

# Zoning Ordinance

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

AS AMENDED THROUGH  
December 7, 2015

Effective January 6, 2016

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AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS  
FOR THE CITY OF FLOWOOD, MISSISSIPPI, AND PROYING FOR THE  
ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, AND FOR  
THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH

WHEREAS, the statutes of the State of Mississippi, Title 17, Chapter 1, of the Mississippi Code of 1972, as amended, empower the City of Flowood to enact a zoning ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, the Mayor and Board of Aldermen prepared a Comprehensive Plan to fulfill the requirements of Section 17-1-9 of the Mississippi Code of 1972, as amended, that “zoning regulations shall be made in accordance with a comprehensive plan...” and after a public hearing was held on said Comprehensive Plan, adopted said Comprehensive Plan on December 15, 1987; and

WHEREAS, the Mayor and Board of Aldermen have divided the town into districts and have prepared regulations pertaining to such districts designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and

WHEREAS, the Mayor and Board of Aldermen have given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of real properties and encouraging the most appropriate use of land and improvements within the City; and

WHEREAS, the Mayor and Board of Aldermen have given due public notice of a hearing relating to the adoption of this Ordinance and the establishment of the zoning districts, regulations, and restrictions contained herein, and have held such public hearing in accordance with the requirements of Sections 17-1-15 and 17-1-17 of the Mississippi Code of 1972, as amended,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF FLOWOOD, MISSISSIPPI:

**ARTICLE I**  
**ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP**

**100     Zoning Districts**

100.01            In order to classify, regulate, and restrict the use and location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings; to regulate and determine the area of yards, courts, and other open spaces surrounding buildings; and to regulate and limit the density of population, the City of Flowood, Mississippi, is hereby divided into thirteen (13) zoning districts. Said districts are hereby designated as and shall be known as:

|      |  |
|------|--|
| L-C  | Land Conservation District               |
| R-E  | Estate Residential District              |
| R- 1 | Single Family Residential District       |
| R-2  | Limited Multifamily Residential District |
| R-3  | Multifamily Residential District         |
| R-4  | Mobile Home Park Residential District    |
| C-1  | Neighborhood Commercial District         |
| C-2  | Restricted Commercial District           |
| C-3  | General Commercial District              |
| I-1  | Light Industrial District                |
| I-2  | Heavy Industrial District                |
| PH-1 | Patio Home District                      |
| PUD  | Planned Use Development District         |

100.02            The permitted and conditional uses and area regulations shall be interpreted, applied, and enforced uniformly and consistently in each respective district and to each class, kind, or type of land, structure, or use.

**101     Official Zoning Map**

101.01            The boundaries of the thirteen (13) zoning districts are hereby established as shown on the Official Zoning Map of the City of Flowood, Mississippi. Said zoning map and all notations, references, designation lines, words, figures, designs, and other matters noted thereon shall be and are hereby made a part of this Ordinance by reference, the same as if fully copied herein in words, figures, and designs.

101.02            The notations, references, designation lines, words, figures, and designs denoting zoning district boundaries on the Official Zoning Map are an integral part of this Ordinance. Changes on said Official Zoning Map to effect changes in zoning district boundaries shall be accomplished by an amendment to this Ordinance as provided in Article V. Changes in zoning district boundaries shall be entered on the Official Zoning Map by the Zoning Administrator promptly after the passage of the Ordinance enacting such amendment.

101.03            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 filed and maintained by the City Clerk shall be the final authority as to the current zoning status of all real properties within the City of Flowood, unless an amendment or series of amendments to the Official Zone Map duly adopted by ordinance, entered in the Ordinance Book, and currently in effect shall clearly indicate otherwise.

101.04            In the event the Official Zoning Map becomes damaged, destroyed, lost, outdated, or difficult to interpret because of the number of changes or additions, the Mayor and Board of Aldermen may, by ordinance and following a public hearing thereon, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new map shall bear a statement certifying that it is the new Official Zoning Map of the City of Flowood, Mississippi, and that it supersedes and replaces the prior Official Zoning Map. A new Official Zoning Map may be adopted by ordinance by the Mayor and Board of Aldermen without re-adoption of this Ordinance, provided there is no change in the number of zoning regulations for each such district. Nothing in this section shall be construed to prohibit the Mayor and Board of Aldermen from acting on their own initiative and adopting by ordinance an amendment to the Official Zoning Map changing the location of the zoning district boundaries,

provided such amendment is in conformance with the Town's formally adopted Comprehensive Plan.

## **102     Annexation**

102.01            Following annexation of additional area, the Mayor and Board of Aldermen shall, as soon as practicable, place the newly annexed area under the provisions of this Ordinance by amending the Official Zoning Map to include the area annexed; provided, however, that such action shall be taken only after notice has been published and a public hearing has been held in the manner required by law. The delineation of zoning district boundaries in the area annexed shall be in conformance with and shall implement the City's formally adopted Comprehensive Plan.

102.02            Pending the amendment of the Official Zoning Map, the Zoning Administrator shall interpret, apply, and enforce the zoning regulations of Rankin County, if any, applicable to the annexed area.

## **103     Relationship to Comprehensive Plan**

103.01            It is the intention of the Mayor and Board of Aldermen that this Ordinance implements the policies expressed in City's formally adopted Comprehensive Plan, as such plan may from time to time be amended. In anticipation of further growth and development, the Mayor and Board of Aldermen do not regard the City's formally adopted Comprehensive Plan as a fixed, static, or inflexible plan. The Comprehensive Plan contemplates a dynamic community and recognizes the inevitability of change.

103.02            The Mayor and Board of Aldermen do expressly find that this Ordinance and the Official Zoning Map are in conformance with the City's formally adopted Comprehensive Plan.

## **ARTICLE II GENERAL PROVISIONS**

### **200     Required Conformance**

200.01            Each parcel of land and each and every structure shall be used only for a purpose permitted in the zoning district in which it is located.

200.02            A structure shall not be erected, converted, enlarged, reconstructed (except immediately following a natural disaster), moved, materially altered, or used except in conformity with all the regulations specified in this Ordinance for the zoning district in which such structure is located.

200.03            A structure shall be erected, converted, enlarged, reconstructed (except immediately following a natural disaster), moved, materially altered, or used only in conformity with the use permitted in the zoning district in which such structure is located.

200.04            A structure shall be erected, converted, enlarged, reconstructed (except immediately following a natural disaster), moved, or materially altered or used only in conformity with the off-street parking space and sign regulations.

200.05            The minimum lot area, required yards, street frontage, parking spaces, and open spaces, including lot area per housing unit, required by this Ordinance for every structure existing at the time of passage of this Ordinance, or for any structure hereafter erected or materially altered, shall not be encroached upon or be considered as part of the minimum area, required yards, street frontage, parking spaces, or open spaces required for any other structure.

200.06            A structure shall be erected, converted, enlarged, reconstructed, or materially altered only following the issuance of a building permit, and no building permit shall be issued, except in strict conformance with the provisions of this Ordinance.

## **201 Nonconforming Uses**

201.01 Any lawful use existing at the time of the effective date of this Ordinance may be continued even though the use does not conform to the provisions of this Ordinance, as provided herein. The Mayor and Board of Aldermen may permit substitution of a new nonconforming use for an existing nonconforming use, provided the Mayor and Board of Aldermen determines by resolution that any change of use will be less detrimental to the neighborhood than the existing nonconforming use.

201.02 A nonconforming use of a structure or parcel of land which has been abandoned shall not thereafter be returned to a nonconforming use. A nonconforming use shall be considered abandoned whenever any one of the following conditions exists:

201.02-01 When the use has been discontinued for three (3) months, except for reasons beyond the owner's control.

201.02-02 When the use has been replaced by a nonconforming permitted use or has been changed to a Conditional Use authorized by the Mayor and Board of Aldermen.

201.03 A nonconforming use shall not be enlarged, extended, reconstructed, or structurally altered except as follows:

201.03-01 A nonconforming use shall not be enlarged, extended, reconstructed, or structurally altered except for repairs and maintenance work required to keep the land or structure in safe and sound condition.

201.03-02 A nonconforming use shall not be moved in whole or in part.

201.03-03 The reconstruction of a nonconforming structure damaged by fire, flood, tornado, explosion, or act of God shall not be allowed unless the fair market cost of the repairs is less than fifty percent (50%) of the value of structure prior to the damage.

201.03-04 Any owner-occupied residential structure which is nonconforming due to its location in other than any residential zoning district may be enlarged, extended, reconstructed or structurally altered, provided the structure meets the required yard and area requirements of the R-2 Limited Multifamily Residential District.

## **202 Accessory Buildings and Uses**

202.01 Accessory buildings shall be subject to the following requirements:

202.01-01 An accessory building shall be erected only to the rear of the main structure to which it is appurtenant.

202.01-02 No accessory building shall be erected closer than five (5) feet to the lot boundary or another building.

202.02 Accessory uses commonly associated with and incidental or insubstantial to any permitted use shall be allowed, provided, in residential zoning districts, such uses do not involve any type of business, trade, manufacturing, or industry.

202.02-01 A use may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use.

202.02-02 To be "commonly associated" with a principal use, it is not necessary for an accessory use to be connected with such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.

202.03 The following activities, so long as they satisfy the general criteria set forth above, are specifically

regarded as accessory to principal residential uses:

202.03-01 Offices or studios within a structure and used by an occupant of a residence located on the same lot as such structure to carry on administrative or artistic activities of a commercial nature, so long as such activities do not fall within the definition of a home occupation.

202.03-02 Hobbies or recreational activities of a noncommercial nature.

202.03-03 The renting out of one or two rooms within a single-family dwelling (which one or two rooms do not themselves constitute a separate dwelling unit) to not more than two persons who are not part of the family that resides in the single-family dwelling.

202.03-04 Yard sales or garage sales, so long as such sales are not conducted on the same lot for more than three (3) days (whether consecutive or not) during any 90-day period.

202.04 Quarters for security personnel, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory to principal commercial and industrial uses.

202.05 The following activities shall not be regarded as accessory to a principal use and are prohibited:

202.05-01 Storage outside of any motor vehicle that is neither licensed nor operational.

202.05-02 In residential districts, habitual or overnight parking outside of more than four (4) automobiles, boats, trailers, vans, motor homes, campers, or other motor vehicles between the front building line of the principal structure and the street. Habitual overnight parking of large commercial vehicles and buses in residential districts is specifically prohibited.

## **203 Minimum Lot Requirements**

203.01 All lots and building sites created after the effective date of this Ordinance shall have frontage on a public street or shall have frontage on a private street specifically found by the Mayor and Board of Aldermen, acting by resolution, to meet the City's minimum requirements for right-of-way width, block length, roadway width, base and pavement thickness, and utility improvements as are required for public streets in the applicable zoning district.

203.02 All lots and building sites created after the effective date of this Ordinance shall have sufficient frontage on a public or private street to meet the minimum frontage requirements stated in Section 311.

203.03 All lots and building sites created after the effective date of this Ordinance shall have sufficient area to meet the minimum area requirements stated in Section 311.

203.04 All lots and building sites created after the effective date of this Ordinance shall have sufficient depth and width to permit a structure to be constructed thereon without encroachment of the front, side and rear yard requirements stated in Section 311.

203.05 All lots and building sites created after the effective date of this Ordinance and located at the intersection of two (2) streets, regardless of whether said streets are public or private, shall be required to have sufficient depth and width to permit two (2) required front yards. Any structure erected on a corner lot shall not encroach into the required front yard adjacent to any public or private street on which the lot abuts.

203.06 All vacant lots or records, which on the effective date of this Ordinance or an amendment to this Ordinance, become nonconforming lots in regard to lot area or width, unless two (2) or more of such vacant existing lots are under single ownership and have continuous frontage with other lots under the same ownership, may be used for any permitted use in the zoning district in which they are located. Prior to the use of a nonconforming lot, the owner of such a lot shall make every effort to comply with the zoning district regulations and shall apply to the Mayor and Board of Aldermen for a Variance from the zoning district regulations with which the lot fails to comply.

A Variance from the zoning district regulations shall not allow any use of a lot other than a use permitted within that zoning district.

203.07 If two (2) or more of vacant lots of record are under single ownership and have continuous frontage with other lots under the same ownership, and such lots considered separately are nonconforming in regard to lot area and width, the lands within said nonconforming lots shall be considered to be an undivided parcel for the purposes of this Ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Ordinance.

203.08 Lots and building sites shown on a preliminary plan approved by the City prior to the effective date of this Ordinance, if constructed substantially in accordance with such approved preliminary plan, shall be permitted to be developed and improved in accordance with the minimum yard and setback requirements in effect at the time of such approval.

#### **204 Repealed the 8<sup>th</sup> day of May, 1992**

#### **205 Off-Street Parking and Access**

205.01 In connection with every commercial, business, trade, institutional, recreational, residential, or other use, off-street parking requirements for parking and storage of vehicles shall be provided in accordance with the off-street parking regulations set forth hereinafter.

205.01-01 Dwelling units - two (2) spaces per lot, or two (2) spaces per single family dwelling unit, manufactured home, mobile home, or apartment unit.

205.01-02 Retail stores - one (1) space for each two hundred (200) square feet of retail floor area plus one (1) space for each two (2) employees.

205.01-03 Wholesale establishments - one (1) space for each two (2) employees.

205.01-04 Manufacturing, processing, or industrial establishments - one (1) space for each two (2) employees at the maximum shift.

205.01-05 Hotels, motels, and lodging houses - one (1) space for each guest room plus one (1) space for each two (2) employees.

205.01-06 Hospitals - one (1) space for each three (3) beds plus one (1) space for each two (2) employees at the maximum shift.

205.01-07 Restaurants and other eating establishments - one (1) space for each three (3) seats plus one (1) space for each two (2) employees at the maximum shift.

205.01-08 Churches, elementary schools, junior high schools, or other assembly structures or facilities — one (1) space for each four (4) people anticipated at the facility's maximum capacity.

205.01-09 Senior high schools, vocational, schools, and similar institutions - one (1) parking space for each classroom seat plus one (1) parking space for each full-time employee.

205.01-10 Business and professional offices - one (1) space for each three hundred (300) square feet of gross floor area.

205.01-11 Theaters - one (1) space for each two (2) seats.

205.01-12 For retail buildings, malls, and other like developments where the building(s) square feet exceed 50,000 square feet, 4.5 parking spaces per 1000 square feet of building (s) total size.

205.02 In case of any use which is not specifically mentioned in Article III or is not mentioned above, the off-street parking space requirements for such use shall be the same as for a similar mentioned use, as determined by the Zoning Administrator.

205.03 In case of any use which is not specifically mentioned in Article III and which is not similar to a use which is so mentioned, the off-street parking requirements shall be those determined appropriate for the use from the recommended parking standards and requirements published by the Urban Land Institute Community Builders Handbook Series.

205.04 All parking spaces, loading docks, ramps, and related access facilities shall be located on a lot so that no portion of any vehicle using them will be within the right-of-way of any dedicated public road.

205.05 In connection with any place of public assembly, school, church, hospital or other similar facility, and recreational facility, any multi-family dwelling, any commercial structure, any industrial structure, or any complex of such structures, the owner of such structure shall be required to designate and provide adequate fire lanes between at least one public street and each structure on the lot. Such fire lanes shall be constructed and maintained in and of sufficient width, materials and location to permit emergency access at all times including during inclement weather to such structures by vehicles such as fire trucks, ambulances and police cars. Unless otherwise designated and marked, any primary access and/or service drive or lane of travel for motor vehicles located within a lot shall constitute a fire lane.

