

ARTICLE XVI

MANNSDALE-LIVINGSTON HERITAGE PRESERVATION DISTRICT (MLHP)

SECTION 1600 - PURPOSE OF THIS DISTRICT

The **Mannsdale-Livingston Heritage Preservation (MLHP) District** is hereby created to preserve the integrity of the Mannsdale-Livingston area of Madison County. The area along what is now Mississippi Highway 463 is rich in beauty and historical significance. Pioneer families settled in this part of Madison County in the 1840's to 1890's establishing lavish plantations and sacred places of worship. Remnants of this lifestyle still grace the uniquely picturesque countryside. The Board of Supervisors of Madison County hereby recognizes that the Mannsdale-Livingston area is known for its extensive and concentrated historical buildings, including the Chapel of the Cross Church, built in 1848, which is nationally recognized as a significant historical church. Other structures dating back as far as the 1890's include:

- (1) The old Chapel Rectory;
- (2) The O'Keefe home;
- (3) The Yerger home; and
- (4) The Mann Plantation silo, carriage house and entrance pillars.

The second home built on the Annandale Plantation (circa 1920's) still stands. Also, the sites of Ingleside Plantation, the first Bennett Plantation home, the original China Grove Church, Glenarchy Academy (the one-room schoolhouse), Mannsdale Mercantile store, and the Mannsdale gin are located along this stretch of Highway 463. At the junction of Highways 463 and 22 still stand the old cedar trees, which lined the town square of the town of Livingston. Built beside Livingston Springs, Livingston was the first town in Madison County in 1824 and served as the first county seat for Madison County from 1828 to 1833. This zoning district is designed to achieve the following goals:

- (1) Protect, enhance and perpetuate buildings that represent distinctive and significant elements of the District's historical, cultural, social, economic, political, archaeological, and architectural identity;
- (2) Insure the harmonious, orderly, and efficient growth and development of the District;
- (3) Strengthen civic pride and cultural stability through neighborhood conservation;
- (4) Stabilize the economy of the District through the continued use, preservation, and revitalization of its buildings;

- (5) Protect and enhance the District's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
- (6) Promote the use of buildings for the education, pleasure, and welfare of the people of the District; and
- (7) Provide a review process for the preservation and appropriate development of the District's buildings.
- (8) Insure a reasonable balance being struck whereby proposed development is encouraged while requiring management of their storm water in such a way as to protect the public health, safety and general welfare of the inhabitants of the District; protecting also downstream property owners and the public-at-large from excessive rate, volume and undesirable quality of storm water run-off.

In order to promote road traffic safety of this area and to preserve the historical character of this area, it is also the purpose of this district to prevent the *overburdening* of Mississippi Highway 463. The Central Mississippi Planning and Development District (CMPDD) is the organization recognized by the U. S. Department of Transportation and the Mississippi Department of Transportation (MDOT) as responsible for transportation planning and policy-making in the Jackson Metropolitan Area. According to traffic projections performed by the CMPDD, there is no justification for widening Highway 463 *inside the Mannsdale-Livingston Heritage Preservation District* beyond its present two lanes for the foreseeable future. The **2025 Jackson Urbanized Area Transportation Plan** adopted by local elected officials on the CMPDD's Metropolitan Planning Organization Committee *does not include the widening of this section of Highway 463 through the year-2025.*

Finally, it is the intent of this district to preserve the historical, picturesque character of Mississippi Highway 463 and to require setbacks and landscaping as specified herein to insure that the unique setting is protected.

The boundaries of this district are as follows: The district shall include all property 1000 feet either side of the centerline of herein described roads except as noted. North/South Boundary- beginning at the southern boundary of China Grove Church *on the east side of Highway 463 only* and going north along Highway 463 to the Annandale Golf Club entrance and then proceeding with both sides of the highway ending at the junction with Highway 22; East/West Boundary- beginning at the intersection of Gus Green Road and Cedar Hill Road going east along Cedar Hill Road through the intersection of Highway 463 and continuing along Gluckstadt Road to the eastern boundary which is the intersection of Dewees Road with Gluckstadt Road. The district will include that section of Stribling Road beginning at Highway 463 and continuing east to the intersection of McMillon Road. The district regulations will also apply for any new road or roads built in the future which may cross Highway 463 within the northern and southern boundaries of the district for 1/2 mile east or west of Highway 463.

