MADISON COUNTY ZONING ORDINANCE

Madison County Courthouse

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ZONING ORDINANCE

OF

MADISON COUNTY, MISSISSIPPI

Prepared By

CENTRAL MISSISSIPPI PLANNING AND DEVELOPMENT DISTRICT
1170 Lakeland Drive/ Post Office Box 4935
Jackson, Mississippi 39296-4935

REVISED AND ADOPTED FEBRUARY 2013

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ZONING REGULATIONS

MADISON COUNTY, MISSISSIPPI

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR MADISON COUNTY, MISSISSIPPI, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH.

PREAMBLE

WHEREAS, the Statutes of the State of Mississippi, Section 17-1-1 to 17-1-27, inclusive, of the Mississippi Code of 1972, annotated, as amended, empower the Madison County, Mississippi, to enact a Zoning Ordinance and to provide for its administration, enforcement and amendment; and

WHEREAS, Section 17-1-9 of the Mississippi Code of 1972, annotated, as amended, states that "zoning regulations shall be made in accordance with a comprehensive plan, and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements”; and

WHEREAS, Section 17-1-1 of the Mississippi Code of 1972, annotated, as amended, defines the term "comprehensive plan" as "a statement of public policy for the physical development of the entire municipality or county adopted by resolution of the governing body, consisting of the following elements at a minimum: (1) goals and objectives for the long-range (twenty to twenty-five years) development of the county or municipality---; (2) a land use plan---; (3) a transportation plan---; and (4) a community facilities plan---"; and

WHEREAS, the Board of Supervisors on December 17, 2004, adopted by resolution a Comprehensive Plan for the Madison County following public hearings relative to same; and

WHEREAS, on July 25, 2005, the Board of Supervisors adopted by resolution certain proposed amendments to the Comprehensive Plan adopted on December 17, 2004; and

WHEREAS, based upon the adopted Comprehensive Plan, and amendments thereto, the Board of Supervisors have divided the County into districts and adopted regulations pertaining to such districts, and have given reasonable consideration among other things, to the character of the districts and their particular suitability for particular uses, with a view to conserving the value of property and encouraging the most appropriate use of land throughout the County; and

WHEREAS, the Board of Supervisors have given due public notice of a hearing relating to said zoning ordinance and map and have held a public hearing in accordance with the requirements of Section 17-1-15 of the Mississippi Code of 1972, annotated, as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE MADISON COUNTY, MISSISSIPPI, THAT THIS ORDINANCE SHALL GOVERN THE USE OF ALL LAND IN UNINCORPORATED MADISON COUNTY, MISSISSIPPI.

ARTICLE I

TITLE AND PURPOSE

SECTION 100 - TITLE

The Ordinance shall be known as the "Zoning Ordinance of the Madison County, Mississippi," and may be so cited, and further reference elsewhere as "Zoning Ordinance," and herein as "the Ordinance" or "this Ordinance" shall imply the same wording and meaning as the full title.

SECTION 101 - PURPOSE

The purpose of this Ordinance is to preserve and promote the public health, safety, morals, and general welfare of the inhabitants of the Madison County and of the public generally through the regulation of: the location, height, number of stories, size of buildings and other structures; the density and distribution of population, size of yards and other open spaces; and the use of buildings, structures, and land for commercial, industrial, residential and other purposes.

ARTICLE II

INTERPRETATION AND DEFINITIONS

SECTION 200 - RULES FOR WORDS AND PHRASES

For the purpose of this Ordinance, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word "shall" is mandatory and not directory; the word "may" is permissive; the word "used" includes "designed" and "intended or arranged to be used or occupied"; and the word "person" includes a firm, association, organization, partnership, trust, foundation, company or corporation as well as an individual.

SECTION 201 - DEFINITIONS

For the purpose of this Ordinance certain words, phrases and terms used herein shall be interpreted as stated in this Article II. Any word, phrase or term not defined herein shall be defined by the Zoning Administrator, the interpretation based on its common and ordinary usage.

Accessory Structure or Use: Any detached structure or use which is subordinate or incidental to the main building or dominant use of the lot or premises, including barns, but excluding driveways, sidewalks and fences.

Adult Entertainment Use (or Activity or Establishment): An adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, or similar establishment which regularly features or depicts behavior which is characterized by the exposure of "specified anatomical areas" (as defined by this Ordinance), or where any employee, operator or owner exposes his/her "specified anatomical area" for viewing of patrons. Such adult entertainment uses may further be defined as follows:

Adult Arcade: An establishment where, for any form of consideration, one or more motion picture projectors, or similar machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by emphasis upon the depiction or description of "specified sexual activities" (as defined by this Ordinance) or "specified anatomical areas."

Adult Bookstore: An establishment which has as a substantial portion of its stock-in-trade and offers for sale for any form of consideration any one or more of the following:

A. Books, magazines, periodicals, or other printed matter, or photographs, films motion pictures, video cassettes, slide or other visual representations which are

characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas," or

B. instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."

Adult Cabaret: A nightclub, bar, restaurant, theater, or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified anatomical areas" or by "specified sexual activities."

Adult Motel: A motel or similar establishment which includes the word "adult" in any name it uses or otherwise advertises the presentation of adult material, offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified anatomical areas" or by "specified sexual activities."

Adult Motion Picture Theater: An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or other photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified anatomical areas" or by "specified sexual activities."

Alley: A public or private right-of-way primarily designed to serve as a secondary access to the sides or rear of those properties for which principal frontage is on some other street; alleys are intended to provide access for refuse collection, loading/unloading and for fire protection.

Animal Control Ordinance: When used in this Ordinance, this term shall refer to the Animal Control Ordinance of the Madison County.

Apartment: A dwelling unit located in a multiple family structure for occupancy by one family only, either rented or leased to the occupants. See also "Condominium."

Arterial Street/Highway: See "Street."

Bar: A structure or part or a structure used primarily for the sale or dispensing of beer or any alcoholic beverage, as defined by the **Mississippi Code**, for consumption on the premises by the drink.

Basement: A story wholly or partially underground. For the purpose of height regulation, a basement shall be counted as a story when more than one-half of its height is above the average grade level.

Bed and Breakfast Service: A small hotel or, more often, a private home that offers over night accommodations and breakfast for paying guests either on a daily or weekly rental basis.

Big Box Retail Establishments: A retail or wholesale commercial use which occupies a and sells grocery items and/ or general merchandise typically found in a department or "discount" store.

Boarding House: A building other than a hotel or motel, where, for compensation and by prearrangement for definite periods, meals and/or lodging are provided for three or more but not exceeding twelve persons (other than family members) on a weekly or monthly basis. (See also "Rooming House").

Buffer Area: An area so planned which acts as a buffer or separation area between two or more uses or structures not compatible due to design, function, use or operation.

Buffer Yard/Strip: A Strip of land, identified on a site plan or by the zoning ordinance, which acts to separate two or more incompatible uses and/or districts. Normally, the area is landscaped and kept in open space use.

Buildable Area, Maximum: That portion of a lot remaining after required yards have been provided.

Building: Any structure having a roof supported by columns or walls and intended for shelter, housing or enclosure of persons, animals, equipment, goods, or materials. The term "building" shall be construed as if followed by the words "or part thereof."

Building, Fully-Enclosed: A building having walls on all sides.
(NOTE: This definitions is intended to distinguish between buildings that are "canopies", which do not have walls on all sides, from those that are fully-enclosed by walls. When the term "fully-enclosed building" is used in this Ordinance, it is intended to prevent exposure of activities, equipment, materials, etc. to the outside world, thereby controlling some characteristics that might be otherwise objectionable, such as noise and uses that are not aesthetically appropriate for a particular zoning district.)

Building Height: The vertical distance measured from the average elevation of the finished grade within twenty feet of the structure to the highest point of the roof. See also "Height."

Building Permit: A permit issued by the County official designated by the Madison County Board of Supervisors authorizing the construction, placement or structural alteration of a specific building on a specific lot.

Building, Portable: Any building that is portable in nature, without any wheels, and built on a chassis or frame designed and constructed to be used without a permanent foundation. Building permits are required prior to the placement of such buildings on any lot.

Building Setback Line: See "Setback Line."

Building, Structural Alteration of: Any change or rearrangement in the supporting members, including bearing walls, beams, columns, or girders of a building.

Canopy: A roof-like structure which is not enclosed by walls on all sides and may or may not project from a building.

Carport: A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three sides.

Cemetery: Property used for the interring of the dead. ALL cemeteries are considered public/quasi-public facilities, subject to the regulations of Section 402.

Certificate of Appropriateness: An official signed and dated governmental document issued by a governing authority to permit specific work in an overlay-zoning district (see overlay zone).

Certificate of Occupancy: A certificate issued by the County official designated by the Madison County Board of Supervisors to ensure that new or altered buildings or structures are in conformance with the provisions of the Zoning Ordinance and any other Federal, state, County and county laws (such as water, sewer, and other necessary infrastructure is in place) and to have a record on the point.

Change of Use: An alteration or change from a previous use of land, buildings, or structures to another use of land, buildings, or structures.

Child Care Facility: A place which provides shelter and personal care for six (6) or more children who are not related to the operator, whether such place be organized or operated for profit or not.

Clinic: A facility for diagnosis and treatment of medical, chiropractic, dental or psychological outpatients, provided that patients are not kept overnight, and which may be used by one or a group of medical or dental practitioners. These shall be regulated as a commercial use.

Collector Street: See “Street.”

Comprehensive Plan: In accordance with Section 17-1-1 of the **Mississippi Code of 1972**, Annotated, As Amended, "comprehensive plan" shall be defined as "a statement of public policy for the physical development of the entire municipality---adopted by resolution of the governing body, consisting of the following elements at a minimum: (I)Goals and Objectives---; (ii) a Land Use Plan---; (iii) a Transportation Plan---; and (iv) a Community Facilities Plan---." Community Facilities Plan: One of the elements of a Comprehensive Plan. Section 17-1-1 of the Mississippi Code of 1972, Annotated, As Amended, defines the term as follows: "a community facilities plan (serves as) a basis for a capital improvements program including, but not limited to, the following: housing; schools; parks and recreation; public buildings and facilities; and utilities and drainage."

Conditional Use: A land use which would not generally be appropriate in a particular zoning district, but which, with certain restrictions or conditions, would in the judgement of the Board of Supervisors promote the public health, safety, morals, or general welfare of the County and would not adversely affect adjacent properties. A permit (building permit or change of use permit) granted by the Board of Supervisors for the initiation of a conditional use (with the necessary restrictions included) will not change the zoning of the property involved and will allow such use to continue as long as the specific use granted by the conditional use remains the same. Also referred to as a Special Exception."

Condominium: Real property consisting of an undivided interest in common of a portion of a parcel of real property, plus a separate interest in space in a residential, office, commercial or other land use. (From: **Mississippi Code of 1972**, Annotated, Section 89-9-7.) See also Apartment."

Conforming Use: Any lawful use of a building or lot which complies with the provisions of this Zoning Ordinance.

Construction: Work which is neither alteration nor demolition. Essentially, it is the erection of a new structure, which did not previously exist, even if such a structure is partially joined to an existing structure.

Convalescent Home (Rest Home or Nursing Home): Those health facilities where persons are housed and furnished with meals and continuing nursing services for a fee.

Convenience Car Care Establishments: See “Service Station”.

Convenience Store: A commercial establishment containing not more than 3,000 square feet of retail sales area, not counting storage, which deals in grocery items of a convenience nature; such stores may or may not sell petroleum products (gasoline, diesel fuel, oil, etc.); maximum number of gas pumps allowed is six with a maximum capacity of filling twelve

vehicles at one time; however, such establishments shall NOT include the provision of mechanical service (repairs, oil change, etc.) for vehicles NOR automatic or manual car washing service. Any and all gas pumps must be screened from direct Highway view with appropriate landscaping. See “Service Station.”

Country Club: A land area and buildings containing recreational facilities, clubhouse and the usual accessory uses, open only to members and their guests for a membership fee. Country clubs are regulated as public/quasi-public facilities and are subject to the provisions of Section 402 of this Ordinance.

Coverage: That part of a lot covered by buildings.

Density: The intensity of land use and also the maximum intensity of use of a minimum lot or land area physically possible observing all yard, height, and lot or land area coverage provisions of this Zoning Ordinance, exclusive of any publicly dedicated rights-of-way.

Developer: The legal or beneficial owner or owners of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.

Development: The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance, and any use or extension of the use of land.

Development Plan: A drawing or set of drawings depicting the ultimate layout and proposed land uses for a large tract of land, usually involving varying lot sizes and/or different proposed land uses. A development plan of a subdivision may also be considered the "preliminary plat" if it meets the requirements of the Madison County Subdivision Regulations for preliminary plats. A development plan is sometimes referred to as a "master plan"; however, since the Comprehensive Plan for the County may also be called a "Master Plan,” the term Master Plan is not used in this Ordinance.

Dimensional Variance: See “Variance.”

Disabled Persons: Individuals suffering from a permanent condition resulting from a mental or physical impairment that leaves such persons unable to perform a "major life functions." (From: Accommodating Disabilities: Business Management Guide, published by the Commerce Clearing House, Inc., 1992; this publication deals with the requirements of the Americans with Disabilities Act).

District: Any section or sections of the Madison County for which regulations governing the use of land and the use, density, bulk, height, and coverage of buildings and other structures are established by this Ordinance.

Drainage Channel: A watercourse with a definite bed and banks which conduct and confine the normal continuous and intermittent flow of water.

Driveway: A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.

Drive-In Restaurant: See "Restaurant, Drive-In":

Dwelling: Any building, or portion thereof, or manufactured home, which is designed and used for human habitation.

Dwelling, Single-Family: A detached residential building designed for occupancy by one family.

Dwelling, Two-Family (Duplex): A detached residential building designed to be occupied by exclusively by two families living independently of each other, with separate utilities and entrances.

Dwelling, Multiple-Family: Any residential building or portion thereof which is occupied by three or more families living independently of each other. The term "multiple-family dwelling" shall be understood to include apartment houses or "complexes" and condominiums.

Dwelling, Patio (or House or Home): A detached single-family dwelling unit that is constructed nearer the lot line on ONE SIDE (but not directly on either lot line) of a lot than the other side.

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

Dwelling, Zero Lot Line: A detached single-family dwelling on a separate lot with open space setbacks on three sides. In order to be considered a true "zero lot line dwelling" the dwelling must rest directly against a lot line on one side of the lot; otherwise, it shall be considered a patio home.

Easement: A grant by the property owner to the public, a corporation or persons for the use of a strip of land for specific purposes.

Employee (Staff): Any person who is regularly on the premises of a business or industrial establishment for productive use on a part-time or full-time basis. For the purposes of this Ordinance the maximum number of employees on the premises of an establishment at one time shall constitute the number of employees.

Facilities and Utilities, Public/Quasi-Public: Any building, structure, system, use, or combination of uses, which is customarily and ordinarily provided by either public or private agencies, groups, societies, corporations, or organizations, whose purpose is the provision of necessary and desirable goods and/or services for the general public health, safety, and welfare. Such uses shall include, but not be limited to:

(a) Churches and other religious institutions.

(b) Schools, including all private, public or parochial schools, excluding institutions of higher learning which shall be zoned "Special Use" districts only.

(c) All governmental buildings (including municipal buildings and buildings erected by County, State or Federal governments) and major governmental facilities, such as water pumping stations, sewage treatment plants, sanitary landfills and the like. (NOTE: Public recreation and open space facilities are a land use permitted outright in ANY district, and such facilities are not subject to the regulations of Section 402 as special exceptions.)

(d) All hospitals, whether public or private.

(e) Convalescent homes or nursing homes.

(f) Civic organization buildings and major facilities.

(g) Buildings and facilities erected by charitable organizations (e.g., American Red Cross, Salvation Army, etc.); (Note: When such facilities are erected as emergency measures, they shall be exempt from the Special Exception provisions of this Ordinance, including site plan review and public hearing requirements).

(h) Country clubs and other major recreational facilities constructed by private groups.

(I) ALL cemeteries, including associated facilities (e. g., caretaker offices and residence, etc.), not including funeral homes and mortuaries.

(j) Major facilities associated with privately-owned utilities (electrical, natural gas, telephone) including but not limited to electrical substations, telephone communications centers, microwave towers, cellular telephone towers, natural gas pumping facilities and similar significant uses.

Family: One person living alone, or two or more persons living together as a single, housekeeping unit, whether related to each other legally or not, as distinguished from a group occupying a boarding house, lodging house, hotel, motel, dormitory or similar dwelling for group use. A family shall be deemed to include domestic servants employed by said family when these servants are on-premise residents.

Fast Food Restaurant: See “Restaurant, Fast Food.”

Floor Area: The sum of the gross horizontal area of all floors of a building, excluding all porches, balconies, garages or carports, measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings.

Frontage: Property on one side of a street measured along the line of the street, or in the case of a corner lot or "through lot,” the property on each street measured along the lines of both streets.

Full Service Restaurant: See “Restaurant, Full Service”.

Funeral Home (or Mortuary): A building used for the preparation of deceased human bodies for burial or cremation and the display of the deceased and ceremonies connected therewith before burial or cremation.

Future Land Use Plan: See "Land Use Plan."

Garage (Private): The term "garage" shall mean a private garage, which is a fully enclosed portion of a main building or a fully enclosed accessory building (i.e., detached from the main building) and used primarily for the storage of privately owned automobiles.

Garage, Mechanical (Repair Shop): A building or portion thereof, other than a private garage or storage garage, designed or used for servicing, repairing, equipping, of motor-driven vehicles and the storage of such vehicles; also, including selling, renting, or leasing of motor-driven vehicles in conjunction with repair work. Repair work includes, but is not limited to, painting, body repairs and other major repair of vehicles.

Garage, Storage: A building or portion thereof, other than a private garage, used exclusively for the parking or storage of motor-driven vehicles, with no other facilities provided except facilities for washing. Also referred to as a "parking garage."

"Garage Sale": The sale or offering for sale to the general public of items of tangible personal household property obtained by the seller for his or her personal use, whether within or outside any building. The sale of a single commodity, such as a vehicle, shall not constitute a "garage sale". This term shall include: "rummage sales", "yard sales", "attic sales", and all similar terms.

General Mercantile Store: A single store containing more than 3,000 square feet but less than 10,000 square feet which offers grocery items and general merchandise (which may include some general hardware items) and may or may not sell petroleum products (gasoline, diesel fuel, oil, etc.); however, such establishments shall NOT include the provision of mechanical service (repairs, oil change, etc.) for vehicles NOR automatic or manual car washing service; maximum number of gas pumps allowed is four with a maximum capacity of filling eight vehicles at one time; any and all gas pumps must be screened with appropriate landscaping from direct Highway view.

Goals and Objectives: One of the elements of a Comprehensive Plan. Section 17-1-1 (c) (ii) of the Mississippi Code of 1972, Annotated, As Amended, defines the term as follows: "goals and objectives (are a list of policies, adopted by the governing authorities) for the long-range (twenty to twenty-five years) development of the county or municipality. Required goals and objectives shall address, at a minimum, residential, commercial, and industrial development; parks, open space and recreation, street or road improvements; public schools and community facilities."

Grade or Grade Level: The finished elevation of land after completion of site preparations for construction.

Grandfather Clause: The section of the zoning ordinance which allows existing non-conforming uses, buildings, structures, and lots to continue until they are removed by any means.

Homeowners Association: A non-profit organization (corporate or otherwise) operating under recorded land agreements through which each property owner is automatically subject to a charge for a proportionate share of expenses for maintaining common open space, other activities and facilities.

Home Occupation: Any activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit or an accessory building.

Hospital: A public or quasi-public institution where sick or injured persons are given medical care and in the course of same are housed overnight, fed and provided nursing and related services.

Hospital, Veterinary: A facility where sick or injured animals are given medical or surgical care and, in the course of same, may be housed overnight, fed, and provided related services. Such uses shall be subject to the regulations of the Animal Control Ordinance of the Madison County, and shall be considered a commercial use.

Hotel or Motel: A building or buildings where lodging, food and various personal services are provided for more than twenty (20) persons, who are usually but not always transients, for compensation. Hotels and motels shall be considered a commercial use.

Industry, Heavy: Those industrial uses which are not fully enclosed and/or which generate substantial amounts of noise, vibration, odors or possess other objectionable characteristics.

Industry, Limited (Light): Those industrial uses including manufacturing activities conducted wholly within completely enclosed buildings (except for the temporary storage within adequately screened or buffered areas of articles, materials, or other matter to be processed, assembled or otherwise changed) and other industrial-related activities, which do not generate objectionable odors, smoke, fumes, vibration, or excessive noise.

Industry, "Wet-Type": Those heavy industrial uses which require the discharge of by-products or processed waste water through the sewer system. Such industrial uses shall be permitted as a conditional use only in the Heavy Industrial Districts (I-2).

Inn (or "Bed and Breakfast Inn"): An establishment operated in conjunction with a private dwelling where lodging is available or lodging and food are available for up to twenty (20) persons for compensation.

Internal Building Space: The required minimum space between principal or accessory buildings on the same lot.

Junk Yards: A place where waste and discharged or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, used lumber yards, house dismantling yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but excluding places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition or salvaged materials incidental to manufacturing operations. Also called a “salvage yard”.

Kennel: A facility other than a residence, where four or more dogs or cats, or a combination thereof, are boarded, whether by the owners of the animals or other persons, with or without compensation. A kennel shall be considered a commercial use.

Landscaping: Any improvement or vegetation including, but not limited to: shrubbery, trees, plantings, outbuildings, walls, courtyards, fences, swimming pools, planters, gates, street furniture, exterior lighting, and site improvements, including but not limited to, subsurface alterations, site re-grading, fill deposition, and paving.

Land Use Plan: One of the elements of a Comprehensive Plan, usually developed concurrently with the Transportation/ Thoroughfares Plan. Section 17-1-1 (c)(ii) of the Mississippi Code of 1972, Annotated, As Amended, defines the term as follows: "a land use plan designates in map or policy form the proposed general distribution and extent of the use of land for residences, commerce, industry, recreation, and open space, public/ quasi-public facilities and lands. Background information shall be provided concerning the specific meaning of land use categories depicted in the plan in terms of the following: residential densities; intensity of commercial uses; industrial and public/quasi-public uses; and any other information needed to adequately define the meaning of such land use codes. Projections of population and economic growth for the area encompassed by the plan may be the basis for quantitative recommendations for each land use category."

Liquor Store: Any store which sells, distributes or offers for sale or distribution any alcoholic beverage for use or consumption by the purchaser. (From Section 67-1-5 of the Mississippi Code).

Lodging House: See "Rooming House."

Lot: A parcel of land at least sufficient size to meet the minimum requirements for use, coverage, and area and to provide such yards and other open spaces as specified in the Zoning Ordinance of the Madison County, Mississippi.

Lot Area: The total area of a lot included within the boundary lines of a lot.

Lot, Corner: A lot abutting upon two or more streets at their intersections.

Lot Depth: The average horizontal distance between the front and rear lot line.

Lot, Double Frontage: A lot which runs through a block from street to street (i.e., has frontage on more than one street); double frontage lots are also called "through lots."

Lot Frontage: The front of a lot shall be construed to be that dimension of a lot abutting on a street. For the purpose of determining yard requirements on corner lots or double frontage lots, all sides of such lots abutting on public streets shall be considered lot frontage, and yards shall be provided as indicated in this Ordinance.

Lot, Interior: A lot other than a corner lot.

Lot Lines: The lines bounding a lot as such parcel of land is defined herein.

Lot Line, Front: In the case of an interior lot, the property boundary line separating said lot from the street. In the case of a corner lot or double frontage lot, the line separating said lot from the street on which the building will face, as determined from the application for a building permit.

Lot Line, Rear: The property boundary line opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line.

Lot of Record: A lot which is a part of a subdivision, the map of which is recorded in the office of the Chancery Clerk of Madison County, Mississippi, or a lot described by metes and bounds, the description of which has been recorded in said office.

Lot Width: The distance from side of lot to side of lot measured at the front minimum building setback line.

Manufacturing Use: A facility at which goods are made from secondary materials (previously prepared or refined materials) or raw materials (unrefined materials) through the use of machinery and labor and often employing assembly line techniques. In the case of "light" manufacturing uses, most goods are produced from secondary materials, except for processing, packaging, or canning of food products, and little or no water is used in the manufacturing process. In the case of heavy" manufacturing, goods are often produced from raw materials and may involve the use of large amounts of water.

Manufactured Home: A single-family residential dwelling built in a factory in accordance with the National Manufactured Home Construction and Safety Standards Act after June 15, 1976. Manufactured homes shall be considered structures for the purposes of this Ordinance. "Transient trailers" (travel trailers), as defined herein, shall not be considered manufactured homes, and they are deemed vehicles but not dwellings or structures. See also “Mobile Home” and “Modular Housing”.

Manufactured Home Park: An area, tract, site or plot of land of at least ten acres, which has been planned, improved and meets the requirements of this Ordinance, and in which spaces are provided on a rental basis or lease basis only for owner-occupied homes or in which both the space and the manufactured home are offered to the public on a rental or lease basis only.

Manufactured Home Space: A plot of ground within a manufactured home park designed for and designated as (on an approved site plan) the location of one manufactured home, and which has water, sewer and electric service at the space.

Manufactured Home Stand or "Pad": The paved runners or paved parking area in each manufactured home space upon which the manufactured home is placed, together with the paved patio and paved off-street vehicular parking area.

"Mini-Warehouse": See "Warehouse, Self-Storage".

Mobile Home: A transportable, factory-built home, designed to be used as a year-round dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

Modular Housing: A dwelling unit constructed on-site composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Mortuary: See "Funeral Home."

Motel: See "Hotel."

Multiple Family Dwelling: See "Dwelling, Multiple Family."

Nonconformities: Any land, lot, building, structure or parts thereof existing prior to the enactment of this Ordinance, which subsequent to the enactment of this Ordinance or amendment thereto, does not conform with the use regulations and/or dimensional regulations of the district in which it is situated, and/or does not comply with any other requirements herein. (See Section 2001 of this Ordinance for definitions of the various types of nonconformities, including (1) nonconforming undeveloped lots of record," (2) nonconforming structures, and (3) nonconforming uses).

Nursery, Child Care: See "Child Care Facility."

Nursery, Horticultural: Commercial uses in which flowers and plants are stored and/or cultivated for retail sale and related products are offered for retail sale.

Nursing Homes: See "Convalescent Home."

Open Space or "Common Open Space": A parcel or parcels of land not occupied by dwellings or residential structures, accessory structures and yards, which may consist of jogging trails, tennis courts, a golf course, swimming pool, associated recreational buildings and the like, and which is permanently maintained in a suitable state for the shared enjoyment by the owners and/or occupants of individual dwelling units or residential structures within a particular development (such as a conventional residential subdivision, an apartment complex, a manufactured home park or a Planned Unit Residential Development).

Office: A room, group of rooms or building in which commercial activities primarily involving the provision of services rather than the sale of commodities are conducted.

Office Park: A development on a tract of land, either subdivided or on a single large lot, containing a number of separate office buildings, supporting uses and open space designed, planned, constructed and managed on an integrated and coordinated basis.

Parking Space: For the purposes of this Ordinance, the term "parking space" shall refer only to parking places not located on a public street. Each parking space shall be sufficient in size to store one full-size automobile, or 200 square feet in area for each such space, exclusive of the necessary maneuvering space providing access to each parking space, unless otherwise approved as part of the site plan review Process.

Patio House or Patio Home: See "dwelling, patio (or house or home)."

Planned Unit Residential Development (PURD): An area of a minimum contiguous size, as specified by this Ordinance, to be planned and developed as a single entity containing one or more residential clusters and in which land not used for residential structures or yards but required by the basic zoning of the site shall be reserved collectively in contiguous units accessible to all building sites in the development as open space for the purpose of providing recreational facilities and pedestrian circulation. Two- family or multiple family dwellings, or public/quasi-public facilities or utilities may only be permitted in a Planned Unit Residential Development if a Development Plan is submitted and appropriate rezoning (or a Special Exception for public/quasi-public uses) is approved by the Board of Supervisors.

Planning Commission: The duly appointed Planning Commission of Madison County, Mississippi.

Planting Screen: Densely planted vegetation used to visually shield or obscure abutting or nearby structures or uses from other uses or structures.

Plat: A map, plan or layout of a subdivision.

Portable Building: See "Building, Portable."

Principal Structure or Use: The main building(s) or dominant use(s) of a lot.

Property Line: The legal boundary line separating buildings or tracts in different ownership.

Public/Quasi-Public Facilities and Utilities: See "Facilities and Utilities, Public/Quasi-Public."

Overlay Zone: A zoning district that is superimposed over more than one base-zoning district and is intended to protect certain features and buildings. Where standards of the overlay zone and base-zoning district are different, the more restrictive standards shall apply.