205.06 In addition to those fire lanes established by the preceding paragraph, the Fire Official shall have the authority to require the construction, maintenance and designation of such other fire lanes and of fire zones as shall be reasonably required to assure access to said structure for fire fighting and other emergency purposes or to otherwise assure the health, safety and general welfare of the occupants of said structures. The Fire Official shall also have the authority to require that fire lanes be marked on the surface thereof and/or be adequately marked by signs at the expense of the lot owner. The Fire Official shall also have the authority to require that fire zones be adequately marked by signs at the expense of the lot owner.

205.07 Designated fire zones shall be marked as follows. The owner and/or manager of any such structure shall mark and maintain upon the surface of each fire zone stripes of reflectorized white, traffic, and weather-proof paint (or adhesive material manufactured for such purpose) with each stripe to be four (4) inches in width and all stripes to be placed parallel and no greater than four (4) feet apart.

205.08 It shall be a violation of this Ordinance for any person to park any motor vehicle or trailer, whether attended or unattended, within any fire lane or fire zone, or to cause an obstruction of any kind or nature whatsoever to be placed or remain for any period of time within any fire lane or fire zone. Any unattended motor vehicle or trailer or obstruction found parked or placed in a fire lane or fire zone may be impounded and removed there from by a police officer and the reasonable cost of any tow or service charges incurred may be assessed against the owner of such vehicle or trailer. The cost of removing any other type of obstruction may be assessed against the owner or manager of such structure.

## **206 Environmental Influences, Other Agencies, and Other Ordinances Affecting the Use of Real Property within the City of Flowood.**

206.01 In addition to complying with the provisions of this Ordinance, all lands and structures located within areas of special flood hazard, as such areas are shown on the latest official maps of the City on which the Federal Insurance Administration has delineated such areas, shall comply with the provisions of that certain ordinance duly adopted by the Mayor and Board of Aldermen of the City entitled "An Ordinance to Provide for the Management of Permitted Development on Public and Private Lands within Floodplains located in the Corporate Limits of the City of Flowood, Mississippi", and such other ordinances related to the use of lands subject to flooding.

206.02 In addition to complying with the provisions of this Ordinance, all activities on lands, which are inundated by waters of the United States, are subject to the regulatory jurisdiction of the U. S. Army Corps of

Engineers.

206.03 In addition to complying with the provisions of this Ordinance, all lands adjacent to and within the area affected by the Jackson Municipal Airport shall also be subject to the Airport Zoning Regulations of the joint City of Jackson, Hinds County, and Rankin County Airport Zoning Board dated May 1, 1959, as amended. Any and all development and use of lands adjacent to and within the territory affected by the Jackson Municipal Airport shall conform to any and all regulations promulgated by any agency of the State of Mississippi or the United States Government, having proper authority therefore, that relate to the use and development of property in proximity to said airport.

## **207 Prohibited Uses**

207.01 Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials, including fireworks, is prohibited.

207.02 Stockyards, poultry houses, slaughterhouses, rendering plants, commercial feed lots, sanitary landfills, hazardous waste disposal facilities, and arsenals for storage of fireworks, explosives, gunpowder, fissionable materials, or nuclear wastes are prohibited.

207.03 Use of a travel trailer, camper, motor home, or bus as a permanent residence is prohibited.

207.04 Uses which may be hazardous, harmful, noxious, offensive, or a nuisance to the neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage and pollution, transportation and traffic, and aesthetic and psychological effects are prohibited.

207.05 Use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted, is prohibited.

207.06 Mini-storage warehouses are prohibited in any commercial district of the City.

207.07 Tattoo parlors (including any entity that applies body art), check cashing loan and title loan businesses, coin laundry facilities, mobile home dealers, pawn shops, psychics, palm readers, thrift stores and flea markets are prohibited in all zoning districts except I-2.

207.08 All businesses that involve cash payments to customers in exchange for titles or goods, such as but not limited to, gemstones, gold, silver, platinum, or other precious metals are prohibited in all zoning districts except I-2. Nothing herein shall be construed to prohibit properly permitted consignment shops in appropriate zoning districts.

## **208 Temporary, Emergency, Construction, or Repair Residences**

208.01 The Mayor and Board of Aldermen may issue permits by resolution for temporary, emergency, construction, or repair residences. Such residences shall be located within the required building setback lines and shall be connected to public utilities.

208.02 Temporary residences used on construction sites of non-residential premises shall be removed immediately upon the completion of the project.

208.03 Permits for temporary residences to be occupied pending the construction, repair, or renovation of the permanent residential building on a site shall expire one year after the date of issuance. After the expiration of such initial permit, the Mayor and Board of Aldermen may grant a variance to this Ordinance and renew such permit variance shall be considered and granted as provided in Sections 401-409 of this Ordinance.

208.04 The placement of a temporary mobile home or modular building upon commercial or industrial property may be allowed by the Mayor and Board of Aldermen for use as an Office or Storage Facility for a period not to exceed one (1) year upon a finding by the Board that unforeseen and reasonable circumstances required same or that undue hardship would result if the application were denied. The resolution for the placement of same shall

expire one (1) year from the date of issuance unless extended by the Board, in its discretion, for an additional one (1) year at the request of the landowner. No more than one (1) extension shall be allowed.

## **209 Surface Mining**

209.01 Surface mining of sand, gravel, soil, clay, sand-clay, or clay gravel shall be allowed only within zoning districts expressly permitting same, provided that the minimum lot area shall be four (4) acres.

209.02 Surface mining of sand, gravel, soil, clay, sand-clay, or clay gravel shall be allowed only after a permit therefore has been issued pursuant to the Mississippi Surface Mining and Reclamation Law, Section 53-7-1 et seq. of the Mississippi Code of 1972, as amended. Failure to comply with the performance requirements of said Law or failure to implement or complete the reclamation plan provided for in said law shall constitute a violation of this Ordinance.

209.03 The construction of lakes, ponds and storm water retention basins approved by the Mayor and Board of Aldermen shall not be considered as surface mining and shall be permitted within any zoning district.

## **210 Additional General Provisions**

210.01 The boundaries of all improved lots in commercial and industrial districts which abut lots in residential districts shall be fenced with a privacy fence at least six (6) feet in height and built of treated lumber or other approved materials.

210.02 All external illumination and sound originating from a lot shall be directed and controlled so that such shall not be a nuisance or a hazard.

## **211 Automobile and Other Junk Yards**

211.01 Automobile and truck junk yards, crushing yards, used vehicle parts yards, salvage yards, wrecking yards and any other metal, automobile, truck salvage yards or other junk yards are specifically excluded as allowed uses in any Zoning District in the Town of Flowood, Mississippi; further, that all such uses presently existing within the Town and in operation prior to October 1, 1988, shall be allowed to remain as a nonconforming use, provided that said use shall not be expanded or enlarged without the approval of the Mayor and Board of Aldermen on application of the owner, which application shall be filed with the Zoning Administrator and acted on by the Mayor and Board of Aldermen without public hearing; provided, further, that all such uses shall only be allowed to remain if restrictively fenced from public view of any public highway, street, adjoining residence or commercial buildings by a fence at least six (6) feet in height, which fence shall be of uniform height, constructed with uniform materials and shall be constructed of wood and if not constructed of wood the construction materials desired to be used shall be approved by the mayor and Board of Aldermen of the Town of Flowood prior to use. The Mayor and Board of Aldermen will consider any material which will screen the property from public view and be of a uniform height and materials and which will adequately shield or screen the premises from public view. It is the intent of the Mayor and Board of Aldermen that the fence be six (6) feet in height or of such height over six (6) feet as is necessary to shield the contents of the premises from public view. If any such use is not fenced from public view, as provided herein, within six (6) months of the effective date of this ordinance, then said use shall be considered a nonconforming use and must be removed from the Town of Flowood within one (1) year of the expiration of the initial six (6) months period without exception. Time is of the essence in the compliance with this Ordinance. If this provision is not complied with, the owner or operators Privilege-License will be revoked, or not renewed. In addition, the owner, operator or violator of this provision shall be subject to the other enforcement provisions of this Ordinance.

## **212 Outside Storage In C-1, C-2, C-3 Commercial District**

212.01 Any business located within Zoning District C-1, C-2, or C-3 must operate within an enclosed structure without any merchandise, inventory, equipment or other items located outside the enclosed structure. Excluded from this provision are businesses, which customarily display inventory outdoors, such as automobile,

truck and machinery or equipment sales and lawn, patio and landscaping businesses, and any other like business.

### **ARTICLE III ZONING DISTRICT REGULATIONS**

#### **300 L-C Land Conservation District**

300.01 The L-C Land Conservation District is hereby created in order to preserve for future development and use in a manner consistent with the City's formally adopted Comprehensive Plan tracts of presently vacant land located in areas without an established urban land use character or without adequate public street access and utility service. This zoning district is intended to function as a holding zone. Lands in this zoning district will be reclassified for urban utilization when the need for uses permitted in other urban zoning districts is warranted and provision is made for the extension of necessary streets and public utility services. Implementation of this zoning district is intended to encourage utilization of lands already served by adequate streets and utility services before those lands, which are not so served. Implementation of this zoning district is to provide for flexible, orderly transition between undeveloped areas and developed areas of the City. The regulations of this zoning district will permit traditional non-urban uses to continue until an urban land use character for a particular area is justified, until streets and utility services adequate for such urban land uses are available or assured, and until a change in zoning district classification is ordained. An applicant seeking reclassification of lands from an L-C Land Conservation District shall show how the proposed reclassification is in conformance with the City's formally adopted Comprehensive Plan. Assurance of the provision for extension of streets and utilities to lands in the L-C Land Conservation District shall constitute an indication of change in the character of the area and community need for such zoning.

300.02 Uses permitted in an L-C Land Conservation District include agriculture, forestry, conservation, and low-density outdoor recreation activities which do not or will not change the natural character of the land, attract large numbers of people, or result in a level of inhabitancy that exceeds one (1) family per five (5) acres of land. Included within these permitted uses are the following:

300.02-01 Cultivation of field crops, truck crops, gardens, vineyards, and orchards.

300.02-02 Forestry, timberland, and wood lot operations.

300.02-03 Wholesale greenhouse operations; tree, shrub or flower nurseries, and landscape gardening.

300.02-04 Raising of livestock on tracts containing at least ten (10) acres of pastureland.

300.02-05 Stables, barns, silos, sheds, and other structures directly related to permitted uses.

300.02-06 Single family detached residences, excluding manufactured homes and mobile homes, provided that the minimum lot area shall be five (5) acres.

300.02-07 Outdoor recreational facilities such as camps, lodges, and riding arenas under private or commercial operation, provided that the minimum lot or parcel area shall be twenty (20) acres and provided further that any structures located thereon shall be at least two hundred (200) feet from any property boundary or from any street right-of-way line.

300.02-08 Churches and other places of worship provided that the minimum lot area shall be five (5) acres, and provided further that any structures located thereon shall be at least fifty (50) feet from any property boundary or from any street right-of-way line, and provided further that adequate off-street parking is provided on the lot.

300.02-09 Public parks, playgrounds, recreation, and community facilities of a noncommercial nature and similar facilities of social, civic, or neighborhood associations, provided that the minimum lot area shall be five (5) acres, and provided further that any principal structure located thereon shall be at least fifty (50) feet from any property boundary or from any street right-of-way, and provided further that adequate off-street parking space is provided on the lot.

300.03 The following conditional uses may be authorized in the L-C Land Conservation District by the Mayor and Board of Aldermen subject to any conditions, restrictions, and requirements deemed necessary.

300.03-01 Private, non-commercial recreational structures and facilities such as lodges, clubhouses, swimming pools, and tennis courts.

300.03-02 Structures and installations, which are necessary public facilities or utilities and require location in an L-C Land Conservation District.

300.03-03 Customary home occupations.

300.03-04 Surface mining of sand, gravel, soil, clay, sand-clay, or clay gravel, provided that all mining operations shall meet the requirements of Section 209.

300.04 Accessory uses and structures customary and incidental to a permitted principal use shall be allowed.

300.05 Omitted.

300.06 Off-street parking space shall be provided as prescribed in Section 205.

300.07 Minimum area, yard, and other requirements shall be as prescribed in Section 311.

300.08 District. The following structures, uses, and activities are strictly prohibited in an L-C Land Conservation District.

300.08-01 Structures of any type other than those associated with permitted uses.

300.08-02 Activities which anticipate the outdoor assembly of over fifty (50) persons.

300.08-03 Race tracks for animals or vehicles.

300.08-04 Trials for off the road motor vehicles.

300.08-05 Outside storage of any kind, except that incidental to a permitted use.

300.08-06 Junkyards, dumps, and salvage operations of any kind.

### **301 R-E Estate Residential District**

301.01 The R-E Estate Residential District is hereby created in order to provide areas within the City reserved for low-density single-family residential purposes. The regulations for this zoning district and the delineation of district boundaries on the Official Zoning Map have been written and drawn for the purposes of guiding new residential development and protecting existing low density areas. When developed according to the regulations, these areas should constitute sound residential development and enhance the quality and stability of the City's housing environment. It is the intent of this Ordinance that new residential development in this district be regulated according to sound, reasonable, and desirable regulations. The reasons for creating and implementing this zoning district and the R- 1 Single Family Residential District as two distinct zoning districts for identical permitted uses are to provide flexibility in the size of lots for single family subdivisions and to provide density-compatible alternatives for the construction of streets, storm drainage, and utility systems in new single family residential neighborhoods. The regulations governing this zoning district and the R- 1 Single Family Residential District shall be identical except for minimum area, yard, and other requirements set forth in Section 311.

301.02 The following uses are permitted in the R-E Estate Residential District:

301.02-01 Single family detached dwellings but specifically excluding mobile homes and manufactured homes.

301.02-02 Churches and other places of worship, not including funeral homes or mortuary chapels, provided that the minimum lot area shall be five (5) acres, and provided further that any structures located thereon shall be at least fifty (50) feet from any property boundary and from any street right-of-way line, and provided further that adequate off-street parking is provided on the lot.

301.02-03 Public parks, playgrounds, recreation, and community facilities of a noncommercial nature and similar facilities of social, civic, or neighborhood associations, provided that the minimum lot area shall be five (5) acres, and provided further that any structures located thereon shall be at least fifty (50) feet from any lot boundary and from any street right-of-way line, and provided further that adequate off-street parking is provided on the lot.

301.02-04 Schools and institutions for pre-school and elementary child care and education, provided that any structures located thereon shall be at least fifty (50) feet from any lot boundary and from any street right-of-way line, and provided further that adequate off-street parking is provided on the lot.

301.03 The following conditional uses may be authorized in the R-E Estate Residential District by the Mayor and Board of Aldermen subject to any conditions, restrictions, and requirements deemed necessary.

301.03-01 Structures and installations which are necessary public energy facilities and require location in an R-E Estate Residential District, provided no such structures and installations shall be located within five hundred (500) feet of a residential dwelling structure.<sup>1</sup>

301.03-02 Customary home occupations.

