

KOSCIUSKO, MISSISSIPPI



ZONING

ORDINANCE

Final October 3, 2006

KOSCIUSKO ZONING ORDINANCE

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ZONING ORDINANCE

KOSCIUSKO, 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 Kosciusko, 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;

Whereas, a professional planner has heretofore prepared a master plan for the City of Kosciusko, including a proposed zoning ordinance and zoning map, and

Whereas, the Planning Commission of the City of Kosciusko has studied, changed, modified and then passed on to the Board of Aldermen the said master plan including a proposed zoning ordinance and zoning map, and Whereas, the Board of Aldermen of the City of Kosciusko has reviewed, studied, and based on such review and study believe that the proposed ordinance reflects the best possible interests for the general welfare of all the people of Kosciusko.

Now, therefore, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF KOSCIUSKO, MISSISSIPPI.

1. **TITLE AND PURPOSE**

a. **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, 21-127, 21-13-7, 21-19-63, 41-25-13, 43-35-105, 49-23-1, to 29, 4925-1 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.

b. **TITLE AND PURPOSE**

This Ordinance shall be known as the Official Zoning Ordinance of Kosciusko, 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.

This ordinance has been prepared in accordance with a comprehensive city plan and is enacted to preserve and promote the public health, safety and general welfare of the inhabitants of the City of Kosciusko and of the public generally, and to encourage and facilitate the orderly growth and expansion of the municipality. Specifically this ordinance is designed:

- i. To lessen congestion in the streets.
- ii. To secure safety from fire, panic, and other dangers.
- iii. To promote health and the general welfare.
- iv. To provide adequate light and air.
- v. To prevent the overcrowding of land.
- vi. To avoid undue concentration of population.
- vii. To facilitate the provision of transportation, water, sewerage, schools, parks, and other public requirements.

c. **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.

d. 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.

e. 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.

2. DEFINITIONS AND WORDS

a. 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.

b. DEFINITIONS

- i. **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 and liquid petroleum gas storage tanks.
- ii. **ADMINISTRATIVE OFFICIAL:** The official or officials designated by the governing body of the City of Kosciusko for administering the Zoning Ordinance.
- iii. **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.
- iv. **ALL-WEATHER SURFACE:** A surface of asphalt or concrete which provides a hard driving surface that is impervious to water and prevents erosion, dust and potholes.
- v. **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.
- vi. **ANIMAL UNIT:** One animal unit shall mean either one horse, one cow, one mule, two goats, two sheep or two miniature horses.
- vii. **AUTOMOBILE GRAVEYARD:** Any lot or parcel which is exposed to the weather and upon which more than two (2) motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located or found.
- viii. **BASEMENT:** That portion of a building below the first or ground-floor level and having less than four feet of clearance from its ceiling to the average finished grade of the building perimeter. A basement shall not be considered a story for the purposes of determining building height, except when it is used or suitable for habitation.
- ix. **BED AND BREAKFAST:** A residential home which offers, for compensation, overnight lodging and morning or evening meals only for guests, up to seven (7) days per stay.
- x. **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.

- xi. **BOARD OF ADJUSTMENT:** The Kosciusko Board of Zoning Adjustment.
- xii. **BOARD OF MAYOR AND ALDERMEN:** The Governing Authority of the City of Kosciusko.
- xiii. **BOARDING HOUSE OR LODGING HOUSE:** A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for two (2) or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.
- xiv. **BUFFER AREA:** An area which acts as a separation area between two or more noncompatible districts and set aside to sufficiently be planted and landscaped to reduce and screen the blighting effect of commercial or industrial uses on adjacent residential property. A buffer area cannot be used for parking, vehicular access, utilities, or storage.
- xv. **BUILDABLE AREA:** That portion of a lot remaining after required yards have been provided.
- xvi. **BUILDABLE WIDTH:** Width of the building site left after the required yards have been provided.
- xvii. **BUILDING:** Any structure intended for shelter, housing or enclosure of persons, animals or chattel.
- xviii. **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.
- xix. **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.
- xx. **BUILDING, FRONT LINE OF:** A line intersecting the foremost portion of a building and parallel and/or concentric to the street line.
- xxi. **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.
- xxii. **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 and or side as specified.
- xxiii. **BUILDING, MAIN:** A building in which is conducted the principal use of the lot on which it is situated.
- xxiv. **BUILDING OFFICIAL:** A person designated by the Mayor and Aldermen who is responsible for issuing building certificates of occupancy and inspections pursuant thereto.
- xxv. **BUILDING PERMIT:** A permit issued by the Building Inspector authorizing the construction or alteration of a specific building on a specific lot.

- xxvi. **BUILDING SITE:** A single parcel of land occupied or intended to be occupied by a building or structure and appropriate accessory buildings or uses.
- xxvii. **CEMETERY:** A tract of land, private or public, divided into plots for interment of the human dead and in compliance with applicable state statutes.
- xxviii. **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.
- xxix. **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.
- xxx. **CITY:** The word "City" shall be the City of Kosciusko, Mississippi and all its governing authority together with operating bodies.
- xxxi. **COMPREHENSIVE PLAN:** The comprehensive development plan for the City which has been officially adopted and approved to provide long-range development policies for the area subject to urbanization in the foreseeable future and which includes, among other things, the plans for land use, land subdivision, traffic circulation and community facilities.
- xxxii. **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.
- xxxiii. **CONFORMING USE:** Any lawful use of a building or lot which complies with the provisions of this Ordinance.
- xxxiv. **COUNTRY CLUB:** (Tennis or Swim Club) A private or public organization with membership providing recreation activities to a residential area or community. Food services may be provided only for members and their guests.
- xxxv. **COVERAGE:** The percentage of the lot area covered by the building area.

- xxxvi. DISTRICT: Any zoning district established by this ordinance.
- xxxvii. DWELLING: Any building, which is designed or used as living quarters or portion thereof, for one or more families.
- xxxviii. DWELLING, APARTMENT HOUSE OR MULTIPLE-FAMILY: 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.
- xxxix. DWELLING, SINGLE FAMILY: A dwelling designed to be exclusively occupied by one family.
- xl. DWELLING, TWO FAMILY A dwelling designed for occupancy by two families living independently of each other. (Duplex)
- xli. DWELLING, MULTIPLE-FAMILY: A dwelling designed for occupancy for three or more families living independently of each other.
- xlii. DWELLING UNIT: A room or group of rooms occupied or intended to be occupied as separate living quarters.
- xliii. 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.
- xliv. DUMP: Any lot or parcel of land, water, or part thereof, used for the disposal, by abandonment, dumping, burial, burning or any other means, of garbage, sewage, trash, refuse, junk, discarded machinery or waste materials of any kind.
- xlv. 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 such as public facilities, utilities and streets.
- xlvi. 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.
- xlvii. FAMILY: One or more persons related by blood or marriage, including adopted children, occupying premises and living as a single nonprofit housekeeping unit.
- xlviii. 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.
- xlix. FLOOD PLAIN: The relatively flat area adjoining the channel of a river, or low lands watercourse or stream or ocean, lake, or other body of standing water, which has been or may be covered by flood water.
- l. 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 Kosciusko 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.
- li. FLOOR AREA: The square feet of floor space within the outside line of walls and including the total of all space on all floors used for dwelling purposes.
 - lii. FLOOR AREA, GROSS: The sum of the gross horizontal areas of the several floors of a structure, including interior balconies and mezzanines; all horizontal measurements to be made between the exterior faces of walls, including the walls of roofed porches having more than two walls.
 - liiii. FLOOR AREA RATIO, MAXIMUM: The maximum permitted ratio of gross floor area of all structures on a lot to the total area of the lot.
 - liv. FRONTAGE: All the property abutting on one (1) side of a street between two (2) intersecting streets, measured along the street line.
 - lv. GARAGE APARTMENT: A dwelling unit erected above a private garage.
 - lvi. GARAGE, MECHANICAL: A facility used for the repair of automobiles, trucks and similar vehicular powered, hydraulic or control systems.
 - lvii. 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.
 - lviii. 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.
 - lix. 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 mayor may not include facilities for lubrication, washing or cleaning.
 - lx. GOVERNING AUTHORITY: The Mayor and Board of Aldermen of Kosciusko, Mississippi.
 - lxi. GROUP HOUSING PROJECT: A group of one family, two family or multiple dwellings, arranged on land not subdivided into customary streets and lots.
 - lxii. 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.
 - lxiii. 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.

- lxiv. 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.
- lxv. 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.
- lxvi. JUNKYARD: Any lot or parcel of land, structure, or part thereof, used for the collection, storage and sale of wastepaper, rags or scrap metal or discarded material, or for the collection, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof.
- lxvii. 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.
- lxviii. 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.
- lxix. LIVESTOCK: A domestic animal normally raised on a farm such as cattle, horses, sheep, goats, or similar animals, but not wildlife.
- lxx. 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 or approved private street.
- lxxi. LOT, AREA: The total area included within the front, side and rear lot line.
- lxxii. LOT, CORNER: A lot located at the intersection of and abutting on two (2) or more streets (opened, unimproved or proposed) .
- lxxiii. LOT, DEPTH: The average horizontal distance between the front lot line and the rear lot line.
- lxxiv. LOT, FRONTAGE: That dimension of a lot or portion of a lot abutting a street.
- lxxv. LOT, INTERIOR: A lot other than a corner lot.
- lxxvi. LOT LINES: The lines bounding a lot as defined herein.
- lxxvii. LOT, THROUGH: An interior lot which has frontages on two (2) or more streets.
- lxxviii. 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.

- lxxix. LOT OF RECORD: A lot, the plat of which has been recorded in the office of the Chancery Clerk of Attala County.
- lxxx. LOT, REVERSE FRONTAGE: A lot fronting on two (2) parallel streets but with access only to one when desirable to reduce the effects of heavy traffic along highways, arterial streets, etc.
- lxxxii. MANUFACTURED HOME: A factory-built, single-family structure that is manufactured under the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. It must be 32 feet in length, at least 24 feet wide, have a roof pitch of at least 4/12, be permanently connected to utilities, and 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.
- lxxxiii. MEDICAL AND DENTAL FACILITIES:
- (1) Convalescent, Rest or Nursing Home: A health facility where persons are housed and furnished with medical and/or nursing care.
 - (2) Dental Office or Doctor's Office: A facility for the examination and treatment of patients.
 - (3) Hospital: An institution providing comprehensive health services.
 - (4) Public Health Center: a health unit for services. A facility primarily utilized for the provisions of public health services.
- lxxxiv. MOBILE HOME: A dwelling, constructed prior to June 15, 1976, 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.
- lxxxv. 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.
- lxxxvi. MANUFACTURED HOME PARK: A parcel of land under single ownership which has been planned and improved for the placement of manufactured homes for non-transient use.
- lxxxvii. MOBILE HOME LOT STAND OR PAD: The area for locating a single mobile home unit and the exclusive use of its occupant
- lxxxviii. MANUFACTURED HOME LOT STAND OR PAD: The area for locating a single manufactured home unit and the exclusive use of its occupant.
- lxxxix. MODULAR HOME (PANELIZED HOME): A home constructed of factory-produced components, including wall panels of open or closed construction

and not involving a permanent or temporary steel chassis. Open wall panels are wall sections containing exterior sheathing only, with necessary plumbing, electrical, heating, air conditioning, insulation, and interior sheathing installed at the building site. Closed wall panels are shipped from the factory as complete wall units containing necessary electrical, plumbing, heating, air conditioning, insulation, interior, and exterior sheathing installed and connected at the site. All service systems and connections as well as construction must comply with all local and state codes and ordinances.

