

ZONING ORDINANCE

Poplarville, Mississippi

Adopted by the
Mayor and Board of Aldermen
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Prepared By:
Bridge & Watson, Inc.
Urban and Regional Planning Consultants
and Land Planners

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ARTICLE 1: GENERAL PROVISIONS

100 SHORT TITLE

This Ordinance shall be known as and may be cited as the City of Poplarville Zoning Ordinance.

101 PURPOSE

- A. This Ordinance is hereby adopted in accordance with
 1. The requirements of Title 17, Chapter 1 of the Mississippi Code, 1972, Annotated;
 2. The Poplarville Comprehensive Plan;
 3. An overall program; and,
 4. With consideration for the character of Poplarville, its various parts and the peculiar suitability of the various parts for particular uses, and with a view to conserving the value of land and buildings, and encouraging the most appropriate use of land throughout the City of Poplarville.
- B. In addition to carrying out the objectives of the Comprehensive Plan, this Ordinance is designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

102 APPLICATION

- A. No building, structure or land shall be used, occupied, erected, moved, enlarged, or structurally altered unless in conformity with the regulations of this Ordinance.
- B. This Ordinance regulates (under 17-1-3 General Powers of the Mississippi Code, 1972, Annotated):
 1. The height, number of stories and size of building and other structures.
 2. The percentage of lot that may be occupied, the size of the yards, courts and other open spaces.
 3. The density of population.
 4. The location and use of buildings, structures and land for trade, industry, residence or other purposes.
 5. The placement of signs and advertising devices.
 6. The architectural appearance of structures.

103 INTERPRETATION

The provisions of this Ordinance shall be interpreted as the minimum requirements for the promotion of the health, safety, morals and general welfare. Where this Ordinance conflicts with any rule, regulation or ordinance, the greater restriction upon the use of buildings or premises, upon the height or bulk of a building or upon requiring larger open spaces shall prevail, regardless of its sources.

104 SEVERABILITY

If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of the Ordinance shall continue to be separately and fully effective.

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105 REPEALER

All other ordinances of the City of Poplarville, or parts thereof, which were adopted prior to this Ordinance and are in conflict with this Ordinance are hereby repealed.

106 EFFECTIVE DATE

This Ordinance shall become effective one month following its passage.

ARTICLE 2: DEFINITIONS

200 DEFINITIONS

A. Interpretation

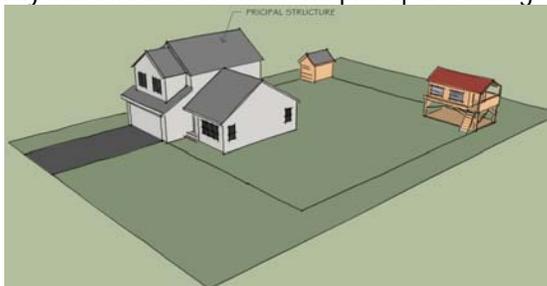
For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:

1. Words in the present tense shall include the future tense.
2. The singular shall include the plural, and the plural shall include the singular.
3. The masculine gender shall include the feminine and the neuter and vice-versa.
4. The word "lot" includes the word "plot," "parcel," or "tract."
5. The word "shall" is always mandatory, and the word "may" or "should" is always permissive.
6. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be occupied."
7. Any word or term not defined in this Ordinance shall be used with a meaning of standard usage.

B. Definition

When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise.

1. **Abandoned Vehicle.** Any inoperable vehicle which has been lacking a currently effective state license and inspection sticker for a period of at least one (1) year.
2. **Abut.** Next to or adjacent to, and includes the words "directly across from streets, natural features, and rights-of-way."
3. **Access Drive.** A privately owned, constructed, and maintained vehicular access from a public or private street to four (4) or more off-street parking spaces or to at least one (1) loading space.
4. **Accessory Building.** A building (such as a private garage, private tool house or children's playhouse or a noncommercial greenhouse) which is subordinate and accessory to a principal building on the same lot and which is used for purposes customarily incidental to those of the principal building.



5. **Accessory Structure.** A structure serving a purpose customarily incidental to the use of the principal building and located on the same lot as the principal building.
6. **Accessory Use.** A use subordinate to the principal use on the same lot and customarily incidental thereto.

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7. **Acres.** 43,560 square feet.
8. **Adjacent.** A state of being side by side, next to, adjoining, contiguous, or abutting one to another.
9. **Adult entertainment business.** Shall include the following:
 - a. **Adult bookstore:** An establishment which has as a substantial portion of its stock-in-trade and offers for sale or lease for any form of consideration any one (1) or more of the following:
 - 1) Books, magazines and other periodicals distinguished or characterized by the emphasis on matter depicting, describing, or relating to sexually explicit material, or
 - 2) Selling or displaying books, magazines, or other periodicals and customarily not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age as prevailing practice.Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the state of Mississippi.
 - b. **Adult Live Entertainment:** Any establishment where dancers, entertainers, performers, or other individuals, who, for commercial gain, model, perform, demonstrate, or are presented while displaying or exposing "specified anatomical area", or engage in "straddle dancing", or touching with customers.
 - c. **Adult Novelty Store:** An establishment which has as a substantial portion of its stock-in-trade and offers for sale or lease for any form of consideration any one (1) or more of the following:
 - 1) Miscellaneous articles relating to sexually explicit material appropriate as gifts excluding any minor by reason of age as prevailing practice; or
 - 2) Novelties, toys, books, or bondage kits for the intent as a gag gifts, excluding any minor by reason of age as prevailing practice.Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the state of Mississippi.
 - d. **Adult Video Recording Stores:** An establishment or segment or section of an establishment which has as a substantial portion of its stock-in-trade and offers for sale or lease for any form of consideration any one (1) or more of the following:
 - 1) Film, videotape, or other video recordings or animations, and customarily not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age as prevailing practice.
 - 2) Selling or displaying film, videotape, or other video recordings or animations, and customarily not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age as prevailing practice.Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the state of Mississippi.
 - e. **Adult Motion Picture or mini-motion Picture Theaters:** An establishment where, enclosed buildings or a section of a building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexually explicit material, for observation by patrons therein, or if such

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establishment is customarily not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age as prevailing practice. Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the state.

f. **Specified Anatomical Areas:**

- 1) Less than completely and opaquely covered:
 - i. Human genitals, pubic region.
 - ii. Buttocks.
 - iii. Anus.
 - iv. That portion of the human breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola.
- 2) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the state.

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

Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the state of Mississippi.

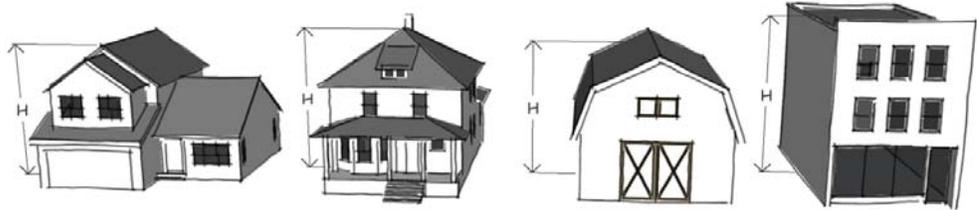
10. **Agricultural Industries.** The processing, treating, packing or storing of agricultural products.
11. **Agriculture.** The raising and keeping of field crops for any commercial purpose. "Agriculture" does not include animal husbandry, commercial forestry, greenhouse, nursery, or orchard.
12. **Alley.** A public or private way affording only secondary means of access to abutting property.
13. **Alteration.** As applied to a building or structure, a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.
14. **Animal Hospital.** A building, structure, or area of land where animals are given medical care, other than the premises where such animals are normally kept.
15. **Animal Husbandry.** The raising and keeping of livestock, fish; fur-bearing animals, honey bees, or poultry for any commercial purpose. The keeping of livestock, fish, fur-bearing animals, honeybees, or poultry as farm pets or for domestic purposes pursuant to the regulations of this Ordinance shall not be construed as animal husbandry.
16. **Apartments.** See Dwellings, Multiple Family.

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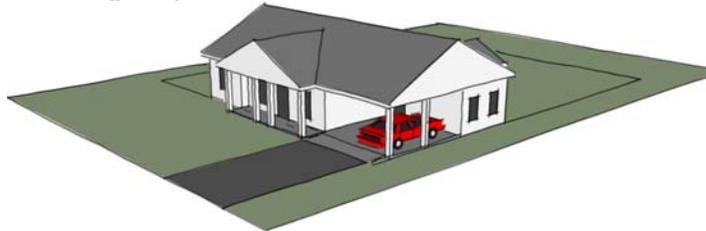
17. **Auto, Recreation Vehicle, or Boat Sales Area.** An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles, recreation vehicles, or boats in operable condition, and where no major repairs are done.
18. **Auto Repair Garage.** Buildings and land where gasoline and other automobile parts and supplies are sold at retail and where major auto repairs are conducted.
19. **Auto Service Station.** Buildings and land areas where gasoline, oil, grease, batteries, tires or automobile accessories are supplied and dispensed at retail and where minor auto repairs and services are conducted. Uses permissible at a service station do not include major auto repairs and services.
20. **Auto Wrecking.** The dismantling or disassembling of used motor vehicles or recreation vehicles, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.
21. **Bank.** Includes Savings & Loan, Finance Companies, Credit Unions, and other similar enterprises.
22. **Banner.** A temporary sign constructed of paper, cloth, plastic, tyvek, or any other flexible polymer-based material which is attached to a wall, window, frame, or poles.
23. **Bar Rooms.** Any retail establishment principally offering alcoholic beverages for consumption on the premises and which are not an accessory use.
24. **Basement.** A story in a building (excluding a subterranean building) which has a structural ceiling five (5) feet or more above the average level of finished grade abutting the exterior wall(s) fronting on any road. A basement shall be counted as one story in determining the permissible number of stories.
25. **Bed and Breakfast.** A building designed for or used as a single family dwelling in which sleeping rooms are provided or offered to transient guest(s) for compensation, but for not more than four (4) transient guest(s).
26. **Billboard.** A large off-site ground sign framed of metal or wood with a changeable face usually located near a major road or highway.
27. **Block.** Property bounded on one side by a street, and on the other three (3) sides by a street, railroad right-of-way, public park, waterway, township line, tract of land held in separate ownership, or any combination thereof.
28. **Block Frontage.** That portion of a block which abuts a single street.
29. **Board.** The Board of Aldermen of Poplarville.
30. **Board of Aldermen.** The Board of Aldermen of Poplarville.
31. **Boarding House (Rooming House, Lodging House).** Any dwelling, or part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three (3) or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator, and where the occupants share common bathroom, cooking and eating facilities.
32. **Buffer Yard.** A strip of land which may be a part of the minimum setback distance and which is free of any principal or accessory building, parking, outdoor storage or any other use than open space.
33. **Buildable Width.** Width of the building site left after the required yards have been provided.
34. **Building.** A structure having a roof supported by columns or walls, used for the shelter, housing, or enclosure of persons, animals, or property. "Building" is interpreted as including "or part thereof."

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- 35. **Building Alteration.** Any structural alteration which causes a change or rearrangement in the supporting members (such as bearing walls, beams, columns, or girders) of a building, any addition to a building, including carports, or movement of a building from one location to another.
- 36. **Building Coverage.** The ratio obtained by dividing the maximum horizontal cross-section of all principal and accessory buildings on a lot (including balconies and decks, covered porches, carports and breeze-ways, but excluding patios) by the total area of the lot upon which the buildings are located.
- 37. **Building Height.** The vertical distance of a building measured from the point which is the mean level of the highest and lowest portion of the site covered by the building to the highest portion of the roof.



- 38. **Building Inspector.** The administrative officer authorized by the Board of Aldermen with the power and duty of enforcing the provisions of the Zoning Ordinance.
- 39. **Building Setback Line.** An imaginary line extending the entire width of a lot which represents the minimum distance the main part of a building must be from the right-of-way line. This line is measured parallel from the right-of-way line horizontally towards the rear lot line.
- 40. **Bulk Limit.** The maximum area which a structure may occupy on a lot.
- 41. **Business.** Includes the commercial, light industrial, and heavy industrial uses and districts as herein defined.
- 42. **Campground.** Any lot, parcel, or tract of land upon which space is rented for one (1) or more tents, recreation vehicles, camping trailers, travel trailers, pickup coaches, motor homes, or any combination thereof for temporary occupancy.
- 43. **Carport.** A building open on two (2) or more sides and used in conjunction with a dwelling for the storage of private motor vehicles.



- 44. **Cellar.** A part of the interior of a building (excluding a subterranean building) which has a structural ceiling less than five (5') feet above the average level of finished grade abutting the exterior wall(s) fronting on any road. A cellar shall not be counted as one story in determining the permissible number of stories.
- 45. **Cemetery.** Includes a mausoleum or crematorium.
- 46. **City.** The City of Poplarville, Mississippi.
- 47. **Clinic.** A building used by a group of doctors for the medical examination or treatment of persons on an out-patient or nonboarding basis only.

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48. **Club.** A building owned, leased, or hired by nonprofit associations or purposes, the use of which is limited to bonafide members paying dues and their guest.
49. **Commercial Forestry.** Areas where trees are harvested for any commercial purpose.
50. **Commission.** The Planning Commission of Poplarville.
51. **Commercial Parking Lot.** Any facility or structure for parking motor vehicles charging a fee for such services.
52. **Comprehensive Plan.** The document entitled 20 Year Comprehensive Development Plan or any part thereof, adopted by the Poplarville Board of Aldermen.
53. **Conditional Use.** A use for which the Planning Commission may grant permission following a public hearing and findings of fact consistent with this Ordinance, provided the use complies with the conditions and standards required by this Ordinance.
54. **Conforming Use.** Any lawful use of a building or lot which complies with the provisions of this Ordinance.
55. **Condominium.** Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, created under either the Mississippi Unit Property Act or the Mississippi Condominium Law.
56. **Construction.** Includes the placing of construction materials in permanent position and fastening in a temporary or permanent position; includes the demolition of a pre-existing building, provided that further construction be diligently carried on.
57. **Conversion.** To change or adapt land or structures to a different use, occupancy or purpose.
58. **County.** The County of Pearl River.
59. **Curative Amendment.** A proposed zoning amendment made to the Board of Aldermen by any landowner who desires to challenge on substantive grounds the validity of an ordinance which prohibits or restricts the use or development of land in which he has an interest.
60. **Curb Break.** Any interruption or break in the line of a street curb in order to connect a driveway to a street, or otherwise to provide vehicular access to abutting property.
61. **Detached.** A state of being surrounded on all sides by yards.
62. **District (or Zoning District).** A portion of the territory of Poplarville within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
63. **Driveway.** A privately owned and constructed vehicular access from a private or public street to three (3) or less off-street parking spaces.
64. **Dump.** A site used primarily for the disposal by abandonment, dumping, burial, burning or other means and for whatever purpose of garbage, trash, junk, abandoned vehicles or parts thereof, or waste material of any kind.
65. **Dwelling (Residential Structure).** A building containing one (1) or more dwelling units. The term "dwelling" shall be deemed to include a "Modular Home," but shall not be deemed to include a "Mobile Home" or "Manufactured Home".
- a. **Single Family Detached Dwelling.** A detached building containing only one (1) dwelling unit. The term "Single Family Detached Dwelling" shall be deemed to include a "Modular Home," but shall not be deemed to include a "Mobile Home."

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- b. **Manufactured Home.** A structure defined by, and constructed in accordance with , the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 USCS 5401, et seq.), and manufactured after June 14, 1976.
- c. **Mobile Home.** A structure manufactured before June 15, 1976, that is not constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 USCS 5401 et seq.). It is a structure that is transportable in one or more sections, that, in the traveling mode, is eight (8) body feet or more in width and thirty-two (32) body feet or more in length, or, when erected on site, is two hundred fifty-six (256) or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes any plumbing, heating, air conditioning and electrical systems contained therein. The term "Mobile Home" shall not be deemed to include "Recreation Vehicle", "Modular Home" nor "Manufactured Home."
- d. **Modular Home.** A structure which is: (i) built off-site in components or modules for later assembly on-site; (ii) transportable in one or more sections; (iii) designed to be used as a dwelling when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems with the home; (iv) certified by its manufacturers as being constructed in accordance with a nationally recognized building code and locally adopted and enforced building codes; and (v) designed to be permanently installed at its final destination on an approved foundation constructed in compliance with a nationally recognized building code. The term "modular home" shall not be deemed to include "Mobile Home" nor "Manufactured Home."
- e. **Two-Family Dwelling.** A detached building containing two (2) dwelling units which are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or to a common cellar. Each dwelling unit may be separately owned, provided that the area formed by the combined lots of both dwelling units shall comply with all requirements for a two-family dwelling in that district.
- f. **Multiple Family Dwelling.** A building containing three (3) or more dwelling units. Each dwelling unit may be separately owned, provided that the area formed by the combined lots of all dwelling units in a multiple family dwelling shall comply with all of the requirements for that type of multiple family dwelling in that district.
 - 1) **Low-Rise Multiple Family Building.** A Multiple Family Dwelling which does not contain more than six (6) dwelling units, does not exceed three (3) stories in height, and in which each dwelling unit has an independent outside access.
 - a) **Garden Apartment.** A Low-Rise Multiple Family Building in which individual dwelling units are entirely separated by vertical walls or horizontal floors, unpierced except for access to a common cellar.

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- b) **Townhouse.** A Low-Rise Multiple Family Building in which each dwelling unit extends from ground to roof and contains two (2) points of independent outside access.
- 2) **Low-Rise Apartment.** A Multiple Family Dwelling not exceeding three (3) stories in height, in which each dwelling unit shares a common outside access with at least one (1) other dwelling unit.
- 66. **Dwelling Unit (Housing Unit).** One or more rooms intended to be occupied by one (1) family as separate living quarters, containing sanitary facilities, kitchen facilities, and having outside access directly from the dwelling unit or through a common access hall.
- 67. **Easement.** A grant by the property owner to the public, a corporation, or persons of the use of a strip of land for specific purposes.
- 68. **Factory Built Home.** A mobile home, a manufactured home, or a modular home as those terms are defined herein.
- 69. **Family.** Two (2) or more persons (whether or not they are related by blood, marriage, or adoption) living together in a single dwelling and maintaining a common household. The term "family" shall be deemed to include any domestic employees or gratuitous guests, but shall not include any roomer, boarder, or lodger.
- 70. **Farmer's Market.** An area where agricultural, horticultural and animal husbandry products are sold by two (2) or more enterprises.
- 71. **Farm Pond.** A man-made body of water at least two thousand (2,000) square feet in area used for agricultural or recreational purposes.
- 72. **Fast Food Restaurant.** A building in which food is prepared and served to the public for consumption, but where no waiters or waitresses take orders and serve food to seated patrons at tables, booths, or counters.
- 73. **FEMA Trailer.** The name commonly given by the United States Government to many forms of temporary manufactured housing assigned to the victims of Hurricane Katrina, Hurricane Rita, or other events, by the Federal Emergency Management Agency (FEMA).
- 74. **Fence.** A man-made barrier placed or arranged as a line of demarcation between lots or to enclose a lot or portion thereof. The term "Fence" shall be deemed to include a wall.
- 75. **Floodplain.** A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation once in every one hundred (100) years.
- 76. **Floodway.** The designated area of a floodplain required to carry the discharge waters of one hundred (100) year magnitude.
- 77. **Floodway Fringe.** That portion of the floodplain outside the floodway.
- 78. **Floor Area (Gross Floor Area).** The total area of all floors, as measured to the outside surfaces of exterior walls (or from the centerline of party walls separating two buildings), but excluding cellars, crawl spaces, garages, carports, attics without floors, open porches, balconies, and terraces.
- 79. **Garage.** A building or part thereof used for the storage or parking of one (1) or more vehicles.
 - a. **Private Garage.** An accessory building or portion of a main building used for vehicular storage only and having a capacity adequate to accommodate the automobiles or light trucks owned and registered in the name of the

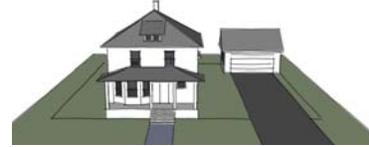
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occupants of the main building. The term includes a carport, and when related to the context shall relate to the storage of one or more vehicles.

- b. **Storage Garage.** A building, or portions thereof, other than a private garage, used exclusively for the parking or temporary storage of self-propelled vehicles.



