

December 6, 2021 amendments are as follows:

1. Amendment to Residential Lake Zonings (RL) – To remove RL1, RL2, RL3 zonings and have just RL zoning and make a one-acre minimum lot size in this zoning.

## Chapter 119 - ZONING

### ARTICLE IV. - DISTRICT REGULATIONS

#### DIVISION 2. - AGRICULTURAL AND RESIDENTIAL DISTRICTS

##### Sec. 119-198. - RL Residential Lake Districts.

- (a) *Purpose.* ~~The RL Residential Lake Districts are intended for single-family residential development at varying densities from one dwelling per 0.115 acre in RL-1, one dwelling per one-half acre in RL-2, to one dwelling per acre in the RL-3 district along with such public buildings, recreational facilities and accessory uses as may be necessary to support such communities and that is normally compatible with such surroundings.~~ The RL ~~districts are~~ **district is** designed to accommodate development in areas adjoining Jackson Lake served by public or community water systems but may not be served by public sewer utilities. The district is intended to apply to existing lots and dwellings that may have been developed prior to adoption of county zoning and subdivision regulations in order to apply basic standards for protection of property values and to protect the public health, safety, and welfare while placing most of such properties in a conforming status with respect to zoning. The district is also intended for application only in areas adjacent and in close proximity to major bodies of water where both water and sewer utilities are installed and readily accessible.
- (b) *Status of existing nonconforming lots and utilities in* ~~RL-1, RL-2, and RL-3 districts~~ **the RL district.** Nonconforming lots existing on the date of adoption of the ordinance from which this chapter is derived shall not be required to have access to public sewer utilities unless such utilities are installed and readily accessible in a public street or easement adjoining any such lot. All lots created in ~~any~~ **the** RL district after the date of adoption of the ordinance from which this chapter is derived shall have access to water and sewerage as approved by the county health department and all other applicable regulations.
- (c) ~~Residential Lake RL-1 High-Density Residential/Recreation District (RL-1).~~ The RL-1 district provides areas for the higher intensity residential development including the development of second and vacation home properties in the county along the shoreline of Jackson Lake. This district is also intended to accommodate open space, convenience services, and community facilities that compliment higher density living and are appropriate for the recreational theme of lakeside living.
- (d) ~~Residential Lake RL-2 Medium-Density Residential/Recreation District (RL-2).~~ The RL-2 district is intended to provide opportunities for a cohesive mix of dwelling units to diversify the types of housing located in the vicinity of the Jackson Lake shoreline in the county while preserving the lake and its unique wildlife habitats, environment, and natural resources. Residential medium-density districts provide for a moderate intensity of use and should therefore serve as transitional areas between less intense uses such as low-density residential districts and higher intensity areas.
- (e) ~~Residential Lake RL-3 Low-Density Residential/Recreation District (RL-3).~~ The purpose of the RL-3 district is to encourage the development of single-family residential neighborhoods, and certain uses allied to or customarily incidental to traditional residential developments while stressing the preservation of the natural beauty of the lakeshore line and surrounding land. This district is appropriately located in areas adjacent to Jackson Lake.
- (c) **Residential Lake RL-3 Low-Density Residential/Recreation District (RL-3).** The purpose of the RL-3 district is to encourage the development of single-family residential neighborhoods, and certain uses allied to or customarily incidental to traditional residential developments while

stressing the preservation of the natural beauty of the lakeshore line and surrounding land. This district is appropriately located in areas adjacent to Jackson Lake.

