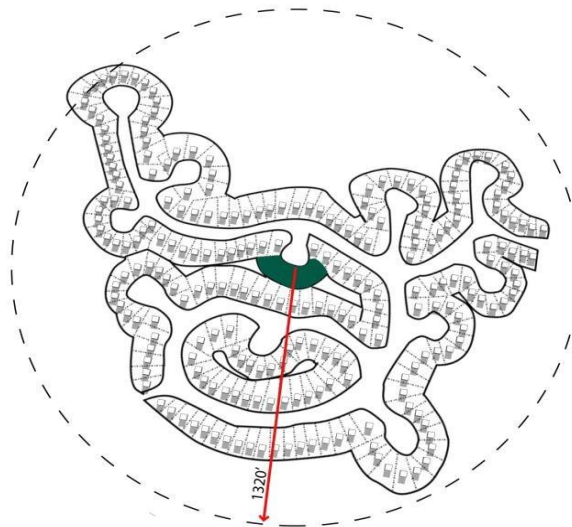
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cannot be eliminated without the consent of the Board of Supervisors.

801.04.011 In instances where parkland is required but infeasible to provide, a cash in lieu of land payment may be accepted by the County:

- a. The parkland dedication site is such a small area that it is inefficient to maintain or use;
- b. Sufficient park area is already in the public domain for the Supervisor District where the proposed development is located, and the recreation needs of the residents will be better served by expanding or improving existing parks in that Supervisor District.

801.04.012 The cash payment shall be computed on the basis of the current appraised value of the land in the respective subdivision unless and until changed by County code. *0802HC059 02/02/09



This graphic illustrates the open space requirement. In this example, with 248 units, five lots are used for park space within 1,320 linear feet of the lots.

802 - Height

802.01 The regulations herein set forth qualify or supplement, as the case may be, the specific district regulations appearing in Article IV.

802.01.01 Chimneys, elevators, poles, spires, tanks, towers and other projections not used for human occupancy may extend above the height limit.

802.01.02 Churches, schools, hospitals, sanitariums and other public and semipublic buildings, and public assemblies may exceed the height limitation of the district if the minimum depth of rear yards and the minimum width of the side yards required in the district are increased

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one (1) foot for each two (2) feet by which the height of such public or semi-public structure exceeds the prescribed limit.

803 - Dwelling on Small Building Site

Where a lot or lots located in a residence district contains less than the minimum building site area for the district and on the effective date of this Code was lawfully existing and of record and held in separate and different ownership from any lot immediately adjoining and having continuous frontage, such lot may be used as the building site for a one-family dwelling.

804 - Business or Industry on Small Building Site

Where a lot or lots located in a commercial or Industry District contains less than the minimum building site area for the district and on the effective date of this Code was lawfully existing of record and held in separate and different ownership from any lot Immediately adjoining and having continuous frontage, such lot may be used as the building Site for a business or industry.

805 - Excess Height

In any district, a radio, television and/or other communication transmission tower and the primary structures in any C-3 (resort commercial) District or Special Use and Overlay District may be erected or altered to a height in excess of that specified for such district or districts provided that each dimension provided herein for required front, side and rear yard is increased one foot for each two (2) feet of such excess height. Provided, further, that where no yard is required, the part of the structure exceeding the height specified for the district shall be set back from the vertical plane of the adjacent building site line one foot for each two (2) feet of such excess height. *0610HC379 11/06/06

806 - Side Yard Exception for Small Lots

Where side yards are required and a lot of record is less than fifty (50) feet in width and on the effective date of this Code was lawfully existing and of record, each side yard shall have a width of not less than two-fifteenths (2/15) the width of the lot.

807 - Townhouse and Reduced Lot Line Residential Uses

807.01 The purpose of this use is to provide for the development of moderate to high-density residential uses and structures in moderately spacious surroundings but so designed as to protect the health, safety and welfare of the public. In fulfilling the purpose of this use, the townhouse or row house concept may be used which permits the construction of single-family dwellings immediately adjacent to one another without side yards between the individual units. The purpose of this use may also be fulfilled by the use of the reduced lot line concept which permits the construction of detached single-family dwellings on smaller lots with a reduced side yard requirement on one side of the lot. The area and dimensional requirements

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specified in Table 807-1 below shall apply to Townhouse and Reduced Lot Line developments.

Table 807-1 Area and Dimensional Requirements for Townhouse and Reduced Lot Line Developments

| | |
|-----------------------|--|
| Minimum lot area | Townhouse - first two lots equal 3,800 sq. ft., each additional lot 1,200 sq. ft. Reduced Lot Line - each lot 4000 sq. ft. |
| Minimum lot width | Townhouse - fourteen (14) feet Reduced Lot Line - forty (40) feet Corner lots - use district requirements. |
| Minimum front yard | Use district dimensional requirements except where the development contains units located on both sides of a street constructed by the developer to the County's specifications. In such case, the minimum front yard setback may be reduced to fifteen (15) feet if the required off street parking requirements are met. |
| Minimum side yard | Townhouse - None except on corner lots and at the ends of a row. The minimum side yard requirement for townhouse units located at the end of a row shall be eight (8) feet from the exterior lot line. Corner lots shall use a minimum of fifteen (15) feet. Reduced Lot Line a side yard of four (4) feet is required on one side and a side yard minimum of twelve (12) feet on the opposite side. Also, the minimum side yard required for a dwelling located adjacent to a lot that is not a part of the reduced lot line development shall be twelve (12) feet. Corner lots shall have a minimum street frontage side yard equal to the required front yard dimension. |
| Minimum rear yard | Townhouse - use zoning district rear yard minimum. Reduced Lot Line - may use a minimum of 15' in any district. |
| Maximum height | The maximum structure height is forty (40) feet. |
| Maximum lot coverage | Lot coverage is limited to seventy-five (75%) percent for all structures. |
| Maximum length of row | A row of townhouses shall not exceed two hundred twenty-five (225) feet in length. An open space of twenty (20) feet shall be provided between adjacent rows. |

807.02 Townhouses and reduced lot line development shall meet the minimum standards for Type I developments as established in the Harrison County Land Use Regulations.

807.03 A reduced lot line development shall not be created on a parcel of land having less than two acres.

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- 807.04 Reduced lot line dwellings shall be located on adjoining lots such that there is a minimum of 16' between buildings.
- 807.05 Lots created for reduced lot line development shall be part of a recorded subdivision. Reduced lot line dwelling units shall be located as depicted on the recorded subdivision plat.
- 807.06 With the exception of a townhouse located at the end of a row, townhouses shall be constructed without side yards.
- 807.07 All townhouse and reduced lot line developments subject to review and approval by the Planning Commission shall submit a conditional use permit application supplemented with a Master Plan prepared in the manner specified for Special Use Districts in Article V Section 500.05. *0303HC042 04/07/03.

808 - Planned Unit Development

- 808.01 In a planned unit development, the developer may make use of the land for any purpose authorized in this Section. The developer may use a combination of residential uses (low, medium and high density) with limited commercial support uses.
- 808.02 Within any PUD, not more than 35 percent of the total area may be developed for medium or high density (R-2 and R-3) residential purposes, not more than 10 percent of the total area may be developed for purposes that are permissible in a C-I zoning district and not more than 5 percent of the total area may be developed for uses permissible in C-2 zoning district.
- 808.03 The plans for the proposed PUD shall indicate the particular portions of the site that the developer intends to develop for each type of residential and commercial use. For purposes of determining the substantive regulations that apply to the PUD, each portion of the site so designated shall then be treated as if it were a separate district. However, only one Certificate of Compliance shall be issued for the entire development. Each different use shall conform to the regulations for that use as stated in Article IV.
- 808.04 The nonresidential portions of any PUD may not be occupied until all of the residential portions of the development are completed or their completion is assured by any of the mechanisms provided for by the planning commission to guarantee completion. The purpose and intent of this provision is to ensure that the PUD procedure is not used, intentionally or unintentionally, to create nonresidential uses in areas generally zoned for residential uses except as part of an integrated and well-planned, primarily residential development.
- 808.05 All Planned Unit Developments shall be subject to review and approval by the planning commission in the manner specified for Special Use Districts in Article V Section 500.05.

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809 - Outdoor Lighting

809.01 Purpose, good outdoor lighting at night benefits everyone. It increases safety, enhances the County's nighttime character, and helps provide security. New lighting technologies have produced lights that are extremely powerful, and these types of lights may be improperly installed so that they create problems of excessive glare, light trespass, and higher energy use. Excessive glare can be annoying and may cause safety problems. Light trespass reduces everyone's privacy, and higher energy use results in increased costs for everyone. Appropriately regulated and properly installed, outdoor lighting will contribute to the safety and welfare of the residents of Harrison County. Luminaries on all properties, in all zoning districts, shall be installed with the idea of being a "good neighbor", with attempts to keep unnecessary direct light from shining onto abutting properties or streets.

809.01.01 The following lighting uses are exempted from Section 809 of this Code in order to maintain proper use:

- a. Motion sensor luminaries that turn off within five (5) minutes of activation. However unshielded motion sensor luminaries are not permitted in areas of frequent regular activity of the site.
- b. Floodlights with external shielding and shall be angled so no light is directed above a twenty-five (25) degree angle measured from the vertical line from the center of the light extended to the ground.
- c. Streetlights and any other lighting that is designed to illuminate a public right of way, provided, however, that all such lighting shall be selected and installed to shield the lamp and to minimize upward lighting, glare and light trespass to the greatest extent possible.
- d. Luminaries used for playing fields provided that lighting is only used while the field is in use provided, however, that all such lighting shall be selected and installed to shield the lamp and to minimize upward lighting, glare and light trespass to the greatest extent possible.
- e. Lighted golf driving ranges, provided that lighting is established in such a way that adjacent properties and roadways are not adversely affected, that no direct light is cast upon adjacent properties and roadways, and lighting should only be used when in operation.
- f. Any regulatory lighting provided the owner or occupant demonstrates that the Federal Aviation Administration agencies' regulations can only be met through the use of lighting that does not comply with Section 809 of this Code.*0810HC271 1/12/08

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- 809.02 General Requirements - Unless excluded in 809.01.01 all outdoor lighting shall be subject to the following standards:
- a. Luminaries on all properties, in all zoning districts, shall be installed with the idea of being a "good neighbor", with keeping unnecessary direct light from shining onto abutting properties or streets.
 - b. All exterior lighting shall be designed, located and lamped in order to prevent: over lighting, glare, energy waste, light trespass, and sky glow.
 - c. All exterior lighting shall use full cut-off luminaries with the light source downcast.
 - d. The main beam of any exterior light must fall within one's own property line. *0810HC271 1/12/08
- 809.03 Canopy Lights shall be fully recessed or fully shielded to ensure that the light source itself is not visible or causing unwanted glare. *0810HC271 1/12/08
- 809.04 Pier/Dock Lighting. Any lighting used to illuminate piers and/or docks shall be lit to avoid being hazardous to navigation, shall not be angled so that the center of the beam will strike any home, outbuildings, piers or docks of neighboring residents, and shall not be of an intensity as to create a nuisance to neighboring residents. *0810HC271 1/12/08

810 - High Density Manufactured Home Parks

The following requirements shall apply to Manufactured Home Parks with individual spaces less than one (1) acre. It is the intent of this section to allow the creation of high-density manufactured home developments in areas served by public water and sewer facilities with frontage on Principal Arterial, Major Collector, Minor Arterial, Principal Arterial and Minor Collector Roads identified in the Harrison County Comprehensive Plan. The park shall be included within the bounds of a single parcel of land. Spaces for manufactured homes shall be permanently established. A non-conforming park shall not be expanded. *0604HC124 04/20/06.

810.01 Dimensional and density requirements

- a. Minimum park area - five (5) acres.
- b. Minimum park width - sixty (60) feet at entrances and exits and two hundred (200) feet at the portion used for manufactured home spaces.
- c. Minimum manufactured home space width - forty (40) feet

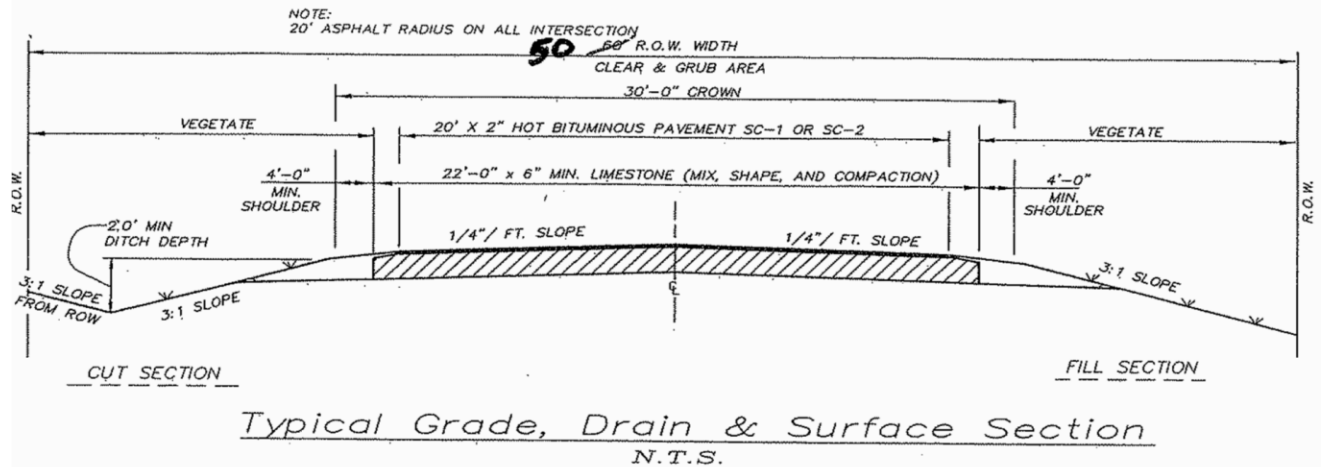
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- d. Minimum manufactured home space area - thirty-six hundred (3,600) square feet for each space.
- e. Maximum density - ten (10) manufactured home units for each gross acre of park.
- f. Maximum impervious surface coverage for the park area - forty (40) percent excluding individual lots.
- g. Minimum yard requirements:
 - (1) A manufactured home, carport, or other structure shall be set back a minimum of fifteen (15) feet from the pavement of any internal roadway.
 - (2) A manufactured home shall be set back at least five (5) feet from the side lot line of the manufactured home lot, except that roof projections, overhangs, rain gutters and air conditioning units may project not more than eighteen (18) inches into any required setback. *0812HC325
02/02/09
- h. Maximum height of all structures - thirty-five (35) feet.

810.02 Roadways

- a. The minimum right-of-way for internal roadways shall be fifty (50) feet. The minimum pavement width for internal roadways shall be twenty (20) feet. (See R-O-W diagram)
- b. For divided roadways, the minimum lane width for each roadway shall be eighteen (18) feet, with a minimum median width of nine (9) feet.
- c. The road design shall be approved by the Harrison County Engineer. The road design shall be prepared and testing submitted by a registered professional engineer.
- d. All streets and roadways within a manufactured home park shall be private. Except in cases where public sewer and water service is provided and individual home spaces are required to be served by separate meters, the Board of Supervisors, at its discretion, may accept the interior roadways for public use provided those roadways meet all County standards.
- e. All driveways and required off roadway parking areas shall be paved with a minimum of four (4) inches of compacted limestone or approved equal.
- f. Access Management - See Section 810.11

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NOTE:
THE SUBGRADE SHALL BE PROOF-ROLLED AS PER HARRISON COUNTY'S REQUIREMENTS PRIOR TO THE APPLICATION OF THE LIME-FLY ASH TREATMENT. THE LIME-FLY ASH SOIL STABILIZATION SHALL ALSO BE PROOF-ROLLED PRIOR TO PLACEMENT OF THE ASPHALT SURFACE. THE PROOF-ROLLS SHALL BE COORDINATED WITH THE HARRISON COUNTY ENGINEER'S OFFICE.

810.03 Drainage

Each manufactured home park shall be located on a well-drained site and shall comply with applicable engineering standards for drainage as approved by the County Engineer.

810.05 Parking

- a. Each manufactured home space shall be provided with two (2) off street parking spaces per manufactured home space.
- b. Parking spaces and the access thereto shall be paved with four (4) inches of compacted limestone or approved equal.
- c. One (1) off-street parking space shall also be provided for each two hundred (200) square feet of gross floor area of office and laundry facilities and located in close proximity thereto.
- d. All off-street parking spaces shall be a maximum of hundred fifty (150) feet from any manufactured home lot. Pedestrian walkways shall provide direct access to off-street parking areas.
- e. On-street parking is prohibited.
- f. In addition to occupant parking, guest parking shall be provided within the manufactured home park at a ratio of not less than one (1) parking space for each four (4) manufactured home spaces. Parking spaces shall be paved with four (4) inches of compacted limestone or approved equal and reserved solely for guest parking. This parking shall be conveniently arranged

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throughout the manufactured home park or provided in parking lots.
*0812HC325 02/02/09

810.06 Foundation and tie-down

Each manufactured home shall be secured/anchored in a manner as allowed by the adopted model building code, manufacturer of the home, or other applicable regulatory agency's requirements. Manufactured homes shall be skirted.

810.07 Utilities and services

- a. Each manufactured home space shall be connected to an approved central water and sewer system. No individual water wells or septic systems shall be permitted. Fire hydrants shall be provided as required by the County Fire Marshal.
- b. All utilities distribution and collection system, including those for water, sewer, electricity, telephone, gas and television cable, shall be located underground and placed in easements as may be required by utilities. The location of all easements shall be identified on the site plan. A copy of the respective easement shall be provided. Electric power shall be served by individual meters.
- c. Each manufactured home park shall be provided with recreational area having a minimum area of two hundred (200) square feet for each manufactured home space. These areas shall be consolidated into usable areas with a minimum dimension of not less than forty (40) feet. No manufactured home space required buffer areas, street right-of-way, storage area, utility site, or utility easement shall be counted as recreational area in meeting this requirement. Recreational areas and facilities shall be owned and operated by the park management.
- d. Each manufactured home park shall be provided with a management office and those buildings as are necessary to provide facilities for mail distribution; storage space for supplies, maintenance equipment and materials, and laundry facilities equipped with washing machines and dryers for park residents.
- e. Park management shall be strictly responsible for internal trash and garbage collection. Central park collection points shall be screened by a wooden fence, eight (8) feet in height from public view from without and/or within the park.
- f. Outdoor Lighting - See Section 809.
- g. Other structures within the manufactured home park for uses accessory to the operation of the manufactured home park, such as laundries, storage, garages/carports, park offices, and recreational facilities are allowed and are

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subject to the site development regulations of each zone. These structures may not be located within required open space. *0812HC325 02/02/09

810.08 Perimeter walls and buffers

- a. Each manufactured home park shall be fenced at the rear and sides, exclusive of driveways, at its external boundaries by a maintained fence according to the provisions of Section 822.
- b. A twenty-five (25) foot wide landscaped buffer shall be provided along streets and all property lines. There shall be no structures located in the buffer, nor shall the buffer be used for storage. These areas shall contain trees, shrubbery, grass, benches, and/or landscaped water features, and shall be maintained by the park.
- c. No plantings or structures shall be established or maintained on any intersection with a public street, corner lot or along any driveway that will likely obstruct the view of a vehicle approaching the intersection or entering or exiting the driveway. At any intersection with the public street this shall include the area within a triangle formed by the two (2) street right-of-way lines and a line connecting them at points twenty-five (25) feet from the intersection of the right-of-way lines. This shall not prohibit the maintaining of shrubbery less than thirty (30) inches in height in this area. *0812HC325 02/02/09

810.09 Street and space identification

Each manufactured home space shall be provided with an identification number and each internal shall be identified by a roadway sign. The identification numbers and roadway signs shall be able to be clearly read from internal roadways. A durable sign on which an easily read map of the park is depicted showing the location of all manufactured home spaces shall be posted at the entrance(s). The owner shall ensure that the identification numbers and roadway signs of the park are maintained. *0812HC325 02/02/09

810.10 Occupancy date - No space in a manufactured home park shall be occupied until at least forty-five (45) percent of the spaces shown on the manufactured home park site plan are completed and ready for occupancy. The remainder of spaces must be located such that lessees will not have to travel through areas under construction for ingress and egress. The office, laundry, and required playground shall be complete prior to occupancy of any spaces. *0812HC325 02/02/09

810.11 Development application - An application for a permit to develop a manufactured home park shall be accompanied by a site plan following the requirements in Article XIV with the following information:

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- a. The location and legal description of the proposed development and the name and address of the applicant and owner.
- b. The plans and proposed use of all buildings, improvements (including the location, size, number and description of all manufactured home spaces) and the descriptions of all rights-of-way, roads, easements, drives, lot numbers, and facilities, including recreational facilities, to be constructed within the manufactured home park.
- c. The name and description of county road that abuts the proposed park, location of all points of ingress and egress to the park, internal circulation patterns and location of all off-street parking.
- d. The location and details of materials and construction of all walls, fences and hedges for buffering purposes and all landscaping to be provided.
- e. A specific description of the age, size and type of manufactured homes that will be placed in the park.
- f. Drainage plans as may be required by the County Engineer. *0812HC325 02/02/09

810.12 Other agency notification

A copy of the site plan shall be filed with the Harrison County Fire Marshal for use in connection with his official duties. At the discretion of the Fire Marshall, a copy of the site plan may be required to be posted at each entrance to the manufactured home park and shall be placed under glass or in weather resistant containers for the use of emergency vehicles in locating manufactured homes within the park. A change in driveway or space designation or location shall be reported to the Fire Marshal, accompanied by a revised plan and shall be entered on the plans posted at the entrances to the park.

810.13 Sidewalks shall be provided in accordance with Article X. *0812HC325 2/2/09

811 - Low Density Manufactured Home Parks with Spaces Greater Than 1-Acre

The following requirements shall apply to Manufactured Home Parks with individual spaces greater than 1- acre. It is the intent of this section to allow the creation of spacious manufactured home developments. The park shall be included within the bounds of a single parcel of land. Spaces for manufactured homes shall be permanently established. Low Density Manufactured Home Parks shall comply with requirements and standards set for the

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High Density Manufactured Home Parks, except as noted below. See Section 810.
*0604HC124 04/20/06, *0812HC325 02/02/09

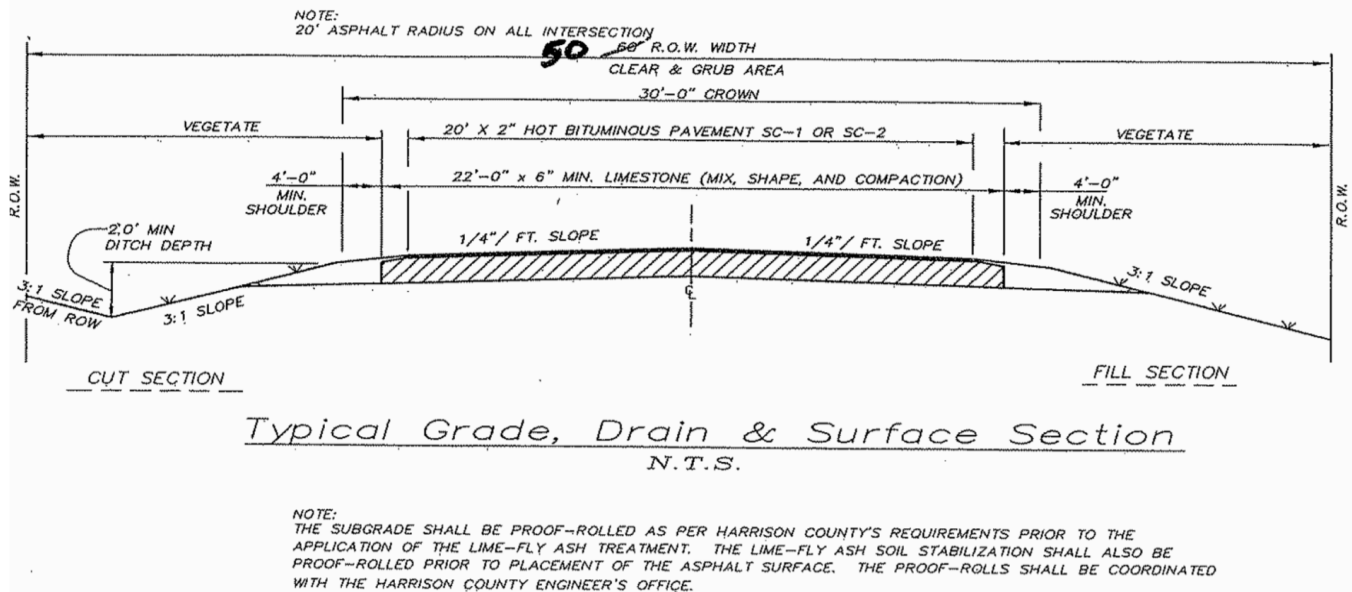
811.01 Dimensional and density requirements -

- a. Minimum park area - five (5) acres.
- b. Minimum park width - fifty (50) feet at entrance and exits.
- c. Minimum manufactured home space area - 43,560 square feet for each space and shall be exclusive of the space used for roadways. The minimum width of a manufactured home space shall not be less than one hundred (100) feet.
- d. A manufactured home, carport, or other structure shall be set back a minimum of forty (40) feet to the pavement of any internal roadway.
- e. A manufactured home shall be set back at least twenty-five (25) feet from the side lot line of the manufactured home lot, except that roof projections, overhands, rain gutters and air conditioning units may project not more than eighteen (18) inches into any required setback.
- f. No manufactured home or accessory structure shall be placed or erected closer than thirty (30) feet to any rear manufactured home space plot line; provided, however, roof projections, overhangs, rain gutters and air conditioners may project up to eighteen (18) inches into any required setback area. *0812HC325 02/02/09

811.02 Roadways

- a. The minimum right-of-way for internal roadways shall be fifty (50) feet. The minimum pavement width for internal roadways shall be twenty (20) feet. (See r-o-w diagram)
- b. The road design shall be approved by the Harrison County Engineer. The road design shall be prepared and testing submitted by a registered professional engineer.
- c. All streets and roadways within a manufactured home park shall be private. Exception - In cases where public sewer and water service is provided and individual home spaces are required to be served by separate meters, the Board of Supervisors, at its discretion, may accept the interior roadways for public use provided those roadways meet all County standards.
*0812HC325 02/02/09

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811.03 Utilities and services

- a. Each manufactured home space shall be connected to a central water system that serves the entire park. Individual water wells shall not be permitted in a manufactured home park with spaces of one (1) acre or greater in size. Central sewerage collection systems or individual septic systems shall be allowed. All water supply and waste facilities shall be constructed as approved by the respective authorities having jurisdiction.
- b. Electric power to each manufactured home shall be serviced by individual meters.
- c. Park owners or management shall be strictly responsible for internal trash and garbage collection. If central park collection points are used, they shall be screened from public view both within and out of the park. *0812HC325 02/02/09

812 - Secondary Living Unit

A secondary living unit shall be allowed by a conditional use permit as an accessory structure to the principal detached single household dwelling in those zoning districts specified in Section 415. *0811HC294 12/08/08

813 - Existing Conditional Use Permits

All conditional uses that have been approved by the Planning Commission after October 2000, all conditional uses granted under Section 401 of the Harrison County Zoning Code, and all implied or expressed conditional uses allowed by the Harrison County Board of Supervisors shall be valid only for the original parcel of land as configured at the time of the

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granting of said conditional use. Any subdivision of an original parcel will require a new application for both the existing use and the proposed new use. The granting of a new conditional use permit shall be the discretion of the Harrison County Planning Commission as allowed by Section 1404. *0212HC248 01/03/03

814 - Extractive Operation

814.01 Before operations may commence, and at all times thereafter as may be required by law, the owner or operator of an extraction operation shall be in compliance with the Mississippi Code of 1972, Section 53-7-1 thru 75 and as may be amended. The chapter is known as the "Mississippi Surface Mining and Reclamation Law".