Attached Garage



Detached Garage

80. **General Merchandise Store.** A building with less than ten thousand (10,000) square feet of floor area in which retail merchandise is sold, except for any type of business selling any type of merchandise which is specifically listed in this Ordinance.
81. **Governing Authority.** The Board of Mayor and Aldermen, City of Poplarville, Mississippi.
82. **Government Services Facilities.** Municipal, County, State, or Federal government buildings or facilities designed and intended to be occupied by the government or designed and intended for public use sponsored by such governments.
83. **Grade.** The elevation of finished ground or paving.
84. **Group Home.** A building occupied as a residence by no more than six (6) residents who receive twenty-four (24) hour resident supervision, licensed under an applicable State program.
85. **Hazardous Wastes.** Those wastes where a significant potential exists for causing adverse public health or environmental impacts if the waste is handled, stored, transported, treated, or disposed of in a manner customarily accepted for ordinary solid wastes and subject to special State or Federal licensing.
86. **Home Occupation.** An accessory use for commercial gain conducted entirely within a dwelling which is carried on only by the inhabitants of such dwelling or one (1) additional person and which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change its character.
87. **Hospital.** A building used for the diagnosis, treatment or other care of human ailments. Unless otherwise specified, "hospital" shall be deemed to also include a sanitarium, sanatorium, clinic, medical center, or other equivalent use.
88. **Hotel.** A building or group of buildings which contains six (6) or more rental units for overnight lodging of travelers or for the temporary occupancy of transients, licensed under applicable laws, in which access to and from each room is through an interior door.
89. **Impervious Cover.** Any area covered by a structure or other cover which is incapable of being penetrated by moisture.
90. **Junk or Salvage.** Any discarded material or articles (including scrap metallic or nonmetallic items, abandoned vehicles and equipment, paper, glass, containers, and structures). It shall not include refuse or garbage kept in a proper container for the purpose of prompt disposal.
91. **Junk Yards (Salvage Yards).** Any land or structure where junk or salvage is discarded, bought, sold, exchanged, sorted, bailed, cleaned, packed, disassembled, or handled. "Junk Yards" does not include those structures where used furniture or

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- household equipment is stored, bought, or sold, nor those structures or land where automobiles not abandoned are stored, bought, or sold.
92. **Katrina Cottage.** A housing unit that may be manufactured, modularized, panelized, or site-built, and is 1,600 square feet or under designed to resemble traditional homes of the area in appearance and marketed in the United States in the wake of Hurricane Katrina by the Federal Emergency Management Agency (FEMA).
93. **Kennel.** Any lot utilized for the raising, boarding or harboring of six (6) or more adult (over six months of age) dogs, cats, or other domestic pets.
94. **Kitchen Facilities.** Shall consist of the following: sink with piped water, a permanent cook stove and a refrigerator.
95. **Landowner.** The owner of a legal or equitable interest in land, including the holder of any option or contract to purchase (whether or not such option or contract is subject to any condition) or a lessee if he is authorized under the lease to exercise the right of the landowner.
96. **Landscape Buffer Area.** Landscaped areas which act as a buffering or separation area between two (2) or more incompatible uses.
97. **Lodging House.** See "Boarding House".
98. **Lot.** Any parcel or tract of land intended as a unit of ownership, transfer of ownership, use, rent, improvement or development. Contiguous nonconforming lots under common ownership shall be considered one lot.
- a. **Corner Lot.** A lot situated at and abutting the intersection of two streets having an interior angle of intersection not greater than one hundred thirty-five (135°) degrees.
- b. **Interior Lot.** A lot other than a corner lot (whose sides do not abut a street).
- c. **Reverse Frontage Lots.** Lots which front on one public street but provide vehicular access solely from another public street at the rear of the lot.
- d. **Through Lot.** An interior lot having frontage on two (2) streets.
99. **Lot Area.** The area contained within the lot lines, excluding space within all existing and future road rights-of way.
100. **Lot Depth.** The mean average horizontal distance between the front and the rear lot lines.
101. **Lot Lines.** The property lines bounding the lot.
- a. **Front Lot Line (Street Line).** A lot line separating the lot from an existing or future street right-of-way (whichever contains a greater right-of-way width).
- b. **Rear Lot Line.** A lot line opposite and most distant from the front lot line. [A three (3) sided lot has no rear lot line.]
- c. **Side Lot Line.** Any lot line other than a front or rear lot line. A "side street lot line" is a side lot line separating a lot from a street.
102. **Lot of Record.** A lot which is part of a subdivision, the map of which has been recorded in the office of the Chancery Clerk of Peal River County.
103. **Lot Width.** The horizontal distance between the side lot lines measured along the minimum prescribed front yard setback line as set forth in the Township Zoning Ordinance.
104. **Lounges.** Any retail establishment principally offering alcoholic beverages for consumption on the premises and which are not an accessory use.
105. **Main Building.** The building which contains or constitutes the primary use on the lot.

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106. **Major Auto Repairs.** Include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in service stations.
107. **Manufactured Home Park.** A parcel of land under single ownership which has been planned and improved for the placement of two (2) or more manufactured homes for non-transient residential use.
108. **Medical Office Building.** A building used exclusively by physicians or dentists for treatment and examination of patients, provided that no overnight patients shall be kept on the premises.
109. **Membership Club.** An area of land or building owned, leased or occupied by an association of persons, operated solely for a recreational, social, fraternal, religious, political or athletic purpose, and whose activities are confined to the members and guests and are not extended to the general public.
110. **Mineral Extraction.** A site where a mineral, stone, sand, gravel, or topsoil is extracted.
111. **Minor Auto Repairs and Services.** Includes uses providing the following:
- a. Sale and servicing of spark plugs, batteries, distributors and distributor parts, and ignition components;
 - b. Tire servicing and repair, but not recapping or re-grooving;
 - c. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like;
 - d. Radiator cleaning and flushing;
 - e. Washing and polishing, and sale of automotive washing and polishing materials;
 - f. Greasing and lubrication;
 - g. Providing and repairing fuel pumps, oil filters and lines;
 - h. Minor servicing and repair of carburetors and fuel injection systems;
 - i. Emergency electrical repairs;
 - j. Adjusting and repairing brakes;
 - k. Minor motor adjustment not involving removal of the head or crankcase or racing the motor;
 - l. Mini grocery store with sales of packaged foods, beverages, tobacco and similar convenience goods for filling station customers, as accessory to principal operation; and
 - m. Provision of road maps and other informational material to customers;.
112. **Mobile Home Park.** See Manufactured Home Park.
113. **Motel.** A building or group of buildings which contains six (6) or more rental units for overnight lodging of travelers or for the temporary occupancy of transients, licensed under applicable laws, in which access to and from each room is through an exterior door.
114. **Motor Freight Terminal.** The building plus contiguous space to which freight is brought for transfer, assembly and sorting for shipment by motor truck.
115. **Museum.** A building having public significance due to its architecture or former use or occupancy, or a building serving as a repository for a collection of natural,

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- scientific, or literary curiosities or objects of interest, or works of art, and arranged or intended for viewing by the public.
116. **Nightclub.** Any place of entertainment principally offering alcoholic beverages for consumption on the premises, which may provide a floor show and music as well as a place for dancing and which are is an accessory use.
117. **Nonconforming Lot.** A lot which does not conform with the minimum lot width, or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Ordinance or is legally established through the granting of a variance by the Board of Aldermen. Contiguous nonconforming lots under common ownership shall be considered one (1) lot.
118. **Nonconforming Structure.** A structure which could not be built under this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, but was lawfully in existence prior to the effective date of this Ordinance.
119. **Nonconforming Use.** A use of a lot or building which does not comply with the applicable use provisions of this Ordinance, but which was lawfully in existence prior to the effective date of this Ordinance.
120. **Nursery/Greenhouse.** The raising of trees (for transplanting), ornamentals, shrubs, flowers, or houseplants for any commercial purpose.
121. **Nursery School.** A building used exclusively for the daytime care and education of preschool children, an including all accessory buildings and play area. May also be referred to a Day Care.
122. **Nursing Home.** A building containing sleeping rooms used by elderly persons who are lodged and furnished with meals with or without nursing care. Unless otherwise specified, a "nursing home" shall be deemed to also include a convalescent home, rest home, life care community, or other similar use.
123. **Office (general).** A building in which a business is conducted, but no merchandise is displayed or professional or personal services are performed.
124. **Office Building.** A building designed for or used as offices for professional, commercial, industrial, religious, public or semi-public persons, or organizations providing no produce is sold on the premises.
125. **Official Zoning Map.** The map as adopted or amended by the Board of Aldermen designating the location and boundaries of zoning districts.
126. **Open Space.** The area of a lot unoccupied by principal or accessory structures, streets, driveways, or parking areas; but includes areas occupied by walkways, patios, porches without roofs, playgrounds, outdoor recreation or play apparatus, gardens or trees.
127. **Open Space, Common.** A parcel or parcels of land, an area of water, or a combination of land and water within a development site which is open space designed and intended for the use or enjoyment of residents of a development.
128. **Open Space, Unobstructed.** An area of land required to be maintained as specified herein, upon which no structure may be erected except those accessory structures used in connection with the movement or regulation of traffic.
129. **Orchard.** The raising and keeping of tree crops for any commercial purpose, including a Christmas tree farm.
130. **Ordinance.** The Poplarville Zoning Ordinance, including the Official Zoning Map, and any amendments enacted by the Board of Aldermen.

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131. **Park.** Any area which is predominantly open space, is used principally for active or passive recreation, and is not used for a profit-making purpose.
132. **Parking Facilities.** Outdoor areas or specifically designed buildings or garages used for the storage of vehicles.
133. **Parking Space.** A surfaced area, enclosed or unenclosed, sufficient in size as to permit storage of one standard-size automobile and connected to a public street or alley by a driveway so arranged to permit ingress and egress without moving other automobiles adjacent to the parking space.
134. **Patio.** An area or courtyard which is not covered by a roof or permanent awning, and is designed for outdoor living purposes as an accessory use to a structure.
135. **Permit.** A document issued by the City of Poplarville authorizing the applicant to undertake certain activities provided for in this ordinance.
 - a. **Zoning Permit.** A permit issued indicating that a proposed use, building, or structure is in accordance with the Zoning Ordinance which authorizes an applicant to proceed with said use, building, or structure.
 - b. **Building Permit.** A permit indicating that a proposed construction, alteration, or reconstruction of a structure is in accordance with the construction provisions of any Building Code which may be adopted by the Board of Aldermen which authorizes an application to commence with said construction, alteration, or reconstruction.
 - c. **Occupancy Permit.** A permit issued upon completion of the construction of a structure, or change in use of structure of parcel of land, or reoccupancy of a structure or land indicating that the premises comply with the provisions of the Zoning Ordinance and may be used for the purposes set forth in the Occupancy Permit.
136. **Permitted Use.** A use which does not require special action by the Planning Commission, Board or Adjustment or the Board of Aldermen before a zoning permit is granted by the Building Inspector.
137. **Person.** An individual, partnership, organization, association, trust, or corporation. When used in a penalty provision, "person" shall include the members of such partnership, the trustees of such trust, and the officers of such organization, association, or corporation.
138. **Personal Service.** A business which provides a service oriented to personal needs which do not involve primarily retail sales of goods or professional advisory services. Personal services include barber and beauty shops and other similar establishments.
139. **Picnic Grove.** An area of land which is commercially rented for picnics.
140. **Planned Development.** An area of land under single ownership containing any combination of two (2) or more principal uses permitted by right or as a conditional use in the district, in which the development is proposed, provided a conditional use approval must be obtained for any proposed use so listed in the regulations of the district in which the development is proposed.
141. **Planned Unit Development (PUD).** An overlay district that allows design flexibility, mixing uses, and eliminating the rigidity of a zoning district and the associated dimensional requirements.
142. **Planning Commission.** The Planning Commission for Poplarville.

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143. **Pool Hall.** Any commercial establishment which derives significant or substantial income from the operation of pool tables, billiard tables, or similar devices, and which permits the consumption of alcoholic beverages on the premises.
144. **Porch.** A roofed or unroofed structure projecting from the front, side, or rear wall of a building.
145. **Premises.** Land together with structure or structures occupying it.
146. **Principal Building.** The building in which the principal use of a lot is conducted.
147. **Principal Use.** The single dominant use or single main use on a lot.
148. **Professional Office.** A building in which services are performed by a member of a profession, including but not limited to an accountant, architect, author, community planner, dentists, engineer, insurance agent, landscape architect, lawyer, minister, notary, optometrist, physician, realtor, or undertaker.
149. **Public Building.** A building owned or used exclusively by the City, County, State, or Federal Governments.
150. **Public Facilities.** Any facility necessary for the operation or maintenance of a local government unit or a public utility as defined by the laws of the State of Mississippi.
151. **Radio/TV Transmitter.** Any structure used for the transmission or retransmission of a commercial radio or TV broadcast signal.
152. **Recreational Vehicle.** A vehicle (regardless of size) which is designed as a temporary dwelling for travel, recreational and vacation uses (regardless of whether it is self-propelled or is designed to be towed or carried by another vehicle). "Recreation Vehicle" includes any "Travel Trailer" or "Travel Unit."
153. **Regulated Uses.** Uses which, due to the nature of their operation, are recognized as having serious objectionable operational characteristics, particularly when several of said uses are concentrated in close proximity to each other thereby having a detrimental effect upon the surrounding area. The regulation of these uses is necessary to insure that the detrimental effects will not contribute to the blighting, downgrading, or otherwise diminution of property values of the surrounding neighborhood.
154. **Rental Unit.** One or more rooms intended to be occupied by one (1) family as separate living quarters, but does not contain one (1) or more of the following: sanitary facilities, kitchen facilities or direct access from the outside or through a common hall.
155. **Restaurant.** A building in which food is prepared and served to the public for consumption, where waiters or waitresses take orders and serve food to people at tables, booths, or counters.
156. **Retail Center.** A building with ten thousand (10,000) square feet or more of floor area in which retail merchandise is sold, except for any type of business selling any type of merchandise which is specifically listed in this Ordinance.
157. **Retail Store.** A building with less than five thousand (5,000) square feet of floor area in which retail merchandise is sold, except for any type of business selling any type of retail merchandise which is specifically listed in this Ordinance.
158. **Retail Strip.** A building being utilized by more than three separate tenants, which are located in separate suites of the same building.
159. **Riding Stable.** The commercial boarding or hacking of six (6) or more horses.
160. **Right-of-Way.** Land reserved for the public or others for future use as a street.
161. **Roof Line.** The edge of the fascia beam or eve of a building.

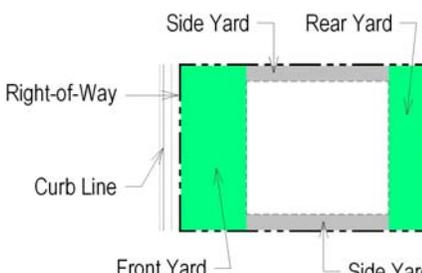
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162. **Rooming House.** See "Boarding House."
163. **Rooming Unit.** Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
164. **Sanitary Facilities.** All of the following: sink with piped water, a toilet, and a bathtub or shower with piped water.
165. **Sanitary Landfill.** An area where garbage, trash, or junk is disposed of by burial in conformance with State regulations, but shall not include the disposal of hazardous materials or radioactive materials.
166. **Screen.** A fence or natural obstruction of sufficient height (but not less than six (6) feet high) to effectively visually obscure the area being screened from adjoining areas.
167. **Seasonal Roadside Produce Market.** An accessory use for the sale of dairy, farm, greenhouse, or nursery products.
168. **Semi-Public Building.** Any building whose primary purpose is for religious, educational, or instructional usage.
169. **Setback Line.** The distance as measured perpendicular from either the front, side, or rear property line to the building.
170. **Sewage Disposal System.** A system designed to collect, treat, and dispose of sewage from users in compliance with regulations of the appropriate state agency and of the Board of Aldermen.
- a. **Centralized Sewage Disposal System.** A Sewage Disposal System which collects, treats, and disposes sewage from more than one (1) dwelling, principal use, or lot.
 - 1) **Public Sewage Disposal System.** A Centralized Sewage Disposal System owned and operated by a public authority.
 - b. **On-Lot Sewage Disposal System.** A Sewage Disposal system which collects, treats, and disposes of sewage from only one (1) dwelling, principal use, or lot.
171. **Sign (Outdoor Advertising).** Means of identification, description, display, or illustration affixed onto some other structure of its own or onto some other structure and advertising an object, produce, place, activity, institution, or business.
- a. **Ground Sign.** A sign which is anchored by or attached to the ground.
 - b. **Off-site Sign.** A sign advertising a business, service, or product that is not provided at the same location in which the sign is erected.
 - c. **Permanent Sign.** A sign constructed of durable, weatherproof materials typically designed to last for years.
 - d. **Portable Sign.** A sign which sits on the ground but is not attached to the ground.
 - e. **Sandwich Sign.** A freestanding sign usually composed of two hinged boards or other material. (Also referred to as an "A-Frame Sign")
 - f. **Temporary Sign.** A sign constructed of non-durable materials typically designed to last about three months or less.
 - g. **Under Canopy Sign.** A permanent sign located underneath the front overhang of a building usually at a right angle to the building front.
 - h. **Wall Sign.** A permanent sign which is anchored by or attached to a building.
172. **Site Alteration.** Includes regrading the existing topography, filling lakes, ponds, marshes or floodplains, clearing vegetation or altering watercourses.

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173. **Story (and Half-Story).** That portion of a building, included between the surface of any floor and the ceiling next above it, having a vertical distance of not less than seven (7') feet shall be considered a full story. Any such portion of a building having a vertical distance of less than seven (7') feet shall be considered a half-story. Basements shall be considered full stories while cellars shall not be considered as being stories or half-stories.
174. **Street.** A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, parkway, lane, boulevard, highway, road and any other thoroughfare except in alley, access drive, or driveway.
- a. **Arterial.** Streets designed primarily to carry medium to heavy volumes of traffic at moderately high speeds, and generally should not provide access to land which would interfere with their primary traffic functions. Arterial Streets are so designated on the Street Classification Map within the Comprehensive Plan.
 - b. **Collector.** Streets designed to carry a moderate volume of traffic between Local Streets and Arterials at moderate speeds, and provide only limited vehicular access to the abutting properties. Collector Streets are those streets which are so designated on the Street Classification Map within the Comprehensive Plan.
 - c. **Local.** Streets designed to provide direct access to abutting properties or gather traffic from marginal access streets which are so designated on the Street Classification Map within the Comprehensive Plan.
175. **Street Line.** Public or private right-of-way line of a street.
176. **Structure.** Any man-made object having an ascertainable, stationary location on or in land or water, whether or not affixed to the land. The term structure shall include: building, signs, fences, walls, towers, swimming pool, porches, garages, and similar structures. "Structure" shall be interpreted as including the words "or part thereof."
177. **Subterranean Building.** A building covered by land on at least fifty (50%) percent of the total surface of its walls and roof.
178. **Swimming Club.** An area containing a swimming pool which is used by the public or by members for a fee.
179. **Swimming Pool.** A body of water or receptacle for water having a depth at any point greater than thirty (30") inches which is primarily used or intended to be used for swimming or bathing.
180. **Temporary Occupancy (Season Occupancy).** The use of any premises or structure for living and/or sleeping purposes for less than one hundred (100) consecutive days in any calendar year.
181. **Temporary Permit.** An allowance issued by the City for short term activities such as construction huts, tents, and related items.
182. **Temporary Structure.** A structure or use which is not intended to last or to be used for more than one (1) year.
183. **City.** The City of Poplarville.
184. **Theater.** A building or part thereof devoted to showing motion pictures, or for dramatic, music, dance, musical, or other live performances.
185. **Thrift Store.** A profit or non profit business or organization that engages in the sale of used clothing, household goods, furniture, or appliances. This classification does not include antique shops.

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- 186. **Trailer.** See "Mobile Home" (listed under "Dwelling") and "Recreation Vehicle."
 - 187. **Travel Trailer.** See "Recreation Vehicle."
 - 188. **Urban Bank.** A place of business providing financial services including, but not limited to, that of lending money against automobile titles, advance check cashing, or other financial activities which are not regulated by the Federal Deposit Insurance Corporation.
 - 189. **Use.** Any activity, occupation, business, or operation carried on or intended to be carried on in a structure or on a lot.
 - 190. **Variance.** The granting of permission by the Planning Commission to use or alter land or structures which requires a variation from the strict application of a requirement of the Zoning Ordinance. Variances are granted only in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby strict application of regulations would result in practical difficulty and unnecessary hardship. Variances are granted only if specific requirements are met. A variance may not be granted to permit a use which is not permitted in the Zoning District involved.
 - 191. **Veterinarian Office.** See "Animal Hospital."
 - 192. **Water Supply System.** A system designed to transmit water from a source to users, in compliance with the requirements of the appropriate state agencies and the City of Poplarville.
 - 193. **Water Supply System, Centralized.** A Water Supply System which transmits water from a common source to more than one (1) dwelling, principal use, or lot.
 - 194. **Water Supply System, On-Lot.** A Water Supply System which transmits water from a source on the lot to one (1) dwelling, principal use, or lot.
 - 195. **Wildlife Sanctuary.** Includes nature center, outdoor education laboratory, woodland preserve, or arboretum.
 - 196. **Yard.** An open space on the same lot with a structure (or a group of structures) which lies between the structure (or group of structures) and a lot line and which is unoccupied and unobstructed from the ground upward except as herein permitted.
 - a. **Front Yard.** A yard extending the full width of the lot between a structure and the front lot line or side street lot line.
 - b. **Rear Yard.** A yard extending the full width of the lot between a structure and a rear lot line.
 - c. **Side Yard.** A yard extending from the front yard to the rear yard between a structure and the nearest side lot line.
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197. **Zone.** See "District."

ARTICLE 3: ZONING DISTRICTS AND USE REGULATIONS

300 ESTABLISHMENT OF ZONING DISTRICTS

- A. For the purpose of this Ordinance, zoning districts are hereby established as follows:
 - R-1 Single-Family Residential
 - R-2 Single-Family Residential
 - R-3 Single-Family Residential
 - R-4 Two-Family Residential
 - R-5 Multi-Family Residential
 - RMHP Residential Mobile Home Park
 - C-1 Neighborhood Commercial
 - C-2 Highway Commercial
 - C-3 Central Business District Commercial
 - C-4 General Commercial
 - MSOP Medical Service/Office Professional
 - L-1 Light Industrial
 - L-2 Heavy Industrial
 - A-1 Agricultural One
- B. For the purposes of this Ordinance, the zoning districts named in Section 300 A. shall be of the number, size, shape and location shown on the "Official Zoning Map" adopted and included in its entirety as a part of this Ordinance.

301 APPLICATION OF DISTRICT REGULATIONS

- A. Unless otherwise provided by law or specifically in this Ordinance, no land or building or structure shall be used or occupied except for a use permitted in the zoning district within which the land or building or structure is located.
- B. The regulations set by this Ordinance shall apply uniformly to each class or kind of structure or land, except as provided for in this Ordinance.
- C. No building, structure, sign, or land shall hereafter be erected, constructed, reconstructed, moved, or structurally altered internally or externally and no building or structure or part thereof shall hereafter be used or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.
- D. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- E. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- F. Any territory which may hereafter be annexed to the City of Poplarville shall maintain the zoning classification assigned by the county prior to the annexation. The land shall be rezoned according to the City of Poplarville's zoning regulations at a public hearing at a time designated by the Planning Commission. In the event territory is without a zoning

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classification at the time of annexation, then such annexed territory shall remain unzoned until otherwise classified by the City of Poplarville.