Reclamation Plan: A regulatory document used to ensure that operators of mining sites will restore their sites to productive use through an orderly schedule of steps. The reclamation plan shall consist of a combination of graphic representation and written text of sufficient detail as determined by the Madison County Board of Supervisors. It shall include, but not be limited to the following elements:

(a) Initial condition of the mining site;
(b) Phasing of operations and reclamation steps;
(c) Methods and processes of reclamation;
(d) Final condition of site; and
(e) Relation of final site condition to adjoining land forms and drainage structures.

Recreational Vehicle (RV): A vehicle primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. For the purposes of this Ordinance, a recreational vehicle shall be considered a vehicle and not a structure. The term recreational vehicle shall include pick-up truck campers, motor homes, camping trailers, travel trailers and transient trailers.

Rest Home: See "Convalescent Home."

Restaurant, Fast Food TYPE 1: A commercial establishment whose principal business is the sale of pre-prepared or rapidly prepared food and beverages for consumption either within the restaurant or for carry-out, and where customers are not served food and beverages by a restaurant employee (waiter or waitress) at the same table or counter where items are consumed.

Restaurant, Fast Food TYPE 2: A commercial establishment whose principal business is the sale of pre-prepared or rapidly prepared food and beverages for consumption either within the restaurant or for carry-out, and where customers are not served food and beverages by a restaurant employee (waiter or waitress) at the same table or counter where items are consumed and the establishment includes a drive-through service facility or offers curb service.

Restaurant, Full-Service: A commercial establishment where customers are served food and beverages by a restaurant employee at the same table or counter where items are consumed. This term does not include "fast food restaurants" as defined herein. "Full-service restaurants" may offer some "carry-out" services where food and beverages are consumed off the premises.

Schools: The term "school" as used in this Ordinance shall include public, private, and parochial institutions of learning, including trade or industrial schools" (i.e., those schools offering training to students in skills required for the practice of trades and industry), but excluding institutions of higher learning (colleges and universities), which shall be zoned as "special use" districts only.

Screening: The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms or other features. Sometimes used in conjunction with a buffer yard.

Service Station/ Convenience Car Care Establishment: A commercial use that is primarily used for the retail sale of gasoline, diesel fuel, oil, or vehicle accessories and incidental services including facilities for lubricating, washing, (either automatic or hand) and cleaning, or otherwise servicing automobiles and light trucks. The use of the term “service station” shall include “convenience card care establishments” (lubrication, tune-up, etc.), but does not include painting, body repairs or other major repair of vehicles. The maximum number of fuel pumps allowed in such service stations or convenience car care establishments shall be eight (8) with a maximum capacity of filling sixteen (16) vehicles at one time.

Setback: The area between the street right-of-way line and the building setback line.

Setback Line or Building Setback Line: A line delineating the minimum allowable distance between the street right-of-way and the front of a structure within which no building or other structure shall be placed. The minimum distance is prescribed by this Ordinance. The building setback line is parallel to or concentric with the street right-of-way line.

Shopping Center: A group, consisting of three or more commercial establishments, planned, developed and managed as a unit, with adequate off-street parking facilities provided on the property and related in its location, size, and type of stores to the trade area or neighborhood which the unit serves.

Side Street: A street bordering the side of a lot and intersecting the street on which a structure on the lot faces, as determined by the Zoning Administrator; in the case of buildings (as opposed to other types of "structures"), the street which the building faces shall be determined by the principal entrance to the building.

Sign: Any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, services, activity, place, person or any other item of information. Signs may be further defined as to the following types:

A. Animated Sign: A type of temporary sign which moves or appears to move by any means, including fluttering or rotating. Animated signs shall include but are not

limited to pennants, flags, balloons, ribbons, streamers or propellers, strings of light bulbs, pulsating lights, strobe lights, or beacons. For the purposes of this Ordinance, this term does not refer to changeable copy signs (manual) or changing signs (automatic).

B. Billboard: An outdoor advertising sign structure which advertises goods, products, or services; the poster panels or bulletins, usually on a free-standing or ground sign, illustrate such advertising in the form of pasted paper or painted copy.

C. Changeable Copy Sign (Manual): Any sign on which copy is changed manually in the field (i.e., reader boards with changeable letters or changeable pictorial panels).

D. Changing Sign (Automatic): Any sign with an electronically or electrically controlled message center or reader board, where different copy changes are shown on the same lamp bank. No mechanical means.

E. Construction Sign: A on-premises temporary sign erected during the period of construction, indicating the names of the architects, contractors, owners, financial supporters, sponsors and similar persons or firms involved with the construction and development of the project.

F. Externally Illuminated Sign: Any sign which reflects light from a source intentionally directed upon it; for example, by means of floodlights, gooseneck reflectors, or externally-mounted fluorescent light fixtures.

G. Ground-mounted Sign (or "Ground Sign"): A sign erected on a free-standing frame, mast or pole and not attached to any building.

H. Identification Sign: An on-premise ground or wall-mounted sign containing no advertising matter, which is intended to identify one of the following land uses: a residential subdivision, Planned Unit Residential Development, apartment/condominium complex, an office building containing more than one tenant, a group (more than one) of businesses/ organizations on a single lot, a shopping center, a public/ quasi-public facility or utility, or an industrial park. Identification signs may only contain the following information: the "overall" name of the facility (not the individual occupants or tenants); the street address of the land use; the type of activity conducted on the premises, such as apartments, shopping center or mall, church, school, hospital, etc.

I. Internally Illuminated Sign: Any sign designed to provide artificial light through exposed lighting on the sign face (such as neon tubing or light bulbs arranged to form copy) OR through transparent or translucent material from a light source within the sign; this definition includes automatic changing signs.

J. Marquee or Canopy Sign: Any sign affixed to a marquee or canopy, as such terms are defined by this Ordinance; such signs may be affixed parallel (i.e., not projecting) to the sides or hung beneath a marquee or canopy.

K . Miscellaneous Sale Sign: An on-premises temporary sign advertising a "garage or yard sale," the sale of specific items such as pets, a vehicle or boat, and similar signs. As used in this Ordinance, miscellaneous sale signs DO NOT refer to products or services offered as a home occupation, such as "Tax Returns Prepared;" home occupations are regulated by Section 406 of the Official Zoning Ordinance of the Madison County, Mississippi.

L. Off-Premise Sign: A sign which attracts attention to a product, service, or entertainment which is conducted, sold, produced or offered off the premises where the sign is located.

M. On-Premise Sign: A sign which attracts attention to a product, service, or entertainment which is conducted, sold, produced or offered on the premises where the sign is located.

N. Portable Sign or "Trailer Sign": A type of temporary sign which is constructed on a trailer with wheels which may or may not be detached or which is designed to be transported from place to place by any means and is not designed to be nor is it permanently affixed to a building or lot.

O. Projecting Sign: Any sign attached to any outside building wall and extending more than 12 inches beyond the surface of such wall.

P. Real Estate Sign: A on-premises temporary sign erected to announce the sale, rental, or lease of real property.

Q. Roof Sign: Any sign erected, constructed, or maintained above a roof or on top of or above the parapet of a building.

R. Temporary Sign: A sign which is not permanent and is erected with a time limitation.

S. Wall Sign: Any sign affixed directly to or painted on, or otherwise inscribed on the outside wall of a building with the face parallel to and projecting no more than 12 inches from the building wall.

T. Window Sign: A sign placed in a window inside a building.

Site Plan: A drawing indicating the location of existing and proposed buildings or other structures, and, where required by this Ordinance, landscaping and planting screens and points of access/egress and driveways on a single lot. A "site plan" differs from a "subdivision plat" in that a subdivision plat reflects certain required information for two or more lots.

Site Plan Review: The process specified under Sections 2207 through 2210 of this Ordinance in which site plans for certain proposed developments and/or site plans (when required by the Zoning Administrator in coordination with other County officials) accompanying applications for dimensional variance, conditional use, and rezoning are reviewed by County officials, the Planning/Zoning Commission and the Board of Supervisors for conformance with this Ordinance and other applicable laws and codes, and to determine what other special restrictions (if any) need to be applied if the site plan and application are approved by the Board of Supervisors.

Specialty Shop: A store that specializes in a particular line of merchandise, such as baked goods, candy, clothing, hardware, clothing, antiques, bicycles, etc.

Special Exception: See "Conditional Use."

Specified Anatomical Areas: Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or less than 50% of the female breast below a point immediately above the areola; or human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activity: Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts; flagellation or torture in the context of a sexual relationship; masochism, erotic or sexually oriented torture, beating or the infliction of physical pain; erotic touching, fondling or other such contact with an animal by a human being; or human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in this section.

Spot Zoning: The improper zoning or re-zoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses. While such spot zoning may not be illegal per se, it is generally regarded as an improper practice.

Stable, Private: An accessory building for the housing of horses or mules owned by a person or persons living on the premises and which horses or mules are not for hire.

Stable, Commercial: A stable with a capacity for housing of more than two (2) horses or mules, which stable may be operated for remuneration, hire, sale or stabling.

Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. For the purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average grade elevation, or when the basement is used for commercial activities (See "Basement").

Street: A publicly-owned thoroughfare which affords the principal means of access to abutting property; such thoroughfares are dedicated by a property owner for public use, accepted by the responsible political entity in which the street is located and is so dedicated, and recorded in the Office of the Madison County Chancery Clerk.

Street Right-of-Way Line: The legal property boundary line delineating the street right-of-way and the abutting property.

Strip Development: Commercial development, usually one store deep, that fronts on a major street.

Structure: Anything constructed or erected, the use of which requires a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, walls, fences, and billboards, but shall not include "Transient Trailers (Travel Trailers)" as defined herein. The term structure shall be construed as if followed by the words "or part thereof." The term "structure" is not intended to include driveways, patios, parking lots, or utilities (i.e., utility lines running to a structure).

Structural Alteration of a Building: See "Building, Structural Alteration of."

Subdivider: Any person, firm, partnership, corporation or other entity acting as a unit, who, having an interest in land, causes it, directly or indirectly, to be divided into a subdivision.

Subdivision: Any change in the boundaries of a single tax parcel that results in a division of land into more than 2 lots, other than a division of family property for use by direct family members.

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 alterations of any structural part of the building commences.

Supermarket: A commercial establishment containing 20,000 square feet of gross floor area (including storage) or more primarily selling food as well as other convenience and household goods.

Theater, Motion Picture: A building or part of a building devoted primarily to the showing of motion pictures on a paid admission basis.

Theater, Drive-In: An open lot or part thereof, with its appurtenant facilities devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles or on outdoor seats.

Through Lot: See "Lot, Double Frontage."

Thoroughfares Plan: The primary component of the "Transportation Plan," which is one of the elements of a Comprehensive Plan, usually developed concurrently with another element, the "Land Use Plan."

County: The Madison County, Mississippi.

Townhouse: A single-family dwelling constructed in a series or group of attached units with property lines separating each unit. (From: Standard Building Code).

Townhouse Subdivision: A subdivision in which the developer proposes to partition land into individual lots and construct townhouses wherein both the dwellings and the lots will be individually owned by the residents.

"Trailer": Archaic term sometimes applied to manufactured homes. (See "manufactured home").

Transient Trailer (Travel Trailer): A portable or mobile living unit used for temporary human occupancy away from the place or residence of the occupants. For the purposes of this Ordinance, such transient trailers shall be considered a vehicle and not a structure. The term transient trailer" or "travel trailer" shall include pick-up truck campers," "motor homes," "camping trailers" and "recreational vehicles."

Transient Trailer Park: A commercial operation where space and service accommodations for transient trailers are provided for a fee on an overnight or daily basis.

Transient Vendor: Any person who sells any product or products door-to-door or from a vehicle or from a portable building or any structure that does not have a permanent foundation.

Transportation Plan: One of the elements of a Comprehensive Plan. Section 17-1-1 (c) (ii) of the Mississippi Code of 1972, Annotated, As Amended.

Truck Stop: Any area of land, including the structures thereon, that is used for the servicing of heavy trucks (i.e., tractor-trailer combinations designed for transporting large cargoes), and which may offer food and beverages in addition to lodging.

Undeveloped Lot: A vacant lot or parcel of land.

Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" shall not be deemed to include any nonconforming use.

Use, Accessory: See "Accessory Use."

Utility: See "Facilities and Utilities, Public/Quasi-Public."

Variance: A relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. However, financial hardship shall not be considered justification for granting a variance. The criteria for issuance of a variance are listed under Section 2204 of this Ordinance. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use not permitted shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining district.

Vehicle: Any device for carrying passengers, goods, or equipment, usually moving on wheels. This definition does not include manufactured homes, which are considered structures for the purposes of this Ordinance.

Vehicle Service Center: Any building and land upon which the building is located that is used for the performance of minor mechanical repairs and the sale of associated equipment or merchandise for automobiles, light trucks, and vans. Such minor mechanical repairs/ sales may include, but is not necessarily limited to, the following: the sale or installation of tires, batteries, and accessories; the sale or installation of exhaust systems, including mufflers, tailpipes, etc.; front-end and rear-end alignments; complete brake services; the sale and installation of hoses and belts; oil and oil/ filter changes and lubrication services; and minor tune-ups. This term does not include the following activities: the performance of engine or transmission overhauls; or vehicle painting or body work.

Veterinary Hospital: See "Hospital, Veterinary."

Warehouse, Self-Storage (Sometimes called a "Mini-Warehouse): A building or group of buildings divided into separate compartments for the storage of customers' goods or wares.

Yard (or "Minimum Yard" or "Setback"): The required open space between any main building or portion thereof and the adjoining lot lines, which shall remain unoccupied and unobstructed by any portion of a structure, except as otherwise specifically provided herein. In measuring a lot for the purpose of determining the minimum front, side or rear yard, the shortest horizontal distance between the lot line and the nearest vertical structure shall be used.

Yard, Front: The required unoccupied and unobstructed space at the front elevation of the main building, extending the full width of the lot, and situated between the front property line and the nearest vertical portion of the main building.

Yard, Rear: The required unoccupied and unobstructed space across the rear of a lot, extending the full width of the lot, being the minimum distance between the rear property line and the nearest vertical portion of the main building. On both interior lots and corner lots, the rear yard shall be in all cases at the opposite end of the lot from the front yard.

Yard, Side: The required unoccupied and unobstructed space across the side of a lot, being the minimum distance between the side property line and the nearest vertical portion of the main building.

Zoning Administrator: The official (or officials) charged by the Board of Supervisors with the administration and enforcement of this Zoning Ordinance, or his duly authorized representative.

Zoning Commission: See “Planning/Zoning Commission.”

Zoning District: See "District."

ARTICLE III

ESTABLISHMENT OF ZONING DISTRICTS:

PROVISION FOR OFFICIAL ZONING MAP

SECTION 300 - ZONING DISTRICTS

For the purpose of promoting public health, safety, morals, or general welfare, the Madison County, Mississippi, is hereby divided into the following zoning districts:

A-1	Agricultural District
R-1	Single-Family Residential Estate District (minimum two acre lots)
R-1 A	Single-Family Residential District (low density—minimum 30,500 square feet lots)
R-1 B	Single-Family Residential District (moderate density—minimum 15,000 square feet lots)
R-2	Medium Density Residential District—(minimum 10,600 square feet lots)
R-3	High Density Residential District
R-4	Townhouse Residential District
R-5	Patio Home Residential District
MHP	Manufactured Home Park District
C-1A	Restricted Commercial District
C-1	General Commercial District
C-2	Highway Commercial District
TIP	Technical Industrial Park
I-2	Heavy Industrial District
P-1	Planned Unit Development
SU	Special Use District

SECTION 301 - OFFICIAL ZONING MAP

The aforesaid zoning districts are identified and delineated on a map entitled "Official Zoning Map: Madison County, Mississippi," and said map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

301.01 Map Certified: The Official Zoning Map shall be identified by the signature of the President of the Board of Supervisors, attested by the Chancery Clerk, and shall bear the seal of the County under the following words:

> "This is to certify that this is the Official Zoning Map of the Madison County, Mississippi, as adopted by the Board of Supervisors on _____ ."

301.02 Location of Official Zoning Map: Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be prepared or printed, the Official Zoning Map bearing the certificate specified under Section 301.01 and located in the office of the Zoning Administrator and shall be the final authority as to the zoning status of land and water areas, buildings, and other structures in the Madison County.

301.03 Public Inspection of Map: The Official Zoning Map shall be available for public inspection as provided by law during normal business hours of the Zoning Administrator of Madison County.

301.04 Map Amendment: If, in accordance with the provisions of this Ordinance and Statutes of the State of Mississippi, changes are made in the zoning district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be made within thirty (30) days after the amendment has been approved by the board of Supervisors. All such amendments shall be recorded by the Zoning Administrator in a book known as the Log of Amendments to the Official Zoning Maps, and these entries shall include description of the nature of the change, date of approval, minute book number and initial of the authorized official.

Since the Official Zoning Map is part of this Ordinance, any amendments to the Official Zoning Map shall be accomplished in accordance with state statutes relating to passage of ordinances. Therefore, before the Official Map may be amended, an "Ordinance of Rezoning" shall be drafted and passed by the Board of Supervisors in accordance with state law. An unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Section 2214.

SECTION 302 - 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 Supervisors may, by ordinance, designate a new Official Zoning Map which shall replace the prior zoning map. The new Official Zoning Map may correct drafting errors or other omissions on the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the President of the Board of Supervisors, attested by the Chancery Clerk, and shall bear the seal of the County under the following words:

"This is to certify that this Official Zoning Map replaces the Official Zoning Map adopted as part of the Zoning Ordinance of the Madison County, Mississippi, on _____."

SECTION 303 - RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

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

A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Where the boundary of a district 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.

D. 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.

E. Boundaries indicated as parallel to or extensions of features indicated in Section 303, Subsections (A) through (H) above shall be so construed.

F. 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 Section 303, the Board of Supervisors shall interpret the district boundaries.

G. Where a district boundary line divides a lot which was in a single ownership at the time of passage or amendment of this Ordinance, the Board of Supervisors may permit, as a special exception, the extension of the use not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

ARTICLE IV

GENERAL REGULATIONS

SECTION 400 - APPLICATION OF REGULATIONS

400.01 Permits Required: Before any person shall commence the construction or erection of a building, parking or placing of a manufactured or modular home, or relocating an existing structure, on any property within unincorporated areas of Madison County, he/ she shall obtain a permit from the Board of Supervisors of Madison County. Permits are valid for two years from the date of issuance. All permits for construction which has not begun with six (6) months of the date of issuance, or for which work has been abandoned for a six (6) month period are declared null and void. Work started without permit is subject to a doubling of the permit fee.

400.02 Compliance with Zoning Ordinance Required: No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformance with all of the regulations specified for the district in which it is located. Furthermore, no person shall use or occupy a building, structure or land within the Madison County for an activity which requires a federal, State of Mississippi and/or County license until said license is obtained from the appropriate authorities.

400.03 Nonconformities Defined: "Nonconformities" shall consist of any land, lot, building, structure, or parts thereof, or the various uses to which those items are or were put, and which lawfully existed prior to the enactment of this Ordinance; but which subsequently do not comply with the provisions of this Ordinance and the requirements of the district wherein located. The regulations pertaining to such nonconformities are established in the district regulations and under Article XXIV.

400.04 Permitted Uses Constitute Conforming Uses: Any land use which is permitted as a conditional use in a particular district under the terms of this Ordinance shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

400.05 District Regulations Constitute Minimum Regulations: The regulations established in this Ordinance within each district (Articles V through XXII) shall constitute minimum regulations unless otherwise noted.

400.06 Uniformity within Districts: The regulations and provisions established by this Ordinance for each district shall apply uniformly within each district of the same name and shall apply uniformly to each class or type of building, structure, use, or land therein except as otherwise provided.

400.07 Pending Applications for Building Permits: Nothing in this Ordinance shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approvals and required building permits have been legally granted before the enactment of this Ordinance. Construction shall have been started within six (6) months of the effective date of this Ordinance and completed within a subsequent two year period and not discontinued until completion except for reasons beyond the builder's control. All permits for which construction has not begun within six (6) months of the effective date of this Ordinance are hereby revoked and void.

SECTION 401 - DIMENSIONAL CONTROLS

401.01 Reduction of Yards and Lots Below Minimum Requirements Prohibited: No yard or lot of record existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots of record created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

401.02 Front Yards on Corner or Double Frontage Lots: On corner lots or double frontage lots ("through lots"), the front yard shall be determined by the main entrance to the building or structure. The side yard shall be the other side fronting on a street or road, and the side yard setback shall be two-thirds (2/3) of the required front yard setback. Rear yards for corner lots shall be the yard opposite the main entrance to the building or structure.

401.03 Determination of Setbacks: In measuring a required front yard (i.e., setback), the minimum horizontal distance between the existing right-of-way line and the main structure shall be used.

401.04 Encroachment by Cornices and Eaves into Required Side-Yard Setbacks: The eave or cornice of any structure shall not encroach into the required side-yard setback by more than fifty percent (50%) of the required setback distance.

401.05 Visibility at Intersections: On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede the vision of motor vehicle operators between a height of two and one-half (2 ½) and ten (10) feet above the center line grades of the intersecting streets and within a triangular area bounded by the right-of-way lines for a distance of twenty-five (25) feet from the intersection and a straight line connecting said points twenty-five (25) feet back from the intersection of said right-of-way lines.

401.06 Accessory Buildings or Uses: No accessory building or use shall be placed within the front yard of any main building or use in any district. Any accessory use must be placed behind the front building line/setback line. However, an accessory building or use may be placed in the required side or rear yard of any main building in any district, provided that the accessory building or use is at least ten (10) feet from the side and rear property lines.

401.07 Railroad Setbacks: In ALL residential zoning districts a buffer strip of at least one hundred (100) feet in depth in addition to the normal setback required in the district shall be provided adjacent to the railroad right-of-way. This strip shall be part of the platted lots in a residential subdivision (or apartment/ condominium complex lot) and the following wording shall be shown on the plat or site plan: "This strip is reserved for screening. The placement of structures hereon is prohibited."

401.08 Exceptions to Height Regulations: The height regulations contained in the District Regulations of this Ordinance do not apply to spires, belfries, cupolas, antennas, water tanks, ventilation chimneys, masts, towers, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

SECTION 402 - PUBLIC/ QUASI-PUBLIC FACILITIES AND UTILITIES

All public and quasi-public facilities and utilities, as defined under Article II of this Ordinance, may be located in any district in the County, provided:

(a) That all applicable requirements of federal, state and county or County laws shall be met.

(b) That all such proposed uses shall be subject to the procedures stated under Section 2605 relative to Special Exceptions (Conditional Uses).

No public or quasi-public facility or utility shall be located in a residential district or in any area where the proposed use would be incompatible with surrounding land uses.

SECTION 403 - DIMENSIONAL REQUIREMENTS FOR PUBLIC/QUASI-PUBLIC FACILITIES AND UTILITIES IN ALL DISTRICTS

Developers of churches, schools, hospitals, civic organizational buildings, country clubs, and other public/ quasi-public facilities or utilities in any district shall comply with the following dimensional requirements:

403.01 Maximum Building Height: 35 feet, unless greater height is specifically approved by the Board of Supervisors based upon the required site plan review.

403.02 Minimum Lot Area: Minimum lot areas for all public/quasi-public uses shall be based upon the proposed use, subject to approval of a site plan submitted in accordance with Sections 2607 through 2610 of this Ordinance.

403.03 Minimum Lot Width: Established based upon proposed use.

403.04 Minimum Yards: Minimum yards for public/quasi public structures shall be the same as for all other structures in individual zoning classifications.

SECTION 404 - REQUIRED LANDSCAPING ALONG ALL ARTERIAL STREETS IN ALL ZONING DISTRICTS

404.01 Arterial Street Landscaping for Subdivisions: Developers of all residential, commercial or industrial subdivisions shall provide a landscaped easement at least ten (10) feet in width consisting of grass, shrubs and trees along all existing or proposed streets or highways designated as Principal Arterial or Minor Arterial on the adopted Thoroughfares Plan of the Madison County. The spacing, sizes and specific types of landscaping material to be installed within this landscaped easement shall be shown on the preliminary plat for all proposed subdivisions. A preliminary plat shall not be approved unless the developer's proposals for the landscaped strip are acceptable to the Planning Commission. This requirement is intended to ensure consistent treatment along the traffic frontage, which is essential for appearance and permanency.

At the time the final subdivision plat is submitted for ANY subdivision, the developer shall submit with his application for final plat approval a legal instrument or instruments which state that the assumption of liability insurance, taxes and maintenance of the required landscaped easement shall rest with the developer, if he retains ownership of such areas, or with a homeowners association if ownership of such landscaped areas is transferred to a homeowners association.

NO FENCE SHALL BE ERECTED IN A MANNER WHICH BLOCKS ACCESS TO THIS REQUIRED LANDSCAPED EASEMENT.

404.02 Arterial Street Landscaping for Developments Not Involving the Subdivision of Land: Developers of all multiple family residential (apartments or condominiums), manufactured/ mobile home parks, commercial, industrial or public/quasi public uses not involving the subdivision of land shall provide a landscaped strip at least ten (10) feet in width consisting of grass, shrubs and trees along all existing or proposed streets or highways designated as Principal Arterial or Minor Arterial on the adopted Thoroughfares Plan of the Madison County. The spacing, sizes and specific types of landscaping material to be installed within this landscaped easement shall be shown on the required site plan. A site plan shall not be approved unless the developer's proposals for the landscaped strip are acceptable to the Board of Supervisors. This

requirement is intended to insure consistent treatment along the traffic frontage, which is essential for appearance and permanency. Maintenance of this required landscaped strip shall be the responsibility of the property owners and not the Madison County. Failure to maintain the landscaping in a satisfactory manner shall constitute a violation of this Ordinance and be subject to the penalties imposed herein.

NO FENCE SHALL BE ERECTED IN A MANNER WHICH BLOCKS ACCESS TO THIS REQUIRED LANDSCAPED EASEMENT.

SECTION 405 - HOME OCCUPATIONS

Home occupations, as defined under Article II of this Ordinance, may be permitted in any district where residential uses are allowed, subject to the following limitations and such conditions as may be determined by the Board of Supervisors for the protection of the health, safety and welfare of the citizens of Madison County:

405.01 Display and Storage: No storage or display of materials, goods, supplies, or equipment related to the operation of a home operation shall be visible from the outside of any structure located on the premises.

405.02 Maximum Area: Not more than twenty-five percent (25%) of the floor area of the dwelling shall be used for the conduct of the home occupation. No accessory building shall be used as a home occupation.

405.03 Traffic and Parking Restrictions: No traffic shall be generated by such home occupations in greater volumes than would normally be expected in a residential neighborhood (as determined by the Zoning Administrator), and any need for parking generated by the conduct of such home occupations shall be met off the street and other than in a required yard. Furthermore, an ample amount of such off-street parking shall be provided as determined by the Zoning Administrator at the time of the application for a building permit.

405.04 Exterior Lighting: There shall be no exterior lighting which would indicate that the dwelling and/or accessory building is being utilized in whole or in part of any purpose other than residential.

405.05 Signs Relating to Home Occupations: See Article XXI.

405.06 Other Provisions: No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, or odors detectable to the normal senses outside of the dwelling unit or accessory building in which the occupation is conducted. No equipment or process shall be used in any home occupation which creates visual or

audible electrical interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

405.07 Privilege License Required: Existing and new home occupations are required to have a privilege license in accordance with state law. A building permit (if construction is necessary in connection with proposed home occupation) must be obtained from the Zoning Administrator prior to the initiation of a home occupation.

SECTION 406 - MISCELLANEOUS GENERAL REGULATIONS

406.01 Road/ Street Access Required: Every structure hereafter constructed, moved, or structurally altered shall have direct access to a public (dedicated) street or road or to an approved private street or parking area, and shall be so located as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

406.02 Fences, Walls and Hedges: Fences, walls, and hedges or other densely planted vegetation shall be permitted in any required side or rear yard or along the edge of any side or rear yard. Upon the effective date of this Ordinance, the erection of fences or walls and the planting of dense vegetation (hedges, etc.) in front yards in such a manner as to impede the vision of motor vehicle operators entering a public street shall be prohibited.

406.03 Parking and Storage of Derelict Vehicles: Vehicles that are wrecked, dismantled, partially dismantled, inoperable, abandoned or discarded and are not capable of being legally (that is, if the vehicle does not have a current inspection sticker **and** current license plate affixed to the vehicle) driven upon the roads, streets or highways of the Madison County shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings, nor shall such vehicles be parked on public streets or roads.

406.04 Prohibited Uses: Within the Madison County, no lot, land, premises, place or building shall be used, and no buildings or structures shall be erected or placed, which are arranged, intended, or designed for any use which generates environmental pollutants beyond a tolerable level by reason of excessive noise (that is, no noise in excess of 65 DNL, or 65 decibels as determined by an outdoor day-night average sound level),odor, glare, vibration, smoke, dust, fumes, vapors, gases, liquid and solid waste, radiation, electrical emissions, danger from fire or explosion, or any other debilitating influence as defined by the U.S. Environmental Protection Agency as regulated by the Mississippi Department of Natural Resources, Bureau of Pollution Control and the Mississippi State Board of Health.

