

OFFICIAL ZONING ORDINANCE

FOR THE CITY OF RICHLAND, MISSISSIPPI



richlandms.org
P.O. Box 180609
Richland, MS 39218
601-932-3000

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ZONING REGULATIONS

CITY OF RICHLAND, MISSISSIPPI

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF RICHLAND, MISSISSIPPI, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF, AND FOR THE REPEAL OF ORDINANCE 2014-7 AND ALL ORDINANCES IN CONFLICT THEREWITH

PREAMBLE

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

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

WHEREAS, Section 17-1-1 of the Mississippi Code of 1972, defines the term “comprehensive plan” as “a statement of public policy for the physical development of the entire municipality or country adopted by resolution of the governing body, consisting of the following elements at a minimum: (1) goals and objectives for the long-range (20 – 25 years) development of the country or municipality...; (2) a land use plan---; (3) a transportation plan---; and (4) a community facilities plan---”; and

WHEREAS, Section 17-1-11 of the Mississippi Code of 1972, states that “the governing body of each municipality and county may provide for the preparation, adoption, amendment, extension and carrying out of a comprehensive plan and may create, independently or jointly, a local planning commission with authority to prepare and propose (a) a comprehensive plan of physical development of the municipality or county; (b) a proposed zoning ordinance and map”; and

WHEREAS, pursuant to Section 17-1-11, the Mayor and Board of Aldermen have established such a planning commission; and

WHEREAS, the Mayor and Board of Aldermen on May 21, 2019, adopted by resolution a Comprehensive Plan for the City of Richland following public hearings relative to same; and

WHEREAS, based upon the adopted Comprehensive Plan, and amendments thereto, and as a result of the Mississippi Medical Cannabis Act, the Mayor and Board of Aldermen have divided the City into districts and adopted regulations pertaining to such districts, and have

given reasonable consideration among other things, to the character of the districts and their particular suitability for particular uses, with a view to conserving the value of property and encouraging the most appropriate use of land throughout the City; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF RICHLAND, MISSISSIPPI, THAT THIS ORDINANCE SHALL GOVERN THE USE OF ALL LAND IN THE CITY OF RICHLAND, MISSISSIPPI.

ARTICLE 1
TITLE AND PURPOSE

SECTION 100 – TITLE

The Ordinance shall be known as the “Zoning Ordinance of the City of Richland, Mississippi,” and may be cited, and further reference elsewhere as “Zoning Ordinance,” and herein as “the Ordinance” or “this Ordinance” shall imply the same wording and meaning as the full title.

SECTION 101 – PURPOSE

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

ARTICLE II

INTERPRETATION OF DEFINITIONS

SECTION 200 – RULES FOR WORDS AND PHRASES

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

SECTION 201 – DEFINITIONS

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

Accessory Structure or Use: Any attached or detached structure or use which is subordinate or incidental to the main building or dominant use of the lot or premises, including barns, but excluding driveways, sidewalks and fences. The term “structure” as defined herein includes buildings. See general regulations pertaining to accessory uses in Article IV of this Ordinance.

For residential uses, this term includes, but is not necessarily limited to: private greenhouses; detached garages; detached carports or covers for motor vehicles, boats, campers, sheds, or buildings used for domestic storage; gazebos; tennis courts; swimming pools, tree houses; other play equipment; and similar structures or uses.

For business/commercial uses, this term includes, but is not necessarily limited to: storage buildings, for merchandise or materials normally carried in stock as part of a principal use on the same lot and placed as designated on an approved site plan; and detached garages.

For institutional/public/quasi-public and office uses, this term includes, but is not necessarily limited to storage buildings for merchandise or materials normally carried in stock as part of a principal use on the same lot and placed as designated on an approved site plan; swimming pools, spas/hot tubs or tennis courts as part of a public/quasi-public use as defined by this Ordinance; detached garages; and guardhouses or gatehouses.

For industrial/manufacturing uses, this term includes, but is not necessarily limited to: maintenance facilities and storage buildings for merchandise or materials normally

carried in stock as part of a principal use on the same lot and placed as designated on an approved site plan; guardhouses or gatehouses; and detached garages.

An accessory building, structure or use is:

1. Subordinate to and serves a principal building, structure or use;
2. Subordinate in area, extent and purpose to the principal building, structure or use served;
3. Contributes to the comfort, convenience, or necessity of the occupants, business or industry;
4. Located on the same lot as the principal building, structure or use served.

Accessory structures are structures other than buildings which include decks.

(See also definition of "Structure")

Adult Entertainment Use: See Richland Ordinance 1999-4; "Ordinance Regulating Adult Entertainment Establishments,"

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

Alternative Financial Service Providers (AFSP's): A term that describes the array of financial services offered by providers that operate outside of federally insured banks and thrifts. Check cashing businesses, pay-day loan agencies, title loan companies, pawnshops, cash for gold businesses, tax refund advance companies are AFSP's (see individual definitions of these terms).

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

Arterial Street/Highway: See "Street."

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

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

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

Board: The Board of Aldermen of the City of Richland.

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

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

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

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

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

Building, Alteration of: Any change or rearrangement in the supporting members, including bearing walls, beams, columns, or girders of a building, any addition to a structure or movement of a building from one location to another.

Building, Fully-Enclosed: A building having walls on all sides.

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

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

Building Official/ Zoning Administrator: The person designated by the Mayor and Board of Aldermen, or his/ her designated alternate, to administer and enforce the International Building Code, this Zoning Ordinance, the Subdivision Regulations, and other standard codes and ordinances adopted by the City of Richland. The use of either term in this Ordinance shall refer to the same person unless otherwise stated.

