

**ZONING ORDINANCE
BOONEVILLE, MISSISSIPPI**

PREPARED BY

CONTINENTAL CONSULTANTS, INCORPORATED

JACKSON, MISSISSIPPI

ADOPTED FEBRUARY 7, 1995







CONTINENTAL
Planners

CONSULTANTS

INCORPORATED
Engineers

February 27, 1995

Honorable Mayor and Board of Aldermen
City of Booneville
203 North Main Street
Booneville, MS 38829

Re: Zoning Ordinance
Booneville, Mississippi

Gentlemen:

Continental Consultants, Inc. has enjoyed our association on this Zoning Ordinance and Map for the City of Booneville. It was a pleasure to work with the Planning Commission, Board and staff throughout the preparation of this document. David Moore has also been of utmost help to us in the preparation of the maps required for this ordinance.

The Planning Commission as well as the Board has studied this Ordinance in detail and are to be commended for their diligence and involvement in its preparation.

The official Zoning map, although not attached to this document is a part of this Official Ordinance. You are challenged to keep the map current as re-zoning changes are made.

This Zoning Ordinance is based on the Comprehensive Development Plan which was adopted by the City. This ordinance is a valuable tool to assist you in implementing the Plan.

Thank you for the opportunity to be of service to the City of Booneville in the development of this important document. We look forward to working with you on future projects.

Respectfully submitted,

CONTINENTAL CONSULTANTS, INC.

Corinne Fox, AICP
President

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ZONING ORDINANCE
BOONEVILLE, MISSISSIPPI

Prepared by
Continental Consultants, Inc.
Jackson, MS

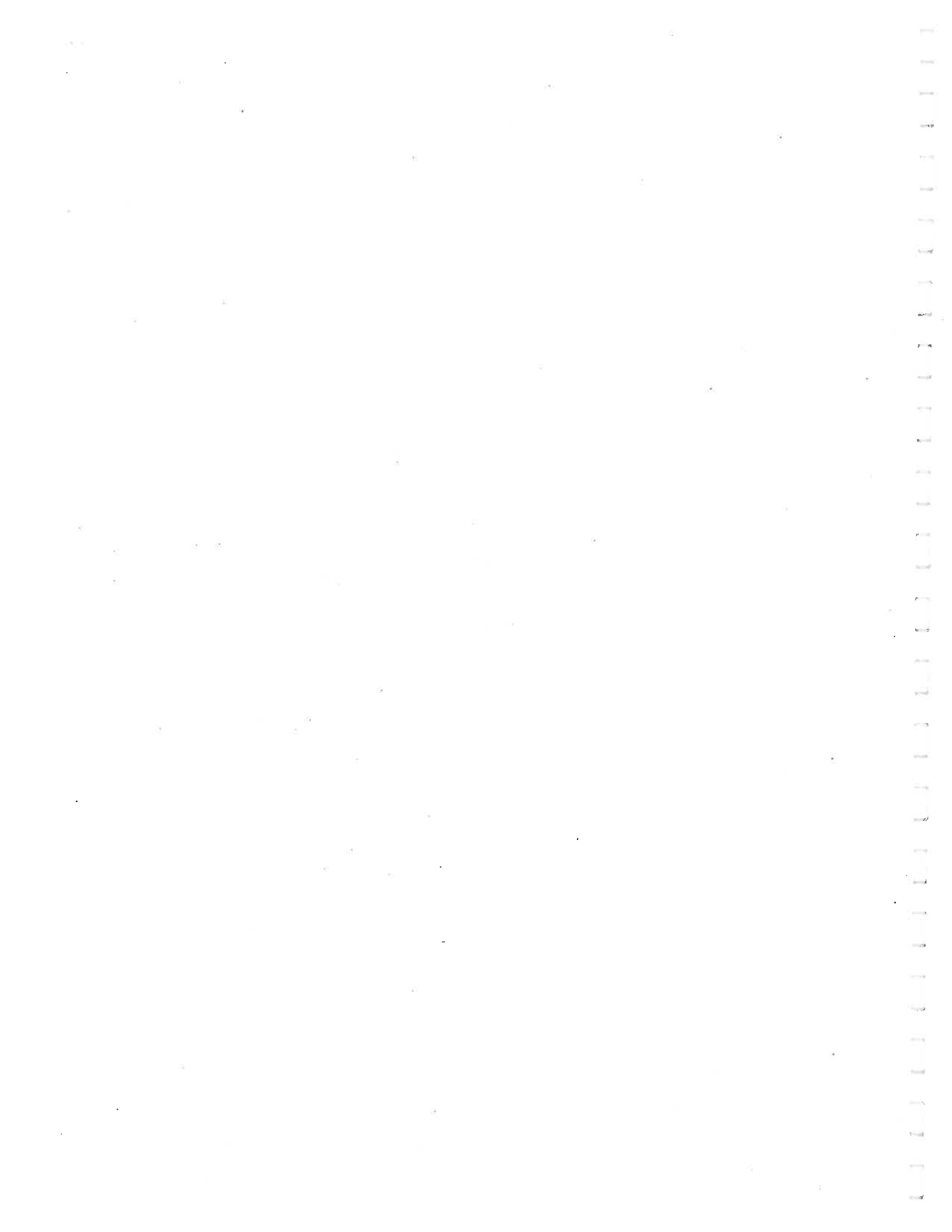
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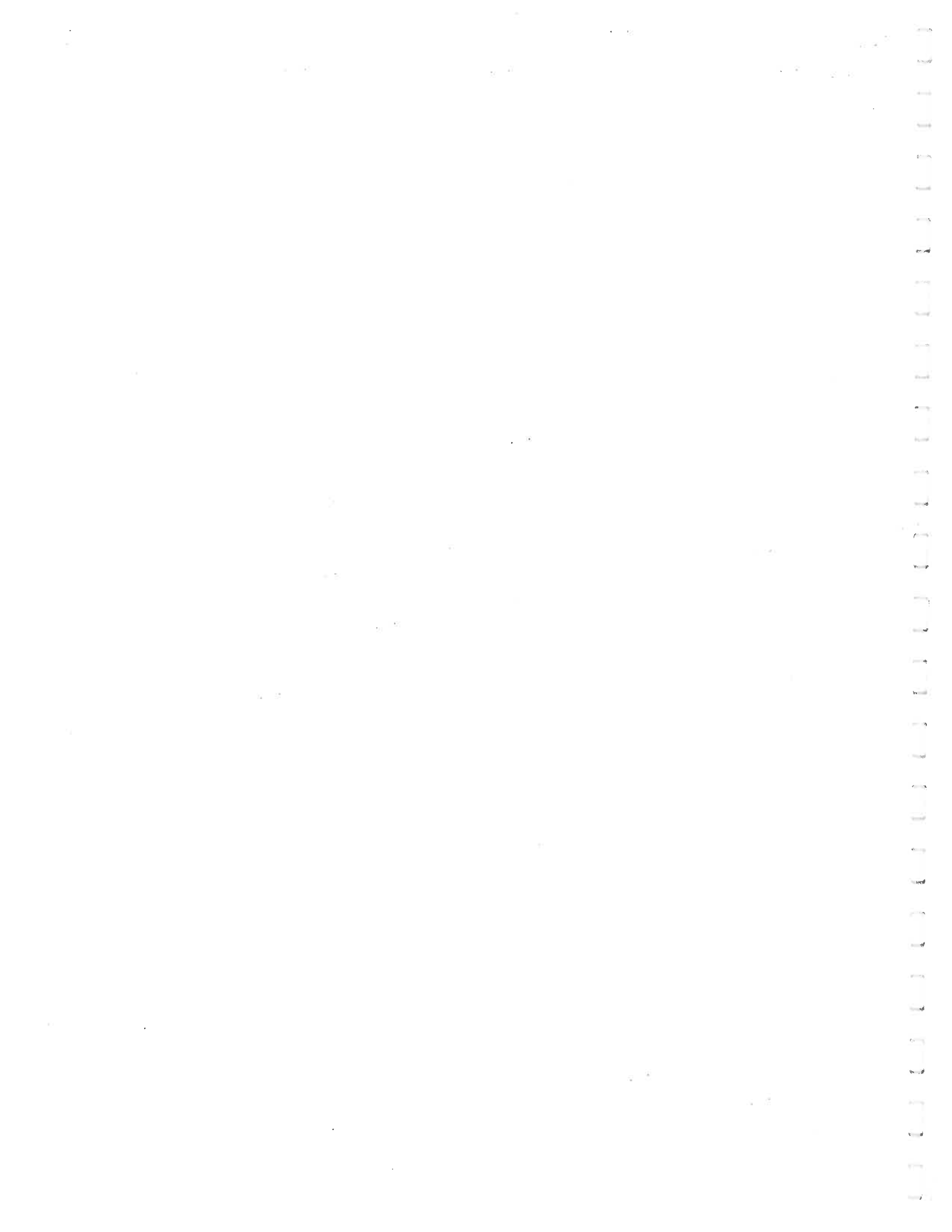
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ZONING ORDINANCE

BOONEVILLE, MISSISSIPPI

AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, RESIDENCE, OR OTHER PURPOSES, THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS AND OTHER OPEN SPACES, OFF-STREET PARKING AND LOADING, AND THE DENSITY OF POPULATION; AND FOR SAID PURPOSES TO DIVIDE THE MUNICIPALITY INTO DISTRICTS OF SUCH NUMBER, SHAPE, AND AREA AS MAY BE DEEMED BEST SUITED TO CARRY OUT THESE REGULATIONS; TO PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS AND TO PROVIDE FOR ITS ENFORCEMENT.

Whereas, the Mayor and Board of Aldermen of the City of Booneville, Mississippi deem it necessary in order to lessen congestion on streets, to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements; to conserve the value of property and encourage the most appropriate use of land throughout the City, all in accordance with a comprehensive plan; Now, therefore, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF BOONEVILLE, MISSISSIPPI.

ARTICLE I
TITLE AND PURPOSE

SECTION 1. AUTHORITY

The provisions of this Ordinance are adopted pursuant to the authority set forth in the Mississippi Code Annotated Sections 17-1-3 to 21 (1972) of the General Laws of the State of Mississippi.

The Mississippi Code Annotated Sections 17-1-3 to 37, 21-1-27, 21-13-7, 21-19-63, 41-25-13, 43-35-105, 49-23-1, to 29, 49-25-1 to 23 and 75-49-1, (1972) further empowers the City to enact provisions for other functions related to this Ordinance such as: planning; airport zoning regulations, a zoning advisory board, control of outdoor advertising along highways, control of junkyards, mobile home construction standards and sanitary regulations, building set-back lines, adoption of official plans, extension or contraction of corporate boundaries, methods for adopting codes, subdivision of land and regulation thereof, among other matters. (See Appendix A).

SECTION 2. TITLE

This Ordinance shall be known as the Official Zoning Ordinance of Booneville, Mississippi and may be so cited, and further referenced elsewhere as "Zoning Ordinance" and herein as "the Ordinance" or "this Ordinance"; shall imply the same wording as the full title.

SECTION 3. INTERPRETATION

In interpreting and applying this Ordinance, its provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not the intent of this Ordinance to interfere with, abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of building or premises, and likewise not in conflict with this Ordinance to interfere with, abrogate, or annul any easement, covenant, or other agreement between parties except wherein this Ordinance imposes a greater restriction, this Ordinance shall control.

SECTION 4. CONFLICT

All ordinances or parts of ordinances in conflict herewith are repealed, but nothing contained herein shall prevent the prosecution of any person or the bringing of a civil action to enjoin any person for the prior violation of any ordinance or part of any ordinance hereby repealed.

SECTION 5. SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portion of this Ordinance, which shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared severable.

ARTICLE II
DEFINITIONS AND WORDS

SECTION 1. RULES FOR WORDS AND PHRASES

For the purpose of this Ordinance certain terms and words are herewith defined as follows:

Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word "building" includes the word "structure"; the word "shall" is mandatory, and not directory.

SECTION 2. DEFINITIONS

ABANDONED VEHICLE: Abandoned motor vehicle is defined as one that is in a state of disrepair and/or incapable of being moved under its own power, regardless of whether or not it has a current license.

ACCESSORY BUILDING OR USE: A subordinate building on the same lot or a portion of the main building, the use of which is clearly incidental to the main use of the property, including satellite receiving dishes. In buildings restricted to residential use, the office of a professional person, customary home occupations, and workshops not conducted for compensation shall be deemed accessory uses.

ADMINISTRATIVE OFFICIAL: The official or officials designated by the governing body of the City of Booneville for administering the zoning ordinance.

AGRICULTURE: The raising or growing of crops, fowl, livestock, but not swine, in any A-1 zone providing such use does not constitute a nuisance or health hazard.

ALLEY: A minor right-of-way dedicated to public use which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

ALL-WEATHER SURFACE: A surface of asphalt or concrete which provides a hard driving surface which is impervious to water and prevents erosion, dust and potholes.

ANIMAL UNIT: One animal unit shall mean either one horse, one cow, one mule, two goats, two sheep or two miniature horses.

APARTMENT HOUSE OR MULTIPLE-FAMILY DWELLING: Any single detached dwelling unit designed for and occupied by three or more families living independently of each other as separate housekeeping units, including apartment houses, apartment hotels and flats, but not including auto or trailer courts or camps, hotels, motels or resort-type hotels.

AUTOMOBILE-JUNK AREA OR GRAVEYARD: An open area other than a street, alley or place, used for the dismantling or wrecking of used automobiles or their parts.

BASEMENT: A story below the first story as hereinafter defined. See STORY.

BLOCK: A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the City Engineer shall determine the outline of the block.

BOARD OF ALDERMEN: The local governing body of the City of Booneville.

BOARDING HOUSE OR LODGING HOUSE: A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five (5) or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

BUFFER AREA: An area set aside to remain vacant or to be planted and landscaped to reduce the blighting effect of commercial or industrial uses on adjacent residential property.

BUILDABLE AREA: That portion of a lot remaining after required yards have been provided.

BUILDABLE WIDTH: Width of the building site left after the required yards have been provided.

BUILDING: Any structure intended for shelter, housing or enclosure of persons, animals or chattel.

BUILDING, ACCESSORY: Any structure erected or constructed including buildings as herein defined, the use of which requires location on the ground or attachment to something located on the ground and which is incidental and customarily appurtenant to a principal use permitted on the zoning lot, but not including fences and walls of less than 6 feet in height provided they do not project more than one foot above the surface of the ground on the high side.

BUILDING, ALTERATION OF: Any change or rearrangement in the supporting members (such as bearing walls, beams, columns or girders) of a building, and addition to a building or movement of a building from one location to another.

BUILDING, FRONT LINE OF: A line intersecting the foremost portion of a building and parallel and/or concentric to the street line.

BUILDING HEIGHT: The vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of the roof surface.

BUILDING LINE OR SETBACK LINE: The distance required by this Ordinance to be maintained between a given lot line, easement or right-of-way line and any structure -front, rear or side as specified.

BUILDING MAIN: A building in which is conducted the principal use of the lot on which it is situated.

BUILDING OFFICIAL: A person designated by the Mayor and Board of Aldermen who is responsible for issuing building permits, certificates of occupancy and inspections pursuant thereto.

BUILDING PERMIT: A permit issued by the administrative official or other designated official authorizing the construction or alteration of a specific building on a specific lot.

BUILDING SITE: A single parcel of land occupied or intended to be occupied by a building or structure and appropriate accessory buildings or uses.

CEMETERY: A tract of land, private or public, divided into plots for interment of the human dead and in compliance with applicable state statutes.

CERTIFICATE OF OCCUPANCY: A permit issued by the Building Official indicating that the use of land or building in question is in conformity with this ordinance or that there has been a legal variance therefrom, as provided by the Ordinance.

CHILD CARE CENTER: A private establishment enrolling four or more children where tuition, fees, or other forms of compensation for the care of the children is charged. The term "Child Care Center" indicates day care nurseries, day care centers and any other facility that falls within the scope of the definition set forth herein, regardless of auspices. Exempted from this definition is any facility

operating as a kindergarten, nursery school or Head Start in conjunction with an elementary and/or secondary school system, whether it be public, private or parochial, whose primary purpose is a structured school readiness program. Space requirements shall be stipulated by the Mississippi State Board of Health and Southern Standard Building Code.

CITY PLANNING COMMISSION: The Booneville City Planning Commission.

CONCEALING FENCE: A fence, wall, live shrubbery or other material approved by the Planning Commission which visually prevents, on a perpetually maintained basis, an area so enclosed, from being viewed from without by a maximum of 20% visibility. Any fence, wall or other material, except live shrubbery, shall be painted or colored a uniformly solid color, pastel in nature, or otherwise aesthetically pleasing, which contains no advertising sign or symbol. Any live shrubbery used shall be a hardy species to the area and permanently maintained in a manner which will not create a nuisance. Any lack of maintenance of such concealing fence shall be deemed a violation of this ordinance and shall be prosecuted as prescribed herein.

CONDOMINIUM: A development of residential structures which are intended for sale to individuals for permanent residences under a joint association for aesthetics, maintenance services and operation. Condominiums may be either attached or detached structures, zero lot lines, patio homes, or townhouse style construction including apartment style.

