OFFICIAL ZONING ORDINANCE

City of Guntown, Mississippi

Adopted November 7, 2017

This Ordinance has been developed and enacted by the City of Guntown

Mayor and Board of Aldermen

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Developed in partnership with the Lee County Council of Governments

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CHAPTER 1: PURPOSE AND APPLICABILITY

1.1.1. TITLE; EFFECTIVE DATE

This Ordinance is officially known as the Zoning Ordinance of the City of Guntown, Mississippi, as adopted by the Board of Aldermen on November 7, 2017.

1.1.2. GENERAL PURPOSE AND AUTHORITY

The purpose of this Zoning Ordinance is to promote the public health, safety, and welfare of Guntown's residents. In addition, the purpose is also to implement the City's ***Comprehensive Plan***, which has been designed to promote and accomplish the objectives of Title 17, Chapter 1 of the Mississippi Code, 1972 Annotated. Through the enactment of this Zoning Ordinance, the City intends to employ the powers given to it under the Mississippi Code of 1972 Annotated, the Constitution of the United States, and the State of Mississippi respectively; and to exercise its inherent police powers and authority over public and private lands and persons within its boundaries.

1.1.3. OFFICIAL ZONING MAP

The Official Zoning Map of the City of Guntown, along with all notations, references, and other information shown, is now incorporated into and made part of this Ordinance. As part of this Ordinance, the Official Zoning Map shall be amended by the procedures set forth in ***Chapter 4*** of this Ordinance.

1.1.4. INTERPRETATION OF DISTRICT BOUNDARIES

The following rules shall be used to interpret the Official Map, including cases where uncertainty exists with respect to the boundaries of the districts shown on the Official Map:

A. Where the Official Map shows a zoning district boundary line located within or following a street or alley right-of-way, railroad or utility line right-of-way, easement, or waterway, the district boundary shall be considered in the center of the right-of-way, easement, or waterway. If the actual location of such right-of-way, easement or waterway, as indicated in a recorded legal description of such, varies slightly from the location shown on the Official Map, then the actual location shall control.
B. Where the Official Map shows a boundary line as being located a specific distance from a street line or other physical feature, this distance shall control.
C. Where the Official Map shows a district boundary to approximately coincide with a property line or municipal border, the property line or municipal border shall be the district boundary, unless otherwise indicated on the map.
D. Where the Official Map shows a district boundary to not coincide or approximately coincide with any street, alley, railroad, waterway, or property line, and no dimensions are shown, the location of the boundary shall be determined by use of the scale appearing on the Official Map.

E. Where the Official Map shows a district boundary dividing a lot, each part of the lot shall be used in conformity with the standards established by this Ordinance for the zoning district in which that part is located.

1.1.5. JURISDICTION AND APPLICABILITY

A. The provisions of this Ordinance shall apply to all land, buildings, structures, and uses located within the corporate limits of the City of Guntown, as identified on the Official Zoning Map.
B. Except as otherwise provided by this Ordinance, all development that occurs within the City of Guntown shall comply with the applicable regulations of this Ordinance.
C. No lot of record which did not exist on the effective date of this Ordinance shall be created, by subdivision or otherwise, which does not conform to the applicable requirements of this Ordinance.

1.1.6. TRANSITIONAL RULES

A. ***Existing unlawful uses and structures.*** A structure or use not lawfully existing at the time of the adoption of this Ordinance is deemed lawful as of the effective date of this Ordinance, if it conforms to all the requirements of this Ordinance. However, if such structure or use does not conform to all the requirements, then such structure or use remains unlawful.
B. ***Uses rendered nonconforming.*** When a lot is used for a purpose that was lawful before the effective date of this Ordinance, and this Ordinance or any amendment no longer classifies such use as either a permitted use or conditional use in the zoning district in which it is located, such use is rendered nonconforming (For guidance see ***Chapter 9***).
C. ***Buildings, structures, and lots rendered nonconforming.*** Where any building, structure, or lot which existed on the effective date of this Ordinance does not meet all standards in this Ordinance or any amendment, such building, structure, or lot is rendered nonconforming (For guidance see ***Chapter 9***).

1.1.7. PREVIOUSLY GRANTED VARIANCES AND SPECIAL EXCEPTION USES

A. Any development for which a Variance or Special Exception Use has been granted before the effective date of this Ordinance, or before the date of any amendment that makes the development nonconforming, may be carried out according to the granted Variance or Special Exception Use. It shall be deemed lawfully existing, if:
    (1) The activity for which the Variance or Special Exception Use was granted is begun within one (1) year of the date of adoption of this Ordinance; and,
    (2) All features of the development conform to the applicable requirements of this Ordinance.
    (3) There is written documentation or record of approval of such Special Exception or Variance by the Board.

B. If the requirements of (A) above have not been met, then the previously granted Variance or Special Exception Use is invalid and therefore nonconforming. In this case, the person may apply for a new Variance or Special Exception Use.

1.1.8. PREVIOUSLY ISSUED BUILDING PERMITS

A. Any development for which a building permit has been issued before the effective date of this Ordinance, or before the effective date of any amendment that makes the development nonconforming, may be carried out according to that building permit and shall be lawful under the terms of this Ordinance, if:
   (1) The permit was validly issued; and,
   (2) The permit has not expired.
B. This Section shall not apply where the property owner agrees to make the development conform to the requirements of this Ordinance, or agrees to any amendment which would make the development nonconforming.

1.1.9. GENERAL RULES OF CONSTRUCTION

The following rules shall apply for interpreting the terms and provisions of this Ordinance:

A. In their application, the provisions of this Ordinance shall be held to be the minimum requirements for the protection of the public health, safety and general welfare of the citizens of the City.
B. In the event of a conflict among the limitations, requirements, or standards contained in this Ordinance applied to an individual use or structure, the more restrictive provision shall apply.
C. In the event of a conflict or inconsistency between the text of this Ordinance and any caption, figure, illustration, table, or map contained herein, the text shall control.
D. The words "shall", "must", and "will", are mandatory in nature, establishing an obligation or duty to comply. The word "may" is permissive in nature. Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

1.1.10. LAND SUBDIVISION

All minor and major subdivision platting procedures are governed by separate ordinance of the City. This Ordinance should be used in conjunction with all applicable separate ordinances in the preparation of plans, plats and deeds for land subdivisions.

1.1.11. CONFLICT OR INCONSISTENCY WITH OTHER LAWS, COVENANTS, OR DEEDS

A. This Ordinance is not intended to abrogate any other law, ordinance, regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable standards imposed by any other law, ordinance or regulation, the provisions which are

more restrictive or which impose higher standards or requirements shall govern. Wherever the provisions of this Ordinance require a greater width or size of yards or courts, a lower height of building, a lesser number of stories, or a greater percentage of lot to be left unoccupied, or impose other standards which are higher than those set forth in another statute, ordinance, or regulation, then the provisions of this Ordinance shall govern. Wherever the provisions of any other statute, ordinance, or regulation require a greater width or size of yard or courts, a lower height of building, a lesser number of stories, or a greater percentage of lot to be left unoccupied, or impose other standards which are higher than those set forth in this Ordinance, then the provisions of such statute, ordinance, or regulation shall govern.

B. This Ordinance is not intended to abrogate any easement, covenant, or other private agreement, however, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this Ordinance shall govern. Nothing in this Ordinance shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this Ordinance.

1.1.12. SEVERABILITY

If any applicable court invalidates any provision of this Ordinance, then such judgment shall not affect the validity and continued enforcement of any other provision of this Ordinance. If any applicable court invalidates the application of any provision of this Ordinance, then such judgment shall not affect the application of that provision to any other building, structure, or use not specifically included in that judgment. If any applicable court judges invalid any condition attached to the approval of an application for development approval or the approval of a conditional use, then such judgment shall not affect any other conditions or requirements attached to the same approval which are not specifically included in that judgment.

1.1.13. ENFORCEMENT

The Mayor or his/her designee is hereby authorized to enforce the provisions of this Ordinance, with the responsibility being as set forth in the provisions of this Ordinance.

1.1.14. PENALTIES OF VIOLATIONS

Any person who constructs, reconstructs, repairs, modifies, establishes, or maintains any building, structure, or use in violation of this Ordinance, shall be guilty of a misdemeanor and shall be fined not more than one thousand dollars ($1,000) or shall be imprisoned in jail for not more than thirty (30) days, or shall be punished by both fine and imprisonment for each offense. Each day that a violation continues shall constitute a separate violation or offense.

~END OF SECTION~

CHAPTER 2: DECISION-MAKING AND ADMINISTRATION

PART 1 - BOARD OF ALDERMEN

2.1.1 POWERS AND DUTIES

Without limiting any authority granted to the Board by State law or by other ordinances of the City, the Board shall have the following powers and duties with respect to this Ordinance, to be carried out in accordance with the terms of this Ordinance:

A. To adopt amendments to the text of this Ordinance;
B. To adopt amendments to the Official Map of Zoning Districts, such as to zone or rezone property into a zoning district, or overlay district;
C. To adopt amendments to the ***Comprehensive Plan***;
D. To approve or deny requests for approval of Special Exception Uses;
E. To approve or deny requests for Variances; and
F. To perform studies and surveys of the present conditions and probable future development of the City and its environs, including, but not limited to, studies and surveys of land uses, population, economic base, traffic, parking, and redevelopment needs;

2.1.2. MEETINGS

The Board shall hold at least one (1) meeting per month, unless there is no business to come before the Board in each month, and such other regular or special meetings or hearings as the Mayor or a majority of the board deem necessary to conduct business.

2.1.3. RULES AND RECORDS

The Board shall formulate and adopt the rules of procedure under which it will operate. The Board shall keep minutes of its proceedings and discussions and shall keep records of its resolutions, findings, recommendations, and other official actions.

PART 2 - MAYOR

2.2.1. POWERS AND DUTIES

The Mayor or his/her designees, shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

A. To review all applications for development approval for compliance with the terms of this Ordinance;
B. To accept and review all applications for Variances;
C. To review all applications for Special Exception and Site Plan approval for compliance with the terms of this Ordinance;
D. To approve or deny requests for approval of Site Plans, or to defer approval of Site Plan requests to the Board at his or her discretion;

E. To provide the Board with reports and recommendations regarding matters before those bodies, either as required by this Ordinance or upon the request of the body;
F. To determine and enforce compliance with any conditions attached by the Mayor and/or Board to its approval of a Special Exception, Variance, or Site Plan;
G. Such additional powers and duties as may be set forth for the Mayor elsewhere in this Ordinance and other ordinances of the City.

2.2.2. DESIGN REVIEW COMMITTEE

The Mayor may opt to form a Design Review Committee for serving as an advisory body. The Committee may offer advice relating to Site Plan approvals to assist the Mayor in the review process.

~END OF SECTION~

CHAPTER 3: COMPREHENSIVE PLAN

3.1.1. PURPOSE AND ROLE OF THE COMPREHENSIVE PLAN IN THE ADMINISTRATION OF THIS ORDINANCE

The ***Comprehensive Plan*** for the City, as adopted by the Board and amended from time to time, shall serve as the basic policy guide for the administration of this Ordinance. The Plan serves as the statement of goals and policies to guide new development and redevelopment in the City. It therefore is the intent of the City to administer this Ordinance in accordance with the Plan. The goals and policies of the Plan may be amended from time to time to meet the changing requirements of the City. This Chapter establishes the procedures for such amendments.

3.1.2. LEGAL EFFECT OF THE COMPREHENSIVE PLAN

All development within the City shall be in accordance with the applicable provisions of the ***Comprehensive Plan***, as adopted or amended by the Board. Amendments to the text of this Ordinance and/or rezoning of property under the provisions of ***Chapter 4*** of this Ordinance may be required to ensure compliance with this Section.

3.1.3. AMENDING OF THE COMPREHENSIVE PLAN

A. An amendment to the ***Comprehensive Plan*** may be initiated only by the Board, either on its own initiative or at the request any other person or agency.
B. The Board shall hold at least one joint public hearing on each amendment request. Notice of the public hearing shall be provided and the public hearing shall be conducted in accordance with ***Chapter 6, Part 6*** of this Ordinance. Nothing in this Ordinance shall be construed as preventing this public hearing from being held at the same meeting as a public hearing for the rezoning of a tract or parcel affected by the amendment.
C. In considering the amendment, the Board shall review the proposed amendment, the factors set forth in subsection (E) below, and any oral or written comments received before or at the public hearing.
D. In deciding whether to adopt a proposed amendment to the ***Comprehensive Plan***, the Board shall consider whether the amendment is necessary based on one or more of the following factors:
    (1) There has been a change in projections or assumptions (such as regarding demographic trends or the availability of public facilities) from those on which the Plan is based;
    (2) Issues or needs have been identified which are not adequately addressed in the Plan;
    (3) New issues or needs have presented themselves to the City which are not adequately addressed in the Plan;
    (4) The amendment will not adversely affect the character of the area in which the proposed development is to be located.
E. The Board, upon consideration of these factors, and without further public hearing, may:

(1) Adopt the proposed amendment by Ordinance;
(2) Reject the proposed amendment;
(3) Conduct an additional hearing on the proposed amendment.

3.1.4. ANNUAL REVIEW

The ***Comprehensive Plan*** shall be reviewed annually by the Mayor and Board of Alderman.

~END OF SECTION~

CHAPTER 4: TEXT AMENDMENTS AND REZONINGS

4.1.1. PURPOSE AND SCOPE

The Board, in accordance with the procedures set forth in this Chapter, may amend the text of this Ordinance and/or rezone property. The purpose of this Chapter is to provide the procedures for such amendments and rezonings. The purpose of this Chapter not to relieve hardships, nor to confer special privileges or rights on any person, but only to adjust the text of this Ordinance and to the Official Map that are deemed necessary considering changed conditions, considering changes in public policy, or changes that are needed to advance the general health, safety, and welfare of the City and its residents.

FIGURE 4.1.1. PROCESS FOR TEXT AMENDMENTS AND REZONINGS

4.1.2. INITIATION OF AMENDMENTS

An amendment to the text of this Ordinance or an amendment to the Official Zoning Map may be initiated by the Board and/or by any owner of a legal or equitable interest in land located in the City or by any resident of the City. Rezonings by the Board may require an amendment to the ***Comprehensive Plan***, a comprehensive rezoning, a correction to the Official Zoning Map, or the adoption of a new zoning map.

4.1.3. FILING AND CONTENT OF APPLICATIONS

A. An application requesting a text amendment or rezoning shall be filed with the Mayor on an official form, along with the payment of a fee set by the Board.
B. Each application shall contain (or) be accompanied by the information required on the application form provided by the Mayor.
C. Before filing the application, the applicant should meet with the Mayor to discuss the proposed amendment and to become more familiar with the City's requirements and approval procedures.
D. The Mayor shall determine whether the application is complete. If the Mayor determines that the application is not complete, then he or she shall notify the applicant of any deficiencies and shall take no further steps to process the application until the deficiencies are remedied. Once the application is complete, the Mayor shall schedule a public hearing before the Board for consideration of the text amendment or rezoning.

4.1.4. PUBLIC HEARING

A rezoning may be adopted only after the Board conducts a public hearing on the proposed amendment, at which time all parties interested in the proposed amendment shall have an opportunity to be heard. Notice of the hearing and the hearing itself shall both be conducted in accordance with ***Chapter 6, Part 6*** of this Ordinance.

4.1.5. REVIEW BY BOARD OF ALDERMEN

A. The Board shall consider each proposed amendment regarding whether to approve or deny each proposed amendment. The recommendation shall be based on the following criteria:
   (1) Conformance with the ***Comprehensive Plan***;
   (2) City utilities and sewer can accommodate the uses allowable in the requested zoning district;
   (3) The allowable uses in the requested zone will not adversely affect the character of the area and will not result in a decrease of property values;
   (4) That the request does not constitute "spot zoning," as described herein.
B. The burden of the proof shall be on the applicant to prove that these criteria are satisfied.

4.1.6. ACTION BY THE BOARD OF ALDERMEN

Upon reviewing such information, the Board may:

A. Adopt the proposed text amendment or rezoning by ordinance;
B. Reject the proposed text amendment or rezoning;
C. Refer the proposed amendment to a committee of the Board for further consideration.

4.1.7. PROTESTS

If the Board receives a written petition protesting any rezoning of property signed by the owners of twenty percent (20%) or more, either of the area of the lots included in such proposed change, or of those immediately adjacent to, or of those within two hundred (200) feet of the property boundary, such amendment shall not become effective except by a favorable majority vote of all the members of the Board.

4.1.8. WAITING PERIOD FOR SUBSEQUENT APPLICATIONS

A. When a rezoning applicant has been denied by the Board, or has been withdrawn by the applicant after notice has been given of the public hearing on the application, no rezoning application covering the same property shall be accepted or considered within one (1) year after the date of the denial or withdrawal.
B. The inclusion of an additional lot or lots in the new application shall not be permitted when it is evident that the inclusion of the new lot or lots is for the express purpose of avoiding this required waiting period.
C. The waiting period may be waived in an individual case, for good cause shown, by the affirmative vote of the majority of the Board.

~END OF SECTION~

CHAPTER 5: VARIANCES AND APPEALS

PART 1 – VARIANCES

5.1.1. PURPOSE AND SCOPE

The "Variance" process administered by the Board is intended to provide limited relief from the requirements of this Ordinance in those cases where strict application of a requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Ordinance. It is not intended that Variances be granted merely to remove inconveniences or financial burdens that the requirements of this Ordinance may impose on property owners in general. Rather, it is intended to provide relief where the requirements of this Ordinance render the land difficult or impossible to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the Variance is requested.

FIGURE 5.1.1. PROCESS FOR VARIANCES AND ADMINISTRATIVE APPEALS

5.1.2. PROVISIONS WHICH MAY NOT BE VARIED BY THE BOARD OF ALDERMEN

In no event shall the Board grant a Variance for a property which would allow a use that is not otherwise allowed in a zoning district or which would change the zoning district classification for a portion or all the property.

5.1.3. APPLICATION REQUIREMENTS; DETERMINATION OF COMPLETENESS

A. A Variance application may only be filed by the owner of the land affected by the Variance; an agent, lessee, or contract purchaser specifically authorized by the owner to file such application; or any unit of government which is not the owner of the lot but proposes to acquire the lot by purchase, gift, or condemnation.
B. Before filing the application, the applicant should meet with the Mayor to discuss the proposed Variance, and to become familiar with the requirements and approval procedures.
C. A Variance application shall be filed with the Mayor on an official form, along with the fee set by the Board.
D. The application shall contain or be accompanied by such information and plans as required on the application form as determined by the Mayor and Board.

E. The Mayor shall determine whether the application is complete. If the Mayor determines that it is not complete, then the Mayor shall notify the applicant of any deficiencies and shall take no further steps to process the application until the deficiencies are remedied. Once complete, the Mayor shall schedule the application for consideration at a public hearing before the Board.

5.1.4. ACTION BY THE BOARD OF ALDERMEN

A. Upon receiving the application materials from the Mayor, the Board shall hold a public hearing on the proposed Variance. Notice of the public hearing and the public hearing itself shall be conducted in accordance with ***Chapter 6, Part 6*** of this Ordinance.
B. In considering the application, the Board shall review the application materials, the general purpose and standards set forth in this Part for the granting of Variances, and all testimony and evidence received by the Board at the public hearing.
C. After conducting the public hearing, the Board may:
    (1) Deny the application;
    (2) Conduct an additional public hearing on the application;
    (3) Grant the requested Variance.
D. Any approval or denial of the request shall be by motion, which includes findings of fact that the Variance meets or does not meet each of the standards set forth in ***Section 5.1.5.***, stating the reasons for such findings.
E. The Board shall not grant any Variance unless there is a simple majority vote.
F. In granting any Variance, the Board may attach such conditions to the approval as it deems necessary and appropriate to satisfy the standards set forth in ***Section 5.1.5.***, to reduce or minimize any injurious effect of such Variance upon other property in the vicinity, and to ensure compliance with other terms of this Ordinance.

5.1.5. STANDARD OF REVIEW

The Board shall not grant a Variance unless it makes the following findings:

A. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings located in the same zoning district;
B. That the literal interpretation and strict enforcement of the provision to be varied would deprive the applicant of rights commonly enjoyed by other properties located in the same zoning district under the terms of this Ordinance;
C. That the special conditions and circumstances do not result from the actions of the applicant; and
D. That granting the proposed Variance will not confer on the applicant any special privilege that this Ordinance denies to other land, structures, or buildings located in the same zoning district.

5.1.6. EFFECT OF APPROVAL OR DENIAL

A. After the Board approves a Variance, the applicant shall follow the procedures set forth in this Ordinance for the approval of all permits, certificates, and other approvals required to proceed with development. All other decisions, determinations, and interpretations made by administrative officers under those procedures shall be consistent with the Variance granted to the applicant by the Board.
B. The Mayor shall not accept any application which has been denied within the last twelve (12) months.

5.1.7. APPEALS

Appeal from a decision of the Board shall be by petition for appeal to the County Circuit Court. Any such petition to the Court shall be filed with the Court Clerk no later than thirty (30) days after the date the decision is put in the Official Minutes of the City.

PART 2 – APPEALS OF ADMINISTRATIVE DECISIONS

5.2.1. PURPOSE AND SCOPE

Appeals to the Board from the decisions of the Mayor are allowed under this Ordinance to ensure that any enforcement action taken by such an administrative officer pursuant to duties assigned by this Ordinance is consistent with the terms and purposes of this Ordinance and any related policies adopted by the City.

5.2.2. DECISIONS WHICH MAY BE APPEALED

Any order, requirement, permit, decision, determination, or refusal made by any administrative officer(s) in enforcing the provisions of this Ordinance may be appealed to the Board.

5.2.3. PERSONS WHO MAY FILE AN APPEAL

An appeal to the Board may be brought by any person, firm, corporation, office, department, board, bureau, or commission aggrieved by the order, requirement, permit, decision, or determination which is the subject of the appeal.

5.2.4. FILING OF APPEAL, EFFECT OF FILING

A. A request for an appeal shall be filed with the Mayor no later than thirty (30) days after the date of the contested action.
B. Once the request is submitted, the Mayor shall schedule the appeal for consideration at a hearing before the Board.
C. Prior to the hearing, the Mayor and/or the administrative officer(s) from whom the appeal is taken shall transmit to the Board all applications and other records pertaining to such appeal.

5.2.5. ACTION BY THE BOARD OF ALDERMEN

A. Upon receiving the application materials from the Mayor, the Board shall hold a hearing on the appeal. The hearing shall be conducted in accordance with ***Chapter 6, Part 6*** of this Ordinance.
B. Either at the hearing or during a subsequent meeting, the Board shall adopt a motion reversing, affirming, or modifying the contested action.
C. In reversing, affirming, or modifying the contested action, the Board shall have all relevant powers of the administrative officer(s) from whom the appeal is taken.
D. The Board shall not reverse or modify the contested action unless it finds that the administrative officer(s) erred in the application or interpretation of the terms of this Ordinance or related policies adopted by the City.
E. The Board shall not reverse or modify the contested action unless there is a majority vote of the members voting.

5.2.6. EFFECT OF REVERSAL OR MODIFICATION

In the event the Board reverses or modifies the contested action, all subsequent actions taken by the administrative officer(s) regarding the subject matter shall be in accordance with the reversal or modification granted by the Board.

~END OF SECTION~

CHAPTER 6: DEVELOPMENT REVIEW PROCEDURES

PART 1 – PERMITS AND APPROVALS

6.1.1. REQUIRED PERMITS AND APPROVALS

A. Any development within the City may require one or more of the following permits and approvals to ensure that the development is consistent with the goals and purposes of this Ordinance and that it does not diminish the public health, safety, and general welfare of the City's residents. The following parts include:

(1) Special Exception approvals;
(2) Variance approvals;
(3) PUD approvals;
(4) Site Plan approvals;
(5) Building permits;
(6) Certificates of occupancy;
(7) Sign Permits.

B. Prior to receiving any of the above permits and approvals, the development may require an amendment to the text of this Ordinance or the rezoning of property to a different zoning district. The procedures for such actions are set in ***Chapter 4***. The development also may require a "Variance" from the terms of the Ordinance due to peculiar hardships that apply to, or exist at a parcel. The procedures for receiving such "Variances", which are to be granted only in cases of extreme hardship, are set forth in ***Chapter 5*** of this Ordinance.

C. ***Warning and Disclaimer of Liability.*** These permits and approvals are reviewed only for general conformance with local codes and ordinances. They are not reviewed for accuracy of data or design, nor does the City warrant such review. These permits and approvals do not relieve the owner or any of his representatives of the responsibility of compliance with the requirements of all other applicable codes and ordinances.

6.1.2. THE RELATIONSHIP OF PERMITS AND APPROVALS

Building permits and certificates of occupancy are typically the final forms of approval for most development within the City. Issuance of building permits and certificates of occupancy therefore may be contingent upon the applicant having previously received one or more other permits or forms of approval.

6.1.3. SIMULTANEOUS PROCESSING OF APPLICATIONS FOR DIFFERENT PERMITS AND APPROVALS FOR THE SAME DEVELOPMENT

A. Where possible without creating an undue administrative burden on the City's decision-making bodies and staff, this Chapter intends to accommodate the simultaneous

processing of applications for different permits and approvals which may be required for the same project, to make the review process as short as possible.