302 ZONING MAP

- A. A map entitled, "Official Zoning Map - City of Poplarville Mississippi" accompanies this Ordinance and is declared a part of this Ordinance.
- B. The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and shall bear the adoption date of this Ordinance and the seal of the City of Poplarville under the following words: "This is to certify that this the Official Zoning Map for the City of Poplarville, Mississippi, is hereby adopted by the Mayor and Board of Aldermen, this the 21st day of March, 2011."
- C. Changes of any nature to the Official Zoning Map shall be made in conformity with the amendment procedures set forth in this Ordinance. All changes shall be noted by date with a brief description of the nature of the change.
- D. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map shall be located in the Poplarville City Hall and shall be the final authority on boundaries and districts. The Building Inspector shall have a certified copy of the Official Zoning Map for official use.
- E. Replacement of Official Zoning Map
 1. If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, the Board of Aldermen may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map.
 2. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall include an amendment thereof.
 3. The new Official Zoning Map shall be identified by the signatures of the Mayor, attested by the City Clerk, and bearing the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of the Poplarville Zoning Ordinance."
 4. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any part or parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

303 RULES FOR INTERPRETING DISTRICT BOUNDARIES

- A. Zoning boundaries drawn approximately following the centerlines of streams, drainage ways, streets, alleys, railroads or other rights-of-way shall be construed to follow such centerlines. In the event of any change in the centerline, the zoning boundary shall be construed as moving the actual centerline.
- B. Boundaries approximately following property lines shall be construed as following such property lines.
- C. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of such map.
- D. Where physical features existing on the ground vary with those shown on the Official Zoning Map, or in other circumstances not covered by subsections A through C above, the Planning Commission shall interpret the district boundaries.

304 PURPOSE FOR ZONING DISTRICTS

The various zoning districts established by this ordinance shall have and be for the following purposes:

A. R-1 Single Family Residential

The purpose of the R-1 Single Family Residential District is to provide areas to meet the needs of the present and expected future residents seeking low density residential lifestyle with the benefits of urban services. This district is designed to accommodate single family housing, to protect residential neighborhoods from the negative impacts of incompatible land uses, and to protect residents' privacy, access to air and solar energy, and investments of money, time and pride in their community.

B. R-2 Single Family Residential

The purpose of the R-2 Single Family Residential District is to provide areas to meet the needs of the present and expected future residents seeking moderate density residential lifestyle with the benefits of urban services. This district is designed to accommodate single family housing, to protect residential neighborhoods from the negative impacts of incompatible land uses, and to protect residents' privacy, access to air and solar energy, and investments of money, time and pride in their community.

C. R-3 Single Family Residential

The purpose of the R-3 Single Family Residential District is to provide areas to meet the needs of the present and expected future residents seeking moderate density residential lifestyle with the benefits of urban services. This district is designed to accommodate single family housing, to protect residential neighborhoods from the negative impacts of incompatible land uses, and to protect residents' privacy, access to air and solar energy, and investments of money, time and pride in their community.

D. R-4 Two Family Residential

The purpose of the R-4 Two-Family Residential District is to provide areas for the development of a variety of moderate density housing types, including patio and townhomes and duplexes. Additionally, this district is also for the purpose of protecting and preserving existing medium density single family neighborhoods. The use of this district is appropriate as a transition zone between single family residential districts, commercial uses, or any noise that may devalue the single family homes.

E. R-5 Multi-Family Residential



To fully develop property located in each zoning district there are various requirements located in this ordinance that must be fulfilled. A summary of these additional requirements are highlighted below and should be read in full.

- Allowable uses within each district are contained within Table 3.1;
- Dimensional requirements for each district are contained within Table 3.2;
- General regulation governing nonconforming uses is located in Article 4;
- Off street parking and loading requirements are located in Article 7;
- Approval procedures are outlined in Article 8;
- Architectural Standards are contained in Article 9;
- Potential development bonuses are contained in Article 10; and
- Outdoor signage and advertising requirements are found in Article 11.

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The purpose of the R-5 Multi-Family Residential District is to provide areas for the development of a variety of higher density housing types, including patio and townhomes, and multifamily housing. The use of this district is appropriate as a transition zone between single family residential districts, commercial uses, or any noise that may devalue the single family homes.

F. RMHP Residential Manufactured Home Park

The purpose of the RMHP district is to provide for properly planned manufactured home parks. It is the intent of this Ordinance that these districts may be located only in such areas as to not adversely affect the established residential subdivisions and residential densities in the city. Such location, however, shall have necessary public services, a healthful living environment and normal amenities associated with residential zones of the City.

G. C-1 Neighborhood Commercial District

The purpose of the C-1 Neighborhood Commercial district is to provide for the development and operation of retail and personal service establishments at a neighborhood scale. This district is not intended to encroach on existing residential development, nor is it to result in a threat to the investment in residential development. The land uses resulting from the development of this district are anticipated to serve the needs of those individuals living in close proximity to the district as opposed to serving a market opportunity created by the motoring public.

H. C-2 Highway Commercial District

The purpose of the C-2 Highway Commercial District is to provide services for the motoring public, a large part of which is through traffic. In order to discourage congestion, traffic hazards, and blighting effects of strip commercial development, C-2 Zones shall not be closer together than approximately one (1) mile.

I. C-3 Central Business District

The purposes of the C-3 Central Business District Commercial Zone is to provide areas for the major commercial activity of the City and serves a three part function: 1) to protect present business and commercial uses from blighting effects of incompatible land uses; 2) to encourage the development of the downtown area as the shopping and commercial core of the City and surrounding region; an 3) to encourage the eventual elimination of uses detrimental or inappropriate to the proper functioning of the Central Business District.

J. C-4 General Commercial District

The purpose of the C-4 General Commercial District is to provide areas for those heavier types of commercial uses which generate significant amounts of truck traffic, require outdoor storage or because of other characteristics are not compatible when located adjacent to other types of commercial uses.

K. MSOP Medical Service/Office Professional District

The purpose of this district is to provide location for office related services and reserved for business, office, specified public or semi-public uses and residential purposes. Regulations are designed to encourage the formation and continuance of a quiet, compatible and uncongested environment for office type business or professional firms intermingled with dwellings and certain public or semi-public uses; to discourage any encroachment of unrestricted retail and/or wholesale business establishments, industrial concerns and other uses capable of adversely affecting the specialized office professional and housing character of the district.

L. L-1 Light Industrial District

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The purposes of this district are to provide areas which are suitable for light industrial, heavy commercial, and office uses, so as to prevent conflicts between these uses and other land uses, to protect the environment by limiting the types of industries in Poplarville to those which are compatible with it, and to promote local jobs and a strong local tax base. This district is expected to accommodate industrial uses conducted primarily indoors and which do not produce excessive amounts of noise, odor, light, glare, vibration or other nuisances.

M. L-2 Heavy Industrial District

The purposes of this district are to provide areas which are suitable for heavy industrial and heavy commercial uses, so as to prevent conflicts between these uses and other land uses, to protect the environment by limiting the types of industries in Poplarville to those which are compatible with it, and to promote local jobs and a strong local tax base. This district is expected to accommodate industrial uses conducted indoors or outdoors and which produce limited amounts of noise, odor, light, glare, vibration or other potential nuisances.

N. A-1 Agricultural District

The purpose of the Agricultural District is to accommodate agricultural and related uses, and single family residential development in those areas within the City of Poplarville which are not yet served with adequate infrastructure to support higher density development.

305 DIMENSIONAL REQUIREMENTS AND LIMITATIONS FOR ZONING DISTRICTS

The dimensional requirements for building and development within the various zoning districts established by this ordinance shall be as shown in Section 312, Table 3.2 together with the footnotes thereto and in accordance with Article 10. Such dimensional requirements shall pertain to maximum building height, minimum lot area, minimum lot width, minimum required setbacks for front, rear and side yards, maximum building coverage and the density of allowable development.

306 PROVISION FOR LAND USES WITHIN ZONING DISTRICTS

Lands within the various zoning districts established by this ordinance may be utilized in accordance with the Chart of Allowable Uses as shown in Section 311.B, Table 3.1 together with the footnotes thereto.

307 PARKING REQUIREMENTS WITHIN ZONING DISTRICTS

Parking shall be provided within the various zoning districts established by this ordinance in accordance with the provisions of Article 7.

308 SIGNAGE REQUIREMENTS WITHIN ZONING DISTRICTS

Any signage proposed within the various zoning districts established by this ordinance shall comply with the provisions of Article 11 Signs and Outdoor Advertising.

309 SPECIAL PROVISIONS FOR MANUFACTURED HOME PARKS OR SUBDIVISIONS

A. Site Plan Required

No building permit to construct a new manufactured home park or to expand (by the addition of one or more spaces) an existing manufactured home park shall be issued until the applicant for the building permit has complied with the provisions of Section 805 relative to site plan review. All new manufactured home parks established after the effective date of this Ordinance shall comply with all of the provisions herein.

B. Building Permit Required

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

Furthermore, any person responsible for placing a manufactured home in a manufactured home park shall comply with the tie down standards all applicable building codes as adopted by the City of Poplarville.

C. Private Streets within Manufactured Home Parks

All streets within a mobile home park shall be at least 28 feet in width. All streets shall be constructed in accordance with the City of Poplarville Subdivision Regulations. Proper maintenance of all streets within manufactured home parks shall be the responsibility of the owner or operator of the park and not the City of Poplarville.

D. Wheel Removal and Placement of Mobile Home on a Concrete Pad or Permanent Foundation / Skirting Requirements

The owner of any manufactured home located or re-located in the RMHP district on and after the effective date of this Ordinance shall be responsible for removing the wheels of such manufactured home and placing the manufactured home on a concrete pad or foundation to the bottom of the manufactured home.

Furthermore, the owner of any manufactured home located or re-located in an RMHP district on or after the effective date of this Ordinance shall be responsible for installing skirting around the base of the manufactured home, thereby completely covering all sides of the manufactured home from the pad or foundation to the bottom of the manufactured home.

E. Utilities and Drainage

Utilities (electrical power, natural gas, water, and sanitary sewerage) and storm drainage shall be provided in all manufactured homes parks in accordance with the City of Poplarville Subdivision Regulations and applicable codes adopted by the City of Poplarville. The maintenance of the water and sanitary sewage facilities and storm drainage facilities within the manufactured home parks shall be the responsibility of the owner of the park and not the City of Poplarville.

F. Freedom from flooding and ponding

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

G. Refuse Collection Facilities

The owner, or his/her authorized representative, of a mobile home park shall provide adequate refuse collection stations approved by the City of Poplarville for the proper storage

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of all refuse produced by residents of the mobile home park, and shall be responsible for the cleanliness of the premises.

H. Access to Public Streets and Highways

All access points to public streets or highways shall be approved by the Mayor and Board of Aldermen and/or the Mississippi State Highway Department.

I. Service Building

A service building containing mechanical laundry equipment, including washing machines and dryers, for use by park occupants only shall be provided in every mobile home park.

J. Recreational Area

A minimum of thirty percent (30%) of the gross land area of each mobile home park shall be set aside as a recreational area or common open space for park residents. In calculating this open space requirement, the front, side, and rear yard may be included. Parking lots and driveways MAY NOT be included in calculating this required open space.

K. Exterior Lighting

Adequate street lights shall be provided by the park developer to all streets and walkways for the safe movement of vehicles and pedestrians at night. All costs associated with the operation of street lights shall be the responsibility of the park owners or operators, and not the City of Poplarville.

L. Fire Hydrants

Fire hydrants approved by the City of Poplarville shall be placed a maximum of 250 feet from each mobile home and every building within the park.

310 ACCESSORY USES

A. In General

An accessory use on the same lot and customarily incidental to a permitted principal use is permitted by right.

B. Yard Requirements

Every accessory use shall comply with the yard regulations for the district in which it is located, except as otherwise specifically provided in this Ordinance.

C. Special Standards

Each accessory use shall comply with all of the following standards listed for that use:

1. Dwelling(s) Accessory to Principal Nonresidential Use.
 - a. The total floor area of all accessory dwelling units shall be less than the floor area of the principal non-residential use.
 - b. Additional parking spaces required by Article 7 for such dwelling(s) shall be provided.
2. Home Occupations
 - a. Number.

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- No more than one (1) home occupation shall be permitted per dwelling unit.
 - b. Workers.
Non-family members shall not exceed one (1) person.
 - c. Size.
The floor area utilized for the conduct of the home occupation shall not exceed twenty-five (25%) percent of the total floor area of the dwelling unit.
 - e. Parking and Loading.
Adequate space for off-street parking and loading shall be provided.
 - f. Building Appearance.
There shall be no outdoor storage or display and no change in the existing outside appearance of the building or premises or other visible evidence of the conduct of such home occupation.
 - g. Nuisances Prohibited.
No machinery or equipment shall be permitted that produces noise, odor, vibration, light, or electrical interference beyond the boundary of the subject property.
- 3. Noncommercial Swimming Pool
A noncommercial swimming pool designated to contain a water depth of twenty four (24") inches or more shall not be located, constructed, or maintained on any lot or land area except in conformity with the following requirements:
 - a. Location
No pool shall be located in front of the principal building. No above or in-ground pool shall be located within ten (10') feet of a side or rear lot line or under any electrical lines, or over any on-lot sewage disposal field or system. No portion of any walkway or pool appurtenance structure shall be closer than four (4') to any lot line.
 - b. Fence.
Every in-ground, noncommercial swimming pool shall be entirely enclosed with a good quality chainlink, wooden, or equivalent fence of not less than four (4') feet in height. Above ground pools on any lot shall not require a fence but shall require a lockable gate to any pool access platform or ladder.
- 4. Residential Accessory Building, Structure or Use
Permitted residential accessory buildings, structures or uses include:
 - a. Parking Spaces and Garages shall be provided in accordance with Article 7.
 - b. Fences and Walls
 - i. Fences and walls in the required side and rear yard areas shall not exceed six (6') in height (except tennis court fences which shall not exceed ten (10') feet in height).
 - ii. Fences or walls placed in the required front yard shall not exceed three (3') feet in height.
 - c. Structures
Structures (such as bathhouses, greenhouses, and storage sheds) shall not exceed fifty (50%) percent of the floor area of the principal building, shall not exceed fifteen (15') feet in height, and shall not be located in front of nor within ten (10') feet of the principal building nor within six (6') feet from a side lot line, nor within five (5') feet of a rear lot line.

311 CHART OF PERMITTED USES

A. Conditions governing permitted uses.

Permitted uses shall be governed by conditions set out in the three categories as follows:

1. **Uses by Right.** The land uses contained within the Schedule of Uses set forth herein and denoted with a "P" are considered permitted uses without further approval of the City of Poplarville, unless otherwise required by this or any other ordinance or requirement of the City.
2. **Uses Requiring Site Plan Review.** The land uses contained within the Schedule of Uses set forth herein and denoted with an "S" are considered permitted uses with the review and approval of the City of Poplarville in accordance with the Site Plan Review provisions set forth in Section 805 of this ordinance.
3. **Conditional Uses.** The land uses contained within the Schedule of Uses set forth herein and denoted with a "C" are considered Conditional Uses and require the review and approval of the City of Poplarville in accordance with the conditional use provisions set forth in Section 806 of this ordinance. Additionally, these uses are declared to possess such characteristics of unique or special form that each specific use shall be considered on an individual case and shall be subject to conditions imposed thereon for the protection of the health, safety and general welfare of the City of Poplarville.

B. Schedule of Uses.

Property lying within each of the districts as reflected on the official zoning map shall be used only for the purpose as hereinafter set forth, and in accordance with the provisions of this ordinance. The uses permitted in each of the types of districts are listed below. For any use not specifically listed, the Building Inspector shall make a determination of the appropriate zoning district in which such use shall be permitted either by right, by site plan review, or by conditional use. If the Building Inspector cannot reach a determination, then the matter shall come before the planning commission for such determination.

The schedule of uses shall be as follows:

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Table 3.1 Chart of Allowable Uses

P = Allowed by Right; S = Site Plan Review Required; C = Conditional Use Permit Required

USES	Zoning Classification													
	A-1	R-1	R-2	R-3	R-4	R-5	RMHP	C-1	C-2	C-3	C-4	MSOP	L-1	L-2
RESIDENTIAL														
Mixed Use Residential / Office / Commercial						C		C		C		C		
Manufactured Homes ¹							S							
Modular Homes	P	P	P	P	P	P		P	P	P	P	P		
Multi-Family Dwellings						S								
Planned Unit Development	S	S	S	S	S	S	S							
Single family detached	P	P	P	P	P	P		P	P	P	P	P		
Two-Family Dwellings					P	S								
Katrina Cottage					C	C								
Temporary Uses ²	C	C	C	C	C	C	C	C	C	C	C	C	C	C
COMMERCIAL														
Animal Hospitals without Runs	P										P			
Antique Shops									P	P	P			
Amusement Center – Indoor									P	P	P			
Amusement Facility - Outdoor									P	P	P			
Apparel Shops									P	P	P			
Appliance Repair									C		C		C	P
Appliance Sales										P	P			
Art Studios										P	P			
Automatic Car Wash Services											C		S	S
Automobile (new car) Sales										S	S			
Bakeries								P		P	P			
Banks										P	P			
Bed and Breakfast	S	S	S					S		S				
Bottling Works											P			
Bowling Alley								P	P	P	P			
Branch Banks								P	P	P	P	P		
Child Care Centers or Similar								C			C	C		
Construction Equipment Sales, Repair, and Storage											C		C	C
Convenience Store with Gas Sales ²									S	C	S	S	P	P
Convenience Store without Gas Sales ²								C	S	C	S	S	P	P
Creameries											P			
Day Care Centers								C			C	C		
Dental Clinics								S		P	P	P		
Drive-In Restaurants									P	P				
Drive-In Theaters									P	P				
Drug Stores								C	P	P				
Dry Cleaners								C	P	C	P			
Farm Equipment Sales, Repair, and Storage											C			
Florist Shops								P		P	P			

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USES	A-1	R-1	R-2	R-3	R-4	R-5	RMHP	C-1	C-2	C-3	C-4	MSOP	L-1	L-2
<i>Commercial Continued</i>														
Furniture Stores (Retail, and Wholesale)											P			
Garages for Repair of Motor Vehicles within Closed Buildings									C		C		S	S
Grocery Stores								C	P	P	P			
Hardware Stores									P	P	P			
Health Clinics									P		P	P		
Hotels									S	S	S			
Ice Cream Parlors								P	P	P				
Ice Stations (Ice Dispenser)								C	P	C	P			
Insurance Agencies								S	P	P	P			
Laundromat									C		C		P	P
Lumberyards									C		P		P	P
Medical Clinics									P		P	P		
Motels									P	C	P			
Nursing or Personal Care Homes	C						C				C			
Office Buildings									P	P	P	P		
Offices									P	P	P	P		
Paint Stores, Retail and Wholesale									P		P			
Personal service establishments								C	P	P	P			
Places of Amusement									C	C	C		S	S
Planned Unit Development									S	S	S	S		
Plumbing Sale, Retail and Wholesale and Repair Services									P		P		P	P
Printing Establishments										P	P		P	P
Professional Office Buildings								C	P	S	P	P		P
Publishing Establishments										P	P			
Restaurants								C	P	P	P	P		P
Retail Car Sales, Services, and Repairs									P	P	P			
Retail Sales of any commodity manufactured, processed, fabricated, or warehoused only on the premises														P
Retail Sales of Equipment, Supplies, and Materials designed especially for use in agriculture, mining, industry, business, transportation, building, and other construction														P
Retail sales and servicing of recreational vehicles and equipment such as ATV's, boats, Motorcycles, go-karts, and similar.									C		C		P	P
Service Stations ^{3, 4}									C		C			P
Shoe repair shops								C		P	P			
Studio: Artist or Photography								C		P	P			
Tattoo or Body Piercing Parlor													C	C
Theaters (indoor)										P	P			
Thrift Store										C	C			
Tourist Cabins									P	P				
Tourist Courts									P	P				
Trucking Terminals											P			
Tutoring Services								P	P	P	P			
Urban Bank														C

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USES	A-1	R-1	R-2	R-3	R-4	R-5	RMHP	C-1	C-2	C-3	C-4	MSOP	L-1	L-2
Commercial Continued														
Used car lots											P			
Variety stores											P			
Warehouses for inside storage											P			
Abattoirs or Slaughter Houses														C
Acid Manufacturing, such as Hydrochloric, Nitric, and Sulfuric														C
Aggregate Plants and Operations														P
INDUSTRIAL														
Animal Hospital, Permitting Housing and/or Boarding of Animals and Runs	C													P
Assembly Plants													P	P
Bakeries, Wholesale													P	P
Beauty and Barber Shop Equipment and Supplies Manufacturing														P
Bookbinders													P	P
Brooms Manufacturing														P
Bulk Storage of Petroleum Products													P	P
Candy Factories														P
Canneries													P	P
Carpet Cleaning Services													P	P
Carting, Express, Hauling, or Storage Yards														P
Cellophane Products Manufacturing													P	P
Cement, Lime, Gypsum, or Plaster of Paris Manufacturing														C
Ceramic Products													P	P
Cereal Mills														P
Chemical Mills														P
Coal, Coke, or Wood Yards														P
Cold Storage Plants											P			
Concrete Batch Plants														P
Confectionery Manufacturing													P	P
Cosmetic Manufacturing													P	P
Dairy Products, Processing and Manufacturing													P	P
Distillation of Bones														C
Egg Drying Plants														P
Electrical Equipment, Machinery, and Supplies Manufacturing														P
Electrical Parts, Assembly and Manufacture													P	P
Engraving Plants													P	P
Explosive Manufacturing or Storage														C
Fat Rendering														C
Feed Processing													P	P
Fertilizer Manufacturing														C
Fiber Products Manufacturing													P	P
Flour Mills														P
Food Processing														P