301.04 Accessory uses and structures customary and incidental to a permitted principal use shall be allowed.

301.05 Omitted

301.06 Off-street parking space shall be provided as prescribed in Section 205.

301.07 Minimum area, yard, and other requirements shall be as prescribed in Section 311.

## **302 R-1 Single Family Residential District**

302.01 The R-1. Single Family Residential District is hereby created in order to provide areas within the City for single-family residential purposes in typical urban subdivisions. The regulations of this zoning district and the delineation of district boundaries on the Official Zoning Map have been written and drawn for the purposes of guiding new residential developments. When developed according to the regulations, these areas should constitute sound residential development and enhance the quality and stability of the City's housing environment. It is the intent of this Ordinance that new residential development in this district be regulated according to sound, reasonable, and desirable regulations. The purposes of creating and implementing this zoning district and the R-E Estate Residential District as two distinct zoning districts for identical permitted uses are to provide flexibility in the size of lots for single family dwellings and to provide density-compatible alternatives for the construction of streets, storm drainage, and utility systems in new single family residential neighborhoods. The regulations governing this zoning district and the R-E Estate Residential District shall be identical except for minimum area, yard, and other requirements set forth in Section 311.

302.02 The following uses are permitted in the R-1 Single Family Residential District:

302.02-01 Single family detached dwellings, excluding manufactured homes and mobile homes.

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<sup>1</sup> Amended by Ordinance dated December 7, 2015.

302.02-02 Churches and other places of worship, not including funeral homes or mortuary chapels, provided that the minimum lot area shall be five (5) acres, and provided further that any structures located thereon shall be at least fifty (50) feet from any lot boundary and from any street right-of-way line, and provided further that adequate off-street parking is provided on the lot.

302.02-03 Public parks, playgrounds, recreation, and community structures and facilities of a non-commercial nature, and similar facilities of social, civic, or neighborhood associations, and provided that the minimum lot area shall be five (5) acres, and provided further that any structures located thereon shall be at least fifty (50) feet from any lot boundary and from any street right-of-way line, and provided further that adequate off-street parking is provided on the lot.

302.02-04 Schools and institutions for pre-school and elementary child care and education, provided that any structures located thereon shall be at least fifty (50) feet from any lot boundary and from any street right-of-way line, and provided further that adequate off-street parking is provided on the lot.

302.03 The following conditional uses may be authorized in the R-1 Single Family Residential District by the Mayor and Board of Aldermen subject to any conditions, restrictions, and requirements deemed necessary.

302.03-01 Structures and installations which are necessary public energy facilities and require location in an R-1 Single Family Residential District, provided no such structures and installations shall be located within five hundred (500) feet of a residential dwelling structure.<sup>2</sup>

302.03-02 Customary home occupations.

302.04 Accessory uses and structures customary and incidental to a permitted principal use shall be allowed.

302.05 Omitted.

302.06 Off-street parking space shall be provided as prescribed in Section 205.

302.07 Minimum area, yard, and other requirements shall be as prescribed in Section 311.

### **303 R-2 Limited Multifamily Residential District**

303.01 The R-2 Residential District is hereby created in order that certain areas within the City of Flowood be allowed to be developed with single family and two family houses on smaller lots; or older structures that may be converted to multifamily uses, boarding houses, lodging houses, or group dwellings.

303.02 The following uses are permitted in the R-2 Limited Multifamily Residential District:

303.02-01 Any use or structure permitted in the R-1 Single Family Residential District.

303.02-02 Omitted.

303.02-03 Omitted.

303.03 The following conditional uses may be authorized in the R-2 Limited Multifamily Residential District by the Mayor and Board of Aldermen subject to any conditions, restrictions, and requirements deemed necessary.

303.03-01 Any conditional use allowed in the R-1 Single Family Residential District.

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<sup>2</sup> Amended by Ordinance dated December 7, 2015.

- 303.03-02 Omitted.<sup>3</sup>
- 303-03-03 Boarding houses, lodging houses, and group dwellings such as elderly service centers.
- 303.04 Accessory uses and structures customary and incidental to a permitted principal use shall be allowed.
- 303.05 The only signs permitted in this district shall be those on-premises signs deemed incidental to a permitted principal use and which meet the requirements of Section 204.
- 303.06 Off-street parking space shall be provided as prescribed in Section 205.
- 303.07 Minimum area, yard, and other requirements shall be as prescribed in Section 311.

#### **304 R-3 Multifamily Residential District**

304.01 The R-3 Multifamily Residential District is hereby created to provide certain areas within the City in which there may be developed high density residential uses, including rental apartment complexes, apartment hotels, and condominium housing complexes. It is further the intent of this district to be in balance with other housing types in the City. Therefore, new multifamily developments, including any expansion or extension of an existing development (the "Proposed Multifamily Developments"), in the R-3 Multifamily Residential District shall only be allowed if the percentage of the City's total housing stock associated with multifamily housing, including the Proposed Multifamily Development, is less than or equal to fifteen percent (15%). An analysis of the percentage of the City's total housing stock associated with multifamily developments shall be performed prior to any Proposed Multifamily Development is allowed in any R-3 Multifamily Residential District."

304.02 The following uses are permitted in the R-3 Multifamily Residential District:

304.02-01 Any use or structure permitted in the R-2 Limited Multifamily Residential District, provided that detached single family dwellings meet the single family detached dwelling requirements of the R-2 Limited Multifamily Residential District.

304.02-02 Duplexes and residential buildings and complexes of residential buildings containing up to four units per structure and Rental apartment complexes.<sup>4</sup>

304.02-03 Apartment hotels.

304.02-04 Condominium housing complexes.

304.03 Any conditional use allowed in the R-2 Limited Multifamily District may be authorized by the Mayor and Board of Aldermen subject to any conditions, restrictions, and requirements deemed necessary.

304.04 Accessory uses and structures customary and incidental to any aforesaid permitted uses shall be allowed, including ancillary convenience commercial, retail, and service establishments catering exclusively to the residents of the property within which they are located. In no instance shall any ancillary convenience commercial use occupy more than ten percent (10%) of the gross area of the structure in which it is located and intended to serve. Accessory uses and structures shall not include any type of business designed to serve off-site customers or any trade, manufacturing, or industry.

304.05 Omitted

304.06 Off-street parking space shall be provided as prescribed in Section 205.

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<sup>3</sup> Amended by Ordinance dated December 7, 2015.

<sup>4</sup> Amended by Ordinance dated December 7, 2015.

304.07 Minimum area, yard, and other requirements shall be as prescribed in Section 311.

**305 R-4 Mobile Home Park Residential District**

305.01 The R-4 Mobile Home Park Residential District is hereby created in order to provide areas within the City for use and development as mobile home parks and mobile home subdivisions.

305.02 Mobile Home parks, Mobile Home subdivisions, and Manufactured Homes shall be permitted in the R-4 Mobile Home Park Residential District provided that such parks and subdivisions shall not have a density exceeding six (6) Mobile Homes or Manufactured Homes per acre, provided further that the minimum park or subdivision area shall be five (5) acres, provided further that each Mobile Home or Manufactured Home shall be connected to adequate water, electrical, telephone, sewage, and drainage systems, and provided further that each Mobile Home, Manufactured Home, or accessory structure shall be located no closer than fifteen (15) feet to any other mobile home or accessory structure.

305.03 Mobile home subdivisions shall be subdivided by an officially recorded plat and shall conform to all applicable standards of the City's Subdivision Ordinance.

305.04 Accessory uses or structures customary and incidental to mobile home parks and mobile home subdivisions shall be allowed, including ancillary convenience commercial, retail, and service establishments catering exclusively to the residents of the property within which they are located. In no instance shall ancillary convenience commercial uses occupy more than ten percent (10%) of the gross area of the park or subdivision. Laundry facilities shall be provided in a service building with a minimum of one washing machine for each thirty mobile home spaces or lots. A community drying yard shall be provided with an area of not less than thirty (30) square feet for each mobile home space or lot, and said drying yard shall be enclosed with a six (6) foot screening fence. Accessory uses and structures shall not include any type of business designed to serve off-site customers, nor shall they include any trade, manufacturing, or industry.

305.05 Omitted.

305.06 Off-street parking space shall be provided as prescribed in Section 205. In addition, one (1) parking space shall be provided for every five (5) mobile home spaces or lots. All streets, driveways, and parking spaces shall be paved with asphalt or concrete. The minimum requirements for such pavement shall be four (4) inches of concrete or six (6) inches of compacted clay gravel with two (2) inches of asphalt surface. Pavements must be placed on firm sub-grade. All streets shall have a minimum paved width of twenty (20) feet.

305.07 Minimum area, yard, and other requirements for each mobile home space or lot in a mobile home park or mobile home subdivision shall be as prescribed in Section 311.

305.08 Mobile home parks shall be developed, utilized, and operated according to a plan approved by the Mayor and Board of Aldermen, which approval shall not unreasonably be withheld or denied.

**306 C-1 Neighborhood Commercial District**

306.01 The C-1 Neighborhood Commercial District is hereby created to provide for commercial areas within the City which are compatible with proximate residential areas. The permitted structures are intended to be low density in character. The permitted uses are intended to be compatible with the character of stable residential neighborhoods.

306.02 The following uses are permitted in the C-1 Neighborhood Commercial District.

306.02-01 Any type of commercial or institutional enterprise commonly known and accepted by the general public as an office type professional business or occupation, including all forms of business and professional offices, and planned complexes of such uses containing less than fifty thousand (50,000) square feet of tenable space in the enclosed structure(s).

306.02-02 Any small retail commercial enterprise in which there is kept no stock in trade or merchandise for sale outside of an enclosed structure within public view.

306.02-03 Any small service commercial enterprise in which no work is performed outside of an enclosed structure within public view.

306.02-04 Photographer's and artist's studios, music and dance studios, and establishments providing instruction related to the arts.

306.02-05 Any public, quasi-public, or utility facility not detrimental, in the judgment of the Mayor and Board of Aldermen, to the character of adjacent residential neighborhoods.

306.02-06 Drugstores, art or antique shops, self-service laundries, dry cleaning pick-up stations, barber and beauty shops, hardware stores, paint stores, and similar general and specialty retail store and service establishments in which no stock in trade or merchandise is kept outside of an enclosed structure within public view, and planned complexes of such uses containing less than fifty thousand (50,000) square feet of tenable space in the enclosed structure(s).

306.02-07 Grocery stores, restaurants, delicatessens, specialty prepared food shops, convenience stores including gasoline/grocery stores, fast food restaurants and carry-out food establishments, and planned complexes or such uses, containing less than fifty thousand (50,000) square feet of tenable space in the enclosed structure(s), provided no stock in trade or merchandise is kept outside of an enclosed structure within public view.

306.02-08 Any type of telecommunications or broadcasting facility.

306.02-09 Churches and other places of worship, not including funeral homes or mortuary chapels, provided that adequate off-street parking is provided on the lot.

306.02-10 Child care facilities.

306.03 Any use or structure which the Mayor and Board of Aldermen determine to be of the same character and nature as those specifically permitted may be authorized as a Conditional Use in the C-1 Neighborhood Commercial District by the Mayor and Board of Aldermen subject to any conditions, restrictions, and requirements deemed necessary.

306.04 Accessory uses and structures customary and incidental to a permitted principal use shall be allowed, provided no work is performed or services provided outside the enclosed structure within public view, and provided further no stock in trade or merchandise is kept outside of an enclosed structure within public view.

306.05 Omitted.

306.06 Off-street parking space shall be provided as prescribed in Section 205, provided that no parking space or driveway shall be constructed or utilized within required yards adjacent to boundaries abutting residential zoning districts.

306.07 Minimum area, yard, and other requirements shall be as prescribed in Section 311.

306.08 All improved lots, uses, and structures shall be subject to the following additional limitations and restrictions:

306.08-01 All structures and improvements shall be developed, utilized, and operated according to plans approved by the Mayor and Board of Aldermen, which approval shall not unreasonably be withheld or denied. In approving the site plan, the Mayor and Board of Aldermen shall determine that the lot and all streets, utilities, and improvements are adequate for the proposed use at the proposed location.

306.08-02 All exterior areas shall be lighted and controlled during darkness to a level of illumination deemed

appropriate by the Chief of Police for the security of the lot and structure during non-business hours.

306.08-03 All non-paved areas outside the enclosed structure shall be landscaped.

### **307 C-2 Restricted Commercial District**

307.01 The C-2 Restricted Commercial District is hereby created to provide areas within the City for commercial uses. This zoning district is intended to preserve and encourage development of the City's principal office and service business centers. It is the intent of this Ordinance that the C-2 Restricted Commercial District not be encroached upon by other commercial or industrial uses that are incompatible with the existing and future office and service businesses located within these commercial zoning districts. Uses in the C-2 Restricted Commercial District shall be limited to those in which only intermittently there is work performed, services provided, or items stored outside the enclosed structure within public view, provided that no stock in trade or merchandise is kept outside of an enclosed structure within public view.

307.02 The following uses are permitted in the C-2 Restricted Commercial District:

307.02-01 Any use permitted in the C-I Neighborhood Commercial District without limitations as to the amount of tenable space, except as hereinafter provided.

307.02-02 Business, institutional and governmental headquarters.

307.02-03 Neighborhood, specialty, and strip-type shopping centers containing less than one hundred fifty thousand (150,000) square feet of tenable space within the largest enclosed structure.

307.02-04 Planned suburban-type, mixed use developments in which the largest enclosed structure contains less than one hundred fifty thousand (150,000) square feet of tenable space and which developments may include office, retail and recreational uses, apartment residences, and institutional and service facilities.

307.02-05 Omitted.

307.03 Any use or structure which the Mayor and Board of Aldermen determine to be of the same character and nature as those specifically permitted may be authorized as a Conditional Use by the Mayor and Board of Aldermen subject to any conditions, restrictions, and requirements deemed necessary.

307.04 Accessory uses and structures customary and incidental to a permitted principal use shall be allowed.

307.05 Omitted.

307.06 Off-street parking space shall be provided as prescribed in Section 205.

307.07 Minimum area, yard, and other requirements shall be as prescribed in Section 311.

### **308 C-3 General Commercial District**

308.01 The C-3 General Commercial District is hereby created to provide areas within the City for large business and general commercial enterprises. It is the intent of this Ordinance that the C-3 General Commercial District designated areas adjacent to major transportation routes for those uses which normally require larger commercial sites and direct access to and visibility from major thoroughfares.

308.02 The following uses are permitted in the C-3 General Commercial District:

308.02-01 Any use permitted in the C-2 Restricted Commercial District, without limitation as to the amount of tenable space, and without restriction as to the location and duration of work performed, services provided, items stored, or stock in trade or merchandise kept for sale.

308.02-01 Large, regional freestanding department and grocery stores and warehouses, dry goods and apparel stores, yard and garden stores, home improvement centers, and similar retail and service establishments.

308.02-03 Convenience retailers of all types.

308.02-04 Commercial printing establishments, newspaper publishing, blueprinting establishments, and specialty printing concerns, provided the enterprise does not require outside storage of materials or products.

308.02-05 Automobile, truck, bus, boat, motor vehicle and recreational vehicle sales and service enterprises and mechanical garages, specifically excluding used vehicle parts, salvage yards, and used vehicle sales; except used vehicle sales shall be permitted in the event used vehicle sales accompany a new vehicle dealership.

308.02-06 Farm and construction equipment sales and service enterprises.

308.02-07 Hotels, motels, and similar facilities.

308.02-08 Reserved.

308.02-09 Shopping centers of all types.

308.02-10 Small animal hospitals and kennels.

308.02-11 Office warehouse and office showroom complexes provided that there is no open storage area.

