

## APPENDIX A

### LAND USE REGULATIONS\*

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\***Editor's note**—Printed herein are the Land Use Regulations, as adopted by the board of mayor and selectmen on October 13, 1987. Amendments to the regulations are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original regulations. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of citation to state statutes in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

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AN ORDINANCE ESTABLISHING LAND USE REGULATIONS IN THE CITY OF MCCOMB CITY BEING A GENERAL ORDINANCE TO PROMOTE HEALTH, SAFETY, MORALS, AND CENTRAL WELFARE OF THE [CITY], REPEALING ORDINANCES IN CONFLICT herewith, AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, by provision of section 3590, Mississippi Code, Annotated, 1942, (MCA 1972, §§ 17-1-3, 17-1-5) for the purpose of promoting health, safety, morals or the general welfare of the community, the legislative body of any [city] of over one thousand (1,000) inhabitants is empowered to regulate the height, number of stories and size of buildings and other structures, the percentage of the lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence and other purposes; and

WHEREAS, the City of McComb City is a [city] of over one thousand (1,000) inhabitants according to the last federal census; and

WHEREAS, the Board of Mayor and Selectmen of the City of McComb City, Mississippi, deem it necessary in order to lessen congestion on streets, to secure safety from fire, panic or other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, drainage, water, sewerage, public buildings, 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; to regulate and zone the said City; and

WHEREAS, the Board of Mayor and Selectmen have caused a full and complete study to be made of the various parts of said City and its needs with reference to zoning and subdivision regulation; and

WHEREAS, the Board of Mayor and Selectmen of the City of McComb City, Mississippi does desire to extend the benefits of said law as amended

to the citizens of the City of McComb City and deems it conducive to the best interest of the City of McComb City to adopt a Land Use Regulation Ordinance and amend the Zoning and Subdivision ordinance now existing in the said City of McComb City.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND SELECTION, OF THE CITY OF MCCOMB CITY, MISSISSIPPI THAT THESE ARTICLES BE KNOWN AS THE CITY OF MCCOMB CITY COMPREHENSIVE LAND USE REGULATION ORDINANCE.

## ARTICLE I. SHORT TITLE AND VALIDITY

### Sec. 1.1. Short title.

This appendix shall be known and may be cited as the McComb Land Use Regulations.

### Sec. 1.2. Effective date.

The provisions in this appendix were originally adopted and became effective on October 13, 1987.

### Sec. 1.3. Validity.

Should any section or provision of this ordinance be declared invalid by a court of competent jurisdiction, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than declaring that they would have passed those parts of this ordinance which are valid, and omitted any parts which may be unconstitutional or otherwise invalid if they had known that such parts were invalid at the time of the adoption of this ordinance.

### Sec. 1.4. Repeal of conflicting ordinances.

All ordinances or parts of ordinances in conflict inconsistent with the provisions of this ordinance are hereby repealed.

**ARTICLE II. ESTABLISHMENT OF ZONING DISTRICTS**

**Sec. 2.1. Introduction and general provisions.**

2.101 Zoning affects every building and use.

No building shall be used, moved or altered in any way unless expressly permitted by the applicable district regulations as described in Article 3 of this ordinance.

2.102 Only one main building per lot.

Every building erected after adoption of this ordinance shall be built on a lot of record, or duly recorded resubdivided lot which conforms to the regulations of the district in which it is located. In no case shall there be more than one building on one lot. Accessory uses shall be permitted as established in the Zoning District Regulations.

**Sec. 2.2. Zoning districts.**

2.201 The City of McComb City is divided into five types of land use districts:

- R Districts - Residential
- B Districts - Business and Professional Offices
- C Districts - Commercial
- I Districts - Industrial
- S Districts - Special Use Overlay District

2.202 Refinement of Districts.

The five types of districts are further divided into the following specific districts:

- R-80 Single-Family Residential
- R-60 One- and Two-Family Residential
- R-50 One- and Two-Family Residential and Manufactured Housing
- R-PL Planned Residential
- B-PO Business/Professional Office
- C-1 Neighborhood Business
- C-2 Highway Commercial
- C-PL Planned Commercial
- I-1 Light Industrial
- I-PL Planned Industrial
- SOM Medical District Overlay

- SOE Educational District Overlay
- SOP Public District Overlay
- SMU Mixed Land Use District Overlay
- SFP Floodplain District Overlay
- SCD Central Business District Overlay

**Sec. 2.3. Official zoning map.**

The specific districts are shown on the City of McComb City Official Zoning Map, which together with all explanatory material thereon is declared to be a part of this ordinance. This map is on file at the Office of Planning and Development, and is entitled "City of McComb City Official Zoning Map."

**Sec. 2.4. Amendments to the official zoning map.**

Amendments and changes to the Official Zoning Map shall be recorded on the official zoning map by a member of the Department of Planning and Development staff within 10 days after such amendment becomes effective. The official zoning map will be available for sale at the office of the director of the Department of Planning and Development.

**Sec. 2.5. Interpretation of district boundaries.**

When any uncertainties exist with respect to the boundaries of any zoning district, the following rules shall apply:

2.501 Where district boundaries are indicated at the centerlines of streets, highways or alleys, the boundary shall be construed to follow such centerlines.

2.502 Boundaries indicated as approximately following platted lot lines shall be interpreted as following the lot line.

2.503 Boundaries indicated as approximately following town limits shall be interpreted as following town limits.

2.504 Boundaries indicated as following railroad lines shall be interpreted to be midway between the tracks.

2.505 Boundaries shown as parallel to or as extensions of the man-made features indicated above shall be so interpreted.

2.506 Boundaries indicated following shore lines, water courses or other natural topographic features shall be interpreted according to the present location of such commonly recognized features.

**Sec. 2.6. Application of district regulations.**

No building or other structure shall hereafter be erected or altered to exceed height, accommodate or house a greater number of families, occupy a greater percentage of the lot area or have narrower or smaller yard areas or open spaces than described in this ordinance.

2.601 Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

2.602 Whenever any street, alley or public way is vacated by official action of the Board of Selectmen the zoning district adjoining each side of such street or way shall automatically extend to the center of same, and all area included therein shall then become subject to all appropriate regulations of the extended districts.

2.603 Permitted uses in Districts R-PL, B-PO, C-1, C-2, C-PL, I-1 and S-O shall include public uses and structures necessary for conducting the business of operating the City, County, State and/or Federal Government, after review and approval by the Planning Commission, to ensure compatibility with the surrounding area. (Ord. No. 05:12/91, 12-10-1991)

**ARTICLE III. ESTABLISHMENT OF DISTRICT REGULATIONS**

**Sec. 3.000.[sic] A-1 General Agricultural District.**

3.01 Purpose.

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 agricultural and horticultural 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.

3.02 Permitted Uses.

Only the following permitted uses shall be allowed in the A-1 Agricultural District and no structure or land shall be devoted to any other use other than a use permitted hereunder with the exception of uses lawfully established prior to the effective date of this ordinance:

1. Cultivation of field and truck crops, orchards and vineyards
2. Pasturing and grazing
3. Dairies, poultry, small animals and livestock
4. Greenhouses, nurseries and landscape gardening
5. Barns, silos, sheds, warehouses and cooling houses for storage, grading, packing and processing of farm produce, other than commercial slaughtering or processing of animals
6. One-family detached dwellings and their customary accessory uses
7. Public parks and recreation areas
8. Public utility surface structures
9. Private riding stables

3.03 Home Occupations.

Home occupations may be allowed that are clearly incidental and secondary to the primary use of the property as a residence, provided that these uses are conducted entirely on the property and by the property owner. No more than one person not related to the resident can be engaged in the operation of such business and no retail sales, outside storage of equipment or materials shall be permitted.

3.04 Conditional Uses.

Conditional uses are permitted in A-1 General Agricultural District.

- 1. Drilling and mineral recovery.

3.05 Site and Structure.

A. Minimum Lot Area and Lot Width.

Each one-family dwelling in the A-1 District, together with its accessory building, hereafter erected, shall be located on a parcel having an area of not less than three (3) acres, which tract shall have access to a dedicated public street or highway. 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 three (3) acres 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.

B. Minimum Yards Required.

- 1. Front Yard - The front yard, which is also referred to as the setback lines, shall be a minimum of twenty-five (25) feet.
- 2. Side Yard - Setback 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.
- 3. Rear Yard - The rear yard of each lot shall be a minimum of twenty-five (25) feet.
- 4. Building height - No building shall exceed thirty-five (35) feet in height nor shall exceed two and one-half (2 1/2) stories in height; and accessory buildings shall not have more than two (2) stories.

(Ord. No. 17:05/00, § I, 5-23-2000)

Sec. 3.1. R-80 Single-Family Residential.

3.101 Purpose.

The purpose of the R-80 district is to provide single-family resident dwellings in a setting of low density. To protect the locational characteristics of this district, permitted activities are limited single-family dwellings and certain specified cultural, educational, religious and public uses. All strictly commercial uses are prohibited.

3.102 Permitted Uses.

Only the following permitted uses shall be allowed in the R-80 Single-Family Residential District and no structure or land shall be devoted to any use other than those listed hereunder:

- A. Residential uses.
  - 1. One Single-Family Dwelling.
  - 2. Private Garages and Accessory Structures.
- B. Cultural and Recreational Uses.
  - 1. Public and Private Parks.
  - 2. Botanical Gardens.
  - 3. Playgrounds.
  - 4. Nature Preserves and Sanctuaries.
  - 5. Swimming Clubs and Pools.
  - 6. Athletic Fields.
  - 7. Tennis Courts.
  - 8. Private Riding Stables.

3.103 Home Occupations.

- A. Home occupations shall not be permitted in the R-80 Single Family Residential District.

3.104 Conditional Uses.

- A. Conditional Uses are prohibited in the R-80 [Single-Family] Residential District.

3.105 Site and Structure.

- A. Minimum Lot Area and Lot Width.
  - 1. Every dwelling shall be located on a lot not less than ten thousand (10,000)

square feet in area with a minimum width of eighty (80) feet at the Building Setback Line.

B. Minimum Yards Required.

1. Front Yard - The front yard, which is also referred to as the Building Setback Line, shall be a minimum of twenty-five (25) feet from any existing or proposed right of way.
2. Side Yard - There shall be two side yards, one on each side of the building, having a minimum width of ten (10) feet as measured from the structure to the adjacent lot line. Side yards on corner lots shall be fifteen (15) feet along intersecting streets.
3. Rear Yard - The rear yard of each lot shall be twenty-five (25) feet as measured from the structure to the rear lot line.
4. Building height - No building or structure shall exceed thirty-five (35) feet in height.

(Ord. No. 17:05/00, § I, 5-23-2000)

**Sec. 3.2. R-60 One- and Two-Family Residential.**

3.201 Purpose.

The R-60 District is intended to provide a greater density of residential use by permitting the placement of two-family dwelling units without the more intense uses of general multifamily districts. To protect the locational characteristics of this district, permitted activities are limited to residential dwellings of one or two units and certain specified cultural, educational, religious and public uses. All strictly commercial uses are prohibited.

3.202 Permitted Uses.

Only the following permitted uses shall be allowed in the R-60 One- and Two-Family Residential District and no structure or land shall be devoted to any use other than those listed hereunder:

A. Residential Uses.

1. One Single-Family Dwelling.

2. Two-Family Dwellings.

3. Private Garages and Accessory Structures.

B. Cultural and Recreational Uses.

1. Public and Private Parks.

2. Botanical Gardens.

3. Playgrounds.

4. Nature Preserves and Sanctuaries.

5. Swimming Clubs and Pools.

6. Athletic Fields.

7. Tennis Courts.

3.203 Home Occupations.

Home occupations may be allowed that are clearly incidental and secondary to the primary use of the property as a residence, provided that these uses are conducted entirely on the property and by the property owner. No more than one person not related to the resident can be engaged in the operation of such a business and no retail sales, outside storage equipment or materials shall be permitted.

The following criteria shall be employed to determine a valid home occupation.

1. No sales of products or services produced on the premises.
2. The use shall not generate pedestrian or vehicular traffic beyond that reasonable to the district in which it is located.
3. It shall not involve the use of commercial vehicles for delivery of material to or from the premises.
4. No storage of materials and/or supplies outdoors.
5. It shall not involve the use of signs other than those permitted in that district of which it is a part.
6. No building or space outside of the main building shall be used for home occupational purposes other than storage.
7. No more than one room in the dwelling shall be employed for the home occupation.

8. In no way shall the appearance of the structure be so altered or the conduct of the occupation within the structure be such that the structure may be reasonably recognized as serving a nonresidential use (either by color, material or construction, lighting, signs, sound or noises, or vibrations); and

9. There shall be no use of utilities or community facilities beyond that reasonable to the use of the property for residential purposes.

(Ord. No. 16-11-90, 11-27-1990)

10. Day Care Home residence which receives not more than fifteen (15) children under the age of thirteen (13) for care during all or part of the day. The maximum of fifteen (15) children shall include the natural or adopted children of the occupants of the premises under thirteen (13) years of age.

(Ord. No. 03:03/93, § 1, 3-23-1993)

3.204 Conditional Uses.

Conditional Uses are prohibited in the R-60 [One- and Two-Family] Residential District.

3.205 Site and Structure.

A. Minimum Lot Area and Lot Width.

1. Every dwelling shall be located on a lot not less than six thousand (6,000) square feet in area with a minimum width of sixty (60) feet at the Building Setback Line.

B. Minimum Yards Required.

1. Front Yard - The front yard, which is also referred to as the Building Setback Line, shall be a minimum of twenty (20) feet from any existing or proposed right of way.

2. Side Yard - There shall be two side yards, one on each side of building, having a minimum width of five (5) feet as measured from the structure to the adjacent lot line. Side yards on corner lots shall be ten (10) feet along intersecting streets.

3. Rear Yard - The rear yard of each lot shall be twenty (20) feet as measured from the structure to the rear lot line.

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

(Ord. No. 17:05/00, § I, 5-23-2000)

**Sec. 3.3. R-50 One- and Two-Family Residential and Manufactured Housing.**

3.301 Purpose.

The purpose of the R-50 District is to provide for increased population density and for the location of manufactured homes which, through the application of district standards, will be compatible with adjacent site built home.

To protect the locational characteristics of this district, permitted activities are limited on one- and two-family, manufactured or site-built dwellings, and certain specified cultural, educational, religious and public uses. All strictly commercial uses are prohibited.

3.302 Permitted Uses.

Only the following permitted uses shall be allowed in the R-50 District and no structure or land shall be devoted to any use other than those listed hereunder:

A. Residential Uses.

- 1. (Reserved).
- 2. Single Family Manufactured Dwellings.
- 3. One- and Two-Family Dwellings.
- 4. Private Garages and Accessory Structures.

B. Cultural and Recreational Uses.

- 1. Clubs, Lodges and Fraternities.
- 2. Public and Private Parks.
- 3. Playgrounds.
- 4. Swimming Clubs and Pools.
- 5. Athletic Fields.
- 6. Tennis Courts.

(Ord. No. 9:09/04, § I, 9-28-2004)

3.303 Home Occupations.

Requirements shall be provided as put forth in Section 3.203.  
(Ord. No. 03:03/93, § 1, 3-23-1993)

3.304 Conditional Uses.

Conditional Uses are prohibited in the R-50 [One- and Two-Family] Residential [and Manufactured Housing] District.

3.305 Site and Structure.

A. Minimum Lot Area and Lot Width.

1. Every dwelling shall be located on a lot not less than five thousand (5,000) square feet in area with a minimum width of fifty (50) feet at the Building Setback Line.

B. Minimum Yards Required.

1. Front Yard - The front yard, which is also referred to as the Building Setback Line, shall be a minimum of twenty (20) feet from any existing or proposed right of way.
2. Side Yard - There shall be two side yards, one on each side of building, having a minimum width of five (5) feet as measured from the structure to the adjacent lot line. Side yards on corner lots shall be ten (10) feet along intersecting streets.
3. Rear Yard - The rear yard of each lot shall be twenty (20) feet measured from the structure to the rear lot line.
4. Building height - No building or structure shall exceed thirty-five (35) feet in height.

3.306 District Standards.

A. Installation.

1. Installation of mobile or manufactured homes shall be on a permanent foundation according to the provisions of all applicable building codes.

B. Compatibility.

1. Compatibility of mobile or manufactured homes shall be defined by sim-

ilarity of exterior finish, dimensions, roof pitch and floor area. As related to district standards, the above item shall be similar to the surrounding housing within three hundred (300) feet on both sides of the street and all abutting property.

C. Dimensions.

1. Mobile or manufactured homes shall have a minimum width of the main body of 11 feet 6 inches (11'6") and a minimum floor area of seven hundred twenty (720) square feet.

(Ord. No. 17:05/00, § I, 5-23-2000)

**Sec. 3.4. R-PL Planned Residential District.**

3.401 Purpose.

The use of current land development techniques is often difficult under traditional zoning regulations which are designed to control single building on individual lots. The purpose of this district is therefore to provide for the location of a variety of residential uses, including single- and two-family residences, zero lot line developments, garden or patio homes, townhouses, apartment complexes and manufactured housing developments. Permitted activities are limited to residential uses of varying densities and certain specified cultural, educational, religious and public uses. All strictly commercial uses are prohibited.

3.402 Permitted Uses.

Only the following uses shall be permitted in the R-PL Planned Residential District and no structure or land shall be devoted to any use other than those listed hereunder:

A. Residential Uses.

1. Single-Family Residential.
2. One- and Two-Family Residential.
3. Three- and Four-Family Residential.
4. Multifamily Residential.

B. Cultural and Recreational Uses.

1. Clubs, Lodges and Fraternities.
2. Public and Private Parks.

- 3. Playgrounds.
- 4. Swimming Clubs and Pools.
- 5. Athletic Fields.
- 6. Tennis Courts.

(Ord. No. 17:05/00, § I, 5-23-2000)

3.403 Conditional Uses.

Mobile and Manufactured [Home] Parks are a Conditional Use in the Planned Residential Use Overlay District subject to the following:

- A. Preliminary Application: The applicant should consult with the planning department to determine if the site meets the requirements for both land use and size. The applicant should then prepare a preliminary subdivision plat following the requirements of Section 4 Subdivision Regulations of the City of McComb.
- B. When the Planning Department has determined that the development conditions have been met in this preliminary plat, then it should be presented and reviewed for submission to the McComb Planning Commission.
- C. The Planning Commission shall establish a date and hold a public hearing for the proposed Mobile Home Park.
- D. The Planning Commission shall present its findings and recommendation to the Board of Mayor and Selectmen for final approval.

(Ord. No. 9:09/04, § I, 9-28-2004)

3.404 Procedure and Regulations.

- A. Preliminary Application.

After the proposed uses of land have been approved for a tract of land not less than two (2) acres in area, the applicant will be required to submit a Sketch Plan which will include the following information:

- 1. A tentative site plan which indicates the areas to be developed for buildings, the anticipated total gross floor space, the areas to be developed for parking and the points of ingress and egress.

- B. Application Review.

When the Sketch Plan is submitted to the Department of Planning and Development it will be reviewed by the Director and referred to the Planning Commission. The Planning Commission will report to the Board of Mayor and Selectmen within thirty (30) days of the date of referral.

- 1. Upon receipt of the report of the Planning Commission the Board of Mayor and Selectmen may vote to approve or disapprove the Sketch Plan and issue or deny a special permit in accordance with the provisions of this section.
- 2. The special permit will be conditional on the submission of a Final Development Plan within twenty-four (24) months of the issuance of the special permit.

- C. Final Development Plan.

The Final Development Plan shall include the following information.

