Land Development Code

Volume II

City of Purvis, Mississippi

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Table of Contents

Land Development Code
Volume II

ARTICLE 4 - COMPREHENSIVE PLAN

ARTICLE 5 - DEVELOPMENT REVIEW PROCEDURES

ARTICLE 8 - ZONING USE DISTRICTS

ARTICLE 13 - REQUIRED IMPROVEMENTS AND DESIGN STANDARDS

ARTICLE 14 - NONCONFORMITIES

ARTICLE 15 - ENFORCEMENT AGAINST VIOLATIONS

Article 1

Purpose and Applicability

ARTICLE 1. PURPOSE AND APPLICABILITY

1.1 Title; Effective Date

This Ordinance shall be known as the Land Development Code of the City of Purvis, Mississippi. This Ordinance shall become effective on April 4, 1996.

1.2. General Purposes and Authority

This Ordinance is adopted pursuant to authority granted to the City of Purvis by Title 17, Article 1 of the Mississippi Code, 1972 Annotated. This Ordinance, which has been formulated following a comprehensive plan for the future of the community, is adopted for the following purposes; to promote the public health and general welfare, to conserve the value of buildings and land, to encourage the most appropriate use of land throughout the community, and to conserve the natural resources and environmental quality of the City, as well as to prevent street congestion, overcrowding of land, and dangers from flooding, fire, and other hazards.

1.3. Official Zoning District Maps

The Official Zoning District Maps, 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 District Maps shall be amended only by the procedures set forth in Article 7 of this Ordinance.

1.4. Jurisdiction and Applicability

1.4.1. The provisions of this Ordinance shall apply to all land, buildings, structures, and uses located within the corporate limits of the City of Purvis, as identified on the Official Zoning District Maps.

1.4.2. Except as otherwise provided by this Ordinance, all development that occurs within the City shall comply with the applicable terms and requirements of this Ordinance.

1.4.3. 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.

1.5. Transitional Rules

1.5.1. *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 with all of the requirements of this Ordinance. However, if such structure or use does not conform with all of the requirements of this Ordinance, then such structure or use remains unlawful hereunder.

1.5.2. *Uses rendered nonconforming.* When a lot is used for a purpose that was a lawful use 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 permitted use in the zoning district in which it is located, such use is deemed a nonconforming use and shall be controlled by the provisions of Article 14 of this Ordinance.

1.5.3. *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 deemed nonconforming and shall be controlled by the provisions of Article 14 of this Ordinance.

1.6. Previously Granted Variances and Conditional Permitted Uses

1.6.1. Any development for which a variance or conditional permitted use has been granted before the effective date of this Ordinance, or before the effective date of any amendment that renders the development nonconforming, may be carried out according to the granted variance or conditional permitted use. It shall be deemed lawfully existing under the terms of this Ordinance, if:

1.6.1.1. The activity for which the variance or conditional permitted use was granted is commenced within 1 year from the date of adoption of this Ordinance; and,

1.6.1.2. All features of the development which are not the specific subject of the variance or conditional permitted use conform to all applicable requirements of this Ordinance.

1.6.2. If the requirements of 1.6.1. have not been met, then the previously granted variance or conditional permitted use shall become invalid. Development of the property must meet all applicable requirements of this Ordinance, except where the person has applied for and received a new variance or conditional permitted use, if allowed under the procedures of this Ordinance.

1.7. Previously Issued Building Permits

1.7.1. 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 renders the development nonconforming, may be carried out according to that building permit and shall be deemed lawfully existing under the terms of this Ordinance, if:

1.7.1.1. The permit was validly issued; and,

1.7.1.2. The permit has not expired.

1.7.2. This Article shall not apply where the property owner consents to making the development conform to the requirements of this Ordinance, or any amendment thereto which would make the development nonconforming.

1.8. Severability

If any court of competent jurisdiction 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 court of competent jurisdiction 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 court of competent jurisdiction judges invalid any condition attached to the approval of an application for development approval or the approval of a conditional permitted 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.

Article 2

Definitions and Rules of Construction

ARTICLE 2 - DEFINITIONS AND RULES OF CONSTRUCTION

SECTION 1: GENERAL RULES OF CONSTRUCTION

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

1.1. In their application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion and protection of the public health, safety and general welfare, and shall be construed to achieve the purposes for which this Ordinance is adopted. In the event of any conflict between the limitations, requirements, or standards contained in different provisions of this Ordinance and applying to an individual use or structure, the more restrictive provision shall apply. 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.

1.2. The words "shall", "must", and "will", are mandatory in nature, establishing an obligation or duty to comply with the particular provision. 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 of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

1.3. Any act authorized by this Ordinance to be carried out by a specific official of the City is impliedly authorized to be carried out by a designee of such official.

SECTION 2: INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of the zoning districts shown on the Official Zoning District Maps, the following rules shall be used to interpret the Official Map:

2.1. 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 to be 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.

2.2. 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.

2.3. 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 considered to be the district boundary, unless otherwise indicated on the map.

2.4. 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.

2.5. 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.

SECTION 3: CONFLICT OR INCONSISTENCY WITH OTHER LAWS, COVENANTS, OR DEED RESTRICTIONS

3.1. 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.

3.2. 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.

SECTION 4: 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:

ACCESSORY BUILDING OR STRUCTURE: A building or structure which is on the same lot as, and of a nature customarily incidental and subordinate to, another building or structure, and the use of which is clearly incidental and subordinate to that of the other building or structure.

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.

ACTIVE CONSTRUCTION: Activities which contribute directly to the completion of facilities contemplated or shown on the construction plans.

ADDITION (TO AN EXISTING BUILDING): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a firewall.

ADEQUATE EROSION CONTROL MEASURE, STRUCTURE, OR DEVICE: A measure, structure, or device which controls the soil material within the land area under responsible control of the person conducting the land-disturbing activity.

ALLEY: A minor way which is used primarily for vehicular service to the back or to the side of properties otherwise abutting on a street.

AMUSEMENT ESTABLISHMENT: 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.

APPEAL: A request for a review of the City's interpretation of any provision of this Ordinance.

ARCADE: A walkway or passageway adjacent to a building which is covered by a roof but open to the outside air.

AS-BUILT PLAN: A reproducible mylar 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.

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.

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.

BANNER: Any sign that is made of a non-rigid material with no enclosing framework such as but not limited to cloth, fabric, or paper.

BASEMENT: A story 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 or fewer rooms are rented on an overnight basis, guests are served no more than one meal per day, no cooking facilities are provided in the rooms, and the length of stay does not exceed 14 consecutive days.

BOND: Any form of security including a cash deposit, surety bond, collateral, or property in an amount and form satisfactory to the Board. All bonds must be approved by the Board wherever a bond is required by these regulations.

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.

BUFFER: A strip of land which is used to separate land uses from each other or to separate development from a stream or other water body, as required by this Ordinance.

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(S): The Standard Building Code, National Electric Code, Standard Gas Code, Standard Housing Code, Standard Plumbing Code, Standard Swimming Pool Code, Standard Mechanical Code, Standard Fire Prevention Code, and/or Standard Life Safety Code, used singularly or any combination thereof.

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: A line beyond which buildings must be set back from the street or road right-of-way line on which the property abuts.

BUILDING PERMIT: A permit issued by the Building Department pursuant to Article 5, Section 8 of this Ordinance and the State building code.

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.

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.

CANOPY: A 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.

CAR WASH: A commercial establishment which washes automobile or other motor vehicles, whether or not in conjunction with other goods or services provided to customers.

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.

COLLECTOR STREET: 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.

COMPREHENSIVE PLAN: The documents entitled "Comprehensive Plan" and "Land Use Plan" and such other policies and documents as may be adopted from time to time to guide future development.

CONDITIONAL PERMITTED USE: A land use listed in Article 8 of this Ordinance as a "conditional permitted use" in the zoning district in which it is located, and which is subject to the approval procedures set forth in Article 5, Section 4 of this Ordinance.

CONDOMINIUM: A dwelling which is subject to Mississippi Code 1972 Annotated Section 89 Article 9, "Condominiums."

CONFORMING USE: Any lawful use of a building, structure, or lot which complies with the provisions of this Ordinance.

CONSTRUCTION: Any new construction, building, reconstruction, erection, extension, betterment, or improvement of land providing a building or structure or any part thereof, which provides, adds to, repairs, or increases the floor area of a residential or non-residential use.

CONTIGUOUS: Abutting directly on the boundary of, separated by a street other than a controlled access highway from, or separated by a street; railroad, or public utility right-of-way.

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, or U.S. Route.

CONVENIENCE STORE: A retail store with a floor area of less than 5,000 square feet, which sells groceries, gasoline, and/or beer and light wine, and is open 15 to 24 hours a day, but not including an automobile service station.

COPING: The finished edge of a roof.

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.

DAY CARE FACILITY, LARGE: A day care facility established in a residential or non-residential structure for the care and keeping of five or more persons regardless of age.

DAY CARE FACILITY, SMALL: A day care facility established in a residential or non-residential structure for the care and keeping of less than five persons regardless of age.

DENSITY: The number of dwelling units on a particular tract or parcel of land, with gross density taking into account the entire area of that tract or parcel and net density not taking into account portions of the tract or parcel which contain rights-of-way for collector or larger streets, slopes greater than 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 taking into account all other areas of that tract or parcel.

DETACHED: Not physically connected to another building or structure.

DEVELOPER: The owner or occupant of a lot or parcel of land, or the person or entity developing such land.

DEVELOPMENT: The initiation, construction, change, or enlargement of any use or structure, the disturbance of land through the removal of ground cover, or the division of land into two or more parcels. "Development" shall include, but not be limited to; construction or enlargement of a building or structure; change in the type of use of a building, structure, or land; material increase in the intensity of use of land, such as an increase in the number of units located in a building or structure or on the land; commencement or expansion of resource extraction, agricultural, horticultural, or forestry activities on a parcel of land; demolition of a structure or the removal of trees from a parcel of land; deposition of refuse, solid or liquid waste, or fill on a parcel of land; permanent storage of materials or equipment.

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 to four dwelling units which share one or more common walls for 50 percent or more of their width, with each dwelling unit located on a separate lot.

DWELLING, DETACHED: 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 dwelling units which share a 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 and 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, SEMI-DETACHED: A building which contains two to four dwelling units which share one or more common walls for less than 50 percent 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 family.

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 greenways.

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.

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

FARM 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.

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

GOLF COURSE: A course with nine 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 which are not accessory to a golf course.

GREENWAY: A linear open space, either privately-owned or owned by the City 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 greenway.

GROUP CARE FACILITY: A facility or dwelling unit housing persons unrelated by blood or marriage and operating as a group family household. A group care facility may include half-way houses, recovery homes, and homes for orphans, foster children, the elderly, battered children and women. It would include a specific treatment providing less than primary health care.

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; or (c) individually listed on the Mississippi inventory of historic places.

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 business which allows customers and other activities as specified in Article 11, Section 1.3 of this ordinance.

HOME OCCUPATION: 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.

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 in order to obtain veterinary treatment for illnesses, diseases, injuries, and deformities.

HOTEL OR MOTEL: A building or a group of buildings containing sleeping rooms, designed for and rented to temporary guests.

INDEPENDENT LIVING UNIT: A dwelling unit which is part of a life care community which includes complete facilities for independent living, including cooking and sanitary facilities. The occupants are presumed to be able to function independently of the support facilities of the life care community.

INTERSTATE HIGHWAY: A controlled access highway which is part of the Federal interstate highway system.

JUNK: Old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles and parts thereof.

JUNK VEHICLE: Any motor vehicle which does not have a current Mississippi inspection sticker and motor vehicle registration plate or is in such a condition as to be considered inoperable. For the purpose of this Ordinance, a trailer, camper or boat without a current registration plate shall be considered a junk vehicle.

JUNKYARD: Any land used, in whole or in part, for commercial or industrial storage, dismantling, and/or sale of waste paper, rags, scrap metal, motor vehicles, machinery, or other junk outside of an enclosed building. This shall not include a publicly-owned landfill, solid waste transfer facility, or other public utility facility, or a recycling and salvage operation.

LAND SURVEYOR, LICENSED: A land surveyor certified and registered by the State Board of Registration for Professional Engineers and Land Surveyors pursuant to Title 73. Article 13, Sections 1-99 inclusive of the Mississippi Code 1972, Annotated, to practice in Mississippi.

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.

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.

LIMITED ACCESS HIGHWAY: A street to which access is prohibited except at specific points.

LOCAL STREET: Streets that are used primarily for access to abutting properties.

LOGO: The graphic or pictorial presentation of a message, including, but not limited to, the use of shapes, designs, decorations, emblems, symbols, or illustrations, or the superimposition of letters or numbers or any other use of graphics or images other than the sequential use of letters and numbers.

LOOP STREET: A street which originates and terminates at intersections with the same street.

LOT: A 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. This term shall include any number of contiguous lots, or portions thereof, upon which a single principal building and its accessory buildings are located or intended to be located.

LOT, CORNER: A lot abutting on two or more streets at their intersection, where the interior angle of the intersection does not exceed one hundred and thirty-five (135) degrees.

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 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 (Article 8) 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.

MAJOR ENTRANCE: An entrance or entrances leading from collector streets, major thoroughfares, or highways to subdivisions, multi-family uses, planned unit developments, industrial, commercial, or office and institutional subdivisions as determined by the Land Code Administrator.

MANUFACTURED HOME: A structure, transportable in one or more sections, which in the travelling mode is at least eight feet wide or 40 feet long, or which when erected on site is at least 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 all of 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. This term does not include a "Recreational Vehicle."

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale. A new manufactured home park or subdivision includes 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).

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 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; stonecutting; and tire recapping and retreading. This shall not include resource extraction or recycling and salvage operations.

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 25 percent of the floor area of all buildings on the lot. This shall not include uses that constitute "heavy manufacturing," resource extraction, or recycling and salvage operations.

MARGINAL ACCESS STREET: A street which is parallel to and adjacent to major streets, that serves traffic generated by adjacent non-residential properties and provides protection from through traffic.

MINOR ENTRANCE: A street entrance or entrances leading from collector streets or marginal access streets to subdivisions, multifamily developments, industrial, commercial, office and institutional uses, and planned unit developments as determined by the Land Code Administrator.

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.

MODEL SALES HOME: A permanent building which is typical of the dwellings in the residential development in which it is located and which is temporarily used for the purpose of display and sales associated with residential property, but intended for ultimate use as a residential dwelling unit.

MULTI-FAMILY DEVELOPMENT: Two or more multi-family dwellings located on a single property.

MULTI-OCCUPANT NON-RESIDENTIAL DEVELOPMENT: A building or group of buildings under unified ownership or management which contains more than one non-residential establishment or occupant.

NONCONFORMING USE: Any use of a 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, or a subsequent amendment hereto.

NURSING HOME: A home for elderly, chronically ill, 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 primary health care, including congregate care facilities but not including clinics or group care facilities.

NURSING HOME DWELLING UNIT: A room or other portion of a nursing home intended for no more than two persons.

OFFICE: A use or building where 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.

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, greenways and tennis courts.

PARK: Any public or private land available for recreational, educational, cultural, or aesthetic use.

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.

PERMITTED USE: A land use listed in Article 8 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 Article 5, Section 2 of this Ordinance.

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 customers 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.

PLANNED UNIT DEVELOPMENT: A tract of land under single ownership, or under common control evidenced by duly recorded contracts or agreements approved by the Board of Aldermen, 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 of Aldermen.

PLAT, FINAL: That plat submitted to the Planning Commission and Board of Aldermen for final approval and subsequently to be recorded with the Chancery Clerk's Office of Lamar County, Mississippi.

PLAT, PREAPPLICATION: That plat which is submitted to the Land Code Administrator at the preapplication conference.

PLAT, PRELIMINARY: That plat or layout of a proposed subdivision submitted to the Purvis Planning Commission for approval prior to submission of the final plan.

PRELIMINARY PLAN: The preliminary plat and construction plans for required improvements which are submitted prior to the final plat.

PUBLIC UTILITIES: Any City approved water and/or sanitary sewer system, including collection and distribution lines, which is constructed to City standards, sizes, and specifications, conforms to the requirements of this Ordinance, and has been dedicated to and accepted by the City for operation and maintenance and the facilities, other than a utility substation or transportation facility, which house or contain facilities for the operation of publicly owned or publicly licensed water, wastewater, waste disposal, gas or electricity services. This does not include recycling and salvage operations.

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) 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 primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.

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.

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.

RESOURCE CONSERVATION FACILITIES: 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: A business whose principal purpose is the sale of food in a state that is ready to eat, either on the premises or off the premises.

RESUBDIVISION: The redivision of any part or all of any block or blocks of a previously platted subdivision, addition, lot, or tract.

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, convenience stores, or amusement establishments.

RETENTION FACILITY: Any type of detention facility which is not provided with a positive outlet.

RIGHT-OF-WAY: An area owned or maintained by the City, 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.

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.

SECURED: Placed in a concrete footing, holes with compacted earth or gravel, or other approved support, so as to be adequately affixed to the ground as a permanent structure.

SHOPPING CENTER: A building or group of buildings, either connected or free-standing, under unified or multiple ownership of land parcels, that is designed and has been approved by the Board of Aldermen as a shopping center 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.

SIGN: Any object, device, or structure, or part thereof, which is placed outdoors or placed indoors so as to be seen from the outdoors, and which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters

figures, designs, symbols, fixtures, colors, illumination, or projected images. The types of signs vary as follows:

(a) Attached: Any sign directly attached to an exterior wall of a building and dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure upon which the sign is affixed. Signs directly painted on walls shall be considered as attached signs.

(b) Changeable Copy: Any sign designed so that letters or numbers attached to the sign can be periodically changed to indicate a different message.

(c) Ground: Any sign that is not attached to a building and is permanently mounted to the ground.

(d) Illegal: Any sign erected or maintained in violation of a prior sign ordinance or erected, altered, removed, or replaced in violation of this Ordinance, or any amendments hereto.

(e) Nonconforming: Any sign that met all legal requirements when constructed but that does not comply with this Ordinance or a subsegment amendment hereto. An illegal sign is not a nonconforming sign.

(f) Off-Site: Any sign that is used to attract attention to an object, person, product, institution, organization, business, service, event, or location that is not located on the premises upon which the sign is located. This shall not include traffic, directional, or regulatory signs or notices erected by a federal, state, county, or municipal government agency.

(g) Portable: Any sign that is not permanently affixed to a building, structure, or the ground or that is not designed to be permanently affixed to a building, structure, or the ground.

(h) Temporary: A sign that can be used only for a designated period of time.

(i) Windblown: Any banner, pennant, spinner, streamer, moored blimp, or gas balloon that is designed to inform or attract attention of persons not on the premises on which it is located.

(j) Window: Any sign which is applied to the glassed area of a building and located such that the message, symbol, insignia, visual representation, logo, or other materials which communicate information can be read from off the property.

SIGN, SURFACE AREA: The size of the surface of a sign, including any border or trim and all the elements of the matter displayed, but excluding the base, apron, supports, and other supportive structural members. In the case of three-dimensional letters or painted letters directly attached to a wall surface, the surface area shall be that rectangular area

encompassing the individual letters themselves, including any trim or border and excluding the background behind the letters.

SIGN, UNIFORM: A plan establishing parameters for the size, location, and design of signs on a property which is being constructed and/or managed as a single development.

SITE PLAN: A plan depicting the proposed development of a property, in terms of the location, scale, and configuration of buildings and other features.

SITE SPECIFIC DEVELOPMENT PLAN: A site plan containing all information required of site plans under Article 5, Section 7 of this Ordinance, or a plat of subdivision containing all such information in addition to the information required of subdivision plats under Article 5, Section 6 of this Ordinance.

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.

SPECULATIVE CONSTRUCTION: Construction of a shell building for the purpose of leasing individual spaces to prospective tenants who do not share any legal affiliation with each other. Examples of speculative construction shall include but are not limited to the following: shopping centers, malls, and office buildings that meet the above description.

STORM DRAINAGE FACILITIES: The system of inlets, conduits, channels, ditches, and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

STREET: A public or private right-of-way which is designed, dedicated, or used principally for vehicular traffic.

STRUCTURE: Any improvement upon land, other than the land itself, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground. This includes but is not limited to buildings, signs, manufactured or mobile homes, gas or liquid storage tanks and impervious surfaces.

SUBDIVIDER: Any person, firm, or corporation who divides or develops any land in a subdivision.

SUBDIVISION: Any division, for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, of any tract or parcel of land within one calendar year into more than two (2) lots or parcels any of which has an area of less than three (3) acres. It also includes resubdivision or replatting of land, lots, or tracts. These regulations will not apply in instances where land is

subdivided into two (2) or more lots of more than three (3) acres unless such a division includes the planning or development of a new street or access easement.

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 of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: An improvement which addresses flood damage prevention, or any repair, reconstruction, or improvement of a structure, in which the cumulative cost equals or exceeds 50 percent of the market 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.

This term does not include any project for improvement of a structure necessary to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure which is listed on the National Register of Historic Places or a state inventory of historic places.

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 obtaining a grading permit and conducting grading activity on a continuous basis and not discontinued for more than thirty (30) days, installation and approval of on-site infrastructure, or obtaining a building permit for the construction and approval of the building foundation.

TEMPORARY USE: A land use identified as a "temporary use" in Article 11, Section 3 of this Ordinance, and which is subject to the approval procedures set forth in Article 5, Section 3 of this Ordinance.

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 45 miles per hour.

TRACT: All contiguous land and bodies of water under single ownership, or contiguous land and bodies of water in diverse ownership which is being developed as a unit, although not necessarily all at one time. A tract may consist of one or more parcels or lots.

TRADE SCHOOL: 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.

TRANSPORTATION FACILITIES: Stations and related facilities intended for the transition of the general public, including bus and railroad passenger stations.

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.

VARIANCE: A grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance.

VEHICLE SALES AND RENTAL: The sale or rental of motor vehicles, boats, trailers, or farm equipment. This shall not include salvage operations or scrap operations.

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.

VESTED RIGHT: The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.

WAREHOUSING OR DISTRIBUTION ESTABLISHMENT: A business or government agency operation for which the primary purpose 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 are disposed of at other locations.

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.

YARD: An open space on a lot which is unoccupied by any building or structure, except as otherwise allowed in this Ordinance. The front yard is the portion of a lot which is bounded by the side lot lines, a street right-of-way, and the required front yard line. The rear yard is the portion of a lot which is bounded by the side lot lines, the rear lot line, and the required rear yard line. The side yard is the 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.

ZONING DISTRICT: The Residential Districts including A-R, R-1A, R-1B, R-2 and Non-Residential Districts including B-1, B-2, I-1 established under this ordinance in Article 8.

Article 3

Decision-Making and Administrative Bodies

ARTICLE 3 - DECISION-MAKING AND ADMINISTRATIVE BODIES

SECTION 1: BOARD OF ALDERMEN

1.1. Powers and Duties

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

to adopt amendments to the text of this Ordinance,

to adopt amendments to the Official Zoning District Maps, such as to zone or rezone property into a zoning district,

to adopt amendments to the Comprehensive Plan,

to approve or deny requests for approval of subdivision plats, conditional permitted uses of variances and site plans, and

such additional powers and duties as may be set forth for the Board of Aldermen elsewhere in this Ordinance.

SECTION 2: PLANNING COMMISSION

2.1. Powers and Duties

The Planning Commission shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

2.1.1. To review all proposed amendments to this Ordinance, all proposed rezonings of property under this Ordinance, all proposed master land use plans for planned unit developments, all conditional permitted uses, all proposed preliminary plats of subdivision, and all proposed site plans, and to make decisions and/or recommendations to the Board of Aldermen for final action thereon in accordance with the terms of this Ordinance;

2.1.2. 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;

2.1.3. To formulate and recommend to the Board of Aldermen the adoption or amendment of a Comprehensive Plan and other plans for the City and its environment for the purpose of achieving the coordinated and harmonious development of the City, in accordance with present and future needs, in order to promote and ensure the following; efficiency and economy in the development process, safe and convenient movement of traffic, safety from fire and other dangers, adequate light and air, healthful and convenient

distribution of population, adequate open spaces, good civic design and arrangement of buildings, wise and efficient expenditures of public funds, adequate provision for public utilities, and other matters pertaining to the safety, morals, order, convenience, prosperity, and general welfare of the City's citizens;

2.1.4. To review the terms of this Ordinance from time to time, as it deems appropriate, and to recommend to the Board of Aldermen any changes that the Planning Commission considers necessary to properly regulate the development and use of land, buildings, and structures;

2.1.5. To hear and decide applications for approval of variances from the terms of the Ordinance, in accordance with the procedures and standards set forth in Article 6 Section 1 of this Ordinance, except where this Ordinance, places responsibility for hearing or considering such a variance with another body;

2.1.6. To hear and decide appeals from any order, requirement, permit, decision, or determination issued or made by an administrative officer of the City in enforcing any provision of the Ordinance, in accordance with the procedures and standards set forth in Article 6, Section 2 of the Ordinance.

2.1.7. Such additional powers and duties as may be set forth for the Planning Commission elsewhere in this Ordinance and other ordinances of the City.

2.2. Membership; Term; Vacancies; Removal; Compensation

2.2.1. The Planning Commission shall consist of five members, appointed by the Mayor and confirmed by the Board of Aldermen in accordance with Section 21-8-23 of the Mississippi Code 1972, Annotated and shall reside within the corporate boundaries of the City and serve terms in accordance with Ordinance Number 180 of Purvis.

2.2.2. The Planning Commission shall elect a chairperson, vice-chairperson, secretary and such other officers as it may deem necessary and appropriate.

2.2.3. Vacancies occurring for reasons other than the expiration of terms shall be filled by the appointing authority as they occur, for the period of the unexpired term.

2.2.4. The Mayor may remove any member of the Planning Commission, for inefficiency, neglect of duty, or malfeasance in office.

2.2.5. The chairperson and members of the Planning Commission may be compensated for their services as members of said Commission, in such amounts as the Board of Aldermen may determine, and within the limits of Mississippi State Code 1972 Ann. § 17-1-11.

2.2.6. The Mayor may, in his/her discretion, appoint with confirmation by the Board of Aldermen, and provide compensation for alternate members to serve on the Commission

in the absence of any regular member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the Commission and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member.

2.3. Meetings

The Planning Commission shall hold at least one meeting per month, unless there is no business to come before the Commission in a given month, and such other regular or special meetings or hearings as the chair or a majority of the members deem necessary to conduct the business before it. All meetings and hearings of the Commission shall be open to the public.

2.4. Rules and Records

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

2.5. Cooperation with Other Agencies

The Planning Commission shall cooperate in all respects with the appropriate City boards, commissions, offices, and employees, including, but not limited to, the Board of Aldermen, the Mayor, the Planning and Building Department, and other agencies of the City.

SECTION 3: STAFF AGENCIES

3.1. Planning and Building Department

The Planning and Building Department, under the direction and supervision of the Land Code Administrator, shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

3.1.1. To review all applications for development approval for compliance with the terms of this ordinance;

3.1.2. To review all applications for conditional permitted uses, subdivision and site plan approval for compliance with the terms of this Ordinance.

3.1.3. To provide the Board of Aldermen and the Planning Commission with reports and recommendations regarding matters before those bodies, either as required by this Ordinance or upon the request of the body;

3.1.4. To conduct inspections of buildings, structures, and the use and development of land;

3.1.5. To issue and revoke building permits and certificates of occupancy, in accordance with Article 5, Sections 8 and 9 of this Ordinance, and to make and maintain records thereof;

3.1.6. To issue and revoke temporary use permits, in accordance with Article 5, Section 3 of this Ordinance, and to make and maintain records thereof;

3.1.7. To determine and enforce compliance with the terms of this Ordinance and other applicable ordinances and construction codes of the City and the State;

3.1.8. To determine and enforce compliance with any conditions attached by the Board of Aldermen or the Planning Commission to its approval of a conditional permitted use, variance, subdivision plat, or site plan;

3.1.9. To enforce compliance with the terms of this Ordinance, in accordance with Article 15 of this Ordinance;

3.1.10. Such additional powers and duties as may be set forth for the Department elsewhere in this Ordinance and other ordinances of the City.

3.2. Public Works Department

The Public Works Department, under the direction and supervision of the Public Works Superintendent, shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

3.2.1. To review and comment on all applications for development approval which are submitted thereto and to advise other agencies and the elected and appointed bodies of the City regarding the impact of any existing or proposed development on the City public works;

3.2.2. To review, inspect, and approve City acceptance of subdivision and site plan improvements,

3.2.3. To calculate the amounts of required guarantees for the installation of improvements, and to determine the sufficiency of improvement guarantee funds;

3.2.4. To prepare and maintain standard engineering design specifications for streets, water, distribution facilities, wastewater disposal facilities, soil erosion and sedimentation control devices, storm drainage facilities, and other improvements;

3.2.5. To review and approve the design specifications for subdivision and site plan improvements.

3.2.6. Such additional powers and duties as may be set forth for the Department elsewhere in this Ordinance and other ordinances of the City.

3.3. Volunteer Fire Department

The Volunteer Fire Department, under the direction and supervision of the Fire Chief, shall have the following powers and duties, to be carried out in accordance with terms of this Ordinance:

3.3.1. To review and comment on all applications for development approval which are submitted thereto;

3.3.2. To advise other agencies and the elected and appointed bodies of the City regarding the impact of any existing or proposed development of the City's utility systems;

3.3.3. Such additional powers and duties as may be set forth for the Department elsewhere in this Ordinance and other ordinances of the City.

Article 4

Comprehensive Plan

ARTICLE 4 - COMPREHENSIVE PLAN

1.1. Purpose and Role of the Comprehensive Plan in the Administration of this Ordinance

The Comprehensive Plan for the City of Purvis, as adopted by the Board of Aldermen and amended from time to time, shall serve as the basic policy guide for the administration of this Ordinance. The Comprehensive 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 Comprehensive Plan. The goals and policies of the Comprehensive Plan may be amended from time to time to meet the changing requirements of the City. This Article therefore establishes the procedures for amending the Comprehensive Plan.

1.2. Legal Effect of the Comprehensive Plan

Except as provided in Section 1.4. hereof, all development within the City shall be in accordance with the applicable provisions of the Comprehensive Plan, as adopted or amended by the Board of Aldermen. Amendments to the text of this Ordinance and/or rezoning of property under the provisions of Article 7 of this Ordinance may be required in order to ensure compliance with this Section.

1.3. Review of and Amendments to the Comprehensive Plan

1.3.1. The Board of Aldermen may review the Comprehensive Plan as needed. At that time, they can either readopt or initiate amendments to be reviewed and adopted in accordance with the provisions of this Section.

1.3.2. An amendment to the Comprehensive Plan may be initiated only by the Board of Aldermen, either on its own initiative or at the request of the Planning Commission or any other person or agency.

1.3.3. The Board of Aldermen and the Planning Commission 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 Article 5, Section 12 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 particular tract or parcel affected by the amendment.

1.3.4. In considering the amendment, the Planning Commission and Board of Aldermen shall review the proposed amendment, the factors set forth in subsection 1.3.5. below, and any oral written comments received before or at the public hearing. Based on this information, the Planning Commission shall submit, within a reasonable time, a report and recommendation to the Board of Aldermen regarding whether or not the proposed amendment should be adopted.

1.3.5. In deciding whether to recommend or adopt a proposed amendment to the Comprehensive Plan, the Planning Commission and the Board of Aldermen shall consider whether the amendment is necessary based on one or more of the following factors:

1.3.5.1. 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 Comprehensive Plan is based;

1.3.5.2. Issues or needs have been identified which are not adequately addressed in the Comprehensive Plan;

1.3.5.3. New issues or needs have presented themselves to the City which are not adequately addressed in the Comprehensive Plan;

1.3.5.4. The amendment will not adversely affect the character of the area in which the proposed development is to be located.