- lxxxix. **NON-CONFORMING STRUCTURE:** Any structure which was lawfully erected or altered in conformity with all applicable municipal ordinances at time of construction but which structure does not comply with all of the provisions of this ordinance established for structures in the zone in which the structure is located.
- xc. **NON-CONFORMING USE:** Any use which on the effective date of this ordinance was lawfully operated and complied with all applicable ordinances, but which use is not a permitted use, as established by this ordinance in the zone in which the use is located; 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.
- xc. **OUTDOOR STORAGE:** A depository or place for storing goods related to the establishment on the same premises and not located within a building.
- xcii. **PARKING SPACE:** A space located on private or public property sufficient in size to store one (1) automobile.
- xciii. **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.
- xciv. **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.
- xcv. **PLANNING COMMISSION:** Whenever the term "Planning Commission" shall be used in these regulations, the term shall mean the Planning Commission of Kosciusko, Mississippi, as appointed by the Board of Mayor and Aldermen.
- xcvi. **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 development

as open space for the recreational facilities and pedestrian the building sites in purpose of providing circulation.

- xcvii. 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.
- xcviii. 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.
- xcix. PREMISE: Means any lot or unplatted tract, or any combination of contiguous lots or unplatted tracts held under single ownership.
- c. PRINCIPAL PERMITTED USE: That use of a zoning lot which is among the uses allowed as a matter of right under the zoning classification.
- ci. 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.
- cii. 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.
- ciii. 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.
- civ. SCREENING: This term refers to landscaping and/or architectural barriers which block vision.
- cv. SETBACK LINE: The line that is the required minimum distance from the street right-of-way or proposed right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.
- cvi. SIDEWALK: The portions of a street or crosswalkway, paved or otherwise surfaced, intended for pedestrian use only.
- cvi. SIGNS: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.
 - (1) ABANDONED SIGN: A sign that no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity and/or for which no legal owner can be found.

- (2) **CHANGEABLE COPY SIGN:** A sign constructed to hold individual letters or individual text sections that are mounted in or on a track system.
- (3) **CHANNEL LETTER:** Individual letters constructed to be applied singly in the formation of a wall sign or a freestanding sign. Channel letters may be illuminated or non-illuminated.
- (4) **CONSTRUCTION/DEVELOPMENT:** A temporary sign providing information about future development or current construction on a site and the parties involved in the project
- (5) **ELECTRONIC MESSAGE BOARD:** A sign with a fixed or changing display or message composed of a series of lights that may be changed through electronic means.
- (6) **POST SIGN:** A free standing sign that is not an integral part of or attached to a building or structure, whose sign face is affixed or attached to two posts that frame it, and whose sign face is not more than 24" above the ground.
- (7) **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.
- (8) **EXTERNALLY LIT SIGNS:** A sign illuminated by external light directed primarily toward this sign and so shielded that no direct rays from the light are visible elsewhere than on the lot where the illumination occurs.
- (9) **MOBILE/PORTABLE 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.
- (10) **MONUMENT SIGN:** A free-standing sign supported by an internal structural framework or integrated into landscaping or other solid structural features other than support poles
- (11) **OFF PREMISE SIGN:** A sign advertising a use, facility, service or product that is not located, sold, or manufactured on the same premises as the sign
- (12) **ON PREMISE SIGN:** Any sign identifying or advertising a business, person, activity, goods, products, or services, located on the premises where the sign is installed and maintained.
- (13) **TEMPORARY SIGN:** Any sign intended to be displayed for a limited time period specified by the City.

- (14) **SNIFE SIGN:** An off-premises sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects.
 - (15) **POLITICAL SIGN:** Any type of off-premise sign which refers only to the issues or candidates involved in a political election.
 - (16) **ROOF SIGN:** Any sign or outdoor advertising device attached to the roof of a building.
 - (17) **WALL SIGN:** Any sign or poster on any surface or plane that may be affixed to the front, side or rear wall of any building.
 - (18) **WINDOW SIGN:** A sign affixed to the interior or exterior of a window or placed immediately behind a window pane so as to attract the attention of persons outside the building
 - (19) **SIGN AREA:** The total area of the space to be used for advertising purposes, including the spaces between open-type letters and figures, including the background structure, or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of a sign. A double faced sign shall be allowed the total area of single-faced sign on each side
 - (20) **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.
 - (21) **SPECIAL PURPOSE SIGN:** Means any type of off-premise sign which refers only to the issues or candidates involved in a political election or special event.
 - (22) **WALL SIGN:** Means a sign painted or otherwise placed flat (within 12") of a building wall surface.
 - (23) **PROJECTING SIGN:** A sign which is perpendicular or at an angle to a building, attached wall and extending outward more than 12" from the wall.
- cviii. **SITE PLAN REVIEW COMMITTEE:** As established by the Official Zoning Ordinance, its purpose shall be to utilize to the fullest extent possible its individual and collective technical expertise, to coordinate and expedite the review, processing and pre-hearing procedures as they may apply to the Official Zoning Ordinance and Subdivision Regulations, and all development and building codes and all applicable City codes.
- cix. **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.

- cx. 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.
- cxii. STABLE, PUBLIC: A stable other than a riding or private stable.
- cxiii. 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.
- cxiiii. 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.
- cxv. 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.
- cxvi. 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.
- cxvii. STREET LINE: Public right-of-way line of a street.
- cxviii. 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.
- cxix. 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.
- cx. STREET, DEAD END: The phrase "dead end street" shall mean a street, other than a cul-de-sac, with only one outlet.
- cxii. 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.
- cxiii. STREETS, LOCAL: The phrase "local street" shall be a street which is intended primarily to serve traffic within a neighborhood or limited residential district, and which is used primarily for access to abutting properties.

- cxxii. **STREETS, MAJOR:** A street which provides easy access to the various traffic generators within the City or County and to the arterial highway system.
- cxxiii. **STREET, MARGINAL ACCESS:** Minor streets which are parallel to and adjacent to major streets or highways, and which provide access to abutting properties and protection from traffic.
- cxxiv. **STREETS, MINOR:** A street which is used primarily for access to the abutting properties.
- cxxv. **STREET, WIDTH:** The word "street width" shall be the shortest distance between the lines which delineate the rights-of-way of a street.
- cxxvi. **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.
- cxxvii. **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.
- cxxviii. **SUBDIVIDER:** Any person, firm, partnership, corporation or other entity, acting as a unit, subdividing or proposing to subdivide land as herein defined.
- cxxix. **SUBDIVISION:** The word "subdivision" or "addition" shall be any division of any lot, tract or parcel of land into two (2) or more lots or sites for the purpose, whether immediate or future, of sale or of building development. It also includes re-subdivision or re-platting of land, lots, or tracts. Said tracts shall be appropriately and legally recorded.
- cxxx. **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.
- cxxxi. **UNOBSTRUCTED OPEN SPACE:** An area of land upon which no structure may be erected. The area of land required to be maintained as specified in the Building Regulations contained herein upon which no structure may be erected, except those accessory structures used in connection with the movement or regulation of traffic.
- cxxxii. **UTILITY:** A commodity or service which is of public consequence and need, such as electricity, gas, sewer, water, transportation, or telephone or telegraph service.

- cxxxiii. **VARIANCE:** A modification of the literal provisions of the ordinance which the Board of Adjustments and/or the governing body is permitted to grant when strict enforcement of said provisions would cause undue hardship (such hardship cannot be self created or of an economic nature) owing to circumstances unique to the individual property on which the variance is sought.
- cxxxiv. **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).
- cxxxv. **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).
- cxxxvi. **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).
- cxxxvii. **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).
- cxxxviii. **ZERO LOT LINE:** A lot where no side yard is required under special construction regulations. These shall include appropriate fire walls, restrictive openings, etc.
- cxxxix. **ZONE:** An established area within the City in which the provisions of this Ordinance are applicable.
- cxl. **ZONING MAP:** The official zoning map or maps which are a part of the Zoning Ordinance and delineates the boundaries of the zoning districts.

3. DISTRICTS

a. 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 Kosciusko is hereby divided into districts of which there shall be thirteen (13) as follows:

- i. A-I General Agricultural District, 43,560 square feet
- ii. R-1 Single-Family Residential District, 12,000 square feet
- iii. R-2 Single-Family Residential District, 7,200 square feet
- iv. R-3 Duplex and Zero Lot Line
- v. R-4 Multi-Family Residential District
- vi. PUD -Planned Unit Development District
- vii. C-1 Neighborhood Commercial District
- viii. C-2 General Commercial District
- ix. C-3 Highway Commercial District
- x. C-4 Planned Commercial District
- xi. I-I Light Industrial District
- xii. 1-2 Heavy Industrial District
- xiii. F-1 Flood Plain District

The order of classification shall be as enumerated above with the F-1 Flood Plain District being most restrictive the and the 1-2 Heavy Industrial District as 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 Article III, Section 1 of Ordinance Number_____ of the City of Kosciusko, 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 promptly 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 ordinance 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 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.

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 May 4, 1995, 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.

b. **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 Number _____ of the City of Kosciusko, Mississippi."

c. **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:

- i. Boundaries indicated as approximately following the center lines of streets, highways, railroads or alleys shall be construed to follow such center lines;
- ii. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- iii. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
- iv. 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;
- v. 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;
- vi. 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;
- vii. 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 Planning Commission shall interpret the district boundaries;
- viii. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Planning Commission 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.

4.

SPECIFIC DISTRICT REGULATIONS

a.

A-I GENERAL AGRICULTURAL/RESIDENTIAL DISTRICT

i. General Description

This district shall provide an area for low density residential and light 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.

ii. Permitted Uses

The following uses of property, buildings or structures are permitted:

- (1) Barns, silos, sheds.
- (2) Cultivation of field and truck crops, orchards and vineyards.
- (3) Golf courses and country clubs.
- (4) Greenhouses, nurseries and landscape gardening.
- (5) One family detached dwellings, and their customary accessory uses.
- (6) Pasturing, grazing, forestry.
- (7) Small animals and livestock, excluding swine, dairies and poultry, provided that no more than one domestic animal unit for each 20,000 square feet of lot area will be permitted. Provided that when the lot area is less than ten (10) acres and abuts any residential or commercial district, no structures or fenced areas in which animals are kept will be located closer than 100' to the abutting residential or commercial property.
- (8) Stables and riding academies.
- (9) Radio and television towers, antennas, earth stations, or wireless communication facilities which are co-located on existing facilities or do not exceed 35'. The erection of radio and television towers, earth stations, or wireless communication facilities or other types of antenna towers shall abide by the regulations set forth herein.

iii. Conditional Uses

The following uses of property, buildings or structures are permitted only with specified conditions and for a specified time period:

- (1) Airport and landing field.
- (2) Boat moorage, golf courses, parks, playgrounds and wildlife refuges.
- (3) Cemetery.
- (4) Excavating, processing and removal of topsoil, sand, gravel, rock or similar natural deposits.
- (5) Manufactured home (mobile home) on a single lot, subject to the provisions contained in Article 5, Section 5.6.
- (6) Other uses primarily for either agricultural endeavors or the extraction of various products from the earth.
- (7) Public buildings and other uses such as schools, churches, parks, land filling operations, sanitary fill operations and public utility structures, when their location does not obstruct waterways and is approved by the City Engineer.
- (8) Radio and television towers, antennas, earth stations or wireless communication facilities which are co-located on existing facilities or exceed 35'.
- (9) Modular Homes.

iv. Area and Setback Regulations

Yards Required

Front Yard - The front yard at the building setback line shall be a minimum of forty (40) feet from any existing or proposed right-of-way line of any street or road as shown on the Kosciusko Major Thoroughfares Plan.

Side Yard - There shall be a minimum side yard on each side of any structure of fifteen (15) feet measured from the side lot line to the nearest building or structure.

Rear Yard - There shall be a minimum rear yard building setback of not less than twenty-five (25) feet.

Corner Lot Yards - The minimum building setback on any street not having lots fronting upon it shall be fifteen (15) feet from the right-of-way or easement line. Where the street on the side of a corner lot has lots fronting upon it within the

same block on the same side of the street, the side yard setback on the corner lot shall conform to the front yard setback requirements of such street.

Lot Area

Each one-family dwelling in the A-I District, together with its accessory buildings, hereafter erected, shall be located on a parcel having an area of not less than one (1) acre or 43,560 square feet and shall front on a dedicated public street. Lot widths at the building setback line shall not be less than one hundred (100) feet.