308.02-12 Surface mining of sand, gravel, soil, clay, sand-clay, or clay gravel, provided that all mining operations shall meet the requirements of Section 209.

308.03 The following conditional uses may be authorized in the C-3 General Commercial District by the Mayor and Board of Aldermen subject to any conditions, restrictions and requirements deemed necessary.

308.03-01 Health clubs, miniature golf, tennis facilities, practice ranges, cart tracks, water slides, and all other forms of enclosed and open-air type commercial recreation facilities.

308.03-02 Any retail business or service establishment which the Mayor and Board of Aldermen determine to be of the same character and nature as those specifically permitted.

308.04 Accessory structures and uses customary and incidental to a permitted principal use shall be allowed.

308.05 Omitted.

308.05-01 Omitted.

308.05-02 Omitted.

308.06 Off-street parking space shall be provided as prescribed in Section 205.

308.07 Minimum area, yard, and other requirements shall be as prescribed in Section 311.

308.08 For retail buildings, malls, power centers and other like developments where the building(s) are developed in accordance with a comprehensive plan approved by the City, the front, side and rear yard setbacks shall be as follows:

- a. Front setback - 25 feet.

- b. Side setback - 5 feet.
- c. Rear setback - 10 feet.
- d. In determining whether the setbacks are met, the buildings within the development which are owned by different persons shall not be considered as violating the setback requirements provided that the setbacks are met from the property lines of the overall development as proposed in the comprehensive development plan.
- e. The comprehensive plan shall be submitted for approval to the Architectural Review Board of the City.

### **309 I-1 Light Industrial District**

309.01 The I-1 Light Industrial District is hereby created to provide areas within the Town reserved for general commercial and light industrial uses including small factories, large wholesale firms, processing and fabrication plants, warehousing and storage facilities, wholesale distribution facilities, transportation facilities, utility installations, and related operations, which are compatible with uses and structures permitted in the C-3 General Commercial District.

309.02 The following uses are permitted in the I-1 Light Industrial District:

309.02-01 Any use or structure permitted in the C-3 General Commercial District.

309.02-02 Any industrial, manufacturing, or processing enterprise provided that no manufacturing or processing is performed outside of an enclosed structure.

309.02-03 Any wholesale trade business.

309.02-04 Any type of warehousing or storage facility, including outdoor storage areas for materials and equipment, provided that no outdoor storage area is within the front yard of the lot, and provided further that all outdoor storage areas are restrictively fences.

309.02-05 Any type of transportation or distribution facility or terminal.

309.02-06 Any type of public utility facility.

309.02-07 Surface mining of sand, gravel, soil, clay, sand-clay, or clay gravel, provided that all, mining operations shall meet the requirements of Section 209.

309.03 Any commercial business, service establishment, or enterprise which the Mayor and Board of Aldermen determine to be of the same character and nature as those specifically permitted may be authorized as a Conditional Use by the Mayor and Board of Aldermen subject to any conditions, restrictions, and requirements deemed necessary.

309.04 Accessory uses and structures customary and incidental to a permitted principal use shall be allowed.

309.05 Omitted.

309.05-01 Omitted.

309.05-02 Omitted.

309.06 Off-street space parking shall be provided as prescribed in Section 205.

309.07 Minimum area and yard requirements shall be as prescribed in Section 311.

**310 I-2 Heavy Industrial District**

310.01 The I-2 Heavy Industrial District is hereby created to provide areas within the Town reserved exclusively for larger industries including factories, heavy manufacturing and processing facilities, large wholesale firms, distribution centers, warehousing and storage facilities, major transportation terminals, major utility installations, and similar structures and facilities which are incompatible with uses and structures permitted in the residential and commercial zoning districts.

310.02 The following uses are permitted in the I-2 Heavy Industrial District:

310.02-01 Any industrial, manufacturing, or processing establishment or mini-storage warehouses.

310.02-02 Any wholesale trade business.

310.02-03 Any type of distribution center, warehouse, or storage facility, including outdoor storage facilities provided that all outdoor storage areas are restrictively fenced.

310.02-04 Any type of transportation or distribution facility or terminal.

310.02-05 Any type of public utility facility.

310.02-06 Junkyards, used vehicle parts yards, and salvage yards, provided that all such yards are restrictively fenced.

310.02-07 Surface mining of sand, gravel, soil, clay, sand-clay or clay gravel, provided that all mining operations shall meet the requirements of Section 209.

310.03 Any commercial business, service establishment, or enterprise which the Mayor and Board of Aldermen determine to be of the same character and nature as those specifically permitted may be authorized as a Conditional Use by the Mayor and Board of Aldermen subject to any conditions, restrictions, and requirements deemed necessary.

310.04 Accessory uses and structures customary and incidental to a permitted principal use shall be allowed.

310.05 Omitted.

310.05-01 Omitted.

310.05-02 Omitted.

310.06 Off-street parking space shall be provided as prescribed in Section 205.

310.07 Minimum area and yard requirements shall be as prescribed in Section 311.

**311 Minimum Area, Yard (setback), and Other Requirements**

See attached Schedule.

### 311 Minimum Area, Yard (Setback), and Other Requirements

**NOTE: IN ADDITION TO THE BELOW STATED REQUIREMENTS, REFER TO THE TEXT GOVERNING EACH ZONING DISTRICT FOR ADDITIONAL REGULATION**

| District   | Minimum Lot Area | Minimum Lot Area Per Unit Dwelling                    | Minimum Heated & Cooled Floor Area <sup>5</sup> | 2-Car Enclosed Garage Required | Max Gross Density Units Per Acre | Lot Width @ Front Building Setback | Minimum Front Yard Setback | Minimum Side Yard                             | Minimum Rear Yard   | Maximum Building Height | Maximum Site Coverage |
|--|------------------|---|---|--------------------------------|----------------------------------|------------------------------------|----------------------------|---|---------------------|-------------------------|-----------------------|
| L-C Land Conservation (see section 300)            | None             | 5.0 Acres (2)   | N/A   | N/A                            | 0.2                              | None                               | 100 ft. (3) (4) (5)        | 25 ft. each side (1) (3) (4) (5)              | 100 ft. (3) (4) (5) | 35 ft.                  | 5.00%                 |
| R-E Estate Residential (see section 301)           | 1 acre           | 1 acre (6)  | 2,000 sq. ft.                                   | Yes                            | 1                                | 120 ft.                            | 35 ft. (4) (5) (7)         | 10 ft. each side (1) (4) (5) (7)              | 30 ft. (4) (5) (7)  | 35 ft.                  | 25.00%                |
| R-1 Single Family Resid. (see section 302)         | 9,600 sq. ft.    | 9,600 sq. ft. (6)                                     | 2,000 sq. ft.                                   | Yes                            | 4.5                              | 80 ft.                             | 25 ft. (4)                 | 7.5 ft. each side (1) (4) (5) (7)             | 25 ft. (4)          | 35 ft.                  | 40.00%                |
| R-2 Ltd Multifamily Residential (see section 303)  | 7,500 sq. ft     | 7,500 sq. ft. + 2,500 sq. ft. ea. Add'l unit over two | 1,800 sq. ft.                                   | Yes                            | 6                                | 60 ft.                             | 24 ft. (4)                 | 7.5 ft. each side (1) (4) (5) (7)             | 20 ft.              | 35 ft.                  | 40.00%                |
| R-3 Multifamily Residential (see section 304)      | 7,500 sq. ft     | 7,500 sq. ft. + 2,500 sq. ft. ea.                     | N/A   | N/A                            | 8                                | 100 ft.                            | 25 ft.                     | 10 ft. each side (1) (4) (5) (7)              | 20 ft.              | 45 ft.                  | 50.00%                |
|  |                  | 7,500 sq. ft. (8)                                     | 1,800 sq. ft. (8)                               | Yes (8)                        | 6 (8)                            | 60 ft. (8)                         | 25 ft. (8)                 | 7.5 ft. each side (1) (8)                     | 20 ft. (8)          | 35 ft. (8)              | 40.00% (8)            |
| PH-1 Patio Home District (see section 312)         | 6,000 sq. ft     | 6,000 sq. ft.   | 1,800 sq. ft.                                   | Yes                            | 7                                | 60 ft.                             | 20 ft.                     | 5 ft. (1) (4) (5) (7)                         | 20 ft.              | 35 ft.                  | 50.00%                |
| R-4 Mobile Home Park Residential (see section 305) | 5 acres          | 6,000 sq. ft.   | N/A   | N/A                            | 6                                | 250 ft.                            | 25 ft.                     | 5 ft. (1) (4) (5) (7)<br>15 ft. to Res. Dist. | 25 ft.              | 35 ft.                  | 25.00%                |
| C-1 Neighborhood Comm (see section 306)            | 5,000 sq. ft     | N/A   | N/A   | N/A                            | N/A                              | 50 ft.                             | 25 ft.                     | 10 ft. (1)                                    | 25 ft.              | 35 ft.                  | 25.00%                |
| C-2 Restricted Comm (see section 307)              | 12,000 sq. ft    | N/A   | N/A   | N/A                            | N/A                              | 75 ft.                             | 25 ft.                     | 5 ft. (1)                                     | 10 ft.              | 6 stories or 90 ft.     | 50.00%                |

<sup>5</sup> Amended by Ordinance dated December 7, 2015. The minimum floor area shall not apply to subdivisions where final and/or preliminary plats have been approved prior to the date hereof, nor to planned subdivisions where initial phases have been approved and constructed.

**311 Minimum Area, Yard (Setback), and Other Requirements**

**NOTE: IN ADDITION TO THE BELOW STATED REQUIREMENTS, REFER TO THE TEXT GOVERNING EACH ZONING DISTRICT FOR ADDITIONAL REGULATION.**

| District  | Minimum Lot Area | Minimum Lot Area Per Dwelling Unit                 | Minimum Heated & Cooled Floor Area | 2- Car Enclosed Garage Required | Max Gross Density Units Per Acre | Lot Width @ Front Building Setback | Minimum Front Yard Setback | Minimum Side Yard | Minimum Rear Yard | Maximum Building Height | Maximum Site Coverage |
|---|------------------|--|------------------------------------|---------------------------------|----------------------------------|------------------------------------|----------------------------|-------------------|-------------------|-------------------------|-----------------------|
| C-3<br>General Commercial<br>(See Section 308)  | 10,000 sq. ft.   | N/A  | N/A                                | N/A                             | N/A                              | 75 ft.                             | 25 ft.                     | 5 ft. (1)         | 10 ft.            | 6 stories or 90 ft.     | Unlimited             |
| I-1<br>Light Industrial<br>(See Section 309)  | 10,000 sq. ft.   | N/A  | N/A                                | N/A                             | N/A                              | 50 ft.                             | 25 ft.                     | 5 ft. (1)         | 25 ft.            | 6 stories or 90 ft.     | Unlimited             |
| I-2<br>Heavy Industrial<br>(See Section 310)  | 10,000 sq. ft.   | N/A  | N/A                                | N/A                             | N/A                              | 50 ft.                             | 25 ft.                     | 5 ft. (1)         | 25 ft.            | 6 stories or 90 ft.     | Unlimited             |
| PUD<br>Planned Unit Development<br>(See Section 313)  | 10 acres         | AS APPROVED ON THE OUTLINE PLAN AND GOVERNING TEXT |                                    |                                 |                                  |                                    |                            |                   |                   |                         |                       |
| N/A - Not applicable  |                  |  |                                    |                                 |                                  |                                    |                            |                   |                   |                         |                       |
| (1) If utility or drainage easement lies between two properties, the side yard shall be measured from the boundary of the easement closest to the property, so that the side yard set back will be the width of the drainage easement plus the required set back. |                  |  |                                    |                                 |                                  |                                    |                            |                   |                   |                         |                       |
| (2) Outdoor Recreational 20 acres   |                  |  |                                    |                                 |                                  |                                    |                            |                   |                   |                         |                       |
| (3) Outdoor Recreational 200 feet   |                  |  |                                    |                                 |                                  |                                    |                            |                   |                   |                         |                       |
| (4) Churches 50 feet  |                  |  |                                    |                                 |                                  |                                    |                            |                   |                   |                         |                       |
| (5) Public Parks 50 feet  |                  |  |                                    |                                 |                                  |                                    |                            |                   |                   |                         |                       |
| (6) Churches 5 acres  |                  |  |                                    |                                 |                                  |                                    |                            |                   |                   |                         |                       |
| (7) Schools 50 feet   |                  |  |                                    |                                 |                                  |                                    |                            |                   |                   |                         |                       |
| (8) If Single Family detached dwellings are built in an R-3 District.   |                  |  |                                    |                                 |                                  |                                    |                            |                   |                   |                         |                       |

## **312      Patio Home District (PH-1)**

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

312.02            Land Uses Permitted: The following uses are permitted in PH-1 districts:

312.02-01        Single-family detached dwellings with only one principal dwelling per lot.

312.02-02        Accessory uses and structures associated with the use of the land for residential purposes.

312.02-03        Horticultural uses not involving the sale of produce on the premises.

312.02-04        The keeping of animals in compliance with the City of Flowood's Animal Control Ordinance.

312.02-05        Public or private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities. Lakes deeded to a homeowner's association or dedicated (public) to the City of Flowood shall comply with the Flowood Subdivision Regulations.

312.02-06        Conditional uses allowed in R-1 Single Family Residential District.

312.03            Additional regulations and requirements shall be as prescribed below and in Section 311:

312.03-01        Maximum Building Height — 35 feet.

312.03-02        Minimum Size of Tract to be Subdivided for Patio Homes — Five (5) acres.

312.03-03        Minimum Lot Area — 6,000 square feet.

312.03-04        Minimum Floor Area— 1,600 square feet of heated area.

312.03-05        Minimum Lot Width — 60 feet.

312.03-06        Minimum Yards:

a.            Front Yard: Twenty (20) feet from the right-of-way line to the building setback line.

b.            Side Yards: Five (5) feet, but with the minimum distance between dwellings on adjoining lots of ten (10) feet. However, if a utility or drainage easement is located between two residences, the side yard shall be measured from the easement width, so that at least twenty (20) feet is between dwellings, including the easement width.

c.            Rear yards: Twenty (20) feet.

312.03-07        Every home constructed within this district shall have a two car enclosed garage attached to the dwelling.

### 312.04            Required Reservation or Dedication of Open Space for Patio Home Subdivisions

Where a developer proposes a patio home subdivision, the developer shall provide common open space amounting to ten percent (10%) of the total gross area of the subdivision. Such common open space shall consist of land reserved exclusively for the recreational use of the residents of the patio home subdivision. However, public streets, parking lots and utility easements shall not be considered in meeting the open space requirements of this Section. The Development Plan shall indicate the location and area (in acres) to be so reserved or dedicated for

open space or recreational facilities.

312.04-01        Maximum Amount of Common Open Space Covered by Water: No more than fifty percent (50%) of the required amount of open space may be covered by lakes or ponds.

312.04-02        Steep Slopes: In reviewing the preliminary subdivision plat for a proposed patio home subdivision, the City shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination shall be based upon the developer's specific proposed use of the steep slope land. The Mayor or Board of Aldermen shall determine whether or not any steep slope land should be approved for use in meeting the requirements of this Section.

312.04-03        Physical Improvements: Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Mayor and Board of Aldermen as part of the preliminary subdivision plat review process. All open space improvements shall be shown on the subdivision plat or development plan (approximate locations and dimensions and proposed use) and the preliminary and final plats (precise locations and dimensions and proposed use). Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.