Building Permit: A permit issued by the Zoning Administrator or Building Official designated by the Richland Mayor and Board of Aldermen authorizing the construction, placement or structural alteration of a specific building on a specific lot.

Building, Portable: Any building that is portable in nature, without any wheels, and built on a chassis or frame designed and constructed to be used without a permanent foundation, suitable for domestic, commercial or industrial purposes, not construed as manufactured home, mobile home, or modular home. Building permits are required prior to the placement of such buildings on any lot.

Building Setback Line: See "Setback Line."

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

Business Center: See "Shopping Center."

Cafeteria: A restaurant at which patrons serve themselves at a counter and take food to tables to eat.

Cannabis: As defined in *Mississippi Code*, all parts of the plant of the genus cannabis, the flower, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin, including whole plant extracts. Such term shall not mean cannabis-derived drug products approved by the federal Food and Drug Administration under Section 505 of the Federal Food, Drug and Cosmetic Act.

Cannabis, Medical Cultivation Facility: A business entity licensed and registered by the Mississippi Department of Health that acquires, grows, cultivates and harvests medical cannabis in an indoor, enclosed, locked and secure area.

Cannabis, Medical Disposal Entity: A business entity licensed and registered by the Mississippi Department of Health that is involved in the commercial disposal or destruction of medical cannabis.

Cannabis, Medical: Cannabis, cannabis products and edible cannabis that are intended to be used by registered qualifying patients as provided by Mississippi Code.

Cannabis, Medical Dispensary: An entity licensed and registered with the Mississippi Department of Revenue that acquires, possesses, stores, transfers, sells, supplies or dispenses medical cannabis, equipment used for medical cannabis, or related supplies and education materials to cardholders.

Cannabis, Medical Establishment: A medical cannabis cultivation facility, medical cannabis processing facility, medical cannabis testing facility, medical cannabis dispensary, medical cannabis transportation entity, medical cannabis disposal entity or

medical cannabis research facility licensed and registered by the appropriate state agency.

Cannabis, Medical Processing Facility: A business entity licensed and registered by the Mississippi Department of Health that (i) acquires or intends to acquire cannabis from a cultivation facility; (ii) possesses cannabis with the intent to manufacture a cannabis product; (iii) manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and (iv) sells or intends to sell a cannabis product to a medical cannabis dispensary, cannabis testing facility, or cannabis research facility.

Cannabis Products: Cannabis flower, concentrated cannabis, cannabis extracts and products that are infused with cannabis or an extract thereof and are intended for use or consumption by humans. The term includes, without limitation, edible cannabis products, beverages, topical products, ointments, oils, tinctures and suppositories that contain tetrahydrocannabinol (THC) and/or cannabidiol (CBD) except those products excluded from control under Sections 41-29-113 and 41-29-136 of the Mississippi Code.

Cannabis, Medical Research Facility: A research facility at any university or college or an independent entity licensed and registered by the Mississippi Department of Health pursuant to Mississippi Code that acquires cannabis from cultivation and processing facilities in order to research cannabis, develop best practices for specific medical conditions, develop medicines and provide commercial access for medical use.

Cannabis, Medical Testing Facility: An independent entity licensed and registered by the Mississippi Department of Health that analyzes the safety and potency of cannabis.

Cannabis, Medical Transportation Entity: An independent entity licensed and registered by the Mississippi Department of Health that is involved in the commercial transportation of medical cannabis.

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

Carport: A canopy providing space for the parking or storage of motor vehicles and open on two or more sides.

(Note: A carport could be an accessory structure, detached from the main building.)

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

Certificate of Zoning Compliance: A certificate issued by the Zoning Administrator to ensure that new or altered buildings or structures, new or altered uses, and the

placement of signs are in conformance with the provisions of this Ordinance and to have an adequate record on the point.

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

(Note: The use of land with no previous buildings or structures could be changed to another use that may or may not have structures upon it.)

Change of Use Permit: Any necessary or required permit, including a business license if applicable, issued by the Zoning Administrator authorizing a change in the use of a building, structure or land.

City: The City of Richland, Mississippi.

Check Cashing Business (also called "Pay-Day Loan Agency"): A commercial use that for compensation engages, in whole or in part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. "Check cashing business" does not include a state or federally-chartered bank, savings association, credit union, or industrial loan company. Furthermore, "check cashing business" does not include a retail business engaged primarily in the sale of consumer goods that cash checks or issue money orders for a minimum flat fee as a service that is incidental to its main purpose or business. (See also "Title Loan Company" and "Tax Refund Advance Company".)

Child Care Facility: A place that provides shelter and personal care for six (6) or more children who are not related within the third degree computed according to civil law to the operator and who are under thirteen (13) years of age, for any part of the twenty-four hour day, whether that place is organized or operated for profit or not. The term "child care facility" includes day nurseries, day care centers, and any other facility that falls within the scope of the definitions set forth in Section 43-20-5 of the Mississippi Code of 1972, regardless of auspices.

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

Club, Private: Buildings and facilities owned and operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not for profit to render a service which is normally carried on as a business. May also be referred to as "country clubs." Such clubs are regulated as public/quasi-public facilities and are subject to the provisions of Section 402 of this Ordinance.

Collector Street: See "Street."