814.02 A Conditional Use Permit shall be obtained before operations commence if the use is located in a zoning district requiring such permit.

814.03 The applicant shall be required to submit a drainage plan for approval by the County Engineer. The plan shall provide for the restoration of the site and detail a schedule of rehabilitation measures upon completion of the excavation.

814.04 A detailed site plan shall be submitted to the County Engineer for his approval and shall include at least the following -

- a. An outline of the area to be excavated;
- b. The proposed locations of sorting, grading, crushing, and similar equipment necessary to the operation and initial distribution of the excavated products; and
- c. The proposed location of any building, scale-house, equipment storage areas, equipment repair sheds or areas, and pit access routes.

814.05 The use shall be setback at least 100 feet from road right-of-way's and property lines bordering undeveloped parcels. A minimum 200-foot setback shall be required from property lines abutting developed parcels.

814.06 A minimum buffer of 50 feet shall be maintained within the specified setback area along all interior property lines. Said buffer shall consist of native vegetation or plan shrubs and offer sufficient opacity to obscure the view of the operations area.

814.07 The removal area shall be sealed by fencing or grading or other device from general public access. All entrances shall be fenced and locked during non-business hours.

814.08 The extraction operation shall not produce dust of sufficient magnitude to become a nuisance to nearby residential, agricultural or business uses.

814.09 An approved up to date drainage and site plan, accompanied by a copy of the state

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extraction permit or claim of exemption, will be maintained on file in the County Engineer's office for public inspection. *0306HC097 07/07/03

814.10 The haul road intersection with the public R-O-W shall have a paved apron with sufficient turning radius for equipment being used and the haul road shall be paved a distance of 300-feet in order to protect the public R-O-W as approved by the County Engineer and or the County Road Manager. It is the pit operator's responsibility to clean the public R-O-W of material resulting from the pit operation. *1102HC027 04/04/11

815 - Accessory Buildings

For the purpose of maintaining the consistency in appearance of various districts, it is in the interest of Harrison County to set limits on the size, appearance and number of buildings that are accessory to primary structures. A structure used as an accessory building to a primary use shall meet the following conditions -

815.01 The cumulative square footage under roof of all accessory buildings on the property shall not exceed the overall square footage of the primary residential structure. *0811HC294 12/08/08

A second living unit permitted under section 812 shall not be included in the cumulative calculation for accessory buildings. *0811HC294 12/08/08

815.02 Accessory buildings are permitted only in connection with incidental to, and on the same lot with a principle use or structure which is permitted within such district. *0901HC014 02/02/09

815.03 The appearance and construction of an accessory building shall be similar or complimentary to the primary building and shall not be out of character with the properties in proximity to the building. *0901HC014 02/02/09

815.04 There shall be no more than two (2) accessory buildings allowed per primary use in R-1, R-2, and R-3 districts and no more than three (3) accessory buildings allowed per primary use in other districts. *0901HC014 02/02/09

815.05 The total property coverage of all buildings shall not exceed the allowance of Section 416. *0901HC014 02/02/09

815.06 A building constructed or intended for use as a temporary or permanent dwelling shall not be allowed for accessory uses unless the building meets the requirements for a secondary living unit as outlined in Section 415.

Likewise, a building constructed or intended for use as an accessory building (i.e. storage buildings, private garages, secondary living units, etc.) shall not be permitted as a primary dwelling. *0901HC014 02/02/09

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815.07 All detached accessory buildings shall be located to the side or to the rear of the primary building except when the accessory building is located double the required front yard setback from the front property line. *0901HC014 02/02/09, *1203HC019 04/02/12

815.08 An accessory building shall not be erected, altered, or moved on a lot unless it conforms to the requirements indicated below *0901HC014 02/02/09

| Lot Size | Size Limit | Height Limit |
|-----------------------|--|---------------------|
| < 1.0 acres | 800 sq ft or 50% of primary structure size, whichever is greater | 20ft |
| 1.0 to 3.0 acres | 1200 sq ft or 75% of the primary structure, whichever is greater | 25ft |
| 3.0 to 5.0 acres | 4,000 sq ft | 25ft |
| 5.0 acres and greater | 6,000 sq ft | 30ft |

815.09 Accessory buildings not meeting the intent of this Section that were placed in service before the adoption of this Section shall be considered to be legally non-conforming. *0307HC116 08/11/03, *0901HC014 02/02/09

815.10 Permits for additional primary or accessory buildings shall be denied if upon inspection a structure presently located on the property is found to be of deteriorating or dilapidated condition. The owner shall update or remove the existing structure to the full satisfaction of the zoning officer prior to being granted a permit.*0901HC014 2/2/09

815.11 Utility enclosures not exceeding 120 square feet shall be exempt from front yard setback requirements. *1203HC019 04/02/12

815.12 Buildings constructed on a steel chassis shall not be allowed for accessory use. *1203HC019 04/02/12

816 - Recreational Vehicles

816.01 Purpose - The purpose of this section is to provide minimum standards for recreational vehicle park locations in the county and to establish requirements for the design, construction, and alteration of recreational vehicle parks. *0901HC019 2/2/09

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816.02 Permissible use and location - A recreational vehicle, as defined in Section 203 of this Code, shall only be used as temporary occupancy for travel and recreational purposes, and when used as such, it must be located within a recreational vehicle park. Each RV shall have a current license tag and shall be maintained in road worthy condition. *0901HC019 02/02/09

Exception 1 - If a recreational vehicle is parked on the property where the owner's primary residence is located, it may only be occupied for a maximum of seven (7) consecutive days in a thirty (30) day period.

Exception 2 - With a conditional use permit, a self-contained recreational vehicle may be used as a temporary dwelling for a period not exceeding six (6) months solely for the purpose of providing housing during the construction or reconstruction of a home. The recreational vehicle must be placed on the property where the completed home will be located. In order to be granted such a permit, the owner must already possess a permit for the construction of a home. *0901HC014 02/02/09

Exception 3 - A self-contained recreational vehicle may be used as allowed in Section 816.02 - Exception 2, Temporary Use of Recreation Vehicles in Hunting Camps and along Waterfront Property. *0901HC019 2/2/09

816.03 Park size, density, and location

816.03.01 Minimum of five (5) acres of land held as a single parcel.

816.03.02 Maximum density of ten (10) recreational vehicle sites per acre.
*0901HC019 2/2/09

816.04 Recreational vehicle site

816.04.01 Minimum standard recreational vehicle site depth shall be 60 (sixty) feet.

816.04.02 Minimum standard recreational vehicle site width shall be thirty (30) feet.

816.04.03 Minimum of ten (10) feet separation of recreational vehicles from each other and from other structures

816.04.04 No part of a recreational vehicle or any accessory use placed on a recreational vehicle site shall be closer than ten (10) feet to a site line.

816.04.05 Each site shall contain a stabilized parking pad of shell, marl, gravel, concrete or other suitable material. *0901HC019 02/02/09

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816.05 Traffic circulation

816.05.01 All recreational vehicle parks shall abut upon a public dedicated street for at least thirty-five (35) feet and shall be provided with safe and convenient vehicular access from such street. *0901HC019 02/02/09

816.05.02 Entrance and exit driveways -

- a. Shall be located no closer than one hundred twenty-five (125) feet from an intersection of public streets.
- b. No primary entrance or exit from an RV park shall be permitted through a residential district nor require the routine secondary movement of traffic to and from the park through a residential district.
- c. No entrance and exit from an RV park shall require an acute angle for vehicles moving in the direction intended and radii of curbs and pavements at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached.
- d. Streets in recreational vehicle parks shall be private, but shall be constructed with a stabilized roadway that is regularly and properly maintained. Materials and construction methods shall be as approved by the County Engineer. The street shall meet the following minimum stabilized roadway width requirements:
 - (1) One-way - Eighteen (18) feet if the road serves sixty spaces or more; fourteen (14) feet if road serves less than sixty spaces; twelve (12) feet for a one-way internal road between campsite clusters without individual space access.
 - (2) Two-way - Twenty-four (24) feet wide.
 - (3) Parking - Parking along internal roadways is allowed only when a parking lane, eight (8) feet wide, is provided in addition to the roadway. The parking lane(s) shall meet the same surface requirements
 - (4) Turnarounds shall be provided for all dead-end roads. The minimum diameter of a required turnaround shall be one hundred (100) feet.
 - (5) At least one and one-quarter (1 1/4) parking spaces shall be provided in the park per each recreational vehicle site.

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At least one (1) parking space shall be provided at the recreational vehicle site. Additionally, one (1) parking space shall be provided per every 4 (four) recreational vehicle sites, and shall be located in a common parking area of the park. Each parking space shall be composed of stabilized compacted material (shell, marl, gravel, paving or other suitable material). Each parking space shall be at least nine (9) feet wide and twenty (20) feet long exclusive of a maneuvering area. *0901HC019 2/2/09

816.06 Accessory uses. Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, club-houses, computer/game rooms and other uses and structures customarily incidental to operation of a recreational vehicle park are permitted as accessory uses in recreational vehicle parks in districts where such uses are not allowed as principal uses, subject to the following restrictions -

816.06.01 Such establishments and the parking areas primarily related to their operation shall not occupy more than five (5) percent of the gross area of the park.

816.06.02 The structures housing such facilities shall not be located closer than one hundred (100) feet to any public street and shall not be directly accessible from any public street, but shall be accessible only from a street within a park. *0901HC019 2/2/09

816.07 Recreational areas and non-recreational open space.

816.07.01 A minimum of five (5) percent of the gross RV park area shall be set aside and developed as common use areas for open or enclosed recreation facilities. No required buffer, street, storage area, recreational vehicle site or utility site shall be included in meeting recreational purposes.

816.07.02 A minimum of ten (10) percent of the gross RV park area shall be set aside as non-recreational open space, exclusive of water features. *0901HC019 02/02/09

816.08 Recreational vehicle park buffer set aside - Each recreational vehicle park shall have a buffer set aside along the perimeter of the property line; the buffer set aside shall be landscaped and used for no other purpose than screening the recreational vehicle park from other uses.

816.08.01 Minimum park front buffer - Twenty-five (25) feet, except when an RV park fronts on a State or Federal highway; then the minimum shall be fifty (50) feet.

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- 816.08.02 Minimum park rear and side buffers set aside - When abutting a residential district, the buffer set aside shall be fifty (50) feet; when abutting any other zoning district, the side buffer shall be twenty-five (25) feet along the interior lot line.
- 816.08.03 To enhance aesthetics and to ensure public safety, the park shall be enclosed by a fence, landscape screening, earth mounds or by other designs approved by the planning commission which will compliment the landscape and ensure compatibility with the adjacent environment. Screen planting shall be provided in sufficient density and of sufficient height to afford protection from the glare of lights, from blowing paper, dust and debris, from visual encroachment, and to effectively reduce the transmission of noise. The initial height of the planting must be a minimum of four (4) feet and of such a variety that the vegetation will grow to a minimum height of seven (7) feet within twenty-four (24) months of planting.
- 816.08.04 Where the required buffers contain access to the public right-of way, no fence, planted buffer or similar visual obstruction shall be located such that an impediment to clear sight is created.
- 816.08.05 Permanent structures on the site shall meet minimum zoning district setbacks and buffers as may be required in Section 416.
*0901HC019S 2/2/09
- 816.09 Permanent occupancy prohibited.
- 816.09.01 A recreational vehicle shall not be considered a residential dwelling. No recreational vehicle shall be used as a permanent place of abode, occupancy or accommodation. Any occupancy of a recreational vehicle within a recreational vehicle park, whether continuous or part time, whether by a single individual, family or a succession of individuals, extending beyond six (6) months in a twelve-month period shall be presumed to be permanent occupancy. The owner/operator of the park shall maintain a record identifying the vehicle and showing the occupancy dates of said vehicle.
- 816.09.02 Any action toward the removal of the wheels of a recreational vehicle is hereby prohibited. Permanent construction, placing of permanent decks, landings or enclosed spaces as accessory to a recreational vehicle, or to attach the vehicle to the ground is hereby prohibited. Accessories that are a part of the recreational vehicle and can be readily removed can be used but may not be

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attached to the ground or made a permanent addition to the campsite. (i.e. handicap ramps, awnings).

Exception 1 - Any RV Park or sites subject to the Harrison County Flood Damage Prevention Code shall comply with said code.

Exception 2 - An owner/operator shall have the right to establish a site-built dwelling, manufactured home, or modular dwelling to accommodate the person owning, managing or maintaining the facility.

816.10 Park utilities.

816.10.01 Park shall provide all sites with hookups for a 50-amp power. Where a connection to a public utility is available for water or sewage disposal, the park shall be connected. If sewerage is not available, the establishment of an onsite treatment facility shall be permitted. The facility shall meet all conditions for effluent discharge as may be required by the Mississippi Department of Environmental Quality and sanitary operation as may be required by the Mississippi Department of Health. Where public utility water is not available, a central water system may be provided as long as it meets all requirements of the Mississippi State Department of Health.

816.10.02 Storm water sewers shall be separate and apart from any sewer intended for the conveyance of sanitary sewage. All utility receptacles and facilities shall be designed in such a manner as to provide protection of the receptacle or facility from damage.

816.11 Recreational vehicle sanitary waste disposal stations.

816.11.01 One recreational vehicle sanitary waste disposal station shall be provided for each one hundred (100) recreational vehicle stands, or part thereof, which are not equipped with individual sewer connections.

816.11.02 Sanitary waste disposal stations shall be located not less than fifty (50) feet from a recreational vehicle site.

816.11.03 The disposal hatch of a sanitary waste disposal station shall be connected to the park sanitary sewerage system.

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- 816.11.04 Recreational vehicle flushing facilities. A means for flushing the immediate area of a sanitary waste disposal station and a camping vehicle holding tank shall be provided at each sanitary waste station. If individual sewer connections are provided, one flushing facility shall be provided for each one hundred (100) recreational vehicle stands or part thereof. Flushing facilities shall be located not less than fifty (50) feet from a recreational vehicle site. Adjacent to the flushing outlet there shall be posted a sign constructed of durable material, not less than two (2) feet square, and inscribed thereon in clearly legible letters shall be - "Danger Not to Be Used for Drinking or Domestic Purposes."
- 816.12 Recreational vehicle water station: A water station for filling camping vehicle water storage tanks shall be provided at the rate of one station for every one hundred (100) recreational vehicle stands or part thereof. These shall be located not less than fifty (50) feet from a sanitary station. The station shall be posted with signs of durable material, not less than two (2) square feet in size, and inscribed thereon in clearly legible letters shall be: "Potable Water-Do Not Use to Flush Waste Tanks."
- 816.13 Sanitary Conveniences: Toilet, urinal, lavatory and shower facilities shall be provided and, at minimum, comply with the sanitary regulations of the Mississippi State Board of Health.
- 816.14 Lighting: Lighting in the park shall comply with the Section 809 Outdoor Lighting of the Harrison County Zoning Code.
- 816.15 Refuse disposal.
- 816.15.01 The storage, collection and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions.
- 816.15.02 Durable, watertight, easily cleanable refuse containers, sufficient to contain all the refuse, shall be provided at each service building and sanitary waste station, or at a central storage area readily accessible and located not more than three hundred (300) feet from any camp or picnic site unless provided at the campsite. For parks exceeding 20 spaces, dumpsters will be required at the rate of four cubic yards per 20 spaces; otherwise, refuse containers shall be provided at the rate of eight cubic feet (60 gallons) for each five campsites or the equivalent thereof if containers are provided at individual campsites. Refuse shall be picked up not less than twice weekly.

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- 816.15.03 All solid waste generated by a recreational vehicle park shall be stored and disposed of in accordance with the state board of health regulations governing solid waste management and the codes and codes of Harrison County governing the same.
- 816.16 Nonconforming uses.
- 816.16.01 A legal nonconforming recreational vehicle park may be continued so long as it remains otherwise lawful. However, from the effective date of this Code, a nonconforming recreational vehicle park may not be enlarged either to increase the number of recreational vehicle sites or to enlarge the total area except in conformity with this Code.
- 816.16.02 RV parks shall not enlarge the number of individual RV sites to greater than fifty (50) percent of the original number of sites at the time of adoption of this Code without having the entire park become conforming.
- 816.17 Construction Plan: A drawn to scale construction plan prepared by an engineer, architect or surveyor shall be submitted to the County Engineer, Code Administration Office and County Fire Marshall. The plan shall be submitted at the time of the building permit application. The information provided shall be as follows -
- 816.17.01 The size of the area and general dimension of the tract of land being developed.
- 816.17.02 The number, location and size of all recreation vehicle spaces.
- 816.17.03 Size and location of accessory buildings, playgrounds, and other features within the park.
- 816.17.04 Buffers and setback distances shall be provided where applicable.
- 816.17.05 The location and width of roadways, driveways and walkways.
- 816.17.06 The number, location and size of all off-street automobile parking spaces.
- 816.17.07 The location of the park illumination.

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- 816.17.08 Detailed drawings of the water supply if the source is other than public.
- 816.17.09 Detailed drawings of the sanitary stations and watering stations.
- 816.17.10 Detailed drawings of the sewage disposal facilities, including specifications.
- 816.17.11 Detailed drawings of the refuse storage facilities.
- 816.17.12 The location and size of water and sewer lines and riser pipes.
- 816.17.13 A drainage plan for the park and immediately adjacent properties. Large projects may require before and after drainage plans.
- 816.17.14 Flood zone information if applicable.
- 816.18 Conditional Use Permit.
 - 816.18.01 If there is an application for a conditional use permit required because of the zoning district in which the park is to be located, a site plan shall be submitted with the application presented to the Planning Commission.
 - 816.18.02 The site plan shall include items 816.17.01 through 816.17.06 and item 816.17.14 listed above. A field survey shall not be mandatory for the preparation.
- 816.19 Temporary use of Recreational Vehicles in Hunting Camps and along Waterfront Property: It is in the interest of Harrison County to provide for the use of recreational vehicles in areas where permanent structures may not be desirable. These areas are undeveloped tracts of greater than a quarter section (160 acres) used for recreational hunting and waterfront properties that are subject to routine inundation (A zones) along creeks, rivers and bayous. Recreational vehicles shall be allowed on such property as prescribed below -
 - 816.19.01 The temporary placement of a recreational vehicle in all residential and agricultural zoning districts meeting the above criteria shall be allowed only by obtaining a Conditional Use Permit from the Harrison County Planning Commission.
 - 816.19.02 The Conditional Use Permit application shall state the person, persons or group who will be using the site and the total number of recreational vehicles that may be present at one time. Allowing

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persons other than those stated in the application to make use of the site or having more units present than allowed by the Planning Commission will result in a violation of the terms of the Conditional Use Permit and may result in revocation of the permit as is provided in Section 1404.04.04.

- 816.19.03 All RV's shall have a self-contained sanitary waste system that shall be emptied off site at a location approved by the Mississippi Department of Environmental Quality. On site disposal shall be a violation of this Section.
- 816.19.04 Each RV shall have a current license tag and shall be maintained in road worthy condition.
- 816.19.05 A recreational vehicle permitted by a conditional use permit shall not be allowed to remain for a continuous period of longer than seventeen (17) days. When a recreational vehicle has been removed for a period of four (4) days, the seventeen (17) day temporary placement time may begin again. RV's shall be treated individually in this Subsection.
- 816.19.06 Electric power shall be available through the placement of a temporary power pole. There shall be only one power pole per recorded parcel of land or platted subdivision lot. . *0901HC019 2/2/09

817 - Banquet Halls *0709HC299 10/01/07

- 817.01 All banquet halls that sell alcohol or receive compensation in any form for the service of alcohol on the premises shall obtain a license for the sale of alcohol from the State Department of Alcoholic Beverage Control. Any conditional use permit granted for the operation of a banquet hall shall not be effective unless and until said permit is obtained.
- 817.02 Entrances and exits facing adjacent residentially zoned areas must have a vestibule with a second door to minimize noise impacts. For banquet halls that are not adjacent to residentially zoned areas, the planning commission may require vestibules on entrances/exits to reduce noise impacts to a nearby sensitive use.
- 817.03 The operation of the facility will not result in adverse effects to the health, safety, or welfare of persons residing or working in the surrounding area and will not result in nuisance activities within the premises or in close proximity of the premises, including, but not limited to, disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, excessive littering, public urination, illegal parking, or excessive loud noises.

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- 817.04 The banquet hall must provide a parking management plan to minimize the impact of parking by the banquet hall's clients and employees and all other operations on adjacent residentially zoned properties. This plan shall include the number and location of parking spaces.
- 817.05 The banquet hall includes an outdoor smoking area located and designated to minimize noise impacts to any neighboring uses.
- 817.06 The hours of operation are limited to between 7 a.m. and 11 p.m.

818 - Bed & Breakfast and Rural Resort Establishments *0709HC299 10/01/07

- 818.01 The following is required of bed and breakfasts:
 - 818.01.01 The owner of the premises shall reside in and manage the establishment.
 - 818.01.02 The establishment shall not contain restaurant facilities, but may provide food service for transient, overnight guests only.
 - 818.01.03 Up to five (5) guest rooms may be provided for paying guests.
- 818.02 The following is required of bed and breakfast inns:
 - 818.02.01 The owner or manager shall provide full-time management of the establishment at all times when the facility is occupied by one (1) or more guests.
 - 818.02.02 The establishment shall not contain restaurant facilities, but may provide food service for transient, overnight guests only.
 - 818.02.03 Up to fifteen (15) guest rooms may be provided for paying guests.
- 818.03 The following is required of rural resorts:
 - 818.03.01 The establishment shall be located on parcels no less than three (3) acres, of which no less than eighty (80) percent of the site shall remain as open space.
 - 818.03.02 The owner or manager shall provide full-time management of the establishment at all times when the facility is occupied by one (1) or more guests.
 - 818.03.03 The establishment may contain full-service restaurant facilities that provide meal service to guests and to the general public.

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818.03.04 All new buildings, active recreational areas, parking and lighted areas shall be set back a minimum of one hundred (100) feet from adjacent properties.

819 - Home Based Business Activity *0701HC338 01/04/07

819.01 Purpose. The County recognizes the desire and/or need of some citizens to use their residence for very limited business activities while recognizing the need to protect the surrounding areas from potential adverse impacts generated by business activities. A home-based business is intended to serve as a small business incubator. When such business grows beyond the standards detailed in this section, the business shall move to the appropriate commercial or Industry District.

819.01.01 The types of home-based business are as follows -

- a. Home occupation
- b. Home employment
- c. Home business, rural

819.02 Home Occupation - A home occupation shall be subject to the following standards: Home occupations not meeting any or all of the following standards will not be considered a home occupation.

- a. Home occupation use shall be conducted as an accessory use entirely within a dwelling unit and shall not change the character of the dwelling unit nor have any exterior evidence. No signs shall be permitted, except as required by state law.
- b. No employees shall be permitted to work on the premises, except for family members residing in the dwelling unit.
- c. One (1) vehicle with company identification shall be permitted as an accessory to a home occupation, provided, however, the vehicle shall have less than one (1) ton capacity and shall not have storage of a trailer in the front yard.
- d. The area devoted to the home occupation shall not exceed twenty-five (25) percent of the gross floor area of the dwelling unit.
- e. Outside storage associated with the business shall be prohibited.
- f. No customers or clients may be seen at the home.
- g. No equipment shall produce detectable fumes, odors, dust, heat, noise, vibration, glare, electro-magnetic field, electrical interference, or other effects outside the dwelling, including transmittal through vertical or horizontal party walls.

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- 819.03 Home Employment - When permitted, home employment shall be subject to the following standards. Home employment is more intense than a home occupation.
- a. A home employment use shall be conducted as an accessory use entirely within a single-family detached dwelling unit and/or its accessory building(s) and shall not change the character of the buildings nor have any exterior evidence other than one unlighted freestanding sign not to exceed four (4) square feet in area, nor five (5) feet in height, and which must be set back at least five (5) feet from all property lines. No other signs shall be permitted, except where required by state law.
 - b. No more than one (1) employee, who is not a resident in the dwelling unit, shall be permitted.
 - c. No more than one (1) vehicle with three (3) or more axles including trailer axles, with company identification, shall be permitted as accessory to a home employment use.
 - d. Accessory buildings remain subject to the requirements of Section 815.
 - e. The area devoted to the home employment use shall not exceed twenty-five (25) percent of the gross floor area of the dwelling unit or 600 square feet whichever is greater. The area of accessory buildings devoted to the business shall not count against this sum.
 - f. Outside storage associated with the business shall be allowed if it is screened with landscaping and/or fencing.
 - g. Excess traffic generated by customer visits shall not impede the normal functioning of adjacent residential roadways.
 - h. No equipment shall produce detectable fumes, odors, dust, heat, noise, vibration, glare, electro-magnetic field, electrical interference, or other effects outside the dwelling.
 - i. Only product sales accessory to a home employment use shall be allowed.
 - j. Adequate parking shall be provided to accommodate the use.
 - k. The operator of a home employment use shall secure a business license and a zoning certificate.
 - l. Hours of operation shall be limited to those between seven (7) a.m. and seven (7) p.m. An extension beyond these hours may be granted by the

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Planning Commission in accordance with the conditional use permit process in Section 1404.

- m. Home employment applies to operating Child Care Homes that serve up to twelve (12) children. *0810HC269 12/8/08

819.04 Home employment is conditional in accordance with the process outlined in Section 1404. Applications for home employment, regardless of the zone, shall first be subject to the following administrative process:

- a. The application shall be filed with the Zoning Officer on forms provided by the Zoning Office. All information required for evaluation of the application in accordance with the standards of this part shall be supplied and the applicant shall remit the fee established for such permits. No application shall be deemed filed until submission requirements are complete and found to be acceptable by the Zoning Office.
- b. The reasons for disapproval of any application and the conditions attached to approval of any permit shall be stated in writing.
- c. Approval of a home employment use shall be revocable on the order of the Zoning Officer at any time because of the failure of the owner or operator of the use covered by the approval to observe all requirements of law with respect to the maintenance and conduct of the use and all conditions imposed in connection with the approval.
- d. Approval of a home employment use shall stand revoked, without any action by the Zoning Officer, if the use authorized has been intentionally abandoned, has ceased for a period of one year, or has not commenced within one year of approval.

819.05 Rural home business. When permitted, rural home businesses shall meet the following minimum standards:

- a. The business shall be allowed one unlighted facade or unlighted freestanding sign not to exceed four (4) square feet in area, nor five (5) feet in height, and which must be set back at least five (5) feet from all property lines. No other signs shall be permitted, except where required by state law.
- b. No more than two (2) employees, who are not a resident in the dwelling unit, shall be permitted.
- c. Auto wrecking, as defined in Section 203, shall not be considered a rural home business.