1.3.6. Upon receiving the report and recommendation of the Planning Commission, and without further public hearing, the Board of Aldermen may:

1.3.6.1. Adopt the proposed amendment by ordinance;

1.3.6.2. Reject the proposed amendment;

1.3.6.3. Refer the matter back to the Planning Commission for further consideration or hearing;

1.3.6.4. Conduct an additional hearing on the proposed amendment.

1.4. Annual Review

The Comprehensive Plan may be reviewed annually by the Planning and Building Department and a report submitted thereon to the Planning Commission for their recommendation to the Board of Aldermen. If the Board of Aldermen determines that such a report raises issues which merit an amendment to the Plan, then the Board shall initiate an amendment in accordance with the provisions of Section 1.3. above. Upon completion of the first annual review of the Comprehensive Plan, the provisions of this Section 1.4. shall apply.

Article 5

Development Review Procedures

ARTICLE 5 - DEVELOPMENT REVIEW PROCEDURES

SECTION 1: REQUIRED PERMITS AND APPROVALS

1.1. Required Permits and Approvals

1.1.1. Any particular development within the City of Purvis may require one or more of the various permits and approvals in order to ensure that the development is consistent with the goals and purposes of the Ordinance and with the public health, safety, and general welfare. These include the following:

1.1.1.1. Certificates of occupancy;

1.1.1.2. Building permits;

1.1.1.3. Site plan approvals;

1.1.1.4. Subdivision plat approvals;

1.1.1.5. Planned unit development approvals;

1.1.1.6. Conditional permitted use approvals;

1.1.1.7. Sign permits;

1.1.1.8. Temporary use permits; and

1.1.1.9. Vested rights certificates.

The procedures for reviewing and granting these permits and approvals are set forth in this Article.

1.1.2. In addition, 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 Article 7 of this Ordinance. The development also may require a "variance" from the terms of the Ordinance due to specific hardships on a particular property. The procedures for receiving such variances, which are to be granted only in cases of extreme hardship, are set forth in Article 6 of this Ordinance.

1.2. Relationships Between Different Permits and Approvals

Building permits and certificates of occupancy are basically the final forms of approval for most development within the City of Purvis. Issuance of building permits and certificates of occupancy therefore may be contingent on the applicant having previously received one or more other permits or forms of approval. Each of the different parts of this Article (other than

Section 12, which deals with notice and hearing requirements) deals with a different type of permit or approval. These Sections are organized in roughly chronological order, reflecting the relative timing of the different permits and approvals.

1.3. Simultaneous Processing of Applications for Different Permits and Approvals for the Same Development

1.3.1. Where possible without creating an undue administrative burden on the City's decision-making bodies and staff, this Article intends to accommodate the simultaneous processing of applications for different permits and approvals which may be required for the same development project in order to make the review process as short as possible for a development project. Such possibilities for concurrent filing and processing of applications include, but are not limited to, the following:

1.3.1.1. A site plan along with a conditional permitted use;

1.3.1.2. A conditional permitted use along with a preliminary subdivision plat;

1.3.1.3. A preliminary subdivision plat along with a master land use plan for a proposed planned unit development;

1.3.1.4. A site plan along with a preliminary subdivision plat and/or a master land use plan for a proposed planned unit development;

1.3.1.5. A variance along with a conditional permitted use, preliminary subdivision plat, or site plan.

1.3.2. However, no application for the rezoning of property shall be accepted or processed while an application for any of the permits or approvals listed in Section 1.1.1. above is pending for the same property, and vice versa.

1.3.3. 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 take particular action within some time period following the approval in order to avoid having the approval lapse. Therefore, even though this Article intends to accommodate the simultaneous processing of different types of applications, the applicant should note that each of the permits and approvals set forth in this Article has its own timing and review sequence, and should take this into consideration in planning the development.

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 in order 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 of Aldermen through adoption of the annual operating ordinance or by other methods. As a result, the amount of such fees are not stated in the text of the Ordinance. The fees are summarized, however, in an appendix which is attached to copies of the Ordinance for distribution to the public. This appendix, which is not part of the text of this Ordinance, may be updated at least once each year to reflect any changes adopted by the Board of Aldermen as part of the annual operating budget ordinance.

SECTION 2: PERMITTED USES

2.1. Purpose and Scope

The designation of "permitted uses" is established to provide for the location of particular uses which are considered appropriate within a given zoning district and require no special treatment under this Article different from the provisions generally applying to the zoning district in which the use is located. Only those uses which Article 8 of this Ordinance designate as permitted uses in a given district shall be treated as such.

2.2. Required Permits and Approvals

2.2.1. 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 under Sections 8 and 9 of this Article.

2.2.2. Depending on the nature and location of the use, Section 7 of this Article may require site plan approval before the permitted use may be established.

2.3. Action on Permit Applications

2.3.1. Before the Planning and Building Department issues the permit to the applicant, the Planning and Building Department shall review the application to determine whether the proposed use complies with the applicable terms of this Ordinance.

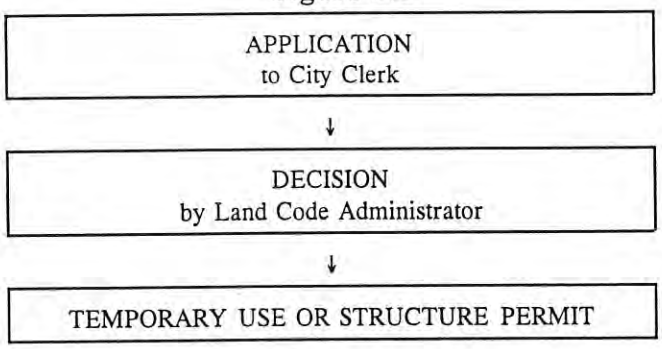
2.3.2. No building permit or certificate of occupancy shall be issued for a use which does not comply with the terms of this Ordinance applying to that use and the zoning district in which the use is to be located.

SECTION 3: TEMPORARY USES

3.1. Temporary Use Permit Required

No use that is classified as a "temporary use" in the zoning district in which it is located shall be placed or established on the property without first receiving a temporary use permit from the Land Code Administrator. Figure 3.1 illustrates the process for approval of temporary uses.

Process for Temporary Uses
Figure 3.1



3.2. Application Requirements

3.2.1. An application for a temporary use permit may be filed only by the owner of the property, or by an agent, lessee, or contract purchaser specifically authorized by the owner to file such application. Where an agent, lessee, or contract purchaser files the application, the agent, lessee, or contract purchaser shall provide the City with written documentation that the owner of the property has authorized the filing of the application.

3.2.2. An application for a temporary use permit shall be filed with the City Clerk on a form prescribed by the Planning and Building Department, along with the fee for such permit as prescribed by the Board of Aldermen.

3.2.3. Each application for a temporary use permit shall contain the information required on the application form. In addition, the application shall be accompanied by a sketch plan showing the boundaries of the property, the location of the temporary use or structure on the property, and other information sufficient to show that the temporary use or structure complies with the standards set forth in Article 11, Section 3 of this Ordinance.

3.2.4. The Land Code Administrator shall determine whether the application is complete. If the Administrator 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 applicant remedies the deficiencies.

3.3. Approval Procedure; Time Limit on Duration of Permit

The Land Code Administrator shall issue a temporary use permit only upon finding that the proposed temporary use satisfies the requirements set forth in Article 11, Section 3 of this Ordinance. The temporary use permit shall be valid only for the time period stated on the permit, which in no event shall exceed 90 days.

3.4. Temporary Structure Permit Required

No tent, trailer, or other temporary structure governed by the Southern Standard Building Code shall be occupied or used in conjunction with a temporary use until and unless the applicant has received a temporary structure permit from the Planning and Building Department pursuant to the Southern Standard Building Code.

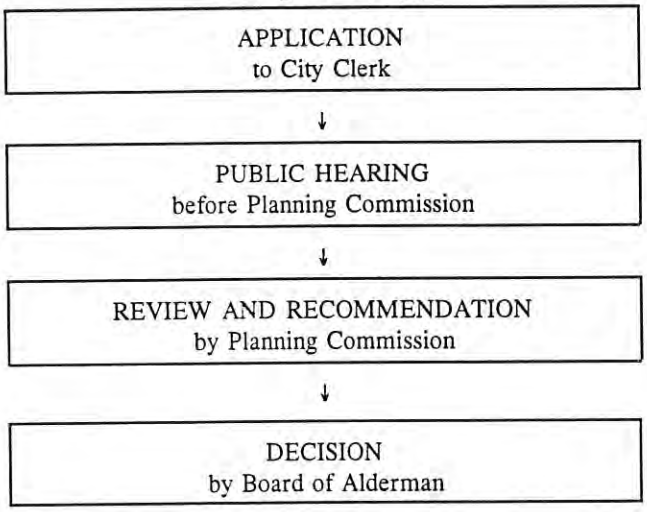
SECTION 4: CONDITIONAL PERMITTED USES

4.1. Purpose and Applicability; "Conditional Permitted Uses"

4.1.1. The classification of "conditional permitted uses" 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 as a whole, require individual consideration of their location, design, configuration, and/or operation at the particular location proposed. Such individual consideration may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location.

4.1.2. Accordingly, any use designated in Article 8 of this Ordinance as a "conditional permitted use" in an individual zoning district shall not be established without the approval of the Planning Commission or the Board of Aldermen in accordance with the procedures and requirements set forth in this Section. Approval of "conditional permitted uses" shall be the responsibility of the Planning Commission and the Board of Aldermen. Figure 4.1(a) illustrates the process for approval of "conditional permitted uses."

Process for Conditional Permitted Uses
Figure 4.1(a)



4.2. Coordination with Review of Site Plans; Lapse of Conditional Permitted Use Approval for Failure to Obtain Site Plan Approval

4.2.1. It is the intention of this Section that the review and approval of conditional uses be coordinated with the review and approval of site plans pursuant to Section 6 of this Article.

4.2.2. Recognizing that most of the information which is required to appear in a proposed site plan under Section 7 of this Article is valuable to the Land Code Administrator, the Planning Commission and Board of Aldermen in reviewing applications for approval of "conditional permitted uses" this Section requires such site plans to be filed with the application for conditional permitted use approval, even though final action to approve the site plan shall not occur until after final action to approve the conditional permitted use.

4.2.3. Unless approvals are obtained simultaneously, approvals of special uses shall be automatically conditioned on the subsequent approval of the site plan required under Section 6 of this Article. Accordingly, the approval of any "conditional permitted use" by the Planning Commission, and Board of Aldermen shall lapse, and become null and void, where the applicant has failed to received final site plan approval within 12 months of the date of approval of the conditional permitted use.

4.3. Conditional Permitted Uses Requiring Variances

4.3.1. If the proposed conditional permitted use involves one or more structures which do not conform to the regulations of the district in which the conditional permitted use is to be located, then no conditional permitted use approval shall be granted unless the applicant has corrected such nonconforming features or the Planning Commission has

granted variances with respect to such nonconforming features pursuant to Article 6, Section 1 of this Ordinance.

4.3.2. In all such cases, unless the applicant has previously obtained the necessary variances from the Planning Commission, the application for conditional permitted use approval shall be accompanied by an application for all such variances. The variance application will be processed simultaneously with the conditional permitted use application and in accordance with Article 6, Section 1 of this Ordinance.

4.4. Application Requirements; Determination of Completeness

4.4.1. An application for approval of a conditional permitted use 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.

4.4.2. Before filing the application, the applicant is strongly encouraged to meet with representatives of the Planning and Building Department to discuss the proposed work and to become more familiar with the applicable requirements and approval procedures of the City.

4.4.3. An application for approval of a conditional permitted use shall be filed with the Planning and Building Department on a form prescribed by the Department, along with the fee prescribed by the Board of Aldermen.

4.4.4. The application shall contain or be accompanied by such information and plans as required on the application form. Where the proposed conditional permitted use will require site plan approval pursuant to Section 7 of this Article, the application shall also be accompanied by a site plan meeting the application requirements of Section 7.

4.4.5. The Planning and Building Department shall determine whether the application is complete. If the department determines that the application is not complete, then it shall notify the applicant of any deficiencies and shall take no further steps to process the application until the applicant remedies the deficiencies. Once the application is complete, the Planning and Building Department shall schedule the application for consideration at a public hearing before the Planning Commission.

4.4.6. After determining that the application is complete, the Planning and Building Department shall complete the review of the site plan in accordance with Section 7 of this Article and transmit to the Planning Commission prior to the hearing on the application, all applications, plans, and other records pertaining to the proposed conditional permitted use.

4.5. Action on "Conditional Permitted Uses"

4.5.1. *Public hearing.* Upon receiving the application materials for a "conditional permitted use" from the Planning and Building Department, the Planning Commission shall hold a public hearing on the proposed conditional permitted use. If the conditional permitted use also requires site plan, then such conditional permitted use shall be reviewed and approved in accordance with the provision of Section 7 of this Article for site plans. Notice of the public hearing shall be provided and the public hearing shall be conducted in accordance with Section 12 of this Article.

4.5.2. *Review by Planning Commission.* In considering the application, the Planning Commission shall review the application materials, the general purpose and standards set forth in this Section for the approval of conditional permitted uses, any additional standards set forth in this Ordinance for approval of the proposed use, and all evidence and testimony received at the public hearing.

4.5.3. *Decision by Planning Commission.* After conducting the public hearing, the Planning Commission may: (1) deny the application; (2) conduct an additional public hearing on the application; or (3) approve the proposed conditional permitted use. Any approval or denial of the application shall be in the form of a recommendation to the Board of Aldermen and shall state whether the proposed use meets or does not meet each of the standards set forth in Section 4.6. below and all other requirements set forth by this Article for the proposed conditional permitted use and the standards for major site plan approval set forth in Section 7. The decision on the application shall be by a simple majority vote of those members of the Planning Commission present at the meeting at which the action is taken.

4.5.4. *Conditions attached to approval.* In approving the "conditional permitted use," the Planning Commission may attach such conditions to the approval as it deems necessary to meet the standards set forth for the proposed conditional permitted use in Section 4.6. below and elsewhere in this Ordinance, and to protect the public health, safety and general welfare. All such conditions shall be stated in the motion approving the application.

4.5.5. *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.

4.5.6. *Appeal to Board of Aldermen.* Appeal from the decision of the Planning Commission shall be by petition for appeal to the Board of Aldermen. Any such petition to the Board of Aldermen shall be filed with the Planning and Building Department no later than 3 days after the date the decision is filed with the Planning and Building Department. Notice of the Board Meeting date shall be sent to the applicant and all known opposition. The Board of Aldermen shall act on the appeal either by confirmation, modification of conditions or rejection by majority vote.

4.5.7. *Appeal to courts.* Appeal from the decision of the Board of Aldermen shall be by petition for appeal to the Lamar County Circuit Court. Any such petition to the Court shall be filed with the Court Clerk no later that 30 days after the date the decision is entered into the Official Minutes of the City of Purvis.

4.6. Standards of Review

The Land Code Administrator shall not approve the proposed conditional permitted use nor shall the Planning Commission or Board of Aldermen approve the proposed conditional permitted use and accompanying site plan, 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:

4.6.1. That the proposed use or development of the land will not materially endanger the public health or safety;

4.6.2. 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;

4.6.3. That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property;

4.6.4. 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;

4.6.5. That the proposed use or development of the land will generally conform with Comprehensive Plan and other official plans adopted by the City;

4.6.6. That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities;

4.6.7. That the proposed use will not cause undue traffic congestion or create a traffic hazard.

4.7. Effect of Approval or Denial

4.7.1. *Subsequent permits and approvals.* Approval of the application for conditional permitted use approval authorizes the applicant to obtain site plan approval from the Land Code Administrator (see Section 7.6) and such other permits or approvals which the Board of Aldermen may require for the proposed development. If the conditional permitted use included a site plan, then approval of the conditional permitted use also constitutes approval of the site plan. The Planning and Building Department shall review applications for these permits for compliance with the terms of the conditional permitted use approval. A permit, certificate, or other approval shall be issued and valid only for work which complies with the terms of the conditional permitted use approval.

4.7.2. *Transferability of approval.* A conditional permitted 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.

4.7.3. *Resubmission of denied applications.* No application for approval of a conditional permitted use shall be filed with or accepted by the Planning and Building Department which is identical or substantially similar to an application which has been denied within the previous 365 days. This waiting period requirement may be waived in an individual case, for good cause shown, by the affirmative majority vote of the members of the Board of Aldermen after recommendation from the Planning Commission.

4.8. Changes to Terms and Conditions of Approval

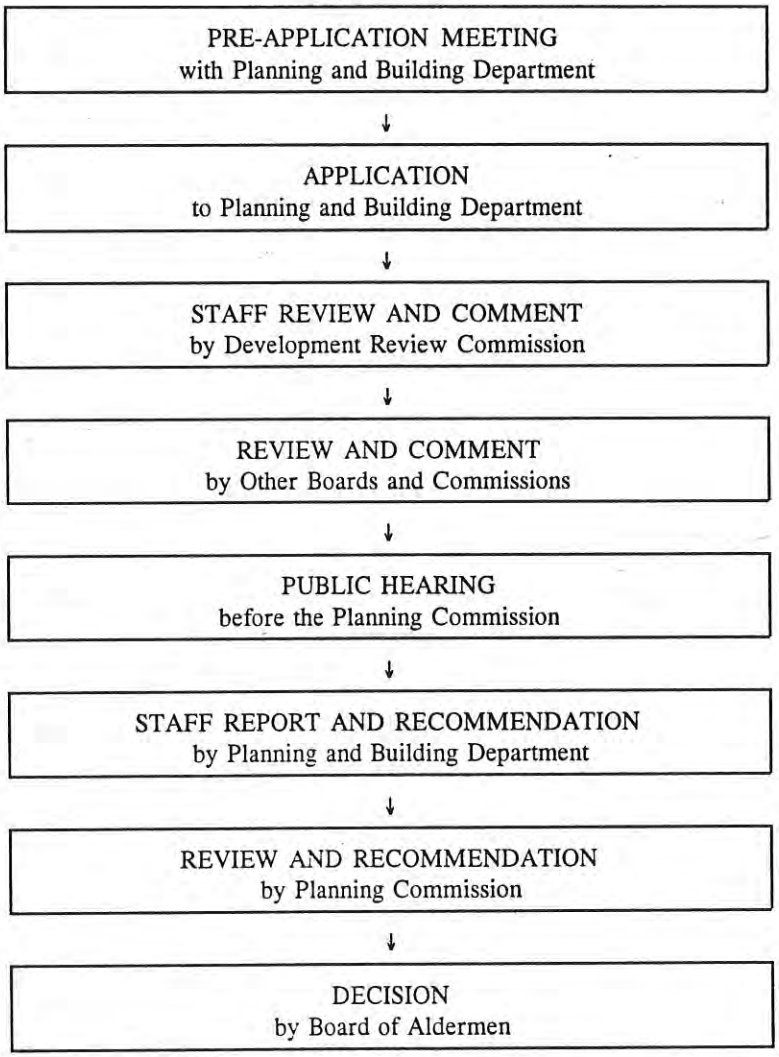
Any changes to the terms or conditions of approval of the conditional permitted use shall require separate review and approval by the Land Code Administrator, the Planning Commission or the Board of Aldermen (whichever approved the conditional permitted use). Any application for approval of such a change shall be filed, processed, reviewed, and approved or denied in the manner set forth in the Section for an original application for conditional permitted use approval. This section shall not apply, however, to modifications to the approved site plan for the conditional permitted use, which are governed by Section 7 of this Ordinance.

SECTION 5: PLANNED UNIT DEVELOPMENTS

5.1. Purpose and Scope

No approval for construction of any on-site or off-site improvements for a planned unit development shall be granted until a master land use plan for the planned unit development is approved in accordance with the procedures and requirements of this Section. Figure 5.1 graphically describes the process for approval of master land use plans for planned unit developments.

Process for Planned Unit Developments
Figure 5.1.



5.2. Coordination with Review of Subdivision Plats and Site Plans

5.2.1. The review and approval of planned unit developments may be coordinated with the review and approval of any preliminary subdivision plat and/or site plan required by Section 6 and/or Section 7 of this Article.

5.2.2. An application for planned unit development 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. The Planning and Building Department, the Planning Commission and the Board of Aldermen, however, shall render separate reports, recommendations and decisions on each application based on the specific standards applicable to each approval.

5.3. Application by Owner or Authorized Representative

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

5.4. Pre-filing Meeting

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

5.4.1. Size and location of the parcel proposed for development as a planned unit development;

5.4.2. Proposed gross density of the proposed planned unit development and net density of individual parcels within the planned unit development;

5.4.3. A concept plan showing general land uses proposed for the planned unit development including location and acreage;

5.4.4. A schematic description of utility and circulation improvements for the planned unit development.

5.5. Application for a Planned Unit Development Approval

5.5.1. An application for a planned unit development approval shall be filed with the Planning and Building Department on a form prescribed by the Department, along with a fee prescribed by the Board of Aldermen.

5.5.2. The application shall be accompanied by a master land use plan and the following items of information:

5.5.2.1. A complete boundary survey showing the total acreage of the planned unit development, present zoning classification(s), date and north arrow;

5.5.2.2. Planned primary and secondary traffic circulation patterns including an analysis of anticipated traffic volumes and all planned street connections.

5.5.2.3. Planned means of providing for the organization, arrangements for the ownership maintenance, and preservation of common open space.

5.5.2.4. 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.

5.5.2.5. Planned buffers around the perimeter of the proposed planned unit development and adjacent to proposed streets and between proposed parcels. Proposed building setbacks (residential and nonresidential).

5.5.2.6. A description of the relationship of the planned unit development to the surrounding land uses and the uses within the development to each other.

5.5.2.7. Conceptual plans for water and waste water systems to be constructed in accordance with City standards.

5.5.2.8. Preliminary drafts of any proposed declarations to be recorded pursuant to Mississippi Code 1972 Ann. Section 89 Article 9.

5.5.2.9. A statement of intent regarding access of fire fighting and refuse disposal equipment and including the method of refuse disposal, such as compactors, dumpsters, etc.

5.5.2.10. Conceptual plans for all utilities to be installed underground, except for Board of Aldermen approved electric feeder lines.

5.5.2.11. Conceptual plans for an adequate storm drainage system to be constructed in accordance with City standards.

5.5.2.12. 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 construction and the estimated date of completion.

5.5.2.13. Site analysis:

(i) On-site soils analysis/map.
(ii) Slope analysis/map.
(iii) Vegetation analysis/map.
(iv) Floodplain analysis/map.
(v) Development suitability analysis/map.

5.5.3. In considering the master land use plan, the Planning Commission or the Board of Aldermen may request such additional information as it deems necessary to review the application.

5.6. Determination of Completeness

The Planning and Building Department shall determine whether an application for a planned unit development is complete. If the Director 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.

5.7. Scheduling of Public Hearing

Once the Director determines that the application of planned unit development is complete, then he or she shall establish a schedule for consideration of the application for a planned unit development approval and for a public hearing before the Planning Commission.

5.8. Public Hearing

A planned unit development may be approved only after the Planning Commission has conducted a public hearing on the application for a planned unit development approval and the proposed master land use plan. Notice of the hearing shall be provided according to Section 12, and the public hearing shall be conducted in accordance with Section 12 of this Article.

5.9. Staff Review

5.9.1. After determining that an application for a planned unit development approval is complete, the Planning and Building Department shall transmit the application and proposed master land use plan to the Public Works Department.

5.9.2. The Planning and Building Department shall review the application and the proposed master land use plan for compliance with the requirements of this Ordinance including the impact of the proposed planned unit development on adjacent lands and on the City's ability to provide adequate public services to the proposed planned unit development. The Planning and Building Department may transmit the proposed master land use plan to any board or commission deemed appropriate by the Planning and Building Department or the Board of Aldermen for review and comment.

5.9.3. Prior to the public hearing, in regard to an application for a planned unit development approval, the Planning and Building Department shall transmit a staff report on the proposed planned unit development and master land use plan to the Planning Commission along with the comments of the Public Works Department and any comments submitted by any other board or commission.

5.10. Review and Recommendation by the Planning Commission

5.10.1. The Planning Commission shall consider an application for a planned unit development approval and proposed master land use plan and shall make recommendations to the Board of Aldermen regarding whether to approve or deny each plan.

5.10.2. The Planning Commission may consider the proposed master land use plan at its meeting after the public hearing, and shall make its recommendation to the Board of Aldermen within thirty (30) days after the public hearing. If no recommendation is made within that time, then the Planning Commission may request an extension of time from the Board of Aldermen of not more than thirty (30) additional days. If no recommendation is made by the Planning Commission within the required or extended time period, then the Board of Aldermen may act on the proposed planned unit development without a recommendation from the Planning Commission.

5.10.3. In forming its recommendation to the Board of Aldermen, the Planning Commission may consult with and consider the recommendations of the Parks and Recreation Department the Planning and Building Department, and any other board, commission or department which has considered the proposed planned unit development.

5.11. Action by the Board of Aldermen

5.11.1. Before acting on an application for planned unit development and master land use plan approval, the Board of Aldermen shall consider the recommendations of the Planning Commission, the other boards and commissions, and all testimony and evidence received at the public hearing.

5.11.2. Upon receiving the report and recommendation of the Planning Commission, the Board of Aldermen may take one of the following actions:

5.11.2.1. Deny the application;

5.11.2.2. Refer the application back to the Planning Commission for further consideration;

5.11.2.3. Conduct an additional public hearing on the application;

5.11.2.4. Approve the proposed planned unit development.

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 planned unit development and master land use plan approval shall be by a simple majority vote of those members of the Board of Aldermen present at the meeting at which the action is taken.

5.12. Effect of Approval

5.12.1. The approval of an application for a planned unit development approval and a master land use plan shall not become effective until the applicant has submitted the following information to the Planning and Building Department: (a) copy of the master land use plan incorporating all changes that were required as conditions to Board of Aldermen approval and, (b) such additional information as the Board of Aldermen may

have required as a condition of planned unit development or master land use plan approval.

5.12.2. Upon receipt of all required submittals, the Land Code Administrator 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 records of the Planning and Building Department.

5.12.3. Actual development of the property comprising the approved planned unit development shall be subject to all applicable subdivision plat approvals, site plan approvals, and other permits and approvals otherwise required by this Ordinance.

5.12.4. When an application for approval of a planned unit development has been approved or denied by the Board of Aldermen, 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 12 months after the date of the approval, denial, or withdrawal. This restriction shall apply regardless of whether the new application is for a different planned unit development than the original application. The waiting period by this Subsection may be waived in an individual case, for good cause, shown by the affirmative majority vote of the members of the Board of Aldermen.

5.13. Changes to Approved Master Land Use Plans

5.13.1. Except for minor changes authorized pursuant to subsection 5.13.2. below, no part of an approved master land use for a planned unit development shall be revised, enlarged, or modified unless such revision, enlargement or modification is approved by the Board of Aldermen in accordance with the requirements of this Section for an application for planned unit development and master land use plan approval.

5.13.2. Subject to the limitation of subsection 5.13.7., the Land Code Administrator may approve the following minor changes to an approved master land use plan in accordance with 5.13.3. and 5.13.4. below without the approval of the Board of Aldermen:

5.13.2.1. Relocation of a road or intersection;

5.13.2.2. A reduction in the width of a required buffer or setback by no more than twenty percent (20%), or an increase in the width of a required buffer or setback;

5.13.2.3. 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 represents the same general building relationships, topography, landscaping, and minimum utility standards.

5.13.3. The Land Code Administrator shall submit applications for minor changes to an approved master land use plan to the Public Works Superintendent for review and comment.

5.13.4. In approving an application for a minor change to an approved master land use plan, the Land Code Administrator shall make the following findings:

5.13.4.1. That all changes conform to the minimum required standards for the zoning district in which the property is located, or any modifications thereto which were approved by the Board of Aldermen as part of the master land use plan;

5.13.4.2. That off-street parking is not reduced below the minimum number of spaces required by Article 10 of this Ordinance;

5.13.4.3. That all additions, alterations, and expansions shall be compatible with the existing or approved buildings, structures, and parking area;

5.13.4.4. That the effect of the landscaping, buffers, or screening on the site, or on the approved master land use plan, is not diminished;

5.13.4.5. That the number of access points to public streets is neither increased or substantially relocated;

5.13.4.6. That the circulation pattern provides for the safe, controlled, and orderly flow of pedestrians and vehicles;

5.13.4.7. 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;

5.13.4.8. That the changes do not otherwise violate any provision of this Ordinance, the City Code, or other applicable laws;

5.13.4.9. That the use and development of the property is otherwise in full compliance with the requirements of this Ordinance.

5.13.5. If the Land Code Administrator determines that an application for a minor change to an approved master land use plan would be a significant departure from the spirit of the master land use plan or the intent of the Board of Aldermen in approving the master land use plan, the Director may require that the application be considered in accordance with the requirements of this Section for an application for planned unit development and master land use plan approval.

5.13.6. The applicant shall have the right to appeal the decision of the Land Code Administrator in regard to an application for a minor change to an approved master land

use plan. This appeal would be directed to the Planning Commission and follow the same procedures as a conditional permitted use.

5.13.7. Requests for minor changes to an approved master land use plan specified in subsection 5.13.2.1. and 5.13.2.2. shall be limited to one application per twelve (12) month period. Additional application requests for minor changes will not be considered until after a lapse of 12 months from the date of the last action taken on the minor change application. This twelve month provision may be waived for good cause demonstrated by the applicant, by a majority affirmative vote of the entire Board. Requests for minor changes under subsection 5.13.2.3. shall not be subject to this twelve month limitation.

SECTION 6: SUBDIVISION OF LAND

6.1. Plat Approval Required

6.1.1. A building permit or certificate of occupancy may be issued for any building, structure, or improvement located within a subdivision and a plat for a subdivision may be recorded with the Lamar County Chancery Clerk's Office, only after a plat for such subdivision has been approved, all required dedications of land have been made, and all required improvements have been installed in accordance with the procedures and requirements of this Section.

6.1.2. The City shall accept and maintain no street, nor shall the City extend or connect any street lighting, water service, or sanitary sewer service to any subdivision of land until and unless a plat for such subdivision has been approved and recorded in accordance with the requirements set forth in this Section.

6.1.3. There are three approval "paths" for subdivisions, depending on the type and size of the subdivision:

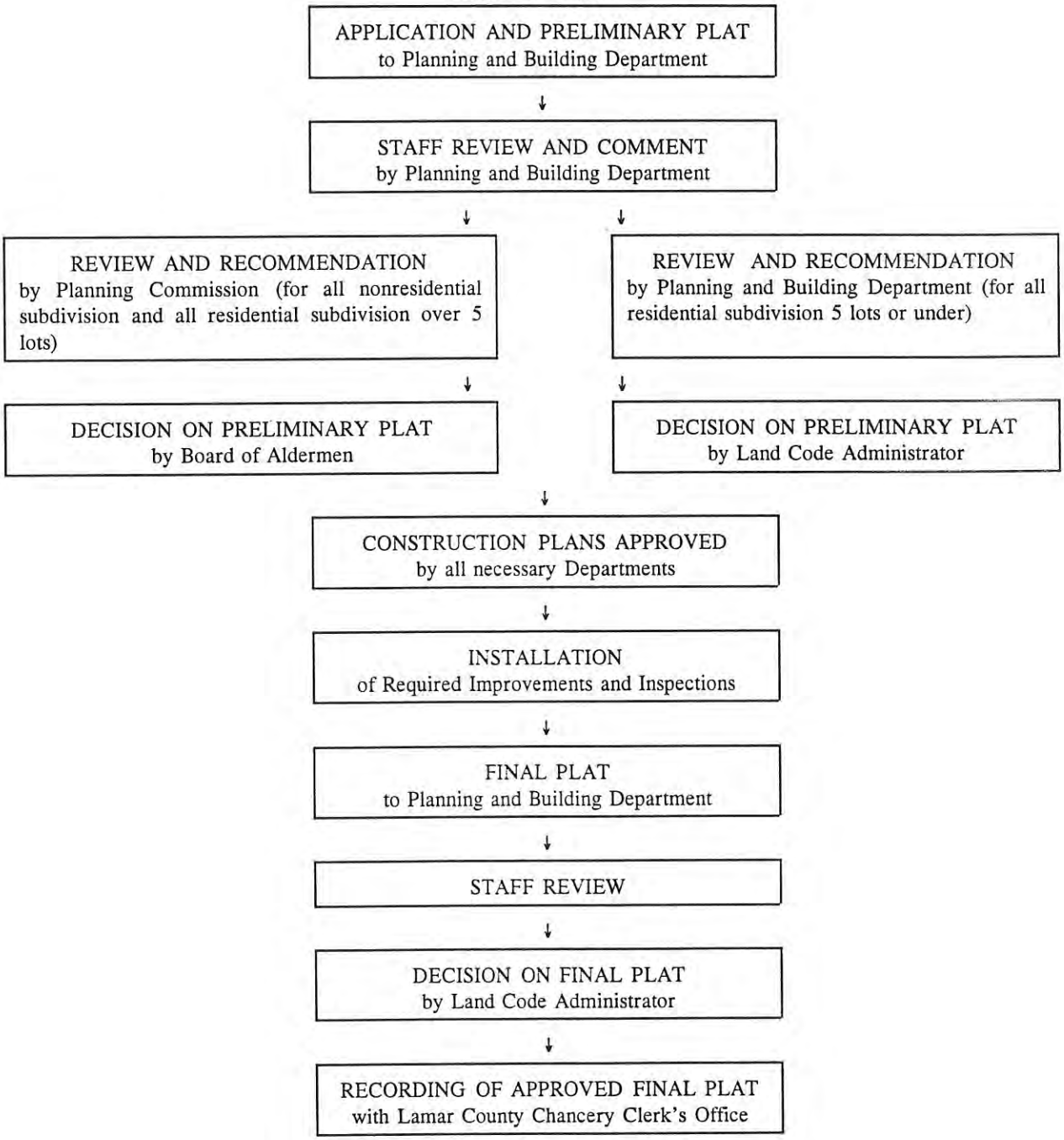
6.1.3.1. Residential subdivisions of 5 lots or less may be reviewed by the Planning and Building Department and approved by the Land Code Administrator. See Fig. 6.1.(a);

6.1.3.2. All other major subdivisions shall be reviewed and approved by the Board of Aldermen and the Planning Commission in accordance with Sections 6.3 through 6.5 below. See Fig. 6.1.(a);

Nothing in this Section or elsewhere in this Ordinance shall be interpreted to allow the consecutive subdivision of land into not more than three (3) lots for residential use in order to avoid making dedications and improvements for streets and other facilities otherwise required by the City for subdivisions.