B. Furthermore, some forms of approval, such as building permits, necessarily depend on the applicant having previously received another form of approval. Some forms of approval, such as Site Plans, require the applicant to act within some period following the approval to avoid having the approval lapse. Therefore, even though this Chapter intends to accommodate the simultaneous processing of different types of applications, the applicant should note that each of the permits and approvals set forth has its own timing and review sequence, and should take this into consideration in the planning of the development.

6.1.4. PROCESSING FEES

Request for approval of the different permits and approvals required by this Ordinance are subject to the payment of various application processing fees to defray the City's costs in reviewing such requests. The fees for different types of permits and approvals are periodically determined and changed by the Board through adoption of the annual operating ordinance or by other methods. As a result, the amount of such fees is not stated in the text of the Ordinance. These fees are summarized on a fee sheet that is available from the City Clerk. This fee sheet, which is not part of the text of this Ordinance, shall be updated as needed to reflect any changes adopted by the Board as part of the operating budget ordinance.

PART 2 – PERMITTED USES

6.2.1. PURPOSE AND SCOPE

The designation of a Permitted Use is established to provide for the location of uses which are considered appropriate within a given zoning district and require no special treatment under this Chapter different from the provisions generally applying to the zoning district in which the use is located. Only those uses which this Ordinance designates as permitted uses in a district shall be treated as such.

6.2.2. REQUIRED PERMITS AND APPROVALS

No use designated as a Permitted Use shall be established until after the person proposing such use has applied for and received all building permits and certificates of occupancy required within this Ordinance.

6.2.3. ACTION ON PERMIT APPLICATIONS

A. Upon receiving an application for a building permit for a Permitted Use, the Mayor shall review the application to determine whether the proposed use complies with the applicable terms of this Ordinance.

B. No building permit or certificate of occupancy shall be issued for a use which does not comply with the terms of this Ordinance applying to that use and the zoning district in which the use is to be located.

PART 3 – SPECIAL EXCEPTION USES

6.3.1. PURPOSE AND APPLICABILITY; "SPECIAL EXCEPTION USES"

A. The classification of a Special Exception Use is established to provide for the location of those uses which are generally compatible with the other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and the City, require individual consideration of their location, design, configuration, and/or operation at the location proposed. Such individual consideration may also call for the imposition of unique conditions to ensure that the use is appropriate at a specific location.

B. Accordingly, any use designated in this Ordinance as a Special Exception Use must be reviewed and approved by the Board. As a quasi-judicial function of local government police power, the Board has the responsibility and authority for such decisions.

C. For all Zoning Districts, any use not specifically defined in this Ordinance must apply for Special Exception to the Mayor and Board of Aldermen in accordance with the following Sections.

FIGURE 6.3.1. PROCESS OF "SPECIAL EXCEPTION USES"

6.3.2. APPLICATION REQUIREMENTS; DETERMINATION OF COMPLETENESS

A. A Special Exception application may be filed only by the owner of the lot on which the use is to be located, an agent, lessee, or contract purchaser specifically authorized by the owner to file such application, or any unit of government which is not the owner of the lot but proposes to acquire the lot by purchase, gift, or condemnation.

B. Before filing the application, the applicant is strongly encouraged to meet with the Mayor to discuss the proposed work and to become more familiar with the applicable requirements and approval procedures of the City.

C. An application for approval of a Special Exception Use shall be filed with the Mayor on a form prescribed by the City, along with the fee prescribed by the Board.

D. The application shall include such information and plans as required on the application form.

E. The Mayor shall determine whether the application is complete. If the Mayor determines that the application is not complete, then he/she shall notify the applicant of any deficiencies and shall take no further steps to process the application until the applicant remedies the deficiencies.

F. After determining that the application is complete, the Mayor shall review the application, all plans and other records pertaining to the proposed Special Exception Use. The Mayor will then notify the property owner.

6.3.3. ACTION ON "SPECIAL EXCEPTION USES"

A. ***Public hearing.*** Upon receiving the application materials for a Special Exception Use from the Mayor, the Board of Alderman shall hold a public hearing on the proposed Special Exception Use. If the Special Exception requires site plan approval, then such Use shall be reviewed and approved in accordance with the provision of ***Part 5*** of this Chapter. If the Special Exception Use requires site plan approval, then the applicant may request the Board to approve the site plan along with the Special Exception Use. Notice of the public hearing shall be provided and the public hearing shall be conducted in accordance with ***Part 6*** of this Chapter.

B. ***Review by Board of Alderman.*** In considering the application, the Board shall review the application materials, the general purpose and standards set forth in this Part for the approval of Special Exceptions, any additional standards set forth in this Ordinance for approval of the proposed use, and all evidence and testimony received at the public hearing.

C. ***Decision by Board of Alderman.*** After conducting the public hearing, the Board may: (1) deny the application; (2) conduct an additional public hearing on the application; or (3) approve the proposed Special Exception Use with or without conditions. Any approval or denial of the application shall state whether the proposed use meets or does not meet each of the standards for a proposed Special Exception Use set forth in ***Section 6.3.4*** below and all other requirements set forth by this Chapter for the proposed Special Exception. The decision on the application shall be by a simple majority vote of those members of the Board of Alderman present at the meeting at which the action is taken.

D. ***Conditions attached to approval.*** In approving the Special Exception, the Board of Alderman may attach such conditions to the approval as it deems necessary to meet the standards set forth for the proposed Special Exception in this Ordinance, and to protect the health, safety, and general welfare of the public. All such conditions shall be stated in the motion approving the application.

E. ***Nature of conditions.*** Such conditions may be stricter than any requirement or limitation stated elsewhere in this Ordinance for the proposed use. Such conditions may include, but are not limited to the following: limitations on the size, bulk, and location of structures; requirements for landscaping, signs, and outdoor lighting; the provision of adequate ingress and egress; dedication of rights-of-way for streets or utilities; provision of recreational space and facilities; limitations on the duration of the approval and the time period within which the use will be developed; limitations on hours of operation; limitations on the transfer of such approval to a successor-in-interest or lessee of the property; and the mitigation of environmental impacts.

F. ***Appeal to courts.*** Any party aggrieved by the action of the Mayor and Board acting pursuant to this Ordinance may appeal their decision in the time and manner as prescribed by law.

6.3.4. STANDARDS OF REVIEW

The Board shall not approve the proposed Special Exception unless and until they make the following findings, based on evidence and testimony received at the public hearing or otherwise appearing in the record of the case:

A. That the proposed use or development of the land will not materially endanger the public health or safety;
B. That the proposed use is reasonably necessary for the public health or general welfare, such as by enhancing the successful operation of the surrounding area in its basic community functions or by providing an essential service to the community or region;
C. That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property;
D. That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located;
E. That the proposed use or development of the land will generally conform with Comprehensive Plan and other official plans adopted by the City;
F. That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities;
G. That the proposed use will not cause undue traffic congestion or create a traffic hazard.

6.3.5. EFFECT OF APPROVAL OR DENIAL

A. ***Subsequent permits and approvals.*** Approval of the application for Special Exception Use authorizes the applicant to obtain Site Plan Approval from the Mayor and such other permits or approvals which the Board may require for the proposed development. The Mayor shall review applications for these permits for compliance with the terms of the Special Exception Use approval. A permit, certificate, or other approval shall be issued and valid only for work which complies with the terms of the Special Exception Use approval.
B. ***Transferability of approval.*** A Special Exception Use approval is not transferrable from one property to another, but may be transferred to a successor-in-interest to the property, unless specifically prohibited.
C. ***Resubmission of denied applications.*** No application for approval of a Special Exception Use shall be filed with or accepted by the Mayor which is identical or substantially like an application which has been denied within one (1) year. This waiting period requirement may be waived in an individual case, for good cause shown.

6.3.6. CHANGES TO TERMS AND CONDITIONS OF APPROVAL

Any changes to the terms or conditions of approval of the Special Exception Use shall require separate review and approval by the Board. Any application for approval of such a change shall be filed, processed, reviewed, and approved or denied in the manner set forth. This section shall not apply, however, to modifications to the approved Site Plan for the Special Exception Use.

PART 4 – PLANNED UNIT DEVELOPMENTS

6.4.1. PURPOSE AND SCOPE

Planned Unit Developments (PUDs) shall be allowed in any residential or mixed use zoning district by the approval of the Mayor and Board. No approval for construction of any on-site or off-site improvements for a PUD shall be granted until a master land use plan for the PUD is approved in accordance with the procedures and requirements of this Part. ***Figure 6.4.1.*** describes the process for approval of master land use plans for PUDs.

FIGURE 6.4.1. PROCESS FOR PLANNED UNIT DEVELOPMENTS

6.4.2. COORDINATION WITH REVIEW OF SUBDIVISION PLATS AND SITE PLANS

A. The review and approval of PUD may be coordinated with the review and approval of any preliminary subdivision plat and/or Site Plan required.
B. An application for PUD approval and any required application for preliminary subdivision plat and/or Site Plan approval may be filed simultaneously. The review and processing of these applications shall be coordinated and consolidated as much as possible.
C. For the purposes of a PUD, a Site Plan is first required to be approved by the Board.

6.4.3. APPLICATION BY OWNER OR AUTHORIZED REPRESENTATIVE

An application for approval of a PUD may be initiated only by all owners of the parcel proposed for development as a PUD or by any person specifically authorized by all the owners to file such application.

6.4.4. PRE-FILING MEETING

Before filing an application for a PUD, the applicant shall meet with the Mayor in a pre-filing meeting to discuss the proposed PUD and to become more familiar with the applicable requirements and approval procedures of the City. The applicant shall provide the Mayor with the following information at the pre-filing conference:

A. Size and location of the parcel proposed for development as a PUD;
B. Proposed gross density of the proposed PUD and net density of individual parcels within the PUD;

C. A concept plan showing general land uses proposed for the PUD including location and acreage;
D. A schematic description of utility and circulation improvements for the PUD.

6.4.5. APPLICATION FOR A PLANNED UNIT DEVELOPMENT APPROVAL

A. An application for a PUD approval shall be filed with the Mayor, along with a fee prescribed by the Board.
B. The master land use plan shall illustrate the overall development concept shall include the following:
    (1) Phases of development
    (2) Intensity of development
    (3) Density of development
    (4) Allocation of uses, with appropriate colors delineating different types of land use
    (5) Setback lines
    (6) Roads and parking (existing and future)
C. The application shall be accompanied by a master land use plan, site plans, and the following items of information:
    (1) A complete boundary survey showing the total acreage of the PUD, present zoning classification(s), date and north arrow;
    (2) Planned primary and secondary traffic circulation patterns including an analysis of anticipated traffic volumes and all planned street connections.
    (3) Planned means of providing for the organization, arrangements for the ownership maintenance, and preservation of common open space.
    (4) Draft of covenants which create a homeowners' association for the maintenance of all privately owned common areas, including, but not limited to, streets, parking areas, easements, and the like.
    (5) A description of the relationship of the PUD to the surrounding land uses and the uses within the development to each other.
    (6) The conceptual delineation of areas to be constructed in phases or sections and the sequential order that will be followed in development including a written statement from the applicant indicating the date for beginning each phase of contraction and the estimated date of completion.
    (7) Amendments to the zoning uses, setbacks, or other standards for the proposed development.
D. In considering the master land use plan, the Mayor and Board may request such additional information as it deems necessary to review the application.

6.4.6. DETERMINATION OF COMPLETENESS

The Mayor shall determine whether an application for a PUD is complete. If the Mayor determines that the application is not complete, then he or she shall notify the applicant in writing of any deficiencies and shall take no further steps to process the application until the deficiencies are satisfied.

6.4.7. SCHEDULING OF PUBLIC HEARING

Once the Mayor determines that the PUD application is complete, then he or she shall establish a schedule for consideration of the application for a PUD approval and for a public hearing before the Board.

6.4.8. PUBLIC HEARING

A PUD may be approved only after the Board has conducted a public hearing on the application for a PUD and its related master land use plan. Notice of the hearing shall be provided, and the public hearing shall be conducted in accordance with ***Chapter 6, Part 6*** of this Ordinance.

6.4.9. ACTION ON PLANNED UNIT DEVELOPMENTS

A. Upon receiving the report and recommendation of the Mayor, the Board may take one of the following actions:
   (1) Deny the application;
   (2) Conduct an additional public hearing on the application;
   (3) Approve the proposed PUD.
B. Any approval or denial of the application shall be by motion, stating the reasons for such approval or denial. The decision on an application for a PUD and master land use plan approval shall be determined by a simple majority vote of the Board.

6.4.10. EFFECT OF APPROVAL

A. The approval of a PUD application and its related master land use plan shall not become effective until the applicant has submitted a copy of the revised master land use plan incorporating all changes that were required as conditions for Board approval.
B. Upon receipt of all required submittals, the Mayor shall mark and sign the master land use plan as approved, return a marked and signed copy of the master land use plan to the applicant. A copy marked "ORIGINAL" shall be retained for the City records.
C. Actual development of the property comprising the approved PUD shall be subject to all applicable subdivision plat approvals, Site Plan approvals, and other permits and approvals required by this Ordinance.
D. When an application for approval of a PUD has been decided by the Board, or has been withdrawn by the applicant after notice has been given of the public hearing on the application, no application covering the same property shall be accepted or considered within one (1) year after the date of the approval, denial, or withdrawal. This restriction shall apply regardless of whether the new application is for a different PUD than the original application. The waiting period may be waived in an individual case, for good cause, shown by the affirmative vote of a simple majority of the Board.

6.4.11. CHANGES TO APPROVED MASTER LAND USE PLANS

A. Except for minor changes authorized pursuant to subsection (B) below, no part of an approved PUD master land use shall be revised, enlarged, or modified ***unless*** such

revision, enlargement or modification is approved by the Board in accordance with the requirements of this Part.

B. The Mayor may approve the following minor changes to an approved master land use plan in accordance with (1) and (2) below without the approval of the Board:
   (1) Relocation of a road or intersection;
   (2) Minor field alterations to accommodate physical site conditions involving interior features of the site design, including relocation of the buildings or uses shown on the approved master land use plan, which represent the same general building relationships, topography, landscaping, and minimum utility standards.

C. In approving an application for a minor change to an approved master land use plan, the Mayor shall make the following findings:
   (1) That all additions, alterations, and expansions shall be compatible with the existing or approved buildings, structures, and parking area;
   (2) That the effect of the landscaping, buffers, or screening on the site, or on the approved master land use plan, is not diminished;
   (3) That the number of access points to public streets are neither increased or substantially relocated;
   (4) That the circulation pattern provides for the safe, controlled, and orderly flow of pedestrians and vehicles;
   (5) That the change will result in better or equal performance of the overall objectives of the approved master land use plan and specific zoning district classification;
   (6) That the changes do not otherwise violate any provision of this Ordinance or other applicable laws;
   (7) That the use and development of the property is otherwise in full compliance with the requirements of this Ordinance.

D. If the Mayor determines that an application for a minor change to an approved master land use plan would be a significant departure from the original concept of the master land use plan or the intent of the Board in approving the master land use plan, the Mayor may require that the application be considered in accordance with the requirements of this Part for an application for PUD and master land use plan approval.

PART 5 – SITE PLANS

6.5.1. PURPOSE AND APPLICABILITY

A Site Plan is prerequisite for all building and land development in the City. It is strongly recommended that all applicants meet with the Mayor prior to submittal of any Site Plan.

6.5.2. APPLICATION REQUIREMENTS; DETERMINATION OF COMPLETENESS

A. A Site Plan application for Site Plan approval shall be filed with the Mayor, along with a fee prescribed by the Board.

B. A Site Plan application shall include a full set of plans and specifications as prepared by a licensed Architect, Engineer, Landscape Architect or other qualified designer for the type of development for which a Building Permit is sought.

C. Three (3) hard copies of Site Plan drawings and one digital copy in portable document format (PDF) should be submitted for review, and shall include the following:

(1) ***Site Survey***[1]**:** to be stamped by a licensed Surveyor or Engineer, and which shall include a scaled map of the property with metes and bounds description, gross acreage of the site with dimensions, vicinity map, and all pertinent existing information including zoning, setbacks, rights-of-way, streets, easements, utilities, topography, drainage courses, flood plain, etc.;

(2) ***Layout Plan*****:** to include proposed zoning changes, the orientation and layout of all proposed structures with appurtenant dimensions and building footprints, proposed accessory buildings, existing structures to remain on site, and all other proposed site elements including parking configurations, sidewalks, driveways, courtyards, patios, easements, rights-of-way, mechanical/utility areas, fencing, walls, ground-mounted signs, site lighting, etc.;

(3) ***Grading and Drainage Plan*****:** to include existing and proposed grading (topography), base flood elevations, proposed finished floor elevations for all structures, proposed stormwater controls and structures, including a stormwater runoff analysis and erosion control methods; (see Construction Standards)

(4) ***Utility Plan*****:** to include existing and proposed utility systems, lines, appurtenances and easements, including proposed demand loads for water and sanitary sewer, and exterior lighting details where applicable;

(5) ***Landscape Plan*****:** to include the location of all proposed greenspace, and the location, type, size, quantities, and planting details for all proposed plant materials;

(6) ***Architectural Building Plans*****:** to include the proposed design, dimensions, façade, colors and materials for all structures, buildings, walls, fences, associated building-mounted signs, ornamental features, building projections, etc., including elementary building/floor plans and architectural elevations. Material samples may be required.

D. At the discretion of the Mayor, application requirements 3 – 6 above may be waived for individual single-family residences. However, such waivers are only allowed for single family residences to be constructed by the specific property owner.

[1] With approval of the Mayor, an official Property Deed may substitute for a single-family residential home project.

FIGURE 6.5.2. PROCESS FOR SITE PLANS

6.5.3. ACTION ON SITE PLANS

A. ***Review by the Mayor.*** In considering the Site Plan application, the Mayor shall review the application materials for compliance with the purpose and design standards of this Ordinance. Approval or denial of Site Plans shall be based on the applicant's proposal to meet the standards of this Ordinance, and not upon the personal preference or the design taste of the Mayor.

B. ***Decision by the Mayor.*** After reviewing the application and all plans and materials, the Mayor may (1) deny the application; (2) request additional information from the applicant; (3) approve the proposed Site Plan with or without conditions; (4) defer the decision to the Board of Aldermen for further review and action. Any approval or denial of the Site Plan application shall state in writing whether the proposed plan meets or does not meet the design standards set forth in this Ordinance.

C. ***Conditions attached to approval.*** In approving the Site Plan, the Mayor may attach such conditions to the approval as necessary to meet the standards set forth in this Ordinance. All such conditions shall be placed in writing as part of the documentation of Site Plan approval.

D. ***Nature of conditions.*** Such conditions may be stricter than any requirement or limitation stated elsewhere in this Ordinance for the proposed use. Such conditions may include, but are not limited to the following: limitations on the size, bulk, and location of structures; requirements for landscaping, signs, and outdoor lighting; the provision of adequate ingress and egress; dedication of rights-of-way for streets or utilities; provision of recreational space and facilities; limitations on the duration of the approval and the time period within which the use will be developed; limitations on hours of operation; limitations on the transfer of such approval to a successor-in-interest or lessee of the property; and the mitigation of environmental impacts.

E. ***Appeal process.*** Any party aggrieved by the action of the Mayor acting pursuant to this ordinance may appeal their decision to the Board, and in the time and manner as prescribed by law.

6.5.4. EFFECTS OF DENIAL OF SITE PLAN

If the application is denied, the party submitting the Site Plan has the right to amend the development plans and specifications and re-submit them to the Mayor. If the Mayor shall fail to disapprove of the application containing the amended plans within sixty (60) days of being

filed, then the Site Plan shall automatically be approved providing it conforms in all respects to all other applicable laws and ordinances of the Federal Government, State, County, and City.

6.5.5. RECORDING OF DEED FOR REQUIRED DEDICATIONS

Approval of a Site Plan shall automatically be conditioned on the applicant recording with the Chancery Clerk an original conveying instrument containing a metes and bounds description of any and all lands and rights-of-way dedicated as part of the approved Site Plan. Such conveying instrument shall be recorded within sixty (60) days after the date the Site Plan is approved, where applicable.

6.5.6. EFFECT AND DURATION OF SITE PLAN APPROVAL

Approval of the Site Plan shall authorize the applicant to proceed with any applications for building permits, and other permits and approvals required to develop the property in conformity with the approved Site Plan. A permit, certificate, or other approval may be issued by the Municipality only if it conforms to the approved Site Plan drawings.

6.5.7. EXPIRATION OF SITE PLANS

A. Site Plan approval expires under the following conditions:
    (1) If a Building Permit is not applied for within six (6) months following the date of Site Plan approval.
    (2) If work on the project is not commenced within six (6) months following the date of issuance of the Building Permit.
B. If the period of Site Plan validity expires, no building permit shall be issued until a new application for Site Plan is approved, or the applicant has requested in writing and been granted a specified extension of the Site Plan approval by the Mayor.

6.5.8. MODIFICATIONS TO AN APPROVED SITE PLAN

Modifications to an approved Site Plan (or any plans approved with the Site Plan application) shall not be performed without Site Plan modification approval. If modification of an approved Site Plan is necessary, the applicant shall file amended plans to the Mayor in accordance with this section and shall act as follows:

A. The Mayor or Building Official shall review the proposed modifications to ensure that they comply with all applicable City standards and requirements, and determine if the proposed modifications differ from the intent of the originally approved Site Plan.
B. If the proposed modifications are found to be complimentary of the originally approved Site Plan, and in compliance with applicable City standards, the Mayor shall approve such modifications, and they shall supersede the original Site Plan approval.
C. If the proposed modifications are found negligent, the Mayor shall deny such modifications, and the original Site Plan shall remain in effect until further modifications are submitted and approved as stated herein.
D. The approval of any requested modification shall not take effect, nor work proceed, until the applicant has submitted to the Mayor a complete set of revised plans, incorporating all approved modifications, to replace the previously approved plans on file.

PART 6 – NOTICES AND PUBLIC HEARINGS

6.6.1. NOTICE REQUIREMENTS

A. ***Content of Notices.*** All notices which this ordinance requires for public hearings shall identify the date, time, and place of the public hearing and the nature and character of the proposed action. Where the hearing involves the rezoning of property, the approval of a PUD, or the approval of a Variance, the notice shall also identify the address or location of the subject property and the name of the applicant.

B. ***Published notice.*** For any public hearing required by this Ordinance, the Mayor shall cause a notice to be published in a newspaper having general circulation in the area. The notice shall be published at least fifteen (15) days before the scheduled hearing date. (In computing such period, the day of publication shall not be counted, but the day of the hearing shall be counted.)

C. ***Posted notice.*** For any public hearing required by this Ordinance, the Mayor shall cause a notice to be posted on the property for at least seven (7) days before the scheduled date of the hearing.

6.6.2. PUBLIC HEARING PROCEDURES

A. The procedures and requirements set forth in this Section shall apply to all public hearings regarding the rezoning of property, the approval of PUDs, Special Exceptions, or Variances, or any other administrative appeal pursuant to this Ordinance.

B. When the Mayor has determined that an application is complete and that a public hearing is required by this Ordinance, the Mayor shall schedule a date, time, and place for the required hearing, and shall ensure that all notices are correctly provided.

C. Any person may appear at the public hearing and submit evidence in explanation or rebuttal, either individually or as a representative of an organization, upon receiving proper recognition from the chairperson of the body conducting the hearing.

D. Each person who appears at a public hearing shall identify himself or herself and his or her address and, if appearing on behalf of an organization, shall state the name and mailing address of the organization. Anyone representing an organization shall present written evidence of his or her authority to speak on behalf of the organization regarding the matter under consideration.

E. All testimony and evidence given during a public hearing in front of the Board shall be given under oath or by affirmation to the body conducting the hearing.

F. Any person participating in the hearing may, upon receiving proper recognition from the chairperson of the body conducting the hearing, question or cross-examine other persons appearing as witnesses who present adverse evidence or testimony.

G. The body conducting the hearing may exclude any testimony, evidence, or questioning that it finds to be incompetent, irrelevant, immaterial, or unduly repetitious.

H. At any time upon reasonable request, any person may examine the application and materials submitted in support of or in opposition to an application for development approval. The Mayor shall make copies of such materials available at cost.

PART 7 – BUILDING PERMITS

6.7.1. BUILDING PERMIT REQUIRED

No building or structure shall be erected, added to, structurally altered, moved or demolished until the Municipality has issued a Building Permit for such work to commence. Building Permits shall be required as described in the most current adopted building code of the City, as amended from time to time.

6.7.2. APPLICATION REQUIREMENTS

A. An application for a Building Permit may be filed only by the owner of the property for which the proposed building will be constructed.
B. An application for a Building Permit shall be filed with the Mayor with a form and fee as prescribed by the Board.

6.7.3. BUILDING PERMIT, INSPECTION AND OTHER PROCEDURES

Building Permits shall be obtained in accordance with the procedures of the official building and other construction codes as adopted by the Municipality. Inspection requirements and procedures and all other requirements and procedures of said codes shall be adhered to except where specifically modified by the Board. The building and other construction codes for the City of Guntown shall be as defined in the most current adopted building code of the City, as amended from time to time.