Lot Coverage

Buildings, including accessory buildings, shall not cover more than twenty-five (25) percent of the area of any lot and meet all setback requirements.

Yards for Public or Semi-Public Buildings

All public and semi-public buildings, including accessory buildings shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard clearance for such buildings of fifty (50) feet from any lot line.

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.

b. **R-I SINGLE-FAMILY RESIDENTIAL DISTRICT**

i. General Description

This is the most restrictive residential district. The principal use of land is for single-family dwellings and with special conditions, 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.

ii. Permitted Uses

The following uses of property, buildings and structures are permitted :

- (1) Accessory building located on same lot.
- (2) Church.
- (3) Dwelling, single-family, excluding mobile homes and manufactured housing units.
- (4) Home occupations as provided for in Article V, Section 4.
- (5) Parks and playgrounds.

iii. Conditional Uses

The following uses of property, buildings and structures are permitted only with specified conditions and for a specified time period

- (1) Art gallery or museum (public).
- (2) College or university, not to include business or commercial college.
- (3) Golf course, not including commercial miniature courses or driving range.
- (4) Library (public).
- (5) Public use, including utilities.
- (6) School, public or private, offering general educational courses.
- (7) Telephone exchange, but not to include administrative office, shop, or garage.
- (8) Modular Homes.

iv. Area and Setback Regulations

Yards

Front: setback a minimum of not less than forty (40) feet.

Rear: setback a minimum depth of not less than twenty-five (25) feet.

Side: setback a minimum of not less than ten (10) feet on each side.

Corner Lot: the minimum side yard setback line on any street not having lots fronting upon it shall be fifteen (15) feet from the right-of-way or easement line. Where the street on the side of a corner lot has lots fronting upon it within the same block on the same side of the street, the side yard setback on the corner lot shall conform to the front yard setback requirements of such street.

Yards for Public or Semi-Public Building

All public and semi-public buildings, including accessory buildings shall provide the same front yard setback &s required for all other buildings in this zone. There shall be a minimum side yard and rear yard clearance for such buildings of fifty (50) feet from any lot' line.

Lot Width

A minimum of seventy-five (75) feet at building setback line.

Lot Area

A minimum of twelve thousand (12,000) square feet.

Lot Coverage

Buildings including accessory buildings shall not cover more than twenty-five percent of the area of any lot.

Height Regulations

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

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, and a clearance from a side or rear lot line will be five (5) feet. On a

corner lot the accessory building will meet the required setback of the main building when abutting' a public right-of-way. In the R-1 District 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 (56) 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.

c. **R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT**

i. General Description

The principal use of land is for single-family dwellings on smaller lots than required in the R-1 zone, 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.

ii. Permitted Uses

The following uses of property, buildings and structures are permitted:

- (1) Accessory building located on same lot.
- (2) Church (all newly organized or relocated churches must be on a minimum three (3) acre lot).
- (3) Dwelling, single-family, excluding mobile homes and manufactured housing units.
- (4) Home occupations as provided for in Article. V, Section 4.
- (5) Parks and playgrounds.

iii. Conditional Uses

The following uses of property, buildings and structures are permitted only with specified conditions and for a specified time period

- (1) Art gallery or museum (public).
- (2) College or university, not to include business or commercial college.
- (3) Golf course, not including commercial miniature courses or driving range.
- (4) Library (public).
- (5) Public use, including utilities.
- (6) School, public or private, offering general educational courses.
- (7) Telephone exchange, but not to include administrative office, shop, or garage.
- (8) Modular Homes.

iv. 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) feet.

side setback: a minimum of not less than ten (10) feet on each side.

corner lot: the minimum side yard setback line on any street not having lots fronting upon it shall be fifteen (15) feet from the right-of-way or easement line. Where the street on the side of a corner lot has lots fronting upon it within the same block on the same side of the street, the side yard setback on the corner lot shall conform to the front yard setback requirements of such street.

Yards for Public or Semi-Public Buildings

All public and semi-public buildings, including accessory buildings shall provide the same front yard setback as required for all other buildings in this zone. There shall be a minimum side yard and rear yard clearance for such buildings of fifty (50) feet from any lot line.

Lot Width

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

Lot Area

A minimum of seventy-two hundred (7,200) square feet.

Lot Coverage

Buildings including accessory buildings shall not cover more than twenty-five percent of the area of any lot.

Height Regulations

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

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, and a clearance from a side or rear lot line will be five (5) feet. On a corner lot the accessory building will meet the required setback of the main building when abutting a public right-of-way. In the R-1 District 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.

d. **R-3 TWO-FAMILY DWELLING (DUPLEX) AND ZERO LOT LINE RESIDENTIAL DISTRICT**

i. 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. Manufactured housing units are also allowed on individual lots in this zone as a conditional use.

ii. Permitted Uses

The following uses of property, buildings and structures are permitted:

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

iii. Conditional Use

The following uses of property, buildings and structures are permitted only with specified conditions and for a specified time period:

- (1) Any use permitted on review in an R-2 Single Family dwelling district, but subject to the requirements thereof.
- (2) Manufactured home on a single lot, subject to the provisions in Article IV, Section 5.5.

iv. Area and Setback Regulations

Yards

front: setback a minimum of thirty (30) feet.

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

side: setback a minimum of ten (10) feet.

Zero lot line: In zero lot line lots there shall be no minimum on one side, 12 feet on the opposite side, and meet the Fire Code. 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 A-1, R-1, and R-2. On a corner lot the side yard shall be a minimum of twenty (20) feet.

Lot Width

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

Two -Family A minimum of eighty (80) feet at the building setback line.

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

Lot Area

Single-Family: A minimum of 5,000 square feet.

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

Height Regulations

Single-Family: No building shall exceed (35) feet in height.

Two-Family: No building shall exceed (35) feet in height

Zero Lot Line: No building shall exceed (35) feet in height

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, and a clearance from a side or rear lot line will be five (5) feet. On a corner lot the accessory building will meet the required setback of the main building when abutting a public right-of-way. In the R-3 District 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.

e.

R-4 MULTI-FAMILY RESIDENTIAL DISTRICT

i. 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.

ii. Permitted Use

The following uses of property, buildings and structures are permitted:

- (1) Any use permitted in R-3 residential district, but subject to the requirements thereof.
- (2) Bed and Breakfast (as defined herein).
- (3) Modular Homes.
- (4) Multiple-family dwelling.
- (5) Private nursery, day school, kindergarten and child care centers.
- (6) Townhouses.

iii. Conditional Uses

The following uses of property, buildings and structures are permitted only with specified conditions and for a specified time period:

- (1) Any use permitted on review in R-3 Residential District, but subject to the requirements thereof.
- (2) Library.
- (3) Medical and dental activity offices.
- (4) Mobile Home Parks or Subdivisions, subject to provisions contained in Article IV, Section 5.6.
- (5) Manufactured Home Parks or Subdivisions, subject to provisions contained in Article IV, Section 5.7.
- (6) Manufactured Homes on separate lots subject to the provisions contained in Article IV, Section 5.5.
- (7) Monasteries, convents, or similar institutions of religious training.
- (8) Nursing Home.
- (9) Private clubs, fraternities, sororities and lodges, excluding those the chief activity of which is a service customarily carried on as a business.
- (10) Rooming and boarding house.
- (11) University or college .

iv. Area and Setback Regulations

Yards

front: setback a minimum of thirty (30) feet.

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

side: setback a minimum of ten (10) feet. For multifamily uses the minimum setback is ten (10) feet; however, an additional two (2) feet for each side yard shall be required for each story above the first story.

Yards for Public or Semi-Public Buildings

All public and semi-public buildings, including accessory buildings shall provide the same front yard as required for dwellings in this zone. There shall be a minimum side yard and rear yard setbacks of thirty (30) feet from any lot line.

Lot Width

Single-Family -- A minimum of fifty (50) feet at the building line.

Two-Family -- A minimum of eighty (80) feet at the building line.

Town House -- A minimum of twenty-four (24) feet at the building line.

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

Lot Area

Single-Family- A minimum of five thousand (5,000) square feet.

Two-Family- A minimum of four thousand (4,000) square feet/family per unit.

Multi-Family- A minimum of 4,000 square feet for the first ten units plus a minimum of 2,500 square feet for each additional unit

Height Regulations

Single-Family, Two Family, Zero Lot Line -- No building shall exceed thirty-five (35) feet in height.

Multi-Family -Three (3) stories or forty-five (45) feet.

Lot Coverage

Buildings including accessory buildings shall not cover more than forty (40) percent of the area of any lot except that a single-family dwelling shall not cover more than twenty-five (25) percent of the lot.

- v. Special Provisions Required for Manufactured-Homes on Separate Lots
- (1) Manufactured homes shall be set on permanent concrete foundation blocks with appropriate tie down hooks.
 - (2) Manufactured homes shall be connected to all utilities in basically the same manner as a site built residence so that all connections are sanitary, safe and do not create a nuisance.
 - (3) Manufactured homes shall be equipped with foundation skirt (either block or brick) and permanent steps fastened to the ground.
 - (4) All manufactured homes shall meet all the dimensional requirements of the district in which they are located.
 - (5) The siding and roofing must consist of materials customarily used in conventional site-built homes in the area.

- (6) The manufactured housing unit, by definition, is a structure that is no less than 32 feet in length and 24 feet in width and with a roof pitch of at least 4/12. All units shall have a pitched roof with a minimum 12-inch roof overhang on each of the dwelling's perimeter walls such that the overhang is architecturally integrated into the design of the dwelling.
- (7) The manufactured housing unit must be permanently connected to utilities and used for year-round occupancy, and it must not have wheels or axles permanently attached to its body frame.
- (8) Manufactured housing units are for use as a place of human habitation, and are prohibited for commercial or institutional use.
- (9) The lot must be landscaped to ensure compatibility with surrounding properties.

vi. Special Provisions for Manufactured Home or Mobile Home Parks

- (1) No Manufactured Home Park shall be permitted without first submitting a site plan illustrating the following information:
 - (a) Streets and drives.
 - (b) Lot layout.
 - (c) All recreational and service areas.
 - (d) Surrounding property owners with 750 feet of the site.
 - (e) All utility and drainage plans.
 - (f) A lighting plan for illumination of the park.
 - (g) Location of all ancillary facilities such as mail box area, refuse storage, and maintenance facilities.
 - (h) Any other such illustration as may be required by the planning commission.
- (2) Development Standards - No manufactured home parking shall be established except under the following standards:
 - (a) All vehicular road entrances must be approved by the City Engineer for safety access.
 - (b) Each manufactured home site shall abut a hard surfaced driveway, roadway, or street of not less than 30 feet in width, and which shall have unobstructed access to a public highway or street.

- (c) Space between manufactured homes may be used for parking of motor vehicles if the space is paved and clearly designated at least 5 feet from the nearest adjacent lot boundary.
- (3) Electrical facilities provided to each lot must meet the National Electrical Code requirements.
- (4) Parks must provide an overhead street or night light operating at night. One street light must be provided for each 5 manufactured home lot spaces, or portion thereof within the court.
- (5) In approving a Manufactured Home Park there maybe imposed such reasonable requirements as to screening and other features of the development as are deemed necessary to protect adjacent property and prevent objectionable conditions. A twenty five foot landscaped area shall be provided around the entire perimeter of a mobile home park adjacent to any residential dwelling district.
- (6) After completion of improvements and prior to opening the manufactured home park, a final plat shall be submitted in accordance with the City's Subdivision Regulations. Such plats need not be recorded in the Chancery Clerk's office, but must be approved by the Planning Commission and Mayor and Board Aldermen and filed in the plat book in the Planning Commission Office.
- (7) Each mobile home shall be provided with anchors and tie downs such as cast in place concrete "deadman" eyelets imbedded in concrete slabs, screw augers, arrowhead anchors or other devices to be used to stabilize the manufactured home .
- (8) Color and texture of the exterior materials, and roof pitches shall be compatible with adjacent single family structures.
- (9) Skirting shall be provided around the perimeter of each mobile home.
- (10) Manufactured-home parks shall not exceed a density of five (5) manufactured home units per gross acre within the manufactured home park.
- (11) A minimum of ten (10) percent of the gross land area of the manufactured (mobile) home park shall be required for recreation area.
- (12) All streets, roadways and driveways within the park shall meet the minimum construction standards recommended by the City engineer of the Planning Commission. They shall be appropriately lighted at night.
- (13) No manufactured home park shall contain less than ten (10) stands.