6.1.4. Refer to Article 13, Section 1. for Subdivision Standards affecting the subdivisions; refer to Article 8 for setbacks and yard requirements; and refer to Article 12 for Supplemental Standards.

Process for Subdivision
Figure 6.1(a)



6.2. Approval of Subdivisions

Approval required. The approval of plat for subdivisions is a multi-step process. A proposed preliminary plat first undergoes review by the Planning and Building Department, with the applicant making revisions and corrections to the preliminary plat in response to the comments of the Planning and Building Department. The preliminary plat is then reviewed by the Planning Commission, which in turn reviews the proposed preliminary plat and the comments and recommendations of the Planning and Building Department, and then if the subdivision is either nonresidential or residential and more than five (5) lots, submits their recommendations regarding the preliminary plat to the Board of Aldermen. If the subdivision is residential and five (5) lots or less, the Planning and Building Department may approve or reject the proposed preliminary plat. If the Planning Commission has submitted its recommendation on a proposed subdivision to the Board of Aldermen, the Board of Aldermen then reviews the preliminary plat and either rejects or approves the preliminary plat. After the Board of Aldermen approves the preliminary plat, the applicant then proceeds to and installs improvements on the property in accordance with the approved preliminary plat. Upon carrying out the improvements, the applicant submits a final plat for approval by the Planning and Building Department. The final plat is approved when the applicant properly installed all improvements (or necessary guarantees for the installation of improvements) which are required by this Ordinance and the approved preliminary plat.

6.3. Preliminary Plat Approval

6.3.1. *Application requirements*

6.3.1.1. An application for plat approval may be filed only by all of the owners of the property or by an agent, lessee, or contract purchaser specifically authorized by all of the owners to file such application for such amendment.

6.3.1.2. An application for preliminary subdivision plat approval consists of eight (8) copies of the plat map (at a minimum scale of 1 inch equals 100 feet on a sheet no larger than 24 x 36 inches) and other required items which do not have to be recorded at the Chancery Clerk's Office on a 24 x 36 inch sheet at a minimum scale of 1 inch equals 50 feet. Data provided shall be accurate. Incorrect measurement or mathematical results shall be grounds for rejection or refusal to act on the application.

6.3.1.3. An application for plat approval shall be filed with the Planning and Building Department on a form prescribed by the Department, along with the fee prescribed by the Board of Aldermen, and shall include the following information;

6.3.1.3.1. Site data table:

6.3.1.3.1.1. Name of owner of the tract, surveyor and land planner

6.3.1.3.1.2. Zoning of the tract

6.3.1.3.1.3. Acreage of tract

6.3.1.3.1.4. Total number of lots proposed

6.3.1.3.1.5. Indicate proposed minimum lot size in square feet

6.3.1.3.1.6. Setbacks; Provide a table of minimum building setbacks, including:

a. Front setback
b. Side setback aggregate (total of two yards)
c. Side setback minimum
d. Rear setback
e. Corner yard setback
f. Building setbacks from buffer
g. Buildable area per lot, in square feet.

6.3.1.3.2. The location of all existing, previously platted, property lines, municipal boundaries, county lines, streets, buildings, water courses, railroads, transmission lines, sewers, bridges, culverts and drainpipes, and water mains.

6.3.1.3.3. Indicate the names of adjoining property owners or subdivisions.

6.3.1.3.4. Indicate the zoning and existing land use of all adjoining property.

6.3.1.3.5. Indicate the location of all proposed property lines, lot numbers, with dimensions.

6.3.1.3.6. Indicate the location of the existing property boundaries by metes and bounds.

6.3.1.3.7. Indicate the location of any buffers, required under the provisions of Section 12.2.4 (landscape, buffers and streetscape).

6.3.1.3.8. Indicate the location of special areas affecting the subdivision, i.e. wooded areas, marshes, wetlands, floodplains, regulatory floodways, etc.

6.3.1.3.9. Indicate the location of proposed parks, school sites, or other public open space, if any.

6.3.1.3.10. Provide a title, date, arrow point, and graphic scale bar.

6.3.1.3.11. Indicate proposed streets, street names, rights-of-way, roadway widths.

6.3.1.3.12. Phasing plan; provide a time table for construction of the entire subdivision including:

6.3.1.3.12.1. Proposed date of submission of final construction drawings for each phase.

6.3.1.3.12.2. Proposed date of submission of Final Plat, including utility plans (as built) for each phase.

6.3.1.3.12.3. Lots to be included in each phase.

6.3.2. *Staff review:*

6.3.2.1. The preliminary plat shall be reviewed by the Planning and Building Department for compliance with the design standards and plat requirements set forth in this Section and in Article 13, Section 1, of this Ordinance. The comments of the Planning and Building Department, which may include necessary or suggested revisions to the submitted plat, shall then be made available to the applicant.

6.3.2.2. The applicant shall review these comments, adjust the plat accordingly, including any necessary or suggested changes to the preliminary plat.

6.3.2.3. As part of the above review, the Planning and Building Department shall transmit the proposed preliminary plat to other applicable boards, commissions and departments for their comments.

6.3.3. *Review and Action by Land Code Administrator.* Upon receipt of the preliminary plat for residential subdivisions of five (5) lots or less, the Land Code Administrator shall review the plat, the comments of staff of the Planning and Building

Department and other applicable boards and commissions and shall approve or disapprove the preliminary plat.

6.3.4. *Appeal of Disapproval to Planning Commission.* In the event the Land Code Administrator disapproves a preliminary plat under the provisions of subsection 6.3.3. above, an appeal may be filed with the Planning Commission within ten (10) days of disapproval. The preliminary plat shall then be reviewed in accordance with the procedural provisions for subdivision plans and the Planning Commission shall affirm, reverse, or modify the Department's disapproval at the Commission's next regularly scheduled meeting.

6.3.5. *Review and Action by Planning Commission:*

6.3.5.1. If the preliminary plat plan is for a residential subdivision greater than five (5) lots or a non-residential subdivision, the Planning and Building Department shall forward the application and preliminary plat to the Planning Commission at least six days prior to a regularly scheduled meeting of the Commission, along with the recommendations of the Planning and Building Department, any comments received from the other boards and commissions, and the applicant's response.

6.3.5.2. The Planning Commission shall review the preliminary plat, the recommendations of the Planning and Building Department, the comments from the other boards and commissions, the responses and comments of the applicant, and the requirements of this Ordinance and shall formulate a recommendation to the Board of Aldermen for appropriate action on the preliminary plat.

6.3.5.3. The Planning Commission may request the applicant to revise the preliminary plat before it is submitted to the Board of Aldermen for approval.

6.3.6. *Action by Board of Aldermen:*

6.3.6.1. The applicable sections of the preliminary plat application, the recommendations and comments of appropriate review bodies shall then be forwarded to the Board of Aldermen for action. The Board of Aldermen shall review this information and either approve, conditionally approve, or reject the preliminary plat.

6.3.6.2. Except as provided in Section 6.4., approval of the preliminary plat shall authorize the applicant to proceed with obtaining the necessary construction permits of the necessary improvements indicated on the preliminary plat in preparation for approval of the final plat pursuant to Section 6.5. below.

6.3.6.3. If approval is conditional, it shall authorize the applicant to proceed with construction of the improvements indicated on the preliminary plat, but with approval of the final plat being contingent on satisfaction of the conditions imposed by the Board of Aldermen on the approval. Any such conditions, and the reasons therefore, shall be stated in the record of approval of the preliminary plat. Such conditions may include but are not limited to, the following matters: the size and configuration of lots and streets; the arrangement of utility networks on the property; the location of dedicated land and rights-of-way; the payment of fees in lieu of such dedications; and the location of required improvements.

6.3.6.4. If the Board of Aldermen rejects the preliminary plat, then the reasons therefor shall be stated in the record of action on the preliminary plat, along with recommendations for ways to revise the preliminary plat so that it could be approved.

6.3.6.5. Failure of the Board of Aldermen to act on the preliminary plat within 90 days of receiving the plat and recommendations from the Planning Commission shall be deemed approval of the preliminary plat, authorizing the applicant to proceed with construction of the improvements indicated on the preliminary plat in preparation for approval of the final plat pursuant to Section 6.5 below.

6.3.7. *Submission and Approval of Final Construction Drawings:*

6.3.7.1. Final construction drawings and covenants and restrictions shall be submitted to the Planning and Building Department in accordance with the approved phasing plan. Failure to submit the final construction drawings and covenants and restrictions within this approved time period shall result in the lapse of approval of the subdivision plat. This approval period may be modified for good and sufficient reason by the subdivider or developer resubmitting a new phasing plan 30 days prior to the expiration of this approval.

6.3.7.2. The final construction drawings and covenants and restrictions shall be reviewed by the Public Works Department and Planning and Building Department. If the said departments determine that the final construction drawings and covenants and restrictions comply with all requirements of this Ordinance and the applicable city specifications for such improvements, then the Land Code Administrator shall mark the preliminary plat and final construction drawings as approved and approval of the preliminary plat shall become final.

6.3.7.3. No construction shall commence except for preliminary grading approved by the Public Works Department until a letter of final construction plan approval is given by the Planning and Building Department.

6.3.7.4. In no way is any provision of this Section meant to circumvent any required approvals from any State of Mississippi department.

6.3.8. *Modification of design standards and improvement requirements:*

6.3.8.1. In approving the preliminary plat, the Board of Aldermen may modify any of the design standards or improvement requirements set forth in Article 12, Section 1, where necessary to make the approved preliminary plat conform to any master land use plan which the Board of Aldermen has approved for a planned unit development on the property.

6.3.8.2. In all other cases, and only upon the request of the applicant, the Board of Aldermen may modify any of the design standards or improvement requirements set forth in Article 13, Section 1, upon finding the following:

6.3.8.2.1. That the topography or other physical conditions of the subject property are such that compliance with these standards and requirements would cause an unusual and unnecessary hardship on the applicant, above and beyond what other subdividers would face;

6.3.8.2.2. That the modifications will not have the effect of nullifying the intent and purposes of this Ordinance.

6.3.8.3. Where any such modification is granted, the reasons therefore shall be stated in the minutes of the Board of Aldermen meeting at which final action is taken on the preliminary plat.

6.4. Final Plat Approval

6.4.1. *Application requirements:*

6.4.1.1. In accordance with the approved phasing plan, the applicant shall file a final plat for approval, for the portion of the approved preliminary plat which the applicant proposes to record and develop at the time, with the Planning and Building Department and shall include the following information:

6.4.1.1.1. In accordance with the Statutes of the State of Mississippi relating to subdivision plats, the final plat "shall in every case be made on a scale of not less than two hundred feet (200') to an inch on sheets of good muslin-backed paper, eighteen inches by twenty-four inches (18" x 24") in size; data shall be accurate in nature. Two copies of this plat shall be submitted for approval. One of these copies shall be marked as a "Certified Copy." Incorrect measurement or mathematical

results are or shall be grounds for rejection or refusal to act on the application;

6.4.1.2. The final plat shall show:

6.4.1.2.1. The lines of all streets and roads;
6.4.1.2.2. Lot lines and lot numbers;
6.4.1.2.3. Minimum building setback lines;
6.4.1.2.4. Reservations, easements, alleys and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations;
6.4.1.2.5. Sufficient data to determine readily and reproduce on the ground, the location, bearing and length of every street line, lot line, boundary line, block line and building line, whether curved or straight, and including true north point. This should include the radius, central angle, and tangent distance for the centerline of curved streets and curved property lines that are not the boundary of curved streets;
6.4.1.2.6. Accurate location and description of all monuments and markers;
6.4.1.2.7. The names and location of adjoining subdivisions and streets, and the location and ownership of adjoining unsubdivided property;
6.4.1.2.8. Title, date, name and location of subdivision and graphic scale;
6.4.1.2.9. Name of owner(s), surveyor and engineer;

6.4.1.3. Restrictive covenants;

6.4.1.4. Utility plans (As built):

6.4.1.4.1. Water;
6.4.1.4.2. Sanitary Sewer;
6.4.1.4.3. Storm Drainage;

6.4.1.5. Forms for final certification. The following certificates shall be placed on the final plat:

6.4.1.5.1. *Certificate of ownership and dedication.* This certifies that the undersigned is (are) the owner(s) of the property shown on this map, having acquired title thereto by deed(s) recorded in the Lamar County, Mississippi Chancery Clerk's Office or otherwise as shown below and that by submission of this plat or map by approval, I/we do dedicate to the City of Purvis, Mississippi for public use all streets, easements (except drainage easements), rights-of-way and parks shown thereon for

all lawful purposes to which the city may devote or allow the same to be used and upon acceptance thereof and in accordance with all city policies, ordinances and regulation or conditions of the City of Purvis for the benefit of the public, said dedication shall be irrevocable.

/s/ _____

Signature(s) of Owner(s)

6.4.1.5.2. *Certificate of accuracy.* I, _____, (Registered Professional Land Surveyor), do hereby certify that at the request of _____, the Owner(s), I have subdivided and platted the following described land as follows to wit:

(Insert legal description here)

I hereby certify that the plan shown and described hereon is a true and correct survey of the accuracy required by the City of Purvis and that the monuments have been placed as shown hereon, in accordance with the requirements of the subdivision regulations.

_____ 19 __

(SEAL)

/s/ _____ _____

Surveyor Mississippi Registration Number

6.4.1.5.3. *Certificate of acknowledgement.* Personally appeared before me, _____, the Owner(s), and _____ , (Registered Professional Engineer) each of whom acknowledged to me that he signed and delivered this plat and the certificates thereon as their own act and deed, on the day and year herein mentioned.

Given under my hand and seal of office on this the ____ day of _____, 19_____.

/s/ _____

Notary Public My Commission Expires:

_____

6.4.1.5.4. *Certificate of approval for recording.* I hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision regulations of the City of Purvis and has been approved by the Planning Commission and/or the Board

of Aldermen for recording in the Lamar County Chancery Clerk's Office.

_____ 19 __

(SEAL)

/s/ _____
City Clerk

6.4.1.5.5. *Certificate of approval and acceptance of dedications.* I _____ the City Clerk of Purvis, Mississippi, do certify that the City of Purvis approved this plat or map and accepted dedication of the streets, easements, rights-of-way and public parks shown thereon, but assume no responsibility to open or maintain the same, until in the opinion of the governing body of the City of Purvis it is in the public interest to do so.

_____ 19 _____

(SEAL)

/s/ _____
City Clerk

6.4.1.5.6. *Chancery Clerk's Certificate.* I, _____, Clerk of the Chancery Court in and for Lamar County, Mississippi, do hereby certify that the Final Plan of (name of subdivision), was filed for record in my office on this the _____ day of _____, 19__, and was duly recorded in Plat Cabinet ____, Slide _____ of the records of maps and plats of land of Lamar County, Mississippi.

Given under may hand and seal of office on this the ___ day of _____, 19__.

(SEAL)

/s/ _____
Chancery Clerk

6.4.1.5.7. *Restrictive Covenants.* The property located in (Name of Subdivision), as shown on this plat is subject to restrictive covenants which are set out in an instrument recorded in book ____ at page _____ of the deed of records of Lamar County, Mississippi.

/s/_____
Chancery Clerk

6.4.1.6. Failure to file an application for final plat approval within the time period in sub-section (1) above shall render the preliminary plat null and void.

6.4.1.7. The application shall contain or be accompanied by such information, final plat, other plans, and final certifications as required on the application form.

6.4.2. *Required dedications, improvements, payments, and guarantees*: Prior to approval of the final plat, all dedications and improvements, or payments and guarantees in lieu thereof, which are required by Article 13, Section 1 of this Ordinance shall be installed on the property.

6.4.3. *Staff review and approval of final plat:*

6.4.3.1. Approval of the final plat shall be the responsibility of the Planning and Building Department. The final plat shall be approved if it is in substantial conformity to the preliminary plat and the applicant has carried out the improvements shown on the preliminary plat and made all dedications and improvements, or payments and guarantees in lieu thereof, as indicated in the approved preliminary plat and required by Article 13, Section 1 of this Ordinance.

6.4.3.2. If all conditions and requirements for approval of the final plat have been met, the Land Code Administrator shall mark approval on all copies of the final plat, and then the Board of Aldermen shall sign the plats for recording. The Planning and Building Department shall return the approved and signed copies to the applicant, one of which the applicant shall file with the Lamar County Chancery Clerk's Office, and one for the City.

6.5. Effect of Approval of Final Plat

6.5.1. After obtaining approval of the final plat from the Planning and Building Department, the subdivider may file the plat with the Lamar County Chancery Clerk's Office. The approved plat shall be recorded within 30 days after approval by the Planning and Building Department.

6.5.2. The recording of the approved plat with the Chancery Clerk shall authorize the subdivider, or any subsequent developer of the property, to proceed with the sale of lots. The application for building permits as this Ordinance may require for development of the property shall be accepted upon return of the copy of the plat marked "Certified Copy" from the Chancery Clerk.

6.6. Actions by Lamar County Chancery Clerk's Office

The City shall file a copy of this Ordinance with the Lamar County Chancery Clerk's Office. The Chancery Clerk shall not thereafter file or record a plat of subdivision located within the corporate limits of the City without the approval of the City as required in this Section. The landowner shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the corporate limits of the City. Subsection 6.4.1.5.2. will satisfy this requirement. The filing or recording of a plat of a subdivision without the approval of the City as required by Section 6, shall be null and void. The clerk of the Lamar County Chancery Court shall not order or direct the recording of a plat where such recording would conflict with this Section.

6.7. Restriction on Sale or Transfer of Subdivided Land Without an Approved Final Plat

Any person who transfers or sells any land located within the corporate limits of the City by reference to a plat which has not been approved by the City and recorded with the Lamar County Chancery Clerk's Office shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The City also may enjoin such transfer or sale by filing an action for an injunction. A deed transferred in whole will not be subject to this requirement.

6.8. Revisions to Approved Plats

Any amendment or revision to a recorded final plat or portion thereof shall be accomplished in the same manner as for original approval of a plat.

SECTION 7: SITE PLANS

7.1. Exemptions From Site Plan Approval Requirements

7.1.1. One and two family residential buildings and residential accessory buildings and structures.

7.1.2. Non-residential building additions less than 25% of the size of the building.

7.1.3. Non-residential accessory buildings less than 25% of the size of the building or buildings on the property.

7.1.4. Non-residential interior renovations and repair.

7.1.5. Non residential exterior renovations and repair with cost less than 25% of the value of the building as per the records of the Lamar County Tax Assessor.

7.1.6. Temporary buildings allowed by Section 3 of this Article.

7.2. Buildings and Developments Requiring Site Plan Approval

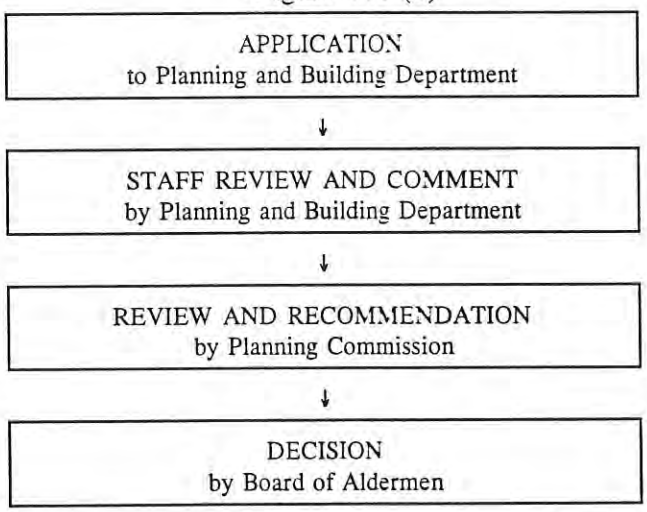
The following buildings and developments shall require site plan approval by the Board of Aldermen, after review by the Planning Commission, in accordance with the procedures of this Section prior to the issuance of any building permit:

7.2.1. Multi-family developments.
7.2.2. Mobile home and manufactured home parks.
7.2.3. Shopping centers and malls.
7.2.4. Non-residential building additions greater than 25% of the size of the building.
7.2.5 Non-residential accessory buildings greater than 25% of the size of the building or buildings on the property.
7.2.6. Non-residential exterior renovations and repair with cost greater than 25% of the value of the building as per the records of the Lamar County Tax Assessor.

7.3. Approval of Site Plan with Conditional Permitted Use Approval and Coordination with Review of Preliminary Subdivision Plats

It is the intention of this Section and Section 4 of this Article to conduct the review and approval of conditional permitted uses and site plans at the same time to the maximum extent possible. The review and processing of the two applications shall be coordinated and consolidated as much as possible. However, the Planning and Building Department and the Planning Commission shall render separate reports and recommendations and the Board of Aldermen shall render a separate decision on each application, recognizing the applications as distinct and subject to different standards for approval.

Process for Site Plans
Figure 7.1 (b)



7.4. Application Requirements

7.4.1. An application for site plan approval may be filed only by all of the owners of the property or by an agent, lessee, or contract purchaser specifically authorized by all of the owners to file such application.

7.4.2. An application for site plan approval shall be filed with the Planning and Building Department on a form prescribed by the Department, along with the fee prescribed by the Board of Aldermen.

7.4.3. The application shall contain or be accompanied by such information and plans as required on the application form and shall include the following:

7.4.3.1. General Layout Plan;

7.4.3.1.1. Provide a map of the property with metes and bounds labeled along all existing and proposed property lines and all property corners;

7.4.3.1.2. Show all proposed and existing buildings/structures on the site along with finished floor elevations;

7.4.3.1.3. Show lot dimensions and required yards and setbacks;

7.4.3.1.4. Building height;

7.4.3.1.5. List owner(s) of project/property;

7.4.3.1.6. Label adjacent property owners;

7.4.3.1.7. Label square footage of all buildings;

7.4.3.1.8. Show dumpster location and screening;

7.4.3.2. Grading Plan

7.4.3.2.1. Delineate existing ground contours at a maximum two (2) foot intervals relative to sea level and proposed contours to be followed as part of the development plan;

7.4.3.2.2. Delineate the denuded area; or the limits of grading;

7.4.3.2.3. Provide a benchmark elevation;

7.4.3.2.4. Indicate slope ratios;

7.4.3.3. Street and Driveways Layout Plan;

7.4.3.3.1. Label all proposed streets and access drives including width, right of way, radii, horizontal curvatures, driveways, etc.;

7.4.3.3.2. Provide a pavement design for all proposed public street improvements, including both new and existing streets to be widened, as shown on the Transportation Plan.

7.4.3.3.3. Show the location of any proposed or existing greenway and park land;

7.4.3.3.4. Show all parking areas including bay width, bay length, travel aisle, angle and directional flow;

7.4.3.3.5. Show existing streets adjacent to the site showing width, right of way and driveway access points;

7.4.3.3.6. Designate number of parking spaces proposed;

7.4.3.4. Water and Sewer Plan;

7.4.3.4.1. Plan view of proposed water lines designating size and material along with all valves, fire hydrants, and other appurtenances;

7.4.3.4.2. Plan view of proposed sanitary sewer lines designating size along with all manholes, waste water flows, etc.

7.4.3.4.3. Show and label all existing utilities located on and adjacent to the property and note type, size and material of utility line;

7.4.3.4.4. Designate all existing and proposed utility easements;

7.4.3.4.5. Designate type and volume of waste water generated by the proposed development, for site plans.

7.4.3.5. Landscape Plan;

7.4.3.5.1. Show and label all buffer areas which are a part of the development plan requirements for buffering of adjoining residential areas.

7.4.3.5.2. Show representative plantings; a table of all materials to be planted is not required;

7.4.3.5.3. Trees to be preserved and/or planted in accordance with the terms of Article 12, Section 2 of this Ordinance.

7.4.3.6. *Building Plans.* Submit drawings of building elevations showing the proposed exterior building materials and colors, height of proposed building, number of stories including basement. Height, location and general design of structure or equipment proposed above the building height limit, and their screening (if required, see 7.4.3.5. above). Building facades shall be designed to be compatible and consistent with adjacent developments.

7.4.3.7. *Other Plans.* Submit any other plan or document showing compliance with all other terms of this Ordinance.

7.5. Staff Review

7.5.1. The application and site plan shall be reviewed by the Planning and Building Department for compliance with the standards and requirements set forth in Article 12, Sections 1 and 2 and in Article 13 of this Ordinance. The comments of the Planning and Building Department, which may include necessary or suggested revisions to the submitted site plan, shall then be made available to the applicant.

7.6. Review by the Planning Commission on Site Plans

7.6.1. After receiving the comments from the Planning and Building Department, the applicant shall adjust the site plan accordingly and, by the date indicated on a schedule maintained by the Planning and Building Department, submit copies of revised site plan to the Planning and Building Department.

7.6.2. The Planning and Building Department shall transmit these materials to the Planning Commission, along with the comments from the Planning and Building Department and any other department and Commission, no later than two weeks before a regularly scheduled meeting of the Planning Commission.

7.6.3. For site plans, as defined in Section 7.1 above, the Planning Commission shall review the site plan, the comments and recommendations of the Planning and Building Department and any other department and Commission and the responses and comments of the applicant, and the requirements of this Ordinance, and formulate a recommendation to the Board of Aldermen for appropriate action on the site plan.

7.7. Action by Board of Aldermen on Site Plans

7.7.1. The application, the recommendation of the Planning Commission and other pertinent materials shall then be forwarded to the Board of Aldermen for action. The Board of Aldermen shall review this information and either approve or reject the site plan.

7.7.2. The Board of Aldermen may approve a site plan only if it meets the standards and requirements set forth in Article 12, Sections 1 and 2 of this Ordinance and provides for the dedications and improvements, or payments and guarantees in lieu thereof, required by Article 13, Section 2 of this Ordinance.

7.7.3. The Board of Aldermen may reject the site plan on any of the following grounds:

7.7.3.1. That it fails to fully comply with any specific requirement of this Ordinance;

7.7.3.2. That it fails to adequately protect other property, or residential uses located on the same property, from the potential adverse effects of a non-residential use;

7.7.3.3. That it fails to provide harmony and unity with the development of nearby properties;

7.7.3.4. That it fails to provide safe conditions for pedestrians or motorists, such as by presenting a dangerous arrangement of pedestrian and vehicular ways.

If the Board of Aldermen rejects the site plan, then the reasons therefore shall be stated in the record of action on the site plan.

7.7.4. Failure of the Board of Aldermen to act on the site plan within 30 days of receiving the site plan and recommendations from the Planning Commission shall be deemed approval of the site plan, authorizing the applicant to proceed with development of the property in accordance with the site plan submitted to the Board of Aldermen. This time limit shall not apply where the delay in site plan approval is caused by the applicant's failure to obtain any conditional permitted use approval required for the proposed development.

7.8. Recording of Deed for Required Dedications

Approval of a site plan by the Board of Aldermen or Land Code Administrator shall automatically be conditioned on the applicant recording with the Lamar County Chancery Clerk an original warranty deed containing a metes and bounds description of any and all lands and rights-of-way dedicated as part of the approved site plan. Such deed shall be recorded within

30 days after the date the site plan is approved, with the applicant causing the Lamar County Chancery Clerk to mail a copy of the original recorded deed to the Planning and Building Department. Failure to satisfy this requirement shall render approval of the site plan null and void.

7.9. Submission and Approval of Final Construction Drawings

7.9.1. Approval of the site plan also shall automatically be conditioned on the Planning and Building Department's approval of final construction drawings for all improvements required in the site plan and final covenants and restrictions.

7.9.2. Such drawings and final covenants and restrictions shall be submitted to the Planning and Building Department no more than 1 year after the date the Board of Aldermen approves the site plan. Failure to submit the final construction drawings and final covenants and restrictions within this 1 year shall, pursuant to 7.9.1. above, result in the lapse of approval of the site plan.

7.9.3. The final construction drawings and all covenants and restrictions shall be reviewed by the Planning and Building Department. If the Planning and Building Department determines that the final construction drawings comply with all requirements of this Ordinance and the applicable City specifications for such improvements, then the Land Code Administrator shall mark the site plan and final construction drawings as approved and approval of the site plan shall become final.

7.9.4. If the Land Code Administrator determines that the final construction drawings and covenants and restrictions do not comply with all applicable requirements, or that meeting the applicable requirements would require a change to the site plan which could not be approved by the Land Code Administrator pursuant to Section 7.11 below, then the Land Code Administrator shall deny approval of the final construction drawings and the site plan.

7.10. Effect and Duration of Site Plan Approval

7.10.1. Approval of the site plan and final construction drawings shall authorize the applicant to proceed with any applications for building permits, and other permits and approvals required in order to develop the property in conformity with the approved site plan. A permit, certificate, or other approval may be issued by the City only if it conforms to the approved site plan and final construction drawings, except where the non-compliance is the subject of a minor change to the site plan approved by the Land Code Administrator pursuant to Section 7.11. below.

7.10.2. A building permit or certificate of occupancy may be issued for any building or structure on the property, and a building or structure on the property may be occupied, only where the applicant has complied with the approved site plan and final construction drawings and made all dedications and improvements required by Article 13 of this Ordinance, except where the non-compliance is the subject of a minor change

to the site plan approved by the Land Code Administrator pursuant to Section 7.11 below.

7.10.3. An approved site plan shall become null and void if the applicant has failed to obtain the building permit within one year after the date of final approval of the site plan by the Board of Aldermen or Land Code Administrator, whichever is applicable. The Land Code Administrator may grant a single, one-year extension of this time limit, for good cause shown, upon receiving a written request from the applicant at least 30 days before the expiration of the approved site plan.

7.11. Changes to Approved Site Plans

7.11.1. *Allowable changes.* Upon request of the applicant, the Land Code Administrator may approve the following minor changes to an approved site plan without further review by the Planning Commission or Board of Aldermen:

7.11.1.1. Expansion of an existing building or structure, or construction of an accessory building or structure, representing ten percent or less of the floor area of the existing or proposed buildings or structures on the lot or project of the approved site plan;

7.11.1.2. Alteration to any approved element of the building elevation, expansion of an approved building or structure, or addition of an accessory building or structure, representing no more than ten percent of the floor area of the buildings or structures approved on the site plan;

7.11.1.3. Expansion or changes in off-street parking representing twenty percent or less of the area of the existing or proposed parking;

7.11.1.4. 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 site plan, which represents the same general building relationships, topography, landscaping, and minimum utility standards; or

7.11.1.5. Where the approved plant materials are unavailable, substitution of the approved plant materials for plant materials which will accomplish the intent of Article 12, Section 2 of this Ordinance and the approved site plan.