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- d. The area of the dwelling unit devoted to the business shall not exceed twenty-five (25) percent of the dwelling's gross floor area or 600 square feet whichever is greater. The area of accessory buildings devoted to the business shall not count against this sum.
- e. Accessory buildings remain subject to the requirements of Section 815.
- f. The area of the lot used for parking shall not exceed two thousand (2,000) square feet.
- g. Hours of operation shall be limited to those between seven (7) a.m. and seven (7) p.m. An extension beyond these hours may be granted by the Planning Commission in accordance with the conditional use permit process in Section 1404.
- h. The lot on which such a business is conducted shall be at least three (3) acres in size.

819.06 Rural home business is a conditional use and shall only be allowed in accordance with the process outlined in section 1404.

820 - Drinking Establishments Requirements

820.01 Applicability

The general purpose and intent in regulating the location of commercial retail uses, which sell alcoholic beverages, is to provide minimum development standards designed to minimize the effects on health, safety, and public welfare.

820.02 Spacing Requirements

820.02.01 The spacing requirement for a liquor store except as otherwise provided in this subsection, no authority shall be granted to any person to manufacture, sell or store for sale any intoxicating liquor as specified in this chapter within one thousand (1000) feet of any church, school or daycare.

820.02.02 Whenever a business has been lawfully established and thereafter a church or school is established within a distance otherwise prohibited by this Section, the establishment of the church or school shall not be cause for the revocation of the business license or otherwise prevent the continuation of the business. *0901HC016 2/2/09

821 - Antique, Inoperable, Junked, and Nuisance Vehicles
*0810HC268 12/08/08

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821.01 Allowed Acts - The parking and storage of antique vehicles allowed in any property within the unincorporated County provided the following:

- a. The antique vehicle(s) is within a completely enclosed building.
- b. The antique vehicle(s) has been fully restored.
- c. The antique vehicle(s) is in the process of being restored. Antique vehicles in the process of being restored may be kept out of doors upon the premises of the owner for a period of up to twelve (12) months to allow the restoration to be completed. No antique vehicles may be stored in any front or side yard. If an antique vehicle(s) is stored on any backyard it has to be stored at least ten (10) feet from the property line. Antique vehicles must be stored on an adequately maintained surface and any antique vehicle(s) or component part thereof must be covered with a tarpaulin or custom cover, or is otherwise properly screened from public view.

821.02 Declared Nuisance

All junk and inoperable vehicles within the terms of this Code are hereby declared to be a public nuisance. No person in charge or control of any property within the unincorporated County, whether as owner, tenant, occupant, lessee or otherwise, shall park, store, leave or allow any junk or inoperable vehicle of any kind whether attended or not, on any property longer than ten (10) days.

*0810HC268 12/08/08

821.03 Exemptions

The following shall be exempt from the application of this Section:

- a. Junk Yards, not in violation of any Zoning Code of Harrison County.
- b. Vehicles stored in a place or depository maintained in a lawful place and manner by the County.
- c. Automobile dealerships provided that the business possesses a current, valid occupational license and the property is properly zoned and approved for the use.
- d. Automobile repair and maintenance shops, including repair, reconditioning or remodeling of vehicles, provided that the business possesses a current, valid occupational license and the property is zoned and approved for the use. *0810HC268 12/08/08

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822 - Fencing

*0902HC056 03/09/2009

822.01 The following standards shall apply to all fences -

- a. Fence height is measured from the ground level to the top of the fence. Posts may extend no more than eight (8) inches above the fence.
- b. A privacy fence shall not be taller than four feet in height that encloses a front yard or is placed adjacent to a street right-of-way.
- c. Constructed fences shall be no higher than eight (8) feet in height.
*2204HC074 05/09/22
- d. Fences are encouraged to be installed so that the finished sides face the adjacent property or arterial street. *2204HC074 05/09/22
- e. Fences adjacent to the street greater than four feet in height shall be placed at the building setback line.
- f. Fences placed on corner lots must maintain a clear view triangle for visibility at intersections of two streets, or at the intersection of an alley and street.
- g. Hedges shall not be planted in a public right-of-way. *2204HC074 05/09/22
- h. Berms topped with landscaping are considered fences.
- i. No drainage easement, public or private, shall be fenced or obstructed in any manner with a material that obstructs the free flow of water such as a chain link or rail, if the drainage is above ground.
- j. A gate shall be constructed in a fence along drainage and/or utility easements to allow ingress/egress for maintenance.
- k. Electrified, barbed wire, razor wire, and stockade fences are hereby prohibited in all zoning districts except when used in conjunction with an agricultural or industrial use.

822.02 Fencing as Screening of Trash Receptacles in Commercial Development

- a. Dumpsters within industrial and on commercial properties shall be screened with fencing that shall not be less than eight (8) feet if can be seen from a street.

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- b. Fencing shall contain hinges such as a latched gate that allow the fence to open out so that trash collectors can easily access the screened dumpster.
- c. This fencing shall be compatible with the design and color of the principle building and shall be kept free of advertising.

823 - Junkyard and Automobile Junk Area Screening *0905HC148 – 06/08/09

823.01 All materials defined in Junk Yard, Open Storage, and Automobile Junk Area shall be enclosed within fencing or walls so as to screen said items from view and in accordance with Section 823.02. *0905HC148 – 06/08/09

823.02 Automobile junk areas and junkyards shall be enclosed by a fence or wall no less than eight feet in height which provides visual screening. *0905HC148 – 06/08/09

- a. Fencing or wall shall consist of opaque fencing including wood slat, chain link with privacy slats, concrete, stone and/or brick material. *0905HC148 – 06/08/09
- b. Fencing or wall must be up kept and annually inspected by a junkyard proprietor to ensure the fence remains intact. *0905HC148 - 06/08/09
- c. Should the fence be broken, distorted, or malformed, the junkyard proprietor must repair the fence so as to appear the same or similar to its initial state. *0905HC148 – 06/08/09
- d. Fencing shall neutral in color. *0905HC148 – 06/08/09

823.02.01 Screening of automobile junk areas and junkyards is not required where there is pre-existing natural vegetation exists at least eight (8) feet in height and of sufficient depth to obscure view. *0905HC148 – 06/08/09

823.02.02 Screening of automobile junk areas and junkyards is not required between two or more directly adjacent automobile wrecking yards or junkyards. *0905HC148 – 06/08/09

823.02.03 Screening of automobile junk areas and junkyards is required on all sides that face residential areas, commercial areas, roadways, waterways, greenways, and areas intended for public use and recreation. *0905HC148 – 06/08/09

823.03 All junk and automobiles located within the junkyard or automobile junk areas must be fully contained within the fencing at all times except when in motion for the purposes of transport. *0905HC148 – 06/08/09

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Section 824 Reserved

Section 825 Reserved

826 - Animal Farming

826.01 Livestock farming is permitted on both family farms and concentrated feeding operations as explained in Section 415 Table of Uses. * 0810HC270 03/09/09

Section 827 Reserved

828 - Landscaping Standards *2201HC001 – 03/07/22

828.01 Purpose and Intent

The purpose of these Standards is to protect, maintain, and enhance the immediate and long-range health, safety, economic stability, and general welfare of the present and future citizens of Harrison County, Mississippi. These standards are enacted to provide for the enhancement, preservation and/or replacement of trees and vegetation (landscape) as part of land development and building construction.

828.02 Applicability of Landscape Standards

- a. These standards apply to each development site in the County Including:
 - New construction and/or development
 - Change of use and/or expansion of existing use
 - Any change in ownership or tenancy
 - Expansion of building area
- b. The Applicant is responsible for the installation of all landscape improvements shown on the approved Landscape Plan.
- c. No Certificate of Occupancy will be issued upon completion of any building or group of buildings or changes of occupancy of an existing building unless and until all landscape requirements conform to the requirements established by this code.
- d. Existing landscaping on sites with existing structures or areas suitable

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for landscaping shall not be reduced below the landscape requirements established in these Standards.

828.03 Landscape Plan Requirements

For all development requests requiring landscape, Landscape Plans and landscaping installed prior to requesting a Certificate of Occupancy from the Harrison County Code Office and must be submitted along with the following information. The plan shall be drawn to scale with a north arrow and any interpretative legends, and shall include elements listed below, as illustrated on Exhibit 1.

- a. Location, size, and type of planting material, existing and proposed.
- b. Location and description of other landscape improvements such as earth berms, walls, fences, screens, fountains, or similar items.
- c. Location of existing and proposed buildings, with parking lot layout.
- d. Location of all overhead and underground utilities (call 811 if necessary).

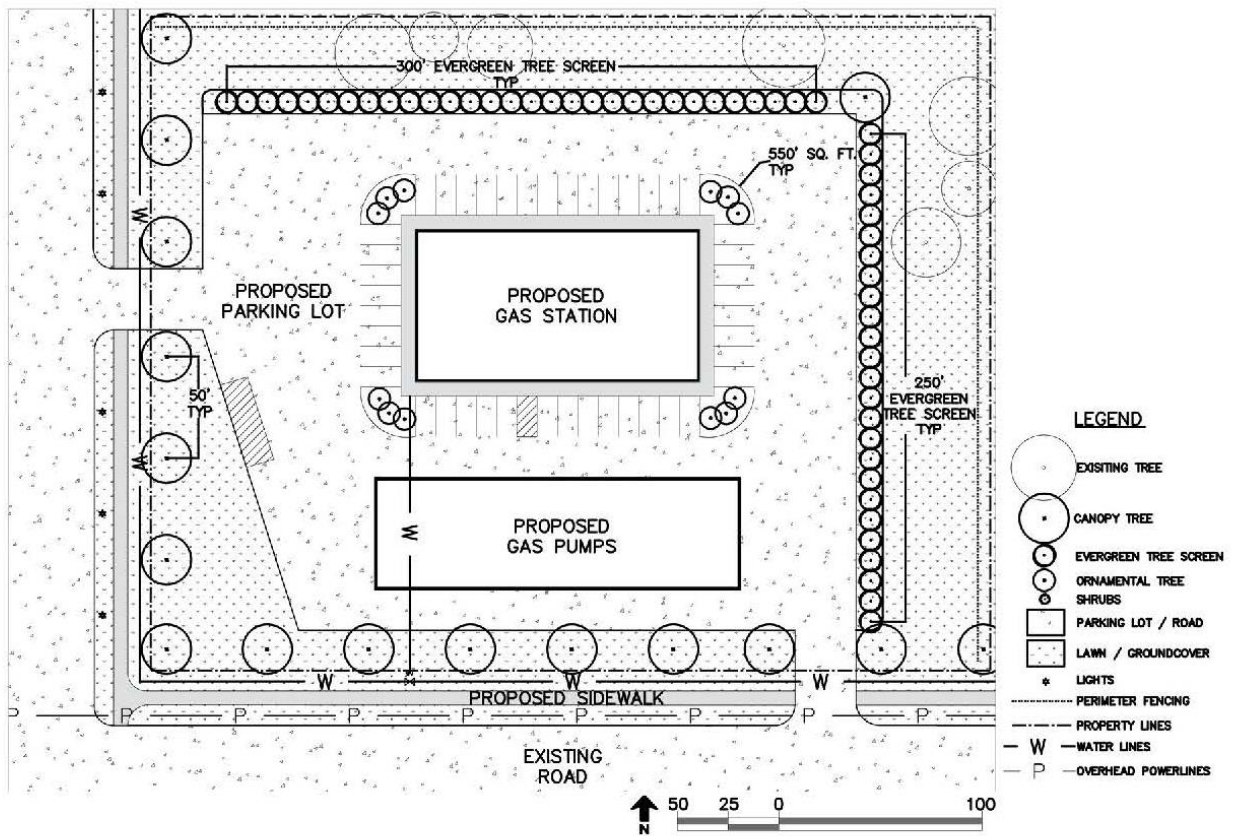


Exhibit 1

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828.04 General Commercial/Industrial Landscape Standards

All required landscaped areas shall be covered with living plant material. The landscaping for every development shall consist of a combination of three or more of the following types of planting materials including, but not limited to grass, trees, shrubs, ground cover, and/or other forms of plant material. Additional landscape standards including a recommended plant palette can be found in the Recommended Landscape Management Plan – Article #X.

Trees:

- a. Canopy trees should be approximately one inch (1") in caliper as measured twelve inches (12") above natural soil level and six feet (6') in height at time of planting. Canopy trees, measured from the center point of tree, shall be placed a minimum of ten feet (10') from back of curb, sidewalks, utility lines, screening walls and/or other structures.
- b. Ornamental trees may be substituted for canopy trees at the rate of two ornamental trees for each canopy tree. Ornamental trees should be approximately one-inch (1") caliper at the time of planting. This substitution shall not be allowed for required street trees.
- c. Screening/evergreen trees such as conifers intended for screening will have a minimum height of five feet (5') at the time of planting. Evergreen shrubs intended for required screening shall be a minimum of seven gallons (7 gal.) and be capable of attaining six feet (6') in height in two growing seasons.

Note: No single species of trees (canopy tree, ornamental tree, or screening/evergreen tree) shall represent more than 30 percent of the respective tree requirement except for street trees. Street trees shall be limited to two species along Hwy 67 and Hwy 49.

Shrubs and Ornamental Grasses:

- a. Shrubs other than dwarf variety shall be a minimum of two feet (2') in height when measured immediately after planting. A screening hedge, where required, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen that will be three feet (3') in height within one (1) year after planting or a minimum of two feet (2') in height at the time of planting.
- b. Groundcover: Grass may be sodded, plugged or sprigged except that solid sod shall be used in swales, berms or other areas subject to erosion (storm water permit).

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828.05 Tree Preservation Credit

To preserve a protected tree on-site, the Administrator may authorize up to a ten percent reduction in the required number of parking spaces or ten percent compact parking spaces, through the Administrative Modifications process, if the Administrator determines that reduction in the number or size of certain parking spaces could preserve a protected tree that would otherwise be removed to provide for required parking.

- a. One (1) preserved tree of at least four (4) inch trunk shall count as two (2) trees. The preserved tree must be of high quality and in a healthy state.
- b. Existing, healthy trees that are to remain in a living and growing condition may be used to satisfy the tree planting requirements. The Administrator shall consider the location, type and size of trees, their health, and the degree of protection received both during and after construction. Any credits for existing trees shall be indicated on the Landscape Plan.
- c. Credit for existing trees shall be revoked if such trees are damaged due to, among other things, construction, broken branches, soil compaction or soil cut/fill.

828.06 Vehicular Use Areas Perimeter (Front and Side) Requirements

- a. A landscape buffer of at least five (5) feet in width shall be installed around the perimeter of all vehicular use areas that abut the public right-of-way. The landscape buffer area shall consist of living trees, turf, or other living ground cover shall be provided adjacent/parallel to the right-of-way on all properties.
- b. Street tree requirements. In addition, the planting of one (I) large tree shall be required for every fifty (50) linear feet of right-of-way frontage, or one (I) small tree for every thirty-five (35) linear feet of right-of way frontage within the perimeter landscape area. Trees must be planted so that, at maturity, they will not intersect overhead power lines. Trees planted for the purpose of complying with the perimeter landscaping requirements shall not be counted for compliance with the interior landscaping requirements. See Exhibit 2.

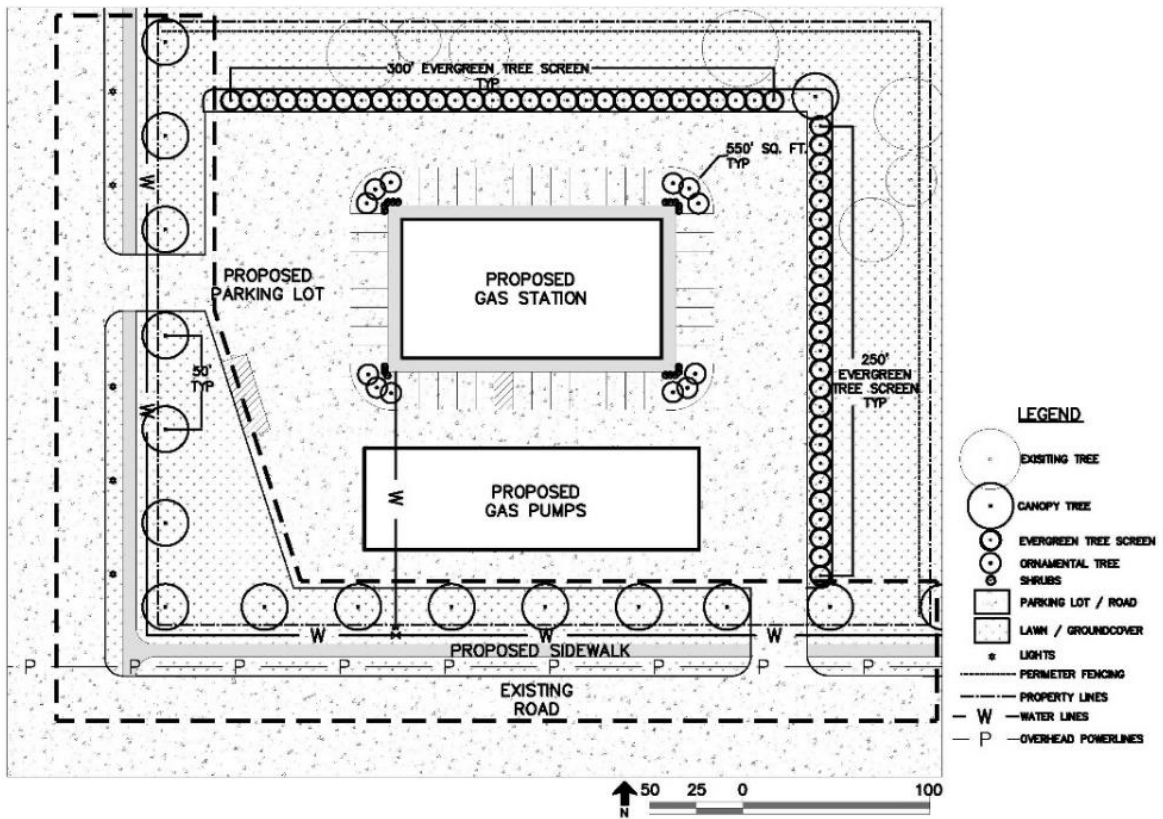


Exhibit 2

- c. Landscape for buffer- Unless other requirements are outlined in the Code, any use requiring buffer planting shall comply with the following standards:
 - i. The area shall be completely screened from the street and from adjacent properties by a fence in accordance with Sections 416.05 and 822.
 - ii. Where appropriate, buffer planting shall be provided in sufficient density and of sufficient height to afford protection from the glare of lights, from blowing paper, dust and debris, from visual encroachment, and to effectively reduce the transmission of noise.
 - iii. The initial height of the planting must be a minimum of four (4) feet and of such a variety that the vegetation will grow to a minimum height of seven (7) feet within twenty-four (24) months of planting.

Harrison County, Mississippi Unified Development Code

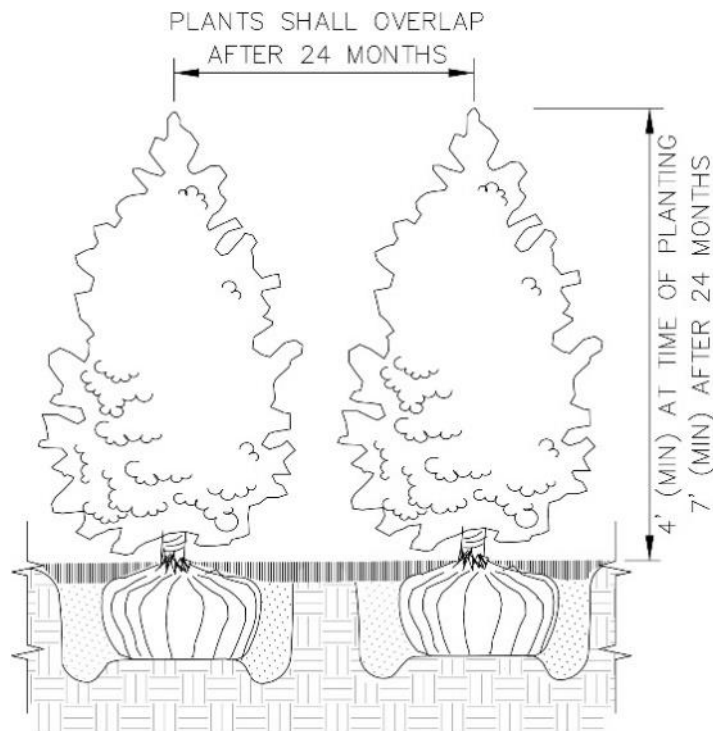


Exhibit 3

828.07 Vehicular Use Areas Interior Requirements

The following shall apply to the interior areas of off-street vehicular use areas and as shown in Exhibit 4:

- a. Such landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and provide visual and environmental relief/heat abatement and interest.
- b. The planting of one (1) tree shall be required for every twenty (20) off-street parking spaces with a minimum of one tree for uses with less than 20 spaces. All newly planted trees shall be planted in a permeable area of at least nine (9) square feet, total permeable area, for small trees and thirty- six (36) square feet, total permeable area, for large trees.
- c. Parking areas shall be organized as a series of parking bays with landscape islands separating them. The islands shall be placed either at the end of a parking aisle or between double-loaded parking rows. The islands shall meet the following dimension requirement: five (5) feet wide by eighteen (18) feet for single loaded parking rows or thirty- six (36) feet for double-loaded parking rows. Islands may be bio swales that aid in storm water retention.

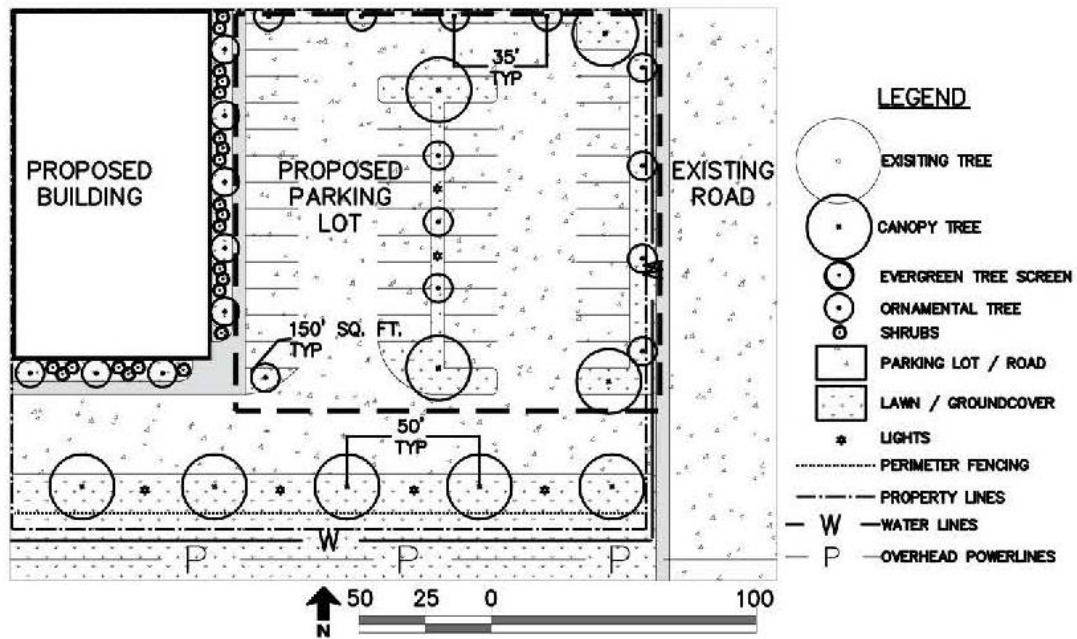


Exhibit 4

828.08 Building Foundation/Entry Transition Zone Requirements

- a. A minimum of five (5) percent of the total site shall be landscaped, with the majority of the landscaping being in the eight (8) feet in front of the building or structure as shown in Exhibit 5.
- b. All landscaped areas shall be completely covered with live turf or ground cover.

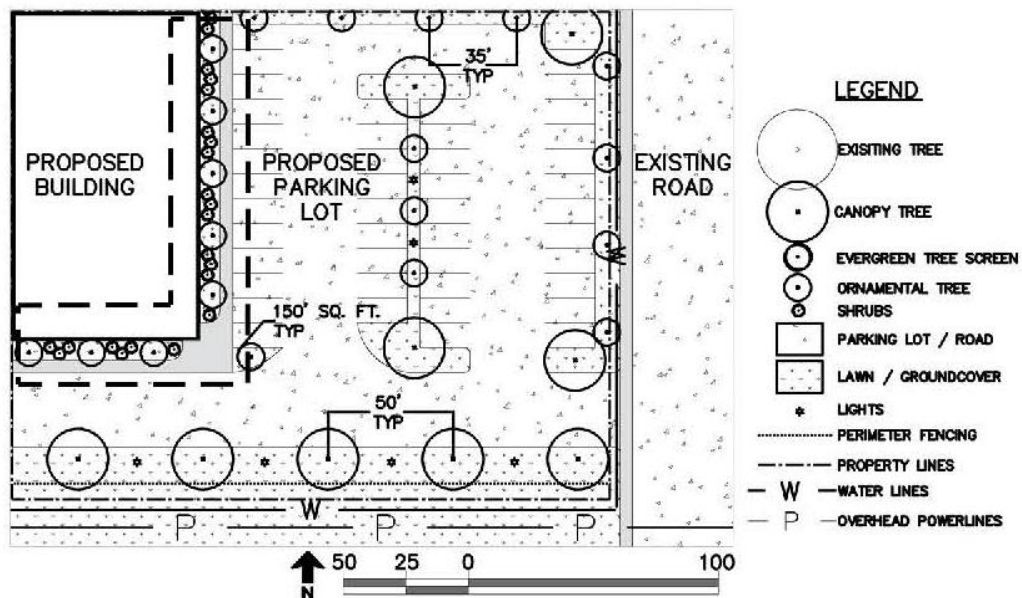


Exhibit 5

Harrison County, Mississippi Unified Development Code

828.09 Site Improvements, Landscape Installation and Maintenance

- a. Trees, large shrubs and groundcover shall be installed and adequately supported, when necessary, to ensure proper growth, as illustrated on Exhibit 6.