- 1. A site plan defining the areas to be developed for buildings and parking, pedestrian and vehicular circulation patterns and the points of ingress and egress, including access streets where required. The location and heights of walls, provisions for loading and unloading and the location, number and size of signs shall also be noted on the Final Development Plan.
- 2. Architect's sketches of the proposed buildings and landscaping.
- 3. A schedule of construction, including the anticipated completion date.
- 4. A statement of all the ownership and beneficial interests in the proposed planned residential development.
- 5. A statement of the proposed types of businesses and land uses and of the general market area to be served by the development.

D. Approval and Issuance of Permit.

If the Final Development Plan conforms to the tentative development plan, the Mayor and Selectmen may approve the issuance of a special permit by the [code] inspector upon submission of the approved Final Development Plan to the office of Safety and Permits.

E. Revocation of Special Permit.

All time schedules shall relate back to the date when the special permit was issued. The Board of Mayor and Selectmen may request written reports on the progress of the development at any time, and may extend any time limit provided that each such extension does not exceed twelve (12) months. If the Board of Mayor and Selectmen become satisfied at any time that the persons issued the development permit have abandoned the proposed residential development, the permits issued may be revoked at a public hearing. Written notice of said hearing shall be sent to the persons holding the permit.

F. Conformity.

No building permit shall be issued contrary to the provisions of the City Land Use Regulations and all other ordinances, rules and regulations of the City. The use and development of the tract of land as a planned residential district shall conform, as nearly as practicable, to the special permit issued and to Final Development Plans as approved. No building permit, certificate of occupancy, or other permit shall be issued unless the building or improvement conforms to the special permit issued and to the Final Development Plan as approved. Additionally, an adequate agreement, contract and bond must be deposited with the City to guarantee the installation of the required water, sewer, street paving, curb and gutter, alley paving, sidewalks, street signs and street lighting facilities.

3.405 Lot Standards for Mobile/Manufactured Home Parks.

- A. The minimum lot size shall be 4,000 square feet.
- B. The maximum building height shall be twenty (20) feet.
- C. The front building line width shall be a minimum of 50 feet as measured along the front R.O.W. and the front yard which is also referred to as the Building Setback Line shall be a minimum of 20 feet from this R.O.W. or a proposed R.O.W.
- D. The side setback shall be twenty (20) feet from each individual mobile home.
- E. The rear setback shall be a minimum of ten (10) feet between all mobile homes and the rear yard lines of a mobile or manufactured home space (lot).
- F. Each lot shall have two paved parking spaces with permanent paved runners to these spaces as well as patios.
- G. Each home shall follow standards for tie-downs to a permanent pad and shall have vertical skirting on all sides. These regulations shall follow the Mississippi Insurance Departments "Rules and Regulations of the Mobile Home Division of the State Fire Marshal's Office," Section IX, "Minimum Standards for Blocking, Anchors and Tie Downs."
- H. The tongue and wheels shall be permanently removed.
- I. No more than one (1) accessory building shall be allowed per lot and must be contained within the setbacks for that lot and may be no greater than twenty-five percent (25%) of the size of the mobile home on that lot. There shall be no accessory structures allowed in the front setback.

(Ord. No. 9:09/04, § I, 9-28-2004)

3.406 General Dimensional Requirements for Mobile/Manufactured Home Parks.

- A. The maximum density shall not exceed 11 homes per acre.

B. All mobile homes shall be located at least fifty (50) feet from any property line or any existing or proposed right of way line of a public street or road. This park perimeter setback shall be a landscaped open area with no encroachments permitted, including parking lots, patios, or swimming pools or other paved areas except for entrance/exit driveways (front yard only). (This setback must be indicated on the preliminary subdivision plat).

C. In order to provide for free movement of traffic through the park on park streets, no on-street parking shall be permitted on any mobile home park street.

(Ord. No. 9:09/04, § I, 9-28-2004)

3.407 Streets, Utilities and Storm Drainage.

A. All streets within a mobile home park shall be at least twenty-eight (28) feet in width and shall be hard surfaced. All streets shall be constructed in accordance with standards for local streets as specified in the McComb City Subdivision Regulations. Proper maintenance of all streets within mobile home parks shall be the responsibility of the owner or operator of the park and not the City of McComb.

B. Utilities (electric power, natural gas, water and sanitary sewerage) and storm drainage shall be provided in all mobile home parks in accordance with the requirements of the City of McComb subdivision ordinance and applicable codes adopted by the City of McComb. The maintenance of water and sanitary sewerage facilities and storm drainage facilities within mobile home parks shall be the responsibility of the owner of the park and not the City of McComb.

C. All utilities, including electrical, cable and telephone shall be placed underground.

D. All mobile home parks shall be located on ground which is not susceptible to flooding and graded so as to prevent any water from ponding or accumulating on the premises. If the mobile home park is in the flood plain the provisions of [Chapter 62

"Floods"] Chapter 10 "Flood Damage Prevention," in the McComb Code of Ordinances shall prevail.

(Ord. No. 9:09/04, § I, 9-28-2004)

3.408 Location, Grandfathered Uses and County Registration.

A. Any mobile homes in the City of McComb shall be allowed to remain where they are but should they be unoccupied for a period of ninety days they must be removed from their location.

B. Where a mobile home has R-50 zoning implemented, prior to the enactment of this amendment to the Land Use Regulation Ordinance, a mobile home that does not conform to the requirements of an R-50 District and is already placed with utilities operable shall be allowed to remain and not be required to conform. However for the mobile home to be grandfathered it must be skirted as per Section 3.405.G above.

C. Provided however if that mobile home is renovated, and this renovation includes at least \$1,000 of value of renovation work, it shall be subject to the R-50 zoning requirements and must be brought with compliance within one hundred twenty (120) days.

D. Further no mobile home that is removed may be replaced by a mobile home that is not being brought into compliance in the same manner as the mobile home that is placed in the R-50 District after the date of these amendments. The owner of said mobile home must demonstrate to the satisfaction of the Mayor and Board that a physical hardship would exist if that owner is not allowed to replace the mobile home with the same or better [sic]. This replacement is only allowed in the R-50 zoning district if all lot dimensions are met as well as city standards for mobile homes as stipulated in Section 3.405.G above.

E. The owner of any mobile home in the City of McComb, whether grandfathered in an

R-50 District or individually owned or leased in a mobile home park shall be registered [in] the County Clerk's office of Pike County. Proof of registration is required to obtain utility service.

(Ord. No. 9:09/04, § I, 9-28-2004)

**Sec. 3.5. B-PO Business/Professional Office.**

**3.501 Purpose.**

The purpose of the [B-PO] Business and Professional Office District is to provide for a combination of business offices and limited retail, and specialty commercial uses with activities conducted during normal daytime working hours.

**3.502 Permitted Uses.**

Only the following permitted uses shall be allowed in the B-PO District and no structure or land shall be devoted to any use other than those listed hereunder:

- A. Office and Professional Uses.
  - 1. Law Offices.
  - 2. Accountant Offices.
  - 3. Architecture or Engineering Offices.
  - 4. Real Estate Offices.
  - 5. Insurance Offices.
  - 6. Daytime Doctor, Dentist or Chiropractor Offices.
  - 7. Financial Services Offices.
  - 8. Other Professional Offices.
- B. Specialty Retail and Commercial Uses.
  - 1. Retail shops for the sale of books, educational and/or arts and crafts supplies, florists, gifts, antiques and clothing.
  - 2. Photographic Studios.
  - 3. Dance Studios.
  - 4. Music Studios.
- C. Miscellaneous Uses.
  - 1. Art Galleries.
  - 2. Museums.
  - 3. Libraries.

- 4. Day Care Home.
  - 5. Day Care Center.
- (Ord. No. 03:03/93, § 1, 3-23-1993)

**3.503 Conditional uses.**

Single Family Residential Uses will be conditional in the B-PO Business and Professional Office District.

**3.504 Site and structure.**

- A. Minimum Lot area and Lot Width.
  - 1. Every structure shall be located on a lot not less than six thousand (6,000) square feet in area with a minimum width of sixty (60) feet at the Building Setback Line.
- B. Minimum Yards Required.
  - 1. Front Yard - The front yard, which is also referred to as the Building Setback Line, shall be a minimum of twenty (20) feet from any existing or proposed right-of-way.
  - 2. Side Yard - There shall be two side yards, one on each side of the building, having a minimum width of five (5) feet as measured from the structure to the adjacent lot line. Side yards on corner lots will be ten (10) feet along intersecting streets.
  - 3. Rear Yard - The rear yard of each lot shall be twenty (20) feet as measured from the structure to the rear lot line.
  - 4. Building height - No building or structure shall exceed thirty-five (35) feet in height.
- C. Office and Specialty Retail.
  - 1. Conversion of residential properties for office and retail uses is permitted in this district. The exterior appearance of the structure should maintain the appearance of a residence. Parking shall be provided as required in Section 3.14 of this ordinance.
  - 2. New construction for office and retail uses shall be compatible with

the architectural style of adjacent buildings. Compatibility shall be defined by similarity of exterior finish, dimensions, roof pitch and floor area.

**Sec. 3.6. C-1 Neighborhood Business District.**

**3.601 Purpose.**

The purpose of the C-1 Neighborhood Business District is to provide for commercial and service facilities which serve the needs of surrounding neighborhoods rather than the surrounding community. Uses which may create noise, odors, hazards, unsightliness or which may generate excessive traffic should not be located in this district.

**3.602 Permitted uses.**

Only the following permitted uses shall be allowed in the C-1 Neighborhood Commercial District and no structure or land shall be devoted to any use other than those listed hereunder:

- A. Retail and Service.
  - 1. Antique Shops.
  - 2. Art and Supply Stores.
  - 3. Art Galleries.
  - 4. Bakeries.
  - 5. Branch Banks and Financial Institutions.
  - 6. Barber[shops] and Beauty Shops.
  - 7. Book or Stationery Store.
  - 8. Utility Collection Office.
  - 9. Custom Dressmaking and Sewing Shops.
  - 10. Florists.
  - 11. Delicatessens.
  - 12. Garden Supply and Greenhouses.
  - 13. Gift Shops.
  - 14. Hardware Stores.
  - 15. Hobby Shops.
  - 16. Ice Cream Shops.
  - 17. Interior Decorating Shops.

- 18. Jewelry Stores.
- 19. Photography Shops and Studios.
- 20. Restaurants.
- 21. Shoe Stores and Repair Shops.
- 22. Sporting Goods Stores.
- 23. Toy Stores.
- 24. Wearing Apparel Stores.
- 25. Day Care Home.
- 26. Day Care Center.

(Ord. No. 03:03/93, § 1, 3-23-1993)

- B. Offices.
  - 1. Law Offices.
  - 2. Architecture or Engineering Offices.
  - 3. Accountant Offices.
  - 4. Real Estate Offices.
  - 5. Insurance Offices.
  - 6. Doctor, Dentist or Chiropractor Offices.
- C. Miscellaneous Uses.
  - 1. Churches, Temples and Synagogues.

**3.603 Conditional Uses.**

- A. Up to two dwelling units may be located above any first floor designation for business uses.

**3.604 Site and Structure.**

- A. Minimum Lot Area and Lot Width - Non-residential.
  - 1. Every structure shall be located on a lot not less than five thousand (5,000) square feet in area with a minimum width of fifty (50) feet at the Building Setback Line.
- B. Minimum Lot Area and Lot Width - Residential.
  - 1. Every Dwelling shall be located on a lot not less than five thousand (5,000) square feet with a minimum width of fifty (50) feet at the Building Setback Line.
  - 2. When a residential use is combined with any Permitted or Conditional

Use in the C-1 Neighborhood Commercial District, the following minimum areas shall be added to the required area for the nonresidential use:

One-Dwelling Unit - Fifteen hundred (1,500) square feet.

Two Dwelling Units - Twelve hundred (1,200) square feet per dwelling unit.

C. Minimum Yards Required.

1. Front Yard - The front yard or Building Setback Line shall conform to the average building lines in a developed block, but in no capacity shall it be less than ten (10) feet from the property line. On corner or through lots, the required front yard will be provided on both streets.
2. Side Yard - There shall be two side yards, one on each side of the building, having a minimum width of three (3) feet as measured from the structure to the adjacent lot line.
3. Rear Yard - No rear yard is required for nonresidential uses. A rear yard shall be provided when residential uses are located above the first floor, such yard being not less than twenty (20) feet in depth.
4. Building height - No building or structure shall exceed thirty-five (35) feet in height.

D. Maximum Lot Coverage.

1. The lot coverage of all principal and accessory buildings shall be greater than fifty (50) percent of the total area of the lot. Parking and landscape requirements must be met in all instances which may result in less than maximum lot coverage in some instances.

(Ord. No. 17:05/00, § I, 5-23-2000)

**Sec. 3.7. C-2 Highway Commercial District.**

3.701 Purpose.

The purpose of the C-2 Highway Commercial District is to provide areas for a wide

variety of commercial and business uses that are intense and oriented to the automobile. Highway commercial uses require a conspicuous and accessible location convenient to streets carrying large volumes of traffic. These uses should include the retailing of major goods and services, general office facilities and public facilities which serve the community rather than individual neighborhoods. Orientation and expansion of this district should occur as an increase in depth rather than in width along the street frontage.

3.702 Permitted uses.

Only the following permitted uses shall be allowed in the C-2 Highway Commercial District and no structure or land shall be devoted to any use other than those listed hereunder:

A. Retail and Service.

1. Any use permitted in the C-1 Neighborhood Commercial District.
2. Automotive Service Stations, Centers and Sales.
3. Automotive Parts Shops.
4. Business College or Business Schools.
5. Catering Establishments.
6. Commercial Recreation.
7. Department Stores.
8. Convenience Stores.
9. Drive-in Restaurants.
10. Drive-in Banks.
11. Funeral Homes and Mausoleums.
12. Indoor Recreations Establishments, such as bowling alley, skating rinks and movie theaters.
13. Instruction of Fine Arts.
14. Mobile Home Sales.
15. Passengers Transportation Terminals.
16. Physical Culture and health Establishments.

- 17. Enclosed plumbing, electrical and home building supply showroom and sales centers with associated assembly processes.
- 18. Printing, lithography and publishing establishments.
- 19. Public or Private Auditoriums.
- 20. Restaurants and Restaurants with Lounges.
- 21. Wholesale merchandise broker, excluding wholesale storage.
- 22. Drug Stores.
- 23. Dry Cleaning, Laundries and Self-Service Laundries.
- 24. Food Stores.
- 25. Liquor Stores.
- 26. Car Wash.
- 27. Limited completely enclosed Light Welding Shops of three thousand (3,000) square feet or less with no outdoor storage.
- 28. Day Care Home.
- 29. Day Care Center.
- 30. Mini Storage Warehouses.

(Ord. No. 05:07/94, § 1, 7-12-1994; Ord. No. 05:07/94, § 1, 7-12-1994)

B. Offices.

- 1. Any private office use which is permitted use in the C-1 District.
- 2. Medical Clinics of ten (10) or less Doctors.
- 3. General, multi-use office buildings of less than forty thousand (40,000) square feet.

C. Residential Uses.

- 1. Hotels and Motels of one hundred fifty (150) or less rooms.
- 2. Apartment-Hotels.

D. Miscellaneous.

- 1. Post Office.
- 2. Radio and Television Studios and Broadcasting Stations.

- 3. Clubs, Lodges, Fraternal and Religious Institutions, Meeting Halls.
- 4. Public Service Facilities, including electric distributing substations, fire or police stations, telephone exchange and similar use.
- 5. Veterinary Clinics.
- 6. Outdoor Advertising (Billboards).

3.703 Conditional uses.

Conditional uses are prohibited in the C-2 Highway Commercial District.

3.704 Site and Structure.

A. Minimum Lot Area and Lot Width.

- 1. Every structure shall be located on a lot not less than ten thousand (10,000) square feet in area with a minimum width of eighty (80) feet.

B. Minimum Yards Required.

- 1. Front Yard - The front yard of Building Setback Line shall conform to the average building lines in a developed block, but no case shall it be less than ten (10) feet from the property line. On corner or through lots, the required front yard will be provided on both streets.
- 2. Side Yard - No side yard will be required except as outlined under Section 3.705 or when common or party wall adjoins buildings on two zoning lots. However, if a side yard is provided it must be a minimum of three (3) feet in width.
- 3. Rear Yard - No rear yard will be required except as outlined under section 3.705. However, if a rear yard is provided it must be a minimum of three (3) feet.

C. Maximum Lot Coverage.

- 1. The lot coverage of all principal and accessory buildings shall not be greater than fifty (50) percent of the total area of the lot. Parking and landscape requirements must be met

in all instances which may result in less than maximum lot coverage in some instances.

### 3.705 Transitional yards.

Where a C-2 Highway Commercial District adjoins a residential district, transitional yards shall be provided in accordance with the following regulations:

- A. Where lots in a C-2 District front on a street and at least eighty (80) percent of the frontage directly across the street between two (2) consecutive intersecting streets is in a residential district, the Building Setback Line of the residential district shall apply to the lots in the commercial district.
- B. In a C-2 District, where a side lot line coincides with a side or rear lot line of property in an adjacent residential district, a yard shall be provided along such side lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this ordinance for a residential use on the adjacent property in the residential district.
- C. In a C-2 District, where a rear lot line coincides with a rear or side lot line of property in an adjacent residential district a yard shall be provided along such rear lot line. Such yard shall be equal in dimension to the minimum rear yard which would be required under this ordinance for a residential use on the adjacent property in the residential district.
- D. In a C-2 District, where the extension of a front or side lot line coincides with the front lot line of an adjacent lot located in a residential district, a yard equal in depth to the minimum setback required by this Ordinance on such adjacent lot in the residential district shall be provided along such front or side lot line for a distance of at least twenty-five (25) feet, including the width of any intervening alley from such lot in the residential district.

(Ord. No. 05:07/94, § I, 7-12-1994; Ord. No. 17:05/00, § I, 5-23-2000)

## Sec. 3.8. C-PL Planned Commercial District.

### 3.801 Purpose.

The purpose of the C-PL Planned Commercial District is to provide for high intensity of commercial development which includes a mix of commercial office and miscellaneous service establishments. This district is located at the intersection of a limited access highway and a major arterial street, or along a limited access highway service road. Because the C-PL District serves a number of communities, the impact of any proposed development must be evaluated with regard to traffic circulation and surrounding land use.

### 3.802 Permitted uses.

When application is made for a special permit for the C-PL District, a list of proposed uses shall be submitted. Permitted uses will be determined by the Department of Planning and Development on a case-by-case basis but shall generally include the following:

1. Any use permitted in the C-1 or C-2 Districts.
2. Hotels, Motels and Convention Centers.
3. High-rise Office and Residential Buildings.
4. Amusement Parks, Golf Courses and similar recreation facilities.
5. Public Utility Facilities.
6. Shopping Malls.
7. Parking lots and decks.
8. Lounges, Nightclubs and Bars.

### 3.803 Procedure and regulations.

#### A. Preliminary Application.

After the proposed uses of land have been approved for a tract of land not less than one and one half (1½) acres in area, the applicant will be required to submit a tentative development plan which will include the following information:

(Ord. No. 01:01/94, § 1, 1-1-1994)

1. A Sketch Plan which indicates the areas to be developed for buildings,

the anticipated total gross floor space, the areas to developed for parking and the points of ingress and egress.

B. Application Review.

When the Sketch Plan is submitted to the Department of Planning and Development it will be reviewed by the Director and referred to the Planning Commission. The Planning Commission will report to the Board of Mayor and Selectmen within 30 days of the date of referral.

1. Upon receipt of the report of the Planning Commission the Board of Mayor and Selectmen plan and issue or deny a special permit in accordance with the provisions of this section.
2. The special permit will be conditional on the submission of Final Development Plan within twenty-four (24) months of the issuance of the special permit.

