



# ZONING ORDINANCE

## TOWN OF LEAKESVILLE, MISSISSIPPI

**DRAFT AS OF MARCH 21, 2023**  
**ADOPTED: XXXXXXXX XX, 2023**

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**TABLE OF CONTENTS**

ARTICLE 1. TITLE AND PURPOSE ..... 2

    SECTION 1. AUTHORITY ..... 2

    SECTION 2. TITLE..... 2

    SECTION 3. INTERPRETATION..... 2

    SECTION 4. CONFLICT ..... 2

    SECTION 5. SEVERABILITY ..... 2

ARTICLE II. DEFINITIONS AND WORDS ..... 3

    SECTION 1. RULES FOR WORDS AND PHRASES..... 3

    SECTION 2. DEFINITIONS..... 3

ARTICLE III. DISTRICTS ..... 14

    SECTION 1. ZONING DISTRICTS ..... 14

    SECTION 2. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES ..... 15

ARTICLE IV. SPECIFIC DISTRICT REGULATIONS ..... 17

    SECTION 1. A-I GENERAL AGRICULTURAL DISTRICT ..... 17

        1.1 General Description ..... 17

        1.2 Uses Permitted ..... 17

        1.3 Uses Permitted After Public Notice and Hearing and Approval by the Planning Commission ..... 17

        1.4 Area and Setback Regulations ..... 18

    SECTION 2. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT..... 18

        2. 1 General Description ..... 18

        2.2 Uses Permitted ..... 18

        2.3 Uses Permitted After Public Notice and Hearing and Approval by the Planning Commission ..... 19

        2.4 Area and Setback Regulations ..... 19

    SECTION 3. R-2 TWO-FAMILY RESIDENTIAL DISTRICT ..... 20

        3.1 General Description ..... 20

        3.2 Uses Permitted ..... 20

        3.3 Uses Permitted After Public Notice and Hearing and Approval by the Planning Commission ..... 20

        3.4 Area and Setback Regulations ..... 20

SECTION 4. R-3 MULTI-FAMILY RESIDENTIAL DISTRICT .....	21
4.1 General Description .....	21
4.2 Uses Permitted .....	21
4.3 Uses Permitted After Public Notice and Hearing Approval by the Planning Commission .....	22
4.4 Area and Setback Regulations .....	22
4.5 Special Provisions Required for Mobile Homes on Separate Lots .....	23
4.6 Special Provisions for Mobile Home Parks .....	24
SECTION 5. C-1 NEIGHBORHOOD COMMERCIAL DISTRICT .....	24
5.1 General Description .....	24
5.2 Uses Permitted .....	24
5.3 Uses Permitted After Public Notice and Hearing and Approval by the Planning Commission .....	25
5.4 Area and Setback Regulations .....	25
SECTION 6. C-2 COMMUNITY COMMERCIAL DISTRICT (CENTRAL BUSINESS District) .....	26
6.1 General Description .....	26
6.2 Uses Permitted .....	26
6.3 Uses Permitted After Public Notice and Hearing and Approval by the Planning Commission .....	27
6.4 Area and Setback Regulations .....	27
SECTION 7. C-3 HIGHWAY COMMERCIAL DISTRICT .....	27
7.1 General Description .....	27
7.2 Uses Permitted .....	28
7.3 Uses Permitted After Public Notice and Hearing and Approval by the Planning Commission .....	28
7.4 Area and Setback Regulations .....	28
SECTION 8. I-1 LIGHT INDUSTRIAL DISTRICT .....	29
8.1 General Description .....	29
8.2 Uses Permitted .....	29
8.3 Uses Permitted After Public Notice and Hearing and Approved by the Planning Commission .....	30
8.4 Area and Setback .....	30

SECTION 9. I-2 HEAVY INDUSTRIAL DISTRICT .....	30
9.1 General Description .....	30
9.2 Uses Permitted .....	30
9.3 Uses Permitted After Public Notice and Hearing and Approval by the Planning Commission .....	31
9.4 Area and Setback Regulations .....	31
SECTION 10. F-1 FLOODPLAIN DISTRICT .....	32
10.1 General Description .....	32
10.2 Uses Permitted .....	32
10.3 Uses Permitted After Public Notice and Hearing and Approved by the Planning Commission .....	32
ARTICLE V. ADDITIONAL DISTRICT PROVISIONS .....	33
SECTION 1. CONDITIONS OF A MORE RESTRICTED DISTRICT .....	33
SECTION 2. OPEN SPACE.....	33
SECTION 3. HEIGHT .....	33
SECTION 4. PLANNED UNIT DEVELOPMENT .....	34
4.1 Purpose of Provisions .....	34
4.2 Uses Permitted .....	34
4.3 Area and Setback Regulations .....	34
4.4 Plan Review and Approval Required.....	34
SECTION 5. HOME OCCUPATION .....	35
5.1 Regulations .....	35
SECTION 6. SIGNS .....	35
6.1 General Requirements and Limitations .....	35
6.2 Permitted and Exempted Signs .....	37
6.3 Signs in Disrepair or Abandoned.....	38
6.4 Design and Maintenance.....	38
6.5 Permit Required .....	38
ARTICLE VI. OFF-STREET AUTOMOBILE AND VEHICLE PARKING AND LOADING	39
SECTION 1. GENERAL INTENT AND APPLICATION.....	39
SECTION 2. SIZE OF AUTOMOBILE PARKING AND STORAGE SPACE .....	39
SECTION 3. ALL-WEATHER SURFACE REQUIRED.....	39

**DRAFT AS OF MARCH 21, 2023**

SECTION 4. OFF-STREET AUTOMOBILE PARKING AND STORAGE .....	39
SECTION 5. COMBINED PARKING SPACES .....	42
SECTION 6. OFF-STREET LOADING AND UNLOADING SPACE .....	42
ARTICLE VII. NONCONFORMING BUILDINGS, STRUCTURES, AND USES OF LAND	43
SECTION 1. NONCONFORMING BUILDINGS AND STRUCTURES .....	43
1.1 Alteration or Enlargement of Buildings and Structures.....	43
1.2 Outdoor Advertising Signs and Structures .....	43
1.3 Building Vacancy.....	43
1.4 Change in Use.....	43
SECTION 2. NONCONFORMING USES OF LAND .....	43
ARTICLE VIII. BOARD OF ADJUSTMENT .....	44
SECTION 1. BOARD OF ZONING ADJUSTMENT AND METHODS OF APPEAL.....	44
SECTION 2. MEMBERSHIP.....	44
SECTION 3. PROCEDURE.....	44
SECTION 4. APPEALS TO THE BOARD OF ADJUSTMENT .....	44
SECTION 5. POWERS .....	44
SECTION 6. APPEALS TO A COURT OF LAW .....	46
ARTICLE IX. ADMINISTRATION.....	47
SECTION 1. BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY REQUIRED	47
1.1 Building Permits .....	47
1.2 Certificate of Occupancy .....	47
SECTION 2. VIOLATIONS AND PENALTIES .....	48
SECTION 3. AMENDMENTS .....	49
SECTION 4. CLASSIFICATION OF NEWLY ANNEXED PROPERTY.....	49
SECTION 5. INVALIDITY OF A PART .....	49
SECTION 6. CONFLICTING REGULATIONS.....	49
Appendix A. Illustrations of Yards.....	50
Yards.....	50
Corner Lot Yard Lines .....	50
Side Yard Line Measurements.....	51
Example for a 50’ Lot.....	51
Example for a 60’ Lot.....	51

**DRAFT AS OF MARCH 21, 2023**

Example for a 80' Lot ..... 52  
Example Calculation for Side Yard Lines ..... 52

**ZONING ORDINANCE LEAKESVILLE, MISSISSIPPI**

An ordinance to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence, or other purposes, the height, number of stories, and size of buildings and other structures, the size of yards and other open spaces, off-street parking and loading, and the density of population; and for said purposes to divide the municipality into districts of such number, shape, and area as may be deemed best suited to carry out these regulations; to prescribe penalties for the violation of its provisions and to provide for its enforcement.

whereas, the -mayor and board of aldermen of the City of Leakesville, Mississippi deem it necessary in order to lessen congestion on streets, to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements; to conserve the value of property and encourage the most appropriate use of land throughout the city, all in accordance with a comprehensive plan; now, therefore, be it ordained by the mayor and board of aldermen of the City of Leakesville, Mississippi.