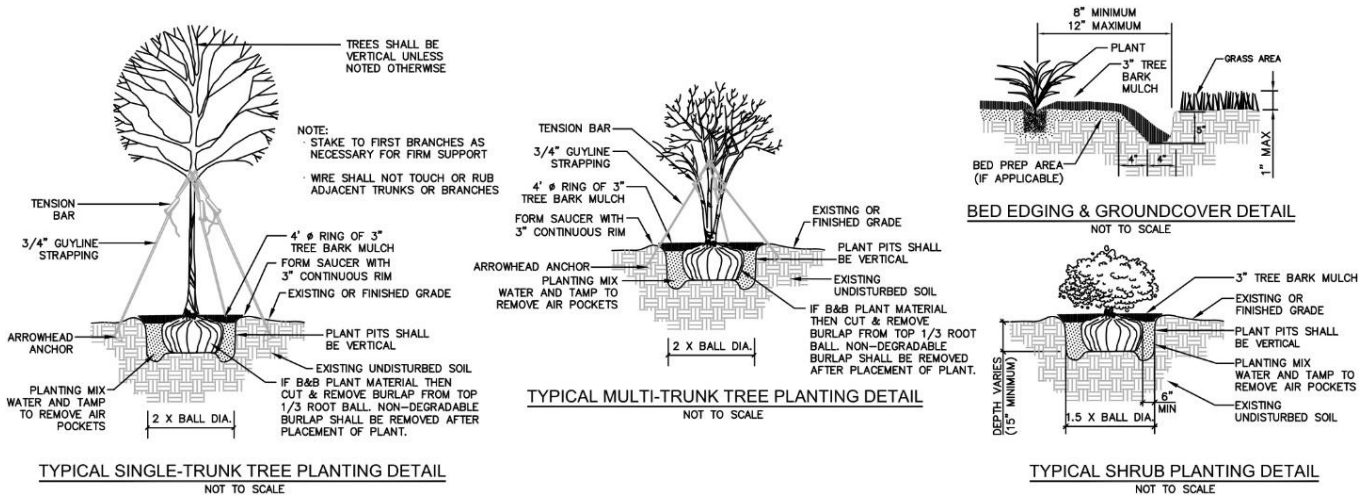
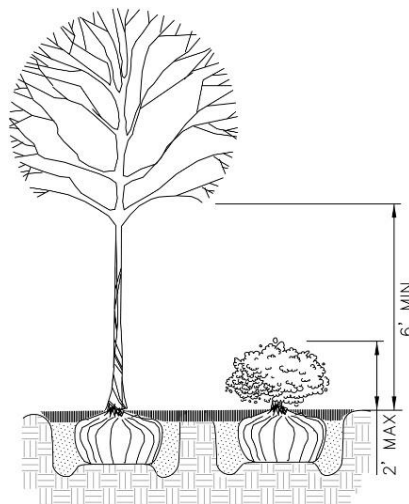


Exhibit 6

- b. The maximum growth height of any shrubs and groundcover within the site triangle shall be two feet (2'-0") in height. All trees shall have a clear trunk (CT) of six feet (6'-0"), or the lowest branch shall be six feet (6'-0") measured above finished grade/grade of top of curb as shown in Exhibit 7.



- c. Ongoing maintenance of all landscaping is the responsibility of the property owner(s). The owner, property manager, tenant and their agent, if any, shall be jointly responsible for the maintenance of all required landscaping. All required landscaping shall be maintained in a healthy and growing condition as is appropriate for the current season. This shall include mowing, edging, pruning, fertilizing, watering, weeding, and other

Harrison County, Mississippi Unified Development Code

such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds and other such material or plants not a part of the landscaping. Plant materials which die shall be replaced with plant material of similar variety and size of materials that died within 30 days or as approved by the Administrator due to weather conditions.

828.10 Single Family Residential Use Tree Requirements

- a. Each lot developed for single-household residential use shall have at least three (3) approximately one (1) inch caliper trees on the property, as illustrated on Exhibit 8.
- b. The planting of fruit and nut trees is encouraged, because of their importance in regard to local food access. Additionally, the keeping of quality existing native trees with a caliper of three (3) inches or more. One (1) fruit or nut tree or each existing tree will count as two (2) trees toward the required three (3), leaving only one remaining tree to be planted. Recommended fruit and nut trees include citrus, peach, pear, plum, pecan, and persimmons. One canopy tree will also count as two (2) trees toward the required three (3).
- c. No tree shall be planted any closer to a structure than a distance equal to 10'.

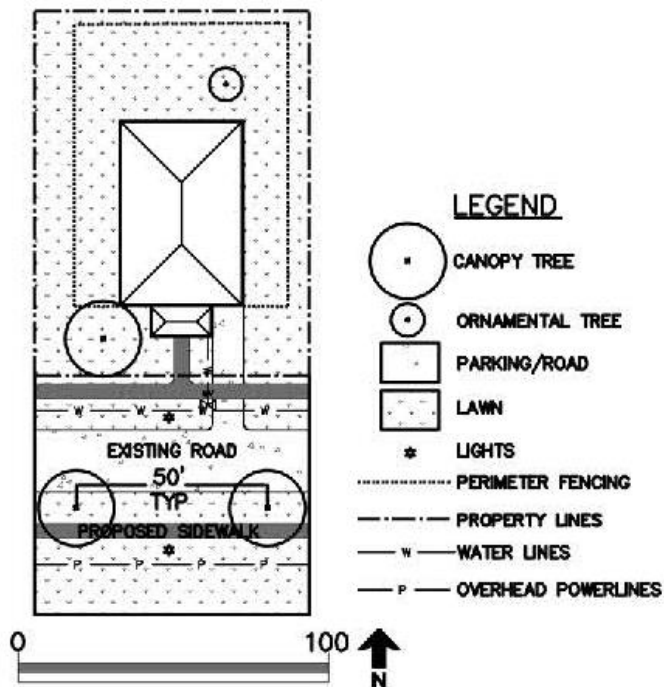


Exhibit 8

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828.11 Multi-Family Residential and Non-Residential Use Tree Requirement

- a. In addition to vehicular use areas landscaping requirements addressed in Sections 828.06, 828.07, and 828.08, each non-residential site is required to have at least two (2) trees per acre as shown in Exhibit 9.
- b. If the lot is smaller than one (1) acre, the lot must have two (2) trees.

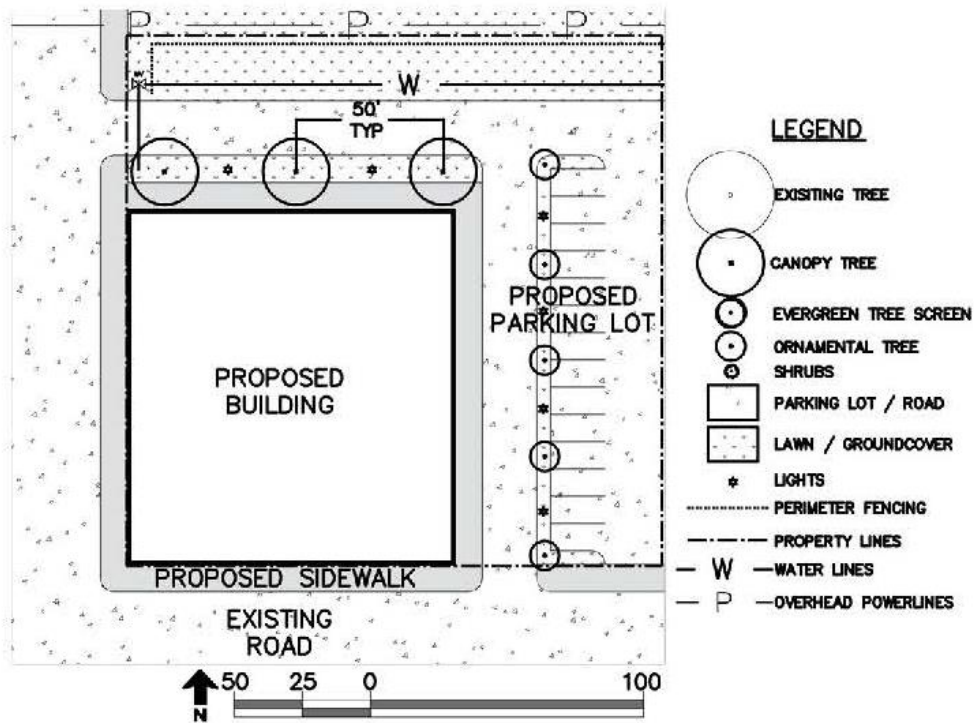


Exhibit 9

828.12 Standards for Highways 49, 67 and 605

- a. Vehicular Use Areas Perimeter Requirements. A landscape buffer of at least Eight (8) feet in width shall be installed around the perimeter of all vehicular use areas that abut the public right-of-way.
- b. In addition, the planting of one (1) large tree of the species Southern Magnolia (*Magnolia grandiflora*) or Live Oak (*Quercus virginiana*) shall be required for every sixty (60) linear feet of right-of-way frontage.
- c. Trees must be planted so that, at maturity, they will not intersect overhead power lines. Trees planted for the purpose of complying with the perimeter landscaping requirements shall not be counted for compliance with the interior landscaping requirements.
- d. Large tree planting areas must have a minimum of 36 square feet (6 feet x 6 feet) of open planting area (unpaved) in order to protect the root system of the trees and covered with turf.

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829 - Solar and Wind Energy Systems Code

829.01 Solar Energy Systems

829.01.01 Systems mounted on rooftops shall not extend more than five (5) feet higher than the roof to which it is affixed.

829.01.02 Solar integrated roofing panels shall be permitted.

829.01.03 Systems mounted on the ground or attached to accessory buildings -

- a. Shall not cover more than five (5) percent of the front lot.
- b. Shall comply with accessory structure setbacks required in the zoning district
- c. Shall be limited to twelve (12) feet in height when ground mounted, measured from the base to the highest point of the structure.
- d. Shall not cover more than twelve (12) percent of the total lot, ground coverage shall be measured from drip-line of solar panel.

829.01.04 Grounded mounted solar panels shall not be permitted within ten (10) feet of a dwelling.

829.01.05 Solar systems shall be placed such that they can receive sunlight between the hours of 10 a.m. and 3 p.m.

829.01.06 Inoperable, damaged, or non-conforming solar systems shall be removed or repaired within six (6) months.

829.02 Wind Energy Systems

829.02.01 All wind turbines ground-mounted to a pole or tower are subject to the following regulations:

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| Turbine Energy Production (kilowatts) | Maximum Structure Height (feet) | Districts Permitted | Setback Requirement |
|---------------------------------------|---------------------------------|--|---|
| < 3 | 40 | Residential Commercial/ Industrial/ Agriculture | Ten (10) feet from property line and occupied building. |
| 3 - 10 | 80 | Residential Commercial/ Industrial/ Agriculture | Setback from property line and occupied building must equal at least the height of the structure. |
| <100 | 175 | Commercial/ Industrial/ Agriculture | Setback from property line and occupied building must equal at least the height of the structure. |

- 829.02.02 One (1) wind turbine shall be permitted per lot by right.
- 829.02.03 Wind turbines mounted to structures other than ground-mounted poles or towers shall not exceed twenty-five (25) feet in height from the roof to the top of the turbine.
- 829.02.04 Turbine rotors shall not exceed ten (10) feet in diameter for roof mounted turbines.
- 829.02.05 All moving components of wind turbines must be a distance of 1.5 times the diameter of the blade in feet away from any roof structures, trees, cables, wires, etc.
- 829.02.06 All wind turbines must include a break that activates at winds greater than 40 mph
- 829.02.07 All wind turbines must be secured to a stable structure or ground with at least two (2) guy wires.
- 829.02.08 Wind systems shall not be permitted to operate where decibel levels are greater than 60 measured at the property line.
- 829.02.09 Wind turbines and accompanying structures shall not be lighted except where required by the FAA.
- 829.02.10 Inoperable, damaged, or non-conforming wind systems shall be removed or repaired within six (6) months. * 0811HC295
12/08/08

Harrison County, Mississippi Unified Development Code

830 - Lot Coverage Requirements

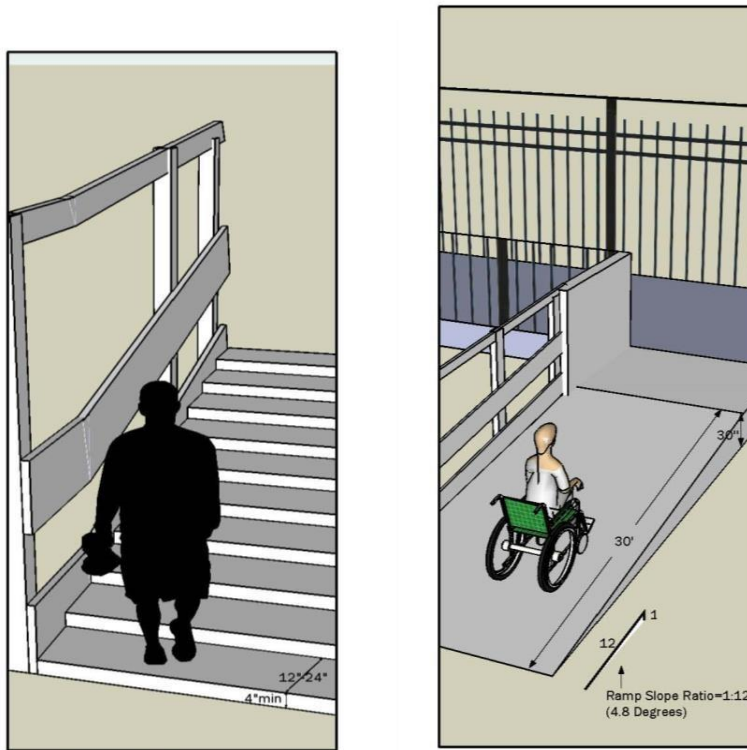
- 830.01 Lot Coverage worksheet to be included with building permits and land use applications to include the following:
1. The location and dimension of all building footprints including building foundations, eaves, overhangs, canopies, balconies, carports, driveways, swimming pools, etc.
 2. A summary table of all areas measured and their dimensions.
 3. The maximum coverage for the zoning district in which the property is located.
 4. The lot area and source of lot-area information.
 5. The proposed maximum lot coverage, shown as a percentage of lot area.
- 830.02 Scaled drawing demonstrating the percentage of lot coverage to be included in development proposals, applications, and building permits for new construction projects. * 0812HC328 1/12/09

831 - Accessible Design

The following requirements shall apply to all multifamily housing. It is the intent of this section to allow the creation of multifamily that is accessible and requires low physical effort to access the dwelling. *0902HC051 02/02/09

- 831.01 Accessible Design Standards. All ground floor units, but not less than thirty (30) percent of the dwelling units shall meet the following standards:
- 831.01.01 The entrance shall be one (1) foot or more above grade and shall provide a zero step or low step entrance for the first floor of the dwelling(s).
- 831.01.02 Where the elevation requirement is more than five (5) feet above grade, the applicant may provide an alternative to a zero step entrance that creates an accessible entrance to the dwelling(s) to be approved by the Zoning Officer.
- 831.01.03 There shall be a zero-step route from the entrance of the dwelling to the parking lot servicing the dwelling.
- 831.01.04 The front door shall be a minimum of thirty-six (36) inches in width.
- 831.01.05 All entry doors shall provide a minimum of thirty-six (36) inches to provide maximum safety for maneuvering and turning movements.

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Multi-household dwellings shall provide either low step or ramps to thirty (30) percent or more of dwelling units.

832 - Green Development Standards

- 832.01 Purpose - In order to alleviate environmental impacts that typically occur with development projects, owners and/or developers shall choose from the options provided in 832.03 that contain ways for conserving energy, promoting a healthy landscape, supporting public health and safety, and increasing sustainability.
- 832.02 Applicability - The point system applies to the following districts: O-1, C-1, C-2, C-3, C-4, I-1, I-2, the Education Institutions District, and the Waterfront Special Use District. For point requirements, see respective section.
- 832.03 Green Development Point Requirement - Development must achieve points listed in Table 832.04
- 12 points are required for all development in the O-1, C-1, C-2, I-1 and I-2 Districts.
 - 18 points are required for all development in the C-3, C-4, and Waterfront Districts.

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Table 832.04 Green Development Points

| Green Element | Specifications | Points |
|---------------------------------|--|--|
| Efficient Cooling | All air conditioners are Energy Star qualified. | 2 points |
| Efficient Water Heating | At least seventy-five (75) percent of hot water on premises is heated via tankless water heaters or solar water heaters. | 2 points |
| Gray Water Reuse | Water used for dish, shower, sink, and/or laundry purposes is reused for landscape or golf course irrigation. Master Plan must indicate how this will be accomplished. | 2 points |
| Green Building | The principal building meets or exceeds LEED certification for new construction. For sites with more than one building, points may be awarded for each building (excluding accessory buildings). | 2 points LEED bronze; 4 points LEED silver; 6 points LEED gold; 8 points LEED platinum |
| Green Roof | At least fifty (50) percent of the total surface area of the principal building's roof must be a green roof. | 4 points |
| Herb or Vegetable Garden | A minimum of one-fourth (1/4) acre shall consist of an edible herb or vegetable garden. The garden may be open to the public. | 2 points |
| Infill or Mixed Use Development | The Zoning Office has determined that the project qualifies as infill development and/or mixed-use development. | 4 points |
| Hurricane Resistant Structures | The principle building is constructed to meet increases wind loads. | 4 points for 150 mph; 8 points for 200 mph |

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| | | |
|---|--|---|
| Landscaped and Tree-Lined Street Median | A five (5) foot landscaped median between the ingress and egress lanes of all non-service drives. The median shall contain magnolia, pine, river birch, and/or oak trees that are spaced no farther apart than fifty (50) feet. | 2 points |
| Nature Trail | Minimum of one-fourth (1/4) mile of trail that provides public access to natural elements per every one hundred fifty thousand (150,000) square feet of building development. Trail shall not intrude on or unduly harm existing natural features. | 1 point |
| Overhangs | Overhangs are present on all south windows for energy efficiency purposes. | 2 points. |
| Permeable Surfaces Parking | At least twenty-five (25) percent of surface parking areas consist of permeable materials. Additional points available for areas over fifty (50) percent. | 2 points for twenty-five (25) percent; 4 points for fifty (50) percent or greater |
| Permeable Surfaces - Sidewalks | All sidewalks consist of pervious or natural materials. | 2 points |
| Permeable Surfaces - Trails | The nature trail (above) consists of pervious or natural materials. | 1 point |
| Public Garage | A public garage must contain at least seventy-five (75) percent of the total parking spaces for the site. | 2 points |
| Public Garage, Green | At least fifty (50) percent of the total surface area of the top of the public garage roof must be a green roof. | 4 points |
| Rain Gardens [Bioretention System] | The system shall be a minimum of one-hundred (100) sq. ft. and sized between five (5) and ten (10) percent of the impervious area draining to it. It shall be designed with native plants and contain a soil bed that is a sand/soil matrix, with a mulch layer above the soil bed. The garden should be designed to pond a small amount of water (6-9 inches) above the filter bed. [Environmental Protection Agency] | 1 point per rain garden; maximum of 4 points |

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| | | |
|------------------|--|------------------|
| Rain Water Reuse | Rain water is captured and recycled for landscape or golf course irrigation. Master Plan must indicate how this will be accomplished. | 2 points |
| Trawler Dock | Provided that the water depth is sufficient for such use, the plan will provide an area for a shrimp/oyster boat to dock for the purposes of providing fresh, local seafood to casino-resort patrons. | 2 points |
| Skylights | The primary building is constructed with skylights that provide for at least ten percent (10%) of the light necessary to operate the story on which the skylights are located. | 1 point |
| Solar Panels | At least five (5) percent of the energy used by the primary building must be generated using solar panels located on site in accordance with Section 829 Solar and Wind Energy Systems. | 4 points |
| White Roof | Paint all roof surfaces white. [Green roofs are exempt from this provision.] | 2 point |
| Wind Turbines | At least five (5) percent of the energy used by the primary building must be generated using wind turbines located on site, in accordance with Section 829 Solar and Wind Energy Systems. | 4 points |
| Other | Other green features that conserve energy, promote a healthy landscape, support public health and safety, or increase sustainability may qualify for points at the discretion of the Zoning Officer or his/her representative. | 6 points maximum |

833 - Subdivisions and Private Access

833.01 Subdivision, 6 lots or more; requires a Conditional Use Permit in the E-1, R-1, R-2 and R-3 districts. *1010HC169 11/09/10

833.02 Subdivision, with a private access easement, 2 lots or more; require a conditional Use Permit in the A-1, E-1, R-1 and R-2. *1010HC169 11/09/10

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834 - Short Term Rentals *2011HC186 - 08/02/21

834.01 Applicability

Short term rentals refer to the commercial use of a residence by vacationing guests for a period of less than 30 days. Many short-term rental units are single family residences situated in subdivisions or neighborhoods. To date, single family houses throughout Harrison County are built to “Owner Occupied” standards as described in the adopted International Building Code (IBC). No houses or duplexes built to “Lodging House (Transient)” minimum standards of the IBC which would potentially allow an occupancy of more than 10 overnight guests shall be permitted to be used as a vacation rental. Vacation rentals shall be used in a way that minimizes potential nuisances to neighbors such as noise, off premises overflow parking, overflow garbage and activities otherwise not consistent with what typically occurs in the neighborhood. A short-term rental unit is not a boarding home, personal care home, banquet hall, resort, private club, a place for parties or receptions. All of these uses are allowed in various zoning districts and have different use categories. The following is the minimum list of requirements necessary to obtain a Harrison County Tax Privilege “Business” License and Short-Term Rental Permit. Violations of this section will be issued a Cease and Desist Order as described in Section 1409 of the Unified Development Code.

Short Term Rental Permit and the County Tax Privilege “Business” License application must be made by the by the owner of the property. All applications shall include the following: *2011HC186 – 08/02/21

- a. Site plan of the subject property, drawn to scale, showing the unit being rented, the on premises parking spaces (one car for every two overnight guests) with a description of maximum overnight occupancy for the unit including the number of full bathrooms and bedrooms. The maximum is 10 or 16. The site plan shall reflect that the unit is equipped with the recommended number of smoke and carbon monoxide detectors.
*2011HC186 - 08/02/21
- b. Provide contact information for the property management person, who must be available within 50 miles of the unit. *2011HC186 - 08/02/21
- c. Provide contract receipt for an additional garbage receptacle. *2011HC186 - 08/02/21
- d. Provide Mississippi sales tax ID number and proof of registration of the Short-Term Rental with the Mississippi Tax Commission to demonstrate compliance with Mississippi Room Taxes. *2011HC186- 08/02/21
- e. Provide a copy of the rules of the house that are given to renters.
*2011HC186 - 08/02/21

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- f. No signage of any kind advertising rentals shall be allowed on premises.
*2011HC186 - 08/02/21

ARTICLE IX – SCENIC BY WAY SIGN REGULATIONS Hwy 67 & 605

Article IX. Sign Regulations

900 – Sign Regulations

The purpose of this section is to accommodate the advertising needs of businesses in a manner that protects the health, safety, and welfare of the entire community.

In keeping with this purpose and intent, this Article is designed to permit signs that will not, by their, size, location, construction, or manner of display, endanger the public safety of individuals, confuse, mislead, or obstruct the vision necessary for traffic safety, or otherwise endanger public health, safety, and morals; and to permit and regulate signs in such a manner as to support and complement land-use objectives in such a fashion that high standards for the visual environment within all areas of the county are developed and maintained. *1512HC170 – 03/07/16

901 – Applicability

A sign may be erected, placed, established, painted, created or maintained only in conformance with the standards, procedures, exemptions, and other requirements of this Section and all other applicable laws, ordinances, and regulations. *1512HC170 – 03/07/16

902 – (Intentionally left blank)

903 – Prohibited Signs

All signs not expressly permitted under this Section or exempt from regulation hereunder in accordance with the previous Sections of this Section are prohibited in all districts. Such signs include, but are not limited to: *1512HC170 – 03/07/16

903.01 Beacons or strobe lights

903.02 A vehicle that:

903.02.01 Is not principally used as a mode of transportation for business purposes;

903.02.02 Is conspicuously parked or located on a lot or public right-of-way; and/or

903.02.03 Is principally used as a business or advertising device, provided, however, that this provision shall not apply to licensed, mobile vendors.