Comprehensive Plan: In accordance with Section 17-1-1 of the Mississippi Code of 1972, Annotated, As Amended, "comprehensive plan" shall be defined as "a statement of public policy for the physical development of the entire municipality---adopted by resolution of the governing body, consisting of the following elements at a minimum: (i)Goals and Objectives---; (ii) a Land Use Plan---; (iii) a Transportation Plan---; and (iv) a Community Facilities Plan---."

Community Facilities Plan: One of the elements of a Comprehensive Plan. Section 17-1-1 of the Mississippi Code of 1972, defines the term as follows: "a community facilities plan (serves as) a basis for a capital improvements program including, but not limited to, the following: housing; schools; parks and recreation; public buildings and facilities; and utilities and drainage."

Conditional Use: Also referred to as a "Special Exception."

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

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

Convalescent Home (Rest Home, Nursing Home, Extended Care and Assisted Living Facility): Those health facilities where persons are housed and furnished with meals and continuing nursing services for a fee. See also "Institutions for the Aged or Infirm."

Convenience Car Care Establishments: See "Service Station/Convenience Car Care Establishment."

Convenience Store: A commercial establishment containing not more than 3,000 square feet of retail sales area, not counting storage, which deals in grocery items of a convenience nature. Such stores may or may not sell petroleum products (gasoline, diesel fuel, oil, etc.) and may include vehicle washing services; however, such establishments shall NOT include the provision of mechanical service (repairs, oil change, etc.) for vehicles. See also "Service Station/Convenience Car Care Establishment."

Coverage. That part of a lot covered by buildings.

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

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

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

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

Dimensional Variance: See "Variance."

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

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

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

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

Drive In Restaurant: See "Restaurant, Fast Food."

Dwelling: any building, or portion thereof or manufactured home, which is designed and used for residential purposes.

Dwelling, Single-Family: A site-built residential building designed for occupancy by one family. For the purposes of this ordinance, single-family dwelling does not refer to Mobile or Manufactured Homes.

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

Dwelling, Multiple-Family: Any residential building or portion thereof which is occupied by three or more families living independently of each other. The term "multiple-family dwelling" shall be understood to include apartment houses or "complexes" and condominiums. This includes "triplexes", "quadraplexes" and other multifamily uses that are not defined as townhouses.

(Note: By State law, "townhouses" are not the same as apartments, since each such dwelling is located on its own lot.)

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

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

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

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

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

Factory-Built Home: A mobile home, a manufactured home, and a relocatable home as those terms are defined herein. The term factory-built home(s) shall include:

1. **Manufactured Home** means a structure defined by and constructed in accordance with, the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 USCS 5401 et seq.), and manufactured after June 15, 1976.
2. **Mobile Home** means a structure manufactured before June 15, 1976, that is not constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 USCS 5401 et seq.). It is a structure that is transportable in one or more sections, that, in the traveling mode is eight (8) body feet or more in width and thirty-two (32) body feet or more in length, or, when erected on site is two hundred fifty-six (256) or more square feet in area, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes any plumbing, heating, air conditioning and electrical systems contained therein.

[From: Richland Ordinance number 2011-1]

See also "relocatable home," "manufactured home," or "mobile home."

(Note: The term "relocatable home" in the Mississippi code applies to "modular homes.")

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

- a) Churches and other religious institutions
- b) Schools, including all private, public or parochial schools, excluding institutions of higher learning which shall be zoned "Special Use" districts only.
- c) All governmental buildings (including municipal buildings and buildings erected by City, State or Federal governments) and major governmental facilities, such as water pumping stations, sewage treatment plants, sanitary landfills and the like.
- d) All public parks or other recreational facilities and open space facilities. (Note: The decision by any governmental unit to establish or expand any park, recreational facility or open space facility should be subject to the same requirements as other governmental facilities, even though the facility is for the common good of the people.)
- e) All hospitals, whether public or private.
- f) Institutions for the aged or infirm, as defined by this Ordinance, excluding "Comprehensive Elderly Retirement Facilities" which shall be zoned as "Special Use" districts only.
- g) Group Home(s) as defined by this Ordinance
(Note: the Federal Fair Housing Amendments Act of 1988 prohibits zoning practices that discriminate against or unfairly restrict community-based housing for people with development disabilities).
- h) Civic organization building and major facilities.

- i) Buildings and facilities erected by charitable organizations (e.g., American Red Cross, Salvation Army, etc.). (Note: When such facilities are erected as emergency measures, they shall be exempt from the Special Exception provisions of this Ordinance, including site plan review and public hearing requirements).
- j) Private or "country" clubs and other major recreational facilities constructed by private groups.
- k) ALL cemeteries, including associated facilities (e. g., caretaker offices and residence, etc.) NOT INCLUDING funeral homes and mortuaries.
- l) Major facilities associated with privately-owned utilities (electrical, natural gas, telephone) including, but not limited to electrical substations, telephone communications centers, microwave towers, cellular telephone towers, natural gas regulator stations, and similar significant uses. (See also Section 402.06 of this Ordinance.)

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

Fast Food restaurant: See "Restaurant, Fast Food."

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

(Note: For townhouses, the floor area is measured from the centerline of a wall separating the two dwellings.)

Fortune-Telling Businesses: A use involving the foretelling of the future in exchange for financial or other valuable consideration. Fortune telling shall be limited to uses where fortune is told through astrology, card reading, magic mediumship, clairvoyance, crystal gazing, palm-reading, or similar means. Fortune telling does not include any of the foregoing arts when presented in an assembly of people who purchase tickets to a presentation involving such arts.