## **ARTICLE 1. TITLE AND PURPOSE**

### **SECTION 1. AUTHORITY**

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

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

### **SECTION 2. TITLE**

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

### **SECTION 3. INTERPRETATION**

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

### **SECTION 4. CONFLICT**

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

### **SECTION 5. SEVERABILITY**

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



## **ARTICLE II. DEFINITIONS AND WORDS**

### **SECTION 1. RULES FOR WORDS AND PHRASES**

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

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

### **SECTION 2. DEFINITIONS**

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

**ACCESSORY BUILDING OR USE:** A subordinate building on the same lot or a portion of the main building, the use of which is clearly incidental to the main use of the property, including satellite receiving dishes.

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

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

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

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

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

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

**BOARD:** The Leakesville Zoning Board of Adjustment.

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

**DRAFT AS OF MARCH 21, 2023**

**BUFFER AREA:** An area that acts as a separation area between two or more noncompatible districts.

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

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

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

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

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

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

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

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

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

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

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

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

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

**DRAFT AS OF MARCH 21, 2023**

**CHILD CARE CENTER:** A private establishment enrolling four or more children where tuition, fees, or other forms of compensation for the care of the children is charged. The term “Child Care Center” indicates daycare nurseries, daycare centers, and any other facility that falls within the scope of the definition set forth herein, regardless of auspices. Exempted from this definition is any facility operating as a kindergarten, nursery school, or Head Start in conjunction with an elementary and/or secondary school system, whether it be public, private, or parochial, whose primary purpose is a structured school readiness program. Space requirements shall be stipulated by the Mississippi State Board of Health and duly adopted building code for the Town of Leakesville.

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

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

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

**DISTRICT:** Any zoning district established by this ordinance.

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

**DWELLING, SINGLE FAMILY:** A dwelling designed to be exclusively occupied by two families living independently of each other.

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

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

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

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

**DRAFT AS OF MARCH 21, 2023**

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

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

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

**FISH CAMP:** A seasonal location for public or private fishing including no permanent structures that would block the flow of flood waters in a flooding event.

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

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

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

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

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

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

**GARAGE, MECHANICAL:** A facility that repairs automobiles, trucks, and similar vehicular-powered, hydraulic, or control systems.

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

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

**GASOLINE, SERVICE OR FILLING STATION:** Any area of land, including structures thereon, that is used for the retail sale of gasoline or oil fuels and installation of other minor

**DRAFT AS OF MARCH 21, 2023**

automobile accessories and which may or may not include facilities for lubrication, washing, or cleaning.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**MEDICAL AND DENTAL FACILITIES:**

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

MOBILE HOME: A transportable, single-family dwelling unit suitable for year-round occupancy and containing the same water supply, waste disposal, and electrical convenience as immobile housing.

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

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

MODULAR HOMES: A modular home is a factory-fabricated dwelling over 32 feet in length and at least 24 feet wide designed and constructed without carriage or hitch collar as stationary

house construction for placement upon a permanent foundation, to be permanently connected to utilities and to be used for year-round occupancy. It may consist of two or more components that can be separated when transported but designed to be joined into one integral unit. A modular home must meet the minimum construction standards for house construction as specified in the duly adopted building code for the Town of Leakesville, the Federal Housing Administration Minimum Property Standards, the minimum construction standards as may from time to time be fixed by the law of the State of Mississippi and must have a roof with at least a 3/12 pitch. Modular homes shall be allowed only in the R-3 Zoning District.

**NONCONFORMING USE, BUILDING OR YARD:** A use, building, or yard existing legally at the time of the passage of this Ordinance which does not by reason of design, use, or dimensions conform to the regulations of the district in which it is situated. A use, building, or yard established after the passage of this Ordinance which does not conform to regulations of the district in which it is situated shall be considered an illegal nonconforming use.

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

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

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

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

**PLANNING COMMISSION:** Whenever the term “Planning Commission” shall be used in these regulations, the term shall mean the Planning Commission of Leakesville, Mississippi.

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

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

**DRAFT AS OF MARCH 21, 2023**

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

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

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

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

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

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

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

**SIGNS:**

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



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

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

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

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

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

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

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

**DRAFT AS OF MARCH 21, 2023**

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

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

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

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

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

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

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

**STRUCTURE:** Anything constructed or erected which requires location on the ground or attached to something having a location on the ground; including but not limited to advertising signs, billboards, and poster panels; but exclusive of customary fences or boundary or retaining walls, sidewalks, and curbs.

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

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

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

**SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction 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 started or (2) if the structure has been damaged and is being restored before the damage occurred. Substantial improvement is started when the first alteration of any structural part of the building commences.

**TRAILER PARK:** An area containing one or more structures designed or intended to be used as temporary living facilities for one or more families and intended primarily for automobile

**DRAFT AS OF MARCH 21, 2023**

transients or providing proper space and facilities for two or more auto trailers of mobile dwelling unit character.

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

**UNOBSTRUCTED OPEN SPACE:** An area land upon which no structure may be erected.

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

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

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

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

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

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

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

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

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

## **ARTICLE III. DISTRICTS**

### **SECTION 1. ZONING DISTRICTS**

In order to regulate and restrict the location of trades and industries and the location of buildings erected, reconstructed, altered or enlarged for specified uses, to regulate and limit the height and bulk of buildings hereafter erected, reconstructed, altered or enlarged; to regulate and determine the area of yards and other open spaces and to regulate and limit the density of population, the City of Leakesville is hereby divided into districts of which there shall be ten (10) as follows:

A-1 General Agricultural District

R-1 Single-Family Residential District

R-2 Two-Family Residential District

R-3 Multi-Family Residential District

C-1 Neighborhood Commercial District

C-2 Central Business District

C-3 Highway Commercial District

I-1 Light Industrial District

I-2 Heavy Industrial District

F-1 Flood Plain District

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

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

Except as hereinafter provided:

- 1) No building shall be erected, reconstructed, altered, or enlarged, nor shall any building or land be used for any purpose other than is permitted in the district in which such building or land is located.
- 2) No building shall be erected, reconstructed, altered, or enlarged to exceed the height or bulk limit herein established for the district in which such building is located.

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

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

- 4) No yard or other open space provided about any building for the purpose of complying with the provisions of these regulations shall be considered as providing a yard or open space for any other building, provided further that no yard or open space on an adjoining property shall be considered as providing a yard or open space on a lot whereon a building is to be erected.
- 5) Every building hereafter erected shall be located on a lot as herein defined and shall meet all yard and density requirements of this Ordinance.

## **SECTION 2. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES**

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

- 1) Boundaries indicated as approximately following the center lines of streets, highways, railroads, or alleys shall be construed to follow such center lines;
- 2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- 3) Boundaries indicated as approximately following city limits shall be construed as following such city limits;
- 4) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of a natural change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines;

**DRAFT AS OF MARCH 21, 2023**

- 5) Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 4 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
- 6) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 5 above, the Board of Adjustment shall interpret the district boundaries;
- 7) Where a district boundary line divides a lot that was in single ownership at the time of passage of this Ordinance, the Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

## ARTICLE IV. SPECIFIC DISTRICT REGULATIONS

### SECTION 1. A-I GENERAL AGRICULTURAL DISTRICT

#### 1.1 GENERAL DESCRIPTION

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

#### 1.2 USES PERMITTED

- 1) The following uses of property, buildings, or structures:
- 2) Cultivation of field and truck crops, orchards, and vineyards,
- 3) Pasturing and grazing,
- 4) Dairies, poultry, small animals, and livestock, provided that no more than one domestic animal for every 20,000 square feet of lot area will be permitted,
- 5) Greenhouses, nurseries, and landscape gardening,
- 6) Barns, silos, sheds, warehouses, and cooling houses for storage, grading, packing, and processing of farm produce produced on the premises other than commercial slaughtering or processing of animals,
- 7) One-family detached dwellings and their customary accessory uses.

#### 1.3 USES PERMITTED AFTER PUBLIC NOTICE AND HEARING AND APPROVAL BY THE PLANNING COMMISSION

The following uses of property, buildings, or structures:

- 1) Boat moorage, golf courses, parks, playgrounds, and wildlife refuges,
- 2) Public buildings and other uses such as schools, churches, parks, landfilling operations, Sanitary fill operations, and public utility structures, when their location does not obstruct waterways and is approved by the City Engineer,
- 3) Excavating, processing, and removal of topsoil, sand, gravel, rock, or similar natural deposits,
- 4) Kennels and animal hospitals, public and private stables, riding academies,
- 5) Airport and landing field,
- 6) Cemetery,
- 7) Country Club,
- 8) Outdoor advertising signs,
- 9) Other uses are primarily for either agricultural endeavors or the extraction of various products from the earth.