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903.03 A sign advertising or identifying a business which is no longer operating; any sign accessory or incidental to a business shall be removed within thirty (30) days after the business ceases to operate;

903.04 Any sign fastened to public property (unless authorized by a public agency), a utility pole, a tree, or a fence *1512HC170 – 03/07/16

Any sign fastened to property or erected on property without the permission of the owner of the property

903.05 Balloon or inflatable signs *1512HC170 – 03/07/16

903.06 No sign shall be placed on a vehicle or trailer which is parked or located for the primary purpose of displaying said sign. *1512HC170 – 03/07/16

903.07 Pole signs (other than signs within one-quarter (1/8) of a mile of Interstate 10 or Hwy 49) *1512HC170 – 03/07/16

903.08 No sign is allowed in the public right-of-way *1512HC170 - 03/07/16

903.09 No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision, or at any location it may interfere with or obstruct the view of traffic sight lines or traffic control devices. *1512HC170 – 03/07/16

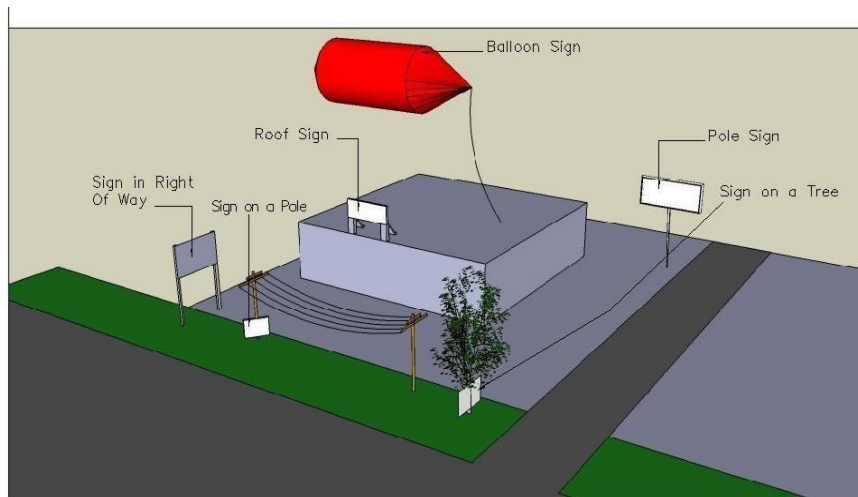


Figure. The above graphic provides examples of prohibited signs including: signs in the right-of-way, signs on utility poles and trees, balloon signs, signs on roofs, and freestanding pole signs. *1512HC170 – 03/07/16

904 –Permit Required for Signs

904.01 The applicant for a sign permit shall submit a set of plans including a plot plan showing the location of the proposed sign and demonstrating compliance with the provisions of this Ordinance for the proposed sign. *1512HC170 – 03/07/16

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- a. This shall include the name, address, and telephone number of the property owner and, if different, the owner of the sign that will be erected. *1512HC170 – 03/07/16
- b. The address of the property where the sign will be erected. *1512HC170 – 03/07/16
- c. Signature(s) of the property owner. *1512HC170 – 03/07/16
- d. Location of the sign(s) on the property in relation to public rights of way, lot lines, setbacks, buildings, sidewalks, streets, zoning districts, distance to other existing billboards, and intersections. *1512HC170 – 03/07/16
- e. Description of structural design and construction materials of the sign and sign structure shall be included. *1512HC170 – 03/07/16
- f. Drawings of the proposed sign which shall contain specifications indicating height, perimeter, and area dimensions, means of support, methods of illumination if any, and any other significant aspect of the proposed sign. *1512HC170 – 03/07/16

905 – (intentionally left blank)

906 – On-Premise Sign Standards
*1512HC170 – 03/07/16

906.01 Sign Requirements for Commercial, Industrial, Institutional, Mixed Use, Multiple Household and Office Development. *1512HC170 – 03/07/16

The following standards shall apply to commercial, industrial, mixed use, multiple household (four or more units) and office development.
*1512HC170 – 03/07/16

906.02 Wall Signs

906.02.01 The total area of wall signage shall not exceed two (2) square foot of sign for every one (1) linear foot of building frontage. *1512HC170 – 03/07/16

906.02.02 All wall signs must be adjacent to a street or major interior drive. *1512HC170 – 03/07/16

906.02.03 No wall sign attached to a building may project more than one foot from the building wall. *1512HC170 – 03/07/16

906.02.04 A canopy sign may be substituted for a wall sign. *1512HC170 – 03/07/16

Harrison County, Mississippi Unified Development Code

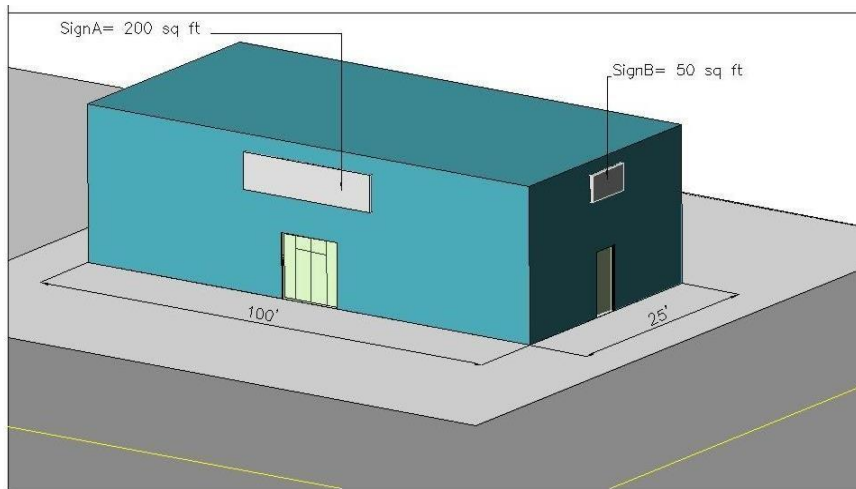


Figure. Wall signs are permitted on each wall of a building facing a street or major interior drive. Two (2) square feet of sign area are permitted for every one (1) linear foot of building frontage. *1512HC170 – 03/07/16

906.03 Freestanding Signs

906.03.01 One (1) freestanding sign is allowed per street frontage of the development, up to two (2) freestanding monument signs with a total square footage based on the formula in Section 906.03.04. *1512HC170 – 03/07/16

- a. Freestanding signs shall be a maximum of fifteen (15) feet in height and ground mounted as a monument sign. A portable sign may be substituted for a monument sign with a maximum sign area of thirty-two (32) square feet. *1512HC170 – 03/07/16
- b. A maximum height of fifty (50) feet is allowed within one-quarter (1/8) of a mile from Interstate 10 or Hwy 49 measured from the property line. Freestanding signs within one-quarter (1/8) of a mile from Interstate 10 or Hwy 49 may be a pole or monument sign. *1512HC170 – 03/07/16

Allowable Freestanding Signage:

| Floor Area of Building | Allowable Freestanding Signage |
|--------------------------|---|
| 0-1,500 square feet | 32 square feet |
| 1,501-5,000 square feet | 32 square feet plus 1 square foot per each additional 50 square feet over 1,501 |
| 5,000-30,000 square feet | 90 square feet plus 1 square foot per each additional 500 square feet of floor area over 5,001. |
| Over 30,001 square feet | 150 square feet plus 1 square foot per each additional 1,000 square feet of floor area over 30,001 up to a maximum size of 300 square feet. |

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*In computing allowable sign size, only the footprint of the structure can be used. The floor area of fuel stations and drive-thru canopies cannot be applied toward the freestanding sign allowance. *1512HC170 – 03/07/16

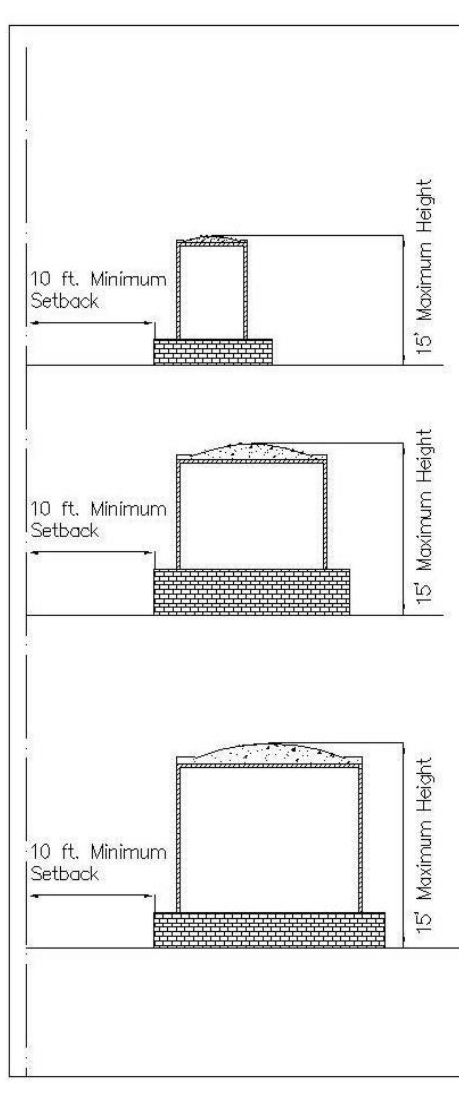


Figure. Freestanding signs must be setback 10 feet from the property line and a maximum of 15 feet in height. The allowable size is based on the table is 906.03. *1512HC170 – 03/07/16

906.03.02

Any freestanding sign must be separated from any other freestanding sign on any adjoining parcel by at least twenty-five (25) feet, or from any other freestanding sign on the same lot by at least fifty (50) feet, measured horizontally along the ground from the base of one sign to the base of the other. Where it is impracticable to comply with this requirement, separation shall be reduced to the largest number less than the required distance that will allow conformance with the separation requirement. *1512HC170 – 03/07/16

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906.03.03 The leading edge of all freestanding signs shall be setback a minimum of ten (10) feet from the street right-of-way. *1512HC170 – 03/07/16

906.03.04 For double-faced signs, each sign face can have the maximum square footage allowed. *1512HC170 – 03/07/16

a. Where two (2) freestanding signs are permitted each permitted sign shall be allowed to have the maximum square footage based on the formula in Section 906.01. In addition, the sign area allowed may be transferred from one (1) sign to another; provided that no free-standing sign shall exceed three hundred (300) square feet in area. *1512HC170 – 03/07/16

b. Where two (2) freestanding signs are permitted, the signs may be erected on the same street frontage. *1512HC170 - 03/07/16

c. Where the street frontage is less than fifty (50) feet the maximum sign size shall be not exceed thirty-two (32) square feet. *1512HC170 – 03/07/16

906.04 Sign Standards for Agricultural Signs

906.04.01 For lots of more than three (3) acres and having a road frontage in excess of four hundred (400) feet, one sign not exceeding thirty-two (32) square feet in area and no more than fifteen (15) feet in height may be erected per road frontage. The sign may be free standing or wall mounted. *1512HC170 – 03/07/16

906.05 Subdivision Entrance Signs

Residential subdivision which has an approved plat of record and more than ten (10) units may have a subdivision entrance sign. The entrance signs shall be monument signs and shall contain only the name of the subdivision. A maximum sign area of thirty-two (32) square feet is allowed. *1512HC170 – 03/07/16

908 – (intentionally left blank)

909 – Sign Illumination

909 .01 All signs shall comply with Section 809 Outdoor Lighting. *1512HC170 03/07/16

910 – (intentionally left blank)

911 – (intentionally left blank)

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ARTICLE X - SITE STANDARDS

1000 - Lots

- 1000.01 The development of land shall be such as to provide by means of Public Street, each lot with satisfactory access to an existing public street or road.
- 1000.02 Double frontage and reverse frontage lots are prohibited.
- 1000.03 Side-lot lines shall be substantially at right angles or radial to the street right-of-way line.

1001 - Blocks

- 1001.01 The length, width and shape of blocks shall be determined with due regard to:
 - a. Provision of adequate building sites suitable to the specific needs of the type of use contemplated.
 - b. Requirements of Section 416 as to lot sizes and dimensions.
 - c. Needs for convenient access, circulation, control and safety of street traffic.
 - d. Limitations and opportunities of the topography.
 - e. Proper fire and police protection.
- 1001.02 Lots shall be arranged in a contiguous pattern within blocks or abutting a cul-de-sac. For minor subdivisions, all lots shall be contiguous, and any new lots subdivided from a tract that has been previously subdivided shall adjoin the existing lot.
- 1001.03 Blocks to the interior of the subdivision shall have sufficient width to provide for two tiers of lots. One tier of required block width is permitted where required to separate residential development from arterial traffic, to separate lots from an incompatible use, to allow for unusual topographic conditions or when adjacent to the outer perimeter of the subdivision. Not more than two tiers of lots shall be provided for any block.
- 1001.04 Blocks within a development shall have an average length not exceeding four hundred (400) feet', with no block exceeding one thousand (1,000) feet' in length. Blocks shall have an average perimeter not exceeding one thousand two hundred (1,200) feet'; with no perimeter block exceeding one thousand six hundred (1,600) feet'. As a usual practice, block lengths shall not exceed 1,200 feet or be less than 300 feet; however, the County Engineer along with the Harrison County Planning Commission may elect to make exceptions in particular cases.
- 1001.05 When a block exceeds six hundred (600) feet' in length, the County Engineer or the Zoning Administrator may require pedestrian crosswalks not less than ten (10)

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feet' wide to provide circulation or access to schools, playgrounds, shopping centers, transportation and other facilities.

1002 – Connectivity

- 1002.01 Adjacent commercial and multi-family residential lots must be connected by direct lot-to-lot access for pedestrians and motorists.

1003 – Streets

- 1003.01 The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of land to be served by such streets.

- 1003.02 The arrangement of streets in a development shall either -

- a. Provide for the continuation of existing principle streets in surrounding areas; or
- b. Conform to a plan for area development approved or adopted by the Board of Supervisors to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.
- c. Conform to the major thoroughfare plan as may be in effect.

- 1003.03 Dead-end streets are prohibited except as stubs to permit future expansion of the street.

- 1003.04 Where a development abuts or contains as existing or proposed arterial street, the Board of Supervisors may elect to require marginal street access streets, deep lots with rear service alleyS, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. In cases where an arterial street fronts or passes through a commercial area and marginal access streets are required, facilities may be allowed to front the marginal access street.

- 1003.05 Where a development borders on or contains a railroad right-of-way or limited access or designated U. S. highway right-of-way, the Board of Supervisors shall require a minimum lot depth of one hundred seventy-five (175) feet on each lot that abuts such right-of-way.

- 1003.06 A tangent of at least one hundred (100) feet shall be introduced between reverse curves on arterial, major and collector streets.

- 1003.07 The horizontal and vertical alignment for all streets shall not be less than the following, except in cases of unusual topographic conditions -

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a. Horizontal Alignment - Centerline Radius

| | |
|---------------------------|------------------|
| Arterial and major street | 500 feet minimum |
| Collector Street | 300 feet minimum |
| Minor street | 100 feet minimum |

In case of any minor street with a delta angle within the range of sixty-five (65) degrees° to one hundred fifteen (115) degrees°, the centerline radius shall be such as to provide a minimum turning radius of twenty-five (25) feet’ at the inside curb line.

b. All changes in street grades shall be made with vertical curves that provide minimum sight distances of not less than the following, except in cases of unusual topographic conditions.

c.

| | |
|---|-------------------|
| Arterial and major streets with median | 500 feet’ minimum |
| Arterial and major streets without median | 800 feet’ minimum |
| Collector street | 300 feet’ minimum |
| Minor Street | 200 feet’ minimum |

Sight distances for vertical alignment shall be determined by measuring from a point four (4) feet above the roadway surface along a line of sight to a point four (4) inches above the roadway surface.

1003.08 The sight triangle dimensions specified in the following table are established for all developments.

| Distance “A” (in feet) | | Distance “B” (in feet) | | | |
|------------------------|-----------------|------------------------|-----------------|-----------------|----------|
| | | Local | Minor Collector | Major Collector | Arterial |
| 30 | Local | 30 | 100 | 120 | 130-150 |
| 100 | Minor Collector | 30 | 100 | 120 | 130-150 |
| 120 | Major Collector | 30 | 100 | 120 | 130-150 |
| 130-150 | Arterial | 30 | 100 | 120 | 130-150 |

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1003.09 Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than sixty (60) degrees°, unless otherwise approved by the Board of Supervisors.

1003.10 Half streets or streets with less than full right-of-way width shall be prohibited.

1003.11 The curb-line radius at street intersections where the angle of intersection is ninety (90) degrees or greater shall be at least twenty (20) feet. Where the angle of the street intersection is less than ninety (90) degrees, a longer radius may be required.

1003.12 Street right-of-way widths and paving width shall not be less than the following:

| Pavement Widths | | | |
|---------------------|----------------------|----------------------|---------------------------|
| Type of Street | Minimum Right of Way | Type I Development | Type II & III Development |
| | | Back to Back of Curb | |
| Arterial | 120' | 2-24' lanes & median | 2-24' lanes & median |
| Major | 80' | 49' | 48' |
| Collector | 60' | 40' | 24' |
| Minor | 50' | 27' | 20' |
| Frontage or service | 50' | 27' | 20' |
| Cul-de-sac Street | 50' | 27' | 20' |

1003.13 Cul-de-sacs may be permitted only where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic.

1003.14 Cul-de-sacs shall be provided at the closed end of a street with a turn-around having an outside roadway diameter of at least sixty (60) feet and a street property line diameter of at least ninety (90) feet. In a Type I and II development a cul-de-sac street shall not exceed six hundred (600) feet in length, measured from the street entrance to the center of the turn-around.

1003.14.1 The site plan or subdivision plat shall show a stub connecting the cul-de-sac to adjoining areas or parcels where future roadways are delineated in the thorough-fare plan or a recorded subdivision or site plan. The stub shall be improved as a pedestrian walkway, trail, or bikeway.

Harrison County, Mississippi Unified Development Code

1003.14.2 At least forty (40) percent of the bulb of the cul-de-sac shall be landscaped

1003.15 No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to approval of the Board of Supervisors.

1003.16 The County Engineer shall review all streets grades and materials.

1004 – Bicycle Lanes

1004.01 Bike lanes are required on all collector and arterial streets. Bike lanes may be included as individual bike lanes reserved for bicyclists, combined with trails, or striped as part of the street system. Bike lanes shall connect with any existing or projected bike lanes on abutting property. The right-of-way outside of the paved lane shall be graded to provide clearance from trees, poles, walls, fences, guardrails, or other lateral obstructions.

1004.02 Lane width for bike paths shall be at least ten (10) feet. Lane width for bike lanes which are included in street lanes with curbs and no on-street parking shall be at least five (5) feet. Lane width for bike lanes and bike routes which are included in street lanes with on-street parking shall be at least fourteen (14) feet combined bike lane and parking stall.

1005 – Alleys

1005.01 An alley shall be provided in commercial and industrial developments, except that the Board may elect to waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking, consistent with and adequate for the uses proposed.

1005.02 The width of an alley in commercial and/or industrial developments shall be a minimum of thirty (30) feet.

1005.03 Alley intersections and sharp changes in alignment shall be avoided, but, where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

1005.04 Dead-end alleys shall be avoided where possible, but if unavoidable, such alleys shall be provided with adequate turn-around facilities at dead-ends as determined by the County Engineer.

1005.05 This section applies to any subdivision plat, site plan, or development approval authorizing a single-family, duplex, triplex, or quadraplex structure.

1005.05.01 If the site is served by an alley, access for motor vehicles must be from the alley and not from a street frontage.

1005.05.02 Parking areas may not be located in the front setback. Parking may be provided in the rear yard, and access may be provided through

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alleys where the front yard is insufficient to accommodate a driveway.

1005.06 In residential areas, driveways and other paved surfaces shall not compromise more than fifty (50) percent of the front yard. Principal vehicular access from an alley is encouraged.

1005.07 Where alleys are used in residential areas, the width shall be a minimum of twenty (20) feet.

1006 – Easements

1006.01 Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least fifteen (15) feet wide at ground level with an additional six (6) foot wide overhang on each side from twelve (12) feet above the ground and up. Where possible easements shall be equally divided between abutting lots.

1006.02 Where easements intersect or sharp changes in alignment are necessary, corners shall be cut off sufficiently to permit equipment access, subject to the approval of the County Engineer.

1006.03 Every easement shall terminate at both ends upon a street, alley or other easement. The Board of Supervisors will permit dead-end easements where necessary upon review and approval.

1006.04 Where a development is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water right-of-way for drainage of not less than fifteen (15) feet in width, conforming substantially with the alignment of such water course, drainage way, channel or stream. Storm water easements for drainage may be of greater widths as determined by the County Engineer to accommodate anticipated storm flows, future construction and channel maintenance. No building, fence, poles or other obstruction shall be permitted within the drainage right-of-way. Fences and poles may be permitted along the edge of the drainage right-of-way. Bulkheads, concrete paving of drainage channels, or other appropriate methods to prevent erosion of drainage channel banks may be required by the Board of Supervisors.

1006.05 Crossing of overhead telephone and power lines shall provide for a vertical clearance of at least eighteen (18) feet above the pavement, or a minimum vertical clearance adopted by the National Electric Safety Code and the Mississippi Public Service Commission. Where possible under-ground utilities should be installed prior to the application of the final surface course on the roads of said subdivision. All utility trenches shall be thoroughly tamped upon being backfilled and maintained by refilling and retamping and settlement. Underground utilities paralleling the final surface course and said roads shall be located no closer than three (3) feet to the edge of said surface course and shall have a minimum cover of thirty-six (36) inches. After installation of final surface course on roads or streets is made, no underground crossing under said roads for utilities shall be made except after obtaining a permit from the Board of Supervisors.

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1007 – Medians

1007.01 Collector roads shall provide a landscaped median. The landscaped median shall have a minimum width of eight (8) feet

1008 - Public Sites and Open Spaces

1008.01 Due consideration shall be given to the allocation of suitable areas for schools, and other community facilities to be dedicated for public use.

1008.02 Due regard shall be shown for all natural features such as large trees, water courses, historic spots and similar county assets, which, if preserved, will add attractiveness and value to the property.

1008.03 Lakes, Ponds and similar areas will be accepted for maintenance only if sufficient space is dedicated as a public recreation area, or if such area constitutes a necessary part of the drainage control system. The Board must approve such areas.

1009 – Access Management

1009.01 Access connection will be defined according to the character of the roadway as defined by the countywide AADT map that the parcel abuts as set forth in the following charts.

| Harrison County Road Classification (MDOT classification) | Access point Spacing (Feet) Minimum | Access Clearance from corner or intersection (Minor Arterial or Minor Collector, or Local Street) | Access Clearance from corner or intersection (Interstate Highway or Other Principal Arterial or Major Collector) |
|---|-------------------------------------|---|--|
| Interstate Highway or Other Principal Arterial | 250 | 75 | 125 |
| Minor Arterial | 125 | 50 | 75 |
| Major Collector | 250 | 75 | 125 |
| Minor Collector | 125 | 50 | 75 |
| Local/Unclassified | 75 | 30 | 50 |

1009.02 Distance between driveways shall be measured from the nearest outside edge of one driveway to the adjacent driveway.

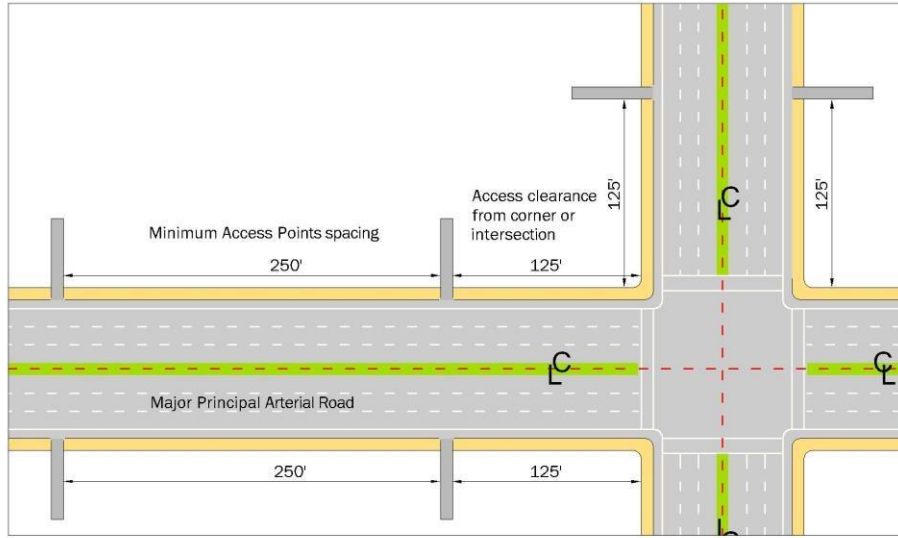
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- 1009.03 No more than (1) ingress/egress access point is permitted for properties with less than one hundred fifty (150) feet of frontage.
- 1009.04 Total width of all driveway access points for a road shall not exceed forty (40) percent of frontage.
- 1009.05 For properties with insufficient road frontage to satisfy the minimum spacing and access requirements, a joint or shared access point shall be given consideration with an adjacent property that shall meet the spacing and access requirements.
- 1009.06 For properties with insufficient frontage to meet the access clearance requirement from a corner or intersection, the access point shall be provided along the frontage furthest from the intersection or corner where possible.
- 1009.07 Access point turn radii shall be in compliance with the International Fire Code as adopted by the Board of Supervisors.
- 1009.08 Crosswalks shall be marked at points of access on multifamily, commercial, and industrial lots at the following widths or greater:

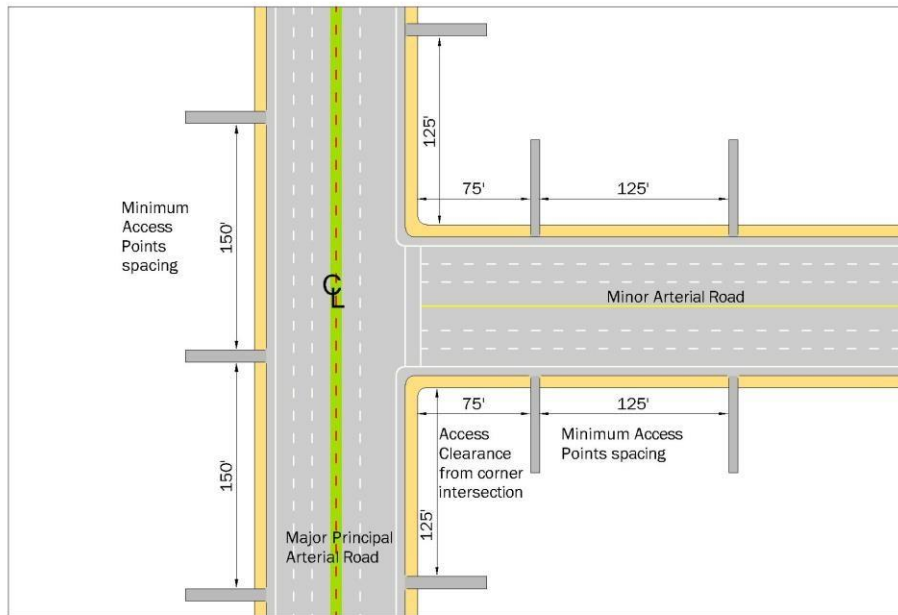
| Road Classification (MDOT classification) | Required crosswalk marking width |
|--|----------------------------------|
| Interstate Highway or Other Principal Arterial | 8 ft |
| Minor Arterial | 6 ft |
| Major Collector | 8 ft |
| Minor Collector | 6 ft |
| Local/Unclassified | 6 ft |

- 1009.09 Crosswalks shall be clearly delineated with white lines, stamped concrete, or decorative or textured pavement -
 - a. Lines shall be no less than six (6) inches in width and shall mark outside edge on both sides of crosswalk or;
 - b. Traverse lines at interval gaps of no less than six (6) feet; traverse lines shall be no less than six (6) inches in width or greater than twenty-four (24) inches in width
 - c. Stamped concrete or decorative or textured pavement shall be permitted consistent with the width requirements set forth in this amendment.
 - 1009.10 Crosswalks delineation shall extend the entire width of the driveway.
- *0901HC022 – 02/02/09

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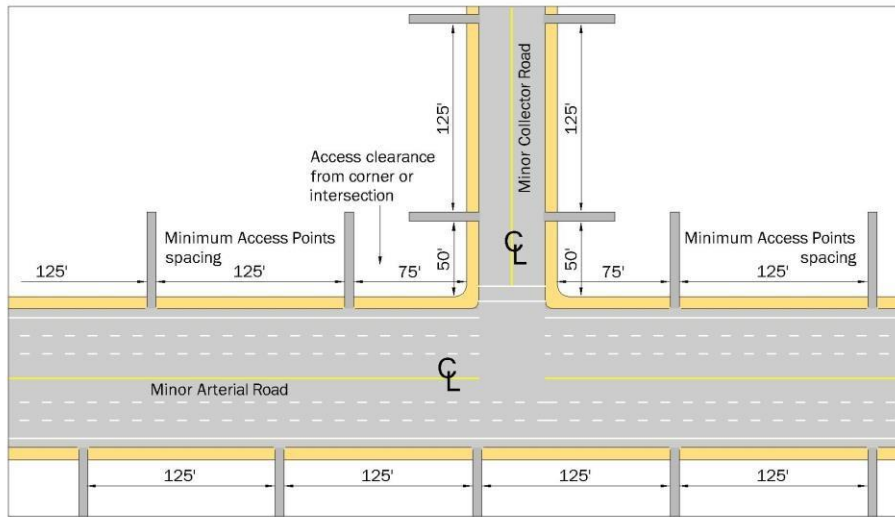