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USES	A-1	R-1	R-2	R-3	R-4	R-5	RMHP	C-1	C-2	C-3	C-4	MSOP	L-1	L-2
<i>Industrial Continued</i>														
Food Products Manufacturing													P	P
Food Stores (Retail, and Wholesale)											P			
Foundry Casting Lightweight, Nonferrous Metal													P	P
Fountain and Beverage Equipment Manufacturing														P
Furniture Manufacturing													P	P
Garbage, Offal, and Dead Animals Dumping or Reduction, Except for Municipal Incinerators														C
Gas Manufacturing														C
Glass Products Manufacturing													P	P
Glue Manufacturing														C
Grain Elevators	P												P	P
Instruments for Professional, Scientific, Photographic, Optical, and Similar Uses Manufacturing														P
Iron Works, Light													P	P
Jewelry, Manufacturing													P	P
Junk Yard														C
Killing, dressing, and Storage of Poultry														C
Laboratories													P	P
Leather Products Manufacturing													P	P
Metal Fabricating														P
Millwork and Cabinet Making													P	P
Millwork and Flooring Processing														P
Mining Equipment Manufacturing														P
Missiles and Their Components Manufacturing														P
Open Storage of Building Materials:													P	P
- Lumber													P	P
- Coal													P	P
- Machinery													P	P
- Pipe													P	P
Paint Mixing and Treatments													P	P
Paper Manufacturing														P
Parcel Delivery Services													P	P
Petroleum Refining or Storage														C
Pharmaceuticals Manufacturing													P	P
Plastic Products Manufacturing													P	P
Plywood, Furniture, and Similar Wood Products Manufacturing														P
Pulp or Paper Mills														C
Railroad Depot, Passenger and Freight													P	P
Refrigerating plants													P	P
Research Facilities														P
Rock Wool Manufacturing														P
Rubber Products Manufacturing														P
Sawmills														P

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USES	A-1	R-1	R-2	R-3	R-4	R-5	RMHP	C-1	C-2	C-3	C-4	MSOP	L-1	L-2
Industrial Continued														
Sheet Metal Products (Light) Manufacturing													P	P
Sign Painting Shops													P	P
Smelting of Tin, Copper, Zinc, or Iron Ores														C
Stock Yards and Stock Auction Barns	P													C
Storage or Baling of Rags, Paper, Iron, or Junk Yards														C
Television and Radio Broadcasting Transmitters													P	P
Textile Products Manufacturing													P	P
Tire Retreading, Recapping or Rebuilding													P	P
Tool and Machinery Manufacturing													P	P
Toy Manufacturing													P	P
Truck terminals, Truck and Trailer Services													P	P
Upholstery Manufactures													P	P
Warehouse or Storage Buildings													P	P
Water Distillation													P	P
Well-Drilling Services													P	P
Wholesale Business, Including Gasoline and Oil													P	P
Wholesale Sale and Storage of Any Article														P
Wood Products Manufacturing													P	P
INSTITUTIONAL														
Convent							P							
Schools	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Institution of Religious Training	C	C	C				P	C	C	C	C	C		
Institutions for children	C	C	C				P	C						
Institutions for the aged	C	C	C				P	C	C	C	C	C		
Institutions:							P							
- Educational	P	P	P	P	P	P	P	P	P	P	P	P	P	P
- Philanthropic							P	P	P	P	P	P	P	
- Eleemosynary							P	P	P	P	P	P	P	
Public Semi-Public														
Churches and Accessory Religious Buildings	P	P	P	P	P	P		P	P	P	P	P		
City, County, State, Federal Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Monastery							P							
Parks	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Recreational Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P
REGULATED USES ^{5, 6, 7, 8}														
Adult Bookstores														C
Adult Live Entertainment														C
Adult Novelty Stores														C
Adult Theaters														C
Adult Video Stores														C

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USES	A-1	R-1	R-2	R-3	R-4	R-5	RMHP	C-1	C-2	C-3	C-4	MSOP	L-1	L-2
<i>Regulated Uses Continued</i>														
Alcohol Distribution and Storage														C
Bar Rooms ⁹									C					
Lounges ⁹									C					
Nightclub ⁹									C					
Pool Hall ⁹									C					

Notes:

1. For the purpose of these regulations, Manufactured Home shall also include FEMA trailers.
2. Temporary uses are subject to the provisions of the Conditional Use process (Section 806) and Section 407.
3. Service stations or gasoline filling stations shall be so constructed that, for driveways parallel to the street's boundary line, the center line of the pump shall be at least 18 feet from the parallel street property line, and, if on a corner lot, the end pump shall be at least 18 feet from the other street property line. For driveways built diagonally across the corner lot, the center line of pumps shall be at least 25 feet from the street corner of the lot, which shall be measured along a line bisecting the angle of intersecting streets, and the end pumps shall be at least 18 feet from the street property line.
4. Within the premises of a Service Station, minor auto repairs and services are allowed.
5. The building containing a regulated use shall not be located within four hundred (400) feet of an exclusive residential zoning district unless a petition requesting waiver of this requirement is received and verified by the Planning Commission, signed by sixty (60) percent of those persons owning property within a five-hundred-foot radius of the proposed location, in which case the Board of Aldermen may waive this requirement similar to those required for a waiver as listed in Footnote 6.
6. The regulated use shall not be located within a twenty-five hundred foot (2,500) radius of any other regulated use. The restrictions of this subsection may be waived by the Board of Aldermen after an application for a waiver and a hearing before the Planning Commission, if the Board of Aldermen shall find:
 - a. That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this ordinance will be observed;
 - b. That the proposed use will not enlarge or encourage the development of a blighted or downgraded area;
 - c. That the establishment of an additional use of this type in the area will not be contrary to any program of neighborhood conservation or improvement, either residential or nonresidential; and
 - d. That all other applicable regulations of this article will be observed.
7. No building containing a regulated use shall be established within four hundred (400) feet of any church, temple, synagogue, or other regularly established place of worship, or any school; provided, however, the Board of Aldermen may waive this requirement after receipt of a recommendation from the Planning Commission and upon findings similar to those required under Footnote 6.
8. The Building Inspector or his representative is hereby authorized to enter, examine and survey, during business hours, any premises in the City which is a regulated use for the purpose of enforcing the provisions of this article. This section shall not restrict or limit the right of entry vested in any other person under any other provision of law.
9. Liquor license required for the sale of alcohol.

312 DIMENSIONAL REQUIREMENTS

Table 3.2 Zoning District Dimensional Requirements

District	Minimum Requirements					Maximum Allowable		
	Lot Area (sq. ft.)	Lot Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Building Height (feet)	Percent Building Coverage	Gross Density ¹ (units/ac)
R-1 Single Family	10,000	80	30	10 ^{2,4}	25 ^{3,4}	35	30	4
R-2 Single Family	7,500	60	30	10 ^{2,4}	25 ^{3,4}	35	35	5
R-3 Single Family	5,000	50	30	5 ^{2,4}	25 ^{3,4}	35	35	7.5
R-4 Two-Family								
Single Family & Other Uses	5,000	50	30	10 ^{2,4}	25 ^{3,4}	35	40	7.5
Two family (duplex)	8,000	75	30	10 ^{2,4}	25 ^{3,4}	35	40	8
R-5 Multi-Family								
Multi-Family	9,600 ⁵	80	30	15 ^{2,4}	25 ^{3,4}	45	30	12
Single Family & Other Uses	5,000	50	30	15 ^{2,4}	25 ^{3,4}	45	30	7.5
Two Family (Duplex)	8,000	80	30	15 ^{2,4}	25 ^{3,4}	45	30	8
RMHP - Manufactured Home Park	5.0 ac ⁶	100 ⁷						
Manufactured Home Units	5,000	40	20	10 / 18 ^{8,4}	25 ⁴	25	35	7.5
C-1 Neighborhood Commercial	none	none	65	none ⁹	25 ^{4,9}	35	45	none
C-2 Highway Commercial	10 ac	none	75	none ⁹	none ^{9,4}	35	35	none
C-3 Central Business Commercial	none	none	none	none ¹¹	none ^{9,4}	none	100	none
C-4 General Commercial	none	none	none	none ¹¹	none ^{9,4}	none	100	none
MSOP Medical Service/Office Professional	none	none	25	10	20	35	55 ¹⁶	none
L-1 Light Industrial	1 ac	none	75	25 ¹²	50 ^{13,4}	none	50	none
L-2 Heavy Industrial	2 ac	200	100	25 ¹⁴	none ⁴	none	50	none
A-1 Agricultural								
With Public Sewer	10,000	80	30	10 ^{2,4}	25 ^{3,4}	35	30	4
Without Public Sewer ¹⁵	43,560	150	30	10 ^{2,4}	25 ^{3,4}	35	30	1

Notes:

1. Gross density is calculated as the total number of living units divided by the total acres within the development area.
2. 30 ft. when side yard abuts street (corner lot)
3. 30 ft. when rear yard abuts street (double frontage lot)
4. 30 ft. for public semi-public building uses
5. 9,600 for one to three dwelling units. Each additional dwelling unit requires 800 sq. ft. of lot area
6. Area required for a manufactured home park
7. Minimum distance at manufactured home park entrance at the right-of-way
8. 10 ft on non-entrance side of manufactured home and 18 ft on entrance side of manufactured home
9. 50 ft when adjacent to residential zones
10. 50 ft when adjacent to residential zones
11. 0 ft for built up areas, 12 ft for new construction unless a firewall is approved, & 50 ft on side adjacent to residential zones
12. 75 ft on side adjacent to residential zones
13. 100 ft on side adjacent to residential zones
14. 150 ft on side adjacent to residential zones
15. Larger minimum lot areas may be required in order to accommodate on site septic systems.
16. Total impervious surface coverage shall not exceed 75% of the lot area.

313 **PLANNED UNIT DEVELOPMENT (PUD)**

A Purpose

1. For the purpose of allowing and encouraging greater variety of design and flexibility in development, the requirements of this ordinance may be modified by the Planning Commission, provided that gross population and building density of any area proposed under the planned unit approach complies with the population and building density set forth for the zoning district in which the development shall be located.
2. The owner or owners of any tract of land comprising an area of not less than five acres in an R-1, R-2, R-3, R-4, or R-5 District, or two acres in the remaining districts may submit to the Mayor and Board of Aldermen a plan for the use and development of all of the tract of land for residential and related purposes. This plan shall be referred to the Planning Commission for study and report and for public hearings in accordance with the procedure for rezoning or amendment pursuant to Section 809. After consideration by the Planning Commission, these plans shall be submitted to the Mayor and Board of Aldermen for consideration and action. The recommendations of the Planning Commission shall be accompanied by a report stating the reasons for its action. If the Planning Commission gives approval, it shall submit specific evidence and facts showing that the proposed planned unit development meets with the following conditions.
 - a. The property adjacent to the area included in the plan will not be adversely affected.
 - b. The plan is consistent with the intent and purpose of this ordinance to promote public health, safety, morals and general welfare.

B. Permitted Uses and Dimensional Requirements

1. As part of the approval process, the applicant shall propose the various permitted uses together with the dimensional requirements to govern the PUD. To promote flexibility in design and uniqueness, such uses and dimensional requirements need not conform to those within these regulations for the underlying zoning districts.
2. The average lot area per family contained in the site, exclusive of the area occupied by streets, will not be less than the lot area per family required in the district in which the development is located.
3. If the Mayor and Board of Aldermen approves such a plan, building permits and certificates of occupancy may be issued even though the use of land and the location and height of buildings to be erected in the area and the yards and open space contemplated by the plan do not conform in all respects to the district regulations of the district in which it is located.

C. Administration

1. A PUD shall be shown on the official zoning map as an overlay district and any amendments thereof shall conform to the procedural requirements set forth in Section 809.
2. The development of a PUD shall be governed by the Permitted Uses and Dimensional Requirements proposed for the PUD and as finally approved by the Mayor and Board of Aldermen. Should the Permitted Uses and Dimensional

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Requirements fail to address any regulatory aspect of the PUD, the provisions of this or any other ordinance of the City of Poplarville shall apply.

ARTICLE 4: GENERAL REGULATIONS

401 LIMIT OF ONE PRINCIPAL USE

No more than one (1) principal use shall be permitted on a lot, unless specifically permitted by this Ordinance.

402 PRINCIPAL BUILDINGS

A. Street Frontage Required

Every principal building shall be built upon a lot with frontage upon a public or private street improved to meet minimum standards set forth by the engineer for the City of Poplarville.

B. Two or More on a Lot

Where two (2) or more principal buildings on a lot, the same shall conform to the following:

1. The requirement of this Ordinance which would apply to each building if each were on a separate lot and
2. The standards and improvements required for a land developments by the Subdivision and land Development Ordinance.

403 MAXIMUM HEIGHT OF BUILDINGS

- A. The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, chimneys, smoke stacks, conveyors, flag poles, masts and aerials, scenery lofts, standpipes, false mansards, parapet walls, out-door theatre screens, other similar structures and necessary mechanical appurtenances, provided their construction is in accordance with existing or hereafter adopted ordinances of the City of Poplarville .
- B. In the 35-foot and 45-foot height districts, public or semi-public buildings, or hospitals may be erected to a height not exceeding 75 feet; provided, however, the front, side and rear yards shall be increased an additional foot, for each foot such buildings exceed 35 feet and 45 feet, respectively, in height.
- C. One-family dwellings in 35 feet height districts may be increased in height by not more than 10 feet when two side yards of not less than 15 feet each are provided.

404 SPECIAL LOT AND YARD REQUIREMENTS

A. In General

1. The lot or yard requirements for any new building or use shall not include any part of a lot that is required by any other building or use to comply with the requirements of this Ordinance.
2. No required lot area or yard shall include any property (the ownership of which has been transferred subsequent to the effective date of this Ordinance), if such property was part of the area required for compliance with the dimensional requirements applicable to the lot from which such transfer was made.

B. Exceptions to Minimum Lot Areas, Lot Widths and Yards

1. Nonconforming Lots: See Section 406.
2. Irregularly Shaped Lots

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In the case of irregularly shaped lots, the minimum lot width specified in the district shall be measured at the rear lot line of the minimum required front yard, provided that in no case shall the lot frontage measured at the street right-of-way line be less than seventy (70%) percent of the required minimum lot width except in the following situations: on cul-de-sacs or courts or street centerline curves of less than three hundred (300') feet radius where the lot frontage measured at the street right-of-way line shall not be less than forty (40%) of the minimum lot width.

Figure 4.1: Irregular Lot

If the minimum width is required to be 100' (per Table 3.2), the width at line AB must be 70'

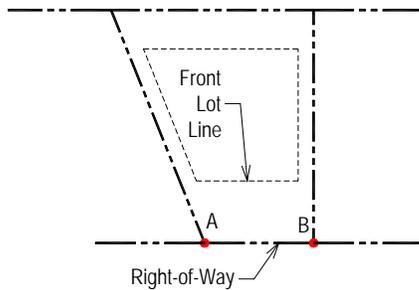
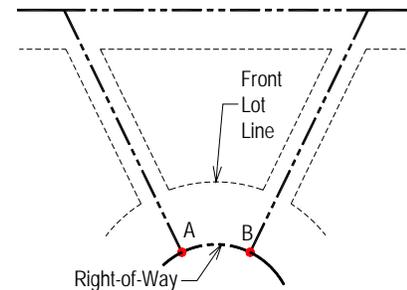


Figure 4.2: Cul-de-Sac Lot

If the minimum width is required to be 100' (per Table 3.2), the width at line AB must be 40'



3. Through Lots

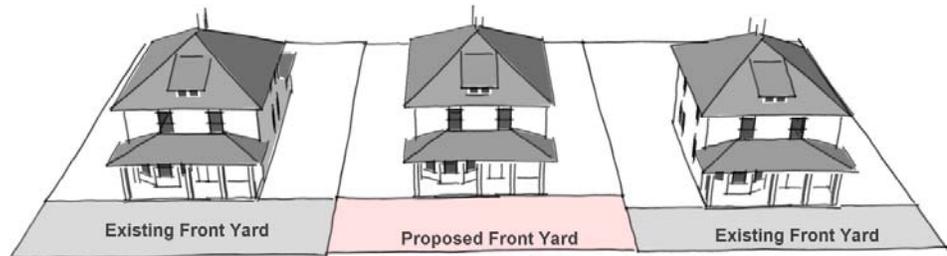
Front yards shall be provided along all portions of a through lot abutting any street, except where a provision of a different yard will comply with the prevailing front yard pattern on adjoining lots.

4. Corner Lots

Front yards shall be provided along all portions of a corner lot abutting any street, except where the provision of a different yard will comply with the prevailing yard pattern on adjoining lots (but shall not be less than ten (10') feet).

5. The front yard of a lot between two lots (each having a principal building within twenty (20') of the lot) may be reduced to a depth equal to that of the greater of the two adjoining lots, except that the front yard shall not be less than ten (10') feet.

Figure 4.3 Front Yard Depth



6. Projections into Yards

a. No projection into required yard areas permitted in Sections 404 B. 6. b. and c. (except for patios) in a Low Density Residential District or Medium Density Residential District shall be less than ten (10') feet from any side or rear lot line or fifteen (15') feet from any front lot line.

b. Bay windows, carports, fireplaces, fire escapes, chimneys, uncovered stairs and landings, and balconies and cornices, canopies, marquees, eaves or

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other architectural features not required for structural support may project into the required side, front or rear yard not more than three (3') feet.

- c. Patios may be located in the required side and rear yards not closer than three (3') feet to any adjacent property line, and may project into front yards not closer than ten (10') feet to the street right-of-way line.

C. Traffic Visibility Across Corners

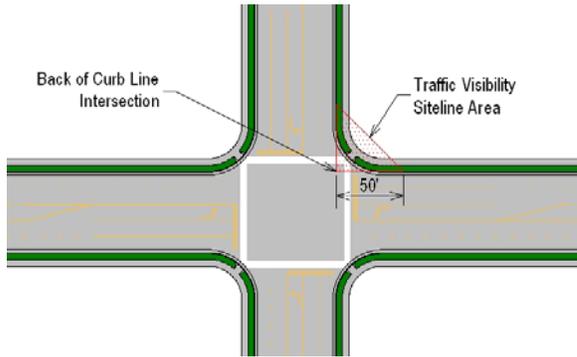
1. Sightlines at Intersections of Streets

- a. A triangular area as defined in Section 404 C. 1. c. shall be graded and shall be free of sight obstructions so that vision between a height of from two to ten (2' to 10') feet above the centerline grades of the intersecting streets is not obscured.
- b. By means of deed restriction, lease restriction, or plan amendment (whichever method is applicable), vegetation shall not be planted or allowed to grow in such a manner as to obscure vision between a height of from two to ten (2' to 10') feet above the centerline grades of the intersecting streets within the triangular area defined in Section 404 C. 1. c.
- c. Such triangular area shall be bound at street intersections (corner lots) as measured along the back of curb on both streets for a distance of fifty (50) feet from the point of intersection of the curb line. In the absence of curb, the triangular area shall be measured fifty (50) feet from intersection of the projection line of the edge of pavement.

2. Sightlines at Intersections of Driveways or Accessways with Streets

- a. A triangular area as defined in Section 404 C. 2. c. shall be graded and shall be free of sight obstructions so that vision between a height of from two to ten (2' to 10') feet above the centerline grades of the intersecting driveway, accessway, or streets is not obscured.
- b. By means of deed restriction, lease restriction, or plan amendment (whichever method is applicable), vegetation shall not be planted or allowed to grow in such a manner so as to obscure vision between a height of from two to ten (2' to 10') feet above the centerline grades of the intersecting driveway, accessway, or streets within the triangular area defined in Section 404 C. 2. c.
- c. Such triangular area shall be bound by the intersecting driveway, accessway, or street centerlines and a diagonal connecting two points as measured along the back of curb on both streets and driveways for a distance of twenty-five (25) feet from the point of intersection of the curb lines. In the absence of curb, the triangular area shall be measured twenty-five (25) feet from intersection of the projection line of the edge of pavement.

Figure 4.4 Sightlines at Various Types of Intersections.



Streets: Arterial, Collector, and Local Streets



Driveways and Service Drives

D. Buffer Yards

1. Scope

There shall be provided an appropriate buffer yard for the purpose of separating the various zoning districts created by this ordinance. Buffer yards hereinafter required shall comply with the standards of Section 404.D.

2. Size, Location

a. A buffer yard consisting of a width as indicated in Table 4.1 shall be required, unless otherwise indicated in this Ordinance.

Table 4.1 Buffer Yard Width (feet)

	R-1	R-2	R-3	R-4	R-5	RMHP	C-1	C-2	C-3	C-4	MSOP	L-1	L-2	A-1
R-1	-	-	5	10	20	20	20	20	20	20	15	20	20	-
R-2	-	-	10	10	20	20	20	20	20	20	15	20	20	-
R-3	5	10	-	5	15	20	15	20	15	20	10	20	20	5
R-4	10	10	5	-	10	15	10	20	15	20	10	20	20	5
R-5	20	20	15	10	-	15	10	20	15	20	15	20	20	10
RMHP	20	20	20	15	15	-	15	20	15	20	15	20	20	10
C-1	20	20	15	10	10	15	-	-	-	-	-	20	20	-
C-2	20	20	20	20	20	20	-	-	-	-	10	20	20	-
C-3	20	20	15	15	15	15	-	-	-	-	-	20	20	-
C-4	20	20	20	20	20	20	-	-	-	-	10	20	20	-
MSOP	15	15	10	10	15	15	-	10	-	10	-	20	20	-
L-1	20	20	20	20	20	20	20	20	20	20	20	-	-	-
L-2	20	20	20	20	20	20	20	20	20	20	20	-	-	-
A-1	-	-	5	5	10	10	-	-	-	-	-	-	-	-

b. The buffer yard shall be measured from the property line or from the street right-of-way line (where a street serves as the district boundary line). Buffer yards shall not be within an existing or future street right-of-way and shall be in addition to that right-of-way.