312.04-04        Staged Development of a Patio Home Subdivision: If a patio home subdivision is to be developed in stages or parts, ten percent (10%) of EACH PART must be reserved for open space. However, in order to provide usable open space, the amount reserved shall not be less than one (1) acre. Thus, if a developer proposes to ultimately develop twenty (20) acres of land for patio homes and the first phase will only contain five (5) acres, the developer must reserve at least one (1) acre for open space for the first part — even though ten percent (10%) of five (5) acres is only one-half (1/2) acre. If the second part consists of fifteen (15) acres, the developer shall reserve ten percent (10%) of the second part or 1.5 acres, in addition to the one (1) acre reserved for the first phase; thus, the total open space reserved for the twenty (20) acre tract developed in two phases would be 2.5 acres.

312.04-05        Performance Bond: Prior to the sale of any lot in a patio home subdivision, the developer may be permitted, at the discretion of the Mayor and Board of Aldermen, to post with the City a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). The Director of Public Works and the City Engineer in conjunction with the developer shall determine the amount of the performance bond after reviewing the construction plans for all improvements.

312.04-06        Maintenance/Liability in the Operation and Use of Common Open Space and Recreational Areas Not Dedicated to the City of Flowood: Authority granted by the City of Flowood for the development of a patio home subdivision shall not be construed as nor constitute an obligation on the part of Flowood either for maintenance or liability in the operation and use of common open space and recreational facilities located in the subdivision.

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

312.06            Required Off-Street Parking in R-4 Districts:

See Section 205

312.07            Omitted.

312.08            General

312.08-01        That ARTICLE I, ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING

MAP, Section 100, Zoning Districts is hereby amended to include PH-1, Patio Home District, as a Zoning District of the City.

312.08-02 That the provisions of the Zoning Ordinance relating to R-1, Residential Zoning District, to the extent not in conflict herewith shall apply in this zoning district.

312.08-03 Any person desiring to have their property rezoned to PH-1 shall file an Application to Rezone their property with the Zoning Administrator.

### **313 Planned Unit Development District**

313.01 The purpose of the planned unit development district is to provide for the development of planned total communities that provide a full range of residential types as well as certain commercial or office uses designed to serve the inhabitants of the districts consistent with the comprehensive plan.

313.02 It is also purpose of the planned unit development district to afford property owners or developers the opportunity to utilize innovative and unique design elements in creating a planned total community. The City of Flowood recognizes that certain properties, due to locational criteria and adjacent existing development, may not be utilized to its highest and best use through the application of traditional zoning classification(s).

313.03 For purposes of this title, any proposed planned unit development shall consist of at least ten (10) acres in area unless otherwise authorized by the governing authority. A planned unit development should be planned and developed as an integrated unit, in a single development operation or a programmed series of development operations and according to an approved general site plan.

313.04 Initially Created Planned Unit Development Districts: Any property classified as planned unit development districts through the adoption of zoning amendments by the City of Flowood shall be governed by the provisions of the R-1 Single Family Residential District until such time as the owner or developer of said property complies with the provisions of Section 313.05 et seq.

313.05 District Established, Plan Approval Required: The planned unit development districts shall be established only upon application, after public hearing as specified in the amendatory procedures of Article V, and shall require approval of an outline plan which, when zoning is granted, will govern the development of the land and all development plans thereof. The application fee for establishing a planned unit development districts shall be the same fee as for any other zoning amendment request.

313.06 Minimum district area: The minimum area for a planned unit development districts shall be ten (10) acres.

313.07 Permitted uses: A list of permitted uses within each planned unit development must be submitted with the application for establishment of the district and the outline plan and must be approved by the governing authority upon application by the owner of the property.

313.08 Application required: An application for rezoning to planned unit development districts shall be accompanied by:

a. An outline plan drawn to a scale of not less than one inch equals one hundred feet (1" = 100') or a larger scale suitable to the size of development if approved by the Zoning Administrator. The Outline plan shall include, at a minimum, the following information:

1. Boundary description, including area, bearings and dimensions of all property lines;
2. The locations of existing roads with both the existing and proposed rights-of-way from centerline, and the location of proposed points of ingress to and egress from the site;

3. Existing topography, with a contour interval of no greater than two (2) feet when the slope is less than four percent (4%), and no greater than five (5) feet when the slope is greater than four percent (4%), referenced to a United States Geological Survey or a Coast and Geodetic Survey bench mark or monument, or benchmark approved by the City Engineer or Public Works Director; unless specifically waived by the Zoning Administrator;
4. The location of all mature tree growth. Mature tree growth shall be defined as trees five (5) inches or greater in diameter at 4 ½ feet above the ground;
5. Grading and drainage information, including preliminary proposals for on-site detention of storm water, if necessary, in accordance with city storm water drainage policy set forth in the City's Subdivision Regulations;
6. Vicinity map, North arrow and scale (graphically and numerically);
7. Tie in dimension from property corner to nearest to existing street(s) and to section corner;
8. Locations and types of existing easements, including instrument references, and proposed utilities and easements;
9. The title block, including the unduplicated name of planned unit development, outline plan, engineer's and developer's names, total acreage, date of draft/revision;
10. Individual parcel numbers/letters, the amount of acreage on each (and designated use, if applicable);
11. Proposed landscape buffers (shown on the plan graphically and in cross section); and
12. Names of abutting property owners or subdivisions.

b. Text presenting the following information:

1. Proposed land uses and residential densities, along with the proposed dimensional requirements for each such land use;
2. Proposed primary circulation pattern;
3. Proposed parks and playgrounds or other public use facilities;
4. Delineation of the units or phases to be constructed, together with a proposed timetable;
5. Proposed means of dedication of common open space areas and organizational arrangements for the ownership, maintenance and preservation of common open space;
6. Relation to the comprehensive plan and to land uses in the surrounding area;
7. Estimates of traffic volumes generated by the completed project; and
8. Any other governing restriction or allowance necessary for the development of a

genuine, unique community. In the event the governing text is silent on an issue otherwise regulated by City ordinance, then the City's ordinance shall govern.

313.09      Supporting Data: The Zoning Administrator may require the applicant to provide additional data in support of the PUD proposal if such material is deemed reasonable and essential to the consideration of the project. Such material may include but not be limited to studies of traffic generation, drainage, sewers and public utilities, marketing and economic feasibility analyses or other issues, which may be pertinent to the site and surrounding area.

313.10      Scope of review: The Zoning Administrator shall review and confer with other City Department Heads on the requested development plan. Such review may consider, but not be limited to, the following factors:

- a.      Whether or not the proposed outline plan is designed so as to be genuinely unique, and that the post-development land uses and spatial development patterns will be unlike those achieved through the use of traditional zoning districts.
- b.      The conservation of natural resources on the property proposed for development, including trees and other living vegetation, steep slopes, watercourse, flood plains, soils, air quality, scenic views and historic sites.
- c.      The provision of safe and efficient vehicular and pedestrian transportation both within the development and the community.
- d.      The provision of sufficient open space to meet the needs of the proposed development.
- e.      The provision of adequate drainage facilities and on-site drainage retention in order to prevent drainage problems from occurring on the subject site or within the community.
- f.      The compatibility of the overall development plan with the existing land use in the surrounding area.
- g.      The existence and/or provision of adequate community facilities to serve the proposed development (i.e., water, sewer and other utilities, streets, fire hydrants, site lighting, gas, electricity, telephone service and similar information).
- h.      Conformance of the site development plan with the comprehensive plan, any other applicable requirements of the zoning ordinance, subdivision regulations, or any other land use control regulations of the City of Flowood.

313.11      Review and approval:

- a.      The Zoning Administrator, along with other appropriate City Department Heads, shall study the outline plan, text and supporting data, make suggestions for changes and adjustments, and recommend conditions for the approval of the plan as necessary. After the Zoning Administrator reviews the outline plan and text, he shall recommend approval, disapproval or approval with conditions of the outline plan to the governing authority. The amendatory procedures set out in Article V of this Ordinance shall govern the processing of an application for PUD.
- b.      Within sixty (60) days after the final action by the governing authority, the applicant shall submit a revised outline plan and text to the Zoning Administrator, and said revised outline plan and text shall incorporate any and all conditions imposed upon the proposed development for approval. If no revised plan has been submitted within the required sixty (60) day period the application shall be deemed withdrawn. If the outline plan and text was approved by the governing authority with no conditions or revisions, then no revised outline plan or text shall be required.

c. If an application for an amendment to classify property in the PUD District is denied by the governing authority, a reapplication pertaining to the same property and requesting the same PUD amendment may not be filed within eighteen (18) months of the date final action was taken on the previous application.

d. No building permit shall be issued until a final plan of the proposed development, or phase thereof is approved, filed and recorded.

313.12      Amendments to an Outline Plan: An application for an amendment to an outline plan shall be filed with the Zoning Administrator, which application shall be accompanied by the fee established in Article V, Section 507 of this Ordinance. The procedure for amending the outline plan shall be the same as that required for the initial establishment of the PUD.

313.13      Final Plan Procedure: The Final Plan shall consist of a two-stage review process that may occur concurrently. The first stage of review shall be that of a detailed site plan review and the second stage shall be that of a final plat review. The detailed site plan review must precede the final plat review. The specific requirements for these final plan documents are set out in Sections 313.15 and 313.16.

The final plan procedure may be initiated at any time after approval of the outline plan by the governing authority. The final plan documents shall be reviewed by the Zoning Administrator in order to establish that it substantially meets the conditions of the outline plan. After the Zoning Administrator reviews the final plan documents, he shall recommend approval, disapproval or approval with conditions of the same to the governing authority. It shall only be necessary for the governing authority to act upon the final plat. Review of the detailed site plan shall be an administrative matter conducted by the Zoning Administrator and other appropriate city officials.

313.14      Design Requirements: The detailed site plan must provide for and conform entirely to the following standards and requirements:

a. Off-street parking and loading shall be provided as prescribed in Article II, Section 205 of this Ordinance. Reductions or variations in the required parking may be recommended by the Zoning Administrator and approved by the governing authority if suitable alternatives are presented.

b. Street widths and improvements must conform to the requirements established by the Subdivision Regulations and the Comprehensive Plan; however, alternative design cross sections of minor roadways may be presented for consideration and approval at the time of outline plan review.

c. Provisions for water supply and sanitary sewer connections shall be made to the satisfaction and requirements of the governing authority and the appropriate state authority.

d. Drainage provisions: A means of on-site drainage retention shall be provided to control storm water run-off so that surface waters will be properly disposed of without adversely affecting neighboring properties through erosion, flooding and other drainage problems. Drainage provisions shall be made to the satisfaction and requirements of the city engineer and the governing authority.

e. Landscape screening to provide a buffer between differing land uses must be provided. Required screening shall not be considered as part of the rear yard setback requirement.

f. A minimum total area of ten percent (10%) of the gross residential area shall be set back as parks and playgrounds. Of this ten percent (10%) a maximum of one-half (1/2) may be covered with water. A maximum of five percent (5%) of the area designated to be parks and playgrounds may be covered with structures to be used in the recreational use of the area. Parks and playgrounds must be suitably improved for their intended use, but parks and playgrounds containing natural features clearly worthy of preservation may be left unimproved.

g. The Zoning Administrator may require other special improvements, if they are deemed reasonable and essential.

313.15 Detailed Site Plan Requirements: A site plan with supporting data shall be prepared and submitted to the Zoning Administrator, drawn to a scale of not less than one hundred (100) feet to the inch and shall include the following information:

- a. Boundary description, including area, bearings and dimensions of all property lines.
- b. Tie in dimension from property corner to nearest existing streets(s) and to section corner.
- c. Locations and types of existing and proposed utilities and easements.
- d. Existing topography, with a contour interval of no greater than two (2) feet when the slope is less than four percent (4%) , and no greater than five (5) feet when the slope is greater than four percent (4%), referenced to a United States Geological Survey or a Coast and Geodetic Survey bench mark or monument, or benchmark approved by the City Engineer or Public Works Director\*.
- e. The location of points of ingress to and egress from the site.
- f. The location of all mature tree growth. Mature tree growth shall be defined as trees five (5) inches or greater in diameter at 4 ½ feet above the ground\*.
- g. A grading and drainage plan including proposals for on-site retention of storm drainage as well as general details of all surfaced areas\*.
- h. Existing tree masses to remain, streams, flood plain and other natural features.
- i. Vicinity map.
- j. Estimates of traffic volume generation from the completed project along the boundary streets\*.
- k. Title block, including name of development, phase number, developer/owner, engineer, section, township and range, acreage, zoning.
- l. Location/footprint of proposed buildings, including height in stories and feet, floor area ratio, total floor area, and total square feet of ground area coverage. It shall not be necessary to show building footprints for single family residential units unless deemed necessary by the Zoning Administrator.
- m. Provisions for landscape screening and buffering shall be represented graphically in plan view and elevation view on the site plan. Other landscaping required by the City of Flowood Landscaping Ordinance shall be shown on the plan.
- n. Proposed means of dedication of common open space areas and organizational arrangements for the ownership, maintenance and preservation of common open space\*.
- o. The location, arrangement and dimensions of:
  - 1. Existing and proposed streets and driveways;
  - 2. Adjacent streets;
  - 3. Sidewalks;
  - 4. Parking areas, including the number of off-street parking spaces;
  - 5. Points of ingress and egress;

6. Off-street loading areas; and
7. Other vehicular, bicycle or pedestrian rights-of-way.

p. Drainage provisions: On-site drainage retention shall be provided to control storm water run-off so that surface waters will be properly disposed of without adversely affecting neighboring properties through erosion, flooding and other drainage problems. Drainage provisions shall be made to the satisfaction and requirements of the city engineer\*.

**\*Requirement may be waived by the Zoning Administrator, if deemed appropriate.**

313-16  
follows:

Final Plat Requirements: Requirements for the final plat for recording for a PUD shall be as

- a. The final plat for recording shall conform to the requirements of Sections 202, 203 and 204 of the Subdivision Regulations for the City of Flowood.
- b. A statement or otherwise appropriate representation of any conditions imposed by the Governing Authority or Zoning Administrator.
- c. Delineation of building setback lines, limits of buffer areas or landscape screening, and open space areas in accordance with the approved outline plan.
- d. Any other notations or markings necessary to memorialize and illustrate features of the proposed PUD, as determined by the Zoning Administrator or governing authority.

313-17

Scope of Review: The Zoning Administrator and governing authority shall consider, but not be limited to, the following factors in review of the final plan documents:

- a. The conservation of natural resources on the property proposed for development, including trees and other living vegetation, steep slopes, watercourses, flood plains, soils, air quality, scenic views and historic sites.
- b. The provision and location of appropriate access to provide for the safety and efficiency of vehicular and pedestrian traffic both within the development and along adjacent streets.
- c. The provision of sufficient open space, landscaping and buffering to meet the requirements of the outline plan.
- d. The provision of adequate drainage facilities an on-site drainage retention in order to prevent drainage problems from occurring on the subject site or within the community.
- e. The conformance of the site design (location of buildings, parking lots, screening, landscaping) with the approved outline plan and governing text.
- f. The existence and/or provision of adequate community facilities to serve the proposed development (i.e., water, sewer gas, electricity, streets, fire hydrants, and site lighting).
- g. Conformance of the final development plan with the approved outline plan and governing text, and any other applicable requirements of the zoning ordinance, subdivision regulations, or any other land use development regulation adopted by the City of Flowood.