Two Principal arterial Roads

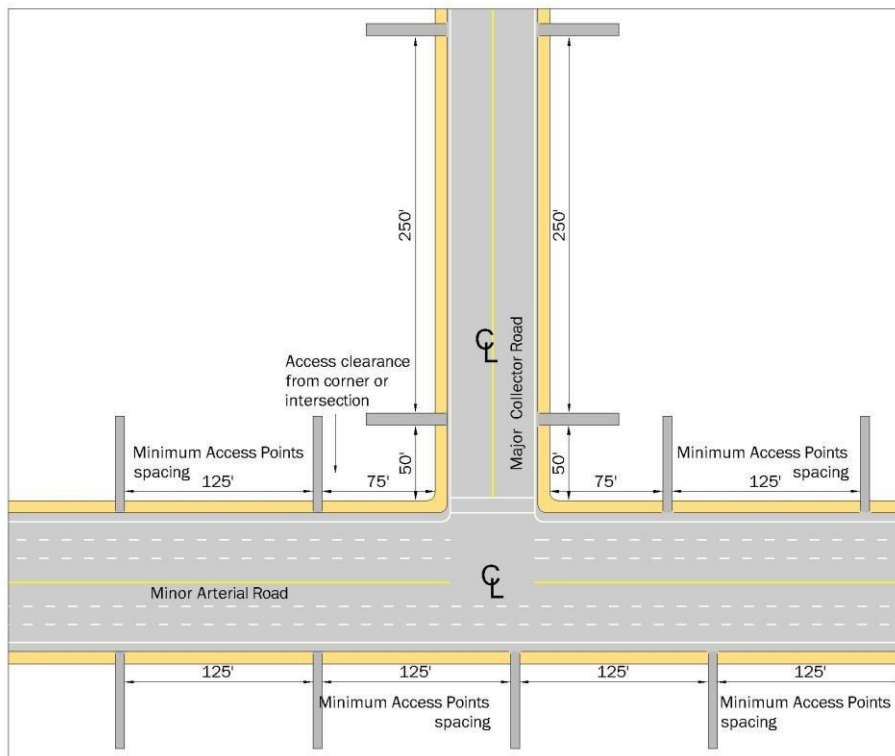


Principal arterial & Minor arterial Road

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Minor Arterial & Minor Collector



Minor Arterial & Major Collector

1010 - Flag Lots

General Rules - The following subsections provide definition to the allowable use of a flag lot in the unincorporated area of Harrison County - *0911HC261 12/07/09

Harrison County, Mississippi Unified Development Code

- 1010.10 The creation of flag lots shall be allowed only by permission. The Harrison County Zoning Administrator and County Engineer shall have the discretion to approve or deny such divisions of land based on the impact the action will have on the future orderly development in the unincorporated area of the County.
- 1010.02 A flag lot forming a property of less than 3 acres shall be allowed to have a 35' pole.
- 1010.03 A flag lot forming a property of greater than 3 acres shall require a 50' pole.
- 1010.04 Flag lot properties shall be subject to the rules of the Harrison County Utility Authority (UA) for areas served by individual onsite waste disposal systems (septic systems). In accordance with the rules set forth in the Harrison County Utility Authority Rules and Regulations, the minimum lot size will be one (1) acre where three or fewer properties are formed from an original parent property, and two (2) acres where more than three properties are formed from an original parent property.
- 1010.05 For flag lot less than 3 acres, two poles on the same parent property shall not be adjacent to one another. There shall be at least 100' separating poles.
- 1010.06 For flag lots greater than 3 acres, two poles on the same parent property shall not be adjacent to one another. There shall be at least 200' separating poles.
- 1010.07 A flag lot shall have a pole length of at least 100' in length.
- 1010.08 Flag lots, with respective poles of 35' in width, created on adjacent parent properties, shall be allowed to be adjacent to one another.
- 1010.09 Flag Lots, created on adjacent parent properties where one or more poles are fifty (50) feet in width, shall not be allowed to be adjacent to one another. There shall be a separation of 100' where one of the poles has a width of 35' and a distance of 200' where both poles have a width of 50' or greater.
- 1010.10 Flag Lots, with a pole width of 50' or greater, shall not be created if the creation would result in the side yard of an already developed adjoining property to be less than the front yard setback requirement for the zoning district of the adjacent property. This shall apply to adjacent properties with an existing residential dwelling or buildings under a current building permit.
- 1010.11 Where lots on the same parent property abut a 50' pole, the abutting yard requirement shall be equal to the front yard setback for the zoning district.
- 1010.12 The Harrison County Zoning Administrator and County engineer shall have limited administrative discretion to vary the above rules in situations where, in their professional judgment, the public interest in orderly development would not be adversely affected. *0911HC261 12/07/09

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1011- Private Access Code

1011.01 Intent

Unobstructed, safe, and continuous vehicle access to lots is necessary to promote and protect the public health, safety, and welfare, and provides assurance that public emergency services can safely enter and exit private property at all times. It is the intent of the Private Access Code is to create a method by which a land owner, or landowners, may petition for allowable access to the interior of certain hardship properties within Harrison County by a private access easement that is subject to minimum standards and specifications. These standards and limitations are intended to permit unobstructed, safe, and continuous vehicle access, as well as, encourage road design standards which will result in the reduction of impervious surfaces, the preservation of vegetation, and assist in the management of storm water runoff.

It is further the intent of the Private Access Code to ensure that a private access is maintained and repaired by the property owners who own and enjoy the use of the access, and that there are no public funds used in the maintenance and repair of the means of access.

Every building and occupancy in the unincorporated area of Harrison County is subject to the accessibility requirements for firefighting apparatus as mandated in the International Fire Code. The Private Access Code is intended to support these requirements of the fire code.

By allowing a private access to property lacking frontage on a County maintained right of way, a limited waiver from the requirement of Section 416.03 of the Harrison County Unified Development Code and its succeeding language shall be implied. As long as a contractual agreement between the beneficiaries enjoying the access by easement and the Board of Supervisors who are responsible for the health and safety of the citizens of Harrison County is maintained in good standing, the limited waiver shall remain in effect.

The act of granting a private access by the Board of Supervisors to properties without frontage on a County maintained right of way is discretionary. Should an application be judged to not be in the best interest of the citizens of Harrison County, be a hindrance to future orderly development, or pose a hazard to the health, safety and welfare of the Citizens of Harrison County, the Board of Supervisors may decide against allowing such an access. The Board shall not have to justify its decision.

The procedures, standards, and specifications hereinafter set forth are determined to be the minimum procedures, standards, and specifications necessary to meet the intent of the Private Access Code.

1011.02 Definitions

- (1) Board of Supervisors – The Harrison County Board of Supervisors
- (2) Easement - The right of a person to use the property of another for purposes of ingress, egress, utilities, drainage, and similar uses. For the purpose of the Private

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Access section, the term easement shall generally refer to ingress and egress unless otherwise indicated.

- (3) Hardship Property – A property configured in such a way that methods prescribed for the subdivision of land in the Harrison County Unified Development Code are recognized by the Board of Supervisors as creating a personal hardship for the person or persons attempting to make use of a unique parcel of land. Hardship properties are determined on a case by case basis at the discretion of the Board of Supervisors.
- (4) Harrison County Engineer – A professional engineer hired by the Harrison County Board of Supervisors to provide engineering services and manage the Harrison County Engineering Department. Also referred to as the County Engineer.
- (5) Permit – A document, created by the County Engineer at the direction of the Board of Supervisors, granting permission to establish and maintain a private access. Each Permit contains a contractual agreement between the beneficiaries of a private access and the Board of Supervisors. The contract guarantees that all terms of the Private Access Code and conditions imposed by the Board of Supervisors regarding the construction and maintenance of a private access are accomplished by the party(s) enjoying the benefit of the access. Permits are conditional and not given in perpetuity. Permits may be revoked by action of the Board of Supervisors for a breach of the agreement contained within the Permit.
- (6) Private Access – A means of ingress and egress across a private land holding that provides vehicular access to one (1) or more deeded properties not having frontage on a publicly maintained right of way. Further, the access remains private and has not been accepted for a public use other than guaranteeing access by emergency and public safety vehicles. A private access is not maintained or repaired with public funds.
- (7) Public Street or Right-of-Way - A publicly owned or dedicated right-of-way maintained by Harrison County which affords the principal means of vehicular access to abutting property and which is under public ownership or control.

1011.03 Permit Application and Review Requirements

Each application for private access, shall at the discretion of the County Engineer, be accompanied by completed plans prepared and sealed by professional engineer (PE) registered in the State of Mississippi. The plans shall contain sufficient information to meet the intent of the Private Access Code. An application fee, set by the Board of Supervisors, shall be paid at the time of submission of the application. The application and plans for a private access shall include the following information: Only those items specified by the County Engineer are required.

- (1) The names and addresses of the property owners to be served by the private access, and the location of all properties drawn to scale. Properties shall be identified by the current owner's name.

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- (2) A vicinity map of a minimum scale where one-inch equals two hundred feet (1" = 200'), showing the location of the private access in the County, any access roads and cross streets, road names, a scale, and a north arrow.
- (3) Existing topography at two (2), five (5) or two (2) foot contour intervals (county topographic maps) for the portions of the site sufficient to determine drainage from the private road easement to a suitable storm water outlet.
- (4) Proposed improvements (including but not limited to, roads, sewers, and ditches) shown in plan and profile indicating all materials, grades, dimensions, and bearings in compliance with applicable standards set forth in Attachment A. The plans shall also show all existing and proposed grades, the location of all existing and proposed drainage facilities, the location of existing and/or proposed utilities and structures, other structures, physical or natural conditions existing adjacent to such improvements, and any connections to existing public roads or pre-existing easements.
- (5) Soil borings as may be required within the proposed route of the road. Tree coverage and wetland areas within one hundred (100) feet of either side of the proposed route shall be shown.
- (6) Location of existing buildings on the properties being served or intended to be served by the private access, as well as, any existing building or structures in or adjacent to any proposed access easement.
- (7) Plans shall show the existing or proposed location of public and private utilities and easements for present or future gas, telephone, electric, etc.
- (8) A complete statement of all the terms and conditions of the proposed access easement, including copies of all agreements or intended agreements regarding the maintenance and improvements of the private access shall be created.

The property owners served by the private access easement shall assume all liability for injury, both personal and property, that might occur as a result from the creation and operation of the private access. The creation is at their discretion. Harrison County, the Board of Supervisors, and County employees shall be held harmless by the originators and successors.

Furthermore, said maintenance agreements shall be in such form as to be recordable with the Harrison County Chancery Clerk and shall specifically address the liability and responsibility of the parties to said agreement.

Further, the agreement shall include, but may not be limited to, a specific guarantee of unimpeded passage for those served and their assigns, an allowance for present and future utilities, an assurance that future claims will not be initiated to require the County to assume maintenance, nor modify or rescind any conditions mandated by the Board of Supervisors to insure health, safety and welfare. The recorded statement, which shall run with the land, shall also inform subsequent purchasers of the agreement and that Harrison County assumes no

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responsibility to ever improve the access, perform maintenance, or accept the access for perpetual maintenance.

- (9) Appropriate deed restrictions and/or master deed provisions shall provide for free and clear vehicular accessibility for emergency and public service vehicles on all private access.
- (10) Once a site plan is accepted, the number of properties, dwellings and buildings served by the private access shall not be changed without beginning the process anew. Changes in the ownership of individual parcels of land shall not be subject to the Private Access Code unless such action changes the intent of the initial agreement.
- (11) Compliance with 1011.04 Design Standards of this section.
- (12) An incomplete or inadequate application shall be returned to the applicant with the forfeiture of the application fee.

1011.04 Design Standards

- (1) The design and construction of simple private access shall, at minimum, comply with the applicable standards set forth in 10x14 Appendix. The Harrison County Engineer may require more stringent standards should the conditions at the site indicate a need for such action.

For those private access requests considered by the Harrison County Engineer to be beyond the scope of 10x14 Appendix, the Engineer shall provide direction to reference material.

If the private road provides direct access to a County maintained road, the placement of the road connection must be within the parameters allowed by the Harrison County Unified Development Code and be approved by the Harrison County Road Department prior to submittal to the Board of Supervisors.

- (2) Notwithstanding any other provisions of the Private Access section or prior agreements with Harrison County, unopened roads in subdivisions platted prior to the enactment of this Code and private easements that are contained in land divisions approved by Harrison County prior to the enactment of the Private Access Code shall continue to meet the specifications and restrictions approved at the time of their creation and the access provisions of the current International Fire Code.

Upon expansion, reconstruction, or major alteration of an existing private access, all changes shall, at minimum, comply with subparagraph (1) of this Section. The Harrison County Engineer shall determine compliance.

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1011.05 Inspection.

Prior to the submittal of an application, a conference will be held with the applicant or applicants. This meeting is an opportunity for the Harrison County Engineer, Harrison County Code Administrator, Harrison County Fire Marshall, Harrison County Health Department, Harrison County Utility Authority and the Zoning Administrator to become familiar with the project and to provide comments. Comments from the meeting and subsequent discussion between agencies will be transmitted in writing to the applicant and to the Board of Supervisors where they will be presented at a first presentation.

At various stages of construction as may be required, improvements required by the Board of Supervisors shall be inspected by the Harrison County Engineer or his designee.

The Harrison County Engineer or his assignee shall make a final inspection upon completion of construction and shall report the results of the final inspection to the Harrison County Board of Supervisors prior to the second presentation.

The applicant's engineer shall certify in writing to the County Engineer before the final inspection that the required improvements were made in accordance with the Private Access Code, all approved plans, and imposed conditions.

Once the construction of the private access leading to the second presentation is completed and the final inspection is made by the County Engineer or his designee, no Harrison County employees or elected officials shall have a duty to regularly or periodically inspect the private access. Such inspections shall be the responsibility of the property owner(s) benefiting from the use of the access and shall be conducted as part of the maintenance responsibility of said owner(s).

The County Engineer, the Fire Marshall, Director of Code Administration and the Zoning Administrator shall have the right to inspect the private access during daylight working hours should the County be made aware of a possible breach of the agreement contained in the Permit. 1011.06 Permit Approval Procedure

There shall be two formal presentations made to the Board of Supervisors. The first presentation shall be for approval of the application. This shall be considered to be a preliminary hearing and shall be known as the first presentation. At this meeting, the applicant shall provide a complete presentation of the request and submit all required documents. Comments from County and State agencies originating in pre-meetings should be addressed in the presentation made by the applicant. The Board of Supervisors will hear evidence and deliberate. Additional conditions may be imposed by the Board. A decision may be rendered at the meeting or be postponed pending deliberation or comment. Construction may proceed after approval of the application at the initial hearing.

A second hearing will be held for the purpose of confirming that the project has been completed as presented, that any conditions imposed by the Board of Supervisors have likewise been completed, that the applicant's engineer has

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affirmed the completion of the project, and that the County Engineer has performed a final inspection and has been reimbursed for services. At the second hearing, if everything is in order, the Board of Supervisors will approve a resolution allowing the issuing of the private access Permit.

Specific requirements and procedures for both hearings are contained within the following:

- (1) Upon receipt of an application and payment of an application fee, the Harrison County Engineer shall bring the application before the Harrison County Board of Supervisors within thirty (30) days.

The Harrison County Board of Supervisors, at its discretion, may refer the application to the Harrison County Planning Commission and any other appropriate agency for review or period of public comment. The time elapsed shall be as required for that body to accomplish its task.

- (2) At the first hearing, the Harrison County Engineer shall report in writing to the Board of Supervisors as to whether or not the proposed private road conforms to the standards and specifications of this section. Said report may include suggested conditions to be attached to the Permit that, in the Engineer's judgment, are necessary to achieve the intent of the Private Access Code. Comments from other agencies will likewise be presented.
- (3) The Board of Supervisors shall consider the application, the County Engineer's report, and all other relevant information in rendering its decision.

If the information submitted by the applicant does not establish that the proposed private access will conform to the standards, specifications, and intent of the Private Access Code, and/or will not be in conflict with other County, State or Federal Codes, statutes or laws, the Board of Supervisors may summarily refuse to accept the application.

The Harrison County Board of Supervisors may impose such conditions as it deems necessary to achieve the intent and objectives of this section, which may include, but need not be limited to, conditions suggested by the County Engineer, Zoning Administrator, Director of Code Administration, Planning Commission, Health Department, or Harrison County Utility Authority.

- (4) Unless directed by the Board of Supervisors, building occupancy may not be allowed until a second resolution allowing issuing of a Permit has concluded.
- (5) Upon receiving notice of the approval of a resolution by the Board of Supervisors after the second presentation, the Harrison County Engineer shall create a Permit pursuant to terms and conditions established by the Board of Supervisors.

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1011.07 Revocation Procedure

- (1) The Board of Supervisors shall have the power to cause a Permit to be revoked.
- (2) If it is brought to the attention of the Harrison County Engineer that a private access is not being maintained as described in the Permit, the County Engineer shall notify the person or persons served by the private access of the deficiency and the necessary remedy to restore the access to agreed standards. The time period allowed to accomplish repairs or restoration efforts shall be determined by the County Engineer. Notification may be by certified mail or hand delivery.
- (3) If the repairs or corrections are not made in the time period allotted, the County Engineer shall notify the Board of Supervisors that there appears to have been a breach of the agreement and/or conditions of the Permit.
- (4) A hearing shall be scheduled during a regular meeting of the Board of Supervisors. A sign noting the date and time of the meeting will be posted at the entry to the private access, and the property owner(s) served by the access will be notified by regular mail.
- (5) At the designated meeting, the Board of Supervisors shall decide, based on the evidence submitted by the County Engineer and testimony by the landowners obligated to maintain the access, as to whether there has been a failure to perform the duties stipulated in the original agreement and recorded in the Permit. Should it be determined that a breach of the agreement has occurred, the Board of Supervisors may approve a resolution rescinding the original resolution and revoking the Permit.
- (6) The Board of Supervisors, after demonstrating reasonable cause, shall have the power to review any Permit previously issued by the Harrison County Engineer and cause a modification to be made to the original agreement in order to insure the safety, health, and welfare of the parties served by the access and the citizens of Harrison County.
Notification of the beneficiaries of the access shall be notified as provided in 10x.07 (2).

1011.08 Variances

- (1) Variances may only be granted by the Board of Supervisors upon the finding that at least one of the two following conditions have been met:
 - (a) That a variance or exemption is required in order to comply with conflicting County, State or Federal Codes, statutes, laws, rules, or regulations.

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- (b) That there are such special circumstances or conditions affecting said property that strict application of the provisions of this Code would clearly be impractical or unreasonable. This may include topographic, vegetative, or drainage conditions.
- (2) In order to grant a variance, the Harrison County Board of Supervisors shall also find:
 - (a) That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
 - (b) That such variance or exemption will not have the effect of nullifying the intent and purpose of this section or any other County Codes.

1011.09 Appeals

An appeal of the decision of the Board of Supervisors shall be to a court of competent jurisdiction.

1011.10 Violations

A person who violates any provision of the Private Access Code or any of the conditions stipulated by the Board of Supervisors shall be considered to be guilty of a breach of agreement. A breach of the agreement shall be justification for the Board of Supervisors to approve a resolution rescinding an original resolution that allowed a private access. This action will cause Harrison County Engineer to revoke the Permit formerly issued to the beneficiary or beneficiaries of the access. Once the Permit has been revoked, the property shall be considered an endangerment to the public welfare and subject to abatement action as provided by the Harrison County Unified Development Code and the International Fire Code.

Further, a private access that is used in violation of the terms of the Private Access Code is hereby declared to be an endangerment to the public health and safety, and welfare. The continuation of such use may be abated, restrained, enjoined, and prohibited in a court of competent jurisdiction.

Section 416.03 of the Harrison County Unified Development Code requires that all individual lots have at least 35' of frontage on a County maintained right of way. A person in violation of this section is subject to action as prescribed in Section 1409 Violations and Penalties contained within that Code.

Section 503 of the International Fire Code sets the standard for emergency apparatus access to buildings. Access ways no longer meeting these standards must be abated as prescribed in this Code and the International Building Code.

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1011.11 Fees

The Harrison County Board of Supervisors shall establish by resolution a fee schedule to defray costs of inspection, plan review, administration, and enforcement of this article.

1011.12 Severability

The provisions of the Private Access Code are severable and any decision by any Court of competent jurisdiction that any provision or clause hereof is invalid shall not affect the validity of the remainder of this Code.

1011.13 Compliance with Other Statutes, Code Order, or Regulation

Nothing in the Private Access Code is intended to permit any practice which is a violation of any statute, Code, order or regulation, and no provision contained in this Code is intended to impair or abrogate any civil remedy or process whether legal or equitable which might otherwise be available to any person.

1011.14 Attachment A

The following are minimum standard to be used when establishing a private access to property not having frontage on a County maintained right of way. Each access should be considered to be unique and may require greater or lesser standards of compliance. For planning purposes, the succeeding paragraphs should be considered to be outlining minimum standards.

- (1) Minimum Standard for one (1) property:
 - (a) The access shall have three (3) inches of compacted gravel, limestone or crushed concrete providing a hard surface width of at least twelve (12) feet. Red clay gravel, though it may be used to create a sub-base, is not considered an acceptable surface course.
 - (b) Twenty (20) foot perpendicular horizontal clearance and thirteen foot six inch (13'-6") vertical clearance.
 - (c) The surface shall be maintained such that water will drain away from the roadway and will not be retained in puddles resulting in the degradation of the carrying capacity. Edges of the roadway shall be ditched or swales created to dispel the accumulation of storm water as necessary.
 - (d) The periodic application of new road building materials and routine grading will be required to maintain the driving surface.
 - (e) A placard displaying the assigned address shall be posted and maintained at the entry to the private access. The size and configuration of the lettering shall meet minimum standards adopted by the County.

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- (f) The minimum width of the easement shall be thirty-five (35) feet.
- (2) Minimum Standard for two (2) to three (3) properties:
- (a) The access shall have four (4) inches of compacted gravel, limestone or crushed concrete providing a hard surface width of at least fourteen (14) feet. Red clay gravel, though it may be used to create a sub-base, is not considered an acceptable surface course.
 - (b) Twenty (20) foot perpendicular horizontal clearance and thirteen-foot six inch (13'-6") vertical clearance.
 - (c) The surface shall be maintained such that water will drain away from the roadway and will not be retained in puddles resulting in the degradation of the carrying capacity. Edges of the roadway shall be ditched or swales created to dispel the accumulation of storm water as necessary.
 - (d) The periodic application of new road building materials and routine grading will be required to maintain the driving surface.
 - (e) A placard or placards displaying the County assigned addresses found on the private access, having sufficient clarity to be easily read from a passing vehicle, shall be posted and maintained at the entry to the private access on the County road. The size and configuration of the lettering shall meet minimum standards adopted by the County.
 - (f) If mail is to be delivered to individual residences, a private road sign shall be posted at the intersection with the County maintained road. The private road sign shall be similar to County road signs in size, readability, and reflectance.
 - (g) The minimum width of the easement shall be fifty (50) feet.
- (3) Minimum Standard for four to five properties:
- (a) The access shall have six (6) inches of compacted gravel, limestone or crushed concrete providing a hard surface width of at least eighteen (18) feet. Red clay gravel, though it may be used to create a sub-base, is not considered an acceptable surface course.
 - (b) Twenty (20) foot perpendicular horizontal clearance and thirteen foot six inch (13'-6") vertical clearance.
 - (c) The surface shall be maintained such that water will drain away from the roadway and will not be retained in puddles resulting in the degradation of the carrying capacity. Edges of the roadway shall be ditched or swales created to dispel the accumulation of storm water as necessary.

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- (d) The periodic application of new road building materials and routine grading will be required to maintain the driving surface.
 - (e) A placard or placards displaying the assigned addresses found on the private access shall be posted and maintained at the entry to the private access on the County road. The size and configuration of the lettering shall meet minimum standards adopted by the County.
 - (f) If mail is to be delivered to individual residences, a private road sign shall be posted at the intersection with the County maintained road. The private road sign shall be similar to County road signs in size, readability, and reflectance. The size and configuration of the lettering shall meet minimum standards adopted by the County.
 - (g) The minimum width of the easement shall be fifty (50) feet.
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- (4) Minimum Private Access Standards for Six (6) or more properties:

The requirements shall be identical to those for the construction of a local street intended to be dedicated to the County for perpetual maintenance. Consult the Harrison County Unified Development Code as an information reference source. Final design approval shall be made by the Harrison County Engineer.

1012 – Harrison County Drainage Management Site Plan Ordinance

1012.01.01 Purpose

The purpose of this ordinance is to reduce or eliminate the hazards to the public health and safety caused by excessive Stormwater runoff, reduce economic losses to individuals and the community at large, and protect, conserve and promote the orderly development of land and water resources. The provisions of this ordinance further supplement ordinances and regulations as follows:

- a. Subdivision Regulations: For the unincorporated area of Harrison County
- b. Zoning Regulations: For the unincorporated area of Harrison County

1012.01.02 Conflicting

The provisions of the ordinance shall be deemed as additional requirement to standards required by other Ordinances of the County. In case of conflicting requirements, the most restrictive shall apply.

1012.01.03 Other Permits

Before starting any activities regulated by this ordinance, an applicant shall comply with the requirements set forth in other applicable ordinances with

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respect to the submission and approval of preliminary and final subdivision plats, construction plans, improvement plans, building and zoning permits, inspections, appeals and similar matters, along with those set forth in this ordinance and as may be required by State statutes and the regulations of any agency of the State of Mississippi.

1012.01.04 Definitions

For the purpose of this ordinance, the following definitions are adopted:

County Engineer: The professional engineer employed by the Harrison County Board of Supervisors who is responsible for the review and approval/disapproval of the drainage plans required by this ordinance.

Detention Facility: Any structure which is designed to collect and store surface water for subsequent gradual discharge.

Drainage Facility/ Drainage Way: Any component of the drainage system.

Drainage Management Site Plan: A drainage management plan which provides all necessary plan sheets, profiles, hydraulic calculations, culvert pipe size and locations, detention basin, and all other necessary information which has been prepared sealed and signed by a registered Engineer for a particular residential, commercial, or industrial development within Harrison County.

Encroachment Permit: A permit issued by the County to persons requesting to perform work, construct a private entrance, install utilities, or similar type work in the County roadway right of way.

Excess Stormwater Runoff: That portion of stormwater which exceeds the safe storm drainage capacity of the storm sewers or natural drainage channels serving a specific watershed.

HCRD: The Harrison County Road Department supervisor or authorized representative responsible for inspecting drainage structures.

Lesser Plan: A drainage management site plan scaled to the complexity of the conditions found on a qualifying individual single family residential property.

Ordinance: Refers to the Harrison County Drainage Management Site Plan Ordinance unless specific reference is made to another ordinance not part of this Section.

Protected Channel: A channel that receives stormwater discharge and which is paved, rip-rapped or otherwise improved by the addition of manmade materials so as to reduce the potential for erosion.

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Safe Storm Drainage Capacity: The quantity of stormwater runoff that can be transported by a channel or conduit without having the water surface rise above the top of the channel or conduit.

Stormwater Channel: A natural or manmade open watercourse with definite bed and banks which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water.

Stormwater Runoff: Water that results from precipitation which is not absorbed by soil or vegetation or evaporated and which flows over the ground surface or is collected in channels or conduits.

Stormwater Runoff Release Rate: The rate at which stormwater runoff is released from dominant to servient land.

25 Year, 24 Hour Frequency Rainfall: A precipitation event of 24 hours duration, having a 4 percent chance of occurring in any one year.

100 Year, 24 Hour Frequency Rainfall: A precipitation event of 24 hours duration, having a 1 percent chance of occurring in any one year.

1012.02 – Design Criteria, Performance Standards, and Permits

1012.02.01 Applicability

A Drainage Management Site Plan (DMSP) shall be required for any new single-family residential developments and for any new commercial, multi-family residential, institutional, industrial, or utility developments, and shall be required for land disturbing activities greater than one acre. A complete DMSP as required for the projects listed in the previous sentence shall not be required for single family non-platted home sites or older platted subdivision lots where an analysis was not performed unless requested by the County Engineer. The thoroughness of this less complete plan for certain individual residential properties shall be known as a lesser plan, and the complexity of each individual plan shall be as determined by the County Engineer.