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

COVERAGE: The percentage of the lot area covered by the building area.

DAY CARE CENTER: A place which provides shelter and personal care for five (5) or more persons regardless of age for any part of the twenty-four hour day, whether such place be organized or operated for profit or not. Care of a person shall not exceed twelve and one-half (12 1/2) hours for any part of the twenty-four (24) hour day. The term "Day Care Center" indicates day care baby sitting service, child or adult care centers and any other facility that is within the scope of the definition set forth herein, regardless of auspices. Excluded from this definition is any facility operating as a kindergarten, nursery school or Head Start in conjunction with an elementary and/or secondary school system, whether it be public, private or parochial, whose primary purpose is a structured school

readiness program. Also excluded is any medical care facility such as a convalescent home or nursing home or rehabilitation center. Space requirements shall be as stipulated by the Mississippi State Board of health and the Southern Standard Building Code, or other appropriate State or Federal Agency.

DISTRICT: Any zoning district established by this ordinance.

DWELLING: Any building, or portion thereof, which is designed or used as living quarters for one or more families.

DWELLING, SINGLE FAMILY: A dwelling designed to be exclusively occupied by one family.

DWELLING, TWO FAMILY: A dwelling designed for occupancy by two families living independently of each other.

DWELLING, MULTIPLE-FAMILY: A dwelling designed for occupancy for three or more families living independently of each other.

DWELLING UNIT: A room or group of rooms occupied or intended to be occupied as separate living quarters.

DWELLING - ZERO LOT LINE: A detached single-family dwelling unit which is constructed against the lot line on one side of a lot, provided, however, that there shall be no windows, doors or other openings of any kind on this side. This type of dwelling is also sometimes referred to as a court-garden house or patio house.

EASEMENT: A grant by the property owner to the public, a corporation or persons, of the use of a strip of land for specific purposes. A right distinct from the ownership of the soil permitting the crossing of private property with facilities such as sewer lines, water lines and streets.

ENGINEER - CITY ENGINEER: A person registered as a professional engineer in the State of Mississippi and so designated by the Mayor and Board of Aldermen.

FAMILY: One or more persons related by blood or marriage, including adopted children, occupying premises and living as a single nonprofit housekeeping unit.

FLAMMABLE LIQUIDS: Any liquid which gives off flammable vapors, as determined by the flash point from an open-cup tester as used for test of burning oils, at or below a temperature of 80 degrees Fahrenheit, is flammable.

FLOOD PLAIN: The relatively flat area or low lands adjoining the channel of a river, stream or watercourse or ocean, lake, or other body of standing water, which has been or may be covered by flood water.

FLOODWAY: The width on either side of a stream, river or drainage course designated by the Mayor and Board of Aldermen of the City of Booneville as necessary to provide sufficient channel and capacity to drain storm waters flowing into it in a manner which will prevent extensive flooding or inundation of property located adjacent to the area so designated.

FLOOR AREA: The square feet of floor space within the outside line of walls and including the total of all space on all floors of a building used for dwelling purposes.

FRONTAGE: All the property abutting on one (1) side of a street between two (2) intersecting streets, measured along the street line.

GARAGE APARTMENT: A dwelling unit erected above a private garage.

GARAGE, MECHANICAL: A facility used for the repair of automobiles, trucks and similar vehicular powered, hydraulic or control systems.

GARAGE, PRIVATE: An attached or detached accessory building for the storage of private passenger vehicles or recreational equipment with a capacity of not more than 3 single stalls per dwelling unit and where no repair facilities are maintained.

GARAGE, STORAGE: A building or portion thereof, other than a private garage, used exclusively for parking or storage of self-propelled vehicles, but with no other services provided except facilities for washing.

GASOLINE, SERVICE OR FILLING STATION: Any area of land, including structures thereon, that is used for the retail sale of gasoline or oil fuels, and installation of other minor automobile accessories, and which may or may not include facilities for lubrication, washing or cleaning.

GOVERNING AUTHORITY: The Mayor and Board of Aldermen of Booneville, Mississippi.

GROUP HOUSING PROJECT: A group of one family, two family or multiple dwellings, arranged on land not subdivided into customary streets and lots.

HOBBY: An accessory use carried on by the occupant of the premises in a shop, studio or other work room, purely for personal enjoyment, amusement or recreation; provided, that the articles produced or constructed in said shop, studio or work room are not sold either on or off the premises, and provided each use will not be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes.

HOME OCCUPATION: Any occupation which is customarily incident to the main use of the premises as a dwelling place, and is conducted by a member of a family residing in the dwelling, and in connection with which there is kept no stock in trade nor commodity to be sold upon the premises; provided that no person is employed other than a member of the immediate family, residing on the premises; providing further that no mechanical equipment shall be used which will be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes. The operation of beauty culture schools, beauty parlors or barber shops, shall not be considered home occupations.

HOTEL OR MOTEL: A building containing sleeping rooms occupied, intended or designed to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation.

JUNK: The term "junk" is defined to mean and shall include scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old cotton or used machinery, used tools, used appliances, used fixtures, used utensils, used boxes or crates, used pipe or pipe fittings, used automobile or airplane tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition; subject to being dismantled for junk.

KENNEL: An establishment in which more than six dogs or domesticated animals more than four months of age are housed, groomed, bred, boarded or trained for remuneration or offered for sale.

KINDERGARTEN: A school other than a public school for children of pre-public school age in which constructive endeavors, object lessons and helpful games are prominent features of the curriculum.

LOT: A subdivision of a block or other parcel of land intended as a unit for the transfer of ownership or for building development or both, and which faces on a public right-of-way.

LOT, AREA: The total area included within the front, side and rear lot line.

LOT, CORNER: A lot located at the intersection of and abutting on two (2) or more streets.

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

LOT, DOUBLE FRONTAGE: A lot, other than a corner lot, which has frontage on more than one street.

LOT, FRONTAGE: That dimension of a lot or portion of a lot abutting a street.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The lines bounding a lot as defined herein.

LOT WIDTH: Shall mean the average lot width taken by measuring the front lot line and the rear lot line, adding these dimensions together and dividing by 2.

LOT OF RECORD: A lot, the plat of which has been recorded in the office of the Chancery Clerk of Prentiss County.

LOT, REVERSE FRONTAGE: A lot fronting on two (2) parallel streets but with access to only one when desirable to reduce the effect of heavy traffic along highways, arterial streets, etc.

MANUFACTURED HOME: Shall mean a factory constructed housing unit, designed and constructed with carriage and or hitch for placement upon a permanent foundation, to be connected to all utilities in a proper and approved manner for year-round occupancy. It must be at least 24' in width and 32' in length and have a minimum 4/12 pitch. Such housing shall conform to the rules of the Mississippi State Fire Marshall for manufacturers and sellers of factory manufactured moveable homes, the Southern Standard Building Code, and the applicable City Ordinances.

MANUFACTURED HOME FOUNDATION: The site built supporting parts upon which the manufactured home is placed, whether constructed to encompass the perimeter of the home or in the form of piers and including all exterior materials required to physically screen, veneer or shield from such supports, extending at a minimum from the ground surface to the bottom portion of the exterior wall surfaces of the home.

MANUFACTURED HOME SUBDIVISION: The division of any tract or parcel of land, including frontage along an existing street or highway, into two or more lots, plots, or other divisions of land for the purpose, whether immediate or future, of the placement of manufactured housing for dwelling purposes.

MEDICAL AND DENTAL FACILITIES:

- (a) Convalescent, Rest or Nursing Home: A health facility where persons are housed and furnished with medical and/or nursing care.
- (b) Dental Office or Doctor's Office: A facility for the examination and treatment of patients.
- (c) Hospital: An institution providing comprehensive health services.
- (d) Public Health Center: A facility primarily utilized by a health unit for the provisions of public health services.

MOBILE HOME: A dwelling transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. A mobile home by this definition does not qualify as a manufactured housing unit.

MOBILE HOME PARK: A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use.

MOBILE HOME LOT, STAND OR PAD: The area for locating a single mobile home unit and the exclusive use of its occupant.

MODULAR HOMES: A modular home is a factory fabricated dwelling over 32 feet in length and at least 24 feet wide designed and constructed without carriage or hitch collar as stationary house construction for placement upon a permanent foundation, to be permanently connected to utilities, and to be used for year-round occupancy. It may consist of two or more components that can be separated when transported but designed to be joined into one integral unit. A modular home must meet the minimum construction standards for house construction as specified in the Standard Building Code; the Federal Housing Administration Minimum Property Standards, the minimum construction standards as may from time to time be fixed by the law of the State of Mississippi, and must have a roof with at least a 4/12 pitch.

NONCONFORMING USE, BUILDING OR YARD: A use, building or yard existing legally at the time of the passage of this Ordinance which does not by reason of design, use or dimensions conform to the regulations of the district in which it is situated or a use which on or after the effective date of this ordinance was lawfully operated in accordance with the provisions of this Ordinance, but which use, by reason of amendment to this Ordinance, is not a permitted use in the zone in which the use is located. A use, building or yard established after the passage of this Ordinance which does not conform to regulations of the district in which it is situated shall be considered an illegal nonconforming use.

OUTDOOR ADVERTISING: A visible, immobile contrivance or structure in any shape or form, the purpose of which is to advertise any product or service, campaign, event, etc.

OUTDOOR STORAGE: A depository or place for storing goods related to the establishment on the same premises and not located within a building.

PARKING SPACE: A space located on private or public property sufficient in size to store one (1) automobile.

PARKING AREA, PUBLIC: An open area other than a street, alley or place, used for the temporary parking of more than four (4) self-propelled vehicles and available for public use whether free, for compensation or as an accommodation for clients or customers.

PARKING AREA, SEMI-PUBLIC: An open area other than a street, alley or place, used for the temporary parking of more than four (4) self-propelled vehicles as an accessory use to semi-public institutions, schools, churches, hospitals and non-commercial clubs.

PLANNING COMMISSION: Whenever the term "Planning Commission" shall be used in these regulations, the term shall mean the Planning Commission of Booneville, Mississippi.

PLANNED UNIT DEVELOPMENT (PUD): A land tract in which a multiplicity of land uses may be permitted including single-family residential, multi-family residential, public use and compatible commercial use, and in which land not used by residential or commercial structures and yards but required by basic zoning of the site shall be reserved collectively in contiguous units accessible to all the building sites in the development as open space for the purpose of providing recreational facilities and pedestrian circulation.

PLAT, PRELIMINARY: A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land.

PLAT, FINAL: A map of land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances, and with complete bearing and dimensions of all lines defining lots and blocks, streets, alleys, public areas and other dimensions of land.

PREMISE: Means any lot or unplatted tract, or any combination of contiguous lots or unplatted tracts held under single ownership.

PRINCIPAL PERMITTED USE: That use of a zoning lot which is among the uses allowed as a matter of right under the zoning classification.

PUBLIC USES: Any land use operated by or through a unit or level of government, either through lease or ownership; such as municipal administration, county buildings, state offices and federal uses such as post offices and other departmental offices.

RECREATIONAL VEHICLE: A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.

RETIREMENT HOME: A structure or group of structures designed for rent, lease or ownership by persons of retirement age. Although individual apartments may contain kitchen facilities, some common areas may be present for preparing and serving food on a prearranged schedule for the occupants. Other common areas for personal services may also be included such as beauty and barber facilities, laundry facilities and similar uses.

RIGHT-OF-WAY: A grant by the property owner, usually in the form of a dedication to the public, of a strip or strips of land to be used primarily for transportation passage over the land.

SCREENING: This term refers to landscaping and/or architectural barriers which block vision.

SETBACK LINE: The distance required by this Ordinance to be maintained between a given lot line and any structure-front, rear or side as specified.

SIDEWALK: The portions of a street or crosswalkway, paved or otherwise surfaced, intended for pedestrian use only.

SIGN: Any word, lettering, parts of letters, figures, numbers, phrases, sentences, emblems, devices (including loud speakers), designs, pictures, trade names or trademarks by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, a service, a commodity, or a product which is visible from any public street or right of way and designed to attract attention. The term sign shall not include the flag, pennant or insignia of any nation, state, city or other political unit, or any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, monument, or event.

TYPES OF SIGNS:

- (a) **BILLBOARD:** An off-premise sign owned by a person, corporation, or other entity that engages in the business of selling the advertising space on that sign.
- (b) **BUSINESS SIGN (ON PREMISE SIGN):** Signs advertising activities, products and accommodations conducted or sold on the property upon which the signs are located.
- (c) **FREE STANDING SIGN:** A sign separate and apart from the main structure on the premise and stands on its own whether fixed directly to the ground or mounted on supports.
- (d) **INTERNALLY ILLUMINATED SIGNS:** Signs where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source.
- (e) **MOBILE SIGN:** A sign designed to be temporary in nature and capable of being transported to various locations, and not exceeding thirty-two (32) square feet and eight (8) feet in height.
- (f) **OFF PREMISE SIGN:** A sign which relates in its subject matter to products, accommodations, services or activities which are available or conducted at locations other than on the premises where the sign is located.
- (g) **OUTDOOR ADVERTISING SIGN:** A sign, including the supporting sign structure, which directs the attention of the general public to a business, service, or

activity not conducted, or a product not offered or sold upon the premises where such sign is located.

- (h) POLITICAL SIGN: Means any type of non-premise sign which refers only to the issues or candidates involved in a political election.
- (i) ROOF SIGN: Any sign or outdoor advertising device attached to the roof of a building.
- (j) SIGN AREA: The entire width within a single, continuous perimeter enclosing the outer dimensions of the actual message area. It does not include decorative trim, customary extensions or embellishments nor any structural elements not forming an integral part of the display.
- (k) SIGN: Any structure or device maintained outside of enclosed buildings for the purpose of advertising, displaying or informing, including posters, pictures, billboards, bulletin boards, banners, etc.
- (l) SIGN SUPPORT: Means any pole, post, strut, cable, or other structural fixture or framework necessary to hold and secure a sign, providing that said fixture or framework is not imprinted with any picture, symbol or word using characters in excess of one inch in height, nor is internally or decoratively illuminated.
- (m) SPECIAL PURPOSE SIGN: Means any type of non-premise sign which refers only to the issues or candidates involved in a political election or special event.
- (n) WALL SIGN: Means a sign painted or otherwise placed flat (within 12") of a building wall surface.
- (o) PROJECTING SIGN: A sign which is attached perpendicular or at an angle, to a building wall and extending outward more than 12" from the wall.

SPACE SATELLITE RECEIVING SYSTEMS: A structure which receives audio-visual wave frequencies from earth orbiting communications satellites. These satellite systems shall be considered as an accessory use.

STABLE, PRIVATE: An accessory building for the keeping of horses, or mules owned by the occupants of the premises and not kept for remuneration, hire or sale.

STABLE, PUBLIC: A stable other than a riding or private stable.

STABLE, RIDING: A structure in which horses or mules used for pleasure riding or driving are housed, boarded or kept for hire; including a riding track.

STORY: That part of a building included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is the highest story having its interior floor surface not more than four (4) feet above the curb level, or the average elevation of the finished grade along the front of the building were it set back from the street.

STREETS: The term street means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

STREETS, ARTERIAL, AND HIGHWAYS: Streets and roadways which are used primarily for fast or heavy traffic and that form a part of the existing or projected Federal Aid Highway System, the State Highway System or the City Street System.

STREET LINE: Public right-of-way line of a street.

STREETS, COLLECTOR: A street which carries traffic from minor streets to major streets in residential and business areas and include the principal entrance streets of a residential development and streets for circulation within such a development.

STREETS, CUL-DE-SAC: A minor street with a turn-around and permanently closed to through traffic and used primarily for access to the abutting property.

STREETS, FRONTAGE OR SERVICE: A minor street auxiliary to and located on the side of a major street for service to abutting properties and adjacent areas for control of access and protection from through traffic.

STREETS, MAJOR: A street which provides easy access to the various traffic generators within the City or County and to the arterial highway system.

STREETS, MINOR: A street which is used primarily for access to the abutting properties.

STRUCTURE: Anything constructed or erected, which requires location on the ground, or attached to something having location on the ground; including but not limited to

advertising signs, billboards and poster panels; but exclusive of customary fences or boundary or retaining walls, sidewalks and curbs.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

SUBDIVIDER: Any person, firm, partnership, corporation or other entity, acting as a unit, subdividing or proposing to subdivide land as herein defined.

SUBDIVISION: The division or re-division of land into two or more lots, tracts, sites or parcels of less than three (3) acres in area for the purpose of transfer of ownership or for development, or the dedication or vacation of a public or private right-of-way or easement.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the actual cash value of the structure either (1) before the improvement is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement is started when the first alteration of any structural part of the building commences.

TANNING SALON: A commercial establishment operating independently or in conjunction with a beauty or barber shop which specializes in the rental of tanning beds.

TRAILER PARK: An area containing one or more structures designed or intended to be used as temporary living facilities of one or more families, and intended primarily for automobile transients, or providing proper space and facilities for two or more auto trailers of mobile dwelling unit character.