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## 1.4 AREA AND SETBACK REGULATIONS

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### 1.4.1 YARDS

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

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

Side: set back a minimum of ten (10) feet, provided that any permitted pen or building in which livestock is kept shall be located not less than one hundred (100) feet from any lot line.

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### 1.4.2 LOT AREA

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

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### 1.4.3 HEIGHT REGULATIONS

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

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## **SECTION 2. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT**

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### 2. 1 GENERAL DESCRIPTION

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

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### 2.2 USES PERMITTED

The following uses of property, buildings, and structures:

- 1) Dwelling, single-family, excluding mobile homes;



- 2) Accessory building located on same lot;
- 3) Church (on a minimum two (2) acre lot);
- 4) Park and playground.

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### 2.3 USES PERMITTED AFTER PUBLIC NOTICE AND HEARING AND APPROVAL BY THE PLANNING COMMISSION

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

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### 2.4 AREA AND SETBACK REGULATIONS

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#### 2.4.1 YARDS

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

Rear: setback a minimum depth of not less than twenty-five (25) percent of the depth of the lot, provided such yard need not exceed twenty-five (25) feet.

Side: On interior lots of fifty (50) feet or less in width, there shall be a side yard on each side of a building of not less than five (5) feet. For lots of more than fifty (50) feet in width, either of the side yards may be five (5) feet, and the sum of the side yards shall be twenty (20) percent of the lot width.

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

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#### 2.4.2 LOT WIDTH

A minimum of seventy (70) feet at the building setback line.

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### 2.4.3 LOT AREA

A minimum of seven thousand and five hundred (7,500) square feet.

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### 2.4.4 HEIGHT REGULATIONS

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

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### 2.4.5 ACCESSORY BUILDINGS

Not to exceed one (1) story in height, nor be located not less than sixty (60) feet from the front lot line, nor less than the distance required for the main building from any side lot line. In the R-1 and R-2 Districts, the utility services to accessory buildings shall be metered through the same meters as those serving the main building on the premises. The area of accessory buildings shall not exceed fifty (50) percent of the area in the main building. An accessory building may be constructed as a part of the main building, in which case the regulations controlling the main building shall apply.

## **SECTION 3. R-2 TWO-FAMILY RESIDENTIAL DISTRICT**

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### 3.1 GENERAL DESCRIPTION

This is a residential district to provide for medium population density. The principal use of land may range from single-family to two-family dwelling units, and, with special permission, related recreational, religious, and educational facilities are normally required to provide the basic elements of a balanced and attractive residential area.

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### 3.2 USES PERMITTED

- 1) Two-family dwelling,
- 2) Any use permitted in an R-1 Residential District, but subject to the requirements thereof.

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### 3.3 USES PERMITTED AFTER PUBLIC NOTICE AND HEARING AND APPROVAL BY THE PLANNING COMMISSION

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

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### 3.4 AREA AND SETBACK REGULATIONS

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#### 3.4.1 YARDS

front: Single-Family: Same as R-1.

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

rear: Single-Family: Same as R-1.

Two-Family: setback a minimum depth of not less than twenty-five (25) percent of the depth of the lot, provided such yard need not exceed twenty-five (25) feet.

side: Single-Family: Same as R-1.

Two-Family: On interior lots of fifty (50) feet or less in width, there shall be a side yard on each side of a building of not less than five (5) feet. For lots of more than fifty (50) feet in width, either of the side yards may be five (5) feet, and the sum of the side yards shall be twenty (20) percent of the lot width.

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### 3.4.2 LOT WIDTH

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

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

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### 3.4.3 LOT AREA

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

Two-Family: A minimum of 4,000 square feet per family.

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### 3.4.4 HEIGHT REGULATIONS

Single-Family: same as R-1.

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

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### 3.4.5 ACCESSORY BUILDINGS

Same as R-1.

## **SECTION 4. R-3 MULTI-FAMILY RESIDENTIAL DISTRICT**

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### 4.1 GENERAL DESCRIPTION

This is a residential district to provide for medium and high population density. The principal use of land may range from single or two-family dwelling units to multi-family and zero-lot line uses. Certain uses which are more compatible functionally with intensive residential uses than with commercial uses are permitted.

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### 4.2 USES PERMITTED

- 1) Any use permitted in the R-2 residential district but subject to the requirements thereof.
- 2) Multi-family dwelling;
- 3) Zero lot line dwellings,
- 4) Mobile Homes (subject to provisions contained in Section 4.5);
- 5) Modular Homes;

- 6) Private nursery, day school, kindergarten, and child care centers.

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#### 4.3 USES PERMITTED AFTER PUBLIC NOTICE AND HEARING APPROVAL BY THE PLANNING COMMISSION

- 1) Any use permitted on review in R-2 Residential District, but subject to the requirements thereof;
- 2) Rooming and boarding house;
- 3) Mobile Home Parks (subject to provisions contained in Section 4.6);
- 4) Private clubs, fraternities, sororities, and lodges, excluding those the chief activity of which is a service customarily carried on as a business;
- 5) Medical and dental facility;
- 6) Nursing Home.

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#### 4.4 AREA AND SETBACK REGULATIONS

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##### 4.4.1 YARDS

front: Single-Family: Same as R-1.

Two-Family: Same as R-2.

Zero lot line: setback a minimum of not less than twenty-five (25) feet.

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

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

rear: Single-Family: Same as R-1.

Two-Family: Same as R-2.

Zero lot line: setback a minimum depth of not less than twenty-five (25) percent of the depth of the lot, provided such yard need not exceed twenty-five (25) feet.

Multi-Family: setback a minimum depth of not less than twenty-five (25) percent of the depth of the lot, provided such yard need not exceed twenty-five (25) feet.

Mobile Home: There shall be a rear yard of not less than ten (10) feet.

side: Single-Family: Same as R-1.

Two-Family: Same as R-2.

Zero lot line: On interior lots, no setback shall be required for lots adjoining other R-3 zoned lots. On interior lots adjoining R-1 or R-2, there shall be a side yard on at least one side of a building of not less than five (5) feet. However, an additional two (2) feet for any required side yard shall be required for each story above the first story.

Multi-Family: On interior lots of fifty (50) feet or less in width, there shall be a side yard on each side of a building of not less than five (5) feet. For lots of more than fifty (50) feet in width, either of the side yards may be five (5) feet, and the sum of the side yards shall be twenty (20) percent of the lot width. However, an additional two (2) feet for each side yard shall be required for each story above the first story.

Mobile Home: a minimum of seven and one-half (7 ½) feet on each side,

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#### 4.4.2 LOT WIDTH

Single-Family: Same as R-2.

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

Zero lot line: A minimum of twenty-four (24) feet.

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

Mobile Home: A minimum of fifty (50) feet.

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#### 4.4.3 LOT AREA

Single-Family: Same as R-2.

Two-Family: Same as R-2.

Zero lot line: A minimum of 2,500 square feet except for corner lots which shall require a minimum of 5,000 square feet.

Multi-Family: A minimum of 1,500 square feet per family.

Mobile Home: A minimum 4,000 square feet per family

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#### 4.4.4 HEIGHT REGULATIONS

Single-Family: Same as R-1.

Two-Family: Same as R-2.

Zero lot line: Three (3) stories or forty-five (45) feet.

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

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### 4.5 SPECIAL PROVISIONS REQUIRED FOR MOBILE HOMES ON SEPARATE LOTS

- 1) Mobile homes shall be set on a permanent concrete foundation with appropriate tie-down hooks.

- 2) Mobile homes shall be connected to all utilities in basically the same manner as a permanent residence so that all connections are sanitary, safe, and do not create a nuisance.
- 3) Mobile homes shall be equipped with foundation skirt, and permanent steps fastened to the ground.