**AND**

## Chapter 119 - ZONING

### ARTICLE IV. - DISTRICT REGULATIONS

#### DIVISION 4. - DEVELOPMENT STANDARDS—ALL DISTRICTS

##### Sec. 119-244. - Development standards—Agriculture and residential districts.

Item	AG	R-R	R-2	R-1	<del>RL-1</del>	<del>RL-2</del>	<del>RL-3</del>	V-P
Minimum heated floor area per dwelling unit	1,200 sf	1,200 sf	1,800 sf	1,800 sf	<del>1,200 sf</del>	<del>1,800 sf</del>	1,800 sf	750 sf
Minimum lot area without water or sewer	5 acres	3 acres	2 acres	1.2 acres	<del>NA</del>	<del>NA</del>	1 acre	NA
Minimum lot area with public/private water	5 acres	3 acres	2 acres	0.7 acre	<del>NA**</del>	<del>½ Acre</del>	1 acre	NA
Minimum lot area with public/private water and sewer	5 acres	3 acres	2 acres	0.7 acre	<del>5,000 sf</del>	<del>½ acre</del>	1 acre	4,000 sf
Minimum lot width	200 ft.	200 ft.	125 ft.	125 ft.	<del>50 ft.</del>	<del>100 ft.</del>	125 ft.	See section 119-295
Minimum road frontage	200 ft.	200 ft.	125 ft.	125 ft.	<del>50 ft.</del>	<del>100 ft.</del>	125 ft.	See section 119-295
Minimum front yard arterial road	80 ft.	80 ft.	80 ft.	80 ft.	<del>NA</del>	<del>80 ft.</del>	80 ft.	80 ft.
Minimum front yard major collector	80 ft.	80 ft.	80 ft.	80 ft.	<del>20 ft.</del>	<del>80 ft.</del>	80 ft.	10 ft. store; 30 ft. others
Minimum front yard minor collector	30 ft.	30 ft.	30 ft.	30 ft.	<del>20 ft.</del>	<del>30 ft.</del>	30 ft.	0 ft. store; 20 ft. other

Minimum front yard local roads	30 ft.	30 ft.	30 ft.	30 ft.	<del>20 ft.</del>	<del>30 ft.</del>	30 ft.	0 ft. store; 20 ft. other
Minimum side yard	30 ft.	30 ft.	30 ft.	30 ft.	<del>4 ft.</del>	<del>15 ft.</del>	30 ft.	0 or 10 ft.
Minimum rear yard	50 ft.	50 ft.	30 ft.	30 ft.	<del>30 ft.*</del>	<del>30 ft.*</del>	30 ft.*	30 ft.
Compliance with architectural standards required?	No	No	No	No	<del>No</del>	<del>No</del>	No	No

2. Preliminary Plat – Amending the process for the preliminary plat to go to the Planning and Zoning Board for recommendation and then to the Board of Commissioners for approval or denial.

## Chapter 105 – DEVELOPMENT STANDARDS AND REGULATIONS

### ARTICLE IV. - GENERAL PROCEDURES

#### Sec. 105-84. - Compliance with chapter required.

- (b) *Platting authority.* The ~~planning commission is~~ Jasper County Board of Commissioners are the official platting authority of the county. No subdivision plat may be recorded in the office of the clerk of the superior court of the county unless the director of planning has verified its compliance with a preliminary plat that has first been approved by the ~~planning commission~~ Jasper County Board of Commissioners. The filing or recording of a subdivision plat without the approval of the director of planning as required by this chapter is a violation of this chapter and is punishable as provided by this article.

#### Sec. 105-85. - General overview of subdivision plat review and approval procedures.

- (b) *Summarization of stages.* These five steps are summarized in subsections (b)(2) through (6) of this section. Details of each step are provided in sections 105-86 through 105-93.
  - (1) *Exception for minor subdivisions.* Subdivisions that do not involve the platting, construction, or opening of new streets or the construction or extension of new publicly owned or central sewerage or water facilities, and subdivisions which do not involve improvement to existing streets are defined as minor subdivisions. They are subject only to the requirements of the pre-application review, final plat and recording stages of this chapter. They must comply in all respects with the other requirements of this chapter. Minor subdivisions will be reviewed by the planning commission and, if found acceptable, signed by the director of planning in the form of a final plat.
  - (2) *Pre-application review stage.* Whenever the subdivision of a tract of land is proposed, the developer is to consult early and informally with the director of planning. The developer will submit sketch drawings and basic data reflecting existing conditions at the site and in its vicinity and the proposed development layout of the subdivision. The purpose of the pre-application review stage is to facilitate the subsequent preparation of plans and plats by discussing matters relating to the proposed subdivision, the county zoning ordinance set forth in chapter 119, and this chapter.
  - (3) *Preliminary plat stage.*