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- c. The buffer yard may be coterminous with a required front, side, or rear yard, provided the larger yard requirements shall apply in case of conflict.
- 3. Characteristics
 - a. The buffer yard shall be a landscaped area free of structures, manufacturing or processing activity, materials, or vehicular parking. No driveways or streets shall be permitted in the buffer yards except at points of ingress or egress.
 - b. In all buffer yards, all areas not within the planting screen shall be planted with grass seed, sod or ground cover, and shall be maintained and kept clean of all debris, rubbish, grass more than twelve (12") inches in height, or weeds.
- 4. Planting Screen
 - a. Each buffer yard shall include a Planting Screen of trees, shrubs, and/or other plant materials extending the full length of the lot line to serve as a barrier to visibility, airborne particles, glare and noise.
 - b. Each Planting Screen shall be in accordance with the following requirements:
 - 1) Plant materials used in the planting screen shall be of such species and size as will produce, within two (2) years, a complete year-round visual screen of at least eight (8') feet in height.
 - 2) The Planting Screen shall be permanently maintained by the landowner and any plant material which does not live shall be replaced within one (1) year.
 - 3) The Planting Screen shall be so placed that at maturity it will be at least three (3') feet from any street or property line.
 - 4) The Planting Screen shall be broken only at points of vehicular or pedestrian access and shall comply with Section 404 C.
 - c. In circumstances where it is impractical for a Planting Screen to meet all the requirements of this section or would create an undue hardship, the Planning Commission may modify the requirements or approve acceptable alternatives which shall satisfy the spirit, objectives and intent of the screen requirements.
- 5. Plans
 - a. Prior to the issuance of any Zoning Permit, the applicant shall submit plans which graphically indicate, in both drawing and text where appropriate, the following:
 - 1) The location and arrangement of each buffer yard.
 - 2) The placement, species, and size of all plant materials, and
 - 3) The placement, size, materials and type of all fences to be placed in such buffer yard.
 - b. Such plans shall be reviewed by the Building Inspector to ascertain that the plans are in conformance with the terms of this Ordinance.

405 ESTABLISHMENT OF FUTURE RIGHT-OF-WAY WIDTHS FOR ROADS

A. Purpose and Establishment

All front yards and other appropriate yards shall be measured from the relevant minimum future right-of-way line indicated in Section 405 B where the existing right-of-way is less than that indicated in Section 405 B for the particular class of road on which a property abuts.

B. Measurement

1. The future right-of-way shall be measured from the centerline of the existing road.
2. The specific classification of each road shall be as shown in the Comprehensive Plan for the City of Poplarville.

406 NONCONFORMITIES

A. Continuation

Any nonconforming use, structure, sign, or lot may be continued, maintained, improved, and repaired, provided it conforms to all of the provisions of Section 406.

B. Alteration or Extension

1. Nonconforming Structure
 - a. A nonconforming structure may be altered, reconstructed, or enlarged provided that such alteration, reconstruction or enlargement does not increase the nonconformance or the nonconforming part of the structure.
 - b. In the case of a nonconforming structure which is used by a nonconforming use, such alteration, extension or enlargement shall also meet the requirements of Section 406 B.3.
2. Nonconforming Lot
 - a. A building may be constructed on a nonconforming lot, provided the yard requirements of this Ordinance are observed.
 - b. Contiguous nonconforming lots under common ownership shall be considered one lot.
3. Nonconforming Use

A nonconforming use shall not be altered, reconstructed, extended or enlarged, except in accordance with the following provisions:

 - a. Such alteration, reconstruction, extension or enlargement shall be only upon the same lot as in existence on the date in use became nonconforming.
 - b. The land area or the floor area in a structure or structures occupied by any nonconforming use may be increased to the extent that the increase is used solely to provide off-street parking or loading space for the nonconforming use, but such land area or floor area shall not otherwise be increased..

C. Restoration

A nonconforming building or any building containing a nonconforming use which is legally condemned or destroyed by fire, explosion, flood or other natural phenomenon, to an extent equal to fifty (50%) percent or less of its fair market value, may be reconstructed and used for the same nonconforming use, provided that reconstruction of the building shall be commenced within one (1) year from the date the building was destroyed or condemned and shall be completed within one (1) year of the date commenced.

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D. Ownership

Whenever a nonconforming use, structure, or lot is sold to a new owner, a previously lawful nonconforming use may be continued by the new owner.

E. Abandonment

1. If a nonconforming use of a building or land is discontinued, razed, removed, or abandoned for 365 consecutive days, subsequent use of such building or land shall conform to the regulations of the district in which it is located.
2. Abandonment shall commence on the date when customary efforts to continue the use (operation, lease, sale, etc.) cease.

F. Changes

1. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.
2. A nonconforming use may be changed to another nonconforming use only if permitted as a Conditional Use by the Planning Commission after the applicant has shown that the proposed change will be equally or less objectionable in external effects than the existing nonconforming use with regard to:
 - a. Traffic generation and congestion (including truck, passenger car, bicycle and pedestrian traffic),
 - b. Noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration,
 - c. Storage and waste disposal, and
 - d. Appearance.

G. District Changes

The foregoing provisions shall also apply to nonconforming uses in zones hereafter changed.

407 TEMPORARY STRUCTURE OR USE

A temporary permit may be issued for structures or uses necessary during construction or other special circumstances of a nonrecurring nature subject to the following additional provisions:

- A. Such permit may be issued only upon the approval of the Mayor and Board of Aldermen in accordance with the provisions of Table 3.1.
- B. The life of such permit shall be limited to one (1) year and after such time a new application may be submitted for consideration.
- C. Such structure or use shall be removed completely upon expiration of the permit without cost to the City of Poplarville.

ARTICLE 5: RESERVED

ARTICLE 6: RESERVED

ARTICLE 7: OFF-STREET PARKING AND LOADING

701 REQUIRED NUMBER OF OFF-STREET PARKING SPACES

A. Requirement

1. Each use established, enlarged, or altered in any district shall provide and satisfactorily maintain off-street parking spaces in accordance with Table 7.1 and the regulations of this Article.
2. Uses not specifically listed in Table 7.1 shall comply with the requirements for the most similar uses listed in Table 7.1.
3. Where a proposed use contains or includes more than one type of use (regardless of whether each use is listed in Table 7.1 or is an unlimited use), the number of parking spaces required shall be the sum of the parking requirements for each separate use.
4. Where the computation of required parking spaces results in a fractional number, the fraction of one-quarter ($1/4$, 0.25) or more shall be counted as one (1).
5. Off-street parking facilities for one and two-family dwellings shall be located on the same lot or plot of ground as the building served. Off-street parking facilities for multi-family dwellings containing more than eight (8) units may be located within 300 feet of the building intended to be served. An industry or commercial establishment which employs 500 or more persons or any retail establishment or office building may supply off street parking at a distance greater than 300 feet from such industry or business upon recommendations of the Planning Commission and approval of the Mayor and Board of Aldermen.
6. Off-street parking regulations for commercial and industrial zones are as follows:
 - a. Any vehicle parking space in a commercial or industrial zone shall be used for parking only. Any other use of such space, including repair work or servicing of any kind other than in an emergency.
 - b. No building of any kind, except drive-in facilities, shall be erected in any off-street parking space, except an attendant's office or parking garage containing parking spaces equivalent to the requirements set forth in this section; however, equivalent parking spaces may be substituted upon recommendation of the Planning Commission and approval of the Mayor and Board of Aldermen.
 - c. The parking area on any lot, as set forth and designated in this Article, shall be deemed to be required open space on such lot, and shall not be reduced or encroached upon in any manner. This provision, however, shall not be deemed to prevent the erection of multiple-story structures for parking vehicles.
 - d. All parking spaces, drives, and islands shall be surfaced with a bituminous, concrete, or similar material.

B. Schedule of Off Street Parking Spaces Required

The number of parking spaces required for allowable used of each zoning district can be found in Table 7.1.

Table 7.1 Off-Street Parking Requirements

Use	Required Parking Spaces
One and two-family dwellings or mixed occupancy	2 Spaces per family unit
Multiple Family Dwellings	1½ per dwelling unit
Tourist homes, cabins, or motels	1 space per sleeping room or suite 1 space per owner / manager on premises
Banks and combination banks and office buildings	1 space per 250 sq ft. of office area If drive-in facility is provided then drive-in facility shall county as providing a max. of 15 spaces and shall not count for more than 50% of the required parking spaces
Hospitals, Sanatoriums, convalescent homes, and homes for the aged or similar uses	1 space per 2 beds
Orphanages or similar uses	1 space per 10 beds
Hotels	1 space per 2 guest rooms
Bars, private clubs, fraternities, boarding , and lodging houses	1 space per 2 guest sleeping rooms or 1 space per 100 sq. ft., whichever is greater
Community centers, libraries, museums, post offices, civic clubs, or similar uses	2 spaces per 100 sq. ft. of floor area
Theaters and auditoriums (other than municipally owned)	1 space per 4 seats, plus 1 space per 2 employees
Churches or private schools	1 space per 4 seats in principal auditorium, or 1½ spaces per class room, whichever is greater
Dance halls, pool and billiard halls, and exhibition halls without fixed seats	3 spaces per 50 sq. ft. of floor area used for assembly
Private stadium and sports arenas	1 space per 4 seats
Bowling establishments	5 spaces per lane
Mortuaries or funeral homes	1 space per 50 sq. ft. of floor area in the slumber rooms, parlors, or individual service

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	rooms
Establishments for sale and consumption on the premises of beverages, food, or refreshments	1 space per 50 sq. ft. of floor area
Professional office buildings	1 space per 250 sq. ft. of floor area
Beauty parlor and barber shop	2 spaces per barber and/or operator
Retail stores (except as otherwise specified herein)	1 space per 200 sq. ft. of floor area
Shopping centers	1 space per 200 sq. ft. of floor area
Highway commercial uses	1 space per 200 sq. ft. of floor area
General commercial uses	1 space per 500 sq. ft. of floor area
Industrial establishments	1 space per 2 employees on the maximum working shift
Manufacturing	1 space per 2 employees on the maximum working shift
Testing laboratories	1 space per 2 employees on the maximum working shift
Warehouses	1 per employee

C. Handicapped Parking Spaces Required

In each parking lot hereinafter created or restriped, a portion of the total parking spaces shall be specifically designed, located, and reserved for vehicles licensed by the State for use by the handicapped, according to Table 7.2. Handicapped spaces shall be dimensioned in accordance with the requirements of the Americans with Disabilities Act:

Table 7.2 Number of Handicap Parking Spaces Required

Total Spaces	Handicapped Spaces Required	Van Accessible Spaces
1 - 25	1	1
26 - 50	2	1
51 - 75	3	1
76 - 100	4	1
101 - 150	5	1
151 - 200	6	1
201 - 300	7	1
301 - 400	8	1
401 - 500	9	2
501 - 1000	2% of all spaces	.25% of all spaces

702 GENERAL REGULATIONS APPLYING TO OFF-STREET PARKING FACILITIES

A. Existing Parking

Structures and uses in existence at the effective date of this Ordinance shall not be subject to the requirements of this Article, provided that the kind or extent of use is not changed and that any parking facility now serving such structures or uses shall not in the future be reduced to an amount less than that required by this Ordinance.

B. Change in Use

Whenever a building or use (including those specified in Section 702 A.) is changed in floor area, number of employees, number of dwellings, seating capacity or otherwise to create a need, based upon the requirements of Section 701 for an increase of (10%) percent or more in the number of existing parking spaces, the number of additional spaces to be provided shall be based upon the incremental change or enlargement so required.

C. Continuing Character of Obligation

1. All required parking facilities shall be provided and maintained so long as the use which the facilities were designed to serve still exists.
2. Off-street parking facilities shall not be reduced in total extent except when such reduction is in conformity with the requirements of this Article in conjunction with a change in the nature of the use.

D. Conflict with Other Uses

No parking area shall be used for any other use that interferes with its availability for the parking need it is required to serve.

E. Location of Parking Spaces

Required off-street parking spaces shall be on the same lot or premises with the principal use served, except that in the Commercial Districts such spaces may be remotely located but within four hundred (400') feet walking distance of the principal use. Said remotely located spaces shall have safe and direct designated pedestrian access to the principal use served by such remotely located spaces.

F. Joint Use

In the Commercial Districts, two (2) or more uses may provide for required parking in a common parking lot, provided that the total number of spaces in such lot shall not be less than the sum of the spaces required for each use individually and provided that such parking lot, if remotely located, is within four hundred (400') feet walking distance of all the principal uses served by such lot. Said remotely located spaces shall have safe and direct designated pedestrian access to the principal use served by such remotely located spaces.

703 DESIGN STANDARDS FOR OFF-STREET PARKING FACILITIES

A. General Requirements

1. Every parking facility shall be designed so that it does not constitute a nuisance, hazard, or unreasonable impediment to traffic.

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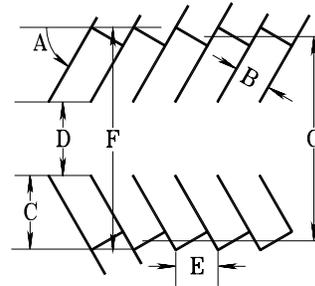
2. Every parking area shall be arranged for orderly, safe, movement.
3. No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except those of a single family or two-family dwelling.
4. Every parking area shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle, except those of a single family or two-family dwelling.

B. Parking Space Geometry.

Parking spaces and parking lots shall be laid out and constructed in accordance with the following specifications:

A	B	C	D	E	F	G	A	B	C	D	E	F	G
0°	8.5	8.5	11.0	23.0	30.0	---	60°	8.5	20.7	18.5	9.8	59.9	55.8
	9.0	9.0	11.0	23.0	30.0	---		9.0	21.0	18.0	10.4	50.0	55.5
20°	8.5	15.0	11.0	26.3	41.0	32.5	70°	8.5	20.8	19.5	9.0	61.0	58.2
	9.0	15.0	11.0	26.3	41.0	32.5		9.0	21.0	19.0	9.6	61.0	57.9
30°	8.5	16.9	11.0	17.0	44.8	37.5	80°	8.5	20.2	22.0	8.6	62.4	60.9
	9.0	17.3	11.0	18.0	45.6	37.8		9.0	20.3	22.0	9.1	62.6	61.0
45°	8.5	19.4	13.5	12.0	52.3	46.3	90°	8.5	19.0	22.0	8.5	60.0	60.0
	9.0	19.8	13.0	12.7	52.5	46.5		9.0	19.0	22.0	9.0	60.0	60.0
								10.0	18.0	24.0	10.0	60.0	60.0

- A. Parking angle (degrees)
- B. Stall width (feet)
- C. Stall to curb (feet)
- D. Aisle width (feet)
- E. Curb length (feet) per car
- F. Center to center width (feet) of double row with aisle between
- G. Curb to curb stall center (feet)



C. Access Drives and Driveways

1. Parking lot access drives may be designed for either one-way or two-way traffic and in either case shall be appropriately marked. In the case of one-way traffic, a parking lot access drive shall not be less than twelve (12) feet in width. In the case of two-way traffic, a parking lot access drive shall not be less than twenty (20) feet in width. In no case shall a drive or parking lot access from a public street exceed thirty (30) feet in width.
2. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway or access drive entry.
3. At least fifty (50') feet shall be provided between any two (2) access drives along one (1) street for one (1) lot.
4. No access drive or driveway shall be less than thirty (30') feet from any street intersection.

D. Grading, Surface Drainage

Except for areas that are landscaped and so maintained, all portions of required parking facilities, including driveways, shall be graded and surfaced with a durable asphalt or concrete, and drained to the extent necessary to prevent erosion or excessive water flow across streets or adjoining properties.

E. Nighttime Illumination

1. Any parking area designed for use by six (6) or more cars after dusk shall be adequately illuminated.
2. All lighting fixtures used to illuminate parking areas shall be arranged to prevent glare into public streets and adjoining properties.

F. Landscaping

1. All parking spaces and access drives shall be at least five (5') feet from any side or rear lot lines unless access is shared with an adjacent lot or parcel.
2. All areas not serving as parking spaces, aisles, access drives or pedestrian walkways shall be permanently landscaped and maintained.
3. Except where entrance and exit drives cross street lines, all parking areas for any purpose other than single family residences shall be physically separated from any public street to a concrete curb and by a planting strip which shall not be less than ten (10') feet in depth (measured from the right-of-way line).

G. Screening

Any area of six (6) or more spaces which is not within a building and abuts or is across a street from any lot in an R-1, R-2 or R-3 Residential District, shall be provided with a suitable fence, wall, berm of evergreen planting, or a combination thereof, at least four (4') feet in height, designed to screen visibility and headlight glare from such residential lot.

704 OFF-STREET LOADING

A. Required Number of Spaces

Every building, structure or part thereof used for business, trade, industry, or other activity involving the receipt or distribution of vehicles, materials or merchandise shall provide space as indicated herein for the loading and/or unloading of vehicles. Such space shall have access to a public street or alley.

1. Retail Business and Services: minimum of one space of 350 square feet per location and/or one space of 350 square feet for each 3,000 square feet of floor area, with a height clearance of 14 feet.
2. Wholesaling and Industry: space of 500 square feet per one space of 500 square feet square feet of floor area. Minimum of one location and/or for each 10,000
3. Bus and Truck Terminals: sufficient space to accommodate the maximum number of buses or trucks to be loading, unloading and/or stored at any one time.

B. Design and Layout of Off-Street Loading Facilities

Off-street loading facilities shall be designed to conform to the following specifications:

1. Each off-street loading and unloading space shall be at least fourteen (14') feet in width by seventy-five (75') feet in depth.

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2. Each space shall have sufficient maneuvering room separate from other parking to eliminate traffic conflicts within off-street loading and parking areas.
3. Each space shall be located entirely on the lot being served and be so located that each space and all maneuvering room is outside of required buffer areas, yard areas, and right-of-ways.
4. An appropriate means of access to a street or alley shall be provided. The maximum width of driveways (measured at the street lot line) shall be thirty-five (35') feet and that the minimum width shall be twenty (20') feet.
5. All off-street loading and unloading spaces, maneuvering areas, driveways, and entranceways shall be graded, surfaced with asphalt or other suitable material and drained to the satisfaction of the Poplarville City Engineer to the extent necessary to prevent nuisances of dust, erosion, or excessive water flow across public ways and to protect adjoining property.
6. No such facilities shall be designed or used in any manner so as to constitute a nuisance, a hazard, or an unreasonable impediment to traffic.
7. All such facilities shall comply with the lighting requirements of Section 703 E. and the landscaping requirements of Section 703 F.

ARTICLE 8: ADMINISTRATION

801 GENERAL PROCEDURE

- A. Persons desiring to undertake any new construction, structural or site alteration, or changes in the use of a building or lot shall apply to the Building Inspector for a Zoning Permit by filling out the appropriate application form and by submitting the required fee.
- B. The Building Inspector shall either issue the Zoning Permit or shall refuse the Permit, indicating in writing the reason for refusal. Certain construction, alterations or uses may require approval by an appropriate appointed or elected body.
- C. If refused a Permit by the Building Inspector, the applicant may appeal to the Planning Commission for further consideration.
- D. After the Zoning Permit has been received by the applicant, he may undertake the action permitted by the Zoning Permit.
- E. Upon completion of such action, the applicant shall apply to the Building Inspector for an Occupancy Permit (where such a permit is required).
- F. If the Building Inspector finds that the action of the applicant is in accordance with the Zoning Permit and any other required permits, he shall issue an Occupancy Permit allowing the premises to be occupied.

802 PERMITS AND CERTIFICATES

A. Zoning Permit

- 1. Scope
No person shall erect, alter, or convert any structure or building, nor alter the use of any land or structure, until the Building Inspector issues a Zoning Permit to the person for said change or construction. No Zoning Permit is required for normal maintenance and repairs.
- 2. Types of Uses
 - a. Permitted Use
A Zoning Permit for a Permitted Use may be issued by the Building Inspector.
 - b. Conditional Use, Variance and Site Plan Review
A Zoning Permit for a use requiring a Conditional Use, Variance, or Site Plan Review shall be issued by the Building Inspector only upon the order of the appropriate body having final review.
- 3. Application
 - a. All applications for a Zoning Permit shall be in writing on a form provided by the Building Inspector and shall be submitted to the Building Inspector.
 - b. All applications for a Zoning Permit shall include a plot plan drawn to scale showing the location and dimensions of the lot area and of the proposed uses of buildings and/or land. The Building Inspector may require any additional information which is deemed necessary to properly evaluate the application for the purposes of determining its conformity with this Ordinance.
 - c. Prior to the issuance of any Zoning Permit, the Building Inspector shall review the application for such permit to determine if all other necessary

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governmental permits have been obtained. No permit shall be issued until this determination has been made.

- d. The Building Inspector may submit a copy of any plan and application to any appropriate agencies and/or individuals (e.g., Planning Commission, City Engineer, etc.) for review and comment.

4. Issuance

- a. The Building Inspector shall issue or refuse an application for a Zoning Permit within fifteen (15) days after the date such application was made, except as specifically provided for in this Ordinance.
- b. A Zoning Permit shall be issued in at least triplicate.
- c. One (1) copy shall be kept conspicuously on the premises. No person shall perform building operations of any kind unless a Zoning Permit is being displayed as required by this Ordinance.
- d. After the issuance of a Zoning Permit by the Building Inspector, no changes of any kind shall be made to the application, permit, plans, specifications, or other documents submitted with the application without the written consent or approval of the Building Inspector.

B. Occupancy Permit

1. Purpose

The purpose of requiring an occupancy permit is to provide a mechanism whereby the City of Poplarville has the opportunity to verify that newly constructed developments, or new uses of existing properties, or alterations to existing properties or uses, comply with the provisions of this ordinance and any conditions imposed thereon.

2. Scope

Prior to the use, occupancy, or re-occupancy of any land or building, or for any change of use of any existing building or for any change of use of land, an Occupancy Permit shall be secured from the Building Inspector.