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#### **4.6 SPECIAL PROVISIONS FOR MOBILE HOME PARKS**

- 1) Mobile home parks shall not exceed a density of eight (8) mobile home units per gross acre within the mobile home park.
- 2) Mobile home parks shall be surrounded by a buffer strip at least (15) feet in depth on all sides and rear from an R-1 and R-3 District.
- 3) Buffers shall be unoccupied except for landscaping, utility facilities, signs, or entrance ornamentation.
- 4) A minimum of five (5) percent of the gross land area of the mobile home park shall be required for a recreation area.
- 5) All mobile home lots shall abut upon an all-weather driveway of not less than twenty (20) feet in width, which shall have unobstructed access to a public street,
- 6) All streets, roadways, and driveways within the park shall meet the minimum construction standards recommended by the consulting engineer of the Planning Commission. They shall be appropriately lighted at night,
- 7) No mobile home park shall contain less than ten (10) stands.
- 8) Each mobile home stand shall be provided with a permanent concrete foundation, patio, parking area, and utilities as recommended by the Mobile Home Manufacturers Association and approved and recommended by the City Engineer.
- 9) Every mobile home stand shall provide a storage structure of at least ninety (90) cubic feet. However, such a structure shall not exceed three hundred (300) cubic feet.

### **SECTION 5. C-1 NEIGHBORHOOD COMMERCIAL DISTRICT**

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#### **5.1 GENERAL DESCRIPTION**

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

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#### **5.2 USES PERMITTED**

The following uses of property buildings or structures:

- 1) Bakery-employing not more than five people and limited to retail sales only;
- 2) Medical and dental offices;
- 3) Bank;
- 4) Barbershop, beauty parlor, chiropody, massage, or similar personal service shop;
- 5) Bicycle sales and repair;
- 6) Drug stores;

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

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### 5.3 USES PERMITTED AFTER PUBLIC NOTICE AND HEARING AND APPROVAL BY THE PLANNING COMMISSION

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

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### 5.4 AREA AND SETBACK REGULATIONS

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#### 5.4.1 YARDS

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

Rear: No rear yard shall be required except in instances where a commercial use abuts a residential district, in which case a rear yard of not less than thirty-five (35) feet shall be provided, Such space shall be screened from the abutting residential district by walls or by fences or by other screening not less than five (5) feet in height, in a manner acceptable to the Planning Commission.

Side: No side yards are required except in instances where a commercial use abuts a residential district, in which case a minimum side yard of twenty-five (25) feet shall be provided, as measured from the side lot line to the nearest building or structure on the side adjacent to the residential district. Such space shall be screened • from the abutting residential district by walls or by fences or by other screening not less than five (5) feet in height in a manner acceptable to the Planning Commission.

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#### 5.4.2 LOT WIDTH

A minimum of one hundred (100) feet.

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#### 5.4.3 HEIGHT REGULATIONS

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

### **SECTION 6. C-2 COMMUNITY COMMERCIAL DISTRICT (CENTRAL BUSINESS DISTRICT)**

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#### 6.1 GENERAL DESCRIPTION

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

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#### 6.2 USES PERMITTED

The following uses of property, buildings, or structures.

- 1) Any commercial use permitted C-1 Neighborhood Commercial District;
- 2) Church (on a minimum two (2) acre lot);
- 3) Dry or steam cleaning shop or plant employing not more than five (5) people;
- 4) Shop for the repair of plumbing, radio, and electric equipment, shoes, furniture, and similar
- 5) personal or household commodities;
- 6) Department stores;
- 7) Mortuary (funeral home);
- 8) Retail stores, businesses, or shops for custom work or the manufacture of articles to be sold at retail on the premises, excluding coal and wood yards, provided that in such manufacture, the total mechanical power shall not exceed ten (10) horsepower for the operation of any one machine provided that the space occupied by the manufacturing use permitted herein shall not exceed fifty (50) percent of the total floor area of the entire building or the equivalent of the ground floor area thereof, and provided further that such manufacturing use is not obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes;
- 9) Printing shop, including the sale of office supplies and equipment;
- 10) Newspaper publication;
- 11) Sign painting shop;
- 12) Blueprinting shop;
- 13) Interior decorating shop;
- 14) Catering establishment;
- 15) Train stations, bus depots, and travel agencies;
- 16) Theaters, auditoriums;



- 17) Recreational or amusement classification when conducted wholly inside an enclosed building;
- 18) Hardware or appliance stores;
- 19) Variety stores, including discount stores;
- 20) Paint and hobby store, including the sale of carpets, wall coverings, and similar household items;
- 21) Florists, provided no greenhouses are maintained on premises;
- 22) Service stations;
- 23) Hotels or motels;
- 24) Automotive parts and equipment sales;
- 25) Mail order stores;
- 26) Stamp redemption centers.

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### 6.3 USES PERMITTED AFTER PUBLIC NOTICE AND HEARING AND APPROVAL BY THE PLANNING COMMISSION

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

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### 6.4 AREA AND SETBACK REGULATIONS

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#### 6.4.1 YARDS

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

Rear: Same as C-1 Neighborhood Commercial District.

Side: Same as C-1 Neighborhood Commercial District.

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#### 6.4.2 LOT WIDTH

None required.

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#### 6.4.3 HEIGHT REGULATIONS

No building shall exceed sixty (60) feet in height.

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## **SECTION 7. C-3 HIGHWAY COMMERCIAL DISTRICT**

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### 7.1 GENERAL DESCRIPTION

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

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## 7.2 USES PERMITTED

- 1) Any uses permitted in C-2 Central Business District;
- 2) Billboards;
- 3) Laboratory, dental, or medical;
- 4) Lounge or drive-in restaurant;
- 5) Small animal clinic;
- 6) New and used machinery sales and service;
- 7) Public garages;
- 8) Automobile graveyards, providing they are enclosed by a six (6) foot concealing fence and are set back at least one hundred (100) feet from highway right-of-way;
- 9) New and used car dealership;
- 10) Marble and granite works sales;
- 11) Yard and Garden Center, including nursery and greenhouses;
- 12) Welding shops;
- 13) Storage yards for commercial vehicles and trucks and truck terminals provided that the storage yards are enclosed by a concealing fence not less than six (6) feet in height;
- 14) Upholstery repair;
- 15) Food storage locker and ice manufacturing plant;
- 16) Wholesale establishments and storage;
- 17) Lumber and building supplies sales and carpenter shop;
- 18) Commercial kennels, when enclosed;
- 19) Service yard for public utilities;
- 20) Riding academy;
- 21) Open-air sports;
- 22) Drive-in theaters, restaurants, and places of amusement, such as a circus or carnival.

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## 7.3 USES PERMITTED AFTER PUBLIC NOTICE AND HEARING AND APPROVAL BY THE PLANNING COMMISSION

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

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## 7.4 AREA AND SETBACK REGULATIONS

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### 7.4.1 YARDS

Front: Same as C-1 Neighborhood Commercial District.

Rear: Same as C-1 Neighborhood Commercial District.

Side: Same as C-1 Neighborhood Commercial District.

---

### 7.4.2 LOT WIDTH

Same as C-2 Central Business District.

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### 7.4.3 LOT AREA

None required.

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### 7.4.5 HEIGHT REGULATIONS

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

## **SECTION 8. I-1 LIGHT INDUSTRIAL DISTRICT**

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### 8.1 GENERAL DESCRIPTION

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

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### 8.2 USES PERMITTED

The following uses of property, buildings structures:

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

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### 8.3 USES PERMITTED AFTER PUBLIC NOTICE AND HEARING AND APPROVED BY THE PLANNING COMMISSION

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

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### 8.4 AREA AND SETBACK

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#### 8.4.1 YARDS

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

Rear: Where a building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than fifty (50) feet. Such space shall be screened from the abutting residential district by walls or fences or by other screening not less than five (5) feet in height in a manner acceptable to the Planning Commission.

Side: The side yard building setback line on each side of the lot shall be not less than twenty—five (25) feet as measured from the side lot line to the nearest building or structure except in instances where this district use abuts a residential district, in which case a minimum side yard of sixty (60) feet shall be provided on the side adjacent to the residential district. Such space shall be screened from the abutting residential district by walls or fences or by other screening not less than five (5) feet in height in a manner acceptable to the Planning Commission.

---

#### 8.4.2 LOT WIDTH

None required.

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#### 8.4.3 HEIGHT REGULATIONS

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

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## **SECTION 9. I-2 HEAVY INDUSTRIAL DISTRICT**

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### 9.1 GENERAL DESCRIPTION

This industrial district is intended to provide for heavy industrial use

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### 9.2 USES PERMITTED

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

- 8) Garbage dumps;
- 9) Sawmills;
- 10) Creosote plants;
- 11) Slaughterhouse;
- 12) Cement products, including cement block plants and cast stone works;
- 13) Poultry killing and dressing.

