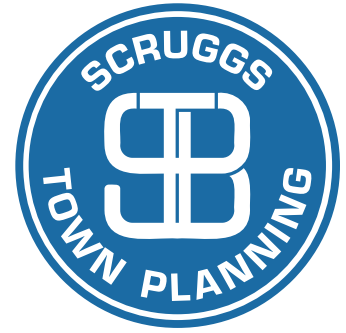


Text Amendment Review Copy - Scheduled for July 17th Planning Commission Meeting

June 27, 2025



Mr. Eric Nolan, Zoning Administrator
Harrison County
PO Drawer CC
Gulfport, MS 39501

RE: Zoning Ordinance Amendments

Dear Mr. Nolan:

Attached are the draft documents for consideration and adoption by the Planning Commission and ultimately the Board of Supervisors. It is anticipated that these proposed amendments will be placed on the July 17, 2025 meeting of the Harrison County Planning Commission. This is the first of a series of recommendations, but these amendments will provide significant assistance in short and long term planning and land use decisions. The proposed amendments are based on changes in neighborhood character of Harrison County and a public need. These are comprehensive changes that impact the unincorporated areas of the County.

The original zoning ordinance was adopted in August 2000. The changes in character of the County since that time are evident with the increased single-family residential development within the unincorporated areas which are occurring at a faster rate than within the municipalities. New single-family residential subdivisions are being developed throughout the County, and oftentimes, the suburban lot sizes and overall scale may be incompatible with the rural character of certain areas of the County. The Zoning Ordinance can be improved to address these pressures by providing more options or additional land use controls for residential development. These proposed amendments address the public need to guide growth into appropriate areas that are consistent with the Comprehensive Plan. The proposed changes will assist the County in land use decisions that are more consistent with the surrounding areas, will aid in deterring incompatible development, and better manage sprawl. The proposed changes will provide greater flexibility for the County in dealing with applications and requests for zoning amendments.

The proposed changes include the following:

- Article II, Section 203 - Meaning of Words and Terms
- Article III, Section 300 - Establishment of Districts
- Article IV, Sections 402, 403, 404 – Description of Proposed Districts
- Article IV, 415 Use Table Changes – Subdistricts, Accessory Dwelling Units, and Subdivisions
- Article IV, Table 416 - Lot Dimensional Requirements
- Article IV, Section 416.02 - Table of Area and Dimensional Requirements - Required Improvements
- Article XIV, Section 1407 – Amendments and Changes

A brief summary of these Sections and Tables listed are as follows:

- **Article II, Section 203. (Amendment 1)** The terms “Established District”, “Subdistrict”, and “Spot Zoning” are added to the glossary.
- **Article III, Section 300. (Amendment 2)** Established Districts and additional Agriculture, Estate, and Residential Districts are provided. This will permit the continued and compliant uses of A-1, E-1, and R-1

Districts that currently exist without requiring a rezoning to maintain current uses. Essentially, nothing will change in these districts unless the owner or developer initiates a change in boundary lines, a conditional use, the subdivision of the property, or similar applications that requires Planning Commission consideration. If some change or division is initiated, a rezoning to one of the newly approved districts will be required. It is the intent to eventually change the Established Districts to the newly adopted districts. Until that time, zoning changes from Established Districts will be initiated by the property owner or delegate. No rezonings to Established Districts should be permitted.