TRANSIENT VENDOR: A person or persons who offer for sale to the public materials and/or merchandise without the benefit of an established building or location which has been permanently designated for commercial purposes. Transient vendors must obtain a permit.

TRAVEL TRAILER OR CAMPER: A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet.

UNOBSTRUCTED OPEN SPACE: An area of land required to be maintained upon which no structure may be erected, except those accessory structures used in connection with the movement or regulation of traffic.

UTILITY: A commodity or service which is of public consequence and need, such as electricity, gas, sewer, water, transportation, or telephone or telegraph service.

USED AUTOMOBILE JUNK AREA: An open area other than a street, alley or place, used for the dismantling or wrecking of used automobiles or the storage, sale or dumping of dismantled or wrecked automobiles or their parts.

VARIANCE: A modification from the provisions of this Ordinance by the Zoning Board of Adjustment in cases when enforcement of its provisions would result in unnecessary hardship.

YARD: An open space other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. In measuring to determine the width of a side yard or the depth of the rear yard, the least horizontal distance between the lot line and the main building shall be used. (See Appendix B).

YARD, FRONT: A yard across the full width of a lot extending from the front line of the main building to the front street line of the lot. (See Appendix B).

YARD, REAR: A yard extending across the rear of a lot measured between inner side yard lines and being the minimum distance between the rear lot line and the rear of the main building. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard. (See Appendix B).

YARD SALE/GARAGE SALE: A temporary (not to exceed 3 days) sale of personal belongings and merchandise which is held on the premises of a residential use either individually or jointly with a neighboring residential use. A permit is required to conduct a yard sale or garage sale. Frequency is restricted to not more than one sale within each 30 calendar days.

YARD, SIDE: A yard between the building and the side line of the lot unoccupied and unobstructed by any portion of a structure from the ground upward and extending from the front building line to the rear lot line. (See Appendix B).

ZERO LOT LINE: A lot where no side yard is required under special construction regulations. These shall include appropriate fire walls, restrictive openings, etc.

ZONING BOARD OF ADJUSTMENT: The Booneville Board of Zoning Adjustment.

ZONING MAP: The official zoning map or maps which are a part of the Zoning Ordinance and delineates the boundaries of the zoning districts.

ARTICLE III
DISTRICTS

SECTION 1. ZONING DISTRICTS

In order to regulate and restrict the location of trades and industries and the location of buildings erected, reconstructed, altered or enlarged for specified uses, to regulate and limit the height and bulk of buildings hereafter erected, reconstructed, altered or enlarged; to regulate and determine the area of yards and other open spaces and to regulate and limit the density of population, the City of Booneville is hereby divided into districts of which there shall be eleven (11) as follows:

- A-1 General Agricultural District
- R-1 Single-Family Residential District
- R-2 Single-Family Residential District
- R-3 Two-Family Residential District
- R-4 Multi-Family Residential District
- C-1 Neighborhood Commercial District
- C-2 Community Commercial District
- C-3 Highway Commercial District
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- F-1 Flood Plain District

The order of classification shall be as enumerated above with the F-1 Flood Plain District being the most restrictive and the I-2 Heavy Industrial District the least restrictive classification.

The districts aforesaid and the boundaries of such districts are shown upon the map attached hereto and made a part of this Ordinance, being designated as the "Official Zoning Map" and said maps and all the notations, references and other information shown thereon shall be as much a part of this Ordinance as if the matters and information set forth by said map were all fully described herein.

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in section 200B of Ordinance No. Z-1 of the City of Booneville, Mississippi," adopted by the Mayor and Board of Aldermen.

If, in accordance with the provisions of this Ordinance and Mississippi state statutes, changes are made in zone boundaries or other matters portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map within ten days after the amendment has been approved by the Board of Aldermen together with an entry on the Official Zoning Map as follows:

"On (date), by official action of the Board of Aldermen, the following change (changes) were made in the Official Zoning Map: (brief description of nature of change)," which entry shall be signed by the Mayor and attested by the City Clerk. The amending ordinances shall provide that such changes or amendments shall not become effective until they have been duly entered upon the Official Zoning Map. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Article IX - Section 2 of this Ordinance.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the City Clerk shall be the final authority as to the current zoning status of land, buildings, and other structures in the City.

Replacement of Official Zoning Map: In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Board of Aldermen may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Ordinance No. _____ of the City of Booneville, Mississippi."

Except as hereinafter provided:

First. No building shall be erected, reconstructed, altered or enlarged nor shall any building or land be used for any purpose other than is permitted in the district in which such building or land is located.

Second. No building shall be erected, reconstructed, altered or enlarged to exceed the height or bulk limit herein established for the district in which such building is located.

Third. No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this Ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations herein established.

No building permit shall be issued by the City for the construction or placing of, and no person shall construct or place, any dwelling, structure or edifice, designed or usable as a dwelling place, on any lot, tract or parcel of land unless the lot, tract or parcel of land upon which each such structure is to be located, or is located, has been defined, delineated or described by a map or plat filed for record in the Deed Records of the County; provided, that this Ordinance shall not prohibit the issuance of a building permit for the construction or placing of any single structure, designed or usable as a dwelling, located on any tract of land set apart, delineated or defined by a metes and bounds description and recorded in the Deed Records of the County prior to _____, and/or shown on a plat, giving an accurate location of such tract relative to any existing recorded addition or subdivision, when the only structure (with its permitted appurtenances) is located or, to be located thereon, faces or fronts upon a legally established public or private thoroughfare.

No building permit shall be issued by the City for the erection or placing of any dwelling on a lot, the width or street frontage of which has been decreased from the width or street frontage as originally platted or as replatted and recorded in the Deed Records of the County, nor shall a building permit be issued for the erection or placing of any dwelling on the rear yard of any corner lot situated in Districts R-1, R-2, or R-3.

A building permit may be issued by the City or its agent for the construction or placing of a dwelling on a lot or tract of land composed of portions of two or more lots as same appear upon the map thereof as recorded in the Deed Records of the County, only when such lot or tract has a street frontage of not less than the street frontage of any lot in the same block.

Fourth. No yard or other open space provided about any building for the purpose of complying with the provisions of these regulations shall be considered as providing a yard or open space for any other building; provided further that no yard or open space on an adjoining property shall be considered as providing a yard or open space on a lot whereon a building is to be erected.

Fifth. Every building hereafter erected shall be located on a lot as herein defined and shall meet all yard and density requirements of this Ordinance.

SECTION 2. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, railroads or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
4. Where the boundary of a district line follows a railroad right-of-way, such boundary shall be deemed to be located on the right-of-way line to which it is closest, which shall completely include or exclude the railroad easement unless otherwise designated;
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of a natural change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 6 above, the Board of Adjustment shall interpret the district boundaries;
8. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 100 feet beyond the district line into the remaining portion of the lot.

9. No land shall be used or occupied and no structure shall be designed, erected, altered, used or occupied except for the following primary permitted uses for each of the several following zones, together with lawfully permitted home occupations and temporary uses as listed below and permitted accessory uses:

(A) All Zones

Uses Permitted:

- (1) Agriculture, limited to use and/or enjoyment by occupants of the premises; no livestock or poultry of any kind shall be permitted except in the Agricultural Zone.
- (2) Public uses necessary for conducting the business of or operating the city, county, state or federal government, including parks, playgrounds, schools and utilities.
- (3) Railroad right of way existing on the effective date of this ordinance.
- (4) Uses by temporary permit:
 - (a) Noncommercial concrete batching plant (permit not to exceed six months).
 - (b) Temporary building, office or yard for construction (permit not to exceed six months).
- (5) Churches and accessory religious buildings except in Industrial Zones.

ARTICLE IV
SPECIFIC DISTRICT REGULATIONS

SECTION 1. A-1 GENERAL AGRICULTURAL DISTRICT

1.1 General Description

This district shall provide an area for agricultural and horticultural uses. The rural nature and low density of population in this district requires only that uses essential to agriculture and horticulture have a reasonable setback of buildings from dedicated streets and/or highways. It is the purpose of this district to encourage and protect such uses from urbanization until such is warranted and the appropriate change in district classification is made.

1.2 Uses Permitted

The following uses of property, buildings or structures:

- (1) Cultivation of field and truck crops, orchards and vineyards.
- (2) Pasturing and grazing.
- (3) Dairies, small animals and livestock provided that no more than one domestic animal unit for each 20,000 square feet of lot will be permitted.
- (4) Greenhouses, nurseries and landscape gardening.
- (5) Barns, silos, sheds, warehouses and cooling houses for storage, grading, packing and processing of farm produce produced on the premises other than commercial slaughtering or processing of animals.
- (6) One family detached dwellings, and their customary accessory uses.
- (7) Stables and riding academies.
- (8) Golf courses and country clubs.

1.3 Uses Permitted After Public Notice and Hearing and Approval by the Planning Commission

The following uses of property, buildings or structures:

- (1) Boat moorage, parks, playgrounds and wild life refuges.
- (2) Public buildings and other uses such as schools, churches, parks, land filling operations, sanitary fill operations and public or private utility structures, when their location does not obstruct waterways and is approved by the City Engineer.

- (3) Excavating, processing and removal of topsoil, sand, gravel, rock or similar natural deposits.
- (4) Kennels and animal hospitals, public and private stables, riding academies.
- (5) Airport and landing field.
- (6) Cemetery.
- (7) Outdoor advertising signs.
- (8) Other uses primarily for either agricultural endeavors or the extraction of various products from the earth.

1.4 Area and Setback Regulations

Yards

front: setback a minimum of forty (40) feet.

rear: setback a minimum of twenty-five (25) feet.

side: set back a minimum of fifteen (15) feet, provided that any permitted pen or building in which livestock is kept shall be located not less than one hundred (100) feet from any lot line.

Lot Area

Each one-family dwelling in the A-1 District, together with its accessory buildings, hereafter erected, shall be located on a parcel having an area of not less than one (1) acre and shall front on a dedicated public street. However, nothing in this Ordinance shall prevent the erection of one (1) one-family dwelling, or the use of the land for agricultural purposes on any tract of one (1) acre or less, which was in existence on the date of passage of this Ordinance, provided that all buildings erected on such lots shall meet all of the other requirements of this or any other applicable ordinances.

Height Regulations

No building shall exceed forty-five (45) feet in height, and accessory buildings shall not exceed twenty (20) feet, measured from finished grade. No building shall be more than two and one-half stories, and accessory buildings shall not be more than two stories. Barns, silos, or other farm structures which require greater height in order to function properly are expressly exempt from this height restriction where such structure is located a distance of one hundred (100) feet from any lot line.

SECTION 2. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

2.1 General Description

This is the most restrictive residential district. The principal use of land is for single-family dwellings and with special permission related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationships of each element.

2.2 Uses Permitted

The following uses of property, buildings and structures:

- (1) Dwelling, single-family.
- (2) Accessory building located on same lot.
- (3) Church (all newly organized or relocated churches must be on a minimum three (3) acre lot).
- (4) Park and playground.

2.3 Uses Permitted After Public Notice and Hearing and Approval by the Planning Commission

- (1) Golf Course, not including commercial miniature courses or driving range.
- (2) Art gallery or museum (public).
- (3) Telephone exchange, but not to include administrative office, shop, or garage.
- (4) School, public or private, offering general educational courses.
- (5) College or university, not to include business or commercial college.
- (6) Library (public).
- (7) Public use, including utilities.
- (8) Sign or bulletin board, unlighted, not to exceed twelve (12) square feet in area pertaining to the lease, hire, or sale of property, buildings or structures, which bulletin board or sign shall be moved as soon as the property, building or structure has been leased, hired or sold.

2.4 Area and Setback Regulations

Yards

- front: setback a minimum of not less than thirty (30) feet.
- rear: setback a minimum depth of not less than twenty-five (25) percent of the depth of the lot, provided such yard need not exceed twenty-five (25) feet.
- side: setback a minimum of ten (10) feet. On corner lots the side yard regulation shall be the same as for interior lots except in the case of reversed frontage where the corner lot rears on the side of a lot facing the other intersecting street. In this case, there shall be a side yard on the corner lot of not less than fifty (50) percent of the front yard required on the lot abutting the rear of the corner lot or separated only by an alley. No accessory buildings on a said corner lot shall project beyond the front yard line of the lots in the rear, nor shall a building be erected, reconstructed, altered or enlarged, closer than five (5) feet to such rear line. (See Appendix B)

Lot Width

A minimum of eighty five (85) feet at building setback line.

Lot Area

A minimum of ten thousand two hundred (10,200) square feet.

Height Regulations

No building shall exceed thirty-five (35) feet in height or 2 1/2 stories.

Accessory Buildings

Not to exceed one (1) story in height nor be located not less than sixty (60) feet from the front lot line, nor less than the distance required for the main building from any side lot line provided that if the accessory building is located within the rear yard, no clearance from a side line will be required. In the R-

1 and R-2 Districts the utility services to accessory buildings shall be metered through the same meters as those serving the main building on the premises. The area of accessory buildings shall not exceed fifty (50) percent of the area in the main building. An accessory building may be constructed as a part of the main building, in which case the regulations controlling the main building shall apply.

SECTION 3. R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT

3.1 General Description

This is a residential district to provide for single-family dwellings and with special permission related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area.

3.2 Uses Permitted

The following uses of property, buildings and structures:

- (1) Dwelling, single-family.
- (2) Accessory building located on same lot.
- (3) Church (all newly organized or relocated churches must be on a minimum three (3) acre lot).
- (4) Park and playground.

3.3 Uses Permitted After Public Notice and Hearing and Approval by the Planning Commission

- (1) Golf Course, not including commercial miniature courses or driving range.
- (2) Art gallery or museum (public).
- (3) Telephone exchange, but not to include administrative office, shop, or garage.
- (4) School, public or private, offering general educational courses.
- (5) College or university, not to include business or commercial college.
- (6) Library (public).
- (7) Public use, including utilities.
- (8) Sign or bulletin board, unlighted, not to exceed twelve (12) square feet in area pertaining to the lease, hire, or sale of property, buildings or structures, which bulletin board or sign shall be moved as soon as the property, building or structure has been leased, hired or sold.

3.4 Area and Setback Regulations

Yards

- front: setback a minimum of not less than thirty (30) feet.
- rear: setback a minimum depth of not less than twenty-five (25) percent of the depth of the lot, provided such yard need not exceed twenty-five (25) feet.
- side: setback a minimum of ten (10) feet. On corner lots the side yard regulation shall be the same as for interior lots except in the case of reversed frontage where the corner lot rears on the side of a lot facing the other intersecting street. In this case, there shall be a side yard on the corner lot of not less than fifty (50) percent of the front yard required on the lot abutting the rear of the corner lot or separated only by an alley. No accessory buildings on a said corner lot shall project beyond the front yard line of the lots in the rear, nor shall a building be erected, reconstructed, altered or enlarged, closer than five (5) feet to such rear line. (See Appendix B)

Lot Width

A minimum of sixty (60) feet at building setback line.

Lot Area

A minimum of seven thousand two hundred (7,200) square feet.

Height Regulations

No building shall exceed thirty-five (35) feet in height or 2 1/2 stories.

Accessory Buildings

Not to exceed one (1) story in height nor be located not less than sixty (60) feet from the front lot line, nor less than the distance required for the main building from any side lot line provided that if the accessory building is located within the rear yard, no clearance from a side line will be required. In the R-1 and R-2 Districts the utility services to accessory

buildings shall be metered through the same meters as those serving the main building on the premises. The area of accessory buildings shall not exceed fifty (50) percent of the area in the main building. An accessory building may be constructed as a part of the main building, in which case the regulations controlling the main building shall apply.

SECTION 4. R-3 TWO-FAMILY RESIDENTIAL DISTRICT

4.1 General Description

This is a residential district to provide for medium population density. The principal use of land may range from single-family to two-family dwelling units.

4.2 Uses Permitted

- (1) Two-family dwelling.
- (2) Zero lot line dwellings.
- (3) Any use permitted in an R-2 Residential District, but subject to the requirements thereof.

4.3 Uses Permitted After Public Notice and Hearing and Approval by the Planning Commission

- (1) Any use permitted on review in an R-2 Single-Family dwelling district, but subject to the requirements thereof.

4.4 Area and Setback Regulations

Yards

front: same as R-1.

rear: same as R-1.

side: same as R-1.

Zero lot line: In zero lot line lots there shall be no minimum on one side and 10 feet on the opposite side. However, in no case shall a zero lot line dwelling be built closer than 10 feet to the lot line of a lot which is zoned as R-1, or R-2 Residential. On corner lot, same as R-1.

Lot Width

Single-Family: A minimum of sixty (60) feet at the front building setback line.

Two-Family: A minimum of seventy-five (75) feet at the front building setback line.

Zero lot line: The minimum lot width shall be forty (40) feet.

Lot Area

Single-Family: A minimum of 7,200 square feet.

Two-Family and Zero Lot Line: A minimum of 4,000 square feet/family.

Height Regulations

Single-Family: same as R-1.

Two-Family: same as R-1.

Zero Lot Line: same as R-1.

Accessory Buildings

Same as R-1.