A DMSP shall also be required for any new development or re-development of previously developed areas similar to those above, not exempted from full compliance.

Owners of residential property within subdivisions for which final subdivision plats have been approved prior to the date of the approval of this Ordinance and where a comprehensive drainage analysis has been performed during the platting process shall not

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be required to comply with this ordinance unless required by the County Engineer.

The County Engineer may require a DMSP for any drainage area if adverse impacts are anticipated. A DMSP may also be required prior to any grading or excavation which would fill, obstruct, or otherwise alter or affect any creek, stormwater channel, or drainage facility.

No final subdivision plat shall be approved and no building permits shall be issued until and unless a DMSP or lesser plan as required by the County Engineer has been reviewed and approved by the County Engineer.

1012.02.02 Drainage Management Site Plan

The required Drainage Management Site Plan (DMSP) shall identify means for controlling the stormwater runoff release rate from the development and providing storage potential for the excess stormwater runoff where required. All computations, plans and specifications related to the implementation of this ordinance must be prepared and sealed by a professional engineer registered in Mississippi.

For all stormwater management structures (culverts, detention basins, etc.) design hydro graphs of inflow and outflow for the 25-year, 24-hour storm event for the site under existing and developed conditions shall be used.

The DMSP shall contain, but not be limited to, the following information unless specifically excluded by the County Engineer:

- a. A topographic map of the project site and adjacent areas, of suitable scale and contour interval (five foot minimum), which shall define the location of streams, the extent of the flood plain, and calculated high water elevations, the shoreline of lakes, ponds, swamps, and detention basins including their inflow and outflow structures.
- b. The location and flowline elevation of all existing sanitary, storm, and combined sewers.
- c. Detailed determination of runoff anticipated for the entire project site following development indicating design volumes and rates of proposed runoff for each portion of the watershed tributaries to the storm drain system, the calculations used to determine said runoff volumes, and rates and restatement of the criteria which have been used by the project engineer throughout his or her calculations.

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- d. A layout of the proposed drainage management system including the location and size of all drainage structures, storm sewers, channels, channel sections, detention basins, and analysis regarding the effective said improvements will have upon the receiving channel and its high-water elevation.
- e. The slope, type, and size of all existing and proposed storm sewers and other waterways impacting or impacted by the proposed development on the site.
- f. For all detention basins, a plot or tabulation of storage volumes with corresponding water surface elevations and of the basin outflow rates for those water surface elevations.
- g. Depending on the complexity of the size and site, a profile and one or more cross sections of all existing and proposed channels or other open drainage facilities, showing existing conditions and the proposed changes thereto, together with the high-water elevations expected from stormwater runoff under the controlled conditions called for by these regulations and the relationship of structures, streets, and other utilities to such channels may be required by the flood safety officer.

1012.02.03 Design Criteria

The following rules shall govern the design of improvements with respect to managing stormwater runoff:

a. Method of Determining Stormwater Runoff Rates and Volumes

The volume of required stormwater storage and runoff shall be calculated on the basis of the runoff from the 25 Year frequency storm. The calculations can be made in accordance with the instantaneous runoff factor method, the rational method, or other methods that may be deemed appropriate by the County Engineer.

b. Release Rate

All development undertaken as outlined in this ordinance shall be designed in such a way as to insure that stormwater falling on a given site shall be absorbed or detained in the site to the extent that the controlled release rate of stormwater runoff from all developments described in Section 2.1 shall not exceed the pre-development stormwater runoff rate, unless it

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can be shown that no significant adverse downstream impacts will result from higher rates. The rate at which stormwater runoff is delivered to a designated stormwater storage area shall be unrestricted.

In the event that the County Engineer determines that the existing downstream channel or storm sewer system is inadequate to accommodate the release rate provided above, then the allowable release rate shall be reduced to that rate permitted by the capacity of the downstream channel or storm sewer system.

c. Development Design

Where it can be demonstrated by the developer that a higher stormwater release rate will not be contrary to the purpose and intent of this ordinance and where such proposed release rate will not adversely affect properties in the downstream portion of the watershed, the County Engineer may permit such release to be used as deemed appropriate.

Streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to minimize the velocity of overland flow and allow maximum opportunity for infiltration of stormwater into the ground, and to preserve and utilize existing and planned streams, channels, and detention basins, and include whenever possible, streams and floodplain within parks and other public grounds.

d. Excess Stormwater Passage

- (1) An excess stormwater passage shall be provided for all stormwater areas. Such passage shall have the capacity to convey through the proposed development the excess stormwater. The capacity for a passage shall be such that it will be able to transport the peak rate of run-off from a 100 Year, 24 Hour return frequency storm.
- (2) There shall be no building or structures constructed within excess stormwater passage, however, parking lots, playgrounds and park areas which shall not impair or endanger the water holding capacity of the development shall be considered compatible uses.
- (3) Appropriate land planning shall be undertaken to preserve the existing natural drainage of a proposed development as part of the excess stormwater passage.

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- (4) Open channels shall be protected from erosion by appropriate vegetative cover, lining or other treatment and earthen channel side slopes shall be no steeper than 3:1. Open channels with lining shall have a maximum gradient on side slopes of 2:1. Channel side slopes steeper than 1.5:1 shall be designed as structural retaining walls.

e. Stormwater Storage/Detention Areas

The increased stormwater runoff resulting from the proposed development may be accommodated by the provision of appropriate detention facilities including wet or dry bottom reservoirs, flat roofs, parking lots, or streets. Storage areas shall be designed to the satisfaction of the County Engineer and if possible to provide secondary purposes for recreation, open spaces, parking lot or other types of use that will not be adversely affected by the intermittent flooding. The following shall govern the design of detention facilities:

(1) Storage Volume

All stormwater storage areas must be designed to contain and safely pass stormwater runoff. The combined capacity of these storage areas shall be sufficient to contain the storm runoff from the development. The detention facility must be designed for periodic maintenance and energy dissipaters shall be provided at points necessary.

The ponding of stormwater runoff shall not exceed the depth of six (6) inches on a pedestrian mall area and six (6) inches in parking lots. Where these areas are used for ponding, the maximum depth should occur in the most remote and least used areas.

The drainage and grading design shall be prepared to insure that in a 100 Year storm the depth of water runoff in any street, alley or pedestrian mall will not exceed the level of the first floor of any building.

For wet pond storage areas when calculating the storage capacity, only the volume available to store excess stormwater shall be considered. Permanent water storage does not constitute control of the excess storm runoff.

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(2) Release Rate

At no time during the design storm shall the stormwater runoff release rate exceed the allowable release rate as set forth in Section 2.3 b.

(3) Release Velocity

Detention facilities shall release stormwater at a non-erosive velocity. The protected channel receiving the detention discharge shall incorporate features to reduce velocity to non-erosive levels at the point where such discharge enters the unprotected channel. If release is into a subsurface conduit, the energy gradient in the receiving facility shall not be increased beyond the slope of the conduit.

(4) Spillway

Overflow for each stormwater storage area shall be provided in the event a storm in excess of the design capacity occurs. Such overflow shall be constructed to function without specific attention and shall become part of the excess stormwater passage.

Emergency spillways shall be provided to permit the safe passage of runoff generated from a 100 Year, 24 Hour storm, or greater if required by State law.

Where rooftop storage for excess stormwater is provided, the building shall be provided with adequate structural design to insure that roof failure does not occur. Overflow areas shall be provided so that the weight of stored stormwater will not exceed the structural capacity of the roof.

(5) Freeboard

Detention facilities shall have adequate capacity to contain the storage volume of tributary stormwater runoff with at least one (1) foot of freeboard above the water surface of flow in the emergency 100 Year, 24 Hour storm or as required by State law.

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a. Stormwater Channel Locations

Generally acceptable locations of stormwater channels in the design of a subdivision may include but are not limited to the following:

- (1) Adjacent to roadways as ditches with culvert entrance pipes (reference Section 2.5 below for utility permit requirements).
- (2) In a depressed median of a divided roadway, provided the median is wide enough to permit slopes of one foot (1) drop in six (6) feet horizontal run or flatter.
- (3) Centered on lot lines or entirely within the rear yards of single row of lots or parcels.
- (4) In each of the forgoing cases, a drainage easement with sufficient width to facilitate maintenance and design flow shall be provided and shown on the plat.

b. Storm Sewer Outfall

The storm sewer outfall shall be designed to provide adequate protection against downstream erosion and scouring.

c. Lot Lines

Whenever the plans call for the passage and/or storage of stormwater runoff along lot lines, the grading of all such lots shall be prescribed and established for the passage and/or storage of waters, and no structure or vegetation which would obstruct the flow of stormwater shall be allowed, nor shall any change be made to the prescribed grades and contours of the specified stormwater channels.

d. Manholes

All Utility manholes constructed in an area designed for storage or passage of stormwater, shall be provided with either watertight manhole cover or be constructed with a rim elevation a minimum of one (1) foot above the high-water elevation of design storms.

e. Easements

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Permanent easements for the detention and conveyance of stormwater, including easement of access to structures and facilities, shall be dedicated to the County.

f. Obstruction of Drainage

The disposal or placement of grass clippings, trash, debris, and materials that are able to provide an obstruction to the flow of stormwater into the storm sewers or stormwater channels is prohibited. Likewise, the storage of such materials along stormwater channels, or in adjacent flood plain areas which they may wash into sewers and channels is prohibited.

g. Maintenance

Required maintenance for detention basins and associated structures shall be permanently provided by the developer with responsibility becoming that of the succeeding private landowner or appropriately configured neighborhood association, if applicable. Every detention basin or structure shall be legally defined on both deed and plat and the maintenance entity shall be specified. Agreements shall be implemented as specified in Section 3.2. The County Engineer or his assign shall have the right to perform inspections as needed.

1012.02.05 Utility Permit (County Right of Way)

All new construction projects (multi-family residential, commercial or industrial) which require a permanent or temporary entrance onto an existing County maintained right of way, or a newly developed roadway which is to be dedicated to the County at a later time, or which require work within the County right of way, or which can impact proper roadway drainage shall apply for a Utility Permit at the office of the County Engineer.

The Utility Permit application form shall be supplied by the County. See Appendix "A" of this ordinance for the current application form and requirements. The requirements in this appendix shall be considered obligatory. The permit shall be completed in sufficient detail to show the location of said work with respect to property lines. The encroachment permit shall detail the culvert pipe size, material, and slope/grade, the driveway entrance material, assure compliance with the approved DMSP if appropriate, and provide details and other information appropriate to the site.

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The Utility Permit shall be obtained prior to issuance of a building permit or Planning Commission approval being offered.

The fee required for the Utility Permit shall be as listed in Section 3.3 below. The fee is fully refundable provided the entrance is constructed as detailed and approved on said Utility Permit.

A Utility Permit shall not be required for single family residential properties connecting driveways to the County maintained right of way unless requested by the County Engineer.

1012.03 Maintenance, Assurances, and Fees

1012.03.01 Assurances for Maintaining, Completion, and/or Operations of Drainage Ways

No person shall restrict or cause to restrict existing drainage ways within the County. County road right of way ditches, curbs and gutter storm drains, cross drain culverts, roadway drainage easements, creeks, streams, etc. shall be maintained free of silt, soil, and other debris which restricts drainage flow which has resulted from residential, commercial or similar construction activities

Any persons requesting to change an existing County ditch line or other drainage way or work within the County right of way (ie. utility installation) shall request approval prior to beginning work. If proposed change is acceptable, then the County shall issue an Encroachment Permit in accordance with paragraph 2.5 above.

The Utility Permit holder shall make changes to the drainage way or County right of way in accordance with written County standards or other approved standards as deemed appropriate. The County Engineer or the HCRD shall review all work associated with the Encroachment Permit.

The DMSP applicant shall construct all drainage features and/or structures required of the DMSP. The County Engineer or the HCRD shall review and inspect all work associated with the DMSP.

1012.03.02 Maintenance Agreement

A maintenance agreement, approved by the County Engineer, assuring perpetual maintenance of stormwater management improvement shall be executed by the applicant.

All roadway ditches and drainage easements for dedicated County roads shall be the responsibility of the County government for maintenance.

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Ownership and maintenance of stormwater retention structures within residential developments shall be the responsibility of the developer during residential development and the appropriate neighborhood association once the development is complete or substantially complete.

Ownership and maintenance of stormwater retention structures within multi-family, industrial, commercial and/or institutional type developments shall be the responsibility of the owner of the respective property.

A maintenance agreement through recorded neighborhood protective covenants, or other approved recorded maintenance agreements assuring perpetual maintenance of the stormwater management improvements shall be executed by the applicant of the DMSP.

1012.03.03 Fees

A fee, as may be determined by the Board of Supervisors, shall accompany the submittal of each Utility Permit. This fee is fully refundable provided the entrance or other work requested in the right of way is constructed as specified on the permit.

The encroachment permit holder requesting a new roadway entrance shall have twelve months (1 year) from the date of the permit being issued to construct the entrance in accordance with the permit. Failure to complete the work property within this one-year time frame shall be reason for forfeiture of the above fee.

There is no fee required with the submittal of the DMSP (Drainage Management Site Plan).

1012.04 Administration

1012.04.01 Responsibility

The administration of this ordinance shall be the responsibility of the office designated by the County Engineer.

1012.04.02 Variances

a. Standards

Variations from these standards, provisions and specifications may be granted when it is demonstrated to the satisfaction of the Board of Supervisors that, owing to special conditions, a strict adherence to the provisions of this ordinance will result in unnecessary

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hardship and that the spirit and intent of the ordinance will be observed.

b. Procedure

A written request for variation shall be filed with the County Engineer by the owner or his designated agent. The request shall state specifically what variation is sought and the public's interest served in granting the variation. The applicant must specify hardships to result in following the prescribed regulations. The County Engineer must examine and decide the validity of the proposed hardship. The request and recommendations of the County Engineer are forwarded to the Harrison County Board of Supervisors to be placed on the agenda to be heard at the first available meeting dedicated to hearing appeals.

The variance will be granted only upon showing that there is good and sufficient cause and that the failure to grant a variance would result in exceptional hardship to the applicant. Financial hardship to the property owners shall not constitute proper or appropriate grounds for a variance under this chapter.

A record of all variance actions shall be maintained by the County Engineer, including the justification for issuance.

Appeals of the decision of the Board of Supervisors shall be to a court of competent jurisdiction.

1012.04.03 Interpretation

In the interpretation and application of this ordinance, the provisions expressed herein shall be held to be the minimum requirements and shall be liberally construed in favor of the Harrison County Board of Supervisors and their representative, the County Engineer.

1012.05 Enforcement

1012.05.01 General

The County Engineer or the HCRD shall be responsible for determining whether the DMSP and the Utility Permit requirements are in conformance with requirements specified in Article II, and whether development is proceeding in accordance with the approved DMSP and/or Encroachment Permit requirements. Periodic inspection of the development site shall be made by the County Engineer or the HCRD to insure that the DMSP and/or Utility Permit requirements are properly implemented.

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The County Engineer, HCRD, Zoning Officer and other duly authorized employees bearing property credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, and measurement, in accordance with the provisions of this ordinance.

1012.05.02 Enforcement

Failure to comply with the requirements of the Utility Permit or failure to complete all required improvements required by the approved DMSP, or failure to comply with any other provision of this Drainage Management Site Plan Ordinance shall be justification for the issuance of Notice of Violation (NOV). The NOV shall list all deficiencies noted. The Violator to this ordinance shall have ten (10) days to correct all deficiencies listed on the Notice of Violation. A Notice of Violation shall be hand delivered where possible and sent by certified mail where an attempt at hand delivery has not been successful. The penalty period shall begin at the time of hand delivery or posting of the certified mailing of the NOV.

a. Failure to Comply

Failure to comply with the Notice of Violation shall be reasons for one or more of the following Actions:

- (1) Issuance of a citation: This citation shall be subject to the monetary and perhaps punitive penalties established in Section 5.4 below. This Citation shall be issued by the County Engineer or agency designated by the Board of Supervisors. The citation may be in letter format using letterhead stationary.
- (2) Revocation of the Utility Permit and forfeiture of the permit fee bond: The Ordinance violator shall have their Utility Permit revoked and permit bond fee forfeited. Prior to beginning any additional work at the site, the Violator shall correct all deficiencies and apply for a new Utility Permit and pay a new permit fee bond.
- (3) Stop Work Order: A failure to comply with such notice of violation shall result in the issuance of a Stop Work Order applicable to all construction activities except that necessary for correction of the violation. Upon correction of the violation, the Stop Work Order shall be voided and the construction may resume.

b. Appeals

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A person issued a NOV may appeal any decision made by the County Engineer to the Harrison County Board of Supervisors within 30 days of the date of notification.

The act of filing an appeal shall not stay the accrual of penalty days under Section 5.5 for violations that are deemed by the County Engineer as an immediate or serious threat to the health and safety of the residents of Harrison County. Further, an appeal of the actions of the County Engineer concerning administratively determined violations of the DMSP ordinance will not stay enforcement action resulting from a violation of other ordinances.

1012.05.04 Penalties

Any person, firm or corporation who violates or fails to comply with any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine of not less than twenty-five (25) dollars and not more than two hundred fifty (250) dollars, and/or may be subject one day of imprisonment. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

A person or corporation who refuses to complete all work associated with the approved DMSP or work associated to comply with the Utility Permit shall be responsible to reimburse Harrison County all costs associated with proper completion of the work required by the approved DMSP or Utility Permit. Reimbursement may be in the form of a certified check, property mortgage, tax lien or other monetary assurance.

Article XIV- Administration and Enforcement

1400 - Zoning Officer

The Board of Supervisors shall appoint one or more persons to serve as Zoning Officer for the purpose of administering and enforcing the provisions of the Zoning portions of this code. The Zoning Officer is empowered to:

- 1400.01 Issue Certificates of Zoning Compliance: The Zoning Officer shall issue a certificate of zoning compliance when the code has been followed, or refuse to issue the same in the event of noncompliance. **0902HC060 - 03/09/09*
- 1400.02 Make and Keep Records: The Zoning Officer shall make and keep all records necessary and appropriate to the office. **0902HC060 - 03/09/09*
- 1400.03 Inspect Buildings or Land: The Zoning Officer shall inspect any building or land to determine whether any violations of the code have been committed or exist. **0902HC060 - 03/09/09*

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- 1400.04 Enforce: The Zoning Officer shall enforce the provisions of the code and take all necessary steps to remedy any condition found in violation as prescribed in Section 1409. *0902HC060 - 03/09/09
- 1400.05 Advise the Planning Commission: The Zoning Officer shall keep the Planning Commission advised of all matters other than routine duties pertaining to the enforcement of the code and will transmit all applications and records pertaining to supplements and amendments. *0902HC060 - 03/09/09
- 1400.06 Undertake Planning and Zoning Studies: The Zoning Officer shall initiate or direct a review or study of the provisions of this code and other planning studies on a regular basis, with reports made to the Planning Commission. *0902HC060 - 03/09/09
- 1400.07 Hold Pre-Development Meetings: Prior to submission to the Planning Commission, the Zoning Officer or his or her representative may initiate predevelopment meetings to review an application or site plan with the applicant(s.) *0902HC060 03/09/09
- 1400.08 Initiate Rezoning of a Parcel: The Zoning Officer may initiate the process of rezoning parcels as outlined in Section 1407 Amendments. *0902HC060 03/09/09

1401 - County Engineer

The Harrison County Engineer is hereby designated as the agent designated to administer and enforce the regulations pertaining to the subdivision of land. The County Engineer is empowered to -

- 1401.01 Administer the Regulations for Subdivision of Land - Accept, review, process and approve all applications and plats for the subdivision of land. *0902HC060 - 03/09/09
- 1401.02 Hold pre-application meetings - Developers or persons wishing to subdivision land and determine the appropriate process whereby specific subdivision may occur should initiate a pre-application meeting with the County Engineer.
- 1401.03 Review and Approve Construction plans and Specifications; construction plans for the construction of all new infrastructure and related easements within subdivisions including storm water facilities, sanitary sewer facilities, streets, alleys, sidewalks and other transportation facilities and street lighting and signs shall be submitted to and approved by the County Engineer.
- 1401.04 Inspect and Approve Subdivision Infrastructure: the County Engineer shall inspect or cause inspections to occur on all infrastructures within subdivisions. The County Engineer shall approve the construction of all new infrastructures and related easements within subdivisions including storm water facilities; sanitary sewer facilities; streets, alleys, sidewalks and other transportation facilities; and street lighting and signs.

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- 1401.05 Serve on the Site Plan Review Committee: make recommendations to the Site Plan Review Committee regarding the subdivision of land, required improvements and infrastructure.
- 1401.06 Present plats to and advise the Board of Supervisors - Make determinations as to whether or not persons developing and/or subdividing land are in compliance with the provisions of this Code and advise the Board on matters pertaining to the subdividing of land and building of infrastructure.
- 1401.07 Sign County Engineer's Certificate of Approval on Final Plats to be recorded.

1402 - Certificate of Zoning Compliance

- 1402.01 At the request of property owners or tenants, the Zoning Officer may issue a certificate of zoning compliance for existing uses of parcels of land or buildings within the jurisdiction of the Harrison County Unified Development Code. The certificate will identify the existing zoning classification(s) of the parcel(s) or building(s) in question and will indicate whether the existing use identified by the applicant is permissible in the applicable zoning district classification.

*0902HC060 - 03/09/09

- 1402.01.01 In cases where the existing use is a lawful non-conforming use as provided in Article VI Non-conforming Buildings, Structures, Lots and Uses of Land the certificate shall so state. *0902HC060 - 03/09/09

- 1402.01.02 Any qualifying conditions such as the need for conditional use approval or establishment of a Special Use District by the Planning Commission shall also be indicated.

1403 - Public Hearings and Notification

- 1403.01 Where the law requires a public hearing to be held before the Board of Supervisors on any matter in which the Planning Commission is authorized to make recommendation to the Board of Supervisors, such public hearing shall be held thereon before the Planning Commission after notice duly published in the manner and time required by law.

Notice of the time and place of hearings shall be published at least once in a newspaper of local, general circulation not less than fifteen (15) days before such hearing.

Notice of said public hearing stating the time, place, request and property description, shall be mailed or hand delivered to all owners of record (as listed on the current tax roll of the Harrison County Tax Assessor) within a three hundred

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(300) foot radius of the subject property, but not less than fifteen (15) of the closest property owners to the property in question. Supplemental or additional notices may be published as the Board of Supervisors may prescribe. *0902HC060 - 03/09/09

1404 - Conditional Uses

1404.01 The purpose of a Conditional Use provisions is to provide for certain uses which because of their unique characteristics, cannot be classified properly in any particular district or districts without special consideration of the impact of those uses upon the neighboring lands. The public interests associated with the particular location must be considered. Conditional Uses are often essential and desirable for the general convenience and welfare because of their unique characteristics. However, development of such uses requires the exercising of sound planning judgment. *0902HC060 - 03/09/09

1404.02 On application made before the Planning Commission, the Planning Commission shall have the authority to hear and determine whether a Conditional Use should be granted to the applicant. A fee, as determined by the Board of Supervisors and posted for public knowledge, shall be paid to Harrison County for each application to cover the costs of advertising and administrative costs. The application shall contain or be accompanied by such legal descriptions, maps, plans and other information as necessary to completely describe the proposed use. *0902HC060 - 03/09/09

1404.02.01 The Planning Commission shall schedule a public hearing to be held within sixty (60) days of the application filing date, provided that a complete application is submitted. See Section 1404 Public Hearings and Notification. *0902HC060 - 03/09/09

1404.02.02 No application shall be deemed filed until submission requirements are completed and found to be acceptable by the Zoning Officer or his/her designee. The final determination of the Zoning Officer is appealable to the Board of Supervisors, per Section 1409. *0902HC060 - 03/09/09

1404.03 The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Code or County Comprehensive Plan. *0902HC060 -03/09/09

1404.03.01 The proposed use will be harmonious with and in accordance with the general objectives, or with any specific objective or purpose of the Zoning Code or County Comprehensive Plan.

1404.03.02 The proposed use will comply with all applicable zoning district, development standards, and supplemental use requirements. *0902HC060 - 03/09/09

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- 1404.03.03 The proposed conditional use shall conform to the character of the neighborhood within the same zoning district in which it is located. The proposal as submitted or modified shall have no more adverse effects on health, safety, or comfort of persons living or working in the neighborhood, or shall be no more injurious to property or improvements in the neighborhood that would any other use generally permitted in the same district. In making such a determination, consideration will be given to:
*0902HC060 - 03/09/09
- a. The location, type, and height of buildings or structures;
*0902HC060 - 03/09/09
 - b. The type and extent of landscaping and screening on the site. *0902HC060 - 03/09/09
- 1404.03.04 The area and proposed district will be adequately served by essential public facilities and services such as highways, streets, police, and fire protection, drainage sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services. *0902HC060 - 03/09/09
- 1404.03.05 The proposed use will not be detrimental to the economic welfare of the community. *0902HC060 - 03/09/09
- 1404.03.06 The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor, or other characteristic not compatible with the uses permitted in the base zoning district. *0902HC060 - 03/09/09
- 1404.03.07 Vehicular approaches to the property shall be designed as not to create interference with traffic on surrounding public and/or private streets or roads. *0902HC060 - 03/09/09
- 1404.03.08 The proposed use will not be detrimental to property values in the immediate vicinity. *0902HC060 - 03/09/09
- 1404.04 The applicant shall be bound to any conditions which shall be determined to be necessary by the Planning Commission upon making a recommendation to secure the general objectives of this code. So as to not adversely affect other properties in the neighborhood such additional conditions shall be established where applicable as necessary to provide for but are not limited to address: *0902HC060 - 03/09/09

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- 1404.04.01 Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, traffic flow and control and access in case of fire or other disaster. *0902HC060 - 03/09/09
- 1404.04.02 Off-street parking with particular attention to 1404.04.01 above and to noise or glare effects of the conditional use on adjoining properties generally in the district. *0902HC060 - 03/09/09
- 1404.04.03 Refuse and service areas, with particular reference to item 1404.04.01 and 1404.04.02 above. *0902HC060 - 03/09/09
- 1404.04.04 Utilities with reference to their location, availability and compatibility with adjoining and nearby uses. *0902HC060 - 03/09/09
- 1404.04.05 Screening, landscaping and buffering with reference to type, dimensions and character. *0902HC060 - 03/09/09
- 1404.04.06 Control of traffic, public safety, economic impact, and harmony with other properties in the district. *0902HC060 - 03/09/09
- 1404.04.07 Required yards, setbacks and open spaces. *0902HC060 - 03/09/09
- 1404.04.08 Creation of restrictive covenants or easements. *0902HC060 - 03/09/09
- 1404.04.09 Provision of sustainable features, solar or other renewable energy source, rain water capture, storage and treatment. *0902HC060 - 03/09/09
- 1404.04.10 The foregoing conditions shall not be subject to waivers or variances that could be granted under Article XIV, Amendments and Changes. *0902HC060 - 03/09/09
- 1404.05 The Planning Commission shall be further empowered to review and/or rescind an existing conditional use whenever:
 - 1404.05.01 An additional or alternate conditional use is being requested for the same property.
 - 1404.05.02 A conditional use has not been activated within six (6) months of its approval or the applicant has not applied for an extension of time.
 - 1404.05.03 A Conditional Use Permit has been inactive or inoperative for more than six (6) months.