- **Article IV, Section 402, 403, and 404. (Amendment 3)** This section further defines the intent and characteristics of the proposed subdistricts. It provides additional districts (also referred to as subdistricts) within the following classifications: Agriculture, Estate, and Single-Family Residential.
- **Article IV, Table 415-Use Table. (Amendment 4)** The changes within this table reclassifies accessory dwelling units on Agriculture lots from a 'conditional use' to a 'permitted use'. This also includes the provision to permit manufactured homes as accessory dwellings for immediate family members in Agricultural Districts. Manufactured homes are reclassified as "permitted use" in Agricultural Districts (no longer classified as a conditional use). Another adjustment includes the removal of a clause that could require a conditional use to build a residential dwelling on compliant lots within subdivisions after five (5) years [This is an unenforced regulation that could cause problems]. A statement is provided that requires rezonings of parcel or tracts within Established "E" and "R" Districts to be rezoned for the development of subdivisions.
- **Article IV, Table 416. (Amendment 5)** Changes to this table include the addition of new districts and the dimensional requirements of the lots within the district to include setbacks, lot area, widths, etc. An additional column is provided that identifies the development types that are permitted. This will require the removal of A-1, E-1 and R-1 rows from the Table on page 96 and provide a new "stand alone" or additional chart to be included with Table 416.
- **Article IV, Section 416.02. (Amendment 6)** This proposed amendment is closely related to Table 416 and addresses the Development Types I, II, and III and the infrastructure required for these developments.
- **Article XIV, Section 1407 (Amendment 7)** This proposed amendment includes area limitations on rezonings to deter "spot zoning" that may be incompatible with areas. The amendment also encourages better compliance with the Comprehensive Plan.

The proposed amendments are attached to this letter.

If there are questions related to this update or if additional input can be provided, please feel free to call at 228.348.1315 or email to donovan@scruggsplanning.com.

Sincerely,


Donovan Scruggs, AICP

Amendment 1

Article II - Interpretation and Definitions 203 - Meaning of Words and Terms

[Add the following definitions to this Section]

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District, Established- One of the three zoning districts (General Agriculture, Very Low Density Residential, and Low Density Residential) established with the original adoption of the Harrison County Zoning Ordinance that will remain active for parcels of land until such time that the parcel's boundary lines are modified, the parcel is proposed to be divided into lots or any interests, a Comprehensive Rezoning of the County occurs, or a land use application is submitted to the Planning Commission. Existing and permitted uses of the parcels of these districts may continue, but map amendments are expected when these parcels develop with conditional uses, divisions, and other actions are requested that require Planning Commission or Board of Supervisor consideration.

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Spot Zoning: An arbitrary zoning or rezoning of a small or isolated tract of land, usually surrounded by other uses or zoning categories that are of a markedly or substantially different intensity, that is not consistent with the comprehensive land use plan, and that primarily promotes the private interest of the owner rather than the general welfare.

Subdistricts (zoning): Newly adopted districts that create divisions of the broader Established Districts of this ordinance. These include A-15, A-5, A-3, E-1.3, E-1.2, E-1.1, E-1.32, R-1.20, R-1.15, R-1.12, R-10, and R-1.75.

Amendment 2

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) [Delete this Heading and Modify as follows]

Agricultural Districts (section 402)

A-1 General Agricultural District-Established

A-15 Agricultural-General District

A-5 Agricultural-Minor District

A-3 Agricultural-Residential District

E-1 Very Low Density Residential District (section 403) [Delete this Heading and Modify as follows]

Estate Lot Districts (section 403)

E-1 Estate-Very Low Density District-Established

E-1.3 Estate-Major District

E-1.2 Estate-Minor District

E-1.1 Estate-Rural District

E-1.32 Estate-Village District

R-1 Low Density Residential District (section 404) [Delete this Heading and Modify as follows]

Single-Family Residential Districts (section 404)

R-1 Low Density Residential District-Established

R-1.20 Single-family Residential Rural District

R-1.15 Single-family Large Lot District

R-1.12 Single-family Low Density District

R-1.10 Single-family Residential Moderate Density District

R-1.75 Single-family Residential Suburban Density District

[The remaining Residential and Commercial Districts within the existing code do not change]

Amendment 3

[OMIT THE FOLLOWING SECTIONS AND SUBSECTIONS - 402, 403, and 404]

[REPLACE THE ABOVE LISTED SECTIONS WITH THE FOLLOWING REVISED SECTIONS AND SUBSECTIONS]