PART 8 – SIGN PERMITS

6.8.1. PURPOSE AND SCOPE

The purpose of this Part is to define the procedures for obtaining a Sign Permit from the City. A sign, for which ***Chapter 10, Part 3*** of this Ordinance requires a sign permit, may be erected within the corporate limits of the City after a Sign Permit has been issued by the Mayor in accordance with the procedures and requirements of this Ordinance.

6.8.2. APPLICATION REQUIREMENTS

A. An application for a Sign Permit may be filed only by the owner of the property on which the sign is to be erected, or by an agent, lessee, or contract purchaser specifically authorized by the owner to file such application.
B. An application for a Sign Permit shall be filed with the Mayor on a form prescribed by the City, along with the fee for such certificate as prescribed by the Board.

PART 9 – CERTIFICATES OF OCCUPANCY

6.9.1. CERTIFICATE OF OCCUPANCY REQUIRED

A. A new building or part thereof, an addition or enlargement of any existing building, or an existing building may be occupied after being altered or moved, and a change in the use of occupancy of any building may be made in any existing building or part thereof,

only after the Mayor has issued a Certificate of Occupancy, stating that the building and/or the proposed use complies with the provisions of this Ordinance.

B. A Certificate of Occupancy shall also be required to maintain, renew, change, or extend a nonconforming use.

6.9.2. APPROVAL PROCEDURE

A. The Mayor shall issue a Certificate of Occupancy when, after examination of the building, structure, landscaping and/or other improvements or changes to the property, the Mayor finds that the building complies with the applicable provisions of this Ordinance, complies with all other applicable ordinances and construction codes, and that a final building inspection has been passed.

B. The Mayor shall issue the Certificate of Occupancy after the erection or structural alteration of the building or part thereof to be occupied has been completed in conformity with the provisions of this Ordinance, and all other applicable City ordinances and construction codes, and a final building inspection has been passed.

PART 10 – TEMPORARY BUILDINGS

6.10.1. PURPOSE AND SCOPE

A. The Mayor and Board may issue permits by resolution for temporary buildings used during emergency, construction, or repair. Such buildings shall be located within the required building setback lines and shall be connected to public utilities.

B. Temporary buildings used on construction sites of non-residential premises shall be removed immediately upon the completion of the project.

C. Permits for temporary buildings to be occupied pending the construction, repair, or renovation of the permanent building on a site shall expire one (1) year after the date of issuance. After the expiration of such initial permit, the Mayor and Board may grant a Variance to this Ordinance as provided in ***Chapter 5*** of this Ordinance.

D. The placement of a temporary mobile or modular building upon commercial or industrial property may be allowed by the Mayor and Board for use as an office or storage facility for a period not to exceed one (1) year upon a finding by the Board that unforeseen and reasonable circumstances apply ***or*** that undue hardship would result if the application were denied. The resolution for placement shall expire one (1) year from the date of issuance. The Board, in its discretion, may extend the resolution for placement for an additional one (1) year at the request of the landowner. No more than one (1) extension shall be allowed.

~END OF SECTION~

CHAPTER 7: ZONING DISTRICTS

PART 1 – ESTABLISHMENT OF ZONING DISTRICTS AND USES

7.1.1. DISTRICTS

To carry out the purposes of this Ordinance and to allow a variety of uses which are of appropriate character, the City of Guntown is separated into the following zoning districts, the boundaries of which are shown on the Official Zoning Map. In all districts, high quality design, adherence to adopted construction standards, and long-term planning are mandatory.

Zoning Districts Established:

A-1 Agricultural District
R-1 Residential Estate District
R-2 Low Density Residential District
R-3 Medium Density Residential District
R-4 High Density Residential District
R-5 Downtown Residential District
MX Mixed Use Neighborhood District
C-1 General Commercial District
C-2 Corridor Commercial District
CBD Central Business District
PS Public Service District
I-1 Industrial District

7.1.2. USES, ALLOWED AND SPECIAL EXCEPTION

No use shall be established in any zoning district unless it is expressly designated by this Ordinance as a "Permitted Use" or as a "Special Exception Use" in the district in which the use is to be located. The uses allowed as "Permitted Uses" and "Special Exception Uses" in each district are summarized in ***Appendix II***. At the discretion of the Board of Aldermen, unlisted uses may be treated the same as a similar listed use having the same intent and nature of the listed use.

The principal objective of zoning is to provide orderly arrangement of compatible buildings and land uses, and for the proper location of all types of uses required for the social and economic welfare of the community. To accomplish this, each type and kind of use is classified as permitted in one or more of the zoning districts. However, in addition to those uses specifically classified and permitted, there are certain Special Exception Uses which may be allowable due to the uniqueness of service they provide to the public and benefit they provide to the community. These Special Exception Uses require special consideration as to their proper location to adjacent, established or intended uses, or to the planned growth of the City. The conditions establishing the location and operation of Special Exception Uses are established in this Ordinance.

7.1.3. PROHIBITED USES

A. Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials, including fireworks, is prohibited.
B. Stockyards, poultry houses, slaughterhouses, rendering plants, commercial feed lots, sanitary landfills, hazardous waste disposal facilities, and arsenals for storage of fireworks, explosives, gunpowder, fissionable materials, or nuclear wastes are prohibited.
C. Use of a travel trailer, camper, motor home, or bus as a residence for more than thirty (30) days is prohibited, except where allowed in ***Chapter 6, Part 11***.
D. Uses which may be hazardous, harmful, noxious, offensive, or a nuisance to the neighborhood due to noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage and pollution, transportation and traffic, and aesthetic and psychological effects are prohibited.
E. Use of a motor vehicle parked on a lot in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted, is prohibited. Food trucks are exempt, provided the vehicle is moved daily, is deemed by the City to be in a safe location, meets all applicable state regulations, and has permission of the property owner to operate.
F. Mini-storage warehouses are prohibited in any residential district of the City.
G. Tattoo parlors (including any entity that applies body art), check cashing loan and title loan businesses, coin laundry facilities, manufactured or mobile home dealers, pawn shops, psychics/palm readers, and flea markets are prohibited in all zoning districts except C-2, Corridor Commercial District.
H. All businesses that involve cash payments to customers in exchange for titles or goods, such as but not limited to, gemstones, gold, silver, platinum, or other precious metals are prohibited in all zoning districts except C-2. Nothing herein shall be construed to prohibit properly permitted consignment shops in allowed zoning districts.

7.1.4. ANNEXED LAND

Any territory hereafter annexed shall automatically, upon such annexation be classified as R-1 (Low Density Residential), and be subject to all conditions and regulations applicable to property in such district.

PART 2 – AGRICULTURAL DISTRICT (A-1)

The Agricultural District is established to preserve expansive land areas that are primarily dedicated for some type of agricultural purpose such as, but not limited to, cropland, timberland, or livestock, and may include extremely low density housing arrangements or other complimentary rural uses. The A-1 district also includes land areas which are mostly unsuitable for development such as floodplain and wetlands. The type, area, and intensity of development permitted in this district are factors designed to conserve agricultural and open space uses until such time that urbanization is warranted and may be done in an orderly way which is compatible with growth of the City.

PART 3 – RESIDENTIAL ESTATE DISTRICT (R-1)

The Residential Estate District is established to balance future residential growth in undeveloped areas and to preserve the low-density character of the City's outer lying undeveloped and agricultural areas. The principal use of the Residential Estate District is large tract residential with sparsely populated density, blended with minor agricultural, recreational, and open space uses. The type, area, and intensity of development permitted in this district are factors designed to minimize impacts to existing agricultural and open space uses and to accommodate for the wise use of land and natural resources.

PART 4 – LOW DENSITY RESIDENTIAL DISTRICT (R-2)

The Low Density Residential District is established to accommodate single family residential development along the outer edges of the urbanized areas. The principal use of the Low Density Residential District is large tract residential development which may likely be in the form of sparsely developed tracts or residential subdivisions, preserving and complimenting the natural character of the existing area. The type, area, and intensity of development permitted in this district are factors intended to minimize impacts of low density neighborhood development to the outer lying less populated and agricultural areas.

PART 5 – MEDIUM DENSITY RESIDENTIAL DISTRICT (R-3)

The Medium Density Residential District is established to accommodate development of single family residential neighborhoods in proximity to the City core. The principal use of the Medium Density Residential District is standard residential development which would likely be in the form of cluster lot development or residential subdivisions with dedicated open space and amenities. The type, area, and intensity of development permitted in this district are factors designed to guide appropriate, efficient, and orderly residential infill and new subdivisions with minimal impacts to the surrounding developed uses.

PART 6 – HIGH DENSITY RESIDENTIAL DISTRICT (R-4)

The High Density Residential District is established to accommodate development of small lot single family residential neighborhoods and dense forms of multi-family development. The principal use of the High Density Residential District is compact residential neighborhoods that may likely be in the form of garden style homes, small cluster developments, duplexes, condominiums, and apartments. The type, area, and intensity of development permitted in this district are factors designed to guide the efficient development and infill of high density neighborhoods which is complimentary to the existing residential character.

PART 7 – DOWNTOWN RESIDENTIAL DISTRICT (R-5)

The Downtown Residential District is established to accommodate development of compact single family infill residential. The principal use of the Downtown Residential District is infill or redevelopment of residential in established downtown settings which may likely be in the form of townhomes, cottages, or studio buildings. The type, area, and intensity of development

permitted in this district are factors designed to guide the efficient development of compatible residential uses and character within a downtown setting.

PART 8 – MIXED USE NEIGHBORHOOD DISTRICT (MX)

The Mixed-Use Neighborhood District is established to accommodate an appropriate blending of commercial and residential uses within established areas. The principal use of the Mixed-Use Neighborhood District is compact multi-purpose development that may likely be in the form of various types of commercial or residential buildings. The type, area, and intensity of development permitted in this district are factors designed to guide strategic transitions between commercial and residential uses, particularly in the downtown area, which is compatible with the architecture, space, and function of the surrounding areas.

In certain circumstances, the minimum lot dimensions in this District may be reduced up to twenty (20) feet under special circumstances contingent upon Board approval.

PART 9 – CENTRAL BUSINESS DISTRICT (CBD)

The Central Business District is established to accommodate new and infill mixed use commercial within the downtown core. The principal use of the Central Business District is urban commercial development that may likely be in the form of street-side storefront buildings, commercial annex buildings, or warehouse infill with various commercial, office and residential uses. The type, area, and intensity of development permitted in this district are factors designed to guide the development or redevelopment of a thriving urban business core.

PART 10 – GENERAL COMMERCIAL DISTRICT (C-1)

The General Commercial District is established to accommodate new commercial business growth and infill. The principal use of the General Commercial District is dense commercial buildings for the transaction of goods and services to the community that may likely be in the form of big box stores, commercial chain stores, or commercial strip centers. The type, area, and intensity of development permitted in this district are factors designed to guide efficient and suitable economic growth of new and expanding commercial business.

PART 11 – COMMERCIAL CORRIDOR DISTRICT (C-2)

The Corridor Commercial District is established to accommodate new commercial business growth and infill along major street thoroughfares. The principal use of the Corridor Commercial District is orderly development of commercial buildings and supplementary uses for the transaction of goods and services near the edges of highly traveled roadways. The type, area, and intensity of development permitted in this district are factors designed to minimize the impact of commercial development upon existing uses and adjacent roadways and allow for commercial transition between roadway thoroughfares into secondary uses.

PART 12 – PUBLIC SERVICE DISTRICT (PS)

The Public Services District is established to accommodate for the development and management of public amenities and civic functions. The principal use of the Public Services District is dedication of publicly owned lands, buildings, and features for public services.

PART 13 – INDUSTRIAL DISTRICT (I-1)

The Industrial District is established to accommodate for the new development and expansion of industrial buildings, industrial parks, and accessory functions. The principal use of the Industrial District is for manufacturing of goods for distribution or wholesale. The type, area, and intensity of development permitted in this district are factors designed to allow for expansive industrial uses located to enhance existing industrial resources and be compatible with surrounding land uses.

PART 14 – PLANNED UNIT DEVELOPMENT OVERLAYS

7.14.1. PUD: PURPOSE AND INTENT

A. PUD overlay is to promote innovative design in development by providing flexibility regarding permitted uses, bulk, and massing regulations. These regulations are designed to promote the development of attractive, desirable communities, where residents and visitors can work and live in a development that integrates residential and non-residential uses with pedestrian accessible design. In addition, PUDs promote shared parking, alternative transportation, and offer greater convenience to residents.
B. The City encourages PUD overlays due to the extensive planning that is required prior to development. PUD overlays allow the City to properly plan for large areas and to manage the impacts of growth on the provision of services and infrastructure.

7.14.2. PUD: DISTRICTS IN WHICH ALLOWED

PUDs shall function as "overlay" zones and may be utilized in all districts. To be allowed, an application for a PUD and master land use plan must both be submitted, reviewed, and approved in accordance with ***Chapter 6, Part 5*** of this Ordinance.

7.14.3. PUD: ALLOWABLE USES

A. Except as provided in subsection (B) below, Permitted, or Special Exception uses are specified as allowed in the underlying zoning district of a PUD.
B. All uses that are set out in an approved master land use plan as Not Permitted, Permitted, or Special Exception Uses shall thereafter be treated as such within the PUD.

7.14.4. PUD: MINIMUM AREA OF DEVELOPMENT

The parcel proposed for development as a PUD shall be a minimum of three (3) acres. This minimum area requirement may be reduced by a simple majority vote of the Board.

7.14.5. PUD: DENSITY OF DEVELOPMENT

A. Residential development within a PUD shall not exceed a lot coverage area of fifty (50%) percent per gross acre of developable acreage. Developable land shall not include right-of-way for collector or larger streets, areas of special flood hazard, areas with slopes of greater than twenty percent (20%), and non-residential land.
B. Except as authorized in the following sections, non-residential development within a PUD shall not exceed a lot coverage area of seventy-five percent (75%) per gross acre of developable acreage. Developable land shall not include rights-of-way for collector or larger streets, areas of special flood hazard, areas with slopes greater than twenty percent (20%) and residential land.

7.14.6. PUD: DENSITY BONUSES

In approving an application for PUD and master land use plan approval, if the Board finds that an increase in density will not have an adverse impact on the public health, safety and welfare of the City, the Board may grant a density bonus of up to twenty-five percent (25%) of permitted gross density.

7.14.7. PUD: DEVELOPMENT STANDARDS AND IMPROVEMENT REQUIREMENTS

A. Unless approved as a deviation by the Board as a part of the approval of a PUD, all development within a PUD shall conform to the applicable standards and requirements of this Ordinance for the underlying zoning district in which the PUD is located.
B. The Board may, as a part of the approval of a PUD, approve the following deviations to the development standards, provided that the Board determines that other proposed improvements and buffers will perform as well as or better than those required by minimum standards set out in this Ordinance:
    (1) Lot dimensions;
    (2) Setbacks;
    (3) Design standards and required improvements for subdivisions;
    (4) Parking;
    (5) Interior landscaping;
    (6) Buffering

7.14.8. PUD: RECREATIONAL AND OPEN SPACE REQUIREMENTS

Each PUD shall provide at least twenty (20%) percent of the land area proposed for passive or active recreational purposes, suitable for the proposed development, and shall be developed in accordance with the standards of this Ordinance, incorporated into a central amenities package and be contiguous except where otherwise deemed appropriate.

~END OF SECTION~

CHAPTER 8: GENERAL DEVELOPMENT STANDARDS

8.1.1. NUMBER OF PRINCIPAL BUILDINGS PER LOT

In any district, except R-2, R-3, R-4, and R-5, more than one structure containing a Permitted or Special Exception principal use may be erected on a single lot, provided yard requirements are met around the group of buildings and provided the maximum lot coverage standards are not exceeded.

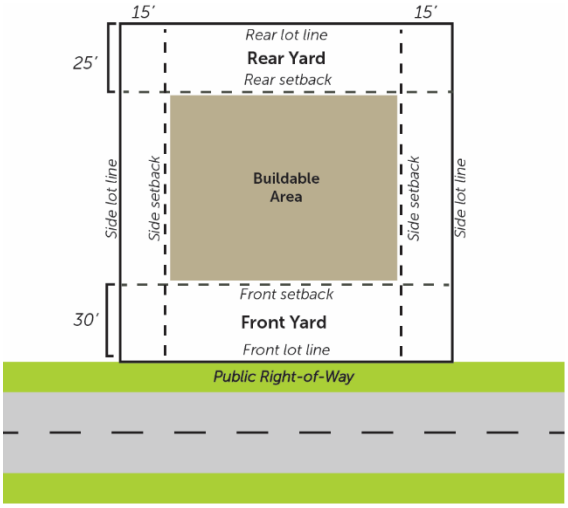
8.1.2. MINIMUM LOT DIMENSIONS

Any lot that is created, developed, used, or occupied shall meet the minimum lot area and lot width requirements set forth in ***Appendix I*** for the zoning district in which it is located, except as otherwise established in this Ordinance.

8.1.3. REQUIRED YARDS

A. The Buildable Area for a given lot is that portion that remains after required yards have been provided according to the established setbacks for each property.

FIGURE 8.1.3.A. BUILDABLE AREA



B. A building, structure, or lot shall not be developed, used, or occupied unless it meets the minimum yard requirements for the zoning district in which it is located, except as otherwise established in this Ordinance.
C. The front yard requirement also applies to the yard between the building and the side street, in the case of a corner lot. This minimum front yard requirement is to be measured from the right-of-way line to the building at the closest point.
D. The minimum front yard requirement for a lot with existing buildings on both sides, which are less than allowed by this Ordinance, shall be calculated by averaging the

setback of said adjoining buildings. This exception to the normal front yard requirements applies only in existing subdivisions or established neighborhoods.

E. For attached dwelling units (e.g. duplex), setback requirements apply to the exterior walls of the combined structure.

F. Commercial buildings with parking in front of the building shall have a minimum seventy-five (75) foot front setback.

FIGURE 8.1.3.B. EXISTING SETBACK CALCULATION

G. A yard, court, or other open space of one structure shall not be included as part of a yard or other open space for another building or structure.

H. The buildings or structures on a lot shall not be in whole or in part in a required yard, except as follows:

(1) Sills, cornices, and similar ornamental features projecting from the principal building may encroach up to three (3) feet into any required yard or building restriction line shown on the subdivision plat for the property;

(2) Bay windows, covered porches, balconies, and similar features projecting from the principal building may encroach up to three (3) feet into any required yard or building restriction line shown on the subdivision plat for the property;

(3) Decks, uncovered porches, patios, terraces, and similar features, may encroach into required yard or building restriction line shown on the subdivision plat for the property, but no closer than five (5) feet to the property line;

(4) Accessory buildings and structures may encroach into the required yard or building restriction line shown on the subdivision plat for the property, but no closer than five (5) feet to the rear lot line or side lot lines. An accessory building or structure shall be in the rear yard or side yard and not the front yard (unless exempt under 10.1.1).

(5) An accessory building or structure shall be located at least fifteen (15) feet from the principal building, otherwise, it shall be considered part of a principal

building and shall conform to the yard setback requirement of the principal building.

(6) Accessory canopies, either attached to the principal building or detached, and fuel pump islands may be erected in the required front yard but shall not extend closer to the street right-of-way than fifteen (15) feet.

(7) Exceptions to building setbacks as stated herein must be included with Site Plan review and approval.

I. The Mayor may approve encroachments of a principal building into any required yard up to a maximum of ten (10) percent of the applicable required yard setback, provided that:

(1) The request involves only one (1) encroachment into one required yard per lot;

(2) The encroachment is a result of a construction error by the property owner or a person acting on his behalf;

(3) The encroachment cannot be corrected without substantial hardship and expense to the property owner;

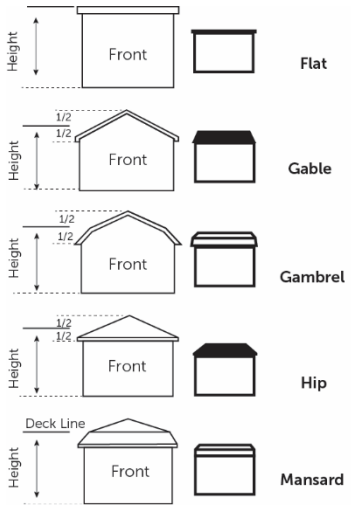
(4) The encroachment, if approved, will not substantially interfere with the convenient and enjoyable use of adjacent properties and will not pose any substantial danger to the public health and safety.

8.1.4. HEIGHT LIMITS

Buildings and structures shall not exceed the height set forth in ***Appendix I*** for the zoning district in which it is located. Under special circumstances accessory towers, agricultural storage structures, windmills, and similar agricultural structures shall be permitted to exceed the maximum height by Special Exception approval.

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof.

FIGURE 8.1.4. BUILDING HEIGHTS



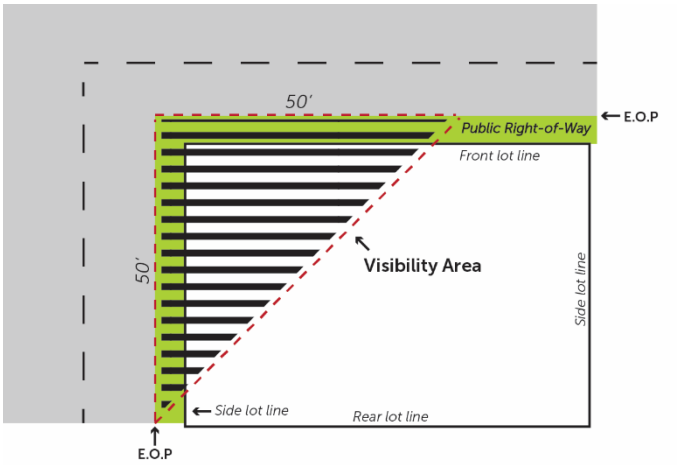
8.1.5. LOT COVERAGE LIMITS

A building, structure, or lot shall not be developed, used, or occupied in any manner which exceeds the maximum lot coverage limit set forth in ***Appendix I*** for the zoning district in which it is located, except as otherwise established in this Ordinance.

8.1.6. CORNER VISIBILITY

On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision from a height ranging from two (2) to ten (10) feet above the center line grades of the intersecting streets. The triangular area is bounded by the edge of pavement at the street intersection on one corner, and a line adjoining the other two points along the intersecting street lines fifty (50) feet from the intersection on the edge of pavement.

FIGURE 8.1.6. CORNER VISIBILITY ZONE



8.1.7. PUBLIC WATER AND SANITARY SYSTEMS REQUIRED

A. All buildings shall be connected to and served by public water and sanitary sewer facilities. However, in areas with no public water supply within five hundred (500) feet, a use may be served by a private well by approval of the Public Works Department. Also, in areas with no sanitary sewer within five hundred (500) feet, a use may be served by septic systems by approval of the Public Works Department. Where connection to public water and sanitary sewer systems are required, such systems shall be constructed to City standards, sizes, and specifications and dedicated to the City for operation and maintenance. This practice allows for the orderly expansion of the City, its water systems, fire protection services, and sanitary sewer systems, all of which protect the health and provide protection of the citizens of the City and its environs.

B. All septic tanks or other alternate means of sewage disposal shall be approved by the required State agency. Under no terms shall septic tanks be permitted on sites of less than one (1) acre.

~END OF SECTION~

CHAPTER 9: NON-CONFORMING USES

9.1.1. PURPOSE AND SCOPE

A. To preserve the integrity of this Ordinance and the character of the City, this section is intended to regulate and limit the development and continued existence of uses, structures, and lots established prior to the adoption of this Ordinance.

B. Many nonconformities may continue, but the provisions of this Section are designed to limit investment in nonconformities and to bring about their eventual improvement or elimination. Any nonconforming use, structure, or lot which lawfully existed as of the effective date of this Ordinance and which remains nonconforming, and any use, structure, or lot which has become nonconforming from the adoption of this Ordinance or any subsequent rezoning or amendment to this text of this Ordinance, may be continued or maintained only in accordance with the terms of this section.

C. This section shall not apply, however, to any feature which is the subject of a Variance or modification from regulations that have been granted by the Board following the adoption of this Ordinance. Where a Variance or modification has been granted for a feature, which does not otherwise conform to the requirements of this Ordinance, that feature shall be deemed conforming.

9.1.2. NONCONFORMING USES

A. ***Extension of use.*** A nonconforming use or structure shall not be enlarged or extended in any way (except as provided in ***Section 9.1.4.***)

B. ***Continuation, maintenance, and minor repair.*** The continuation of a nonconforming use and the maintenance or minor repair of a structure containing a nonconforming use are permitted, provided that the continuation, maintenance, or minor repair does not enlarge or expand the nonconforming use or structure.

C. ***Damage or destruction.*** If a nonconforming use or structure containing a nonconforming use is destroyed by any means to an extent greater than fifty (50) percent of its replacement cost at the time of destruction, then such use shall not be re-established in any way which does not conform to the requirements of this Ordinance.

D. ***Change of use.*** Any nonconforming use may be changed to a conforming use by securing all approvals and permits which this Ordinance requires for the intended or resulting use, building, structure, or lot. No nonconforming use may be changed to another nonconforming use (except as provided in ***Section 9.1.4.***).