C. Final Development Plan.

The Final Development Plan shall include the following information:

1. A site plan defining the areas to be developed for buildings and parking, pedestrian and vehicular circulation patterns and the points of ingress and egress, including access streets where required. The location and heights of walls, provisions for loading and unloading and the location, number and size of signs shall also be noted on the Final Development Plan.
2. Architect's sketches of the proposed buildings and landscaping.
3. A schedule of construction, including the anticipated completion date.
4. A statement of all the ownership and beneficial interests in the proposed planned commercial center.

5. A statement of the proposed types of businesses and land uses and of the general market area to be served by the development.

D. Approval and Issuance of Permit.

If the Final Development Plan conforms to the tentative development plan the Mayor and Selectmen may approve the issuance of a special permit by the [code] inspector upon submission to the office of Safety and Permits the approved Final Development Plan.

E. Revocation of Special Permit.

All time schedules shall relate back to the date when the special permit issued. The Board of Mayor and Selectmen may request written reports on progress of the development at any time, and may extend any time limit provided that each extension does not exceed twelve (12) months. If the Board of Mayor and Selectmen become satisfied at any time that the persons issued the development permit have abandoned the proposed commercial center the permits issued may be revoked at a public hearing. Written notice of said hearing shall be sent to the persons holding the permit.

F. Conformity.

No building permit shall be issued contrary to the provisions of the City Land Use Regulations and all other ordinances, rules and regulations of the City. The use and development of the tract of land as a planned commercial center shall conform, as nearly as practicable, to the special permit issued and to Final Development Plan as approved. No building permit, certificate of occupancy, or other permit shall be issued unless the building or improvement conforms to the special permit issued and to the Final Development Plan as approved. Additionally, an adequate agreement, contract and bond must be deposited with the City to guarantee the installation of the required water,

sewer, street paving, curb and gutter, alley paving, sidewalks, street signs and street lighting facilities.

### 3.804 Site and structure regulations.

#### A. Minimum Lot Area.

The minimum area for each C-PL District shall be not less than one and one half (1½) acres. The minimum allowable width for each District site shall be two hundred (200) feet, which must front a major arterial or service road or a controlled access freeway. In addition, each site must also have a frontage width of not less than two hundred (200) feet on a minor arterial.

(Ord. No. 01:01/94, § 2, 1-1-1994)

#### B. Front, Side, and Rear Yards.

1. No building or structure shall be within fifty (50) feet of the right-of-way of any arterial highway and no roadway or parking shall be erected or maintained within twenty-five (25) feet of the outside edge of the nearest paved traffic lane of any arterial highway.
2. No building shall be erected within fifty (50) feet of any residential boundary line and a buffer strip not less than twenty-five (25) feet wide shall be provided along any residential boundary line abutting and boundary line of a C-3 District. Such buffer strip shall be sodded, planted and shrubbed in such a manner as to form a green belt.
3. All setbacks apply to structures of forty-five (45) feet in height or less and setback requirements shall increase one (1) foot for each two (2) feet in building height over forty-five (45) feet.

#### C. Maximum Lot Coverage.

Not less than twenty-five (25) percent of the gross area of the District shall be common open space. Each zoning lot in the District must have not less than thirty (30) percent of the footprints of all build-

ings on the lot devoted to private open space, except that the amount of private open space may be reduced below the required thirty (30) percent if the equivalent amount of private open area is provided as common open area contiguous to the same lot.

#### D. Off-Street requirements.

Off-street parking and loading zones shall be provided as put forth in Section 3.14 except that there shall be at a minimum five (5) spaces for every one thousand (1000) square feet of gross floor area for the entire zoning district.

### 3.805 District standards.

#### A. Design.

A Planned Commercial Center shall be laid out and developed as a unit in accordance with an integrated overall design. The location, arrangement, size and number of buildings, parking areas, walks, lighting, signs and appurtenant facilities shall be adjusted to the surrounding land use, and any part of a planned business center not used for buildings, other structures, parking and loading areas, or access ways shall be landscaped with grass, trees, shrubs, or pedestrian walks.

#### B. Environmental Quality.

Flood Zones - Construction of any structures or alteration of land which occurs in the 100-year flood zone as established by the Federal Emergency Management Agency shall require approval from the [code] inspector prior issuance of a building permit.

(Ord. No. 17:05/00, § I, 5-23-2000)

## Sec. 3.9. I-1 Light Industrial District.

### 3.901 Purpose.

The I-1 District is intended for light manufacturing, processing, storage and warehousing, wholesaling and distribution. This district should have efficient access to major transportation routes and should be located to maximize safety and minimize infrastructural [infra-

structure] costs to local government. Service and commercial activities relating to the character of the district and supporting its activities are permitted. Regulations are intended to prevent or reduce friction between uses in this district and also to protect nearby residential and commercial district[s].

### 3.902 Permitted uses.

Only the following permitted uses shall be allowed in the I-1 District and no structure or land shall be devoted to any other use other than those listed hereunder:

- A. Those light manufacturing uses listed below, conducted in enclosed buildings, which do not create any danger to health and safety in surrounding areas and which do not create any offensive noise, vibration, smoke, dust, lint, odor, heat or glare are specifically permitted in the I-1 District.
  1. Manufacture or assembly of medical and dental equipment, drafting, optical, and musical instruments, watches, clocks, games, and electrical or electronic apparatus.
  2. Packaging and processing of pre-manufactured items.
  3. Manufacture of computer and high technology items.
  4. Manufacture of ceramic products.
- B. Wholesaling, warehousing, storage or distribution establishments, cold storage or refrigeration plants.
- C. Printing, lithographing, publishing or similar establishments.
- D. Outdoor storage yards and lots and contractors' storage yards, provided such outdoor storage yards shall not be located closer than fifteen (15) feet to any public street and shall be screened by a six (6) foot high sight opaque screen of living (seventy percent (70%) opaque) or nonliving (one hundred percent (100%) opaque) material; and providing further that this provision shall not permit wrecking yards or yards used in whole or in part for a scrap or salvage operation.
- E. Retail and repair establishment for the sale and/or repair of new and used automobiles, motorcycles, trucks and tractors, mobile homes, boats, automotive parts and accessories (but not junk or automotive wrecking yards), heavy machinery and equipment, farm building supplies, monuments and similar uses.
- F. Service establishments catering to commerce and industry including professional office, linen supply, freight movers, communication services, business machine services, canteen services, restaurant (including drive-in and fast food restaurants), hiring and union halls, employment agencies, sign companies, automotive service and/or truck stops, and similar uses.
- G. Medical clinics only in connection with industrial activity.
- H. Miscellaneous uses such as express office, sign painting shop, parcel delivery service, telephone exchange, commercial parking lots and parking garages, motorbus or truck or other transportation terminal, and related uses.
- I. Radio and television stations and relay transmitters, motion picture studios.
- J. Laboratories, research, experimental or testing centers.
- K. Plant nurseries.
- L. Utility facilities such as electrical substations, telephone switching facilities and the like.
- M. Residence for security guard or caretaker employed on the premises.
- N. Outdoor Advertising (Billboards).
- O. Ornamental Ironworks and similar light welding facilities with outdoor storage, provided however that the storage is screened from public view.

### 3.903 Conditional uses.

The following uses are conditional in the I-1 Light Industrial District.

- A. Hotel, motel or motor lodge if located in a district of thirty-five (35) acres or more.
- B. Gasoline service station.
- C. Day care centers.
- D. Recreational facilities.
- E. General office buildings.

twenty-five (25) feet plus one foot for every foot in height over thirty-five (35) feet.

- 3. Side and rear yards - No side or rear yard is required where party walls exist. If there are no party walls, a minimum side or rear yard of five (5) feet is required. Where a lot adjoins any nonindustrial zoning district, front yard requirements shall apply to side and rear yards.

3.904 Prohibited uses and structures.

- A. Dwelling units except as provided under accessory and conditional uses, hospital or clinics (except clinic in connection with industrial activity) nursing home and similar uses, private or public yards or lots for scrap or salvage operations or for process, storage, display or sale of any scrap or salvage.
- B. Wrecking yards (including automotive wrecking yards) and junkyards.
- C. Chemical, paints, and fertilizer manufacturing.
- D. Explosives manufacturing or storage.
- E. Paper and pulp manufacturing.
- F. Petroleum refining.
- G. Landfills for the disposal of solid wastes, hazardous, and/or toxic substances.
- H. All other uses not permitted herein.
- I. Disposal and/or permanent storage of Hazardous Waste.

- C. Maximum Lot Coverage.

A minimum of thirty percent (30%) of each zoning lot/district shall be retained as open space, including landscaped areas.

- D. Height Regulations.

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

- E. Off-Street Parking and Loading Requirements.

Off-street parking and loading shall be provided as put forth in Section 3.14.

3.905 Site and structure provisions.

- A. Minimum Lot Area.

The lot area of each zoning lot shall not be less than ten thousand (10,000) square feet.

- B. Minimum Area Regulations.

- 1. Minimum Lot Width - The lot width of each zoning lot shall not be less than eighty (80) feet.
- 2. Front Yard - Front building lines shall conform to the average building lines established in a developed block. In all cases, this front building line shall be set back a minimum of

**Sec. 3.10. I-PL Planned Industrial.**

3.1001 Purpose.

The purpose of the Planned Industrial District is to provide a district for which an overall development plan must be submitted and a special permit must be granted prior to development of the tract.

3.1002 Permitted uses.

When application is made for a special permit for the I-PL District, a list of proposed uses shall be submitted. Permitted uses will be determined by the Department of Planning and Development on a case-by-case basis.

3.1003 Procedure and regulations.

- A. Preliminary Application.

After the proposed uses of land have been approved for a tract of land not less than two (2) acres in area, the applicant

will be required to submit a Sketch Plan which will include the following information:

1. A site plan which indicates the areas to be developed for buildings, the anticipated total gross floor space, the areas to be developed for parking and the points of ingress and egress.

B. Application Review.

When the Sketch Plan is submitted to the Department of Planning and Development it will be reviewed by the Director and referred to the Planning Commission. The Planning Commission will report to the Board of Mayor and Selectmen within thirty (30) days of the date of referral.

1. Upon receipt of the report of the Planning Commission the Board of Mayor and Selectmen may vote to approve or disapprove the tentative site plan and issue or deny a special permit in accordance with the provisions of this section.
2. The special permit will be conditional on the submission of a Final Development Plan within twenty-four (24) months of the issuance of the special permit.

C. Final Development Plan.

The Final Development Plan shall include the following information:

1. A site plan defining the areas to be developed for buildings and parking, pedestrian and vehicular circulation patterns and the points of ingress and egress, including access streets where required. The location and heights of walls, provisions for loading and unloading and the location, number and size of signs shall also be noted on the Final Development Plan.
2. Architect's sketches of the proposed buildings and landscaping.
3. A schedule of construction, including the anticipated completion date.

4. A statement of all the ownership and beneficial interests in the proposed planned industrial center.
5. A statement of the proposed types of businesses and land uses and of the general market area to be served by the development.

D. Approval and Issuance of Permit.

If the Final Development Plan conforms to the tentative development plan, the Mayor and Selectmen may approve the issuance of a special permit by the [code] inspector upon submission to the office of Safety and Permits the approved Final Development Plan.

E. Revocation of Special Permit.

All time schedules shall relate back to the date when the special permit was issued. The Board of Mayor and Selectmen may request written reports on the progress of development at any time, and may extend any time limit, provided that each such extension does not exceed twelve (12) months. If the Board of Mayor and Selectmen become satisfied at any time that the persons issued the development permit have abandoned the proposed industrial development, the permits issued may be revoked at a public hearing. Written notice of said hearing shall be sent to the persons holding the permit.

F. Conformity.

No building permit shall be issued contrary to the provisions of the City Land Use Regulations and all other ordinances, rules and regulations of the City. The use and development of the tract of land as a planned industrial center shall conform, as nearly as practicable, to the special permit issued and to Final Development Plans as approved. No building permit, certificate of occupancy, or other permit shall be issued unless the building or improvement conforms to the special permit issued and to the Final Development Plan as approved. Additionally, an adequate agreement, contract and bond must

be deposited with the City to guarantee the installation of the required water, sewer, street paving curb and gutter, alley paving, sidewalks, street signs and street lighting facilities.

**Sec. 3.11. S-O Special Use Overlay District.**

**3.1101 Purpose.**

The purpose of a Special Use Overlay District is to enable the Planning Commission and City of McComb City, Mississippi, to establish zoning districts for specific land uses in accordance with the following procedure and regulations. All Special Use Districts shall adhere to the regulation imposed for like categories or functions under this Land Use Regulation Ordinance.

**3.1102 Types of districts.**

The types of Special Use District which are hereby established shall include but not be limited to such districts as:

A. **SOM - Medical Complex District:** To include activities such as hospitals, public health centers, nurses training facilities, pathology laboratories, doctors' clinics and offices, extended care and nursing facilities, dental clinics and offices, and other closely related and compatible uses.

1. **Minimum Lot Area and lot width - nonresidential.** Every structure shall be located on a lot not less than five thousand (5,000) square feet in area with a minimum width of fifty (50) feet at the Building Setback Line.

2. **Minimum Yard required.**

a. **Front Yard -** The front yard or Building Setback Line shall conform to the average building lines in a developed block, but in no case shall it be less than ten (10) feet from the property line. On corner or through lots, the required front yard will be provided on both streets.

b. **Side Yard -** There shall be two side yards, one on each side of the buildings, having a mini-

imum width of three (3) feet as measured from the structure to the adjacent lot line.

c. **Rear Yard -** No rear yard is required for nonresidential uses. A rear yard shall be provided when residential uses located above the first floor, such yard being not less than twenty (20) feet in depth.

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

(Ord. No. 13:08/92, § 1, 8-25-1992)

B. **SOE - Educational District:** To include activities such as grade schools, secondary schools and colleges, auditoriums, libraries, recreational facilities, and other closely related and compatible use.

C. **SOP - Public District:** To include municipal functions and services such as city hall, county courthouse, fire [division], police [division], post office, public utilities, public parking complexes, and other closely related and compatible use. Active and passive recreational activities such as neighborhood centers, parks and playgrounds, swimming pools, picnic areas, and other closely related and compatible uses shall also be a part of this district.

D. **SMU - Mixed Land Use District:** To include properties which will not be subdivided into the customary lots and blocks, or where the existing or contemplated street and lot layout make it impracticable to apply requirements of this ordinance to the individual buildings in such developments. The application of the specific requirements of this ordinance to mixed-use developments may be waived by the Planning Commission and recommended for approval by the Board of Mayor and Selectmen, provided the proposed development shall be of such manner as to be in harmony with the character of the neighborhood. The Board of Mayor and

Selectmen shall not authorize a mixed-use development without prior approval of the Planning Commission.

- E. SFP - Floodplain Overlay District: The Floodplain District Overlay is established to permit certain nonintensive uses in areas which are subject to periodic flooding and to protect such areas from adjacent developments except where adequate measures are taken to protect these uses from flooding. The regulations set forth shall apply to property located in the 100-year floodplain as delineated by the Federal Emergency Management Agency (FEMA) on the Flood Insurance Rate Maps (FIRM) for the City of McComb City and Pike County.

(Ord. No. 17:05/00, § I, 5-23-2000)

- F. SCD - Central Business District is established to include retail and wholesale activities, Planned Industrial uses and adjusted density residential uses.

Permitted Uses: The following permitted uses are provided to codify and clarify zoning requirements for the SCD. Any proposed use for existing buildings or proposed new construction that is not listed below is prohibited unless approved by the Planning Commission and the City of McComb City Board of Mayor and Selectmen. At the discretion of the City of McComb, a special conditional use may be granted for any new building or renovation projects that do not comply with the following list of approved uses.

A. Office and Professional Uses.

- 1. Accountant Offices
- 2. Architecture or Engineering Offices
- 3. Doctor, Dentist or Chiropractor Offices
- 4. Financial Services Offices
- 5. Insurance Offices
- 6. Interior Decorating Offices
- 7. Law Offices
- 8. Real Estate Offices
- 9. Other Professional Offices

B. Retail and Service Uses.

- 1. Antique Shop
- 2. Art Studio
- 3. Arts/Crafts
- 4. Art Gallery
- 5. Bakery
- 6. Bank/Financial Institution
- 7. Barber[shop]/Beauty Shop
- 8. Bookstore
- 9. Cellular Service Center
- 10. Convenience Store (no gasoline sales)
- 11. Clothing Store
- 12. Dance Studio
- 13. Delicatessen
- 14. Electronics Store
- 15. Florist
- 16. Gift Shop
- 17. Hobby Shop
- 18. Ice Cream Shop
- 19. Interior Furnishing Shop
- 20. Jewelry Store
- 21. Music Studio
- 22. Music Store (instruments, literature, media)
- 23. Photography Shop and/or Photography Studio
- 24. Restaurant
- 25. Shoe Store and/or Shoe Repair Shop
- 26. Stationery Store
- 27. Sundries Store
- 28. Toy Store
- 29. Utility Collection Office

C. Miscellaneous Uses.

- 1. Churches

D. Residential Uses - In Existing Buildings.

- 1. Multifamily Dwelling Units
- 2. Single-Family Dwelling Units

E. Residential Uses-In New Building Development: Requires approval of Planning Commission and Board of Mayor and Selectmen.

(Ord. No. 02:03/04, § I, 3-9-2004; Ord. No. 11:10/04, § I, 10-12-2004)

1. (Reserved).
2. Minimum Yards Required.

New Construction: Front, side and rear yard setbacks will be established by the City of McComb based upon previously established setback at adjacent properties.

(Ord. No. 02:03/04, §§ I, III, 3-9-2004; Ord. No. 11:10/04, § I, 10-12-2004)

- a. Front Yard - The front yard or Building Setback Line shall conform to the average building lines in a developed block, but in no case shall it be less than ten (10) feet from the property line. On corner or through lots, the required front yard will be provided on both streets.
- b. Side Yard - There shall be two side yards, one on each side to the building, having a minimum width of three (3) feet as measured from the structure to the adjacent lot line.
- c. Rear Yard - No rear yard is required for nonresidential uses. A rear yard shall be provided when residential uses are located above the first floor, such yard being not less than zero (0) feet in depth.
- d. Building height - No building or structure shall exceed thirty-five (35) feet in height.

Parking Requirements:

For new developments in new and existing buildings, parking requirements will be established by the City of McComb.

(Ord. No. 02:03/04, § I, 3-9-2004; Ord. No. 11:10/04, § I, 10-12-2004)

3. Special Requirement.

Proposed new construction shall be compatible with adjacent structures and subject to review and approval by the Planning Commission.

(Ord. No. 13:08/92, 8-25-1992, § 1; Ord. No. 02:03/04, § I, 3-9-2004)

3.1103 Procedure and regulations for establishing Special Use Overlay District.

A. Preliminary Application.

After the proposed uses of land have been approved for a tract of land not less than two (2) acres in area, the applicant will be required to submit a tentative development plan which will include the following information:

1. A tentative site plan which indicates the area to be developed for buildings, the anticipated total gross floor space, the area to be developed for parking and the points of ingress and egress.

B. Application Review.

When the tentative site plan is submitted to the Department of Planning and Development it will be reviewed by the Director and referred to the Planning Commission. The Planning Commission will report to the Board of Mayor and Selectmen within 30 days of the date of referral.

1. Upon receipt of the report of the Planning Commission the Board of Mayor and Selectmen may vote to approve or disapprove the tentative site plan and issue or deny a special permit in accordance with the provisions of this section.
2. The special permit will be conditioned on the submission of a Final Development Plan within twenty-four (24) months of the issuance of the special permit.