Article IV

402 - Agricultural Districts

402.01 A-1 General Agriculture District-Established

402.01.01 The purpose of the A-1 General Agriculture District -Established is to provide an area primarily for farming, agricultural, silvicultural, dairying, the raising of livestock, poultry or other similar enterprises or uses on large parcels of 15 acres or greater. The purpose of this district is to function as a 'holding district'. These areas were provided to protect such uses from urbanization and suburban sprawl until change to such uses is warranted and 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. *This is an Established District that was originally created with the adoption of the Unified Development Code. Any development to reconfigure, subdivide, or otherwise modify the established parcel shall require a zoning map amendment to an appropriate district.*

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

402.01.03 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.

402.01.04 Yard Required. See Section 416 Table of Area and Dimensional Requirements for yard requirements.

402.01.05 Lot Requirements. See section 416 Table of Area and Dimensional Requirements or lot requirements.

402.01.06 Height Regulations. See Section 416 Table of Area and Dimensional Requirements or height requirements.

402.02 A-15 General Agriculture District [15 Acres]

402.02.01 The purpose of the A-15 General Agriculture District is to provide an area primarily for farming, agricultural, silvicultural, dairying, the raising of livestock, poultry or other similar enterprises or uses on large parcels of 15 acres or greater. It is the purpose of this district protect such uses and areas 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-15 District. Residential use incidental to and normally appurtenant to agricultural uses is consistent with the purpose of the A-15 District. Development of lots or tracts primarily for residential use is not consistent with the purpose of the A-15 District.

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

402.02.03 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.

402.02.04 Yard Required. See Section 416 Table of Area and Dimensional Requirements for yard requirements.

402.02.05 Lot Requirements. See section 416 Table of Area and Dimensional Requirements or lot requirements.

402.02.06 Height Regulations. See Section 416 Table of Area and Dimensional Requirements or height requirements.

402.03 A-5 Agriculture-Minor District [5 Acres]

402.03.01 The purpose of the A-5 Agriculture-Minor District is to provide an area primarily for farming, agricultural, silvicultural, dairying, the raising of livestock, poultry or other similar uses. The uses on these tracts are generally to be of a smaller scale than the uses within the General Agricultural District and are situated on parcels of 5 acres or greater. It is the purpose of this district to encourage and protect such areas 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-5 Agriculture-Minor District. Residential uses are permitted, and agricultural uses and buildings are permitted as primary and accessory uses or structures that are consistent with the purpose of the A-5 District. Development of lots or tracts primarily for residential use is not consistent with the purpose of the A-5 District.

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

402.03.03 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.

402.03.04 Yard Required. See Section 416 Table of Area and Dimensional Requirements for yard requirements.

402.03.05 Lot Requirements. See section 416 Table of Area and Dimensional Requirements or lot requirements.

402.03.06 Height Regulations. See Section 416 Table of Area and Dimensional Requirements or height requirements.

402.04 A-3 Agriculture-Residential District [3 Acres]

402.04.01 The purpose of the A-3 Agriculture-Residential District is to provide an area primarily for rural residential uses with allowances for small scale primary and accessory uses that are related to farming, agricultural, silvicultural, dairying, the raising of livestock, poultry or other similar uses. The agricultural uses are typically accessory uses or "hobby" farms or gardens where agriculture, farming, and similar uses are not commercial in nature. 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. Residential uses are the primary permitted uses and accessory farm, barns, stables, and similar buildings are permitted as accessory uses or structures that are consistent with the purpose of the A-3 District. This district does permit the subdivision or development of residential lots and can be served by public services or on-site wells and septic, if the soil composition and capacity of land can accommodate individual or shared services. These areas are generally located closer to arterials, unincorporated suburban residential areas, or urban centers and serve as transitional areas between larger scale agriculture areas and estate and residential neighborhoods.

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

402.04.03 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.