SECTION 5. R-4 MULTI-FAMILY RESIDENTIAL DISTRICT

5.1 General Description

This is a residential district to provide for medium and high population density. The principal use of land may range from single or two-family dwelling units to multi-family and garden apartment uses.

Certain uses which are more compatible functionally with intensive residential uses than with commercial uses are permitted.

5.2 Uses Permitted

- (1) Any use permitted in R-3 residential district, but subject to the requirements thereof.
- (2) Multiple-family dwelling including retirement homes.
- (3) Town Houses.
- (4) Modular Homes.

- (5) Private nursery, day school, kindergarten, child care center and day care center.

5.3 Uses Permitted After Public Notice and Hearing Approval by the Planning Commission

- (1) Any use permitted on review in R-3 Residential District, but subject to the requirements thereof.
- (2) Rooming and boarding house.
- (3) Mobile Home Parks (subject to provisions contained in Section 5.5).
- (4) Manufactured Home Subdivision subject to provisions contained in Section 5.6.
- (5) Private clubs, fraternities, sororities and lodges, excluding those the chief activity of which is a service customarily carried on as a business.
- (6) Medical and dental facility.
- (7) Nursing Home

5.4 Area and Setback Regulations

Yards

- front: Single-Family -- Set back a minimum of not less than twenty-five (25) feet.
- Two-Family -- Same as R-2.
- Multi-Family -- Same as R-2.
- rear: Single-Family -- Same as R-1.
- Two-Family -- Same as R-2.
- Multi-Family -- Same as R-2.
- side: Single-Family -- Set back a minimum of not less than ten (10) feet.
- Two-Family -- Same as R-2.
- Multi-Family -- Same as R-2; however, an additional two (2) feet for each side yard shall be required for each story above the first story.

Lot Width

- Single-Family -- A minimum of sixty (60) feet at the building line.

Two-Family -- A minimum of seventy-five (75) feet at the building line.

Town House -- A minimum of twenty-four (24) feet.

Multi-Family -- A minimum of one hundred (100) feet at the building line.

Lot Area

Single-Family -- A minimum of six thousand (6000) square feet.

Two-Family -- Same as R-2.

Multi-Family -- A minimum of 2,000 square feet per family.

Height Regulations

Single-Family -- Same as R-1.

Two-Family -- Same as R-1.

Multi-Family -- Three (3) stories or forty (40) feet.

5.5 Special Provisions for Mobile Home Parks

- (1) Mobile home parks shall not exceed a density of eight (8) mobile home units per gross acre within the mobile home park.
- (2) Mobile home parks shall be surrounded by a buffer strip at least (15) feet in depth on all sides and rear from an R-1 or R-2 District.
- (3) Buffers shall be unoccupied except for landscaping, utility facilities, signs or entrance ornamentation.
- (4) A minimum of five (5) percent of the gross land area of the mobile home park shall be required for recreation area.
- (5) All mobile home lots shall abut upon an all-weather roadway of not less than twenty (20) feet in width, which shall have unobstructed access to a public street.
- (6) All streets, roadways and driveways within the park shall meet the minimum construction standards recommended by the consulting engineer of the

Planning Commission. They shall be appropriately lighted at night.

- (7) No mobile home park shall contain less than ten (10) stands.
- (8) Each mobile home stand shall be provided with permanent concrete foundation, patio, parking area and utilities as recommended by the Mobile Home Manufacturers Association and approved and recommended by the City Engineer.
- (9) Every mobile home stand shall provide a storage structure of at least ninety (90) cubic feet. However, such structure shall not exceed three hundred (300) cubic feet.
- (10) Mobile Homes shall be set on permanent concrete foundation blocks with appropriate tie-down hooks. An exterior skirting shall extend to the ground except that when a solid concrete or masonry foundation is used, the exterior covering material need not extend below the top of the foundation. Color and texture of the exterior materials shall be compatible with adjacent single family structures.

Skirting shall be either vinyl or baked on painted metal (fiberglass is strictly prohibited).

5.6 Special Provisions for Manufactured Home Subdivision

- (1) Each manufactured home subdivision shall comply with the requirements and standards of the Subdivision Regulations of the City of Booneville.
- (2) Minimum area for a subdivision - two (2) acres; minimum width for portions used for entrances and exits and for residential purposes - one hundred (100) feet.
- (3) Minimum number of lots completed at time of first occupancy - ten (10). In the event that a sanitary sewerage collection and treatment system and/or a public water supply is not available, septic tanks or other acceptable waste treatment and/or water wells may be installed at the time of placement of the manufactured homes on the individual lots. The installation of septic tanks or other waste treatment systems and/or water wells shall be in accordance with the requirements of the State Department of Health and local ordinances.

- (4) Maximum density of lots per gross acre - six (6). Minimum area for individual home lot shall be 7,200 square feet.
- (5) Required yards at the edge or boundary of the subdivision shall be twenty-five (25) feet, contain no accessory buildings and shall be treated as front yards for the district.
- (6) All required lot sizes and yards shall comply with the R-3 District regulations.
- (7) Where lots on the perimeter of the development abut adjacent single-family development, they shall meet the following requirements:
 - a. Contain only manufactured homes meeting all residential standards as approved by the City of Booneville.
 - b. Provide a twenty-five (25) foot landscaped buffer from the property line; or
 - c. Provide a screening material along the property line such as a solid fence or wall not less than six (6) feet high.
- (8) Foundations and anchor systems shall be installed according to State Law. Every manufactured home shall be installed in accordance with the manufacturer's "owner's manual" or at a minimum, the Uniform Standard Code for Factory Manufactured Homes Act and the rules and regulations of the Mobile Home Division of the Mississippi State Fire Marshal's Office.

SECTION 6. C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

6.1 General Description

The purpose of this commercial district is to provide retail stores and personal services for the convenience of the people in adjacent residential areas.

6.2 Uses Permitted

The following uses of property, buildings or structures:

- (1) Bakery - employing not more than five people and limited to retail sales only.
- (2) Medical and dental offices.
- (3) Bank.

- (4) Barber shop, beauty parlor, tanning salon, chiropody, massage or similar personal service shop.
- (5) Bicycle sales and repair.
- (6) Drug stores.
- (7) Grocery stores.
- (8) Hospitals and clinics in confines of the structure of the hospital.
- (9) Coin-operated laundry and dry cleaning establishments.
- (10) Offices, including insurance, real estate, lawyers, etc.
- (11) Restaurants (not drive-in).
- (12) Custom dressmaking, millinery, tailoring, shoe repairing, repairing of household utility articles or similar trade.
- (13) Specialty shop for the conduct of a retail business as limited herein; such as furniture, fabric, appliances, apparel, jewelry, etc.
- (14) Photographer's studio.
- (15) Shop for the repair of electrical and radio equipment and other similar commodities.
- (16) Accessory buildings and uses customarily incident to the above uses, including signs or bulletin boards not exceeding twelve (12) square feet and lighted by floodlight only.
- (17) The above specified stores, shops or businesses shall be retail establishments exclusively, selling merchandise and conducted wholly within an enclosed building. Each store, shop, or business shall not exceed two thousand four hundred (2,400) square feet of floor area. No drive-in nor curb services shall be permitted.

6.3 Uses Permitted After Public Notice and Hearing and Approval by the Planning Commission

Other uses similar to the above stated uses as may be determined by the Planning Commission.

6.4 Area and Setback Regulations

Yards

front: a minimum of thirty-five (35) feet.

rear: No rear yard shall be required except in instances where a commercial use abuts a residential district, in which case a rear yard of not less than thirty-five (35) feet shall be provided. Such space shall be screened from the abutting residential district by walls or by fences or by other screening

not less than six (6) feet in height, in a manner acceptable to the Planning Commission.

side: No side yards are required except in instances where a commercial use abuts a residential district, in which case a minimum side yard of twenty-five (25) feet shall be provided, as measured from the side lot line to the nearest building or structure on the side adjacent to the residential district. Such space shall be screened from the abutting residential district by walls or by fences or by other screening not less than six (6) feet in height, in a manner acceptable to the Planning Commission.

Lot Width

A minimum of one hundred (100) feet.

Height Regulations

No building or structure shall exceed thirty-five (35) feet in height, except on approval of the Planning Commission.

Lot Coverage

Main and accessory buildings or structures -- thirty (30) percent of lot area.

SECTION 7 C-2 COMMUNITY COMMERCIAL DISTRICT (Central Business District)

7.1 General Description

This commercial district is intended for the conduct of personal and business services and retail business of the community. Traffic generated by these uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods.

7.2 Uses Permitted

The following uses of property, buildings or structures.

- (1) Any commercial use permitted in the C-1 Neighborhood Commercial District.
- (2) Church (any newly organized or relocated churches must be on a minimum three (3) acre lot).
- (3) Dry or steam cleaning shop or plant employing not more than five (5) people.

- (4) Shop for the repair of plumbing, radio and electric equipment, shoes, furniture and similar personal or household commodities.
- (5) Department stores.
- (6) Mortuary (funeral home).
- (7) Retail stores, businesses or shops for custom work or the manufacture of articles to be sold at retail on the premises, excluding coal and wood yards, provided that in such manufacture the total mechanical power shall not exceed ten (10) horse power for the operation of any one machine provided that the space occupied by the manufacturing use permitted herein shall not exceed fifty (50) percent of the total floor area of the entire building or the equivalent of the ground floor area thereof, and provided further that such manufacturing use is not obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes.
- (8) Printing shop, including sale of office supplies and equipment.
- (9) Newspaper publication.
- (10) Sign painting shop.
- (11) Blueprinting shop.
- (12) Interior decorating shop.
- (13) Catering establishment.
- (14) Train stations, bus depots and travel agencies.
- (15) Theaters, auditoriums.
- (16) Recreational or amusement classification when conducted wholly inside an enclosed building.
- (17) Hardware or appliance stores.
- (18) Variety stores including discount stores.
- (19) Paint and hobby store, including sale of carpets, wall covering and similar household items.
- (20) Florists, provided no greenhouses are maintained on premises.
- (21) Service stations.
- (22) Hotels or motels.
- (23) Automotive parts and equipment sales.
- (24) Mail order stores.
- (25) Stamp redemption centers.

7.3 Uses Permitted After Public Notice and Hearing and Approval by the Planning Commission

Other uses similar to the above stated uses as may be determined by the Planning Commission.

7.4 Area and Setback Regulations

Yards

front: No front yard shall be required except where the frontage on one side of a street between two intersecting streets is partly in the C-2 Commercial District and partly in a residential district, the front yard regulations of the residential district shall apply.

rear: Same as C-1 Neighborhood Commercial District.

side: Same as C-1 Neighborhood Commercial District.

Lot Width

None required.

Height Regulations

No building shall exceed sixty (60) feet in height except on the approval of the Planning Commission and/or the Fire Marshall.

SECTION 8. C-3 HIGHWAY COMMERCIAL DISTRICT

8.1 General Description

This commercial district is intended for the conduct of personal and business services for the motoring public.

8.2 Uses Permitted

- (1) Any uses permitted in C-2 Community Commercial District.
- (2) Billboards.
- (3) Laboratory, dental or medical.
- (4) Drive-in restaurant.
- (5) Small animal clinic.
- (6) New and used machinery sales and service.
- (7) Public garages.
- (8) Automobile graveyards, providing they are enclosed by a six (6) foot concealing fence and are set back at least one hundred (100) feet from highway right-of-way.
- (9) New and used car dealership.
- (10) Marble and granite works sales.
- (11) Yard and Garden Center including nursery and greenhouses.

- (12) Welding shops.
- (13) Storage yards for commercial vehicles and trucks and truck terminals provided that the storage yards are enclosed by a concealing fence not less than six (6) feet in height.
- (14) Upholstery repair.
- (15) Food storage locker and ice manufacturing plant.
- (16) Wholesale establishments and storage.
- (17) Lumber and building supplies sales and carpenter shop.
- (18) Commercial kennels, when enclosed.
- (19) Service yard for public utilities.
- (20) Riding academy.
- (21) Open-air sports.
- (22) Drive-in theaters, restaurants and places of amusement such as circus or carnival.
- (23) Mini-Warehouses

8.3 Uses Permitted After Public Notice and Hearing and Approval by the Planning Commission

Other uses similar to the above stated uses as may be determined by the Planning Commission.

8.4 Area and Setback Regulations

Yards

front: Same as C-1 Neighborhood Commercial District.

rear: Same as C-1 Neighborhood Commercial District.

side: Same as C-1 Neighborhood Commercial District.

Lot Width

Same as C-2 Community Commercial District.

Lot Area

None required.

Height Regulations

No building or structure shall exceed thirty-five (35) feet in height.

SECTION 9. I-1 LIGHT INDUSTRIAL DISTRICT

9.1 General Description

This district is intended primarily for production and assembly plants that are conducted so the noise, odor, dust and glare of each operation is properly controlled.

9.2 Uses Permitted

The following uses of property, buildings or structures:

- (1) Bottling plant.
- (2) Dairy products plant.
- (3) Lumber yard provided that yard is enclosed by a concealing fence not less than six (6) feet in height.
- (4) Garment factory.
- (5) Landing fields for aircraft.
- (6) Wireless transmission facility.
- (7) Railroad facility.
- (8) Steam power plant.
- (9) Experimental laboratory.
- (10) Furniture manufacturing.
- (11) Small appliance manufacturing.
- (12) Carnivals.
- (13) Carpet and rug cleaning.
- (14) Electro plating.
- (15) Galvanizing, small utensils, etc.
- (16) Ice plants, or storage houses.
- (17) Meat processing (no slaughtering).
- (18) Wholesale establishment and storage.
- (19) Gasoline distribution center or bulk plant.
- (20) Contractor's establishments and storage yards, provided that the storage yards are enclosed by a concealing fence not less than six (6) feet in height.
- (21) Mini-Warehouses

9.3 Uses Permitted After Public Notice and Hearing and Approved by the Planning Commission

Other uses similar to the above after review and approval by the Planning Commission.

9.4 Area and Setback Regulations

Yards

front: a minimum of forty (40) feet at the building setback line.

rear: Where a building is to be serviced from the rear there shall be provided an alley way, service court, rear yard or combination thereof of not less than fifty (50) feet. Such space shall be screened from the abutting residential district by walls or by fences or by other screening not less than six (6) feet in height in a manner acceptable to the Planning Commission.

side: The side yard building setback line on each side of the lot shall be not less than twenty-five (25) feet as measured from the side lot line to the nearest building or structure except in instances where this district use abuts a residential district, in which case a minimum side yard of sixty (60) feet shall be provided on the side adjacent to the residential district. Such space shall be screened from the abutting residential district by walls or by fences or by other screening not less than six (6) feet in height, in a manner acceptable to the Planning Commission.

Lot Width

None required.

Height Regulations

No building or structure shall exceed fifty (50) feet in height.

SECTION 10. I-2 HEAVY INDUSTRIAL DISTRICT

10.1 General Description

This industrial district is intended to provide for heavy industrial use.

10.2 Uses Permitted

- (1) Any use permitted in the I-1 Light Industrial District.
- (2) Brick and pottery manufacturing.
- (3) Concrete and cement manufacturing.
- (4) Cotton ginning and baling.
- (5) Automobile wrecking yards provided that the yard is enclosed by a concealing fence at least six (6) feet in height.
- (6) Metal working or blacksmith shops.
- (7) Enameling, lacquering and paint mixing shops.
- (8) Garbage dumps.

- (9) Sawmills.
- (10) Creosote plants.
- (11) Slaughter house.
- (12) Cement products including cement block plants and cast stone works.
- (13) Poultry killing and dressing.

10.3 Uses Permitted After Public Notice and Hearing and Approval by the Planning Commission

Other uses similar to the above after review and approval by the Planning Commission.

10.4 Area and Setback Regulations

Yards

front: A minimum of fifty (50) feet at the building setback line.

rear: The rear yard building setback line shall be not less than twenty-five (25) feet except in instances where this district use abuts a residential district, in which case a rear yard of not less than one hundred (100) feet shall be provided, as measured from the rear lot line to the nearest building or structure. Such space shall be screened from the abutting residential district by walls or by fences or by other screening not less than six (6) feet in height in a manner acceptable to the Planning Commission.

side: The side yard building setback line on each side of the lot shall be not less than fifteen (15) feet as measured from the side lot line to the nearest building or structure except in instances where this district use abuts a residential district, in which case a minimum side yard of one hundred (100) feet shall be provided on the side adjacent to the residential district. Such space shall be screened from the abutting residential district by walls or by fences or by other screening not less than six (6) feet in height in a manner acceptable to the Planning Commission.

Lot Width

None required.

Height Regulations

No building or structure shall exceed five (5) stories and/or sixty (60) feet in height except on approval of the Planning Commission and/or Fire Marshall.

SECTION 11. F-1 FLOOD PLAIN DISTRICT

11.1 General Description

This district is intended to comprise those areas which are subject to periodic or occasional inundation from stream overflows and, therefore, are usually unsuited for residential, commercial and industrial use.

11.2 Uses Permitted

The use of property and buildings or structures in the F-1 Flood Plain zone shall be limited to the following:

- (1) The growing of agricultural crops and nursery stock and gardening.
- (2) The keeping of agricultural livestock.
- (3) Public recreation.
- (4) Golf course.
- (5) Fish camp.
- (6) Billboards, provided such structure does not restrict or impede the flow of water in the drainage channel.