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

Full Service Restaurant: See "Restaurant, Full Service."

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

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

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

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

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

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

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

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

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

Group Home: A residence house designed or converted to serve as a non-secure secure home for eight or fewer unrelated persons who share a common characteristic. People who live in such a group home may be recovering chemically dependent

persons, mentally or physically handicapped, abused or neglected youths, youths with behavioral or emotional problems, or battered women. A group home can also refer to family homes in which children and youth of the foster care system are placed until foster families are found for them. (Note: A group home differs from a halfway house in that it is not restricted to convicted criminals, and also in that residents usually are encouraged or required to take an active role in the maintenance of the household, such as by performing chores or helping to manage a budget.)

Halfway House: A licensed facility owned or operated by an agency authorized to provide housing, food, treatment and supportive services for inmates on supervised release from the criminal justice system from more restrictive confinement in order to mainstream residents back into society, enabling them to live independently.

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

Home Occupation: Any activity, clearly secondary to the use of the building for living purposes, carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit.

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

Hospital, Veterinary: A facility where sick or injured animals are given medical or surgical care and, in the course of same, may be housed overnight, fed, and provided related services.

Hotel or Motel: A building or buildings containing sleeping rooms occupied, intended or designed to be occupied as the more or less temporary residing place of persons who are lodged with or without meals for compensation. Hotels and motels shall be considered a commercial use.

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

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

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

Inoperable Vehicle: Any vehicle which does not have a current inspection sticker and current license plate affixed to the vehicle, irrespective of its condition, or if the vehicle has tires (for a week or more) that are continuously flat or deflated. (see Section 405.03 of this Ordinance.)

Institutions for the Aged or Infirm: A place either governmental or private which provides group living arrangements for four (4) or more persons who are unrelated to the operator and who are being provided food, shelter and personal care whether such place be organized or operated for profit or not. The term "institution for aged or infirm" includes nursing homes, pediatric skilled nursing facilities, psychiatric residential treatment facilities, convalescent homes, homes for the aged and adult foster care facilities, provided that these institutions fall within the scope of the definition above. (From: Section 43-11-1 of the Mississippi Code of 1972.) For purposes of this Ordinance, personal care homes or adult day care homes are grouped under this definition.

Junk Yard: See "Salvage Yard."

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

Landscaping: Any improvement or vegetation including, but not limited to: shrubbery, trees, plantings, planters, exterior lighting, and site improvements, including but not limited to, subsurface alterations, site re-grading, fill deposition, and paving.

Land Use Plan: One of the elements of a Comprehensive Plan, usually developed concurrently with the Transportation/Thoroughfares Plan. Section 17-1-1 (c)(ii) of the Mississippi Code of 1972, defines the term as follows: "a land use plan designates in map or policy form the proposed general distribution and extent of the use of land for residences, commerce, industry, recreation, and open space, public/ quasi-public facilities and lands. Background information shall be provided concerning the specific meaning of land use categories depicted in the plan in terms of the following: residential densities; intensity of commercial uses; industrial and public/quasi-public uses; and any other information needed to adequately define the meaning of such land use codes. Projections of population and economic growth for the area encompassed by the plan may be the basis for quantitative recommendations for each land use category." See Richland Comprehensive Plan adopted February 12, 2012.

Liquor Store: Any store which sales, distributes or offers for sale or distribution any alcoholic beverage for use or consumption by the purchaser. (From: Section 67-1-5 of the Mississippi Code of 1972.

Lot: A parcel of land at least sufficient size to meet the minimum requirements for use, coverage, and area and to provide such yards and other open spaces as specified in the Zoning Ordinance of the City of Richland, Mississippi. Such lot shall have frontage on an improved public (dedicated) street officially approved by the Mayor and Board of Aldermen through the subdivision plat review process prescribed in the Subdivision Regulations or through the site plan review process required by this Ordinance for multifamily dwellings and other developments.

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

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

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

Lot, Double Frontage: A lot, other than a corner lot, which has frontage on more than one street; double frontage lots are also called "through lots."

Lot Frontage: The front of a lot shall be construed to be that dimension of a lot abutting on a street. For the purpose of determining yard requirements on corner lots or double frontage lots, ALL SIDES OF SUCH LOTS ABUTTING ON PUBLIC STREETS SHALL BE CONSIDERED LOT FRONTAGE, and yards shall be provided as indicated in this Ordinance.

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

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

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

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

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

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

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

goods are often produced from raw materials and may involve the use of large amounts of water.

Manufactured Home: A structure defined by, and constructed in accordance with, the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U. S. C. 5401, et seq.), and manufactured after June 14, 1976. [From: Section 75-49-3 (a) Mississippi Code of 1972.] Manufactured homes shall be considered structures for the purposes of this Ordinance. "Transient trailers" (travel trailers), as defined herein, shall not be considered manufactured homes, and they are deemed vehicles but not dwellings or structures. See also "Mobile Home" and "Modular Home".

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

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

Manufactured/ Mobile Home Stand or "Pad": The paved parking area in each manufactured home space upon which the manufactured home is placed, together with the paved patio and paved off-street vehicular parking area. See Ordinance 2011-1 Ordinance Establishing Requirements For Factory-Built Homes Presently Located in and to Be Located in the City of Richland, Mississippi.

Massage: The rubbing or kneading of body parts, usually with the hands, in order to stimulate circulation and make muscles or joints supple and/or to relieve tension. Massage shall not include any touching or other stimulation of male or female genitals or female breasts. Massage does not preclude necessary medical treatments performed on any part of the human body if carried out by, or under the direction of, medical practitioners including physicians, chiropractors, and associated medical professionals licensed by the State of Mississippi.