402.04.04 Yard Required. See Section 416 Table of Area and Dimensional Requirements for yard requirements.

402.04.05 Lot Requirements. See section 416 Table of Area and Dimensional Requirements or lot requirements.

402.04.06 Height Regulations. See Section 416 Table of Area and Dimensional Requirements or height requirements.

403 Estate Districts (Changed from 403 Very Low Density District)

403.01 E-1 Estate-Very Low Density District-Established [3 Acres]

403.01.01 The purpose of the E-1 Estate District-Established 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 facilities and through consideration of the proper functional relationships of each element. *This is an Established District that was originally created with the adoption of the Unified Development Code. Any development to reconfigure, subdivide, or otherwise modify the established parcel shall require a zoning map amendment to an appropriate district.*

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

403.01.03 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.

403.01.04 Yard Required. See Section 416 Table of Area and Dimensional Requirements for yard requirements.

403.01.05 Lot Requirements. See section 416 Table of Area and Dimensional Requirements or lot requirements.

403.01.06 Height Regulations. See Section 416 Table of Area and Dimensional Requirements or height requirements.

403.02 E-1.3 Estate-Major District [3 Acres]

403.02.01 The purpose of the E-1.3 Estate-Major District is to provide for very low density, estate type, residential development that maintains a rural character. The estate uses are considered more suburban in nature than the larger or more rural agricultural lots, and the keeping of livestock is not permitted. 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 facilities and through consideration of the proper functional relationships of each element. . This district does permit the subdivision or development of residential lots and can be served by public services or on-site wells and septic, if the soil composition and capacity of land can accommodate individual or shared services.

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

403.02.03 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.

403.02.04 Yard Required. See Section 416 Table of Area and Dimensional Requirements for yard requirements.

403.02.05 Lot Requirements. See section 416 Table of Area and Dimensional Requirements or lot requirements.

403.02.06 Height Regulations. See Section 416 Table of Area and Dimensional Requirements or height requirements.

403.03 E-1.2 Estate-Minor District [2 Acres]

403.03.01 The purpose of the E-1.2 Estate-Minor District is to provide for low density, estate type, residential development that is 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 facilities and through consideration of the proper functional relationships of each element. This district does permit the subdivision or development of residential lots and can be served by public services or on-site wells and septic, if the soil composition and capacity of land can accommodate individual or shared services. These areas are generally located in close proximity to arterials, unincorporated suburban residential areas, or urban centers.

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

403.03.03 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.

403.03.04 Yard Required. See Section 416 Table of Area and Dimensional Requirements for yard requirements.

403.03.05 Lot Requirements. See section 416 Table of Area and Dimensional Requirements or lot requirements.

403.03.06 Height Regulations. See Section 416 Table of Area and Dimensional Requirements or height requirements.

403.04 E-1.1 Estate-Rural District [1 Acre]

403.04.01 The purpose of the E-1.1 Estate District is to provide for low density, estate type, residential development that is 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 facilities and through consideration of the proper functional relationships of each element. This district permits the subdivision or development of residential lots and can be served by public services or on-site wells and septic, if the soil composition and capacity of land can accommodate individual or shared service.

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

403.04.03 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.

403.04.04 Yard Required. See Section 416 Table of Area and Dimensional Requirements for yard requirements.

403.04.05 Lot Requirements. See section 416 Table of Area and Dimensional Requirements or lot requirements.

403.04.06 Height Regulations. See Section 416 Table of Area and Dimensional Requirements or height requirements.

403.05 E-1.32 Estate-Village Lot District [32,000 Sq. Ft./ ¾ Acre]

403.05.01 The purpose of the E-1.32 Estate Village Lot District is to provide for low density, estate type, residential development that is 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 facilities and through consideration of the proper functional relationships of each element. This district permits the subdivision or development of residential lots and can be served by public services or on-site wells and septic, if the soil composition and capacity of land can accommodate individual or shared services. These areas are generally located in close proximity to unincorporated suburban residential areas, or urban centers.

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

403.05.03 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.