7.11.2. New site plans are required to show the proposed changes as allowed in section 7.11.1. above.

7.11.3. *Standards of review.* Before approving any such change, the Land Code Administrator shall make the following findings:

7.11.3.1. That all changes conform to the minimum required standards for the zoning district in which the property is located;

7.11.3.2. The off-street parking is not reduced below the minimum required by Article 10 of this Ordinance;

7.11.3.3. That all additions, alterations, and expansions shall be compatible with the existing or approved buildings, structures, and parking area;

7.11.2.4. That any additional required landscaping shall be comparable to the approved site plan and shall follow City specifications and guidelines;

7.11.2.5. That the effect of the landscaping, buffers, or screening on the site, or on the approved site plan, is not diminished;

7.11.2.6. That the number of access points to public streets is neither increased or substantially relocated;

7.11.2.7. That the circulation pattern provides for the safe, controlled, and orderly flow of pedestrians and vehicles;

7.11.2.8. That the change will result in better or equal performance of the overall objectives of the approved site plan and specific zoning district classification;

7.11.2.9. That the changes do not otherwise violate any provision of this Ordinance, the City Code, or other applicable laws;

7.11.2.10. That the use and development of the property is otherwise in full compliance with the requirements of this Ordinance.

SECTION 8: BUILDING PERMITS

8.1. Building Permit Required

A building or structure which is governed by the City construction codes, as included in Ordinance Number 182, City of Purvis, Mississippi, shall be erected, added to, structurally altered, moved, or demolished only after the Planning and Building Department has issued a building permit for such work. A building permit shall be issued only for work which conforms to the requirements and standards of this Ordinance and the terms and conditions of any other permits, approvals, or variances granted pursuant to this Ordinance.

8.2. Building and Other Construction Codes Adopted

As per Ordinance 182, City of Purvis, Mississippi, the following building and other construction codes are in effect for the City of Purvis:

-Standard Amusement Device Code
-Standard Building Code
-Standard Existing Buildings Code
-Standard Fire Prevention Code
-Standard Gas Code
-Standard Housing Code
-Standard Mechanical Code
-Standard Plumbing Code
-Standard Swimming Pool Code
-Standard Unsafe Building Abatement Code

Said Ordinance 182, City of Purvis, Mississippi, as amended from time to time, specifies the editions of these building and other construction codes which are in effect. Said Ordinance 182 also specifies any requirements which are more restrictive or less restrictive than the provisions of these standard, nationally recognized codes.

8.3. Building Permit, Inspection and Other Procedures

Building permits shall be obtained in accordance with the procedures of the building and other construction codes as adopted by Ordinance 182, City of Purvis, Mississippi. Inspection requirements and procedures and all other requirements and procedures of said codes shall be adhered to except where specifically modified by this Ordinance.

8.4. Contractor Licensing and Bonding Requirements

"Reserved"

8.5. Requirements for Repair and Demolition of Dilapidated and Unsafe Buildings

All dilapidated and unsafe buildings shall be repaired or demolished in accordance with the procedures of Ordinance 182, City of Purvis, Mississippi.

SECTION 9: CERTIFICATES OF OCCUPANCY

9.1. Certificate of Occupancy Required

9.1.1. 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 Planning and Building Department has issued a certificate of

occupancy therefore, stating that the building and/or the proposed use thereof complies with the provisions of this Ordinance.

9.1.2. A certificate of occupancy shall be required for the purpose of maintaining, renewing, changing or extending a nonconforming use.

9.2. Approval Procedure

9.2.1. The Planning and Building Department shall issue a certificate of occupancy when, after examination of the building, structure, landscaping and/or other improvements or changes to the property, the Department finds that the building complies with the applicable provisions of this Ordinance and other applicable ordinances and construction codes of the City.

9.2.2. The Planning and Building Department 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 applicable provisions of this Ordinance and other applicable ordinances and construction codes of the City.

9.2.3. The Land Code Administrator may issue a conditional certificate of occupancy, which shall be valid only for the period of time stated in the certificate, for a specified portion or portions of a building which may safely be occupied prior to final completion of the entire building and/or site. Conditions that are attached to the conditional certificate of occupancy must be completed prior to the expiration date of the conditional certificate, the certificate of occupancy shall immediately expire. Upon receipt of a written application to the Land Code Administrator stating satisfactory reasons for the failure to complete work within the given time period, the Land Code Administrator may renew the certificate for a specified period of time, not to exceed 90 days.

SECTION 10: SIGN PERMITS

10.1. Purpose and Scope

The purpose of this Section is to set out the procedures for obtaining a sign permit from the City. A sign, for which Article 11, Section 12 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 Planning and Building Department in accordance with the procedures and requirements of this Section and Article 11, Section 2 of this Ordinance.

10.2. Application Requirements

10.2.1. 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.

10.2.2. An application for a sign certificate shall be filed with the Planning and Building Department on a form prescribed by the Department, along with the fee for such certificate as prescribed by the Board of Aldermen.

10.2.3. Each application for a sign permit shall contain the information required on the application form, and such other information regarding the proposed sign as the Planning and Building Department may deem necessary in order to determine whether the proposed sign complies with the applicable requirements of this Ordinance and other applicable ordinances of the City.

10.2.4. The Planning and Building Department shall determine whether the application is complete. If the Department determines that the application is not complete, then it shall notify the applicant of any deficiencies and shall take no further steps to process the application until the applicant remedies the deficiencies.

10.3. Approval Procedure; Lapse of Approval

10.3.1. The Planning and Building Department shall issue a sign permit only upon finding that the proposed sign satisfies the requirements set forth in Article 11, Section 2 of this Ordinance.

10.3.2. The sign certificate shall become null and void if the sign is not erected within one year after the date the certificate is issued.

SECTION 11: VESTED RIGHTS CERTIFICATE

11.1. Purpose and Authority

The purpose of this part is to provide for the establishment of certain vested rights in order to ensure reasonable certainty, stability, and fairness in the land-use planning process, secure the reasonable expectations of landowners, and foster cooperation between the public and private sectors in the area of land-use planning in recognition that city approval of land-use development typically follows significant landowner investment in site evaluation, planning, development costs, consultant fees, and related expenses.

11.2. Establishment of Vested Right

A vested right shall be deemed established with respect to any property upon the approval of a site specific development plan after notice and public hearing in accordance with Section 12 of this Article. Such vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site specific development plan.

11.3. Procedure

11.3.1. An application for a vested rights certificate for a site specific development plan shall be filed with the Planning and Building Department, accompanied by a fee, required by Article 5, Section 1.4. of this Ordinance.

11.3.2. Where the proposed development requires preliminary subdivision plat approval: The applicant shall submit the number of copies of the preliminary subdivision plan and an application for a vested rights certificate as determined by the Planning and Building Department. The preliminary subdivision plat plus the additional information required for a site specific development plan shall be routed directly to the Board of Aldermen for consideration, public hearing and a decision.

11.3.3. Where neither major site plan nor preliminary subdivision plat approval is required: The applicant shall submit a site specific development plan and an application for a vested rights certificate. The site plan and/or preliminary subdivision plat and site specific development plan shall be considered simultaneously, following the same procedure as for a site plan. After review by the Planning Commission, the Board of Aldermen shall hold a public hearing and reach a decision.

11.3.4. Action by the Board of Aldermen:

11.3.4.1. Notice and Public Hearing. No vested rights certificate shall be approved by the Board of Aldermen until after public hearing notice and hearing in accordance with the provisions of Section 12 of this Article.

11.3.4.2. No application for a vested rights certificate covering the same property will be considered until after a lapse of twelve (12) months from the date of denial or withdrawal of the application. This twelve-month provision may be waived for good cause shown by a majority vote of the entire Board.

11.3.4.3. After holding a public hearing, the Board of Aldermen may take action on the application, approve the application, deny the application or approve the application with additional conditions which the Board may attach.

11.4. Two-Year Vested Rights Period

Notwithstanding the terms of Sections, 1.1.4. and 1.1.5. of this Ordinance, and except as provided in Sections 11.6. through 11.7. below, any development for which the City has approved a "site specific development plan" prior to the effective date of any subsequent amendment to this Ordinance which renders the development nonconforming, may be carried out in accordance with the approved plan and shall be deemed lawfully existing under the terms of this Ordinance, provided that the development conforms to all terms and conditions of the approved site specific development plan. This right to carry out the development in accordance with the approved plan shall attach to and run with the land, rather than being personal to the recipient of plan approval. This right shall terminate, however, two years after the effective

date of approval of the site specific development plan with respect to all buildings and uses for which the developer has not, by that time, filed a valid building permit application in accordance with Article 5, Section 8 of this Ordinance.

11.5. Vested Rights Certificate Required

In order to be entitled to the vested rights period set forth in Section 11.4. above, the owner or developer of the property must apply for and receive a vested rights certificate from the City. The application for a vested rights certificate shall be filed in conjunction with the application for approval of the site specific development plan, and shall be processed in conjunction with the site specific development plan. A vested rights certificate shall not be issued until and unless there is a public hearing on the proposed development in conjunction with the Board of Aldermen meeting at which the site specific development plan is considered or approved. In approving the vested right certificate, the Board of Aldermen may extend the two-year vested rights period provided in Section 11.4. to a period of up to five years, where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, economic cycles, and market conditions. This determination shall be at the sound discretion of the Board of Aldermen.

11.6. Exceptions

The provision of Section 11.5. shall not apply in the following instances:

11.6.1. Where the property owner consents, in writing, to making the development conform to the requirements of this Ordinance, or any amendment thereto, which would make the development nonconforming;

11.6.2. Where the Board of Aldermen finds, after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed in accordance with the approved site specific development plan;

11.6.3. Where the Board of Aldermen finds, after notice and a public hearing, that the landowner or his or her representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the City approval of the site specific development plan;

11.6.4. Where the State or Federal government has enacted or promulgated a law or regulation which precludes developing the property in accordance with the approved plan, in which case the Board of Aldermen may, by ordinance, modify the affected provisions of the approved plan upon finding, after notice and a public hearing, that the change in State or Federal law has fundamental effect on the approved site specific development plan;

11.6.5. Where the City has compensated the property owner for all costs, expenses, and other losses, not including any diminution in the value of the property, which the

owner has incurred after approval of the site specific development plan by the City together with interest thereon at the legal rate until paid.

11.7. Effect of Changes to Approved Plan

This Ordinance provides for situations in which the property owner or developer may obtain City approval for particular changes to a site specific development plan that the City has already approved. The effect of such changes are as follows:

11.7.1. Where the change is a conditional permitted use of a temporary nature that may be approved by the Land Code Administrator under the terms of this Ordinance, such as under Section 7.11, then approval of the change shall have no effect on the vested rights period and vested right certificate provided for in Sections 11.4. and 11.5. The Administrator's approval of the proposed change shall not be deemed to extend or renew the vested rights period.

11.7.2. Where the change is one that requires the approval of the Board of Aldermen under the terms of this Ordinance, such as a major change to a site plan, then the property owner or developer must submit an application for a new vested right certificate along with the application for approval of the plan change in order to extend or renew the vested rights period. In no case shall the total period of vesting for any piece of property be longer than five (5) years, no matter how many major changes are made to the property. The new vested rights certificate may be issued only in accordance with the requirements of Section 11.5. above.

11.7.3. Where the change is one that requires a variance from the Planning Commission, pursuant to Article 6, Section 1 of this Ordinance, then the vested rights period set forth in Section 11.4. shall terminate immediately upon the Planning Commission approval of the variance.

11.8. Provisions to Which Vesting Does Not Apply

The provision of Section 11.3. shall not preclude the City from applying zoning regulations which do not affect the allowable type or intensity of use, regulations governing nonconformities which appear in Article 14 of this Ordinance, or regulations which are general in nature and apply to all property within the City's jurisdiction. All other regulations shall become effective with respect to the property upon the expiration or termination of the vested rights period set forth in Section 11.4.

SECTION 12: NOTICES AND PUBLIC HEARINGS

12.1 Notice Requirements

12.1.1. *Content of Notices.* All notices which this Section 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 planned unit development, the approval of a conditional permitted use or variance, the notice shall also identify the address or location of the subject property and the name of the applicant.

12.1.2. *Published notice.* For any public hearing required by this Ordinance for amending the text of this Ordinance, for rezoning property, for approval of a planned unit development or for the comprehensive rezoning and adoption of a new zoning map, the Planning and Building Department shall cause a notice to be published in a newspaper having general circulation in the area. The notice shall be published at least 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.)

12.1.3. *Posted notice.* For any public hearing required by this Ordinance for rezoning property pursuant to this Ordinance or for approval of a planned unit development, the Planning and Building Department shall cause a notice to be posted on the property for at least fifteen days before the scheduled date of the hearing.

12.2. Public Hearing Procedures

12.2.1. The procedures and requirements set forth in this Section shall supply to all public hearings regarding the rezoning of property, the approval of a planned unit development, the approval of a conditional permitted use or variance, the approval of a vested rights certificate or an administrative appeal pursuant to Article 6, Section 2 of this Ordinance.

12.2.2. When the Land Code Administrator has determined that an application is complete and that a public hearing is required by this Ordinance, the Administrator shall schedule a date, time, and place for the required hearing, and shall ensure that all notices are provided pursuant to Section 12.1. above.

12.2.3. 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.

12.2.4. 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 in regard to the matter under consideration, unless the chairperson waives this requirement.

12.2.5. All testimony and evidence given in a public hearing in front of the Planning Commission and the Board of Aldermen in a hearing on a conditional permitted use shall be given under oath or by affirmation to the body conducting the hearing.

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

12.2.7. 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 City Clerk shall make copies of such materials available at cost.

Article 6

Variances and Appeals

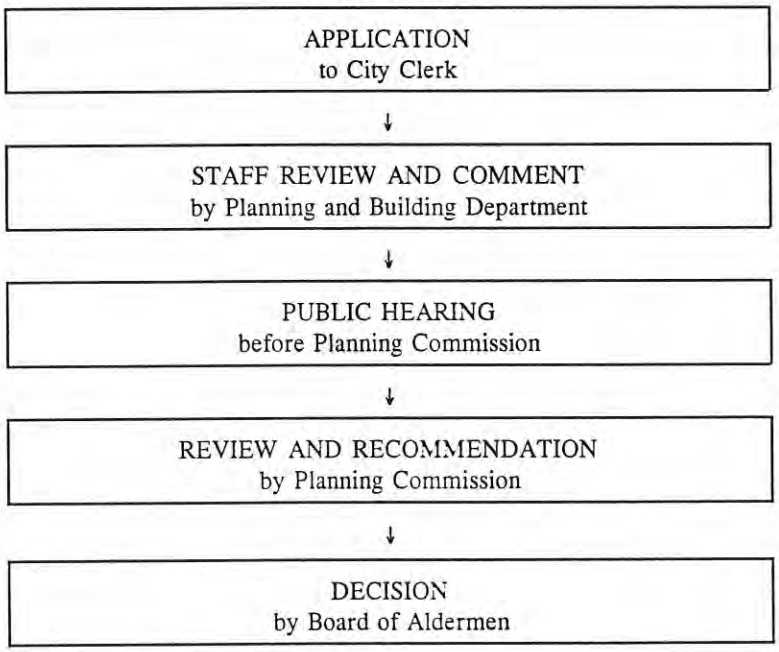
ARTICLE 6 - VARIANCES AND APPEALS

SECTION 1: VARIANCES

1.1. Purpose and Scope

The "variance" process administered by the Planning Commission is intended to provide limited relief from the requirements of this Ordinance in those cases where strict application of a particular 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 1.1. illustrates the process for approval of a variance, as set forth in this Section.

Process for Variances
Figure 1.1.



1.2. Provision Which May Not Be Varied by the Planning Commission

1.2.1. In no event shall the Planning Commission grant a variance which would allow the establishment of a use which is not otherwise allowed in a zoning district or which would change the zoning district classification of any or all of the affected property.

1.2.2. In no event shall the Planning Commission grant a variance from any written conditions attached by the Board of Aldermen to its approval of the conditional permitted

use, subdivision plat, site plan, or from the stated terms of an approved land use plan for a planned unit development.

1.3. Application Requirements; Determination of Completeness

1.3.1. An application for a variance may be filed only 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.

1.3.2. Before filing the application, the applicant is strongly encouraged to meet with representatives of the Planning and Building Department to discuss the proposed variance and to become more familiar with the applicable requirements and approval procedures of the City.

1.3.3. An application for a variance shall be filed with the Planning and Building Department on a form prescribed by the Department, along with the fee prescribed by the Board of Aldermen.

1.3.4. The application shall contain or be accompanied by such information and plans as required on the application form.

1.3.5. The Land Code Administrator shall determine whether the application for a variance is complete. If the Administrator 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 Land Code Administrator shall schedule the application for consideration at a public hearing before the Planning Commission.

1.3.6. After determining that the application is complete, the Land Code Administrator shall transmit to the Planning Commission, prior to the hearing on the application, all applications and other records pertaining to such variance.

1.4. Action by the Planning Commission

1.4.1. Upon receiving the application materials from the Land Code Administrator, the Planning Commission shall hold a public hearing on the proposed variance. Notice of the public hearing shall be provided and the public hearing shall be conducted in accordance with Article 5, Section 12 of this Ordinance.

1.4.2. In considering the application, the Planning Commission shall review the application materials, the general purpose and standards set forth in this Section for the granting of variances, and all testimony and evidence received by the Planning Commission at the public hearing.

1.4.3. After conducting the public hearing, the Planning Commission may:

1.4.3.1. Deny the application;

1.4.3.2. Conduct an additional public hearing on the application;

1.4.3.3. Grant the requested variance. 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 1.5. below, stating the reasons for such findings.

1.4.4. The Planning Commission shall not grant any variance unless there is a majority vote of those voting.

1.4.5. In granting any variance, the Planning Commission may attach such conditions to the approval as it deems necessary and appropriate to satisfy the standards set forth in Section 1.5., to reduce or minimize any injurious effect of such variance upon other property in the neighborhood, and to ensure compliance with other terms of this Ordinance.

1.5. Standard of Review

The Planning Commission shall not grant a variance unless it makes the following findings:

1.5.1. 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;

1.5.2. 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;

1.5.3. That the special conditions and circumstances do not result from the actions of the applicant; and

1.5.4. 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.

1.6. Action by the Board of Aldermen

1.6.1. Before action on any proposed variance, the Board of Aldermen shall consider the recommendation of the Planning Commission, and the comments made at the public hearing. Upon reviewing such information, the Board of Aldermen may:

1.6.1.1. Adopt the proposed variance by ordinance;

1.6.1.2. Reject the proposed variance;

1.6.1.3. Refer the proposed variance back to the Planning Commission or to a Commission of the Board of Aldermen for further consideration.

1.7. Effect of Approval or Denial

1.7.1. After the Board of Aldermen approves a variance, the applicant shall follow the procedures set forth in Article 5 for the approval of all permits, certificates, and other approvals required in order to proceed with development of the property. 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 of Aldermen.

1.7.2. The Land Code Administrator shall not accept any application which has been denied within the last 12 months.

SECTION 2: APPEALS

2.1. Purpose and Scope

The regulations, restrictions and district boundaries set forth by this Code may from time to time be amended, supplemented, changed or repealed. Also, from time to time the public health, safety, or general welfare of the community may require that amendments and variances be granted in specific cases from the regulations and provisions of this Code. Appeals from the recommendations of the Planning Commission relating to amendments, variances and appeals from the decisions of the Land Code Administrator or Planning Commission in the administration or enforcement of the provisions of this Code shall be submitted to the Board of Aldermen.

2.2. Procedure

2.2.1. Written Notice of Appeal Required: A written Notice of Appeal from a recommendation of the Planning Commission shall be filed with the Land Code Administrator. The written Notice of Appeal shall state the order, determination, interpretation, requirement, recommendation or decision from which an appeal is desired.

2.2.2. Stay of Proceedings: An appeal stays all proceedings in furtherance of the action appeal from, unless the Land Code Administrator, from whom the appeal is taken, certifies to the Governing Authority, after the Notice of Appeal is filed with him/her that by reason of the facts stated in the deed, a stay would, in his/her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Governing Authority

or by the Circuit Court of Lamar County, Mississippi, on application, on notice to the Land Code Administrator from whom the appeal is taken and on the due cause shown.

2.2.3. Appeal of Planning Commission Recommendation or Decision: Any party aggrieved by a recommendation or decision of the Planning Commission shall be entitled to an appeal from such recommendation or decision to the Board of Aldermen provided the procedures herein stated are followed:

2.2.3.1. A written notice of appeal shall be given to the Land Code Administrator within ten (10) days from the date of such recommendation by the Planning Commission. The Land Code Administrator and Governing Authority shall set the appeal date, shall mail a notice to all parties entering an appearance in such cause, and shall have published advertisements.

2.2.3.2. The Land Code Administrator shall have published one (1) advertisement of such hearing setting forth the time and place of the hearing, description of the property involved, the existing zoning and purposed changes and modifications therein. Such publication shall be made in a newspaper of general circulation within the City of Purvis, Mississippi, the first publication to be at least fifteen (15) days before such hearing.

2.2.4. Action by the Board of Aldermen: Within sixty (60) days after the date set in the case advertisement and receipt of the transcript and documented case record, the Board of Aldermen shall either approve or deny, in whole or in part, the decision and recommendation of the Planning Commission on record of the case or where there is need for additional information may remand the case to the Planning Commission for further consideration, in accordance with the provisions of the Mississippi Code Annotated, Section 17-1-17 (1972).

2.2.5. Majority Board of Aldermen Vote Needed: In case of a protest against an amendment or variance signed by twenty percent or more of the owners of lots within a distance of 160 feet from the property involved, widths of all streets excluded, such amendment or variance shall not become effective except by the favorable majority vote of all members of the Board of Aldermen.

2.2.6. Appeal to Court of Law: An appeal from the decision of the Board of Aldermen may be made as provided by law for appeals from any order of the Governing Authorities of the municipality.

Article 7

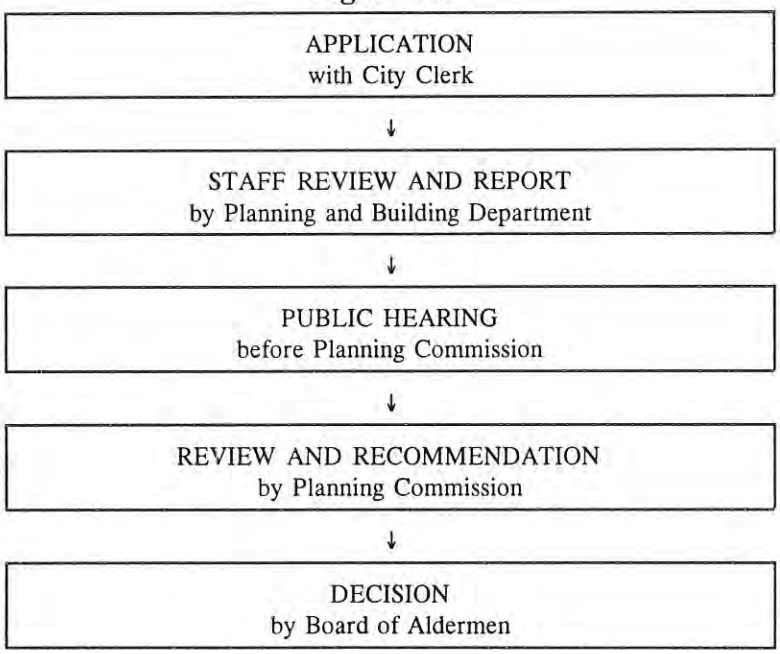
Text Amendments and Rezonings

ARTICLE 7 - TEXT AMENDMENTS AND REZONINGS

1.1. Purpose and Scope

The Board of Aldermen, in accordance with the procedures set forth in this Article, may amend the text of this Ordinance and rezone property (that is, amend the classifications of property appearing on the Official Zoning District Maps). The purpose of this Article is to provide the procedures for doing so. The purpose is not to relieve particular hardships, not to confer special privileges or rights on any person, but only to make adjustments to the text of this Ordinance and to the Official Map that are necessary in light of changed conditions or changes in public policy, or that are necessary to advance the general welfare of the City. Figure 1.1. illustrates the process for text amendments and rezonings, as set forth in this Section.

Process for Text Amendments and Rezonings
Figure 1.1.



1.2. Initiation of Amendments

An amendment to the text of this Ordinance may be initiated by the Board of Aldermen, the Planning Commission, any owner of a legal or equitable interest in land located in the City or any resident of the City. An amendment to the Official Zoning Map (rezoning) may be initiated by the owner of a legal or equitable interest in land located in the City sought to be rezoned. Rezonings may require a comprehensive plan amendment (see Article 4, Section 1.3). A comprehensive rezoning, or adoption of a new zoning map may be initiated by the Board of Aldermen.

1.3. Filing and Content of Applications

1.3.1. An application requesting a text amendment or rezoning shall be filed with the Planning and Building Department on a form prescribed by the Department, along with the fee prescribed by the Board of Aldermen.

1.3.2. Each application shall contain or be accompanied by the information required on the application form provided by the Planning and Building Department.

1.3.3. Before filing the application, the applicant is strongly encouraged to meet with representatives of the Planning and Building Department to discuss the proposed amendment and to become more familiar with the applicable requirements and approval procedures of the City.

1.3.4. The Land Code Administrator shall determine whether the application is complete. If the Administrator 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 Land Code Administrator shall schedule the application for consideration at a public hearing before the Planning Commission. After determining that the application is complete, the Land Code Administrator shall transmit to the Planning Commission, prior to the hearing on the application, copies of the application and all other records relevant to the application.

1.4. Staff Review and Report

The Planning and Building Department shall prepare a report to the Planning Commission. This shall include a discussion of all plans, policies and rezoning criteria that have been adopted by the City and are relevant to the proposed amendment.

1.5. Public Hearing

Rezoning may be adopted only after the Planning Commission conducts a public hearing on the proposed amendment, at which time parties interested in the proposed amendment shall have an opportunity to be heard. Notice of the hearing shall be provided and the public hearing shall be conducted in accordance with Article 5, Section 12 of this Ordinance.

1.6. Review by Planning Commission

1.6.1. The Planning Commission shall consider each proposed amendment and shall make recommendations to the Board of Aldermen regarding whether to approve or deny each proposed amendment. The recommendation shall be based on the following criteria:

1.6.1.1. Conformance with the Comprehensive Plan;

1.6.1.2. Otherwise, those changes which have occurred in the area since the Plan and Zoning Ordinance were adopted which warrant the requested zone;

1.6.1.3. City utilities and sewer can accommodate the uses allowable in the requested zone;

1.6.1.4. The allowable uses in the requested zone will not adversely affect the character of the area and result in a decrease of property values;

1.6.1.5. There is a need for additional land within the City to be zoned the classification which is requested.

The burden of the proof shall be on the applicant to prove that these criteria are satisfied.

1.6.2. The Planning Commission shall make its recommendation to the Board of Aldermen within 30 days of the public hearing. If no recommendation is made within that time, then the Planning Commission may request an extension of time from the Board of Aldermen. If no recommendation is made and no extension is granted, then the Board of Aldermen may act on the proposed amendment without a recommendation from the Planning Commission.

1.7. Action by the Board of Aldermen

1.7.1. Before action on any proposed text amendment or rezoning, the Board of Aldermen shall consider the recommendation of the Planning Commission, and the comments made at the public hearing. Upon reviewing such information, the Board of Aldermen may:

1.7.1.1. Adopt the proposed text amendment or rezoning by ordinance;

1.7.1.2. Reject the proposed text amendment or rezoning;

1.7.1.3. Refer the proposed amendment back to the Planning Commission or to a Commission of the Board of Aldermen for further consideration.

1.8. Protests

In the event that the Board of Aldermen receives a written petition protesting any rezoning of property signed by the owners of 20% or more, either of the area of the lots included in such proposed change, or of those immediately adjacent to the rear thereof, extending 160 feet therefrom or of those directly opposite there to, extending 160 feet from the street frontage of such opposite lots, such amendment shall not become effective except by a favorable majority vote of all the members of the Board of Aldermen.

1.9. Waiting Period for Subsequent Applications

1.9.1. When a rezoning application has been denied by the Board of Aldermen, 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 12 months after the date of the denial or withdrawal.

1.9.2. 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 these restrictions.

1.9.3. The waiting period required by this Section may be waived in an individual case, for good cause shown, by the majority vote of the members of the Board of Aldermen.

Article 8

Zoning Use Districts

ARTICLE 8 - ZONING USE DISTRICTS

SECTION 1: ESTABLISHMENT OF DISTRICTS AND ALLOWABLE USES

1.1. Districts Established

In order to carry out the purposes of this Ordinance and to allow a variety of uses in different districts which are appropriate to the character of the individual district, the City shall be divided into the following zoning districts, the boundaries of which shall be shown on the Official Zoning District Maps.

1.1.1.	A-R	Agricultural Residential District
1.1.2.	R-1A	Single Family Residential District (12,500 sq. ft.)
1.1.3.	R-1B	Single Family Residential District (8,500 sq. ft.)
1.1.4.	R-2	Multi-Family Residential District
1.1.5.	B-1	Community Business District
1.1.6.	B-2	Highway Business District
1.1.7.	I-1	Industrial District

1.2. Allowable Uses, Conditional Permitted Uses and Prohibition of Uses not Expressly Listed

No use shall be established in any zoning district unless it is expressly designated by this Ordinance as a "permitted use," "conditional permitted use," or "temporary use," in the district in which the use is to be located. The range of uses allowed as "permitted uses" and "conditional permitted uses" in each zoning district is summarized in Table 8.1.2. In the event of a conflict between Table 8.1.2 and the text of this Ordinance, the text shall control.