406.05 Materials and Growth Constituting Public Health and/or Safety Hazards Prohibited: No rubbish, salvage materials, junk or hazardous waste materials, including inoperable

vehicles and parts and any combustible matter, shall be openly stored, allowed to accumulate or kept in the open, and no weeds or other growth shall be allowed to go uncut within any district when the same shall be determined by the appropriate County Official (the Zoning Administrator or other authorized County employee) or health official to constitute a menace to the public health and/or safety.

406.06 Required Enclosure of Garbage Disposal Facilities and Recycle Bins: Upon the effective date of this Ordinance, all garbage disposal facilities (i.e., any container with a capacity of over 40 gallons) located on the site of existing (at the effective date of this Ordinance) or new multiple family residential uses, manufactured home parks, commercial, industrial or public/quasi-public uses shall be enclosed on all four sides by solid fencing or other material in a manner that prevents direct visibility of the garbage cans, dumpster, or recycle bin. Failure to maintain such garbage disposal facilities in a neat and sanitary manner shall constitute a violation of this Ordinance and be subject to the penalties imposed herein.

All site plans for multiple-family residential, manufactured home parks, commercial, industrial or public/quasi-public uses proposed following the effective date of this Ordinance shall indicate the location of garbage disposal facilities on the site and the type of enclosure (materials, height, etc.) to be installed.

406.07 Conduct of Garage Sale at Any Location Other Than a Single -Family Residence Prohibited; Time Limitation on Garage Sales: The conduct or operation of a garage sale, as defined by this Ordinance, at any location other than a single-family residence is prohibited; this includes but is not limited to the conduct or operation of a garage sale at a self-storage warehouse or "mini-warehouse". The conduct or operation of a garage sale for more than six days within a 12-month period is considered a commercial operation and is prohibited.

406.08 Transient Vendors: No transient vendor, as defined by this Ordinance, shall operate for a period of more than 30 consecutive days. No transient vendor shall conduct any business or activity without first obtaining a privilege license and without notification of the Madison County Sheriff's Department by the vendor. However, the sale of fireworks (from "fireworks stands") shall be allowed only as a conditional use in C-2 Highway Commercial districts.

406.09 Location of Utilities: Utilities located within the right-of-way of public roads or streets, or within the right-of-way of proposed roads or streets, shall be in accordance with the Utility Policy of Madison County.

406.10 Street/ Road Numbers Required: All permanent structures hereafter constructed in unincorporated Madison County shall have street/ road numbers posted either on the

structure, or at the street/ road right-of-way on which such structures front. Such numbers shall be of sufficient size to be clearly legible for identification purposes.

406.11 Screening of Junk Yards (or Salvage Yards) Required: Within sixty (60) days of the effective date of this Ordinance, all owners of junk yards as defined by this Ordinance, shall screen such uses from visibility from all adjacent roads or highways. All proposals for screening of such uses in existence as of the effective date of this Ordinance shall be approved by the Zoning Administrator of Madison County.

All salvage or junk yards proposed after the effective date of this Ordinance shall only be located in C-2 Highway Commercial Districts as special exceptions.

Failure to comply with the screening requirements of this section shall constitute a separate offense for each day that such screening is not erected, and each offense shall be subject to the penalties imposed by this Ordinance.

ARTICLE V

AGRICULTURAL DISTRICT (A-1)

SECTION 500 - PURPOSE OF THIS DISTRICT

The purposes of these districts are to conserve land for agricultural use, to prevent the premature development of land, and to prevent urban and agricultural land use conflicts. It is the intent of this Ordinance that such districts be located primarily in those areas of the Madison County that are not served by the public sewer system. It is further the intent of this Ordinance to prevent disorderly scattering of residences on small lots and to prevent the establishment of other urban land uses that would require unreasonable expenditures for public improvements and services.

SECTION 501 - LAND USES PERMITTED

A. Single-family detached dwellings. Only one principal dwelling per lot may be erected in A-1 districts.

B. Accessory buildings and structures associated with the use of the land for residential purposes.

C. Cultivation of field and truck crops, orchards and vineyards.

D. All horticultural uses.

E. Barns, silos, sheds and other accessory structures for agricultural purposes.

F. Breeding, raising, and feeding of livestock (i.e., horses, cattle, sheep, goats, mules, pigs, etc.), provided that each such animal herein defined as "livestock" shall be kept on a tract or lot of one (1) acre of land or greater. Barns, pens, corrals, and other buildings or enclosures for the keeping of livestock are permitted accessory uses, provided that such buildings or enclosures (excluding open pastures) are located no closer than 50 feet from any adjoining property lines or existing street right-of-way line.

G. Breeding, raising and feeding of chickens, ducks, turkeys, geese, or other fowl, provided that if more than two (2) such fowl are kept on any lot, they shall be kept at least 50 feet from any adjoining property line or existing/proposed street right-of- way line.

H. Forestry.

I. Manufactured homes or mobile homes and their customary accessory uses, provided, however, that the manufactured home or mobile home is located on a lot that is at least two (2) acres. Furthermore, skirting in the form of brick, solid wood, solid metal, or vinyl shall be provided around the bottom of all sides of manufactured/ mobile homes placed in A-1 districts.

J. Home occupations in compliance with Section 405 of this Ordinance.

K. Public recreational or open space facilities.

L. Public roads and highways, excluding Federal Interstate highways and scenic parkways, which are regulated as special uses in SU-1 districts.

SECTION 502 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2605

A. Public or quasi-public facilities and utilities in compliance with Section 402 and other regulations of this Ordinance.

B. Child care facilities.

C. Inns or "bed and breakfast inns."

D. Stables, riding academies, and facilities for the training of horses and similar activities, providing that there shall be at least one (1) acre of land for each horse normally kept on the premises.

E. Intensive farming operations defined as three (3) or more animals per 20,000 square feet of space.

F. Commercial catfish production.

G. Extraction of minerals, including sand and gravel, provided that when "open-pit" operations are proposed, a Reclamation Plan shall be approved by the Board of Supervisors prior to the initiation of such open pit mining operations. The operator must obtain required permits and approvals, which shall not be transferrable, from other governmental entities and provide the Madison County Board of Supervisors with written proof of same.

H. Animal cemeteries (small domestic animals such as cats and dogs).

SECTION 503 - DIMENSIONAL REQUIREMENTS

503.01 Maximum Building Height: There shall be no height limitations for barns and agricultural storage buildings provided they do not contain space intended for human occupancy. No habitable floor of any other building shall exceed a height of 40 feet above the finished ground elevation measured at the front line of the building.

503.02 Minimum Lot Area: Two (2) acres. However, if livestock are to kept on the property, see Section 501 (F).

503.03 Minimum Lot Width: 200 feet for lots that are not served by public sewerage; 100 feet for lots that are served by public sewerage. However, see Section 501 (F) and (G) when livestock or fowl are to be kept on the premises.

503.04 Minimum Yards:

(a) Front yard: 40 feet from the existing right-of-way line to the building setback line.

(b) Side yard: 25 feet, except where Section 501 (F) or (G) requires a minimum yard of 50 feet from any adjoining property line.

(a) Rear yard: 40 feet, except where Section 501 (F) or (G) requires a minimum yard of 50 feet from any adjoining property line.

503.05 Maximum Buildable Area: No limitation on buildable area.

SECTION 504 - OFF-STREET PARKING REQUIREMENTS

See Article XXIII for off-street parking and loading requirements for residential and other uses allowed in A-1 districts.

ARTICLE VI

RESIDENTIAL ESTATE DISTRICT (R-1)

SECTION 600 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide for large lot, low density residential development in areas where existing or programmed infrastructure cannot accommodate higher density demands. These areas of the County may or may not have public sewerage. It is also the purpose of these districts to protect the property values of people living in existing Residential Estate subdivisions or other large lot developments.

SECTION 601 - LAND USES PERMITTED

A. Single family detached dwellings with only one principal dwelling per lot.

B. Accessory uses and structures associated with the use of the land for residential purposes.

C. Horticultural uses (including farming) not involving the sale of produce on the premises.

D. Breeding, raising, and feeding of grazing livestock (i.e., horses, cattle, sheep, goats, mules, etc.), provided that each such animal herein defined as "grazing livestock" shall be kept on a tract or lot of one (1) acre of land or greater. Barns, pens, corrals, and other buildings or enclosures for the keeping of livestock are permitted accessory uses, provided that such buildings or enclosures (excluding open pastures) are located no closer than 50 feet from any adjoining property lines or existing street right-of-way line.

E. Home occupations in compliance with Section 405 of this Ordinance.

F. Common open space or recreational facilities approved as part of the subdivision approval process, excluding country clubs and the like which shall be regulated as public/quasi public facilities and utilities subject to the provisions of Section 402 of this Ordinance. All lakes associated with this or any other usage shall comply with the Madison County Subdivision Regulations.

G. Public roads and highways, excluding Federal Interstate highways and scenic parkways, which are regulated as special uses in SU-1 districts.

H. Public recreational or open space facilities.

SECTION 602 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2605

A. Public or quasi public facilities and utilities in conformance with Section 402 and other regulations of this Ordinance.

B. Child care facilities.

C. Inns or bed and breakfast inns.

D. Extraction of minerals, including oil drilling and production activities and sand and gravel, provided that when "open-pit" operations are proposed, a Reclamation Plan shall be approved by the Board of Supervisors prior to the initiation of such open pit mining operations. The operator must obtain required permits and approvals, which shall not be transferrable, from other governmental entities and provide the Madison County Board of Supervisors with written proof of same.

E. Manufactured homes or mobile homes, provided that the persons proposing to place a manufactured/ mobile home in an R-1 district shall demonstrate a genuine hardship to the Planning Commission and Board of Supervisors. A genuine hardship shall only consist of:

(a) The need to place a manufactured/ mobile home on a lot as a temporary dwelling while a site-built residence that was destroyed by fire, tornado or other disaster is being rebuilt or repaired; or

(b) Medical hardship which requires the person to live near a relative in order that the relative can assist in meeting the needs of the person having a medical hardship. A physician's statement confirming such hardship shall accompany the application for a conditional use permit.

F. Public recreational or open space uses.

SECTION 603 - DIMENSIONAL REQUIREMENTS

603.01 Maximum Building Height: 40 feet or 2 ½ stories.

603.02 Minimum Lot Area: Two (2) acres.

603.03 Minimum Lot Width: 200 feet at the front yard setback.

603.04 Minimum Yards:

a. Front Yard: 50 feet from the street right of way line to the building setback line.

b. Side Yards: 25 feet, except where Section 601 (d) requires a minimum yard of 50 feet from any adjoining property line.

c. Rear Yard: 50 feet.

d. Front Yards on Corner or Double -Frontage Lots: On corner lots or double frontage lots ("through lots"), the front yard shall be determined by the main entrance to the building or structure. The side yard shall be the other side fronting on a street or road, and the side yard setback shall be two-thirds (2/3) of the required front yard setback. Rear yards for corner lots shall be the yard opposite the main entrance to the building or structure.

603.05 Maximum Buildable Area: 15% of the area of any lot.

603.06 Accessory Buildings: Accessory buildings shall be set back a minimum of 75 feet from the street or road right-of-way line on which the lot and main building fronts and a minimum of 10 feet from the side lot line and/or rear lot line. No accessory building shall occupy more than 10 percent of a required rear yard. No accessory building shall be used as a permanent dwelling.

SECTION 604 - SWIMMING POOLS

Swimming pools, if constructed, shall be located behind the front line of the house, and there shall be a minimum of 20 feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be enclosed by a structure or fencing. Fences shall be at least four feet in height and shall have a self-latching gate.

SECTION 605 - OFF STREET PARKING REQUIREMENTS

See Article XXIII for off street parking and loading requirements for residential and other uses allowed in R-E districts.

SECTION 606 - SIGNS

See Article XXV for sign regulations.

ARTICLE VII

SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1A)

SECTION 700 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide areas for the development of low density, single-family detached dwellings and related compatible uses in relatively spacious surroundings which provide ample, usable open space for leisure time activities. No new single-family residential subdivisions shall be developed in R-1A districts after the effective date of this Ordinance without public sewerage.

SECTION 701 - LAND USES PERMITTED

A. Single-family detached dwellings with only one principal dwelling per lot.

B. Accessory uses and structures associated with the use of the land for residential purposes.

C. Home occupations in compliance with Section 406 of this Ordinance.

D. Common open space or recreational facilities approved as part of the subdivision approval process, excluding country clubs and the like which shall be regulated as public/quasi public facilities and utilities subject to the provisions of Section 402 of this Ordinance. All lakes associated with this or any other usage shall comply with the Madison County Subdivision Regulations.

E. Horticultural uses (including farming) not involving the sale of produce on the premises.

F. Public roads and highways, excluding Federal Interstate highways and scenic parkways, which are regulated as special uses in SU-1 districts.

SECTION 702 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2605

A. Public or quasi-public facilities and utilities in conformance with Section 402 and other regulations of this Ordinance.

B. Inns or "bed and breakfast inns."

C. Manufactured homes or mobile homes, provided that the persons proposing to place a manufactured/ mobile home in an R-1 district shall demonstrate a genuine hardship to the Planning Commission and Board of Supervisors. A genuine hardship shall only consist of:

(a) The need to place a manufactured/ mobile home on a lot as a temporary dwelling while a site-built residence that was destroyed by fire, tornado or other disaster is being rebuilt or repaired.

(b) Medical hardship which requires the person to live near a relative in order that the relative can assist in meeting the needs of the person having a medical hardship. A physician's statement confirming such hardship shall accompany the application for a conditional use permit.

D. Breeding, raising, and feeding of grazing livestock (i.e., horses, cattle, sheep, goats, mules, etc.), provided that each such animal herein defined as "grazing livestock" shall be kept on a tract or lot of one acre of land or greater. Barns, pens, corrals, and other buildings or enclosures for the keeping of grazing livestock are permitted accessory uses, provided that such buildings or enclosures (excluding open pastures) are located no closer than 50 feet from any adjoining property lines or street right of way lines.

E. Child care facilities.

F. Public recreational or open space facilities.

SECTION 703 - DIMENSIONAL REQUIREMENTS

703.01 Maximum Building Height: 40 feet or 2 ½ stories.

703.02 Minimum Lot Area: 30,500 square feet.

703.03 Minimum Lot Width: 100 feet.

703.04 Minimum Yards:

(a) Front yard: 50 feet from the street or road right-of-way line to the building setback line. See Section 401.02 regarding double-frontage and corner lots.

(b) Side yards: 15 feet.

(c) Rear yard: 25 feet.

(d) Front Yards on Corner or Double Frontage Lots: On corner lots or double frontage lots ("through lots"), the front yard shall be determined by the main entrance to the building or structure. The side yard shall be the other side fronting on a street or road, and the side yard setback shall be two-thirds (2/3) of the required front yard setback. Rear yards for corner lots shall be the yard opposite the main entrance to the building or structure.

703.05 Accessory Buildings: Accessory buildings shall be set back a minimum of 75 feet from the street or road right-of-way line on which the lot and main building fronts and a minimum of 10 feet from the side lot line and/or rear lot line. No accessory building shall occupy more than 25 percent of a required rear yard. No accessory building shall be used as a permanent dwelling. No accessory building shall be located in the front yard of any lot.

SECTION 704 - SWIMMING POOLS

Swimming pools, if constructed, shall be located behind the front line of the house, and there shall be a minimum of 10 feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be enclosed by a structure or fencing. Fences shall be at least four (4) feet in height and shall have a self-latching gate.

SECTION 705 - OFF-STREET PARKING REQUIREMENTS

See Article XXIII for off-street parking and loading requirements.

SECTION 706 - SIGNS

See Article XXV for sign regulations.

ARTICLE VIII

MODERATE DENSITY RESIDENTIAL DISTRICT (R-1B)

SECTION 800 - PURPOSE OF THIS DISTRICT

The purpose of this district is to offer a development option for moderate density residential subdivisions in areas served by public sewer at a net density of approximately 2.17 units per acre.

SECTION 801 - LAND USES PERMITTED

A. Single-family detached dwellings with only one principal dwelling per lot.

B. Accessory uses and structures associated with the use of the land for residential purposes.

C. Home occupations in compliance with Section 405 of this Ordinance.

D. Common open space or recreational facilities approved as part of the subdivision approval process, excluding country clubs and the like which shall be regulated as public/quasi public facilities and utilities subject to the provisions of Section 402 of this Ordinance. All lakes associated with this or any other usage shall comply with the Madison County Subdivision Regulations.

E. Horticultural uses (including farming) not involving the sale of produce on the premises.

F. Public roads and highways, excluding Federal Interstate highways and scenic parkways, which are regulated as special uses in SU-1 districts.

SECTION 802 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2605

A. Public or quasi-public facilities and utilities in conformance with Section 402 and other regulations of this Ordinance.

B. Child care facilities.

C. Public recreational or open space facilities.

SECTION 803 - DIMENSIONAL REQUIREMENTS

803.01 Maximum Building Height: 40 feet or 2 ½ stories.

803.02 Minimum Lot Area: 15,000 square feet.

803.03 Minimum Lot Width: 85 feet.

803.04 Minimum Yards:

(a) Front yard: 30 feet from the street or road right-of-way line to the building setback; the front yard shall be determined by the front elevation of the main building. See Section 401.02 regarding double-frontage and corner lots.

(a) Side yards: 10 feet;

(b) Side yard if lot is located on a corner lot: 20 feet; the side yard shall be that side of the lot on a street opposite the front elevation of the main building.

(c) Rear yard: 25 feet.

(d) Front Yards on Corner or Double Frontage Lots: On corner lots or double frontage lots ("through lots"), the front yard shall be determined by the main entrance to the building or structure. The side yard shall be the other side fronting on a street or road, and the side yard setback shall be two-thirds (2/3) of the required front yard setback. Rear yards for corner lots shall be the yard opposite the main entrance to the building or structure.

803.05 Accessory Buildings: No accessory building shall be located in the front yard or side yard of any principal structure in this district. No accessory building shall be located in the rear yard closer to the rear lot line than 10 feet.

SECTION 804 - SWIMMING POOLS

Swimming pools, if constructed, shall be located behind the front line of the house, and there shall be a minimum of 10 feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be enclosed by a structure or fencing. Fences shall be at least four (4) feet in height and shall have a self-latching gate.

SECTION 805 - OFF-STREET PARKING REQUIREMENTS

See Article XXIII for off-street parking and loading requirements.

SECTION 806 - SIGNS

See Article XXV for sign regulations.

ARTICLE IX

MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2)

SECTION 900 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide areas for medium density residential development, with a net density of approximately three (3) dwelling units per acre or less.

SECTION 901 - LAND USES PERMITTED

A. Single-family detached dwellings with only one principal dwelling per lot.

B. Accessory uses and structures associated with the use of the land for residential purposes.

C. Home occupations in compliance with Section 406 of this Ordinance.

D. Common open space or recreational facilities approved as part of the subdivision approval process, excluding country clubs and the like which shall be regulated as public/quasi public facilities and utilities subject to the provisions of Section 402 of this Ordinance. All lakes associated with this or any other usage shall comply with the Madison County Subdivision Regulations.

E. Horticultural uses (including farming) not involving the sale of produce on the premises.

F. Public roads and highways, excluding Federal Interstate highways and scenic parkways, which are regulated as special uses in SU-1 districts.

SECTION 902 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2605

The only conditional uses that may be considered for location in R-2 Medium Density Residential districts are public or quasi-public facilities and utilities, public recreational or open space facilities in compliance with Section 402 and other regulations of this Ordinance, and surface mining operations of a temporary nature, such as lake construction or land development.

SECTION 903 - DIMENSIONAL REQUIREMENTS

903.01 Maximum Building Height: 40 feet or 2 ½ stories.

903.02 Minimum Lot Area: 10,600 square feet.

903.03 Minimum Lot Width: 75 feet.

903.04 Minimum Yards:

(a) Front yard: 30 feet from the street right-of-way line to the building setback line. See Section 401.02 regarding double-frontage and corner lots.

(b) Side yards: 10 feet.

(c) Rear yard: 25 feet.

(d) Front Yards on Corner or Double Frontage Lots: On corner lots or double frontage lots ("through lots"), the front yard shall be determined by the main entrance to the building or structure. The side yard shall be the other side fronting on a street or road, and the side yard setback shall be two-thirds (2/3) of the required front yard setback. Rear yards for corner lots shall be the yard opposite the main entrance to the building or structure.

903.05 Accessory Buildings: No accessory building shall be located in the front yard or side yard of any principal structure in this district. No accessory building shall be located in the rear yard closer to the rear lot line than 10 feet, nor shall an accessory building occupy more than 25 percent of a required rear yard.

SECTION 904 - SWIMMING POOLS

Swimming pools, if constructed, shall be located behind the front line of the house, and there shall be a minimum of 10 feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be enclosed by a structure or fencing. Fences shall be at least four (4) feet in height and shall have a self-latching gate.

SECTION 905 - OFF-STREET PARKING REQUIREMENTS

See Article XXIII for off-street parking and loading requirements for residential and other uses allowed in R-2 districts.

SECTION 906 - SIGNS

See Article XXV for sign regulations.

ARTICLE X

HIGH DENSITY RESIDENTIAL DISTRICT (R-3)

SECTION 1000 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide areas for the development of apartments or condominium complexes with adequate, usable open space to prevent overcrowding. As conditional uses, single-family dwellings may be constructed subject to all of the regulations of the R-2 Medium Density Residential District.

It is the intent of this Ordinance that these districts be carefully located only in areas where the infrastructure of the County (i.e., the street/highway system, storm drainage and water and sanitary sewer systems) is adequate to serve such higher density housing. The use of this district is appropriate as a transition between lower density (R-1, R-1A, R-1B) residential districts or medium density (R-2) residential districts and higher intensity uses, such as commercial uses or limited industrial (TIP) uses that are not compatible with lower density residential environment. All apartment or condominium developments shall front upon at least one street or highway that is classified as a Principal Arterial or Minor Arterial on the adopted Thoroughfares Plan.

SECTION 1001 - LAND USES PERMITTED

The following uses are permitted outright in R-3 districts subject to the regulations prescribed herein.

A. Duplexes as defined in Article II.

B. Multiple family dwellings including apartments and condominiums as defined in Article II.

C. Accessory uses or structures in multiple family residential complexes, including laundromats, vending machine centers, recreational buildings, swimming pools, tennis courts, and similar uses and structures incidental to multiple family buildings. Such uses and structures shall be reserved exclusively for use by residents and guests of residents of the multiple family complex.

D. Home occupations in compliance with Section 405 of this Ordinance.

E. Public roads and highways, excluding Federal Interstate highways and scenic parkways, which are regulated as special uses in SU-1 districts.

F. Public recreational or open space facilities.

SECTION 1002 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2605

A. Public or quasi-public facilities and utilities in conformance with Section 402 and other regulations of this Ordinance.

B. Single-family residences subject to all the regulations of the R-2 Medium Density Residential District.

SECTION 1003 - DIMENSIONAL REQUIREMENTS FOR DUPLEXES AND ALL MULTIPLE FAMILY USES

1003.01 Maximum Height: 40 feet or 2 ½ stories.

1003.02 Minimum Lot Area :

(a) For duplexes: 10,600 square feet.

(a) For single-family residences approved as conditional uses: 10,600 square feet.

(b) For all multiple family uses: two (2) acres.

1003.03 Minimum Floor Area for Multiple Family Uses:

(a) One bedroom units: 750 square feet.

(b) Two bedroom units: 950 square feet.

(c) Three or more bedroom units: 1,200 square feet.

1003.04 Maximum Density for Multiple Family Uses: 10 dwelling units per gross acre.

1003.05 Minimum Lot Width:

(a) For duplexes: 75 feet.

(b) For single-family residences approved as conditional uses: 10,600 square feet: 75 feet.

(c) For all multiple family uses: 200 feet at the building setback line.

1003.06 Minimum Yards for Duplexes and Multiple Family Uses:

(a) Front yard: 40 feet from the right-of-way line. This yard shall be a landscaped open area with no encroachments permitted including parking lots, patios or swimming pools, or other paved areas except for entrance/exit driveways.

(b) Side and rear yards: 25 feet from each side lot line or rear lot line to any building, except where a side or rear lot line abuts any R-1, R-1A, R-1B, or R-2 district or existing single-family residential use, in which case the side or rear yard shall be 50 feet from any building to the lot line abutting the R-1, R-1A, R-1B or, R-2 district or existing single-family residential use.

This yard shall be a landscaped open area with no encroachments permitted including driveways, parking lots, patios or swimming pools, or other paved areas.

1003.07 Minimum Yards for Single-Family Residences Approved as Conditional Uses:

(a) Front yard: 30 feet from the street right-of-way line to the building setback line. See Section 401.02 regarding double-frontage and corner lots.

(b) Side yards: 10 feet.

(c) Rear yard: 25 feet.

1003.08 Accessory Buildings for Single-Family Residences Approved as Conditional Uses: No accessory building shall be located in the front yard or side yard of any principal structure in this district. No accessory building shall be located in the rear yard closer to the rear lot line than 10 feet, nor shall an accessory building occupy more than 25 percent of a required rear yard.

1003.09 Minimum Space between Buildings in an Apartment of Condominium Complex: No principal building or accessory building shall be constructed nearer than thirty (30) feet to any other principal building or accessory building.

SECTION 1004 - REQUIRED OPEN SPACE RESERVATION/ DEDICATION FOR MULTIPLE FAMILY DEVELOPMENTS

A minimum of 30% of the gross site area to be developed for a condominium or apartment complex shall be devoted to open space. In calculating this open space requirement, the front, side and rear

yards may be included. Parking lots and driveways, however, MAY NOT be included in calculating this required open space. The required site plan (see Section 1005) shall indicate the location and area (in acres) to be so reserved or dedicated for open space or recreational facilities.

1004.01 Maximum Amount of Common Open Space Covered by Water: Lakes and ponds shall not constitute 100% of the required open space.

1004.02 Steep Slopes: In reviewing the site plan for a proposed apartment or condominium development, the Planning/Zoning Commission shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination shall be based upon the developer's specific proposed use of the steep slope land. The Planning/Zoning Commission shall make a recommendation to the President of the Board of Supervisors and Board as to whether or not any steep slope land should be approved for use in meeting the requirements of this Section.

1004.03 Physical Improvements: Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Board of Supervisors as part of the site plan review process. Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.

1004.04 Performance Bonds: Prior to the rental/ lease of any apartment or the sale of any condominium, the developer may be permitted, at the discretion of the Board of Supervisors, to post with the County a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and admitted to business in the State of Mississippi. The Director of Public Works and the County Engineer in conjunction with the developer shall determine the amount of the performance bond after reviewing the construction plans for all improvements.

SECTION 1005 - SITE PLAN REQUIRED

The developer of any apartment or condominium complex shall submit a site plan to the Planning/Zoning Commission in accordance with Sections 2607 through 2610 of this Ordinance.

SECTION 1006 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

Developers of multiple family residential uses and other uses permitted in R-3 zones shall comply with Section 404 of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts.

SECTION 1007 - SPRINKLER SYSTEM REQUIRED

A fire-extinguishing sprinkler system shall be installed in all apartment or condominium complexes constructed in unincorporated Madison County after the effective date of this Ordinance. Such systems shall be installed in accordance with the appropriate fire protection code for the County.

SECTION 1008 - REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

For reasons of fire safety all proposed apartment or condominium complexes shall provide at least two separate points of ingress/egress to/from the complex. Spacing requirements for these access points are provided under Article XXIII. Developers of any proposed apartment or condominium complex or permitted special exception shall comply with parking and loading requirements included under Article XXIII.

SECTION 1009 - SIGNS

See Article XXV for sign regulations.

ARTICLE XI

TOWNHOUSE RESIDENTIAL DISTRICT (R-4)

SECTION 1100 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide areas for the development of two to four-family townhouse subdivisions within moderately spacious surroundings. The use of this district is appropriate as a transition between lower density residential districts (R-1, R-1A, R-1B, or R-2) and higher density (R-3) districts, commercial uses, or arterial streets that are not compatible with low density residential environment. All areas zoned R-4 shall have public sewerage.

SECTION 1101 - LAND USES PERMITTED

A Two-family, three-family or four-family townhouses (i.e., townhouses that are part of a townhouse subdivision in which the occupant owns both the individual townhouse unit and the lot on which the townhouse is constructed; property lines between such townhouses extend through the center of party walls separating the individual single-family dwellings).

B. Accessory uses and structures associated with the use of the land for residential purposes.

C. Home occupations in compliance with Section 406 of this Ordinance.

D. Common open space or recreational facilities approved as part of the subdivision approval process, excluding country clubs and the like which shall be regulated as public/quasi public facilities and utilities subject to the provisions of Section 402 of this Ordinance. All lakes associated with this or any other usage shall comply with the Madison County Subdivision Regulations.