C. Final Development Plan.

The Final Development Plan shall include the following information:

1. A site plan defining the areas to be developed for buildings and parking, pedestrian and vehicular circulation patterns and the points of ingress and egress, including access streets where required. The location and heights of walls, provisions for loading and unloading and the location, number and size of signs shall also be noted on the Final Development Plan.
2. Architect's sketches of the proposed buildings and landscaping.
3. A schedule of construction, including the anticipated completion date.
4. A statement of all the ownership and beneficial interests in the proposed Special Use Overlay District.
5. A statement of the proposed types of businesses and land uses and of the general market area to be served by the development.

D. Approval and Issuance of Permit.

If the Final Development Plan conforms to the tentative development plan the Mayor and Selectmen may approve the issuance of a special permit by the [code] inspector upon submission to the office of Safety and Permits the approved Final Development Plan.

E. Revocation of Special Permit.

All time schedules shall relate back to the date when the special permit was issued. The Board of Mayor and Selectmen may request written reports on the progress of the development at any time and may extend any time limit provided that each such extension does not exceed twelve (12) months. If the Board of Mayor and Selectmen become satisfied at [any] time that the persons issued the development permit have abandoned the proposed development in a Special Use Over-

lay District, the permits issued may be revoked at a public hearing. Written notice of said hearing shall be sent to the persons holding the permit.

F. Conformity.

No building permit shall be issued contrary to the provisions of the City Land Use Regulations and all other ordinances, rules and regulations of the City. The use and development of the tract of land as a Special Use Overlay District shall conform, as nearly as practicable, to the special permit issued and to Final Development Plans as approved. No building permit, certificate of occupancy, or other permit shall be issued unless the building or improvement conforms to the special permit issued and to the Final Development Plan as approved. Additional, an adequate agreement, contract and bond must be deposited with the City to guarantee the installation of the required water, sewer, street paving, curb and gutter, alley paving, sidewalks, street signs and street lighting facilities.

3.1104 District standards.

All proposed Special Use Districts shall follow the procedures for subdivision approval even though the ownership of land may not be divided. The tentative and final plans must be approved by both the Mayor and Selectmen and the Planning Commission. The district shall be developed according to the approval of the Final Plan. Building permits and certificates of occupancy shall be required for each building according to Article 4 of the Land Use Regulation Ordinance.

A. All Special Use Districts shall:

1. Contain a minimum of two (2) acres, except for an expansion of an existing Special Use District.
2. Be compatible with adjacent land use.
3. Conform to established regulations. Even though this district would have mixed uses, each separate use will meet the requirements of similar uses

in other districts. For example, all commercial uses in this district will comply with the commercial regulations as set forth in the Land Use Regulation Ordinance.

- 4. Be binding upon the applicants, their successors and assigns, and shall limit the development to all conditions and limitations established in such plans.

(Ord. No. 13:08/92, § 3, 8-25-1992; Ord. No. 17:05/00, § I, 5-23-2000)

**Sec. 3.12. Nonconforming uses.**

3.1201 Any building existing at the time of enactment or subsequent amendment of this ordinance which is not in conformity with its provision may be continued with the following limitations. Any building which does not conform with this ordinance may not be:

- A. Changed to another nonconforming use.
- B. Re-established after discontinuance for one (1) year.
- C. Extended except in conformity to this ordinance.
- D. Rebuilt after damage exceeding one-half (½) of its fair sales value immediately prior to damage.

3.1202 Any use not enclosed within the confines of a building (such as junkyards, lumber yards, pipe yards) which exists at the time of enactment or subsequent amendment of this ordinance, but is not in conformity with its provisions, may be continued no longer than two (2) years after the enactment of this ordinance. However, such uses may be continued for longer than two (2) years if they are enclosed and screened from view by walls, fences or planting of not less than six (6) feet in height, in a manner prescribed by the Planning Commission.

**Sec. 3.13. Supplementary district regulations.**

3.1301 Sight Distance Lines at Intersections.

The following statements are definitions of the sight distance area.

- A. Sight triangle at intersections of two public streets: On any corner lot, a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of 25 feet along said front and side lot lines and connecting the points so established to form a sight triangle on the area of the lot adjacent to the street intersections.
- B. Sight triangle at the intersection of a public street and a private accessway: Except for single-family residential accessways, the sight triangle shall have sides of fifteen (15) feet along the accessway and twenty-five (25) feet along the public street.
- C. Sight Obstructions: No parking, wall, fence, sign, structure or any plant growth other than grasses shall be placed or maintained within the sight distance area so as not to impede vision between a height of two and one half (2½) feet and ten (10) feet above the center line grades of the intersecting streets and/or drives.

3.1302 Fences, walls and hedges.

There shall be a five foot minimum high solid fence and/or a (10) foot wide planted strip predominantly containing plants, trees and shrubs so planted and maintained as to provide a screen along all lot lines adjoining residential purposes or if the adjoining lot contains a residential use on the first floor level regardless of the zone.

(Ord. No. 16:11/90, 11-27-1990)

3.1303 Signs in the public rights-of-way and flashing signs.

- A. In all zoning districts, private signs are prohibited within the public right-of-way of any street. Any sign erected or placed within the public right-of-way shall be removed within five (5) working days of written notification by certified mail, return receipt requested, sent by the [code] inspector. If the person owning or responsible for placement or erection of the sign(s) fails to remove such sign(s) within five (5)

working days the Department of Public Works may remove the sign(s) at owners or responsible parties expense.

- B. No revolving or rotating beam, beacon of light, or internally illuminated sign which flashes, blinks, or changes in color or intensity shall be used upon the public right-of-way or upon private property so that it is visible from the public right-of-way (with the exception of traffic control lights and those lights temporarily set in place as emergency warning lights).
- C. No exposed reflective-type bulbs and no strobe lights, fluorescent, or incandescent lights exceeding fifteen (15) watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.
- D. Any light or sign [in] violation of this ordinance shall be removed within five (5) days of written notification by certified mail, return receipt requested, to be sent by the [code] inspector. If the person owning or responsible for the placement of the sign(s) fails to remove such sign(s) or light(s) within five (5) days the Department of Public Works may remove or disconnect the sign(s) at the owners, or responsible parties expense. Any person who violates this ordinance shall be guilty of a misdemeanor, and upon conviction, shall be punished with a fine of not less than five hundred dollars (\$500.00), or be [by] imprisonment for not more than thirty (30) days, or both.
- E. The [code] inspector is hereby authorized to enforce all provisions of this ordinance, which shall include the authority to remove or disconnect from electrical power all said violating signs as provided for in this ordinance.

All signs being placed upon the public right-of-way in violation of this ordinance may be confiscated as a danger to the health and safety of the public after notice herein provided for.

F. Screening.

There shall be a six (6) foot high solid fence or a ten (10) foot wide planted strip predominantly containing plants, trees and shrubs so planted and maintained as to provide a screen along all lot lines adjoining residential purposes or if the adjoining lot contains a residential use on the first floor level regardless of the zone.

3.1304 Land rehabilitation.

- A. In all districts where temporary and/or commercial extraction of dirt, soil, clay, sand, gravel or earth may take place according to this ordinance, all excavations must be graded or backfilled.
- B. Backfilling of excavations shall be made with nonnoxious, nonflammable, noncombustible soils; the graded or backfilled area shall not collect and permit stagnant water to remain thereon; the peaks and depressions of the area shall be reduced to a surface which will result in a gently rolling topography in substantial conformity to the land area immediately surrounding in order to minimize erosion due to rainfall; such graded or backfilled area shall be sodded or surfaced with soil of a quality at least equal to the topsoil of the land area immediately surrounding and to a depth of not less than the depth of the topsoil on surrounding land; such topsoil shall be planted with trees, legumes, or grasses, upon the parts of such area where revegetation is possible.

3.1305 Closed landfills/dumps.

A. Identification.

Owners and/or operators of closed landfills/dumps must provide the following information to the Planning Commission:

1. Site location and size.
2. Legal description.
3. Type of waste.
4. Topography and soil type at site.

B. The Planning Commission shall identify and map all closed landfill/dumps and retain a file on each site.

C. Inspection.

The Department of Public Works shall inspect each identified landfill/dump to verify that it is no longer [in] operation and that there are no hazardous situations, such as the generation of methane gas, existing.

D. Public Availability of Records.

A citywide map showing the location and pertinent information of each closed site will be displayed in the Department of Inspections and Zoning Office, the Department of Public Works Office and other appropriate public areas.

E. Recording Information on Plans.

Any person subdividing land containing a closed landfill/dump will show its location and condition to the Planning Commission and the Board of Mayor and Selectmen for approval.

3.1306 General requirements for yards and open space.

A. Every part of a required yard area shall be open to the sky except as follows:

1. Where accessory buildings are specifically permitted in a rear or side yard under these regulations.
2. A roof, gutter, eave, fixed awning, marquee or canopy, attached to a building but having no other support, may project no more than five (5) feet into a required front, side or rear yard, if a minimum distance of two (2) feet remains open to the sky between the farthest projection and the lot lines.
3. A canopy or marquee shall be permitted to extend from the entrance door of any church, school, college, hospital, sanitarium, public building, or educational, religious, or philanthropic institution in any district, or from the entrance door of any

main building in multiple-family residential, commercial, or industrial district. Where a sidewalk and curb exist, the canopy or marquee may extend to within eighteen (18) inches of the curb line. Such canopies or marquees shall not exceed fifteen (15) feet in width or twelve (12) feet in height or be screened or enclosed in any manner and shall provide an unobstructed, clear space between the grade and the bottom of the valance of at least seven (7) feet.

4. Movable awnings may be placed over doors or windows in any required yard, but such awnings shall not project closer than two (2) feet to any lot line or be vertically supported.

B. Where these regulations refer to side streets for corner lots, the side street will normally be the street along which the corner lot has its largest dimensions, but the Director of Inspections and Zoning may be guided by the pattern of development in the vicinity of the lot in question in determining which of the two streets is the side street.

C. More than one main building may be located upon a zoning lot or tract in the following instances:

1. Institutional buildings.
2. Public or semipublic buildings.
3. Multiple-family dwellings.
4. Commercial or industrial buildings.
5. Homes for the aged, nursing homes, convalescent homes, and orphans homes.

The provisions of this exception shall not be construed to allow the location or erection of any main building or portion of a main building outside of the buildable area of lot except as otherwise provided.

D. In the event that a lot is to be occupied by a group of two or more related buildings to be used for residential purposes, there may be more than one main building on

the lot when such buildings are arranged around a court; provided, that said court between buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum width of thirty (30) feet for one-story buildings, forty (40) feet for two-story buildings, and fifty (50) feet for buildings of three (3) stories or more, and in no case, may such buildings be closer to each other than fifteen (15) feet.

- E. Where a court is more than fifty (50) percent surrounded by a building, the minimum width of the court shall be at least fifteen (15) feet for one-story buildings, forty (40) feet for two-story buildings, and fifty (50) feet for three-story buildings. The width of such a court shall be increased by three (3) feet for each additional story over three (3) stories or each ten (10) feet of height over thirty-five (35) feet, whichever requires the greater width of court.

#### 3.1307 Front yards.

- A. Where a right-of-way has been established by the Mayor and Selectmen for the future widening or opening of a street upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line to the building line.
- B. Except as otherwise provided in these regulations, on through lots, the required front yard shall be provided on each street.
- C. Where a lot is located at the intersection of two (2) or more streets, there shall be a yard of ten (10) feet on the side street, provided however, that said front yard on the side street need not exceed the average front yard established by other buildings in the block which fronts on the side street.
- D. Open, unenclosed porches, raised platforms or raised paved terraces not covered by a roof or canopy, and which do not extend above the level of the first floor of a building, or a maximum of five (5) feet

above grade may extend or project into the front or side yard not more than six (6) feet.

#### 3.1308 Side yards.

- A. For the purpose of the side-yard and lot frontage regulations, a two-family, three-family, or four-family dwelling, a group of townhouses, a multiple-family dwelling, electric substation, telephone exchanges, or telephone repeater structures for public utility purposes shall be considered as one building occupying one lot.
- B. A carport, attached to or detached from the main building, may be constructed in a required side yard and may be attached to an enclosed accessory building provided that no wall of such accessory building is less than forty (40) feet from the front lot line nor less than three (3) feet from the side lot line; that every part of the projection of such carport is at least two (2) feet from the side lot line; that the combined length of such carport and accessory building does not exceed forty (40) feet; and that the height of such carport or accessory building does not exceed fourteen (14) feet. A carport attached to the main building shall be unenclosed on the street side and on the side nearest the side lot line; a carport detached from the main building shall be unenclosed on the street side and on both sides approximately paralleling the side lot line.
- C. Where a side yard is not required, but is provided, such yard shall not be less than three (3) feet in width paralleling the side lot line.

#### 3.1309 Rear yards.

- A. Open or lattice-enclosed fire escapes, fire-proof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard are permitted for a distance of not more than five (5) feet.

- B. Where a rear yard is not required, but is provided, such yard shall not be less than three (3) feet in width paralleling the rear lot line.

3.1310 Accessory buildings and structures.

- A. Any accessory building may be built in a required side yard, providing such accessory building is not less than forty (40) feet from the front lot line nor closer than three (3) feet from the nearest interior side lot line. On through lots, an accessory building may be built in a required side yard if no part of such accessory building is less than three (3) feet from the nearest interior side lot line and no portion of such building is located in either required front yard.
- B. Accessory buildings may be built in required rear yards, but such accessory buildings shall not occupy more than twenty-five (25) percent of the required rear yard.
- C. Except as otherwise provided in this ordinance, accessory buildings or structures permitted in a required rear or side yard by this ordinance shall not exceed fourteen (14) feet in height.
- D. Accessory buildings may project from the required rear yard into a required side yard or approximately parallel to an interior side lot line, provided no portion of the accessory building is located more than twenty-five (25) feet from the rear property line.
- E. The combined gross area of all accessory buildings or portions thereof located in required side and rear yards shall not exceed twenty-five (25) percent of the required rear yard area, nor shall more than one accessory building cover any part of a required side yard.
- F. Filling station pumps and pump islands, without canopies or with canopies attached to a main building, may occupy the required yards; provided, however, that pumps, pump islands, and canopies are not less than fifteen (15) feet from property lines.

- G. Accessory swimming pools, open and unenclosed, may occupy a required rear or side yard provided the water's edge is not located closer than four (4) feet to a rear or interior side lot line. Adequate hand holding provisions shall be made for pool entry and exit. Every swimming pool shall be protected by a four (4) foot safety fence. A walk space at least three (3) feet in width shall be provided on two sides or fifty percent (50%) of the exterior of the pool, whichever is greater, between the pool walls and protective fences or barrier walls.
- H. Permitted accessory storage of a boat or boat trailer shall not be conducted in a required front yard.
- I. Power plants, heating or refrigerating plants or apparatus or machinery not a part of the main building and when accessory to permitted uses shall be permitted in the buildable area or required side or rear yards only when so placed and operated as to cause the least inconvenience to owners and tenants of adjoining lots and buildings; and provided that all of the above mentioned activities comply with existing City Building Codes and do not cause serious annoyance or injury to occupants of adjoining premises by reason of the emission of odors, fumes, or gases, dust, smoke, noise or vibration, light, glare, or other nuisances.

3.1311 Noncomplying uses - special use permit.

- A. Cause for Permit - In extreme cases, where zoning renders an existing property unusable, the Planning Commission may recommend and the City may issue a "Special Use Permit" for said property under which a specific noncomplying use is approved for the property.
- B. Procedure - Upon receipt of a request for special use permit along with a schematic plan indicating how the property is to be used (including building expansions, sitework and other pertinent information) and any additional information requested by the Planning Commission, a determi-

nation whether or not to hold a public hearing shall be made. No special use permit may be issued without a public hearing. The noncomplying use shall be one which is deemed to be appropriate and complimentary to the neighborhood and shall be as requested by the property owner or recommended by the Planning Commission and shall be published prior to the public hearing. After a public hearing, the Planning Commission shall make a recommendation to the City to approve or disapprove the permit. The City Board of Mayor and Selectmen shall make the final determination regarding the permit. The permit, if approved, shall specify the particular noncomplying use for which the property has been approved and shall establish any guidelines or other limits viewed as necessary to protect the interest of neighboring property owners.

(Ord. No. 03:06/91, 6-11-1991)

3.13.01 Purpose and Applicability.

- (1) The purpose and intent of this article is to:
  - (a) Assist in providing adequate light and air;
  - (b) Prevent erosion and siltation and aid in the absorption of air pollutants through conservation of trees and other vegetation;
  - (c) Provide visual buffering and enhance the beautification of the City of McComb;
  - (d) Safeguard and enhance property values and protect public and private investment;
  - (e) Provide habitat for living things that might not otherwise be found in the urban environs; and, protect the quality of water resources from future degradation by maintaining vegetative cover and controlling disturbance of vegetation.
- (2) The requirements of this Part shall apply to all uses for which site plan approval is required by this Ordinance.

3.13.02 Protection of Trees in Commercial Developments.

- (1) Intent, It is the intent of this section to minimize the removal of protected trees in commercial developments. It is the further intent of this section to ensure that developers take reasonable measures to design and locate proposed improvements so that the number of protected trees that may be approved for removal is minimized. The design shall especially protect and preserve historic and specimen trees.

- (2) Protected trees.

- (a) The types of trees listed in the Table below are considered protected trees for the purpose of this Development Code.

LIST OF PROTECTED TREES

*Minimum diameter: Eight inches*

- Butternut Hickory
- Shagbark Hickory
- Shellbark Hickory
- Mockernut Hickory
- Green Ash
- Sycamore
- Redbud
- Black Gum (Tupelo)
- White Oak
- Red Oak
- Post Oak
- Willow Oak
- Water Oak
- Shumard
- Sugar Maple
- Red Maple
- Pecan
- Southern Magnolia

- (b) Unless exempt from the provisions of this section, no person shall remove or in any way damage any

- protected tree without first obtaining a permit from the Planning and Development Department.
- (3) Historic and specimen trees.
    - (a) An historic tree is one that is designated by the City of McComb as being of notable historical interest and value due to its association with the physical and cultural development of the City of McComb. Upon identification of an historic tree, the City shall hold a public hearing for designation purposes and due notice provided to the owner of the tree.
    - (b) A specimen tree is one that is designated by the City of McComb as being of high value due to its type, size, age and other relevant criteria. Upon identification of a specimen tree, the City shall hold a public hearing for designation purposes and due notice provided to the owner of the tree.
    - (c) No historic or specimen tree shall be removed without finding by the City of McComb that the tree is a hazard or that it is not economically or practically feasible to develop the parcel without removing the tree.
  - (4) Tree removal procedure. The procedures and standards for review of planned tree removal shall be as follows:
    - (a) Site Plan requirements. Any person desiring to remove trees in connection with, or for the purpose of, the construction or development of a non-residential development including any building addition or accessory building twenty-five percent (25%) or greater in size of the existing principal building on the site, shall first submit a site plan to the Planning and Development Department. The site plan required shall be sufficient to satisfy this requirement provided it contains the following additional information:
      - (i) The site plan shall include the name, address, and telephone number of the land owner and his agent.
      - (ii) Each site plan shall include a generalized tree survey based upon the most current available information. The survey shall show the approximate location, extent and type of protected trees upon the site, including common or scientific names of the major groups of trees. The survey shall indicate which protected trees are intended for removal and/or grubbing and which will be left undisturbed. For nonresidential and multifamily development, the survey may be in the form of an aerial or a field survey, and shall be accompanied by photographs illustrating areas of trees. If site development plans have been prepared, the survey shall be prepared to the same scale or in some other manner which clearly illustrates the relationships between areas of protected trees and proposed site improvements. If site development plans are available, the survey shall be prepared to a convenient scale which clearly reveals the extent of protected trees upon the site.
      - (iii) The site plan and accompanying documents shall be submitted in copies sufficient to administer this review.
      - (iv) The filing of a site plan shall be deemed to extend permission to the City of McComb Planning Department.
    - (b) Review criteria. No site plan shall be approved authorizing the removal of a protected tree unless the developer/owner demonstrates one (1) or more of the following conditions:
      - (i) A permissible use of the site cannot reasonably be undertaken unless specific trees are removed or relocated.