- a. The developer must submit to the planning commission for recommendation and to the Jasper County Board of Commissioners for approval a preliminary plat of the proposed subdivision prepared in accordance with the provisions of this chapter. If the proposed subdivision abuts a state highway, a letter of tentative approval by the state department of transportation must accompany the preliminary plat submission.
  - b. If any lots are smaller than three acres and on-site sewage disposal systems are proposed for those lots, the county health department must have reviewed the project prior to planning commission review and signed the preliminary plat indicating which lots are acceptable for conventional or alternative sewage disposal systems. The developer must also furnish a copy of the preliminary plat to the utility company that serves water to the immediate area if applicable.
  - c. Approval of the preliminary plat by the ~~planning commission~~ Jasper County Board of Commissioners will be indicated on the face of the preliminary plat following a vote of approval at the meeting by the signature of the ~~planning commission chairperson~~ Chairperson of the Board of Commissioners.
- (4) *Construction plan stage.* Prior to the issuance of a land disturbance permit, the developer must submit to the director of planning a set of construction plans of the proposed subdivision prepared in accordance with the provisions of this chapter. The design presented in the construction plans must conform to the preliminary plat. The construction plans shall include street profiles, topography, utility plans, drainage plans, sediment and erosion control plans, construction details, and other information as may be required by the director of planning. The construction plan stage requires the approval of the director of planning and any other review entities specified by the county commission. It is the responsibility of the director of planning to ensure that the plans are reviewed and approved by the appropriate entities for compliance with technical requirements of this chapter prior to issuance of the land disturbance permit.
- (5) *Final plat stage.* After completion of the physical development of all or a phase of the area shown on the preliminary plat as approved by the ~~planning commission~~ Jasper County Board of Commissioners, and before selling any lots, a final plat together with the required certificates must be submitted to the director of planning for approval.

**Sec. 105-86. - Pre-application review stage.**

Before the submission of any plats to the director of planning, the developer must submit a sketch plat showing the proposed development layout of the subdivision. The developer and director of planning should informally discuss what this chapter requires and what the developer proposes to do. This will assist the developer in preparing a preliminary plat and construction plans that meet from the very beginning the intent and standards specified by this chapter so as to reduce undue time and expense in preparing plans that cannot be approved by the ~~planning commission~~ Jasper County Board of Commissioners.

(Ord. of 8-8-2005(2), § 404(intro. ¶))

**Sec. 105-87. - Submission and approval of preliminary plat.**

- (a) *Preliminary plat submission.* After completing the pre-application review stage, and at least 30 days before the regularly scheduled monthly meeting of the planning commission at which the developer desires planning commission ~~action~~ recommendation, the developer must submit the following:
- (1) A letter requesting review and approval of a preliminary plat and giving the name and address of a person to whom the notice of hearing and action on the preliminary plat is to be sent.
  - (2) Six copies of the preliminary plat.
  - (3) If the proposed subdivision abuts a state highway, a letter of tentative approval of the proposed subdivision by the state department of transportation.

- (b) *Additional information.* The director of planning may ask for any additional information he feels is necessary for the planning commission and the Jasper County Board of Commissioners to properly evaluate the preliminary plat.
- (c) *Official date of submission.* The official date of submission of the preliminary plat will be the date of the next regularly scheduled monthly meeting of the planning commission that is more than 30 days following proper preliminary plat submittal to the director of planning.
- (d) *Preliminary plat review.* The planning commission will review the preliminary plat for conformance to this chapter, the county zoning ordinance set forth in chapter 119, and other relevant regulations and will consider the comments or suggestions of other appropriate review agencies, persons, or entities in regard to the plat. The planning commission or director of planning will indicate on the preliminary plat, or by a written memorandum attached to the preliminary plat, any comments or suggested changes that are necessary to meet the intent of this chapter or to serve the best interests of the county.
- (e) *Public hearing.* Before acting on the preliminary plat, the planning commission will hear public input on the preliminary plat. Notice of the hearing must be published in a newspaper of general circulation in the county at least 15 days before the hearing stating the date of both the planning commission meeting and the Jasper County Board of Commissioners hearing dates.
- (f) *Action of the planning commission.* No more than 30 days after the official date of submission of the preliminary plat, the planning commission will either recommend approval of ~~approve~~ the plat, recommend conditional approval of ~~conditionally approve~~ the plat (noting the conditions of approval on the plat), recommend disapproval of ~~disapprove~~ the plat, or table the plat for further consideration. Action may be taken on the entire preliminary plat or any portion of it.
- (g) *Failure of planning commission to act.* If the planning commission fails to act within 60 days of the official date of submission of the preliminary plat, the preliminary plat will be deemed automatically approved by the planning commission.
- (h) *Approval of preliminary plat.* Approval of a preliminary plat is effective and binding upon the ~~planning commission~~ Jasper County Board of Commissioners for a period of no more than two years. Before the two-year period expires, the developer may submit to the ~~planning commission~~ Jasper County Board of Commissioners a request in writing for an extension of time. If the ~~planning commission~~ Jasper County Board of Commissioners grants such an extension, final subdivision construction drawings must be submitted, approved, and work must begin within the limits of the extension.