3. Application

All applications for an Occupancy Permit shall be in writing on a form furnished by the Building Inspector.

4. Issuance

- a. The Building Inspector shall grant or refuse an application for an Occupancy Permit within fifteen (15) days after being notified of the completion of authorized construction or alteration, or (where no construction or alteration is involved) within fifteen (15) days after receipt of such application.
- b. A copy of the Occupancy Permit shall be kept upon the premises, and shall be displayed upon request made by any officer of the City of Poplarville.

C. Other Permits

The City of Poplarville may require additional permits specified in other related ordinances and laws.

D. Certificate of Nonconforming Use or Structure

1. The owner of the premises occupied by a lawful nonconforming use or structure may secure a Certificate of Nonconforming Use or Structure from the Building Inspector.
2. Such Certificate will be authorized by the Building Inspector and shall certify to the owner his right to continue such nonconforming use or structure in accordance with the provisions of this Ordinance.

803 BUILDING INSPECTOR

A. Appointment

The Building Inspector shall be appointed by the Board of Aldermen and shall continue to serve the City of Poplarville until such time as the Board of Aldermen declares otherwise.

B. Duties and Powers

1. The Building Inspector shall:
 - a. Administer the Zoning Ordinance in accordance with its literal terms;
 - b. Receive and examine all applications required under the terms of this Ordinance;
 - c. Issue or refuse permits within fifteen (15) days of the receipt of the application, except as specifically provided for in this Ordinance;
 - d. Receive complaints of violation of this Ordinance;
 - e. Issue a written notice of violation to any person violating any provision of this Ordinance;
 - f. Keep records of applications, permits, and certificates issued, of variances granted by the Board, of complaints received, of inspections made, of reports rendered, and of notice of order issued; and
 - g. Make all required inspections and perform all other duties as called for in this Ordinance.
2. The Building Inspector shall not have the power to permit any construction, use or change of use which does not conform to this Ordinance.

804 PLANNING COMMISSION

A. Created; Members of Planning Commission.

The Planning Commission is hereby created. The commission shall consist of five members appointed by the governing authority for a term of office concurrent with the term of office of the governing authority. Vacancies shall be filled for the unexpired term of any member.

B. Rules of Procedure, Meetings for Planning Commission.

The Planning Commission shall adopt rules for the conduct of its business, establish a quorum and procedures and keep a public record of all findings and decisions. The Planning Commission shall meet regularly with meetings to be held on the last Thursday of each month. Additional meetings may be at the call of the chairman and at such other times as the commission may determine.

C. Powers, Duties of the Planning Commission.

The Planning Commission shall have the following powers and duties:

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1. The Planning Commission shall act as a recommendation body to assist decision making processes for the governing authority.
2. It is the duty of the planning commission to determine all requirements and regulations are met by applications according to the adopted zoning ordinance.
3. The Planning Commission shall review all proposed amendments to this ordinance, all proposed rezonings of property under this ordinance, all applications for site plan approval, variances, and conditional uses. The Planning Commission shall make recommendations to the Mayor and Board of Aldermen regarding the disposition of the applications in accordance with the terms of this ordinance. Further, the Planning Commission shall conduct site plan reviews where such is required by the terms of this Ordinance.

805 SITE PLAN REVIEW

A. Scope

Before a zoning permit is issued for any use designated in Article 3 as requiring Site Plan Review, the procedures of this Section shall be followed in order to more effectively administer, enforce, and implement the purposes, intent, and requirements of this Ordinance.

B. Application Procedure

Applications for Site Plan Review shall be filed with the Building Inspector, and the application shall include all of the information set forth herein unless some items are determined by the Building Inspector to be unnecessary to conduct a meaningful review of the application. The Building Inspector may require additional information not listed below when said information is deemed necessary to conduct a meaningful review of the application.

An application for site plan review shall contain the following:

1. Name and address of the applicant.
2. Address and legal description of the property.
3. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner.
4. The property address and the name and mailing address of the owner of each property abutting or opposite the subject property.
5. Payment of any fee established by the City of Poplarville.
6. A graphic site plan, drawn to a scale of not less than one inch to fifty feet (1" = 50') and sufficiently dimensioned as required to show the following:
 - a. The date, scale, north point, title, name of owner, and name of person(s) preparing the site plan.
 - b. A statement describing the proposed use.
 - c. The location, dimensions, and area of each lot, the locations, dimensions and height of proposed buildings, structures, streets and any existing buildings in relation to property and street lines. If the application relates to property which is scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.

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- d. The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, utility or service areas, fencing and screening, and lighting.
- e. The location, dimensions (numbers shown), and arrangements of all open spaces and yards, landscaping, fences, and buffer yards including methods and materials to be employed for screening.
- f. The location, size (numbers shown), arrangement and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.
- g. The dimensions (numbers shown), location, and methods of illumination for signs and exterior lighting.
- h. The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use.
- i. Provisions to be made for treatment and disposal of sewage and industrial wastes and water supply.
- j. The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of number of dwelling units per acre of land.
- k. A description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion or other safety hazards.
- l. Description of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards or other safety hazards.
- m. Existing and proposed site contours at two (2') foot intervals.
- n. All proposed site grading and drainage provisions and proposals.
- o. Location of existing tree growth. Tree growth shall be considered as a plant having at least one well defined trunk of at least four and one-half (4 ½) inches caliper measured at four and one half feet above adjacent grade.
- p. A key map showing the entire project and its relation to surrounding properties and existing buildings thereon.
- q. Location of any flood hazard areas set forth on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency.

C. Public Hearing and Notice

The Planning Commission shall hold a public hearing on each application for Site Plan Approval. Notice shall be given as prescribed in Section 810.A. At the public hearing, the Commission shall review the application and shall receive pertinent evidence concerning the proposed use and the proposed condition under which it would be constructed and maintained, particularly with respect to the findings prescribed in Section 805.F.

D. Planning Commission Approval

Upon receipt of a completed application for Site Plan Review, and after mailing the notices to adjacent properties, the Building Inspector shall place on the Planning Commission agenda each such site plan for review by the Planning Commission. The Building Inspector shall have prepared for the Planning Commission meeting any findings and recommendations

regarding the subject Site Plan. Approval of a site plan granted by the Planning Commission shall be in the form of a written recommendation to the Mayor and Board of Aldermen, unless an aggrieved party properly files an appeal in accordance with Section 808 of this ordinance.

E. Action by the Mayor and Board of Aldermen

The Mayor and Board of Aldermen shall act upon the recommendations of the Planning Commission by affirming, denying, or modifying the request for Site Plan Approval. No public hearing with the Mayor and Board of Aldermen shall be required. The Mayor and Board of Aldermen shall base their decision upon the same criteria as the Planning Commission as outlined in Section 805.F thru Section 805.H.

F. Review and Evaluation Criteria

The Planning Commission shall review and evaluate site plans using the following criteria:

1. Conformance with applicable regulations and standards established by the Zoning Regulations.
2. Compatibility with existing or permitted uses on abutting sites or within 100 feet of the proposed development, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, access and circulation features.
3. Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may occur.
4. Modifications to the site plan which would result in increased compatibility, would mitigate potentially unfavorable impacts, or would be necessary to conform to applicable regulation and standards.

G. Modification of Site Plan

The Building Inspector or Planning Commission may require modification of a site plan as a prerequisite for approval. Such modifications may include, but shall not be limited to, provision for special setbacks, open spaces, buffers, fences, walls, and screening; for installation and maintenance of landscaping and erosion control measures; improvements of access and circulation; rearrangements of structures or activities within the site; location and character of signs; and such other site plan features as necessary to ensure compatibility with surrounding uses and to support the findings required by Section 805.H.

H. Findings

The Planning Commission shall make the following findings before approval of a site plan:

1. That the proposed use and site development, together with any modifications applicable thereto, will be compatible with existing or permitted use on abutting sites or within 100 feet of the proposed development.
2. That any required modifications to the site plan are reasonable and are the minimum necessary to minimize potentially unfavorable impacts on adjacent uses.

I. Site Design Guidelines

The following guidelines are divided into seven (7) categories to assist the applicant in the preparation of site and building plans and to assist the Planning Commission and the Building Inspector in their reviews of all Site Plans. These guidelines are meant to encourage

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creativity, innovation, and well-designed developments. They apply to principal buildings and structures and to all accessory buildings, structures, signs and other site features.

1. Relation of Proposed Buildings to the Surrounding Environment
Relate proposed structure(s) harmoniously to the terrain and to existing buildings that have a visual relationship to the proposed structure(s). To achieve this favorable relationship between existing and proposed uses, create focal points with respect to avenues of approach, terrain features or other buildings and relate open space between all existing and proposed buildings.
2. Drive, Parking, and Circulation
For vehicular and pedestrian circulation (including walkways, interior drives, and parking) give special attention to the location and number of access points to public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, arrangement of safe and convenient parking areas. Design these vehicular and pedestrian areas to enhance the appearance of and access to the proposed buildings and structures and to the neighboring properties.
3. Surface Water Drainage
Give special attention to proper site surface drainage to ensure that removal of surface waters will not adversely affect either neighboring properties or the public storm drainage system. Remove and efficiently carry away all storm water from all roofs, canopies, and paved areas. Collect surface water from all paved areas to permit vehicular and pedestrian movement.
4. Utility Service
Place electric and telephone lines underground, where possible. Locate, paint, and undertake any other treatment to ensure that any utilities which remain above ground will have a minimal adverse impact on neighboring properties.
5. Advertising Features
Ensure that the size, location, lighting, and materials of all permanent signs and outdoor advertising structures or features will enhance rather than detract from the design of proposed buildings and structures and the neighboring properties.
6. Special Features
Provide needed setbacks, screen plantings and other screening methods for exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings, and structures, and similar accessory areas and structures to help make them compatible with the existing or contemplated site design and with neighboring properties.
7. Preservation of Landscape
Preserve the landscape in its natural state by minimizing tree and soil removal. Ensure that grade changes are compatible with the general appearance of neighboring developed areas.

806 CONDITIONAL USE PROCEDURE

A. Title and Purpose

Sections 806.A through Sections 806.J shall be known as the Conditional Use Procedure. The purpose of this procedure is to provide for review and discretionary approval of uses

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typically having unusual site development features or unique operating characteristics requiring special consideration so that they may be located, designed, and operated compatibly with uses on surrounding properties. The Conditional Use Procedure process is intended to encourage broad public review and to ensure adequate mitigation of potentially unfavorable impacts.

B. Jurisdiction

The Building Inspector shall be responsible for administration of the Conditional Use procedure, and the Planning Commission shall be responsible for review, evaluation, and action on all applications for a Conditional Use Permit.

C. Application and Fee

Applications for a Conditional Use Permit shall be filed with the Building Inspector, and the application shall include all of the information set forth herein unless some items are determined by the Building Inspector to be unnecessary to conduct a meaningful review of the application. The Building Inspector may require additional information not listed below when said information is deemed necessary to conduct a meaningful review of the application. All application for a Conditional Use Permit shall include the following:

1. Name and address of the owner and applicant.
2. Address and legal description of the property.
3. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner of the property.
4. A statement describing the nature and operating characteristics of the proposed use, including any data pertinent to the findings required for approval of the application. For uses involving public assembly or industrial processing, or uses potentially generating high volumes of vehicular traffic, the Building Inspector may require specific information relative to the anticipated peak loads and peak use periods, relative to industrial processes and the ability of the use to meet performance standards, or substantiating the adequacy of proposed parking, loading, and circulation facilities.
5. Site plans, preliminary building elevation, preliminary improvement plans, additional maps and drawings, all sufficiently dimensioned as required illustrating the following:
 - a. The date, scale, north point, title, name of owner, and name of persons preparing the site plan.
 - b. The location and dimension of boundary lines, with distances and bearings, easements, and required yards and setbacks, water course drainage features and location and size of existing and proposed street and alleys, 100-year flood plains.
 - c. The location, height, bulk general appearance and intended use existing and proposed buildings on the site, and the approximate location of existing buildings on abutting sites within 100 feet.
 - d. The location of existing and proposed site improvements including parking and loading areas, pedestrian and vehicular access, landscaping areas, utility or service areas, fencing and screening, signs, and lighting.
 - e. The location of watercourses and drainage features.

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- f. The number of existing and proposed off -street parking and loading spaces, and a calculation of applicable minimum requirements.
 - g. A plan showing existing and proposed topography at 2-foot contour intervals, grading and proposed erosion control measures.
 - h. The relationship of the site and the proposed use to surrounding uses, including pedestrian and vehicular circulation, current use of nearby parcels, and any proposed off-site improvements to be made.
6. Any applicable fee established by the Board of Aldermen.

D. Public Hearing and Notice

The Planning Commission shall hold a public hearing on each application for a Conditional Use Permit. Notice shall be given as prescribed in Section 810.B. At the public hearing, the Commission shall review the application and shall receive pertinent evidence concerning the proposed use and the proposed condition under which it would be operated or maintained, particularly with respect to the findings prescribed in Section 806.G.

E. Action by the Planning Commission

The Planning Commission shall act on the application not more than 10 days following the closing of the public hearing on a Conditional Use Permit. The Planning Commission shall make a written recommendation to the Mayor and Board of Aldermen for a Conditional Use Permit approval as the permit was applied for or in a modified form or subject to conditions, or that the application be denied.

F. Action by the Mayor and Board of Aldermen

The Mayor and Board of Aldermen shall act upon the recommendations of the Planning Commission by affirming, denying, or modifying the request of a Conditional Use Permit. No public hearing with the Mayor and Board of Aldermen shall be required. The Mayor and Board of Aldermen shall base their decision upon the same criteria as the Planning Commission as outlined in Section 806.G thru Section 805.I.

G. Review and Evaluation Criteria

The Building Inspector and the Commission shall review and evaluate and make the following findings before granting a Conditional Use Permit application using the following criteria:

1. Conformance with applicable regulations and standards established by the Zoning Regulations.
2. Compatibility with existing or permitted uses on abutting sites, in terms of building height, bulk and scale, setbacks and open spaces, landscaping and site development, and access and circulation features.
3. Potentially unfavorable effects or impacts on other existing or permitted uses on abutting sites, to the extent such impacts exceed those which reasonably may result from use of the site by a permitted use.
4. Modifications to the site plan which would result in increased compatibility, or would mitigate potentially unfavorable impacts, or would be necessary to conform to applicable regulation and standards and to protect the public health, safety, morals, and general welfare.

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5. Safety and convenience of vehicular and pedestrian circulation in vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area; existing zoning and land uses in the area.
6. Protection of persons and property from flood or water damage, odors, fire, noise, glare, and similar hazards or impacts.
7. Location, lighting, and type of signs; and relation of signs to traffic control and adverse effect on adjacent properties.
8. Adequacy and convenience of off-street parking and loading facilities.
9. That the proposed use is in accordance with the objectives of these Zoning Ordinance and the purposes of the district in which the site is located.
10. That the proposed use will comply with each of the applicable provisions of these Zoning Regulations.
11. That the proposed use and site development, together with any modifications applicable thereto, will be compatible with existing or permitted uses and structures in the vicinity, in accordance with the following standards:
 - a. The proposed use will be located within the district so as to be harmonious with and complimentary to adjacent and existing land uses.
 - b. The structure resulting from the granting of a conditional use will be architecturally compatible with other existing or proposed structures in the neighborhood in which it is to be located. For the purpose of this criterion, the term neighborhood shall mean an area extending 1,000 feet in all directions from the lot line of the proposed structure.
 - c. For the purposes of determining architectural compatibility, consideration shall be given to: building mass and style; roof types, pitch and material; façade treatment and materials; window and door styles; eaves and porches; trim; gables and dormers; gutters; chimneys; walls, fences, hedges and other landscape elements; colors; driveway material; signage; dimensional setbacks and building orientation on the lot; and other such features as may be appropriately considered by the Planning Commission.
 - d. For the purpose of assessing the architectural compatibility, existing structures which may not be an architectural asset to the neighborhood shall not be considered in determining the appropriateness of a special exception application.
12. That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area.
13. That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements on the vicinity.

H. Conditions of Approval

The Planning Commission may establish conditions of approval. Conditions may include but shall not be limited to: requirements for special setbacks, open spaces, buffer, fences, walls, and screening; requirements for installation and maintenance of landscaping and erosion control measures; requirements for street improvements and dedications, regulation of

vehicular ingress and egress, and traffic circulation; regulation of signs; regulation of hours or other characteristics of operation; requirements for maintenance of landscaping and other improvements; establishment of development schedules or time limits for performance or completion; and such other conditions as the Commission may deem necessary to insure compatibility with surrounding uses.

I. Renewal or Lapse of a Conditional Use Permit

1. A Conditional Use Permit shall lapse and shall become void two years following the date on which such permit became effective, unless prior to expiration a building permit is issued and construction is commenced and diligently pursued toward completion, or a certificate of occupancy is issued for the use, or the site is occupied if no building permit or certificate of occupancy is required.
2. A Conditional Use Permit subject to lapse may be renewed by the Planning Commission for an additional period of two years, provided that prior to the expiration date, a written request for renewal is filed with the Building Inspector.

J. Modification of Conditional Use Permit

Minor revisions or modifications may be approved by the Building Inspector if he determines that the circumstances or conditions applicable at the time of original approval remain valid, and that changes would not affect the findings prescribed in Section 806.G.

807 VARIANCE PROCEDURE

A. Title and Purpose

Sections 807.A through Sections 807.G shall be known as the variance procedure. This procedure is intended to provide relief from the terms of the Zoning Regulations when, because of special circumstances applicable to the property, the strict application of the Zoning Regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, and to ensure that any adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the district in which such property is situated.

B. Application

Applications for a Variance shall be filed with the Building Inspector, and the application shall include all of the information set forth herein unless some items are determined by the Building Inspector to be unnecessary to conduct a meaningful review of the application. The Building Inspector may require additional information not listed below when said information is deemed necessary to conduct a meaningful review of the application. All application for a Variance shall include the following:

1. Name and address of the owner or applicant.
2. Address and legal description of the property.
3. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner of the property.
4. A statement describing the variance request and the reasons why it complies with the criteria for variances provided in Section 807.F.

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5. The property address and the name and mailing address of the owner of each lot within 500 feet of the subject property and a map with parcels keyed to the ownership and address data.
6. Site plans, preliminary building elevation, preliminary improvement plans, or other maps or drawings, sufficiently dimensioned as required to illustrate the following, to the extent related to the variance application:
 - a. Existing and proposed location and arrangement of uses on the site, and on abutting sites within 100 feet.
 - b. Existing and proposed site improvements, buildings, and other structures on the site, and any off-site improvements related to or necessitated by the proposed use. Building elevations shall be sufficient to indicate the general height, bulk, scale, and architectural character.
 - c. Existing and proposed topography, grading, landscaping, and screening, irrigation facilities, and erosion control measures.
 - d. Existing and proposed parking, loading, and traffic and pedestrian circulation features, both on the site and any off-site facilities or improvement related to or necessitated by the proposed use.
 - e. The Building Inspector may request additional information necessary to enable a complete analysis and evaluation of the variance request, and determination as to whether the circumstances prescribed for the granting of a variance exist.
 - f. A fee established by the Board of Aldermen shall accompany the application. A single application may include request for variances from more than one regulation applicable to the same site, or for similar variances on two or more adjacent parcels with similar characteristics.

C. Public Hearing and Notice

The Planning Commission shall act on the application not more than thirty (30) days following the filing of said application. Notice shall be given as prescribed in Section 810.H.

D. Action by the Planning Commission

The Planning Commission shall act on the application not more than 10 days following the closing of the public hearing on a variance. The Planning Commission shall make a recommendation to the Mayor and Board of Aldermen and may recommend that a variance be granted as the variance was applied for or in a modified form or subject to conditions, or that the application may be denied.

E. Action by the Mayor and Board of Aldermen

The Mayor and Board of Aldermen shall act upon the recommendations of the Planning Commission by affirming, denying, or modifying the request of a Variance. No public hearing with the Mayor and Board of Aldermen shall be required. The Mayor and Board of Aldermen shall base their decision upon the same criteria as the Planning Commission as outlined in Section 807.F. A variance may be revocable, may be granted for a limited time period, or may be granted subject to conditions as the Board may prescribe.

F. Findings

The Planning Commission may grant a variance provided affirmative findings of fact are made on each of the following criteria:

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district. By way of example, special conditions or circumstances peculiar to land could include irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions.
2. That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this title.
3. That special conditions and circumstances do not result from the actions of the applicant.
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures, or buildings in the same zoning district.
5. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue

G. Variance to Run with Land or Structure

Unless pertaining to off-street parking and loading regulations, or otherwise specified at the time a variance is granted, a variance shall run with the land and shall continue to be valid upon a change of ownership of the site or structure to which it appears.

808 APPEALS PROCEDURE

A. Title and Purpose

Sections 808.A through Sections 808.F shall be known as the Appeals Procedure. This procedure is intended to afford review of actions taken pursuant to the Zoning Regulations where such action may be in error.

B. Appeals

1. Any person aggrieved, or any taxpayer affected, by any decision of the Building Inspector made in the administration of this Ordinance may appeal to the Planning Commission. Such appeal shall be taken within 10 days following notice of the decision being appealed, and by filing with the Building Inspector a notice of appeal, which shall specify the grounds thereof. The Building Inspector shall forthwith transmit to the Planning Commission all the papers constituting the record upon which the action appealed from was taken.
2. Any person, taxpayer, officer, or department of the city affected by any decision of the Planning Commission may appeal to the Mayor and Board of Aldermen. Such appeal shall be taken within 10 days following notice of the decision being appealed, by filing with the City Clerk a notice of appeal, which shall specify the grounds thereof. The City Clerk shall forthwith transmit to the Mayor and Board of Aldermen all the papers constituting the record upon which the action appealed was taken.