E. ***Cessation of use.*** If a nonconforming use is discontinued for six (6) consecutive months or more, then the property shall thereafter be occupied and used only for a conforming use (except as provided in ***Section 9.1.4.***).

F. ***Mobile and Manufactured Home.*** A nonconforming mobile or manufactured home may be continued, maintained, or repaired on the same property or conveyed in the same manner as if a mobile or manufactured home were a permitted use. However, if the mobile or manufactured home is moved from the property, or if the mobile or manufactured home is moved because of a condemnation or demolition order, then no

mobile or manufactured home may again be placed on the said property without prior approval per Section 9.1.4 below. If active use or operation of the mobile or manufactured home is discontinued for three (3) consecutive months or more, the property owner must promptly file an appeal with the Board to ask for a continuation of the non-conforming use. If no appeal is provided, or if the Board chooses to deny the appeal request, the mobile or manufactured home shall be removed from the property promptly, and no mobile or manufactured home may again be placed on the said property without prior approval per Section 9.1.4 below.

9.1.3. NONCONFORMING LOTS OF RECORD

A. ***Development allowed.*** Development shall be allowed on a lot of record which does not conform to the lot area requirements established in this Ordinance for the zoning district in which it is located, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be under separate ownership and not of the continuous frontage with other lots in the same ownership. Yard requirements, lot coverage, and all other requirements shall be satisfied.

B. ***Adjacent lots in single ownership.*** If two (2) or more adjacent and vacant nonconforming lots are under single ownership at any time, and such lots individually have less frontage or area than the minimum requirements of the district in which such lots are located, then such lots shall be considered and treated as a single lot or several lots which meet the minimum requirements of this Ordinance for the district in which such lots are located.

9.1.4. CHANGE, RE-ESTABLISHMENT, EXPANSION, ALTERATION OR MAJOR REPAIR OF NONCONFORMITIES

A. ***Intent.*** The intent of this Part is to allow the continuation of any nonconformity and the normal maintenance and repair thereof, but to require any change, re-establishment, expansion, alteration, or major repair of a nonconformity to obtain a Special Exception approval to determine whether it will substantially injure the value, use, and enjoyment of neighboring properties.

B. ***Special Exception procedure.*** Unless this Section expressly provides otherwise, change, re-establishment, expansion, alteration or major repair of any nonconformity shall be deemed a "Special Exception," and shall occur only as approved by the Board in accordance with the procedures set forth in ***Chapter 6, Part 3*** of this Ordinance.

C. After holding a public hearing on the Special Exception, the Board shall determine whether to approve the proposed change, re-establishment, expansion, alteration or major repair. The Board shall not approve the proposed change, re-establishment, expansion, alteration or major repair unless it finds, based on the evidence and testimony received at the public hearing or otherwise appearing in the record of the case, that the proposed change, re-establishment, expansion, alteration, or major repair meets the standards set forth in ***Chapter 6, Part 3*** of this Ordinance as well as the following:

(1) That all access roads and entrance or exit drives to the nonconformity will be adequate with respect to automotive and pedestrian safety and convenience, traffic flow, and control and access in the case of fire or another emergency;
(2) That all off-street parking, loading, refuse collection, and other service areas will be adequate with respect to automotive and pedestrian safety and convenience, traffic flow, economy, noise, glare, odor, and other impacts on adjoining properties;
(3) That all water, wastewater treatment, schools, fire, and police protection and other necessary public and private utilities and services will be adequate with respect to their location, availability, and compatibility with adjoining properties;
(4) That all landscaping, screening, and fencing will be adequate, with respect to the effectiveness of their type, dimensions, and character; will be adequate with respect to minimizing the economic, noise, glare, odor, and other impacts of the nonconformity on neighborhood properties;
(5) That the type, size, and intensity of the proposed conditional use, including such considerations as storage of items, the arrangement, the size of the site, the location of the use upon it, the hours of operation, and numbers of people who are likely to utilize or be attached to the use, will be adequate with respect to minimizing the impact of the nonconformity upon neighborhood properties, and the purposes of the applicable use district;
(6) Surface drainage will be adequate with respect to on-site erosion, siltation, pollution, flooding, or other detrimental effects of the nonconformity.

D. In determining whether the proposed change, re-establishment, expansion, alteration or major repair will substantially injure the value, use, and enjoyment of other properties, the Board of Alderman shall also consider:
(1) The possible detriment or benefit to the owner of the nonconformity resulting from denying the approval, from approving the request;
(2) The possible detriment or benefit to the owner of the nonconformity resulting from denying the approval, from approving the request but requiring that the nonconformity be brought wholly or partially into compliance, or from approving the request;
(3) The possible detriment or public benefit resulting from denying the approval, from approving the request but requiring that the nonconformity be brought wholly or partially into compliance, or from approving the request;
(4) The imposition of specific conditions of approval as necessary to mitigate any potential hazards or problems, or to bring the nonconformity into compliance to the extent necessary to protect the rights and interests of nearby property owners, and to protect the public interest.

E. In acting upon applications for such Special Exceptions, the Board shall not order the discontinuation or termination of a nonconformity. If an applicant is denied, then the continuation, maintenance, and repair of the nonconformity shall still be allowed in accordance with the terms of this section.

~END OF SECTION~

CHAPTER 10: ACCESSORY USES, STRUCTURES, AND SIGNS

PART 1 – ACCESSORY USES

10.1.1. GENERAL STANDARDS AND LIMITATIONS

All accessory uses shall conform to the requirements of this Ordinance. The Provisions of this Chapter establish additional requirements and restrictions for accessory uses and structures. Except as otherwise provided in this Chapter or elsewhere in this Ordinance, any accessory use shall be treated as a permitted use in the zoning district in which it is located. The following additional standards shall apply for all accessory structures:

1. Accessory structures shall occupy the same lot as the main use, building, or structure.
2. Accessory structures used as a private garage shall be permitted to be in the rear yard or side yard if setbacks are maintained and the structures do not encroach into any easement. The structure shall be permitted to be in the front yard of a sloping lot if the lot has more than a ten (10) foot difference in elevation from the midpoint of the front lot line to a point fifty (50) feet away, midway between the side lot lines.
3. Accessory structures used for storage or a similar use shall be permitted to be in any portion of the rear yard or side yard. No storage building shall be in the front yard.

10.1.2. HOME OCCUPATION

A home occupation shall be permitted as accessory to any dwelling unit, provided that:

A. The principal person or persons providing the business or services resides in the dwelling on the premises;
B. The business or service is located within the dwelling or an accessory building thereto, and does exceed twenty percent (20%) of the combined floor area of the structures or five hundred (500) square feet, whichever is less;
C. There are no advertising devices on the property, or other signs of the home occupation, which are visible from outside the dwelling or accessory building;
D. The property contains no outdoor display or storage of goods or services which are associated with the home occupation;
E. The home occupation causes no change in the external appearance of the existing buildings and structures on the property;
F. There are no employees on the premises and no customers or clients on the premises;
G. All vehicles used for the home occupation are of a size, and located on the premises in such a manner, to not disrupt the quiet nature and visual quality of the neighborhood;

10.1.3. HOME BUSINESS

Home businesses in those districts where permitted shall be subject to the following conditions:

A. A Special Exception Use must be secured in, and;

B. The home business shall be operated as a home occupation as defined, except that additional activities are allowed as specified below:
   (1) A sign required by state or federal law in the conduct of the business shall be allowed, provided such sign does not exceed two (2) square feet in size and is mounted flat on the wall or window of the building.
   (2) Customers are allowed on the premises of the home business, but not more than five (5) per hour or at any one time. An adequate number of parking spaces for said customers, as approved by the City, shall be provided. This shall be in the form of a double driveway or other arrangements in character with the surrounding residential area.
   (3) The making of crafts and other similar activities, as approved by the City, may be approved in an accessory building.

10.1.4. SMALL DAY CARE HOMES

A small day care home shall be permitted as accessory to any dwelling unit, provided that:

A. If an outdoor play area is provided, it is fenced with a minimum four (4) foot high fence.
B. If less than two (2) off-street parking spaces are provided for the home, additional parking spaces are provided for customers.

10.1.5. LARGE DAY CARE HOMES

A large day care home may be permitted in any residential district where accessory to a dwelling unit if it is reviewed and approved by the Board as a "Special Exception Use" in accordance with the procedures and standards set forth in this Ordinance and provided that:

A. All State and Federal regulations are satisfied;
B. A solid fence at least four (4) feet in height is provided around the play area;
C. Landscaping is provided to blend the home into the neighborhood, screen its functionality from the street and neighboring yards, and absorb and/or deflect any excessive noise;
D. No excessive light will be generated at the home which will annoy neighboring residents;
E. The dwelling in which the home is located is similar in appearance to the character of the neighborhood and no building modification is made to the structure to accommodate the home except those required by the current Building Code;
F. Adequate parking and loading spaces are provided; Access to the facility from nearby streets is adequate based on the projected number of participants attending the home.

10.1.6. GROUP HOMES

A. Group Homes, Community Residences, Community Care Facilities, or Group Care Facilities present additional challenges and opportunities to the City. It is a policy of the City to enable people with disabilities to live in dwelling of choice, so long as this does not endanger the public health, safety, and welfare. To maintain the integrity of existing neighborhoods, and to maintain the character, value, and safety of the City, this section

presents standards for these residences. At the same time, these provisions comply with the ***Comprehensive Plan***.

B. The main characteristic of all group homes is that they provide an atmosphere like a biological family by providing a living environment that seeks to incorporate its residents into the social fabric of the community. This section outlines the City's policy to make reasonable accommodation for such residences:
    (1) Group Homes constitute a residential use like multifamily. To achieve normalization and community integration, group homes should be scattered throughout all residential districts, rather than concentrated in any one neighborhood. In this way, Group Homes should at least be located a typical block away from an existing Group Home. This is because the ***Comprehensive Plan*** has found a harmful proliferation of multifamily units in the City, therefore necessitating effective spacing of future units.
    (2) For each zoning district, the maximum size of allowable occupants will be treated the same as the residential occupancy limit for the respective zoning district.
    (3) All Group Homes must have current proper state and national licensing and certification to legally remain in operation.

10.1.7. ACCESSORY FARM

An accessory farm is constituted by a farm use, as defined herein, that is secondary and accessory to a residence or residentially zoned property. Accessory farm uses in those districts where permitted shall be subject to the following conditions:

A. A Special Exception must be secured, and;
B. The accessory farm shall be operated per the requirements below:
    (1) Accessory farms may not be operated on any such property that is less than one acre in size.
    (2) Livestock or domestic farm animals must be maintained in a secure fenced area in the rear yard of the property.
    (3) Accessory buildings that support the farm shall be allowed but must be in the rear yard of the property.
    (4) Any such farm equipment or implements that are stored on the property must be maintained in good order.

PART 2 – ACCESSORY STRUCTURES

10.2.1. ACCESSORY BUILDINGS

A. ***Purpose and intent.*** The intent of this part is to minimize any health and safety hazards created by installing accessory structures on a property, and to control the location and screening of such structures and to lessen any visual, physical, or economic impact on surrounding properties, or the character of the area.
B. ***Scope.*** Accessory Buildings may include outbuildings, detached garages, barns, and other secondary structures which may be used for various purposes as allowed by this

Ordinance. An accessory building may not be used as a dwelling, except under the provisions of this Ordinance.

C. ***Requirements.*** An accessory building on a residential lot must be in the rear yard. Except for a building accessory to an agricultural use, the footprint of an accessory building on a lot where the main building is a one-family detached residential dwelling must not exceed fifty percent (50%) of the footprint of the main building. Additional setbacks are required if length of the building along a rear or side lot line has a linear dimension greater than twenty-four (24) feet, then the side or rear setback is increased two (2) feet of additional setback for every two (2) feet that the building dimension exceeds twenty-four (24) feet. This does not apply to swimming pools.

D. ***Location.*** An Accessory Building may be in any zoning district that meets the following requirements:
   (1) It shall not be in either a front or side yard without first obtaining Special Exception Use approval (unless exempt under 10.1.1);
   (2) It shall not be located within ten (10) feet of side or rear property line, unless fully screened from view from the *adjacent* property to the side and rear;
   (3) An accessory building must pass all applicable code inspections;
   (4) At the discretion of the Mayor, an accessory structure may be subject to Site Plan Review and Building Inspection;
   (5) In all residential subdivisions, a carport or garage that is built for the purposes of housing a motor vehicle must be designed to match the construction of the residence.

10.2.2. SATELLITE ANTENNAE

A. ***Purpose and intent.*** The intent of this part is to minimize any health and safety hazards created by mounting satellite dish or other antennae on buildings for residential or private use, and to control the location and screening of satellite dish or antennae to lessen any visual, physical, or economic impact on surrounding properties, or character of the area.

B. Except as set forth in Part (3) below, satellite dish, and other antennae may be located within any zoning district if it meets the following requirements:
   (1) It shall not be located within either a front or side yard;
   (2) It shall not be located within ten (10) feet of side or rear property line, unless fully screened from view from the adjacent property to the side and rear;
   (3) All utility appurtenances, including satellite dish and other antennae may not be located on the roof of a building, unless fully shielded from public view.

10.2.3. SWIMMING POOLS

A. ***Purpose and intent.*** The intent of this part is to minimize any health and safety hazards created by the installation of swimming pools for residential or private use, and to control the location of swimming pools and their facilities to lessen any visual, physical or economic impact on surrounding properties, or character of the area.

B. Swimming pools for residential or private use shall be located within the rear yard. Pools may also be located within the side yard with Special Exception approval use and provided such is screened from view from the street. The pool shall be a minimum of five (5) feet from the side and rear property lines, as measured from the water's edge.
C. Construction, fence, and other regulations of the Swimming Pool Code adopted by the City shall apply.
D. All mechanical, electrical, and plumbing facilities of a swimming pool must be fully enclosed or fully screened by a permanent fence.
E. Swimming pools must be plumbed for appropriate drainage. The perimeter of the swimming pool area must be graded to adequately drain surface runoff which must be contained so that water does not drain onto adjacent properties. Stormwater inlets and piping must be used as necessary.
F. All new swimming pools shall be subject to Site Plan review by the Mayor. Prior to installation the proposed pool plan shall be reviewed by the Mayor and Building Official to verify compliance with the adopted swimming pool code and ensure a functional and safe site layout.

10.2.4. ACCESSORY USE OF RECREATIONAL VEHICLES

The periodic temporary use of a recreational vehicle as a temporary dwelling shall be permitted subject to the following conditions:

A. A Special Exception Use must be secured in accordance with this Ordinance, and;
B. Recreational vehicles must be used in accordance with the definitions herein and may not be used for commercial purposes.
C. No more than one (1) recreational vehicle may be used in such a temporary manner in any circumstance as may be approved by the Board.
D. A recreational vehicle must be sanitary and utilize self-contained potable water and sewer, or may be connected to the City water and sewer system via an individual water and sewer metered connection.
E. A recreational vehicle must utilize a separate electric utility connection (50, 30, or 20 amps as applicable) with a separate breaker and a separate meter for the individual RV connection.
F. A recreational vehicle permit must be obtained from the City Clerk, upon approval of the Special Exception.

PART 3 – SIGNS

10.3.1. PURPOSE AND SCOPE

A. The purpose of this Part is to establish standards and limitations for the fabrication, erection, use, and maintenance of signs, symbols, markings, and advertising devices within the Municipality. These regulations are designed to safeguard and enhance property values, to protect public and private investments in buildings, open spaces and property, to preserve and improve the appearance of the Municipality and, in general, to promote the health, safety, and public welfare.

B. This Part applies to signs which are intended to be viewed from a public right-of-way such highways and streets, and to signs which are intended to be viewed from outdoor areas of public and private property used for public pedestrian purposes or vehicular access to such property.
C. This Part does not regulate the use of materials such as noncommercial holiday signs and decorations, signs on products, product containers or dispensers, public information and safety signs, any signs required by local, State, or Federal law, or building design exclusive of any commercial message.

10.3.2. APPROVAL REQUIREMENTS

Except as otherwise stated in this Part, signs which are allowed under this Part shall not be erected until and unless the person erecting the sign, or the property owner, has obtained a Sign Permit from the Mayor pursuant to ***Chapter 6, Part 8*** of this Ordinance.

10.3.3. PERMANENT SIGNS

A. Ground Signs

(1) A maximum of one (1) freestanding, ground-mounted tenant sign is permitted per single-tenant non-residential building. The sign should face the predominant street side. Individual tenants within shared, multi-tenant commercial buildings are not allowed to have an individual ground sign. The maximum allowable sign surface of a single tenant, ground-mounted sign is seventy-two (72) square feet total (thirty-six (36) square feet per side), having no more than two sign faces. All signs shall have a maximum allowable sign/structure height of eight (8) feet, unless located adjacent to a four-lane highway where the maximum allowable sign/structure height shall be fifteen (15) feet. Pole mounted or elevated pylon-type signs, having signage elevated from the ground plane, are not permitted for an individual commercial or single-tenant building unless located adjacent to a four-lane highway.

(2) Multi-tenant commercial buildings are allowed at least one freestanding, ground mounted multi-tenant sign. One multi-tenant sign is permitted for every ten (10) tenants up to a maximum of three (3) per multi-tenant development. The maximum allowable total sign face of a multi-tenant, ground-mounted sign is four-hundred (400) square feet with a maximum allowable fifty (50) square feet of the total sign face dedicated to an individual tenant. Multi-tenant signs can be pylon-supported and elevated from the ground plane but the maximum allowable height of a multi-tenant sign is twenty-five (25) feet.

(3) Each ground sign must be located a minimum of one-hundred-fifty (150) feet from other ground signs on the same side of the street.

(4) All ground signs must be a minimum of fifteen (15) feet from the edge of any curb or street upon which they are located. No ground sign shall be placed within, or project over, the right-of-way of any street. Ground signs shall be set back a minimum of ten (10) feet from side lot lines or greater to allow placement

of ground signs on adjoining property that would meet the one-hundred-fifty (150) foot separation requirement.

(5) All ground-mounted signs must be complementary of the architecture, construction and building materials of the associated building for which it is advertising. Ground-mounted tenant signs must be located within the commercial development property and close to the associated tenant buildings.

B. Attached Signs.

(1) Attached signs must be permanently mounted to the facade of the building. One attached sign is permitted per each building facade facing a public street.

(2) The maximum permitted surface area of an attached sign equals one (1) square foot times the total length of the facade it is to be attached to, with a maximum allowable surface area of one-hundred (100) square feet. The surface area of an attached sign shall be measured by finding the area of the minimum imaginary rectangle which fully encloses all words, copy or messages on the sign. In the case of signs formed by individual, separate letters, the surface area shall be measured by finding the area of the minimum rectangle or square, whichever is less in size, which fully encloses each letter and then by totaling the area of each letter in the sign. For multi-tenant buildings, the total area as specified above, shall be equally distributed among each business therein according to the linear frontage occupied by each business.

(3) An attached sign must be no higher than one (1) foot less than the highest point of the building's roof line. Signs which hang from and under awnings, canopies, marquees or other structures shall extend no closer than eight (8) feet to the ground. Projecting signs shall not project from any structure a greater distance than ten (10) feet, shall not project into any street right-of-way, nor within three (3) feet of any street, public or private, and shall be at least eight (8) feet above ground level.

C. Development and Subdivision Signs.

(1) Residential subdivisions, PUDs, and multi-family developments consisting of more than three (3) lots or dwellings are allowed one (1) permanent ground-mounted development sign per collector street entrance.

(2) Commercial developments are allowed one (1) permanent ground-mounted development sign per collector street entrance. Commercial development signs must be complementary of the architecture, styling, and scale of any associated ground-mounted tenant signage and associated buildings, and may only contain the name and theme of the development and not the names of any tenant. Commercial development signs must be located no closer than one-hundred-fifty (150) feet from another ground-mounted sign.

(3) Development signs should face onto or be perpendicular to the predominate street.

(4) The maximum allowable sign face of a ground-mounted development sign is seventy-two (72) square feet total. The maximum allowable height of a

development sign face is eight (8) feet, but the associated structure may be up to twelve (12) feet in height.

(5) Development signs must be located on and associated with the development property.

D. Traffic Signs.

(1) Applicants shall be responsible for the installation of any regulatory traffic sign or signal warranted by the associated proposed development.

(2) The use of decorative street signage to complement the architecture of the associated development is encouraged.

(3) Pedestrian circulation signals are encouraged for highly traveled areas. Installation of pedestrian signalization shall be the responsibility of the developer or builder.

E. Billboards.

(1) Billboards shall be allowed only on property zoned for industrial use.

(2) Billboards must not exceed a total of two-hundred-fifty (250) square feet in surface area and not exceed thirty (30) feet in height as measured from ground level to the highest point of the sign.

(3) Setback and separation.

(a) Building setbacks shall apply to all billboards.

(b) Billboards shall be separated from all other billboards by a minimum distance of one-half (1/2) mile measured at a radius.

(4) Billboards shall be detached from all other structures and shall not be erected on or above the roof or any other part of a building. Double sided billboards shall be allowed and shall be considered as one billboard, provided the nearest points of the individual sides of the structure are no more than five (5) feet apart.

F. Miscellaneous Signs.

The following types of signs are allowed, in addition to ground and attached signs, without acquiring a sign permit excepting (1) directional and instructional signs for private development and (2) menu signs which must be included as part of a Uniform Sign Plan submittal for a sign permit. Miscellaneous signs shall not extend within or over any street right-of-way or be located within fifteen (15) feet of any curb or street edge.

(1) ***Direction and instructional signs for private development.*** Signs which provide directions and instructions, including entrance and exit signs for private commercial or residential development, provided such signs do not exceed a total of four (4) square feet in size or three (3) feet in height. Directional and instructional signs for public buildings or facilities are exempt.

(2) ***Menu signs.*** Signs at drive-through windows of restaurants or other food service establishments, provided that such signs shall not exceed thirty (30) square feet in size and shall not be in any front yard or be visible from a public street.

(3) ***Name and address signs.*** Name and address signs not exceeding two (2) square feet in size.

(4) ***Interior signs.*** Signs completely within the premises of any building, provided such signs are not attached to or painted on any windows or exterior doors of the structure.

(5) ***Incidental signs.*** Signs such as credit card, rest room, public telephone and other such signs displayed primarily for public convenience or information, provided such signs are securely attached to a building or other permanent structure and do not exceed a total of two (2) square feet in size.

(6) ***Window signs.*** Window signs, whether painted on or attached to windows of a structure, provided the total area of any such signs does not exceed twenty-five percent (25%) of the window area in any single window.

(7) ***Public notice bulletin boards.*** Signs and bulletin boards that provide general information to the public concerning affairs of general interest to the community on the condition that such signs do not exceed twenty (20) square feet in size. Public notice signs may only be used for temporary purposes for a maximum of six (6) month intervals.

(8) ***No trespassing/dumping signs.*** Signs posting private property against trespassing or dumping, or for other lawful reasons, provided such signs shall not exceed twenty (20) square feet in size.

(9) ***Home business signs.*** Signs which identify home businesses as approved in accordance with this ordinance.

(10) ***Gasoline price signs.*** Signs advertising the price of gasoline, provided such signs shall not exceed fifteen (15) square feet in size per service station. Stationary electronic signs may be used for gasoline price display so long as the electronic display meets the criteria for electronic signs herein and the message does not consistently change, flash, or animate in any way.

(11) ***Flag signs.*** Each business within a commercial district shall be allowed up to twenty (20) square feet of flag signs per one-hundred (100) feet of street frontage, provided each flag is separated by a distance of at least ten (10) feet and does not exceed twenty (20) feet in height or ten (10) feet above the highest point of the wall or roof to which they are attached. All flag signs which become faded or torn shall be removed or replaced immediately. Before any such flag signs are erected, all non-conforming streamers and banners must be removed.

(12) ***Flagpoles.*** In all residential districts, flagpoles should be limited to a height of twenty-two (22) feet for front yards. All other decorative structures should be limited to three (3) feet. Flagpoles shall only be used for the display of standard flags, such as state or federal institutions, or for decorative purposes, but shall not be used as signage for a business

G. Electronic Signs.

Signs containing electronic reader boards or changing electronic display shall be permitted only by Special Exception approval of the Board of Aldermen in any non-residential district

as set forth in this ordinance. Signs used for Public Service announcements which are located within Public Service Zoning Districts shall be exempt from the requirements of this ordinance.

The following guidelines shall apply to electronic signs:

(1) No more than one electronic sign may be used for any non-residential property.
(2) Electronic signs may only be incorporated with a ground-mounted sign or billboard, and shall not be mounted on the façade of a building or installed with an attached sign, excepting stationary gasoline price signs referenced herein.
(3) The stationary image or message displayed by an electronic sign shall not be animated (including rotating, flashing, changing in colors, or moving) in any way except to interchange stationary displays, and having a minimum display period of eight (8) seconds.
(4) Electronic signs must be automatically programmed to reduce the sign image brightness during night-time hours to seventy-five percent (75%) of the normal operating brightness.