(Ord. of 8-8-2005(2), § 404A)

#### **Sec. 105-88. - Specifications for preliminary plat.**

The preliminary plat must meet the minimum standards of design set forth in this chapter and must include the following:

- (4) Certificates of approval.** The following certificates shall be inscribed on the preliminary plat:
  - a. Certificate of approval of the preliminary plat by the ~~planning commission~~ Jasper County Board of Commissioners.
  - b. Signed seal of a state-registered land surveyor, certified landscape architect or state professional engineer.
  - c. Certificate of approval of the preliminary plat by the county health department.
  - d. Owner's certificate stating property ownership, consenting to development, and that all appropriate taxes have been paid.

(Ord. of 8-8-2005(2), § 405)

**Sec. 105-89. - Submission and approval of construction plans.**

- (a) *Construction plan submission.* After the preliminary plat of the proposed subdivision has been given approval by ~~the planning commission~~ Jasper County Board of Commissioners, the developer may submit construction plans to the director of planning.
- (b) *Format.* Six copies of the construction plans must be submitted to the director of planning. The scale on the construction plans must be at least 100 feet to the inch.
- (c) *Approval of construction plans.* Approval of the construction plans and issuance of a land disturbance permit constitutes authorization to proceed with the installation of planned improvements.
- (d) *Materials testing fee.* The developer is responsible for the cost of construction materials testing and inspection as approved by the county. Testing will be accomplished by a registered testing firm approved by the director of planning. All required testing will be paid for by the developer. Test results will be submitted to the county and maintained by the county.
- (e) *Inspection reports.* A copy of the NPDES inspection reports will be furnished by the developer to the director of planning at the time they are submitted to EPD. All inspection reports submitted by the developer will be maintained by the county.

(Ord. of 8-8-2005(2), § 406)

**Sec. 105-91. - Submission and approval of final plat.**

- (a) *Final plat submission.* After the preliminary plat of the proposed subdivision has been given approval by the ~~planning commission~~ Jasper County Board of Commissioners, the construction plans have been approved by the director of planning and the appropriate reviewers, and required improvements have been completed and approved by the road building inspector, the developer may, within two years from the date of the preliminary plat approval, apply for final plat approval. The developer must submit to the director of planning the following:
  - (1) A letter requesting review and approval of a final plat and giving the name and address of the person to be notified of the action on the final plat.
  - (2) Six copies of the final plat and other documents as may be specified. The scale of the plat must be at least 100 feet to the inch. If more than one sheet (maximum size 17 inches by 22 inches) is required, a cover sheet index shall be included.
- (b) *Official date of submission.* The official date of submission of the final plat will be the date that all required documents have been received by the director of planning.
- (c) *Final plat review.* The director of planning will review the final plat for conformance with the approved preliminary plat and construction plans and with this chapter and other relevant regulations.
- (d) *Action of the director of planning.* No more than 30 days after the official date of submission of the final plat, ~~the planning commission~~ Jasper County Board of Commissioners will either certify the final plat for recording, conditionally approve the plat (noting the conditions of approval on the plat), or disapprove the plat. If the final plat is conditionally approved, once the developer has complied with the conditions indicated, the ~~planning commission~~ Jasper County Board of Commissioners will certify the plat, or disapprove the plat. If the final plat is disapproved, the planning commission will cause the developer to be notified in writing, stating the reasons for the disapproval. One copy and the original of the plat will be returned to the developer, and one copy will be made part of the records of the planning office. Action may be taken on the entire final plat or any portion of it.
- (e) *Failure of director of planning to act.* If the ~~planning commission~~ Jasper County Board of Commissioners fails to act within 60 days of the official date of submission of the final plat, the final plat will be deemed automatically approved by the ~~planning commission~~ Jasper County Board of Commissioners.