E. Public roads and highways, excluding Federal Interstate highways and scenic parkways, which are regulated as special uses in SU-1 districts.

SECTION 1102 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2504

The only conditional uses that may be considered for location in R-4 Town House Residential districts are public or quasi-public facilities and utilities and public recreational or open space facilities in compliance with Section 402 and other regulations of this Ordinance.

SECTION 1103 - DIMENSIONAL REQUIREMENTS FOR TOWNHOUSE SUBDIVISIONS

1103.01 Minimum Size of Tract to be Subdivided for Two-Family Townhouses: No minimum. However, see Section 1104 regarding minimum open space/ recreational area requirements for townhouse subdivisions containing five (5) acres or more.

(NOTE: No minimum tract size is specified here because there are some instances where townhouses are potentially appropriate as "in-fill" development, where vacant parcels of land could be used for a small townhouse subdivision.)

1103.02 Maximum Building Height: 40 feet or 2 ½ stories.

1103.03 Minimum Lot Area Each Townhouse Unit:

(a) End townhouses: 6,000 square feet.

(b) Interior townhouses: 3,500 square feet.

1103.04 Minimum Lot Width:

(a) End townhouses: 45 feet.

(c) Interior townhouses: 30 feet.

1103.05 Minimum Yards:

(a) Front yard: 40 feet from the street right-of-way line to the building setback line.

(b) Side yards (of end unit): 10 feet from each side lot line, except where abutting an R-1, R-1A or R-1B district, then 40 feet, which shall remain open with no encroachments by driveways, patios or other paved areas.

(c) Rear yard: 20 feet, except where abutting an R-1, R-1A or R-1B district, then 40 feet, which shall remain open with no encroachments by driveways, patios or other paved areas.

SECTION 1104 - REQUIRED RESERVATION OR DEDICATION OF OPEN SPACE FOR TOWNHOUSE SUBDIVISIONSCONTAINING FIVE ACRES OR MORE

Where a developer proposes a townhouse subdivision that will ultimately contain five acres or more according to the required development plan or sketch plat, the developer shall provide common open space amounting to ten percent (10%) of the total gross area of the subdivision. Such common open space shall consist of land reserved exclusively for the recreational use of the residents of the townhouse subdivision. The Development Plan shall indicate the location and area (in acres) to be so reserved or dedicated for open space or recreational facilities.

1104.01 Maximum Amount of Common Open Space Covered by Water: Lakes and ponds shall not constitute 100% of the required open space.

1104.02 Steep Slopes: In reviewing the preliminary subdivision plat for a proposed townhouse subdivision, the Board of Supervisors shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination shall be based upon the developer's specific proposed use of the steep slope land. The Board of Supervisors shall decide whether or not any steep slope land should be approved for use in meeting the requirements of this Section.

1104.03 Physical Improvements: Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Board of Supervisors as part of the preliminary subdivision plat review process. All open space improvements shall be shown on the sketch subdivision plat or development plan (approximate locations and dimensions and proposed use) and the preliminary and final plats (precise locations and dimensions and proposed use). Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.

1104.04 Staged Development of a Townhouse Subdivision: If a townhouse subdivision is to be developed in stages or parts, ten percent (10%) of EACH PART must be reserved for open space. However, in order to provide usable open space, the amount reserved shall not be less than one (1) acre. Thus, if a developer proposes to ultimately develop 20 acres of land for townhouses and the first phase will only contain five acres, the developer must reserve at least one (1) acre for open space for the first part--- even though 10% of 5 acres is only 1/2 acre. If the second part consists of 15 acres, the developer shall reserve 10% of the second part or two acres (1.5 acres rounded), in addition to the one acre reserved for the first phase; thus, the total open space reserved for the 20 acre tract developed in two phases would be 3.00 acres.

1104.05 Performance Bond: Prior to the sale of any lot in a townhouse subdivision, the developer may be permitted, at the discretion of the Board of Supervisors to post with the County a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and permitted to do business in the State of Mississippi. The County Engineer in conjunction with the developer shall determine the amount of the performance bond after reviewing the construction plans for all improvements.

1104.06 Maintenance/Liability in the Operation and Use of Common Open Space and Recreational Areas Not Dedicated to Madison County: Authority granted by Madison County for the development of a townhouse subdivision shall not be construed as nor constitute an obligation on the part of Madison County either for maintenance or liability in the operation and use of common open space and recreational facilities located in the subdivision.

At the time the final subdivision plat is submitted for the townhouse subdivision, the developer shall submit with his application for final plat approval a legal instrument or instruments which state that the responsibility for liability insurance, taxes, and maintenance of open space and other common facilities shall rest with the owners of the several lots or parcels of land located within the townhouse subdivision. In order to insure the integrity of the open space so that it will remain genuinely open, the legal instrument(s) shall specify that the open space restrictions are permanent, not just for a period of years.

1104.07 Maintenance and Liability with Regard to Private Driveways in Townhouse Subdivisions - If a proposed townhouse subdivision is to contain two-to-four townhouses that will be served by a common private driveway, the developer of the subdivision (i. e., not the individual townhouse builders) shall submit with his application for final subdivision plat approval a legal instrument or instruments which state that the responsibility of liability insurance, taxes, and maintenance of all private driveways shall rest with the owners of the several lots or parcels of land within the subdivision and not Madison County.

Approval of a final subdivision plat and/ or issuance of a building permit for construction of townhouses that will be served by common private driveways shall not be construed as nor constitute an obligation on the part of Madison County to maintain such private driveways or to be liable with regard to use of such driveways.

SECTION 1105 - PROPERTY LINES BETWEEN ADJOINING TOWNHOUSES

Any person desiring to construct townhouses shall prepare a preliminary plat and final plat indicating the approximate location of property lines between dwelling units. Following approval of the final plat, the builder who proposes such townhouses shall submit a plot diagram in accordance with the adopted building code to the Zoning Administrator prior to the issuance of a building permit; said plot diagram shall indicate as nearly as possible the exact location of the property lines between the townhouses.

SECTION 1106 - UNDERGROUND UTILITY CONNECTIONS FOR TOWNHOUSES

All underground utilities (including water, sanitary sewer, electrical, natural gas, telephone, and cable television) shall be installed in such a manner that the utility lines do not cross the lots of adjoining townhouses, except where the utility line is placed in a utility easement required by the Madison County Subdivision Regulations. This provision is intended to prevent the need for excavation of the yards of adjoining townhouses for utility repairs. The construction drawings submitted by builders of townhouses shall indicate the proposed location of all utility lines on each lot, and these locations shall comply with this Section prior to issuance of a building permit.

SECTION 1107 - REQUIRED OFF-STREET PARKING FOR TOWNHOUSES

Each townhouse shall have a fully-enclosed garage of adequate size to house at least two (2) full-size automobiles; or each townhouse shall have a carport in the rear of each townhouse of adequate size for at least two (2) full-size automobiles.

SECTION 1108 - SIGNS

See Article XXV for sign regulations.

ARTICLE XII

PATIO HOME DISTRICT (R-5)

SECTION 1200 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide areas for the development of single-family detached houses on small lots in which site use efficiency is achieved by relaxing one side yard requirement. Through design and planning controls, higher densities can be accommodate without sacrificing usable open space, privacy or environmental quality. All areas zoned R-5 shall have public sewerage.

SECTION 1201 - LAND USES PERMITTED

The following uses are permitted in R-4 districts:

A. Single-family detached dwellings with only one principal dwelling per lot.

B. Accessory uses and structures associated with the use of the land for residential purposes.

C. Home occupations in compliance with Section 405 of this Ordinance.

D. Common open space or recreational facilities approved as part of the subdivision approval process, excluding country clubs and the like which shall be regulated as public/quasi public facilities and utilities subject to the provisions of Section 402 of this Ordinance. All lakes associated with this or any other usage shall comply with the Madison County Subdivision Regulations.

E. Public roads and highways, excluding Federal Interstate highways and scenic parkways, which are regulated as special uses in SU-1 districts.

SECTION 1202 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2605

The only conditional uses that may be considered for location in R-5 Patio Home districts are public or quasi-public facilities and utilities and public recreational and open space facilities in compliance with Section 402 and other regulations of this Ordinance.

SECTION 1203 - DIMENSIONAL REQUIREMENTS

1203.01 Maximum Building Height: 40 feet or 2 ½ stories.

1203.02 Minimum Size of Tract to be Subdivided for Patio Homes: No minimum. However, see Section 1205 regarding minimum open space/ recreational area requirements for patio home subdivisions containing five (5) acres or more.

(NOTE: No minimum tract size is specified here because there are some instances where patio homes are potentially appropriate as "in-fill" development, where vacant parcels of land could be used for a small patio home subdivision.)

1203.03 Minimum Lot Area: 7,000 square feet.

1203.05 Minimum Lot Width: 70 feet.

1203.06 Minimum Yards:

(a) Front yard: 25 feet from the right-of-way line to the building setback line.

(b) Side yards: 5 feet, but with a minimum distance between dwelling units on adjoining lots of fifteen (15) feet. However, where a patio home would abut an R-1, R-1A or R-1B district, then 20 feet, which shall remain open with no encroachments by driveways, patios or other paved areas.

(c) Rear yard: 20 feet. However, where a patio home would abut an R-1, R-1A or R-1B district, then 40 feet, which shall remain open with no encroachments by driveways, patios or other paved areas.

(d) Front Yards on Corner or Double Frontage Lots: On corner lots or double frontage lots ("through lots"), the front yard shall be determined by the main entrance to the building or structure. The side yard shall be the other side fronting on a street or road, and the side yard setback shall be two-thirds (2/3) of the required front yard setback**.** Rear yards for corner lots shall be the yard opposite the main entrance to the building or structure.

SECTION 1204 - MAXIMUM OVERHANG FOR ROOFS IN THE PATIO HOME ZONE

No roof shall extend more than half the distance into the required side yard setback in Patio Home Zones**.**

SECTION 1205 - REQUIRED RESERVATION OR DEDICATION OF OPEN SPACE FOR PATIO HOME SUBDIVISIONS CONTAINING FIVE ACRES OR MORE

Where a developer proposes a patio home subdivision that will ultimately contain five acres or more according to the required development plan or sketch plat, the developer shall provide common open space amounting to ten percent (10%) of the total gross area of the subdivision. Such common open space shall consist of land reserved exclusively for the recreational use of the residents of the patio home subdivision. The Development Plan shall indicate the location and area (in acres) to be so reserved or dedicated for open space or recreational facilities.

1205.01 Maximum Amount of Common Open Space Covered by Water: Lakes and ponds shall not constitute 100% of the required open space.

1205.02 Steep Slopes: In reviewing the preliminary subdivision plat for a proposed patio home subdivision, the Board of Supervisors shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination shall be based upon the developer's specific proposed use of the steep slope land. The Board of Supervisors shall decide whether or not any steep slope land should be approved for use in meeting the requirements of this Section.

1205.03 Physical Improvements: Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Board of Supervisors as part of the preliminary subdivision plat review process. All open space improvements shall be shown on the sketch subdivision plat or development plan (approximate locations and dimensions and proposed use) and the preliminary and final plats (precise locations and dimensions and proposed use). Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.

1205.04 Staged Development of a Patio Home Subdivision: If a patio home subdivision is to be developed in stages or parts, ten percent (10%) of each part must be reserved for open space. However, in order to provide usable open space, the amount reserved shall not be less than one (1) acre. Thus, if a developer proposes to ultimately develop 20 acres of land for patio homes and the first phase will only contain five acres, the developer must reserve at least one (1) acre for open space for the first part--- even though 10% of 5 acres is only 1/2 acre. If the second part consists of 15 acres, the developer shall reserve 10% of the second part or two (2) acres (1.5 rounded), in addition to the one acre reserved for the first phase; thus, the total open space reserved for the 20 acre tract developed in two phases would be three (3) acres.

1205.05 Performance Bond: Prior to the sale of any lot in a patio home subdivision, the developer may be permitted, at the discretion of the Board of Supervisors to post with the County a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and permitted to do business in the State of Mississippi. The County Engineer in conjunction with the developer shall determine the amount of the performance bond after reviewing the construction plans for all improvements.

1205.06 Maintenance/Liability in the Operation and Use of Common Open Space and Recreational Areas Not Dedicated to Adams County: Authority granted by the Board of Supervisors and Madison County for the development of a patio home subdivision shall not be construed as nor constitute an obligation on the part of Madison County either for maintenance or liability in the operation and use of common open space and recreational facilities located in the subdivision.

At the time the final subdivision plat is submitted for the patio home subdivision, the developer shall submit with his application for final plat approval a legal instrument or instruments which state that the responsibility for liability insurance, taxes, and maintenance of open space and other common facilities shall rest with the owners of the several lots or parcels of land located within the patio home subdivision. In order to insure the integrity of the open space so that it will remain genuinely open, the legal instrument(s) shall specify that the open space restrictions are permanent, not just for a period of years.

ARTICLE XIII

MANUFACTURED HOME PARK RESIDENTIAL DISTRICT (MHP)

SECTION 1300 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide for properly planned manufactured home parks in which spaces are offered on a rental or lease basis only for owner-occupied manufactured homes, or in which the space and manufactured home combination are both offered to the public on a rental or lease basis only. It is the intent of this Ordinance that these districts may be located only in such areas as to not adversely affect the established residential subdivisions and residential densities in the County. Such location, however, shall have necessary public services, a healthful living environment and normal amenities associated with residential zones of the County. All areas zoned MHP shall have public sewerage.

SECTION 1301 - LAND USES PERMITTED

A. Single-family manufactured homes (single-wide or larger) or mobile homes (as defined by this Ordinance) provided the trailer or towing tongue and wheels are permanently removed, and the manufactured home is permanently anchored to foundation piers or a concrete slab, not merely resting upon the foundation. Further, the manufactured home must be completely skirted with brick or masonry materials from the concrete pad or foundation to the bottom of the manufactured home. Plastic, wood, aluminum, or other metal materials for skirting will not be acceptable.

B. Private lakes, swimming pools, open space, and other private recreational facilities intended only for the use of the residents of the manufactured home park.

C. Laundromat, vending machine center, and related auxiliary uses incidental to the primary manufactured home uses, provided that such structures for auxiliary uses do not constitute over 10 percent of the total site area of the manufactured home park, and further provided that they be exclusively for the use of the residents of the manufactured home park.

D. Accessory uses and structures as defined under Article II of this Ordinance.

E. Private streets (circulation drives).

SECTION 1302 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2605

The only conditional uses or structures which may be considered in MHP districts are public or quasi-public facilities and utilities and in compliance with Section 402 and other regulations of this Ordinance. An example of a quasi-public building in an MHP district might involve a manufactured home park owner who wishes to allow a civic club to use a building on the same property with the manufactured home park for meetings, etc.

SECTION 1303 - SITE PLAN REQUIRED

No building permit to construct a new manufactured home park or to expand (by the addition of one or more spaces) an existing manufactured home park shall be issued until the applicant for the building permit has complied with the provisions of Sections 2607 through 2610 relative to site plan review. All new manufactured home parks established after the effective date of this Ordinance shall comply with all of the provisions herein. With regard to manufactured home parks established prior to the effective date of this Ordinance, which are expanded (by the addition of one or more spaces) after the effective date hereof, the expanded portions of such parks shall comply with all applicable provisions of this Ordinance.

SECTION 1304 - BUILDING PERMIT REQUIRED

Prior to the connection of utilities (water, sewer, electricity) to serve any manufactured home located in a manufactured home park, the owner of the manufactured home or mobile home, or the owner (or his authorized representative) of the manufactured home park in cases where both the space and the manufactured home are leased or rented, shall apply for a building permit. All electrical wiring and plumbing connections shall be performed in accordance with the adopted codes of Madison County by qualified, licensed, and bonded electricians and plumbers.

Furthermore, any person responsible for placing a manufactured home or mobile home in a manufactured home park shall comply with the tie-down standards prescribed in the Standard Building Code (latest edition) prepared by the Southern Building Code Congress, International, Inc.

SECTION 1305 - DIMENSIONAL REQUIREMENTS

1305.01 Minimum Size of Park: 10 acres.

1305.02 Maximum Density: The maximum density shall not exceed six manufactured homes per gross acre.

1305.03 Maximum Building Height within Manufactured Home Parks: 20 feet or one story.

1305.04 Minimum Set-Backs for Park Perimeter: All manufactured homes shall be located at least 25 feet from any property line or any existing or proposed right-of-way line of a public street or road. This park perimeter set-back shall be a landscaped open area with no encroachments permitted, including parking lots, patios, or swimming pools, or other paved areas except for entrance/exit driveways (front yard only).

1305.05 Minimum Manufactured Home Space Area Within the Park: 5,000 square feet.

1305.06 Minimum Space Width Within the Park: 50 feet measured at the front set-back line.

1305.07 Required Set-Backs for Individual Manufactured Home Spaces Within the Park:

(a) Front yard: There shall be a minimum distance of 20 feet between an individual manufactured home and the adjoining pavement of a park street, or common parking area or other common areas.

(b) Side yards: There shall be a minimum distance of 10 feet between all manufactured homes and the side yard lines of each manufactured home space (lot). On corner lots there shall be a minimum side yard of 20 feet on the corner side.

(c) Rear yards: There shall be a minimum distance of 10 feet between all manufactured homes and the rear yard lines of manufactured home space (lot).

1305.08 Accessory Buildings or Uses: Accessory buildings or uses shall comply with the same height and yard requirements as manufactured homes. Accessory buildings or uses shall be located a minimum distance of 10 feet away from all manufactured homes or other main buildings within the manufactured home park.

SECTION 1306 - OFF-STREET PARKING REQUIREMENTS

In order to provide for free movement of traffic through the park on park streets, no on-street parking shall be permitted on any manufactured home park street. See Article XXIII for the off-street parking requirements of this district.

SECTION 1307 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

See Section 404.02 of this Ordinance regarding the provision of landscaping along arterial streets upon which the manufactured home park abuts.

SECTION 1308 - PRIVATE STREETS WITHIN MANUFACTURED HOME PARKS

All manufactured home lots (spaces) shall abut upon a paved private street of not less than twenty (20) feet in width for one-way streets, and thirty (30) feet for two-way streets. All streets within the manufactured home park shall be constructed with a minimum of six inches of compacted clay gravel and shall be surfaced with asphalt or concrete. Proper maintenance of all streets within manufactured home parks shall be the responsibility of the owner or operator of the park and not Madison County. Failure to maintain the streets in a satisfactory manner shall constitute a violation of this Ordinance.

SECTION 1309 - UTILITIES AND DRAINAGE

Utilities (electrical power, natural gas, water, and sanitary sewerage) and storm drainage shall be provided in all manufactured home parks in accordance with the requirements of the applicable codes adopted by Madison County. All electrical, telephone and cable television lines shall be installed underground to eliminate overhead wires. The maintenance of water and sanitary sewage facilities and storm drainage facilities within manufactured home parks shall be the responsibility of the owner of the park, and not Madison County.

SECTION 1310 - FREEDOM FROM FLOODING AND PONDING

All manufactured home parks shall be located on ground which is not susceptible to flooding and graded so as to prevent any water from ponding or accumulating on the premises.

SECTION 1311 - REFUSE COLLECTION FACILITIES

The owner, or his authorized representative, of a manufactured home park shall provide for adequate refuse collection approved by Madison County, and shall be responsible for the cleanliness of the premises. The owner or his authorized representative shall collect refuse in the manufactured home park.

SECTION 1312 - ACCESS TO PUBLIC STREETS AND HIGHWAYS

All access points to public streets or highways shall be approved by the Board of Supervisors and/or the Mississippi Department of Transportation.

SECTION 1313 - RECREATIONAL AREA

A minimum of ten percent (10%) of the gross land area of each manufactured home park shall be set aside as a recreational area or common open space for park residents. Parking lots, driveways, front, side, and rear yards MAY NOT be included in calculating this required open space.

Such open space shall consist of land reserved exclusively for the recreational use of the residents of the manufactured home park. The required site plan (see Section 1003) shall indicate the location and area (in acres) to be so reserved or dedicated for open space or recreational facilities.

1313.01 Maximum Amount of Common Open Space Covered by Water: No more than fifty percent (50%) of the required amount of open space may be covered by lakes or ponds.

1313.02 Steep Slopes: In reviewing the site plan for a proposed manufactured home park, the Planning Commission shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination shall be based upon the developer's specific proposed use of the steep slope land. The Planning Commission shall make a recommendation to the Board of Supervisors as to whether or not any steep slope land should be approved for use in meeting the requirements of this Section.

1313.03 Physical Improvements: Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Board of Supervisors as part of the site plan review process. Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.

1313.04 Performance Bonds: Prior to the rental/ lease of any apartment or the sale of any condominium, the developer may be permitted, at the discretion of the Board of Supervisors, to post with the County a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and admitted to business in the State of Mississippi. The County Engineer in conjunction with the developer shall determine the amount of the performance bond after reviewing the construction plans for all improvements.

SECTION 1314 - EXTERIOR LIGHTING

Adequate street lights shall be provided by the park developer to illuminate all streets and walkways for the safe movement of vehicles and pedestrians at night.

SECTION 1315 - FIRE HYDRANTS

Fire hydrants approved by the County Engineer shall be placed by the developer a maximum of 250 feet from each manufactured home stand and every building within the manufactured home park.

SECTION 1316 - REQUIRED PLANTING SCREEN FOR ALL MANUFACTURED HOME PARKS

Developers of manufactured home parks are required to plant appropriate shrubbery to form a planting screen that will reach a height of at least six feet along the sides and rear property lines of the proposed park. The location and type of planting screen to be installed shall be noted on the site plan, which shall be acceptable to the County prior to approval of the site plan. Maintenance of this required planting screen shall be the responsibility of the property owner and failure to maintain the planting screen in a satisfactory manner shall constitute a violation of this Ordinance and be subject to the penalties prescribed herein.

SECTION 1317 - COMMON MAIL DELIVERY FACILITY REQUIRED

A common mail delivery facility (or facilities if the park is large enough to necessitate more than one) shall be constructed in the manufactured home park to eliminate individual mailboxes for each manufactured home.

SECTION 1318 - ANNUAL INSPECTION REQUIRED

An annual inspection for compliance with this Ordinance and other Madison County ordinances or codes of all manufactured home parks by the Zoning Administrator or his designated representative shall be required.

ARTICLE XIV

(reserved for future zoning district)

ARTICLE XV

PLANNED UNIT RESIDENTIAL DEVELOPMENT DISTRICT (PURD)

SECTION 1500 - PURPOSES OF THIS DISTRICT

The purposes for establishing Planned Unit Residential Development ("PURD") districts are:

A. To provide for the development of relatively large land areas as total cohesive and coordinated units, rather than development on a lot-by-lot basis.

B. To permit more flexible and advantageous use of sites, especially with regard to natural features of the landscape, through the relaxation of conventional zoning requirements including minimum lot size and minimum lot width, while at the same time retaining approximately the same overall density as would ordinarily apply if the same areas were developed by conventional methods.

C. To help reduce the cost of residential development by allowing more dwelling units per gross acre than could be built in a conventional low density subdivision (due to the extensive space requirements of streets rights-of-way, utility easements, etc., in a conventional subdivision) and by reducing the length of streets and utility extensions through concentration or clustering of housing.

D. To provide for the development of sites in which land not used for structures and yards but not required by the basic zoning of the site shall be reserved collectively in contiguous units accessible to all dwellings within the PURD as open space; this open space will provide recreational opportunities for the residents of the PURD, and will also afford improved, safer pedestrian circulation within the PURD.

SECTION 1501 - PLANNED UNIT RESIDENTIAL DEVELOPMENTS SHALL BE SUPERIMPOSED DISTRICTS

A Planned Unit Residential Development shall be a superimposed designation over a low density residential district (R-1A, R-1B or R-2), thereby providing a broader latitude of design to achieve the purposes stated under Section 1500. As a superimposed designation, Planned Unit Residential Developments shall be subject to the overall density requirements of the low density residential district over which they are superimposed. The maximum residential density shall be calculated as prescribed under Section 1506.02.

SECTION 1502 - DEVELOPMENT PLAN APPROVAL REQUIRED PRIOR TO DESIGNATION OF PLANNED UNIT DEVELOPMENT ON OFFICIAL ZONING MAP

Any person desiring to subdivide land for purposes of creating a Planned Unit Residential Development shall first prepare and submit a "development plan" to the Zoning Administrator in accordance with the county's Subdivision Regulations. All development plans for proposed PURDs shall be reviewed by the Planning Commission as well as the Zoning Administrator and the County Engineer. A development plan is a drawing or set of drawings depicting the ultimate layout and proposed land uses for a large tract of land, usually involving varying lot sizes and/or different proposed land uses. A development plan of a subdivision may be also be considered the "preliminary plat"(if it meets the specifications for preliminary plats), but the preliminary plat for each phase or stage of a PURD shall be approved by the Board of Supervisors prior to the initiation of any construction by the subdivider. Following approval of the development plan and/ or preliminary plats (where the development plan meets the requirements for a preliminary plat), said development plan and/ or preliminary plats shall be become the zoning requirements for the development unless amended in accordance with Section 1511 of this Ordinance.

SECTION 1503 - REZONING REQUIRED FOR DEVELOPMENT OF PORTION OF PUD FOR TOWNHOUSES, PATIO HOMES, OR MULTIPLE-FAMILY RESIDENTIAL USES

If a person desires to reserve a portion of a proposed Planned Unit Residential Development for townhouses, patio homes, or multiple-family residential uses (condominiums or apartments), and such areas are not zoned appropriately for such densities, he shall submit an application for rezoning in accordance with Section 2206 of this Ordinance indicating which areas he desires to be rezoned to R-3, R-4 or R-5.

If the subdivider wishes to reserve portions of the proposed PURD for townhouse, patio home or apartment/ condominium development use, such areas shall be shown on a "development plan," which shall be submitted with an application for rezoning. The same application for rezoning to a PURD may also include a request for rezoning to the appropriate townhouse, patio home, or apartment/ condominium classification (without the necessity for filing a separate application for these uses).

A rezoning to permit such residential densities shall only be approved upon the condition that the preliminary plat and individual site plans (for the higher density residential development) substantially conform to the development plan.

SECTION 1504 - LAND USES PERMITTED

The following uses are permitted outright in PURD districts subject to the regulations prescribed herein:

A. Single-family detached dwellings (only one main structure per lot).

B. Accessory uses and structures as defined under Article II of this Ordinance.

C. Home occupations in compliance with Section 405 of this Ordinance.

D. Common open space or recreational facilities approved as part of the subdivision approval process, excluding country clubs and the like which shall be regulated as public/quasi public facilities and utilities subject to the provisions of Section 402 of this Ordinance. All lakes associated with this or any other usage shall comply with the Madison County Subdivision Regulations.

F. Public roads and highways, excluding Federal Interstate highways and scenic parkways, which are regulated as special uses in SU-1 districts.

G. Public recreational or open space facilities.

SECTION 1505 - CONDITIONAL USES AND STRUCTURES (SPECIAL EXCEPTIONS) AS PROVIDED IN SECTION 2605

A. Public or quasi-public facilities or utilities may be considered for location in a PURD district in compliance with Section 402 of this Ordinance.

B. Child care facilities.

SECTION 1506 - DIMENSIONAL REQUIREMENTS

1506.01 Minimum Size of PURD: The minimum size of any PURD shall be twenty (20) acres.

1506.02 Maximum Residential Development Density: The basic control of residential development density shall be the density requirement of the particular conventional district (i.e., R-1A, R1B or R-2) over which the PURD is superimposed. The maximum density shall be calculated by dividing 43,560 square feet by the minimum lot size and then multiplying that quotient by the total gross acreage to be included in the PURD. EXAMPLE: If a subdivider proposes to develop a 30 acre tract zoned "R-1B" as a PURD, the basic control of density is that of the R-1B district: 43,560 square feet divided by 15,000 square feet (minimum lot size in R-1B districts), resulting in a quotient of 2.90 lots or dwelling units; 30 acres multiplied by 2.90 = 87 lots or single-family detached dwelling units.

1506.03 Minimum Lot Size: No minimum.

1506.04 Minimum Lot Width: No minimum.

1506.05 Minimum Yards: No minimum yards, subject to review by the Fire Coordinator.

Front Yards on Corner or Double Frontage Lots: On corner lots or double frontage lots ("through lots"), the front yard shall be determined by the main entrance to the building or structure. The side yard fronting on a street or road shall be two-thirds (2/3) of the required front yard setback, or those setbacks specified on recorded plats. Rear yards for corner lots shall be the yard opposite the main entrance to the building or structure.