10.3.4. TEMPORARY SIGNS

A. In addition to the permanent signs which are allowed by this ordinance the following temporary signs shall be allowed in accordance with the standards set forth.
B. No temporary sign shall be placed or erected within the right-of-way of any street, or within fifteen (15) feet of any curb line or street edge.
C. The following temporary signs are allowable, without requiring permits, provided the stated restrictions are met:
   (1) ***Banners and streamers.*** Banners shall not exceed seventy-five (75) square feet in size. Banners or streamers shall not be located within twenty (20) feet of any street.
   (2) ***Street banners.*** Street banners extending above and across streets are allowable for official, civic, or philanthropic parades, festivals or events. Street banners should not exceed one hundred twenty-five (125) square feet in size.
   (3) ***Political signs.*** Signs advertising political candidates, referenda or similar issues shall not be placed or erected more than ninety (90) days in advance of any election, referenda, or similar issue and shall be removed within five (5) days after the election and special election in which the candidate is eliminated in the case of primary elections and within five (5) days after the general election for all other candidates, issues, and referenda.
   (4) ***Real estate signs.*** Real estate signs shall not exceed ten (10) square feet in size or five (5) feet in height in residential zones and shall not exceed seventy-five (75) square feet in size or fifteen (15) feet in height in all other zones. All real estate signs shall be removed within seven (7) days after the closing of the sale, lease, or rental of premises.

(5) ***Construction and development signs.*** Construction and development signs shall not exceed seventy-five (75) feet of total signage area per construction project or development. Such signs shall be removed within one (1) week of the substantial completion of the project or the installation of any permanent sign.

(6) ***Public and semi-public signs.*** Signs advertising public and semi-public affairs such as civic, school, church, and similar affairs and events are allowable provided they do not exceed thirty-six (36) square feet in size or ten (10) feet in height. Such signs shall be placed a maximum of ten (10) days in advance of the event advertised, and shall be removed within one week of the completion of the event advertised. Not more than one such sign shall be approved per parcel of land.

(7) ***Carport and yard sale signs.*** Signs advertising carport or yard sales should not exceed eight (8) square feet in size or four (4) feet in height. Such signs shall be placed not more than one (1) day in advance of the sale and shall be removed within one (1) day of the completion of the sale.

10.3.5. PROHIBITED SIGNS

The following types of signs are prohibited:

A. ***Flashing or other distracting illumination.***

(1) No sign shall consist of, or display, in whole or in part, any flashing lights or other illuminating devices which change in intensity, brightness, or color.

(2) The light for or from any illuminated sign shall be so shaded, shielded, or directed that the light intensity shall not be objectionable to surrounding areas and shall not cause unnecessary glare to be directed toward traffic lanes.

B. ***Resemblance to traffic signs***. No sign shall resemble or conflict with any traffic control device or sign, or contain the words "stop", "caution", "go slow", "danger", "warning", or any similar words or phrases that may be construed to misdirect or confuse traffic flow.

C. ***Vehicle signs.*** No sign shall be attached to, suspended from, or painted upon any vehicle or trailer which is regularly parked on any street, or on any private property which is visible from any street, which is designed to serve the purposes of a sign as defined in this Ordinance. This prohibition shall not apply to vehicles or trailers utilized on a regular basis for deliveries, maintenance, and related business purposes, or to a single sign not exceeding two (2) square feet displayed on or within a vehicle advertising the availability of said vehicle for sale.

D. ***Prohibited locations.*** No signs otherwise permitted by this Ordinance shall be placed on any public property, including but not limited to, utility poles, fences or trees, or within any street or another public right-of-way, except as otherwise stated in this Ordinance.

E. ***Off premise signs.*** No sign may be placed on a separate tract of land from the business or other use for which it provides advertisement, except as otherwise stated in this Ordinance.

F. ***Illegal signs.*** Signs which were in place prior to the adoption of this Ordinance and which do not conform to the terms of this Ordinance, which signs were also in violation of the previous Ordinance of the City at the time they were erected, shall not be classified as nonconforming signs and shall be removed immediately.

G. ***General prohibited signs.*** All other signs not specifically allowed by this Ordinance are prohibited, unless a Special Exception Use for their use can be secured in accordance with ***Chapter 6, Part 3*** of this Ordinance.

10.3.6. UNIFORM SIGN PLANS FOR SHOPPING CENTERS AND OTHER MULTI-OCCUPANT NON-RESIDENTIAL DEVELOPMENTS

A. A uniform sign plan is required for all shopping centers, including any out-parcels connected thereto at the time of Site Plan approval and for all other multi-occupant non-residential developments, before any signs for the development, or establishments therein may be erected on the property. All owners, tenants, subtenants, and purchasers of individual units within the development shall comply with the approved uniform sign plan.

B. The uniform sign plan shall consist of **five (5) elements**, which shall govern all signs within the shopping center or development: **location, materials, size, letter style,** and **color**. The uniform sign plan shall include drawings, specifications, dimensions, and maps showing the proposed locations of signs and how such locations conform to the requirements of this Part.

C. The uniform sign plan shall be subject to approval by the Mayor. For shopping centers and other multi-occupant developments, the uniform sign plan must be submitted, reviewed, and approved prior to the issuance of the first sign permit for the development, including any individual establishments therein or out-parcels connected thereto.

D. Existing shopping centers are encouraged to submit a uniform sign plan and shall be allowed the additional size and height specified herein.

~END OF SECTION~

CHAPTER 11: SUPPLEMENTAL STANDARDS

PART 1 – GENERAL BUILDING AND SITE DESIGN

11.1.1. PURPOSE AND APPLICABILITY

A. The purpose of site and building design standards, as they pertain to this Ordinance, shall be to ensure that all proposed development maintains a compatible level of design and building quality.

B. The general appearance, style, and design of developments are of prime importance to the Municipality and its citizens. The collective appearance of a City reflects the high quality of life and the high standards, which the citizens have set for themselves and for their government. The regulations of this Part ensure that high quality design standards will be maintained and perpetuated. The purposes of this Part are as follows:

(1) To promote a community appreciation of the City by encouraging quality design and enhancement of the appearance of developments through the application of standards;

(2) To provide proper standards to ensure a high level of quality in the appearance, without discouraging good design by setting rigid standards which stifle the developer's and/or property owner's individuality, creativity, or artistic expressions at a site;

(3) To preserve and improve property values and to protect private and public investments; and

(4) To preserve and protect the identity and character of the City.

C. The requirements of this Part shall apply to all uses for which Site Plan approval is required pursuant to ***Chapter 6, Part 5*** of this Ordinance.

11.1.2. GENERAL DESIGN STANDARDS

A. Building design plans shall be submitted for approval as part of each Site Plan required under ***Chapter 6, Part 5*** of this Ordinance. The burden of proof shall be on the applicant to prove that the proposed development meets the following standards of design:

(1) The proposed development shall be compatible with supplemental Design Guidelines, as adopted by the Board of Aldermen, where applicable;

(2) The proposed development shall not exhibit excessive uniformity or dissimilarity to any other development within its vicinity, inappropriateness, or poor quality of design in the exterior appearance that will adversely affect the desirability of the immediate or adjoining vicinity;

(3) The proposed development shall be complimentary of the highest quality development within the area and shall be compatible with the architectural character of the City.

(4) The proposed development is not out of harmony, or incongruent with existing visual features or the character of immediate or adjoining areas;

(5) The proposed development will not result in decreased property values, diminished tourism, decreased economic values, and/or diminished future opportunities for land use and development;
(6) The proposed development would not serve as a detriment to mental health and safety in the Municipality, negatively impact(s) the City's cultural values, social responsibility, or citizenship, or restrict(s) the citizenry in identifying with the character of the City's residential and/or business community, or restrict(s) the City's ability to preserve the features of historical significance within the City.

B. ***Modifications to standards.*** Where necessary to accommodate individuality and creativity in site design, or where conformance with the strict requirements of this Part are not feasible on a property, the Mayor may modify the requirements of this Part in reviewing and approving a Site Plan, provided that the features which the applicant proposes are equivalent in effectiveness given stated purposes of this Part.

PART 2 – SUPPLEMENTAL STANDARDS FOR NEIGHBORHOODS

11.2.1. PURPOSE

The purpose of this section is to regulate the site design and layout of new neighborhoods, and enhancements or additions to existing ones. For the purposes of this section, the term "subdivision" and "neighborhood" are used interchangeably. These standards shall be supplemental to the general site and design standards herein.

11.2.2. GENERAL PROVISIONS

In all new subdivisions, both major and minor, the following minimum design standards apply:

A. Architectural variation in home design, as well as variation in siding material and colors, are required.
B. Floor plans should be arranged so that the front entrance of a home is noticeably visible from the public street, accented by a front porch, patio, or motor court.
C. No more than fifty percent (50%) of garage doors or garage entrances shall face the public street, being considered front-loaded garages. Garages which do face the public street shall have a minimum setback of forty (40) feet from the right-of-way. Back alleys should be used when appropriate for rear loaded homes.
D. Electrical, telephone, and cable utilities must be installed underground, except in cases where the utility provider is not able to provide underground service.
E. Streets within new neighborhoods or subdivisions must have a three (3) foot wide sidewalk installed on both sides of the street.

PART 3 – SUPPLEMENTAL STANDARDS FOR MULTI-FAMILY RESIDENTIAL

11.3.1. PURPOSE

The purpose of this section is to provide adequate standards for the development and design of multi-family dwelling units to maintain the character, value, and safety of the City and its

residents, as well as conform to the requirements of the ***Comprehensive Plan***. These standards shall be supplemental to the general site and design standards herein.

11.3.2. GENERAL PROVISIONS

A. Multi-family dwellings and accessory structures may be constructed as townhouses, garden apartments, terraces, or other clustered housing units, according to the following guidelines:
   (1) Each dwelling unit shall contain at least one living room, one bedroom, one kitchen, and one full bathroom.
   (2) All buildings and other structures shall be such that the exterior, architectural character, and functional plans thereof will be as harmonious and compatible with the single family residential housing of the City as possible. The Mayor shall determine whether this requirement has been met as part of the Site Plan review process.
   (3) No building or structure (except carports) shall be constructed within thirty (30) feet of any non-multifamily residential district, or any adjacent building.
   (4) All dwelling units shall be isolated from each other by a firewall, ceiling, or floor of at least two (2) hour fire resistance rating.
   (5) Space shall be provided for storage of waste and refuse until collection. This space should be appropriately contained, walled, and screened and shall be subject to Site Plan review.
   (6) No multi-family building (including group homes, rehabilitation centers, etc.) shall be constructed within one thousand five hundred (1,500) feet of any other such building use.

PART 4 – SUPPLEMENTAL STANDARDS FOR MANUFACTURED HOMES

11.4.1. PURPOSE

The purpose of this Section is to regulate the safety and design of new manufactured homes and enhancements to existing ones. These standards shall be supplemental to the general site and design standards herein.

11.4.2. GENERAL PROVISIONS

A. In zones where permitted, the installation or use of manufactured homes shall be deemed a Special Exception Use, per the requirements of ***Chapter 6, Part 3*** of this Ordinance, and shall occur only as approved by the Board in accordance with the procedures set forth in this Ordinance. Manufactured homes shall not be permitted within residential subdivisions, subdivided neighborhoods, or within residential areas having no established manufactured homes in the direct vicinity.
B. This section applies to all manufactured housing units that fit this Code's definition. Modular homes, as defined in this Ordinance, shall not be governed by this section.
C. Applicants must provide the Mayor and Board with technical information on the proposed manufactured home along with pictures of all four sides showing the

condition and craftsmanship of the home. In some cases, a building inspection, at the owner's expense, may be required prior to Board approval. The burden of proof shall be on the applicant to prove that the following criteria are satisfied:

1. Manufactured homes must be inspected for building code compliance by the municipal building official prior to approval unless the proposed home is new.
2. Manufactured homes shall meet or exceed the current construction standards promulgated by the U.S. Department of Housing and Urban Development (HUD), and shall comply with the municipal Building Code.
3. Manufactured homes must have a length not to exceed four (4) times its width.
4. The pitch of the home's roof has a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction.
5. The exterior siding consists of hardboard, composite, or architectural vinyl comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
6. A continuous, rigid masonry perimeter foundation must be installed consisting of brick, stucco, stone veneer, or other similar exterior material to compliment siding of the manufactured home, and must be continuous except for required ventilation and access.
7. All manufactured homes must be appropriately underpinned and installed on a permanent foundation per the current adopted Building Code.
8. The tongue, axles, transporting lights, and removable towing apparatus shall be completely removed after placement on the lot and before occupancy.
9. The front entrance of the manufactured home shall face the street.
10. Manufactured homes must be equipped with a covered front porch constructed of materials to match or compliment the manufactured home.
11. A manufactured home shall not be located closer than fifty feet (50') to any other structure.
12. Prior to occupation, all new manufactured homes must be permanently installed and registered as Class I Real Property with the Lee County Tax Assessor.

PART 5 – SUPPLEMENTAL STANDARDS FOR FENCES AND WALLS

11.5.1. PURPOSE

The purpose of this section is to regulate the safety and design of fences and walls on private property in the City. The intent and purpose of this guideline is to insure safe sight lines and to minimize the potential negative visual impact or hazards of high or unsightly fences. The terms "fence" and "wall" are used interchangeably in this Section. These standards shall be supplemental to the general site and design standards herein.

11.5.2. PERMIT REQUIRED

A fence permit is required to erect, move, or replace an existing fence or repair fifty (50) percent or more of an existing fence. A fence permit may be obtained from City Hall and must be obtained prior to installation of or replacement of a fence. Said permit shall be valid for ninety (90) days, however, at the discretion of the Mayor and/or their designee, the permit may be

extended for an additional ninety (90) days. The information required includes the height, materials, location of the fence, distances from each structure on the property, and lot size. Tenants must have property owner authorization to apply for a fence permit.

11.5.3. EXCEPTIONS

Fences used for agricultural purposes are exempt from the requirements of this section. Agricultural purposes shall include land zoned A1-Agricultural and used for the raising of crops, horticulture, animal, and poultry husbandry.

11.5.4. GENERAL PROVISIONS

Fences and walls within the municipal limits shall conform to the following minimum design standards:

A. ***Fence Construction*:** Horizontal and vertical support posts shall be located inside of the fenced area or otherwise hidden from adjacent properties and the general public's view. Shadowbox style fencing may be used to conceal the fence supports.

B. ***Materials*:** Fences or walls may be constructed only of the following materials:
   (1) ***Provisions General to all Zoning Districts*:** Fences may be solid wall construction (brick, stone, or stone-faced block); post/plank construction (metal, wood or vinyl); or vinyl-coated or galvanized chain-link, with limitations as described in this section. No more than two different types of fencing material are permitted. No fence shall be made of, in whole or in part, cloth, canvas, or other like material.
   (2) ***Commercial Districts*:** Metal palisade-style security fencing is permitted, provided that the height, location, and opacity complies with all applicable provisions of this Ordinance.
   (3) ***Industrial Districts*:** Barbed or razor wire shall be permitted only if the lowest strand is at least seven (7) feet above grade, and when used for security purposes in addition to a regular fence.

C. ***Location/Setbacks*:** Fences located along a side or rear setback may be installed on the property line. Fences located within the front yard shall have a fifteen (15) feet minimum setback from the property line.

D. ***Height*:** Fences and walls shall be restricted in maximum height as follows:
   (1) Residential Districts: The maximum height of a fence in a rear or side yard is six (6) feet. Maximum height in a front yard is forty-two (42) inches, but also must comply with the following regulations:
      (a) The design, color, and material of the fence shall be complementary or shall match the principal structure on the property.
      (b) Sight proof fences are not allowed in the required front yard. The fence shall have some open spacing, which could be open picket type, wrought iron, or other non-opaque fence design. Visibility through front yard fencing shall not be reduced by greater than fifty (50) percent.
      (c) Chain-link fencing is not permitted in the front setback in residential districts.

(d) Corner and double frontage lots have two front yards. The above requirements for fences in a required front yard apply to both front yards on a corner lot. On a double frontage lot, ornamental fences, or walls of no more than a height of six (6) feet may project into the yard space at the rear of the building, provided no portion of the frontage along the same street where the fence is proposed to be located is utilized as the principal entrance for the main building of any lot on the block.

(2) ***Commercial Districts:*** The maximum height of a fence in a front, rear, or side yard is six (6) feet.

(3) ***Industrial Districts:*** The maximum height of a fence in a front, rear, or side yard is eight (8) feet.

E. ***Sight Distance Triangle*:** Fences on property that is at the intersection of two streets must allow for adequate sight distance. The sight distance triangle is defined as a line twenty-five (25) feet back from the corner along both the front and side property lines. These two points are connected by a diagonal line. This sight distance triangle must be kept free of fences that would obstruct the motorist views of oncoming traffic.

11.5.5. FENCES OR WALLS LOCATED WITHIN EASEMENTS

Fences may not be located directly over any underground utility lines, but may be located within utility easements located in the side yard and/or rear yard. It should be noted that placement of a fence in the utility easement is at the risk of the property owner as the Municipality and utility companies have no responsibility for repair of any fence damaged by construction or maintenance activities on the property.

11.5.6. STORMWATER FLOW

It shall be the responsibility of the property owner to make sure that a fence does not block or obstruct the flow of storm water.

11.5.7. PEDESTRIAN GATES

Gates to fences must be a minimum of three (3) feet wide to allow for passage of emergency personnel and equipment.

11.5.8. MAINTENANCE

All fences must be maintained upright and in good and sound condition, free of damage, breaks or missing structural members. Vegetation adjacent to the fence must be maintained in good condition or trimmed as appropriate. Missing boards, pickets, or posts shall be replaced within forty-five (45) days with material of the same type and quality. Fences designed for painting or similar surface finishes shall be maintained in their original condition as designed. All exposed steel, except the galvanized metal fences, shall have a colored finished coat applied to them and be preserved against rust and corrosion.

11.5.9. TEMPORARY FENCE

Temporary fencing, such as plastic silt fences or safety fences, is permitted and may be required for active construction projects by the Building Official. Temporary fencing is not to remain in place longer than is necessary to perform its function.

PART 6 – SUPPLEMENTAL STANDARDS FOR MECHANICAL UTILITIES

11.6.1. PURPOSE

The purpose of this section is to allow for the installation of exterior mechanical devices and equipment which may support or enhance a commercial or residential environment. The intent of this standard is to minimize the impact of such mechanical devices or equipment upon the surrounding areas intended for public use in such a way as to maintain the character, value, and safety of the City and its residents. These standards shall be supplemental to the general site and design standards herein.

11.6.2. GENERAL PROVISIONS

A. ***Mechanical and utility equipment***. Heating, ventilation, air conditioning, and other mechanical utility equipment, including but not limited to hoses, pipes, vents, fans, compressors, pumps, and heating and cooling units, which are located on, next to, or adjacent to any building or development shall be screened from the view of streets and adjacent property. The screen shall exceed the height of the equipment, shall not interfere with the operation of the equipment, and shall use building materials and design which are compatible with those used for the exterior of the principal building.

B. ***Trash containment areas.*** All trash containment devices, including compactors and dumpsters, shall be located and designed so as not to be visible from the view of adjacent streets and properties. All trash containment areas must be screened from public view. The type of screening used shall be determined based on the proposed location of the trash containment area, existing site conditions, and the type and amount of existing and proposed vegetation on the site. All trash containment devices shall meet the following standards:

   (1) All trash containment areas shall be fully enclosed.
   (2) The enclosure shall be at least as high as the highest point of the compactor or dumpster.
   (3) The enclosure walls shall be constructed of sturdy masonry or wood materials, and shall have an opaque gate door for access which shall have a steel frame.
   (4) All compactors and dumpsters shall be placed on a concrete pad that is large enough to provide adequate support and allow for positive drainage.
   (5) The Mayor and Board have the right to grant waivers on any of these conditions as applicable.

PART 7 – SUPPLEMENTAL STANDARDS FOR TELECOMMUNICATIONS AND TOWERS

11.7.1. PURPOSE

A. The purpose of this Ordinance is to facilitate the rapid expansion of the wireless telecommunications industry through the use of reasonable and nondiscriminatory policies designed to encourage growth and competition for the benefit of the citizens of the City, but at the same time to protect the public against any adverse impact upon the

City's aesthetic resources, avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements, maximize the use of existing and approved towers and buildings through co-location and protect the public health, safety, and welfare. These standards shall be supplemental to the general site and design standards herein.

B. Furthermore, it is the goal of this Ordinance to establish general guidelines for the siting of towers and antennas for commercial wireless telecommunications and to:
   (1) Encourage the location of towers in non-residential areas and minimize the total number of towers throughout the community;
   (2) Encourage strongly the joint use of new and existing tower sites;
   (3) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
   (4) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and to
   (5) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

11.7.2. GENERAL PROVISIONS

A. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the Federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense. Any such removal by the Municipality shall be in the manner provided.

B. The owner of a tower shall ensure that it is constructed and maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronics Industries Association, as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the City may order the removal or cause the removal of such tower at the owner's expense.

C. Each application for the construction of a wireless telecommunication facility shall include a certified statement that the construction of the tower, including reception and transmission functions, will not interfere with the radio, television, and public safety communications devices or other services enjoyed by adjacent residential and nonresidential properties. The certificate shall be notarized and recorded.

D. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove

said tower within ninety (90) days of receipt of notice from the Municipality notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the Municipality may remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all of them cease using the tower.

E. Towers shall not display signs or advertisements for commercial or non-commercial purposes, unless such signs are for providing warnings or specific equipment information.

11.7.3. DESIGN APPLICATION AND STANDARDS

A. Construction of new antennas will be considered as permitted uses under the following conditions:
   (1) If the antenna is to be co-located on an existing tower in conformance with the conditions of this Ordinance;
   (2) If the antenna is to be located on municipal property, buildings or structures.

B. Construction of new towers and/or antennas will be considered as Special Exception Uses in the A-1, C-1, I-1, and PS zones.

C. Applicants for the proposed construction of new towers and antennas must submit the following information with their application:
   (1) Site and landscape plans drawn to scale and indicating tower height, elevations, topographical contours, location, accessory structures, access to tower site, and proposed fencing.
   (2) Environmental analysis or statement signed by a licensed professional engineer indicating RF emissions do not exceed FCC standards.
   (3) Section 106 review if proposed tower affects National Register or National Register eligible properties.
   (4) Documentation that existing towers will not accommodate proposed antenna.
   (5) A list of all tower owners contacted, date of contact, and the form and content of contact.
   (6) A statement of intent to share space on the tower.

D. All towers greater than seventy-five (75) feet in height erected, constructed, or located within the Municipality shall comply with the following requirements:
   (1) Any proposed tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is over one hundred thirty (130) feet in height or for at least one additional user if the tower is over seventy-five (75) feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
   (2) No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Municipality that no existing tower or other structure can accommodate the applicant's proposed antenna within a one-mile search radius (one half (1/2) mile for towers under one hundred fifty (150) feet in height, one quarter mile for towers under one hundred (100) feet in height) of the

proposed tower. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

(a) No existing towers or structures are located within the geographic area that meet the applicant's engineering requirements.
(b) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
(c) Existing towers or structures do not have sufficient structural capacity to support the applicant's proposed antenna and related equipment and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
(d) The applicant's proposed antenna would cause electromagnetic interference with an antenna on an existing towers or structures, or an antenna on the existing tower or structure would cause interference with the applicant's proposed antenna.
(e) The fees or costs required to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower construction are presumed unreasonable.
(f) Nothing in these rules and regulations shall obligate the owner of an existing tower to co-locate additional antennas on such tower or be construed to interfere or limit the rights of parties to set rent or establish other terms and conditions of the shared use of a tower of facility.

E. Any evidence submitted to the City to meet the above listed requirements shall be documented by a qualified and licensed professional engineer.
F. The following conditions apply to the location of proposed new towers:
    (1) To the greatest extent possible, all new communications towers will pursue the possibility of location on Municipal owned structures or property.
    (2) Towers can be no less than three hundred fifty (350) feet from schools, parks, playgrounds, or day care centers.
    (3) Towers can be no less than one thousand (1,000) feet from any property or lands held in title or maintained by the U.S. Department of the Interior or the National Park Service.
    (4) The distance between towers may not be less than one-quarter (1/4) of a mile.

11.7.4. SETBACKS

All new towers shall be subject to the setback requirements of the zoning district they are to be located within. The Board may require more stringent setbacks to offset possible health, safety, or aesthetic concerns.

11.7.5. TOWER LIGHTING

A. Towers shall not be illuminated by artificial lights such as strobe lights or other lighting devices unless specifically required by the FAA or other state and federal government

agencies. Light fixtures may be attached if it is part of the design incorporated into the tower structure to be used for the illumination of athletic fields, parking lots, streets, or other similar areas. Lighting of the accessory buildings for basic security purposes is permissible but may not result in unnecessary glare on adjacent properties in residentially zoned areas.

B. Should lighting be required by state or federal law, the lighting shall be placed on the tower and designed in such a way as to minimize the glare on adjacent residential properties. In these instances, dual lighting shall be used. Dual lighting is considered as strobe lighting during the daylight hours and red lighting during nighttime hours.