403.05.04 Yard Required. See Section 416 Table of Area and Dimensional Requirements for yard requirements.

403.05.05 Lot Requirements. See section 416 Table of Area and Dimensional Requirements or lot requirements.

403.05.06 Height Regulations. See Section 416 Table of Area and Dimensional Requirements or height requirements.

404 Residential Districts (Changed from R-1 Low Density Residential District)

404.01 R-1 Single Family Residential-Low Density District-Established

404.01.01 The purpose of the R-1 Single Family Residential-Low Density District-Established is to provide for low density residential uses that maintains a larger lot character. 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. These areas are not intended to include uses such farming, agricultural, silvicultural, dairying, the raising of livestock, poultry or other similar uses. These areas are intended to be developed as single-family residential uses in suburban-type neighborhoods. Public water and sewer services are required for subdivision development in this district. *This is an Established District that was originally established with the adoption of the Unified Development Code. Any development to reconfigure, subdivide, or otherwise modify the established parcel or interest shall require a zoning map amendment to an appropriate district.*

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

404.01.03 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.

404.01.04 Yard Required. See Section 416 Table of Area and Dimensional Requirements for yard requirements.

404.01.05 Lot Requirements. See section 416 Table of Area and Dimensional Requirements or lot requirements.

404.01.06 Height Regulations. See Section 416 Table of Area and Dimensional Requirements or height requirements.

404.02 R-1.20 Single Family Residential-Rural District [20,000 Sq. Ft.- 1/2 Acre +/-]

404.02.01 The purpose of the R-1.20 Single Family Residential-Rural District is to provide for low density residential uses that maintains a large lot character. 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. These areas are not intended to include uses such as farming, agricultural, silvicultural, dairying, the raising of livestock, poultry or other similar uses. These areas are intended to be developed as single-family residential uses in suburban-type neighborhoods. This district is appropriate to be located adjacent to Estate Districts. Public water and sewer services are required for subdivision development in this district.

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

404.02.03 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.

404.02.04 Yard Required. See Section 416 Table of Area and Dimensional Requirements for yard requirements.

404.02.05 Lot Requirements. See section 416 Table of Area and Dimensional Requirements or lot requirements.

404.02.06 Height Regulations. See Section 416 Table of Area and Dimensional Requirements or height requirements.

404.03 R-1.15 Single Family Residential-Large Lot District [15,000 Sq. Ft.]

404.03.01 The purpose of the R-1.15 Single Family Residential-Large Lot District is to provide for low density residential uses in a suburban neighborhood environment. 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. These areas are intended to be developed as single-family residential uses in suburban-type neighborhoods.

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

404.03.03 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.

404.03.04 Yard Required. See Section 416 Table of Area and Dimensional Requirements for yard requirements.

404.03.05 Lot Requirements. See section 416 Table of Area and Dimensional Requirements or lot requirements.

404.03.06 Height Regulations. See Section 416 Table of Area and Dimensional Requirements or height requirements.

404.04 R-1.12 Single Family Residential-Low Density District [12,000 Sq. Ft.]

404.04.01 The purpose of the R-1.12 Single Family Residential-Low Density District is to provide for low density residential uses in a suburban neighborhood environment. 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. These areas are intended to be developed as single-family residential uses in suburban-type neighborhoods.

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

404.04.03 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.

404.04.04 Yard Required. See Section 416 Table of Area and Dimensional Requirements for yard requirements.

404.04.05 Lot Requirements. See section 416 Table of Area and Dimensional Requirements or lot requirements.

404.04.06 Height Regulations. See Section 416 Table of Area and Dimensional Requirements or height requirements.

404.05 R-1.10 Single Family Residential-Moderate Density District [10,000 Sq. Ft.]

404.05.01 The purpose of the R-1.10 Single Family Residential-Moderate Density District is to provide for a medium density single family residential uses in a neighborhood environment. 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. These areas are intended to be developed as single-family residential uses in suburban-type neighborhoods.

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

404.05.03 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.