1506.06 Maximum Height: 40 feet or 2 ½ stories.

SECTION 1507 - DIMENSIONAL REQUIREMENTS FOR TOWNHOUSES, PATIO HOMES, AND MULTIPLE FAMILY RESIDENTIAL PORTIONS OF A PURD

If an application for rezoning is approved to allow portions of a PURD to be used for townhouses, patio homes, condominiums or apartments, or some commercial classification, the dimensional requirements of the appropriate district shall apply.

SECTION 1508 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

See Section 404.01 of this Ordinance regarding the provision of landscaping along arterial streets upon which the Planned Unit Residential Development abuts.

SECTION 1509 - COMMON OPEN SPACE REQUIREMENTS FOR PLANNED UNIT RESIDENTIAL DEVELOPMENTS

Common open space shall be provided as a condition to the approval of a Planned Unit Residential Development. Such common open space shall consist of land reserved exclusively for the recreational use of the PURD residents and owned and maintained by the residents through a Homeowner's Association (see Section 1509.07).

Common open space shall be integrated throughout the PURD, easily accessible to all the residents. The sketch plat or development plan shall indicate the location and area (in acres) to be so reserved for open space or recreational facilities.

1509.01 Minimum Percentage of Land Reserved as Common Open Space: Common open space shall comprise at least fifteen percent (15%) of the gross area (total acreage) of the PURD as shown on the required development plan. Public streets, parking lots (for example, a parking lot for a PURD recreational building), and utility easements shall not be considered in meeting the open space requirements of this Section.

1509.02 Maximum Amount of Common Open Space Covered By Water: Lakes and ponds shall not constitute 100% of the required open space.

1509.03 Steep Slopes: In reviewing the preliminary subdivision plat for a proposed Planned Unit Residential Development, the Planning/Zoning Commission shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination shall be based upon the developer's specific proposed use of the steep slope land. The Planning Commission shall make a recommendation to the Board of Supervisors as to whether or not any steep slope land should be approved for use in meeting the requirements of this Section.

1509.04 Physical Improvements: Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Board of Supervisors as part of the preliminary subdivision plat review process.

All open space improvements shall be shown on the sketch subdivision plat or development plan (approximate locations and dimensions and proposed use) and the preliminary and final plats (precise locations and dimensions and proposed use). Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.

1509.05 Staged Development of a Planned Unit Residential Development: Open space requirements for Planned Unit Residential Developments shall be calculated based upon the total open space requirement for the entire subdivision. However, if a Planned Unit Residential Development is to be developed in stages or parts, fifteen (15%) of the acreage in the first phase and subsequent phases must be reserved for open space. Thus, if a developer proposes to ultimately develop 80 acres of land for a Planned Unit Residential Development, and the first phase will only contain 20 acres, the developer must reserve at least 3 acres for the first phase; 12 acres must be reserved for the entire subdivision, which may include the 3 acres reserved for the first phase.

1509.06 Performance Bond Required: Prior to the sale of any lot in a Planned Unit Residential Development, the developer shall post with the County a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and admitted to business in the State of Mississippi. The County Engineer in conjunction with the developer shall

determine the amount of the performance bond after reviewing the construction plans for all improvements.

1509.07 Maintenance/Liability in the Operation and Use of Common Open Space Areas Not Dedicated to the Madison County: Authority granted by the Madison County for the development of a PURD shall not be construed as, nor constitute, an obligation on the part of Madison County either for maintenance or liability in the operation and use of common open space and recreational facilities located in the PURD.

At the time the final subdivision plat is submitted for a PUD, the developer shall submit with his application for final plat approval a legal instrument or instruments which transfer ownership of the common open space areas to a homeowners association and shall state that the assumption of liability insurance, taxes and maintenance of open space and other common facilities shall rest with the owners (i. e., the homeowners' association) of the several lots or parcels of land located within the PURD. In order to insure the integrity of the open space so that it will remain genuinely open, the legal instrument(s) shall specify that the open space restrictions are permanent, not just for a period of years.

SECTION 1510 - APPROVAL OF BOARD OF SUPERVISORS REQUIRED FOR EACH PHASE OF STAGED DEVELOPMENT OF PUD

If a subdivider proposes to develop a Planned Unit Residential Development in stages or phases, A PRELIMINARY SUBDIVISION PLAT FOR EACH PHASE OR STAGE OF THE DEVELOPMENT SHALL BE APPROVED PRIOR TO INITIATION OF ANY CONSTRUCTION BY THE SUBDIVIDER. Unless changes are made in the approved development plan and that plan includes *all proposed phases* of the PURD, the development plan shall constitute the preliminary plat for each phase if the plat is prepared in accordance with the Madison County Subdivision Regulations.

SECTION 1511 - CHANGES IN DEVELOPMENT PLANS OR SUBDIVISION PLATS

A development plan may include minimum lot sizes and proposed open space keyed to different areas of a proposed Planned Unit Residential Development. If the development plan meets the requirements of the Subdivision Regulations for preliminary plats, the provisions of this section shall apply to previously approved preliminary plats. If a subdivider proposes changes in lot sizes for a particular portion of a Planned Unit Residential Development, changes in land reserved for open space or recreational areas or major changes in proposed street configurations (as determined by the Zoning Administrator and County Engineer) from the development plan or preliminary subdivision plat approved by the Board of Supervisors, a public hearing shall be held before the Madison County Planning Commission in accordance with Section 2606 (Amendments to the Official Zoning Map–

Rezoning) of this Ordinance to consider the proposed changes (since the development plan constitutes the zoning for the PURD). Such proposed changes shall be reviewed by the Planning Commission, which shall make a recommendation to the Board of Supervisors. The changes may be approved or denied by the Board of Supervisors. No construction that would involve proposed changes in the development plan or subdivision plats previously approved by the Board of Supervisors shall be initiated by the subdivider prior to approval of the revised development plan or subdivision plats.

SECTION 1512 - REQUIRED FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

See Article XXIII regarding parking, loading and access control requirements.

SECTION 1513 - SIGNS

See Article XXV for sign regulations.

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. <u>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.</u>

3. Public roads and highways (excluding Federal Interstate highways which are regulated as special uses in SU-1 districts).

4. 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).

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. Surface mining operations of a temporary nature, such as lake construction or land development.

3. 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

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

County zoning of all 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 MHLP 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 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.

1609.03 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 action 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 toused 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-1Bresidential 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.

ARTICLE XVII

RESTRICTED COMMERCIAL DISTRICT (C-1A)

SECTION 1700-PURPOSE OF THIS DISTRICT

The purpose of this district is to provide relatively quiet, attractive, and spacious areas for the development of restricted commercial uses that do not generate substantial volumes of vehicular traffic (i.e., generally, not more than approximately 426 average daily trips per gross acre of land according to the National Cooperative Highway Research Program Report #187 or the latest edition of the Institute of Transportation Engineers manual entitled Trip Generation.) This district is intended to encourage high quality office park development and to serve as a transition zone between low density residential uses (single-family detached dwellings) and higher intensity uses (such as those first permitted under the C-2 General Commercial zone). These districts are appropriate for the fringes of retail zones.

SECTION 1701-PERMITTED USES

The following uses are allowed in the C-lA district:

A. Business and professional offices of all types.

B. Office showroom facilities in which at least 50% of the tenantable area is outfitted as office and in which all loading facilities are at the rear of buildings and completely screened from view of public streets and any adjacent residential property.

C. Personal service establishments such as hair styling shops and photographic portrait studios.

D. Instructional services such as studios for the teaching of fine arts, photography, music, drama and dance; business and stenographic schools; barber and beauty schools; and similar facilities.

E. Business-related retail and service establishments not to exceed 25% of the leasable area of any office building. Permitted uses include, but are not limited to office supply stores, office equipment dealers, telecommunication equipment sales and service companies, computer stores and services, blueprint and copy services, drafting supply and equipment dealers, private employment agencies, travel agencies, quick print shops not over 3,000 square feet in size, emergency clinics, postal and shipping services, day care facilities, and totally enclosed health club facilities.

F. Child care facilities.

G. Restaurants, cafeterias, delicatessens, coffee shops and carry out food

establishments if located within an office building.

H. Educational and technical training facilities of all types except for those which require outdoor space and or industrial type structures or those that involve trucking or similarly sized equipment; included are conference center facilities.

I. Privately-owned and operated libraries, museums, galleries and similar facilities. (Note: Public or quasi-public facilities of this nature are permitted in ANY district as special exceptions.)

J. Public roads and highways (excluding Federal Interstate highways and scenic parkways, which are regulated as special uses in SU-1 districts.)

K. Public recreational or open space facilities.

L. Temporary buildings, the use of which is not to exceed six months.

SECTION 1702 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2605

A. Public/quasi-public facilities and utilities subject to the provisions of Section 402.

B. Commercial sports and recreational facilities such as swimming pools, tennis courts, and fully-enclosed facilities such as gymnasiums.

C. Hotels and motels and related restaurants and convention facilities.

D. Patio homes as defined by this Ordinance, provided that these residential uses shall be setback at least 500 feet from any Federal-Aid Interstate highway and 100 feet from the right-of-way line of any principal arterial or minor arterial street as functionally classified by the adopted Thoroughfares Plan for Madison County; or provided that noise mitigation measures such as berms shall be installed by the developers of patio homes as recommended by applicable Federal Highway Administration standards. When permitted as special exceptions in C- 1 A districts, patio homes shall be constructed in accordance with ALL R-5 (Patio Home District) regulations of this Ordinance.

SECTION 1703-DIMENSIONAL REQUIREMENTS

1703.01 Building Heights. No structure shall exceed forty (40) feet or three stories in height.

1703.02 Required Lot Area and Lot Width. No minimum lot area or lot width is

required.

1703.03 Maximum Buildable Area The aggregate square footage of all buildings shall not exceed fifty (50) percent of the gross lot area.

1703.04 MinimumYards:

1. Front yards: The front yard building setback line shall be a minimum of thirty-five (35) feet from any existing or proposed (on the adopted Land Use and Thoroughfares Plan) right-of-way of any road or highway. However, the first fifteen (15) feet of this setback shall be open landscaped area, with no parking permitted in this area.

2. Side and rear yards: When a proposed use on a C-lA lot would adjoin another lot zoned for any commercial or industrial usage, side and rear yards of 20 feet shall be required.

3. When a proposed use on a C-lA lot would adjoin a residential district or an existing residential use, side and rear yards of 50 feet shall be required. Such space shall not be occupied by any building or accessory structure and shall be maintained as a landscaped open area.

1703.05 Minimum Space Between Buildings on the Same Lot: No principal building or accessory building shall be constructed nearer than twenty (20) feet to any other principal building or accessory building.

SECTION 1704 - OFF-STREET PARKING REQUIREMENTS

See Article XXIII pertaining to off street parking.

SECTION 1705 - SIGNS AND OUTDOOR ADVERTISING

See Section XXV pertaining to signs and outdoor advertising.

ARTICLE XVIII

GENERAL COMMERCIAL DISTRICT (C-1)

SECTION 1800 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide retail stores and personal services for the convenience of people in residential areas of Madison County. It is also the intent of this district that commercial uses permitted in C-1 districts be limited to those in which services performed and merchandise offered for sale be conducted or displayed entirely within fully-enclosed buildings as defined by this Ordinance.

Uses permitted by special exception only in C-1 districts are those which generally generate more vehicular traffic than those permitted outright, such convenience stores, service stations, and fast food restaurants. These "convenience" type commercial uses need to be evaluated on a case-by-case basis, since some may not appropriate for location in a C-1 district without some attachment of conditions, such as rear parking, screening, special traffic control measures, etc.

SECTION 1801 - LAND USES PERMITTED

The following uses are permitted outright in C-1 districts subject to the regulations prescribed herein; uses first permitted in C-2 districts shall not be allowed in C-1 districts:

A. Commercial uses in which services performed and merchandise offered for sale are conducted or displayed within fully-enclosed buildings, except for the display of small articles (i. e., those that can generally be hand-carried by one or two persons) outside the commercial use.

B. Offices of all types.

C. Full-service restaurants, excluding fast food restaurants.

D. Public roads and highways (excluding Federal Interstate highways and scenic parkways, which are regulated as special uses in SU-1 districts.)

E. Veterinary clinics and pet shops, excluding outside runs.

F. Any other use which the Board of Supervisors determine to be of the same character and nature as those specifically permitted.

G. Temporary buildings, the use of which is not to exceed six months.

SECTION 1802 - CONDITIONAL USES AND STRUCTURES AS PROVIDED UNDER SECTION 2605

A. Public or quasi-public facilities and utilities in compliance with Section 401.5 of this Ordinance.

B. Fast food restaurants, food product carry-out and delivery stores.

C. Convenience stores.

D. Service stations/ convenience car care establishments.

E. Veterinary clinics and pet shops, including outside runs.

F. Any retail business or service establishment which the Board determines to be of the same character and nature as those specifically allowed but not to include those uses which are first permitted in C-2 Highway Commercial districts.

SECTION 1803 - DIMENSIONAL REQUIREMENTS

1803.01 Maximum Building Height: 40 feet or 3 stories.

1803.02 Minimum Lot Area:

(a) Shopping centers: Three (3) acres.

(b) Independent commercial uses: 21,780 square feet.

1803.03 Minimum Lot Width: feet as determined at the building setback line.

(a) Shopping centers: 200 feet.

(b) Independent commercial uses: 100 feet. For any lot having a width of less than 200 feet, there shall be no more than one access driveway per lot. For lots having a width of 200 feet or more, two access driveways may be provided for every 200 feet of street/ road frontage. Interior circulation streets shall be provided for all commercial subdivisions approved after the effective date of this Ordinance.

1803.04 Minimum Yards: The minimum yard requirements for all uses permitted in a C-1 district shall be as follows:

1. Front yard: 35 feet. The front yard setback shall be a minimum of thirty-

five (35) feet from any existing or proposed right-of-way line of any street or road. However, the first fifteen (15) feet of this setback shall be open landscaped area, with no parking permitted in this area.

2. Side yards and rear yards where NOT abutting a residential district or residential use: No side yard or rear yard required.

3. Side yards and rear yards where abutting ANY residential district or residential use: fifty (50) feet, which shall remain open and be landscaped; OR 20 feet, which shall remain open and be landscaped AND a fence along side or rear yards abutting such residential district or residential use.

SECTION 1804 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

See Section 404 of this Ordinance regarding the provision of landscaping along arterial streets.

SECTION 1805 - REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

See Article XXIII for off-street parking, loading and access control requirements.

ARTICLE XIX

HIGHWAY COMMERCIAL DISTRICT (C-2)

SECTION 1900 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide relatively spacious areas for the development of vehicle-oriented commercial activities which typically require direct auto traffic access and visibility from highways or other major thoroughfares.

It is the intent of this Ordinance that shopping centers and independent commercial uses be developed so that vehicular circulation is coordinated with the circulation patterns of adjacent properties in the vicinity that are also affected. In order to facilitate access between adjoining properties and to reduce the number of curb cuts onto arterial streets, the installation of a service drive shall be considered in connection with any independent commercial use (i. e., a commercial use that is not a part of a shopping center) proposed in this district.

No use first permitted an I-2 Heavy Industrial district shall be allowed in this district.

SECTION 1901 - LAND USES PERMITTED

The following uses are permitted outright in the C-2 districts subject to the regulations prescribed herein:

A. Any use permitted outright in the C-1 General Commercial District, subject to all of the regulations of that district.

B. Supermarkets, as defined by this Ordinance.

C. Hotels and motels.

D. Bowling alleys, skating rinks, motion picture theaters and similar indoor recreational or entertainment enterprises conducted entirely within fully-enclosed buildings.

E. Mortuaries and funeral homes.

F. All restaurants.

G. Convenience stores.

H. Service stations/ convenience car care establishments.

I. Vehicle sales, rental or lease (new vehicles only).

J. Vehicle service centers, as defined herein.

K. Yard and garden centers, nurseries and greenhouse operations.

L. Garages/ body shops as defined herein, with indoor storage of all vehicles stored on site.

M. Public roads and highways (excluding Federal Interstate highways and scenic parkways, which are regulated as special uses in SU-1 districts.)

N. Public recreational or open space facilities.

O. Railroads and spur tracks.

P. Any other use which the Board determines to be of the same character and nature as those specifically permitted above, but not to include those uses allowed only as special exceptions under Section 1902.

Q. Temporary buildings, the use of which is not to exceed six months.

SECTION 1902 - CONDITIONAL USES (SPECIAL EXCEPTIONS) AND STRUCTURES AS PROVIDED UNDER SECTION 2605

A. Public or quasi-public facilities and utilities in compliance with Section 402 and other regulations of this Ordinance.

B. Big box retail establishments. (NOTE: Because of the traffic generating characteristic of big box retailers, the location of these uses must be evaluated on a case-by-case basis to insure that traffic circulation is carefully considered.)

C. Heavy equipment sales and service.

D. Building material sales where some or all building materials, such as bricks, lumber, concrete culverts, etc. are displayed/ stored outdoors or are visible from adjoining thoroughfares. (NOTE: This permitted use does NOT include the manufacturing of such building materials on the premises.)

E. Garages/ body shops as defined herein, with outdoor storage of vehicles. All vehicles stored on site outdoors shall be located in the rear yard and adequately screened (as determined through site plan review).

F. Fireworks stands.

G. Outdoor advertising (billboards) as defined by this Ordinance.

H. Adult Entertainment, including adult arcades, adult bookstores, adult cabarets, adult motels, adult motion picture theaters, and other adult entertainment activities as defined by this Ordinance. However, no such establishment shall be located within two hundred fifty (250) feet of the property line of any other such use. Furthermore, no such establishment shall be located within one thousand (1,000) feet of the property lines of any existing residential use or any residentially zoned property, church, school, hospital, convalescent or nursing home, cemetery, civic organization building or facility, charitable organization building or facility, public or private park or playground, or any property zoned "S-1" Special Use district under this Ordinance.

The developer of any Adult Entertainment Commercial business shall submit a site plan to the Planning/Zoning Commission in accordance with Sections 2607 through 2610 of this Ordinance.

I. Recreational vehicle parks.

J. Rental housing subject to the regulations of this Ordinance regarding the particular type of housing proposed.

K. Used (pre-owned) vehicle sales.

SECTION 1903 - DIMENSIONAL REQUIREMENTS

1903.01 Maximum Building Height: 40 feet or three (3) stories.

1903.02 Minimum Lot Area:

1. Shopping centers: three (3) acres.

2. Independent commercial uses: 21,780 square feet (½ acre).

1903.03 Minimum Lot Width:

1. Shopping centers: 200 feet.

2. Independent commercial uses: 200 feet (unless access can be arranged between two or more lots having common frontage with less than 200 feet for each lot).

1903.04 Minimum Yards: The minimum yard requirements for all uses permitted in a C-2 district shall be as follows:

1. Front yards: The front yard building setback shall be a minimum of thirty-five (35) feet from any existing or proposed right-of-way line of any street or road. However, the first fifteen (15) feet of this setback shall be open landscaped area, with no parking permitted in this area.

2. Side yards or rear yards where not abutting a residential district: No side yard required.

3. Side yards and rear yards where abutting any residential district: fifty (50) feet, which shall remain open and be landscaped; or 20 feet, which shall remain open and be landscaped and a fence approved by the Zoning Administrator along side or rear yards

1903.05 Maximum Buildable Area: The sum total of all buildings and accessory structures in a C-2 district shall not exceed fifty percent (50%) of the area of any lot.

SECTION 1904 - REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

See Article XXIII for off-street parking, loading and access control requirements.

SECTION 1905 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

See Section 402.02 for landscaping requirements.

ARTICLE XX

TECHNICAL INDUSTRIAL PARK (TIP) DISTRICT

SECTION 2000-PURPOSE OF THIS DISTRICT

The purpose of the Technical Industrial Park (TIP) district is to provide areas adjacent to transportation arteries and railroads where light industrial, technological and professional firms can locate with the assurance of a high permanent level of design quality, extensive site amenities, open space and environmental protection. It is the intent of this Ordinance that TIP land uses be compatible with abutting districts, such as commercial districts, which will serve as transitional zones between industrial uses and residential uses. The uses permitted in TIP zones shall generate no objectionable odor, smoke, fumes, vibration or excessive noise. It is further the intent of this Ordinance that encroachment by all residential uses shall be prohibited.

SECTION 2001- USES PERMITTED

The following uses are permitted outright in TIP districts:

A. All uses permitted in C-1A Restricted Commercial districts.

B. Research and laboratory facilities.

C. Light manufacturing, compounding, processing, fabricating, assembling, or packaging facilities, with all such activities conducted wholly within enclosed structures. There shall be no exterior evidence of such activities, except for areas reserved for loading/ unloading of materials from trucks. Furthermore, outdoor storage, manufacturing (such as cement manufacturing) or other outdoor activities shall be prohibited.

D. Colleges and vocational-technical schools.

E. Public roads and highways (excluding Federal Interstate highways and scenic parkways, which are regulated as special uses in SU-1 districts.)

SECTION 2002 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2605

A. Public/ quasi-public facilities and utilities subject to the provisions of Section 402.

B. Fully-enclosed commercial sports and recreational facilities.

C. Hotels, motels, and full-service restaurants. Fast food restaurants or “drive-in restaurants” shall be prohibited in this district.

SECTION 2003 - DIMENSIONAL REQUIREMENTS

2003.01 Maximum Building Height: No structure shall exceed forty (40) feet or three stories in height.

2003.02 Minimum Lot Area and Lot Width: No minimum lot area or lot width is required.

2003.03 Maximum Buildable Area - The aggregate square footage of all buildings shall not exceed fifty percent (50%) of the gross lot area.

2003.04 Minimum Yards

1. Front yards - The front yard building setback line shall be a minimum of thirty (30) feet, as measured from the street right-of-way line; no parking will be permitted in the first fifteen (15) feet from the street right-of-way line.

2. Side yard and rear yards - When a proposed use on a lot zoned "TIP" would adjoin another lot zoned for any commercial or industrial usage, side and rear yards of twenty (20) feet shall be required. However, when a proposed use on a lot zoned "TIP" would adjoin any residential district or existing residential use, side and rear yards of fifty (50) feet shall be required. These yards shall not be occupied by any structure or parking and shall be maintained as landscaped open area.

SECTION 2004 - STORAGE AND REFUSE AREAS

All storage and refuse collection areas shall be located at the rear of the site and shall be totally encircled or screened by a fence, planting, or other suitable visual barrier. On corner parcels, storage and refuse areas shall be located on the opposite corner of the lot from each street corner.

SECTION 2005 - LOADING/ UNLOADING AREAS

All loading and unloading space shall be located to the rear of the principal buildings. On corner parcels, or on through parcels, if there is only one principal building, one side of the principal building may be used for loading and unloading. Side loading is also permitted if the loading space is screened from abutting properties and the view from the street.

SECTION 2006 - TEMPORARY STRUCTURES

No structure of a temporary character of any kind shall be permitted except during the construction period.

ARTICLE XXI

HEAVY INDUSTRIAL DISTRICT (I-2)

SECTION 2100 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide areas for the exclusive development of industrial uses that generally have *extensive space requirements* and/or in *which all or part of the activities (other than temporary storage) associated with the use are conducted outdoors (outside of buildings).* These activities often generate noise, odors, smoke or vibrations detectable to human senses off the premises on which the use is located.

It is the intent of this Ordinance that such "heavy" industrial districts be located insofar as possible adjacent only to C-2 Highway Commercial or Technical Industrial Park (TIP) districts, which shall serve as transitional zones between I-2 districts and residential uses and lower intensity commercial uses. Heavy industrial uses shall be located only in areas directly accessible to streets, roads, or highways designated as principal or minor arterials on the adopted Thoroughfares Plan of the Madison County or accessible to railroads.

SECTION 2101 - LAND USES PERMITTED

The land uses permitted in I-2 districts may include those located outside of buildings as well as those within buildings, subject to the regulations of this Ordinance and standards established by appropriate Federal and State regulatory agencies. The following uses are permitted outright:

A. Any use permitted in General Commercial (C-1), Highway Commercial (C-2), and Technical Industrial Park (TIP) districts, subject to the regulations of those districts.

B. Heavy manufacturing uses which are not potentially hazardous or offensive to neighboring land uses due to the emission of dust, gas, smoke, noise, fumes, odors, vibrations, or other objectionable influences shall be permitted by right in I-2 districts, except that manufacturing uses of the "wet" type (i.e., those industries which require large amounts of water in processing or discharge large amounts of by-products through the sewer system) shall be permitted only as conditional uses.

C. High-mast transmission and receiving towers.

D. Public roads and highways (excluding Federal Interstate highways and scenic parkways, which are regulated as special uses in SU-1 districts.)

SECTION 2102 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2605

A. Primary metal manufacturing, including: blast furnaces, steel works, and the rolling and finishing of ferrous metals; iron and steel foundries; primary smelting and refining of non-ferrous metals; and similar activities.

B. Any manufacturing activity requiring large amounts of water for processing or discharging large amounts of waste or by-products into the sewer system.

C. Mining and quarrying (including sand and gravel pits). When "open-pit" mining operations are conducted, the operator must obtain required permits and approvals from other governmental entities and provide the Madison County Board of Supervisors with written proof of same.

D. Salvage yards (junk yards) and vehicle wrecking yards.

F. Public and quasi-public facilities and utilities may be allowed in this district in compliance with Section 402 of this Ordinance and subject to any limitations and restrictions deemed necessary by the Board of Supervisors.

G. Any other use of a heavy industrial nature which is not prohibited under Section 406.04 of this Ordinance or otherwise prohibited by law may be allowed in I-2 districts, subject to any limitations and restrictions deemed necessary by the Board of Supervisors.

H. Outdoor advertising (billboards) as defined by this Ordinance.

I. Railroad rights-of-way and related facilities.

SECTION 2103 - DIMENSIONAL REQUIREMENTS

2103.01 Maximum Building Height: 35 feet, unless greater height is approved by the Board of Supervisors.

2103.02 Minimum Lot Area: One (1) acre or 43,560 square feet.

2103.03 Minimum Lot Width: 200 feet.

2103.04 Minimum Yards:

1. Front yard: 100 feet. The first ten (10) feet inside this front yard setback (adjacent to the street right-of-way line) shall remain open except for entrance/exit driveways and shall be landscaped in accordance with the standards

adopted by the Madison County; no parking shall be permitted in these driveways.

2. Side yards and rear yards where NOT abutting a residential district or residential use: 20 feet; the first five (5) feet inside this side or rear yard setback (adjacent to the property line) shall be landscaped in accordance with the standards adopted by the Madison County.

3. Side yards and rear yards where abutting ANY residential district or residential use: 100 feet, which shall remain open and be landscaped in accordance with the standards adopted by the Madison County.

2103.05 Minimum Space between Separate (Detached) Buildings on the Same Lot: 30 feet. No more than two-thirds (2/3%) of the space between such buildings shall be paved; the remaining area shall be landscaped in accordance with the standards adopted by the Madison County.

SECTION 2104 - SITE PLAN REQUIRED

A site plan shall be submitted to the Planning Commission in accordance with Sections 2207 through 2210 of this Ordinance.

SECTION 2105 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

See Section 404 of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities shall comply with Section 404.

SECTION 2106 - REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

See Article XXIII for off-street parking, loading and access control requirements.

ARTICLE XXII

SPECIAL USE DISTRICT (SU-1)

SECTION 2200 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide areas for the development of special uses, which, because of their size, institutional nature and/or unique characteristics, do not fit compatibly into other zoning districts of the County. Such uses commonly constitute "self-contained communities" with housing, dining/food service facilities, recreational uses, commercial-type outlets, and parking lots provided primarily for the benefit of the staff, students, and residents of the institution on the grounds.The uses permitted in S-1 districts do not include "public/quasi-public facilities and utilities" as those are defined by this Ordinance.

SECTION 2201 - ZONING OF ALL PROPERTY OWNED BY INSTITUTIONAL USES PERMITTED IN THIS DISTRICT SHALL BE S-1 UNLESS RE-ZONED

The zoning of all property owned by institutions permitted in this district, including educational institutions, comprehensive elderly retirement facilities, or large-scale group care facilities shall be "SU-1 Special Use District" unless the land owned by such institutions is rezoned by the Board of Supervisors. Furthermore, if the operators of such institutions propose to acquire additional land following the effective date of this Ordinance, the operators of such institutions shall file an application for the appropriate zoning if not already zoned consistent with the proposed use. If the land to be acquired is to be used for the purposes specified in this article, then the land shall be zoned "S-1" accordingly.

This provision is intended to alert the public as to the possible character of future development of land proposed for rezoning by the operators of such institutional uses: for example, a proposed rezoning from "SU-1" to a commercial classification.