Massage Clinic: (Not to include Adult Massage Parlor) An establishment where for any form of consideration or gratuity, massage services are provided by a licensed medical practitioner including physicians, chiropractors, or persons under the direction of a licensed medical practitioner, and massage therapists who are certified members of the American Massage Therapy Association, International Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards.

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

Mobile Home: A structure manufactured before June 15, 1976, that is not constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U. S. C. 5401 et seq.). It is a structure that is transportable in one or more sections, that, in the traveling mode, is eight (8) body feet or more in width and thirty-two (32) body feet or more in length, or, when erected on site, is two hundred fifty-six (256) or more square feet, and is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes any plumbing, heating, air conditioning and electrical systems contained therein; except that such term shall include any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the commissioner and complies with the standards established under this chapter.

[From: Section 75-49-3 (b), Mississippi Code.] See also "mobile home" and "modular home."

Modular Home/"Relocatable Home": A movable or portable dwelling over thirty-two (32) feet in length and over eight (8) feet wide, designed and constructed without carriage of hitch, as stationary house construction for placement upon permanent foundations, to be connected to utilities, for year-round occupancy. It is of closed-end or open-end construction capable of being separated from its foundation and utilities and relocated. It can be retracted when transported and subsequently expanded for additional capacity, or of two (2) or more units separately transportable but designed to be joined into one (1) integral unit.

[From: Section 75-49-3 (c), Mississippi Code.]

See also "factory-built home", "manufactured home", or "mobile home".

(NOTE: The definition in the *Mississippi Code* is "relocatable home", but applied to modular homes. Modular homes are factory-built, but, unlike manufactured homes, **they do not rest on a steel chassis**. Instead, modular homes are assembled on a fixed foundation. Modular home must conform to local building codes.)

Mortuary: See "Funeral Home."

Motel: See "Hotel."

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

Nonconformities: Any land, lot, building, structure or parts thereof existing prior to the enactment of this Ordinance, which subsequent to the enactment of this Ordinance or amendment thereto, does not conform with the use regulations and/or dimensional regulations of the district in which it is situated, and/or does not comply with any other requirements herein. (See Section 1920 of this Ordinance for definitions of the various types of nonconformities, including (1) nonconforming undeveloped lots of record, (2) nonconforming structures, and (3) nonconforming uses).

Nursery, Child Care: See "Child Care Facility"

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

Nursing Home: See "Convalescent Home."

Occupancy: The purpose for which a building, or part thereof, is used or intended to be used.

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

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

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

Panel Truck: A cargo van with no side windows aft of the front doors built on a truck chassis, frequently used as delivery vehicles or used by construction and maintenance contractors.

Parking Space: For the purposes of this Ordinance, the term "parking space" shall refer only to parking places not located on a public street. Each parking space shall be sufficient in size to store one full-size automobile (i.e. at least 9 feet by 18 feet), exclusive of the necessary maneuvering space providing access to each parking space, unless otherwise approved as part of the site plan review process.

Pawn Shop: An establishment primarily engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker, and the sale of such property. This does not include banks or other financial institutions.

Patio House or Patio Home: See "Dwelling, Patio (or House or Home)."

Personal Care Home: See "Institutions for the Aged or Infirm."

Planned Unit Development (PUD): An area of a minimum contiguous size, as specified by this Ordinance, to be planned and developed as a single entity containing one or more residential clusters and in which land not used for residential structures or yards but required by the basic zoning of the site shall be reserved collectively in contiguous

units accessible to all building sites in the development as open space for the purpose of providing recreational facilities and pedestrian circulation. Two- family or multiple family dwellings, commercial development or public/quasi-public facilities or utilities may only be permitted in a Planned Unit Development if a Development Plan is submitted and appropriate rezoning (or a Special Exception for public/quasi-public uses) is approved by the Mayor and Board of Aldermen.

Planning Commission: The duly appointed Planning Commission of the City of Richland, Mississippi.

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

Plat: A map, plan or layout of a subdivision showing the information required by the Subdivision Regulations of the City of Richland, Mississippi.

Portable Building: See "Building, Portable."

Portable Storage Container or "POD": A large portable storage container which is moved to a site by truck and is designed for temporary storage.

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

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

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

Public Works Director: The duly appointed director of the City's public works department.

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

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

Recreational Vehicle (RV): A vehicle primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own power or is mounted on or

drawn by another vehicle. For the purposes of this Ordinance, a recreational vehicle shall be considered a vehicle and not a structure. The term recreational vehicle shall include pickup truck campers, motor homes, camping trailers, travel trailers and transient trailers.

Rest home: See "Convalescent Home."

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

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

Rooming House: A building other than a hotel or motel, where, for compensation and by prearrangement for definite periods, lodging is provided for three or more but not exceeding twelve persons (other than family members) on a weekly or monthly basis. A "rooming house" differs from a "boarding house" in that no dining facilities are maintained for the lodger. (See also "Boarding House").

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

Schools: The generic term "school" as used in this Ordinance shall include public, private, and parochial institutions of learning, including trade or industrial schools" (i.e., those schools offering training to students in skills required for the practice of trades and industry), but EXCLUDING INSTITUTIONS OF HIGHER LEARNING (colleges and universities), WHICH SHALL BE ZONED AS "SPECIAL USE" DISTRICTS ONLY.