TABLE 8.1.2
LIST OF PERMITTED AND CONDITIONAL PERMITTED USES BY ZONING DISTRICT

Uses		Zoning Districts Allowed	
		Permitted	Conditional Permitted
1.	Amusement Establishments	B-2	
2.	Animal Hospitals	B-2, I-1	
3.	Animal Shelters	B-2	B-1
4.	Armories	B-2	B-1
5.	Asphalt & Concrete Plants		B-2, I-1
6.	Automobile Service Stations & Repair	B-2	B-1, I-1
7.	Bed & Breakfasts		A-R, R-1A, R-1B, R-2
8.	Building Materials & Supplies	B-2	
9.	Carwashes	B-1, B-2	
10.	Cemetery & Mausoleum		A-R, R-1A, R-1B, R-2, B-2

Uses		Zoning Districts Allowed	
		Permitted	**Conditional Permitted**
11.	Churches	A-R, R-1A, R-1B, R-2, B-1, B-2	
12.	Clinics	B-1, B-2	
13.	Clubs & Lodges (Civic & Fraternal)	B-1, B-2	
14.	Convenience Stores	B-1, B-2	I-1
15.	Country Clubs		A-R, R-1A, R-1B, R-2
16.	Day Care Facilities, Large	B-1, B-2	A-R, R-1A, R-1B, R-2
17.	Day Care Facilities, Small	A-R, R-1A, R-1B, R-2, B-1, B-2	
18.	Detached Dwellings	A-R, R-1A, R-1B, R-2	
19.	Dog Kennels	B-2	A-R, B-1
20.	Drug Stores	B-1, B-2	
21.	Duplex Dwellings	R-2	R-1B
22.	Farms	A-R	
23.	Funeral Homes	B-1, B-2	
24.	Garage Apartments		A-R, R-1A, R-1B
25.	Golf Courses		A-R, R-1A, R-1B, R-2
26.	Golf Driving Ranges	B-2	A-R
27.	Group Care Facilities	B-1, B-2	A-R, R-1B, R-2
28.	Home Businesses		A-R, R-1A, R-1B, R-2,
29.	Home Occupations	A-R, R-1A, R-1B, R-2	
30.	Hotels & Motels	B-2	
31.	Junkyards		B-2, I-1
32.	Laboratories, Medical & Dental	B-1, B-2, I-1	
33.	Laboratories, Research	B-1, B-2, I-1	
34.	Libraries	B-1	
35.	Lumberyards-No Millwork	I-1	B-2
36.	Lumberyards & Millwork	I-1	
37.	Machine Shops	B-2	I-1
38.	Manufactured Home Subdivisions		A-R, R-2
39.	Manufacturing, Heavy		I-1
40.	Manufacturing, Light	I-1	
41.	Mini Warehouses	B-2, I-1	
42.	Mobile Home Parks		R-2
43.	Moving Services	B-2, I-1	
44.	Museums	B-1	
45.	Multi-Family Dwellings	R-2	
46.	Newspaper Publishing, Printing & Distribution	I-1	B-2
47.	Nursing Homes	B-2	R-2, B-1
48.	Offices, Medical	B-1	

Uses		Zoning Districts Allowed	
		Permitted	**Conditional Permitted**
49.	Offices, Other than Medical	B-1	
50.	Parking Lots on Separate Lots	R-2, B-1, B-2, I-1	R-1A, R-1B
51.	Parks	A-R, R- 1A, R-1B, R-2, B-1, B-2	I-1
52.	Personal Service Establishments	B-1, B-2	
53.	Plant Nurseries & Greenhouses	B-1, B-2	
54.	Post Offices	B-1, B-2	
55.	Printing Establishments up to 25,000 Square Feet	B-2	
56.	Prothesis & Medical Supplies	B-1	
57.	Public Utilities Facilities		A-R, I-1
58.	Public Safety Stations	All Districts	
59.	Radio & TV Broadcasting Studios	B-1, B-2, I-1	
60.	Radio & TV Transmission Towers		A-R, B-2, I-1
61.	Recreation Centers	A-R, R-2, B-1	
62.	Recycling Drop-Off Stations	I-1	A-R, R-1A, R-1B, R-2, B-1, B-2
63.	Recycling & Salvage Operations		B-2, I-1
64.	Rehabilitation Centers	B-2	
65.	Resource Extractions		All Districts
66.	Restaurants	B-1, B-2	I-1
67.	Retail Stores		
	a. up to 20,000 square feet	B-1	
	b. over 20,000 square feet	B-2	
68.	Satellite Dish Antennas	All Districts	
69.	Schools	A-R, B-1, B-2	R-1B, R-2
70.	Shooting Ranges, Indoor	B-2, I-1	
71.	Shooting Ranges, Outdoor		A-R
72.	Signs	B-1, B-2, I-1	A-R, R1-A, R1-B
73.	Small Engine Repairs	B-2	B-1
74.	Trade Schools	B-2, I-1	
75.	Trucking Companies	I-1	B-2
76.	Truck, Heavy Equipment, Farm Implement, Boats, Motorcycle & Mobile/Manufactured Home Sales & Services		B-2
77.	Utility Substations	All Districts	
78.	Vehicle Sales & Rental	B-2	
79.	Warehousing & Distributions	I-1	
80.	Woodworking & Cabinet Shops	B-2, I-1	

1.3. Annexed Lands

The zoning district designation for areas added to the City's jurisdiction through annexation beyond the City's existing jurisdiction shall be determined as follows:

1.3.1. If the property annexed is not subject to any zoning regulations, the property shall not be subject to any use restrictions imposed by this Ordinance until such time as the City has properly zoned the property at which time all restrictions and regulations contained in this Ordinance shall apply. Prior to such zoning becoming effective, all other regulations contained in this Ordinance other than use restrictions, shall apply.

1.3.2. If the property annexed is subject to zoning regulations, the property shall be designated by the Board of Aldermen after recommendation by the Planning Commission, as the Purvis Zoning District most closely resembling its classification at the time of annexation. All regulations of this Ordinance for said zoning classification shall apply to this annexed property immediately upon said annexation and zoning district designation by the Board of Aldermen.

SECTION 2: A-R AGRICULTURAL - RESIDENTIAL DISTRICT

2.1. Purpose and Intent

The A-R District is established to accommodate large, "estate" size lots located in the more sparsely developed areas of the city where existing services and utilities, in particular, sewer, will not accommodate a higher density.

2.2. Permitted Uses

The following uses may be established as permitted uses in the A-R District in accordance with the procedures established in Article 5, Section 2 of this Ordinance:

2.2.1. Church
2.2.2. Day Care Facilities, Small
2.2.3. Detached Dwellings
2.2.4. Farms
2.2.5. Home Occupations
2.2.6. Parks
2.2.7. Public Safety Stations
2.2.8. Recreation Centers
2.2.9. Satellite Dish Antenna
2.2.10. Schools
2.2.11. Utility Substations
2.2.12. "Reserved"
2.2.13. "Reserved"
2.2.14. "Reserved"
2.2.15. "Reserved"

2.2.16. "Reserved"

2.3. Conditional Permitted Uses

The following uses may be established as conditional permitted uses in the A-R District, subject to approval by the Board of Aldermen in accordance with the procedures established in Article 5, Section 4 of this Ordinance:

2.3.1. Bed and Breakfast
2.3.2. Cemeteries and Mausoleum
2.3.3. Country Clubs
2.3.4. Day Care Facilities, Large
2.3.5. Dog Kennel
2.3.6. Garage Apartment
2.3.7. Golf Courses
2.3.8. Golf Driving Range
2.3.9. Group Care Facilities
2.3.10. Manufactured Home Subdivisions (see 3.5)
2.3.11. Public Utilities Facilities
2.3.12. Radio and TV Transmission Towers
2.3.13. Recycling Drop Off Stations
2.3.14. Resource Extraction
2.3.15. Shooting Range, Outdoor
2.3.16. "Reserved"
2.3.17. "Reserved"
2.3.18. "Reserved"
2.3.19. "Reserved"
2.3.10. "Reserved"

2.4. Development Standards of General Applicability

All uses and structures in the A-R District shall meet the following development standards, except as otherwise provided by this Ordinance:

2.4.1. Minimum Lot Area - 1 acre.
2.4.2. Minimum Lot Width - 125 ft.
2.4.3. Minimum Front Yard - 50 ft.
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.
2.4.4. Minimum Side Yards - 25 ft.
2.4.5. Minimum Rear yard - 50 ft.
2.4.6. Maximum Building Height - 35 ft.
2.4.7. Maximum Lot Coverage - 25%

2.5. Development Standards for Manufactured Home Subdivisions

Manufactured Homes may only be placed in Manufactured Home Subdivisions approved in accordance with the terms of this Ordinance. Approvals required include Conditional Permitted Use approval, Site Plan approval and Subdivision approval. Development standards shall be as follows:

2.5.1. Minimum Subdivision size - 5 acres.
2.5.2. Minimum Lot Area - 10,000 sq. ft. per home.
2.5.3. Minimum Lot Width - 100 ft. per home.
2.5.4. Minimum Yards and Maximum Building Height and Lot Coverage - as per Section 8.5 above.
2.5.5. Building design shall conform to the standards of Article 12, Section 1.
2.5.6. Landscaping of each manufactured home subdivision shall be in accordance with Article 12, Section 2.

SECTION 3: R-1A SINGLE FAMILY RESIDENTIAL DISTRICT

3.1. Purpose and Intent

The R-1A Single-Family Residential District is established as a district in which the principal use of land is for single family dwellings. The regulations this district are intended to discourage any use which, because of its character, would substantially interfere with the development of single family dwellings in the district and which would be detrimental to the quiet residential nature of the areas included in this district.

3.2. Permitted Uses

The following uses may be established as permitted uses in the R-1A District in accordance with the procedures established in Article 5, Section 2 of this Ordinance:

3.2.1. Churches
3.2.2. Day Care Facilities, Small
3.2.3. Detached Dwellings
3.2.4. Home Occupations
3.2.5. Parks
3.2.6. Public Safety Stations
3.2.7. Satellite Dish Antennas
3.2.8. Utility Substations
3.2.9. "Reserved"
3.2.10. "Reserved"
3.2.11. "Reserved"
3.2.12. "Reserved"
3.2.13. "Reserved"

3.3. Conditional Permitted Uses

The following uses may be established as conditional permitted uses in the R-1A District, subject to approval by the Board of Aldermen in accordance with the procedures established in Article 5, Section 4 of this Ordinance:

3.3.1. Bed and Breakfasts
3.3.2. Cemeteries and Mausoleums
3.3.3. Country Clubs
3.3.4. Day Care Facilities, Large
3.3.5. Garage Apartments
3.3.6. Golf Courses
3.3.7. Parking Lots on Separate Lots
3.3.8. Recycling Drop Off Stations
3.3.9. Resource Extractions
3.3.10. Signs
3.3.11. "Reserved"
3.3.12. "Reserved"
3.3.13. "Reserved"
3.3.14. "Reserved"
3.3.15. "Reserved"

3.4. Development Standards of General Applicability

All uses and structures in the R-1A District shall meet the following development standards, except as otherwise provided by this Ordinance.

3.4.1. Minimum Lot Area - 12,500 sq. ft.; 1 acre for churches, schools and country clubs.
3.4.2. Minimum Lot Width - 90 ft.
3.4.3. Minimum Front Yard - 40 ft.
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.
3.4.4. Minimum Side Yards - 12 ft.
3.4.5. Minimum Rear Yard - 30 ft.
3.4.6. Maximum Building Height - 35 ft.
3.4.7. Maximum Lot Coverage - 35%

SECTION 4: R-1B SINGLE-FAMILY RESIDENTIAL DISTRICT

4.1. Purpose and Intent

The R-1B Single-Family Residential District is established as a district in which the principal use of land is for single family dwellings. The regulations of this district are intended

to discourage any use which, because of its character, would be detrimental to the residential character of this district. The regulations of this district also are designed to encourage the wise use of land and natural resources, with the aim of reducing sprawl and the costly provision of infrastructure to serve disbursed development.

4.2. Permitted Uses

The following uses may be established as permitted uses in the R-1B District in accordance with the procedures established in Article 5, Section 2 of this Ordinance:

4.2.1. Churches
4.2.2. Day Care Facilities, Small
4.2.3. Detached Dwellings
4.2.4. Home Occupations
4.2.5. Parks
4.2.6. Public Safety Stations
4.2.7. Satellite Dish Antennas
4.2.8. Utility Substations
4.2.9. "Reserved"
4.2.10. "Reserved"
4.2.11. "Reserved"
4.2.12. "Reserved"
4.2.13. "Reserved"

4.3. Conditional Permitted Uses

The following uses may be established as conditional permitted uses in the R-1B District, subject to approval by the Board of Aldermen in accordance with the procedures established in Article 5, Section 4 of this Ordinance:

4.3.1. Bed and Breakfasts
4.3.2. Cemeteries and Mausoleums
4.3.3. Country Clubs
4.3.4. Day Care Facilities, Large
4.3.5. Duplexes
4.3.6. Garage Apartments
4.3.7. Golf Courses
4.3.8. Group Care Facilities
4.3.9. Home Businesses
4.3.10. Parking Lots on Separate Lots
4.3.11. Recycling Drop Off Stations
4.3.12. Resource Extractions
4.3.13. Schools
4.3.14. Signs
4.3.15. "Reserved"
4.3.16. "Reserved"

4.3.17. "Reserved"
4.3.18. "Reserved"
4.3.19. "Reserved"

4.4. Development Standards of General Applicability

All uses and structures in the R-1B District shall meet the following development standards, except as otherwise provided by this Ordinance.

4.4.1. Minimum Lot Area - 8,500 sq. ft.; 1 acre for churches, schools, country clubs, and mausoleums.
4.4.2. Minimum Lot Width - 75 ft.; 90 ft. for a corner lot.
4.4.3. Minimum Front Yard - 30 ft.
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.
4.4.4. Minimum Side Yards - 8 ft.
4.4.5. Minimum Rear Yard - 20 ft.
4.4.6. Maximum Building Height - 35 ft.
4.4.7. Maximum Lot Coverage - 35%

SECTION 5: R-2 MULTI-FAMILY RESIDENTIAL DISTRICT

5.1. Purpose and Intent

The R-2 Multi-Family Residential District is established as a district in which the principal use of land is for multi-family dwellings. The regulations for this district, however, are intended to discourage any other use which, because of its character would interfere with the basic multi-family residential nature of the areas included in this district. This district, and the multi-family developments allowed in it, should be located so as to not interfere with or damage environmentally sensitive lands and to insure that adequate open space and recreational facilities are located nearby, or within the district itself, to serve the needs of the persons who are or will be living in the district. Concentration of large amounts of R-2 zoned property in one area where services and utilities are not adequate shall not be allowed.

5.2. Permitted Uses

The following uses may be established as permitted uses in the R-2 District, in accordance with the procedures established in Article 5, Section 2 of this Ordinance:

5.2.1. Churches
5.2.2. Day Care Facilities, Small
5.2.3. Detached Dwellings
5.2.4. Duplex Dwellings
5.2.5. Home Occupations

5.2.6. Multi-family Dwellings up to 12 d.u./acre
5.2.7. Parking Lots on Separate Lots
5.2.8. Parks
5.2.9. Public Safety Stations
5.2.10. Recreation Centers
5.2.11. Satellite Dish Antennas
5.2.12. Utility Substations
5.2.13. "Reserved"
5.2.14. "Reserved"
5.2.15. "Reserved"
5.2.16. "Reserved"
5.2.17. "Reserved"

5.3. Conditional Permitted Uses

The following uses may be established as conditional permitted uses in the R-2 District, subject to approval by the Board of Aldermen in accordance with the procedures established in Article 5, Section 4 of this Ordinance:

5.3.1. Bed and Breakfasts
5.3.2. Cemeteries and Mausoleums
5.3.3. Country Clubs
5.3.4. Day Care Facilities, Large
5.3.5. Golf Courses
5.3.6. Group Care Facilities
5.3.7. Home Businesses
5.3.8. Manufactured Home Subdivisions
5.3.9. Mobile Home Parks
5.3.10. Multi-Family Dwellings over 12 d.u./acre
5.3.11. Nursing Homes
5.3.12. Recycling Drop Off Stations
5.3.13. Resource Extractions
5.3.14. Schools
5.3.15. Signs
5.3.16. "Reserved"
5.3.17. "Reserved"
5.3.18. "Reserved"
5.3.19. "Reserved"
5.3.20. "Reserved"

5.4. Development Standards of General Applicability.

All uses and structures in the R-2 District shall meet the following development standards, except as otherwise provided by this Ordinance.

5.4.1. Minimum Lot Area - 2,000 sq. ft. per d.u.; 1 acre for churches, schools, country clubs, nursing homes, cemeteries and mausoleums.

5.4.2. Minimum Lot Width - 20 ft. per d.u.

5.4.3. Minimum Front Yard - 25 ft.
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.

5.4.4. Minimum Side Yards - 10 ft.

5.4.5. Minimum Rear Yard - 20 ft.

5.4.6. Maximum Building Height - 35 ft.

5.4.7. Maximum Lot Coverage - 50%

5.5. Development Standards for Manufactured Home Subdivisions

Manufactured Homes may only be placed in Manufactured Home Subdivisions approved in accordance with the terms of this Ordinance. Approvals required include Conditional Permitted Use approval, Site Plan approval and Subdivision approval. Development standards shall be as follows:

5.5.1. Minimum Subdivision size - 5 acres.

5.5.2. Minimum Lot Area - 10,000 sq. ft. per home.

5.5.3. Minimum Lot Width - 100 ft. per home.

5.5.4. Minimum Yards and Maximum Building Height and Lot Coverage - as per Section 5.4 above.

5.5.5. Building design shall conform to the standards of Article 12 Section 1.

5.5.6. Landscaping of each manufactured home subdivision shall be in accordance with Article 12, Section 2.

5.6. Development Standards for Manufactured and Mobile Home Parks

Manufactured and mobile homes may only be placed in existing Manufactured and Mobile Home Parks and in new Manufactured or Mobile Home Parks approved in accordance with the terms of this Ordinance. Approvals required include Conditional Permitted Use approval and Site Plan approval. Development standards shall be as follows:

5.6.1. Minimum park size - 5 acres.

5.6.2. Minimum lot size - 4,400 square feet.

5.6.3. Minimum lot width - 44 feet.

5.6.4. Minimum front yard - 25 feet.

5.6.5. Minimum side yards - 15 feet, or, 5 feet if placed parallel to the street.

5.6.6. Minimum rear yard - 15 feet.

5.6.7. Building design shall conform to the standards of Article 12, Section 1.

5.6.8. Landscaping along the perimeter of all new Manufactured and Mobile Home Parks shall be in accordance with Article 12, Section 2 of this Ordinance.

5.7. Development Standards for Single Family Dwellings in R-2 Districts

The construction of single-family dwellings within any R-2 District shall comply with all development standards for R-1B Districts as contained in Section 5.4.

SECTION 6: B-1 COMMUNITY BUSINESS DISTRICT

6.1. Purpose and Intent

B-1 Community Business Districts are generally intended to be located on major thoroughfares and provide goods and services to residents of the community. Because these commercial uses are subject to the public view, which is a matter of important concern to the whole community, they should provide an appropriate appearance, ample parking, controlled traffic movement, and suitable landscaping, and protect abutting residential areas from the traffic and visual impacts associated with commercial activity.

6.2. Permitted Uses

The following uses may be established as permitted uses in the B-1 Community Business District, in accordance with the procedures established in Article 5, Section 2 of this Ordinance:

6.2.1. Carwashes
6.2.2. Churches
6.2.3. Clinics
6.2.4. Clubs and Lodges (Civic and Fraternal)
6.2.5. Convenience Stores
6.2.6. Day Care Facilities, Large
6.2.7. Day Care Facilities, Small
6.2.8. Drug Stores
6.2.9. Funeral Homes
6.2.10. Group Care Facilities
6.2.11. Laboratories, Medical and Dental
6.2.12. Laboratories, Research
6.2.13. Libraries
6.2.14. Museums
6.2.15. Offices, Medical
6.2.16. Offices, Other than Medical
6.2.17. Parking Lots on Separate Lots
6.2.18. Parks
6.2.19. Personal Service Establishments
6.2.20. Plant Nurseries and Greenhouses
6.2.21. Post Offices
6.2.22. Prosthesis and Medical Supplies
6.2.23. Public Safety Stations
6.2.24. Radio and TV Broadcasting Studios
6.2.25. Recreation Centers

6.2.26. Rehabilitation Centers
6.2.27. Restaurants
6.2.28. Retail Stores (up to 20,000 sq. ft.)
6.2.29. Satellite Dish Antennas
6.2.30. Schools
6.2.31. Signs
6.2.32. Utility Substations
6.2.33. "Reserved"
6.2.34. "Reserved"
6.2.35. "Reserved"
6.2.36. "Reserved"
6.2.37. "Reserved"

6.3. Conditional Permitted Uses

The following uses may be established as conditional permitted uses in the B-1 Community Business District, subject to approval by the Board of Aldermen in accordance with the procedures established in Article 5, Section 4 of this Ordinance:

6.3.1. Animal Shelters
6.3.2. Armories
6.3.3. Automobile Service and Repair
6.3.4. Dog Kennels
6.2.5. Nursing Homes
6.3.6. Recycling Drop Off Stations
6.3.7. Small Engine Repair
6.3.8. Resource Extractions
6.3.9. "Reserved"
6.3.10. "Reserved"
6.3.11. "Reserved"
6.3.12. "Reserved"
6.3.13. "Reserved"

6.4. Development Standards of General Applicability

All uses and structures in the B-1 Community Business District shall meet the following development standards, except as otherwise provided by this Ordinance.

6.4.1. Minimum Lot Area - 10,000 sq. ft.
6.4.2. Minimum Lot Width - 75 ft.
6.4.3. Minimum Front Yard - 25 ft.
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.
6.4.4. Minimum Side Yards - 10 ft.

6.4.5. Minimum Rear Yard - 20 ft.
6.4.6. Maximum Building Height - 50 ft.
6.4.7. Maximum Lot Coverage - 40%

SECTION 7: B-2 HIGHWAY BUSINESS DISTRICT

7.1. Purpose and Intent

The purpose of the B-2 Highway Business District is to provide areas for intensive, high impact commercial and small scale light industrial establishments which generate large volumes of heavy truck traffic. Consequently, these districts are located on arterial highways. Retail office and personal service establishments are incompatible, and, therefore, are not to be mixed in these heavy commercial and light industrial areas.

7.2. Permitted Uses

The following uses may be established as permitted uses in the B-2 Highway Business District, in accordance with the procedures established in Article 5, Section 2 of this Ordinance:

7.2.1. Amusement Establishments
7.2.2. Animal Hospitals
7.2.3. Animal Shelters
7.2.4. Armories
7.2.5. Automobile Services Stations and Repair
7.2.6. Building Materials and Supplies
7.2.7. Carwashes
7.2.8. Churches
7.2.9. Clinics
7.2.10. Clubs and Lodges (Civic and Fraternal)
7.2.11. Contractor Shops
7.2.12. Convenience Stores
7.2.13. Day Care Facilities, Small
7.2.14. Day Care Facilities, Large
7.2.15. Dog Kennels
7.2.16. Drug Stores
7.2.17. Golf Driving Ranges
7.2.18. Funeral Homes
7.2.19. Group Care Facilities
7.2.20. Hotels and Motels
7.2.21. Laboratories, Medical and Dental
7.2.22. Laboratories, Research
7.2.23. Lumberyards-No Millwork
7.2.24. Machine Shops
7.2.25. Mini Warehouses
7.2.26. Moving Services
7.2.27. Nursing Homes

7.2.28. Parking Lots on Separate Lots
7.2.29. Parks
7.2.30. Plant Nurseries and Greenhouses
7.2.31. Post Offices
7.2.32. Printing Establishments up to 25,000 sq. ft.
7.2.33. Public Safety Stations
7.2.34. Radio and TV Broadcasting Studios
7.2.35. Recycling Drop Off Stations
7.2.36. Rehabilitation Centers
7.2.37. Restaurants
7.2.38. Satellite Dish Antennas
7.2.39. Schools
7.2.40. Signs
7.2.41. Small Engine Repair
7.2.42. Trade Schools
7.2.43. Trucking Companies
7.2.44. Truck, Heavy Equipment, Farm Implement, Boat, Motorcycle and Mobile/Manufactured Home Sales and Service
7.2.45. Utility Substations
7.2.46. Vehicle Sales and Service
7.2.47. Woodworking and Cabinet Shops
7.2.48. "Reserved"
7.2.49. "Reserved"
7.2.50. "Reserved"
7.2.51. "Reserved"
7.2.52. "Reserved"

7.3. Conditional Permitted Uses

The following uses may be established as conditional permitted uses in the B-2 Highway Business District, subject to approval by the Board of Aldermen in accordance with the procedures established in Article 5, Section 4 of this Ordinance:

7.3.1. Asphalt and Concrete Plants
7.3.2. Clinics
7.3.3. Crematories and Mausoleums
7.3.4. Junkyards
7.3.5. Newspaper Publishing, Printing and Distribution
7.3.6. Radio and TV Transmission Towers
7.3.7. Recycling and Salvage Operations
7.3.8. Resource Extractions
7.3.9. "Reserved"
7.3.10. "Reserved"
7.3.11. "Reserved"
7.3.12. "Reserved"
7.3.13. "Reserved"

7.4. Development Standards of General Applicability

All uses and structures in the B-2 Highway Business District shall meet the following development standards, except as otherwise provided by this Ordinance.

7.4.1. Minimum Lot Area - 10,000 sq. ft.
7.4.2. Minimum Lot Width - 75 ft.
7.4.3. Minimum Front Yard - 50 ft.
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.
7.4.4. Minimum Side Yards - 15 ft.
7.4.5. Minimum Rear yard - 20 ft.
7.4.6. Maximum Building Height - 50 ft.
7.4.7. Maximum Lot Coverage - 50%

SECTION 8: I-1 INDUSTRIAL DISTRICT

8.1. Purpose and Intent

The I-1 Industrial District is established as a district in which the principal use of land is for industries which can be operated in a relatively clean and quiet manner and which will not be obnoxious to adjacent residential or business districts and for warehousing and wholesaling activities with limited contact with the general public. The regulations are designed to prohibit any other use which would substantially interfere with the development of industrial establishments in the District.

8.2. Permitted Uses

The following uses may be established as permitted uses in the I-1 Industrial District, in accordance with the procedures established in Article 5, Section 2 of this Ordinance:

8.2.1. Aircraft Sales and Service
8.2.2. Laboratories, Medical and Dental
8.2.3. Laboratories, Research
8.2.4. Manufacturing, Light
8.2.5. Mini Warehouses
8.2.6. Moving Services
8.2.7. Newspaper Publishing, Printing and Distribution
8.2.8. Parking Lots on Separate Lots
8.2.9. Public Safety Stations
8.2.10 Recycling Drop-Off Stations
8.2.11. Satellite Dish Antennae
8.2.12. Signs
8.2.13. Trade Schools

8.2.14. Trucking Companies
8.2.15. Utility Substations
8.2.16. Warehousing and Distributions
8.2.17. Woodworking and Cabinet Shops
8.2.18. "Reserved"
8.2.19. "Reserved"
8.2.20. "Reserved"
8.2.21. "Reserved"
8.2.22. "Reserved"

8.3. Conditional Permitted Uses

The following uses may be established as conditional permitted uses in the I-1 Industrial District, subject to approval by the Board of Aldermen in accordance with the procedures established in Article 5, Section 4 of this Ordinance:

8.3.1. Asphalt and Concrete Plants
8.3.2. Automobile Service Stations and Repair
8.3.3. Convenience Stores
8.3.4. Detached Dwellings
8.3.5. Day Care Facilities, Large
8.3.6. Junkyards
8.3.7. Lumberyards and Millwork
8.3.8. Machine Shops
8.3.9. Manufacturing, Heavy
8.3.10. Parks
8.3.11. Public Utility Facilities
8.3.12. Radio and TV Transmission Towers
8.3.13. Recycling and Salvage Operations
8.3.14. Resource Extractions
8.3.15. Restaurants
8.3.16. "Reserved"
8.3.17. "Reserved"
8.3.18. "Reserved"
8.3.19. "Reserved"
8.3.20. "Reserved"

8.4. Development Standards of General Applicability

All uses and structures in the I-1 Industrial District shall meet the following development standards, except as otherwise provided by this Ordinance.

8.4.1. Minimum Lot Area - 10,000 sq. ft.
8.4.2. Minimum Lot Width - 100 ft.

8.4.3. Minimum Front Yard - 50 ft.
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.

8.4.4. Minimum Side Yards - 15 ft.

8.4.5. Minimum Rear yard - 30 ft.

8.4.6. Maximum Building Height - 50 ft., however, buildings may be an additional 1 foot in height for each 1 foot the building is set back from the street greater than the required, up to a maximum of 75 feet.

8.4.7. Maximum Lot Coverage - 75%

Article 9

General Development Standards

ARTICLE 9 - GENERAL DEVELOPMENT STANDARDS

1.1. Number of Principal Buildings Per Lot

In any district, except A-R, R-1A, R-1B and R-2, more than one structure containing a permitted or conditional 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.

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 Article 8 for the zoning district in which it is located, except as otherwise established in this Ordinance for particular uses. These standards are summarized in Table 1.1. In the event of a conflict or inconsistency between Table 1.1. and the standards in Article 8, the standards in Article 8 shall control.

TABLE 1.1
GENERAL DEVELOPMENT STANDARDS

District	Minimums					Maximums	
			Yards				
	Lot Size	Width	Front	Side	Rear	Coverage	Height
A-R	1 acre	125 ft.	50 ft.	25 ft.	50 ft.	25%	35 ft.
R-1A	12,500 sq. ft. (1 acre w/septic tank)	90 ft.	40 ft.	12 ft.	30 ft.	35%	35 ft.
R-1B	8,500 sq. ft.	75 ft.	30 ft.	8 ft.	20 ft.	35%	35 ft.
R-2	2,000 sq.ft./unit	20/unit	25 ft.	10 ft.	20 ft.	50%	35 ft.
B-1	10,000 sq.ft.	75 ft.	25 ft.	10 ft.	20 ft.	40%	50 ft.
B-2	10,000 sq. ft.	75 ft.	50 ft.	15 ft.	20 ft.	50%	50 ft.
I-1	10,000 sq. ft.	100 ft.	50 ft.	15 ft.	30 ft.	75%	50 ft.

1.3. Required Yards; Allowable Encroachments into Required Yards

1.3.1. A building, structure, or lot shall not be developed, used, or occupied unless it meets the minimum yard requirements set forth in this Article and Article 8 for the zoning district in which it is located, except as otherwise established in this Ordinance for particular uses. These standards are summarized in Table 1.1. In the event of a conflict or inconsistency between Table 1.1. and the standards in this Article and Article 8, the standards in Article 8 shall control.

1.3.2. 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.

1.3.3. For streets designated as major thoroughfares by the Transportation Plan, the minimum front yard requirement shall be measured from the right-of-way specified by the Transportation Plan.

1.3.4. The minimum front yard requirement for a lot with buildings on both sides which are less than required by this Ordinance shall be calculated by averaging the setback of said adjoining buildings. This exception to the normal front yard requirements applies only where both adjacent buildings are located within 50 ft. of the side lot line of the lots sought to be built upon.

1.3.5. A yard, court, or other open space required by this Ordinance shall not be included as part of a yard or other open space required by this Ordinance for another building or structure.

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

1.3.6.1. Sills, cornices, and similar ornamental features projecting from the principal building may encroach up to 18 inches into any required yard or building restriction line shown on the subdivision plat for the property;

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

1.3.6.3. 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 feet to the property line;

1.3.6.4. 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 feet to the rear lot line or side lot lines. An accessory building or structure shall be located in the rear yard or side yard and not the front yard. An accessory building or structure shall be located at least fifteen (15) feet from the principal building, otherwise, it shall be considered a part of the principal building and shall conform to the yard setback requirements of the principal building.

1.3.7. The Land Code Administrator may approve encroachments of a principal building into any required yard up to a maximum of ten (10) per cent of the applicable required yard setback, provided that:

1.3.7.1. The requested encroachment is not in a required side yard;

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

1.3.7.3. The encroachment is a result of a construction error by the property owner or a person acting on his behalf;

1.3.7.4. The encroachment cannot be corrected without substantial hardship and expense to the property owner;

1.3.7.5. 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.

1.4. Height Limits

1.4.1. *All A-R, R-1A, R-1B and B-1 Districts.* Buildings and structures in residential zoning districts and the B-1 zoning district shall not exceed 35 feet in height unless, in addition to the front yard, side yards, and rear yard required for the district in Article 8, the building structure is set back an additional one foot from the property line for each foot of height in excess of 35 feet not to exceed 45 feet.

1.4.2. *All other zoning districts.* Buildings and structures in B-2 and I-1 zoning districts shall not exceed 50 feet in height unless, in addition to any setback necessary to accommodate the yard requirements set forth in Article 8, the building or structure is set back an additional one foot from the property line for each one foot of height in excess of 50 feet up to a maximum of 75 feet. Furthermore, where a building or structure in a non-residential district is located within 100 feet of the boundary of a residential zoning district, the height of the building shall not exceed 35 feet.

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 this Article and Article 8 for the zoning district in which it is located, except as otherwise established in this Ordinance for particular uses. These standards are summarized in Table 1.1. In the event of a conflict or inconsistency between Table 1.1. and the standards in this Article and Article 8, the standards in this Article and Article 8 shall control.

1.6. Corner Visibility

On a corner lot in any zoning district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of 2 1/2 and 10 feet above the center line grades of the intersected streets in the area bounded by the street lines of such corner lots and a line adjoining points along said street lines 50 ft. from the point of the intersection.

1.7. Required Public Water and Sanitary Systems

1.7.1. All permitted and conditional permitted uses shall be connected to and served by public water and sanitary sewer facilities; however, uses in areas with no sanitary sewer access or public water supply access within 500 ft. may be served by private wells and/or septic systems. Where connection to public water and sanitary sewer systems is required, such systems shall be constructed to City standards, sizes, and specifications and dedicated to the City for operation and maintenance, thus allowing for the orderly expansion of the City, its water systems, fire protection services and sanitary sewer systems which protect the health and protection of the citizens of the City and its environment. All septic tanks or other alternate means of sewage disposal shall be approved by the required state agency and/or local agency.