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### 9.3 USES PERMITTED AFTER PUBLIC NOTICE AND HEARING AND APPROVAL BY THE PLANNING COMMISSION

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

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### 9.4 AREA AND SETBACK REGULATIONS

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#### 9.4.1 YARDS

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

Rear: The rear yard building setback line shall be not less than twenty-five (25) feet except in instances where this district use abuts a residential district, in which case a rear yard of not less than one hundred (100) feet shall be provided, as measured from the rear lot line to the nearest building or structure. Such space shall be screened from the abutting residential district by walls or by fences or by other screening not less than five (5) feet in height in a manner acceptable to the Planning Commission.

Side: The side yard building setback line on each side of the lot shall be not less than fifteen (15) feet as measured from the side lot line to the nearest building or structure except in instances where this district use abuts a residential district, in which case a minimum side yard of one hundred (100) feet shall be provided on the side adjacent to the residential district. Such space shall be screened from the abutting residential district by walls or fences or by other screening not less than five (5) feet in height in a manner acceptable to the Planning Commission.

---

#### 9.4.2 LOT WIDTH

None required.

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#### 9.4.3 HEIGHT REGULATIONS

No building or structure shall exceed five (5) stories and/or sixty (60) feet in height.

## **SECTION 10. F-1 FLOODPLAIN DISTRICT**

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### **10.1 GENERAL DESCRIPTION**

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

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### **10.2 USES PERMITTED**

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

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

### **10.3 USES PERMITTED AFTER PUBLIC NOTICE AND HEARING AND APPROVED BY THE PLANNING COMMISSION**

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

## **ARTICLE V. ADDITIONAL DISTRICT PROVISIONS**

### **SECTION 1. CONDITIONS OF A MORE RESTRICTED DISTRICT**

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

### **SECTION 2. OPEN SPACE**

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

- 1) In any residential district, except the R-1 District, the front yard minimum setback of any lot unoccupied as of the effective date of this Ordinance shall be equal in depth to the average depth of the front yards of the nearest adjacent occupied lots.
- 2) Fences, walls, and hedges in residential districts may be permitted in any required yard or along the edge of any yard, provided that no fence, wall, or hedge located in front of the front building line shall exceed thirty-six (36) inches in height within a twenty-five (25) foot setback of the front lot line.
- 3) Where the dedicated street right-of-way is less than fifty (50) feet, the depth of the front yard shall be measured starting at a point twenty-five (25) feet from the center line of the street easement.
- 4) No dwelling unit shall be erected on a lot that does not abut or have direct access to a public street.
- 5) On any corner lot on which a front and side yard is required, no wall, fence, sign, structure, or any plant growth shall obstruct sight lines at elevations over two feet, six inches (2' 6") above any portion of the crown of the adjacent roadways. A sight triangle shall be formed by measuring back twenty-five (25) feet from the point of intersection of the right-of-way lines and connecting the points so as to establish a sight triangle on the area of the lot adjacent to the street intersection.
- 6) An attached or detached private garage or carport which faces a street shall not be located closer than twenty-five (25) feet to the street right-of-way line.

### **SECTION 3. HEIGHT**

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

- 1) Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may extend above the height limits.
- 2) Churches, schools, hospitals, sanatoriums, and other public and semi-public buildings may exceed the height limitation of the district if the minimum depth of rear yards and the minimum width of the side yards required in the district are increased one (1) foot for each

two (2) feet by which the height of such public or semi-public structure exceeds the prescribed height limit.

## **SECTION 4. PLANNED UNIT DEVELOPMENT**

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### **4.1 PURPOSE OF PROVISIONS**

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

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

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### **4.2 USES PERMITTED**

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

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### **4.3 AREA AND SETBACK REGULATIONS**

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

#### **1) Peripheral Boundary Setback Requirements**

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

#### **2) Height Regulations**

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

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### **4.4 PLAN REVIEW AND APPROVAL REQUIRED**

A detailed plan of any proposed Planned Unit Development shall be submitted to the Planning Commission for review. Within 30 days of the receipt of plans, the Planning Commission shall transmit the plans together with its report to the Mayor and Board of Aldermen. Said Council shall



review the plans and the recommendations of the Planning Commission and shall either approve or disapprove the proposed development plan. The Planning Commission and the Mayor and Board of Aldermen may impose conditions regarding the layout, circulation, and performance of the proposed Planned Unit Development and may require that appropriate deed restrictions be filed.

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

## **SECTION 5. HOME OCCUPATION**

### **5.1 REGULATIONS**

- 1) Home occupations shall not be carried out in more than twenty (20) percent of the total dwelling building area.
- 2) There shall be no external evidence of the use except for the allowance of one unanimated, non-illuminated sign not to exceed one (1) square foot in area mounted flush against the main building
- 3) No goods or merchandise shall be sold or offered for sale on the premises.

## **SECTION 6. SIGNS**

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

### **6.1 GENERAL REQUIREMENTS AND LIMITATIONS**

- a) Business (on-premise) Sign Requirements
  - 1) One free-standing sign and one mobile sign is allowed on one premise, except an additional business free-standing sign will be allowed for corner lots having two street frontages.
  - 2) Business (on-premises) signs advertising the primary nature, activities, or products of the business or industry conducted or sold on the premises shall setback a minimum of five (5) feet from the right-of-way line.
  - 3) The height limitation of the business signs shall be thirty-five (35) feet to the top of the sign.
  - 4) A business sign shall not exceed 32 square feet in a C-1 Neighborhood Commercial District, 80 square feet in a C-2 Central Business District, and 150 square feet in a C-3 Highway Commercial District.
  - 5) Shopping Centers or multiple commercial buildings on the same premises are considered as one business in this section, and paragraph 6.1 a-1 through a-4 shall apply. Each business in the shopping area may be identified on the business sign.
- b) Outdoor Advertising Sign (off-premise sign, billboard) Requirements.

**DRAFT AS OF MARCH 21, 2023**

- 1) Outdoor advertising signs and business signs of a permanent nature shall be classified as a business use and shall be permitted in commercial districts as specified herein.
  - 2) No outdoor advertising sign shall be erected, placed, or hung nearer than twenty (20) feet to the highway, street, or road upon which the display faces.
  - 3) Outdoor advertising signs (off-premise signs) shall not exceed thirty-five (35) feet in height measured from the adjacent road grade to the top of the sign area.
  - 4) Outdoor advertising signs shall not exceed 300 square feet in sign area.
  - 5) All outdoor advertising signs permitted to be erected under this Ordinance shall be erected after the passage of this Ordinance a minimum distance of five hundred (500) feet from another such outdoor sign on the same side of the road as measured along a line parallel to such road, except back-to-back or v-type sign structures may be considered as one sign, and side by side signs must be spaced apart and combined size not exceed six hundred (600) square feet.
- c) Limitations
- 1) Mobile signs, when allowed, shall not exceed thirty-two (32) square feet in sign area and be anchored to withstand wind pressures. All mobile signs shall conform to all other sign regulations contained herein.
  - 2) Signs with flashing or blinking lights shall be restricted to a 75-watt bulb capacity, and red, amber, or blue flashing lights are prohibited.
  - 3) The placing, tacking, painting, hanging, or otherwise affixing of any kind of sign, outdoor advertising, or poster of a miscellaneous character visible from the public highways, streets or roads, on the walls of buildings, barns, sheds, trees, vehicles, fences, utility poles or any other structure except as otherwise provided in these regulations is prohibited.
  - 4) Signs shall not interfere with driver visibility of any traffic control device or sign or with the visibility of the street, road, thoroughfare, or expressway itself. Such signs shall maintain a setback of twenty-five (25) feet from the intersection of two (2) streets, except if the sign is constructed with the bottom of the sign no lower than nine (9) feet from the ground and mounted on a pole no larger than nine (9) inches in diameter.
  - 5) All signs that are illuminated shall be permanently wired to meet the National Electric Code. Special care shall be given to ground fault connections, underground wire, and/or conduit with proper circuit breakers. Connecting wire from the sign to the permanent outlet shall not exceed four (4) feet.
  - 6) A trailer/ portable sign shall be tied down in an approved manner to withstand a minimum wind of forty (40) miles per hour.
  - 7) Any sign which by reason of size, shape, content, coloring, location, or manner of illumination interferes with driver visibility of any traffic control device or sign; or any sign which resembles any traffic control or emergency device or sign •which creates any traffic hazard is not allowed.