- (ii) The tree is located in such proximity to an existing or proposed structure that the safety, utility, or structural integrity of the structure is materially impaired.
  - (iii) The tree materially interferes with the location, servicing or functioning of existing utility lines or services.
  - (iv) The tree creates a substantial hazard to motor, bicycle, or pedestrian traffic by virtue of physical proximity to traffic or impairment of vision.
  - (v) The tree is diseased, insect ridden, or weakened by age, abuse, storm or fire and is likely to cause injury or damage to people, buildings or other improvements.
  - (vi) The removal of the tree is necessary to promote the growth of surrounding protected trees. Under this provision, the applicant must demonstrate a preference for protecting historic and specimen trees. Trees removed pursuant to this subsection are exempt from tree replacement requirements.
  - (vii) Any law or regulation requires the removal.
- (c) Review procedures. The City of McComb Planning Department shall review each completed site plan and shall render a decision within fifteen (15) working days of acceptance. If no decision is made within the indicated time period, the site plan shall be deemed to have been approved in accordance with the information on the site plan. If the site plan is not approved, the Planning Department shall state in writing the reasons for denial and advise the applicant of any appeal remedies available. For good cause, the Planning and Development Department may request one extension from the applicant of an additional fifteen (15) working days in which to make a determination, provided the extension is requested prior to expiration of the initial fifteen-day period.
- (5) Replacement of removed trees.
- (a) Trees removed pursuant to the provisions of this ordinance shall be replaced at the expense of the developer/owner.
  - (b) Each removed tree shall be replaced with a new tree(s) having a total tree caliper equivalent to that of the removed tree.
  - (c) Single-trunk replacement trees shall be a minimum of 1½-inch diameter at a point 6 inches above the base and a minimum of six (6) feet in overall height.
  - (d) A replacement tree may be a tree moved from one location to another on the site.
  - (e) If the developer/owner demonstrates to the satisfaction of the Planning and Development Department that the site cannot accommodate the total number of required replacement trees as a result of insufficient planting area, the developer/owner shall provide the remaining replacement trees, of species approved by the city planner or an appropriate arborist, at the appropriate planting season to the City of McComb Public Works Department for placement on city or other public property in the City of McComb.
  - (f) Any replacement tree, planted for credit, which dies within one (1) year of planting shall be replaced by a tree of a minimum of one and one-half (1½) inches in diameter and a minimum of ten (10) feet in overall height at the time of planting.

- (6) Protection of trees during development activities.
- (a) Generally, to assure the health and survival of protected trees that are not to be removed, the developer shall avoid the following kinds of tree injuries during all development activities:
- (i) Mechanical injuries to roots, trunk, and branches;
  - (ii) Injuries by chemical poisoning;
  - (iii) Injuries by grade changes;
  - (iv) Injuries by excavations; and
  - (v) Injuries by paving.
- (b) Tree protection zone. A circular tree protection zone shall be established around each protected tree as follows:
- (i) If the drip line is less than six (6) feet from the trunk of the tree, the zone shall be that area within a radius of six (6) feet around the tree.
  - (ii) If the drip line is more than six (6) feet from the trunk of the tree, but less than twenty (20) feet, the zone shall be that area within a radius of the full drip line around the tree.
- (c) Development prohibited within the tree protection zone. All development activities within tree protection zone) shall be prohibited within the tree protection zone provided for any protected trees, including any construction of, buildings, structures, paving surfaces, and storm water retention/detention ponds. All temporary construction activities shall also be prohibited within tree protection areas, including all digging, concrete washing, storage of construction material, and parking of construction vehicles.
- (d) Fencing of tree protection zone. Prior to the commencement of construction, the developer shall enclose the entire tree protection zone within a fence or similar barriers as follows:
- (i) Steel "I" posts shall be implemented in the ground deep enough to be stable and with at least five (5) feet above ground,
  - (ii) The protective posts shall be placed not more than six (6) feet apart, and shall be linked together by a rope, chain, or highly visible woven fabric.
  - (iii) During construction, each tree protection zone shall be clearly identified with two temporary signs that is [are] at least four (4) feet in height and at least 18 inches by twenty-four (24) inches in size.
- (e) Permitted activities within tree protection zone.
- (i) Utility excavation. Excavating or trenching by duly constituted utilities shall be permitted within the tree protection zone, except where the trees are historic or specimen, in which case utility lines shall be tunneled beneath tree roots in order to protect feeder roots.
  - (ii) Sodding and ground cover. Placement of the sod or other ground covers and the preparation of the ground surface for such covers shall be permitted within the tree protection zone.
- (7) Parking reduction for preservation of protected trees.
- (a) A reduction of required parking spaces may be allowed by the Planning and Development Department when the reduction would result in the preservation of a significant tree with a trunk of twelve (12) inches in diameter or greater.
  - (b) The reduction in required parking may be granted only if it will prevent removal of a significant tree that is

located within the area of the site designed as a parking lot area. The reduction in required parking spaces shall not exceed the number of parking spaces required to prevent removal of protected trees, or the number in the following schedule, whichever is less.

<i>Required Parking Spaces</i>	<i>Maximum Reduction</i>
1-4	0
5-9	1
10-19	2
20 or more	10 percent

3.13.03. Parking Lot Landscaping and Screening.

(1) Applicability.

- (a) Perimeter and interior landscaping requirements. The perimeter and interior parking lot landscaping requirements of this section shall apply to off-street parking facilities that:
  - (i) Have ten (10) or more parking spaces; or
  - (ii) Are designed to accommodate vehicles that are larger or smaller than automobiles and are over three thousand five hundred (3,500) square feet in area.
- (b) Perimeter landscaping requirements only. The perimeter parking lot landscaping requirements of this section shall apply to off-street parking facilities that:
  - (i) Have five (5) to nine (9) parking spaces; or
  - (ii) Are designed to accommodate vehicles that are larger or smaller than automobiles and are between one thousand seven hundred fifty (1,750) and three thousand five hundred (3,500) square feet in area.

(2) Perimeter requirements. A 5-foot wide strip of land, located along the front property

line adjacent to the street right-of-way and along all common property lines shall be landscaped. The sidewalk width shall not be counted measuring the perimeter landscape strip,

- (a) Landscape materials. One (1) tree for each fifty (50) feet of linear frontage, or portion thereof, along the right-of-way shall be preserved or planted. Trees planted to meet this requirement shall measure a minimum of 2 inches in diameter at breast height. Twenty percent (20%) of the required landscaping area shall be covered by evergreen shrubs or plants when higher density residential uses are being developed or expanded adjacent to lesser density residential uses that have a minimum mature girth of one and one-half (1½) feet. The remaining area within the perimeter strip shall be landscaped with other landscape materials. A maximum of 20 percent (20%) of the perimeter strip may be covered with cedar chips, gravel, or other nonliving materials.
- (b) Landscape Design. The required trees and shrubs may be clustered or grouped in a natural arrangement within the landscaped area. Depending on the size and spacing of the selected pallet of trees, trees may be located outside of, but adjacent to the landscaped area. Other areas may be included to achieve a specific design intent.
- (c) Corner visibility. Trees and other landscaping required in the perimeter strip shall be maintained to assure unobstructed corner visibility.

(3) Interior Planting Requirement.

- (a) General requirements. At least eight (8) percent of the gross area of the interior parking lot area shall be landscaped. Interior planting areas are to be located within or adjacent to the parking area as tree islands,

at the end of parking bays, inside seven (7) foot wide or greater medians, or between rows of cars or as part of continuous landscaped buffer yards. Interior planting areas shall be located to most effectively accommodate storm water runoff and provide shade in large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic.

- (i) No more than fifteen (15) parking spaces shall be permitted in a row without being interrupted by an interior planting area,
  - (ii) All rows of parking spaces of greater than fifteen (15) parking spaces per singular row shall terminate by a tree island,
  - (iii) Trees shall be required at the minimum ratio of one shade tree for every three thousand five hundred (3,500) square feet of total vehicular use area. All vehicular use areas located within the same block which serve one or more businesses or uses of land or share unified ingress and egress shall be considered as a single vehicular use area for the purpose of computing the required ratio of trees, notwithstanding ownership. Required trees shall be at least ten (10) feet in height and two and one-fourth (2¼) inches in diameter at a point 6 inches above the base.
- (b) Minimum size of interior planting areas.
- (i) A minimum of ninety (90) square feet of planting area shall be required for each new shade tree.
  - (ii) A minimum planting area of one hundred (100) percent of the drip line area of the tree shall be required for all exist-

ing trees. If the applicant can demonstrate that conditions allow that the tree will be preserved with an area less than one hundred (100) percent, lesser area may be negotiated between the applicant and the Planning and Development Department.

- (4) Nonconforming parking lots. When the square footage of a nonconforming parking lot is increased, compliance with this section is required as follows:
- (a) Expansion by 25 percent or less. When a parking lot area is expanded by twenty-five (25) percent or less, only the expansion area must be brought into compliance with this section.
  - (b) Expansion by more than 25 percent (25%). When a parking lot area is expanded by more than twenty-five percent (25%), the entire expansion area shall be brought into compliance with this section. In addition, the preexisting parking lot area shall be brought into compliance with the perimeter parking lot landscaping requirements of this section.
  - (c) Repeated expansions. Repeated expansions of a parking lot area over a period of time commencing with the effective date of this Development Code shall be combined in determining whether the twenty-five percent (25%) threshold has been reached.

3.13.04. Landscaped Buffer Requirements.

- (1) Intent. This section requires landscaped buffers to be provided and maintained when nonresidential uses are being developed or expanded adjacent to residential uses and when higher density residential uses are being developed or expanded adjacent to lesser density residential uses. Landscaped buffers are also required to enhance community appearance and to protect the character of the area. The width of the buffer and the required plant-

ings within the buffer may vary depending upon the relative intensities of the abutting or adjacent uses. The buffer requirements are intended to be flexible and the developer may choose among a number of combinations of buffer width and buffer plantings to satisfy the requirement.

- (2) General Standards. Before a Certificate of Occupancy is issued for any new building or addition or accessory building greater in size than 25% of the principal building or any renovations, improvements or repairs greater in cost than 25% of the value of the building, according to the Pike County Tax Assessor's records, and located within R-PL, B-PO, C-1, C-2, C-PL, I-1, I-PL, S-O Districts to include SOE, SOP, SMU, SOM, SCD and SFP Districts, and which lies adjacent to any lot or lots which are zoned R-80, R-60 or R-50, and, which are occupied or may in the future be occupied by single family dwellings, a screening barrier conforming to the design standards shall be required. Exempt are schools and churches. The Director of the Planning and Development Department may waive the screening requirements for similar low impact uses.

The screening requirements specified above shall also apply to construction within R-PL, B-PO, C-1, C-2, C-PL, I-1, I-PL, S-O Districts to include SOE, SOP, SMU, SOM, SCD and SFP Districts, which lie adjacent to any lot or lots which are zoned R-80, R-60 or R-50.

As a part of conditional and/or site plan approval, screening may also be required where construction of a high impact use, including, but not limited to, correctional facility, truck terminal, intensive amusement business, mini warehouse, warehouse, industry, resource extraction, gas station, automobile repair, wrecker service or salvage yard, is to occur adjacent to a less intensive use, particularly, bank, office, clinic, funeral home, cemetery, personal care business, restaurant, church and school.

- (3) Screening Design Standards. Screening barriers required by (2) above shall consist of a solid board fence six feet in height constructed of western cedar, cypress, redwood, brick, stone or an approved equivalent erected along the entire length of the property line adjacent to the use to be screened. However, no screen shall extend along a side property line any closer to the front property line than fifteen (15) feet, except that screens required to be placed along the front property line may be placed on the front property line and may be interrupted with driveways complying with the standards of this Ordinance. Fence framing members shall not be placed adjacent to the property to be screened. Landscaping in the form of evergreen shrubs may be substituted for the fence, and, if so, shall be a minimum of four (4) feet in height when planted and shall reach a minimum height of six (6) feet within three years of planting. Shrubs planted on berms may have a lesser height provided the combined height of the berm and planting meets or exceeds those specified above. Shrubs shall be planted not greater than four (4) feet apart. Perimeter plantings required for parking lot landscaping may be counted towards satisfying the screening requirements of this Part. Existing trees and shrubs may also count towards satisfying the screening requirements, provided such meets or exceeds the standards specified herein. Alternative screening plans may be submitted during conditional use and/or site plan review and may be approved provided such plan meets or exceeds the standards contained herein.
- (4) Maintenance of Required Landscaping and Screening. Plant materials that have died or are no longer functional shall be replaced at appropriate planting within one year. Plant material shall be maintained in such a manner as to preserve their functional and aesthetic integrity. All landscaped areas shall be provided with an irrigation system or water source within one hundred (100) feet. All trees adjacent

to pedestrian and vehicular spaces shall be maintained so that mature branching occurs at a minimum of seven (7) feet from the ground.

Fences shall be properly maintained. Portions of the fence which have become damaged by reason of wind, fire, decay or for other reasons shall be replaced within thirty (30) days.

(Ord. No. 10:09/04, § I, 9-28-2004)

**Sec. 3.14. Minimum parking requirements.**

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

3.1401 General requirements.

- A. In determining the number of parking spaces required, if such spaces result in fractional parts thereof, the number of spaces required shall be construed to be the next highest whole number.
- B. Whenever a use is increased in floor area or units of service, additional parking spaces shall be provided in amounts specified for the use, if the existing parking space is inadequate to serve the increased activity.
- C. Off-street parking facilities for one- and two-family dwellings shall be located on the same lot or plot of ground as the building served.
- D. Off-street parking facilities for multifamily dwellings containing up to and including eight (8) dwelling units shall be provided on the same lot or plot of ground as the building served.
- E. Off-street parking facilities for multifamily dwellings containing more than eight (8) dwelling units may be located within three hundred fifty (350) feet of the building intended to be served.
- F. Off-street parking facilities for an industry or commercial establishment which

employs three hundred (300) or more employees must be located within three hundred fifty (350) feet of the building or buildings to be served.

- G. Collective off-street parking facilities may be provided; however, such facilities shall be no less than the sum of such facilities as would otherwise be required of each individual use.
- H. Off-street parking requirements for uses not specifically mentioned herein shall be the same as those required for a similar or related nature.
- I. Parking lots or areas adjacent to public streets shall have driveways or curb cuts not to exceed thirty five (35) feet in width at the curb line.
- J. Detailed plans shall be submitted for approval of all curb cuts or driveways in commercial or industrial districts to the Director of Public Works and accepted before any building permit may be obtained therefor.
- K. All parking spaces, drives, and islands shall be surfaced with a bituminous, concrete, or other material approved by the Director of Public Works.

3.1402 Minimum off-street parking requirements.

<i>ZONING DISTRICT</i>	<i>MINIMUM PARKING REQUIREMENT</i>
<i>RESIDENTIAL</i>	
Single-Family - Lot area of more than 10,000 S. F. or greater.	3.0 per dwelling unit.
Single-Family - Lot area of less than 10,000 S. F. or less.	2.0 per dwelling unit.
Single-Family - Attached.	2.0 per dwelling unit.
Multifamily - Studio.	1.25 per dwelling unit.
Multifamily - 1 bedroom.	1.5 per dwelling unit.
Multifamily - 2 bedroom.	1.75 per dwelling unit.
Multifamily - 3 (+) bedroom.	2.0 per dwelling unit.

<i>ZONING DISTRICT RESIDENTIAL</i>	<i>MINIMUM PARKING REQUIREMENT</i>	<i>ZONING DISTRICT RESIDENTIAL</i>	<i>MINIMUM PARKING REQUIREMENT</i>
Apartment.	1 per permanent dwelling unit and/or 1 per each 2 nontransient sleeping rooms.	Limited Office/Research Office and/or research buildings or groups of buildings of similar nature which contain no manufacturing, assembly, warehousing, testing, storage or transfer activities or temporary buildings of any kind.	1 [per] each 350 S.F. of net leasable area.
Cemeteries.	As determined by Director of Inspections and Zoning.	For other permitted uses in such districts parking space shall be provided on the basis of the appropriate category:	
Planned Mixed Land Use Development.	As required for each individual use or as may be determined by the Director of Inspections and Zoning based on the review of project plans and the determination of parking space requirements.	For uses involving public assembly of groups of people for whatever reason.	1 per each 4 seats, based on total capacity.
Public Utility or Public Service Uses.	As determined by the Director of Inspections and Zoning based on the review of project plans and the determination of parking space requirements.	For uses involving institutional functions, medical facilities or similar operations.	1 per each 200 S.F. of gross floor area.
Religious Institutions Churches, Temples, Chapels, etc.	1 per each 4 seats, based on total capacity.	For all other uses which shall be permitted in B/PO districts.	As determined by the Zoning Administrator.
Convents, seminaries, rectories, public houses, other religious uses.	As determined by the Director of Inspections and Zoning based on the review of project plans and the determination of parking space requirements.	<b>HEALTH AND MEDICAL USES</b> Clinics, medical office buildings.	1 per each 175 S.F. of gross floor area.
Tourist Homes.	1 per each unit or room plus 1 for the owner or manager.	Outpatient clinics, outpatient facilities a part of hospitals, medical centers, etc.	1 per each 175 S.F. of gross floor area.
<b>BUSINESS/PROFESSIONAL OFFICE</b>		Nursing homes, sanitariums, convalescent homes, institutions for care of aged, children, etc.	0.5 per bed.

<i>ZONING DISTRICT RESIDENTIAL</i>	<i>MINIMUM PARKING REQUIREMENT</i>	<i>ZONING DISTRICT RESIDENTIAL</i>	<i>MINIMUM PARKING REQUIREMENT</i>
Hospital, medical center, other treatment facility.	1.75 per bed, plus the number required, based on S.F. measurements for office, clinic, testing, research, administrative teaching and similar activities associated with the principal uses, at 1 space per each 175 S.F. of gross floor area except for teaching facilities which shall be 1 per each 4 seats.	Typical uses - all uses permitted in C-2 districts; similar uses as amusement establishments, bicycle sales and repair, blueprinting and photocopy establishments, convention halls, motor vehicle sales, physical culture and health salons, secondhand stores, theatres and accessory uses incidental to such typical uses listed above.	1 per each 400 S.F. of net leasable area as noted below for specific functions: For amusement establishments - 1 per each 300 S.F. of net leasable area; for hotels and motels, 1 per each room plus additional spaces as required for other functions such as bar or restaurant.
<b>COMMERCIAL USES</b>			For motion picture theatres - 1 per each 3 seats.
Local Neighborhood Commercial (C-1) (Service only to adjacent residential areas, for the convenience of residents.) Typical uses - barbershops, beauty shops, currency exchanges, drugstores, dry cleaning receiving stations, florist shops, gift shops, hardware stores, residential dwelling units, home occupations, etc. and accessory.	1 per each 350 S.F. of net leasable area.	Also, other uses such as battery and tire stations, building material sales, bus terminals, contractor or construction yards, laundries, machinery sales, printing establishments, storage, warehousing and similar establishments, trailer sales and rental and special uses as may be permitted.	For Drive-In Banks, and similar uses, 1 per each 350 S.F. of net leasable area plus reservoir space as determined by the Director of Inspections and Zoning.
Automobile service stations and garages for minor repair (excluding body shop, engine repair, painting). Funeral Parlors.	6 spaces for customer vehicles.		For auto laundries, 1 per each employee plus reservoir space for at least 6 times the bay capacity of the facility, with a minimum of 10.
Highway Commercial (C-2) (Service to the general public, normally found in the central business district or in the Business/Professional Office District (B-PO Districts)).	1 per each 350 S.F. of net leasable area.		For uses that include storage, testing, repairing or similar services - 1 per each 700 S.F. plus 1 per each 400 S.F. of office, sales or other space to be used by visitors, customers or salesmen.