School, Business: Privately-owned schools offering instruction in accounting, secretarial work, business administration, the fine or illustrative arts, dancing, music and similar subjects. For purposes of this Ordinance, such private schools shall be considered a commercial use, not a public/ quasi-public use.

Schools, Private: Privately-owned schools having a curriculum essentially the same as ordinarily given in a public elementary or secondary school (grades K through 12). The term includes kindergartens.

(Note: "Day Nurseries" or child care nurseries are regulated by State law (see definition of "Child Care Facility" and need to be treated separately from private or public kindergartens. Such child care facilities are commercial uses and should only be allowed as conditional uses to be reviewed on a case-by-case basis by the Mayor and Board.)

School, Public: Any institution for the education of students in elementary or secondary grades (K through 12) which is publicly-owned. The term includes kindergartens.

School, Trade or Industrial: An establishment, public or private, offering training to students in skills required for the practice of trades and in industry. However, if the trade or industrial school is a public school, it shall be considered a "public/ quasi-public facility", rather than a commercial or industrial use. Trucking schools are an industrial use.

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

Service Station/Convenience Car Care Establishment: A commercial use that is primarily used for the retail sale of gasoline, diesel fuel, oil, or vehicle accessories and incidental services including facilities for lubricating, washing, (either automatic or hand) and cleaning, tire sales and services, or otherwise servicing automobiles and light trucks. The use of the term "service station" shall include "convenience car care establishments" (lubrication, tune-up, etc.), but DOES NOT include painting, body repairs or other major repair of vehicles.

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

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

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

Side Street: A street bordering the side of a lot and intersecting the street on which a structure on the lot faces, as determined by the Zoning Administrator; in the case of

buildings (as opposed to other types of "structures"), the street which the building faces shall be determined by the principal entrance to the building.

Sign: Every device, structure, fixture or placard using graphics, symbols, or written material which attracts or conveys information when same is placed out- of- doors in view of the general public. See definitions of signs in Section 1910.03 of this Ordinance.

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

Site Plan Review: The process specified under Section 2006 of this Ordinance in which site plans for certain proposed developments and/or site plans (when required by the Zoning Administrator in coordination with other City officials) accompanying applications for dimensional variance, and rezoning are reviewed by City officials, the Planning Committee (excluding conditional use applications) and the Mayor and Board of Aldermen for conformance with this Ordinance and other applicable laws and codes, and to determine what other special restrictions (if any) need to be applied if the site plan and application are approved by the Mayor and Board of Aldermen.

Site Plan Review Committee: The duly appointed Site Plan Review Committee of City of Richland, Mississippi.

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

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

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

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

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

(Note: This type of stable should be treated as a commercial use, not a public or quasi-public use.)

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

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

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

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

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

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

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

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

Subdivision Regulations: The adopted Subdivision Regulations of the City of Richland, Mississippi.

Substantial Improvement: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the actual cash value of the structure either: (1) before the improvement is started; or (2) if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement is started when the first alterations of any structural part of the building commences.

Supermarket: A commercial establishment containing 17,500 square feet of gross floor area (including storage) or more primarily selling food as well as other convenience and household goods, and divided into departments such as produce, meat market, bakery products, pharmacy, etc.

Tattoo Parlor: A commercial use in which the principal business activity is the practice of placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of needles or other instruments designed to contact or puncture the skin.

Tax Refund Advance Company: A commercial use that makes loans for a set interest rate based upon anticipated tax refunds, secured by title to a vehicle, dwelling or other property. This term does not include a state or federally chartered bank, savings association, credit union, or industrial loan company that provides loans backed by such collateral. (See also "Check Cashing Business" and "Title Loan Company").

Telecommunications Antenna: Any antenna used for the transmission and reception of radio frequency signals for radio and television, personal communications services (PCS), microwave, common-carrier, and cellular telephone. This definition does not include any antenna erected solely for a residential, non-commercial individual use, such as television antennas, satellite dishes, or amateur radio antennas.

Telecommunications Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television towers, personal communications service towers (PCS), microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. This definition does not include any structure erected solely for as residential, non-commercial individual use, such as television antennas, satellite dishes, or amateur radio antennas.

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

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

Through Lot: See "Lot, Double Frontage."

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

Title Loan Company: A commercial use that makes loans for a set interest rate that are secured by title to a vehicle, dwelling or other property which become a lien that such company has against default on the loan. This term does not include a state or federally chartered bank, savings association, credit union, or industrial loan company that provides loans backed by such collateral. (See also "Check Cashing Business" and "Tax Refund Advance Company").

Townhouse: See International Building Code.

(Note: The key distinguishing factor between townhouses and duplexes or multiple family residential uses is the property lines separating the units.)

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

Trailer, Camping: A portable or mobile dwelling used for temporary occupancy. See "Transient Trailer (Travel Trailer)".

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

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

Transient Vendor: Any person who sells any product or products from a vehicle or any structure that does not have a permanent foundation. See Section 85-85-1 at Seq. of Mississippi Code of 1972.

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

Tree House: A small accessory structure used as a playhouse for children, built among the branches of a tree, and which is not wired for electricity. Also, no extra supports may be added, i.e. only the tree supports the tree house.

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

Unobstructed Open Space: An area of land upon which no structure may be erected.

Undeveloped Lot: A vacant lot or parcel of land.

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

Use, Accessory: See "Accessory Use."

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

Variance: A relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. However, financial hardship shall not be considered justification for granting a variance. The criteria for issuance of a variance are listed under Section 2003 of this Ordinance. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use not permitted shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining district.