11.7.6. TOWER SCREENING

A. To the greatest extent possible, towers and antennas shall be designed to blend into the surrounding environment by color and camouflaging.
B. Existing on site vegetation will be preserved to the maximum extent possible.
C. Where the proposed tower site abuts residential zones, the site perimeter shall be landscaped with at least one row of deciduous trees, not less than one and a half (1 ½) inches in diameter at the time of planting, measured three (3) feet above the grade not more than twenty (20) feet apart, on-center, within twenty-five (25) feet of the site boundary. The Board may permit alternatives such as walls or fences based on security or aesthetic reasons.
D. Fences, if required, shall be colored or be of a design which blends into the character of the existing environment.
E. Towers shall be constructed of a material with a neutral color designed to blend in with surrounding land uses. Towers two hundred (200) feet or less in height shall have a galvanized finish or a silver paint. If heavy vegetation is in the immediate area, towers shall be painted a shade of green as to match the vegetation from the base of the tower to the tree line, with the remainder painted silver or given a galvanized finish. Towers greater than two hundred (200) feet in height shall be painted according to the regulations of the FAA.
F. The City may require additional screening or other design modifications to ensure that the attractiveness and the aesthetic quality of the area is not adversely affected.

11.7.7. SATELLITE DISH OR OTHER ANTENNA ON STRUCTURE OTHER THAN TOWER

A satellite dish or an antenna mounted on a rooftop or above a structure shall be screened, constructed, and/or colored to match the structure to which it is attached. An antenna mounted on the side of a building or structure shall be painted to match the color of the building or structure or the background against which it is most commonly seen. A microwave antenna exceeding twelve (12) inches in diameter on a roof or building-mounted facility shall not exceed the height of the structure to which it is attached, unless fully enclosed. If an accessory equipment shelter is present, it must blend with the surrounding building(s) in architectural character or color.

PART 8 – SUPPLEMENTAL STANDARDS FOR ADULT BASED BUSINESS

11.8.1. PURPOSE

The purpose of this Section is to allow for the suitable functions and operation of adult based businesses in such a way as to maintain the character, value, and safety of the City and its residents. These standards shall be supplemental to the general site and design standards herein.

11.8.2. GENERAL PROVISIONS

A. No adult arcade, adult book store, adult cabaret, adult motion picture theater, adult motel, adult video store, or any other adult business establishment shall be located within two thousand five hundred (2,500) feet from the property line of any other such use, or located within two thousand five hundred (2,500) feet of the property line any residence or residentially zoned property, church, or other regular place of worship, school, park, day care center, day care home, or playground except where it is allowed by a variance, or court order, or of any lot or parcel in residential use, school property, church or other place of worship, public park, public or private recreational facility, child care facility, nursery school, preschool, or other use that is primarily oriented to youth (less than 18 years of age) activities.

B. For the purpose of this Ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult entertainment business is conducted, to the nearest property line of the premises of a church or other regular place of worship, school, or to the nearest boundary of an affected park, day care center, day care home, playground, residence, residential district, or residential lot;

C. For the purposes of Subsection (B) of this section, the distance between any two adult entertainment business uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located;

D. An adult entertainment business may not be operated in the same building, structure, or portion thereof, containing another adult entertainment business or where the sale of alcohol occurs.

E. Notwithstanding any language or definition used herein, this Part nor any other Part of this Ordinance does not permit any acts, display or distribution of materials which violate the obscenity statutes or any other laws of the State of Mississippi.

F. No adult based business shall operate in any building which has not received site plan approval per the requirements of this Ordinance.

~END OF SECTION~

CHAPTER 12: DEFINITIONS

12.1.1. LANGUAGE

For the purposes of this Ordinance, certain terms or words shall be interpreted as follows:

A. All words in the present tense shall include the future, all words in the singular number include the plural number, and all words in the plural number include the singular number.
B. The word "building" includes the word "structure".
C. The word "dwelling" includes "residence".
D. The word "person" includes "corporation", "co-partnership", "association", as well as an "individual".
E. The word "shall" is mandatory and the word "may" is permissive.
F. The word "lot" includes the words "plot" or "parcel".
G. The words "used" or "occupied" includes the words "intended", "designed", or "arranged to be used or occupied".

12.1.2. DEFINITIONS

When used in this Ordinance, the following words and terms shall have the meaning set forth in this Section, unless other provisions of this Ordinance specifically indicate otherwise. For terms not defined herein, the definitions of the ***2015 International Zoning Code*** shall apply where applicable:

A

ACCELERATED EROSION: Any increase over the rate of natural erosion.
ACCESSORY BUILDING OR STRUCTURE: A building or structure on the same lot as, and is incidental and subordinate to the main use of the building, such as a detached garage or shed. The use of which is clearly incidental to that of the main building or structure to the use of the land, and which is not attached by any part of a common wall or common roof to the main building.
ACCESSORY DWELLING UNIT: A residential unit, also known as a granny flat, that is a second dwelling unit located on a lot with one (1) single-family house and which is no more than thirty-five percent (35%) of the size of the principal unit. An ADU is a complete living unit with kitchen, bathroom, and sleeping facilities; has a separate entrance from the primary dwelling unit; and provides off-street parking.
ACCESSORY FARM: An accessory farm is constituted by a farm use that is secondary and accessory to a residence or residentially zoned property.
ACCESSORY GUEST QUARTERS: An accessory building used solely as a temporary dwelling of guests of the occupants of the premises and not rented or otherwise used as a separate sleeping unit.
ACCESSORY USE: A use which is on the same lot as, and of a nature customarily incidental and subordinate to the principal use, structure, or building on the property.
ADDITION (TO AN EXISTING BUILDING): An extension, expansion, enlargement, or increase in the area or height of a building or structure or the number of dwelling units within the building or structure.
ADMINISTRATIVE OFFICIAL: The Mayor of the City of Guntown.
ADULT BUSINESS USES:

1. ADULT ARCADE: An establishment where one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides or other photographic reproductions that are sexual or pornographic in nature.
2. ADULT BOOKSTORE: A commercial establishment that, as one of its principal business purposes, offers for sale or lease for any form of consideration, any one or more of the following: (a) books, magazines, periodicals, or other printed matter, or photographs, films, motions pictures, video cassettes, slides or other visual representations that are characterized by an emphasis upon the depiction or description of "specified

sexual activities" or "specified anatomical areas"; or, (b) instruments, devices or paraphernalia that are designed for use in connection with "specified sexual activities".

3. ADULT CABARET: An establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas".
4. ADULT ENTERTAINMENT ESTABLISHMENTS: Any adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, adult video store, or similar establishment which regularly features or depicts behavior which is characterized by the exposure of "specified anatomical areas", or "where any employee, operator or owner exposes his/her "specified anatomical areas" for viewing by patrons".
5. ADULT MOTEL: An establishment which includes the word "adult" in any name it uses or otherwise advertises the presentation of adult material offering public accommodation for any form of consideration, which provides patrons with closed-circuit televised transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
6. ADULT MOTION PICTURE THEATER: An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas".
7. ADULT VIDEO STORE: A commercial establishment that, as one of its principal business purposes, offers for sale or rental any form of consideration of any one or more of the following: (a) photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations which depict or describe "specific sexual activities" or "specified anatomical areas"; and, (b) instruments, devices or paraphernalia that are designed for use in connection with "specified sexual activities".

AGRICULTURE: The tilling of the soil, raising of crops, farm animals, livestock, horticulture, gardening, beekeeping, and aquaculture.
AIRCRAFT SALES AND SERVICE: Any building, structure, or lot used for one or more of the following: (1) offering for retail sale aircraft and aircraft parts and supplies; or (2) the business of repairing aircraft.
AIRPORT: A facility designed for the operation, takeoff, landing, and storage of aircraft. In addition, may include facility for passengers to board and exit aircraft.
ALLEY: A small, low volume street, either publicly or privately owned, which typically serves as secondary access to the rear or side of properties whose principal frontage is on another street.
AMPHITHEATER: An oval or circular structure having tiers of seats rising gradually outward from a central open space or arena.
AMUSEMENT CENTER: An establishment offering sports, theatrical productions, game playing, or similar amusements to the public within a fully enclosed building. This shall include, but is not limited to, theaters, bowling alleys, billiard parlors, and skating rinks. This shall not include recreation centers or such amusements which are accessory to churches, schools, or colleges.
ANIMAL HOSPITAL: Facility for the medical treatment and care of animals.
ANIMAL SHELTER: Facility for the temporary care and housing of stray and abandoned animals.
ANTENNA: Any structure or device used to collect, emit, or radiate electromagnetic waves, microwaves, AM/FM radio waves, digital, cellular, and television broadcasts, including, but not limited to, directional antennas, such as panels, microwave dishes, and Omni-directional antennas.
APARTMENT BUILDING: A residential house or building designed or used for three (3) or more dwelling units.
APPEAL: A request for a review of the interpretation of any provision of this Ordinance.
APPEARANCE: The outward aspect visible to the public.
APPURTENANCE: The visible, functional objects accessory to and part of the buildings.
ARCADE: A walkway or passageway adjacent to a building which is covered by a roof but open to the outside air.
ARCHITECTURAL CHARACTER: The composite or aggregate of the characteristics of structure, form, materials and function of a building, group of buildings or other architectural composition.
ARCHITECTURAL FEATURE: A prominent or significant part or element of a building, structure, or site.
ARCHITECTURAL STYLE: The characteristic form and detail of a building, structure, or site, as of buildings of a historical period.

ARMORY: a place where weapons are kept; especially a place where weapons are kept and where soldiers are trained.
AS-BUILT PLAN: A reproducible plan showing the true and actual location and nature of buildings, structures, plant materials, underground utility lines, and other features or improvements which have been installed on or off the property pursuant to a development plan approved under this Ordinance, to be used to determine compliance with the requirements of this Ordinance.
ASPHALT AND/OR CONCRETE PLANT: A facility for the production and distribution of asphalt or concrete.
ASSISTED LIVING HOME: A home or institution that gives personal care to the aged or infirm, ambulant persons who are not in need of nursing care. The building is shared by two or more unrelated persons, including resident staff, who live together as a single housekeeping unit and in a long term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the resident to live as independently as possible to reach their maximum potential. An assisted living home shall not include a treatment center for drugs or alcoholism, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.
AUTOMOTIVE REPAIR, MAJOR: A business mainly engaged in the repair or maintenance of motor vehicles, trailers, and other similar large mechanical equipment, including paint, body, and fender, and major engine and engine part overhaul, which is conducted within a completely enclosed building.
AUTOMOTIVE REPAIR, MINOR: A business mainly engaged in the repair or maintenance of motor vehicles, trailers, and other similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups, and transmission work, which is conducted within a completely enclosed building.
AUTOMOBILE SALES AND SERVICE: A Building, structure, or lot used for the business of selling and servicing automobiles.
AUTOMOBILE SERVICE STATION: Any building, structure, or lot used for one or more of the following: (1) dispensing, selling, or offering for retail sale, gasoline, kerosene, lubricating oil, or grease for the operation and maintenance of automobiles, including the sale and installation of tires, batteries and other minor accessories and services for automobiles; or (2) the business of repairing automobiles. This shall not include car washes, the retreading and/or recapping of tires, or convenience stores which sell gasoline or lubricating oil, but not other automotive accessories or services.
AVERAGE PERCENT SLOPE: (1). To determine required buffers along watercourses, the sum of the slopes adjacent to a watercourse divided by the number of locations at which the slope was calculated. The determination of the average per cent slope shall consist of not less than three locations along the water course, with a distance not greater than 500 feet between locations. All calculations of the average per cent slope shall include the location along the watercourse with the steepest slope. (2). To measure the slope of other land areas, the sum of the slopes of the land area shall be divided by the number of locations at which the slope was calculated. The determination of the average percent slope shall be made at intervals not less than 500 feet apart, and shall be measured from the top of the slope or the upper boundary of the land area being measured, whichever is lower, to the bottom of the slope or the lower boundary of the land area being measured, whichever is higher.
AWNING: Any non-rigid material such as fabric or flexible plastic that is supported or attached to a frame and that extends from the exterior wall of a building.

B

BANK: A financial institution licensed as a receiver of deposits. May include drive-in services.
BAR: An establishment that primarily serves alcoholic beverages, with no other food accommodation on the premises. A bar is not a nightclub, and does not include adult entertainment and is not open after hours.
BAR AND GRILL: An establishment that primarily services alcoholic beverages, with accommodation for food as a secondary function (also known as a Sports Bar).
BASEMENT: Any floor level wholly or partially underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (½) of its height is above the average grade level.
BED AND BREAKFAST INN: An operator-occupied residence where eight (8) or fewer rooms are rented on an overnight basis, guests are served no more than one (1) meal per day, no cooking facilities are provided in the rooms, and the average length of stay does not exceed fourteen (14) consecutive days.
BERM: An earthen structure that has been contoured to form a mound above the general elevation of the adjacent ground or surface.

BIG BOX RETAIL: A very large retail store, usually greater than twenty thousand (20,000) square feet, that does a high volume of business.
BLOCK: a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.
BOARD: The Board of Aldermen of Guntown, Mississippi.
BOARDING HOUSE: A dwelling containing a single dwelling unit and not more than ten (10) sleeping units, where lodging is provided with or without meals, for compensation for more than one (1) week.
BORROW MATERIAL: Fill material which is required for on-site construction and is obtained from other locations.
BOWLING ALLEY: A building or room containing lanes for bowling, and which may also contain food vending and game rooms.
BREAKAWAY WALL: Any type of wall, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic, or any other suitable building material, which is not part of the structural support of the building and which is designed to break away during floods without damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters.
BROADCASTING STUDIO: A programming origination studio of a television station, radio station, or cable television provider.
BROWN BAG ESTABLISHMENT: An unlicensed establishment that allows consumption of alcoholic beverages and/or beer on the premises and where dancing and entertainment may or may not be provided.
BUFFER: A strip of land which is used to separate land uses, mitigate use impacts from each other, and/or to separate development from a stream or other water body. May include landscaping, trees, or other vegetation.
BUILDABLE AREA: That portion of a lot remaining after required yards have been provided.
BUILDING: Any structure which is enclosed and isolated by exterior walls and constructed or used for residence, business, industry, or other public or private purpose, or accessory thereto, the construction of which requires or would require a building permit under the building code.
BUILDING, ACCESSORY: See ACCESSORY BUILDING.
BUILDING CODE: The International Code(s) of the International Code Council, adopted by the City of Guntown.
BUILDING HEIGHT: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof.
BUILDING LINE: The perimeter of that portion of a building or structure closest a property line, but excluding open steps, terraces, and ornamental features projecting from its walls.
BUILDING MATERIALS AND SUPPLY: A building, structure, or lot used for the sale of construction materials. May include lumber yards and wholesale building material supply.
BUILDING PERMIT: A permit issued by the City of Guntown pursuant to ***Chapter 6, Part 7*** of this Ordinance.
BUILDING, PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated.
BUILDING SETBACK LINE: A line establishing the minimum allowable distance between the nearest portion of any building and a property line when measured perpendicularly thereto.
BUSINESS OR FINANCIAL SERVICES: An establishment intended for the conduct or service or administration by a commercial enterprise, or offices for the conduct of professional or business service.
BUILDING WALL: An exterior load-bearing or non-load-bearing vertical structure, encompassing the area between the final grade elevation and the eaves of the building, which is used to enclose the space within the building. A porch, balcony, or stoop is part of the building structure and may be considered as a building wall.

C

CALIPER: A method of measuring the diameter of a tree trunk for size grading. The caliper of the trunk is measured six (6) inches above the ground, up to and including four (4)-inch caliper size, and twelve (12) inches above the ground for larger sites. Caliper measurement is taken with a "slot" or "pincer" type caliper instrument or diameter tape.
CAMPGROUND/RV PARK: Land used or rented for occupancy by vacationing transient campers traveling by automobile or otherwise, or for occupancy by tents, or other movable or temporary sleeping quarters of any kind, together with automobile parking spaces and incidental utility structures and facilities required and provided about the use. This use shall not include manufactured or mobile home sales, repair, or storage.

CANOPY: A rooted structure constructed of rigid materials, including but not limited to, metal, wood concrete, plastic, canvas or glass, which is attached to and supported by a building, or which is free-standing and supported by columns, poles, or braces extended to the ground.
CANOPY (TREE): A vertically inclined woody plant (tree) having one central trunk, reaching a mature height of at least forty (40) feet, and having a full vegetative canopy.
CARWASH FACILITY: A commercial establishment which washes automobile or other motor vehicles. This use may include other goods or services provided to customers.
CARETAKER RESIDENCE (see: ACCESSORY LIVING QUARTERS)
CELL (CELLULAR) SITE: A tract or parcel of land that contains the cellular communications antenna, its support structure, accessory buildings, and parking and may include other uses associated with and ancillary to cellular communication transmissions.
CELLULAR TELECOMMUNICATIONS: A Commercial Low Power Mobile Radio Service licensed by the FCC in a specific geographical area in which the radio frequency spectrum is divided into discrete channels which are assigned in groups of geographic cells within a service area and which are capable of being reused in different cells within the service area.
CEMETARY OR MAUSOLEUM: A burial ground, including large above ground tombs.
CHECK CASHING/PAYDAY ADVANCE/TITLE LOAN BUSINESS: An establishment that provides the customer an amount equal to the face value of a check, and/or provides small consumer loans usually until a customer's next payday, and/or an establishment that makes loans leveraged on the equity value of a personal vehicle or other such collateral. All such transactions are typically performed for an excessive fee or above market rate interest.
CITY: The City of Guntown, Mississippi.
CLINIC: Any building or portion thereof, the principal use of which is for offices of one or more licensed physicians, ophthalmologists, dentists, veterinarians, physical or occupational therapists, psychologists, or the like for the examination and treatment of persons or animals on an out-patient basis only.
CLUBS AND LODGES, CIVIC OR FRATERNAL: Private not-for-profit associations, corporations, or other entity consisting of persons who are bona fide paying members and which own, lease, or use a building, a parcel of land, or a portion thereof, the use of such premises being restricted primarily to members and their guests, including offices for local, state and regional officials of that organization.
COIN LAUNDRY: A business establishment with washing and drying machines operated by coins, where items such as articles of clothing may be laundered and dried by the customer.
COLISEUM: A large theater or stadium.
COLLEGE: An institution, other than a trade school, which provides full time or part time education beyond the high school level.
CO-LOCATION OF WIRELESS COMMUNICATION: Locating wireless communications equipment from more than one provider on a single site or tower.
COMMERCIAL (HEAVY): A nonresidential use involving open yard sales, outside equipment storage or outside activities that generate noise or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are lumber yards, construction specialty services, heavy equipment suppliers, or building contractors.
COMMERCIAL (LIGHT): A nonresidential use involving retail or wholesale sales, office uses, or services, which do not generate noise or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are retail stores, offices, catering services, or restaurants.
COMMERCIAL STRIP CENTER: a retail complex consisting of stores or restaurants in adjacent spaces typically in one long building, typically having a narrow parking area directly in front of the stores.
COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES: Licensed commercial wireless services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services that are marketed publicly.
COMMON CARRIER: An entity licensed by the FCC or a state agency to publicly supply local and/or long distance telecommunications services at established and stated prices.
COMMUNITY CARE FACILITY (SEE: GROUP HOME).
COMMUNITY RESIDENCE (SEE: GROUP HOME).
COMPATIBILITY: The significant harmony in appearance of two or more buildings, structures, and landscaping elements in the same vicinity.

COMPLEMENT: To complete or add to the value or interest of an existing element. If a building is complementary of another existing building or space, it helps to complete the overall design.
COMPREHENSIVE PLAN: The currently adopted declaration of purposes, policies, and programs for the future development of the jurisdiction.
CONDITIONAL USE: A use that would become harmonious or compatible with neighboring uses through the application or maintenance of qualifying conditions.
CONDOMINIUM: A dwelling which is subject to Mississippi Code 1972 Annotated Section 89 Chapter 9, "Condominiums." A single dwelling unit in a multiunit dwelling or structure that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property.
CONFERENCE CENTER: A facility provided for singular events such as business conferences and meetings.
CONGREGATE RESIDENCE: Any building or portion thereof that contains facilities for living, sleeping, and sanitation as required by this Code, and may include facilities for eating and cooking for occupancy by other than a family. A congregate residence shall be permitted to be a shelter, convent, monastery, dormitory, fraternity or sorority house, but does not include jails, hospitals, nursing homes, hotels, or lodging houses.
CONSIGNMENT OR USED MERCHANDISE ESTABLISHMENT: A retail establishment where used merchandise is sold, either property of the business or on consignment. Includes indoor flea markets and indoor antique malls, but excludes pawn shops.
CONTIGUOUS: Abutting directly with the boundary of, or only separated by a public street other than a controlled access highway from, or separated by a street; railroad, or public utility right-of-way.
CONTRACTOR SHOP: A facility used by a person or company that undertakes a contract to provide materials or labor to perform a service or do a job
CONTROLLED ACCESS HIGHWAY: A roadway which, in accordance with State and Federal guidelines, is designed to give preference to through traffic by providing access connections at interchanges or selected public roads only, with no direct access from private roads or driveways and with no crossings at grade, including any interstate, State, U.S. Route or Federal Parkway.
CONVENIENCE STORE: A retail store with a floor area of less than five thousand (5,000) square feet, which sells groceries, gasoline, and/or beer and light wine, and is open eight (8) to twenty-four (24) hours a day, but not including an automobile service station.
CONVENTION CENTER: A large civic building or group of buildings designed for conventions, industrial shows, and similar gatherings, having large unobstructed exhibit areas and often including conference rooms, hotel accommodations, restaurants, and other facilities.
CORNER LOT: A lot abutting upon two or more public streets at their intersection(s). Each side of the lot fronting a public street is considered a front yard.
COURT: A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.
COUNTRY CLUB: a club, usually in a suburban residential district, with a clubhouse and grounds, offering various social activities and generally having facilities for tennis, golf, swimming, and other related activities.
CREMATORY: A place, as a funeral establishment, at which cremation is done.
CUL-DE-SAC: A street designed to have one end permanently closed, with the closed end terminated by a vehicular turnaround, and which does not intersect with another street.

D

DAY CARE CENTER: A day care facility for the care and keeping of sixteen (16) or more unrelated persons, part-time care, or instruction. Services provided may or may not be with compensation.
DAY CARE, GROUP: A day care facility established for the care and keeping of five (5) but fewer than sixteen (16) unrelated persons at any one time, not including the family members residing on the premises. May be established in a residential dwelling.
DAY CARE, FAMILY: A day care facility established in a residential dwelling for the care and keeping of five (5) or less unrelated persons at any one time not including the family members residing on the premises.
DESIGN COMPATIBILITY: A condition occurring between two (2) of the same or two (2) different use types where the buildings harmonize together utilizing a common scale, setbacks, heights, materials, design treatments, roof forms, orientation, and other features.

DENSITY, GROSS: The number of dwelling units on a tract or parcel of land considering the entire area of that tract or parcel. The number of dwelling units that are allowed on an area of land, which area of land shall be permitted to include dedicated streets within the development.
DENSITY, NET: The number of dwelling units on a tract or parcel of land, not considering portions of the tract or parcel which contain rights-of-way for collector or larger streets, slopes greater than twenty (20%) percent, areas of special flood hazard, lakes or other water bodies, or wetlands falling under the regulatory jurisdiction of the U.S. Army Corps of Engineers but considering all other areas of that tract or parcel.
DETACHED: Not physically connected to another building or structure.
DETENTION FACILITY (WATER): A natural or artificial facility which provides temporary storage of excess runoff to attenuate excess runoff and normally drains completely between spaced runoff events.
DEVELOPABLE ACREAGE: That portion of a parcel of land which is developable as allowed by this Ordinance. Developable acreage does not include rights-of-way for collector or larger streets, areas of special flood hazard or areas with slopes of greater than twenty percent (20%).
DEVELOPER: The owner or occupant of a parcel of land, or the person or entity developing such land.
DIAMETER AT BREAST HEIGHT (DBH) – The diameter of a tree measured at approximately four feet above the ground, or at breast height.
DISTRICT: A zoning district established by this Ordinance.
DRIP LINE: An imaginary perpendicular line that extends downward from the outermost tips of the tree branches (i.e. crown) to the ground.
DRIVEWAY: A private access road, the use of that is limited to persons residing, employed, or otherwise using or visiting the parcel in which it is located.
DRIVE IN: A motion-picture theater, refreshment stand, or other public facility designed to primarily accommodate patrons in parked their automobiles. Does not include fast food restaurants.
DRIVE THROUGH ESTABLISHMENT: A facility which is accessory to a business or service establishment and is designed or intended to enable a customer, without exiting a motor vehicle parked on or moving through the premises, to transact business, and or provide services with a person outside the motor vehicle.
DRUG STORE: (see Pharmacy)
DWELLING: A building or portion thereof which is designed, arranged, or used for permanent living quarters for one or more families. This term shall not include a motel, hotel, guest house or other structure designed for transient residence.
DWELLING ATTACHED: A building which contains two (2) to four (4) dwelling units which share one (1) or more common walls for fifty (50%) percent or more of their width, with each dwelling unit located on a separate lot.
DWELLING, DETACHED SINGLE FAMILY: A building which is developed with open yards on all sides and contains one dwelling unit, not being attached to any other building or dwelling unit and does not sit on the same lot as any other dwelling unit. This shall not include a manufactured home or mobile home.
DWELLING, DUPLEX: A building which contains two attached dwelling units which share a no through access common wall and sit on the same lot, with open yards on all sides and not being attached to any other building.
DWELLING, MULTI-FAMILY: A building, other than a townhouse, which contains three or more dwelling units attached along and sharing one or more common walls between any two units and/or stacked one above the other, or one or more dwelling units located in the same building as a non-residential use in a non-residential zoning district. This shall include any such building regardless of the form of ownership (condominium or rental) of the individual dwelling units therein.
DWELLING, PATIO HOME (OR ZERO LOT LINE): A single family dwelling on a separate lot with open space setbacks on three (3) sides, which shares a common wall with another building.
DWELLING, UNIT: A building or portion thereof, which is designed, arranged, or used for living quarters for one (1) family.
DWELLING, SEMI-DETACHED: A building which contains two (2) to four (4) dwelling units which share one or more common walls for less than fifty percent (50%) of their width, with each dwelling unit located on a separate lot.
DWELLING UNIT: A building or portion thereof which is designed, arranged, or used for living quarters for one (1) family.