- (f) *Approval of final plat.* Following the recommendation for approval of the final plat by the planning commission, the final plat shall be submitted to the board of commissioners for review at its next available meeting. Using the same review standards as the planning commission, the Jasper County Board of Commissioners ~~board of commissioners~~ shall review the plat for sufficiency and may also inquire from various county departments as to whether all improvements shown on the final plat have been satisfactorily completed and installed as required. Failure of the owner to satisfactorily complete such improvements as are shown on the plat shall result in disapproval of the plat. The board of commissioners may approve, disapprove or defer action on the plat if required improvements have not been satisfactorily completed. Once the final plat has been approved by the Jasper County Board of Commissioners ~~board of commissioners~~, the owner may record the plat which shall constitute acceptance by the county of all roads and other public improvements shown on the final plat. Only after such approval and recordation of the final plat may building permits be issued on the properties described by the plat.

(Ord. of 8-8-2005(2), § 408)

#### **Sec. 105-92. - Specifications for final plat.**

The final plat must meet the minimum standards of design set forth in this chapter and must include the following:

(3) *Certifications.*

- a. The following certifications must be in a form and substance approved by the Jasper County Board of Commissioners ~~planning commission~~ and inscribed directly on the final plat:
  1. The certification of a state-registered land surveyor, certified landscape architect or the state professional engineer.
  2. An owner's certification.
  3. A certificate of approval for recording by the Jasper County Board of Commissioners ~~planning commission~~.
  4. A certificate of approval by the county health department, if applicable.
- b. The following certificates or statements must be attached to the final plat when applicable:
  1. Certificate or statement of guaranty to dedicate.
  2. Certificate or statement of approval of streets by the director of planning, whether or not the streets are to be dedicated to the public.

(Ord. of 8-8-2005(2), § 409)

#### **Sec. 105-93. - Recording and dedication.**

- (a) *Recording of final plat.* Upon approval of a final plat, the developer must have the final plat recorded in the office of the clerk of the superior court of the county. The developer will be responsible for the payment of the recording fee at the time of recording of the final plat.
- (b) *Dedication of platted streets, other public spaces, and utilities.* ~~Final plat approval by the planning commission does not constitute acceptance of any dedications to the public. After~~ At the time of final plat approval by the Jasper County Board of Commissioners ~~planning commission~~, the developer must prepare appropriate documents and plans as constructed, if required, and request that the county board of commissioners accept dedicated streets, other public spaces, and utilities as presented on the final plat.



**3. Amendment approved by Jasper County BOC on 12-06-2021 to remove the following strike throughs from each section and renumber the remaining.**

**Sec. 119-380. - General yard modifications.**

- ~~(b) An open, unroofed porch may project into a required side yard to a point not closer than five feet from any side lot line.~~
- (c) **(b)** More than one institutional, commercial or industrial building may be located upon a lot or tract, but such buildings shall not encroach upon the front, side and rear yards required by the district regulations and for multiple dwellings the open space between buildings measured at the closest point shall not be less than 20 feet for one-story buildings, 30 feet when one or both are two-story buildings, and 40 feet when one or both are three- or more story buildings.
- (d) **(c)** Where an open space is more than 50 percent surrounded by a residential or institutional building, the minimum width of the open space shall be at least 20 feet for one-story buildings, 30 feet for two-story buildings and 40 feet for three-story or more story buildings.
- (e) **(d)** In a residential district, no required yard except the rear yard shall be used for the location of a private swimming pool. ~~and no mechanical appurtenance or pool shall be within ten feet of any lot line.~~
- (f) **(e)** Wherever yards are provided between commercial or industrial structures, they shall have a minimum width of not less than ten feet.
- ~~(g) For a property with an existing single family dwelling that does not meet the present minimum side yard requirement the zoning administrator is authorized to allow the enlargement or extension of the dwelling under the following conditions:~~
- ~~(1) The enlargement or extension does not encroach in the side yard to any greater degree than the existing dwelling.~~
- ~~(2) The enlargement or extension does not encroach into any required front or rear yard.~~
- ~~(3) There is a minimum distance of ten feet between the dwelling and the principal building on the adjacent property.~~

**Sec. 119-381. - Front yard modifications.**

The required front yards heretofore established shall be modified in the following cases:

- ~~(6) Service station pumps and pump islands may be located within a required front yard provided they are at least 15 feet from any right of way.~~
- ~~(7)~~ **(6)** Accessory buildings. In residential zoning districts, a detached accessory building shall not be located closer to the street right-of-way line than the principal building to which it is accessory.

**Sec. 119-382. - Rear yard modifications and regulations.**

The rear yards heretofore established shall be modified in the following cases:



- (2) Accessory buildings shall be located in a rear yard and shall not occupy more than 30 percent of the required rear yard. They shall not be nearer than three feet to any side or rear lot line, except that when a garage is entered from an alley it shall be located at a distance either of five feet to the alley line (allowing no parking outside the garage) or at 18 feet from the alley line to facilitate parking outside the garage that does not interfere with alley traffic.