<i>ZONING DISTRICT RESIDENTIAL</i>	<i>MINIMUM PARKING REQUIREMENT</i>	<i>ZONING DISTRICT RESIDENTIAL</i>	<i>MINIMUM PARKING REQUIREMENT</i>
	For other uses, as may be established by the Director of the Department of Inspections and Zoning.	Enclosed recreational buildings, specialized facilities and related uses.	As determined by the Director of Inspections and Zoning.
<b>EDUCATION &amp; RELATED USES</b>		Open recreational facilities including camps, youth facilities, training facilities, etc.	As determined by the Director of Inspections and Zoning.
Elementary Schools.	1 per each classroom and each other room used by students.	Gymnasiums, Stadiums, Field Houses, Grandstands, and related facilities.	1 per each 4 seats or spectator spaces equal to 30% of total permitted occupancy.
High Schools.	1 per each classroom and each other room used by students plus 1 for each 10 fulltime students.	<b>INDUSTRIAL USES</b>	
Colleges, Junior Colleges, Technical Schools Universities, etc.	As determined by the Director of Inspections and Zoning.	Light Industrial (I-1) Industrial buildings or groups of industrial buildings of similar nature which contain no heavy manufacturing activity; no storage or use of flammable material; no production of smoke or particulate matter or noxious fumes of any type; no undue noise; no open storage of any materials, components or other items except motor vehicles in operable condition.	1 per each 1,000 S.F. plus 1 per each 350 S.F. of office sales or similar space.
Fraternities, Sororities Dormitories and Related Buildings.	0.5 per bed.	Planned Industrial (I-PL) All uses permitted in I-1 districts plus all other industrial uses except those involving refining, mining, smelting or similar uses; the storage, use or production of hazardous fluids, gases or other products and the production of noxious or toxic fumes or odors.	
School Auditoriums. Gymnasiums, Stadiums, Field Houses, Grandstands and related structures or facilities - if part of a high school, college, university, etc.	1 per each 4 seats. 1 per each 4 seats.		
Public libraries, art galleries, museums and other nonrecreational public facilities.	1 per each 600 S.F. of floor area open to the public.		1 per each 1,000 S.F. plus 1 per each 350 S.F. of office sales or similar space.
<b>RECREATIONAL USES</b>			
Parks, athletic fields, tennis and pool facilities, golf courses, etc.	As determined by the Director of Inspections and Zoning.		
Recreational and community center buildings, recreation clubs, related uses.	Spaces equal to 30% of total permitted occupancy or as determined by the Director of Inspections and Zoning.		

## ARTICLE IV. SUBDIVISION REGULATIONS

### Sec. 4.1. General requirements.

#### 4.101 Definition of subdivision of land.

For the purpose of this ordinance a "subdivision of land" is the division of land into four or more tracts, sites or parcels. Any sale or contract of sale or agreement to purchase any lot or division of land by lot description shall constitute a subdivision of land. Prior to any sale, contract or agreement to purchase and before the delivery of a deed, the submission and approval of a subdivision plan is required in accordance with these regulations. This ordinance shall not apply to land in subdivisions previously legally recorded (except in the case of resubdivision) and the subdivision of land to be used as cemeteries.

#### 4.102 Purpose.

Land subdivision is the first step in the process of community development. Once land has been divided into streets, lots and blocks, and publicly recorded, correction of defects is costly and difficult. Subdivision of land eventually becomes a public responsibility because roads and streets must be maintained and various public services customary to urban areas must be provided. It is therefore in the best interest of the public, the developer, and the future owners of the affected areas that subdivisions be conceived, designed and developed according to adequate minimum standards. The following subdivision standards are designed to provide for the harmonious development of land in the City of McComb City; to secure a coordinated lot layout and facilitate the movement of traffic; and to provide adequate light, air, water and sewer facilities as well as recreation, transportation and communication facilities.

#### 4.103 Jurisdiction.

This ordinance shall govern all subdivision of land within the corporate limits and police jurisdiction of the City of McComb City. Any owner of land within the McComb City limits wishing to subdivide land shall submit plans of

said improvements to the City as detailed below. Any parcel of land whether wholly or partially within the McComb City limits shall be subject to approval by the City for compliance with these subdivision regulations.

### Sec. 4.2. Requirements and standards.

#### 4.201 Zoning.

Any subdivision of land must meet the zoning requirements of the district in which it is located. Where a parcel of land proposed for subdivision falls within more than one zone, the requirements of the more stringent zone shall be applied to the entire parcel.

#### 4.202 Conformity to the future land use plan.

All proposed subdivisions shall conform to the Future Land Use Plan which has been officially adopted by the Board of Mayor and Selectmen.

#### 4.203 Streets.

All streets which are part of a proposed subdivision shall conform to the following standards:

- A. Relation to Adjoining Street System: Proposed new streets shall extend existing streets or their projections at the same or greater width, unless variations are deemed necessary by the reviewing authorities for the reasons of topography or design. Where, in the opinion of the reviewing authorities, it is desirable to provide street access to adjoining property, proposed streets shall extend to the boundary of such property.
- B. Right-of-Way Widths: The minimum width of proposed street right-of-way shall not be less than 90 feet for officially designated major arterial streets or boulevards and fifty feet for minor arterial streets and collector streets with curb and gutter. Collector streets with open ditch surface drainage shall have a sixty foot right-of-way.

- C. Street Intersections: Streets shall be laid out to intersect as nearly as possible to ninety (90) degrees and not less than seventy-five (75) degrees.
- D. Cul-de-sac or Dead-end Streets: Streets designed to have one end permanently closed (cul-de-sac) shall have a turn-around with a minimum right-of-way radius of fifty (50) feet and a minimum driving surface radius of thirty-five (35) feet. A cul-de-sac shall not be more than three hundred feet in length unless approved by the reviewing authorities for specific reasons of topography or design.
- E. Street Names: Proposed streets in alignment with existing and named streets shall bear the names of existing streets. In no case shall the name for the proposed streets duplicate existing street names irrespective of designation of street, lane, boulevard, road, drive, etc.
- F. Street Improvements: Requirements for improvements for proposed streets are as follows:
1. Bases: All streets shall have a minimum of eight inches of compacted gravel or equal in compliance with the most recent specifications of the American Society of Highway and Transportation Engineers.
  2. Paving: All major arterial streets shall be paved with a minimum depth of three and one half (3½) inches of bituminous asphalt placed in accordance with the "Mississippi Department of Transportation Specification SC-1." Pavement depths for minor arterial and collector streets shall be as determined by the Planning Commission on a case-by-case basis. Widths of paving shall be eighteen (18) feet for collector streets, twenty (20) feet for minor arterials and twenty-four (24) feet for major arterials. Where an existing street is to be extended for the development of a

subdivision, the width of the extension shall match or exceed the width of the existing street.

3. Ditches: If curbs and gutters are not provided, ditches shall be provided having at least three to one (3:1) fore slopes and two to one (2:1) back slopes on the property side.
4. Signs: Approved street markers bearing the names of the streets shall be provided and installed at each street intersection in the subdivision.

#### 4.204 City water.

The City water system shall be extended throughout the subdivision to provide water supply to each lot. Pipe and fitting sizes and specifications shall be set forth in the city building codes.

#### 4.205 Drainage.

A surface or subsurface water drainage system shall be a part of every subdivision plan. The drainage system shall provide for adjacent areas that have natural drainage into the subdivision.

#### 4.206 Sewer.

The City sewage system shall be extended throughout the subdivision providing service to each lot. Manholes and cleanouts shall be installed as required by the Director of Public Works. Pipe and fitting sizes and specifications shall be as set forth in the City building codes.

#### 4.207 Utilities.

Provisions shall be made to extend electrical power lines, gas lines and telephone lines throughout the subdivision to service each lot.

#### 4.208 Blocks.

[Blocks] shall not be more than eight hundred feet in length.

#### 4.209 Lots.

Each lot must front upon a street which is connected with the public street system. The minimum lot width and area shall conform with the requirements set forth in Article 3 of

this document. Side lot lines shall be at right angles to straight street lines or radial to curved lines.

#### 4.210 Public use and service areas.

- A. Sidewalks: The Board of Mayor and Selectmen, or their duly authorized representative, may require sidewalks under such terms and conditions as may be specified by the governing authorities of the City. Sidewalks shall be installed prior to occupancy of the site for its intended use.
- B. Green Space: Subdivisions five acres or larger shall provide five percent of the land area (not including street right-of-way) for public access as approved by reviewing authorities. Said green spaces shall be maintained by the City of McComb Department of Parks and Recreation.

#### 4.211 Variances.

Where a subdivider can show that a provision of these general requirements and minimum standards of design would cause an unnecessary hardship and where, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of this Article, the Planning Commission may recommend that the Mayor and Selectmen grant a variance. Any variance thus authorized is required to be entered into writing in the minutes of the Mayor and Selectmen. The reason which justified the departure shall also be set forth.

### Sec. 4.3. Submittal requirements.

#### 4.301 Preliminary plan requirements.

Preliminary plans shall include the following information:

- A. Outline Specifications: This document shall include names of owners of all property included in the subdivision plans, the proposed method for financing the project, a general description of the project and a written outline of the general specifications for all proposed improvements.
- B. Plat: A scale drawing of the entire property proposed with bearings and distances, corner points, north arrow, scale, ownership of the subject property and the names of adjacent property owners. The plat shall be stamped by a registered land surveyor. Township, Range and Section line shall also be indicated on the drawing.
- C. Legal Description of Property: A written legal description of all property included in subdivision.
- D. Topographic Drawing: This drawing shall show existing topography in five foot increments. The scale shall be 1" = 100' or larger.
- E. Preliminary Plan: The Preliminary Plan shall be drawn at the same scale as the topographic drawing. The Preliminary Plan shall indicate the location of the streets, lots, easements, utilities and all significant improvements proposed for subdivision development. Locations of floodplains and proposed green spaces shall be delineated in the Preliminary Plan. Proposed staging of the subdivision improvements shall also be indicated on the preliminary plan.
- F. Additional Information: Additional information may be requested by reviewing authorities if needed to fully describe proposed subdivision.

#### 4.302 Final plan requirements.

- A. Project Description: A written description of the project shall include names of owners of all property included in the subdivision plans, proposed method for financing the project, the names of the financing institutions to be utilized for construction and long term financing and a general description of the project including the proposed staging of construction.
- B. Specifications: Complete written specifications shall be provided for all work to be performed. The specifications shall be prepared in the Construction Specifications Institute (CSI) format indicating all ma-

terials and methods of constructions and be prepared by a licensed design professional (engineer, architect, or landscape architect).

- C. Final Plans: Complete plans and detailed drawings shall be prepared which fully describe all work to be performed. Final plans shall be prepared by a licensed design professional as indicated above. All plans shall be at a scale of 1" = 100' or larger and shall indicate topography at one (1) foot increments showing all earth work, demolition and new work with detailed drawings as required. Scale of detailed drawings shall be sufficient to show all design components. The location of utilities, water, sewer, storm drains, curbs and gutters, fire hydrants, valves, catchbasins, manholes and all other amenities shall be shown on final plans in sufficient detail for construction thereof. Connections to existing utility and infrastructure systems shall also be shown on the final subdivision plan.

4.303 Submittal and review of preliminary plans.

The Developer shall submit (7) seven copies of the preliminary subdivision plan to the Director of Planning and Development. The director will forward one set each to the reviewing authorities listed below and one set to the Board of Mayor and Selectmen and shall retain one set of plans. Each reviewing authority and the Director of Planning and Development shall submit their recommendations to the Board of Mayor and Selectmen within sixty (60) days of receipt of submittals by the Director of Inspections and Zoning.

- A. Reviewing Authorities: The following persons shall review and make recommendations to the City Board:
  1. City Planning Commission
  2. [Code] inspector
  3. Director of Public Works
  4. Health Department
  5. Director of Public Safety

6. Director of Inspections and Zoning

- B. Action Taken: The Board of Mayor and Selectman shall either approve, approve with recommended changes or reject the preliminary plans within sixty (60) days of receipt of recommendations from all reviewing authorities. Approval with recommended changes or rejections of preliminary plans will require resubmittal of final plans in accordance with 4.305 below.

4.304 Submittal and review of final plans.

Upon approval of preliminary plans, and within 12 months of said approval, the Developer shall prepare final plans as defined in 4.302 above and submit seven sets to the Director of Inspections and Zoning. The same reviewing authorities listed in 4.303 above shall review final plans and make recommendations to the Board of Mayor and Selectmen within ninety (90) days of receipt by the Director of Planning and Development of final plans. A substantial deviation from preliminary plans or delay of submittal beyond the 12-month period may constitute reason for rejection of plans.

- A. Action Taken: The Board of Mayor and Selectmen shall either approve, approve with recommended changes or reject the final plans within ninety (90) days of receipt of recommendations from all reviewing authorities. Approval with recommended changes and rejection of final plans will require resubmittal of final plans in accordance with 4.305 below.
- B. Sale of Lots: The Developer shall not sell any lots in the proposed development until all proposed improvements have been installed or until a bond issue has been posted with the City Clerk in an amount sufficient to assure the completion of the required improvements.

4.305 Resubmittal and review, conditional approval or rejected plans.

In the event that preliminary or final plans are approved with recommended changes or are rejected, the plans will be revised and

resubmitted to the Director of Inspections and Zoning for review. The timetable and process shall be the same for resubmittal as for the first submittal except that in the event of conditional approval, only the reviewing authorities which previously recommended changes will be required to make recommendations for resubmittals of subdivision plans.

**Sec. 4.4. Resubdivision requirements.**

4.401 General requirements.

All plans for the resubdivision of lots in an existing subdivision of the City of McComb must meet the requirements of this section and any other special provisions which the Board of Mayor and Selectmen deem necessary to insure the health, welfare and safety of the community. Any resubdivision and the lots resulting therefrom must meet the requirements of the zoning district in which the property is located. The property to be resubdivided shall not conflict with any title restrictions presently recorded in the office of the Chancery Clerk of Pike County. All resubdivided parcels or lots shall have access supplied by either a public dedicated right-of-way or by private easement supplied in perpetuity.

**Sec. 4.5. Penalties.**

Whoever, being the owner or agent of the owner of any land located within a proposed subdivision, transfers or sells or agrees to sell any land by reference to or exhibition of or by other use of a plan of a subdivision, before such plan has been approved by the Board of Mayor and Selectmen and recorded or filed in the office of the Chancery Clerk of Pike County, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of one hundred dollars. Each conveyance shall constitute a separate offense and the description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from such penalties herein provided.

**ARTICLE V. MODIFICATIONS AND EXCEPTIONS**

**Sec. 5.1. Transition uses.**

Wherever the side of any lot of record in a residential district abuts on a business, commercial or manufacturing district or whenever any lot of record in a residential district is located directly across the street from a business, commercial or manufacturing district, a transitional use may be allowed. Transitional uses shall include businesses and professional offices as provided for Section 3.5 (B-PO District) of this ordinance with the following limitations:

- A. Buildings shall be compatible to surrounding residential area and approval of Director of Inspections and Zoning is required.
- B. The yard requirements of the district in which the building is located must [be] maintained.
- C. Off-street parking shall be provided as required under Section 3.13 of this ordinance.

**Sec. 5.2. Lot of record.**

If a lot in a residential district is so small or narrow or shallow that it is not feasible or practicable to meet the yard or lot size requirements of the zoning district in which it is located, then the [code] inspector in his discretion may permit a single-family dwelling and its accessory buildings to be erected on any such lot of record or parcel of land which became legally established and defined by deed or act of sale before the passage of this ordinance.

**ARTICLE VI. ADMINISTRATION AND ENFORCEMENT**

**Sec. 6.1. Agenda preparation.**

It is the intent and desire of the City of McComb City to provide citizens an opportunity to bring matters to the attention of the City Plan-

ning Commission by placing the subject matter on the official agenda for Planning Commission Meetings.

6.101 Policy.

This policy and procedure is authorized pursuant to McComb City Ordinance, which allows the City Planning Commission to make its own rules of procedure. This procedure was adopted by the City Planning Commission on January 14, 1985.

It is the desire of the City to provide an orderly method of receiving and organizing material pertaining to the business affairs of the City Planning Commission so that an official agenda can be prepared for each regular meeting of the City Planning Commission.

Any person, including the members of the City Planning Commission, making a request to appear or have matters discussed before the Planning Commission shall comply with the following procedures. The form prescribed for requesting to place an item on the agenda of the City Planning Commission Meeting shall be available in the office of Inspections and Zoning and the Director of Administration's Office.

6.102 General Requirements.

A. Requests to Place an Item on the Agenda.

1. A request must be made in writing on the proper form on or before 5:00 p.m. the Tuesday prior to the next regular Commission Meeting. Forms will be provided by the City upon request. Requests received after the above deadline shall appear on the next agenda for a regularly scheduled meeting of the City Planning Commission[, which] meets on the third Monday of each month.
2. A request made in person shall be made during normal daytime business hours (8:00 a.m. to 5:00 p.m.) in the Director of Inspections and Zoning's Office located in City Hall. A request may be also made by mail.

Each request shall be clear and concise and shall include only one (1) subject matter.

3. The date of the request shall be the date the request is received by the Planning Commission's Secretary. The Planning Commission's Secretary shall see that each request bears the date and time of its receipt in a prominent place.
4. The requestor shall provide copies of any attachments or written material with each request submitted to the Planning Commission's Secretary no later than 5:00 p.m. on the Tuesday before the next regular Commission Meeting.
5. The Planning Commission Secretary shall advise each requestor the date the item will be placed on the agenda of the Planning Commission or respond in writing within three (3) working days if the request is denied. The reasons for any such denial shall be given and a copy of the denial shall be kept and maintained as a part of the records of the City Planning Commission for a period of one (1) year.

6.103 Public access to agendas of meetings of the commission.

- A. The Planning Commission Secretary shall make the agenda of meetings of the Commission available to the public on Friday at 8:00 a.m., prior to the regular meeting of the Commission.
- B. The Planning Commission secretary shall insure that sufficient copies of the agenda are available to the public.

6.104 Exceptions.

- A. No matters other than those listed on the agenda will be discussed or acted on by the City Planning Commission unless there is a motion passed by a majority of the Planning Commission members allowing such discussions and actions.

**Sec. 6.2. Enforcement.**

6.201 Building permit and certificate of occupancy.

This ordinance shall be enforced by a [code] inspector appointed by the governing body of the City of McComb City, Mississippi. No land or structure shall be changed in use and no structure shall be erected, altered, or moved until the building permit certifying that the plans and intended use of land, buildings and structures are in conformity with this ordinance. No land or structure hereafter erected, moved, or altered in its use shall be used until the [code] inspector shall have issued a certificate of occupancy as required by Section 6.202. Applications for permits under the provisions of this section shall be accompanied by a plan drawn to scale showing actual dimensions of the lot to be built on; the size, shape, and location of the building to be erected; the estimated cost thereof; and such other information as may be required by the [code] inspector insuring proper enforcement of this ordinance.

6.202 Certificate of occupancy for change in use.

Subsequent to the effective date of this ordinance no change of use or occupancy in an existing building shall be made, nor shall any new building be occupied until a certificate of occupancy has been issued by the [code] inspector. Every certificate of occupancy shall state that the new occupancy complied with all provisions of this ordinance. No permit for the erection of alteration of any building shall be issued before the application for a certificate of occupancy has been approved. No building or premises shall be occupied until such certificate and permit is issued.