SECTION 1601 - USES PERMITTED SUBJECT TO UNDERLYING ZONING

The following uses are permitted outright in the MLHP district *subject to the underlying zoning*:

1. All agricultural uses permitted outright in underlying A-1 Agricultural zones and Residential Estate (R-1) zones and subject to the regulations of those zones.
2. Single-family detached dwellings on *less than two (2) acres* (i.e., in underlying R-1A or R-2 zones) with only one principal dwelling per lot, customary accessory uses, and home occupations subject to limitations specified in Section 1604. No lot having an area of less than two (2) acres shall be platted if such lot is not served by a public or private sewage disposal system.
3. Public roads and highways (excluding Federal Interstate highways which are regulated as special uses in SU-1 districts).

SECTION 1602 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2605

1. Public or quasi-public facilities and utilities in compliance with Section 401.5 and other regulations of this Ordinance.
2. Commercial uses in which the services performed and/or the merchandise offered for sale are conducted or displayed within enclosed buildings, *except for the display of small articles (i.e., those that can generally be hand-carried by one or two persons) outside of the commercial use.* **Such uses may only be established in underlying commercial zones (C-1, C1-A and C-2 zones).**
3. General mercantile stores.
4. Fast Food Restaurant Type 1 Only.
5. Supermarkets.
6. Bars as part of a full-service restaurant only.
7. Surface mining operations of a temporary nature, such as lake construction or land development.
8. Public or private, non-commercial (such as open space and recreational facilities within a residential subdivision with use limited to members/ residents of the subdivision) recreational or open space facilities. **Country clubs are regulated as public/ quasi-public facilities.**

SECTION 1603 - OTHER USES EXPRESSLY PROHIBITED IN THE MLHP DISTRICT

The following uses are expressly prohibited in the Mannsdale-Livingston Heritage Preservation District:

1. Big box retail establishments.
2. Stand-alone bars (i.e., a bar that is not a part of a full-service restaurant), including dance halls, saloons and nightclub establishments.
3. Manufactured or mobile homes. However, all manufactured or mobile homes existing at the time of passage of this amendment shall be subject to the provisions of Section 405 (Nonconforming Uses) of this Ordinance.
4. All warehousing uses, including self-storage warehouses or mini warehouses.
5. All industrial or manufacturing zoning or uses.
6. Mechanical garages as defined by this Ordinance.
7. All commercial open-pit mining operations.
8. Commercial feedlots.
9. Billboards and other off-premise signs.
10. Fast Food Restaurants Type 2 (those with drive through window or curb service).
11. Apartments and/or residential condominiums.
12. Service stations and convenience stores are not allowed, except on the Highway 463 corridor within 500 ft. of Highway 22.
13. Commercial metal buildings.
14. Hotels, motels or boarding houses.
15. Bowling alleys or skating rinks.
16. Auto or truck dealerships.
17. Bingo parlors or any other type of gambling establishment.

18. Any establishment promoting or selling pornographic material including, but not limited to the following: strip clubs; gentlemen's clubs; topless bars; or adult book/video stores.

THIS LIST OF PROHIBITED USES IS NOT ALL INCLUSIVE AS OTHER USES MAY BE DEEMED INAPPROPRIATE UPON REVIEW BY THE MLHP DISTRICT AND THE MADISON COUNTY BOARD OF SUPERVISORS AND THEREBY BE PROHIBITED.