313-18

Upon approval of the final plat by the governing authority, the Zoning Administrator shall cause to be recorded the final plat in the office of the Chancery Clerk of Rankin County, Mississippi, after the required signatures for recordation have been secured. The procedure for recording the final plat for the PUD shall be the same as though it were a typical subdivision plat. No building permit shall be used until a final plat of the proposed development, or portion thereof, is approved, filed and recorded. After approval, filing and recording of the plan, a building permit may be issued in accordance with the approved plan.

### **314 Administration**

314.01 The Zoning Administrator shall develop the necessary forms and applications to properly administer the provisions of this section, and the Zoning Administrator may from time to time amend said forms and applications as needed to effectively and efficiently carryout these provisions.

### **315 Smart Growth District (adopted by Mayor and Board of Aldermen October 18, 2005.)**

315.01 See Attached Section 315: Smart Growth District

### **316 Special Uses**

316.01 Special Uses: The following uses may be allowed as special uses in zoning district L-C, C-1, C-2, C-3, I-1 and I-2; (a) Funeral Homes, (b) Cemeteries, (c) any other use which is not an itemized allowed use in said districts and which the Mayor and Board desire to treat as a Special Use.

316.02 Application: Any person desiring a special use permit shall make application for same and provide the information specified in Article IV of this Ordinance.

316.03 Public Hearing: A public hearing will be held by the Mayor and Board prior to granting or denying the special use permit in accordance with the public hearing provision so this Ordinance.

316.04 Judgment: The Mayor and Board of Aldermen when considering the application shall consider the highest and best use of the property, location, public need, adverse effects on surrounding properties, if any, and any other factor determined by the Mayor and Board to be of importance.

316.05 Grant of Request: In granting the request the Mayor and Board of Aldermen may place such conditions, restrictions and time constraints as determined desirable.

## **ARTICLE IV CONDITIONAL USES, TEMPORARY USES, AND VARIANCES**

### **400 CONDITIONAL USES AND TEMPORARY USES**

400.01 The policy of the Mayor and Board of Aldermen is to establish and maintain sound and desirable development and uses of lands and structures within the City. The Mayor and Board of Aldermen acknowledge that there will be situations when an otherwise non-permitted use, under certain conditions and/or for limited periods of time, should be permitted. Therefore, under certain conditions and/or for limited periods of time, on specific parcels of land, where the Mayor and Board of Aldermen determine that an otherwise non-permitted use will not adversely affect the neighborhood and will not be contrary to the public interest and general welfare, Conditional Uses and Temporary Uses may be permitted. Any person or party holding the controlling ownership interest in the subject property is sought may file a request therefore in conformance with the provisions of this Ordinance. A Conditional Use and a Temporary Use shall only be authorized by the Mayor and Board of Aldermen acting by passage of an order and only after notice has been given and a public hearing held on the request.

400.02 In considering an application for a Conditional Use or a Temporary Use, the Board shall give due regard to the nature and condition of all adjacent uses and structures and the consistency therewith of the proposed use. Upon authorizing a Conditional Use or a Temporary Use, the Mayor and Board of Aldermen may impose such conditions, restrictions, and requirements with respect to location, constructions signs, fencing, landscaping; maintenance, and operations in addition to those conditions, restrictions, and requirements expressly stipulated in this Ordinance, as they may deem necessary for the protection of adjacent properties and for the preservation of the public interest and general welfare. Temporary Use shall not be authorized for a period exceeding one (1) year.

400.03 The Mayor and Board of Aldermen shall not authorize a Conditional Use unless and until they

make a finding that the Conditional Use is not contrary to the City's formally adopted Comprehensive Plan and that the Conditional Use will not adversely affect the neighborhood or the public interest and general welfare. The order authorizing a Conditional Use shall state all conditions, restrictions, and requirements deemed appropriate therefore by the Mayor and Board of Aldermen.

400.04 The Mayor and Board of Aldermen shall not authorize a Temporary Use unless and until they make a finding that the Temporary Use is not contrary to the City's formally adopted Comprehensive Plan and that the Temporary Use will not adversely affect the neighborhood or the public interest and general welfare. The order authorizing a Temporary Use shall state the date on which the authorized Temporary Use will cease and be removed and shall state all other conditions, restrictions, and requirements deemed appropriate therefore by the Mayor and Board of Aldermen

#### **401 Variances**

401.01 The Mayor and Board of Aldermen shall have the power to grant Variances from the provisions or requirements of this Ordinance. A Variance shall only be granted by the Mayor and Board of Aldermen acting by passage of an order and only after notice has been given and a public hearing held on the request. A Variance from the strict application of any provision of this Ordinance shall not be granted by the Mayor and Board of Aldermen unless they find that all of the following facts and conditions exist:

401.01-01 Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures within the same district.

401.01-02 Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by owners of other properties in the same district under the terms of this Ordinance.

401.01-03 Granting the Variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

401.02 In no case shall the Mayor and Board of Aldermen grant a Variance for a use which is not a permitted use in the zoning district in which the proposed structure or use is to be located.

#### **402 Initial Procedure**

402.01 An applicant seeking a Conditional Use, a Temporary Use, or a Variance shall file a request therefore in the form of an application with the Zoning Administrator. The application shall contain the information and certifications listed in Section 403 and whatever other documentation for record the applicant desires to submit.

402.02 The application shall be reviewed for sufficiency by the Zoning Administrator. When the application is found sufficient, the Zoning Administrator shall determine the date for a public hearing on the request before the Mayor and Board of Aldermen, which date shall be a regularly scheduled meeting of the Mayor and Board of Aldermen, and shall set the request for public hearing on the agenda for that meeting. in determining the date of the regularly scheduled meeting of the Mayor and Board of Aldermen at which the public hearing is to be held, the Zoning Administrator shall take into consideration the time necessary for the provision of all notices required prior to said hearing, the dates acceptable to the applicant, and the substance and duration of other matters set for hearing and debate at such regularly scheduled meetings provided, unless the applicant consents in writing, the public hearing shall be held at a regularly scheduled meeting of the Mayor and Board of Aldermen to be held within ninety (90) days of the date the application is determined by the Zoning Administrator to be sufficient.

402.03 The Zoning Administrator shall notify the applicant of the date, time, and location of the regularly scheduled meeting of the Mayor and Board of Aldermen during which the hearing shall be held.

**403 Information Required for a Sufficient Application for a Conditional Use, Temporary Use, or Variance.** An application considered sufficient for a Conditional Use, Temporary Use, or Variance shall include the following:

403.01 The name, mailing address, and telephone number of each person, corporation, partnership, trust, or other party which holds an ownership interest in subject property. The person or party holding the controlling ownership interest shall be so indicated.

403.02 A map or plat and legal description of the subject property. The map or plat shall show the location and conditions of all existing structures and uses.

403.03 A drawing showing the location of all property boundaries and parts and parcels of land situated within one hundred sixty (160) feet (excluding street rights-of-way) of the subject property; together with the names and mailing addresses of the owners of said parts and parcels, which shall be written on the drawing within the part or parcel, or otherwise recorded on the face of the drawing, or attached thereto with sufficient clarity to denote the owners of the proximate properties to whom notice of the public hearing before the Mayor and Board of Aldermen shall be mailed. The drawing shall be certified by an attorney, attesting to the relative location of property boundaries and to the accuracy of the names of all proximate owners as of a date within thirty days of the date of the application and according to information of record in the office of the Chancery Clerk of Rankin County.

403.04 A vicinity map showing the subject property and the neighborhood. The map shall show the locations of all zoning district boundaries, floodway and flood hazard area boundaries, and streets and other public and private rights-of-way in the neighborhood.

403.05 The name, mailing address, and telephone number of the applicant or officer, agent, or attorney of the applicant to whom all correspondence regarding the application is to be directed.

403.06 The designation of the current zoning district or districts in which the subject property is located.

403.07 A certified copy of all enforceable covenants or restrictions, declared either in separate instruments or in valid deeds of record, which restrict or prohibit on the subject property uses or structures otherwise permitted by this Ordinance. If the proposed Conditional Use, Temporary Use, or Variance were authorized by the Mayor and Board of Aldermen. If there are none, then the certificate of an attorney to that effect.

403.08 All other pertinent information that might be relevant to the proposed Conditional Use, Temporary Use, or Variance or relevant to the subject property.

403.09 A draft of the proposed notice of the required public hearing for publication.

403.10 A draft of the proposed order authorizing the requested Conditional Use or Temporary Use or granting the Variance.

403.11 (Optional). A draft of any proposed covenants, conditions, and restrictions for the subject property to which the applicant is willing to subject the property if the proposed Conditional Use, Temporary-Use, or Variance were to be authorized or granted by the Mayor and Board of Aldermen.

#### **404 Required Published Public Notices**

404.01 The applicant for a Conditional Use, Temporary Use, or Variance shall give Public Notice of the date, time, and place for the required public hearing before the Mayor and Board of Aldermen by causing notice thereof to be published at least one (1) time in a newspaper having a general circulation in the City, which notice shall be published at least fifteen (15) days prior to the date of said public hearing. The notice shall be titled "PUBLIC NOTICE", be signed by the applicant or the officer, agent, or attorney of the applicant, and shall read substantially as follows:

Notice is hereby given to any and all persons interested in or in any way affected thereby that (insert name of person or party holding the controlling ownership interest in the subject property) has filed an application with the Zoning Administrator of the City of Flowood requesting a [Conditional Use] [Temporary Use] [Variance] to allow the following described parcel of land to

be used as [insert description of proposed use, duration, relief requested, etc.]:

(Insert legal description of subject property]

A copy of said application is on file with the City Clerk and is available for review during normal business hours. Said application and request will come before the Mayor and Board of Aldermen for public hearing on (insert date of hearing) during their regularly scheduled meeting which begins at (insert time of meeting here) and which is to be hold at City Hall, 2101 Airport Road, Flowood, Mississippi. Any person desiring to express his or her views on the application and request may be present and do so at said hearing or may deliver his or her written statement to the City Clerk prior to said hearing. Written statements so delivered shall be part of the record of said hearing. All Inquiries about the application and proposed amendment should be addressed to the undersigned at (insert the address and telephone number of the applicant or officer, agent, or attorney of the applicant].

#### **405 Required Posted Public Notices**

405.01 The applicant shall post at least one (1) sign at a conspicuous location along each public or private street on which the subject property abuts, or if the subject land does not abut a public or private street, then at a conspicuous location on the subject property. Each sign will be posted for at least fifteen (15) days during the three (3) weeks immediately preceding the public hearing.

405.02 On each sign, the title "PUBLIC NOTICE" shall be legible from the nearest street and all other words and letters shall be legible and at least two (2) inches high.

405.03 Each sign shall give notice to the public that the property is subject to a request for a Conditional Use, Temporary Use, or Variance and that the application requesting same is available for review at the City Hall.

#### **406 Required Mailed Notices**

406.01 The applicant shall serve notice by Certified Mail to each owner of a part-or parcel of land situated within one hundred sixty (160) feet (excluding street rights of-way) of the subject property.

406.02 This required mailed notice shall read substantially the same as the required published public notice.

406.03 The required mail notice shall be mailed at least fifteen (15) days prior to the scheduled date of the required public hearing.

#### **407 Application Fees**

407.01 At the time of filing an application for a Conditional Use, Temporary Use, or Variance, there shall be paid to the City Clerk a fee of Three Hundred Dollars (\$300.00) to cover incidental expenses of the City for the processing of said application. This fee shall not be refundable.

407.02 The applicant shall be responsible for performing, at his expense, all actions required by this Ordinance or by law for the request, If authorized or granted, to be effective, including the preparation of all applications, draft orders, notices, exhibits, affidavits, transcripts, and records; the publication of all notices required to be published; the posting of all notices required to be posted; the mailing of all notices required to be mailed; and the certification of all statements required to be certified.

#### **408 Public Hearings Before the Mayor and Board of Aldermen**

408.01 The applicant shall be required to present orally and in writing credible evidence that his request for a Conditional Use, Temporary Use, or Variance is in conformance with the City's formally adopted Comprehensive Plan. Such evidence may be in the form of a written report prepared by a professional who is knowledgeable of the comprehensive uses of lands and structures in the area and who is also familiar with the City's formally adopted Comprehensive Plan.

408.02 The applicant for a Conditional Use or Temporary Use shall be required to present orally and in writing credible evidence that the proposed Conditional Use or Temporary Use will not adversely affect the neighborhood, public interest, and general welfare.

408.03 The applicant for a Variance shall be required to present orally and in writing credible evidence that the facts and circumstances described in Sections 401.01-01, 401.01-02, and 401.01-03 exist on the subject property.

408.04 The applicant's attorney shall provide a certification that all the actions necessary to affect all required notices were performed. Such certification shall include the proof of publication of the notice in a newspaper of general circulation in the City and the U.S. Postal Service Receipts for Certified Mail sent to owners of all parts and parcels of property within one hundred sixty (160) feet (excluding street rights-of-way).

408.05 The Mayor and Board of Aldermen may limit in any-reasonable manner oral presentations by the applicant and any other person or persons present at the hearing and desiring to express his or her views on the application and request. Such limitations shall be uniformly applied.

408.06 At the direction of the Mayor and Board of Aldermen, the Zoning Administrator may preside at any public hearing.

#### **409 Order Granting Request**

409.01 The Zoning Administrator will prepare, with the assistance of the applicant, the order necessary to authorize the Conditional Use or Temporary Use or to grant the Variance as proposed in the application.

409.01-01 If the Mayor and Board of Aldermen pass the order according to the procedures required therefore by law and this Ordinance, the order shall be entered into the minutes of the meeting and shall be effective when the minutes are approved as provided by law.

### **ARTICLE V AMENDMENTS**

#### **500 Declaration of Policy**

500.01 The policy of the Mayor and Board of Aldermen is to establish and maintain sound, stable, and desirable development and uses of lands and structures within the City. To assist in the achievement of this policy, this Ordinance shall not be amended except to correct a mistake in this Ordinance or the Official Zoning Map, or to acknowledge conditions which have changed in a particular area or in the City generally and to meet an identifiable community need. Amendments shall be limited to those in conformance with the City's adopted Comprehensive Plan. Subject to the above limitations, an amendment to this Ordinance and/or the Official Zoning Map may be initiated by the Mayor, any member of the Board of Aldermen, the Zoning Administrator, or any person or party holding the controlling property ownership interest in the parcel of land which will be affected by the amendment. Amendments to this Ordinance shall be in the form of an ordinance adopted in conformance with statutory requirements of the State of Mississippi and adopted only after a properly noticed public hearing has been held on the proposed amendment before the Mayor and Board of Aldermen.

500.02 An applicant seeking to amend this Ordinance and/or the Official Zoning Map shall have the burden of proving either (1) that there is a mistake in the existing ordinance and/or the Official Zoning Map, or (2)

that there has been a change in the character of the neighborhood so as to justify the proposed amendment and that there is a public need for the proposed amendment.

500.03 No amendment to this Ordinance shall be adopted whereby the regulations and restrictions so established are not uniform for each zoning district having the same zoning classification and bearing the same symbol or designation on the Official Zoning Map.

## **501 Procedure**

501.01 To initiate an amendment to the provisions of this Ordinance and/or to the Official Zoning Map, any person or party holding the controlling ownership interest in the subject property, or any officer, attorney, or agent therefore, shall file an application with the Zoning Administrator. The person or party filing such application is hereinafter referred to as the “applicant”. The application shall contain the information and certifications set forth in Section 502 and whatever other documentation for record the applicant desires to submit.