**Sec. 6.3. Penalties.**

Any person, corporation, partnership or association of persons violating any provisions of this ordinance shall be guilty of [a] misdemeanor, and upon conviction shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or be confined for not more than ninety (90) days in jail for each offense. In case any building or structure is erected,

constructed, reconstructed, altered or repaired in violation of this ordinance or in violation of the plan showing the proposed lot and building to be erected thereon, the [code] inspector, in addition to any other remedies, may institute appropriate action or proceedings in the name of the City of McComb City to prevent and prohibit such unlawful erection, construction, reconstruction, alteration or repairs. Each day such violation continues shall constitute a separate offense.

**ARTICLE VII. APPEALS**

**Sec. 7.1. Board of adjustment.**

7.101 There shall be a Board of Adjustment, consisting of five (5) members, who shall be qualified voters. All members shall be appointed by the Board of Mayor and Selectmen to serve for five (5) year staggered terms. All members shall be removable for cause upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The Board shall elect its own chair, who shall serve for one (1) year.

7.102 The Board shall adopt rules in accordance with the provisions of this ordinance. Meetings of the Board shall be held, at the call of the chair, and at such other times as the Board may determine. The Board shall keep minutes of its proceedings, showing the votes of each member upon each question.

7.103 Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer of the City of McComb affected by any decision of the [code] inspector.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

**Sec. 7.2. Powers of board.**

The powers of the board of adjustment shall be:

7.201 To interpret the land use regulation ordinance.

- A. To hear and decide the appeals where it is alleged there is an error in any requirement, decision, or determination made by the [code] inspector or in the enforcement of this ordinance.
- B. To interpret the provisions of this ordinance in such a way as to carry out the intent and purpose of the ordinance with regard to the official zoning map.

7.202 To Permit the following two (2) variances:

- A. Vary the yard regulations where there is an exceptional or unusual physical condition of a lot when related to the yard regulations of this ordinance would prevent a reasonable or sensible arrangement of buildings on the lot.
- B. Extensions and enlargements to existing buildings and structures being utilized for nonconforming uses, provided that the total of such extensions or enlargements shall not exceed fifty percent (50%) of the total area of the existing principal structure. Proposed extensions or enlargements shall not infringe on the side, front and rear yard requirements for the particular district in which the nonconforming use is located. The Board of Adjustment shall first find that such extensions and enlargements will not be detrimental to and will not alter the character of the neighborhood.

7.203 The Board shall not be authorized to grant variances in the use of land or to take any other action which would result in change in the zoning district boundaries. The Board shall always act with due consideration to promoting the public health, safety, convenience, and welfare, encouraging the most appropriate use of land and conserving property value, shall permit no building or use detrimental to a neighborhood, and may prescribe appropriate conditions and safeguards [which] may include, among other things, provisions for the screening of parking areas by walls, fences and planting and other such measures.

7.204 In exercising the powers mentioned above, the Board of Adjustment may vote by majority to affirm or deny any request for variance in a public hearing. Every change granted or denied by the Board shall be accompanied by a written finding of fact, based on testimony and evidence, specifying the reason for granting or denying the variance.

Any person applying to the Board of Adjustment, or taking an appeal to the board of adjustment for permission to vary from the provisions of this ordinance, shall pay a fee of twenty-five dollars (\$25.00) to the [code] inspector at the time of making said application or appeal, and shall pay for the advertising and other costs of such application or appeal.

The [code] inspector shall keep records of all such appeals or applications and of all fees paid therefor and shall transmit all of such fees collected to the City Clerk for deposit to the general fund of the City of McComb City.

### ARTICLE VIII. AMENDMENT

#### Sec. 8.1. Amendment.

The Board of Mayor and Selectmen may, from time to time, on its own motion or on petition, after public notice and hearing, amend the districts and the regulations established therefor in accordance with the provisions of section 3594, Mississippi Code (MCA 1972, § 17-1-17). In case a protest against such change is signed by the owners of twenty (20) percent of either the area of the lots included in such proposed change or of those immediately adjacent to the rear thereof, extending one hundred sixty (160) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of two-thirds (2/3) of all of the members of the legislative body of this [city].

Every proposed amendment shall be first referred to the Planning Commission for report, and any amendment that has failed to receive the approval of the Planning Commission shall not be passed by the governing body except by the affirmative vote of two-thirds (2/3) of the legislative body of the [city].

**ARTICLE IX. DEFINITIONS**

**Sec. 9.1. Purpose.**

The purpose of the following definitions is to further clarify the terminology used in the McComb Land Use Regulations Ordinance. Section 9.2 includes definitions related to Zoning and Section 9.3 defines terms for Subdivision of Land.

**Sec. 9.2. Zoning definitions.**

For the purpose of this ordinance certain words or terms used herein shall be defined as follows:

9.201 Accessory building, accessory structure or uses. An "accessory building, accessory structure or use" is one which:

- A. Is subordinate to and serves a principal building or principal use;
- B. Is subordinate in area, extent or purpose to the principal building or principal use served;
- C. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served;
- D. Is located on the same zoning lot as the principal building or principal use served with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than the same zoning lot with the building or use served;
- E. Occupies not more than five percent (5%) of the area of the lot on which the main building is situated and which is not higher than the principal building and in residentially zoned districts shall not exceed twenty (20) feet in height.

An "accessory use" in business or commercial zoning districts includes, but is not limited to, storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by the district regulations.

- F. A home occupation is a necessary use subordinate to and incidental to the primary use of the premises. For the purpose

of this ordinance, it includes such uses as the office of a physician or other professional person and activities such as dress-making or tailoring; providing such occupations meet the following requirements:

- 1. Only one (1) nonilluminated sign no larger than one (1) square foot in area shall be used;
- 2. Nothing shall be done to make the building appear in any way as anything but a dwelling;
- 3. No business such as a shop or store shall be conducted upon the premises.
- 4. Not more than one (1) assistant or employee shall be employed from outside the resident family;
- 5. Mechanical equipment used shall be only normally used in, or found in, a single-family dwelling.

Provided, however, that for the purpose of this ordinance, beauty shops and barbershops are home occupations.

9.202 Terms used herein shall be defined as follows:

**Alley.** A narrow thoroughfare upon which abut generally the rear of premises or upon which service entrances of buildings abut and which is not generally used as a thoroughfare by pedestrians or vehicles, and which is not used for general traffic circulation or which is not in excess of thirty (30) feet in width at its intersection with a street.

**Amusement Center.** Any indoor place or enclosure [in] which is maintained or operated for the amusement, patronage, or recreation of the public any coin-controlled amusement device of any description, commonly known as video games, pool or billiards, and pinball amusement games.

**Apartment.** One (1) or more rooms in an apartment building or combination apartment and commercial buildings, ar-

ranged, intended, or designed or occupied as a dwelling unit of a single family, an individual, or a group of individuals.

**Apartment Building.** A multiple-family dwelling originally designed and constructed to accommodate five or more apartments, designed with more than one dwelling unit connected to a common corridor or entranceway in contrast to single- or two-family dwellings converted for multiple-family use or attached row dwellings (party-wall type) as defined herein.

**Arcade.** A continuous area at ground level open to a street or plaza, which is open and unobstructed to a height of not less than twelve (12) feet, and which is accessible to the public at all times. Any portion of an arcade occupied by building columns, landscaping, statuary, or pools shall be considered to be part of an arcade for the purpose of computing a floor area. The term "arcade" shall not include off-street loading areas, driveways, off-street parking areas, or pedestrian ways accessory thereto.

**Area.** Synonymous with the word "tract" which is "a piece of land capable of being described with such definiteness that its location may be established and boundaries definitely ascertained."

**Automobile Body Shop.** Any building, or portion thereof, used for the repair or straightening of a motor vehicle body or frame, and/or painting of motor vehicles. Maintenance, service and engine repair may be performed as an ancillary function to the body work.

**Automobile Service Station.** Any building, land area, or other premises, or portion thereof, used or intended to be used for the retail dispensing or sale of vehicular fuel.

**Billboard and Poster Panel.** Any structure affixed to the surface of the land or to any building, tower, or other structure designed, arranged, used, or intended to be used exclusively for outdoor advertis-

ing and which is rented, leased, or otherwise used in outdoor advertising where a consideration is charged.

**Block.** A tract of land bounded by dedicated streets, which has been subdivided for building development.

**Board of Adjustment.** Refers to the Board of Adjustment established in Article 7.

**Board Of Mayor and Selectmen.** Elected representatives of the designated voting districts of the City of McComb City.

**Buildable Area.** The space remaining on a zoning lot after the minimum open space requirements and environmental standards of this ordinance have been complied with.

**Building.** A permanent structure having a foundation, and a roof supported by columns or walls, for the enclosure of persons, animals, chattels or moveable property of any kind. When said structure is separated by division walls from the ground up and without openings, each portion of such structure shall be deemed as a separate building.

**Building Area.** A maximum horizontal projected area of a building and its accessory buildings, excluding only cornices projecting not more than twenty-four (24) inches, open steps and terraces.

**Building, Completely Enclosed.** A "completely enclosed building" is a building separated on all sides from the adjacent open space, or from other buildings or other structures by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

**Building, Detached.** A building surrounded by open space, said open space being on the same zoning lot as the building.

**Building Line.** A line formed by the outer face of the closing wall of a building, structure or portion thereof and the surface of the ground.

**Building Setback Line.** The distance between the building line and the street line in a district, lot, tract, or parcel of land.

**Building, nonconforming.** See Nonconforming building.

**Building, Principal.** A building in which the principal use of the lot on which it is located is conducted.

**Building, Temporary.** A structure without a foundation, having a roof supported by columns or walls for the enclosure of persons, animals, chattels or moveable property of any kind.

**Bulk.** The term used to describe the size of buildings or other structures, and their relationships to each other and to open areas and lot lines, and therefore includes: (a) the size of buildings or other structures, and (b) the area of the zoning lot upon which a residential building is located, and (c) the number of dwelling units or rooms within such building in relation to the area of the zoning lot, and (d) the shape of the buildings or other structures in relation to other walls of the same building, to legally required windows, or to other structures, and (e) all open areas relating to buildings or other structures and their relationship thereto.

**Business.** The word "business" or the word "commerce" when used in this ordinance means engaging in the purchase, sale, barter, or exchange of goods, wares, or merchandise; or the maintenance or operation of offices or recreational or amusement enterprises.

**Campground.** Any area or tract of land used to accommodate two (2) or more camping parties, including cabins, tents, house trailers, or other camping outfits.

**Church.** A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

**Clinic.** An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of physicians practicing medicine together.

**Clinic or Medical Center.** An establishment where patients are admitted for treatment by two or more licensed physicians and their professional associates, practicing medicine together, with the treatment or care in the building limited to periods of less than 48 total hours in any week.

**Club.** Buildings, and facilities owned and operated by a corporation or association of persons for social or recreational purposes, but not operated primarily for profit or to render a service which is customarily carried on as a business.

**Commission.** Planning Commission of The City of McComb City.

**Community Center.** A building designed to serve as the social center of a town, district, etc.

**Compatible Use.** A use which is capable of existing in harmony with other uses situated in its immediate vicinity.

**Conditional Use.** A use which may be permitted in a district either through the granting of a special exception specifically listed in this ordinance or through the Board of Mayor and Selectmen that the use meets special conditions.

**Conversion.** The changing of use or occupancy of a dwelling by alteration or by other reorganization so as to increase the number of families or dwelling units in a structure.

**Corner Lot.** A lot in the junction of and fronting on two or more intersecting streets.

**Court.** On a lot having more than one (1) dwelling unit, an open unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bound on two (2) or more sides by such building or buildings.

Coverage. That percentage of the plot or lot area covered by the building area.

Dancehall. A cafe, restaurant or other place where dancing is done to music provided by record player, other sound amplification system or orchestra.

Day Care Center. A child care facility (not a residence) which provides shelter and personal care for six (6) or more children under the age of thirteen (13) during all or part of the day.

Day Care Home. An owner-occupied residence which receives not more than fifteen (15) children under the age of thirteen (13) for care during all or part of the day. The maximum of fifteen (15) children shall include the natural or adopted children [who are] occupants of the premises under thirteen (13) years of age.

(Ord. No. 03:03/93, 3-23-1993, § 2)

Depth of Rear Yard. The mean horizontal distance between the rear line of the buildings and the centerline of the alley, where an alley exists, otherwise the rear lot line.

Development, Cluster. A "cluster development" is a planned development or subdivision of a tract of land into residential lots.

District. A part of the City wherein regulations of this ordinance are uniform.

Driveway. That space specifically designated and reserved on the site for the movement of vehicles from one site to another or from a site to a public street.

Dwelling. A building or portion thereof, but not including a house trailer or mobile home, designed or used exclusively for residential occupancy, including one-family dwelling units, two-family dwelling units and multiple-family dwelling units, but not including hotels, boarding or lodging houses.

Dwelling, Attached (Group [Houses], Row [Houses], or Townhouses). A building, or a portion of a building, containing

three (3) or more dwelling units joined by a party wall or walls provided those dwellings are not either straight above or below a dwelling intended for use by another separate, independent family. Permitted dwelling units above commercial establishments will be exempt from this definition.

Dwelling, Converted. Any building which was originally designed and constructed as a one-, two-, or three-family dwelling, but which has been changed or altered by the construction of additional dwelling units to provide for more families than the original buildings.

Dwelling, Detached. A dwelling entirely surrounded by open space, said open space being on the same zoning lot as the dwelling.

Dwelling, Multiple-Family. A dwelling containing three or more dwelling units designed with more than one dwelling unit connecting to a common corridor or entranceway, originally constructed for said purposes, and not including converted dwellings or attached row dwellings (party wall type) as defined herein.

Dwelling, Semi-Detached (Duplex). A dwelling unit joined to one other dwelling unit by a party wall.

Dwelling, Single-Family. A building containing accommodations for and occupied by one family only.

Dwelling, Two-Family. A building designed exclusively for occupancy by two (2) families living independently of each other.

Dwelling Unit. One (1) or more rooms in a dwelling or apartment-hotel designed for occupancy by one (1) family for living purposes and having its own permanently installed cooking and sanitary facilities.

Educational Institution. Public, parochial, charitable, or junior college, college, or university, other than trade or business schools, including instructional and recreational uses, with or without living quar-

ters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees.

Establishment, Business. A separate place of business having the following characteristics:

- A. The ownership and management of all operations conducted within such establishment are separate and distinct from the ownership and management of operations conducted within other establishments of the same or adjacent zoning lot.
- B. Direct public access to such "business establishment" is separate and distinct from direct access to any other "business establishment."

Family. An individual, or two or more persons related by blood, marriage or adoption, or a group of not more than three persons (excluding servants), not related by blood, marriage or adoption, living together as a single house-keeping unit in a dwelling unit, but not including sororities, fraternities or other similar organizations.

Fence, General. A structure used to delineate a boundary or as a means of confinement.

Fence, Solid. A fence having a regular pattern of between ten (10) and fifty (50) percent open area throughout the length of the fence.

Final Development Plan. The plan that is the basis for the [code] inspector to issue a special building permit for a Planned Development.

Floor Area (For Determining Floor Area Ratio). For the purpose of determining the floor area ratio, the "floor area" of a building is the sum of the gross horizontal area of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The "floor area" of a building shall include basement floor area when more than one-half ( $\frac{1}{2}$ ) of

the basement height is above the established curb level or above the finished lot grade level where curb level has been established, elevator shafts and stairwells at each floor, floor space used for mechanical equipment except equipment, open or enclosed, located on the roof-penthouses, attic space having headroom of seven (7) feet, six (6) inches or more, interior balconies and mezzanines, enclosed porches and floor are devoted to accessory uses. However, any space devoted to off-street parking or loading shall not be included in "floor area." The "floor area" of structures devoted to bulk storage or materials—including, but not limited to, grain elevators and petroleum storage tanks—shall be determined on the basis of height in feet; i.e., ten feet in height shall equal one floor.

Floor Area, Gross (GFA) (For Determining Off-Street Parking and Loading Requirements). "Floor Area" is the sum of the gross horizontal areas of the several floors of a building or structure measured from the interior faces of the interior walls or from the interior line of walls separating two (2) buildings or structures, including the following. The "floor area" of a building shall include:

- A. Floor area of the basement if it is not used for other than storage except as required for (g) below.
- B. Penthouses.
- C. Attics having headroom of seven (7) feet or more.
- D. Interior balconies and mezzanines.
- E. Enclosed process.
- F. Space devoted to accessory uses.
- G. Accessory storage areas located within selling or working spaces such as counters, racks or closets, or storage use in the conduct of business or use and calculated in the gross leasable area for multitenant buildings.

- H. Space devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

It shall not include:

- A. Elevator shafts and stairwells on each floor.
- B. Floor space used for mechanical, telephone and electrical equipment.
- C. Attics having headroom of less than seven (7) feet.
- D. Areas used for storage except as required by (g) above.
- E. Space devoted to off-street parking or loading facilities.
- F. Entrance lobbies.
- G. Washrooms intended for general public use.

**Floor Area Ratio (F.A.R.).** The "floor area ratio" of the building or buildings on any zoning lot is the floor area of the building or buildings on that zoning lot divided by the area of such zoning lot, or for planned developments, by the net site area.

**Frontage.** "Frontage" is all the property fronting on one side of a street between the two nearest intersecting streets, measured along the line of the street, or if dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

**Funeral Home.** A dwelling or other structure used and occupied by a professional licensed mortician for burial preparation and funeral services.

**Garage, Bus.** Any building used or intended to be used for the storage of three or more passenger motorbuses or motor coaches used in public transportation, including school buses.

**Garage, Private.** A detached accessory building or portion of the main building, designed, arranged, used or intended to be used for the storage of passenger automobiles of the occupants of the premises.

**Garage, Public.** A building other than a private garage, used for the care, incidental servicing and sale of automobile supplies, or where motor vehicles are parked or stored for remuneration, hire or sale within the structure, but not including trucks, tractors, truck-trailers and commercial vehicles exceeding one and one-half tons capacity.

**General Terms.** The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as individual. The present tense includes the future. The singular includes the plural and the plural the singular. The word "shall" is mandatory; the word "may" is permissive. The words "used" or "occupied" include the words "intended," "designed," or "arranged," to be used or occupied.

**Golf Course.** A comparatively large unobstructed acreage involving enough room over which to walk or ride, point to point, over a generally prescribed course, and to strive to send a ball long distances with variable accuracy, all without unreasonably endangering other players or intruding upon them.

**Grade, Street.** The elevation of the established street in front of the building measured at curb level at the center of such front. Where no street grade has been established, the Director of Public Works shall establish such street grade or its equivalent for the purpose of this ordinance.

**Height of Building.** The vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building at the highest point of the front. Where a building is located upon a terrace or slope, the height shall be measured from the average grade at the front of the building.

**Historical District.** Any area which contains improvements which: (a) have a special character of special historical or aesthetic interest or value; and (b) repre-

sent one or more periods or styles of architecture typical of one or more eras in the history of the City; and (c) cause such area, by reason of such factors, to constitute a distinct section of the City; and (d) has been designated as a historic district.

**Home for the Retired.** An establishment operated for the purpose of providing domiciliary care for a group of persons who by reason of age are unable to provide such care for themselves and who are not in need of medical or nursing treatment except in the case of temporary illness.

**Home Occupation.** Any activity or accessory use conducted in a dwelling unit for financial gain by a member of the household residing therein which is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

**Home Occupation or Profession.** Any use customarily conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

**Hospital or Sanitarium.** An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for not less than 24 hours in any week, of three or more nonrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions. The term "hospital" as used in this ordinance does not apply to institutions operating primarily for treatment of insane persons, drug addicts, liquor addicts or other types of cases necessitating restraint of patients and the term "hospital" shall not include convalescent, nursing, shelter or boarding homes.

**Hotel.** A building in which lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby

or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boarding-house, a lodging house, or an apartment house, which are separately defined.