SECTION 1604 - DIMENSIONAL REQUIREMENTS

1604.01 Minimum Lot Area, Minimum Lot Width, and Required Yards for Residential Uses in Underlying A-1 and R-1 Zones (Where Sewer Service Is NOT Provided)

1. Lot Area - Two (2) acres.
2. Lot Width - 100 feet at the front building setback line.
3. Front Yard - 50 feet.
4. Side Yard - 25 feet
5. Rear Yard - 50 feet

1604.02 Minimum Lot Area, Minimum Lot Width, and Required Yards for ALL Underlying Zones (Where Sewer Service IS Provided) - Same as the underlying district.

SECTION 1605 - FRONTAGE OF LOTS IN NEW RESIDENTIAL SUBDIVISIONS UPON MISSISSIPPI HIGHWAY 463 PROHIBITED

Lots in any new subdivision, other than a division of family property, containing two or more lots shall front on an interior circulation street. Frontage of lots in new subdivisions directly upon Mississippi Highway 463 is prohibited.

SECTION 1606 - FENCING OR LANDSCAPING REQUIRED FOR ALL NEW SUBDIVISIONS ALONG MISSISSIPPI HIGHWAY 463 OR OTHER ARTERIAL ROADS

Since all R-2 County zoning of new residential subdivisions in the MLHP district approved on or after the effective date of this amendment must front on an interior circulation street, the developer of such subdivisions shall provide a 100 foot landscaped or no cut buffer zone, or a 60 foot landscaped buffer zone with a black 6 foot high wrought iron fence along Mississippi Highway 463, Gluckstadt Road, Cedar Hill Road, Stribling Road or other arterial road which may be built in the future that crosses Highway 463 and borders the subdivision. The buffer zone shall be measured from the existing highway or road right of way. The proposed fence or landscaping is subject to review and approval by the Board of Supervisors. R-2 zoning is defined in accordance with the current county zoning in effect at the time of the establishment and approval of the MLHP District by the Board of Supervisors.

SECTION 1607 - LANDSCAPING AND LIGHTING REQUIRED FOR ALL COMMERCIAL DEVELOPMENT IN MLHP DISTRICT

Developers of any commercial use proposed following adoption of this amendment shall provide appropriate landscaping on Mississippi Highway 463 or along any arterial road bordering the Proposed commercial development. Before rezoning commences, an architectural plan along with landscaping, exterior lighting, servicing, drainage, and access plans will be submitted to the MLHP Commission. In addition, lighting shall be compatible with the architectural design with **NO high intensity lights** permitted. A sufficient number of antique designed streetlights will be used to achieve the foot-candles required and lighting shall be of a moonlight color--amber lighting is not allowed. Exterior lighting will be designed to minimize light pollution of all the adjacent properties. **A landscaped setback buffer zone of 80 ft. is required along Highway 463 and all arterial roads for all commercial zoned property within the district.**

SECTION 1608 - NOISE POLLUTION

Since the purpose of the MLHP District is to preserve the historic rural atmosphere of the district, commercial establishments within the district must ensure that their enterprise will not adversely affect surrounding properties with noise pollution. The MLHP District will review the effect of noise pollution when considering the appropriateness of any proposed commercial applications.

SECTION 1609 - ESTABLISHMENT OF MANNSDALE-LIVINGSTON HERITAGE PRESERVATION COMMISSION

A **Mannsdale-Livingston Heritage Preservation Commission** is hereby established whose primary function shall be to review applications for Certificates of Appropriateness. This Commission shall also review all applications for rezoning, variances and special exceptions anywhere within the MHP district. The Preservation Commission shall be an advisory body and shall forward their recommendations to the Board of Supervisors, who may accept or reject the recommendations of the Preservation Commission. The Madison County Zoning Administrator shall serve as an ex-officio member of the Mannsdale-Livingston Heritage Preservation Commission.

Membership on the Mannsdale-Livingston Heritage Preservation Commission shall be approved by the County and shall serve at the will and pleasure of the County. The Commission shall consist of nine (9) members from the voting membership of the Mannsdale Heritage Foundation as approved by the Mannsdale Heritage Foundation Board.