Article 10

Off-Street Parking and Loading Requirements

ARTICLE 10 - OFF-STREET PARKING AND LOADING REQUIREMENTS

1.1. Purpose and Scope

In order to relieve traffic congestion in the streets, to minimize any detrimental effects of off-street parking areas on adjacent properties, and to ensure the proper and uniform development of parking areas throughout the jurisdiction of the City, off-street parking and loading spaces for each land use shall be provided in accordance with the standards established in this Article. Nothing in this Article shall prevent the voluntary establishment of off-street parking and loading facilities in excess of the number required by this Section, provided that such facilities meet all minimum requirements of this Section and otherwise comply with this Ordinance.

1.2. Off-Street Parking Space Requirements

1.2.1. *Parking spaces required.* Permanent off-street parking spaces shall be provided as specified by this Section (1) at the time a building is erected, (2) at the time any principal building is enlarged or increased in capacity, such as by adding dwelling units, guest rooms, seats, floor area, or other units of measurement used in Table 1.2, or (3) before conversion from one type of use or occupancy to another.

1.2.2. *Certification.* Each site plan which is submitted shall include information as to the number, location, and dimensions of all off-street parking and loading spaces and the means of ingress and egress to such spaces. This information shall be in sufficient detail to indicate whether or not the requirements of this Article are met. In those cases where no site plan is required, the applicant must show that the number of parking spaces and the design and construction of all parking areas meet the requirements of this Section in order to receive a building permit.

1.2.3. *Minimum number of required spaces.* Each principal and accessory use of land shall be provided with at least the number of off-street parking spaces indicated for that use in Table 1.2.

TABLE 1.2.
REQUIRED OFF-STREET PARKING
BY LAND USE PLAN

	USES	PARKING SPACES REQUIRED
1	Amusement Establishments	
	a. Theaters & Similar Fixed Seating Establishments	1 per 4 seats
	b. Bowling Alleys	4 per alley/lane
	c. All Other	1 per 200 sq. ft.

USES		PARKING SPACES REQUIRED
2	Animal Hospitals	1 per 300 sq. ft.
3	Animal Shelters	1 per 400 sq. ft.
4	Armories	1 per each 1½ employees (including enlistees)
5	Asphalt & Concrete Plants	1 per employee
6	Automobile Service Stations & Repair	2 plus 3 per service bay
7	Building Materials & Supplies	1 per 300
8	Car Washes	1 per 300
9	Cemeteries & Mausoleums	1 per employee
10	Churches	1 per 4 seats in sanctuary
11	Clinics	1 per 200
12	Clubs & Lodges (Civic & Fraternal)	1 per 4 seats in meeting hall
13	Convenience Stores	1 per 200
14	Country Clubs	1 per 3 seats in restaurant
15	Day Care Facilities, Large	3 per facility plus a drop-off lane for at least 2 cars
16	Dog Kennels	1 per 400
17	Drug Stores	1 per 200
18	Furniture Sales and Showrooms (Retail)	1 per 400 sq. ft.
19	Funeral Homes	1 per 4 seats in chapel
20	Golf Courses	4 per green
21	Golf Driving Ranges	1 per 3 slots
22	Group Care Facilities	1 per employee
23	Home Businesses	2 for residence & 1 for business
24	Hotels and Motels	1 per sleeping room plus 1 for each 4 seats
25	Junkyards	NR
26	Laboratories, Medical & Dental	1 per 300
27	Laboratories, Research	1 per 500 sq. ft.
28	Libraries	1 per 300
29	Lumberyards-No Millwork	1 per employee
30	Lumberyards and Millwork	1 per employee
31	Machine Shops	1 per employee, plus 1 per 500 sq. ft.
32	Manufacturing, Heavy	1 per 1.5 employees

USES		PARKING SPACES REQUIRED
33	Manufacturing, Light	1 per 1.5 employees
34	Mini Warehouses	1 per 300 sq. ft. of office area
35	Moving Services	1 per 300 sq. ft. of office area plus 1 per non-office employee
36	Museums	1 per 500
37	Newspaper Publishing, Printing & Distribution	1 per 1.5 employees
38	Nursing Homes	0.25 per bed plus 1 per employee
39	Offices, Medical	1 per 200
40	Offices, Other than Medical	1 per 300
41	Parking Garages	NA
42	Parking Lots on Separate Lots	NA
43	Parks	As approved by Planning and Building Department
44	Personal Service Establishments	1 per 200
45	Plant Nurseries & Greenhouses	1 per 300
46	Post Offices	1 per 200
47	Prothesis & Medical Supplies	1 per 300
48	Public Utility Facilities	1 per employee
49	Public Safety Stations	1 per 500 sq. ft.
50	Radio & TV Broadcasting Studios	1 per employee
51	Radio & TV Transmission Towers	NR
52	Recreation Centers	
	a. Swimming Pools	1 per 75 sq. ft. of pool area
	b. Tennis or Racquet Courts	3 per court
	c. All other floor areas	1 per 250 sq. ft.
53	Recycling & Salvage Operations	1 per 500 sq. ft.
54	Recycling Drop-Off Stations	A drop-off lane for at least 2 cars
55	Rehabilitation Centers	1 per 400 sq. ft.
56	Resource Extraction	1 per employee
57	Restaurants	1 per 3 seats
58	Residential	2 per dwelling unit
59	Retail Stores	1 per 200

USES		PARKING SPACES REQUIRED
60	Schools	
	K-8	2.25 per classroom
	9-12	1.5 per classroom plus 1 per 5 students
61	Shooting Ranges, Indoor	1 for each 2 slots
62	Shooting Ranges, Outdoor	1 for each 2 slots
63	Small Engine Repair	1 per 300 sq. ft.
64	Trade Schools	2 per classroom plus 1 for every 2 students
65	Trucking Companies	1 per employee
66	Trucks, Heavy Equip., Farm Implement, Boats, Motorcycles & Mobile/Manufactured Home Sales & Service	1 per 300
67	Utility Substations	1 per employee
68	Vehicle Sales & Rental	1 per 300
69	Warehousing & Distribution	1 per 1.5 employees
70	Warehouse storage in conjunction with retail uses	1 per 1,000 sq. ft.
71	Woodworking & Cabinet Shops	1 per employee

1.2.4. *Reduction in number of required spaces.* As part of its review and approval of a site plan, the Board of Aldermen or the Planning Commission or Planning and Building Department, whichever is responsible for final approval of the site plan, may reduce the number of parking spaces required by this Section up to ten percent (10%) upon finding that the reduced number of parking spaces will be sufficient to satisfy the demand for parking expected for the use, considering the nature of the use, the number of trips generated by the use, the times of day when the use generates the most trips, and the extent to which other establishments are located on the same property and may reduce the number of vehicle trips required between different establishments.

1.2.5. *Reduction in number of required spaces/no site plan required.* In cases where no site plan is required, or where a site plan previously approved by the Board of Aldermen or Planning Commission remains in effect for the property, the Planning Commission may grant a variance from the requirements of Subsection 1.2.3. above only upon finding that the reduced number of parking spaces will be sufficient to satisfy the demand for parking expected for the use, considering the nature of the use, the number of trips generated by the use, the times of day when the use generates the most trips, and the extent to which other establishments are located on the same property and may reduce the number of vehicle trips required between different establishments, in addition to

finding that the variance meets the general standards for variances set forth in Article 6, Section 1 of this Ordinance.

1.2.6. *Timing of construction.*

1.2.6.1. Except as provided in subsection 1.2.6.2. hereof, all parking areas required under this Section shall be completed prior to the issuance of a certificate of occupancy for the use or uses which they serve.

1.2.6.2. Provided the owner shall execute an agreement to complete the required parking within 6 months of the date of occupancy of the building, the Land Code Administrator may authorize such an extension.

1.3. Shared Parking

The Land Code Administrator may approve shared parking as complying with this Ordinance and shall adopt a standard methodology for calculation of the number of spaces to be required.

1.4. Location and Design of Parking Areas/Stacking Lanes

1.4.1. All parking areas shall be located and designed so as to avoid undue interference with the use of public streets and alleys.

1.4.2. All required parking areas shall be paved, or concrete in accordance with recognized standards for asphalt and concrete construction. Driveways leading to all parking areas shall also be paved or concrete with the exception of driveways in A-R Districts.

1.4.3. Each parking area shall meet all applicable landscaping, screening, and buffering requirements set forth in Article 12, Section 2 of this Ordinance.

1.4.4. All parking areas shall be separated at least ten feet from buildings, in order to allow room for sidewalks, landscaping and other plantings between the building and the parking area.

1.4.5. To the extent possible, parking areas should be located to the rear or side of the principal building, rather than between the building and the street.

1.4.6. All stacking lanes for day care centers shall be provided with either an on-site vehicle turnaround or separate points of ingress and egress.

1.5. Off-Site Parking

1.5.1. If some or all of the off-street parking spaces required by this Article cannot reasonably be located on the same lot as the principal use, then such spaces may be

provided on land within 400 feet of the main entrance to such principal use, provided that:

1.5.1.1. Such land is owned by the same person or persons as the principal use;
1.5.1.2. Such land is not separated from the principal use by a major thoroughfare or collector street.
1.5.1.3. Such land is located in a zoning district within which the principal use would be allowed as a permitted or special use;
1.5.1.4. Such land shall be used for no other purpose than to provide parking for the principal use;
1.5.1.5. There is or will be a pedestrian walkway or sidewalk connecting the parking area to the use it serves.

1.5.2. In such cases, the applicant for a building permit or certificate of occupancy for the principal use shall submit, along with his or her application for such permit or certificate, a legal instrument, duly executed and acknowledged, which subjects and restricts the land to use for parking in connection with the principal use. Upon the issuance of a building permit or certificate of occupancy, the applicant shall register the legal instrument in the Chancery Clerk's Office.

1.5.3. The restrictions of this Section shall not apply to those uses which share parking spaces pursuant to Section 1.3 above.

1.6. Minimum Dimensions of Parking Spaces, Aisles and Driveways

1.6.1. *Dimensional Requirements of Parking Spaces and Stalls.* For the purposes of this Section, a parking space shall not be less than 8'6" X 16', excluding all driveways, entrances and exits. Each space must be identified by striping and/or by concrete, or equivalent, wheel stops.

1.6.2. *Dimensional Requirements for Parking Area Aisles.* The minimum width of aisles between rows of parking stalls shall vary with the angle of parking spaces - the wider the parking angle, the wider the aisle width required. The minimum aisle widths shall be as shown below, based on one-way or two-way traffic and the angle of parking:

	45°	50°	55°	60°	90°
1-way	13'	14'6"	16'	17'6"	20'
2-way	15'6"	17'	18'6"	20'	25'

1.6.3. *Entrances and Exits (Driveways).* Access to streets shall be controlled in accordance with the following requirements:

1.6.3.1. *Access barrier.* Each development shall be physically separated from the adjoining street(s) by a curb or other suitable barrier to serve as a barrier against unchannelled motor vehicle ingress and egress. Except for the driveways permitted below, such barrier shall be continuous for the entire length of any lot line adjoining a street.

1.6.3.2. *Number of driveways per lot.* The number of driveways per street shall be limited to one wherever feasible and shall not exceed one driveway for every 100 feet of street frontage or a fraction thereof. Corner lots located on major thoroughfares shall have access from the side street wherever possible to reduce the number of driveways along said major thoroughfares. A one-way pair entrance and exit shall be considered one driveway. Parking lots shall be so designed so as to prevent vehicles from backing out onto any street, except for one and two family developments.

1.6.3.3. *Width of driveways.* The width of any driveway shall not exceed 35 feet nor be less than 15 feet. The Land Code Administrator may authorize a width of up to 50 ft. where large trucks frequent the business and would otherwise experience difficulty entering and exiting the property.

1.6.3.4. *Distance between driveways; minimum distance from street intersections.* Driveways on the same lot, including one-way pairs shall be separated by a minimum of 25 feet. For corner lots, the edge of the driveway shall be at least 40 feet from the right-of-way line of the intersecting street. Except in residential districts, driveways shall be a minimum of five (5) feet from the side property lines, however, a driveway serving adjoining businesses may be constructed over the side property line.

1.7. Loading Space Requirements

1.7.1. *Number of required off-street loading berths.* At least the number of berths specified in Table 1.2, depending on the gross floor area of the land use, shall be provided on the property. The developer should evaluate his own needs to determine if the use requires a greater number of spaces than that required by this section.

Table 1.2
Required Off-Street Loading Berths

Gross Floor Area (in square feet)	Minimum Number of Berths
Less than 40,000	1
40,000-100,000	2
100,000-160,000	3
160,000-240,000	4
240,000-320,000	5
320,000-400,000	6
Each 90,000 above 400,000	1

1.7.2. *Minimum dimensions.* Each loading berth required by this Section shall be at least 12 feet wide and 25 feet long, with at least 14 feet of overhead clearance. Each required loading berth shall have adequate, unobstructed means for the ingress and egress of vehicles.

1.7.3. *Waiver or modification of requirements.* As part of its review and approval of a site plan, the Board of Aldermen, the Planning Commission or the Planning and Building Department, whichever is responsible for final approval of the site plan, may waive or modify the requirements of this Section upon finding that the use does not require loading spaces of a number or size required by this Section, given the particular operational characteristics of the use and its need for the delivery or shipment of goods to and from the site.

1.7.4. *Location and screening of loading area.* To the maximum extent possible, all loading berths shall be located between building and the rear lot line of the property and/or shall be screened from the view of the street and adjacent properties. All loading areas shall meet the applicable landscaping, screening, and buffering requirements set forth in Article 12, Section 2 of this Ordinance. The details of such location and screening shall be reviewed and approved as part of the site plan for the development.

1.7.5. *No obstruction to street traffic.* All loading spaces shall be so arranged as to prevent blockage of traffic, and, under no circumstances shall be located on a public street.

Article 11

Accessory and Temporary Uses and Structures

ARTICLE 11 - ACCESSORY AND TEMPORARY USES AND STRUCTURES

SECTION 1: ACCESSORY USES AND STRUCTURES

1.1. General Standards and Limitations

1.1.1. *General Standards*. All accessory uses and accessory structures shall conform to the applicable requirements of this Ordinance. The Provisions of this Article establish additional requirements and restrictions for particular accessory uses and structures. Except as otherwise provided in this Article or elsewhere in this Ordinance, any accessory use or accessory structure shall be treated as a permitted use in the zoning district in which it is located.

1.1.2. *Setback and yard requirements*. Except as otherwise provided elsewhere in this Ordinance, an accessory structure shall not be located within a required front yard, nor within five (5) feet of the rear or side lot lines. In residential districts, accessory buildings to be located in a side yard must be constructed with the same design and construction materials as the principal building or otherwise screened from view from the front and side property lines by a solid board fence or landscaping. If an accessory building or structure is attached to the principal building, or within 15 feet of the principal building, it must conform to the yard requirements for a principal building. Accessory buildings in non-residential zones and greater than 400 square feet in size shall conform to the yard or setback requirements for a principal building.

1.1.3. *Gas station canopies.* Gas station canopies either attached to the principal building or detached and gas pump islands may be erected in the required front yard but shall not extend closer to the street right-of-way, including the right-of-way proposed by the Transportation Plan, than fifteen (15) feet.

1.1.4. *Signs.* All signs shall be governed by the standards and sign permit procedures set forth in Section 2 of this Article and Article 5, Section 10 of the Ordinance.

1.1.5. *Temporary accessory uses and structures*. Temporary accessory uses and structures shall be governed by the standards and temporary use permit procedures set forth in Section 3 of this Article and Article 5, Section 3 of this Ordinance.

1.2. Home Occupations

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

1.2.1. The principal person or persons providing the business or services resides in the dwelling on the premises;

1.2.2. The business or service is located within the dwelling or an accessory building thereto, and does exceed 20 percent of the combined floor area of the structures or 500 square feet, whichever is less;

1.2.3. 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;

1.2.4. The property contains no outdoor display or storage of goods or services which are associated with the home occupation;

1.2.5. The home occupation causes no change in the external appearance of the existing buildings and structures on the property;

1.2.6. There are no employees on the premises and no customers or clients on the premises;

1.2.7. All vehicles used in connection with the home occupation are of a size, and located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood;

1.2.8. There shall be no use of utilities or community facilities beyond that reasonable to the use of the property for residential purposes;

1.2.9. The home occupation does not create noise of a type, duration, or intensity which, measured at the property line, exceeds 60dbA between the hours of 7:00 a.m. and 8:00 p.m. No noise shall be created by the home occupation between the hours of 8:00 p.m. and 7:00 a.m. that is detectable to normal sensory perception off the premises of the home occupation;

1.2.10. No mechanical equipment shall be used or stored on the premises except such that is normally used for purely domestic or household purposes, nor shall it create noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses outside the dwelling unit. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television sets off the premises, or causes fluctuations in line voltage.

1.3. Home Businesses

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

1.3.1. A conditional permitted use must be secured in accordance with Article 5, Section 4 of this ordinance, and;

1.3.2. The home business shall be operated as a home occupation as defined in Article 2 of this ordinance, except that additional activities are allowed as specified below:

1.3.2.1. 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.

1.3.2.2. Customers are allowed on the premises of the home business, but not more than five (5) per day. 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.

1.3.2.3. The making of crafts and other similar activities, as approved by the city, may be approved in an accessory building.

1.4. Satellite Dish Antennae

1.4.1. *Purpose and intent.* To minimize any health and safety hazards created by mounting satellite dish antennae on residential buildings. To control the location and screening of satellite dish antennae to lessen any impact on surrounding properties. To preserve the City's image and character.

1.4.2. Except as set forth in 1.4.3. below, satellite dish antennae may be located in any zoning district listed in Article 8 provided that it meets the following requirements:

1.4.2.1. It shall not be located in either a front or side yard without first obtaining a conditional permitted use permit.

1.4.2.2. 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;

1.4.2.3. It may be located on the roof of a building in a non-residential district;

1.4.3. Any satellite dish antenna may temporarily exist on any property for 15 days or less without meeting the above requirements for a permanent use.

1.5. Day Care Facility, Small

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

MOTION BY Bielstein, seconded by Hudson, and passed, to amend the Land Use Plan Article 1.7.1 "Fences located in R-IA, R-1B, R-2 Districts of the City of Purvis Zoning Ordinance."

"From the effective date of this ordinance forward no fence shall be erected between the front of any residential building and the street other than a decorative fence such as a picket fence, chain link fence, wrought iron or split rail fence. Such fence shall not exceed four (4) feet in height."

The remainder of Article 1.7.1 remains intact as written. This proposed amendment to the Land Use Plan of Purvis, Mississippi Zoning Ordinance shall be noticed on the City bulletin board at the Town Hall and the Purvis Public Library for a public hearing to be held at 5:30 p.m. on Tuesday, November 5, 2019.

WITNESS MY SIGNATURE this, the 15 day of October, A.D., 2019.

CITY OF PURVIS

Roger D. Herrin

ROGER HERRIN, Mayor

ATTEST:

Catherine Kemp

CATHERINE KEMP, City Clerk

1.5.1. If an outdoor play area is provided, it is fenced with a minimum 4 foot high fence;

1.5.2. If less than two off-street parking spaces are provided for the home, additional parking spaces are provided for customers.

1.6. Day Care Facility, Large

A day care facility, large, may be permitted in any residential district as an accessory use to a dwelling unit provided that it is reviewed and approved by the Planning Commission as a conditional permitted use as specified by Articles 8 and 9 and in accordance with the procedures and standards set forth in Article 5, Section 4 of this Ordinance and provided that:

1.6.1. All State and Federal regulations are satisfied;

1.6.2. A solid fence at least 4 feet in height is provided around the play area;

1.6.3. Landscaping is provided in order to blend the home into the neighborhood, screen its purely functional aspects from the street and neighboring yards, and absorb and/or deflect any excessive noise;

1.6.4. No excessive light will be generated at the home which will annoy neighboring residents;

1.6.5. 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 Building Code;

1.6.6. Adequate parking and loading spaces are provided as required by Article 10 of this Ordinance;

1.6.7. Access to the facility from nearby streets is adequate based on the projected number of participants attending the home.

1.7. Fences

1.7.1. *R-1A, R-1B, R-2 Districts.* From the effective date of this ordinance forward no fence shall be erected between the front of any residential building and the street other than a decorative fence such as a picket fence, wrought iron or split rail fence. Wire fences such as chain link fences are prohibited in these locations. Such fences shall not exceed three and one-half ~~(3½)~~ 4 feet in height. In the case of corner lots, fences may be erected between the side of the house and the street, other than in the restricted area described above. Such fences may be chain link, and shall not exceed six (6) feet in height and shall not extend closer to the street than one-half (½) the depth of the required or existing front yard, whichever is less, of the adjoining property. If said adjoining

property is vacant, the depth of the required front yard shall apply in determining the setback.

1.7.2. *B-1, B-2 Districts.* No fences of any kind shall be allowed in any front yard except by Conditional Permitted Use in accordance with Article 5, Section 4.

1.7.3. *All Other Districts.* No restrictions.

SECTION 2: SIGNS

2.1. Purpose and Scope

2.1.1. The purpose of this Section is to establish standards and limitations for the fabrication, erection, use and maintenance of signs, symbols, markings, and advertising devices within the city. 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 City as a place in which to live and to work, to preserve and enhance the attractiveness of the City to nonresidents who come to the City to visit or to trade, to reduce public safety hazards caused by signs which are improperly constructed or maintained, or which impair visibility or otherwise distract the attention of motorists and, in general, to promote the health, safety and welfare of the general public.

2.1.2. It is also intended that this Section aide in the development and promotion of business and industry by providing regulations that encourage aesthetic values, creativity, effectiveness and flexibility in the design and use of signs without creating effects detrimental to the general public. While recognizing the need for adequate business and noncommercial identification, advertising and communication, this Ordinance requires that signs:

2.1.2.1. Be compatible with their surroundings, and in compliance with proper design and zoning regulations;

2.1.2.2. Be designed, installed and maintained to meet the needs of sign users while promoting the environment desired by the general public;

2.1.2.3. Be designed, constructed, installed and maintained in a manner that will not endanger the public safety or create traffic hazards;

2.1.2.4. Be legible and readable in the circumstances in which they are utilized; and,

2.1.2.5. Be respectful of the reasonable rights of other advertisers whose messages are displayed.

2.1.3. This Section 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.

2.1.4. This Section 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.

2.2. Approval Requirements

Except as otherwise stated in this Section, signs which are allowed under this Section shall not be erected until and unless the person erecting the sign or the property owner has obtained a Sign Permit from the Planning and Building Department pursuant to Article 5, Section 10 of this Ordinance.

2.3. Construction and Maintenance Requirements; Abandoned Signs

2.3.1. *Construction and compliance with codes.*

2.3.1.1. All signs, regardless of whether a permit is required for such signs, shall comply with all the pertinent requirements of the Building Code and other construction codes adopted and in effect in the City.

2.3.1.2. No sign shall be erected, constructed or maintained so as to obstruct any fire escape, fire hydrant, required exit, window, door or wall opening intended as a means of ingress or egress, or so as to interfere with any opening required for ventilation.

2.3.1.3. All signs and their supporting structures shall maintain clearance and non-interference with all surface and underground facilities and conduits for water, sewage, gas, electricity or communications equipment or lines, and shall not be placed so as to interfere with natural or official drainage or surface or underground water.

2.3.1.4. No sign shall be erected, constructed or maintained so as to interfere with any existing warning or instructional sign.

2.3.2. *General maintenance of signs and premises.*

2.3.2.1. All signs and components thereof shall be maintained in a safe, neat, clean, attractive and structurally sound condition. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust-resistant material.

2.3.2.2. The Land Code Administrator, or his authorized representative, shall have the authority to inspect all signs and order the painting, repair, alteration or removal of a sign which shall constitute a hazard to the health, safety or general welfare of the public by reason of inadequate maintenance, dilapidation or obsolescence.

2.3.3. *Glass and other breakable materials.* All signs constructed in whole or in part with glass, plastic or other breakable materials which shall suffer any breakage, whether from natural or other causes, shall be repaired by the owner of the premises on which the sign is located within a period 30 days from the time the breakage occurs. Additional periods of time for repairs may be granted by the Land Code Administrator, provided such extensions are requested in writing and the Land Code Administrator finds that such extensions would not defeat the basic purposes of this Ordinance.

2.3.4. *Billboards.* Not withstanding other requirements of this Section, billboards with paper copy (poster) which is torn, peeling, or faded shall be cleared of such torn, peeling or faded paper.

2.3.5. *Electrical signs.*

2.3.5.1. Electrical signs shall comply with the Electrical Code adopted by the City. In particular, extension cords shall not be used except in accordance with said Code. Clearance from all electrical power lines shall be in accordance with the requirements of the City of Purvis Planning and Building Department and Pearl River Valley Electric Power Association or Mississippi Power Company, whichever is applicable.

2.3.5.2. All electrical portable signs shall bear the approval of the Underwriters' Laboratories, Inc.

2.3.6. *Visibility requirements.* No sign shall be erected or placed in such a manner as to impair visibility of any motorists.

2.3.7. *Abandoned signs.*

2.3.7.1. Any sign that is located on property which becomes vacant and is unoccupied for a period of three months or more, or any sign which pertains to a time, event, or purpose which no longer applies, and which sign is nonconforming to the requirements of this Section, shall be deemed to have been abandoned.

2.3.7.2. Signs applicable to business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless this property remains vacant for a period of six months or more.

2.3.7.3. Not withstanding the above provisions, any sign that fails to meet the construction and maintenance requirements of this Section, shall be deemed to be abandoned and subject to removal if any such deficiencies are not corrected within 30 days after a written notice from the Land Code Administrator to the owner or tenant concerning said deficiencies. The Land Code Administrator shall have the discretion to grant an additional 30 days for the required improvements to be made provided substantial progress is being made to correct the deficiencies and a written request for such an extension is received at least five working days before the end of the original notice.

2.3.7.4. Signs which are found to be in violation of this Section shall be removed by the owner of the sign or owner or tenant of the premises immediately upon written notice by the Land Code Administrator that the sign does not comply with the terms of this Section. Any such signs not removed within 30 days from this written notice may be removed by the City and all costs charged to the owner, agent or person having the beneficial interest in the building or premises upon which such signs are located, or in the sign itself.

2.4. Permanent Signs

2.4.1. *Ground signs.*

2.4.1.1. *Number.* A maximum of one ground sign shall be allowed per business with the exception of businesses with frontage on more than one (1) street, in which case one (1) shall be allowed for each section of the property's frontage which is separated from another section by property under separate ownership by a distance of at least 100 feet.

2.4.1.2. *Separation.* Each ground sign shall be located a minimum of 100 feet from other ground signs on the same side of the street. The Land Code Administrator may grant a minor conditional use for a ground sign to be located less than 100 feet from another ground sign upon a written finding that a proposed sign cannot physically meet this requirement solely due to the location of existing signs on separate but adjoining lots, provided that all other requirements of this Ordinance are met and the proposed sign is located as remotely from adjacent signs as possible. No such conditional use shall be granted when the existing sign is located on the same lot as the proposed sign. In this case, a directory sign is recommended. However, the Land Code Administrator may grant a minor conditional use approval for a ground sign to be located not closer than 75 feet to another sign where a directory sign is not feasible or would be greater than 75 feet from the business seeking the Sign Permit. All procedures regarding conditional uses as contained in Article 5, Section 4 shall apply.

2.4.1.3. *Setbacks.* All ground signs shall be a minimum of 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. No ground sign shall be placed within the required right-of-way of a major thoroughfare which is scheduled to be widened as per the official Transportation Plan of the City. Ground signs shall be set back a sufficient distance from side lot lines so as to allow placement of ground signs on adjoining property that would meet the 100 feet separation requirements in subsection 2.4.1.2. above.

2.4.1.4. *Size and height restrictions.*

Districts	Maximum Size	Maximum Height
All R, A-R	36 sq. ft.	4 ft.
B-1, B-2, I-1	100 sq. ft.	25 ft.

2.4.1.5. *Other restrictions.* For ground signs with more than two faces, the maximum size of the largest face shall not exceed 75% of the maximum sign size for the district specified in subsection 2.4.1.4. above. A minimum of 25 square feet of landscaped area shall be located at the base of each ground sign in the R, A-R, and B-1 districts.

2.4.2. *Attached signs.*

2.4.2.1. *Size.* The total surface area of an attached sign shall not exceed, in square feet, 1½ times the linear feet that is the horizontal length of the wall to which the sign is to be attached. 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 totalling the area of each letter in the sign. An additional one square foot of surface area shall be allowed for each foot which the building on which the sign is to be located is set back beyond the front requirements specified by this Ordinance. Not withstanding these provisions, a maximum of 3 square feet for each linear foot that is the horizontal length of the wall on which the sign is to be attached shall be permitted. For multi-tenant buildings, the total area as specified above, shall be distributed among each business therein according to the linear feet frontage occupied by each business.

2.4.2.2. *Location.* An attached sign shall be no higher 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 8 feet to the ground. Projecting signs shall not project from any structure a greater distance

than 10 feet, shall not project into any street right-of-way, nor within 3 feet of any street, public or private, and shall be at least 8 feet above ground level.

2.4.3. *Billboards.*

2.4.3.1. *Allowable zones.* Billboards shall be allowed in B-2 and I-1 zones.

2.4.3.2. *Size and height restrictions.* Billboards shall not exceed four hundred (400) square feet in size and not exceed thirty-five (35) feet in height as measured from ground level to the highest point of the sign.

2.4.3.3. *Setback and separation.* The front setback, as required by the zoning ordinance for buildings, shall also apply to billboards and shall be separated from all other billboards by a minimum distance of five hundred (500) feet measured at a radius.

2.4.3.4. *Other restrictions.* 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 (1) billboard, provided the nearest points of the individual sides of the structure are no more than five (5) feet apart.

2.4.4. *Miscellaneous signs.* The following types of signs are allowed in addition to ground and attached signs permitted by Sections 2.4.1. and 2.4.2. above.

2.4.4.1. *Direction and instructional signs.* Signs which provide directions and instructions for the general public, including entrance and exit signs, provided such signs do not exceed 8 square feet in size or 5 feet in height.

2.4.4.2. *Menu signs.* Signs at drive-through windows of restaurants or other food service establishments, provided that such signs shall not exceed 30 square feet in size and shall not be located in any front yard.

2.4.4.3. *Name and address signs.* Name and address signs not exceeding 2 square feet in size.

2.4.4.4. *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.

2.4.4.5. *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 30% of the window area in any single window.

2.4.4.6. *Incidental signs.* Signs such as credit card, rest room, public telephone and other such signs displayed primarily for the convenience or information of the general public, provided such signs are securely attached to a building or other permanent structure and do not exceed 4 square feet in size.

2.4.4.7. *Public notice bulletin boards.* Signs and bulletin boards that provide general information to the public concerning affairs of general interest to the community as a whole, provided such signs do not exceed 20 square feet in size.

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

2.4.4.9. *Home business signs.* Signs which identify home businesses as approved in accordance with this Ordinance.

2.4.4.10. *Gasoline price signs.* Signs advertising the price of gasoline, provided such signs shall not exceed 15 square feet in size per gas or service station.

2.4.4.11. *Flag signs.* Each business within a B-2 or B-3 district shall be allowed up to fifty (50) square feet of flag signs per 100 feet of street frontage, provided each flag is separated by a distance of at least ten (10) feet and does not exceed twenty-five (25) feet in height. For signs attached to buildings, the height shall not exceed 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.

2.4.4.12. *Setbacks.* No miscellaneous signs shall extend within or over any street right-of-way, or be located within 15 feet of any curb line or street edge.

2.4.4.13. *Permits not required.* Miscellaneous signs shall not be subject to the permit requirements of this Ordinance.

2.5. Temporary Signs

In addition to the permanent signs which are allowed in each zoning district under Section 2.1, the following temporary signs shall be allowed in each zoning district, in accordance with the standards set forth.

2.5.1. *Signs requiring permits.* The following temporary signs are allowable, within the stated restrictions, provided permits are obtained for their construction, erection or placement:

2.5.1.1. *Banners and streamers.* Banners and/or streamers are allowable for a total of one period of two (2) weeks in duration per quarter year for each business or location, and these periods may not be consecutive. Banners shall not exceed 75 square feet in size. Banners or streamers shall not be located within 20 feet of any street. A permit issued for either a banner or streamers shall be deemed as allowing either or both uses.