**Sec. 119-384. - Residential and institutional districts.**

- ~~(b)~~ In R-1 districts, side yards may be reduced to seven feet for portion abutting a carport or garage.
- ~~(c)~~ **(b)** The following conditions apply to hospitals, sanitariums and nursing homes in all districts permitting such uses:
- (1) Shall have prior approval of the county health department.
  - (2) Shall provide a visually solid fence or dense planted buffer on any side abutting residential use.
  - (3) Shall be supplied with secure source of emergency electrical power so as to provide electricity for all hospital services for no less than 48 hours in the event of an interruption in the power supplied by the electric utility company.
- ~~(d)~~ **(c)** No front yard for multiple-family dwellings shall be used for the purpose of parking or loading.
- ~~(e)~~ **(d)** Within any residential district, not more than 25 percent of the total area between the street right-of-way line and the front of the principal building shall be paved.

**4. Amend Sec. 105-126 (13) from 125 feet to 150 feet.**

**Sec. 105-126. - General standards for streets.**

All streets established in the county after the effective date of the ordinance from which this chapter is derived must comply with the following development standards. Specific, technical requirements are found in section 105-221.

- (13) *Curb and gutter.* Curb and gutter construction is required for developments where the majority of lots (excluding cul-de-sac lots) have less than ~~425~~ **150** feet road frontage.

**5. To add to the ordinance an age limit for modular/manufactured homes to be brought into the County. Must be 10 years or newer.**

*Manufactured home, Class A,* means a manufactured home bearing a label certifying it is constructed in compliance with the Federal Manufactured Home and Standards Act 42 USC 5401—5445 (the HUD Code, which became effective on June 15, 1976), and satisfying each of the following additional criteria:

- (1) The home has a length not exceeding four times its width;
- (2) The pitch of the home's roof has a minimum vertical rise of four feet for each 12 feet of horizontal run. The home shall have eaves with a minimum projection of 12 inches;
- (3) The entry to the home facing the road shall have a porch, deck, or entry area extending at least six feet out from the home, and having a minimum width of eight feet;
- (4) All other entrances shall have a deck or landing at least four feet by four feet or the size of the opening;

- (5) The exterior siding consists of wood, hardboard, vinyl, or plastic siding material comparable in composition, appearance, and durability to exterior siding commonly used in standard residential construction;
- (6) A continuous foundation wall or skirt, unpierced except for required ventilation and access, and constructed of brick, block, or stone, installed so that it encloses the area located under the home to the ground level. Such wall must meet the standards specific in ANSI A225.1;
- (7) The tongue, axles, transporting lights, and towing apparatus are removed after placement on the lot and before occupancy.
- (8) At the time of installation, the home shall not be greater than 10 years old.**

Modular home means a type of industrialized building that is a factory-fabricated single-family dwelling constructed in one or more sections. **At the time of installation, the home shall not be great than 10 years old.**

- 6. Planning and Zoning and Board of Appeals. In the ordinance a quorum is a minimum of three but does not state on the voting decision as it states for the Board of Commissioners “a quorum is three, and they must concur to pass any order or decree”. To add this to the Planning and Zoning Board and Board of Appeals section.**

**Sec. 109-106. - Rules and procedures.**

- (c) A planning and zoning commission quorum shall be three members, **and they must concur to pass any order or decree.**

**Sec. 119-418. - Meetings, procedure and records.**

Meetings of the board shall be held at such times as the board may determine or upon call of the chairperson. Such chairperson or, in his absence, the vice-chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such facts, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. **A Board of Appeals quorum shall be three members, and they must concur to pass any order or decree.**

- 7. Repeal and replace in Sec 105-28 – General Definitions:**

**Chapter 105 - DEVELOPMENT STANDARDS AND REGULATIONS  
ARTICLE II. - DEFINITION OF TERMS**

**Sec. 105-28. - General definitions.**

~~**Setback means a minimum distance from the centerline of the right-of-way for construction of buildings or foundations.**~~

**Setback means a minimum distance from the centerline of the right-of-way, side property line, or rear property line, for any construction except septic systems, storm drainage structures, private drives,**

sidewalks, on grade-patios without foundations, fences, retaining walls, and cantilevered roof overhangs.