SECTION 2202 - LAND USES PERMITTED

A. **Educational institutions**, including large-scale (with campuses generally encompassing 50 acres or more) colleges and universities, religious seminaries, and technical and vocational training facilities. Uses permitted in such S-1 districts include administrative buildings/offices; educational facilities such as classrooms, libraries, laboratories, and gymnasiums; stadiums, auditoriums and coliseums; student or faculty housing; dining or food service facilities; recreational facilities such as golf courses, tennis courts, swimming pools, and similar uses; chapels and places or worship; commercial-type facilities such as bookstores, laundries, hair styling shops and similar enterprises primarily intended for the benefit of students and staff; parking lots intended primarily for staff and students of the institution; and other uses commonly associated with educational institutions. Small-scale educational uses (generally, with campuses

encompassing less than 50 acres), including elementary schools and secondary schools, are not included as special uses under this article, but are regulated as public/quasi-public uses under Section 402.

B. **Comprehensive elderly retirement facilities**, including only those facilities which shall provide for the use of their residents the following:

* residential units of varying size (i.e., number of bedrooms, different square footage depending upon the needs of the individual residents);

* common dining facilities and some or all meals;

* housekeeping and linen service, available if desired by the residents;

* laundry services, available if desired by the residents;

* commercial facilities intended primarily for the benefit of staff and residents of the retirement facility, including such facilities as a beauty salon or barber shop, bookstores, and convenience-type commercial uses on site;

* local transportation provided directly by the facility (i.e.,not contracted through taxicabs, etc.) for outings for residents;

* recreational facilities intended primarily for the benefit of staff and residents, such as a library, meeting/game room, spa or swimming pool, etc.; and

* security features, such as emergency pull cords in each residential unit;

* on-site health care services and/ or facilities; and

* dwelling units for resident managers; Hospitals which are not a part of a retirement facility are not included as special uses under this article, but are regulated as public/quasi-public uses under Section 402. Furthermore, retirement facilities do not include nursing homes as defined by this Ordinance; nursing homes are regulated as public/quasi-public uses under Section 402.

C. **Large scale group care facilities** for the housing and care of orphans, foster children, battered women and children, "disabled" persons (see Article II for definition of "disabled") and other persons requiring specialized treatment, including all uses needed for same.

D. **Interstate Highway Rights-of-Way and the Natchez Trace Parkway Right-of-Way**.

E. **All lands within the Pearl River Valley Water Supply District**- All lands within the PRVWSD shall be subject to the Site Plan Review requirements of this Ordinance and the Subdivision Regulations of Madison County.

SECTION 2203 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2605

Public and quasi-public facilities and utilities may be allowed in these districts in compliance with Section 402 of this Ordinance and subject to any limitations and restrictions deemed necessary by the Board of Supervisors.

SECTION 2204 - DIMENSIONAL REQUIREMENTS

All dimensional requirements for land uses in SU-1 districts are subject to site plan review approval by the Board of Supervisors.

SECTION 2205 - SITE PLAN REQUIRED

A site plan shall be submitted to the Planning Commission in accordance with Sections 2607 through 2610 of this Ordinance.

SECTION 2206 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

See Section 404 of this Ordinance regarding the provision of landscaping along arterial streets.

SECTION 2207 - REQUIRED FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

See Article XXIII for off-street parking, loading and access control requirements.

ARTICLE XXIII

OFF-STREET PARKING, LOADING SPACE AND ACCESS REQUIREMENTS

SECTION 2300 - PURPOSE OF THIS ARTICLE

The purpose of this Article is to establish requirements regarding: (1) sufficient space for the off-street parking and, where required, parking lot landscaping; (2) sufficient space for loading (or unloading)of all motor vehicles; and (3) design standards for accessways within the Madison County. The purpose of these requirements is to reduce or avoid congestion of streets and to provide a more suitable living and working environment. Such space for parking or loading of motor vehicles, provisions for ingress and egress, and required landscaping shall be provided at the time of the erection of any principal structure, or at the time any principal structure is enlarged or increased in capacity by the addition of dwelling units, guest rooms, floor area, or seats. The responsibility for meeting the requirements established by this Ordinance shall be that of whoever establishes the use to which it is appurtenant.

SECTION 2301 - OFF-STREET PARKING

2301.01 General Requirements: Off-street parking and loading space shall be provided in accordance with the following regulations:

1. Provision of Parking Space on the Same Lot with all Residential Uses: Off-street parking space for all residential land uses shall be provided on the same parcel of land as the residential use to which the parking space is an accessory.

2. Non-residential Uses and Off-site Parking: Off-street parking space for all non-residential land uses shall be provided on the same parcel of land as the use to which the parking space is appurtenant. However, following site plan review by the Planning/Zoning Commission in accordance with Sections 2607 through 2610 of this Ordinance, the Board of Supervisors may authorize in writing an alternative off-site location to the required parking space for such non-residential land uses if:

   (a) There are practical difficulties preventing the location of parking space on the same parcel; and/or

   (b) The public safety or the public convenience or both would be better served by the location of the required space on a parcel of land other than with the use to which it is appurtenant.

3. Provision of Access and Maneuver Space for Non-Residential Land Uses: In calculating any required parking area, other than for parking spaces required for single and two-family dwellings, sufficient access and maneuver space shall be provided to permit the parking and removal of any vehicle without moving other vehicles. Furthermore, all parking spaces shall be designed, maintained and regulated so that no parking or maneuvering incidental to parking shall be on any public street, sidewalk, or alley; and exiting will not require backing into a public street.

4. Parking Space Near Fire Hydrants: Under no circumstances shall any parking space be provided within ten (10) feet of a fire hydrant.

2301.02 Schedule of Off-Street Parking Requirements: For the purpose of this Ordinance, an "off-street parking space" shall consist of a space sufficient in size to store one full size automobile (minimum of 162 square feet in area) with room for opening doors on both sides. When computing parking space requirements on the basis of the number of persons expected to be on the premises of a particular land use, the maximum number of occupants, practitioners, patrons or employees anticipated to be on the premises at any one time shall be used. When the application of the requirements of this Section would result in a fractional space, any such fraction shall be counted as one space. In the case of mixed, compatible subcategories of land use (e.g., as shopping centers containing a grocery store, a furniture store, a motion picture theater, etc.), the parking space required by the schedule below shall equal the sum of the requirements for each of the various uses (subcategories) computed separately. Off-street space for parking and storage of vehicles shall be provided in accordance with the following schedule:

A. **All Residential Uses Other Than Multiple Family:** Two spaces per dwelling unit.

B. **Multiple Family Uses**: 1.5 spaces per dwelling unit.

C. General Business, Commercial or Service Establishments Catering to the Retail Trade: One parking space for each 220 square feet of GROSS floor area, except for the following prescribed uses:

(1) Hotels and motels - One space for each guest room plus one space for each employee on the largest shift.
(2) Restaurants and similar establishments serving food and beverages - One space for each 50 square feet of gross floor area, plus one space for each employee on the largest shift.
(3) Offices of physicians and dentists - Five spaces for each professional staff member (including physicians, dentists, nurses, dental hygienists, etc.)
(4) Other business and professional offices (other than physicians or dentists) - One

space for each 300 square feet of gross floor area.

(5) Furniture and appliance stores - One space for each 400 square feet of gross floor area.

(6) Theaters, auditoriums and other commercial places of assembly - One space for each four fixed seats.

(7) Gasoline service stations - One space for each employee and five spaces for each wash rack, lubrication rack, repair bay or similar facility for servicing and incidental repair of motor vehicles (not including said rack or bay as a space).

(8) "Drive-through service" establishments, such as drive-in banking, drive-through "windows" for fast food restaurants, dry-cleaning and laundry establishments and similar uses - In addition to one parking space for every 220 square feet of gross floor area (one space for every 50 square feet of gross floor area in restaurants), each such establishment shall have five standing spaces (i.e., spaces for vehicles waiting in line for service) for each teller window or other facility at which customer service is provided.

(9) Motor vehicle repair shops, body shops, etc. - One space for each regular employee, plus one space for each 300 square feet of floor area used for mechanical or body repair.

(10) Motor vehicle sales, machinery sales and equipment sales establishments - Two parking spaces (one customer and one employee) for each 1,000 square feet of area utilized for the display of vehicles, machinery or equipment for sale, whether or not said area is enclosed. (Note: If a motor vehicle sales establishment is combined with a motor vehicle repair shop, body shop or similar use, one space shall be provided for each employee of the establishment, whether mechanic, salesman, or other, plus one space for every 1,000 square feet of sales display area and one space for every 300 square feet of floor area used for repair).

(11) Grocery stores (excluding convenience type grocery stores) - One parking space (for employees and customers) for each 100 square feet of gross floor area.

(12) Convenience-type grocery stores - A minimum of four parking spaces for any such use plus one space for each 400 square feet of gross floor area.

(13) Skating rinks and other commercial places of amusement or assembly without a fixed seating arrangement - One parking space for each 75 square feet of floor area devoted to use by patrons.

(14) Bowling alley - Five spaces for each bowling lane.

(15) Warehouse, Wholesale and Manufacturing Uses NOT Catering to the Retail Trade: One parking space for each 1,000 square feet of gross floor area, or one parking space for each employee on the largest shift, whichever is greater; plus one space for each vehicle operating from the premises.

D. Public/Quasi-Public Facilities and Uses: Off-street parking space requirements for public/quasi-public facilities and uses shall be determined based upon a site plan and in accordance with the following schedule of requirements:

(1) Churches - One parking space for each five fixed seats in the
(2) principal assembly hall or one parking space for every 90 linear inches of pew space, whichever is applicable.
(2) Hospitals - One space for each patient bed, plus one space for each employee determined by the number of employees on the largest shift.
(3) Rest homes, nursing homes, sanitariums, and convalescent homes - One space for every two patient beds, plus one space for each employee determined by the number of employees on the largest shift.
(4) Libraries, art galleries, and museums, both public and private - One space for each 220 square feet of floor area (excluding storage rooms).
(5) Other public/quasi-public facilities and uses not listed above - The off-street parking requirements for public/quasi-public uses not listed above shall be determined on the basis of a site plan submitted in accordance with Sections 2207 through 2210 of this Ordinance.

2301.03 Design Standards for Off-Street Parking: Off-street parking shall be provided as specified in this section. With regard to the provision of parking for handicapped persons, developers shall comply with the Federal regulations implementing the Americans with Disabilities Act.

A 90-degree parking angle shall be required for all parking lots unless the developer can demonstrate to the Madison County Planning Commission during required site plan review (see Sections 2207 through 2210) that there are unusual circumstances, such as an unusual lot shape, that would make it necessary to use a parking angle other than 90-degree. Parking stalls shall be a minimum of nine (9) feet wide and eighteen (18) feet in depth.

If unusual circumstances exist to necessitate a parking angle other than 90-degrees, approval shall be based upon review of the required site plan.

Parking aisle widths shall be a minimum of twenty-four (24) feet, unless unusual circumstances require that aisles be less than 24 feet wide.

SECTION 2302 - OFF-STREET LOADING SPACE REQUIREMENTS:

Adequate off-street space for the loading and unloading of vehicles and for vehicles temporarily stopped ("standing") while waiting to be loaded, unloaded, or serviced, shall be provided and maintained for all commercial and industrial uses and any other use involving the receipt or distribution by vehicles of materials, merchandise or other matter on a regular basis. Said space shall be provided on the same premises with the use to which it is appurtenant, unless with a recommendation from the Planning/Zoning Commission, the Board of Supervisors authorize in writing an alternative location for such loading or unloading. Unless otherwise specified in this Ordinance, loading, unloading or standing space shall be provided in accordance with the following:

One loading space measuring at least 12 feet by 55 feet with a minimum height clearance of 14 feet for the first 3,000 square feet of building and/or storage area; PLUS one additional loading space with the same space requirements as above for each 10,000 square feet of building and/ or storage area above the first 3,000 square feet. (Examples: (1) A parcel of land containing 3,000 square feet of area which is used for the storage of building supplies or a commercial building containing 3,000 square feet of floor space: one loading space would be required for either situation; (2) a parcel of land containing 23,000 square feet of outdoor storage area or a building containing 23,000 square feet of floor area: a minimum of three loading spaces would be required in either situation.)

SECTION 2303 - ACCESSWAYS

Developers of public/quasi-public uses, multiple family residential uses, all commercial uses and all industrial uses shall control access along arterial and collector streets upon which the use abuts in accordance with the following regulations:

2303.01 Access Barrier: Each lot, with its buildings, other structures and parking and loading areas shall be physically separated from each adjoining street by a curb or other suitable barrier against unchanneled motor vehicle ingress or egress. Except for the ACCESS WAYS permitted below, such barrier shall be continuous for the entire length of any lot line adjoining a street.

2303.02 Number of Accessways Per Lot: Each lot shall have a minimum of one accessway per lot or one accessway for every 200 feet of street frontage unless a greater number is approved by the Board of Supervisors for reasons of safer traffic maneuvering. No lot with a width of 100 feet or less shall have more than one access point, unless an interior circulation drive is constructed.

2303.03 Distances between Accessways on the Same Lot, Minimum Setbacks from Street Intersections, and Driveway Width Regulations for Multiple-Family Residential, Commercial, Industrial and Public/Quasi-Public Uses: All accessways for multiple-family residential, commercial, industrial, and public/quasi-public uses shall comply with Table 1. The functional classification of all streets and highways shall be determined by the classification shown on the adopted Land Uses/Thoroughfares Plan.

2303.04 Common Accessways To Reduce Traffic Hazards on Collector and Arterial Streets: Where practicable, developers of adjoining lots for commercial, industrial, or public/quasi-public uses shall provide common accessways in order to reduce the number of points of ingress and egress along collector and arterial streets. The provision of such common accessways with adjoining properties shall be considered in the preparation of the site plan required by these regulations. Site plans shall not be recommended for approval unless the Planning Commission determines that the developer has made a reasonable effort

to coordinate the provision of common accessways with adjoining property owners.

TABLE 1

MINIMUM DISTANCES BETWEEN MULTIPLE DRIVEWAYS ON THE SAME LOT MINIMUM SETBACKS FROM INTERSECTIONS AND DRIVEWAY WIDTH REGULATION: MULTIPLE-FAMILY RESIDENTIAL, COMMERCIAL, INDUSTRIAL, OR PUBLIC/QUASI PUBLIC USES

FUNCTIONAL CLASSIFICATION OF STREET	MINIMUM DISTANCE BETWEEN DRIVEWAYS	MINIMUM DISTANCE TO INTERSECTION	DRIVEWAY WIDTH REGULATIONS	
			Minimum	Maximum
Local	22 Ft.	40 Ft.	24 Ft.	35 Ft.
Collector	22 Ft.	40 Ft.	24 Ft.	35 Ft.
Principal or Minor Arterial	30 Ft.	50 Ft.	28 Ft.	44 Ft.

ARTICLE XXIV

NONCONFORMITIES

SECTION 2400 - PURPOSE OF THIS ARTICLE

A nonconformity is any land, lot, building, structure or parts thereof, existing before the enactment of this Ordinance, which subsequent to the enactment of this Ordinance or amendment thereto, does not conform with the use regulations and/or dimensional regulations of the district in which it is situated, and/or does not comply with any other requirements herein.

It is the intent of this Ordinance to permit nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming USES (see definition under Section 2401 below) are declared by this Ordinance to be incompatible with permitted land use in the districts involved. Therefore, a nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this Ordinance by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change of plans, construction, or designated use of any building on which actual construction was lawfully initiated prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. “Actual construction" is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially initiated preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be "actual construction,” provided that work shall be carried on diligently.

SECTION 2401 - TYPES OF NONCONFORMITIES

Whereas the definition of a nonconformity has been given in Section 201 and under Section 2000, such nonconformities shall be further defined according to one of the types of nonconformities listed below, or combination thereof, for the purpose of regulation.

2401.01 Nonconforming Undeveloped "Lot of Record": This type of nonconformity is an undeveloped "lot of record" (i.e., part of a subdivision, the map of which has been recorded in the office of the Chancery Clerk of Madison County or a lot described by metes and bounds, the description of which has been recorded in said office) the dimensions of which, subsequent to the passage of this Ordinance, do not meet the area or width requirements, or both, of the district wherein such lot is

located.

2401.02 Nonconforming Structure (Including Buildings): This type of nonconformity includes anything lawfully constructed or erected with a fixed location on the ground (or attached to something having a fixed location on the ground) prior to the passage of this Ordinance, but which subsequently does not comply with the bulk, placement or other dimensional requirements of the zoning district wherein located.

2401.03 Nonconforming Use: This type of nonconformity includes the uses of any land, lot, building, structure, or parts thereof, which lawfully existed prior to the passage of this Ordinance but which subsequently does not comply with all or some part of the use requirements of the zoning district wherein located.

SECTION 2402 - REGULATIONS CONCERNING NONCONFORMING UNDEVELOPED LOTS OF RECORD

2402.01 Erection of One-Family Dwellings Allowed on Single Nonconforming Undeveloped (or Vacant) Lots of Record in Separate Ownerships: In any district in which one-family dwellings are permitted, a one-family dwelling and customary accessory buildings may be erected on any SINGLE nonconforming undeveloped (or vacant) lot of record after the effective date of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lots must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such single lot of record fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that:

The required yard dimensions and other requirements (than those applying to lot area or width, or both) of the proposed single-family residential use shall conform to the regulations in the district in which such single nonconforming lot of record is located.

Variance of yard requirements shall be obtained only through action of the Board of Supervisors following recommendation of the Planning/Zoning Commission. (See Section 2204 of this Ordinance).

2402.02 Two or More Nonconforming Undeveloped (or Vacant) Lots of Record with Continuous Frontage Changing Ownership After the Effective Date of This Ordinance: If two or more undeveloped (or vacant) lots in single ownership with continuous frontage are "of record" at the time of enactment of this Ordinance, and if, subsequent to the passage of this Ordinance, such lots become nonconformities in the district where they are located; and if such lots change

ownership after the enactment of this Ordinance, the lands involved shall be considered as undivided parcel for the purposes of this Ordinance; and no portion of said parcel shall be used in a manner which diminishes compliance with the lot width and/or lot area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot width or area (or both) below the requirements stated in this Ordinance.

The provisions of this subsection shall not apply to two or more undeveloped lots of record in single ownership with continuous frontage which remain in the same ownership (or if the lots are conveyed by inheritance or as a gift) following enactment of this Ordinance. Such lots not changing ownership shall continue to be considered divided parcels; and the owner of such lots may erect single-family dwellings on each lot in districts where single-family dwellings are permitted, subject to the regulations imposed by subsection 2002.01. However, further division of such nonconforming lots of record shall be prohibited.

No lot shall be created on or after the effective date of this Ordinance which does not meet the lot area and lot width requirements of the district wherein the lot is located.

SECTION 2403 - REGULATIONS CONCERNING NONCONFORMING STRUCTURES

Where a lawful structure exists before the effective date of adoption or amendment of this Ordinance that could not subsequently be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its placement on the lot, or other dimensional requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, provided that:

A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

B. Should such nonconforming structure or nonconforming portions of a structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed, except in conformity with the provisions of this Ordinance.

C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 2404 - REGULATIONS CONCERNING NONCONFORMING USES OF LAND (OR LAND WITH MINOR STRUCTURES ONLY)

Where at the time of passage of this Ordinance, lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, and where such use involves no individual structure with a replacement cost exceeding $1,000.00, the use may be continued so long as it remains otherwise lawful, provided:

A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;

B. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance;

C. If any such nonconforming use of land ceases for any reason for a period of more than 30 days (except where government action has impeded access to the premises), any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located;

D. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

SECTION 2405 - REGULATIONS CONCERNING NONCONFORMING USES OF MAJOR STRUCTURES OR OF MAJOR STRUCTURES AND LAND IN COMBINATION

If lawful use involving individual major structures (i.e., those with a replacement cost of $1,000 or more) or of such major structures and land in combination, exists prior to the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

C. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

D. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for six consecutive months (except when government action has impeded access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

E. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to the extent of more than 50 percent of the replacement cost at the time of destruction.

ARTICLE XXV

SIGN REGULATIONS

SECTION 2500 - PURPOSES

The purposes of this ordinance are to regulate signs, as defined under Article II, for the following reasons:

A. To assure that signs are appropriate to the land, building, or use to which they are appurtenant, thereby protecting the character and economic stability of surrounding property.

B. To assure that signs are adequate but not excessive for their intended purpose.

C. To prohibit the erection, placement or retention (in the case of signs erected prior to the adoption of this Ordinance) of any sign which constitutes a hazard to the public safety.

D. To prohibit the erection, placement, or retention of any sign which constitutes a nuisance by reason of glare, noise, animation, flashing, or other objectionable influence.

SECTION 2501 - PERMIT REQUIRED/ APPLICATIONS FOR SIGN PERMITS

Except for the signs listed under Section 2503 and temporary signs listed under Sections 2515, 2516, and 2517, no sign shall be constructed, erected, relocated or expanded unless the owner (or his/ her representative) obtains a sign permit from the Zoning Administrator. The Zoning Administrator shall not issue a sign permit unless the proposed sign complies with the provisions of this Ordinance and other applicable ordinances and regulations of the Madison County.

Applications for sign permits shall be filed with the Zoning Administrator on a form provided by the County. The permit application shall include, but not necessarily be limited to, the following information:

A. Name and address of the sign owner and of the sign erector.

B. Zoning district in which the sign is to be erected, expanded (or otherwise modified) or relocated.

C. Sign type proposed.

D. Drawings showing the design, location(s) on the lot(s), materials, finishes of the sign, type of illumination if any, and such other pertinent information as the Zoning Administrator may require.

SECTION 2502 - SIGN MEASUREMENT/ SIGN FACES

The surface area of a sign shall be computed as including the entire area within a rectangle, triangle, circle, or other geometric form, or aggregates thereof, encompassing all of the display area of the sign and including all of the elements of the matter displayed. Base, apron, supports and other structural members not bearing advertising matter shall not be included in computation of the surface area. In measuring the required setbacks for ground-mounted signs, the measurement shall be from the appropriate street or highway right-of-way or property line to the leading edge of the sign, including the structural members of the sign.

The face of a sign shall be defined as the area of a sign which is visible from one direction as projected on a plane; the face is the entire area on which copy is placed. In measuring the area of signs having double faces, the area of each face shall be measured.

SECTION 2503 - SIGNS NOT REQUIRING A PERMIT

The following signs shall not require a permit, but shall be subject to the regulations of this Ordinance:

A. Governmental Signs: Any sign erected by any Federal or State agency or the Madison County, or under authorization or required by any governmental agency, shall not require a permit. Such signs include, but are not limited to: traffic regulatory signs, historic markers, identification signs on buildings or other facilities, holiday decorations, and similar signs.

B. Utility Signs: Standard markers or warning signs denoting utilities.

C. Traffic Directional/ Parking Signs and Delivery Signs: Signs providing traffic directions (entrance/ exit signs), parking directions, and delivery signs shall not require a permit. Such signs may either be wall-mounted or ground-mounted and they may be directly or indirectly illuminated, but they shall not exceed four (4) square feet in area. These signs may be erected in addition to other signs permitted by these regulations and not included in calculating the maximum allowable aggregate sign area.

D. "Private Parking" Signs: Signs warning the public that a parking lot or parking garage is intended for use only be employees or other persons associated with a business or organization shall not require a permit. Such signs may either be wall-mounted or ground-mounted and they may be directly or indirectly illuminated, but they shall not exceed six (6) square feet in area. These signs may be erected in addition to other signs permitted by these regulations and not included in calculating the maximum allowable aggregate sign area.

E. Address Signs: Not more than one for each street frontage of each principal use on a lot

and not exceeding:

1. one-half (1/2) square foot (72 square inches) in surface area for all single-family residential zones.

2. four (4) square feet in surface area for all other zones

Address signs shall indicate only the alpha-numerical designation of the premise on which they are situated; for example,"101-A Main Street." All address signs shall be prominently displayed and written in contrasting colors to the color of the structure or background against which said signs are placed in order to facilitate identification by emergency service personnel. Address signs may be erected in addition to other signs permitted by these regulations and not included in calculating the maximum allowable aggregate sign area.

(NOTE: In order to assist 911 personnel in locating a structure for emergency service, the alpha-numerical number assigned to each building should be legible from the street on which the residence, business, etc. fronts.)

F. Window Signs: Permitted only in commercial or industrial districts. Such signs shall not cover more than twenty (20) percent of the window area.

G. Unilluminated, Ground-Mounted Political Signs: Permitted in ANY district with a maximum area of six (6) square feet per face. A premise (lot) shall have no more than one (1)political sign per candidate. Such signs shall only be permitted on private property with the consent of the owner. All political signs shall be removed within seven (7) calendar days after the election in which the person's candidacy ends. Any person (candidate) who allows his/ her signs to remain on any property for more than seven (7) calendar days after the election shall be guilty of a violation of this Ordinance and subject to the penalties imposed herein.

H. Flags or Emblems of the United States, the State of Mississippi or Their Political Subdivisions. Flags shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is more than forty (40) feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such.

I. Memorial or historical plaques, cornerstones, and the like.

J. Signs not legible off the lot upon which they are situated, such as drive-up menu boards at fast food restaurants.

K. Decals, numerals, names, addresses, hours, credit information, etc. attached to doors or windows and all of which occupy a total area of one (1) square feet or less.

L. Temporary signs subject to Sections 2516, 2517, and 2518.

SECTION 2504 - REGULATIONS FOR SIGNS PERTAINING TO PUBLIC/ QUASI-PUBLIC FACILITIES AND UTILITIES

The following types of signs, subject to the regulations of this Ordinance, are permitted in connection with public/quasi-public facilities and utilities, as such uses are defined by this Ordinance. Where a public/quasi-public use is permitted as a special exception under the Official Zoning Ordinance of the Madison County, Mississippi, these signs are allowed.

2504.01 Allowable Signs (By Permit Only Except Where Exempted under Section 2503):

(a) Ground-mounted identification signs.

(b) Wall-mounted identification signs.

(c) Changeable copy signs. Such changeable copy signs shall only display information regarding scheduled activities and must be enclosed to prevent vandalism.

(NOTE: These manual changeable copy signs will be permitted for schools, churches, and other public/quasi-public uses, such as the Y.M.C.A., civic clubs, Red Cross, etc.)

(d) Off-premise ground-mounted signs with the consent of the property owner on which the ground-mounted sign is to be placed. An example of this type of sign is a sign pointing the direction to a church located on another lot from the one on which the sign is located.

(e) Temporary construction signs.

(f) Temporary OFF-PREMISE signs providing formation on special events/ activities sponsored by the public/ quasi-public use.

2504.02 Illumination of Public/Quasi-Public Signs: Except for temporary signs which shall not be illuminated, signs allowed for public and quasi-public uses may be externally illuminated or internally illuminated, as defined by this Ordinance. However, no public/quasi-public use sign shall be illuminated by neon tubing or

light bulbs arranged to form copy.

2504.03 Maximum Area: For all on-premise signs, a maximum of one ground-mounted, changeable copy (manual), or wall sign per street frontage, with no more than thirty-two (32) square feet per face may be erected. In no case shall total (aggregate) sign area exceed sixty-four (64) square feet, regardless of the number of faces.

For off-premise ground signs, a maximum aggregate area of thirty-two (32) square feet shall be allowed (with a maximum of thirty-two square feet per face), with no more than one such sign per off-premise lot upon which the sign is to placed.

2504.04 Regulations for Temporary Construction Signs for Public/Quasi-Public Facilities and Utilities: See Section 2517.

2504.05 Regulations for Temporary Off-Premise Signs Providing Information on Special Events/Activities: A permit shall be required for all off-premise special event/ activities signs. The locations for all such signs shall be reviewed by the Madison County Planning Commission and approved by the Board of Supervisors.

Regulations regarding maximum aggregate area and illumination shall be the same as those for on-premise special event/activities signs under Section 2517.

SECTION 2505 - MINIMUM SET-BACK FROM STREET RIGHT-OF-WAY FOR ALL GROUND-MOUNTED SIGNS

Except for signs located on Federal-Aid Interstate Highways and Federal-Aid Primary Highways, which are regulated by the State of Mississippi, no portion (including the leading edge of the sign) of a ground-mounted sign shall be located nearer than five (5) feet from the right-of-way of any street or road in unincorporated Madison County.

SECTION 2506 - OUTDOOR ADVERTISING

The regulation of outdoor advertising ("billboards") adjacent to Federal-Aid Interstate Highways and Federal-Aid Primary Highways is subject to the Standard Operating Procedures adopted by the Mississippi Transportation Commission. Billboards shall only be permitted in C-2 Highway Commercial and I-2 Heavy Industrial districts, subject to the regulations of those districts as special exceptions only.

SECTION 2507 - MAXIMUM HEIGHTS FOR ALL GROUND-MOUNTED SIGNS

Except for residential districts and temporary ground-mounted signs, if the proposed location of a

ground-mounted sign is *lower than the elevation of the centerline of the street or highway* to which the sign is directed, then the height of the sign shall not exceed twelve (12) feet above the said centerline elevation. If the proposed location of the ground-mounted sign is the *same or above the elevation of the centerline of the street or highway* to which the sign is directed, then the height of the sign shall not exceed twelve (12) feet above the surrounding grade. However, the Board of Supervisors is hereby empowered to grant special permits for a sign up to 40 feet above the surrounding grade. These regulations shall not apply to ground-mounted outdoor advertising (billboards) erected adjacent to Federal-Aid Interstate Highways and Federal-Aid Primary Highways which are regulated by Standard Operating Procedures adopted by the Mississippi Transportation Commission.