E

EARTHTONE: Earth tone colors are various shades of reddish-brown, brown, tan, ochre, umber, flat gold, sand and flat greens. The following are not ordinarily considered earth tone colors: bright primary colors, blue, canary yellow, red, orange, violet, magenta, bright green, silver, gray or metallic finishes.

EASEMENT: A grant by a property owner, to the public, a corporation, or other person or persons, of the right to use an identifiable piece of land for specified purposes, such as for utility lines or green ways.

ELEVATED BUILDING: A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (post and piers), shear walls, or breakaway walls.

ELEVATION: The front, side, or rear of a structure.

ENCLOSED PORCH: A projection from an outside wall of a dwelling which is covered by a roof and sidewalls (other than the sides of the building to which the porch is attached). The sidewalls are constructed of opaque materials to a height of at least four (4) feet above the floor level.

EROSION: The wearing a way of land surface by the action of wind, water, gravity, or any combination thereof.

EVERGREEN TREE: A vertically inclined woody plant (tree) having one central trunk, reaching a mature height of at least twenty feet, and having full evergreen foliage.

EXTERIOR BUILDING COMPONENT: An essential and visible part of the exterior of a building.

EXTERIOR DESIGN FEATURE: The architectural style and general arrangement of such portion of a building or structure as is to be open to view from a public street, place, or way, including the kind, color, and texture of the building material of such portion, and the type of windows, doors, and lights, or ground signs and other fixtures appurtenant to the building.

F

FACE OF BUILDING (PRIMARY) OR FACADE: The wall of a building fronting on a street or right-of-way, excluding any appurtenances such as projecting fins, columns, pilasters, canopies, marquees, showcases, or decorations.

FAMILY: One person or a group of persons related by blood or marriage, plus up to three additional unrelated persons.

FARM: Use related to the raising of crops, livestock, or other plants and animals, including orchards, vineyards, and nurseries, along with any buildings and structures that are customarily and necessarily incidental to such activities. This shall include the retail sale of products grown or raised on the premises.

FARM ANIMALS: Animals other than household pets that shall be permitted to be kept and maintained for commercial production and sale and/or family food production, education, or recreation.

FARMERS MARKET: An area which is used on a temporary basis by one or more operators of bona fide farms for the sale of agricultural products which are not grown or raised on the same premises as the market.

FENCE: A structure used to delineate a boundary or as a barrier or means of protection, confinement, or screening.

FENESTRATION: Any exterior window or door.

FINANCIAL ESTABLISHMENT: A business that provides financial services directly to customers at the site of the business.

FLEA MARKET: An indoor or outdoor market, typically selling secondhand goods.

FLOOD HAZARD AREA (FLOODPLAIN): Any land area susceptible to being inundated by flood waters from any source.

FLOOR AREA (GROSS): The gross total horizontal area of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings, or the center lines of a party wall separating such buildings or portions thereof, or within lines drawn parallel to and two feet within the roof line of any building or portions thereof without walls, but excluding, in the case of nonresidential facilities, arcades, porticos, and similar areas open to the outside air which are accessible to the general public and which are not designed or used as areas for sales, display, storage, service, or production.

FLOOR AREA (NET): The gross floor area exclusive of vents, shafts, courts, elevators, stairways, exterior walls, and similar facilities.

FLOOR AREA RATIO: The numerical value obtained by dividing the gross floor area on a lot by the area or size of such lot.

FRONT LOADED (SNOUT HOUSE): A residential building, either one or multiple unit, with the garage(s) located in the front of the house and oriented toward the primary street. This garage(s) are typically set closer to the street than the rest of the structure, and in general dominate the primary entrance and the façade of the structure.
FRONTAGE: The width of a lot or parcel abutting a public right-of-way measured at the front of the property line. The total lineal distance measured all adjacent rights-of-ways.
FUNERAL HOME: an establishment where the dead are prepared for burial or cremation, where the body may be viewed, and where funeral services are sometimes held.
FURNITURE SALES AND SHOWROOM: An establishment which sells and warehouses furniture in a showroom display.

G

GARAGE (PRIVATE): A building or a portion of a building not more than one thousand (1,000) square feet in area, in which only private or pleasure-type motor vehicles used by the tenants of the building or buildings on the premises are stored or kept.
GARAGE APARTMENT: An accessory apartment unit connected with a garage. The garage may be connected or separate from the primary structure on the property. The primary use may be commercial or residential.
GAS STATION: A place equipped for servicing automobiles, as by selling gasoline and oil, making repairs, etc. (also called "Service Station").
GRADE (Adjacent Ground Elevation): The lowest point of elevation of the existing surface of the ground, within the area between the building and a line five (5) feet from the building.
GRAIN ELEVATOR, GIN, OR SILO: A granary equipped with conveyors to transport grain from ground level to the top of a storage silo or bin. May include equipment to separate cotton from its seeds and storage facilities for cotton.
GOLF COURSE: A course with nine (9) or more holes for playing golf, including any accessory driving range, clubhouse, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, restroom facility, or similar accessory use or structure. This term shall not include miniature golf courses as a principal or accessory use, nor shall it include driving ranges that are not accessory to a golf course.
GRAPHIC ELEMENT: A letter, illustration, symbol, figure, insignia or other device employed to express and illustrate the message or part thereof.
GREENWAY: A linear open space, either privately-owned or owned by the Town or another unit of government, which contains a trail for walking, bicycling, horseback riding or other passive recreation, but not for use by vehicles for purposes other than maintenance of the green way.
GROUND COVER: Any natural vegetative growth or other material, which renders the soil surface stable against, accelerated erosion.
GROUP CARE FACILITY (GROUP HOME): A facility, required to be licensed by the State of Mississippi, which provides training, care, supervision, treatment and/or rehabilitation to the aged, disabled, those convicted of crimes, or those suffering the effects of drugs or alcohol; this does not include day care centers, family day care homes, foster homes, schools, hospitals, or jails. The dwelling typically is shared by the persons with disabilities and support staff who live in a single (1) housekeeping unit. Staff may provide personal care, education, community activities, and similar habilitation services to residents. As used for this definition, disabilities shall mean a temporary or permanent physical, emotional, or mental disability that limits a person's ability to live independently, including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments. Group home residents shall not include any person whose residency would constitute a direct threat to the health and safety of others. This definition shall not include alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, hospitals, rest homes, nursing homes, boarding homes, homes for orphans or aged, or sub-acute-care detoxification centers of halfway houses. Uses that require state licensure, such as adult foster care facilities, are required to comply with state statutes.

H

HALFWAY HOUSE: A licensed home (state or federal) for inmates on release from more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently.
HARMONY: A quality which produces an aesthetically pleasing whole in the arrangement of varied architectural and landscape element.

HABITABLE SPACE (ROOM): Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, halls, storage or utility space, and similar areas are not considered habitable space.
HEALTH AND FITNESS FACILITY: A gym or other facility used primarily for physical fitness and well-being.
HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.
HISTORIC STRUCTURE: Any structure that is: (a) listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing in the National Register; (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district; (c) individually listed on the Mississippi inventory of historic places; (d) individually listed on a Guntown or other local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved state program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs.
HOLIDAY DECORATIONS: Displays erected on a seasonal basis in observance of religious, national, or state holidays, which are not intended to be permanent in nature and which contain no advertising material.
HOME BUSINESS: A home occupation which allows customers and other activities as specified in this ordinance.
HOME OCCUPATION (LIVE/WORK): An occupation or profession which involves the rendering of a service in exchange for monetary fees or other remuneration, is conducted wholly within a dwelling unit by a member of the family residing therein, and is clearly incidental and secondary to the use of the dwelling unit for residential purposes. This occupation can in no way be apparent from the outside by signs, traffic generation, etc. Note that the partial use of a home is for commercial or non-residential uses by a resident thereof, which is subordinate and incidental to the use of the dwelling for residential purposes.
HOSPITAL: A public or private institution, whether organized for profit or not, which is devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of two or more unrelated persons, whose principal residence is located elsewhere, and who are admitted for overnight stay or longer to obtain medical or psychiatric treatment for illnesses, diseases, injuries, and deformities.
HOSPITAL, ANIMAL: A public or private institution, whether organized for profit or not, which is devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of animals which are admitted for overnight stay or longer to obtain veterinary treatment for illnesses, diseases, injuries, and deformities.
HOTEL: A building or a group of buildings containing sleeping rooms, designed for and rented to temporary guests, typically rooms are accessible from an interior hallway. This use may include extended stays of up to six (6) months.

I

IMPERVIOUS AREA: That portion of the land area which, due to human modification, allows little or no infiltration of precipitation into the soil. Impervious areas include, streets, driveways, parking area, patios, rooftops, and other such surfaces.
INTERSTATE HIGHWAY: A controlled access highway which is part of the Federal Interstate Highway System.
INDUSTRIAL OR RESEARCH PARK: A tract of land developed in accordance with a master Site Plan for the use of a family of industries and their related commercial uses, and that is of sufficient size and physical improvement to protect surrounding areas and the general community and to ensure a harmonious integration into the neighborhood.

J

JUNKYARD: A place where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto-wrecking yards, house-wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed structure, and not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations.

K

KENNEL: A facility used to house or shelter a dog(s) and/or cat(s). Often, an establishment where dogs or cats are bred, raised, trained, or boarded.

L

LAND-DISTURBING ACTIVITY: Any use of the land by any person for residential, industrial, educational, institutional, or commercial development, or for highway and road construction and maintenance, that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

LANDOWNER: Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and agent or personal representative of the owner.

LANDSCAPING: A portion of the site or property containing vegetation to exist after construction is completed. Landscaped areas can include, but are not limited to, natural areas, buffers, streetscapes, lawns, and plantings.

LANDSCAPED BUFFER: A unit of land, together with a specified type and amount of planting, that may be required between land uses to eliminate or minimize conflicts between them.

LIBRARY: A place where books, magazines, and other materials (such as videos and musical recordings) are available for people to use or borrow.

LIFE CARE COMMUNITY: A building or group of buildings which contain dwelling units where the occupancy is restricted to persons who are at least sixty-two (62) years of age, or married couples in which one of the persons is at least sixty-two (62) years of age. In certain situations, occupancy may be restricted to persons who are at least fifty-five (55) years of age. In these circumstances, at least eighty (80) percent of the units must have at least one occupant who is fifty-five (55) years of age or older; and the facility must publish and adhere to policies and procedures that demonstrate the intent to operate as "55 or older" housing; and must comply with the U.S. Department of Housing and Urban Development (HUD) regulatory requirements for age verification of residents.

Life care communities are designed to meet the basic needs of residents with assistance and/or provisions for shelter, food, and health care, regardless of the level of independence of the individual resident and regardless of how these needs may change over time. For the purposes of this Ordinance, a Life Care Community may also be considered a 'Senior Housing Community'.

LIFESTYLE CENTER: a shopping center or mixed-used commercial development that combines the traditional retail functions of a shopping mall with leisure amenities oriented towards upscale consumers.

LIQUOR STORE: A licensed retail shop that sells prepackaged alcoholic beverages — typically in bottles — intended to be consumed off the store's premises.

LIVESTOCK: Includes, but is not limited to, horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules, and any other hoofed animals.

LOT: A single parcel of land whose boundaries have been established by some legal instrument, such as a recorded deed or plat, and which is recognized as a separate legal entity for purposes of transferring title.

LOT COVERAGE: The percentage of a lot's area which is covered by buildings.

LOT DEPTH: The average horizontal distance between the front lot line and the rear lot line.

LOT LINE: The boundary of a parcel of land whose boundaries have been established by some legal instrument.

LOT OF RECORD: A lot which is a part of a subdivision approved and recorded in accordance with the provisions of this Ordinance.

LOT WIDTH: The width of a lot that complies with the minimum lot width requirements (***Appendix II***) calculated by any one of the following three methods: (1) the average of the distances between the side lot lines, measured along the rear and the front lot lines; or (2) the distance between the side lot lines, measured at the midpoint of each side lot line between the front lot line and the rear lot line; or (3) the distance between the side lot lines as measured at the building setback line; provided that the width at the street property line is not less than 20 feet.

LOWEST ADJACENT GRADE: The lowest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

LUMBER YARD: A place that sells lumber and other building materials.

M

MACHINE SHOP: A workshop in which work is machined to size and assembled. Includes tool and die operations.

MANUFACTURED BUILDING: A closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured for installation or erection as a finished building or as part of a finished building, which shall include, but not be limited to, residential, commercial, institutional, storage, and industrial structures. The term includes buildings not intended for human habitation such as lawn storage buildings and storage sheds manufactured and assembled offsite by a manufacturer. This definition does not apply to mobile homes.

MANUFACTURED HOME: A structure, transportable in one or more sections, which in the traveling mode is at least eight feet wide or forty (40) feet long, or which when erected on site is at least three hundred twenty (320) square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. This includes any structure that meets the requirements of this definition, except for the size requirements, and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.), as amended. For the purposes of this Ordinance, this definition includes residential structures made from shipping containers or pre-manufactured buildings.
Note: This term does not include a "Recreational Vehicle."
MANUFACTURED HOME PARK: A parcel, or contiguous parcels, of land divided into three or more manufactured home lots for rent or sale (Also known as a "Land Lease Community").
MANUFACTURED HOME PARK, NEW: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (at a minimum including the installation of utilities, the construction of streets, and either final site grading or pouring concrete slabs) is completed on or after January 1, 2002.
MANUFACTURED HOME SALES & SERVICE: An operation where manufactured and mobile homes are bought and sold. This may include operations to service manufactured and mobile homes.
MANUFACTURING, HEAVY: The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards, or that otherwise do not constitute "light manufacturing," or any use where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing exceeds twenty five (25) percent of the floor area of all buildings on the lot. "Heavy manufacturing" shall include, but not be limited to, the following enameling, lacquering, or the plating or galvanizing of metals; foundries producing iron and steel products; industrial chemical manufacture; meat packing plants; mixing plants for concrete or paving materials, and manufacture of concrete products; oxygen manufacture and/or storage; pottery, porcelain, and vitreous china manufacture; poultry dressing for wholesale; pressure treating of wood; stone cutting; and tire recapping and retreading. This shall not include resource extraction or recycling and salvage operations, and does not include paper mills or sawmills.
MANUFACTURING, LIGHT: The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing does not exceed twenty five (25) percent of the floor area of all buildings on the lot. This shall include metal fabrication. This shall not include uses that constitute "heavy manufacturing," resource extraction, or recycling and salvage operations, in addition to paper mills and sawmills.
MANSARD: An inclined decorative roof-like projection that is attached to an exterior building façade.
MASTER LAND USE PLAN: A document that describes, in narrative and with maps, an overall development concept.
MECHANICAL EQUIPMENT: Equipment, devices, and accessories the use of which relates to water supply, electrical supply, drainage, heating, ventilation, air conditioning, and similar purposes.
MINI (SELF) STORAGE OR MINI WAREHOUSE: A building or structure with storage space (such as rooms, lockers, containers, and/or outdoor space), also known as "storage units" is rented to tenants, usually on a short-term basis (often month-to-month).
MINIATURE GOLF COURSE: A course for a novelty version of golf played with a putter on greens with obstacles such as tunnels, bridges, and other features.
MIXED-USE: A building, development, block, or zoning district with more than one (1) use. Uses may be mixed horizontally within one structure or development, or they may be mixed vertically, with multiple uses on different floors of one structure.
MOBILE HOME: A movable or portable dwelling over thirty-two (32) feet in length and over eight (8) feet wide, constructed to be towed on its own chassis, for year-round occupancy, which includes one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or two (2) or more such units which are separately towable but designed to be joined into one dwelling unit.
MOBILE HOME PARK: Any site of tract of land, with two (2) or more lots provided for lease or rental only, upon which mobile home spaces are provided for mobile home occupancy. Service buildings and areas necessary to provide laundry, sanitation, storage, vending machines, and other similar services provided by the facility operator

primarily for the use and convenience of mobile home occupants. Recreation buildings, areas, and customary accessory buildings and facilities necessary for the operation and serving of the mobile home park in which they are located.
MODULAR CONSTRUCTION: the use of factory-produced pre-engineered building units that are delivered to site and assembled as large volumetric components or as substantial elements of a building.
MODULAR HOME: A modular home is one that is built indoors in a factory-like setting. The finished products are covered and transported to their new locations where they will be assembled on a permanent foundation by a builder. A modular home is not a mobile home; it is simply a home that is built off-site as opposed to on-site. A modular home is not on a chassis, and cannot be re-transported once it is assembled on its permanent foundation.
MOTEL: An establishment which provides lodging and parking and in which the rooms are typically accessible from an outdoor parking area
MULTI-FAMILY DEVELOPMENT: Two or more multi-family dwellings located on a single property.
MULTI-TENANT: Pertaining to more than one attached commercial tenant space.
MULTI-FAMILY: Pertaining to more than one attached residential building.
MUSEUM: A building, facility, or yard in which interesting and valuable things (such as paintings and sculptures or scientific or historical objects) are collected and shown to the public.

N

NEWSPAPER (PERIODICAL) PUBLISHING, PRINTING, & DISTRIBUTION: A company or operation that publishes, prints, and distributes newspapers and other periodicals.
NIGHTCLUB: An establishment licensed to serve alcoholic beverages and/or beer on the premises and where dancing and entertainment may or may not be provided.
NONCONFORMING LOT: A lot of which the width, area, or other dimension did not conform to the regulations when this Code became effective.
NONCONFORMING SIGN: A sign or sign structure or portion thereof lawfully existing when this code became effective, which does not now conform.
NONCONFORMING STRUCTURE: A building or structure that met all legal requirements when constructed but which does not comply with this Ordinance or a subsequent amendment hereto.
NONCONFORMING USE: The use of a building or land that met all legal requirements when first established but which this Ordinance, or a subsequent amendment hereto, does not allow in the zoning district in which it is located. Note: Uses that are allowed as Special Exception Use are not considered a Nonconforming Use.
NONCONFORMITY: Any use, building, structure, or lot which was lawful at the time it was constructed or established but which fails to comply with one or more of the applicable regulations or standards of this Ordinance.
NON-RESIDENTIAL: Used or intended for purposes other than as a dwelling unit.
NURSERY OR GREENHOUSE: The growing, storage, and wholesale or retail sale of garden plants, shrubs, trees, vines, groundcovers, and other related landscaping materials. Such use may include greenhouses and irrigation systems. Such use may include outdoor storage of goods, materials, and equipment that exceeds the size permitted by accessory use standards; however, all other standards for outdoor storage shall apply.
NURSING HOME AND CONVALESCENT CENTER: A home for elderly, chronically ill, infirm, or incurable persons, or a place of rest for those suffering bodily disorders, in which three or more persons, not members of a family residing on the premises, are provided with food, lodging, and medical care, including congregate care facilities but not including hospitals, clinics, or live care communities (even though a life care community may include a nursing home as one of its components).
NURSING HOME DWELLING UNIT: A room or other portion of a nursing home intended for no more than two persons.

O

OFFICE, MEDICAL: A use or building where a medical related business or practice is conducted.
OFFICE, NON-MEDICAL: A room or group of rooms, or building whose primary use is the conduct of a business, professional service, or governmental activity of a non-retail nature, including administration, record keeping, clerical work, and similar functions. In all circumstances, non-medical business is conducted which does not primarily involve the sale or transfer of goods by the business to the customer at that location. This includes, but is not limited to, general business offices, government offices, insurance offices, law offices, and real estate sales and

management offices. This use shall not include manufacturing, processing, repair, or storage of materials, products, or vehicles.
OFFICE PARK: A subdivision or planned unit development containing more than one office building.
OPEN SPACE: Any portion of a parcel or area of land or water which is open and unobstructed by structures from the ground to the sky including areas maintained in a natural and undisturbed character. Open space may include recreational facilities such as swimming pools, golf courses, green ways and tennis courts.
OUTDOOR CAFÉ: a small restaurant selling light meals and drinks with at least some of the area for dining in an outdoor setting, when weather permits.
OUTDOOR STAGE (SEE: STAGE, OUTDOOR)
OUTLET MALL OR FACTORY OUTLET: A retail store or collection of stores that sells discounted price items that are irregular, outdated, or have been produced in excess quantities. A factory outlet store specializes in selling goods from a business may which may be located near its manufacturing facilities or in association with other factory outlet stores.
OUTPARCEL: A portion of land in a subdivision, shopping center, or other development that does not contain the primary building associated with the development, that is intended for development of (1) or smaller independent buildings and that is usually located adjacent to a development's street frontage. Outparcels are typically smaller than the parent parcel and may not be contiguous to the parcel containing the primary building or buildings.
OVERLAY DISTRICT: A district as established in the Code, which applies supplementary or replacement regulations to land which is classified into a general use district.

P

PARAPET: That portion of a building wall that extends above the level of the roofline, typically to obscure a gable or flat roof as well as any roof-mounted equipment.
PARCEL: Any quantity of land and/or water capable of being described in definitive terms with respect to its location and boundaries. It may be established as distinct from another parcel that is designated by its owner or developer as land to be used or developed as a unit, or that has been used or developed as a unit.
PARK: A public or private area of land with or without buildings, intended for outdoor active or passive recreational uses. Land owned by the City of Guntown, the State of Mississippi, or another unit of government, which is used or intended to be used for public recreation, including both active or passive recreation.
PARKING LOT: An open area, other than a street, used for the parking and storage of automobiles.
PARKING ROW:

1. Single loaded parking row – A single row of spaces for the parking of vehicles.
2. Double loaded parking row – Two parallel rows of spaces for the parking of vehicles arranged so that, when parked, the front end of each vehicle faces the front end of another vehicle.

PARKING SPACE, AUTOMOBILE: A space within a building or private or public parking lot, exclusive of driveways, ramps, columns, office and work areas, for the parking of an automobile.
PARKING SPACE, OFF-STREET: A space which is designed for the parking or temporary storage of one automobile, and is located outside of a dedicated street right-of-way.
PARKING AREA (SEE PARKING LOT)
PAPER MILL: A factory in which paper is produced.
PAWN SHOP: An establishment which allows an individual to obtain a loan by providing personal property of an equivalent value, as collateral. If the loan is repaid within the time frame that was agreed, that personal property will be returned. If not, the pawnbroker has the right to liquidate the property in return for the loan.
PEAK HOUR TRIPS: The greatest number of vehicle trips generated by a unit of new development during any sixty (60) minute period.
PERMEABLE PAVEMENT: A pavement surface used for vehicular use areas which are privately maintained, in which water can penetrate the surface and percolate to the soil beneath.
PERMITTED USE: A land use listed in ***Appendix I*** of this Ordinance as a "permitted use" in the zoning district in which it is located, and which is subject to the approval procedures set forth in this Ordinance.
PERSON: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution utility cooperative interstate body, or other legal entity.