- (14) Skirting shall be either vinyl or baked on painted metal (fiberglass is strictly prohibited).
- (15) Recreational vehicles shall not be permitted in manufactured home parks under any condition or circumstance.

vii. Special Provisions for Manufactured Home Subdivisions

- (1) Each manufactured home subdivision shall comply with the requirements and standards of the Subdivision Regulations of the City of Kosciusko.
- (2) Minimum area for a subdivision - five (5) 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 shall be 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 is eight (8). Minimum area for individual home lots shall be 5,000 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-4 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 Kosciusko
 - (b) Provide a fifteen (15) 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.

f.

C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

i. 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.

ii. Permitted Uses

The following uses of property, buildings or structures are permitted:

- (1) Accessory buildings and uses customarily incident to the following uses.
- (2) Bakery - employing not more than five people and limited to retail sales only.
- (3) Bank.
- (4) Barber shop, beauty parlor, chiropody, shoe or similar personal service shop.
- (5) Bed and Breakfast (as defined herein).
- (6) Bicycle sales and repair.
- (7) Coin-operated laundry and dry cleaning establishments.
- (8) Custom dressmaking, millinery, tailoring, shoe repairing, repairing of household utility articles or similar trade.
- (9) Drug stores.
- (10) Florist.
- (11) Grocery stores.
- (12) Hospitals, and clinics in the confines of the structure of the hospital.
- (13) Medical and dental offices.
- (14) Offices, professional and service, including insurance, real estate, lawyers, etc.
- (15) Photographers's studio.
- (16) Restaurants (not drive-in or drive-through).
- (17) Shop for the repair of electrical and radio equipment and other similar commodities.

- (18) Specialty shop for the conduct of a retail business as limited herein; such as furniture, fabric, appliances, apparel, jewelry, etc.
- (19) The above specified stores, shops or businesses shall be retail establishments exclusively, selling merchandise and conducted wholly within an enclosed building. The total area of all stores, shops, or business shall not exceed ten thousand (10,000) square feet of floor area. No drive-in nor curb services shall be permitted.

iii. Conditional Uses

The following uses of property, buildings and structures are permitted only with specified conditions and for a specified time period:

- (1) C-1 uses with a gross floor area greater than ten thousand (10,000) square feet.

iv. 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 Area

A minimum of thirty thousand (30,000) square feet.

Lot Width

A minimum of one hundred (100) feet.

Height Regulations

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

Lot Coverage

Main and accessory buildings or structures shall not exceed thirty (30) percent of lot area.

g.

C-2 GENERAL COMMERCIAL DISTRICT

i. 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.

- ii. The following uses of buildings property, or structures are permitted:
 - (1) Any commercial, use permitted in the C-1 Neighborhood Commercial District
 - (2) Automotive parts and equipment sales. (Not a junkyard or auto graveyard).
 - (3) Blueprinting shop.
 - (4) Carpet and rug cleaning (not employing more than five (5) people.
 - (5) Catering establishment.
 - (6) Church (any newly organized or relocated churches must be on a minimum three (3) acre lot).
 - (7) Cleaners, dry or steam cleaning shop or plant employing not more than five (5) people.
 - (8) Department stores.
 - (9) Florists, provided no greenhouses are maintained on premises.
 - (10) Hardware or appliance stores.
 - (11) Hotels or motels.
 - (12) Interior decorating shop.
 - (13) Mail order stores.
 - (14) Mini-warehouses.
 - (15) Mortuary (funeral home).
 - (16) Newspaper publication.
 - (17) Paint and hobby store, including sale of carpets, wall covering and similar household items.
 - (18) Printing shop, including sale of office supplies and equipment.
 - (19) Recreational or amusement classification when conducted wholly inside an enclosed building.
 - (20) 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.

Comment [1]:

- (21) Service stations.
- (22) Shop for the repair of plumbing, radio and electric equipment, shoes, furniture and similar personal household commodities.
- (23) Sign painting shop.
- (24) Stamp redemption centers.
- (25) Theaters, auditoriums.
- (26) Train stations, bus depots and travel agencies.
- (27) Variety stores including discount stores.

iii. Conditional Uses

The following uses of property, buildings and structures are permitted only with specified conditions and for a specified time period:

- (1) Single-family residences on upper floors.
- (2) Establishments selling alcoholic beverages.

iv. 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: 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

None

Lot Area

None

Height Regulations

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

h. **C-3 HIGHWAY COMMERCIAL DISTRICT**

i. General Description

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

2. The following uses of buildings property, or structures are permitted:

- (1) Any uses permitted in C-2 Community Commercial District.

- (2) 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.
- (3) Commercial kennels, when enclosed.
- (4) Drive-in theaters, restaurants and places of amusement such as circus or carnival.
- (5) Food storage locker and ice manufacturing plant.
- (6) Laboratory, dental or medical.
- (7) Restaurants, including drive-in restaurant.
- (8) Lumber and building supplies sales and carpenter shop.
- (9) Marble and granite works sales.
- (10) New and used machinery sales and service.
- (11) New and used car dealership.
- (12) Open air sports.
- (13) Public garages.
- (14) Riding academy.
- (15) Service yard for public utilities.
- (16) Small animal clinic.
- (17) 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.
- (18) Upholstery repair.
- (19) Welding shops.
- (20) Wholesale establishments and storage.
- (21) Yard and Garden Center including nursery and greenhouses.

ii. Conditional Use

The following uses of property, buildings and structures are permitted only with specified conditions and for a specified time period:

- (1) Establishments selling alcoholic beverages.
- (2) Storage facilities under the following conditions:
 - A. The site must contain a minimum of 2 acres, but no more than 25 acres.
 - B. The minimum distance between buildings shall be 25'.

- C. One parking space for each 50 compartments must be provided.
- D. All driveways, parking, loading and vehicle circulation areas shall be paved.
- E. A minimum 6' tall fence shall be erected, the composition of which shall be wood, masonry or iron. Chainlink fencing is prohibited.
- F. Only one sign, meeting the requirements of ARTICLE VI shall be allowed.
- G. Only dead storage is allowed; no transfer and storage business is allowed.
- H. No explosives, radioactive, or other hazardous material will be stored on the premises.

Other conditions deemed necessary by the Planning Commission, including, but not limited to, lighting, screening, landscaping, architectural design, and live-in managers may be attached to the Conditional Use approval.

3. 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.

Lot Area

A minimum of ten thousand (10,000) square feet.

Height Regulations

No building or structure shall exceed forty-five (45) feet in. height.

i. C-4 PLANNED COMMERCIAL DISTRICT

i. General Description

This district is to provide for modern, attractive, and efficient retail, personal, and professional commercial facilities with access needs which demand location along major arterial roadways. Uses permitted in this district are frequently automobile- oriented, and, as such, this district is most appropriately located along or at intersections of urban arterial or collector roadways. Also, since these corridors are major entryways and focal points in the City, landscape and buffer standards are instituted to provide commercial development which is more compatible and visually pleasing with adjacent residential areas. A preliminary site plan for the development of the entire area is required, but the development may occur in stages.

ii. Permitted Uses. - No specific uses are specified for C-4 Planned Commercial Zone. The applicant for a planned commercial district shall submit a list of uses which will be permitted. The planning commission

may delete certain requested uses where it has been determined that the proposed use will not be compatible with surrounding area or will be in conflict with the general welfare of the City.

iii. Prohibited Uses: Uses specifically prohibited in the C-4 Planned Commercial District shall be as follows:

- (1) Adult entertainment.
- (2) Night clubs, bars and taverns.
- (3) Salvage yards.
- (4) Outside storage.

iv. Preliminary Site Plan Required.

The "C-4" Planned Commercial District shall be established only upon application, after public hearing as specified in the amendatory procedures of Article XII, and shall require an approved plan as provided below in order to provide for modern commercial centers of integrated design.

v. Site Plan Information. A preliminary site plan shall be prepared and submitted to the Planning Commission. The preliminary site plan shall be drawn to a scale of not less than 200 feet to the inch and shall include the following information:

- (1) Property boundary lines and dimensions, topography (5' contour intervals), location map.
- (2) Arrangement and size of buildings and the general use of the property.
- (3) Areas to be developed for parking, unloading, drives, walkways, recreation, or other uses.
- (4) A general grading and landscape plan including the location of major existing growth that is to be retained. The landscape plan shall include specific information pertaining to bufferyards and required landscaped areas.
- (5) General locations and types of utilities and easements including storm drainage as well as general details of all surfaced areas.
- (6) Estimates of traffic volumes and movements to and from the completed project from the boundary streets.

- (7) A preliminary time schedule for completion of the entire project.
- (8) A statement regarding the proposed method of operating and maintaining the project.
- (9) A statement of financial responsibility to assure construction of the planned district within the proposed time schedule.

vi. Site Development Regulations: The following minimum development standards shall be observed in the "C-4" Planned Commercial District.

Minimum site size (entire development)	1.0 acre
Minimum lot area (within development)	20,000 square feet
Minimum lot width (measured at front property line)	100 feet
Maximum floor area ratio	1.0
Maximum building height	40 feet
Off-street parking	See Article VII
Minimum Building Setbacks:	
Front yard (urban arterial)	50 feet
Front yard (collector)	50 feet
Side yard (along intervening street)	50 feet
Side yard (abutting commercial district)	25 feet
Interior side yard (within site)	15 feet*
Rear yard (abutting PUD or residentially zoned district)	60 feet
Rear yard (abutting C-4 district)	15 feet
*NOTE: Minimum distance between any two buildings within a site 50 feet	

- i. Landscaped Bufferyard Requirements. In addition to the requirements of the Preliminary Site Plan provisions, the following landscape bufferyards shall be provided in the C-4 District, provided, however, that if the provisions of the Preliminary Site Plan requirements differ from these requirements, the more restrictive requirement shall apply.

Bufferyard Width	Minimum	Minimum Landscape Requirements
Front lot line abutting a street designated "Urban Arterial" on the	20 feet	(a) 90% landscaped area*(b) one large deciduous tree for every 50 feet of lot frontage
Front lot line abutting any other public right-of-way	15 feet	(a) 90% landscaped area*(b) one large deciduous tree for every 40 feet of lot frontage
Side lot line abutting a public right-of-way	15 feet	(a) 90% landscaped area* (b) one large deciduous tree for every 40 feet of lot frontage
* NOTE: Landscaped area shall be defined as an area consisting of grass, shrubs, trees, flowers, ground cover, or other organic plant materials in the minimum percentage as noted. A sidewalk/bike path is only other permitted material within a landscaped area.		

- i. Additional Landscaping Requirements - In addition to the landscape material requirements provided in this Section, the following landscaping materials shall be required of all developments in the "C-4" district:
- (1) For lots equal to twenty thousand (20,000) square feet or less in area, a minimum of one thousand (1,000) square feet of permanently landscaped area shall be provided on a lot (exclusive of the required bufferyards).
 - (2) For lots of greater than twenty thousand (20,000) square feet in area, a minimum of five (5) percent of the lot area shall be permanently maintained landscaped area (exclusive of the required bufferyards).
 - (3) For every five hundred (500) square feet of landscaped area on a lot/site, a minimum of one medium deciduous or ornamental tree

shall be provided (exclusive of the required bufferyard landscape requirements).