2.5.1.2. *Street banners.* Street banners extending above and across streets are allowable for official, civic, or philanthropic parades, festivals or events, and shall not be erected more than two weeks in advance of such event, and shall be removed within one week after such event. Street banners should not exceed 125 square feet in size.

2.5.1.3. *Political signs.* Signs advertising political candidates, referenda or similar issues shall not be placed or erected more than six months in advance of any election, referenda or similar issue and shall be removed within seven days after the election. Such signs shall comply with size regulations pertinent to permanent signs contained in Section 2.4.

2.5.2. *Signs not requiring permits.* The following temporary signs are allowable, without requiring permits, provided the stated restrictions are met:

2.5.2.1. *Real estate signs.* Real estate signs shall not exceed 10 square feet in size or 5 feet in height in residential zones and shall not exceed 75 square feet in size or 15 feet in height in all other zones. All real estate signs shall be removed within 7 days after the closing of the sale, lease or rental of premises, or as determined by the Land Code Administrator for multiple lease or tenants spaces in a single project.

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

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

2.5.2.4. *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 36 square feet in size or 10 feet in height. Such signs shall be placed a maximum of 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.

2.5.3. *Setback requirements.* No temporary sign shall be placed or erected within the right-of-way of any street, or within 15 feet of any curb line or street edge.

2.6. Prohibited Signs

The following types of signs are prohibited:

2.6.1. *Flashing or other distracting illumination.*

2.6.1.1. 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, excepting electronic reader board signs, provided the message on such sign does not flash on and off.

2.6.1.2. 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.

2.6.2. *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.

2.6.3. *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 2 square feet displayed on or within a vehicle advertising the availability of said vehicle for sale.

2.6.4. *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 other public right-of-way.

2.6.5. *General prohibited signs.* All other signs not specifically allowed by this Ordinance are prohibited, unless a major conditional use for their use can be secured in accordance with Article 5, Section 4 of this Ordinance.

2.7. Uniform Sign Plans for Shopping Centers and Other Multi-Occupant Non-Residential Developments

2.7.1. 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.

2.7.2. The uniform sign plan shall consist of five 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 Section.

2.7.3. The uniform sign plan shall be subject to approval by the Planning and Building Department. 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.

2.7.4. Ground signs advertising two (2) businesses may be up to 140 square feet in size and thirty (30) feet in height. Ground signs advertising three (3) businesses may be up to 175 square feet in size and thirty-five (35) feet in height.

2.7.5. Existing shopping centers are encouraged to submit a uniform sign plan and shall be allowed the additional size and height specified by 2.7.4. above.

2.7.6. A uniform sign plan for the shopping center or development shall not be approved until and unless the Planning and Building Department finds that:

2.7.6.1. The plan provides that signs of a similar type and function within the development will have a consistent size, lettering style, color scheme, and material construction;

2.7.6.2. The plan provides for signs which meet the size limitations, location requirements, and other applicable requirements of this Section.

SECTION 3: TEMPORARY USES AND STRUCTURES

3.1. Temporary Uses Allowed

3.1.1. The following uses may be established as temporary uses in any district, subject to approval by the Land Code Administrator in accordance with the procedures established in Article 5, Section 3 of this Ordinance:

3.1.1.1. Circuses, carnivals, fairs, side shows, religious services, and musical and other similar types of events;

3.1.1.2. The sale of agricultural products, including Christmas trees;

3.1.1.3. Civic and cultural events, grand openings, and ground breaking ceremonies.

3.1.1.4. The sale or repair of crafts or other items.

3.1.2. In addition to the requirements specified in Article 5, Section 3, all applications for temporary use permits shall be filed at least two (2) weeks prior to the date the temporary use will commence. If public safety support is requested from the City, such application must be filed at least four (4) weeks before the commencement of the temporary use. All applications for uses described in Section 3.1.1.1. and 3.1.1.3. shall include the following information:

3.1.2.1. The location of the property on which the proposed activity (hereafter "event") will take place, the event's starting date and time, the event's ending date and time, the date and time preparatory activities will commence on the property, and the date and time of completed cleanup of the property.

3.1.2.2. A description of the proposed event, including:

3.1.2.2.1. The type of event, and general nature of the program to be presented, if applicable;

3.1.2.2.2. The number of persons expected to attend, and, where applicable, the number of tickets to be placed on sale or the number of invitations distributed;

3.1.2.2.3. The planned use of sound amplification equipment.

3.1.2.3. A security plan, including information regarding each of the following:

3.1.2.3.1. The number of security guards to be provided, their duties and responsibilities;

3.1.2.3.2. The agency providing security guards, its address and telephone number;

3.1.2.3.3. The site supervisor designated by the security agency and contact telephone number;

3.1.2.3.4. Public safety support requested from the City of Purvis;

3.1.2.3.5. Proposed means of contact between safety and security guards and City and other local emergency services during the course of the event, including cleanup;

3.1.2.3.6. Location and description of any command center or supervisory office, and of any public safety, security, or first aid stations.

3.1.2.4. A parking plan, including information shown on the sketch plan regarding each of the following:

3.1.2.4.1. Locations of pedestrian, vehicular, and emergency ingress and egress over the entire property, including pedestrian access to streets, driveways, and parking areas, and obstructions of vehicular right-of-way;

3.1.2.4.2. Locations and numbers of available off-street parking spaces within 500 yards of the property available to individuals in attendance;

3.1.2.4.3. Locations and numbers of available on-street parking spaces within 500 yards of the property available to individuals in attendance;

3.1.2.4.4. Locations, numbers, and proposed pedestrian access plan for parking spaces located beyond 500 yards of the property available to individuals in attendance;

3.1.2.4.5. Locations of restricted parking zones within 500 yards of the property.

3.1.3. The Land Code Administrator shall issue a temporary use permit only upon finding that the proposed temporary use satisfies the following requirements:

3.1.3.1. If the property is undeveloped, it contains sufficient open space to support the temporary use;

3.1.3.2. If the property is developed, it contains an area that is not actively used which would support the proposed temporary use without encroaching into or creating a negative impact on existing buffers, open space, landscaping, traffic movements, or parking space availability;

3.1.3.3. Tents and other temporary structures will be located so as to not interfere with the normal operations of any permanent use located on the property;

3.1.3.4. The proposed temporary use will be located no closer than 200 feet to a dwelling;

3.1.3.5. Off-street parking is adequate to accommodate the proposed temporary use;

3.1.3.6. Where the temporary use will occupy an existing parking area, the number of parking spaces left available will be no less than the minimum required under Article 10 of this Ordinance for the principal, permanent use of the property;

3.1.3.7. Adequate rest room facilities, if needed, are provided;

3.1.3.8. For uses described in Sections 3.1.1.1. and 3.1.1.3., an adequate plan for security and safety will be implemented on and around the site of the event, including sufficient staffing, provision for pedestrian safety and traffic routing;

3.1.3.9. For uses described in Sections 3.1.1.1. and 3.1.1.3., an adequate plan for public health, safety, and welfare on and around the site of the event will be implemented;

3.1.3.10. For uses described in Sections 3.1.1.1. and 3.1.1.3., an adequate plan for public health, safety, and welfare outside the site of the event will be implemented, including a showing that the event will not likely cause interference with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be provided throughout the City and will not likely cause unreasonable or unwarranted disruption to vehicular or pedestrian traffic.

3.1.3.11. All inspections and permits required by applicable construction codes have been made and approved by the Building Department;

3.1.3.12. The use has obtained a Transient Vendors License as required by Mississippi State Code 1972, Annotated, Title 75, Article 85, Section 7, or has proven exemption from this provision; and

3.1.3.13. The temporary use meets all other applicable requirements of this Ordinance.

3.2. Temporary Expansion or Replacement of Existing Facilities or Until Permanent Establishment of New Facilities

3.2.1. *Purpose and scope.* Factory-fabricated, transportable buildings which are designed to arrive at the site ready for occupancy, except for minor unpacking and connection to utilities, and designed for removal to and installation at other sites, may be placed on a property to serve as the following:

3.2.1.1. Expansion space for existing churches, health care facilities, and government offices, provided that plans for the permanent expansion of the existing facilities have been submitted to and approved by the City;

3.2.1.2. Temporary offices for construction and security personnel during the construction of a development for which the City has issued a building permit pursuant to Article 5 of this Ordinance;

3.2.1.3. Temporary quarters for recreational facilities which are being provided in conjunction with a new residential development, provided that the City has approved a site plan, planned unit development master land use plan, or subdivision plat for the residential development;

3.2.1.4. Temporary quarters for a non-residential use when the permanent building has been destroyed by a fire or other physical catastrophe, provided that a building permit for the permanent facility is obtained within 90 days after approval of the modular building. The Land Code Administrator may approve a written request for an extension of an additional 90 days for good cause shown. Failure to obtain a building permit within the time frame allowed will revoke approval for the modular building.

3.2.2. *Standards and requirements for approval.* In addition to the above limitations, all such factory-fabricated, transportable buildings shall meet the following standards and requirements:

3.2.2.1. The factory-fabricated, transportable building shall not be located between the principal building and the front lot line or in any required yard or setback that applies to the principal building;

3.2.2.2. The underskirt shall be installed around the entire factory-fabricated, transportable building;

3.2.2.3. Where used to accommodate the expansion of an existing facility, the design of the factory-fabricated, transportable building shall be compatible with the existing buildings on the site in terms of scale and exterior color;

3.2.2.4. In addition to any other off-street parking required on the site, off-street parking shall be provided for the factory-fabricated, transportable building in accordance with the requirements set forth in Article 10 of this Ordinance, as determined by the use and size of the factory-fabricated, transportable building;

3.2.2.5. Except for temporary construction and security personnel offices, at least 300 square feet of landscape screening material shall be provided in the immediate vicinity of each factory-fabricated, transportable building in order to screen it from the view of other properties and public streets;

3.2.2.6. All permits required by applicable building, electrical, plumbing, and mechanical codes shall be obtained from the Building Inspector prior to installation of the factory-fabricated, transportable building;

3.2.2.7. A sketch plan, containing sufficient information to show compliance with the above standards, shall be submitted to and approved by the Planning and Building Department prior to installation of the factory-fabricated, transportable building.

3.2.3. *Duration.* Such factory-fabricated, transportable buildings may remain on the site for no more than 12 months. This period may be renewed for another 12-month period, for good cause shown, upon approval of a written request, submitted to the Land Code Administrator thirty days prior to the expiration of the permit. In no event, however, shall such extensions allow the factory-fabricated, transportable building to remain on the site for more than three years. In any event, temporary construction and security personnel offices shall be removed from the site before the City issues the last certificate of occupancy for the development.

3.3. Temporary Expansion of School Facilities

3.3.1. *Purpose and scope.* Factory-fabricated, transportable buildings which are designed to arrive at the site ready for occupancy, except for minor unpacking and connection to utilities, and designed for removal to and installation to other sites, may be placed on a property to serve as expansion space for existing schools, provided that plans for the permanent expansion of the existing facilities have been submitted to and approved by the City.

3.3.2. *Standards and requirements for approval.* In addition to the above limitations, all such factory-fabricated, transportable buildings shall meet the standards and requirements in Section 3.2.2., except that at least 300 square feet of landscape screening material shall be provided in the immediate vicinity of each factory-fabricated, transportable building in order to screen it from the view of other properties and public streets.

3.3.3. *Duration.* Such factory-fabricated, transportable buildings may remain on the site for no more than 12 months. This period may be renewed for additional 12-month periods, for good cause shown, upon approval of a written request for such an extension by the Land Code Administrator submitted to the Director thirty days prior to the expiration of the permit.

3.4. Model Sales Homes

3.4.1. Model sales homes shall be allowed within a new residential development, subject to approval by the Planning and Building Department as a temporary use, provided that:

3.4.1.1. The model sales home is located on a lot that was approved by the City as part of the subdivision or development;

3.4.1.2. The home will be converted to residential use after it is used as a sales office;

3.4.1.3. Only one informational ground sign is erected on the property, with a height no greater than 42 inches and a surface area no greater than 15 square feet.

3.4.2. Model sales homes may be approved for a period of up to three years. This period may be renewed for additional six-month periods, for good cause shown, upon approval of a written request for such an extension by the Land Code Administrator. Imposing other requirements as he/she deems necessary should be done to avoid adverse impacts that the use as a model sales home may have on adjacent properties or the community as whole. If at any time the model sales home fails to comply with the provision of this section, the Land Code Administrator may revoke approval of the model sales home.

3.5. Temporary Real Estate Sales Offices

3.5.1. Temporary real estate sales offices shall be allowed within a new residential development, subject to approval by the Planning and Building Department as a temporary use, provided that:

3.5.1.1. The temporary real estate sales office is located on a lot that was approved by the City as part of the subdivision or development;

3.5.1.2. The building will be converted to residential use after it is used as a sales office;

3.5.1.3. Only one informational ground sign is erected on the property, with a height no greater than 42 inches and a surface area no greater than 15 square feet;

3.5.1.4. The temporary real estate sales office is aesthetically compatible with the character of the community and the surrounding development;

3.5.1.5. The temporary office complies with the minimum yard and setback requirements of the zoning district in which it is located;

3.5.1.6. There is no more than one temporary real estate sales office in the development;

3.5.1.7. Parking spaces shall be provided on the lot in a number sufficient to meet the requirements set forth for offices in Article 10 of this Ordinance;

3.5.1.8. Landscaping shall be provided in accordance to the requirements set forth for office development in Article 12, Section 2 of this Ordinance;

3.5.1.9. A site plan, containing sufficient information to show compliance with the above standards, is submitted to and approved by the Planning and Building Department prior to installations of the sales office;

3.5.2. Temporary real estate sales office may be approved for a period of up to one year. This period may be renewed for two additional 12-month periods, but not to exceed a total of three years, for good cause shown, upon approval of a written request for such an extension by the Land Code Administrator, filed at least 30 days prior to the expiration date of the existing approval. In approving or renewing approval of a real estate office, the Land Code Administrator may impose other requirements as he or she deems necessary to avoid adverse impacts that the use as sales office may have on adjacent properties or the community as a whole.

3.5.3. The use as a sales office shall be terminated upon expiration of the site plan for the development.

ARTICLE 12 - BUILDING DESIGN STANDARDS

SECTION 1: BUILDING DESIGN STANDARDS

1.1. Purpose and Applicability

1.1.1. The general appearance, style, and design of developments are of prime importance to the City of Purvis and its citizens. The appearance of Purvis reflects the high quality of life to be found in Purvis and the high standards which the citizens have set for themselves and for their government. The regulations of this Section are one of the important tools for ensuring that the high quality and standards for which Purvis is known will be maintained and perpetuated. The purposes of this Section are as follows:

1.1.1.1. To promote a community appreciation of the City of Purvis by encouraging quality design and enhancement of the appearance of developments through the application of particular standards;

1.1.1.2. To provide proper standards to ensure a high level of quality in the appearance of Purvis, 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 particular site;

1.1.1.3. To preserve and protect the identity and character of Purvis; and to enhance the business economy attracted to Purvis by such factors.

1.1.2. The requirements of this Section shall apply to all uses for which site plan approval is required pursuant to Article 5 of this Ordinance.

1.2. General Provisions

1.2.1. *Building design plans.* Building design plans shall be submitted for approval as part of each site plan required under Article 5, Section 7 of this Ordinance. Building design plans shall be developed by an individual, individuals, or professional firm having the competence and knowledge to satisfactorily develop the plans required by this Section.

1.2.2. *Building design.* Proposed building facades shall be designed to be compatible with adjacent developments in terms of architectural design, exterior building materials and colors, and arrangement of buildings and other features. All non-residential buildings shall have a facade of brick, stone, drivit, stucco, split face block or similar designer block over a minimum of 50% of the side(s) of the building facing a street. The 50% requirement shall be calculated based on the entire area of said building side including windows, doors and gable ends. Any offset building fronts which are as close or closer to the rear of the building than the front shall not require improvements described above. Building materials with a cost equal to or greater than the materials

listed above may be substituted provided said equal or greater costs is documented. Landscaping in front of the building may also serve as a substitute.

1.2.3. *Modifications to standards.* Where necessary to accommodate individuality and creativity in site design, or where conformance with the strict requirements of this Section are not feasible on a particular property, the Planning Commission or Planning and Building Department, whichever is responsible for approving the plan, may modify the requirements of this Section in reviewing and approving a site plan, provided that the features which the applicant proposes are equivalent in effectiveness given stated purposes of this Section.

1.2.4. *Building design standards for manufactured homes in subdivisions.* All manufactured homes in subdivisions shall meet or exceed the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

1.2.4.1. The home has a length not exceeding four times its width;

1.2.4.2. The pitch of the home's roof has a minimum vertical rise of one foot for each five feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;

1.2.4.3. The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;

1.2.4.4. A continuous, permanent masonry foundation with brick veneer, unpierced except for required ventilation and access, is installed under the home; and

1.2.4.5. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

1.2.5 *Building design standards for manufactured and mobile homes in parks.* All manufactured homes and mobile homes placed in manufactured and mobile home parks subsequent to the effective date of this ordinance shall be underpinned and shall be provided with a solid concrete slab at least four inches in depth and at least large enough to cover all ground area under the home. Manufactured and mobile homes shall meet or exceed the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction. Homes constructed prior to July 1, 1976 shall meet the minimum standard of the building code.

1.3. Exterior Lighting

All exterior lighting, such as that used in and around buildings, recreation areas, parking lots, and signs, shall be designed to protect against the spill over of light to adjacent properties which contain dwellings and other uses providing sleeping quarters. All exterior lighting shall be shielded from the adjacent residential and institutional uses by thick evergreen vegetated buffers, berms, walls, or fences, and/or the use of directional lighting, special fixtures, timing devices, appropriate light intensities, luminaries, and mountings at appropriate heights. All outdoor lighting shall conform to the following standards:

1.3.1. Outdoor lighting shall be designed, located and mounted at heights no greater than eighteen (18) feet above grade for non-cut-off lights and thirty five feet (35) feet above grade for cut-off lights.

1.3.2. All outdoor lighting shall be designed and located such that the maximum illumination measured in foot candles at the property line shall not exceed .3 for non cut-off lights and 1.5 for cut-off lights.

1.4. Mechanical, Utility, and Trash Containment Areas

1.4.1. *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, beside, 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 or an appropriate vegetated buffer.

1.4.2. *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. If the device is not visible from off the site, then it need not be screened. 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:

1.4.2.1. All trash containment areas shall be enclosed to contain windblown litter.

1.4.2.2. The enclosure shall be at least as high as the highest point of the compactor or dumpster.

1.4.2.3. The enclosure shall be made of a material that is opaque at the time of installation and compatible with the design and materials of the principal building.

1.4.2.4. All compactors and dumpsters shall be placed on a concrete pad which is large enough to provide adequate support and allows for positive drainage.

1.5. Inspections

1.5.1. The Planning and Building Department shall inspect the site prior to the issuance of a permanent certificate of occupancy of the development and shall not issue the certificate of occupancy if the landscaping required under this Section is not installed in accordance with the standards set forth in this Section and in accordance with the approved site plan.

1.5.2. The Planning and Building Department shall inspect the site one year after the issuance of a certificate of occupancy in order to ensure compliance with the approved site plan and to ensure that the landscape is properly maintained.

SECTION 2. LANDSCAPING

2.1 Purpose and Applicability

2.1.1. The purpose and intent of this article is to: assist in providing adequate light and air, prevent erosion and siltation and aid in the absorption of air pollutants through conservation of trees and other vegetation, provide visual buffering and enhance the beautification of the City of Purvis, provide habitat for living things that might not otherwise be found in the urban environment, and protect the quality of water resources from future degradation by maintaining vegetative cover and controlling disturbance of vegetation.

2.1.2. The requirements of this Section shall apply to all uses for which site plan approval is required pursuant to Article 5 Section 7 of this Ordinance.

2.2. Protection of Trees in Residential and Commercial Developments

2.2.1. *Intent.* It is the intent of this section to minimize the removal of trees in residential and commercial developments. It is the further intent of this section to ensure that developers take reasonable measures to design and locate proposed improvements so that the number of trees removed is no greater than 80% of the total number of trees on site.

2.2.2. *The removal procedure.* The procedures and standards for review of planned tree removal shall be as follows:

2.2.2.1. *Site Plan requirements.* Any person desiring to remove trees in connection with, or for the purpose of, the construction or development of a residential or commercial development, 5 acres or greater, shall first submit a site plan to the Planning and Building Department. The site plan required by Article 5, Section 7 shall be sufficient to satisfy this requirement provided it contains the following additional information:

2.2.2.1.1. The site plan shall include the name, address, and telephone number of the land owner and his agent.

2.2.2.1.2. Each site plan shall include a generalized tree survey based upon the most current available information. The survey shall show the approximate location, extent and type of trees upon the site, including common or scientific names of the major groups of trees. The survey may be in the form of an aerial or a field survey, and shall be accompanied by photographs illustrating areas of trees. If site development plans have been prepared, the survey shall be prepared to the same scale or in some other manner which clearly illustrates the relationships between areas of protected trees and proposed site improvements. If site development plans are available, the survey shall be prepared to convenient scale which clearly reveals the extent of protected trees upon the site.

2.2.2.1.3. The site plan and accompanying documents shall be submitted in copies sufficient to administer this Section.

2.2.2.1.4. The filing of a site plan shall be deemed to extend permission to the City of Purvis Planning Commission to inspect the subject site if necessary for purpose of evaluating the application.

2.2.2.2. *Review criteria.* No site plan shall be approved authorizing the removal of a tree unless the developer/owner demonstrates one (1) or more of the following conditions:

2.2.2.2.1. A permissible use of the site cannot reasonably be undertaken unless specific trees are removed or relocated.

2.2.2.2.2. A tree located in such proximity to an existing or proposed structure that the safety, utility or structural integrity of the structure is materially impaired.

2.2.2.2.3. The tree materially interferes with the location, servicing or functioning of existing utility lines or services.

2.2.2.2.4. The tree creates a substantial hazard to motor, bicycle or pedestrian traffic by virtue of physical proximity to traffic or impairment of vision.

2.2.2.2.5. The tree is diseased, insect ridden, or weakened by age, abuse, storm or fire and is likely to cause injury or damage to people, buildings or other improvements.

2.2.2.2.6. The removal of the tree is necessary to promote the growth of surrounding protected trees. Trees removed pursuant to this subsection are exempt from tree replacement requirements.

2.2.2.2.7. Any law or regulation requires the removal.

2.2.3. Replacement of removed trees.

2.2.3.1. Trees removed pursuant to Sec. 2.2.2. (Tree removal procedure) shall be replaced at the expense of the developer/owner.

2.2.3.2. Each removed tree shall be replaced with a new tree(s) having fifty (50) percent of the total tree caliper equivalent to that of the removed tree.

2.2.3.3. Single-trunk replacement trees shall be minimum of 1½ inch diameter at a point 6 inches above the base and a minimum of six (6) feet in overall height.

2.2.3.4. A replacement tree may be a tree moved from one location to another on the site.

2.2.3.5 If the developer/owner demonstrates to the satisfaction of the Planning and Building Department that the site cannot accommodate the total number of required replacement trees as a result of insufficient planting area, the developer/owner may be released by the Planning and Building Department from further replacement requirements.

2.2.3.6. Any replacement tree, planted for credit, which dies within one (1) year of planting shall be replaced by a tree of a minimum of 1½ inches in diameter and a minimum of 10 feet in overall height at the time of planting.

2.2.4. *Parking reduction for preservation of trees.*

2.2.4.1. A reduction of required parking spaces may be allowed by the Planning and Building Department when the reduction would result in the preservation of a significant tree with a trunk of twelve (12) inches in diameter or greater.

2.2.4.2. The reduction in required parking may be granted only if it will prevent removal of a significant tree that is located within the area of the site designated as a parking lot area. The reduction in required parking spaces shall not exceed the number of parking spaces required to prevent removal of trees, or the number in the following schedule, whichever is less.

Required Parking Spaces	Maximum Reduction
1-4	0
5-9	1
10-19	2
20 or more	10 percent

2.3. Parking Lot Landscaping and Screening

2.3.1. *Applicability.*

2.3.1.1. *Perimeter and interior landscaping requirements.* The perimeter and interior parking lot landscaping requirements of this section shall apply to off-street parking facilities that have twenty (20) or more parking spaces.

2.3.1.2. *Perimeter landscaping requirements only.* The perimeter parking lot landscaping requirements of this section shall apply to off-street parking facilities that have five (5) to twenty (20) parking spaces.

2.3.2. *Perimeter requirements.* A 10 foot wide strip of land, located along the front property line adjacent to the street right-of-way and along all common property lines shall be landscaped. The sidewalk width shall not be counted measuring the perimeter landscape strip.

2.3.2.1. *Landscape materials.* One tree for each forty feet of linear frontage, or portion thereof, along the right-of-way shall be preserved or planted. Trees planted to meet this requirement shall measure a minimum of 2 inches in diameter at breast height. Twenty percent of the required landscaping area shall be covered by evergreen shrubs or plants that have a minimum mature height of 1½ feet. The remaining area within the perimeter strip shall be landscaped with other landscape materials. A maximum of 20 percent of the perimeter strip may be covered with cedar chips, gravel, or other non-living materials.

2.3.2.2. *Landscape Design.* The required trees and shrubs may be clustered or grouped in a natural arrangement within the landscaped area. Depending on the size and spacing of the selected pallet of trees, trees may be located outside of, but adjacent to the landscaped area. Other areas may be included to achieve a specific design intent.

2.3.2.3. *Corner visibility.* Trees and other landscaping required in the perimeter strip shall be maintained to assure unobstructed corner visibility pursuant to Article 9, Section 1.6.

2.3.3. *Interior planting areas.*

2.3.3.1. *General requirements.* At least eight (8) percent of the gross area of the interior parking lot area shall be landscaped. Interior planting areas are to be located within or adjacent to the parking area as tree islands, at the end of parking bays, inside seven (7) foot wide or greater medians, or between rows of cars or as part of continuous landscaped buffer yards. Interior planting areas shall be located to most effectively accommodate stormwater runoff and provide shade in large expenses of paving and contribute to orderly circulation of vehicular and pedestrian traffic.

2.3.3.1.1. No more than thirty (30) parking spaces shall be permitted in a row without being interrupted by an interior planting area.

2.3.3.1.2. All rows of parking spaces of greater than thirty (30) parking spaces per singular row shall terminate by a tree island.

2.3.3.1.3. Trees shall be required at the minimum ratio of one shade tree for every six thousand five hundred (6,500) square feet of total vehicular use area. All vehicular use areas located within the same block which serve one or more businesses or uses of land or share unified ingress and egress shall be considered as a single vehicular use are for the purpose of computing the required ratio of trees, notwithstanding ownership. Required trees shall be at least 10 feet in height and 2½ inches in diameter at a point 6 inches above the base.

2.3.3.2. *Minimum size of interior planting areas.*

2.3.3.2.1. A minimum of ninety (90) square feet of planting area shall be required for each new shade tree.

2.3.3.2.2. A minimum planting area of one hundred (100) percent of the drip line area of the tree shall be required for all existing trees. If the applicant can demonstrate that conditions allow that the tree will be preserved with an area less than one hundred (100) percent, lesser area may be negotiated between the applicant and the Planning and Building Department.

2.3.4. *Nonconforming parking lots.* When the square footage of a nonconforming parking lot is increased, compliance with this section is required as follows:

2.3.4.1. *Expansion by 25 percent or less.* When parking lot area is expanded by twenty-five (25) percent or less, only the expansion area must be brought into compliance with this section.

2.3.4.2. *Expansion by more than 25 percent.* When a parking lot area is expanded by more than twenty-five (25) percent, the entire expansion are shall be brought into compliance with this section. In addition, the preexisting parking lot area shall be brought into compliance with the perimeter parking lot landscaping requirements of this section.

2.3.4.3. *Repeated expansions.* Repeated expansions of a parking lot area over a period of time commencing with the effective date of the Land Development Code shall be combined in determining whether the twenty-five (25) percent threshold has been reached.

2.4. Landscaped Buffer Requirements

2.4.1. *Intent.* This section requires landscaped buffers to be provided and maintained when non-residential uses are being developed or expanded adjacent to residential uses and when higher density residential uses are being developed or expanded adjacent to lesser density residential uses. Landscaped buffers are also required to enhance community appearance and to protect the character of the area. The width of the buffer and the required plantings within the buffer may vary depending upon the relative intensities of the abutting or adjacent uses. The buffer requirements are intended to be flexible and the developer may choose among a number of combinations of buffer width and buffer plantings to satisfy the requirements.

2.4.2. *General Standards.* Before a Certificate of Occupancy is issued for any new building or addition or accessory building greater in size than 25% of the principal building or any renovations, improvements or repairs greater in cost than 25% of the value of the building, according to the Lamar County Tax Assessor's records, and located within R-2, B-1, B-2, or I-2 Districts and which lies adjacent to any lot or lots which are zoned A-R, R-1A, or R-1B, and, which are occupied or may in the future be occupied by single-family dwellings, a screening barrier conforming to the design standards of Section 2.4.3. below shall be required. Exempt are schools and churches. The Land Code Administrator may waive the screening requirements for similar low impact uses.

The screening requirements specified above shall also apply to construction within B-1, B-2, or I-1 Districts adjacent to R-2 Districts.

As a part of conditional and/or site plan approval, screening may also be required where construction of a high impact use, including, but not limited to, correctional facility, truck terminal, intensive amusement business, mini warehouse, warehouse, industry, resource extraction, gas station, automobile repair, record service

or salvage yard, is to occur adjacent to a less intensive use, particularly, bank, office, clinic, funeral home, cemetery, personal care business, restaurant, church and school.

2.4.3. *Screening Design Standards.* Screening barriers required by 2.4.2. above shall consist of a solid board fence six feet in height constructed of western cedar, cypress, redwood, brick, stone or an approved equivalent erected along the entire length of the property line adjacent to the use to be screened. However, no screen shall extend along a side property line any closer to the front property line than 15 ft., except that screens required to be placed along the front property line may be placed on the front property line and may be interrupted with driveways complying with the standards of this Ordinance. Fence framing members shall not be placed adjacent to the property to be screened.

Landscaping in the form of evergreen shrubs may be substituted for the fence, and, if so shall be a minimum of 4 feet in height when planted and shall reach a minimum height of 6 feet within three years of planting. Shrubs planted on berms may have a lesser height provided the combined height of the berm and planting meets or exceeds those specified above. Shrubs shall be planted not greater than 4 feet apart.

Perimeter plantings required for parking lot landscaping may be counted towards satisfying the screening requirements of this Section. Existing trees and shrubs may also count towards satisfying the screening requirements, provided such meets or exceeds the standards specified herein. Alternative screening plans may be submitted during conditional use and/or site plan review and may be approved provided such plan meets or exceeds the standards contained herein.

2.4.4. *Maintenance of Required Landscaping Screening.* Plant materials that have died or are no longer functional shall be replaced at appropriate planting within one year. Plant material shall be maintained in such a manner as to preserve their functional and aesthetic integrity. All landscaped areas shall be provided with an irrigation system or water source within 100 ft. All trees adjacent to pedestrian and vehicular spaces shall be maintained so that mature branching occurs at a minimum of 7 feet from the ground.

Fences shall be properly maintained. Portions of the fence which have become damaged by reason of wind, fire, decay or for other reasons shall be replaced within 30 days.

SECTION 3: MINIMUM PROPERTY MAINTENANCE AND COMMUNITY APPEARANCE STANDARDS

3.1. Junk Vehicles

Junk vehicles are prohibited from being located within the City except within completely enclosed buildings or garages or at vehicle salvage yards, vehicle repair shops and wrecker services complying with the terms of this ordinance. Within a residential zoning district no more than one (1) junk vehicle may be stored behind opaque fencing or landscaping. This required screening shall completely block the view of the vehicle from all surround property.

3.2. Junk

It shall be unlawful for the owner or occupant of any property within the City to utilize said property for the storage and accumulation of used, discarded or worn out materials or manufactured products, whether reusable or not, including but not limited to appliances, building materials, building rubbish,, trash, garbage, waste products, metal products, and similar items.