501.02 The application shall be reviewed for sufficiency by the Zoning Administrator. When the application is found sufficient, the Zoning Administrator shall determine the date of the public hearing required for the proposed amendment, which shall be the date of a regularly scheduled meeting of the Mayor and Board of Aldermen, and shall set the application for amendment for public hearing on the agenda for that meeting. In determining the date of the regularly scheduled meeting of the Mayor and Board of Aldermen at which the public hearing is to be held, the Zoning Administrator shall take into consideration the time necessary for the provision of all notices required prior to said hearing, the dates acceptable to the applicant, and the substance and duration of other matters set for hearing or debate at such regularly scheduled meetings provided, unless the applicant consents in writing, the public hearing shall be held at a regularly scheduled meeting of the Mayor and Board of Aldermen to be held within ninety (90) days of the date the application is determined by the Zoning Administrator to be sufficient.

501.03 The Zoning Administrator shall notify the applicant of the date, time, and location of the regularly scheduled meeting of the Mayor and Board of Alderman during which the public hearing will be held.

**502 Information Required for a Sufficient Application to Amend the Official Zoning Map.** An application considered sufficient to amend the Official Zoning Map shall include the following:

502.01 The name, mailing address, and telephone number of each person, corporation, partnership, trust, or other party which holds an ownership interest in the subject property. The person or party holding the controlling ownership interest shall be so indicated.

502.02 A map or plat and legal description of the subject property. The map or plat shall show the location and conditions of all existing structures and uses.

502.03 A drawing showing the location of all property boundaries and parts and parcels of land situated within one hundred sixty (160) feet (excluding street rights-of way) of the subject property; together with the names and mailing addresses of the owners of said parts and parcels, which shall be written on the drawing within the part or parcel, or otherwise recorded on the face of the map or plat, or attached thereto with sufficient clarity to denote the owners of the proximate properties to whom notice of the public hearing before the Mayor and Board of Aldermen shall be mailed. The drawing shall be certified by an attorney attesting to the relative location of property boundaries and to the accuracy of the names of all proximate owners<sup>5</sup> of a date within thirty days of the date of the application and according to Information of record in the office of the Chancery Clerk of Rankin County.

502.04 A vicinity map showing the subject property and the neighborhood. The map shall show the locations of all existing and proposed zoning district boundaries, floodway and flood hazard area boundaries, and streets and other public and private rights-of-way in the neighborhood.

502.05 The name, mailing address, and telephone number of the applicant or officer, agent, or attorney of the applicant to whom all correspondence regarding the application is to be directed.

502.06 The designation of the current zoning district or districts in which the subject property is located.

502.07 A certified copy of any enforceable covenants or restrictions, declared either in separate instruments or in valid deeds of record, which restrict or prohibit on the subject property uses or structures otherwise permitted by this Ordinance if the proposed amendment were adopted by the Mayor and Board of Aldermen, if there are none, then the certificate of an attorney to that effect.

502.08 If applicable, the mistake in the Official Zoning Map that would be corrected by the proposed amendment.

502.09 All other pertinent information that might be relevant to the proposed amendment or relevant to the subject property.

502.10 A draft of the proposed notice of the required public hearing for publication.

502.11 A draft of the proposed ordinance amending this Ordinance and/or the Official Zoning Map.

502.12 (Optional). A draft of any proposed covenants, conditions, and restrictions for the subject property to which the applicant is willing to subject the property if the amendment were to be adopted by, the Mayor and Board of Aldermen:

**503 Information Required for Sufficient Applications to Amend the Regulatory or Administrative Provision of this Ordinance.** Applications considered sufficient to amend the regulatory or administrative provisions or any other part of this Ordinance shall include the following:

503.01 The name, mailing address, and telephone number of each person, corporation, partnership, trust, or other party or parties which hold property ownership interests in ten (10), or if less than ten (10), all, of the parcels of land which will be affected by the proposed amendment.

503.02 A map of the City showing the parcels of land which will be affected by the proposed amendment.

503.03 The name, mailing address, and telephone number of the applicant or officer, agent, or attorney of the applicant to whom all correspondence regarding the application is to be directed.

503.04 The name and mailing address of the person who will be responsible for the affirmative presentation at the public hearing on the proposed amendment to be held before the Mayor and Board of Aldermen.

503.05 The proposed specific and entire text of each article, section, or table to be added, deleted, amended, or substituted in this Ordinance.

503.06 The anticipated effects of the proposed amendment.

503.07 If applicable, the mistake in this Ordinance that would be corrected by the proposed amendment.

#### **504 Required Published Public Notices**

504.01 For amendments to this Ordinance and/or to Official Zoning Map, the applicant shall give Public Notice of the date, time, and place for the required public hearing before the Mayor and Board of Aldermen by causing notice thereof to be published at least one (1) time in a newspaper having a general circulation in the City, which notice shall be published at least fifteen (15) days prior to the date of said public hearing. The notice shall be titled "PUBLIC NOTICE", shall be signed by the applicant or the officer, agent; or attorney of the applicant, and shall read substantially as follows:

Notice is hereby given to any and all persons interested in or in any way affected thereby that (insert name of person or party holding the controlling ownership

interest in the subject property) has filed an application with the Zoning Administrator of the City of Flowood to amend the Official Zoning Map to cause the following described parcel of land to be changed from an (insert current zoning district designation and description) to (insert proposed zoning district designation and description)

**(Insert legal description of property.)**

A copy of said application is on file with the City Clerk and is available for review during normal business hours. Said application and proposed amendment will come before the Mayor and Board of Aldermen for public hearing on (insert date of hearing) during their regularly scheduled meeting which begins at (insert time of meeting here) and which is to be held at City Hall, 2101 Airport Rd, Flowood, Mississippi. Any person desiring to express his or her views on the proposed amendment may be present and do so at said hearing or may deliver his or her written statement to the City Clerk prior to said hearing. Written statements so delivered shall be part of the record of said hearing. All inquiries about the application and proposed amendment should be addressed to the undersigned at (insert the address and telephone number of the applicant or officer, agent or attorney of the applicant).

**505 Required Posted Public Notices**

505.01 For amendments to the Official Zoning Map, an applicant shall post at least one (1) sign at a conspicuous location along each public or private street on which the subject property abuts, or if the subject land does not abut a public or private street, then at a conspicuous location on the subject property. Each sign will be posted for at least fifteen (15) days during the three (3) weeks immediately preceding the public hearing.

505.02 On each sign, the title "PUBLIC NOTICE" shall be legible from the nearest street and all other words and letters shall be legible and at least two (2) inches high.

505.03 Each sign shall give notice to the public that the property is subject to a proposed amendment to the Official Zoning Map of the City of Flowood and that the application for same is available for review at the City Hall.

**506 Required Mailed Notices**

506.01 The applicant shall serve notice by Certified Mail to each owner of a part or parcel of land situated within one hundred sixty (160) feet (excluding street rights-of-way) of the subject property.

506.02 This required mailed notice shall read substantially the same as the required published public notice.

506.03 The required mail notice shall be mailed at least fifteen (15) days prior to the scheduled date of the required public hearing.

**507 Application Fees**

507.01 At the time of filing an application, for an amendment to this Ordinance or to the Official Zoning Map, there shall be paid to the City Clerk a fee of Three Hundred Dollars (\$300.00) to cover incidental expenses of the City for the processing of said application. This fee shall not be refundable.

507.02 The applicant shall be responsible for performing, at his expense, all actions required by this Ordinance or by statute for the amendment, if adopted, to be effective, including the preparation of all applications, draft amending ordinances, draft orders, notices, exhibits, affidavits, transcripts, and records; the publication of all notices required to be published; the posting of all notices required to be posted; the mailing of all notices required

to be mailed; the certification of all statements required to be certified; and if adopted, the publication of the ordinance amending this Ordinance.

#### **508 Public Hearings Before the Mayor and Board of Alderman**

508.01 The applicant shall be required to present orally and in writing credible evidence that the proposed amendment is in conformance with the City's formally adopted Comprehensive Plan. Such evidence may be in the form of a written report submitted by a professional who is knowledgeable of the comprehensive uses of lands and structures in the area and who is also familiar with the City's formally adopted Comprehensive Plan.

508.02 For amendments to the Official Zoning Map, other than to correct a mistake, the applicant shall be required to present orally and in writing information substantiating that there has been a change in the character of the neighborhood so as to justify the proposed amendment and that there is a public need for the proposed amendment.

508.03 For amendments to the Official Zoning Map, the applicant or his attorney shall provide a certification that all the actions necessary to affect all required notices were performed. Such certification shall include the proof of publication of the notice in a newspaper of general circulation in the City and the U.S. Postal Service Receipts for Certified Mail sent to owners of all parts and parcels of property within one hundred sixty (160) feet (excluding street rights-of-way).

508.04 The Mayor and Board of Aldermen may limit in any reasonable manner oral presentations by the applicant and any other person or persons present at the hearing and desiring to express his or her views on the application and proposed amendment. Such limitations shall be uniformly applied.

508.05 At the direction of the Mayor and Board of Aldermen, the Zoning Administrator may preside at any public hearing.

#### **509 Effective Adoption of Amendments**

509.01 If prior to voting on an ordinance amending the Official Zoning Map, the Mayor and Board of Aldermen receive a written protest against the proposed amendment signed by the owners of twenty (20) percent or more of the acreage in the parts and parcels of land and property situated within one hundred sixty (160) feet (excluding street rights-of-way) of the parcel of land subject to the proposed amendment, such amendment shall not become effective except after the favorable vote of two-thirds of the Aldermen.

509.02 The Zoning Administrator will prepare; with the assistance of the applicant, the ordinance necessary to amend this Ordinance and/or the Official Zoning Map as proposed in the application. If the Mayor and Board of Aldermen adopt the ordinance according to the procedures required therefore by statute and this Ordinance, the ordinance shall be published by the applicant in a newspaper published in Rankin County having general circulation within the City, which publication shall follow the required authentication activities of the officials of the City. The applicant shall furnish the City Clerk with a copy of the Proof of Publication of said ordinance.

### **ARTICLE VI DEFINITIONS**

**600 General** Certain words and phrases used in this Ordinance are defined for the purpose thereof as follows: Words used in the present tense include the future; the singular number includes the plural, and the plural includes the singular; "person" includes a corporation as well as an individual; "Lot" includes "plot"; "structure" includes "building"; "occupied" includes "designed" or "intended to be occupied"; "Used" includes "arranged", "designed", or "intended to be used"; "shall" is mandatory and not directory; "may" is permissive. Wherever the term "Ordinance" appears or shall appear, it shall be interpreted to mean and to refer to this Ordinance, inclusive of all amendments which may have been or may be added thereto.

## **601 Specific Definitions**

**601.01**      **Accessory Building or Structure:** A structure or a portion of the main structure subordinate to that main structure which is located on the same lot as the main structure or an adjacent lot, the uses of which are clearly incidental to the use of the main structure.

**601.02**      **Accessory Use:** A use of structure subordinate to the principal use of a structure or use on the same lot or an adjacent lot and serving a purpose customary and incidental to the use of the principal structure or use. A sign is an accessory use.

**601.03**      **Alley:** A public space or thoroughfare less than twenty (20) feet, but not less than ten (10) feet in width, which has been dedicated or conveyed to the public for public use.

**601.04**      **Alterations, Structural:** A change in the supporting members of a structure, such as walls, floors, columns, beams, or girders.

**601.05**      **Apartment:** A room or two (2) or more rooms designed for, arranged for, intended for, or occupied as a residence by one (1) household.

**601.06**      **Apartment Complex:** A group of two or more structures, regardless of ownership, divided into apartments located on a site of unified design which provides common vehicular access, parking accessory structures and/or uses, and related amenities mutually beneficial to residents of the apartments thereon.

**601.07**      **Apartment Hotel:** An apartment building which maintains a lobby through which all tenants must pass to gain access to the apartments and which may furnish dining service for the tenants.

**601.08**      **Area:** The word "Area" shall mean the territory affected by this Ordinance.

**601.09**      **Basement:** A story, the floor of which is two (2) feet or more below grade but with not more than one-half (1/2) of its height below grade.

**601.10**      Omitted.

**601.11**      **Boarding House:** A structure or part thereof, other than a hotel or restaurant, where meals and/or lodging are provided for compensation for five (5) or more persons, and where no cooking or dining facilities are provided in individual rooms.

**601.12**      **Building:** Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property, and when divided by an unpierced wall from the ground to the roof, each portion of such structure shall be considered a separate building.

**601.13**      **Building, Height of:** The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the ridge for gable, hip, or gambrel roofs.

**601.14**      **Building Permit:** A permit issued by the Building Administrator for the construction or alteration of any building or structure.

**601.15**      **Carport:** A canopy attached to the main building, providing a sheltered place for parking a vehicle and for entering and alighting from said vehicle. The portion used for parking space shall not extend into the required front yard. Any portion extending into a required side yard shall be open on all sides except that the wall of the main building may be adjacent to one side.

**601.16**      **Clinic:** An establishment where persons are given medical, dental, or surgical treatment by one (1) but not more than eight (8) physicians or dentists and with no accommodations for lodging patients overnight.

601.17            Cellar: A story having more than one-half (1/2) of the height below grade. A cellar is not included in computing the number of stories for the purpose of height unless it is designed and used for dwelling purposes.

601.18            Club, Private: Structures and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose but not primarily for profit or to render a service which is customarily carried on as a business.

601.19            Club, Country: A club with recreation facilities for members, their families, and invited guests, having premises with an area of not less than twenty-five (25) acres.

601.20            Conditional Use: A use not otherwise not permitted in a particular zoning district but authorized by the Mayor and Board of Aldermen in accordance with the provisions of Article IV of this Ordinance.

601.21            Court: An open, unobstructed space on the same lot as the structure.

601.22            Dwelling: Any structure or portion thereof designed or used as in the conventional manner as the residence of one (1) or more persons, but not including a tent, cabin, trailer or trailer coach, mobile home, tree house, or a room in a hotel or motel.

601.23            Dwelling, Multifamily: A structure or portion thereof designed for or used by three (3) or more families or housekeeping units.

601.24            Dwelling, Single Family: A structure designed for or used for residence purposes exclusively by one (1) family or housekeeping unit, but not to include manufactured or mobile homes as defined herein.

601.25            Dwelling, Two Family: A structure designed for or used exclusively by two (2) families or housekeeping units.

601.26            Dwelling Unit: One (1) room or suite of two (2) or more rooms designed for or used by one (1) family or housekeeping unit for living and sleeping purposes and having only one (1) kitchen or kitchenette and at least one (1) separate bathroom.

601.27            Family: One (1) or more persons living as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, dormitory, motel, hotel, or group quarters.

601.28            Flood-Proofing: Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary sewerage facilities, and structures and contents of building.

601.29            Garage, Mechanical: Any premises, except those described as a private or storage garage where automotive vehicles are serviced, equipped mechanically repaired rebuilt, hired, or sold.

601.30            Garage, Private: A detached accessory building or a portion of the principal building used only for the storage of vehicles and incidental personal property.

601.31            Garage, Storage: Any building used for the storage of automobiles for remuneration.

601.32            Grade: The elevation of the land on which a structure is to be erected, taken at the center of the main entrance.

601.33            Hotel: A structure containing twelve (12) or more rooms intended or designed to be used or which are used, rented, or hired out to be occupied for sleeping purposes by guests.