- ii. Visibility Areas at Entrances/Intersections - The design and placement of the landscaping materials within the parking areas and front lot line and side lot line buffer yards will be at the discretion of the Owner, provided, however, the landscaping shall not obstruct the view between access drives and public streets. When an access drive intersects a public street, all landscaping within the areas described below shall provide unobstructed cross-visibility at a level between thirty (30) inches and seven feet above existing street grade. The sight visibility area is defined as the area formed from the intersection point of the proposed access drive and the public right-of-way for a distance of thirty-five (35) feet in all directions from said intersection point.

- iii. Traffic Access Control Standards - In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply.
 - (1) Maximum Width of Driveway Opening at Property Line: 35 feet
 - (2) Minimum Throat Length of Driveway (measured from property line to first parking aisle): 50 feet for access to "Urban Arterial," 30 feet for all other public rights-of-way.
 - (3) Location of Driveways: Driveways shall be so located that vehicles entering or leaving the establishment will not interfere with the free movement of traffic or create a hazard on the public right-of-way. Where feasible, they shall be located where there are not sharp curves and steep grades and where sight distance is adequate for safe traffic operation. Driveways should not be located within intersections, interchanges, or on highways immediately approaching them. They shall be so located that they will not interfere with the placement of signs, signals, or other devices that affect traffic operation.

b.

1-1 LIGHT INDUSTRIAL DISTRICT

i. General Description

The Light Industrial Zone is created for use in those areas of the community where it is deemed desirable to locate industry which has a minimum of noxious effects on the surrounding area and the community as a whole. Zone regulations contained herein are for use only in those areas shown on the map as Light Industrial Zones.

ii. Permitted Uses

The following uses of property, buildings or structures are permitted:

- (1) Bottling plant.
- (2) Carnivals.
- (3) Carpet and rug cleaning.
- (4) 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.
- (5) Dairy products plant.
- (6) Electro plating.
- (7) Experimental laboratory.
- (8) Furniture manufacturing.
- (9) Galvanizing, small utensils, etc.
- (10) Garment factory.
- (11) Gasoline distribution center or bulk plant.

- (12) Ice plants, or storage houses.
- (13) Junkyards.
- (14) Landing fields for aircraft.
- (15) Lumber yard, provided that the yard is enclosed by a concealing fence not less than six (6) feet in height.
- (16) Meat processing (no slaughtering).
- (17) Offices.
- (18) Railroad facility.
- (19) Repair, rental, and the servicing of any commodity, the manufacture, fabrication, processing, warehousing, or sale of which is permitted in the zone.
- (20) Restaurants.
- (21) Retail sale of any commodity manufactured, processed, fabricated or warehoused only on the premises; and equipment, supplies and materials designed especially for use in agriculture, mining, industry, business, transportation, building and other construction.
- (22) Small appliance manufacturing.
- (23) Steam power plant.
- (24) Wholesale establishment and storage.
- (25) Radio and television towers, antennas, earth stations or wireless communication facilities which are co-located on existing facilities or do not exceed 35'. The erection of radio and television towers, earth stations, or wireless communication facilities or other types of antenna towers shall abide by the regulations set forth herein.

iii. The following uses of property, buildings and structures are permitted only with specified conditions and for a specified time period:

- (1) Radio and television towers, antennas, earth stations or wireless communication facilities which are not co-located on existing facilities or exceed 35'. The erection of radio and television towers, earth stations, or wireless communication facilities or other types of antenna towers shall abide by the regulations set forth herein.
- (2) Storage facilities under the following conditions:
 - A. The site must contain a minimum of 2 acres, but no more than 25 acres.

- B. The minimum distance between buildings shall be 25'.
- C. One parking space for each 50 compartments must be provided.
- D. All driveways, parking, loading and vehicle circulation areas shall be paved.
- E. A minimum 6' tall fence shall be erected, the composition of which shall be wood, masonry or iron. Chain link fencing is prohibited.
- F. Only one sign, meeting the requirements of Article VI shall be allowed.
- G. Only dead storage is allowed; no transfer and storage business is allowed.
- H. No explosives, radioactive, or other hazardous material will be stored on the premises.

Other conditions deemed necessary by the Planning Commission, including, but not limited to, lighting, screening, landscaping, architectural design, and live-in managers may be attached to the Conditional Use approval

iv. Area and Setback Regulations

Building Height

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

Minimum Lot Area and Lot Width

A minimum lot size of one (1) acre or 43,560 square feet shall be required for any light industrial use. No requirements shall be established as to minimum lot width.

Percentage of Lot Coverage

Buildings, including accessory buildings, shall not cover more than fifty (50) percent of the area of any lot.

Yards Required

Front: The front yard building setback line shall be a minimum of fifty (50) feet from any existing or proposed right-of-way line of any street or road as shown on the Kosciusko Major Thoroughfares Plan.

Rear: There shall be a minimum rear yard as measured from the rear property line to the nearest building of fifty (50) feet. Such space shall not be occupied by any building or accessory use. Where said use abuts any residential zone there shall be a rear yard of at least seventy-five (75) feet as measured from the rear property line to the nearest building. Such space shall remain open and unoccupied by any building or accessory use.

Side: There shall be a minimum side yard on each side of any building or structure of twenty five (25) feet measured from the side lot line to the nearest building or structure. Where said use abuts any residential zone there shall be a side yard clearance on the side abutting the residential zone of seventy-five (75) feet. Such space shall remain open and unoccupied by any building or accessory building or use.

v. Off-Street Parking and Loading

See Article VII pertaining to off-street parking and loading.

vi. Performance Standards

See Article V, Section 4 on industrial performance standards.

c.

I-2 HEAVY INDUSTRIAL DISTRICT

i. General Description

The Heavy Industrial Zone is created for use in those areas of the community where it is deemed desirable to locate the following types of industry which normally require larger land area, create greater traffic volumes, and other conditions which are incompatible with other types of uses. Zone regulations contained herein are for use only in those areas designated on the Official Zoning Map as Heavy Industrial.

ii. Permitted Uses

The following uses of property, buildings or structures are permitted

- (1) Animal hospital.
- (2) Any use permitted in the I-I Light Industrial District.
- (3) Manufacturing, fabrication, and/or processing of any commodity.
- (4) Retail sale of any commodity manufactured, fabricated, or processed on the premises or of any commodity designed especially for use in agriculture, mining, industry, business, transportation, or construction.
- (5) Wholesale sale or storage of any article.

iii. Conditional Uses

The following uses of property, buildings and structures are permitted only with specified conditions and for a specified time period:

- (1) Radio and television towers, antennas, earth stations or wireless communication facilities which are not co-located on existing facilities or exceed 35'. Radio and television towers, earth stations, or wireless communication facilities or other types of antenna towers shall abide by the regulations set forth herein.

4. Area and Setback Regulations

Building Height

No height requirement.

Minimum Lot Area and Lot Width

A minimum lot area of one (1) acre or 43,560 square feet shall be required for any heavy industrial use. There are no lot width requirements for heavy industrial uses as long as the required setbacks and yard requirements are provided.

Percentage of Lot Coverage

Buildings, including accessory buildings, shall not cover more than Seventy-five (75%) percent of the area of any lot.

Yards Required

Front: The front yard building setback line for all buildings shall be a minimum of one hundred (100) feet from any existing or proposed right-of-way line of any street or road as shown on the Kosciusko Major Thoroughfares Plan.

Side: There shall be a minimum side yard on each side of any building or structure of twenty five (25) feet measured from the side lot line to the nearest building or structure. Where said use abuts any residential zone there shall be a side yard clearance on the side abutting the residential zone of one hundred and fifty (150) feet. Such space shall remain open, and unoccupied by any building or accessory use.

- iv. Off-Street Parking and Loading
See Article VII pertaining to off-street parking and loading.
- v. Performance Standards
See Article V, Section 4 on industrial performance standards.

d.

F-1 FLOOD PLAIN DISTRICT

i. 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.

ii. Uses Permitted

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

- (1) Any use permitted in the underlying zone as long as it conforms to the current Flood Plain Management Ordinance and any subsequent amendments thereto.
- (2) Golf course.
- (3) Public recreation.
- (4) The growing of agricultural crops and nursery stock and gardening.

iii. 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.

e.

THE "PUD" PLANNED UNIT DEVELOPMENT DISTRICT

1. General Description

The purpose of the Planned Unit Development District is to provide for the development of planned total communities that provide a full range of residential types as well as certain commercial, office or light industrial uses designed to serve the inhabitants of the districts consistent with the Comprehensive Plan. For purposes of this ordinance a Planned Unit Development shall be a tract of land at least 4 acres in area, under single, corporation, firm, partnership or association ownership, planned and developed as an integrated unit, in a single development operation or a programmed series of development operations and according to an approved Preliminary Site Plan.

2. Preliminary Site Plan Required - The "PUD" District shall be established only upon application, after public hearing as specified in the amendatory procedures of Article XVIII and shall require an approved Preliminary Site Plan which when zoning is granted will govern the development of the land and all development plans thereof.

3. Minimum District Area - The minimum area for a "PUD" District shall be 4 acres.

4. Permitted Uses - A list of permitted uses within each Planned Unit Development must be submitted with the application for establishment of the District and the preliminary site plan and must be approved by the Planning Commission and Governing Authority upon application by the owner of the property.

5. Procedures – An application for rezoning to "PUD" District shall be accompanied by a Preliminary Site Plan and text presenting the following information:

- a. Proposed land uses and population densities,
- B... Proposed primary circulation pattern,
- c. Proposed parks and playgrounds,
- d. Delineation of the units or phases to be constructed together with a proposed timetable,
- e. Proposed means of dedication of common open space areas and organizational arrangements for the ownership, maintenance and preservation of common open space, and
- f. Relation to the City's Comprehensive Plan, land uses in the surrounding area and to the general plan of the PUD.

Rezoning procedures shall be in accordance with this ordinance. Following the initial rezoning procedure, the proposed development shall follow all applicable procedures and requirements governing the subdivision of land. No building permit shall be issued until a final plat of the proposed development, or portion thereof, is approved, filed and recorded. No building designed or intended to be used, in whole or in part, for commercial purposes shall be constructed prior to the construction of less than 25% of the dwelling units proposed in the plan, or construction of 100 dwelling units, whichever is smaller. If construction of the "PUD" District is not started within two years of the date of approval, the Mayor and Board Aldermen may consider rezoning the site to its previous classification.

The applicant, by showing good cause why he cannot adhere to the proposed timetable described in 4. d., may seek an extension of not more than one (1) year at a time. A request for extension shall be submitted in writing to the Planning Commission.

6. Review Standards: The site plan must provide for and conform entirely to the following standards and requirements:

a. In order to encourage ingenuity, imagination, and high quality design, regulations for residential areas will not specify minimum lot area per dwelling unit but will limit density in residential areas to 5 families per acre in single family dwellings or 20 families per acre in multifamily dwellings. This will allow clustering of dwellings to provide maximum open space.

B. Street widths and improvements thereto, as well as off street parking facilities must conform to City standards.

- (1) Provisions for water supply, sanitary sewers, storm water drainage, and connections shall be made to the satisfaction and requirements of the City and the appropriate State authority.
- (2) All improvements are to be installed and maintained by the developer unless other arrangements approved by the City are made.
- (3) The City may require other special improvements as they are required if they are deemed reasonable and essential, and may require that appropriate deed restrictions to be filed enforceable by the City for 20 years.
- (4) A minimum total area of 10% of the gross residential area shall be set aside as parks and playgrounds. Of this 10%, a maximum of one half may be covered with water. A maximum of 5% of the area

designated to be parks and playgrounds may be covered with structures to be used in the recreational use of the area. Parks and playgrounds must be suitably improved for their intended use but parks and playgrounds containing natural features clearly worthy of preservation may be left unimproved.

- (5) The developer shall also submit sketches of the plat for the entire project showing the relationship of uses, street patterns, open space and the general character of the proposed development, including a schematic drawing illustrating a typical segment of the development.

2. **ADDITIONAL DISTRICT PROVISIONS**

a. **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.

b. **OPEN SPACE**

1. 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.
2. 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.
3. 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.
4. 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.
5. No dwelling unit shall be erected on a lot which does not abut or have direct access to a public street.
6. 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.