11.3 Uses Permitted After Public Notice and Hearing and Approved by the Planning Commission

Other uses similar to the above stated uses as may be determined by the Planning Commission.

ARTICLE V
ADDITIONAL DISTRICT PROVISIONS

SECTION 1. CONDITIONS OF A MORE RESTRICTED DISTRICT

Whenever the specific district regulations pertaining to one district permit the uses of a more restrictive district, such uses shall be subject to the conditions as set forth in the regulations of the more restrictive district unless otherwise specified.

SECTION 2. OPEN SPACE

No open space or lot area required for a building or structure shall be occupied by, or counted as open space for any other building or structure.

(1) In any residential district, except the R-1 District, the front yard minimum setback of any lot unoccupied as of the effective date of this Ordinance shall be equal in depth to the average depth of the front yards of the nearest adjacent occupied lots.

(2) Fences, walls, and hedges in residential districts may be permitted in any required yard or along the edge of any yard provided that no fence, wall or hedge located in front of the front building line shall exceed thirty-six (36) inches in height within a twenty-five (25) foot setback of the front lot line.

(3) Where the dedicated street right-of-way is less than fifty (50) feet, the depth of the front yard shall be measured starting at a point twenty-five (25) feet from the center line of the street easement.

(4) No dwelling unit shall be erected on a lot which does not abut or have direct access to a public street.

(5) On any corner lot on which a front and side yard is required, no wall, fence, sign, structure or any plant growth, shall obstruct sight lines at elevations over two feet, six inches (2'6") above any portion of the crown of the adjacent roadways. A sight triangle shall be formed by measuring back twenty-five (25) feet from the point of intersection of the right-of-way lines and connecting the points so as to establish a sight triangle on the area of the lot adjacent to the street intersection.

(6) An attached or detached private garage or carport which faces on a street shall not be located closer than twenty-five (25) feet to the street right-of-way line.

SECTION 3. HEIGHT

The regulations, herein set forth, qualify or otherwise supplement, as the case may be, the specific district regulations appearing in Article IV.

(1) Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may extend above the height limits.

(2) Churches, schools, hospitals, sanatoriums and other public and semi-public buildings may exceed the height limitation of the district if the minimum depth of rear yards and the minimum width of the side yards required in the district are increased one (1) foot for each two (2) feet by which the height of such public or semi-public structure exceeds the prescribed height limit.

SECTION 4. PLANNED UNIT DEVELOPMENT

4.1 Purpose of Provisions

For the purpose of allowing and encouraging greater variety of design and flexibility in development, the requirements of this Ordinance may be modified by the Planning Commission provided that gross population and building density of any area proposed under the planned unit approach complies with the population and building density set forth for the zoning district in which the development shall be located.

The owners of any tract of land containing at least three (3) acres may submit a plan for the use and development of the entire tract for residential, compatible commercial and related uses as a single and unified project. The basic control development intensity shall be one or more of the residential districts. The Planned Unit Development shall be a superimposed designation providing a broader latitude of design to achieve the above stated goals.

4.2 Uses Permitted

Uses specified and/or permitted on review by the Planning Commission for the zoning district in which the development is located.

4.3 Area and Setback Regulations

Lot dimensions, building setbacks and area requirements may be modified, provided that a more functional and desirable use of property is attained.

(1) Peripheral Boundary Setback Requirements

Where the peripheral boundary of a Planned Unit Development abuts a street or road right-of-way, the building setback shall be the front yard requirement of the district. Where the peripheral boundary of a Planned Unit Development abuts the property line of adjoining holdings, the building setback shall be the rear yard requirement of the district in which the development is located.

(2) Height Regulations

Building height shall be that established for the district in which the development is located, however, height regulations may be modified by the Planning Commission following review of development plans.

4.4 Plan Review and Approval Required

A detailed plan of any proposed Planned Unit Development shall be submitted to the Planning Commission for review. Within 30 days of the receipt of plans, the Planning Commission shall transmit the plans together with its report to the Mayor and Board of Aldermen. Said Council shall review the plans and the recommendations of the Planning Commission and shall either approve or disapprove the proposed development plan. The Planning Commission and the Mayor and Board of Aldermen may impose conditions regarding layout, circulation and performance of the proposed Planned Unit Development and may require that appropriate deed restrictions be filed.

A plat of the approved development shall be recorded and shall show all applicable features as required by the Ordinance regulating the subdivision of land.

SECTION 5. HOME OCCUPATION

5.1 Regulations

- (1) Home occupations shall not be carried out in more than twenty (20) percent of the total dwelling building area.
- (2) There shall be no external evidence of the use except for the allowance of one unanimated, non-illuminated sign not to exceed one (1) square foot in area mounted flush against the main building.
- (3) No goods or merchandise shall be sold or offered for sale on the premises.
- (4) Home occupation permits may be terminated by the Planning Commission after due notice and public hearing thereon.

SECTION 6. SIGNS

The regulations herein set forth shall apply and govern in all zoning districts as hereinafter provided. No sign or outdoor advertising device shall be erected unless it is in compliance with regulations for the district in which it is located as specified in this section.

6.1 General Requirements and Limitations

a. Business (on-premise) Sign Requirements

1. One free standing sign and one mobile sign is allowed on one premise, except an additional business free standing sign will be allowed for corner lots having two street frontages.
2. Business (on-premises) signs advertising the primary nature, activities or products of the business or industry conducted or sold on the premises shall setback a minimum of five (5) feet from the right-of-way line.
3. The height limitation of the business signs shall be thirty-five (35) feet to the top of the sign.
4. A business sign shall not exceed 32 square feet in a neighborhood commercial zone (C-1); 80 square feet in a community commercial zone (C-2); 150 square feet in a highway commercial zone (C-3).

5. Shopping Centers or multiple commercial buildings on the same premises are considered as one business in this section, and paragraph 6.1 a-1 through a-4 shall apply. Each business in the shopping area may be identified on the business sign.

b. Outdoor Advertising Sign (off-premise sign, billboard) Requirements.

1. Outdoor advertising signs and business signs of a permanent nature shall be classified as a business use and shall be permitted in commercial districts as specified herein.

2. No outdoor advertising sign shall be erected, placed or hung nearer than twenty (20) feet to the highway, street or road right-of-way upon which display faces.

3. Outdoor advertising signs (off-premises signs) shall not exceed thirty-five (35) feet in height measuring from the adjacent road grade to the top of the sign area.

4. Outdoor advertising signs shall not exceed 300 square feet in sign area.

5. All outdoor advertising signs permitted to be erected under this Ordinance shall be erected after the passage of this Ordinance a minimum distance of five hundred (500) feet from another such outdoor sign on the same side of the road as measured along a line parallel to such road, except back-to-back or v-type sign structures may be considered as one sign, and side by side signs must abut each other and combined size not exceed six hundred (600) square feet.

c. Limitations

1. Mobile signs, when allowed, shall not exceed thirty-two (32) square feet in sign area and be anchored to withstand wind pressures. All mobile signs shall conform to all other sign regulations contained herein.

2. Signs with flashing or blinking lights shall be restricted to 75 watt bulb capacity, and red, amber or blue flashing lights are prohibited.

3. The placing, tacking, painting, hanging or otherwise affixing of any kind of sign, outdoor advertising or poster of a miscellaneous character,

visible from the public highways, streets or roads, on the walls of buildings, barns, sheds, trees, vehicles, fences, utility poles or any other structure except as otherwise provided in these regulations is prohibited.

4. Signs shall not interfere with driver visibility of any traffic control device or sign, or with the visibility of the street, road, thoroughfare or expressway itself. Such signs shall maintain a setback of twenty-five (25) feet from the intersection of two (2) streets, except if the sign is constructed with the bottom of the sign no lower than nine (9) feet from the ground and mounted on a pole no larger than nine (9) inches in diameter.

5. All signs that are illuminated shall be permanently wired to meet the National Electric Code. Special care shall be given to ground fault connections, underground wire and/or conduit with proper circuit breakers. Connecting wire from sign to permanent outlet shall not exceed four (4) feet.

6. A trailer/portable sign shall be tied down in an approved manner to withstand a minimum wind of forty (40) miles per hour.

7. Any sign which by reason of size, shape, content, coloring, location or manner of illumination interferes with driver visibility of any traffic control device or sign; or any sign which resembles any traffic control or emergency device or sign which creates any traffic hazard is not allowed.

6.2 Permitted and Exempted Signs

a. On-site signs on the site of any construction work bearing the name of the building, owner, and those furnishing construction or professional services or materials used on such construction work of a temporary nature, not exceeding thirty-two (32) square feet.

b. Temporary poster signs erected behind glass windows or temporary signs painted on glass windows.

c. Any political sign or poster not exceeding thirty-two (32) square feet erected on property by the owner thereof or with the property owner's consent pertaining to a candidacy or issue to be voted upon at any election or referendum, provided such sign or poster shall not be erected more than sixty (60) days prior to such election or referendum and shall be removed within ten (10) days after referendum, or last such election in which the candidate is eligible.

d. Signs painted on, or attached to, trucks or other vehicles for identification purposes, but not used for advertising purposes.

e. Signs on glass doors or windows not exceeding six (6) square feet of sign area stating name or nature of business, location and hours of business.

f. Signs at entrances to subdivisions, multi-family dwellings or mobile home parks showing name, description or location only and not exceeding fifteen (15) square feet.

g. Signs not exceeding one (1) square foot in area and bearing only property numbers, post office box numbers, names of occupants of premises or other identification of premises not having commercial connotation.

h. Flags and insignia of any government except when displayed in connection with commercial promotion.

i. Legal notice or identification, information or directional signs erected or required by governmental bodies.

j. Integral decorative or architectural features of buildings except letters, trademarks, moving parts or moving lights.

k. Signs not exceeding four (4) square feet, and guiding traffic and parking on private property, but bearing no advertising matter.

l. On-site signs, advertising property for sale or rent provided such signs in single-family residential districts shall not exceed twelve (12) square feet.

m. On-site church directory or bulletin board not exceeding thirty-two (32) square feet and not over eight (8) feet in height.

n. Special purpose signs advertising a special area event may be erected on property by the owner thereof or with the property owner's consent provided such sign or poster shall not be erected more than sixty (60) days prior to the event and shall be removed within ten (10) days after the event and provided such sign shall not exceed thirty-two (32) square feet.

6.3 Signs in Disrepair or Abandoned

Any outdoor advertising sign, whether permitted to remain as a nonconforming sign structure or an erected advertising sign structure under the terms of this Ordinance, which is found to be abandoned, or is not properly maintained or in a state of disrepair, or signs which do not meet all requirements of the building codes, including the issuance of a permit therefor, shall be removed by the property owner or sign owner within thirty (30) days after written notice to the property owner or lessee is provided by the City. Advertising signs not removed within thirty (30) days are subject to removal by the City, without liability.

Business (on-premises) signs which are not properly maintained and are in a state of disrepair, or which are abandoned, may likewise be removed by the City, without liability, following thirty (30) day period of notification to the property owner or lessee.

Signs placed on any City building, structure or lot or within the right-of-way of any City road or easement without a permit issued therefor by appropriate City authority shall be subject to removal by the City.

6.4 Design and Maintenance

It shall be the owner's responsibility that all signs shall be designed according to generally accepted engineering practices to withstand wind pressures and that loads are distributed to structural supports to avoid overstress, and that all signs are properly anchored to avoid being swept away by wind. Also, all signs shall be maintained in good repair and appearance.

6.5 Permit Required

It shall be unlawful to erect, enlarge, rebuild or structurally alter any sign without first obtaining proper permit except Permitted and Exempted Signs as in Section 6.2. (See Page 81)

a. Permit Fees

Permit Fees shall be as adopted and approved by the Mayor and Board of Aldermen.

SECTION 7. YARD, GARAGE AND SIMILAR HOME SALES

7.1 Permit - Required; Fee; Records; Number Restrictcd

A permit shall be obtained from the building inspector's office and no garage or home sale may be conducted without such a permit. The permit fee as established by the Mayor and Board of Aldermen from time to time, shall be paid, and the Building Inspector shall keep a record of the permits issued. Permits will not be issued to any individual or any separate location more frequently than every thirty (30) days.

7.2 Same - Scope

Permits when issued shall authorize the sale generally for a weekend or for a period not to exceed three (3) days. No sale shall be authorized on Sunday. The permit shall contain the dates of the authorized sale and shall be posted in a clearly visible manner at or near the site of the sale within five (5) feet of the road or curblin. Said permit shall remain posted in a clearly visible manner during the entire term of the sale.

7.3 Frequency Restricted

Residents living in areas which are zoned R-1, R-2, R-3, and residents living in other areas which are not zoned residential may conduct a garage sale or other type home sale, but such sale shall not be conducted more frequently than every thirty (30) days.

7.4 Violations; Penalties

Sales conducted without the issuance of a permit under this article and without complying with the terms of this article shall be in violation of the article and shall be punishable as provided in Article X Section 6 of this Code.

Permit No. _____

SIGN PERMIT
CITY OF BOONEVILLE, MISSISSIPPI

Date of Application: _____

Applicant's Name: _____

Address: _____

Telephone No. _____

Location of Sign Requested: _____

Name and Address of Person, Firm, etc, Erecting Sign: _____

Name and Address of Property Owner: _____

Evidence of insurance and bond responsibility must be attached to this application.

Approved Date: _____

Zoning Administrator

City of Booneville CARPORT SALE

MONTH

DAY

YEAR

No. _____

City Representative

**NOTICE TO PERMIT APPLICANT
CARPORT, YARD AND GARAGE SALES**

It is against the law to place a sign advertising your sale on any utility pole. You may place them on short stakes out of the right-of-way of the street as long as you have the property owner's permission. These signs may be placed one day before the sale and should be removed within 24 hours after the sale.

Thank you for not placing your signs on utility poles and traffic sign poles. If you have any questions about placement of your sign, please call Paul Bonds at 728-1482.

**Building Inspector / Zoning Administrator
City of Booneville, Mississippi**

ARTICLE VI
OFF-STREET AUTOMOBILE AND VEHICLE
PARKING AND LOADING

SECTION 1. GENERAL INTENT AND APPLICATION

It is the intent of these requirements that adequate off-street parking and loading facilities be provided for each use of land within the jurisdiction of this Ordinance. These requirements shall be applied in all districts.

In all zones, off-street parking facilities for the storage or parking of motor vehicles for use of occupants, employees and patrons of the buildings hereafter erected, altered, or extended after the effective date of this Ordinance, shall be provided and maintained as herein described.

A. General Requirements:

- (1) In determining the number of parking spaces required, if such spaces result in fractional parts thereof, the number of said spaces required shall be construed to be the nearest whole number.
- (2) Whenever a use is increased in floor area, additional parking space shall be provided in the amounts hereafter specified for that use, if the total parking space is inadequate to serve the increased floor area.
- (3) For the purpose of this Ordinance, "floor area" in the case of offices, merchandising or service types of uses, shall mean the gross floor area of the structure.
- (4) Off-street parking facilities for one- and two-family dwellings shall be located on the same lot or plot of ground as the building served. Off-street parking facilities for other than one- and two-family dwellings shall be within 300 feet of the building intended to be served. An industry which employs 500 or more employees may supply off-street parking at a distance greater than 300 feet from such industry upon approval of the City Planning Commission.
- (5) The off-street parking requirements for uses not specifically mentioned herein shall be the same as those required for uses of a similar nature.
- (6) Collective off-street parking facilities may be provided; however, such facilities shall be not less than the sum of such facilities as would otherwise be individually required.

- (7) The amount of off-street parking space required for uses, buildings, or additions thereto shall be determined according to the following requirements, and the space so required shall be stated in the application for a building permit and shall be reserved for such use.

SECTION 2. SIZE OF AUTOMOBILE PARKING AND STORAGE SPACE

For the purpose of this section a parking or automobile storage space shall be computed on the basis of three hundred (300) square feet per space. Spaces shall be a minimum of ten (10) feet wide and twenty (20) feet deep with angle parking. The additional area is for drives and access.

SECTION 3. ALL-WEATHER SURFACE REQUIRED

Parking facilities for residential, commercial and industrial uses shall have an all-weather surface, be properly drained to prevent ponding and shall be maintained free of trash and rubbish.

SECTION 4. OFF-STREET AUTOMOBILE PARKING AND STORAGE

Off-street automobile parking or storage space shall be provided on every lot on which any of the uses stated in this section are hereafter established. Where space is not available on the lot, space shall be provided within three hundred (300) feet of such uses and such space shall have vehicular access to a street or alley and shall be equal in area to at least the minimum requirements for the specific use or uses as set forth herein:

Single-family dwellings:	2 parking spaces for each dwelling unit.
Multi-family dwellings:	2 parking spaces for each dwelling unit.
Mobile Homes:	2 parking spaces for each dwelling unit.
Hotels, motels, tourist homes, tourist courts, and rooming houses:	1 parking space for each guest or sleeping room or suite, exclusive of restaurant requirements plus 1 space for each 3 employees.