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1404.05.04 A Conditional Use Permit may be revoked through a cease and desist order or conditions modified or added on any one or more of the following grounds:

- a. The applicant intentionally provides misleading information (the provision of information is considered “intentional” where the applicant was aware of the inaccuracies or could have discovered the inaccuracies with reasonable diligence).
*0902HC060 - 03/09/09
- b. The applicant fails to comply with any condition of the approval.
*0902HC060 - 03/09/09

1404.05.05 This conditional use permit will automatically extend for 6-month periods (not to exceed four (4) such extensions), if there is ongoing progress toward completion of the subdivision or development subject to State and/or Federal jurisdictional approvals. Recording of the final subdivision plat shall constitute full and final compliance with this conditional use permit. *2202HC024 – 03/07/22

1405 - Zoning Variance

Applicants for zoning variances to the code shall be processed in the following manner:
*0902HC060 - 03/09/09

1405.01 An application for a zoning variance from the terms of this code, signed by the applicant, shall be addressed to the Planning Commission. *0902HC060 - 03/09/09

1405.02 A fee, as determined by the Board of Supervisors and posted for public knowledge, shall be paid to Harrison County for each application to cover the costs of advertising and administrative costs. The application shall contain or be accompanied by such legal descriptions, maps, plans and other information as necessary to completely describe the proposed use, existing conditions and requested variance. *0902HC060 - 03/09/09

1405.03 The Planning Commission shall review the application and determine that sufficient data is contained to adequately describe the situation. If the data is not adequate, the Planning Commission shall return the application for additional information.

1405.04 Procedure and Criteria: The Planning Commission shall approve or deny variances in the following manner:

1405.04.01 The Planning Commission shall schedule a public hearing to be held within sixty (60) days of the application filing date. See Section 1403 Public Hearings and Notification. *0902HC060 - 03/09/09

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- 1405.04.02 No application shall be deemed filed until submission requirements are completed and found to be acceptable by the Zoning Office or his/her designee. The final determination of the Zoning Officer is appealable to the Board of Supervisors, per Section 1409. *0902HC060 - 03/09/09
- 1405.04.03 The Planning Commission shall approve, table, or deny the application for a zoning variance at the public hearing. Before any zoning variance is granted, the Planning Commission must find that all of the following are met: *0902HC060 - 03/09/09
- c. Special circumstances exist which are peculiar to the applicant's land, structure or building and do not generally apply to the neighboring lands, structures or buildings in the same district or vicinity
 - d. Strict application of the provisions of this Code would deprive the applicant of reasonable uses of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures, or buildings in the same district. *0902HC060 - 03/09/09
 - e. The special circumstances are not the result of action of the applicant taken subsequent to the adoption of this Code. *0902HC060 - 03/09/09
 - f. Relief; if approved, will not cause substantial detriment to the public welfare or impair the purposes and intent of this Code. *0902HC060 - 03/09/09
- 1405.04.04 The following rules will be considered by the Planning Commission when approving or denying a zoning variance: *0902HC060 - 03/09/09
- a. Financial disadvantages to the property owner shall not constitute conclusive proof of unnecessary hardship within the purpose of zoning.
 - b. The Planning Commission does not possess the power to grant a zoning variance permitting a use of land or building that is not permitted in the district involved. *0902HC060 - 03/09/09
 - c. In granting a zoning variance, the Planning Commission may attach thereto any conditions and safeguards it deems necessary or desirable in furthering the purposes of this Code. *0902HC060 - 03/09/09
 - d. Unless otherwise specified at the time the zoning variance is granted, the zoning variance applies to the subject property and not to the individual who applied. Consequently, the zoning variance is transferable to

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subsequent owners, heirs or assigns of the subject property, but cannot be transferred to a different site. *0902HC060
06/02/2009

1406 - Subdivision Variances and Modifications

- 1406.01 General. Where the Board of Supervisors finds that extraordinary hardships or practical difficulties may result from strict compliance with the standards for subdivision plats and/or infrastructure, and where a greater extent by an alternative proposal, it may approve variances, exceptions, and waiver of conditions to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that the variance, exception, or waiver conditions shall not have the effect of nullifying the intent and purpose of these regulations. *0902HC060 - 03/09/09
- 1406.02 Criteria for Granting Variances for Subdivision Standards. Before any variance is granted, the Board must find that all of the following are met: *0902HC060 - 03/09/09
- a. The granting of the variance, exception, or waiver of conditions will not be detrimental to the public safety, health, or welfare or injurious to other property. *0902HC060 - 03/09/09
 - b. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property. *0902HC060 - 03/09/09
 - c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a hardship rather than an inconvenience to the owner would result, if the strict letter of the law. *0902HC060 - 03/09/09
 - d. The fact that a developer could realize a greater financial return by the using or subdividing of his property in a manner that is contrary to these Regulations is not sufficient reason for granting a variance. Hardship cannot be proved where is can be shown that property was purchased without the knowledge of existing restrictions, nor can hardships be claimed in terms of prospective sales or potential customers. *0902HC060 - 03/09/09
- 1406.03 Procedure for Approval of Subdivision Variances *0902HC060 - 03/09/09
- a. A petition for a variance, exception, or waivers of conditions shall be submitted in writing to the County Engineer when the Sketch Plat is filed for approval. The petition shall state fully the grounds for the application and all of the relevant facts pertinent to the request. *0902HC060 - 03/09/09
 - b. The Board shall approve, deny or approve with conditions the requested variance at the time of the hearing for approval of the Sketch Plat. *0902HC060 - 03/09/09

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1406.04 Granting of Administrative Variances. Nothing in this section shall prohibit the ability of the County Engineer from administratively approving minor changes to lot configurations on the construction plat or final plat which may be required to improve adequate drainage, effective traffic flow or protect the overall public interest assuming such changes conform to the requirements of relevant development ordinances, laws and statutes including the regulations of this Code. *0902HC060 06/02/2009

1407 - Amendments and Changes

1407.01 The Board of Supervisors may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the districts created by this Code, amend district boundary lines, provided that in all amendments adopted under the authority of this section, due allowance shall be made to existing conditions, the conservation of property values, the direction of building development to the best advantage of the entire community, and the uses to which property is devoted at the time of the adoption of such amendments. *0902HC060 - 03/09/09

1407.02 Reason for amendment. This Code, including the zoning map, is based on comprehensive planning studies and is intended to carry out the objective of a sound, stable and desirable environment. It is recognized that casual amendment of the code would be detrimental to the achievement of that objective, and it is therefore declared to be the public policy to amend this Code only when one or more of the following conditions prevail: *0902HC060 - 03/09/09

1407.02.01 Error - There is a manifest error in the code. *0902HC060 - 03/09/09

1407.02.02 Change in condition - Changed or changing conditions in a particular area or in the county generally make an amendment to the code necessary and desirable. *0902HC060 - 03/09/09

1407.02.03 Increase in need for sites - Increased or increasing needs for business or industrial sites, in addition to sites that are available, make it necessary and desirable to reclassify an area or to extend the boundaries of an existing district.

1407.02.04 Unified Development Code changes - Amendment of the code not involving a change in classification of land is necessary. *0902HC060 - 03/09/09

1407.02.05 Change in governmental property - It is necessary to reclassify property as a result of acquisition or disposition of such property by the United States of America, the State of Mississippi or Harrison County.

1407.02.06 Consistency with the Comprehensive Plan. - The rezoning will result in consistency with the County Comprehensive Plan. *0902HC060 - 03/09/09

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1407.03 The Planning Commission shall be further empowered to rescind a rezoning whenever: *0902HC060 - 03/09/09

- a. The applicant intentionally provides misleading information. The provision of information is considered “intentional” where the applicant was aware of the inaccuracies or could have discovered the inaccuracies with reasonable diligence. *0902HC060 - 03/09/09
- b. The applicant fails to comply with any condition of the rezoning approval. *0902HC060 - 03/09/09

1407.04 This Code shall be amended in the following manner –

1407.04.01 Amendments may be proposed by the Zoning Officer, any property owner or duly authorized agent of a property owner. *0902HC060 - 03/09/09

1407.04.02 An application for an amendment to this Code shall be signed by the applicant, addressed to the Board of Supervisors and presented to the Planning Commission for its review and written recommendations.

- a. There shall be a clear and demonstrated need in the area for those uses permitted in the proposed district and not permitted in a more restrictive district.
- b. Interest and ownership - The applicant’s name, address and interest in the application, and the name, address and interest of every person, firm or corporation represented by the applicant in the application; the name of the owner or owners of the entire land area proposed to be changed in classification or to be included within the proposed district;
- c. Site plan - If the proposed amendment would require a change in the zoning map, a site plan showing the land area which would be affected, easements, bounding and intersecting the designated area, the locations of existing and proposed structures with supporting open facilities, and the ground area to be provided and continuously maintained for the proposed structure or structures;
- d. Development schedule - The time schedule for the beginning and completion of development planned by the applicant in the area; if the development is planned in stages, the time schedule shall indicate the successive stages and the development planned for each stage;

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- e. Effect of amendment - A report giving the nature, description and effect of the proposed amendment; if the proposed amendment would require a change in the zoning map, a description of the probable effect on the surrounding land uses and properties;
 - f. Error - The error in this Code that would be corrected by the proposed amendment, if the intent is to correct an error. *0902HC060 - 03/09/09
 - g. No land for which an application for reclassification has been denied by the Planning Commission or Board of Supervisors shall be considered again by the Planning Commission or Board of Supervisors for the same classification for at least (6) six months from the date such application was denied. *0607HC238 07/20/06
- 1407.04.03 A fee, as determined by the Board of Supervisors and posted for public knowledge, shall be paid to Harrison County, Mississippi, for each application for an amendment to cover the costs of advertising and other administrative expenses involved. The Board of Supervisors and the Planning Commission shall be exempt from this fee.
- 1407.04.04 The Planning Commission shall schedule a public hearing on each application for an amendment within sixty (60) days after a complete application is filed with the Planning Commission. The time and place for the hearing shall be established by the Planning Commission. The hearing shall be conducted and a record of such proceedings shall be preserved. See Section 1403 Public Hearings and Notification. *0902HC060 - 03/09/09
- 1407.04.05 The Planning Commission shall make written findings of fact and shall submit same together with its recommendations to the Board of Supervisors within thirty (30) days of the hearing. Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Planning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters -
- a. The consistency of the proposed amendment with the goals and objectives of the County's Comprehensive Plan *0902HC060 – 03/09/09
 - b. Existing uses of property within the general area of the property in question.

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- c. The zoning classification of property within the general area of the property in question.
- d. The suitability of the property in question for the uses permitted under the existing zoning classification.
- e. The trend of development, if any, in the general area of the property in question, including changes, which have taken place in its zoning classification.

1407.05 The Board of Supervisors shall not act upon a proposed amendment to this Code until it shall have received a written report and recommendations from the Planning Commission and the public hearing has been held. *0902HC060 - 03/09/09

1407.06 The Board of Supervisors shall approve or deny the proposed amendment. If an application for such an amendment is not acted upon by the Board of Supervisors within a ninety (90) day period following initial submission, the decision of the Planning Commission shall be deemed to have been approved.

1408 - Appeals

1408.01 Appeals from actions of a Zoning Officer. *2103HC052 – 5/3/21

1408.01.01 All appeals from actions of a Zoning Officer from the enforcement and interpretation of this code shall be filed within thirty (30) days of the date of the action. *2103HC052 – 5/3/21

1408.01.02 Appeals from any action of a Zoning Officer shall be signed by the appellant and shall be addressed to the Planning Commission and presented to a Zoning Officer. A filing fee of Fifty Dollars (\$50.00) shall be paid to Harrison County for each appeal to cover the costs of advertising and/or administrative costs. The request for appeal shall contain or be accompanied by such legal descriptions, maps, plans, and other information so as to completely describe the decisions or interpretations being appealed and the reasons for such appeal. *2103HC052 – 5/3/21

1408.01.03 The Zoning Officer shall transmit to the Planning Commission, the appeal and all papers constituting the record upon which the action appealed was taken. The Planning Commission shall schedule a hearing to be held within sixty (60) days from the filing of the appeal. *2103HC052 – 5/3/21

1408.01.04 An appeal from an action of a Zoning Officer stays all proceedings in furtherance of the action appealed from, unless the Zoning Officer

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certifies to the Planning Commission that by reason of facts in the record a stay would, in the Officer's opinion, place imminent peril to life or property or which, in the Officer's opinion, would be totally disruptive and harmful to the County and/or the immediate neighborhood. *2103HC052 – 5/3/21

1408.02 Appeals from actions of the Planning Commission *2103HC052 – 5/3/21

1408.02.01 Any person aggrieved by the findings, recommendations or decisions of the Planning Commission shall have the right to appeal from the findings of said Planning Commission directly to the Board of Supervisors. *2103HC052 – 5/3/21

1408.02.02 All appeals to the Board of Supervisors from findings, recommendations or decisions of the Planning Commission shall be upon the record made before the Planning Commission together with the complete file thereof. For that purpose, the Planning Commission shall make a magnetic tape recording of all of its hearings and proceedings, or, at its option, have a reporter present, or both. The appellant shall, upon payment therefor, be entitled to such portion of the record pertaining to his/her application for the purpose of appeal. Such appeal shall be filed in writing and signed by the Appellant within fifteen (15) days of the meeting date in which the Planning Commission makes such recommendation or decision. Said appeal shall state what decision is being appealed and detailing how you are aggrieved and delivered to a zoning officer. A filing fee of \$50.00 shall be paid to Harrison County for each such appeal, together with the cost of the transcript made at the meeting. The fee for the transcript shall be the per page fee charged by the reporter preparing the same. The balance of the cost of the transcript shall be paid within 30 days of filing the appeal and prior to the hearing before the Board of Supervisors. *2103HC052 – 5/3/21

1408.02.03 Any appeal from a finding, recommendation or decision of the Planning Commission or from a decision of the Board of Supervisors shall not operate as a stay unless the Appellant posts a supersedeas bond in an amount and upon the conditions set by and approved by the Board of Supervisors or the Circuit Court, as the case may be. *2103HC052 – 5/3/21

1409 Violations and Penalties

1409.01 If a Zoning Officer determines that any of the provisions of this Ordinance are violated, he may take any one or more of the following actions: *1602HC032 – 03/07/16

Harrison County, Mississippi Unified Development Code

- 1409.01.01 He may give written notice by mail to the person responsible for such violation indicating the nature of the violation and ordering the action necessary to correct it; or, *1602HC032 – 03/07/16
- 1409.01.02 He may issue a formal Cease and Desist Order (using the form herein set forth) directed to the person or persons responsible for such violation or violations and the same shall be served by the Zoning Officer, or someone on the zoning officer's staff, either personally serving the person or persons responsible for such violation or violations or by posting such Cease and Desist Order on the property where such violation or violations occurred; or, *1602HC032 – 03/07/16
- 1409.01.03 He may issue a formal Cease and Desist Order (using the form herein set forth) directed to the person or persons responsible for such violation or violations and the same shall be served by the Zoning Officer, or someone on the zoning officer's staff, either personally serving the person or persons responsible for such violation or violations or by posting such Cease and Desist Order on the property where such violation or violations occurred; or, *1602HC032 – 03/07/16
- 1409.01.04 In the event the violation is one that endangers persons or property, then, and in such event, if the Zoning Officer is left without any further recourse, he shall seek Police assistance from the Harrison County Sheriff and request that the Sheriff furnish him with the necessary personnel to fulfill his duties; or, *1602HC032 – 03/07/16
- 1409.01.05 The Zoning Officer may request the Attorney for the Harrison County Planning Commission to seek injunctive relief, damages, mandamus or other appropriate action, in a proceeding to prevent further violation of the zoning code, together with the appropriate fines, attorney's fees and expenses as herein provided. *1602HC032 – 03/07/16
- 1409.01.06 Service of any notice provided for herein may also be made by a Deputy Sheriff of Harrison County, Mississippi or by the Constable for the Supervisor's District in which the violation has occurred. *1602HC032 – 03/07/16
- 1409.01.07 He may file and pursue charges as set forth in Section 1409.03 and elsewhere herein. *1602HC032 – 03/07/16
- 1409.01.08 The Cease and Desist Order authorized by Section 1409.01.02 may be in the following form: *1602HC032 – 03/07/16

Harrison County, Mississippi Unified Development Code

TO: _____

FROM: The Harrison County, Mississippi Zoning Officer

SUBJECT: Violation of the Harrison County Zoning Ordinance

DATE: _____

PROPERTY LOCATION: _____

CEASE AND DESIST ORDER

You are hereby notified that you are in violation of the Harrison County Zoning Ordinance and you are hereby ordered to Cease and Desist all activity in violation thereof.

The violation consists of the following:

The action required is:

*1602HC032 – 03/07/16

Harrison County, Mississippi Unified Development Code

NOTICE OF FINES

If you fail to obey this Cease and Desist Order by the _____ day of _____,

20____, a fine up to ***One Hundred and no/100's Dollars (\$100.00) per day*** will be assessed against you and/or your property without further notice. For multiple violations, each such violation may be subject to a separate daily fine and such amounts each day the violation(s) continues shall be a separate offence subject to such daily fine or fines.

Theses fines may be assessed as part of your ad valorem taxes due each year for the above-mentioned property. This constitutes a serious violation and your immediate attention is invited.

Herein fail not.

HARRISON COUNTY ZONING OFFICER

(SIGNATURE)

(SIGNATURE)

*1602HC032 – 03/07/16

Harrison County, Mississippi Unified Development Code

- 1409.01.09 The Zoning Officer may conduct informal hearings to which the Zoning Officer may invite person believed to be in violation of the zoning ordinance and informally discuss the violations and possible remedies with such persons on the informal basis. The purpose of such informal meetings is to attempt to achieve an amicable solution of zoning violations prior to instituting more formal proceedings. *1602HC032 – 03/07/16
- 1409.01.10 The Zoning Officer shall order the discontinuance of use of land, buildings or structures, or of additions, alterations of structural changes thereto. *1602HC032 – 03/07/16
- 1409.01.11 A new building permit application will not be processed for an improvement on a property with an active violation unless the application, is specifically to remedy the violation. *2305HC076 – 06/12/23
- 1409.02 In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, maintained, or any person would be damaged by such violation, in addition to other remedies, the Zoning Officer may institute injunction, mandamus, or other appropriate action in proceeding to prevent the violation in the case of each such building or use of land. *1602HC032 – 03/07/16
- 1409.03 Any person, firm, corporation or any person named in Section 1409.03.02 hereof who shall knowingly and willfully violate the terms, conditions or provisions of this ordinance shall be guilty of a misdemeanor and upon conviction therefore shall be sentenced to pay a fine of not to exceed one hundred dollars (\$100.00), an in case of continuing violations without reasonable effort on the part of the defendant to correct same, each day the violation continues thereafter shall be a separate offense. In addition to such fine or fines the court cost for each such offence shall be added thereto. Without limiting the general application of this Section (1409.03) the specific violations hereafter set forth shall be misdemeanor violations and shall be so punished and fined as set forth above, such specific violations being as follows:
*1602HC032 – 03/07/16
- 1409.03.01 The Use of a Recreational Vehicle as a place of abode, except as permitted by Section 816.02 hereof. Place of Abode as used in this section shall mean any human occupation for a period exceeding two (2) consecutive days*1602HC032 – 03/07/16
- 1409.03.02 Use of any type of structure as a dwelling, which said structure does not have a valid certificate of occupancy. This section prohibits the use of sheds, storage buildings and similar structures from being used as a dwelling or for any type of human occupancy. *1602HC032 – 03/07/16

Harrison County, Mississippi Unified Development Code

- 1409.03.03 Operating an Automobile Impound Facility, an Automobile Junk Area, an Auto Wrecking area or an Automobile/Truck Sales facility on property not specifically zoned for such purpose. *1602HC032 – 03/07/16
- 1409.03.04 Maintaining or keeping of animals or fowls in unsanitary conditions, regardless of the zoning classification of the property; unsanitary conditions as used in this section shall include the presence of excess waste, smell, noise and/or vermin, rats, mice, fleas, ticks and other pests associated with neglected animals. *1602HC032 – 03/07/16
- 1409.03.05 Conducting commercial activities on any property without a permit to conduct such business*1602HC032 – 03/07/16
- 1409.03.06 Conducting Commercial activities (permitted or not) on property not specifically zoned for such purpose. *1602HC032 – 03/07/16
- 1409.03.07 Construction of or maintaining a structure without a building permit*1602HC032 – 03/07/16
- 1409.03.08 Subdivision of property without complying with the Ordinances of Harrison County, Mississippi applicable to the same*1602HC032 – 03/07/16
- 1409.03.09 Storage of Heavy Equipment on property not specifically zoned for such purpose. *1602HC032 – 03/07/16
- 1409.03.10 Storage of inoperable and/or unused automobiles, trucks, vans, buses, mobile homes, modular units (FEMA/MEMA Cottages) and/or machinery on property zoned A-1, E-1, R-1, R-2, R-3, C-2, C-3or O-1, after being given Thirty (30) days' Notice to remove the same by a Zoning Officer. Such notice shall be regular mail addressed to the owner at the owner's address maintained by the tax assessor and shall commence upon posting (mailing). *1602HC032 – 03/07/16
- 1409.03.11 Keeping and/or maintaining Agricultural Livestock on any property, except those properties specifically zoned to allow such use. *1602HC032 – 03/07/16
- 1409.03.12 Continuing to violate any Section of the Harrison County Zoning Ordinance after being given Thirty (30) days' Notice to cease such violation by a Zoning Officer. Such notice shall be regular mail addressed to the owner at the owner's address maintained by the tax assessor and shall commence upon posting (mailing). *1602HC032 – 03/07/16

Harrison County, Mississippi Unified Development Code

- 1409.04 Nothing herein contained shall prevent the County from taking such other lawful actions it deems necessary to prevent or remedy any violation. *1602HC032 – 03/07/16
- 1409.05 Penalties for violation of the code shall be as follows –
- 1409.05.01 Any violation of the provisions of this Code or failure to comply with its requirements (including violation of conditions and safeguards established in connection with grants of variances, special exceptions, or conditional approval) shall constitute a misdemeanor and upon conviction shall be sentenced as prescribed by the Mississippi Code of 1972 section 17-1-27 et seq. *0902HC060 - 03/09/09
 - 1409.05.02 Failure to perform an act that is required to be performed by code or by rule or regulation authorized by code shall be punished or abated through the use of a cease and desist order, stop-order, injunction, mandamus, or fine of up to \$100.00 per offense as provided by the Mississippi Code of 1972 section 17-1-27 et seq. (Example: Failure to obtain a permit prior to construction.) *0902HC060 - 03/09/09
 - 1409.05.03 In case of continuing violations without reasonable effort on the part of the defendant to correct same, each day the violation continues shall constitute a separate offense as prescribed by the Mississippi Code of 1972 section 17-1-27 et seq.
 - 1409.05.04 The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise, the imposition of civil penalties, or other administrative actions.
 - 1409.05.05 In addition to any fine imposed or fee charged, an assessment for the costs of court shall be imposed upon any person found to be in violation of this Code as prescribed in Section 1410.
 - 1409.05.06 In such case that the Zoning Officer is left without any further recourse, necessary police personnel may be called upon to assist in fulfilling the duties of the Zoning Officer.
- 1409.06 The general public may initiate inspection of a site that is thought to be in violation of the code by providing a written request detailing the property location and suspected violation to the Zoning Officer. The Zoning Officer or his/her representative will determine whether the request is valid and if so, take the necessary means to abate the violation(s). *0902HC060 - 03/09/09
- 1409.07 Nothing herein contained shall prevent the County from taking such other lawful actions it deems necessary to prevent or remedy any violation. *0902HC060 - 03/09/09

Harrison County, Mississippi Unified Development Code

1409.08 Service of any notice herein may also be made by a Deputy Sheriff of Harrison County, Mississippi or by the Constable for the Supervisor's District in which the violation has occurred. *0902HC060 06/02/09

1410 - Attorney's Fees, Expense, and Costs

1410.01 In any situation where the Zoning Officer, the Planning Commission or the Board of Supervisors, or any combination thereof, shall find it necessary to seek recourse by way of injunction, mandamus or other appropriate action in a Court of law or equity, and such Court finds that the person against whom such action is taken is, in fact, responsible for a violation of the Harrison County Unified Development Code, then, in such event, the Court shall award to the Zoning Officer, the Planning Commission, or the Harrison County Board of Supervisors, as the case may be, in addition to any other relief awarded, reasonable attorney's fees, expenses and costs against such violator. *0902HC060 - 03/09/09

1410.02 In the event any person is aggrieved by a Cease and Desist Order or by any fines assessed against them as herein provided and such person appeals the same to the Planning Commission, the Board of Supervisors and/or the Circuit Court and/or the Mississippi Supreme Court and such Cease and Desist Order and/or fines are affirmed and assessed against such person or appeal, then, in addition to the fines and interest found against such person, such person shall also pay to the Zoning Officer, the Planning Commission, or the Board of Supervisors, as the case may be, reasonable attorney's fees, expenses and costs of any such appeal, together with the costs of all transcripts and other matters associated with such appeal(s) . *0902HC060 - 06/02/09

1410.03 If, after issuing a Cease and Desist Order as authorized in Section 1409.01.02, the violations ordered to be ceased are not ceased but continue then the Zoning Officer shall fine the person responsible for such violations up to \$100.00 a day. If there are multiple violations, then, in the event of such multiple violations, the Zoning Officer may impose such daily fine for each such violation in the daily amount aforesaid. Such fine or fines shall continue daily from day to day until the violation or violations cease and each such daily fine or fines shall begin to accrue interest at the legal rate of eight percent (8%) per annum from and after the applicable day of imposition. The Cease and Desist Order authorized by Section 1409.01.02 shall contain a statement addressed to the person responsible for the violation or violations, notifying such person that a fine or fines shall commence on a certain day as indicated therein and shall continue until the violation ceases. Once such fines are set and assessed, then the zoning officer may notify the person responsible of the issuance of the imposition of such daily fines, but such notice is not required for the imposition and collection thereof. *1602HC032 - 03/07/16

1410.04 Upon the issuance of any Cease and Desist Order and upon the imposition of any fine as authorized herein, the Zoning Officer shall notify the Planning Commission thereof at its next regularly scheduled meeting. *1602HC032 - 03/07/16

Harrison County, Mississippi Unified Development Code

- 1410.05 Anyone aggrieved by such Cease and Desist Order or by the imposition of any fines imposed pursuant thereto may appeal the Zoning Officer's decision to the Planning Commission as provided by Section 1408. *1602HC032 - 03/07/16
- 1410.06 Upon the imposition of any fine, pursuant to the authority hereof and in the event of nonpayment thereof, the Zoning Officer or the Planning Commission may request that the Board of Supervisors assess such fine against the property identified in such Cease and Desist Order in the manner provided by law. *1602HC032 - 03/07/16

Editor's Note:

A copy of the most recent code establishing current county fees and service charges is available at county offices during normal business hours. *0902HC060 - 03/09/09

ATTACHMENT A

SMARTCODE v9