- 1609.01 Terms of the Mannsdale-Livingston Heritage Preservation Commission -
The nine (9) members of the MLHP Commission shall serve for three, six and nine year terms, with three members rotating off after the first three years, three more members rotating off after six years, and the last three members rotating off after nine years. The intent of this section is to insure that there are always experienced members on the Commission.

1609.02 Meetings of the Mannsdale-Livingston Heritage Preservation Commission
The MLHP Commission shall hold meetings on an as-called basis when the Chairman or Vice-Chairman acting for the Chairman calls a meeting. Since reviews of applications for variances, special exceptions and rezoning require public hearings, the Commission shall meet following publication of a Notice of Public Hearing in a newspaper as specified in Section 700 of this Ordinance. The MLHP Commission shall forward their recommendations to the Board of Supervisors.

1609.03 Duties of the Mannsdale-Livingston Heritage Preservation Commission -
The MLHP Commission shall have the following responsibilities:

1. To recommend amendments to the boundaries of the Mannsdale-Livingston Heritage Preservation District, which shall be shown on the Official Zoning Map of Madison County.
2. The Commission shall review all applications for **Certificates of Appropriateness**, and make recommendations to the Board of Supervisors regarding all such applications.
3. Review of Applications for **Rezoning, Variances, Special Exceptions**, in the Mannsdale-Livingston Heritage Preservation District.
4. The MLHP Commission shall review all **site plans** in the MLHP district as required by this ordinance.
5. The Commission, subject to the requirements of the County, is authorized to apply for, receive, hold and spend funds from private and public sources, in addition to appropriations made by the County for the purpose for carrying out the provisions of this ordinance.
6. The Commission is authorized to employ such staff or contract with technical experts or other persons, *at the expense of the Mannsdale-Livingston Heritage Preservation Commission*, as may be required for the performance of its duties and to obtain the equipment, supplies, and other materials necessary for its effective operation.

1609.04 Rules of Conduct of the Mannsdale-Livingston Heritage Preservation Commission

1. The Commission annually shall elect from its membership a chairman and vice-chairman. It shall select a secretary from its membership or its staff. If neither the chairman nor the vice-chairman attends a particular meeting, the remaining members shall select an acting chairman from the members in attendance at such meeting.

2. The Commission shall develop and adopt rules of procedure, which shall govern the conduct of its business, subject to the approval of the County. Such rules of procedure shall be a matter of public record.
3. The Commission shall keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings, determinations, and decisions. All such material shall be a matter of public record.
4. The chairman or any two (2) members may call a special meeting to consider an urgent matter.
5. All meetings of the Commission shall be open to the public at all times unless an executive session is declared in the manner provided by State law.
6. Voting by the Commission on all matters coming before that body shall be held in public except for voting during executive session.
7. The decision of a majority of the Commission members present and voting shall represent the decision of the Commission.

SECTION 1610 - REVIEW OF APPLICATIONS FOR REZONING, VARIANCES, SPECIAL EXCEPTIONS IN THE MLHP DISTRICT

BOTH the Mannsdale-Livingston Heritage Preservation (MLHP) Commission and the Madison County Planning Commission shall review applications for rezoning, variances and special exceptions. *The MLHP Commission shall review these applications and submit their recommendations and findings to the Madison County Planning Commission.* The Planning Commission shall also review such applications and forward their recommendations and findings, which may or may not be consistent with those of the MLHP Commission, to the Board of Supervisors.

SECTION 1611 - SITE PLAN REVIEW REQUIRED FOR ANY PROPOSED NEW CONSTRUCTION IN THE MLHP DISTRICT

When any new construction (other than single-family dwellings) is proposed anywhere within the MLHP district, a **site plan** shall be prepared by persons responsible for initiating such construction in accordance with Sections 2607 through 2610 of this Ordinance. Before an application may be considered for approval an architectural plan, landscaping plan including drainage, servicing plan, access plan, and exterior lighting plan must be submitted to the MLHP Commission. Dimensions, specific site feature and basic topography information shall be shown on the site plan. The MLHP Commission shall review site plans for such construction. The site plan is subject to review and approval by the commission.