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## 6.2 PERMITTED AND EXEMPTED SIGNS

- a) On-site signs on the site of any construction work bearing the name of the building, owner, and those furnishing construction, professional services, or materials used on such construction work of a temporary nature, not exceeding thirty-two (32) square feet.
- b) Temporary poster signs erected behind glass windows or temporary signs painted on glass windows.
- c) Any political sign or poster not exceeding thirty-two (32) square feet erected on property by the owner thereof or with the property owner's consent pertaining to a candidacy or issue to be voted upon at any election or referendum, provided such sign or poster shall not be erected more than sixty (60) days prior to such election or referendum and shall be removed within ten (10) days after the referendum, or last such election in which the candidate is eligible.
- d) Signs painted on, or attached to, trucks or other vehicles for identification purposes, but not used for advertising purposes.
- e) Signs on glass doors or windows not exceeding six (6) square feet of sign area stating the name or nature of business, location, and hours of business.
- f) Signs at entrances to subdivisions, multi-family dwellings, or mobile home parks showing name, description or location only and not exceeding fifteen (15) square feet.
- g) Signs not exceeding one (1) square foot in area and bearing only property numbers, post office box numbers, names of occupants of premises, or other identification of premises not having commercial connotation.
- h) Flags and insignia of any government except when displayed in connection with commercial promotion.
- i) Legal notice or identification, information, or directional signs erected or required by governmental bodies.
- j) Integral decorative or architectural features of buildings except for letters, trademarks, moving parts, or moving lights.
- k) Signs not exceeding four (4) square feet, and guiding traffic and parking on private property, but bearing no advertising matter.
- l) On-site signs advertising property for sale or rent, provided such signs in single-family residential districts shall not exceed twelve (12) square feet,
- m) On-site church directory or bulletin board not exceeding thirty-two (32) square feet and not over eight (8) feet in height.
- n) Special purpose signs advertising a special area event may be erected on the property by the owner thereof or with the property owner's consent, provided such sign or poster shall not be erected more than sixty (60) days prior to the event and shall be removed within ten (10) days after the event and provided such sign shall not exceed thirty-two (32) square feet.

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### 6.3 SIGNS IN DISREPAIR OR ABANDONED

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

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

Signs placed on any City building, structure, or lot or within the right-of-way of any city road or easement without a permit issued therefor by the appropriate City Authority shall be subject to removal by the City after ten (10) days notice by registered letter or otherwise to the owner of the sign where the owner can be identified. In the event the owner cannot be identified, the sign shall be subject to immediate removal by the City.

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### 6.4 DESIGN AND MAINTENANCE

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

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### 6.5 PERMIT REQUIRED

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

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#### 6.5.1 PERMIT FEES

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

**ARTICLE VI. OFF-STREET AUTOMOBILE AND VEHICLE PARKING AND LOADING**

**SECTION 1. GENERAL INTENT AND APPLICATION**

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

**SECTION 2. SIZE OF AUTOMOBILE PARKING AND STORAGE SPACE**

For the purpose of this Section, a parking or automobile storage space shall be computed on the basis of three hundred (300) square feet per space.

**SECTION 3. ALL-WEATHER SURFACE REQUIRED**

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

**SECTION 4. OFF-STREET AUTOMOBILE PARKING AND STORAGE**

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

Single-family dwellings:	Two (2) parking spaces for each dwelling unit.
Two-family dwellings:	Two (2) parking spaces for each dwelling unit.
Multi-family dwellings:	Two (2) parking spaces for each dwelling unit.
Mobile Homes:	Two (2) parking spaces for each dwelling unit.
Hotels, motels, tourist homes, tourist courts, and rooming houses:	One (1) parking space for each guest or sleeping room or suite, exclusive of restaurant requirements, plus one (1) space for each three (3) employees
Private clubs, lodges, fraternities, and sororities:	One (1) parking space for every 50 square feet of total floor area in the auditorium, assembly hall, and dining room in such building and one (1) space per sleeping room

**DRAFT AS OF MARCH 21, 2023**

Churches:	One (1) parking space for every five seats in the main auditorium
Theaters, auditoriums, stadiums, gymnasiums, convention halls, and other places of public assembly:	One (1) parking space for every four (4) seats in the building or structure, based on maximum seating capacity
Elementary schools:	1 1/2 parking spaces for each classroom
Secondary schools:	Ten (10) parking spaces for each classroom
Business colleges and trade schools:	One (1) parking space for each two (2) student seats at maximum enrollment
Hospitals:	One (1) parking space for every two (2) beds intended for patients, excluding bassinets, and one (1) space for every three (3) employees plus one (1) space for each staff doctor
Sanitoriums, nursing homes, convalescent homes, orphanages:	One (1) parking space for every eight (8) beds plus one (1) space for each two (2) employees or staff members
Medical and dental clinics:	One (1) parking space for every 100 square feet of gross floor area plus one (1) space for each three (3) employees and one (1) space for each doctor
Funeral homes:	One (1) parking space for every three (3) seats in parlors and chapels
Retail sales stores:	One (1) parking space for every 100 square feet of retail floor space
Drive-in retail business:	Minimum of ten (10) parking spaces, plus one (1) space for every 100 square feet of retail floor area
Personal service establishments and repair shops:	One (1) parking space for every 100 square feet of gross floor area

**DRAFT AS OF MARCH 21, 2023**

Wholesale, general business, and warehouses:	One (1) parking space for every four (4) employees based on maximum employment and one (1) space for every vehicle to be stored or stopped simultaneously
Industrial and manufacturing establishments:	One (1) parking space for every 400 square feet of gross floor area or one (1) parking space per employee on the largest shift, whichever is greatest, plus one (1) space for each vehicle to be stored or stopped simultaneously or as determined by the Planning Commission
Eating establishments and taverns:	1 1/2 parking spaces for every 100 square feet of gross floor area
Drive-in eating establishment:	Minimum of ten (10) parking spaces, plus one (1) space for every four (4) seats of total capacity
Office and professional buildings:	One (1) parking space for every 300 square feet of office space
Filling stations:	Two (2) parking spaces for each grease rack or similar facility; one (1) parking space for each gas pump, plus one (1) space for each employee on duty
Bus terminals:	Five (5) parking spaces for each loading or unloading bay
Auto sales and repair:	One (1) parking space for each employee at maximum employment on a single shift plus two (2) spaces for every 300 square feet of auto repair or sales space
Other uses:	Parking requirements for uses other than those stated in this section shall be determined by the Planning Commission

## **SECTION 5. COMBINED PARKING SPACES**

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

## **SECTION 6. OFF-STREET LOADING AND UNLOADING SPACE**

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

- 1) Retail business: Minimum of one (1) space of five hundred (500) square feet per location plus one (1) space of three hundred (300) square feet for each three thousand (3,000) square feet of floor area.
- 2) Wholesaling and industry: Minimum of one (1) space of five hundred (500) square feet per location or one (1) space of five hundred (500) square feet for each ten thousand (10,000) square feet of floor area, whichever is the greater.
- 3) Bus and truck terminals: Sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded or unloaded at the terminal at any one time.



## **ARTICLE VII. NONCONFORMING BUILDINGS, STRUCTURES, AND USES OF LAND**

### **SECTION 1. NONCONFORMING BUILDINGS AND STRUCTURES**

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

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#### **1.1 ALTERATION OR ENLARGEMENT OF BUILDINGS AND STRUCTURES**

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

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#### **1.2 OUTDOOR ADVERTISING SIGNS AND STRUCTURES**

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

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#### **1.3 BUILDING VACANCY**

A nonconforming building, structure, or portion thereof, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.

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#### **1.4 CHANGE IN USE**

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

### **SECTION 2. NONCONFORMING USES OF LAND**

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

## **ARTICLE VIII. BOARD OF ADJUSTMENT**

### **SECTION 1. BOARD OF ZONING ADJUSTMENT AND METHODS OF APPEAL**

There is hereby created for Leakesville, Mississippi, a Board of Adjustment with the powers and duties as hereinafter set forth.