SECTION 2508 - LANDSCAPING REQUIRED FOR ALL GROUND - MOUNTED IDENTIFICATION SIGNS AND SINGLE - BUSINESS COMMERCIAL OR INDUSTRIAL GROUND - MOUNTED SIGNS

The base of all ground-mounted identification signs and all single business (one business on a lot) ground-mounted commercial or industrial signs shall be fully landscaped with planters and/or shrubs in all directions, not less than the dimensional width of the sign. Failure to maintain this landscaping shall be a violation of this Ordinance.

SECTION 2509 - WALL SIGNS PROJECTING ABOVE ROOF LINE PROHIBITED

No wall sign shall project above the roof line of a building.

SECTION 2510 - SIGNS EXCEEDING HEIGHT LIMITATIONS ARE NONCONFORMING STRUCTURES

All signs existing at the time of passage of this Ordinance which exceed the height limitations of this Ordinance shall be considered nonconforming structures, subject to the provisions of Section 2403 of this Ordinance.

SECTION 2511 - SIGN REGULATIONS FOR ALL SINGLE-FAMILY RESIDENTIAL DISTRICTS, MULTIPLE-FAMILY RESIDENTIAL DISTRICTS, PLANNED UNIT DEVELOPMENTS, AND MANUFACTURED HOME PARK/ SUBDIVISION RESIDENTIAL DISTRICTS

The following regulations shall apply to all land zoned Residential Estate (R-1), Single-Family Residential (R-1A or R-1B), Moderate Density Residential (R-2), High Density Residential (R-3), Town House Residential (R-4), Patio Home (R-5), Planned Unit Developments (PUD's), and Manufactured Residential Park (MHP) or Manufactured Home Subdivisions (MHS):

2511.01 Allowable Signs (By Permit Only):

(A) Permanent residential subdivision ground-mounted (free-standing) identification signs: no more than one per subdivision entrance

(B) Permanent multiple-family residential (apartments or condominiums) ground-mounted or wall identification signs

(C) Permanent manufactured home park or subdivision ground-mounted identification signs

2511.02 Size and Location:

(A) Residential subdivision and manufactured home park/ subdivision ground-mounted identification signs:

Maximum area: Thirty-two (32) square feet per face; in no case shall total sign area exceed sixty-four (64) square feet, regardless of the number of faces.

Set-back from street rights-of-way: These signs may be located at all subdivision entrances at least five (5) feet from the right-of-way line of any street. In accordance with Section 2518, item number 8, no residential identification sign shall be erected in a manner as to obstruct the free and clear vision of vehicle drivers.

Maximum height: six (6) feet.

(B) Multiple Family Residential (Apartments or Condominiums) Identification Signs, Ground-Mounted or Wall:

Maximum area: Maximum of one ground-mounted or wall sign per street frontage, with no more than thirty-two (32) per face. In no case shall total sign area square feet exceed sixty-four (64) square feet per lot, regardless of the number of faces. For example, an apartment complex fronting on two streets could have two wall-mounted signs measuring 4 feet x 8 feet each, with no ground-mounted signs; or one wall mounted sign measuring 4 feet x 8 feet and a ground-mounted sign of the same dimensions.

Set-back from street right-of-way for ground-mounted signs: five (5) feet.

Maximum height for ground-mounted signs: six (6) feet.

(C) Temporary signs: See Section 2516.

2511.03 Illumination of Signs in Residential Districts, Manufactured Home Parks/

Subdivisions, and Planned Unit Developments: No sign in residential districts, manufactured home parks or subdivisions, or PUD's shall be internally lighted (i.e., only external lighting, as defined by this Ordinance, is permitted for signs in these districts).

SECTION 2512 - SIGN REGULATIONS FOR THE MANNSDALE-LIVINGSTON HERITAGE PRESERVATION (MLHP) DISTRICT

All signs in the Mannsdale-Livingston Heritage Preservation (MLHP) District shall be regulated according to Article XVI of this Ordinance.

SECTION 2513 - SIGN REGULATIONS FOR RESTRICTED COMMERCIAL (C-1A), GENERAL COMMERCIAL (C-1), HIGHWAY COMMERCIAL (C-2), AND INDUSTRIAL DISTRICTS (TIP AND I-2)

The following regulations shall apply to Restricted Commercial (C-1A), General Commercial (C-1), Highway Commercial (C-2), and Industrial (TIP and I-2) zoning districts:

2513.01 Allowable Signs (By Permit Only):

(A) Ground-mounted signs.

(B) Billboards in C-2 and I-2 districts only as special exceptions, subject to the regulations herein.

(C) Wall signs.

(D) Canopy signs or marquee signs.

(E) Changing signs (automatic) which provide community event information, time and temperature, in addition to advertisement.

(F) Permanent changeable copy (manual) signs.

(G) Ground-mounted identification signs.

2513.02 Individual Ground-Mounted Signs Prohibited Where More Than One Business/Organization Is Located On a Single Lot: Where more than one business or organization is located on a single lot, individual ground-mounted signs for each such business or organization shall be prohibited.

2513.03 Maximum Area for All Signs:

(A) **Ground-Mounted Signs (<u>Other Than Billboards</u>), Wall, Canopy or Marquee, Changing (Automatic) Signs**: The maximum aggregate square footage for ground-mounted, wall, canopy or marquee, or changing automatic) signs shall be one (1) square feet for *each lineal foot of building frontage length*, with "building frontage" including each side of a building which fronts on a public street, in addition to a ground-mounted identification sign. In no case shall the total aggregate square footage for such signs exceed 125 square feet (excluding a ground-mounted identification sign). However, a single business on a lot could not have an additional "identification sign," since by definition identification signs are only permitted for more than one business on a lot.

For example, a building measuring 100 feet on one street and 50 feet on another street (corner lot) could have up to 125 square feet of ground-mounted signs and wall signs: say, a wall sign measuring 3 feet x 8.33 feet and a ground-mounted sign in the front of the business measuring 4 feet x 25 feet, for a total of 125 square feet.

(B) Ground-Mounted Identification Signs: In addition to (A) above, ground-mounted identification signs not exceeding fifty (50) square feet per face per street frontage may be erected in all commercial or industrial districts or commercial portions of PUD's, but the total sign area for such identification signs on a single lot shall not exceed 125 square feet per lot. Such ground-mounted signs shall not exceed twelve (12) feet in height and shall be located at least five (5) feet from street rights-of-way. For example, two stores on a single corner lot could have one 50 square foot (each face) ground-mounted identification sign on each street.

2513.04 <u>Illumination of Signs</u>: Except for temporary sale/new product signs and "grand opening" signs, signs allowed in commercial and industrial districts may be externally illuminated or internally illuminated, as defined by this Ordinance. Temporary sale/new product signs shall not be illuminated and "grand opening" signs may only be externally illuminated.

2513.05 <u>Private Sign Standards Required</u>: The developer of an office park, shopping center, or other grouping of three or more commercial or industrial tenants on a single lot or in a subdivision shall prepare a set of sign standards for all exterior signs to be approved by the Madison County Planning Commission. Such standards shall run with all leases or sales of portions of the development. The Madison County Planning Commission, when reviewing these standards, shall consider the following:

-size and height;

-colors;
-materials;
-styles of lettering;
-appearance of any logo;
-type of illumination;
-location; and
-landscaping around the signs.

Sign permits shall not be issued until the Board of Supervisors have approved the sign standards after having been assured that such standards will be enforced by the developer or owner. The sale, subdivision, or other partition of the site after development does not exempt the project or portions of the project from complying with these regulations relative to number of signs and the harmony and visual quality of signs to be installed.

(NOTE: By definition under this Ordinance, a shopping center consists of three (3) or more commercial establishments managed as a unit. Other "groupings" of three (3) or more commercial or industrial uses on a single lot or in a subdivision are also required to submit private design standards.)

2513.06 Outdoor Advertising (Billboards) in C-2 Highway Commercial and I-2 Heavy Industrial Districts: Outdoor advertising (billboards) may only be erected in C-2 Highway Commercial and I-2 Heavy Industrial districts in Madison County by permit only. Outdoor advertising on Federal-Aid Interstate Highways and Federal-Aid Primary Highways is regulated by Standard Operating Procedures adopted by the Mississippi Transportation Commission. For outdoor advertising in C-2 or I-2 districts (as special exceptions only) not adjacent to these highways, the following regulations shall apply:

(A) Maximum Height: See Section 2507 for maximum height regulations.

(B) Maximum Size: Outdoor advertising or billboards shall not exceed an area of 672 square feet.

(C) Spacing: Individual billboards shall be at least five hundred (500) feet apart in C-2 or I-2 districts.

SECTION 2514 - SPECIAL REGULATIONS FOR SERVICE STATIONS AND CONVENIENCE STORES

In addition to the signs allowed under Section 2513 in Restricted Commercial (C-1A), General Commercial (C-1 as conditional uses) and Highway Commercial (C-2) and industrial (TIP and I-2)

districts, service stations and convenience stores shall be entitled to the following additional signs (by permit only):

2514.01 Non-Illuminated Price Signs: Each gasoline service station or convenience store may have one (1) price sign per street front. Such signs shall not exceed two (2) square feet per face and may be located upon the pump island nearest the streets on which the station/store fronts or incorporated into a ground-mounted sign. Price signs shall pertain to fuel products only (i.e., price signs shall not provide prices for cigarettes or other items sold on the premises) and specify prices for cash/ credit and self service/ full service.

(NOTE: As previously stated, a single business such as a service station on a lot by itself cannot have an identification sign, since by definition identification signs are intended to identify a group of businesses or organizations on a single lot.)

2514.02 Non-Illuminated Self-Service/Full Service Signs: Each gasoline service station or convenience store may have two (2) non-illuminated self service or full service signs per pump island. Such signs shall not exceed two (2) square feet in area and shall be attached to the pump or pump island.

SECTION 2515 - TEMPORARY SIGNS FOR ALL SINGLE-FAMILY RESIDENTIAL AND MULTIPLE-FAMILY RESIDENTIAL DISTRICTS, MANUFACTURED HOME PARK/ SUBDIVISION DISTRICTS AND PLANNED UNIT DEVELOPMENTS:

2515.01 Allowable Signs: The following signs shall not require permits but shall be subject to the regulations of this Section.

(A) Ground-mounted, on-premise, unilluminated construction signs announcing the construction of a single-family detached residence.

(B) Ground-mounted, on-premise, unilluminated construction signs announcing the development of a residential subdivision Ground-mounted identification signs. or the construction of a multiple-family residential development.

(C) Ground-mounted, on-premise or off-premise unilluminated real estate signs

(D) Ground-mounted, on-premise, unilluminated miscellaneous sale signs (garage sales, etc.)

2515.02 Maximum Height, Area and Location:

(A) Maximum Height for All Ground-Mounted Temporary Signs in Residential Districts: No ground-mounted temporary sign in a residential district shall exceed

a height of six (6) feet above the surrounding grade.

(B) Ground-mounted, on-premise, unilluminated construction signs announcing the construction of a single-family detached residence: Nine (9) square feet per face for a single-family residence. In no case shall the total sign area exceed eighteen (18) square feet for a single-family residential lot.

(C) Ground-mounted, on-premise unilluminated construction signs announcing the development of a residential subdivision or the construction of a multiple-family residential development: Thirty-two (32) feet per face. For residential subdivisions, one such sign shall be permitted per entrance to the subdivision. For multiple-family residential developments (apartments or condominiums), one such sign shall be permitted per street frontage.

No construction sign for a residential subdivisions or an apartment/condominium complex shall be off-premise.

(D) Ground-mounted, on-premise or off-premise unilluminated real estate signs: On-premise signs for all residentially-zoned property: Nine (9) square feet per face for all single-family uses, with a maximum total sign area of eighteen (18) square feet. One such sign shall be permitted per lot per street frontage.

Off-premise signs for residentially-zoned property: With the consent of the property owner upon whose property the off-premise sign is to be placed, off-premise signs may be located on lots at street intersections (for example, "house for sale" with an arrow pointing toward the house that is for sale). Such signs shall not exceed four (4) square feet in area. Under no circumstances shall an off-premise real estate sign be located inside a street/ highway right-of-way or upon other public property.

(E) Ground-mounted, unilluminated miscellaneous sale signs: Four square feet per face. In no case shall the total sign area exceed eight (8) square feet per lot. These signs may be on-premise or off-premise, but off-premise signs shall be located off-premises only with the consent of the property owner on whose property the sign is to be placed.

2515.03 <u>Removal of Temporary Signs</u>:

(A) Ground-mounted, on-premise, unilluminated construction signs announcing the construction of a single-family detached residence: Construction signs may remain on the premise to which they are appurtenant until a Certificate of Occupancy is issued for the residential use.

(NOTE: Certificates of Occupancy are issued for occupancy of houses long after construction of the required improvements in a subdivision ceases and the final plat is approved for a subdivision, thereby permitting issuance of building permits. However, for construction signs announcing the development of a residential subdivision below, construction signs should be permitted to stand ONLY until all required improvements are installed except the final wearing surface of streets).

(B) Ground-mounted, on-premise unilluminated construction signs announcing the development of a residential subdivision: Construction signs may remain on the premise to which they are appurtenant until all required improvements (not including the final wearing surface of streets) are installed.

(C) Ground-mounted, on-premise, unilluminated real estate signs: Such signs shall be removed within seven (7) days of the sale, lease or rental of the property.

(D) Ground-mounted, on-premise and off-premise unilluminated miscellaneous sale signs: Miscellaneous sale signs shall be removed no later than the day after the item(s) is (are) sold.

SECTION 2516 - TEMPORARY SIGNS FOR ALL COMMERCIAL OR INDUSTRIAL (TIP OR I-2) DISTRICTS

2516.01 Allowable Signs: In addition to signs allowed by permit only, the following signs SHALL NOT REQUIRE PERMITS but shall be subject to the regulations of this Section.

(A) On-premise ground-mounted, unilluminated construction signs announcing the construction of a commercial or industrial building.

(B) On-premise ground-mounted or wall signs announcing the opening of a newly established, expanded in floor area or relocated commercial or industrial land use.

(C) On-premise ground-mounted or wall signs relating to a sale or new product.

(D) On-premise ground-mounted or wall, unilluminated real estate signs; OFF-PREMISE REAL ESTATE SIGNS SHALL BE PROHIBITED IN ALL COMMERCIAL OR INDUSTRIAL DISTRICTS.

(E) Ground-mounted unilluminated political signs: See Section 2503, paragraph G for regulations.

2516.02 Maximum Height, Area, Location, and Illumination:

(A) Maximum Height for All Ground-Mounted Temporary Signs in Commercial and Industrial Districts: No ground-mounted temporary sign in a commercial or industrial district shall exceed a height of six (6) feet above the surrounding grade.

(B) On-premise, ground-mounted, unilluminated construction signs announcing the construction of a commercial or industrial building: fifty (50) square feet per lot, with no more than twenty-five (25) square feet per sign face.

(C) On-premise ground-mounted or wall sign announcing the opening of a newly established, expanded in floor area or relocated commercial or industrial land use: Temporary ground-mounted or wall signs relating to an opening of a newly-established, expanded in floor area, or relocated commercial or industrial use may be erected in commercial or industrial districts, containing up to twenty-five (25) square feet per street frontage per lot. These signs may be externally illuminated.

(D) On-premise ground-mounted or wall sign relating to a sale or new product: Temporary signs relating to a sale or a new product may be erected in commercial and industrial districts. Such temporary signs shall not exceed an aggregate area of twenty-five (25) square feet per lot. If ground-mounted, a temporary sale/ new product sign shall be at least five (5) feet from all street rights-of-way. No more than one such sign shall be allowed per street frontage. These signs may be externally illuminated.

(E) On-premise ground-mounted or wall, unilluminated real estate signs: Twenty-five (25) square feet per face with a maximum of fifty (50) square feet per lot.

2516.03 Removal of Temporary Signs:

(A) On-premise, ground-mounted, unilluminated construction signs announcing the construction of a commercial or industrial building: Construction signs may remain on the premise to which they are appurtenant until a Certificate of Occupancy is issued for the commercial or industrial use.

(B) On-premise ground-mounted or wall sign announcing the opening of a newly established, expanded in floor area or relocated commercial or industrial land use: Such "grand opening" signs may be erected for a period not to exceed thirty (30) days.

(C) On-premise ground-mounted or wall sign relating to a sale or new product: Such sale/ new product signs may be erected for a period not to exceed thirty (30) days.

(D) Ground-mounted, on-premise, unilluminated real estate signs: Such signs shall be removed within seven (7) days of the sale, lease or rental of the property.

SECTION 2517 - TEMPORARY SIGNS FOR ALL PUBLIC/QUASI-PUBLIC USES

2517.01 Allowable Signs: In addition to the signs allowed by permit for public/ quasi-public uses (see Section 2504), the following signs erected for public/ quasi-public uses SHALL NOT REQUIRE A PERMIT but shall be subject to the regulations of this Section.

(A) On-premise ground-mounted unilluminated construction signs.

(B) On-premise ground or wall-mounted, unilluminated signs providing information on special events/ activities sponsored by the public/ quasi-public use.

2517.02 Maximum Area:

(A) On-premise ground-mounted unilluminated construction signs: Sixty-four (64) square feet per lot with no more than thirty-two (32) square feet per sign face.

(B) On-premise ground or wall-mounted, unilluminated signs providing information on special events/ activities sponsored by the public/ quasi-public use: Sixty-four (64) square feet per lot with no more than thirty-two (32) square feet per sign face.

2517.03 Removal of Temporary Signs Erected by Public/Quasi-Public Uses:

(A) On-premise ground-mounted unilluminated construction signs: Construction signs may remain on the premise to which they are appurtenant until a Certificate of Occupancy is issued for the public/ quasi-public use.

(B) On-premise ground or wall-mounted, unilluminated signs providing information on special events/activities sponsored by the public/ quasi-public use: These signs shall be removed within two days (48 hours) of the cessation of the event or special activities.

SECTION 2518 - PROHIBITED SIGNS

The following signs are hereby prohibited anywhere in unincorporated Madison County:

1. Any sign erected on public property (Municipal, County, State or Federal) or street/ highway right-of-way without the consent of the appropriate governmental entity.

2. Signs which are of a size, location, movement, content, coloring or manner of illumination which

may be confused with or construed as an official traffic sign, signal or other traffic control device or which hide from view any such traffic control device.

3. All portable or “trailer” signs.

4. Roof signs.

5. Animated signs.

6. Signs which are structurally unsound or which are rendered structurally sound by guy wires or unsightly bracing; and signs that do not meet the construction standards of the building codes adopted by Madison County.

7. Signs which contain words or pictures of an obscene, indecent, or immoral character which could offend morals or decency.

8. Signs erected in such a manner as to obstruct the free and clear vision of vehicle drivers.

9. Signs placed on a vehicle or trailer which is parked or located for the primary purpose of displaying said sign, not including signs or lettering on buses, taxis, or vehicles operating during the normal course of business.

10. Abandoned or obsolete signs.

11. Signs that are not expressly permitted by this Ordinance.

12. Signs which contain or consist of banners or posters (except for allowed temporary signs), pennants, ribbons, streamers, strings of light bulbs, spinners, or other related items, except where specifically permitted as temporary signs.

13. Signs which contain or consist of pulsating lights, strobe lights, or beacons.

SECTION 2519 - SIGN ILLUMINATION

The light for or from any illuminated sign shall be so shaded, shielded or directed that the light intensity will not be objectionable to motor vehicle drivers or the surrounding area. Signs shall not be erected or maintained which contain, include or are illuminated by flashing, intermittent or moving lights, except those giving public service information, such as (but not limited to) time, date, temperature, weather or news.

SECTION 2520 - NONCONFORMING SIGNS

Signs which were legally in existence prior to the effective date of this Ordinance which do not conform to the provisions of this Ordinance are declared nonconforming signs. Regulations concerning nonconforming signs and other structures are included under Article XXIV of this Ordinance.

ARTICLE XXVI

ADMINISTRATION AND ENFORCEMENT

SECTION 2600 - PURPOSE OF THIS ARTICLE

It is the purpose of this Article to prescribe the legal devices and procedures for administering and enforcing this Ordinance and to define the duties, powers, limitations and scope of jurisdiction for the various persons and groups which are concerned with the administration and enforcement of this Ordinance.

SECTION 2601 - DUTIES, POWERS, AND LIMITATION OF POWERS OF THE ZONING ADMINISTRATOR IN THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE

2601.01 Duties of the Zoning Administrator:

A. Coordinate all matters relating to this Ordinance with, as appropriate, other County officials.

B. Provide information to the public on matters relating to zoning.

C. Provide application forms to the public on matters relating to zoning.

D. Maintain, or be responsible for, the maintenance of the Official Zoning Map.

E. Review all building permit applications and plot diagrams as they relate to this Ordinance.

F. Receive and take appropriate action on all applications for dimensional variances, conditional use permits (special exceptions), and zoning amendments (rezoning).

G. Receive and take appropriate action on all site plans submitted in accordance with Sections 2607 through 2610 of this Ordinance and the forwarding copies of site plans and associated materials to the proper individuals or bodies.

H. Check construction (or use conversion) performed under zoning-related permits to determine if the work (or use conversion) meets the requirements of this Ordinance before issuing a certificate of occupancy. An example of a use conversion would be a change from an allowed land use (with only minor construction) in the same building to one that is not allowed in that district.

I. Clear with other local, Madison County, state, or Federal agencies where such

clearance is necessary in connection with zoning matters.

J. Appear before the Planning/Zoning Commission and the Board of Supervisors to furnish information helpful to those bodies in carrying out their assigned functions.

K. Make periodic checks for violations or investigate written complaints of violations of this Ordinance and notify in writing the person(s) responsible for violations of the Ordinance, indicating the nature of the violation and ordering the action necessary to correct it. Notice to such violators shall be by registered or certified mail.

L. Report uncorrected violations to the Board of Supervisors and recommend action to prevent or halt violations of this Ordinance.

M. Advertise public hearings as required by this Ordinance. (Note: The Zoning Administrator may simply notify the County Clerk that advertisement of a public hearing is needed, and the County Clerk may actually transmit the required notice to the appropriate newspaper or newspapers).

N. Keep records pertaining to zoning matters.

O. Attend Planning/Zoning Commission meetings as needed but especially when site plans are to be reviewed.

P. Provide administrative interpretation as provided in Subsection 2601.02.

2601.02 Administrative Interpretation by the Zoning Administrator: In the event there is a question as to the general intent or specific meaning of any provision of the Zoning Ordinance text, or of the boundaries or district designations or other matters relating to the Official Zoning Map, the Zoning Administrator shall have the power to make such administrative decisions and interpretation. Such decisions or interpretations shall be made in writing by the Zoning Administrator.

A. Limitation of Powers: Said administrative interpretation shall in no manner be construed to include, or used in any way which would permit, the granting of a conditional use permit (special exception), dimensional variance, or zoning amendment (either an amendment to the zoning text or a district re-classification -- that is, the rezoning of any land), the provisions for which use are given elsewhere in this Ordinance.

B. Appeals from the Administrative Interpretation by the Zoning Administrator: Appeals from said administrative interpretation shall be made as provided in Subsection 2613.01 of this Ordinance.

C. Administrative Interpretation by the Zoning Administrator shall not be used in matters which the Zoning Administrator has personal financial interest or personal gain is involved.

SECTION 2602 - DUTIES AND RULES OF CONDUCT OF THE MADISON COUNTY PLANNING COMMISSION

The Madison County Planning Commission shall have the duties and responsibilities of a local Planning/Zoning Commission pursuant to Section 17-1-11 of the Mississippi Code of 1972, Annotated, As Amended.

2602.01 Duties of the Planning Commission: The Commission's duties with regard to this Ordinance shall include, but not be limited to:

A. The Planning Commission shall hold all public hearings on all matters relating to this Ordinance which require such hearings (except appeals to the Board of Supervisors), including:

-applications for dimensional variances;

-applications for special exceptions (conditional use permits);

-applications for amendments to the Official Zoning Map (i.e., applications for rezoning);

-proposed amendments to the text of this Ordinance.

B. The Planning Commission shall review all site plans (i.e., plans for the development of a single lot, as opposed to a subdivision plat involving the development of two or more lots) where such plans are required under Section 2607 of this Ordinance.

C. The Commission shall review all development plans (i.e., a drawing or set of drawings depicting the ultimate layout of a large tract of land, usually involving varying lot sizes and/or different proposed land uses).

SECTION 2603 - DUTIES OF THE BOARD OF SUPERVISORS IN THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE

The Board of Supervisors of the Madison County shall have the final authority with regard to all matters involving this Zoning Ordinance. The duties of the Board of Supervisors shall include, but not necessarily be limited to:

A. Hear appeals on decisions of the Planning Commission.

B. Appointing the members of the Planning Commission.

No Supervisor shall participate in the hearing of the singular item nor vote on any matter before the Board of Supervisors in which he has a personal financial interest.

SECTION 2604 - DIMENSIONAL VARIANCES

Where the strict application of this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional hardship upon the owner of such property, the Planning Commission shall conduct a public hearing on applications for dimensional variances, and is empowered to grant approval of such dimensional variances from the strict application so as to relieve such difficulties or hardships. Examples of such difficulties or hardships include exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of this Ordinance; or by reason of the location of trees, natural drainage course, lakes, or other desirable or attractive features, which condition is not generally prevalent in the neighborhood.

2604.01 Requirements for Granting Variances: Any person desiring a dimensional variance from the terms of this Ordinance shall submit a written application (on a form furnished by the Zoning Administrator) demonstrating compliance with ALL of the following. The applicant shall complete the application and provide eight copies to the Zoning Administrator. Applications shall be submitted by the 1st day of the month preceding the next regular meeting of the Planning Commission at which the application is to be reviewed, or it will not be placed on the Planning Commission agenda for that meeting.

A variance shall not be granted unless the applicant demonstrates:

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 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 zoning district.

2604.02 Existence of Non-Conforming Uses Not Grounds for Variance: The existence of non-conforming uses of neighboring lands, structures, or buildings in the same zoning district shall not be considered grounds for granting a variance.

Furthermore, the existence of permitted or non-conforming use of lands, structures, or buildings in other districts shall not be considered grounds for issuance of a variance.

2604.03 When a Site Plan Shall Be Required: If the Zoning Administrator feels that more information is needed than is included on the plot diagram submitted with an application for a building permit, then a site plan shall be submitted with an application for a dimensional variance.

2604.04 Public Hearing Required: A public hearing shall be held in accordance with Section 2611 of this Ordinance for all proposed dimensional variances.

2604.05 Public Hearing Before Board of Supervisors Unnecessary Unless Requested by Aggrieved Party: Following a public hearing held before the Planning Commission on a proposed dimensional variance, it shall not be necessary to hold another hearing on the proposed variance. The Board of Supervisors may act upon the recommendation of the Planning/Zoning Commission. Any party aggrieved by the recommendation of the Planning Commission shall be entitled to a public hearing before the Board of Supervisors, with due notice thereof as provided under Section 2611 of this Ordinance. An aggrieved party may be anyone who takes exception with the recommendation made by a majority of a quorum of the Commission. Such a hearing shall be provided only if the aggrieved party files a written request with the Zoning Administrator within fifteen (15) days of the vote of the commission on the recommendation as provided under Section 2613.02.

2604.06 Required Findings: No variance shall be issued until the Planning Commission has made a finding that the reasons set forth in the application justify the granting of the variance, and that the variance constitutes the minimum allowable deviation from the dimensional regulations of this Ordinance in order to make possible the responsible use of the land, building or structures. Furthermore, no variance shall be granted until the Planning/Zoning Commission has made a finding that the granting of the dimensional variance will be in harmony with the general purpose and intent of this Ordinance, and that the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

2604.07 Conditions and Safeguards May Be Prescribed with Dimensional Variance: In granting any dimensional variance, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 2614 of this Ordinance.

If such conditions and safeguards are imposed by the Planning Commission or Board of Supervisors in granting a variance, the applicant shall be required to sign an agreement whereby he/she accepts those conditions and safeguards (which shall be specified in the agreement). This instrument shall be in a form recordable in public land records.

2604.08 Granting of a "Use Variance" Prohibited: Under no circumstances shall the Planning Commission or the Board of Supervisors issue a variance to allow a use not permissible under the terms of this Ordinance in the District involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

SECTION 2605 - SPECIAL EXCEPTIONS (CONDITIONAL USE PERMITS)

The Planning Commission is empowered to hear and decide whether or not proposed special exceptions (conditional uses) authorized under this Ordinance should be granted.