SECTION 1612 - PROCEDURES FOR REVIEW OF SITE PLAN

From the date of receipt of a proposed site plan, the MLHP Commission shall have thirty (30) business days in which to review site plans and make a recommendation to the Board of Supervisors. After reviewing all information relative to the site plan, the Mannsdale-Livingston Heritage Preservation Commission may recommend issuance of a Certificate of Appropriateness and issuance of a building permit or recommend denial by the Board of Supervisors. If the Commission determines that the proposed building or structure is *excessively similar or dissimilar* to other like structures within the district and makes a specific finding that the structure as proposed would *provoke one or more of the harmful effects as set forth in Section 2607.01*, and that such finding is not based upon personal preferences as to taste, then the Commission may recommend that no Certificate of Appropriateness be issued and that an application for a building permit be denied by the Board of Supervisors. *If the Commission recommends issuance of a Certificate of Appropriateness and a building permit, such recommendation shall be contingent upon final review and approval by the Board of Supervisors.*

SECTION 1613 - CERTIFICATE OF APPROPRIATENESS REQUIRED

A Certificate of Appropriateness shall be required before any new construction (except single-family residences) can be undertaken within the MLHP District. Therefore:

1. The Commission shall serve as an *advisory body* to recommend approval or denial by the Board of Supervisors of applications for Certificates of Appropriateness.
2. In recommending approval and denial of applications for Certificates of Appropriateness, the Commission shall seek to accomplish the purposes of this ordinance.
3. All decisions of the Commission shall be in writing and shall state the findings of the Commission, its recommendations, and the reasons therein.

1613.01 Purposes of a Certificate of Appropriateness - A "Certificate of Appropriateness" is a document issued by the Madison County Board of Supervisors approving a proposed new construction in the MLHP district. The purposes of the Certificate of Appropriateness are:

1. To conserve the values of existing buildings and structures.
2. To prevent *excessive uniformity and dissimilarity and inappropriateness or poor quality of design in the exterior appearance of structures.*

3. To prohibit unsightly and unsuitable structures that would be out of harmony or incongruent with the existing visual features within the district.
4. To prevent harm and damage to the District which will result from the absence of such review and manifest itself by:
 - (1) lower property values;
 - (2) decreased economic growth; or
 - (3) diminished future opportunities for land use and development.

1613.02 Procedures for Consideration of Applications for Certificates of Appropriateness - Anyone desiring to undertake new construction (except single-family residences) in the MLHP district must submit an application (on a form provided by the office of the Zoning Administrator) for a Certificate of Appropriateness to the Madison County Zoning Administrator, who shall forward this application to the Chairperson of the Mannsdale-Livingston Heritage Preservation Commission. The Commission shall review the application and either recommend approval, denial, or make recommendations for changes and modifications as it deems necessary in order for the applicant to meet the standards and guidelines for the action to be performed. If the applicant's plans meet the approval of the Commission, the Chairman of the Commission shall sign the Certificate and it shall be forwarded to the Board of Supervisors for review and final approval. Following approval by the Board of Supervisors, the Certificate shall be forwarded to the Building Official for issuance of a building permit.

If the Commission should reject the application or recommend changes and modifications not acceptable to the Applicant, the Applicant may appeal the Commission's decision directly to the Board of Supervisors.

No building permit shall be issued by the County building official for any proposed new construction in the MLHP district without a Certificate of Appropriateness.

1613.03 Expiration of Certificates of Appropriateness- Certificates of Appropriateness shall expire six (6) months after final approval of the Certificate by the Board of Supervisors if construction or other proposed action has not been initiated within such time.

SECTION 1614 - HOURS OF OPERATION FOR PROPERTIES WITH UNDERLYING RESTRICTED COMMERCIAL ZONING

Hours of commercial operation within the MLHP District will be as early as 6:00 A.M. to as late as 9:00 P.M. Exceptions to this will be considered by the MLHPC on an individual basis according to the nature of the business and the impact of extended hours upon the surrounding properties.