7. 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.

c. **HEIGHT**

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

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

d. **HOME OCCUPATIONS**

Home occupations are permitted as a conditional use in residential areas under the following conditions:

- i. No person other than members of the family residing on the premises shall be engaged in such occupation.
- ii. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- iii. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the principal building.
- iv. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, **and any need for** parking generated by the conduct of such home occupation shall be met off street and other than in a required front yard.

- v. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- vi. No wholesale or retail establishment shall be permitted unless it is conducted entirely by mail or telephone and does not involve the receipt, sale, shipment, delivery or storage of merchandise on or from the premises, provided, however, that articles produced by members of the immediate family residing on the premises may be stored upon the premises.
- vii. There shall be no storage outside a principal building or accessory structure of equipment or materials used in the home occupation.
- viii. The home occupation shall be conducted entirely within the principal residential building or in a private garage accessory thereto.
- ix. There shall be no group instruction in connection with the home occupation.

e.

INDUSTRIAL PERFORMANCE STANDARDS

Performance standards are being introduced in increasing numbers of zoning ordinances and resolutions throughout the country in an attempt to indicate explicitly what is meant by an "objectionable use".

- i. Application of Performance Standards
 - (1) Any use established or changed to, and any building, structure, or land developed, constructed, or used for any permitted principal use, or any use permissible as a special exception, or any accessory use, shall comply with all of the performance standards herein set forth for the zone involved
 - (2) If any existing use or building or other structure is extended, enlarged, or reconstructed, the performance standards for the zone involved shall apply with respect to such extended, enlarged or reconstructed portion or portions of such use, building, or other structure.

ii. Administration and Enforcement of Performance Standards

(1) Intent Concerning Determinations Involved in Administration and Enforcement Standards.

Determinations necessary for administration and enforcement of performance standards set forth herein range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this Ordinance that:

- (a) Where determinations can be made by the administrative official using equipment normally available to the City or obtainable without extraordinary expense, such determinations shall be so made before notice of violation is issued
- (b) Where technical complexity or extraordinary expense makes it unreasonable for the City to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections of apparent violations of performance standards, for protecting individuals from arbitrary, capricious and unreasonable administration and enforcement of performance standard regulations, and for protecting the general public from unnecessary costs for administration and enforcement
- (c) If the administrative official finds, after making determinations in the manner set forth in this Ordinance that there is violation of performance standards relating to emission of smoke, fire and explosive hazards where flash point of flammable materials is known, humidity, heat, glare, or electromagnetic interference, he shall take or cause to be taken lawful action to cause correction to within the limits set by such performance standards. Failure to obey lawful orders concerning such correction shall be punishable as provided in Article XII.

(2) Duties of Administrative Official

If, in the considered judgment of the administrative official, there is probable violation of the performance standards as set forth, concerning emission of particulate matter, vibration, noise, fire and explosive hazards where flash point of flammable materials is not known, toxic or noxious matter, odorous matter, or radiation hazards, the following procedures shall be followed

- (a) The administrative official shall give written notice, by registered mail or other means insuring receipt for such notice, to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the administrative official believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the administrative official within a time limit set by the administrative official. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the administrative official within the time limit set constitutes admission of violation of the terms of this Ordinance.

The notice shall further state that upon request of those to whom it is directed, technical determinations as described in this Ordinance will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the determination will be paid by the City.

- (i) If there is no reply within the time limit set, but the alleged violation is corrected to the satisfaction of the administrative official, he shall note "violation corrected" on his copy of the notice, and shall retain it among his official records, taking such other action as may be warranted
- (ii) If there is no reply within the time limit set, and the alleged violation is not corrected to the satisfaction of the administrative official within the time limit set he shall proceed to take or cause to be taken such action as is warranted by continuation of a violation after notice to cease
- (iii) If a reply is received within the time limit set indicating that the alleged violation will be corrected to the satisfaction of the administrative official, but requesting additional time, the administrative official may grant an extension if he deems it warranted in the circumstances of the case

and if the extension will not, in his opinion, cause imminent peril to life, health or property

- (iv) If reply is received within the time limit set requesting technical determination as provided in this Ordinance, and if the alleged violations continue, the administrative official may call in properly qualified experts to make the determinations. If expert findings indicate violation of the performance standards, the costs of the determinations shall be assessed against the properties or persons responsible for the violation, in addition to such other penalties as may be appropriate under the terms of Article XII, Section 2.

If no violation is found, the costs of the determinations shall be paid by the City without assessment against the properties or persons involved.

(3) Performance Standards

- (a) Noise. Every industrial use shall be so operated that the volume of sound inherently and recurrently generated does not exceed sixty (60) decibels in the light industrial zone and seventy-five (75) decibels in the heavy industrial zone at any point on any boundary line of the lot in the respective zone in which the use is located
- (b) Vibration. In both the light industrial and heavy industrial zones every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments at any point of any boundary line of the lot on which the use is located.
- (c) Smoke, Dust, Lint and other Particulate Matter
 - (i) Smoke - In both the light industrial and heavy industrial zones no smoke shall be permitted of a density greater than No. 1 according to the Ringlemann's Scale, except that smoke of a density not in excess of No. 2 of the Ringlemann's Scale will be permitted for a period not in excess of six minutes in any hour
 - (ii) Dust. In the light industrial zone all walks, driveways, and parking areas shall be dust proofed.

No dust of any kind produced by the industrial operations shall be permitted to escape beyond the confines of the building in which it is produced

- (iii) Lint and other Particulate Matter - In both the light industrial and heavy industrial zones no materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces.
- (iv) Fly Ash. The emission of particles from any flue or smokestack shall not exceed 0.2 grains per cubic foot of flue gas at a stack temperature of 500 degrees Fahrenheit
- (v) Noxious Gases and Fumes. The emission of gases or fumes injurious to persons or property beyond the lot occupied by the use is prohibited
- (vi) Odor. The emission of noxious odors of any kind beyond the lot lines shall not be permitted. Tanneries, abattoirs, glue factories, oil refineries, soap factories, artificial gas manufacture, and similar industries must present detailed plans for elimination of noxious odors before a building permit will be granted
- (vii) Fire Hazards and Safety. The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with State Regulations and the regulations contained in the City's Building Code
- (viii) Glare and Heat. In the light industrial and heavy industrial zones any operation producing intense glare or heat shall be performed within completely enclosed buildings in such manner as not to create a public nuisance or hazard along lot lines. Exposed sources of light shall be shielded so as not to create a nuisance across lot lines.

f. **BUFFER AREA**

A buffer area, as defined herein, is required when no compatible districts abut. This area is included in the setback requirements as referenced in the individual district regulations (Article IV). Specific buffers for abutting districts are as follows:

Use District	Abutting District	Width of Buffer
R-4	A-I, R-1, R-2, or R-3	15 feet
C-1,	A-I, R-1, R-2, R-3 or R-4	15 feet
C-2, C-3	All agricultural or residential	20 feet
1-1, 1-2	All agricultural, residential, or C-1	25 feet

1. **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.

a. **GENERAL REQUIREMENTS AND LIMITATIONS**

1. Business (on-premise) Sign Requirements
 - (a) 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.
 - (b) 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
 - (c) The height limitation of the business signs shall be eight (8) feet to the top of the sign and the sign shall be ground mounted.
 - (d) 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) , or an industrial zone (1-1 and 1-2) .
 - (e) Shopping Centers or multiple commercial buildings on the same premises are considered as one business in this section. Each business in the shopping area may be identified on the business sign.

2. Outdoor Advertising Sign (off-premise sign, billboard) Requirements.
 - (f) Outdoor advertising signs and business signs of a permanent nature shall be classified as a business use and shall be permitted in the C-3 commercial district and I-I and 1-2 industrial districts as specified herein.
 - (g) 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.

- (h) 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.
- (i) Outdoor advertising signs shall not exceed 300 square feet in sign area.
- (j) All outdoor advertising signs shall be erected 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.

(2) Limitations

- (a) 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.
- (b) Signs with flashing or blinking lights shall be restricted to 75 watt bulb capacity, and red, amber or blue flashing lights are prohibited.
- (c) 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.
- (d) 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.
- (e) 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.

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

b.

PERMITTED AND EXEMPTED SIGNS

1. 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.
2. Temporary poster signs erected behind glass windows or temporary signs painted on glass windows.
3. 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.
4. Signs painted on, or attached to, trucks or other vehicles for identification purposes, but not used for advertising purposes
5. 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.
6. 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.
7. Residential 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.
8. Flags and insignia of any government except when displayed in connection with commercial promotion.
9. Legal notice or identification, information or directional signs erected or required by governmental bodies.

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

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

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

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

14. 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.

c. **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 therefore, 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 therefore by the appropriate City authority shall be subject to removal by the City after ten (10) days notice by registered letter or otherwise to the owner of the sign where the owner can be identified. In the event the owner cannot be identified, the sign shall be subject to immediate removal by the City.

d. **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.

e. **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.

1. Permit Fees

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

Permit No, _____

SIGN PERMIT CITY OF KOSCIUSKO, 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

2. **OFF-STREET AUTOMOBILE AND VEHICLE PARKING AND
LOADING AREAS INCLUDING LANDSCAPING**

a. **GENERAL INTENT AND APPLICATION**

It is the intent of these requirements that adequate offstreet 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.

b. **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.

c. **VEHICLE PARKING AREA SURFACES**

1. Vehicle parking areas that include lanes for drive-in windows or contain parking areas that are required to have off street parking spaces shall be graded and surfaced with asphalt, concrete or other material that will provide all weather surface.

2. Vehicle parking areas that are not provided with the type of surface specified in subsection (1) shall be graded and surfaced with crushed stone, gravel, or other suitable material to provide a surface that is stable and will help to reduce dust and erosion. The perimeter of such parking areas shall be defined by bricks, stones, railroad ties, or other similar devices. In addition, whenever such a vehicle parking area abuts a paved street, the driveway leading from such street to such area (or, if there is no driveway, the portion of the vehicle parking area that opens onto such streets), shall be paved as provided in subsection (1) for a distance of twenty-five (25) feet back from the edge of the paved street. This subsection shall not apply to single-family or two-family residences or other uses that are required to have only one or two parking spaces.

3. Parking spaces in areas surfaced in accordance with subsection (1) shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced in accordance with subsection (2) shall be demarcated whenever practicable.

4. Vehicle parking areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, vehicle parking area surfaces shall be kept in good condition (free from potholes, and hazards) and parking space lines or markings shall be kept clearly visible and distinct.

d.

LANDSCAPING OF PARKING AREAS

Landscaping is used in parking areas to reduce heat radiated from paving, improve auto circulation and safety, and to screen parked automobiles from public view. Vehicle parking areas shall be landscaped to the following standards:

1. Methods: All landscaping shall be installed in conformance with ANSI Z60.1, the "American Standard for Nursery Stock," and the accepted standards of the American Association of Nurserymen. Soil free of lime rock, pebbles, or other construction debris shall be provided.

2. Consistency: A consistent landscape treatment along public streets enhances the appearance of the public domain, and provides an attractive, unified setting for variations among individual developments. Landscaped areas should dominate the frontage of any site where entries are the only interruption. Although the type and nature of the landscaping between individual properties may vary, the design and depth of landscape areas shall be consistent as they transition from one property to another.

3. Perimeter Landscaping – A minimum of one (1) large, deciduous shade tree for every thirty-five (35) lineal feet of street frontage, or portion thereof, shall be planted upon the subject property within the area five (5) feet behind the street right-of-way line up to said street right-of-way line. Said trees may be clustered or arranged within the setback, and need not be placed at a uniform thirty-five (35) foot interval. To provide a more immediate effect and to off-set the larger scale of structures, street trees shall be three (3) to three and one-half (3½) inch caliper in size as measured six (6) inches above the ground.