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

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

Veterinary Hospital: See "Hospital, Veterinary."

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

Yard (or "Minimum Yard" or "Setback"): The required open space at grade between any building or structure or portion thereof and the adjoining lot lines, WHICH SHALL REMAIN UNOCCUPIED AND UNOBSTRUCTED BY ANY PORTION OF A STRUCTURE, except

as otherwise specifically provided herein. In measuring a lot for the purpose of determining the minimum front, side or rear yard, the shortest horizontal distance between the lot line and the nearest wall or vertical supporting member of a building or structure shall be used.

Yard, Front: The required unoccupied and unobstructed space at the front elevation of the main building, extending the full width of the lot, and situated between the front property line and the nearest vertical portion of the main building, as long as the roof's overhang is two feet or less.

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

Yard, Side: The required unoccupied and unobstructed space across the side of a lot, being the minimum distance between the side property line and the nearest vertical portion of the main building, as long as the roof's overhang is two feet or less.

Zoning Administrator: See "Building Official Zoning Administrator."

Zoning Commission: See "Planning Commission."

Zoning District: See "District."

ARTICLE III

ESTABLISHMENT OF ZONING DISTRICTS PROVISION FOR OFFICIAL ZONING MAP

SECTION 300 – ZONING DISTRICTS

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

A-1	Agricultural District
A-2	Agricultural Intensive District
R-E	Residential Estate District
R-1	Low Density Residential District
R-2	Moderate Density Residential District
R-3	Patio Home District
R-4	Townhouse District
R-5	High Density Residential District
T-1/MHP	Manufactured/Mobile Home Park Residential District
MHS	Manufactured/Mobile/Modular Home Subdivision District
PUD	Planned Unit Development District
COM	Commercial District
RTC	Richland Town Centre District
IND	Limited Industrial District
PID-1	Planned Industrial District
SU-1	Special Use District
PHC	Planned Highway Corridor District

SECTION 301 – OFFICIAL ZONING MAP

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

301.01 **Map Certified:** The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and shall bear the seal of the City under the following words:

“This is to certify that this is the Official Zoning Map of the City of Richland, Mississippi, as adopted by the Mayor and Board of Alderman on April 1, 2014”

301.02 **Location of Official Zoning Map:** Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be prepared or printed, the Official Zoning Map bearing the certificate

specified under Section 301.01 and located in the office of the Zoning Administrator and shall be final authority as to the zoning status of land and water areas, buildings and other structures in the City of Richland.

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

301.04 **Map Amendment:** If, in accordance with the provisions of the Ordinance and Statutes of the State of Mississippi, changes are made in the zoning district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be made WITHIN 30 DAYS AFTER THE AMENDMENT HAS BEEN APPROVED BY THE MAYOR AND BOARD OF ALDERMEN. All such amendments shall be recorded by the Zoning Administrator in a book known as the Log of Amendments to the Official Zoning Maps, and these entries shall include description of the nature of the change, date of approval, minute book number and initial of the authorized official. Since the Official Zoning Map is part of this Ordinance, any amendments to the Official Zoning Map shall be accomplished in accordance with state statutes relating to passage of ordinances. Therefore, before the Official Map may be amended, an "Ordinance of Rezoning" shall be drafted and passed by the Mayor and Board of Aldermen in accordance with state law. An unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Section 2300.

SECTION 302 – REPLACEMENT OF OFFICIAL ZONING MAP

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Mayor and Board of Aldermen may, by ordinance, designate a new official Zoning Map which shall replace the prior zoning map. The new Official Zoning Map may correct drafting errors or other omissions on the prior Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and shall bear the seal of the City under the following words:

"This is to certify that his Official Zoning Map replaces the Official Zoning Map adopted as part of the Zoning Ordinance of the City of Richland, Mississippi."

SECTION 303 – RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

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

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following City limits shall be construed as following such City limits.
- D. Where the boundary of a district follows a railroad right of way, such boundary shall be deemed to be located on the right-of-way to which it is closest.
- E. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
- F. Boundaries indicated as parallel to or extensions of features indicated in Section 303, Subsection (A) through (H) above shall be so construed.
- G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Section 303, the Mayor and Board of Aldermen shall interpret the district boundaries.
- H. Where a district boundary line divides a lot which was in a single ownership at the time of passage or amendment of this ordinance, the Mayor and Board of Aldermen may permit, as a special exception, the extension of the use not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

ARTICLE IV

GENERAL REGULATIONS

SECTION 400 - APPLICATION OF REGULATIONS

- 400.01** **Permits Required:** Before any person shall commence the construction or erection of a building, parking or placing of a manufactured or modular home, or relocating an existing structure, on any property within the City of Richland, he/ she shall submit construction plans and drawings and obtain a building permit from the City. Permits are valid for six (6) months from the date of issuance, but an application for extension of the permit may be submitted. All permits for construction for which substantial improvements (see definition of "Substantial Improvements" under Article II, Section 201) have not begun within sixty (60) days of the date of issuance, or for which work has been abandoned for a sixty (60)-day period are declared null and void.
- 400.02** **Compliance with Zoning Ordinance Required:** No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered EXCEPT IN CONFORMANCE WITH ALL OF THE REGULATIONS SPECIFIED FOR THE DISTRICT IN WHICH IT IS LOCATED. Furthermore, no person shall use or occupy a building, structure or land within the City of Richland for an activity which requires a Mississippi and/or City license until said license is obtained from the appropriate authorities.
- 400.03** **Required Yards, Open Space, Off Street Parking or Loading Space Limited to Apartment Use:** No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purposes of compliance with this Ordinance shall be included as part of a yard or open space or off-street parking or loading space similarly for any other building.
- 400.04** **Nonconformities Defined:** "Nonconformities" shall consist of any land, lot, building, structure or parts thereof, or the various uses to which those items are or were put and which lawfully existed prior to the enactment of this Ordinance; but which subsequently do not comply with the provisions of this Ordinance and the requirements of the district wherein located. The regulations pertaining to such nonconformities are established in the district regulations and under Section 1920.