SECTION 1615 - SIGN REGULATIONS FOR PROPERTIES WITH UNDERLYING RESTRICTED COMMERCIAL ZONING

The term "sign" shall further mean and include every device, frame, letter, figure, character, mark, point, design, picture, trademark or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed out of doors in view of the general public. The "sign" shall also include any sign that shall be painted, printed, or otherwise affixed or placed on the wall or roof of any building, fence or other structure.

1615.01 Allowable Exterior Signs and Maximum Area and Height for Signs in underlying C-1A Zones:

Ground-mounted signs:

1. No ground-mounted sign shall exceed a height of eight (8) feet above the surrounding grade (not including 6" curb) and shall not exceed an area of 70 square feet.
2. One ground mounted sign shall be allowed per project, except where the project fronts on two or more streets.
3. Ground mounted signs shall be limited to the name of the office complex or business.
4. A set back of 20 feet from the face of curb or edge of the pavement is required for all ground mounted signs.

Wall Mounted Signs:

1. A sign at the wall of a building with the face parallel to and within 12 inches of the plane of building wall.
2. A maximum of 10 square feet for each wall mounted sign.

Prohibited Signs:

1. Animated signs: Any sign, which includes action or motion.
2. Bench Sign: An advertising message on any portion of a bench.
3. Billboard: An outdoor advertising sign structure which advertises goods, products or services.

4. Canopy Sign: A sign mounted on and supported by a canopy, or found on the side of, below the roof line, or hanging beneath the canopy.
5. Changeable Copy Sign (Manual): A sign on which copy is changed manually with letters of changeable pictorial panels.
6. Changing Sign (Automatic): A sign such as an electronically or electrically controlled message center or reader board, where different copy changes are shown on the same lamp bank.
7. Roof Top Mounted Sign
8. Flashing Sign: Any sign which contains an intermittent or flashing light by means of animation, or an externally mounted intermittent light source.
9. Marquee Sign: A wall sign mounted on a permanent roof-like projection over the entry to an establishment.
10. Seasonal or Special Occasion Temporary Sign: A sign which is not permanent and is limited to a specific activity or in the celebration of holidays or other special events.

SECTION 1616 - SIGNS IN A-1 AND R-1, R-1A, R-1B AND R-2 RESIDENTIAL ZONES

This section of the Ordinance shall apply to all districts designated by the Zoning Ordinance as Agricultural (A-1) and R-1, R-1A, R-1B residential zones, such uses in PUD areas and churches in all zoning districts.

1616.01 Allowable Subdivision Signs:

Subdivision identification sign - One subdivision identification shall be allowed at each entrance.

- (i) a ground mounted sign is acceptable.
- (ii) a wall mounted sign which is one integral surface mounted unit is acceptable.

1616.02 Size: The area of one face of the sign portion of the subdivision entrance identification shall not exceed seventy (70) square feet. In no case shall total sign area exceed seventy (70) square feet per side if double faced.

1616.03 Location:

1. Subdivision Identification Sign - shall be set back a minimum of (20') feet from the face of curb or edge of the pavement of any arterial street. In some instances a setback of more than twenty (20') feet may be required by the MLHPP District Committee for

safety reasons.

2. Church, Public or Semi-public Building or Park Signs - Setback for these signs shall be one-half the distance of other buildings in the district.

1616.04

Content:

1. Subdivision Identification and other identification signs shall indicate only the name of the subdivision or the name and address of the building or business.
2. Signs shall be restricted to letter, numbers and a business logo.
3. Public or semi-public building or park signs shall only display the name of the building or park, as well as, information relating to scheduled activities therein.

1616.05

Billboards- Billboards, an outdoor advertising sign structure which advertises goods, products or services, are prohibited along Highway 463 and all other roadways within the MLHP District.