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C. Fee

A fee prescribed by the Board of Aldermen shall accompany the appeal. Fee shall be refunded if appeal is withdrawn prior to notification or if appeal is upheld. In the event an appeal contains two stages (appeal Building Inspector's decision to planning commission, and then Planning Commission to Mayor and Board of Aldermen) then each shall be considered a separate appeal and a separate fee paid for each appeal.

D. Stay of Procedures

Any appeal shall stay all proceedings in furtherance of such action unless the Building Inspector certifies to the Planning Commission or the Mayor and Board of Aldermen, after the notice appeal shall have been filed, that by reason of the fact stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In event the Building Inspector shall make and file such certificate, his action shall not be stayed otherwise than by a restraining order that may be granted by a court of record, upon application of the party aggrieved by the action of the Building Inspector and after notice to him and upon due cause shown.

E. Public Hearing and Notice

The Planning Commission or Mayor and Board of Aldermen, as the case may be, shall hold a public hearing within 30 days on the appeal. Notice of appeal hearings before the Planning Commission shall be given as prescribed in Section 810.G. Notice of appeal hearings before the Board of Aldermen shall be given as prescribed in Section 810.F. Upon the hearing of such appeal, any interested party may appear in person or by an agent or attorney.

F. Action

The Planning Commission or Board of Aldermen, as the case may be, shall act on the appeal 10 days following the closing of the public hearing. In exercising the powers set out in this section, the Planning Commission or Board of Aldermen may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may take such order, requirement, decision, or determination as ought to be made. The Building Inspector or City Clerk, as the case may be, shall notify the appellant by mail of the outcome of the appeal decision.

809 AMENDMENT (REZONING) PROCEDURE

A. Title and Purpose

Section 809.A through Section 809.H shall be known as the Amendment Procedure. The purpose of this procedure is to prescribe the manner in which changes shall be made in the text of the Zoning Regulations (Text Amendment) and the application of such regulations to property within the City of Poplarville, Mississippi by means of the Zoning Map (Rezoning).

B. Jurisdiction

The Board of Aldermen shall have jurisdiction with respect to all Text Amendments and Rezoning. The Planning Commission shall review and submit a recommendation to the Board of Aldermen on Text Amendments and Rezoning.

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C. Initiation

1. The Planning Commission or the Board of Aldermen may initiate a text amendment.
2. The owner or authorized agent of the owner of property may initiate a rezoning by filing an application for a change in district boundaries (rezoning) as prescribed in this chapter. If the property for which rezoning is proposed is in more than one ownership, all the owners or their authorized agents shall join in filing the application. A rezoning may be initiated also by the Planning Commission or the Board of Aldermen.

D. Application and Fee

1. Application for a Rezoning initiated by a property owner shall be filed with the Planning Commission on a prescribed form and shall include the following data and maps:
 - a. Name and address of the owner and applicant.
 - b. Address and legal description of the property.
 - c. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner of the property.
 - d. A tax parcel map of the area proposed for Rezoning and the surrounding area, showing existing streets or roads and property lines, and existing and proposed zoning district boundaries. The map shall include an area determined by the Building Inspector to be necessary to illustrate the relationship to and potential impact on the surrounding area, but not less than 200 feet or more than 1000 feet from the property proposed for rezoning.
 - e. Information demonstrating the appropriateness of the requested change, including at least one of the following:
 - i. Whether or not there has been a change in the character of the neighborhood surrounding the subject property and a public need exists for additional lands bearing the requested zoning classification.
 - ii. Whether or not an error exist with regard to the original zoning designation of the subject property.
2. The Building Inspector may require additional information or maps if they are necessary to enable the Planning Commission to determine whether the change is consistent with the objectives of this ordinance. These shall include:
 - a. A description, nature and details for all proposed facilities to be located on the rezoning property, both present and future.
 - b. Application for rezoning of any and all property in the City of Poplarville must be on file for review by the Building Inspector at least 15 days prior to the next Planning Commission meeting. Otherwise, said application will not be submitted to the Planning Commission for consideration.
 - c. Upon submission and approved review by the Building Inspector, all persons, whose name and address have been furnished, as per the zoning application, will be notified by the Building Inspector, as the time and place of the next Planning Commission meeting, at which time this request will be considered.

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3. An application fee shall accompany Rezoning initiated by a property owner. Said fee shall be established by the Board of Aldermen.
4. A rezoning initiated by the Planning Commission or by the Board of Aldermen shall be pursuant to a motion of the Commission or Board of Aldermen. No fee shall be applicable. The Building Inspector shall execute the necessary steps pursuant to the intent of the motion.
5. A text amendment initiated by the Planning Commission or by the Board of Aldermen shall be pursuant to a motion of the Commission or the Board of Aldermen. The City Attorney shall prepare a draft of an ordinance amending the text of the Zoning Regulations pursuant to the intent of the motion. No fee shall be applicable.

E. Recommendation to the Planning Commission

1. The Building Inspector shall review the application and shall prepare a recommendation thereon which shall be filed with the Planning Commission and available to the applicant at least 5 days prior to the Planning Commission meeting.
2. In event of withdrawal of an application after action by Planning Commission prior to action by Board of Aldermen, an application for same or permissive zoning for the property shall not be filed within one year of the or withdrawal.

F. Public Hearing and Notice

The Planning Commission shall act on the application not more than 30 days following the filing of said application. Notice shall be given as prescribed in Section 810.C. Action by the Planning Commission shall be in the form of a recommendation to the Mayor and Board of Aldermen.

G. Findings and Action by Reviewing Bodies

Upon conducting the requisite public hearing and considering all evidence, the Planning Commission and Board of Aldermen shall make specific findings related to the following criteria:

1. Whether or not there has been a change in the character of the neighborhood surrounding the subject property and a public need exists for additional lands bearing the requested zoning classification.
2. Whether or not an error exists with regard to the original zoning designation of the subject property.

Upon finding in favor of the foregoing criteria the Planning Commission and Board of Aldermen shall find in favor of the requested rezoning, otherwise, the rezoning request shall be denied.

H. Change of Zoning Map

A change in district boundaries shall be indicated on the Zoning Map.

810 PUBLIC NOTICE PROCEDURE

Section 810.A through Section 810.I shall be known as the Public Notice procedure. The purpose of this Procedure shall be to establish the minimum requirements for notice to be given with respect to procedural actions and public hearings required by the Zoning Regulations.

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A. Planning Commission: Site Plan Review

1. Notice shall be given by publication of a legal notice in a newspaper of general circulation at least 15 days prior to the date of the hearing. The Notice shall read as follows:

NOTICE

Notice is hereby given that application has been made to the Planning Commission for Site Plan Approval of the property located at _____. A public hearing will be held before said Planning Commission at _____ pm on _____, 20____, at City Hall, Poplarville, Mississippi, at which time and place all those wishing to be heard should appear.

Dated this day of _____, 20_____.

City Clerk

2. Notice shall be given at least 15 days prior to the hearing by erecting at least one sign for every 300 feet on each street upon which the property abuts. The costs of such posting shall be borne by the applicant. The sign(s) shall be at least three feet by four feet (3' x4') in size, supported by corner posts, and reading in letter legible from the nearest street. The bottom of said sign(s) shall be a minimum of four feet (4'-0") above ground level. The sign shall be in letters legible from the nearest street, as follows, to wit:

NOTICE

Notice is hereby given that application has been made to the Planning Commission for Site Plan Approval of this property. A public hearing will be held before said Planning Commission at _____ pm on _____, 20____, at City Hall, Poplarville, Mississippi, at which time and place all those wishing to be heard should appear.

Dated this day of _____, 20_____.

City Clerk

B. Planning Commission: Conditional Use Permits

Notice of public hearing for consideration of a Conditional Use Permit by the Planning Commission shall be given as follows:

1. Notice shall be given by publication of a legal notice in a newspaper of general circulation at least 15 days prior to the date of the hearing. The Notice shall read as follows:

NOTICE

Notice is hereby given that application has been made to the Planning Commission for a Conditional Use Permit for the property at _____. A public hearing will be held before said Planning Commission at _____ pm on _____, 20____, at City Hall,

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Poplarville, Mississippi, at which time and place all those wishing to be heard should appear.

Dated this day of _____, 20____.

City Clerk

- 2. Notice shall be given at least 15 days prior to the hearing by erecting at least one sign for every 300 feet on each street upon which the property abuts. The costs of such posting shall be borne by the applicant. The sign(s) shall be at least three feet by four feet (3' x4') in size, supported by corner posts, and reading in letter legible from the nearest street. The bottom of said sign(s) shall be a minimum of four feet (4'-0") above ground level. The sign shall be in letters legible from the nearest street, as follows, to wit:

NOTICE

Notice is hereby given that an application has been made to the Planning Commission for a Conditional Use Permit for the property at _____. A public hearing will be held before said Planning Commission at _____ pm on _____, 20____, at City Hall, Poplarville, Mississippi, at which time and place all those wishing to be heard should appear.

Dated this day of _____, 20____.

City Clerk

C. Planning Commission: Rezoning

Notice of public hearing for consideration of a Rezoning by the Planning Commission shall be given as follows:

- 1. Notice shall be given by publication of a legal notice in a newspaper of general circulation at least 15 days prior to the date of the hearing. The Notice shall read as follows:

NOTICE

Notice is hereby given that application has been made to the Planning Commission to change the zoning of the property at _____ from _____* to _____. A public hearing will be held before said Planning Commission at _____ pm on _____, 20____, at the City Hall, Poplarville, Mississippi, at which time and place all those wishing to be heard regarding the change in zoning should appear.

Dated this day of _____, 20____.

City Clerk

* Zoning classification to be indicated in this space.

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2. Notice shall be given at least 15 days prior to the hearing by erecting at least one sign for every 300 feet on each street upon which the property abuts. The costs of such posting shall be borne by the applicant. The sign(s) shall be at least three feet by four feet (3' x4') in size, supported by corner posts, and reading in letter legible from the nearest street. The bottom of said sign(s) shall be a minimum of four feet (4'-0") above ground level. The sign shall be in letters legible from the nearest street, as follows, to wit:

NOTICE

Notice is hereby given that application has been made to the Planning Commission to change the zoning of this property from _____* to _____*. A public hearing will be held before said Planning Commission at _____ pm on _____, 20____, at the City Hall, Poplarville, Mississippi, at which time and place all those wishing to be heard regarding the change in zoning should appear.
Dated this day of _____, 20_____.

City Clerk

* Zoning classification to be indicated in this space.

D. Board of Aldermen: Text Amendment

Notice of public hearing for a consideration of a Text Amendment by the Board of Aldermen shall be given by publication of a legal notice in a newspaper of general circulation at least 15 days prior to the date of the hearing.

E. Board of Aldermen: Rezoning

Notice of public hearing for consideration of a Rezoning by the Board of Aldermen shall not be necessary provided public hearing was held before the Planning Commission.

F. Board of Aldermen: Appeal from Planning Commission

Notice of a public hearing for consideration of any appeal from a decision of the Planning Commission shall be given as follows:

1. Notice shall be given by publication of a legal notice in a newspaper of general circulation at least 15 days prior to the date of the hearing.
2. No notice by sign posting shall be required.
3. At the option of the Mayor or Board of Aldermen, notice may be given by mail to the owner of any site in the vicinity of the subject property who, on the basis of the records pertinent to the appeal, has shown an interest in the application, at least 15 days prior to the date of the hearing.

G. Planning Commission: Administrative Appeal

Notice of public hearing for consideration of an Administrative Appeal by the Planning Commission shall be given as follows:

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1. Notice shall be given by publication of legal notice in a newspaper of general circulation at least 15 days prior to the date of the hearing.
2. No notice by sign posting shall be required.
3. At the option of the Building Inspector or Planning Commission, notice may be given by mail to the owner of any site potentially affected by an administrative appeal pertaining to a particular site, at least 15 days prior to the date of the hearing.

H. Planning Commission: Variance

Notice of public hearing for consideration of a variance by the Planning Commission shall be given as follows:

1. Notice shall be given by publication of a legal notice in a newspaper of general circulation at least 15 days prior to the date of the hearing. The Notice shall read as follows:

NOTICE

Notice is hereby given that application has been made to the Planning Commission for a Variance for the property at _____. A public hearing will be held before said Planning Commission at _____ pm on _____, 20____, at City Hall, Poplarville, Mississippi, at which time and place all those wishing to be heard should appear.

Dated this day of _____, 20_____.

City Clerk

2. Notice shall be given at least 15 days prior to the hearing by erecting at least one sign for every 300 feet on each street upon which the property abuts. The costs of such posting shall be borne by the applicant. The sign(s) shall be at least three feet by four feet (3' x4') in size, supported by corner posts, and reading in letter legible from the nearest street. The bottom of said sign(s) shall be a minimum of four feet (4'-0") above ground level. The sign shall be in letters legible from the nearest street, as follows, to wit:

NOTICE

Notice is hereby given that an application has been made to the Planning Commission for a Variance. A public hearing will be held before said Planning Commission at _____ pm on _____, 20____, at City Hall, Poplarville, Mississippi, at which time and place all those wishing to be heard should appear.

Dated this day of _____, 20_____.

City Clerk

I. Notice Requirement Defined

1. Requirements for notice and publication contained in this section shall have the following meaning:

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- a. Publication shall refer to the date of publication of a legal notice in a newspaper of general circulation in the City of Poplarville. Two (2) publication days shall be sufficient.
 - b. Posting shall refer to the date of posting of a legal notice on a sign erected on the property of an application in the City of Poplarville
2. Each such notice, whether by publication or posting, shall include appropriate information pertaining to the general nature of the application or decision, and identifying the application or decision, and identifying the applicant, the subject property, the time and place of the meeting or hearing, and the address and telephone number of the office from which additional information may be obtained.

811 REMEDIES AND PENALTIES

A. Enforcement Remedies

If any building, structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, the Board of Aldermen and/or the Building Inspector may, in addition to other remedies, institute in the name of the City of Poplarville any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constitution a violation.

B. Penalties

1. Any person, partnership, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine of not more than One Hundred Dollars (\$100.00) and the cost of prosecution or in default of the payment thereof, shall be punished by imprisonment for a period not to exceed thirty (30) days for each offense, or by both such fine and imprisonment in the discretion of the Court, together with the cost of such prosecution. Each day such a violation continues shall be considered a separate offense after the thirty (30) days from the date of written notification.
2. The owner of any structure or premises, where any condition in violation of this Ordinance shall exist or shall be created shall be guilty of an offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law. Forbearance in enforcement of this Ordinance shall not be deemed the condoning of any violation thereof.
3. In addition to all other remedies, including the penalties provided in this section of the Ordinance, the City may commence and prosecute appropriate actions or proceedings in a Court of competent jurisdiction, to restrain or prevent any non-compliance with or violation of any of the provisions of this Ordinance, or to correct, remedy or abate such non-compliance. Violation of any provisions of this Ordinance is hereby declared to be a nuisance per use, and the Court shall order such nuisance abated.

ARTICLE 9: ARCHITECTURAL STANDARDS

901 PURPOSE

- A. The purpose of architectural standards is to make certain the exterior of all new construction and building additions are high quality, long-lasting, and sustainable within the City of Poplarville. Architectural design and use of materials for the construction of any building shall be subject to the approval of the Planning Commission and the Mayor and Board of Aldermen.
- B. These standards are intended to enhance the visual aspect and livability of the entire city. These standards will foster architectural diversity and interest, yet achieve and maintain a consistent, durable and pleasing aesthetic/visual quality.

902 APPLICABILITY

Every building or structure hereafter constructed within the City of Poplarville shall comply with the provisions of the Article. Exempt from this provision shall be single family dwellings and accessory buildings thereto.

903 DEFINITIONS

Arcade. As used herein, an arcade is a covered walkway/structural canopy extending along the entire length of the front façade of a commercial building.

Building. Any structure having a roof supported by walls and intended for the shelter, housing or enclosure of any individual, process, equipment, goods or materials of any kind.

Facade. A vertical exterior face or elevation of a building.

Front Facade. Any façade with a public entry which faces a public right-of-way.

Rear Facade. Any facade without a public entry that does not face a public right-of-way.

Side Facade. Any facade without a public entry but facing a public right-of-way or any façade with a public entry but not facing a public right-of-way. A side façade typically connects a front façade with a rear façade.

Wall Area. The total square feet of the exterior elevation of the building that is vertical to the ground.

904 BUILDING PLANS

- A. All building plans submitted as an application for a building permit shall clearly indicate all of the proposed building materials and colors for each facade as described herein. The plans shall clearly show the location and calculate the amount/percentages of all building materials per facade.
- B. Groups of buildings on the same parcel of land may be reviewed and permitted as a single project rather than individual buildings. Grouping of similar buildings is encouraged to minimize the number of reviews required and to allow for originality and design flexibility.

905 GENERAL ARCHITECTURAL REQUIREMENTS

A. General Provisions

All proposed buildings shall be designed in a manner that the building styles and building materials match those of the surrounding area of said proposed building, unless otherwise specified within Section 905.

B. Dumpsters

All dumpsters shall be screened from sight by a fence that is at least six inches taller than the dumpster. The maximum height of a screening fence shall be eight feet. The fence shall be constructed of an opaque material made of brick, stucco, split face block, or similar material to that of the principal building. For industrial/distribution/warehouse buildings exceeding twenty-five-thousand (25,000) square feet, no screening is required. However, the dumpsters shall be located in the rear yard behind the building they serve.

C. Mechanical Systems (HVAC)

All ground mounted mechanical, HVAC, and like systems shall be set back a minimum of five (5) feet from a property line and screened from public street view (within 300 feet) by an opaque wall or fence or landscaping. All commercial and retail building roof mounted mechanical, HVAC, and like systems shall be screened from public street view (within 300 feet) on all sides.

D. Roof Requirements

1. Pitched Roofs

All one-story buildings less than ten-thousand (10,000) gross square feet must have a pitched roof (between 5:12 and 12:12) as much as possible. If a pitched roof is not possible, a combination of flat roof and pitched roof is required. Provide a pitched roof on front and side of the building to screen view of any flat roof. Arcades, drive-under canopies, porches and other features shall be created with a pitched roof. Materials for pitched roofs shall be limited to architectural dimensional grade asphalt shingles, natural slate, natural terra cotta, natural wood shake, copper or factory finished sheet metal.

2. Mansard Roofs

Mansard roofs shall have a maximum pitch of 12:12 with a minimum twelve-foot (12') vertical surface length.

3. Flat Roofs

Flat roofs may be of any material that meets building codes. Exposed metal flashing shall be copper or factory finished sheet metal. If factory finished metal flashing is used, such as standing seam, the color must be subdued to blend with other materials or of a color to simulate weathered copper or bronze. All buildings with flat roofs should include parapet articulation on the front facade(s) of such building. There shall be roof articulations/offsets at a minimum of one (1) per each one hundred twenty-five linear feet (125') of length by a change in the top line of the parapet. Additional articulation may occur at any lesser distance. If the front facade is less than one hundred twenty-five linear feet (125'), then a minimum of one (1) roof articulation must occur.

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4. Other
Drive under canopies for gasoline pumps may have flat roof with vertical or factory formed facing of finished sheet metal.

E. Outdoor Lighting Requirements

1. Lighting levels should meet the minimum IESNA (Illuminating Engineering Society of North America) standards for Security Lighting of Public Spaces. Lighting levels shall not exceed 100% of recommended values. Greater lighting levels shall require approval by the Planning Commission.
2. Site lighting shall be designed as part of the architectural and landscape theme of the site. Lighting fixtures shall be compatible in style with associated buildings and structures. Lighting should provide for appropriate and desirable night time illumination for all uses on the site to promote a safe environment while not being obtrusive to residential areas.
3. Outdoor lighting, where provided, shall be done in a manner as not to cause excessive glare or light to trespass beyond the property boundaries. Glare shields and cutoff devices shall be used to minimize throw onto adjacent properties.
4. To prevent glare, fixtures shall not be aimed towards neighboring properties, sidewalks, pathways, driveways, or public right-of-ways in such a manner as to distract travelers. Glare and light trespass control shall be required to protect inhabitants from the consequences of stray light shining in inhabitant's eyes or onto neighboring properties. Light pollution control shall be required to minimize the negative effect of misdirected upward light.
5. Spot lighting of buildings on the lot is permissible, provided such lights are shaded and so located that beams are directed away from any residential zone or any public highway.
6. New sports lighting systems shall be furnished with glare control. Lighting fixtures shall be mounted and aimed so that the illumination falls within the primary playing field and immediate surroundings so that no direct light illumination is directed off site.
7. Drive up windows, sidewalks and canopies may have higher lighting levels, where recommended by IESNA standards.
8. The maximum average illuminance for a canopy or apron at a gas station, convenience store, bank, fast food restaurant or similar establishment shall not exceed 20 foot-candles, provided that the canopy or pump islands meet the setback requirements of the Zoning Ordinance. All lighting at canopies shall utilize fully shielded lighting fixtures with bottom of lens flush with canopy.
9. Perimeter Lighting Requirements:
 - a. Lighting levels shall be based on maintained lamp lumens. Maintenance values shall be identified on the lighting calculations submitted for approval.
 - b. For lighting levels adjacent to commercial property, the lighting shall not exceed one (1) foot-candle of illumination at the property line, and shall not exceed one-half (1/2) foot-candles 10 feet beyond the property line.
 - c. For lighting levels adjacent to residential property, the lighting shall not exceed one-quarter (0.25) foot-candle of illumination at the property line and shall not exceed one-tenth (0.1) foot-candle 10 feet beyond the property line.

906 COMMERCIAL ZONING DISTRICT ARCHITECTURAL REQUIREMENTS

A. Building Design

Building design shall exhibit architectural control which seeks to be creative and which best utilizes building lines, shapes, and angles to maximize architectural integrity.