### **SECTION 2. MEMBERSHIP**

The Leakesville Board of Adjustment shall be composed of five (5) members, residents of the City appointed by the Mayor and Board of Aldermen for a term of three (3) years; provided, however, that for the first appointment under the provisions of these Regulations two (2) members shall be appointed for a term of one (1) year; two (2) members shall be appointed for a term of two (2) years; and one (1) member shall be appointed for a term of three (3) years. All appointments thereafter shall be for a term of three (3) years.

One (1) member shall be appointed from the membership of the City Planning Commission.

The Board of Adjustment shall elect a chairman from its membership to serve for a term of one (1) year.

### **SECTION 3. PROCEDURE**

The Board of Adjustment shall adopt rules in accordance with the provisions of these Regulations. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes of its meetings.

### **SECTION 4. APPEALS TO THE BOARD OF ADJUSTMENT**

Appeals may be taken to the Board of Adjustment by any person aggrieved or by any officer, department, board, or bureau of the City affected by any decision of the Building Inspector. Such appeal shall be taken within ten (10) days from the date of the decision by filing with the Inspecting Officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

### **SECTION 5. POWERS**

The Board of Adjustment shall have the following powers:

- 1) Power to hear and decide appeals,

## **DRAFT AS OF MARCH 21, 2023**

- 2) Powers Relative to Variances: Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, which condition is not generally prevalent in the area, the strict application of these regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship on the owner of such property, the Board of Adjustment is hereby empowered to authorize upon an appeal relating to such property a variance from such strict application so as to relieve such difficulties or hardship but may establish such requirements relative to such property as would carry out the purpose and intent of these regulations.
- 3) Powers Relative to Exceptions: Upon appeal, the Board of Adjustment is hereby empowered to permit the following exceptions:
  - a) To permit the extension of a district not to exceed fifty (50) feet where the boundary lines of a district divides a lot in single owner of record.
  - b) To interpret the provisions of these regulations where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts to which the map is attached to and made a part of these regulations.

In exercising the above-mentioned powers, the Board of Adjustment may, in conformance with the provisions of these regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. In considering all appeals from rulings made under these regulations, the Board shall, in making its findings on any specific case, determine the effect of the proposed change upon the supply of light and air to adjacent property, upon the congestion in the public streets, upon the public safety from fire and other hazards, upon the established property values within the surrounding area, and upon other factors relating to the public health, safety, comfort, morals, and general welfare of the people of Leakesville, Mississippi. Every ruling made upon any appeal to the Board of Adjustment shall be accompanied by a written finding of fact based upon the testimony received at the hearing afforded by the Board of Adjustment and shall specify the reason for granting or denying the appeal.

A variance from the terms of this Ordinance shall not be granted by the Board of Adjustment unless and until:

- 1) A written application for a variance is submitted demonstrating:
  - a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
  - b) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;

- c) That the special conditions and circumstances do not result from the actions of the applicant;
- d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

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

## **SECTION 6. APPEALS TO A COURT OF LAW**

An appeal from any action, decision, ruling, judgment, or order of the Board of Adjustment may be taken by any person or persons, jointly or severally, or any taxpayer, officer, department, board, or bureau of Leakesville to the Mayor and Board Of Aldermen and by filing a notice of appeal with the City Clerk within twenty (20) days from the filing of the decision of the Board of Adjustment which notice of appeal as herein provided, the City Clerk shall forthwith transmit to the Mayor and Board of Aldermen the original or certified copy of all the papers constituting the record in the case, together with the order, decision or ruling of the Board of Adjustment. Any person aggrieved at any final decision of the Mayor and Board of Aldermen may appeal therefrom to the Chancery Court of Greene County, Mississippi, within the time and in the manner prescribed by law for appeals from any order of the governing authority of a municipality.

## ARTICLE IX. ADMINISTRATION

### SECTION 1. BUILDING PERMIT AND CERTIFICATE OF OCCUPANCY REQUIRED

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

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#### 1.1 BUILDING PERMITS

Whenever any structure or building is to be structurally altered in an amount exceeding five hundred dollars (\$500.00) or erected, moved, or structurally altered, a Building Permit shall be obtained from the Inspecting Office. The Building Inspector may require every applicant for a Building Permit to furnish the following information:

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

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#### 1.2 CERTIFICATE OF OCCUPANCY

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

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

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

- 2) **Certificate of Occupancy for Land:** A certificate of Occupancy for the use of vacant land or the change in the character of the use of land as herein provided shall be applied for before any such land shall be occupied or used, and a Certificate of Occupancy shall be issued within three (3) days after the application has been made, provided such use is in conformity with the provisions of these regulations.
- 3) **Certificate of Occupancy for a Legal Nonconforming Use:** A certificate of Occupancy shall be required for all legal nonconforming uses. Application for Certificate of Occupancy for such nonconforming uses shall be filed within twelve (12) months from the effective date of this Ordinance, accompanied by affidavits of proof that such nonconforming uses were not established in violation of this Ordinance or any previous zoning ordinance.

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

## **SECTION 2. VIOLATIONS AND PENALTIES**

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance, the City, in addition to other remedies, may institute any appropriate action or proceedings, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building structure or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

Any person, firm, or corporation who shall knowingly and willfully violate the terms, conditions, or provisions of this zoning ordinance shall be guilty of a misdemeanor and, upon conviction, therefore, shall be sentenced to pay a fine of not to exceed one hundred dollars (\$100.00). Each day the violation continues thereafter shall be a separate offense.

**SECTION 3. AMENDMENTS**

The Mayor and Board of Aldermen may, from time to time, on its own motion, on a petition from a property owner, or on the recommendation of the Planning Commission, amend the regulations and districts herein established. No change in regulations, restrictions, or district boundaries shall become effective until after a public hearing held in relation thereto by the Planning Commission, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing shall be published in an official paper or paper of general circulation in Leakesville, Mississippi, and Greene County. Every such proposed amendment shall be referred to the Planning Commission for report for each petition for an amendment to the Zoning Regulations a fee of fifty dollars (\$50.00) shall be paid to the City Clerk by persons requesting such change to pay the cost of legal publication.

**SECTION 4. CLASSIFICATION OF NEWLY ANNEXED PROPERTY**

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

**SECTION 5. INVALIDITY OF A PART**

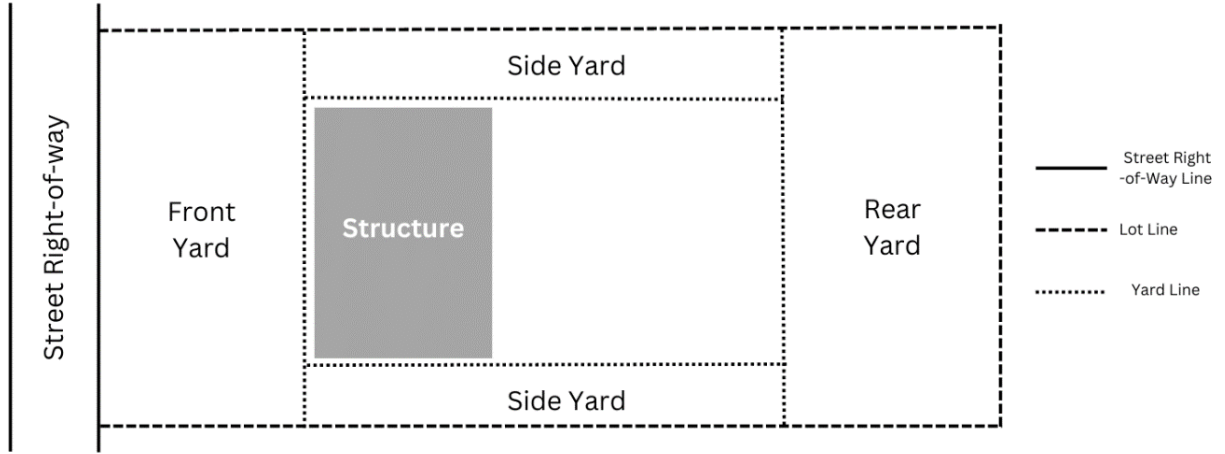
In case any portion of these regulations shall be held to be invalid or unconstitutional, the remainder of these regulations shall not thereby be invalid but shall remain in full force and effect.