4. Interior Landscaping

(a) There shall be a minimum of twenty (20) square feet of interior landscaped area provided within the parking area for each parking space. The landscaping shall be in one or more areas so as to minimize and reduce the apparent size of the parking area

(b) Parking areas shall be organized as a series of small parking bays with landscape islands separating them. A landscape island shall be placed for each one hundred (100) lineal feet of parking, as follows

(i) Single Loaded Parking Rows -- A raised island, not less than six (6) inches in height, five (5) feet wide by twenty (20) feet in length shall be located at both ends of every single loaded parking row and for every one hundred (100) lineal feet of parking. The island shall contain a minimum of one (1) medium

deciduous shade tree, two (2) to two and one-half (2½) inches in caliper, as measured six (6) inches above the ground, and low shrubs at least eighteen (18) inches high.

- (ii) Double Loaded Parking Rows -- A raised island, not less than six (6) inches in height, five (5) feet wide by forty (40) feet in length shall be located at both ends of every double loaded parking row and for every one hundred (100) lineal feet of parking. The island shall contain a minimum of two (2) medium deciduous shade trees, two (2) to two and one-half (2½) inches in caliper, as measured six (6) inches above the ground, and low shrubs.
- (iii) Trees planted for the purpose of complying with the perimeter landscaping requirements shall not be double counted for compliance with the interior landscaping requirements.
- (iv) Ground Cover -- Areas adjacent to streets and pedestrian walkways, as well as interior landscape areas, shall be treated with grass and/or other types of vegetative ground cover. Such areas shall be sod or established lawn prior to building occupancy.
- (v) Irrigation -- In order to present a healthy, neat and orderly appearance, landscaped areas shall be provided with adequate irrigation for the maintenance of grass, shrubs, and trees by utilizing a sprinkler system or hose bibs.

(2) Maintenance of Existing Trees

- (a) Whenever possible, healthy existing trees should be retained, as they are an amenity that increases the value of property and requires many years to replace. The Site Plan must identify all existing trees eight (8) inches in caliper, as measured three feet above the ground, or larger, as well as which such trees shall be retained and which such trees shall be removed. The applicant must submit a justification for any such trees proposed for removal.
- (b) Existing Tree Credit -- For every existing tree eight (8) inches in caliper, maintained as a part of the proposed development, the applicant shall receive a credit on a 1:1 basis against the tree requirement of either the perimeter or interior landscaping standards, dependant upon the location

of the existing tree(s) on the site. (The maintenance of existing trees shall only be considered a credit against the perimeter street tree requirement if the existing tree(s) to be maintained lie within the subject site, but also within reasonable proximity to the street right-of-way line)

- (3) Continuing Maintenance of Overall Landscape Plan -- The trees, shrubs, and other landscaping materials depicted upon the Site Plan approved by the Building Inspector shall be considered as elements of the project in the same manner as parking, building, materials, and other details. The applicant, his successors, assigns, and/or subsequent owners and their agents shall be responsible for the continued maintenance of all landscaping materials. All landscaping shall be permanently maintained in good condition with at least the same quality and quantity of landscaping as initially approved. Plant material which exhibits evidence of insects, disease, and/or damage shall be appropriately treated. Dead plants shall be removed and replaced within thirty (30) days following notification by the City.
- (4) Maintenance or Replacement of Existing Trees Encouraged – a site plan should strive to maintain each existing tree eight (8) inches in caliper or greater. Where this is not practical, and in those instances where existing trees are removed, trees should be replaced upon the site by a tree of the same caliper or in an appropriate multiple; i.e., if an 8” caliper tree is removed, and then replaced by two 4” caliper trees or four 2” caliper trees.
- (5) In each case, whether maintaining or replacing existing trees, such trees shall be in addition to the other landscaping requirements of this Ordinance, and shall not be double-counted.

e.

CALCULATION OF SPACES

- i. 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

- ii. 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
- iii. 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.

f. **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:

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.
Bus terminals:	5 parking spaces for each loading or unloading bay.
Business colleges and trade schools	1 parking space for each 2 student seats at maximum enrollment.
Churches:	1 parking space for each five seats in the main auditorium.
Drive-in eating establishment:	Minimum of 10 parking spaces, plus 1 space for each 4 seats of total capacity.
Drive-in retail business:	Minimum of 10 parking spaces, plus 1 space for each 100 square feet of retail floor area.
Dwellings: Multi-family dwellings: Single-family dwellings:	2 parking spaces for each dwelling unit. 2 parking spaces for each dwelling unit.
Eating establishments and taverns:	1 ½ parking spaces for each 100 square feet of gross floor area.
Funeral homes:	1 parking space for each 3 seats in parlors and chapels.
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.
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.

Hotels, motels, tourist courts, tourist homes, and rooming houses:	1 parking space for each guest or suite, or sleeping room exclusive of restaurant requirements plus 1 space for each 3 employees.
Industrial and manufacturing establishments:	1 parking space for each 400 square feet of gross floor area or per 4 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.
Medical and dental clinics:	1 parking space for each 200 square feet of gross floor area plus 1 space for each 3 employees and 1 space for each doctor.
Mobile Homes:	2 parking spaces for each dwelling unit.
Office and professional buildings:	1 parking space for each 300 square feet of office space.
Other uses:	Parking requirements for uses other than those stated in this section shall be determined by the similar uses and the Building Official.
Personal service establishments and repair shops:	1 parking space for each 100 square feet of gross floor area.
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.
Retail sales stores:	1 parking space for each 250 square feet of retail floor space.
Sanatorium, nursing homes, convalescent homes, orphanages:	1 parking space for each 8 beds plus 1 space for each 2 employees or staff members.
Schools: Elementary: Secondary:	1 ½ parking spaces for each classroom. 10 parking spaces for each classroom.

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.
Warehouses:	1 parking space for each 4 employees based on maximum employment and 1 space for each vehicle to be stored or stopped simultaneously.

a. **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.

b. **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.

4. Any vehicle parking space in a commercial or industrial zone shall be used for parking only. Any other use of such space, including repair work or servicing of any kind other than in an emergency, or the requirement of any payment for the use of such space, shall be deemed to constitute a separate commercial use in violation of the provisions of this Ordinance.

5. No building or structure of any kind shall be erected in any off-street parking space except a parking garage containing parking spaces equal to the requirements of this Ordinance

6. No signs shall be displayed in any such vehicle standing space except signs to direct the orderly use of such space.

7. The design of all off-street parking facilities and means of access thereto, shall be subject to the approval of the City Planning Commission.

c. **ENTRANCES, EXITS AND DRIVEWAYS**

1. Parking lots or areas adjacent to public streets, shall have driveways or openings not to exceed twenty-five (25) feet in width at the curb line. All such lots or areas shall have a protective wall or bumper block at least five (5) feet from any sidewalk line and said lots shall be so

designed that all vehicles leaving the facility will be traveling forward to approaching traffic.

2. No driveway or curb cuts shall exceed twenty-five (25) feet in width. Detailed plans shall be submitted for approval of all curb cuts or driveway openings in commercial and industrial zones before a building permit may be obtained therefor.

3. Entrances, exits or driveways shall not be computed as part of a required parking lot or area.

d. **LOCATION OF PARKING FACILITIES**

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 three hundred (300) feet of the building intended to be served. An industry which employs five hundred (500) or more employees may supply off-street parking at a distance greater than three hundred (300) feet from such industry upon approval of the City Planning Commission.

2.

ACCESSORY BUILDINGS AND USES

Accessory buildings and uses are permitted when in accordance with the following:

- i. Accessory uses for residential properties shall be limited to:
 - (1) Private garages and storage buildings
 - (2) Vegetable and flower gardens, and fruit and nut trees, for use by members of the family residing on the premises and not for commercial purposes and located in side and rear yards
 - (3) Raising and keeping of small animals and fowl, but not on a commercial basis or on a scale creating objectionable conditions noticeable from neighboring property.
 - (4) Tennis Courts, swimming pools, garden houses, pergolas, ornamental gates, barbecue ovens, fireplaces, and similar uses customarily accessory to residential uses.
 - (5) Fences, walls, and hedges under the following conditions:
 - (a) In residential districts in a yard that adjoins a public street, fences, walls and hedges may not exceed 4 feet in height except in a designated rear yard on a double frontage lot
 - (b) In Commercial Zones, fences in yards adjoining streets are not allowed except for patio enclosures for restaurants
 - (c) In Agricultural and Industrial Zones there are no restrictions on fences.
 - (6) Disk, video earth television receiving stations are permitted in all districts.
- ii. Accessory Buildings shall be governed by the following conditions:
 - (1) In non residential zones there may be storage buildings not exceeding 20% of the floor area of the primary structure on the premises provided that such storage building is located in the rear yard.
 - (2) Temporary buildings for construction purposes are permitted in any district as accessory buildings during the time of construction. Permits shall be issued for not over one year and subject to annual renewal.

- (3) Accessory or temporary buildings shall not be used for dwelling purposes or be accessible to the general public.
- (4) Accessory buildings not exceeding 20 feet in height may be located in a rear yard but may not exceed 25 percent of the floor area of the principal structure nor occupy more than 20 percent of a rear yard.
- (5) Any accessory building closer than 10 feet to a main building shall be considered as a part of the main building and shall be provided with the side and rear yards required for the main buildings and be subject to the building code.
- (6) An accessory building more than 10 feet from the main building may not be erected within five feet of a side lot line, or ten feet of a rear lot line, but must be located at least 50 feet from any street right-of-way except in the designated rear yard of a double frontage lot.
- (7) The use of a mobile home, manufactured home, truck trailer, shipping container, or other structure or receptacle not constructed specifically for the purpose of serving as an accessory building to a residential structure shall be prohibited.

3. NONCONFORMING BUILDINGS, STRUCTURES AND USES OF LAND

a. NONCONFORMING BUILDINGS AND STRUCTURES

A legal 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.

- i. 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.
- ii. 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.
- iii. Building Vacancy - A nonconforming building, structure or portion thereof, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.
- iv. Non-Conforming Structure - Any nonconforming structure damaged by fire or other calamity may be repaired or rebuilt only for its preexisting use, provided such repairing and rebuilding is substantially completed within twelve (12) months after such calamity, subject to one twelve (12) month's extension granted by the Mayor and Board of Aldermen for good cause.
- v. 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.

b. 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.

4. **PLANNING COMMISSION DESIGNATION AND RESPONSIBILITIES**

a. **DESIGNATION OF PLANNING COMMISSION**

The Kosciusko Planning Commission has been created by the Mayor and Board of Aldermen as an advisory committee to the City of Kosciusko 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 Kosciusko. The Kosciusko 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 Official will serve as a non voting ex-officio member.

b. **RESPONSIBILITIES**

The Kosciusko Planning Commission shall have the following responsibilities:

- i. Prepare a comprehensive plan for the future development of the City of Kosciusko, 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.
- ii. Make recommendations in connection with the execution and detailed interpretation of the Kosciusko Comprehensive Plan, and make such changes and adjustments in the Plan as may be deemed desirable from time to time.
- iii. 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 City
- iv. Make recommendations regarding the approval and disapproval of preliminary plats and final plats for land subdivision. Such plats shall be referred to the Kosciusko Planning Commission before the Mayor and Board of Aldermen takes any action.
- v. Powers Relative to Variances: Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional

situation or condition of a specific piece of property, which condition is not generally prevalent in the area, the strict application of these regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship on the owner of such property, the Planning Commission is hereby empowered to authorize upon an appeal relating to such property a variance from such strict application so as to relieve such difficulties or hardship, but may establish such requirements relative to such property as would carry out the purpose and intent of these regulations.

- vi. Powers Relative to Exceptions: Upon appeal, the Planning Commission is hereby empowered to permit the following exceptions
 - (1) To permit the extension of a district not to exceed one hundred (100) feet where the boundary lines of a district divides a lot in single ownership as shown of record
 - (2) To interpret the provisions of these regulations where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts which map is attached to and made a part of these regulations.
- vii. Recommend from time to time legislation which may be desirable to further the purposes of City planning.
- viii. Implement the statement of purpose, objectives of the Comprehensive Plan and continuous planning process as it relates to the Zoning Ordinance and other City codes, ordinances and policies.
- ix. Hear and make recommendations regarding variances form the terms of this Ordinance. A variance from the terms of this Ordinance shall not be granted by the Planning Commission unless and until:
 - (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 district
 - (b) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district 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 district.