404.05.04 Yard Required. See Section 416 Table of Area and Dimensional Requirements for yard requirements

404.05.05 Lot Requirements. See section 416 Table of Area and Dimensional Requirements or lot requirements.

404.05.06 Height Regulations. See Section 416 Table of Area and Dimensional Requirements or height requirements.

404.06 R-1.75 Single Family Residential-Suburban Density District [7,500 Sq. Ft.]

404.06.01 The purpose of the R-1.75 Single Family Residential-Suburban Density District is to provide a smaller lot or higher density residential uses in a suburban neighborhood environment that maintains single family structures. 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. These areas are intended to be developed as single-family residential uses in suburban-type neighborhoods in areas where similar districts or densities exist.

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

404.06.03 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.

404.06.04 Yard Required. See Section 416 Table of Area and Dimensional Requirements for yard requirements.

404.06.05 Lot Requirements. See section 416 Table of Area and Dimensional Requirements or lot requirements.

404.06.06 Height Regulations. See Section 416 Table of Area and Dimensional Requirements or height requirements.

Amendment 4

Article IV – District Regulations

400- Application of District Regulations

415 – Table of Uses

[create the following subsection]

415.02 The zoning districts A-1, E-1 and R-1 (Established Districts) as identified within Section 415 Table of Uses shall generally permit, prohibit or conditionally allow, unless otherwise noted, the same uses within the related subdistricts.

415.02.01 Uses within the A-1 District of Section 415 Table of Uses (below) shall be permitted, unless otherwise noted in this Code, within Districts A-15, A-5, and A-3. The A-1 District is an Established District, and a map amendment shall be required for the purposes of subdivision or development that requires the modification of lot lines, divisions of interest, a conditional use, or similar approvals by the Board of Supervisors.

415.02.02 Uses within the E-1 District of Section 415 Table of Uses (below) shall be permitted, unless otherwise noted in this Code, within Districts E-1.3, E-1.2, E-1.1 and E-1.32. The E-1 District is an Established District, and a map amendment shall be required for the purposes of subdivision or development that requires the modification of lot lines, divisions of interest, a conditional use, or similar approvals by the Board of Supervisors.

415.02.03 Uses within the R-1 District of Section 415 Table of Uses (below) shall be permitted, unless otherwise noted in this Code, within Districts R-1.20, R-1.15, R-1.12, R-1.10, and R-1.75. The R-1 District is an Established District, and a map amendment shall be required for the purposes of subdivision or development that requires the modification of lot lines, divisions of interest, a conditional use, or similar approvals by the Board of Supervisors.

[Changes to Table 415]

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Within the A-1 Column, replace the “C” with “R” for “Dwelling, Secondary Unit”

[Allow manufactured homes as secondary living units on A-1 or A-5 parcels by conditional use. This removes rezoning and splitting of lots for immediate family members].

Amend letter ‘e’

e. Mobile homes, manufactured homes, travel trailers, RV's, and similar structures shall not be used as Secondary Living Units *except that a manufactured home installed as set forth in this table may be used as a Secondary Living Unit within A-15 and A-5 or A-1 (Established) Districts that meet the minimum area requirements of the district and for immediate family members. Within A-3 Districts, a Conditional Use is required.*

Amendment:

h. Permitted in A-1, A-15, A-5, and A-3-Districts. Conditional Use Permit required for non-conforming “A” Districts.

sections h. (existing), i., j., k., l., m. and n. appear to be duplicate sections and should be removed.

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Within the A-1 Column, replace the “C” with “R” for “Manufactured Home on Individual Lot”

Manufactured home on individual lot:

e. Manufactured homes may be permitted within nonconforming "A" Districts as a Conditional Use ("C").

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[amend to remove the '5 years clause']

~~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; [This latter portions should be deleted]~~

The above is reworded to state:

Subdivisions, Single family with 6 lots or more

The "C" Conditional Use requirement will be maintained in all districts.

1. Properties within the Established Districts of E-1 and R-1 Districts require a map amendment to an appropriate "E" or "R" subdistrict, as provided in Section 1407 – Amendments and Changes, for subdivision development.