Private clubs, lodges, fraternities and sororities:

1 parking space for each 50 square feet of total floor area in the auditorium, assembly hall, dining room in such building and 1 space per sleeping room.

Churches:

1 parking space for each five seats in the main auditorium.

Theaters, auditoriums, stadiums, gymnasiums, convention halls and other places of public assembly:

1 parking space for each 4 seats in the building or structure, based on maximum seating capacity.

Elementary schools:

1 1/2 parking spaces for each classroom.

Secondary schools:

10 parking spaces for each classroom.

Business colleges and trade schools:

1 parking space for each 2 student seats at maximum enrollment.

Hospitals:

1 parking space for each 2 beds intended for patients, excluding bassinets, and 1 space for each 3 employees plus 1 space for each staff doctor.

Sanitoriums, nursing homes, convalescent homes, orphanages:

1 parking space for each 8 beds plus 1 space for each 2 employees or staff members.

Medical and dental clinics:

1 parking space for each 100 square feet of gross floor area plus 1 space for each 3 employees and 1 space for each doctor.

Funeral homes:

1 parking space for each 3 seats in parlors and chapels.

Retail sales stores:	1 parking space for each 100 square feet of retail floor space.
Drive-in retail business:	Minimum of 10 parking spaces, plus 1 space for each 100 square feet of retail floor area.
Personal service establishments and repair shops:	1 parking space for each 100 square feet of gross floor area.
Wholesale, general business and warehouses:	1 parking space for each 4 employees based on maximum employment and 1 space for each vehicle to be stored or stopped simultaneously.
Industrial and manufacturing establishments:	1 parking space for each 400 square feet of gross floor area or per employees, on largest shift, whichever is greatest, plus 1 space for each vehicle to be stored or stopped simultaneously or as determined by the Planning Commission.
Eating establishments and taverns:	1 1/2 parking spaces for each 100 square feet of gross floor area.
Drive-in eating establishment:	Minimum of 10 parking spaces, plus 1 space for each 4 seats of total capacity.
Office and professional buildings:	1 parking space for each 200 square feet of office space.
Gasoline Service or Filling Station:	2 parking spaces for each grease rack or similar facility; 1 parking space for each gas pump, plus 1 space for each employee on duty.

Bus terminals:	5 parking spaces for each loading or unloading bay.
Auto sales and repair:	1 parking space for each employee at maximum employment on a single shift plus 2 spaces for each 300 square feet of auto repair or sales space.
Other uses:	Parking requirements for uses other than those stated in this section shall be determined by the Planning Commission.

SECTION 5. COMBINED PARKING SPACES

The required parking space for any number of separate uses may be combined in one (1) lot but the required space assigned to one (1) use may not be assigned to another use at the same time, except that one-half (1/2) of the parking spaces required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sunday may be assigned to a use which will be closed at nights or on Sundays.

SECTION 6. OFF-STREET LOADING AND UNLOADING SPACE

Every building or structure used for business, trade or industry shall provide space as indicated herein for the loading and unloading of vehicles. Such space shall have access to a public street or alley.

(1) Retail business: Minimum of one (1) space of five hundred (500) square feet per location plus one (1) space of three hundred (300) square feet for each three thousand (3000) square feet of floor area.

(2) Wholesaling and industry: Minimum of one (1) space of five hundred (500) square feet per location or one (1) space of five hundred (500) square feet for each ten thousand (10,000) square feet of floor area, whichever is the greater.

(3) Bus and truck terminals: Sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loading or unloading at the terminal at any one time.

ARTICLE VII
NONCONFORMING BUILDINGS, STRUCTURES
AND USES OF LAND

SECTION 1. NONCONFORMING BUILDINGS AND STRUCTURES

A nonconforming building or structure existing at the time of adoption of these regulations may be continued and maintained except as otherwise provided in this section.

1.1 Alteration or Enlargement of Buildings and Structures

A nonconforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions and enlargements, is made to conform to all of the regulations of the district in which it is located.

1.2 Outdoor Advertising Signs and Structures

Any advertising sign, billboard, commercial advertising structure, or statuary, which is lawfully existing and maintained at the time these regulations became effective, which does not conform with the provisions hereof shall not be structurally altered and shall be completely removed from the premises not later than three (3) years from the effective date of these regulations.

1.3 Building Vacancy

A nonconforming building, structure or portion thereof, which is or hereafter becomes vacant and remains unoccupied for a continuous period of six (6) months shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.

1.4 Change in Use

A nonconforming use of a conforming building or structure (i.e., commercial use in a dwelling, etc.) shall not be expanded or extended into any other portion of such conforming building or structure nor changed except to a conforming use.

SECTION 2. NONCONFORMING USES OF LAND

A nonconforming use of land, existing at the time of adoption of these Regulations, which has been discontinued for a period of three (3) months may not be extended or renewed.

ARTICLE VIII
PLANNING COMMISSION DESIGNATION
AND RESPONSIBILITIES

SECTION 1. DESIGNATION OF PLANNING COMMISSION

The Booneville Planning Commission has been created by the Mayor and Board of Aldermen as an advisory committee to the City of Booneville in zoning matters and is vested with the rights and responsibilities as provided in Mississippi Code Annotated, Section 17-1-17 (1972), and established in the City of Booneville Ordinance No. _____. The Booneville Planning Commission shall adopt reasonable rules and regulations governing the conduct of its land use affairs and in keeping with the provisions of this Code. The Building Inspector/Zoning Administrator shall be an ex-officio member of the Planning Commission.

SECTION 2. RESPONSIBILITIES

The Booneville Planning Commission shall have the following responsibilities:

1. Prepare a comprehensive plan for the future development of the City of Booneville, including among other things recommendations relative to all aspects of location, size and arrangement of streets, parks, public grounds, railroads, transportation, platting of public and private property, grouping of public and private buildings and housing, appearance and beauty, and financial planning of said City or any portion thereof.

2. Make recommendations in connection with the execution and detailed interpretation of the Booneville Comprehensive Plan, and make such changes and adjustments in the Plan as may be deemed desirable from time to time.

3. Act upon any matter relating to zoning regulations and planned unit developments of said City which shall be referred to it by the Mayor and Board of Aldermen and assume such other related duties and responsibilities as may be required of it by ordinance or by order of the Governing Authority.

4. Make recommendations regarding the approval and disapproval of preliminary plats and final plats for land subdivision. Such plats shall be referred to the Booneville Planning Commission before the Mayor and Board of Aldermen takes any action.

5. Recommend from time to time legislation which may be desirable to further the purposes of City planning.

6. Implement the statement of purpose, goals, objectives of the Comprehensive Plan and continuous planning process as it relates to the Zoning Ordinance and other City codes, ordinances and policies.

ARTICLE IX
SITE PLAN REVIEW COMMITTEE
DESIGNATION AND RESPONSIBILITIES

SECTION 1.

The Site Plan Review Committee is hereby designated as the Committee whose purpose and responsibility as related to the Zoning Ordinance and Subdivision Regulations shall be to utilize to the fullest possible its individual and collective technical expertise, to coordinate and expedite the review, processing, recommendation, and pre-hearing procedures, as needed, as they may apply to the following:

1. Pre-application development layout review, provided sufficient data to permit a responsible evaluation is submitted.

2. Official zoning map amendments as they impact on delivery of City services.

3. Land subdivision; as required by the Code, to complete recommendation of the preliminary plat.

4. Variance review and recommendation to the Board of Adjustment. The Site Plan Review Committee cannot grant or deny variances.

5. Other special cases and projects that may be brought to the Committee's attention by the Mayor and Board of Aldermen or the Building Official.

6. Recommend from time to time legislation which may be desirable to further the purposes of City planning.

7. Implement the statement of purpose, goals, objectives and comprehensive plan and continuous planning process as it relates to the Zoning Ordinance and other City codes, ordinances and policies.

SECTION 2. SITE PLAN REVIEW COMMITTEE

To be chaired by _____ or his designated representative; shall consist of the following members or designated representative from these City departments or divisions:

1. City Engineer
2. Fire Department
3. Zoning Administrator

4. Police Department
5. Sewer
6. Streets
7. Traffic Control
8. Water
9. Building Official

SECTION 3. COMMISSION OR BOARD APPROVAL REQUIRED

The study and recommendation by the Site Plan Review Committee shall be presented to the appropriate Board or Commission for final approval.

The developer will be advised of any discrepancies or comments made by any of the concerned departments and may appear before the Site Plan Review Committee or the appropriate Commission or Board.

SECTION 4.

All procedures for permits, amendments and variances shall follow the applicable requirements and procedures as established by City codes or ordinances.

ARTICLE X
ADMINISTRATION

SECTION 1. BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY REQUIRED

These regulations shall be enforced by the Building Inspector appointed by the Mayor and Board of Aldermen. It shall be a violation of these regulations for any person to change or permit the change in the use of land or buildings or structures or to erect, alter, move or improve any building or structure until a building permit has been obtained under the following conditions.

1.1 Administration and Enforcement

An administrative official designated by the Board of Aldermen shall administer and enforce this Ordinance. He may be provided with the assistance of such other persons as the Board of Aldermen may direct. If the administrative official shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

1.2 Building Permits Required

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the Administrative Official. No building permit shall be issued except in conformity with the provisions of this Ordinance, except after written order from the Board of Adjustment.

1.3 Application for Building Permit

All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families,

housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this Ordinance.

One copy of the plans shall be returned to the applicant by the Administrative Official after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The second copy of the plans, similarly marked, shall be retained by the Administrative Official.

1.4 Expiration of Building Permit

If the work described in any building permit has not begun within 90 days from the date of issuance thereof, said permit shall expire and be cancelled by the Administrative Official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

1.5 Construction and Use to Be As Provided in Applications, Plans and Permits

Building permits issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and any other use, arrangement, or construction at variance with that authorized shall be deemed violation of this Ordinance and punishable as provided by Article X, Section 6 hereof.

1.6 Certificate of Occupancy

No vacant land shall be occupied or used, except for agricultural uses, and no building hereafter erected, reconstructed, altered, or enlarged, shall be occupied or used until a certificate of occupancy shall have been issued by the Building Inspector.

(1) Certificate of Occupancy for a Building:

Certificate of Occupancy for a new building or the alteration of an existing building shall be applied for coincident with the application for a building permit and said certificate shall be issued within three (3) days after the request for same shall have been made in writing to the Building Inspector after the erection, reconstruction, alteration, or enlargement of such building or part thereof shall have been completed in conformity with provisions of these regulations.

Pending the issuance of a regular certificate of occupancy, a temporary certificate of occupancy may be issued by the Building Inspector for a period not exceeding six (6) months during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the city relating to the use or occupancy of the premises or any other matter covered by this Ordinance, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants. Request for Certificate of Occupancy for any change in the use of a building shall be made in writing at least ten (10) days in advance of such change and shall be issued within three (3) days after such request if the new use is in conformity with the provision of these regulations.

(2) Certificate of Occupancy for Land: Certificate of

Occupancy for use of vacant land or the change in the character of the use of land as herein provided, shall be applied for before any such land shall be occupied or used and a Certificate of Occupancy shall be issued within three (3) days after the application has been made, provided such use is in conformity with the provisions of these regulations.

(3) Certificate of Occupancy for a Legal Nonconforming Use:

Certificate of Occupancy shall be required for all legal nonconforming uses. Application for Certificate of Occupancy for such nonconforming uses shall be filed within twelve (12) months from the effective date of this Ordinance, accompanied by affidavits of proof that such nonconforming uses were not established in violation of this Ordinance, or any previous zoning ordinance.

Certificate of Occupancy shall state that the building or proposed use of a building or land, complies with all the building and health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Building Inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. (No fee shall be charged for a Certificate of Occupancy).

SECTION 2. THE BOARD OF ADJUSTMENT; PROCEDURE

The Planning Commission of the City of Booneville is hereby designated at the Board of Adjustment.

2.1 Proceedings of the Board of Adjustment

The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chairman and such other times as the Board may determine. The Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

2.2 Hearings, Appeals, Notice

Appeals to the Board of Adjustment concerning interpretation or administration of this Ordinance may be taken by any persons aggrieved or by any officer or bureau of the governing body of the City affected by any decision of the Administrative Official. Such appeals shall be taken within a reasonable time, not to exceed 60 days or such lesser period as may be provided by the rules of the Board of Adjustment, and specifying the grounds thereof. The Administrative Official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

2.3 Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on

application or on notice to the Administrative Official from whom the appeal is taken and on due cause shown.

SECTION 3. THE BOARD OF ADJUSTMENT; POWERS AND DUTIES

The Board of Adjustment shall have the following powers and duties:

3.1 Administrative Review

To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Administrative Official in the enforcement of this Ordinance.

3.2 Special Exceptions, Conditions Governing Applications, Procedures

To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this Ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this Ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this Ordinance. A special exception shall not be granted by the Board of Adjustment unless and until:

3.2.1 A written application for a special exception is submitted indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested;

3.2.2 Notice shall be given at least 15 days in advance of the public hearing. The owner of the property for which exception is sought or his agent shall be notified by mail. Notice of such hearings shall be posted on the property for which special exception is sought, at the City Hall, and in one other public place at least 15 days prior to the public hearing;

3.2.3 The public hearing shall be held. Any party may appear in person or by agent or attorney;

3.2.4 The Board of Adjustment shall make a finding that it is empowered under the section of this Ordinance described in the application to grant the special exception and that the granting of the special

exception will not adversely affect the public interest.

3.2.4.1 Uses permitted by exception. The Board of Adjustment may authorize, upon application in specific cases, an exception from the terms of this Ordinance, such as will permit the establishment of the following permitted uses in any zone. Every exception authorized hereunder shall not be personal to the applicant therefore but shall be transferable and shall run with the land.

1. Uses which may be permitted by exception in any zone:
 - a. Agriculture, including the sale of produce, plants, trees and/or shrubs;
 - b. Cemetery;
 - c. Clinic, medical or dental;
 - d. Community center;
 - e. Electrical substation;
 - f. Fire station;
 - g. Gas regulator station;
 - h. Public library;
 - i. Police or fire station;
 - j. Preschool;
 - k. Public museum;
 - l. Elementary and/or secondary school;
 - m. Mortuaries or funeral homes;
 - n. Telephone exchange with no shops, garages or general offices;
 - o. Utility pumping station;
 - p. Water reservoir;
2. Uses which are in harmony with the purposes and intent of the district in which the special exception is sought.

In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Ordinance and punishable under Article X, Section 6 of this Ordinance. The Board of Adjustment shall prescribe a time limit within

which the action for which the special exception is required shall be begun or completed or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

The Board of Adjustment shall be empowered to review and/or rescind existing special exceptions whenever:

1. An additional special exception is being requested for the same property.
2. A special exception has not been activated within six (6) months of its approval.
3. A special exception has been inactive and/or inoperable for more than six months.
4. Just cause is shown for needed review.

3.3 Variances, Conditions Governing Applications, Procedures

To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. A variance from the terms of this Ordinance shall not be granted by the Board of Adjustment unless and until:

3.3.1 A written application for a variance is submitted demonstrating:

- a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zone;
- b. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zone under the terms of this Ordinance;
- c. That the special conditions and circumstances do not result from the actions of the applicant;

- d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same zone.

No conforming use of neighboring lands, structures, or buildings in the same zone and no permitted use of lands, structures, or buildings in other zones shall be considered grounds for the issuance of a variance.

3.3.2 Notice of public hearing shall be given as in Section 3.2.2 herein.

3.3.3 The public hearing shall be held. Any party may appear in person or by agent or by attorney.

3.3.4 The Board of Adjustment shall make findings that the requirements of Section 3.3.1 have been met by the applicant for a variance.

3.3.5 The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

3.3.6 The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Article X, Section 6 of this Ordinance.

Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the zone involved or any use expressly or by implication prohibited by the terms of this Ordinance in said zone.

3.4 Decisions of the Board of Adjustment

In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the Administrative Official from whom the appeal is taken.

The concurring vote of four members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the Administrative Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to effect any variance in the application of this Ordinance.

SECTION 4. DUTIES OF ADMINISTRATIVE OFFICIAL, BOARD OF ADJUSTMENT, CITY PLANNING COMMISSION, AND COURTS ON MATTERS OF APPEAL

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Administrative Official and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Administrative Official and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law.

It is further the intent of this Ordinance that the duties of the Board of Aldermen in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. Under this Ordinance, the Board of Aldermen shall have only the powers and duties of: (1) considering and adopting or rejecting proposed amendments or the repeal of this Ordinance as provided by law, and (2) establishing a schedule of fees and charges as stated in Article XII, Section 3 herein.

SECTION 5. COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Ordinance occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Administrative Official. The Administrative Official shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

SECTION 6. PENALTIES FOR VIOLATION

Violation of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00 or imprisoned for not more than 30 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE XI
AMENDMENTS

SECTION 1. AMENDMENT PROCEDURES

1.1 Declaration of Public Policy

For the purpose of establishing and maintaining sound, stable and desirable development within the territorial limits of the municipality, this Ordinance, and as here used the term ordinance shall be deemed to include the Official Zoning Map, shall not be amended except to correct a manifest error in the Ordinance or, because of changed or changing conditions in a particular area or in the municipality generally, to rezone an area or to extend the boundary of an existing zone or to change the regulations and restrictions thereof, only as reasonably necessary to the promotion of the public health, safety or general welfare.