**SECTION 6. CONFLICTING REGULATIONS**

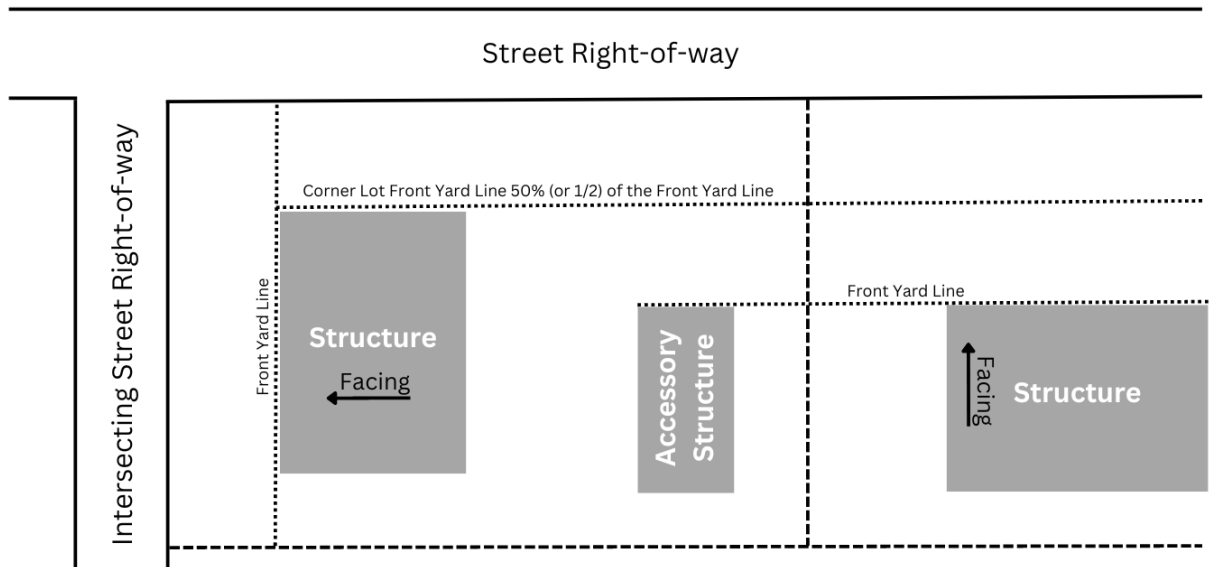
It is hereby provided that the provisions of these regulations shall not be construed as being in conflict with the provisions of any other regulations of Leakesville, Mississippi. In any case, when the provisions of the regulations and the provisions of other regulations both apply, the provisions of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

## APPENDIX A. ILLUSTRATIONS OF YARDS

### YARDS



### CORNER LOT YARD LINES

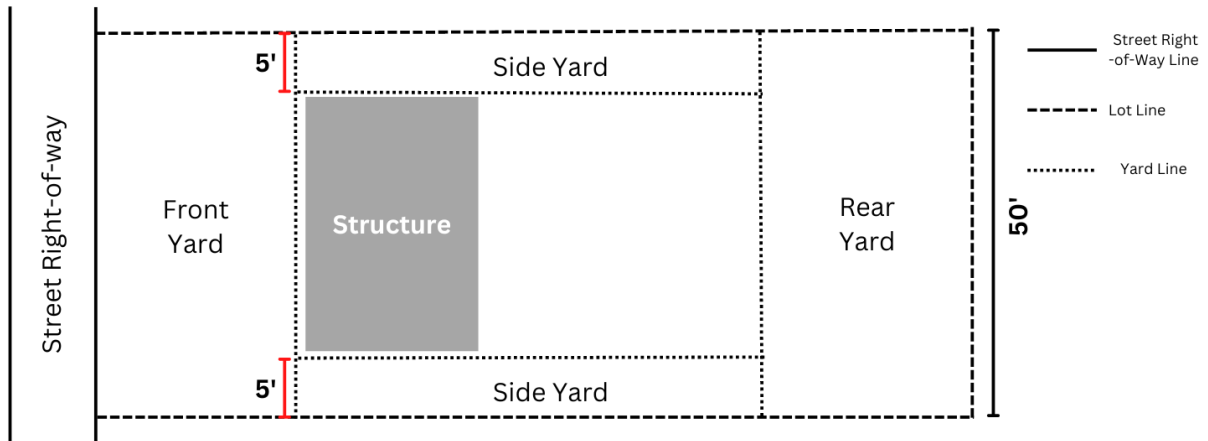




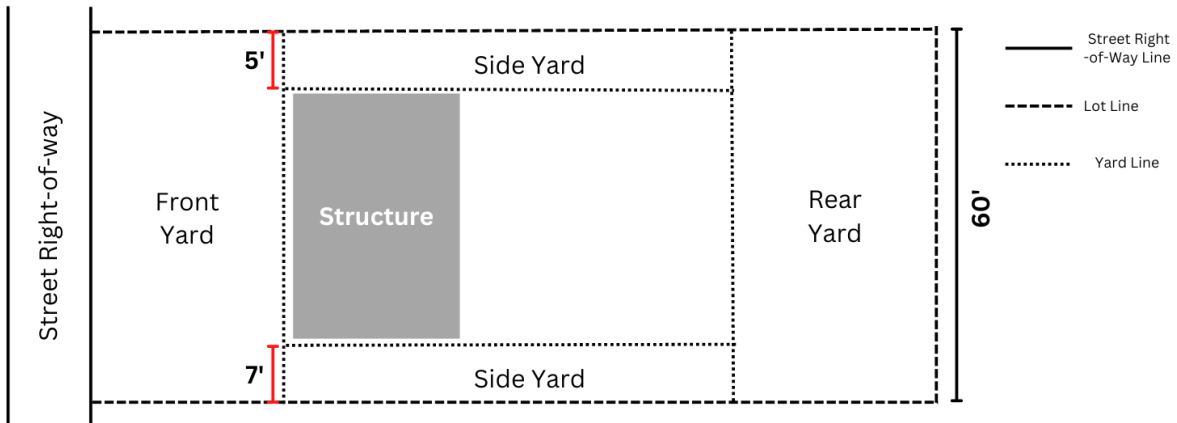
## SIDE YARD LINE MEASUREMENTS

The following examples show how the method of computing side yards based on 20% requirement.

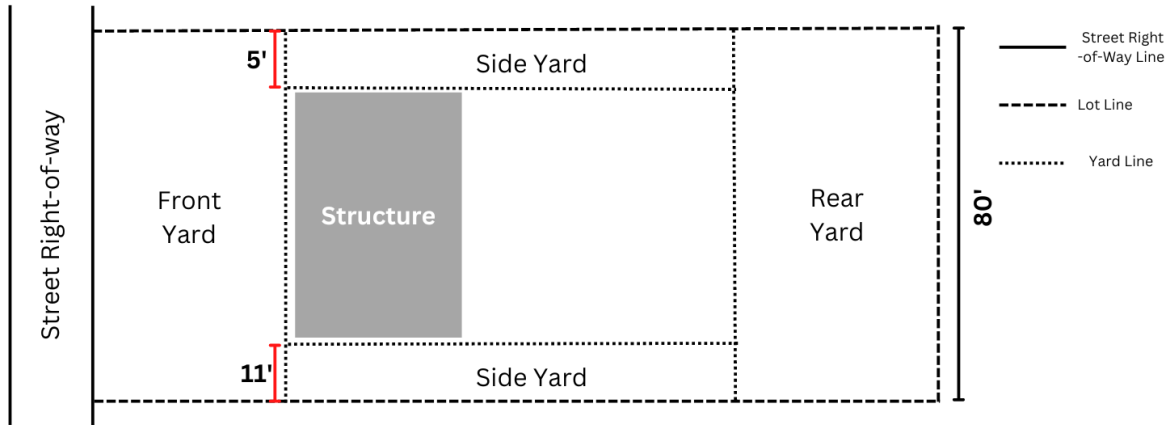
### EXAMPLE FOR A 50' LOT



### EXAMPLE FOR A 60' LOT



**EXAMPLE FOR A 80' LOT**



**EXAMPLE CALCULATION FOR SIDE YARD LINES**

Width of lot		100 feet
Multiple by 20%	x	20%
		20 feet
Total side yards required		20 feet
Subtract the minimum 5 feet side yard -		5 feet
		15 feet
Remaining side yard		15 feet

Note: The minimum side yard is 5 feet however you can have equal side yards of 10 feet or 7 feet and 13 feet side yards so long as the side yards total the required amount based on lot width and that they are no less than the 5 feet minimum.