Amendment 5

Article IV, Table 416

Table of Area and Dimensional Requirements District	Minimum Lot Area	Maximum Site Density (Dwelling Units Per Acre)	Minimum Lot Width at Front Building Line	Yard Requirements- Minimum Distance from Property 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	Development Type (I,II, III)
				Front	Rear	Each Side			
General Agriculture-Established (A-1)	15 acres	.067 d.u.	100 feet	40	30	25	40	10%	Type II,III
Agriculture-General (A-15)	15 acres	.067 d.u.	100 feet	40	30	25	40	10%	Type II,III
Agriculture-Minor (A-5)	5 acres	.2 d.u.	100 feet	40	30	25	40	10%	Type II,III
Agriculture-Residential (A-3)	3 acres	.33 d.u.	100 feet	40	30	25	40	15%	Type II,III
Estate-Established (E-1)	3 acres	.33 d.u.	100 feet	40	30	25	40	15%	Type II,III
Estate-Major (E-1.3)	3acres	.33 d.u.	100 feet	40	30	25	40	15%	Type II,III
Estate-Minor (E-1.2)	2 acres	.5 d.u.	100 feet	40	30	25	40	15%	Type II,III
Estate-Rural (E-1.1)	1 acre	1 d.u.	100 feet	30	25	20	40	20%	Type I,II,III
Estate- Village (E-1.32)	32,000 sq. ft.	1.36 d.u.	100 feet	25	25	12	40	25%	Type I,II
SFR Low Density-Established (R-1)	As permitted*	As permitted*	As permitted*	25	15	8	40	As permitted	As permitted*
SFR Rural (R-1.20)	20,000 sq. ft.	2.18 d.u.	90 feet	25	25	12	40	30%	Type I,II
SFR Large Lot (R-1.15)	15,000 sq. ft.	2.9 d.u.	80 feet	25	25	12	40	35%	Type I,II
SFR Low Density (R-1.12)	12,000 sq. ft.	3.63 d.u.	80 feet	25	25	10	40	35%	Type I
SFR Moderate Density (R-1.10)	10,000 sq. ft.	4.35 d.u.	75 feet	25	20	10	40	40%	Type I
SFR Suburban Density (R-1.75)	7,500 sq. ft.	5.81 d.u.	70 feet	25	20	8	35	40%	Type I

Amendment 6

Article IV, Section 416.02

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 unless alternative infrastructure is provided of such a design as approved by County Engineer**

The last sentence is amended to add “unless alternative infrastructure is provided”.

b. **Type II Development** - Water system, **sewerage collection and disposal system or lot areas approved for on-site septic or treatment**, paved streets and culverts for driveway crossings of ditches. For lots less than one hundred (100) feet, curb and gutter shall be required **unless approved by County Engineer.**

The first sentence is amended to add “sewerage collection and disposal system or lot areas approved for on-site septic or treatment” and the second sentence includes “unless approved by County Engineer.”

c. **Type III Development** - Paved streets and culverts for driveway crossings of ditches.

[Comment: These amendments provide more flexibility in design for subdivisions that can reduce long term maintenance costs, stormwater runoff, and development costs.]

Amendment 7
Article XIV- Administration and Enforcement

1407 - Amendments and Changes

1407.03 The Planning Commission shall be further empowered to rescind a rezoning whenever: *0902HC060 - 03/09/09

[The following section "c" is added]

c. If the map amendment is provided to facilitate the development of a parcel(s), and physical and identifiable construction activities of the development or subdivision are not initiated within 5 years from the date of final decision of the Board of Supervisors or appropriate court having jurisdiction, the Planning Commission may consider and recommend to the Board of Supervisors for their approval the reversion of zoning classification to its original designation prior to amendment.

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.