8. If subdivision is going to have private covenants, they need to be presented at the time the preliminary plat is presented.
9. To require Residential (R-1) zoned properties to have a one acre minimum. (Please note the following table already has removed the changes listed above in #1 and the table below will only reflect the added changes of the minimum lot size for R-1 to be 1 acre.)

#### ARTICLE IV. - DISTRICT REGULATIONS

##### DIVISION 2. - AGRICULTURAL AND RESIDENTIAL DISTRICTS

###### Sec. 119-197. - R-1 Single-Family Residential District, Medium Density.

The R-1 Single-Family Residential District is intended for single-family residential development at low-density (not over one principal dwelling unit per 1.2 acres) along with such public buildings, schools, churches, recreational facilities and accessory uses as may be necessary to support such communities and that are normally compatible with such surroundings. For all major subdivisions of land for residential purposes in this district, conservation subdivision design is required leaving large amounts of land as green space protected by conservation easement. The R-1 district may be applied in areas not served by public water and sewer utilities at a density of one principal dwelling unit per 1.2 acres. This district is also applicable at a maximum density of one dwelling unit per ~~0.7~~ **1** acre in areas only if public or private community water and sewer utilities are available to support such density.

AND

#### ARTICLE IV. - DISTRICT REGULATIONS

##### DIVISION 4. - DEVELOPMENT STANDARDS—ALL DISTRICTS

###### Sec. 119-244. - Development standards—Agriculture and residential districts.

Item	AG	R-R	R-2	R-1	RL	V-P
Minimum heated floor area per dwelling unit	1,200 sf	1,200 sf	1,800 sf	1,800 sf	1,800 sf	750 sf
Minimum lot area without water or sewer	5 acres	3 acres	2 acres	1.2 acres	1 acre	NA
Minimum lot area with public/private water	5 acres	3 acres	2 acres	<del>0.7</del> <b>1 acre</b>	1 acre	NA

Minimum lot area with public/private water and sewer	5 acres	3 acres	2 acres	<del>0.7</del> 1 acre	1 acre	4,000 sf
Minimum lot width	200 ft.	200 ft.	125 ft.	125 ft.	125 ft.	See section 119-295
Minimum road frontage	200 ft.	200 ft.	125 ft.	125 ft.	125 ft.	See section 119-295
Minimum front yard arterial road	80 ft.	80 ft.	80 ft.	80 ft.	80 ft.	80 ft.
Minimum front yard major collector	80 ft.	80 ft.	80 ft.	80 ft.	80 ft.	10 ft. store; 30 ft. others
Minimum front yard minor collector	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	0 ft. store; 20 ft. other
Minimum front yard local roads	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	0 ft. store; 20 ft. other
Minimum side yard	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	0 or 10 ft.
Minimum rear yard	50 ft.	50 ft.	30 ft.	30 ft.	30 ft.*	30 ft.
Compliance with architectural standards required?	No	No	No	No	No	No

**10. In the Conservation Subdivision ordinance, it requires areas with greater than 25% slope or greater to be included in the open space.**  
**P&Z Board recommendation 4-0 to remove the 25% slope in the conservation ordinance section.**

## **ARTICLE VI. - CONSERVATION SUBDIVISIONS**

### **Sec. 105-160. - General regulations.**

(c) Housing density determination. The maximum number of lots in the conservation subdivision shall be determined by either of the following two methods, at the discretion of the applicant:

- (1) Calculation. The maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning. In making this calculation, the following shall not be included in the total area of the parcel:

- ~~a. Slopes over 25 percent of at least 5,000 square feet contiguous area;~~
- b. The 100-year floodplain;
- c. Bodies of open water over 5,000 square feet contiguous area;
- d. Wetlands that meet the definition of the Army Corps of Engineers pursuant to the Clean Water Act.

**Sec. 105-162. - Open space.**

(b) *Standards to determine open space.*

- (1) The minimum restricted open space shall comprise at least 40 percent of the gross tract area.
- (2) The following are considered primary conservation areas and are required to be included within the open space, unless the applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article:
  - a. The 100-year floodplain.
  - b. Riparian zones of at least 100 feet in width along all perennial and intermittent streams.
  - ~~c. Slopes above 25 percent of at least 5,000 square feet contiguous area.~~
  - d. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act.
  - e. Populations of endangered or threatened species, or habitat for such species.
  - f. Archaeological sites, cemeteries and burial grounds.