3.3. Open Storage

Open or outside storage of materials and products shall be prohibited in A-R, R-1A, R-1B, and R-2 Districts if within view from the street or if not screened from the view of neighbors by opaque fencing or landscaping.

3.4. Screening of Junkyards

Within one (1) year from the effective date of the ordinance, all existing junkyards, vehicles salvage yards, vehicle repair shops and wrecker services where junk or wrecked vehicles are stored shall be screened from view from adjacent properties by opaque fencing and landscaping complying with Section 2 of this Article. All new junkyards, vehicle salvage yards, vehicle repair shops and wrecker services shall be provided with such screening prior to obtaining certificate of occupancy.

3.5. Restriction on Parking Commercial Vehicles in Residential District

No Commercial vehicle rated greater than three-quarter (¾) ton, bus, trailer exceeding fifteen (15) feet in length, tractor or heavy equipment such as bulldozers and road graders shall be parked or stored in any A-R, R-1A, R-1B, and R-2 Districts, except in the rear yard of lots 40,000 square feet in size or larger. Under no circumstances may any of the vehicles and equipment listed above be stored in a residential district closer than 50 feet to any property line and are prohibited altogether in a subdivision unless used expressly for the purpose of unloading, loading, or construction on that lot. Recreational vehicles, boats and campers shall not be parked or stored in the street or the front yard except in a paved driveway and shall not be used for sleeping quarters while in said residential district for greater than fifteen (15) days per year.

3.6. Corner visibility

On a corner lot in any zoning district nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of 2½ and 10 feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 50 feet from the point of the intersection.

Article 13

Required Improvements and Design Standards

ARTICLE 13 - REQUIRED IMPROVEMENTS AND DESIGN STANDARDS

SECTION 1: IMPROVEMENTS IN SUBDIVISIONS

1.1. Before the City can assume the responsibility for maintaining the dedicated streets constructed within a subdivision, the owner or owners of the subdivision must ensure that the following improvements are constructed according to the specifications set forth in these regulations.

1.2. All services for utilities must be made available for each lot in such a way that will eliminate disturbing the street pavement and drainage structures when connections are made.

1.3. Upon completion of construction of any utilities or improvements, one set of complete final plans, dated, signed, and certified by the engineer in charge must be filed with the Land Code Administrator. These plans must show all features as actually installed, including materials, size, location, depth or elevation, numbers, ends of lines, connections, valves, storm sewer drains, inlets, and all other pertinent information. There will be no connections made to utilities serving the subdivision until the foregoing has been complied with.

SECTION 2: STREETS

The Planning Commission will review the street system for the proposed subdivision and classify all proposed streets in one of the following categories:

Collector Streets that carry traffic from local streets to arterial streets or highways, including the principal entrance streets of the subdivision.

Local Streets that are used primarily for access to abutting properties.

2.1. Right-of-Way Widths, Setback Lines, and Sight Distances

The following are minimum right-of-way widths, setback lines from right-of-way, and sight distances for collector and local streets:

Type of Street	Minimum Right-of-way Widths	Minimum Building Setback	Minimum Stopping Sight Distance
Collector	70 feet	30 feet	200 feet
Local			150 feet
Open Ditch	60 feet	25 feet	
Curb & Gutter	50 feet	25 feet	

2.2. Signs

Street name signs and traffic signs shall be installed and provided by the subdivider.

2.3. Typical Section of Street and Roads with Surface Ditches

	Collector	*Local*
1. Minimum width of roadway out-to-out of shoulders	34 ft.	28 ft.
2. Foreslopes and backslopes from edge to shoulder to ditch flow line, no steeper than	3:1 slope	3:1 slope
3. Back slope from ditch flow line to top of cut	3:1 slope	3:1 slope
4. Minimum depth of ditch from edge of shoulder to flow line	1 ft. 6 in.	1 ft. 6 in.
5. Minimum width of shoulders	5 ft.	4 ft.
6. Minimum slope of shoulders to ditch	½" per ft.	½" per ft.
7. Minimum gradient, flow line of open ditch	0.4%	0.4%
8. Maximum gradient of roadway profile	10%	10%
9. Minimum width of base course	26 ft.	24 ft.
10. Minimum width of pavement	24 ft.	22 ft.
11. Minimum radii of pavement at intersections	30 ft.	20 ft.
12. Minimum radii of outside pavement edge at dead end turn-around circle	35 ft.	

2.4. Typical Section of Streets with Curbs and Gutters

2.4.1. Minimum width of streets, (*back-to-back of curbs)*
(a) Local or Dead-end Streets . . . . . 27 ft.
(b) Collector Streets . . . . . 33 ft.
(c) Major Thoroughfares . . . . . 48 ft.

2.4.2. Minimum gradient of street profile 0.4%

2.4.3. Minimum curb and gutter gradient 0.4%

2.4.4. Minimum radii of curbs and gutter at intersection . . . . . 20 ft.

2.4.5. Minimum width of shoulders behind curb . . . . . 4 ft.

2.4.6. Minimum slope of shoulders to curb . . . . . ½ in per ft.

2.4.7. Minimum radii of turn-around dead-end street . . . . . 35 ft.

2.5. Pavement Design

Pavement design for the subdivision will be as follows:

2.5.1. The minimum subgrade for pavement construction must have a California Bearing Ratio (CBR) of ten (10) or better. If the CBR factor is less than 10, then the construction requirements must be approved by the Land Code Administrator.

2.5.2. The minimum pavement design thickness for local, collector, and cul-de-sac streets and alleys must be one of the following:

2.5.2.1. A six inch (6") sand-clay topping and a six inch (6") clay-gravel base. The wearing surface must be a two inch (2") hot mix.

2.5.2.2. An eight inch (8") clay-gravel base. The wearing surface must be a two inch (2") hot mix.

2.5.2.3. A four inch (4") bituminous pavement (black base). The wearing surface must be a one and one-half inch (1½") hot mix.

2.5.3. A minimum compaction of 95% of a standard proctor density is required on the subgrade and 100% on the base.

2.6. All design, construction, and materials must conform to the appropriate sections or subsections of the *Mississippi Standard Specifications for State Aid Road and Bridge Construction*, as indicated by the county engineer.

2.7. If curb and gutter are installed, they must meet the specifications recommended by the Land Code Administrator.

2.8. The arrangement of streets in a subdivision must either provide for the continuation of existing principal streets in surrounding areas; or conform to a plan for the neighborhood as a whole that has been devised to meet an unusual situation such as topography or other conditions that make continuation of existing streets impractical. Such a neighborhood plan must be prepared by the developer and is subject to approval by the Board of Aldermen.

2.9 No trees or shrubs will be permitted to be planted at street intersections, however, controlled planting of shrubs and trees on public property, provided that plantings do not interfere with proper drainage and maintenance or obstruct vision required for public safety, may be permitted.

2.10. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet should be avoided.

2.11. A tangent of at least one hundred (100) feet must be introduced between reverse curves on collector streets. Horizontal curves on collector streets must have a minimum of a three hundred and fifty (350) foot radius computed from the centerline. Horizontal curves on local streets must have a minimum of a two hundred and fifty (250) foot radius computed from the centerline.

2.12. Streets must be laid out so as to intersect as nearly as possible at right angles, and no street may intersect any other street at less than sixty (60) degrees.

2.13. Property lines at street intersections must be rounded with a radius of ten (10) feet or with a greater radius when the Land Code Administrator deems it necessary. The Land Code Administrator may require comparable cutoffs or chords in place of rounded corners. A comparable chord shall be considered a chord or line connecting the points of tangency of the radius it is replacing.

2.14. Half streets will be prohibited in such cases where there exists a half-street contiguous thereto. Wherever a half-street is adjacent to a tract to be subdivided, the other half of the street will be platted within such tract.

2.15. Permanent dead-end streets must not be longer than one thousand (1000) feet and must be provided at the closed end with a turnaround having a paved surface diameter of at least seventy (70) feet and a street line diameter of at least one hundred (100) feet.

2.16. No street names may be used which will duplicate or be confused with the names of existing streets. Street names should be cleared with the E-911 Address Systems office before being used. Street names will be subject to the approval of the Board of Aldermen.

2.17. Street grades of local streets must not exceed ten (10) percent or be less than five-tenths (0.5) of one (1) percent. Street grades of collector streets and major thoroughfares must not exceed seven (7) percent. Grades approaching intersections must not exceed five (5) percent for a distance of not less than eight-five (85) feet from the centerline of said intersecting streets.

SECTION 3: MONUMENTS

3.1. Monuments must be placed at all major corners along the boundary of the subdivision. These monuments should consist of a four (4) inch by four (4) inch concrete post not less than thirty (30) inches in length.

3.2. Markers must be placed at all corners or changes in alignment in lot boundaries and at all block corners, angle points, or curves in street right-of-way boundary lines. The markers should consist of a reinforcing rod or iron pipe of not less than one-half (½) inch in diameter and not less than twenty-four (24) inches in length.

3.3. All monuments or markers should be set with the top flush with the finished grade. When necessary to prevent disturbance, the monument should be sunk underground and referenced to permanent landmarks.

SECTION 4: EASEMENTS

4.1. Easements across lots or centered on rear or side lot lines must be provided for utilities where necessary and must be at least fifteen (15) feet wide at ground level with an additional six (6) foot wide overhang on each side from twelve (12) feet above ground and up, or a width designated by the Land Code Administrator.

4.2. Where easements intersect or sharp changes in alignment are necessary, corners must be cut off sufficiently to permit equipment access as determined by the Land Code Administrator.

4.3. No fences, buildings, paving, or plotting will be permitted in easements.

4.4. Any overhanging limbs, shrubbery, or vegetation of any kind may be removed from within the limits of easements at the sole discretion of the maintenance personnel of the utilities installed or to be installed in or above the easements.

4.5. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there must be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse or an accepted canal or drainage course, and any further width of construction as will be adequate for drainage purposes.

SECTION 5: BLOCKS

5.1. The lengths, widths, and shapes of blocks should be determined with due regard to:

5.1.1. Building sites that are suitable for the special needs of the uses contemplated.

5.1.2. Convenient access, circulation, control and safety of street traffic.

5.1.3. Limitation and opportunities of topography.

5.2. As a usual practice, block lengths should not exceed sixteen hundred (1,600) feet or be less than four hundred (400) feet.

SECTION 6: ALLEYS

6.1. Alleys must be provided in commercial or industrial subdivisions, except that the Land Code Administrator, following consultation with the Planning Commission, may recommend waiver of this requirement where other definite and assured provisions are made for service access, such as off-street loading and parking consistent with and adequate for the uses proposed.

6.2 The right-of-way width of an alley in commercial and industrial areas must be a minimum of twenty-five (25) feet.

6.3. Alley intersections and sharp changes in alignment should be avoided, but where necessary, corners may be cut off sufficiently to permit safe vehicular movement.

6.4. Dead-end alleys should be avoided where possible, but if unavoidable, must be provided with a turnaround having an outside roadway diameter of at least seventy (70) feet and a right-of-way diameter at least one hundred (100) feet. The Land Code Administrator and the Planning Commission may recommend to the Board of Aldermen a larger turnaround when it is determined necessary to provide adequate turnaround space.

6.5. Alleys are not required in residential areas.

SECTION 7: LOTS

7.1. All subdivisions must be surveyed and laid out in such a manner that each and every lot intended for sale abuts a dedicated public street or road.

7.2. Zero lot line patio/garden homes shall have no minimum setback on one side and ten (10) feet on the opposite side except that on corner lots the minimum side yard of the corner side shall be fifteen (15) feet. Where adjacent zero lot line dwellings are to be constructed against a common lot line, the builder or developer must provide for a perpetual wall maintenance easement of five (5) feet in width along the adjacent lot and parallel with such wall.

7.3. Lots may not contain less than sixty five hundred (6,500) square feet or be less than fifty (50) feet wide at the building setback line except in the case of zero lot line patio/garden homes. Zero lot line lots shall in no case be less than three thousand (3,000) square feet or be less than thirty five (35) feet wide at the building setback line.

SECTION 8: FLOODPLAIN AREAS

8.1. Land subject to flooding with a frequency of a one hundred (100) year flood must not be subdivided unless precautionary measures are taken to eliminate or minimize flood hazards. All building grades must be raised to an elevation equal to or above the maximum flood elevation or a one hundred (100) year flood calculated for the area in which the proposed subdivision is situated. This is provided, however, that no fill must be made, or any subdivision constructed, which will increase flood hazards to other lands, or in any manner impede or restrict the flow of water in a flood situation. All areas which will remain subject to the flooding after the subdivision is constructed must be delineated on the final plat.

8.2. All utilities and facilities, such as water, sewer, gas, and electrical systems, must be located, elevated or constructed to eliminate or minimize flood damage, and adequate drainage must be provided so as to reduce exposure to flood hazards.

SECTION 9: LOCATION OF UTILITIES

9.1. Where possible, no utilities including water, sewer, power, gas, cable television, or telephone lines shall be laid under the planned paved roadway.

9.2. Utilities shall be located either in the road right-of-way away from the paved surface or in utility easements.

SECTION 10: WATER SYSTEM

10.1. All dead-end mains must be equipped with an approved outlet sufficient to periodically flush the main.

10.2. The water system should be designed so that the calculated pressure within the system, at maximum use flows, is not less than twenty (20) pounds per square inch at any curb stop.

10.3. Individual water wells may be used only if written approval is obtained from the Lamar County Health Department.

10.4. In the event that the proposed subdivision is located within or abuts an existing water district or association, the water system within the subdivision should be connected to such water district or association, and must conform to the specifications of such water district or association. The water system constructed within the subdivision must meet the minimum requirements of these regulations or the water district specifications, whichever is more restrictive.

10.5. In the event the proposed subdivision is near or adjacent to an existing municipal water system, but not within an existing water district or association, every effort should be made by the developer to connect the water system of the proposed subdivision with that of the municipality. If the proposed subdivision abuts any municipality and is outside an existing water association, or if the subdivision is to be connected to a municipal system, the water system within the subdivision must conform to the specifications required by that municipality as if the subdivision were within the corporate limits of such a municipality. In any event, the water system constructed within the subdivision must meet the minimum requirements of these regulations.

10.6. In subdivisions with a water system designed for fire protection, the materials for the water mains must conform to the following requirements:

10.6.1. Ductile Iron Pipe - Ductile iron pipe must have minimum diameter of six (6) inches and conform to the latest revisions of the American Water Works Association (AWWA) specification C106 or C108, Class 150.

10.6.2. PVC Pipe - PVC pipe must have a minimum diameter of six (6) inches and must conform to the latest AWWA specification C900.

10.7. In subdivisions with water systems not designed for fire protection, the material for water mains must conform to the following requirements:

10.7.1. Ductile Iron Pipe - See Section 10.6.1.

10.7.2. PVC Pipe - All PVC pipe must conform to the latest commercial standards published by the U.S. Department of Commerce and carry the seal of acceptance of the National Sanitation Foundation for use in domestic water systems. The wall thickness

of the pipe specified shall be governed by ASTM-D2241 for standard dimensions ratios (SDR) and the SDR must not be greater than twenty-six (26). Operating pressures of all PVC pipe must not exceed two-thirds (2/3) of the rated working pressure pipe used.

10.8. Services in subdivisions receiving water supply from existing municipalities or utility district must be in accordance with municipal or utility district specifications. In the event that the municipal or utility district specifications are less than those specified in these regulations, the requirements of these regulations will apply.

10.9 Services in subdivisions not covered by Section 10.8 above must consist of the following: A corporation stop must be provided at the main with three-fourth (3/4) inch flexible copper tubing or a high-molecular weight plastic tubing must run from the main to the lot line and terminate with a compatible curb stop.

10.10. Hydrostatic tests must be performed on the new water system with a pressure of one hundred fifty (150) pounds per square inch for twenty-four (24) hours. Before any or all of the work is placed in service, the system must be disinfected and redisinfected as necessary until chlorine-free samples are found to meet Mississippi State Board of Health standards as to bacteriological quality. Samples for the tests must be taken from remote parts of the system.

SECTION 11: SANITARY SEWERS

11.1. Sanitary sewer facilities will be provided in all subdivisions and must conform to all applicable state and local laws pertaining to sewage collection and treatment.

11.2. In the event the proposed subdivision is near or adjacent to an existing sewer system, every effort should be made by the developer to connect the sewer system of the proposed subdivision with that of the existing system. If the proposed subdivision abuts any municipal or utility district or if the subdivision is to be connected to a municipal or other existing system, the sewer system within the subdivision must conform to the specifications required by that existing system or municipality as if the subdivision were within its legal bounds. In any event, the sewer system constructed within the subdivision must at least meet the minimum requirements of these regulations.

11.3. All sewer pipe must be concrete, vitrified clay, cast iron, plastic, or other type approved by the Land Code Administrator. Sewer pipe installed with trench depth up to and including ten (10) feet will be standard strength, and for trench depth greater than ten (10) feet, extra strength pipe must be used.

11.4. The minimum diameter pipe for sanitary sewers is eight (8) inches. Minimum diameter service pipe for house connection is four (4) inches for single-family dwellings and six (6) inches for multi-family dwellings. House connections must be stubbed out to each property or lot line before street construction and plugged with extended sewer stub marker tape from pipe to surface.

11.5. All joints must be either gasket joint or other type as approved by the Land Code Administrator.

11.6. The following are the minimum slopes that will be allowed, however, slopes greater than these are desirable:

Sewer Size	Minimum Slope in Feet Per One Hundred (100) Feet
8-inch	0.400
10-inch	0.280
12-inch	0.220
14-inch	0.170
15-inch	0.150
16-inch	0.140
18-inch	0.120
21-inch	0.100
24-inch	0.080
27-inch	0.067
30-inch	0.058
36-inch	0.046

11.7. Manholes must be no more than four hundred (400) feet apart, must be placed at each change in alignment or grade, and must be provided with traffic-grade cast-iron lids and frames.

11.8. There is a minimum ten (10) foot separation between all parallel sanitary sewer and water mains, except as otherwise approved by the Land Code Administrator.

11.9. Any sewer mains exposed through ditches must be Class 150 cast iron for mains, or cast-iron soil pipe for services.

11.10. Infiltration in any section of sewer main must not exceed three hundred (300) gallons per inch of pipe diameter, per mile, per day.

11.11. In the event that oversize sewer mains must be installed within the proposed subdivision to serve other areas, appropriate arrangements for construction must be made between the subdivider and the county prior to installation.

SECTION 12: STORM DRAINAGE

12.1. Materials and construction must conform to Mississippi Standard Specifications for State Aid Road and Bridge Construction.

12.2. Drainage Structures must be sized using the rational formula and calculated by a licensed engineer for the State of Mississippi. However, the minimum allowable design shall be a twenty-five (25) year storm frequency or other design as recommended by the Land Code Administrator.

12.3. Reinforced concrete headwalls of precast flared end sections must be provided on eighteen (18) inch pipe and larger. The minimum diameter for storm drain pipe must be fifteen (15) inches, and when used as a culvert the length must be such that the ends project at least four (4) feet beyond the edge of the pavement. Concrete culverts must be a minimum of Class III reinforced concrete.

12.4. Adequate protection of ditch inverts and side slopes must be provided to prevent erosion.

SECTION 13: GENERAL GRADING

13.1. Grading and centerline gradients must be in accordance with plans and profiles recommended by the Land Code Administrator.

13.2. Areas to be graded by cutting or filling must be rough graded to within two-tenths (0.2) of a foot of the accepted elevation after necessary allowance has been made for the thickness of topsoil, paved areas, and other installations.

13.3. Final cross sections and profiles of streets and other installations must conform to grades recommended by the Land Code Administrator. Elevations must be based on mean sea level.

13.4. All timber, logs, trees, brush, vegetation, and other rubbish must be removed or otherwise disposed of in accordance with the rules and regulations of the Mississippi Bureau of Pollution Control so as to leave areas that have been disturbed with a neat and finished appearance.

SECTION 14: EROSION AND SEDIMENT CONTROL

Installation of the above improvements must be done in such a manner as to provide for the most effective control of erosion and sediment. Practical combinations of the following technical principles must be used.

14.1. The smallest practical area of land must be exposed at any one time during development.

14.2. When land is exposed during development, the exposure must be kept to the shortest practical period of time.

14.3. Temporary vegetation and/or mulching must be used to protect critical areas exposed during development.

14.4. Sediment basins (debris basins, desilting basins, or silt traps) must be installed and maintained to remove sediment from runoff waters from land undergoing development.

14.5. Provisions must be made to effectively accommodate the runoff caused by changed soil conditions during and after development.

14.6. Permanent final vegetation and structures must be installed as soon as practical in the development.

14.7. The development plan must be fitted to the topography and soils so as to create the least possible erosions.

14.8. Whenever feasible, natural vegetation must be retained and protected.

Article 14

Nonconformities

ARTICLE 14. NONCONFORMITIES

1.1. Purpose and Scope.

1.1.1. The purpose of this Article is to regulate and limit the development and continued existence of uses, structures, and lots established prior to the effective date of this Ordinance. Many nonconformities may continue, but the provisions of this Article are designed to curtail substantial investment in nonconformities and to bring about their eventual improvement or elimination in order to preserve the integrity of this Ordinance and the character of the City. 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 as a result of 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 Article.

1.1.2. This Article shall not apply, however, to any feature which is the subject of a variance or modification from particular regulations that has been granted by the Planning Commission, subsequent to 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 deed conforming.

1.2. Nonconforming Uses

1.2.1. *Extension of use.* A nonconforming use shall not be enlarged or extended in any way except as provided in Section 1.6 below.

1.2.2. *Mobile and manufactured home.* A nonconforming mobile or manufactured home may be continued, altered, enlarged, maintained, repaired, replaced, relocated on the same property or conveyed in the same manner as a if a mobile or manufactured home were a permitted use. However, if the mobile or manufactured home is moved from the property without first a building permit having been issued for a replacement, then no mobile or manufactured home may again be placed on said property. If active use or operation of the mobile or manufactured home is discontinued for 12 or 6 consecutive months or more, then the use of the mobile or manufactured home shall thereafter conform to the requirements of this Ordinance.

1.2.3. *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 extend or expand the nonconforming use. For purposes of this Section, "maintenance or minor repair" shall mean:

1.2.3.1. Repairs that are necessary to maintain and to correct any damage or deterioration to the structural soundness or interior appearance of a building or structure without expanding or altering the building or structure;

1.2.3.2. Maintenance of land areas to protect against health hazards and promote the safety of surrounding land uses;

1.2.3.3. Repairs which are required to remedy unsafe conditions which cause a threat to public safety; and

1.2.3.4. Maintenance or repair of a sign in a way which does not change the exterior message.

1.2.4. *Damage or destruction.* If a nonconforming use or structure containing a nonconforming use is destroyed by any means to an extent greater than 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.

1.2.5. *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 1.6 below.

1.2.6. *Cessation of use.* If a nonconforming use is discontinued for six consecutive moths or more, then the property shall thereafter be occupied and used only for a conforming use, except as provided for re-establishments in Section 1.6 below. If a nonconforming use may continue, provided that the nature and degree of the nonconformity will not be changed or increased from that which existed before the nonconforming use was discontinued.

1.2.7. *Signs for nonconforming uses.* Nonconforming uses located in residential districts may erect non-illuminated wall signs only. Such signs shall conform in all other ways with the size, placement, and other standards set forth for such signs in Article 11, Section 2 of this Ordinance.

1.3. Nonconforming Structures

1.3.1. *Expansion or enlargement.* A nonconforming structure shall not be enlarged or extended in any way, except as provided in Section 1.6. below.

1.3.2. *Maintenance or repair.* The maintenance or repair of a nonconforming structure is permitted, provided that it does not extend or expand the nonconforming structure.

1.3.3. *Damage or destruction.* If a nonconforming structure is destroyed by any means to an extent greater than 50 percent of its replacement cost at the time of destruction, then such structure shall not be restored, nor any use of the structure be re-established, in any way which does not conform to the requirements of this Ordinance.

1.3.4. *Section not applicable to nonconforming signs.* This Section shall not apply to nonconforming signs, the continuation, replacement, removal, expansion, maintenance and repair of which are governed by Section 1.4 below.

1.4 Nonconforming Signs

1.4.1. *Continuation.* Except as set forth in Section 11.2.3 of this Ordinance, requiring removal of a sign when the establishment it serves is discontinued, nonconforming signs may be continued subject to the limitations set forth in this Section.

1.4.2. *Enlargement or alteration.* A nonconforming sign, including its permanent message or its structure, shall not be extended, enlarged, removed or otherwise altered unless the sign is made to conform to the applicable requirements of this Ordinance.

1.4.3. *Removal.* All nonconforming on-premises signs shall be modified to conform to this Ordinance or shall be removed in accordance with the following schedule:

Prohibited signs with a replacement cost of less than $1,000	10 Working Days
Illegal signs	Immediately
On premises signs, other than prohibited and illegal signs with a replacement cost of less than $1,000	10 Working Days
Flags, streamers, prohibited signs with a value of $1,000 or more and all other signs	20 Working Days

1.4.4. *Removal of all other signs.* All nonconforming on-premises signs other than those listed in Section 1.4.3. above shall be modified to conform to the provisions of this Ordinance or shall otherwise be removed from the property where;

1.4.4.1. The nature or name of the business which the sign advertises is changed and the sign is to be changed or modified either in shape, size or message;

1.4.4.2. The sign is damaged by any means to the extent of more than 50% of its replacement cost at the time of the damage.

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

1.5. Nonconforming Lots of Record

1.5.1. *Development allowed.* Development shall be allowed on a lot of record which does not conform to the lot area and lot which requirements established in this Ordinance for the zoning district in which it is located, not withstanding limitations imposed by other provisions of this Ordinance. Such lot must be in a 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.

1.5.2. *R-2 District restricted to single-family dwelling.* Development of a lot of record zoned for multi-family use shall be restricted to a single-family dwelling.

1.5.3. *Adjacent lots in single ownership.* If two or more adjacent and vacant nonconforming lots are in 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.

1.6. Change, Re-establishment, Expansion, Alteration or Major Repair of Nonconformities

1.6.1. *Intent.* The intent of this Section 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 major conditional use permit to determine whether it will substantially injure the value, use, and enjoyment of neighboring properties. Major repair to nonconforming structures shall, in accordance to 1.3, be permitted without the necessity of obtaining such conditional use.

1.6.2. *Conditional use procedure.* Unless this Section expressly provides otherwise, change, re-establishment, expansion, alteration or major repair of any nonconformity shall be deemed a "major conditional use," and shall occur only as approved by the Planning Commission in accordance with the procedures set forth in Article 5, Section 4 of this Ordinance.

1.6.3. After holding a public hearing on the conditional use, the Planning Commission shall determine whether to approve the proposed change, re-establishment, expansion, alteration or major repair. The Planning Commission shall not approve the proposed change, re-establishment, expansion, alteration or major repair unless and until 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 Section 5.4.7 of this Ordinance as well as the following:

1.6.3.1. 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 other emergency;

1.6.3.2. 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, economic, noise, glare, odor and other impacts on adjoining properties;

1.6.3.3. The 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;

1.6.3.4. 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 adjoining properties and other properties in the neighborhood;

1.6.3.5. That the type, size and intensity of the proposed conditional use, including such considerations as storage of items and arrangement, the size of the site and the location of the use upon it, and 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 adjoining properties, other properties in the neighborhood, and the purposes of the use district in which the property is located;

1.6.3.6. Surface drainage will be adequate with respect to on-site erosion, siltation, pollution, flooding or other detrimental effects of the nonconformity.

1.6.4. 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 Planning Commission shall also consider and balance:

1.6.4.1. The possible detriment or benefit to the owner of the nonconformity resulting from denying the approval, from approving the request;

1.6.4.2. The possible detriment or benefit to the owner of the nonconformity resulting from denying and the approval, form approving the request but requiring that the nonconformity be brought wholly or partially into compliance, or from approving the request;

1.6.4.3. The possible detriment or benefit to the general public 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.

1.6.5. The Planning Commission may impose any conditions on approval of the request as it deems 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 the general public.

1.6.6. In acting upon applications for such conditional uses, the Planning Commission 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 Article.

Article 15

Enforcement Against Violations

ARTICLE 15 - ENFORCEMENT AGAINST VIOLATIONS

1.1. Enforcement Responsibility

The Planning and Building Department is hereby authorized to enforce the provisions of this Ordinance, with responsibility being as set forth in the relevant provisions of this Ordinance.

1.2. Penalties for Violations

1.2.1. *Liability for violations.* Any person who erects, constructs, reconstructs, alters, repairs, converts or maintains any building or structure in violation of this Ordinance, and any person who uses any building, structure or land in violation of the 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.

1.2.2. *Each day a separate violation.* Each day that a violation continues shall constitute a separate and distinct violation or defense.

1.3. Notice of Violation and Citation of Procedure

1.3.1. *Notice required before penalty.* No penalty shall be assessed pursuant to Section 1.2 above unless and until the person alleged to be in violation has been notified of the violation in accordance with this Section. This notice requirement shall not apply in the case of repeat offender violating the same provision for which notice has been previously given.

1.3.2. *Notice of violation and opportunity to cure.* Whenever the Planning and Building Department has reasonable cause to believe that a person in violation of any provision of this Ordinance or any plan, order, or condition which has been approved, issued, or imposed pursuant to this Ordinance, the Department shall immediately notify that person of the violation. Such notice of violation shall be in writing and shall be served by personal delivery or by mail to the best known address. The notice of violation (including an order to stop any and all work which violates this Ordinance), shall direct the person to correct the violation within a specified reasonable time period (beginning on the date such notice is received), and shall warn that more severe measures (such as a civil penalty or criminal prosecution) may be assessed or brought against the person if he or she fails to take appropriate action to cure or correct the violation. If the violator can be ascertained, then the notice of violation shall be sent to the record owner of the land on which the violation occurs. If the violation is cured or corrected within the time period specified in the notice of violation, then the City shall take no further action against the person.

1.3.3. *Extension for time to cure.* Upon receipt of a written request from the alleged violator or the property owner for an extension of time to cure or correct the violation, the Department may grant a single extension of time, not to exceed a period of 30 days,

in which the alleged violator may cure or correct the violation before the City issues a citation pursuant to Subsection 1.3.4 below. Such extension of time shall not be granted unless the alleged violator or the property owner can demonstrate to the Department that the violation cannot be cured or corrected within the time period specified in the notice of violation because the labor or materials needed to take appropriate action are unavailable due to circumstances beyond the control of the alleged violator or the property owner.

1.3.4. *Citation for violation.* Any person who, after being given a notice of violation pursuant to Subsection 1.3.2. above, does not comply with this Ordinance within the time period set forth in the notice of violation, and who continues such violation, shall be subject to penalties set forth in Section 1.2 above. The City shall serve a written citation on the alleged violator by personal delivery or by certified or registered mail, return receipt requested. If the violator cannot be ascertained, then the notice of violation shall be sent to the record owner of the land on which the violation occurs. The citation shall again describe the nature of the violation and any actions that the alleged violator must take to cure or correct the violation, and shall specify the amount of any penalty which shall be levied against the alleged violator. The violation shall be cured or corrected within 1 week of receipt of the citation by the alleged violator, or such other time period, not to exceed 30 days, as the citation may specify, or the specified fine shall be paid or the violator shall appear in City Court within 1 week of receipt of the citation if a hearing is desired.

1.3.5. *Action for recovery of penalty.* If one of the above actions are not taken within that theme, the matter shall be referred to the City Attorney for institution of a civil action in the name of the City, in a court of competent jurisdiction for recovery of the penalty or for initiation of a criminal prosecution.

1.4. Injunctive Relief and Other Remedies

1.4.1. This Ordinance also may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In any event where a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of the Ordinance, the Planning and Building Department, and other appropriate agency of the City, or any adjacent or nearby property owner who would be affected by such violation, in addition to other remedies, may institute an injunction action, mandamus action or other appropriate proceeding to prevent the completion or occupation of such building, structure or land and/or to stop any development or other activity that violates this Ordinance.

1.4.2. Upon determining that an alleged violation is occurring or is threatened, the court shall enter such orders and/or judgements as are necessary to abate or prevent the violation.

1.4.3. The institution of an action for injunctive or other relief under this Section shall not relieve any party to such proceeding from any civil or criminal penalty prescribed by this Article for violations of this Ordinance.