[add the new sections "h", "i", and "j" to require minimum areas for a rezoning, to restrict spot zonings, and maintain consistency with Comprehensive Plan]

h. In the consideration of a zoning map amendment, the following minimum district area standards are applicable:

Rezoning to an A-15 District- Fifteen (15) acres, except where the proposed district would abut another A-15 District and the combined area of the parcels meet minimum district standards.

Rezoning to an A-5 or A-3 District- Five (5) acres, except where the proposed A-3 district would abut an existing Estate (E) district or an Residential (R) district in which case the minimum area for an A-3 District shall be three (3) acres.

Rezoning to an E-1.3, E-1.2, E-1.1, or E-32 District- Four (4) acres, except where the proposed district would abut an existing Estate (E) district in which case the minimum area of the proposed district would determine the minimum area. If adjacent to a Residential (R) District, the minimum area for an E-1.1 or E-1.32 District shall be two (2) acres and the minimum E-1.3 or E-1.2 District shall be three (3) acres.

Rezoning to an R-1.20, R-1.15, R-1.12, R-1.10 or R-1.75 District- Four (4) acres, except where the proposed district would abut an existing Residential (R) District. If adjacent to another Residential (R) District, the minimum area for the proposed district Residential District shall one (1) acre.

Rezoning to a R-2 District- Four (4) acres, except where the proposed district would abut an existing R-2 and the properties within the area meet the minimum district standards.

Rezoning to a R-3 District - Four (4) acres, except where the proposed district would abut an existing R-3 district and the properties within the area meet the minimum district standards.

Rezoning to an O-1 District- Four (4) acres, except where the proposed district would abut an existing O-1 District or C-1 District. If adjacent to a Commercial (C) District, the minimum area for a the O-1 District shall be two (2) acres.

Rezoning to a C-1 District- Four (4) acres, except where the proposed district would abut an existing O-1 District or C-1 District. If adjacent to a Commercial (C) District or if located on a parcel that is adjacent to an intersection of an arterial or major collector, the minimum area for the C-1 District shall be two (2) acres.

Rezoning to a C-2 District- Four (4) acres, except where the proposed district would abut an existing C-3 District in which case the minimum area for the C-2 District shall be two (2) acres. If located on a parcel that is adjacent to an intersection of an arterial or major collector, the minimum area for the C-2 District shall be two (2) acres

Rezoning to an C-3 District- Four (4) acres except where the proposed district would abut an existing C-4 District in which case the minimum area for the C-3 District shall be two (2) acres. If located on a parcel that is adjacent to an intersection of an arterial or major collector, the minimum area for the C-3 District shall be two (2) acres

Rezoning to a C-4 District- Four (4) acres except where the proposed district would abut an existing C-3 District in which case the minimum area for the C-4 District shall be two (2) acres. If located on a parcel that is adjacent to an intersection of an arterial or major collector, the minimum area for the C-4 District shall be two (2) acres

Rezoning to a I-1 District- Four (4) acres except where the proposed district would abut an existing C-4 District in which case the minimum area for the I-1 District shall be two (2) acres.

Rezoning to a I-2 District- Five (5) acres except where the proposed district would abut an existing C-3 or I-1 District in which case the minimum area for the I-2 District shall be three (3) acres.

The expansion of an existing district to include the proposed amended area has no minimum size or area requirement if the proposed parcel(s) within the rezoning will be compliant with the proposed district.

i. Parcels or tracts being considered for a rezoning for a more intense use or densities that are surrounded, in general, with predominantly agricultural uses and tracts or multi-acre parcels, and if such amendment is not consistent with the Comprehensive Plan, the proposed amendment may be considered a 'spot zoning' regardless of the size of the proposed district if the requested district is determined to be incompatible with the existing neighborhood.

j. Rezonings are required to be consistent with the Comprehensive Plan. The proposed amendment should demonstrate consistency with land use categories or maps, densities, growth patterns, land suitability, or similar policies indicated within the Comprehensive Plan. If the proposed amendment is not consistent with the Comprehensive Plan, the proposed amendment may be denied or an amendment to the Comprehensive Plan may be initiated, if appropriate.