PERSONAL COMMUNICATION SERVICE (PCS): Digital or analog wireless telecommunications technology such as portable telephones, pagers, faxes and computers (Also known as "Personal Communication Network (PCN)").
PERSONAL SERVICE ESTABLISHMENTS: A business which provides personal services directly to customers at the site of the business, or which receives goods from or returns goods to the customer which have been treated or processed at that location or another location. This includes, but is not limited to, travel agencies, dry-cleaners, laundries, tailors, hair stylists, cosmeticians, toning or tanning salons, banks, postal stations, package delivery drop-off and pick-up stations, photocopy centers, shoe repair shops, appliance repair shops, interior design studios, dance and martial arts studios, and domestic pet services. This shall not include automobile service stations.
PHARMACY: A store where medicinal drugs are dispensed and sold.
PSYCHIC/PALM READER: An establishment that sells the services of psychics and/or palm readers.
PHYSICAL FITNESS CENTER: A gym with workout equipment for public use, often requiring membership. May include swimming facilities, ball court facilities, and running facilities.
PLANNED UNIT DEVELOPMENT (PUD): A tract of land under single ownership, or under common control evidenced by duly recorded contracts or agreements approved by the Guntown Board of Alderman, that is planned and developed as an integral unit in a single development operation or in a programmed series of development operations in accordance with a master land use plan and detailed engineering and architectural plans as approved by the Board.
PLAT: A map, chart or plan of a tract or parcel of land which is to be or which has been subdivided.
POOL HALL AND ARCADE: An amusement center having coin-operated games, pool tables, and related uses. May include a concession area where food and drinks are sold, but not alcoholic beverages.
PORCH: A projection from an outside wall of a dwelling which is covered by a roof and/or sidewalls (other than the sides of the building to which the porch is attached, and which is no more than two feet in height. A porch which projects beyond a required yard, setback, or building restriction line may be screened, but may not be enclosed with glass, jalousies, canvas, plastic, or any solid material to a height greater than two feet.
PORTALS AND CANOPIES: Any structure attached to, or part of, a building at the inner end, or also a freestanding structure, having supporting posts or columns, meant to provide shelter from the weather.
PORTICO: A porch or walkway, open to the outside air that is covered by a roof which is supported by columns or pillars, typically leading to the entrance of a building.
PROPORTION: The relationship between parts of a building, landscape, or structures to each other and to the whole.
PREDOMINATE: Having the most publicly visible surface area.
PRINTING ESTABLISHMENT: (SEE NEWSPAPER PUBLISHING, PRINTING, & DISTRIBUTION)
PROPERTY: All real property, subject to the provisions of this Ordinance.
PROTECTIVE COVER: See GROUND COVER.
PROTOTYPE PROCESS AND PRODUCTION PLANTS: A building or operation in which processes planned for use in production elsewhere can be tested, or in which goods are produced only in a quantity necessary for full investigation of the merits of a product, but not including the production of any goods on the premises primarily or customarily for sale or for use in production operations off the premises.
POWER CENTER: An unenclosed shopping center with a typical range of 200,000 square feet to 600,000 square feet of gross leasable area that usually contains three or more big box retailers and various smaller retailers (usually located in strip plazas) with a common parking area shared among the retailers. It is likely to have more money spent on features and architecture than a traditional big box shopping center.
PUBLIC FACILITY: A building or area owned or used by any department or branch of the City of Tupelo, Lee County, the State of Mississippi, or the Federal Government.
PUBLIC RIGHT-OF-WAY: Property dedicated for public use, usually for a public street, public infrastructure and/or waterway. For the purposes of this code, such Public Rights-Of-Way shall be considered to extend a minimum of ten (10) feet from the edge of the pavement, or to the dedicated right-of-way boundary, whichever is farther.
PUBLIC SAFETY STATION: Police, fire, or paramedic station operated, franchised, or regulated by a government agency.
PUBLIC UTILITY: Any Municipal approved water and/or sanitary sewer system, including collection and distribution lines, which is constructed to municipal standards, sizes, and specifications, conforms to the requirements of this Ordinance, and has been dedicated to and accepted by the City of Guntown for operation and maintenance. Commercial wireless telecommunication services are not considered public utility uses and are defined separately.

PUBLIC UTILITY FACILITY: A building or structure, other than a utility substation or transportation facility, which houses or contains facilities for the operation of publicly owned or publicly licensed water, wastewater, waste disposal, gas, or electricity services. This includes, but is not limited to, wastewater and storm water treatment plants, electrical transformer stations, landfills, and solid waste transfer stations. This does not include recycling and salvage operations.
PYLON: A vertical stand-alone structure, constructed of masonry, steel, or composite elements, which is normally used as a support for permanent signage.

R

RADIO FREQUENCY (RF) EMISSIONS: Electromagnetic radiation emitted from antennas of varying strengths. RF emissions are regulated by the FCC.
RACE TRACK: a track or course that is used for racing.
RADIO AND TV BROADCAST STUDIO: A facility equipped for making films, television or radio productions, or musical recordings.
RAILROAD YARD: An area having a network of railway tracks and sidings for storage and maintenance of cars and engines.
REAL ESTATE SALES OFFICE: A building or structure which is located on the site of a development or subdivision and temporarily used to sell or lease properties located within that development or subdivision.
RECREATIONAL CENTER: A building, enclosed structure or facility for use by the public for recreational clubs and activities, such as country clubs, tennis courts, swimming pools, and/or gymnasiums. This shall include outdoor amphitheaters.
RECREATIONAL VEHICLE: A vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or towable by a light duty truck; and (d) designed for use as a temporary living quarters for recreational, camping, travel or seasonal use. For the purposes of this zoning ordinance, temporary use will be considered as no more than thirty (30) calendar days.
RECREATIONAL VEHICLE, TRAILER, AND BOAT SALES/SERVICE: An operation that specializes in the sales and servicing of recreational vehicles, trailers, and boats.
RECREATIONAL VEHICLE PARK: A parcel of land upon which sites are rented or leased for the temporary or periodic placement of recreational vehicles as temporary living quarters for recreational or vacation purposes.
RECYCLING AND SALVAGE OPERATION: A facility, other than a recycling drop-off station, for the collection, handling, sorting, storage, processing, compaction, purchase, and, or resale of paper, metal, plastic, glass, or cloth materials that are disposed of by households or by non-residential uses. This shall not include junkyards.
RECYCLING DROP-OFF STATION: One or more outdoor containers designed and intended for the depositing of clean, separated, and recyclable paper, metal, glass, or plastic materials and the collection of such materials for processing at another location, but itself having no mechanical facilities for the processing of such materials.
REDEVELOPMENT: Any proposed expansion, addition, reduction, or other alteration to an existing building, structure, or other constructed feature on a lot, site, or area. Redevelopment may also include changes in use to existing buildings, as well as modifications to site features such as parking, signage, landscaping, grading, storm water management devices, or changes to outdoor storage.
REGULAR PLACE OF WORSHIP: A specially designed structure or consecrated space where individuals or a group of people such as a congregation come to perform acts of devotion, veneration, or religious study. Includes churches.
REHABILITATION CENTER: A facility for the rehabilitation of individuals.
REPEATER: A low power mobile radio service telecommunications facility that extends coverage of a cell to areas not covered by the originating cell.
RESEARCH LABORATORY: A facility which is designed or equipped for basic or applied research or experimental study, testing, or analysis in the natural sciences or engineering, including any educational activities associated with and accessory to such research.
RESERVOIR (WATERSHED): A drainage basin which is tributary to a reservoir intended as a source for public water supply.
RESIDENTIAL: Used or intended for use as a dwelling unit.
RESIDENTIAL IN COMMERCIAL: A commercial use that contains at least one residential unit with a kitchen, bathroom, and bedroom. The residential unit may be on the same floor level as the commercial, or on a separate floor.

RESOURCE CONSERVATION FACILITY: Fish hatcheries and fish ponds; game preserves; botanical and zoological gardens; water reservoirs and dams.
RESOURCE EXTRACTION: Extraction of minerals, ores, soils, and any other solid matter from its original location, including but not limited to quarrying, open-pit mining, drilling, tunneling, strip mining and any other such activities.
RESTAURANT: An establishment that sells prepared food for consumption, and may serve some beer or light wine. However, sixty percent (60%) or greater of the sales volume must be food, as opposed to alcohol sales volume, which must be forty percent (40%) or less of the total sales volume on any given day. Restaurants shall be classified as follows:

1. Restaurant, fast food. An establishment that sells food already prepared for consumption, packaged in paper, Styrofoam, or similar materials, and may include drive-in or drive-up facilities for ordering.
2. Restaurant, general. An establishment that sells food for consumption on or off the premises.
3. Restaurant, take-out. An establishment that sells food only for consumption off the premises.

RETAIL STORE: A building, property, activity, or portion thereof, the principal use or purpose of which is the sale of goods, products, or materials directly to the consumer. This includes, but is not limited to, clothing stores, appliance stores, bakeries, food stores, grocers, caterers, pharmacies, book stores, florists, furniture stores, hardware stores, pet stores, toy stores, and variety stores. It does not include restaurants, personal service establishments, consignment stores, convenience stores, thrift stores, pawn shops, or amusement establishments.
RETENTION FACILITY (WATER): Any type of detention facility which is not provided with a positive outlet.
RIGHT-OF-WAY: An area owned or maintained by the City of Guntown, the State of Mississippi, a public utility, a railroad, or a private concern for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, pedestrian walkways, utilities, or railroads.
RIGHT-OF-WAY LINE: The line delimiting the Public/Private boundary of the street, and being identical with the property line of persons owning property fronting on the streets.
ROOF: Any surface covering a building area or space that is horizontal, or has a slope less steep that one-half (1/2) foot of horizontal run for every twelve (12) feet of vertical rise. The term "roof" also includes the overhangs over porches, porticos and covered walks.
ROOF LINE: The highest point of the coping on a flat roof, false mansard or parapet wall; the ridge line between the upper and lower slopes of a gambrel roof; or the mean height level between the eaves and ridge of a gable or hip roof. In the case of an extended façade or parapet, the uppermost point of said façade or parapet.

S

SALON: A business that gives customers beauty treatments (such as haircuts).
SATELLITE DISH: Any antenna, including any supporting structure, designed to receive signals from orbiting satellites or similar sources, excluding microwave antennae.
SAWMILL: a mill or factory where logs are sawed to make boards, plywood, or other wood based products.
SCALE: The harmonious relationship of the size of a building or parts of a building to one another and to the human figure.
SCHOOL: A privately-owned or publicly-owned elementary school, middle school, junior high school, or high school which does not provide lodging for students, including any accessory athletic fields and recreational facilities.
SCHOOL, COMMERCIAL: A school establishment to provide for the teaching of industrial, clerical, managerial, or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g. beauty school or modeling school).
SCHOOL, TRADE: A school, other than a college, which provides part-time education beyond the high school level, principally in the vocational arts, and does not provide lodging or dwelling units for students or faculty.
SECURED: Placed in a concrete footing, holes with compacted earth or gravel, or other approved support that is adequately affixed to the ground as a permanent structure.
SEDIMENT: Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.
SEDIMENTATION: The process by which sediment resulting from accelerated erosion has been or is being transported away from a land-disturbing activity or into a lake or natural watercourse.
SENIOR HOUSING COMMUNITY: See: "Life Care Community."
SETBACK: The minimum required distance between the property line and the building line.

SHRUB: A woody plant, smaller than a tree, consisting of several small stems from the ground or branches near the ground.
SHOOTING RANGE: An area provided with targets for the controlled practice of shooting with firearms. Also includes archery practice.
SHOPPING CENTER: A building or group of buildings, either connected or free-standing, under unified or multiple ownership of land parcels, that is designed with common parking, pedestrian movement, ingress, and egress, and used or intended to be used primarily for the retail sale of goods and services to the public.
SHOPPING MALL: A large building or group of buildings containing many different retail stores, often anchored by large department stores.
SIGN:

1. ABANDONED SIGN: A sign structure that has ceased to be uses, and the owner intends no longer to have uses, for the display of sign copy, or as otherwise defined by state law.
2. ANIMATED SIGN: A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include electrically, environmentally, mechanically activated.
3. ELECTRIC SIGN: Any sign activated or illuminated by means of electrical energy.
4. ELECTRONIC MESSAGE SIGN OR CENTER: An electrically activated changeable sign where the variable message capability can be electronically programmed.
5. FREE STANDING SIGN: A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles, or braces placed in or upon the ground.
6. ILLUMINATED SIGN: A sign characterized by using artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).
7. INTERIOR SIGN: Any sign placed within a building, but not including "window signs" as defined by this ordinance. Interior signs, except for window signs as defined, are not regulated by this Ordinance.
8. MENU BOARD SIGN: A free-standing sign oriented to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has not more than twenty (20) percent of the total area for such a sign utilized for business identification.
9. SIGN: Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs are not considered signs.
10. SIGN AREA: The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or "V" shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as fifty percent (50%) of the sum of the area of all its faces.
11. SIGN FACE: The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.
12. SIGN STRUCTURE: Any structure supporting a sign.
13. TEMPORARY SIGN: A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature (i.e. not to exceed ninety (90) days). Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.
14. WALL OR FASCIA SIGN: A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than eighteen (18) inches from the building or structure wall, including signs affixed to architectural projections from a building provided by the copy area of such signs remains on a parallel plane to the face of the building façade or to the face or faces of the architectural projection to which it is affixed.
15. WINDOW SIGN: A sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

SIGNIFICANT VEGETATION: A tree which is over fifteen (15) inches in diameter at breast height, displays a root zone, canopy, and limb structure characteristic of the given species and is in a condition of good health and vigor.

SILTATION: Sediment which results from accelerated erosion, which has been deposited or is in suspension in water, which may be settled or removed by properly designed, constructed, and maintained control measures, and which has been transported from its point of origin within the site of a land-disturbing activity.
SITE PLAN: A plan depicting the proposed use and development of a property, in terms of the location, scale, and configuration of buildings and other features.
SMALL ENGINE REPAIR: An operation that primarily specializes in the maintenance and repair of small engines: low-power internal combustion engines or electric engines. Equipment repaired includes chain saws, string trimmers, leaf blowers, lawn mowers, wood chippers, go-karts and sometimes more powerful engines used in outboard motors, snowmobiles, and motorcycles.
SOD: A layer of earth containing grass plants and their matted roots. (synonym – turf)
SPORTS BAR: (SEE: BAR AND GRILL)
SPECIAL EVENT: Any activity or circumstance of a business or organization, which is not part of its daily activities. Such activities may include, but are not limited to, grand openings, closeout sales and fund-raising membership drives, or temporary events conducted by civic, philanthropic, educational, or religious organizations.
SPECIAL EVENT CENTER: A multi-use facility, indoor or outdoor (or a combination of both), which hosts weddings, reunions, parties, and other social events. A special event center may accommodate large crowds and include food preparation facilities on site. Alcohol is not allowed by-right, and the ability to sell or allow consumption of alcohol on the premises. This ability must be obtained separately as a special exception for "Brown Bag Establishment."
SPECIAL EXCEPTION USE: Also known as a "Conditional Use." A land use listed in ***Chapter 6, Part 3*** of this Ordinance as a "Special Exception Use" in the zoning district in which it is located, and which is subject to the approval procedures and conditions set forth in that Section.
SPECULATIVE CONSTRUCTION: Construction of a shell building to lease individual spaces to prospective tenants who do not share any legal affiliation with each other. Examples of speculative commercial construction shall include but are not limited to the following: shopping centers, malls, and office buildings that meet the above description. Speculative construction may also include construction of residential structures for sale or lease.
SPOT ZONING: An amendment to the Official Zoning Map which represents a deviation from ***the Comprehensive Plan***. Spot zoning arbitrarily and unreasonably benefits a single parcel of land, often at the expense of those parcels of land around it, by capriciously creating a zone for that specific parcel and different from the surrounding properties in the area.
STAGE, OUTDOOR: An outdoor entertainment venue, typically a platform, used for public concerts, speaking engagements, and other events.
STAGE SET FAÇADE: A structure in which the primary elevation of the building presents a distinct and separate design from the remainder of the building. A structure where the continuity of design does not continue beyond the primary elevation to the sides and rear of the building. This may also include separate materials and colors from the remainder of the building. An example of a stage set façade would be a brick façade reflecting a parapet on a pre-engineered steel or wood frame building with a pitched roof.
STORM DRAINAGE FACILITIES: The system of inlets, conduits, channels, ditches, and appurtenances which serve to collect and convey storm water through and from a given drainage area.
STORM WATER RUNOFF: The direct runoff of water resulting from precipitation in any form which cannot percolate into the surface or be accommodated satisfactorily by the existing drainage system and which therefore travels overland to the nearest channel.
STREET: A public or private right-of-way which is designed, dedicated, or used principally for vehicular traffic.
STREET, COLLECTOR: A street which penetrates various land use classifications, and whose primary function is traffic service, collecting traffic from the streets intersecting it and funneling it to thoroughfares.
STREET, RESIDENTIAL: A street whose primary function is to serve the immediately abutting residential land uses (that is, only local traffic generated by the residents near the street, with traffic volumes flowing from other intersecting residential streets not exceeding the traffic volumes generated by the land uses abutting the street.
STREET, PRIVATE: A right-of-way or easement in private ownership, not dedicated or maintained as a public street, which affords the principal means of access to two (2) or more sites.
STREETSCAPE: An area along a street which may be required by this Ordinance to provide special plantings or other treatment.

STRUCTURE: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.
STUB OUT: A temporary extension of a street to an external property line to facilitate future roadway connection, increase connections within a neighborhood for public safety and other vehicles, and reduce traffic impacts on the road network.
SUBDIVIDER: Any person, firm, or corporation who divides or develops any land deemed to be a subdivision as defined by the City's adopted subdivision regulations.
SUBDIVISION, MAJOR: All divisions of a tract or parcel of land into six or more lots, building sites, or other divisions for the immediate or future purpose of sale or building development, and all divisions of land involving the dedication of public infrastructure.
SUBDIVISION, MINOR: All divisions of a tract or parcel of land into five or less lots, building sites, or other divisions for the immediate or future purpose of sale or building development, and not involving the dedication of public infrastructure. Note: This definition shall not include, however, the consecutive subdivision of land into three or fewer lots to avoid meeting the requirements set forth in this Ordinance for "major subdivisions."
SUBSTANTIAL ALTERATION: Any work on a structure that reduces the load bearing capacity of, or imposes additional loads on, a primary structural component, and which may include the rearrangement of spaces through the construction of walls or partitions or a change in ceiling height, the addition or elimination or doors or windows, the extension or rearrangement of systems, or the installation of additional equipment or fixtures.
SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure where the cost of restoring the structure to the before-damaged condition equals or exceeds fifty percent (50%) of the market value of the structure before the damage occurred.
SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure in which the cumulative cost equals or exceeds fifty percent (50%) of the county tax assessors state value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred.
SUBSTANTIAL PROGRESS: For the purposes of determining whether substantial progress has been made on the site of an approved Site Plan, continuous construction activity toward the completion of a site or subdivision plan, including but not limited to one or more of the following:

(1) Obtaining a grading permit and conducting grading activity on a continuous basis and not discontinued for more than thirty (30) days;
(2) Installation and approval of on-site infrastructure; or
(3) Obtaining a building permit for the construction and approval of the building foundation.

SWIMMING POOL: A tank (as of concrete or plastic) made for swimming, located either in ground or above ground.

T

TATTOO PARLOR: An establishment in which tattooing is carried out professionally.
TELECOMMUNICATIONS: The transmission, between or among points as specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.
TELECOMMUNICATION STRUCTURE (ALTERNATIVE): This shall mean man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.
TELECOMMUNICATION TOWER: A structure used primarily for telecommunications.
TEMPORARY OUTDOOR DISPLAY OR SALE: An outdoor display or sale set up in a temporary nature, not intended to last longer than one (1) week, but does not include automobiles and other vehicles.
TEMPORARY USE: A use established for a temporary period with the intent to discontinue such use upon the expiration of the period, and which is subject to the approval procedures set forth in this Code.
THEATER, INDOOR: A building used primarily for the presentation of live stage productions, performances, or motion pictures.
THOROUGHFARE: A street which serves as a primary traffic artery serving major centers of activity and carrying traffic between such centers at moderate speeds which primarily has the function of carrying traffic which has an origin and destination removed from that street itself, and access to which is primarily provided by at-grade intersections which may be signal-controlled.

THOROUGHFARE, LIMITED ACCESS: A thoroughfare whose sole function is to carry large volumes of traffic safely and expediently through developed areas, and access to which is controlled to occur only at intersections with other thoroughfares or streets, with such intersections spaced at intervals which promote traffic progression with the absolute minimal delays incurred. Speeds on limited access thoroughfares are typically limited to no greater than forty-five (45) miles per hour.
THRIFT STORE: A store selling secondhand clothes and other household goods, typically to raise funds for a charitable organization.
TIRE RECAPPING: An operation that recaps a worn automobile or truck tire by cementing on a strip of prepared rubber and vulcanizing by subjecting to heat and pressure in a mold.
TOWER: Any structure that is designed and constructed primarily to support one or more antennas, meteorological devices, or similar apparatus above grade. The term includes radio and television transmission towers, common-carrier towers, cellular telephone towers, pager towers, and alternative tower structures.
TOWNHOUSE: A single family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.
TRACT: All contiguous land and bodies of water under single ownership, or contiguous land and bodies of water in diverse ownership which are being developed as a unit, although not necessarily all at the same time. A tract may consist of one or more parcels or lots.
TRADE MARKET AND SHOW: An indoor or outdoor market of temporary showroom vendor booths generally focused on a retail trade market (Also known as an "Open Air Market").
TRAFFIC SIGN: A sign indicating federal, state, or municipal regulations for automobile, truck, bicycle, and/or pedestrian movement.
TRANSPORTATION FACILITIES: Stations and related facilities intended for the transition of the public, including bus and railroad passenger stations.
TREE: A large woody plant having one or several self-supporting stems or trunks and numerous branches.
TRUCK, HEAVY EQUIPMENT, SALES AND SERVICE: An operation that specializes in the sale and service of trucks and/or heavy equipment.
TRUCKING COMPANY: A company that ships goods or possessions by truck.
TRUCK STOP: A facility providing services to the trucking industry, including the dispensing of fuel, automated and self-serve car wash facilities, restaurants, gift shops, sales of convenience goods, business service centers, restrooms and shower facilities, scales, and overnight parking facilities.

U

UNCOVERED AREA: An area having no ground cover on or above the soil surface.
UNDERSTORY TREE: A vertically inclined woody plant (tree) having one or more trunks, reaching a mature height less than thirty-five (35) feet, and having a full or sparse vegetative canopy.
UTILITY SUBSTATIONS: Water storage tanks; radio, television, and microwave transmission or relay towers; and electric or gas substations, water or wastewater pumping stations, telephone repeater stations; or similar structures used as an intermediary switching, boosting, distribution, or transfer station of electricity, natural gas, water, wastewater, cable television, or telephone services between the point of generation or treatment and the end user. This shall not include broadcasting studios or satellite dish antennas.

V

VARIANCE: A grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance.
VEHICLE SALE AND/OR RENTAL: The sale or rental of all-terrain vehicles, motor vehicles, boats, trailers, or farm equipment. This shall not include salvage operations or scrap operations.
VEHICLE SERVICE: Any building, structure, or lot used for the business of repairing automobiles, motorcycles, trucks, boats, recreational vehicles, and other similarly sized vehicles. This shall not include car washes, the retreading and/or recapping of tires, or convenience stores which sell gasoline or lubricating oil, but not other automotive accessories or services.

VEHICULAR USE AREA: Any portion of the site or property, paved or unpaved, designed to receive or accommodate vehicular traffic, including the driving, parking, temporary storage, loading, or unloading of any vehicle.
VEHICLE WRECKER SERVICE: An establishment operated for temporary storage on-site of no more than nine wrecked or inoperable vehicles for a period of no longer than ninety (90) days. An establishment with ten (10) or more operable vehicles located on-site or stores inoperable vehicles for more than ninety (90) days, stacks vehicles, or dismantle portions of the vehicles shall be considered a junkyard.
VETERINARY CLINIC: A use primarily engaged in providing medical care for animals, operated by a licensed veterinarian. A clinic may or may not offer facilities for the overnight care of animals for medical treatment. Any clinic providing facilities for the overnight boarding of animals or providing outside pens shall be permitted as a veterinarian clinic with outdoor kennel.

W

WALL: Any exterior surface on a building or structure that is either vertical or has a slope steeper than one-half (1/2) foot of horizontal run for every twelve (12) feet of vertical rise.
WAREHOUSING, DISTRIBUTION, & STORAGE: A business or government agency operation for which the primary purpose of which is (1) the storage of goods, materials, vehicles, trailers, or boats, or (2) or the distribution of goods and materials to another location for the purposes of resale or use at the place distributed to. This shall include offices located on the same property in conjunction with such uses. This shall not include heavy manufacturing, resource extraction, scrap operations, or salvage operations.
WASTE: Surplus materials resulting from on-site construction which is disposed of at other locations.
WEDDING CHAPEL: (SEE: SPECIAL EVENT CENTER).
WETLANDS: Those areas that are defined as wetlands by the United States Army Corps of Engineers from time to time. Generally, wetlands are those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.
WHOLESALE OR JOBBING ESTABLISHMENT: The sale of goods and materials in large quantity for resale to retail customers. This shall not include heavy manufacturing, resource extraction, scrap operations, or salvage operations.
WORKING DAYS: Days exclusive of Saturdays, Sundays, and legal holidays observed by the City of Guntown.
WOODWORKING OR CABINET SHOP: A shop that conducts the activity or skill of making items from wood, and includes wood carving, joinery, and carpentry.

Y

YARD: An open space on a lot which is unoccupied by any building or structure, except as otherwise allowed in this Ordinance.
YARD, FRONT: The portion of a lot which is bounded by the side lot lines, a street right-of-way, and the required front yard line.
YARD, REAR: The portion of a lot which is bounded by the side lot lines, the rear lot line, and the required rear yard line.
YARD, SIDE: The open, unoccupied portion of a lot which is bounded by a side lot line, a required side yard line, the rear yard line, and the front yard line. Any such yard abutting a street shall be treated as a "front yard."
YARD LINE: A line in a lot which is parallel to the lot line along which an applicable yard or setback requirement extends, and which is at no point nearer to such lot line than the required width or depth of the applicable yard or setback.

Z

ZERO-LOT-LINE HOUSE (SEE ALSO: DWELLING, PATIO HOUSE): A residential unit also called a garden home that is positioned on one (1) side lot line without any setback, with private yards on the other three (3) sides of the building.
ZONING DISTRICT: A district established in ***Chapter 7*** of this Ordinance.

~END OF SECTION~

APPENDIX I – DISTRICT USE STANDARDS

APPENDIX II – TABLE OF USES BY DISTRICT