No non-conforming use of neighboring lands structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

5. **SITE PLAN REVIEW COMMITTEE DESIGNATION AND RESPONSIBILITIES**

a. COMMITTEE ESTABLISHED

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 extent 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:

- i. Pre-application development layout review, provided sufficient data to permit a responsible evaluation is submitted.
- ii. Official zoning map amendments as they impact on delivery of City services.
- iii. Land subdivision to complete recommendation of the preliminary plat.
- iv. Variance review and recommendation to the Planning Commission.. The Site Plan Review Committee cannot grant or deny variances.
- v. 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.
- vi. Recommend from time to time legislation which may be desirable to further the purposes of City planning.
- vii. 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.
- viii. The issuance of non single family residential building permits.

b. SITE PLAN REVIEW COMMITTEE COMPOSITION

The Site Plan Review Committee shall be chaired by the Mayor or his designated representative and shall consist of the following members or designated representative from the following City departments or divisions:

1. City Engineer
2. Fire Chief
3. Zoning Administrator
4. Police Chief
5. Public Works Superintendent

6. Building Official
7. Planning Commission Chair

c. **EFFECT OF SITE PLAN COMMITTEE ACTION**

The study and recommendation by the Site Plan Review Committee shall be presented to the appropriate Board or Commission for final approval except in the case of the issuance of non single family building permits, in which case the recommendations of the committee shall be final unless appealed to the Planning Commission.

- d. **DESIGN STANDARDS** - The following design standards shall apply to all non single family development projects as a minimum.
- i. General Architectural Guidelines - The City of Kosciusko strongly encourages interesting, articulated and high quality structures. Long or continuous wall planes should be avoided. Buildings should exhibit detail and elements appropriate for pedestrian view
 - ii. Lighting - Illumination shall be appropriate to site activities and site location. The minimum amount of illumination necessary for safety should be used. Exterior lighting of the building and site is to be designed so that light is not directed off the site and the light source is fully shielded from direct off-site viewing. In parking facilities, full cutoff lights are required. Commercial buildings are not to be flood-lit at night
 - (1) Exterior light sources may not be exposed and must be shielded from view, down cast and parallel with the ground.
 - (2) Exterior lighting is to be architecturally integrated with the building style, material and colors
 - (3) Lighting installed in or upon any non-single family building canopy shall be recessed into the canopy and lens shall be flush with the surface of that canopy
 - (4) Light poles shall not be higher than 25'
 - (5) Use of low, bollard-type lighting and landscape accent lighting is encouraged.
 - (6) Raised light pole bases are to be attractively designed and detailed to be compatible with the overall project
 - (7) All exterior lighting must be listed by the developer on site plans, including a detailed lighting plan that includes the type, number, brightness, and type of cutoff/shielding for all fixtures.

- iii. Utilities- All on-site utilities shall be installed underground. Surface transformer switching pads shall be located and screened to be unobtrusive.
- iv. Screening -
 - (1) Nuisance Screening -To reinforce the natural environment and a consistent streetscape, service and utility functions shall be screened from public view
 - (2) Chain link fencing, including chain link fencing with slats or any other type of insert, is prohibited
 - (3) In highly visible public areas where fencing is needed, decorative fencing is required. Decorative fencing is defined as black wrought iron fencing or masonry fencing, or a combination thereof
 - (4) All exterior trash and storage areas, loading docks and ramps, and service areas are to be screened from view in a manner that is compatible with the building and site design. Screening materials should be the same as the primary building materials. The location of such services should be sited with limited visibility to public view and/or adjacent properties. Trash dumpsters and trash receptacle areas are to be screened with a masonry enclosure on three sides and gated.
 - (5) Garbage collection areas shall be located at the rear of buildings. The following criteria shall also apply:
 - (a) Dumpster enclosures shall be located on a concrete pad, of such size as recommended by the disposal company.
 - (b) The approach to the dumpster area shall be paved of a hard surface Portland cement or asphaltic concrete, of a specification sufficient to support the weight and continual use of the garbage collection vehicle
 - (c) The screening on all enclosed dumpsters shall be a minimum of at least two (2) feet taller than the dumpster
 - (d) For compaction units, a floor drain shall be provided which ties to the sanitary sewer.
 - (e) Either the dumpster enclosure must be constructed of sufficient size to accommodate all refuse materials to be recycled, such as grease barrels for restaurants and used oil barrels for automotive uses, or a separate enclosed pad of the same specification provided.
 - (f) The use of wooden fences or chain-link fences with slats as a screening device for garbage collection areas is strictly prohibited.

- (6) Retaining Walls
 - (a) The height and length of retaining walls should be minimized with appropriate landscaping. Retaining walls should be designed to incorporate elements of other architectural features or natural features of the project.
 - (b) Materials utilized for the retaining walls should match the primary building material. Plantable walls allowing for the growth of vegetation are encouraged.
- (7) Signs - All signs are to be architecturally integrated and complement their surroundings in terms of size, shape, color, texture and lighting. Signs are to complement the overall design of the building and are not to be designed to be in visual competition with other signs in the area. Signs must adhere to the Kosciusko Sign Regulations.
- (8) Materials and Colors
 - (a) Materials should have good architectural character, be durable, and be selected for their compatibility with adjoining buildings and properties. Natural, traditional building materials are encouraged. Highly reflective and/or synthetic materials are discouraged.
 - (b) Exterior materials should be selected based on their durability and appropriateness for their intended function. Special attention should be given to the durability of materials used around the ground floor of the building. Preferred building materials include stone, brick, wood, and cement board (Hardi-plank). The materials selected should require minimal maintenance. Their color should be integral to the material and not painted on (except in the case of wood).
 - (c) Metal surfaces on commercial and office buildings shall not be visible from street frontages and public views
 - (d) Exterior Insulating Finishing (EFIS) and concrete masonry should not be the predominant building material. EIFS should be used as a way to accentuate an architectural element and should be limited to areas not subject to damage or abuse. Concrete masonry should be limited to split face or burnished units. Painted, flat-faced concrete masonry units are prohibited.
 - (e) Architectural consistency of colors, materials and detailing are to be provided between all building elevations. False or decorative façade treatments, where one or more unrelated

materials are placed upon the building are prohibited. Large parapet walls should reflect the function behind them and should not be freestanding. All elevations need not look alike; however, a sense of overall architectural continuity is strongly encouraged.

- (f) Inconsistent adornment and frequent changes in material should be avoided.

e. **PERMITS**

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

6. **ADMINISTRATION**

a. **BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY REQUIRED**

b. " \ 2

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.

i. Building Permits

Whenever any structure or building is to be structurally altered or erected, moved, or structurally altered a Building Permit shall be obtained from the Inspecting Office. The Building Inspector may require every applicant for a Building Permit to furnish the following information:

- (1) A plot plan, drawn to scale, showing the exact size, shape, and dimensions of the lot to be built upon, the exact size and location on the lot of all existing buildings and structures or building proposed' to be repaired, altered, erected or moved, and the size, arrangement, number of parking stalls ,movement of vehicles and ingress and egress drives for all off-street parking and loading facilities.
- (2) A declaration of the existing and intended use of each existing and proposed building or structure on the lot and the number of families and housekeeping units which each existing building accommodates and which each existing and proposed building is designed to accommodate.
- (3) Additional information relating to the proposed improvement needed to determine compliance with these regulations
- (4) A survey prepared by an engineer or surveyor registered or approved in the State of Mississippi of the boundaries of the lot on which the improvement is proposed to be located.

ii. 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 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
- (3) 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).

c.

VIOLATIONS AND PENALTIES

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 this Ordinance, the City, 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.

Any person, firm or corporation who shall knowingly and wilfully violate the terms, conditions or provisions of this zoning ordinance 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). Each day the violation continues thereafter shall be a separate offense.

d. **AMENDMENT PROCEDURE**

- i. 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.
- ii. Subject to the limitations of the foregoing Declaration of Public Policy, an amendment to this Ordinance may be initiated by the Board of Aldermen on its own motion, or, in the manner and pursuant to the procedure hereinafter set forth, may be initiated by any person, firm or corporation filing an application therefor with the City.
- iii. 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) 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.
 - (2) Uniformity of Zone. 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.

- (3) Minimum Size of New Zones - No amendment to this Ordinance shall be adopted whereby the zoning classification of an area is changed unless the area meets the following requirements as to minimum size. For the purpose of computing the size of an area for compliance herewith there shall be added to such area:
- (a) the area of public rights-of-way interior to the area being changed;
 - (b) one-half the area of public rights-of-way abutting the area being changed;
 - (c) the area of any land within the corporate limits of the City of Kosciusko which is contiguous to the area being changed and which land already bears the zoning classification sought for the area being changed and
 - (d) the area of any land outside the corporate limits of the City of Kosciusko which is contiguous to the area being changed and which land under valid zoning regulations permits uses similar to those established for the zoning classification sought for the area to be changed. For the purpose of this section, neither contiguity nor abutment shall be destroyed by the existence of a street or alley. Subject to the foregoing limitations, every zone shall be of at least the following size.

The zoning map shall not be amended, changed or modified in such manner as to create a free standing zone of less than 1 acre for R-3 and C-1, 2 acres for R-4, C-2 or C 3, and 4 acres for 1-1 or 1-2, except where specific area restrictions are stipulated in the Ordinance.

- iv. 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.
- v. 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. For each petition for amendment to the Zoning Regulations a

fee, as set by the City Fee Schedule as adopted by Ordinance shall be paid to the City Clerk by persons requesting such change to pay the cost of legal publication. 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 City at least fifteen days prior to the hearing. Said notice to read as follows:

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____, AT CITY HALL, KOSCIUSKO, 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 and industrial) followed by the alphabetical and numerical definition.

Additionally, any area for which an individual application for a change in zoning classification is being considered shall be posted for at least thirty days prior to the hearing and the costs of such posting shall be borne by the applicant. Such posting shall be by means of a sign or signs erected in a conspicuous location on the property involved; at least one (1) 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 follows, to-wit:

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 20____, AT CITY HALL, KOSCIUSKO, MISSISSIPPI, AT WHICH TIME AND PLACE ALL THOSE WISHING TO BE HEARD REGARDING THE CHANGE IN ZONING SHOULD APPEAR. DATED THIS _____ DAY OF _____, 20__.

(NAME OF APPLICANT)

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

- vi. 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 one hundred (100) feet (excluding streets and alleys) of all boundaries of the property in question, or in the case of negative recommendation by the planning commission, such amendment shall not become effective except by the favorable vote 3/5 of the members of the Board of Aldermen who are not required by law or ethical consideration to recuse themselves.

- vii. Applications for Amendments
 - (1) By Whom Made - Any person, firm, corporation or political subdivision may apply for an amendment to this Ordinance.
 - (2) Filing of Applications - All applications for amendments to this Ordinance shall be filed in writing with the City.
 - (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) 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.

viii. Examination of Applications

- (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.

ix. Disposition of Applications

- (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 amendment, 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.
- (2) Legislative Disposition - Within ninety days after receipt of the City Planning Commission's recommendations and findings concerning the application and a copy of the application, the Board of Aldermen shall act on such application, following the public hearing.

e. **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 Procedures.

f. **INVALIDITY OF A PART**

In case any portion of these regulations shall be held to be invalid or unconstitutional, the remainder of these regulations shall not thereby be invalid, but shall remain in full force and effect.

g. **CONFLICTING REGULATIONS**

It is hereby provided that the provisions of these regulations shall not be construed as being in conflict with the provisions of any other regulations of Kosciusko, Mississippi. In any case when the provisions of the regulations and the provisions of other regulations both apply, the provisions of greatest restriction shall govern.