2605.01 Requirements for Granting a Special Exception (or Conditional Use Permit): Any person desiring a special exception shall submit a written application (on a form furnished by the Zoning Administrator) indicating the Section in the Ordinance under which the conditional use is sought and stating the grounds on which it is requested. The applicant shall complete the application and provide eight (8) copies to the Zoning Administrator. Applications shall be submitted by the 1st day of the month preceding the next regular meeting of the Planning Commission at which the application is to be reviewed, or it will not be placed on the Planning Commission agenda for that meeting.

The Planning Commission shall not grant a special exception unless satisfactory provision and arrangement has been made concerning ALL of the following:

A. Ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

B. Off-street parking and loading areas.

C. Refuse and service areas.

D. Utilities, with reference to locations, availability, and compatibility.

E. Screening and buffering with reference to type, dimensions, and character.

F. Required yards and other open space.

G. General compatibility with adjacent properties and other property in the district.

H. Any other provisions deemed applicable by the Planning/Zoning Commission or the Board of Supervisors.

2605.02 Demonstration of Change in Character of Neighborhood and Public Need Not Required: Unlike applications for changes in the Official Zoning Map (that is, a rezoning-see Section 2606.03 B), it shall not be necessary for an applicant for a special exception to demonstrate that the character of the neighborhood has changed to such an extent to justify granting the special exception or that there is a public need for the exception.

2605.03 Site Plan Required: Every applicant for a special exception (conditional use permit) shall submit a site plan in accordance with Sections 2607 through 2610 of this Ordinance.

2605.04 Public Hearing Required: A public hearing shall be held in accordance with Section 2611 of this Ordinance for all proposed special exceptions.

2605.05 Public Hearing Before Board of Supervisors Unnecessary Unless Requested by Aggrieved Party: Following a public hearing held before the Planning Commission on a proposed special exception, it shall NOT be necessary to hold another hearing on the proposed special exception. The Board of Supervisors may act upon the recommendation of the Planning/Zoning Commission. Any party aggrieved by the recommendation of the Planning Commission shall be entitled to a public hearing before the Board of Supervisors, with due notice thereof as provided under Section 2611 of this Ordinance. An aggrieved party may be anyone who takes exception with the recommendation made by a majority of a quorum of the Commission. Such a hearing shall be provided only if the aggrieved party files a written request with the zoning administrator within fifteen (15) days of the vote of the commission on the recommendation as provided under Section 2613.02.

SECTION 2606 - AMENDMENTS TO THE ZONING ORDINANCE TEXT OR THE OFFICIAL ZONING MAP (REZONING)

2606.01 Type of Amendments/Application Required: Amendments to this Ordinance include: (1) amendments to the text; and (2) amendments to the Official Zoning Map, which is legally a part of this Ordinance. Any person may initiate an amendment to this Ordinance by filing an application with the Zoning Administrator (on a form furnished by him/her). The applicant shall complete the application and provide eight (8) copies to the Zoning Administrator. Applications shall be submitted by the 1st day of the month preceding the next regular meeting of the Planning Commission at which the application is to be reviewed, or it will not be placed on the Planning Commission agenda for that meeting. All applications for rezoning shall be accompanied by a legal property description in digital form.

2606.02 Site Plan Required: If a specific use is identified by the applicant for a rezoning (i.e., a proposed amendment to the Official Zoning Map), then the application for rezoning shall be accompanied by a site plan prepared in accordance with Sections 2208 and 2209 of this Ordinance.

2606.03 Criteria for Rezoning: No amendment to the Official Zoning Map shall be approved unless the proposed rezoning meets one of the following criteria:

A. That there was a mistake in the original zoning."Mistake" in this con- text shall refer to a clerical or administrative error, such as a mistake of draftsmanship on the Official Zoning Map or incorrectly reflecting the Planning Commission's decision in the minutes. "Mistake" DOES NOT mean that the Planning/Zoning Commission or the Board of Supervisors made a mistake in judgment in their prior zoning, such as not realizing the full import of the zoning classification or mistakenly placing the property in one classification when the evidence indicated that another would have been more appropriate.

B. That the character of the neighborhood has changed to such an extent as to justify reclassification, AND that there is a PUBLIC NEED for the rezoning.

2606.04 Proposed Rezoning Shall Be Consistent with Adopted Comprehensive Plan: Section 17-1-9 of the Mississippi Code of 1972, As Amended, requires that "zoning regulations shall be made in accordance with a comprehensive plan---." Accordingly, no amendment to the Official Zoning Map shall be approved by the Planning Commission unless the proposed rezoning is consistent with all four elements of the adopted Comprehensive Plan of the Madison County, including the Goals and Objectives, the Land Use Plan, the Transportation Plan, and the Community Facilities Plan.

2606.05 Public Hearing Required: In accordance with Section 17-1-17 of the Mississippi Code of 1972, As Amended, a public hearing shall be held on any proposed amendment to the text of this Ordinance or the Official Zoning Map following at least fifteen days notice of the hearing in "---an official paper or a paper of general circulation in such municipality ---specifying the time, place and date of said hearing." The hearing shall be held in accordance with Section 2611 of this Ordinance.

2606.06 Public Hearing Before Board of Supervisors Unnecessary Unless Requested by Aggrieved Party: Following a public hearing held before the Planning Commission on a proposed amendment to this Ordinance (either an amendment to the text or Official Zoning Map), it shall not be necessary to hold another hearing on the proposed amendment. The Board of Supervisors may act upon the recommendation of the Planning/Zoning Commission. Any party aggrieved by the recommendation of the Planning Commission shall be entitled to a public hearing before the Board of Supervisors, with due notice thereof as provided under Section 2611 of this Ordinance.

An aggrieved party may be anyone who takes exception with the recommendation made by a majority of a quorum of the Commission. Such a hearing shall be provided only if the aggrieved party files a written request with the Zoning Administrator within fifteen (15) days of the vote of the commission on the recommendation as provided under Section 2613.02.

2606.07 Two-Thirds Vote of Board of Supervisors Necessary to Approve Rezoning Under Certain Circumstances: In case of a protest against a proposed rezoning signed by twenty percent (20%) or more of the property owners, either within the area of the proposed rezoning or those within 300 feet (excluding the rights-of-way of streets or highways) of the property proposed for rezoning, such amendment shall not become effective except by the favorable vote of two-thirds of all members (members present at the meeting) of the Board of Supervisors.

2606.09 Res Judicata: Upon the submission of an application for a rezoning, and a determination by the Planning Commission that said application should be denied, the Planning Commission shall not accept a subsequent application to rezone the same property or any part thereof to the same classification until the expiration of one (1) year from the date of the decision of the Board denying said application. This is known as the doctrine of res judicata. However, if the application relates to the same property but seeks zoning to a different classification, the doctrine does not apply; and the Planning/Zoning Commission may consider such a proposed rezoning.

2606.10 Ordinance Amending Zoning Ordinance Text or Official Zoning Map Required: No amendment to the Official Zoning Map or the text of this Ordinance shall become effective until an Ordinance amending same has been passed by the Board of Supervisors. Any ordinance amending the Official Zoning Map shall contain findings of fact citing evidence demonstrating compliance with the criteria specified under Section 2606.03 of this Ordinance.

2606.11 Effective Date of Ordinances Amending the Text of this Zoning Ordinance or Official Zoning Map: The effective date of ordinances amending the text of this Zoning Ordinance or the Official Zoning Map shall be in accordance with Mississippi law.

SECTION 2607 - SITE PLAN REVIEW: PURPOSES AND WHEN REQUIRED

2607.01 Purposes: The purposes of site plan review are: to promote the health, safety and general welfare of the County; to insure that structures are built in accordance with the provisions of this Ordinance and the Standard Building Code; to conserve the value of existing buildings and structures; to prevent excessive dissimilarity and inappropriateness or poor quality of design in the exterior appearance of structures; to prohibit unsightly and unsuitable structures that would be out of harmony or incongruent with existing visual features within the district; and to prevent harm and damage to the

County which will result from the absence of such review and manifest itself by:

(i) lower property values;

(ii) decreased economic growth; or

(iii) diminished future opportunities for land use and development.

2607.02 When Site Plan Review Is Required: Site Plan Review shall be required for the following:

A. All new, expanded, relocated or reconstructed principal (i.e., not accessory) buildings or structures in all zoning districts, other than single-family detached dwellings. The specific use of such principal buildings does not have to be identified on the site plan. New, expanded, relocated, or reconstructed accessory buildings or structures shall only require site plan review when such review is determined advisable by the Zoning Administrator.

B. If the Zoning Administrator determines that more information is needed than is included on the plot diagram submitted with an application for a building permit, then a site plan shall be submitted with an application for a dimensional variance.

C. All applications for conditional uses.

D. All public/quasi-public utilities and facilities. In accordance with Section 402, such public/quasi-public utilities and facilities shall be allowed only as conditional uses in any district.

E. If a specific use is identified by the applicant for a rezoning (i.e., a proposed amendment to the Official Zoning Map), then the application shall be accompanied by a site plan.

F. All proposed floodway modifications.

G. All proposed off-site parking (i.e., off-street parking proposed on a lot other than the one to which the parking is appurtenant) in any district.

SECTION 2608 - SITE PLAN REVIEW PROCEDURES

The Zoning Administrator shall act as the coordinator for the site plan review process. He shall advise all applicants for building permits if the proposed use requires the preparation and submission of a site plan and the official approval of that plan prior to the issuance of the permit. All applicants shall follow the procedures specified below:

2608.01 Sketch Plan: Prior to filing of an application for approval of a site plan, the applicant should meet and consult informally with the Zoning Administrator. This meeting will give the applicant an opportunity to secure guidance as to what will probably be required before incurring great expense in making a detailed site plan.

2608.02 Submission of Site Plan: Eight (8) copies of each site plan shall be prepared and submitted to the Zoning Administrator.

Site plans shall be submitted by the 15th day of the month preceding the next regular meeting of the Planning Commission at which the plan is to be reviewed, or it will not be placed on the Planning Commission agenda for that meeting.

The Zoning Administrator shall notify the applicant of any deficiencies or omissions in the site plan. The site plan shall not be processed until all required data is provided as prescribed in Section 2609 of this Ordinance.

2608.03 Applicant Must Be Represented at Planning Commission and Board of Supervisors Meetings: Applicants (or their designated representative) for site plan approval shall be present at meetings of the Planning Commission and Board of Supervisors when their proposed site plan is to be reviewed, or no action will be taken by those bodies.

The Planning Commission shall review the site plan and data at its/ their next regular meeting following submission of same to the Zoning Administrator. The Zoning Administrator (or his designated representative) shall be present at the Planning Commission and/or the Board of Supervisor meetings.

The purpose of this review is to ascertain whether or not the applicant's proposed building or structure conforms with this Ordinance and other applicable laws, will maintain harmony and continuity with similar existing uses within the district and considering other like structures within 500 feet of the proposed structure as measured from each lot line of the proposed structure excluding streets, alleys, and other public rights-of-way.

After reviewing all information relative to the site plan, the Planning Commission may approve or disapprove the site plan or before approval, may request the applicant to modify, alter, adjust or otherwise amend the plan. If the Planning Commission determines that the proposed structure is excessively dissimilar and makes a specific finding that the structure as proposed would provoke one or more of the harmful effects as set forth in 2207.01, and that such finding is not based upon personal preferences as to taste or architectural style or design, then the application for a building permit shall be denied. If the site plan is recommended by the Planning Commission for approval, such recommendation for approval shall be contingent upon final review and approval by the

Board of Supervisors.

In any case, the Planning Commission shall make a written statement of its findings (in the form of Minutes) and said statement shall be forwarded to the Zoning Administrator in time for copies of the statement to be available for distribution to the Board of Supervisors at the next meeting of that body following the Planning Commission meeting.

2608.05 Approval of Site Plan by Board of Supervisors: The Zoning Administrator shall forward the recommendation of the Planning Commission to the Board of Supervisors. The Board of Supervisors shall consider whether or not the applicant's proposed building or structure will conform with the provisions of this Ordinance and other applicable laws, and whether or not it will maintain harmony and continuity with similar existing uses within the district and considering other like structures within 500 feet of the proposed structure as measured from each lot line of the proposed structure (excluding streets, alleys, and other public rights-of-way). If the Board of Supervisors determine that such structure would cause or provoke one or more of the harmful effects as set forth in 2607.01, and that such finding is not based upon personal preferences to taste or architectural style or design, then the application for a building permit shall be denied.

If the Board of Supervisors approves the site plan, such action by the Board of Supervisors shall constitute final approval and authority for the developer to proceed with the proposed development subject to the issuance of a building permit. Following such approval by the Board of Supervisors, the Zoning Administrator shall stamp copies of the site plan "APPROVED," sign them, and return one copy to the applicant. One copy shall be retained by the Zoning Administrator in his files.

2608.06 Site Plan Becomes Zoning Requirements for Proposed Use: The approved site plan shall become the zoning requirements for the property involved. All construction, except for minor adjustments provided under Section 2208.07 below, shall be consistent with the approved site plan.

2608.07 Minor Adjustments to the Approved Site Plan: After the final site plan has been approved, minor adjustments to the plan which comply with the spirit of the Zoning Ordinance and the intent of the Board of Supervisors in approving the site plan may be authorized by the Zoning Administrator as provided under Sub-section 2601.02.

2608.08 As-Built Plans: In the case where exact lot lines cannot be drawn until after construction, (e.g., townhouse subdivisions) the builder shall submit "as-built plans" of the development following construction.

SECTION 2609 - SPECIFICATIONS FOR ALL REQUIRED SITE PLANS AND

ELEVATIONS

2609.01 Site Plan Specifications: The following data shall be supplied by the applicant in connection with required site plans or as required by the Zoning Administrator:

1. Lot lines (property lines).

2. The zoning of adjacent lots.

3. The names of owners of adjacent lots.

4. Rights-of-way of existing and proposed streets, including streets shown on the adopted Thoroughfares Plan.

5. Access ways, curb cuts, driveways and parking (including number of parking spaces to be provided) and loading areas.

6. All existing and proposed easements.

7. On request by the Zoning Administrator, all existing and proposed water and sanitary sewer lines; also, the location of all existing and proposed fire hydrants.

8. On request by the Zoning Administrator, a drainage plan showing all existing and proposed storm drainage facilities. The drainage plan shall indicate adjacent off-site drainage courses and projected storm water flow rates from off-site and on-site sources.

9. On request by the Zoning Administrator, contours at vertical intervals of five (5) feet or less.

10. Floodplain zone designations according to maps prepared by the Federal Emergency Management Agency, Federal Insurance Administration, and any proposed floodway modifications.

11. Landscaped areas and planting screens.

12. Building lines and the location of all structures, existing and proposed.

13. Proposed uses of the land and buildings, if known.

14. Open space and recreation areas, when required.

15. Area (in square feet and/or acres) of parcel.

16. Proposed gross lot coverage in square feet (i.e., that portion of a lot occupied by buildings and structures).

17. Number and type of dwelling units (where proposed).

18. Location of sign structures and drawings, etc. in accordance with Section 2101 of this Ordinance.

19. A "development plan" (see Section 2609.04) when staging of development is proposed.

20. Any additional data necessary to allow for a thorough evaluation of the proposed use.

2609.02 Elevations and Associated Data Required: In addition to the data required above for site plans, the developer shall submit the following drawings (elevations) and associated data where site plans are required by this Ordinance:

1. Proposed elevations indicating the general design, style, and architecture of the building or structure.

2. Proposed materials and color schemes to be utilized in the construction of the exterior of buildings and structures.

3. Number of stories and total square feet, including a notation as to the square footage on each floor or level.

4. Proposed height in feet.

2609.03 Other Exhibits: Photographs, renderings, color slides, models and similar items may be presented by the applicant at his discretion.

2609.04 Staging of Development Requires Development Plan: Where a developer proposes to construct a particular land use requiring site plan review under this Ordinance by stages, (e.g., PURD's, large multi-family developments, large commercial developments, etc.), sufficient data shall be provided in a development plan (sometimes referred to as a sketch plat or master plan) to indicate such staging by numbers and types of buildings or structures proposed for each stage, the general area to be developed in each stage and related information. The general concept presented in the development Plan shall be adhered to as much as possible by developers. Significant deviations from the development plan initially approved shall require approval by the Board of Supervisors.

SECTION 2610 - CRITERIA FOR SITE PLAN REVIEW

Criteria for site plan review shall include, but not necessarily be limited to, consideration of the components specified below:

2610.01 Consistency with Adopted Land Use Plan and Zoning Ordinance: The proposed site plan shall be consistent with adopted Land Use Plan and Zoning Ordinance (including the Official Zoning Map).

2610.02 Vehicular Traffic Circulation and Parking: The following aspects of vehicular traffic circulation and parking shall be reviewed:

- Is the site plan consistent with the adopted Thoroughfares Plan?: Are the developer's plans for any new streets that will traverse the site consistent with proposed alignment and right-of-way/ surface width requirements indicated on the adopted Thoroughfares Plan? Do the developer's planned setbacks for buildings and structures consider the proposed widening of existing streets and highways reflected on the adopted Thoroughfares Plan? If the proposed development will abut an unpaved street, are the developer's plans for paving that street consistent with the right-of-way/ surface width specifications shown in the adopted Thoroughfares Plan?

- Street network capacity: Is the street system in the vicinity capable of carrying traffic generated by the proposed development, according to traffic projections developed by the County Engineer or consultant?

- Traffic engineering operation of adjacent streets: What traffic control devices are needed on adjacent streets?

- Compliance with Article XIX (Off-Street Parking, Loading, and Access Requirements)

- Are proposed freight delivery areas separated from customer access in commercial and industrial developments?

2610.03 Utilities: The following shall be evaluated with regard to utilities:

- Water and sewer system capacity and oversizing (future) needs

- On-site and off-site drainage requirements, including retention ponds

- Are underground utilities required on the site?

- Are garbage disposal facilities enclosed in accordance with Section 406.06 of this

Ordinance?

2610.04 Open Space, Landscaping, and Screening Requirements:

- If the proposed development is residential and will abut the railroad tracks, is the 100-foot railroad setback required under Section 401.06 indicated on the site plan?

- Perimeter Landscaping: Does the site plan indicate the required 10-foot landscape strip along any abutting arterial streets?

- Open Space/Recreational Facilities: Are open space/recreational facilities proposed for an apartment/condominium complex shown on the site plan?

- Preservation of Vegetation: Does the site plan propose the preservation of trees and other vegetation as much as possible?

- Is proper use made of floodplains on the site? For example, for open space or passive recreational areas.

2610.05 Fire Safety:

- Are fire hydrants shown on the site plan and properly located to ensure fire protection for all structures?

- Are there at least two points of access/egress for apartment or condominium complexes, office parks, shopping centers, industrial parks, etc. to provide access for fire equipment and to provide for evacuation when necessary?

- Are buildings spaced in accordance with this Ordinance to prevent spread of fires?

2610.06 Signs:

- Do the proposed signs comply with Article XXV of this Ordinance?

2610.07 Elevations:

- Will the proposed structures maintain harmony and continuity with similar existing uses within the district and considering other like structures within 500 feet of the proposed structure as measured from each lot line of the proposed structure (excluding streets, alleys and other public rights-of-way.

- Are the proposed structures incongruent or inharmonious in such a manner as to cause or provoke one or more of the following: lower property values; decreased economic growth; or diminished future opportunities for land use and development.

SECTION 2611 - PUBLIC HEARING NOTICES AND PROCEDURES

In accordance with the provisions previously established in this Ordinance, public hearings shall be conducted by the Planning Commission on the following matters:

A. All dimensional variances.

B. All conditional uses.

C. All amendments to the text of the Zoning Ordinance or amendments to the Official Zoning Map (i.e., rezoning).

2611.01 Public Hearing Notice in a Newspaper Required: Whenever a public hearing is required by this Ordinance, notice of such hearing shall be given by publishing a notice to all interested persons one time at least fifteen days prior to the date fixed for said hearing, such notice to be published in an official paper or newspaper of general circulation in the Madison County, specifying the date, time and place for said hearing. Such notices shall be published in accordance with a format determined by the Board of Supervisors:

2611.02 Public Hearing Notice on Property Signs Required: Whenever any zoning action (i.e., a dimensional variance, conditional use or rezoning) is considered by the Planning Commission, signs bearing notices of a public hearing shall be erected on the property involved. These signs shall be erected not less than fifteen days prior to the date of the public hearing. When more than one parcel of land is involved in the proposed zoning action or the proposed use, enough signs shall be posted to adequately identify the area affected.

2611.03 Public Hearings Before the Planning Commission: Where public hearings are required by this Ordinance, the Planning Commission shall conduct a public hearing at which all interested persons shall be recognized and given an opportunity to speak. At the conclusion of the public hearing, the Commission shall, on its own motion, forward their recommendation to the Board of Supervisors. Only a majority vote of a quorum of the members of the Commission shall carry a motion to approve or deny an application for a variance, conditional use permit or amendment to the text of this Ordinance or the Official Zoning Map. Only in case of a tie vote may an application be forwarded to the Board of Supervisors "without recommendation."

2611.04 Changes to an Application for Variance, Conditional Use Permit, or Zoning Ordinance

Amendment (Including Re-Zonings): Any change proposed by an applicant for a variance, conditional use permit, or amendment to this Ordinance (including re-zoning applications) at the time of the hearing, except for conditions recommended by the Commission for variances or conditional use permits, shall require a rehearing before the Commission with another public notice. However, if a lower zoning classification (for example, from C-1 General Commercial to C-1A Restricted Commercial), is agreed to by an applicant for a re-zoning, no additional hearing shall be required.

SECTION 2612 - FEES

2612.01 Schedule of Fees: The Board of Supervisors shall establish a schedule of fees for the issuance of building permits, change of use permits, the processing of all site plans required under Section 2607 through 2610, and the processing of applications for variances, conditional uses and zoning amendments. Said schedule of fees shall be posted in the office of the Zoning Administrator and the Chancery Clerk or other designated County official shall be responsible for their collection.

2612.02 Amendment of Alteration of Fee Schedule: The schedule of fees may be altered or amended only by the Board of Supervisors.

2612.03 Payment Required: No action or processing shall be taken on any application until all applicable fees, charges and expenses have been paid in full.

2612.04 Fees Not Refundable: No fees or other monies paid in conjunction with zoning-related matters shall be refunded.

SECTION 2613 - APPEALS

2613.01 Appeals from Administrative Interpretation of the Zoning Administrator: In accordance with Section 2601.02 of this Ordinance, any party aggrieved with the administrative interpretation of the Zoning Administrator shall have the right to appeal such interpretation. Such appeals may be made directly to the Planning Commission. If the appeal is made to the Planning Commission, the party aggrieved shall submit a written request to the Chancery Clerk one week preceding any regularly-scheduled meeting of the Planning Commission at which the aggrieved party desires to be heard.

All appeals shall be in writing and shall include a copy of the original application for a building permit, change of use permit, dimensional variance, special exception or re-zoning, together with a statement of the reason for the appeal.

2613.02 Appeals from Recommendation of the Planning Commission: Any party aggrieved with the recommendation of the Commission as adopted at any meeting of the Commission shall be entitled to a public hearing before the Board of Supervisors with due notice

thereof and after publication for the time and as provided by law. An aggrieved party may be anyone who takes exception with the recommendation made by a majority of a quorum of the Commission.

Such a hearing shall be provided only if the aggrieved party files a written request with the Zoning Administrator within fifteen (15) days of the vote of the commission on the recommendation.

The Board will set a hearing within 30 days of receipt of request.

2613.03 Fee Required for Appeals from Planning Commission Recommendations: Any applicant aggrieved with a recommendation from the Planning Commission regarding a variance, conditional use permit, or amendment to this Ordinance shall file an appeal fee with the Chancery Clerk, the rate for which shall be set as the same required for publication and public notice as required in the original application.

2613.04 Appeal Hearing by the Board of Supervisors: In the event an appeal is made to the Board of Supervisors by a party aggrieved by the recommendation of the Planning Commission, the Board of Supervisors shall order public notice to be given by publication of the appeal and posting of a sign. The appeal shall be heard as a public hearing and as a matter to be placed on the agenda of a regular or adjourned meeting of the Board of Supervisors. In no case shall the appeal be heard before proper notice shall be given. At the time of the Appeal Hearing, the Board shall hear the recommendation of the Commission, and then hear from the appellant and then the appellee and other interested parties. The Board of Supervisors shall then uphold or reject the appeal, and then accept or reject the recommendation of the Commission upon its own motions. If the appeal or recommendation of the Commission has several parts, the Board of Supervisors may uphold the appeal and accept the recommendation of the Commission on some, and deny and reject others. Any change in any part or parts of the petition which the Board of Supervisors may deem appropriate or necessary resulting from the appeal (except conditions applying to variances and special exceptions), shall be referred back to the Planning Commission for reconsideration, subject to public notice and hearing, as a separate and new petition petition.
The filing fee may be waived at the discretion of the Board of Supervisors.

2613.05 Appeals to a Court of Law: An appeal from any action, decision, ruling, judgment or order by the Board of Supervisors may be taken by any person or persons to the Circuit Court of Madison County.

SECTION 2614 - ORDINANCE ENFORCEMENT

In accordance with Section 17-1-27 of the Mississippi Code of 1972, As amended, “Any person--- who shall knowingly and willfully violate the terms, conditions or provisions of (this Ordinance), for

violation of which no other criminal penalty is prescribed, shall be guilty of a misdemeanor and upon conviction therefore shall be sentenced to pay a fine not to exceed one hundred dollars ($100.00), and in case of continuing violations without reasonable effort on the part of the defendant to correct same, each day the violation continues thereafter shall be separate offense."

The Zoning Administrator (or his duly authorized representative) shall notify in writing any person who violates any provision of this Ordinance that he/ she is in violation of the applicable section or sections of the Ordinance and issue a warning to correct the violation within seven (7) days or be subject to a fine as prescribed by Section 17-1-27 cited above. However, if circumstances exist which would prevent the violator from correcting the infraction within seven days, the Board of Supervisors may extend the time for such correction prior to imposition of a fine. If the warning time is extended by the Board of Supervisors, the violator shall be notified in writing by the Zoning Administrator (or his duly authorized representative) of such time extension. If the violator does not correct the infraction within the extended time, he shall be fined for each such day that the violation continues after the ending date of the warning time. The Sheriff's Department of Madison County is hereby empowered to act on behalf of the Zoning Administrator if necessary and to issue a citation to violators who fail to respond within the warning time provided.

Madison County is authorized to correct the infraction in case of a non-response by a violator, and to assess the violator's property for the cost of correcting the violation. The assessment shall represent a lien against the property of the violator.

ARTICLE XXVII

MISCELLANEOUS PROVISIONS

SECTION 2700 - PURPOSE OF THIS ARTICLE

The purpose of this Article is to consolidate all provisions applicable to this Ordinance which are not included under the General Regulations, Zoning District Regulations, or elsewhere herein.

SECTION 2701 - OMISSION CLAUSE

The omission of any specific use, dimension, word, phrase, or other provision from this Ordinance shall not be interpreted as permitting any variation from the general meaning or intent of this Ordinance, as commonly inferred or interpreted. Should occasion arise as to such intent or meaning, the interpretation of the Zoning Administrator shall apply as provided under Section 2601.02 herein.

SECTION 2702 - SEPARABILITY AND VALIDITY CLAUSE

Should any Section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so held to be unconstitutional or invalid.

SECTION 2703 - REPEAL OF CONFLICTING ORDINANCES OR PARTS THEREOF

All Ordinances or Codes or parts of Ordinances or Codes adopted heretofore by the Madison County, Mississippi, which are in conflict herewith or inconsistent with the provisions of this Ordinance ARE HEREBY REPEALED.

SECTION 2704 - REFERENCES INCLUDE SUBSEQUENT REVISIONS, AMENDMENTS OR ENACTMENTS

Where any statute, ordinance, or regulation is referred to or incorporated into this Ordinance, that reference shall include any subsequent revisions, amendments or enactments encompassing the same subject matter.

SECTION 2705 - FAILURE TO ENFORCE ORDINANCE

Failure to enforce any provision of this Ordinance shall not constitute a waiver nor imply that the action is legal.

SECTION 2706 - EFFECTIVE DATE OF ORDINANCE

This Ordinance shall become effective THIRTY CALENDAR DAYS FROM AND AFTER ITS ADOPTION.

SECTION 2707 - ADOPTION CLAUSE

Adopted this, the ____ day of February, 2013 at the regular meeting of the Board of Supervisors of the Madison County, Mississippi.

ATTEST:

_____
President of the Board of Supervisors

_____
Chancery Clerk

I, the undersigned, Arthur Johnston, Chancery Clerk of the Madison County, Mississippi, hereby certify that the above and foregoing is a true copy of an Ordinance adopted by the Board of Supervisors of the Madison County at its meeting held on the as the same appear in Minute Book _____.

Given under my hand and official seal, this the ___ day of _____, 2013.

_____
Chancery Clerk
Madison County, Mississippi

(SEAL)