1.2 Limitations on All Proposed Amendments

All proposed amendments to this Ordinance, regardless of how or by whom initiated, shall be subject to the following limitations:

1.2.1 Administrative examination: No amendment to this Ordinance shall be adopted until the amendment has been examined by the City Planning Commission as hereinafter set forth and the recommendation of the City Planning Commission obtained.

1.2.2 Uniformity of zone regulations and restrictions: No amendment to this Ordinance shall be adopted whereby the regulations and restrictions established thereby are not uniform for each zone having the same classification and bearing the same symbol or designation on the Official Zoning Map.

1.2.3 Need for uses to be clear and demonstrable: No amendment to this Ordinance shall be adopted whereby a lower zoning classification is established for an area unless there is a clear and demonstrable necessity in the area for those uses which are permitted in the zone applied for and not the next higher zone.

1.3 Public Hearing Required, Notice Given

No amendment to this Ordinance shall become effective until after a public hearing in relation thereto at which hearing parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published at least once in an official newspaper or a paper of general circulation in the municipality at least 15 days prior to the hearing; said notice to read as noted in Appendix I.

Additionally, any area for which an individual application for a change in zoning classification is being considered shall be posted for at least 15 days prior to the hearing and the costs of such posting shall be borne by the applicant. Such posting shall be the responsibility of the Administrative Official and by means of a sign or signs erected in a conspicuous location on the property; at least one for every 300 feet or less on each street upon which the property abuts. The sign shall be at least three feet by four feet in size, supported by corner posts, with bottom of sign at least four feet above ground level, reading in letters legible from the nearest street as shown in Appendix II.

1.4 Effect of Protest to Amendment

In case of a protest to a proposed amendment to the Official Zoning Map signed by either the owners of 20 percent or more of the property whose zoning classification is to be changed by the proposed amendment, or of the owners of 20 percent or more of the adjoining property located within the City limits within 160 feet (excluding streets and alleys) of all boundaries of the property in question, such amendment shall not become effective except by the favorable vote of a majority plus one of all members of the Board of Aldermen.

1.5 Applications for Amendments

1.5.1 By whom made: Any person, firm, corporation or political subdivision may apply for an amendment to this Ordinance.

1.5.2 Filing of applications: All applications for amendments to this ordinance shall be filed with the municipality.

1.5.3 Contents of applications: Without in any way limiting the right to file additional material, no application for amendment to this Ordinance will be considered unless it contains:

- a. At least the applicant's name, address and interest in the application, and the name, address, and interest of every person, firm, corporation or political subdivision represented by the applicant in the application.
- b. The description of the proposed amendment.
- c. A plat showing the land area which would be affected by the proposed amendment, the present zoning classification of the area and of all abutting properties, all public and private rights of way and easements bounding and intersecting the designated area and abutting properties.
- d. A statement describing the error in the Ordinance that would be corrected by the proposed amendment or changed or changing conditions in the applicable area or in the municipality generally that make the proposed amendment reasonably necessary to the promotion of the public health, safety or general welfare.

1.6 Examination of Applications

1.6.1 Administrative examination: Upon receipt of an application for an amendment, properly and completely made as herein set forth, the Administrative Official shall transmit copies of the application to the City Planning Commission which, after examination of the application, may require, if considered necessary, that the applicant furnish additional information of a pertinent and reasonable nature.

1.7 Disposition of Applications

1.7.1 Administrative Disposition: Upon receipt of an application for an amendment from the Administrative Official, the City Planning Commission shall hold one or more hearings on the proposed amendment. After consideration of the proposed amendments, the City Planning Commission shall forward written notice of its findings and recommendations concerning the application to the Board of Aldermen along with a copy of the application.

1.7.2 Majority Vote Required: The recommendation of the Planning Commission for a zoning amendment shall be determined by a majority vote of the members present. A quorum for a Planning Commission meeting is three (3) members. No official action or vote can be held without a quorum present although discussion is permitted.

1.7.3 Legislative disposition: Within 90 days after receipt of the City Planning Commission's recommendation and findings concerning the application and a copy of the application, the Board of Aldermen shall act on such application, following the public hearing.

1.7.4 Reversal of Decision: In the event the amendment is granted and no action is taken on the proposed use which necessitated the zoning change within a two year time period, steps will be taken by the Planning Commission to return the property to its original zoning. Action would constitute the issuance of a building permit and construction of the use or development of the property as so proposed.

ARTICLE XII
MISCELLANEOUS

SECTION 1. INTERPRETATION

In interpreting and applying the provisions of this Ordinance, said provisions shall be held to be the minimum requirements for the promotion of public health, safety, morals, comfort and general welfare. Wherever the regulations of this Ordinance require a greater width or size of yards or open spaces or require a lower height of building or less number of stories or require a greater percentage of lot to be left unoccupied or require a lower density of population or require a more restricted use of land or impose other higher standards than are required in any other Ordinance or regulation, private deed restrictions or private covenants, these regulations shall govern.

SECTION 2. SEVARABILITY CLAUSE

If for any reason any one or more sections, headings, clauses or parts of this Ordinance are held invalid, such judgement shall not affect, impair or invalidate the remaining provisions of this Ordinance but shall be confined in its operation to the specific sections, headings, clauses or parts of this Ordinance held invalid and the invalidity of any section, heading, clause or part of this Ordinance in any one or more instances shall not affect or prejudice in any way the validity of this Ordinance in any other instance.

SECTION 3. SCHEDULE OF FEES, CHARGES AND EXPENSES

The Board of Aldermen shall establish a schedule of fees, charges, and expenses, and a collection procedure, for building permits, appeals, and other matters pertaining to this Ordinance. The schedule of fees so established shall be posted in the office of the Administrative Official and may be altered or amended only by the Board of Aldermen.

No permit, special exception, or variance shall be issued unless or until such costs, charges, fees, or expenses so established have been paid in full, nor shall any action be taken on proceedings before the Board of Adjustment unless or until preliminary charges and fees have been paid in full.

SECTION 4. CLASSIFICATION OF NEWLY ANNEXED PROPERTY

Upon the annexation of land to the City the Mayor and Board of Aldermen shall instruct the Planning Commission to study and make recommendations within a reasonable time, concerning the use of land within said annexed area to promote the general welfare, and upon receipt of such recommendations the Mayor and Board of Aldermen shall establish the district classification of said property; provided, however, that this shall not be construed as preventing said Board from establishing the district classification at the time of said annexation. The establishment of zoning districts shall follow the procedure of Section 3. Amendments.

SECTION 5. EFFECTIVE DATE

It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof these regulations shall take effect and be in full force from and after its passage and approval.

Passed and adopted this 7th day of February, 1995.

ATTEST:

/s/ Glennice George
City Clerk, Glennice George

/s/ Wade Lambert
Mayor, Wade Lambert

APPENDIX I

NOTICE

NOTICE IS HEREBY GIVEN THAT APPLICATION HAS BEEN MADE TO THE BOARD OF ALDERMEN TO CHANGE THE ZONING OF THE AREA DESCRIBED AS _____ FROM _____ TO* _____ . A PUBLIC HEARING WILL BE HELD BEFORE SAID BOARD AT _____ PM ON _____ 19____, CITY HALL, BOONEVILLE, MISSISSIPPI, AT WHICH TIME AND PLACE ALL THOSE WISHING TO BE HEARD REGARDING THE CHANGE IN ZONING SHOULD APPEAR.

DATED THIS _____ DAY OF _____ 19__.

(Name of Applicant)

* Zoning classification to be indicated by the word (residential, commercial or industrial) followed by the numerical and alphabetical definition.

APPENDIX II

NOTICE

NOTICE IS HEREBY GIVEN THAT APPLICATION HAS BEEN MADE TO THE BOARD OF ALDERMEN TO CHANGE THE ZONING OF THIS PROPERTY FROM * _____ TO * _____. A PUBLIC HEARING WILL BE HELD BEFORE SAID BOARD AT _____ PM ON _____ 19 ____, AT CITY HALL, BOONEVILLE, MISSISSIPPI, AT WHICH TIME AND PLACE ALL THOSE WISHING TO BE HEARD REGARDING THE CHANGE IN ZONING SHOULD APPEAR. DATED THIS _____ DAY OF _____ 19__.

(Name of Applicant)

* Zoning Classification to be indicated by the word (residential, commercial or industrial) followed by the numerical and alphabetical definition.

APPENDIX A

TITLE 17
MISSISSIPPI CODE OF 1972

LOCAL GOVERNMENT; PROVISIONS
COMMON TO COUNTIES AND
MUNICIPALITIES

Chapter 1. Zoning, Planning and Subdivision Regulation

Sec.

- 17-1-1. Definitions
- 17-1-3. General powers
- 17-1-5. Manner of exercise of power conferred
- 17-1-7. Zones
- 17-1-9. Purposes in view
- 17-1-11. Official plan--local planning commission
- 17-1-13. Utilization of services of planning commission, engineering departments or advisory committee
- 17-1-15. Procedure for establishing, amending, etc., of regulations, zone boundaries, etc.--notice and hearing
- 17-1-17. Changes
- 17-1-19. Remedies of local governing authorities
- 17-1-21. When local regulations to govern
- 17-1-23. Subdivision regulations
- 17-1-25. Acceptance for maintenance of subdivision street before subdivision complete
- 17-1-27. Penalties for violations

17-1-1. Definitions

The following words, whenever used in this chapter, shall, unless a different meaning clearly appears from the context, have the following meanings:

- a. "Municipality," any incorporated city or town within the state.
- b. "Governing authority" or "governing authorities," in the case of the county, and, in the case of municipalities, the council, board, commissioners, or other legislative body charged by law with governing the municipality.
- c. "Comprehensive plan," a statement of public policy for the physical development of the entire municipality or county adopted by resolution of the governing body, consisting of the following elements at a minimum:
 - (i) Goals and objectives for the long range (twenty (20) to twenty-five (25) years) development of the county or municipality. Required goals and objectives shall address, at a minimum, residential, commercial and industrial development, parks, open space and recreation; street or road improvements; public schools and community facilities.
 - (ii) A land use plan which designates in map or policy form the proposed general distribution and extent of the uses of land for residences, commerce, industry, recreation and open space, public/quasi-public facilities and lands. Background information shall be provided concerning the specific meaning of land use categories depicted in the plan in terms of the following: residential densities; intensity of commercial uses; industrial and public/quasi-public uses; and any other information needed to adequately define the meaning of such land use codes. Projections of population and economic growth for the area encompassed by the plan may be the basis for quantitative recommendations for each land use category.

- (iii) A transportation plan depicting in map form the proposed functional classifications for all existing and proposed streets, roads and highways for the area encompassed by the land use plan and for the same time period as that covered by the land use plan. Functional classifications shall consist of arterial, collector and local streets, roads and highways, and these classifications shall be defined on the plan as to minimum right-of-way and surface width requirements; these requirements shall be based upon traffic projections. All other forms of transportation pertinent to the local jurisdiction shall be addressed as appropriate. The transportation plan shall be a basis for a capital improvements program.
- (iv) A community facilities plan as a basis for a capital improvements program including, but not limited to, the following: housing; schools; parks and recreation; public buildings and facilities; and utilities and drainage.

17-1-3. General powers

For the purpose of promoting health, safety, morals, or the general welfare of the community, the governing authority of any municipality, and, with respect to the unincorporated part of any county, the governing authority of any county, in its discretion, are empowered to regulate the height, number of stories and size of building and other structures, the percentage of lot that may be occupied, the size of the yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes, but no permits shall be required with reference to land used for agricultural purposes or for the erection, maintenance, repair or extension of farm buildings or farm structures outside the corporate limits of municipalities. The governing authority of each county and municipality may create playgrounds and public parks, and for these purposes, each of such governing authorities shall possess the power, where requisite, of eminent domain and the rights to apply public money thereto, and may issue bonds therefor as otherwise permitted by law.

17-1-5. Manner of exercise of powers conferred.

In the exercise and enforcement of the powers conferred by section 17-1-1 to 17-1-27, inclusive, each county and each municipality within the county may act independently one from the other, or, in the exercise of discretion, the governing authority of any county and the governing authority of any municipality located within the county may act jointly in order to attain uniformity and consistency in the zoning regulations for the areas to be affected.

17-1-7. Zones.

For the purposes set forth in section 17-1-3, the governing authority of each municipality and county may divide the municipality or county into zones of such number, shape and area as may be deemed best suited to carry out the purposes of sections 17-1-1 to 17-1-27, inclusive. Within the zones created, the governing authority of each municipality and county may, subject to the restrictions with respect to agricultural lands and farm buildings or structures as set out in section 17-1-3, regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land. All regulations shall be uniform for each class or kind of buildings throughout each zone, but regulations in one zone may differ from those in other zones.

17-1-9. Purposes in view.

Zoning regulations shall be made in accordance with a comprehensive plan, and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings, and encouraging the most appropriate use of land throughout such municipality.

17-1-11. Official plan--local planning commission.

(1) (a) The governing authority of each municipality and county may provide for the preparation, adoption, amendment, extension and carrying out of a comprehensive plan, in whole or in part, for the purpose of bringing about coordinated physical development in accordance with present and future needs and may create, independently or jointly, a local planning commission, to serve without pay, except in counties having a population of more than 100,000 according to the federal census of 1950, the board of supervisors may pay each member of such planning commission as compensation for the services the sum of one thousand two hundred dollars (\$1,200.00) per year payable monthly at the end of each calendar month; and the governing authorities of any municipality which has a population in excess of twenty-nine thousand (29,000) according to the 1980 federal census and which is located in a county bordering on the Gulf of Mexico and the State of Alabama may pay to each member of a zoning or adjustment board as compensation for his services the sum of six hundred dollars (\$600.00) per year payable monthly at the end of each calendar month, with authority to prepare and propose (1) a comprehensive plan of physical development of the municipality or county, or part thereof; (2) a proposed zoning ordinance and map; (3) regulations governing subdivisions of land; (4) building or set back lines on streets, roads and highways; and (5) recommendations from time to time to the governing authorities of each municipality or county with regard to the enforcement of and amendments to the comprehensive plan, zoning ordinance, subdivision regulations and capital improvements program.

(b) The definition of "comprehensive plan" set forth in paragraph (c) of Section 17-1-1 shall not be construed to affect, or to require the amendment of, any plan adopted by a county of municipality prior to July 1, 1988, which plan does not specifically conform to the minimum elements of a comprehensive plan required in such definition.

(2) The governing authority of each municipality and county may adopt, amend and enforce the comprehensive plan, zoning ordinance, subdivision regulations, and capital improvements program as recommended by the local planning commission, in whole or in part after a public hearing thereon as provided by section 17-1-15.

(3) In the performance of its duties, the local planning commission may cooperate with, contract with, or accept funds from federal, state or local agencies or private individuals or corporations and may expend such funds and carry out such cooperative undertakings and contracts.

17-1-13. Utilization of services of planning commissions, engineering departments or advisory committee.

The governing authority of each county or municipality may, in order to more effectively carry out its requisite zoning and planning activities, utilize the services of any appropriate local or regional planning commission, and may consider, act upon or otherwise make use of the suggestions, proposals or recommendations of any such appropriate local or regional planning commission. Also, in carrying out its zoning and planning duties, the governing authority of each county and municipality may utilize the services of any appropriate municipal or county engineering department or the services of an advisory committee of citizens of such number as may be deemed appropriate to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. A preliminary report may be made, and public hearings thereon before submitting its final report, may be had.

17-1-15. Procedure for establishing, amending, etc., of regulations, zone boundaries, etc.--notice and hearings.

The governing authority of each municipality and county shall provide for the manner in which the comprehensive plan, zoning ordinance (including the official zoning map), subdivision regulations and capital improvements program shall be determined, established, and enforced, and from time to time, amended, supplemented or changed. However, no such plan, ordinance (including zoning boundaries), regulations, or program shall become effective until after a public hearing, in relation thereto, at which parties in interest, and citizens, shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing shall be published in an official paper, or a paper of general circulation, in such municipality or county.

17-1-17. Changes.

Zoning regulations, restrictions and boundaries may, from time to time, be amended, supplemented, changed, modified or repealed upon at least fifteen days' notice of a hearing on such amendment, supplement, change, modification or repeal, said notice to be given in an official paper or a paper of general circulation in such municipality or county specifying a time and place for said hearing. The governing authorities or any municipal agency or commission, which by ordinance has been theretofore so empowered, may provide in such notice that the same shall be held before the city engineer or before an advisory committee of citizens as hereinafter provided and if the hearing is held before the said engineer or advisory committee it shall not be necessary for the governing body to hold such hearing but may act upon the recommendation of the city engineer or advisory committee. Provided, however, that any party aggrieved with the recommendation of the city engineer or advisory committee shall be entitled to a public hearing before the governing body of the city, with due notice thereof after publication for the time and as provided in this section. The governing authorities of a municipality which had a population in excess of one hundred forty thousand (140,000) according to the 1960 census may enact an ordinance restricting such hearing to the record as made before the city engineer or advisory committee of citizens as hereinabove provided.