**Incompatible Use.** A use which is incapable of existing in harmony with other uses situated in its immediate vicinity.

**Institution.** A nonprofit corporation or a nonprofit establishment for public use.

**Institutional Housing.** Any structure or building which is owned and/or operated by a public or private institution and is used for or intended to be used for rehabilitative programs, shelter programs, and/or special housing for mentally or physically handicapped persons, where the occupants are allowed to interact with the community while in residence. Institutional housing shall be allowed only when licensed by the appropriate state and/or local agency and under such terms and conditions which the Board of Mayor and Selectmen deem necessary to protect the occupant and the surrounding area.

**Intersecting Street.** Any street or public way or court, thirty (30) feet or more in width which joins another at an angle, whether or not it crosses the other.

**Junkyard.** Any parcel of land where waste, scrap metal, paper, rags or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including auto and building wrecking yards, but excluding similar uses taking place entirely within a completely enclosed building.

**Kennel.** Any premises, except where accessory to an agricultural use, where three (3) or more dogs, ten (10) weeks in age or older, are kept.

**Kennel, Commercial.** Any lot or premises or portion thereof on which more than four dogs or cats or other household domestic animals, over four (4) months of age, are kept or on which more than two such animals are boarded for compensation or kept for sale.

**Laboratory, Commercial.** A place devoted to experimental study such as testing and analyzing. Manufacturing, assembly or packaging of products is not included within this definition.

**Landfill/Dump.** All property, including negative and positive easements and water and air rights, which have been used by public and private entities for the disposal of solid wastes.

**Landmark.** Any improvement, any part of which is thirty (30) years old or older, which has a special character or special historical aesthetic interest or value as part of the development, heritage, or cultural characteristics of the city, state, or nation and which has been designated as a landmark.

**Landmark Site.** An improvement, parcel, or part thereof, on which is situated a landmark and any abutting improvement, parcel or part thereof, used as and constituting part of the premises on which has been designated a landmark site.

**Limited Access Highway.** A "limited access highway" is a trafficway, including expressways and toll roads for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

**Loading and Unloading Space, Off-Street.** An open, hard-surfaced area of land, other than a street or public way, the principal use of which is for the standing, loading and unloading of motor trucks, tractors and trailers, to avoid undue interference with the public on the streets and alleys. Such space shall not be less than twelve (12) feet in width, fifty (50) feet in length and fourteen (14) feet in height, exclusive of access aisles and maneuvering space.

**Lodge or Fraternal Order.** A "lodge" is a hall or meeting place of a local branch or

the members composing such a branch of a fraternal order, or society, such as the Masons, Knights of Columbus, Moose, American Legion and other similar organizations. It may be permissible to serve food and meals on such premises, providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests may be allowed provided it is secondary and incidental to the promotion of some other common objective by the organization and further provided that such sale of alcoholic beverages is in compliance with the applicable Federal, State and City laws.

**Lot.** A parcel of land occupied or to be occupied by one building and accessory buildings and uses and including the open spaces required under these regulations. A lot may be land so recorded on the records of the Chancery Clerk of Pike County, but it may include parts of or a combination of such lots when adjacent to one another, provided such is used for only one improvement and resubdivided or combined and properly recorded.

**Lot, Corner.** A lot located at the intersection of two streets or a lot bounded on two sides by a curving street and two chords of which form an angle of one hundred twenty (120) degrees or less measured on the lot side.

**Lot Coverage.** The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

**Lot Depth.** The mean horizontal distance between the front and rear lot line.

**Lot, Double Frontage.** A lot having frontage on two nonintersecting streets as distinguished from a corner lot.

**Lot, Interior.** A lot other than a corner or reversed corner lot.

**Lot of Record.** A lot which is part of a subdivision, the map of which has been recorded in the office of the Clerk of Court of Pike County, Mississippi; or a parcel of land which became legally established

and defined by Deed or Act of Sale on or before the date of adoption of this ordinance.

**Lot Line, Adjoining A Street.** A front lot line or a side lot line of a corner lot which abuts a street, or a rear line of a double frontage lot.

**Lot Line, Front.** The front property line of a zoning lot.

**Lot Line, Interior.** A side lot line common with another lot.

**Lot Line, Rear.** The rear lot line is the lot line or lot lines most nearly parallel to and most remote from the front lot line. Lot lines other than front or rear lot lines are side lot lines.

**Lot, Through.** A lot, other than a corner lot, having frontage on more than one street.

**Lot Width.** The horizontal distance between the side lot lines measured at right angles to the lot depth at the established front building line.

**Main Building.** A building in which is conducted the main or principal use of the lot on which said building is located.

**Manufactured Home.** A structure transportable in one or more sections, which in the traveling mode is at least eight feet wide or forty (40) feet long, or which when erected on site is at least three hundred twenty (320) square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. This includes any structure that meets all of the requirements of this definition, except for the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the U.S. Department of Housing and Urban Development and complies with the standards established under the National Man-

ufactured Housing Construction and Safety Standards Act of 1974 (42 USC 5401 et seq.) as amended. This term does not include a "Recreational Vehicle."

(Ord. No. 9:09/04, § I, 9-28-2004)

**Mayor.** The elected Mayor of the City of McComb City.

**Mobile Home.** Any vehicle or similar portable structure mounted or designed for mounting on wheels, used or intended for use for dwelling purposes, including structural additions, except parked and unoccupied camping-type trailers. Any such vehicle or structure shall be deemed to be a mobile home whether or not the wheels have been removed therefrom and whether or not resting upon a temporary or permanent foundation.

**Mobile Home or Manufactured Housing** are one and the same and means a vehicle or similar portable construction having been constructed with wheels (whether or not such wheels have been removed) and having no permanent foundation other than wheels, jacks or skirting and so designed or constructed as to permit permanent occupancy for dwelling or sleeping purposes. "Mobile Home" shall be designed as a single wide, double wide or triple wide and manufactured to standards established by HUD in 1974 and recognized as meeting the standards established by the Mississippi State Fire Marshal.

(Ord. No. 9:09/04, § I, 9-28-2004)

**Mobile Home Lot.** A designated site within a mobile home court for the exclusive use of the occupants of a single mobile home.

**Mobile Home Park** means any plot of ground consisting of three (3) or more acres which shall be used exclusively for the location of mobile or manufactured housing.

(Ord. No. 9:09/04, § I, 9-28-2004)

Mobile Home Space means a plot of ground within a mobile home park designed for the accommodation of one mobile/manufactured home.

(Ord. No. 9:09/04, § I, 9-28-2004)

Modular Home. A dwelling of preconstructed components which are shipped to a site and assembled there.

Motel. A "motel" is an establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient automobile tourists. A "motel" furnishes customary hotel services such as maid service and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. In a "motel" less than fifty percent (50%) of the living and sleeping accommodations are occupied or designed for occupancy by persons other than transient automobile tourists.

Motor Vehicle. A "motor vehicle" is any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer or semitrailer propelled or drawn by mechanical power.

Museum. A nonprofit, noncommercial establishment operated as a repository or a collection of nature, scientific, or literary curiosities or objects of interest of works of art, not including the regular sale or distribution of the objects collected.

Nonconforming Building. A building or a structure or portion thereof lawfully existing at the time of adoption of this ordinance, which was designed, erected or structurally altered for a use that does not conform to the use regulations of the district in which it is located.

Nonconforming Use. A use which lawfully occupied a building or land at the time of adoption of this ordinance and which does not conform with the use regulations of the district in which it is located.

Noxious Matter or Materials. "Noxious matter" is matter which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.

Nursery. Any land used to raise trees, shrubs, flowers, and other plants for sale or for transplanting.

Nursery School. A school designed to provide daytime care or instruction for two or more children from two (2) to five (5) years of age inclusive, and operated on a regular basis.

Nursing Home. A home for the aged, chronically ill, or incurable persons in which three or more persons not of the same immediate family are received, kept, or provided with food and shelter or care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Occupancy. Pertains to and is the purpose for which a building is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.

Odorous Matter. "Odorous matter" is any matter or materials that yield an odor which [is] offensive in any way.

Office. A room or building in which a person transacts his business or carries on his stated occupation.

Office Building. A building designed for or used as the offices of professional, commercial, industrial, religious, public or semipublic persons or organizations.

Open Space. An unoccupied space open to the sky on the same lot with the building.

Park. A pleasure ground set apart for recreation for the public to promote its health and enjoyment.

Parking Area, Private. An open, hard-surfaced area, other than a street or alley, used only for the parking of private pas-

senger automobiles, of occupants of the building or buildings for which the parking area is developed and is accessory.

**Parking Area, Public.** An open hard-surfaced area, other than a street or public way, intended to be used for the storage of passenger automobiles and commercial vehicles under one and one-half ton capacity and available to the public, whether for compensation, free or as an accommodation to clients or customers.

**Parking Space.** Space within a public or private parking area of not less than one hundred sixty (160) square feet (eight (8) feet by twenty feet) exclusive of access drives or aisles, ramps, columns or office and work areas, for the storage of one passenger automobile or commercial vehicle under one and one-half ton capacity.

**Particulate Matter.** "Particulate matter" is a material, other than water, which is suspended in or discharged into the atmosphere in a finely divided form as a liquid or solid.

**Performance Standard.** A "performance standard" is a criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by, or inherent in, uses of land or buildings.

**Planned Commercial Center.** Any commercial development, consisting of one or more buildings containing two or more stores or offices. Such a development may be planned or developed as a coordinated unit or with an integrated arrangement of stores, offices, buildings and facilities. A Planned Commercial Center shall be considered as a single unit for all purposes within the meaning and scope of this ordinance.

**Planned Development.** A "planned development" is a tract of land which is developed as a unit under single ownership or control, which includes two or more principal buildings and which is at least two (2) acres. In residential districts said "planned development" includes an

adjusted density housing project where existing or contemplated street or streets and lot layouts make it impractical to apply the bulk regulations of this ordinance to the individual units in such a development.

**Planning Commission.** The Commission appointed by the Board of Selectmen to review planning information as put forth in this ordinance.

**Porch.** A roofed structure, projecting out from the wall or walls of a main structure and commonly open to the weather in part.

**Premises.** Land and all buildings and structures thereon.

**Principal Use.** The primary purpose or function that a lot serves or is intended to serve.

**Professional Office.** The office of a person engaged in any occupation, vocation, or calling, not purely commercial, mechanical, or agricultural, in which a professed knowledge or skill in some department of science or learning is used by its practical application.

**Public Building.** Any building held, used, or controlled exclusively for public purposes by any department or branch of government, state, county, city, or municipality, without references as to the ownership of the building or of the realty upon which it is situated.

**Public Open Space.** Any publicly owned open area, including but not limited to the following: Parks, playgrounds, school sites, parkways and streets.

**Public Utility.** Any person, firm or corporation duly authorized to furnish, under public regulation, to the public, electricity, gas, steam, telephone, telegraph, transportation, water or sewage system.

**Public Way.** A "public way" is any sidewalk, street, alley, highway or other public thoroughfare.

**Quarrying.** The digging out of stone or slate from an open excavation.

**Railroad Right-of-Way.** A strip of land with tracks and auxiliary facilities for track operation, but not including depots, loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops or water towers.

**Rear Yard.** An open space, including driveways and parking areas, unoccupied other than by permitted accessory buildings or uses, extending from the rear building line of a principal building to the rear lot line, between the side building lines, projected to the rear lot line.

**Restaurant.** A business establishment where food is prepared and served for consumption primarily within the principal building.

**Rest Home or Nursing Home.** A "rest home or nursing home" is a private home for the care of children or the aged or infirm. Such home does not contain equipment for surgical care or for treatment of disease or injury and is not primarily developed for mental patients or alcoholics.

**Setback.** The minimum horizontal distance between the street-side wall of a building and the street property line.

**Sign.** A "sign" is a name, identification, description, display, or illumination which is affixed to or painted or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business.

**Sign, Flashing.** A "flashing sign" is any illuminated sign on which the artificial light is not maintained stationary and constant in intensity and color at all times when such sign is in use. For the purpose of this ordinance, any revolving, illuminated sign shall be considered a "flashing sign."

**Sketch Plan.** The plan that is the basis for approval by the Board of Mayor and

Selectmen to proceed with the Final Development Plan for a Planned Development.

**Solar Energy.** Radiant energy received from the sun at wavelengths suitable for heat transfer, photosynthetic use, or photovoltaic use.

**Solid Waste.** Garbage, refuse and other discarded solid materials including solid waste materials resulting from industrial, commercial and agricultural operations.

**Start, Commencement.** The doing of some act upon the ground on which the building is to be erected, and in pursuance of a design to erect, the result of which act would make known to a person viewing the premises, from observation alone, that the erection of a building on that land had been commenced.

**Store.** A use devoted exclusively to the retail sale of a commodity or commodities.

**Story.** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is not floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen feet or fraction thereof.

**Story, Half.** A half-story is that portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than four and one-half (4½) feet above the finished floor of such story. In the case of multiple-family dwellings, three (3) or more stories in height, a half-story shall be counted as a story.

**Street.** All property dedicated or intended for public highway, freeway or roadway purposes or subject to public easements thereof.

**Street Line or Right-Of-Way Line.** The dividing line between a lot, its property line or lines, and a public right-of-way, a

public street, road, or highway; or a private street, road or highway, over which two or more abutting owners have an easement or right-of-way.

**Structural Alterations.** Any change in either the supporting members of a building, such as bearing walls, columns, beams, or girders, or in the roof and exterior walls.

**Structure.** Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts and pergolas, and latch houses used in connection with plant nurseries.

**Swim, Golf or Tennis Club.** A voluntary or corporate association owned solely by its members, the objectives, pursuits, and the purposes of which are social or recreational, operating or formed for the purposes of operating a club on a membership basis and not operated for profit, the principal facilities of which shall be a swimming pool or pools, golf course and/or tennis court or courts owned by it and maintained on land owned or leased by it, and which may maintain and operate on the same premises such accessory facilities owned by it as usually provided by a swim, golf or tennis club. Accessory facilities shall not include bowling alleys.

**Through Lot.** A lot having its front and rear lot lines on adjacent and substantially parallel streets, otherwise known as a double-frontage lot.

**Townhouse.** A single-family dwelling constructed as part of a series of dwellings, all of which are either attached to the adjacent dwelling or dwellings by party walls or are located immediately adjacent thereto with no visible separation between walls or roofs.

**Trailer.** A vehicle equipped for use as [a] dwelling and designed to be hauled

along a highway. A vehicle standing on wheels or rigid supports which is used for living or sleeping purposes.

**Unobstructed Open Space.** Land not covered by buildings or structures.

**Use.** The purpose for which land or a building thereon is designed, arranged or intended, or for which it is occupied, maintained, let or leased.

**Use, Permitted.** A "permitted use" is a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards (if any) of such district.

**Use, Principal.** A "principal use" is the main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be either "permitted" or "conditional."

**Warehouse.** A structure or alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

**Yard.** An open space on the same zoning lot with a principal building or group of buildings which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this ordinance and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

**Yard, Front.** A yard extending across the full width of the zoning lot in accordance with the setback requirements of this ordinance (see definition of Setback). Corner lots - see definition for Corner Lots.

**Yard, Rear.** A yard which is bounded by side lot lines, rear lot line and rear yard line.

**Yard, Side.** A yard which is bounded by the interior side lot line, side yard line, the front building line and rear yard line.

**Yard Line, Front.** See Building Line.

**Yard Line, Rear.** A line or lines in a lot which are parallel to the rear lot line or lines which are not nearer to the rear lot line or lines at any point than the required rear yard depth.

**Yard Line, Side.** A line [in] a lot which is parallel to the side lot line and which is not nearer to the side lot line at any point than the required side yard depth.

**Yard Line, Side Adjoining a Street.** A line in a lot which is parallel to the lot line adjoining a street and which is not nearer to the lot line adjoining the street at any point than the depth of the front yard for that lot, unless otherwise permitted in this or other ordinances.

**Zoning Lot.** A plot of ground, made up of one or more parcels, which is or may be occupied by a use, building or buildings including the open spaces required by this ordinance.

**Zoning Map.** The map or maps incorporated into this ordinance as a part thereof, designating zoning districts.

### Sec. 9.3. Subdivision definitions.

For the purpose of this ordinance, certain words or terms used herein shall be defined as follows:

**Boulevard.** A double street or roadway separated by a neutral ground.

[Code] **inspector.** Qualified City employee charged with the inspection of work of the developer or his agents and with the issuance of occupancy certificates.

**Developer.** The person, firm or corporation who proposes to subdivide property into smaller lots or parcels to be subsequently used as Commercial or Residential sites.

**Development.** The land to be subdivided and platted along with the improvements made thereon.

**Director of Inspections and Zoning.** The official employed as the City Zoning Director to assist all concerned with the implementation of the Regulations.

**Easement.** The right granted by the property owner to use a parcel of land for specified purposes, such as public utilities, drainage and other public purposes, the title of which shall remain with the property owner, subject to the right of use designated in the reservation of the easement. Easement and servitude are the same.

**Final Plan.** The plan which is to be given final approval by the Board of Selectmen and will be placed on file with the Chancery Clerk as a county public record.

**Frontage.** That portion of a lot abutting on a street, road, highway or other public way measured along the dividing line between the public way and the private property.

**Preliminary Plan.** The plan which is to be the basis for all construction of improvements and is to receive preliminary approval by the Board of Selectmen.

**Resubdivision.** The further division of lots or relocation of lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or the establishment of any new streets within any such subdivision.

**Right-of-Way (ROW).** The strip of land adjacent to or through a subdivision which is to accommodate a road, street, pipeline or drainage easement.

**Street, 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 or access and protection from through traffic.

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

**Subdivision.** Any land, vacant or improved, which is divided or proposed to be divided into four (4) [or] more lots, parcels, site units, plots or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms and conditions, including resubdivision. Subdivision includes the division or development of residential and nonresidential zoned land,

whether by deed, metes and bounds description, devise, intestacy, lease, map, plat or other recorded instrument. For the purpose of these regulations, subdivision includes the dedication, vacation or reservation of any public or private road, highway, street, all servitude or easement through a tract of land regardless of the area involved.

Subdivision Restrictions. Restrictive covenants to be legally recorded which the developer places upon the lots for future owners for the well-being of all owners to protect values and to prevent abuses and nuisances that would disturb other occupants in the subdivision. (Ord. of 10-13-1987, § 1)

[ARTICLE X. LAND USE SUMMARY TABLE]

<i>District Specs</i>	<i>HT</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Minimum Square Footage</i>	<i>Minimum Width @ Bldg Set-back</i>	<i>Minimum Parking</i>
R-80	35'	25'	10' (15)	25'	10,000'	80'	2.0 per Dwelling Unit
R-60	35'	20'	5' (10)	20'	6,000'	60'	2.0 per Dwelling Unit
R-50	35'	20'	5' (10)	20'	5,000'	50'	2.0 per Dwelling Unit
R-PL	V	VARIES	VARIES	VARIES	VARIES	VARIES	1 per Dwelling Unit
B-PO	35'	20'	5'(10)	20'	6,000'	60'	1 per each 350 sqr ft leasable area
C-1	35'	10'	3'	3'	5,000'	50'	1 per each 350 sqr ft leasable area
C-2	45'	10'	3'	3'	10,000'	80'	1 per each 350 sqr ft leasable area
C-PL	45'	50'	VARIES	VARIES	VARIES	VARIES	VARIES
I-1	45'	25'	VARIES	VARIES	VARIES	VARIES	VARIES
I-PL	VARIES	VARIES	VARIES	VARIES	VARIES	VARIES	VARIES
S-O	VARIES	VARIES	VARIES	VARIES	VARIES	VARIES	VARIES
A-1	35'	25'	100'	25'	3 Acres	VARIES	VARIES