1. Unadorned pre-stressed upright concrete panels, unfinished concrete block, galvanized or unfinished steel, galvalum or unfinished aluminum buildings (wall or roofs), and pole-type building materials are not permitted as primary exterior building materials.
2. At least fifty (50) percent of all exterior wall finishes shall be comprised of any combination of at least two (2) of the following materials:
 - a. Brick
 - b. Natural Stone
 - c. Glass
 - d. Stucco or stucco-like finishes
 - e. Other comparable or superior material approved by the Mayor and Board of Aldermen.
3. Accent materials shall be used for cornices, sills, bases, lintels, banding, and decorative accent trims. Accent materials shall consist of materials that meet or exceed the quality of the primary exterior materials and shall be consistent with the building design.
4. In the C-1, C-3, MSOP zone and non-residential uses in residential districts, a minimum of thirty (30) percent of the façade facing the public right-of-way shall be glass.
5. In the C-2 and C-4 zone a minimum of twenty (20) percent of the façade facing the public right-of-way shall be glass.
6. Any new building shall be constructed so that all exterior sides within public view shall be surfaced equivalent to the front of the building.

907 INDUSTRIAL ZONING DISTRICT ARCHITECTURAL REQUIREMENTS

A. Building Design

Building design shall exhibit architectural control which seeks to be creative and utilize building lines, shapes, and angles to maximize architectural integrity.

B. Industrial properties which are located within 1,350 feet of the centerline of the right-of-way of a major highway shall meet the following architectural standards. Where only a portion of the parcel lies within 1,350 feet of the major highway centerline, the standards shall apply to the entire parcel:

1. Unadorned pre-stressed upright concrete panels, unfinished concrete block, galvanized or unfinished steel, galvalum or unfinished aluminum buildings (wall or roofs), and pole-type building materials are not permitted as primary exterior building materials.
2. Building exterior wall finishes shall be comprised of any combination of a least two (2) of the following materials:
 - a. Brick
 - b. Natural Stone
 - c. Glass

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- d. Masonry stucco
 - e. Other comparable or superior material approved by the Mayor and Board of Aldermen.
- 3. Accent materials shall be used for cornices, sills, bases, lintels, banding, and decorative accent trims. Accent materials shall consist of materials comparable in grade and quality to the primary exterior materials.
 - 4. A minimum of twenty (20) percent of the facade facing the public right-of-way shall be glass.
 - 5. Any new building shall be constructed so that all exterior sides shall be surfaced equivalent to the front of the building
- C. Industrial properties which are not located within 1,350 feet of the centerline of the right-of-way of a major highway shall meet the following architectural standards:
- 1. Exterior wall surfaces of all buildings shall be faced with brick, stone, architecturally enhanced pre-cast and cast-in-place panel, architectural concrete in combination with other permitted materials or glass.
 - 2. Accent materials shall be used for cornices, sills, bases, lintels, banding, and decorative accent trims. Accent materials shall consist of materials comparable in grade and quality to the primary exterior materials.
 - 3. A minimum of twenty (20) percent of the façade facing the public right-of way shall be glass.
 - 4. Any new building shall be constructed so that all exterior sides shall be surfaced equivalent to the front of the building.

908 TWO-FAMILY AND MULTI-FAMILY ZONING DISTRICT ARCHITECTURAL REQUIREMENTS

The Exterior Building Finish of two-family and multi-family dwelling units shall include a variation in building materials which are to be distributed throughout the building facades and coordinated into the architectural design of the structure to create an architecturally balanced appearance. In addition, two-family and townhome dwelling structures shall comply with the following requirements:

- A. A minimum of twenty-five (25) percent of the combined area of all building façades of a structure shall have an exterior finish of brick, stucco, and/or natural or artificial stone.
- B. Except for brick, stucco, and/or natural or artificial stone, no single building facade shall have more than seventy-five (75) percent of one type of exterior finish.
- C. For the purpose of this section, the area of the building facade shall not include area devoted to windows, entrance doors, garage doors, or roof areas.
- D. No more than three (3) buildings within 300 feet of each other shall consist of the same building facade.

909 EXCEPTIONS

- A. The proposed building maintains the quality and value intended by this section.
- B. The proposed building is compatible and in harmony with other structures designed by standards in this section within the district.
- C. The design exceeds the intent of the ordinance.
- D. Any building is subject to denial that does not meet architectural standards as determined by the Planning Commission and the Mayor and Board of Aldermen.

910 SITE PLAN REVIEW

A site plan review is required for new construction, additions, and changes to existing buildings according to Article 8 Administration. Each building design will be reviewed for at least the following considerations:

- A. Appropriate location of structures on the site with relationship to other amenities, restrictions, adjacent land usage, etc.
- B. General massing, roof treatments, proportions and quantity of exterior openings.
- C. Use of exterior materials as they relate to adjacent structures, and their impact on the quality and character of the immediate area.
- D. Screening of mechanical equipment, tanks, loading decks, refuse handling, ancillary equipment, etc., whether on the roof or on the site.

ARTICLE 10: DEVELOPMENT BONUSES

1001 PURPOSE

The purpose of this section is to support the incentives to developing projects within the City of Poplarville while continuing the development of projects within a reasonable limit of the underlying zone. Because buildings are responsible for a large portion of energy and resource use, the provisions of this section are intended to promote sustainable developments that reduce the impact of the built environment. This section also expects to improve air and water quality, reduce solid waste, conserve natural resources, reduce operation costs, optimize life-cycle economic performance and minimize the strain on local infrastructure through the use of Green Building Practices.

1002 DEFINITIONS

- A. **Green Building Practices.** An environmentally sustainable building, designed, constructed and operated to reduce the total environmental impacts
- B. **LEED Certified Building.** A building certified, under the Leadership in Energy and Environmental Design (LEED) program of the United States Green Building Council that meets LEED standards for either New Construction and Major Renovation Projects or Core and Shell Projects.
- C. **Sustainability.** Meeting the needs of the present without compromising the ability of future generations to meet their own needs. (World Commission on Environment and Development, 1987)
- D. **Sustainable Building.** Reduction of the harmful effect on the environment of buildings and construction activities. (Organization for Economic Co-operation and Development, 2003)

1003 GENERAL SITE DENSITY AND BUILDING HEIGHT BONUSES

The allowable units in a development may be increased for incorporation of the incentives in this section. The total of all incentives may not exceed a thirty percent (30%) increase in the base numbers permitted. The bonuses shall be on a building by building basis and are not transferable from one building to another.

A. Site Density

- 1. In the event that a building or structure is determined to be an appropriately located LEED Certified building, the site density may exceed that which is specified for the applicable base zoning district, but shall not exceed an additional twenty percent (20%) density.
- 2. Buildings that follow Green Building Practices and are not LEED Certified are eligible to receive a maximum increase of thirty percent (30%) in the maximum site density.

B. Building Height

- 1. In the event that a building or structure is determined to be an appropriately located LEED Certified building, the maximum height of the building or structure may exceed the permitted height of the base zoning district, but shall not exceed an additional twenty percent (20%) of the permitted height.
- 2. Buildings that follow Green Building Practices and are not LEED Certified are eligible to receive a maximum increase of fifteen foot (15') in the maximum building height.

1004 SENIOR HOUSING

A. Intent

To encourage the provision of senior housing within the community to allow for a variety of housing options to aging persons as their family size and housing needs change. This incentive is not applicable to projects whose sole purpose is senior housing (i.e. adult family homes, assisted living facilities, nursing homes, etc.).

B. Density Bonus

A twenty percent (20%) increase in the allowed number of units shall be permitted when a minimum of thirty-five percent (35%) of the units within the project are reserved for senior citizen assisted dwellings.

C. Height Bonus

A ten foot (10') increase in the maximum allowed height shall be permitted when a minimum of thirty-five percent (35%) of the units within the project are reserved as senior citizen assisted dwellings.

1005 MIXTURE OF UNIT SIZES

A. Intent

Promote a mixture of unit sizes within a development, in order to encourage the presence of residents during the daytime. Larger units typically house families, where an adult may be present during the daytime. Having a mixture of unit sizes can contribute to a more secure community.

B. Density Bonus

A ten percent (10%) increase in the allowed number of units shall be permitted with a mixture of unit sizes in a development with at least thirty-five percent (35%) of the units being two (2) bedroom or larger.

C. Height Bonus

A five foot (5') increase in the allowed height shall be permitted with a mixture of unit sizes in a development with at least thirty-five percent (35%) of the units being two (2) bedroom or larger.

1006 CONDOMINIUM/OWNER-OCCUPIED HOUSING

A. Intent

Encourage units to be constructed as condominiums, and remain owner-occupied through codes, conditions, and restrictions (CCR's) or other restrictive covenants, contributing to a sense of ownership, investment in the community, and stability in the resident population of multi-family areas.

B. Density Bonus

A thirty percent (30%) increase in the allowed number of units shall be permitted for a condominium development, where the codes, conditions, and restrictions (CCR's) of the homeowners' association or other restrictive covenants are set up to maintain home ownership within the development and restrict the number of units that may be used as rental properties. CCR's shall be reviewed and approved by the Building Inspector prior to recording to ensure this provision cannot be modified or eliminated.

C. Height Bonus

A fifteen foot (15') increase in the allowed building height shall be permitted for a condominium development, where the codes, conditions, and restrictions (CCR's) of the

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homeowners' association or other restrictive covenants are set up to maintain home ownership within the condominium and restrict the number of units that may be used as rental units. CCR's shall be reviewed and approved by the Building Inspector prior to recording to ensure this provision cannot be modified or eliminated.

1007 OUTDOOR RECREATION/OPEN SPACE

A. Intent

Encourage the placement of additional open space throughout multi-family developments in order to enhance outdoor recreational opportunities for residents.

B. Density Bonus

A ten percent (10%) increase in the allowed number of units shall be permitted when at least fifteen percent (15%) additional recreation and/or open space, over that is required, is provided within a multi-family development.

C. Height Bonus

A five foot (5') increase in the allowed building height shall be permitted when at least fifteen percent (15%) additional recreation and/or open space, over that is required, is provided within a multi-family development.

1008 LIEN INSURANCE

As a condition of density and height bonus of this section, the applicant shall be required to provide a lien in an amount equal to the value of the bonus. This lien shall be calculated on the square footage of the additional space provided by the bonus multiplied by \$100 (One-Hundred) per square foot.

1009 REVIEW PROCESS

The approval of site density increases and building height increases shall require the recommendations for approval of the Planning Commission after a public hearing and then the approval of the Mayor and Board of Aldermen.

ARTICLE 11: SIGNS AND OUTDOOR ADVERTISING

1101 PURPOSE

The regulations herein set forth shall apply and govern in all zones except as hereinafter provided. No sign or outdoor advertising device shall be erected, maintained or continued unless it is in compliance with the regulations for the zone in which it is located. Additionally, no sign or other outdoor commercial advertising device constituting a hazard and/or nuisance because of light, glare, focus, noise, animation or flashing in any zone, or an illuminated sign of such intensity of illumination as to unduly disturb the use of residential property shall be erected or continued in operation.

1102 GENERAL PROVISIONS

The provisions of this section shall govern the location, size, setback and heights of signs in each of the use districts established in this ordinance in order to insure safe construction, light, air, and open space, to reduce traffic hazards, to prevent the accumulation of trash, and to protect property values of the entire community.

1103 PERMITS REQUIRED

- A. Permits required. Except as otherwise provided in this article, it shall be unlawful to erect, alter or relocate any sign without first obtaining a sign permit. When a sign permit has been issued, it shall be unlawful to change, modify, alter or otherwise deviate from the terms and conditions of said permit without prior approval of the Building Inspector. A written record of such approval shall be entered upon the original permit application and maintained in the files of the building inspector. (The following activity shall not require a sign permit: The changing of advertising copy or message on signs which are specifically designed for the use of replaceable copy, the use and placement of temporary signs as outlined in Section 1106.B and the use and placement of signs listed in Section 1104.)
- B. Application: In order to obtain a permit to erect, alter or relocate any sign under the provisions of this article, an applicant therefor shall submit to the City of Poplarville a sign permit application which shall set forth in writing a complete description of the proposed sign including:
1. The name, address, and telephone number of the land owner or persons entitled to possession of the sign and of the sign contractor or erector.
 2. The location by street address and legal description of the site of the proposed sign structure.
 3. Complete information as required on application forms provided by the Building Inspector, including a site plan and elevation drawings of the proposed sign, caption of the proposed sign and such other data as is pertinent to the application.
 4. Plans indicating the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footings, and materials to be used.
 5. Application and required information for such application, for an electric permit for all signs that require an electrical connection.
 6. Each application shall contain an agreement to indemnify and hold the city harmless for all damages, demands or expenses of every character which may in any manner be caused by the sign or sign structure. Each applicant shall present to the Building Inspector on request a certificate of liability insurance prior to the issuance of a sign

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permit. The Building Inspector shall act upon an application for a permit with plans as filed, or as amended, without unreasonable or unnecessary delay.

- C. Issuance of permit if application is in order: It shall be the duty of the Building Inspector, upon receipt of a completed application for a sign permit to examine such plans and specifications and other data, and, if the proposed structure is in compliance with the requirements of this article and all other applicable provisions of this code, to issue to the applicant a written permit evidencing the applicant's compliance therewith. Issuance of the permit shall in no way prevent the Building Inspector from later declaring said sign to be non-conforming if upon further review of information submitted with the application, or of newly acquired information, the sign is found not to comply with the requirements of this ordinance.
- D. Permit duration: A sign permit shall become null and void if the sign for which the permit was issued has not been completed within a period of six (6) months after the date of issuance.
- E. Inspections: The Building Inspector shall be required to inspect the sign during construction and after work has been completed. Any components of the sign which are found to be in violation of this ordinance must be corrected immediately or the sign permit shall be revoked.

1104 EXEMPTED SIGNS

- A. Except as otherwise provided, the following signs may be erected without securing a permit, subject, however, to meeting all other applicable codes and regulations.
 - 1. One (1) professional nameplate for each occupant of a building. Each professional nameplate shall not exceed two (2) square feet in area.
 - 2. One (1) identification sign for each premise, denoting only the name, street, number and business of an occupant in a commercial building or public institutional building. An identification sign shall not exceed six (6) square feet in area.
 - 3. One (1) bulletin board or identification sign per site for public, charitable, educational or religious institution located on the premises of said institution and not exceeding fifty (50) square feet in area.
 - 4. Flags or insignias of a governmental, religious, charitable, or fraternal organization mounted on a single pole. Flags or insignias shall be limited to fifty (50) total square feet in area.
 - 5. Decorative flags, posters, banners and bunting authorized by the Board of Aldermen for a city-wide celebration, conventions, or commemorations.
 - 6. Legal notices and official instruments.
 - 7. Holiday decoration and signs used during customary holiday periods.
 - 8. Memorial signs, tablets or cornerstones, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials.
 - 9. Non-advertising (not to exceed two (2) square feet in area) directional signs or symbols (e.g. entrance, exit, caution, slow, no trespassing) located on and pertaining to a parcel of private property.
 - 10. Identification signs at the entrance drive of residences, estates, farms, ranches, and plantations which do not exceed two (2) square feet in area.
 - 11. One (1) non-illuminated, double-faced, temporary, real estate "For Sale" sign per street frontage not exceeding in face area:
 - a. In residential zoning districts:

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- i. Six (6) square feet where the property being advertised has a frontage of less than five hundred (500) lineal feet.
 - ii. Sixteen (16) square feet where the property being advertised has a frontage of five hundred lineal feet or more.
 - b. In all other districts, sixteen (16) square feet where the property or structure being advertised has a frontage of less than two hundred (200) lineal feet.
 - c. In all other districts, thirty-two (32) square feet where the property or structure being advertised has a frontage of two hundred (200) lineal feet or more.
 - d. Multiple listing strips and sold signs may be allowed when attached to a real estate for sale sign. Signs shall be removed immediately when ownership has changed or the property is no longer for sale, rent, or lease. Open for inspection signs not exceeding two (2) square feet in area may be allowed on property that is open for inspection.
12. One (1) construction sign per street frontage located on property where building is actually in progress under a current building permit. This shall be a ground sign not to exceed (32) square feet for nonresidential structures and sixteen (16) square feet for residential structures and may include the names of persons and firms performing services or labor, or supplying materials to the premises.
13. Signs incorporated on machinery or equipment at the manufacturer's or distributor's level, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps and do not exceed two (2) square feet per piece of equipment.
14. Directional and regulatory signs erected by an agency of government or any lawfully constituted utility.
15. One (1) under-canopy sign per business not to exceed three (3) square feet in area, not lower than eight (8) feet clear above the walkway surface.
- B. The following signs are prohibited and are in violation of this ordinance.
 1. Any sign erected on a tree, fire escape, utility pole, or traffic sign.
 2. Any sign which uses the word "stop" or "danger" prominently displayed and/or which is a copy or imitation of official traffic control signs.
 3. Signs which flash or illuminate intermittently, and animated signs except time and temperature or public service signs.
 4. Signs which emit visible smoke, vapor, particles, or odor.
 5. Signs with any lighting or control mechanism which causes radio or television or other communication interference.
 6. Any sign or sign structure placed upon a street or highway right-of-way, except directional signs provided by the city or state.
 7. Any sign attached to or painted onto a vehicle parked adjacent to or on a public thoroughfare for the principal purpose of advertising.
 8. Bench signs with messages except as approved by the Board of Aldermen.
 9. Billboards, portable signs, off-site signs, streamers, and revolving signs except as approved by the Board of Aldermen.
 10. Signs located in single family residential districts except as provided in Section 1107.
 11. Signs in commercial or industrial districts which abut residential districts which are located nearer than fifteen (15) feet to any residential boundary line.

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12. Illuminated, or neon signs that produce a glare or reflection:
 - a. Onto nearby properties such as to be objectionable to the occupants thereof.
 - b. Which creates a traffic hazard.

1105 COMMERCIAL DISTRICT SIGN STANDARDS

- A. Permanent signs in commercial districts shall be subject to the following conditions.
 1. Wall signs: Aggregate surface area of wall signs shall not exceed two (2) square feet area for each one (1) foot of building frontage occupied by the business displaying signs, up to 150 Sq. Ft. maximum. Sign may not project more than twelve (12) inches from the building to which it is attached.
 2. Ground signs. Maximum height: twenty (20) Ft. above natural ground level at sign structure base. Maximum size: 50 Sq. Ft. aggregate surface area.
 3. Maximum number of signs. Only one (1) ground sign and one (1) wall, marquee or canopy, shall be allowed for each premises; except that on:
 - a. corner and double frontage lots, two (2) ground signs are allowed and one (1) wall sign per street frontage is allowed provided that the premises may utilize up to the maximum sign surface area allowed for each frontage, but no transfers of allowable area may be made from one frontage to another.
 - b. Shopping center properties:
 - i. A ground sign with a maximum height of twenty (20) feet consisting of a sign identifying the shopping center no larger than 50 sq ft in area and a sign identifying the name or logo of each business located in the center no larger than 25 sq ft. per business.
 - ii. One wall sign located on each business in the center.
 4. Gasoline pricing signs:
 - a. One sign advertising the price of gasoline is permitted, provided that it shall not exceed twelve square feet per sign face and an aggregate area of twenty-four (24) square feet. If freestanding, the sign shall not exceed four (4) feet in height.
 - b. Signs which are placed on gasoline pumps in order to provide required information to the public regarding price per gallon or liter, type of fuel and octane rating are permitted; however, such signs may not exceed three square feet per side in surface area and six (6) square feet in total area.
- B. Temporary signs in commercial districts including banners, posters, and sandwich signs shall be subject to the following conditions:
 1. Any temporary signs displayed off-premises or upon public property are prohibited unless approved by the Board of Aldermen.
 2. Banners and posters are allowed to be displayed for a period not to exceed ninety (90) consecutive days.
 3. Any banner or poster that becomes worn or unsightly must be removed immediately.
 4. The length of a banner shall not exceed the 20 feet. No banner shall extend beyond the frontage of the premises for which it is permitted. The vertical height of a Permitted banner shall not exceed thirty (30) percent of its horizontal length.
 5. Sandwich signs are allowed to be displayed on the premises of the business during normal business operating hours only.

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6. The vertical height of a sandwich sign shall not exceed four (4) feet and the total square footage of a permitted sandwich sign shall not exceed twelve (12) sq. feet per side.
7. Any banner, poster, or sandwich sign that creates a traffic or pedestrian hazard must be removed immediately.

1106 RESIDENTIAL DISTRICT SIGN STANDARDS

- A. Signs in residential districts shall be subject to the following conditions:
 1. Subdivision Signs: One (1) permanent ground sign may be located at each entrance of a subdivision provided the following requirements are met:
 - a. Such sign shall contain only the name of the subdivision and motto, if any. It shall not contain promotional material.
 - b. The sign shall not create a physical or visual hazard for motorists entering or leaving the subdivision.
 - c. An acceptable legal entity shall be provided to assure the maintenance of the subdivision sign.
 - d. The sign shall not exceed seven (7) feet in height.
 - e. The sign shall not exceed thirty-two (32) square feet in area.
 2. Multiple family residential development and mobile home park signs: One (1) wall or ground sign may be located on the site of a multiple family residential development or mobile home park provided that it is not more than thirty-two (32) square feet. Such sign shall not be more than eight (8) feet in height. Where a multiple family residential development or mobile home park is located on more than one (1) street, one (1) sign may be displayed on each street.
 3. Temporary signs on private residential property are permissible at the property owner's discretion, provided, however, the sign shall not be displayed more than thirty (30) days before the activity and shall be removed within seven (7) days of termination of the activity such as, garage or yard sale, political campaign, real property sale or other like activity, for which it was erected. Signs permitted hereunder shall not exceed six (6) square feet in surface area

1107 PENALTIES

- A. Upon failure to comply with this ordinance the Building Inspector is hereby required to cause removal as provided by law of such sign and any expense incident thereto shall be paid by the owner, agent, or lessee of said sign or of the property upon which the sign is located.
- B. It is unlawful and shall be a misdemeanor to do any act forbidden by or for failure to do any act required in this Ordinance. The maximum penalty shall be a fine of \$25.00 per offense per day. Each individual sign violation shall be considered a separate offense.