In case of a protest against such change signed by the owners of twenty percent (20%) or more, either of the area of the lots included in such proposed change, or of those immediately adjacent to the rear thereof, extending 160 feet therefrom, or of those directly opposite thereto, extending 160 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of two-thirds of all the members of the legislative body of such municipality or county.

17-1-19. Remedies of local governing authorities.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, or land, is used in violation of the zoning law or of any ordinance or other regulation made under authority

conferred hereby, the proper local authorities of any county or municipality, in addition to other remedies, may institute any appropriate action or proceedings, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

17-1-21. When local regulations to govern.

Whenever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts or other open spaces, or require a lower height of building, or a less number of stories, or a greater percentage of lot to be left unoccupied, or imposed other standards higher than are required by the regulations made under the authority of sections 17-1-1 to 17-1-27, inclusive, the provisions of such other statute, or local ordinance or regulation shall govern; otherwise the provisions of the regulations made under the authority of sections 17-1-1 to 17-1-27, inclusive, shall be controlling.

17-1-23. Subdivision regulation.

1. When new subdivisions are laid out, the governing authority of each municipality or county may, before allowing dedication, impose such terms as may be deemed necessary to make the provisions of sections 17-1-1 to 17-1-27, inclusive, effective, and such governing authorities may receive easements in the land affected whereby such sections may be made effective.

2. The board of supervisors of any county may order that no plat of a subdivision shall be recorded until it has been approved by the board of supervisors, and the board of supervisors shall have power to require the installation of utilities and laying out of streets in subdivisions or to accept performance bonds in lieu thereof.

3. The governing authorities of a municipality may provide that any person desiring to subdivide a tract of land within the corporate limits, shall submit a map and plat of such subdivision, and a correct abstract of title of the land platted,

to said governing authorities, to be approved by them before the same shall be filed for record in the land records of the county; and where the municipality has adopted an ordinance so providing, no such map or plat of any such subdivision shall be recorded by the chancery clerk unless same has been approved by said governing authorities. In all cases where a map or plat of the subdivision is submitted to the governing authorities of a municipality, and it by them approved, all streets, roads, alleys and other public ways set forth and shown on said map or plat shall be thereby dedicated to the public use, and shall not be used otherwise unless and until said map or plat is vacated in the manner provided by law, notwithstanding that said streets, roads, alleys or other public ways have not been actually opened for the use of the public.

17-1-25. Acceptance for maintenance of subdivision street before subdivision completed.

The governing authorities of each municipality or county of the state, in their discretion, may accept in the name of such municipality or county, for maintenance, any road or roads, or street or streets, as shall be completed to acceptable specifications established by such governing authorities of a municipality or county of each such subdivision or subdivisions as shall be located within the corporate limits of a municipality or the boundaries of a county.

By acceptance of such street or road by such governing authorities, even though such subdivision shall not be completed as proposed or platted, such municipality or county shall not be bound to accept in part or in its entirety such subdivision when it shall be completed except as provided by regular procedures by ordinance or regulation of such municipality or county.

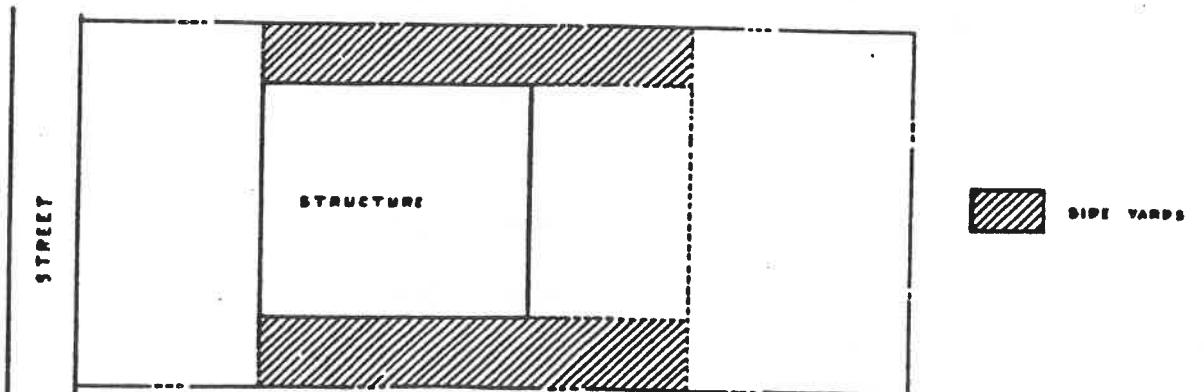
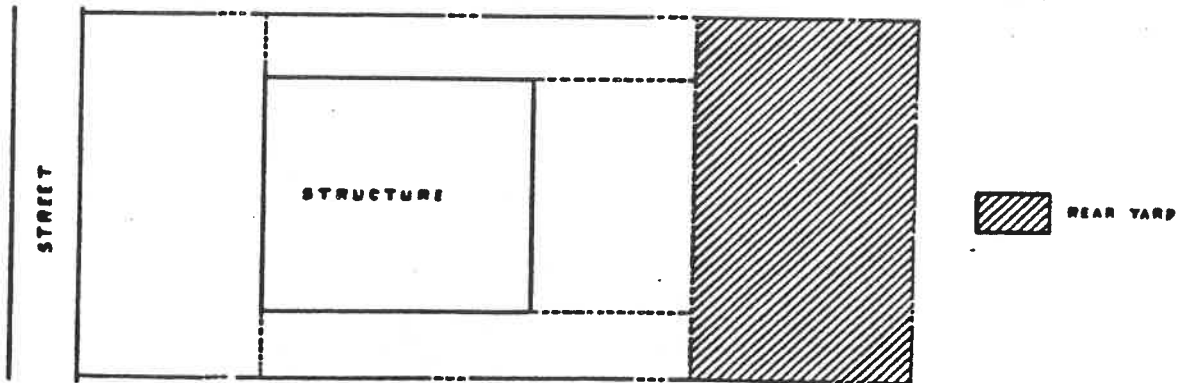
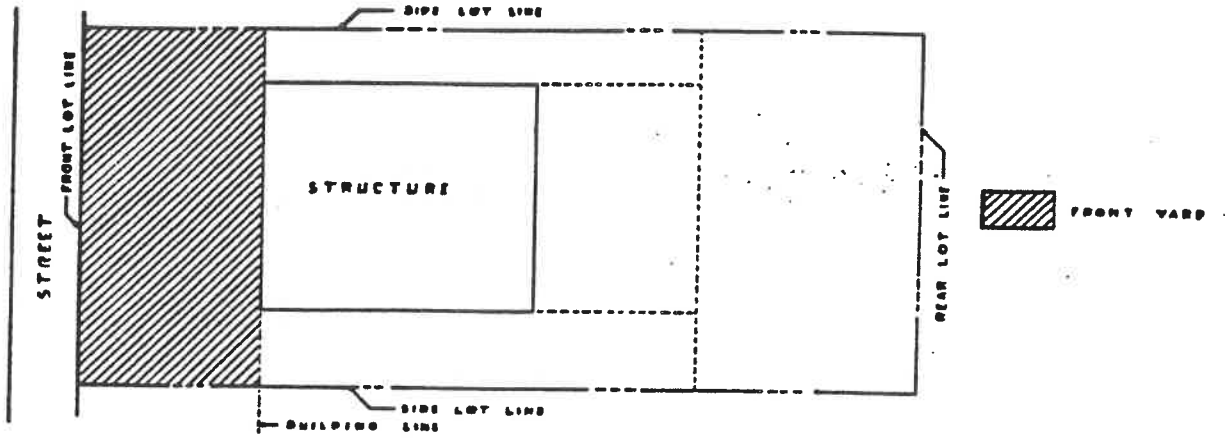
17-1-27. Penalties for violations.

Any person, firm or corporation who shall knowingly and wilfully violate the terms, conditions or provisions of a zoning ordinance adopted under the authority of sections 17-1-1 to 17-1-25, inclusive, for violation of which no other criminal penalty is prescribed, shall be guilty of a misdemeanor and upon conviction therefor shall be sentenced to pay a fine of not to

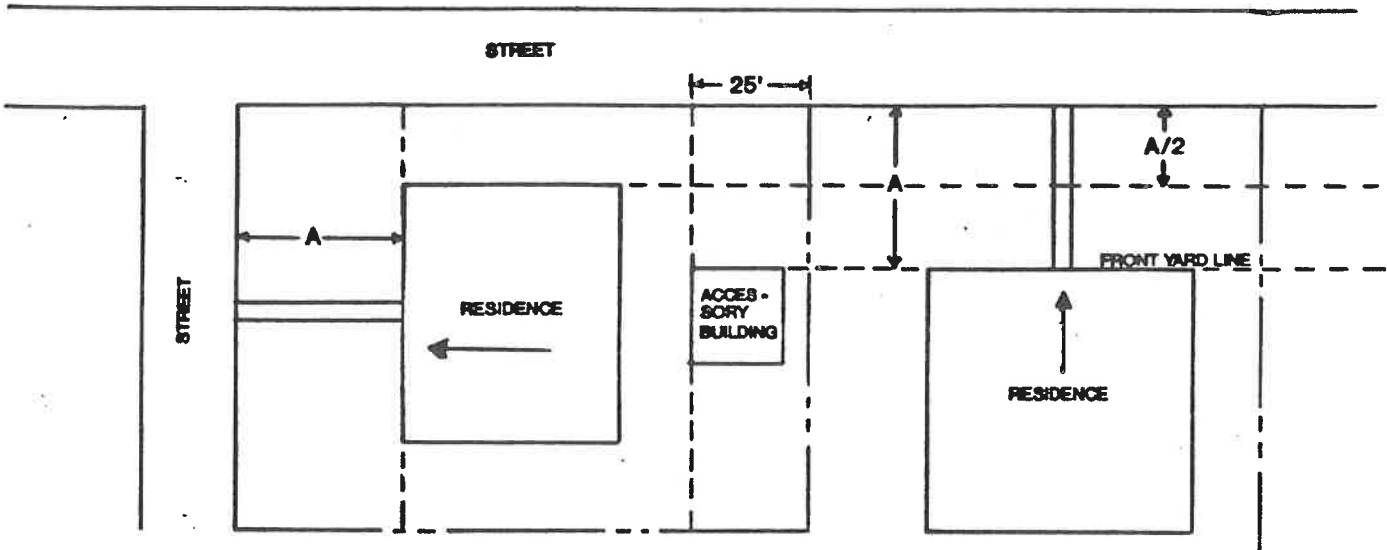
exceed one hundred dollars (\$100.00), and in case of continuing violations without reasonable effort on the part of the defendant to correct same, each day the violation continues thereafter shall be a separate offense.

This act shall take effect and be in force from and after July 1, 1988.

Appendix B
ILLUSTRATIONS OF YARDS

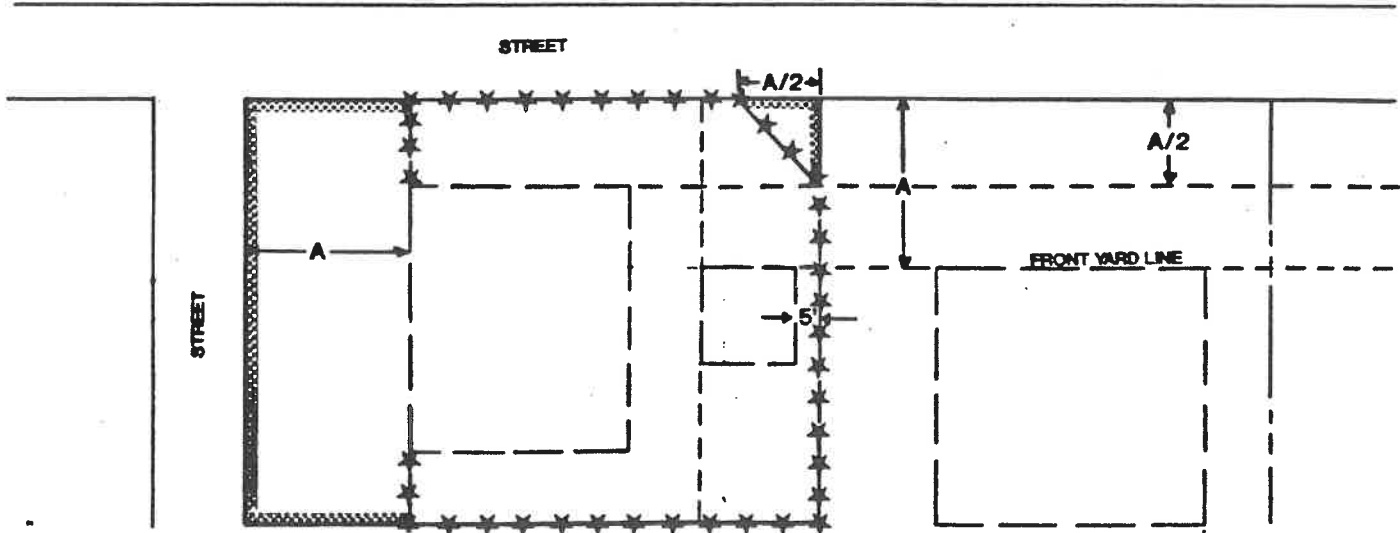


STRUCTURES



A - REQUIRED FRONT YARD

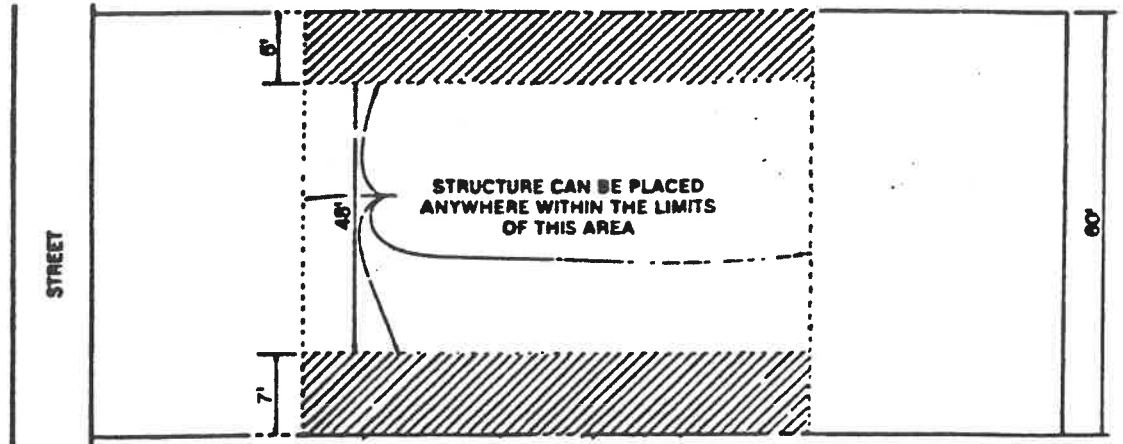
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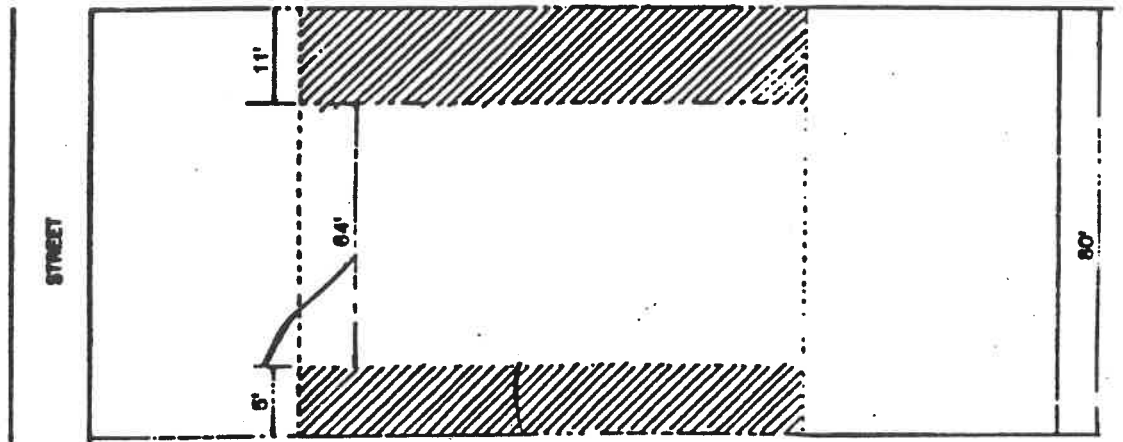
★ ★ ★ ★ FENCE MAY BE FULL HEIGHT ALLOWED

----- FENCE MAY NOT EXCEED 2 1/2' IN HEIGHT

**METHOD OF COMPUTING SIDE YARDS
BASED ON 20% REQUIREMENT**



EXAMPLE FOR A 60' LOT



EXAMPLE FOR AN 80' LOT

**A SIDE YARD SHALL NOT BE LESS THAN
5 FEET TOTAL SIDE YARDS NOT TO
EXCEED 20 FEET**

