

ARTICLE VI. ZONING

Sec. 11-191. Zones created.

All of the unincorporated portions of the County are hereby zoned, unless depicted otherwise, as shown on the official zoning map which together with all explanatory materials thereon is hereby adopted by reference and declared to be a part of this Article.

(Ord. No. 2006-66, Art. 1, 11-9-06; Ord. No. 2007-61, Art. 1, 11-8-07)

Sec. 11-192. Map locations.

Said map shall be located in the offices of the County Clerk and the Planning Director.

(Ord. No. 2006-66, Art. 2, 11-9-06)

Sec. 11-193. Reserved.

Editor's note: Ord. No. 2007-61, Art. 2, adopted November 8, 2007, repealed § 11-193 in its entirety, which pertained to description of zones, and derived from Ord. No. 2006-66, Art. 3, adopted November 9, 2006.

Sec. 11-194. Uses permitted.

These areas so zoned are designated as agricultural and single-family residential, the latter to have a lot, tract or parcel size of no less than one (1) acre; however, if any city requires a larger size in its subdivision regulations, then the larger size will be controlling.

(Ord. No. 2006-66, Art. 4, 11-9-06)

Sec. 11-195. Definitions.

(a) *Agricultural* means:

- (1) The care and production of livestock and livestock products, poultry and poultry products, apiary products, and plant and animal production for nonfood uses; by way of illustration, but without limitation, this includes horses, greenhouses, and kennels;
- (2) The planting, cultivating, harvesting, and processing of crops and timber;
- (3) The production of any plant or animal species in a controlled freshwater or saltwater environment; and
- (4) Includes silviculture and aquaculture.

(b) *Single-family residential* means a detached dwelling for occupancy as the residence of one (1) family.

(c) *Surrounding area* means other property in the zone whenever there is a reasonable likelihood that a proposed use will impact such significantly.

(d) *Nonconforming uses* means a use that is not agricultural or single-family residential, the latter to have a lot, tract, or parcel size of no less than one (1) acre.

(Ord. No. 2006-66, Art. 5, 11-9-06; Ord. No. 2007-06, Art. 1, 2-8-07)

Sec. 11-196. Conditional uses.

All other proposed uses in said zones, other than those specifically permitted therein, are hereby declared to be conditional uses and may be permitted based upon the factors set forth below.

(Ord. No. 2006-66, Art. 6, 11-9-06)

Sec. 11-197. Administrator; rules and regulations.

The Planning Administrator is authorized to promulgate additional rules and regulations to further effectuate this article subject to approval by the Quorum Court.

(Ord. No. 2006-66, Art. 7, 11-9-06)

Sec. 11-198. Nonconforming uses.

All nonconforming uses shall be considered as conditional uses for expansion purposes or re-establishment or rebuilding purposes and must obtain a building permit or plat approval.

(Ord. No. 2006-66, Art. 8, 11-9-06)

Sec. 11-199. Zoning Board of Adjustment.

There is hereby established a Zoning Board of Adjustment which shall consist of the Washington County Planning Board.

(Ord. No. 2006-66, Art. 9, 11-9-06)

Sec. 11-200. Criteria for allowance of conditional uses.

(1) The Zoning Board of Adjustment shall hear and decide requests for a conditional use and may authorize such if it finds:

(a) That a written application has been filed with the Planning Office and the appropriate fee has been paid.

(b) That the applicant has provided proof that each property owner as set out in section 11-204 has been notified by return receipt mail.

(c) That adequate utilities, roads, drainage and other public services are available and adequate or will be made available and adequate if the use is granted.

(d) That the proposed use is compatible with the surrounding area.

(e) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

(f) That the conditional use will not be injurious to the use and enjoyment of other property in the surrounding area for the purposes already permitted, nor substantially diminish and impair property values within the surrounding area.

(g) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding area for uses permitted in the zone.

(2) If it is determined that there exist conditions that could be imposed by the Board that would significantly lessen the impact of the aforesaid, then the Board has the power to impose said conditions which shall be specifically set forth.

(Ord. No. 2006-66, Art. 10, 11-9-06)

Sec. 11-201. Conditional use--Majority vote.

A conditional use may only be allowed upon a majority vote of the entire Board membership.

(Ord. No. 2006-66, Art. 11, 11-9-06)

Sec. 11-202. Appeals to Board.

The Board may hear appeals from any decision of the Planning Administrator in respect to the enforcement and application of this article and may affirm or reverse, in whole or in part, such decisions.

(Ord. No. 2006-66, Art. 12, 11-9-06)

Sec. 11-203. Variances.

The Board may hear requests for variances from the literal provisions of this article in instances where strict enforcement would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of this article. The Board may impose conditions in the granting of a variance to insure compliance and to protect adjacent property; a variance may only be allowed upon a three-fourths (3/4) majority of the entire Board membership.

(Ord. No. 2006-66, Art. 13, 11-9-06)

Sec. 11-204. Notification.

The Planning Administrator on behalf of an applicant for a conditional use or a variance shall send a certified letter to all adjoining property owners within three hundred (300) feet of the exterior boundary of the proposed use at least fourteen (14) days prior to the scheduled meeting of the Board, at which the application is to be reviewed, in which he shall state the date, time, place of the review of the proposed application and the location of the proposed use. The applicant shall reimburse the Planning Office for the actual cost of mailing plus fifteen cents (\$0.15) (per notice sent).

(Ord. No. 2006-66, Art. 14, 11-9-06; Ord. No. 2007-71, Art. 3, 12-13-07)

Sec. 11-205. Fees.

An applicant for conditional use or variance shall remit a fee in the amount of one hundred dollars (\$100.00) to the planning office upon submittal of any application.

(Ord. No. 2006-66, Art. 15, 11-9-06)

Sec. 11-206. Appeals from Board.

Decisions of the Board shall be subject to appeal only to a Court of Record having jurisdiction; unless the State Legislature authorizes appeals first to the Quorum Court.

(Ord. No. 2006-66, Art. 16, 11-9-06)

Sec. 11-207. Building permits.

The provisions of this article shall be administered by the Planning Administrator; building permits are hereby deemed to be issued for agricultural and single-family residential uses. All conditional uses and uses requiring a variance are required to have a building permit or plat approval.

(Ord. No. 2006-66, Art. 17, 11-9-06)

Sec. 11-208. Violations.

A violation of this article shall be punishable and enforceable as set out in Washington County Code section 11-14.

(Ord. No. 2006-66, Art. 18, 11-9-06)

Sec. 11-209. Applicability.

This article shall apply to all uses that have not received preliminary approval by both the city and County before the effective date of this article. This article shall not apply to any business or industry currently negotiating with any city to locate adjacent to the city limits.

(Ord. No. 2006-66, Art. 19, 11-9-06)

Sec. 11-210. Severability.

The provisions of this article are hereby declared to be severable. If any section, paragraph, sentence or clause of this article shall be held invalid, the invalidity of such section, paragraph, sentence or clause shall not affect the validity of the remaining portion of the said article.

(Ord. No. 2006-66, Art. 20, 11-9-06)

Sec. 11-211. Emergency clause.

It is hereby determined that it is in Washington County's best interest for this article to be effective immediately; and the general health, safety and welfare of the citizens are affected by such for the reasons as set out above; therefore, an emergency is declared to exist and this article shall be and is effective from the date of its passage.

(Ord. No. 2006-66, Art. 21, 11-9-06)

Secs. 11-212–11-260. Reserved.