601.34            Home Occupation: An occupation conducted in a dwelling unit, provided that no person other than members of the family residing on the premises shall be engaged in such occupation: that the use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes

by its occupants; and that there shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign.

601.35           Hospital, Small Animal: An establishment where veterinary treatment and care are provided inside a structure for dogs, cats, and other small domestic pets.

601.36           Junkyard: A place where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto-wrecking yards, house-wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed structure, and not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations.

601.37           Kennel: A place where four (4) or more cats or dogs or any combination of four (4) such animals are kept, whether by the owners of the animals or by other persons, with or without compensation.

601.38           Laundromat: An establishment providing home-type washing, drying, or ironing machines for hire, to be used by customers on the premises and not by employees.

601.39           Laundry: An establishment where clothing and similar articles are washed and ironed by employees on the premises.

601.40           Laundry Pick-up Station: An establishment where clothing and similar articles are received, to be washed or dry cleaned elsewhere, and where the articles so processed may be held for return to the customer.

601.41           Lodging House or Dormitory: A structure other than a hotel, apartment hotel, or motel where lodging for five (5) or more persons is furnished by the day, week, or month for compensation but no meal service is available.

601.42           Lot: A piece, parcels or tract of land occupied or intended to be occupied by a principal structure or a group of such structures and accessory structures or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this Ordinance.

601.43           Lot, Area: The computed area contained within the lot lines.

601.44           Lot Depth: The mean horizontal distance between the front and the rear lot lines.

601.45           Lot boundaries or Lines: The property lines bounding the perimeter of a lot.

601.46           Lot Line, Front: The property line separating the lot from a street right-of-way.

601.47           Lot Line, Rear: The lot line opposite and most distant from the front lot line.

601.48           Lot of Record: A lot which is part of a subdivision, the plat of which is filed for record with the Chancery Clerk of Rankin County, Mississippi; or a parcel of land, the deed of which was recorded in the Office of the Chancery Clerk of Rankin County, Mississippi.

601.49           Lot Line, Side: Any lot line other than a front or rear lot line. A side lot separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

601.50           Lot Width: The width of the lot measured at the front building setback line.

601.51           Manufactured Home: A single family residential structure substantially constructed in sections off site in accordance with the standards promulgated by the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401 et seq., which sections are transported to and joined together on the

site, built on a permanent chassis, set on a permanent foundation, skirted with a curtain wall, and containing more than one thousand two hundred (1,200) square feet of heated and cooled living space.

601.52            Mobile Home: A single-family residential structure constructed off site in accordance with the standards promulgated by the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 54.01 et seq., which includes kitchen and bathroom facilities, but not including campers or travel trailers, designed for transportation after fabrication on streets, highways, land, air, or water, and arriving at the site where it is to be occupied as a dwelling unit.

601.53            Mobile Home Park: An area where two (2) or more mobile homes can be and are intended to be parked, designed or intended to be used as temporary or permanent living facilities for two (2) or more families. Typically mobile home spaces with a mobile home park are rented or leased to their occupants.

601.54            Mobile Home Space: A plot of ground within a mobile home park, designed to accommodate one (1) mobile home, and which has water, sewer, and electricity available at the space.

601.55            Motel: A structure or group of structures comprising individual temporary sleeping or living units for the accommodation of transient guests and not containing individual cooking or kitchen facilities.

601.56            Nonconforming Use: A building, structure, or premises legally existing or used at the time of adoption of this Ordinance which does not conform with the use or other regulations prescribed by this Ordinance for the district in which it is located.

601.57            Nursery: Any establishment providing care of children during the day but not overnight, including nurseries for children of working mothers, kindergartens and nursery schools for children under the minimum age for admission to public schools, co-operative nursery schools, play groups for pre-school children or after-school care of school children, and other establishments of a similar nature.

601.58            Nursing Home: A structure in which lodging and meals, with nursing, dietary, and other personal services are provided for invalids, convalescents, and aged persons, but in which are kept no persons suffering from mental or nervous disorders, drug addiction, alcohol addiction, or any contagious disease, in which no surgery, obstetrical, or acute medical treatment is provided.

601.59            Parking Area: An open, unoccupied space used or set aside to be used for the parking of automobiles and in which no other business is conducted.

601.60            Parking Space: The area required for parking one (1) automobile, not less than nine (9) feet wide and twenty (20) feet long, either within a structure or in the open, exclusive of driveways or access drives.

601.61            Person: The word “person” shall include individuals, corporations and organizations and firms of every kind and character.

601.62            Rooming House: A residential building, other than a hotel, apartment hotel, or motel, in which lodging for more than two (2) but not more than twenty (20) persons is provided for compensation for periods of one week or more but not to transients by the day.

601.63            School: The term “school” includes public, parochial, and private institutions of academic or vocational learning.

601.64            Setback Line: The closest point at which a building may be constructed in relation to the lot boundary. The limit opposite property boundaries of the required yards.

601.65            Sign: Any sufficiently visible devise designed to inform or attract the attention of persons not on the premises on which it is located.

601.65.01        Omitted.

601.65.02        Omitted.

601.65.03        Omitted.

601.65.04        Omitted.

601.66            Omitted.

601.67            Omitted.

601.68            Omitted.

601.69            Omitted.

601.70            Omitted.

601.71            Omitted.

601.72            Omitted.

601.73            Omitted.

601.74            Story: The portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

601.75            Street: Any thoroughfare other than an alley.

601.76            Structure: Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

601.77            Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the actual cash value of the structure either before the improvement is started or, if the structure has been damaged and is being restored, before the damage occurred.

601.78            Temporary Emergency, Construction, or Repair Residence: A residence (which may be a mobile home) that is (1) located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster, or (2) located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed, or (3) located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site.

601.79            Temporary Use: A use established for a fixed period of time, with the intent to discontinue such use upon the expiration of the time period.

601.80            City: City of Flowood, Mississippi.

601.81            Trailer: Any portable structure or vehicle designed for highway travel.

601.82            Variance: A relaxation of the terms of the zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the subject property, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of lot, yards, and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance.

601.83            Yard: An open space at grade between the edges of a structure and the adjoining lot boundaries,

unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

601.84      Yard, Front: An open space extending the full width of the lot between the front edge of a structure and the rear lot line, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

601.85      Yard, Rear: An open space extending the full width of the lot between the rear edge of a structure and the rear lot line, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

601.86      Yard, Side: An open space extending from the front yard to the rear yard between the side edge of a structure and the nearest side lot line, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

601.87      Zero Lot Line Dwelling: A residence located on a lot in such a manner that one of the principal building's sides rests directly on or within six (6) inches of a side lot line. Two such buildings may be joined along a lot line by a common party wall.

## **ARTICLE VII ENFORCEMENT AND ADMINISTRATION**

### **700      Interpretation and Conflict**

700.01      The position of the Zoning Administrator is hereby established. The Zoning Administrator is hereby granted the authority to interpret this Ordinance, which interpretation is subject to appeal to the Mayor and Board of Aldermen.

700.02      In interpreting and applying this Ordinance, its provisions shall be held to be the minimum requirements necessary for the promotion of the health, safety, convenience, comfort, prosperity and general welfare of the public.

700.03      Except where clearly referenced and noted otherwise on the Official Zoning Map by notation or dimension, the boundaries of zoning districts shall be interpreted to be along current boundaries of lots or other parcels of land described in instruments of record or along centerlines of existing streets, easements, alleys, streams, utilities, railroads, or other physical features. The Zoning Administrator shall interpret the boundary lines on the Official Zoning Map.

700.04      When two (2) or more specific provisions of this Ordinance conflict or when a provision of this Ordinance conflicts with any other ordinance or municipal regulation, the most restrictive shall apply.

### **701      Enforcement by Zoning Administrator**

701.01      It shall be the duty of the Zoning Administrator to enforce this Ordinance in accordance with the provisions thereof. No building permit shall be issued without the express written approval of the Zoning Administrator for the proposed use and site plan for the structure for which the building permit is requested. All employees of the City of Flowood vested with duty or authority to issue other permits or licenses shall conform to the provisions of this Ordinance and shall not issue a permit for any use, structure, or purpose in conflict with the provisions of this Ordinance. Any permit or license issued in conflict with the provisions of this Ordinance shall be null and void.

701.02      Before any person or party shall commence the construction, erection, conversion, enlargement, reconstruction, material alteration, or repair of a structure on any parcel of land within the City, or before any person or party shall park or place a manufactured or mobile home on any parcel of land within the City, that person or party shall first obtain a permit from the City Clerk. The issuance of such permit shall be withheld until the Clerk is provided sufficient documentation approved by The Zoning Administrator that the proposed use, location, and characteristics of the structure and its appurtenant accessory uses and structures, signs, parking space, and other

improvements will conform to the provisions of this Ordinance in all applicable respects. Such permit shall be displayed in a conspicuous place at the site at all times during construction.

701.03 Before any structure is moved within the City, the person or party moving the structure shall first obtain a permit from the City Clerk. The issuance of such permit shall be withheld until the Clerk is provided sufficient documentation approved by the Zoning Administrator that the proposed use, location, and characteristics of the structure and its appurtenant accessory uses and structures, signs, parking space, and other improvements will conform to the provisions of this Ordinance in all applicable respects. Such permit shall be attached to the structure and displayed in a conspicuous place on the structure at all times. The person or party moving the structure shall have the approval of the Chief of Police and shall be held responsible and liable for replacing any and all road signs, mail boxes, overhead wires, signals, and lights damaged, destroyed, marred, or removed prior to and while the structure is being moved.

701.04 If the Zoning Administrator finds that any of the provisions, of this Ordinance are being violated, he shall notify in writing the person believed to be responsible for such violations, indicating the nature of the violations and ordering the action necessary to correct the violations. The Zoning Administrator shall order discontinuance of any illegal, non-permitted, or unauthorized uses; removal of any illegal, non-permitted, or unauthorized structures, appurtenant accessory uses and structures, signs, parking space, and other Improvements and discontinuance of any illegal, non-permitted, or unauthorized work being performed and services being provided. The Zoning Administrator shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions. Any action by the Zoning Administrator to enforce, ensure compliance, or prevent violation of this Ordinance is subject to appeal to the Mayor and Board of Aldermen.

701.05 The Chief of Police will assist the Zoning Administrator in the enforcement of this Ordinance.

## **702 Certificate of Use**

702.01 Subsequent to the effective date of this Ordinance, no change in the use or occupancy of any structure or land or any change in the use or occupancy of an existing building other than for single family dwelling purposes shall be made, nor shall any new structure be used or occupied, until a certificate of use has been issued by the Zoning Administrator. Every certificate of use shall state that the new occupant complies with all provisions of this Ordinance or has been properly granted a conditional use, temporary use, or variance in regard thereto. No structure or premises shall be occupied until such certificate is issued. A record of all certificates of use shall be kept on file in the office of the City Clerk. Copies shall be furnished on request to any person having a proprietary or tenancy interest in the land or structure covered by such certificate of use.

702.02 If the properly approved and permitted construction, erection, conversion, enlargement reconstruction, material alteration, or repair of a structure has not begun within six (6) months from the date of issuance thereof, said approval shall expire and be subject to renewal or cancellation by the Zoning Administrator.

## **703 Miscellaneous**

703.01 Should any section, clause, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the section, clause, or provision declared to be invalid.

703.02 Any person, firm, or corporation who knowingly violates, neglects, or refuses to comply with any of the provisions of this Ordinance shall be guilty of a misdemeanor and shall upon conviction be fined not less than Twenty Dollars (\$20.00) or more than One Hundred Dollars (\$100.00) for each offense. Each calendar day that a violation exists shall constitute a separate offense.

703.03 All other existing ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

## **704 Appeals**

**704.01** Any party aggrieved with the administrative interpretation or other action of the Zoning Administrator shall have the right to appeal such interpretation or action directly to the Mayor and Board of Aldermen. To initiate an appeal of an interpretation action of the Zoning Administrator, the aggrieved party shall submit a written notice of appeal to the City Clerk at least one (1) week preceding any regularly-scheduled meeting of the Mayor and Board of Aldermen at which the aggrieved party desires to be heard. The notice of appeal shall set forth all relevant facts and contain an express statement of the aggrieved party's justification for the appeal.

**704.02** An appeal from any action, decision, ruling, judgment or order by the Mayor and Board of Aldermen may be taken by any person or persons to the Circuit Court of Rankin County in accordance with state law.

## **ARTICLE VIII ENACTED 1992** **ARTICLE VIII** **ADULT ENTERTAINMENT PROVISIONS**

## **800 Adult Entertainment Provisions**

**801 Title** This Ordinance shall be known and may be cited as the Flowood Adult Entertainment Provisions of the Zoning Ordinance.

**802 Purpose** It is the purpose of this ordinance to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the City and to establish reasonable and uniform regulations to prevent the secondary effects which said businesses cause such as increased crime, decreased property values and economic decline for the City, which the Mayor and Board have determined to exist by reviewing studies from other cities prior to the adoption of this Ordinance. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented materials. Similarly, it is not the intent or effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this ordinance to condone or legitimize the distribution of obscene material

**803 Definitions** With respect to this article the following definitions shall apply:

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

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

- a. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas,"
- or
- b. instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."

**803.03 Adult Cabarets:** A nightclub bar, restaurant, theater, or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified

sexual activities,” or films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas.”

803.04      Adult Entertainment Establishment: An adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, or similar establishment which regularly features or depicts behavior which is characterized by the exposure of “specified anatomical areas,” or where any employee, operator or owner exposes his/her “specified anatomical area” for viewing by patrons.

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

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

803.07      Church: A facility regularly used to hold religious services, meetings, and similar activities. The term “church” shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held. The term “church” does not apply to accessory uses, such as schools, residences, coffee houses, day care centers, bingo parlors, and fellowship halls.

803.08      Park: Any developed public land or area open to the general public and reserved for recreational purposes.

803.09      Playground: Any developed area which is used for and has facilities for recreation, primarily for use by children. For purposes of this Ordinance, the term “playground” shall apply to the principal use of land and not an accessory use.

803.10      School: A facility, whether public or private, that provides a curriculum of elementary, secondary, and post secondary academic instruction, including kindergartens, day care centers, elementary schools, junior high schools, high schools, and accredited four-year degree granting Institutions of higher learning. For purposes of this Ordinance, the term “school” shall not include business, trade or vocational schools or beauty colleges.

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

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

## **804      General Provisions**

804.01      Adult arcades, adult bookstores, adult cabarets, adult entertainment establishments, adult motels and adult motion picture theaters shall be an allowed use in the L-C Land Conservation District located north of Lakeland Drive (Miss. State Hwy. 25) and west of Old Fannin Road, provided that the minimum lot for any such use shall be five (5) acres.

804.02      No adult arcade, adult bookstore, adult cabaret, adult entertainment establishment, adult motel, or

adult motion picture theater, as defined in this Ordinance, shall not be located within 250 feet of another such establishment nor located within five hundred (500) feet of any residentially zoned property, church, school, park, City Building or playground.

804.03 If any provision, section, subsection, sentence, clause or phrase of this Ordinance or the application of same to any person or set of circumstances is for any reason held to be unconstitutional void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby. It being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fall by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

804.04 No alcohol, beer, wine or other like drinks may be allowed on or inside the premises of any adult arcade, adult bookstore, adult cabaret, adult entertainment establishment, adult motel, or adult motion picture theater.