- 400.05 **Permitted Uses Constitute Conforming Uses:** Any land use which is permitted as a conditional use in a particular district under the terms of this Ordinance shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.
- 400.06 **District Regulations Constitute Minimum Regulations:** The regulations established in this Ordinance within each district (Articles V through XVIII), shall constitute minimum regulations unless otherwise note.
- 400.07 **Uniformity within Districts:** The regulations and provisions established by this Ordinance for each district shall apply uniformly within each district of the same name and shall apply uniformly to each class or type of building, structure, use, or land therein except as otherwise provided.
- 400.08 **Areas Annexed After Enactment of This Ordinance:** Any land annexed into the City of Richland following enactment of this Ordinance shall bear the zoning classifications of Rankin County and be subject to the zoning regulations of Rankin County, until due public notice of hearings is given to consider the zoning of all or part of such annexed land in accordance with the Zoning Ordinance of the City of Richland. Following such public hearings and action by the Mayor and Board of Aldermen, the annexed land shall be subject to the regulations of this Ordinance rather than those of Rankin County.
- 400.08 **Pending Applications for Building Permits:** Nothing in this Ordinance shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approvals and required building permits have been legally granted before the enactment of this Ordinance. Construction shall have been started within sixty (60) days of the effective date of this Ordinance and completed within a subsequent two-year period and not discontinued until completion except for reasons beyond the builder's control. All permits for which construction has not begun within sixty (60) days of the effective date of this Ordinance are hereby revoked and void.
- 400.09 **Conformance with Subdivision Regulations:** No building shall be constructed on any lot which does not conform to the provisions of the Subdivision Regulations of the City of Richland.

SECTION 401 – DIMENSIONAL CONTROLS

- 401.01 **General Dimensional Requirements:** General dimensional requirements shall be in accordance with the Table of Dimensional Requirements in Appendix A of this Ordinance.
- 401.02 **Height Measurement Limitations:** The height of buildings shall be measured according to the definition in the latest edition adopted by the City from the **International Building Code**. The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
- 401.03 **Reduction of Yards and Lots Below Minimum Requirements Prohibited:** No yard or lot of record existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots of record created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- 401.04 **Front Yards on Corner or Double Frontage Lots:** On lots having frontage on more than one street, the minimum front yard shall be provided on each street in accordance with the provisions of this Ordinance. Therefore, on double frontage lots ("through lots"), each side fronting on a street shall be considered a front yard, and the required front yard setback shall be measured from each existing right-of-way upon which the lot abuts. Rear yards for corner lots shall be the yard opposite the main entrance to the building. For the purposes of this ordinance, double-frontage lots do not have a "rear yard". In accordance with the Subdivision Regulations of the City of Richland, Mississippi, "building setback lines (dashed)" shall be shown on all preliminary and final plats.
- 401.05 **Determination of Setbacks:** In measuring a required front yard (i.e., setback), within the vehicle turn-around of a cul-de-sac, the minimum horizontal distance between the existing lot line or back of curb and the main structure shall be used, as long as the roof overhang is two feet or less. In Low Density Residential Districts (R-1) the minimum distance shall be thirty (30) feet or a minimum of fifteen (15) feet from the right-of-way, whichever is the greater distance. In Moderate Density Residential District (R-2) the minimum distance shall be twenty-five feet (25) feet or a minimum of fifteen (15) feet from the right-of-way, whichever is the greater distance. If the roof overhang is over two feet, then the measurement is to the roof overhang instead of the building.

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

401.07 **Accessory Buildings or Uses:**

- (a) No accessory building shall be erected in the front or side yard of ANY district.
- (b) Accessory buildings or uses may be placed in the required rear yard of any main building or use in ANY district, subject to the requirements of that district.
- (c) Accessory buildings shall not exceed a height of twelve (12) feet, (exception: Garages, (Private) as defined in Section 201, shall not exceed a height of twenty (20) feet), unless a greater height is approved by the Mayor and Board of Aldermen.
- (d) Exterior and materials of the accessory buildings or uses shall be compatible with surrounding structures, unless accessory building is screened by solid fencing as to not be visible from the street or any sides or approved by the Planning Commission.
- (e) No accessory building shall be used as a residence (that is, for living, sleeping, cooking, etc.)
- (f) A building permit is required for ALL accessory buildings. Permits are always required for any electrical, plumbing, or mechanical (heating, cooling, etc.) improvements made to any accessory structure of use.

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

SECTION 402 – PUBLIC/QUASI-PUBLIC FACILITIES AND UTILITIES

All public and quasi-public facilities and utilities, as defined under Article II of this Ordinance, may be located in ANY district in the City, except as stated below, provided:

- A. That all applicable requirements of federal, state and county or City laws shall be met.
- B. That all such proposed uses shall be subject to the procedures stated under Section relative to Special Exceptions (Conditional Uses).

The provisions of Section 1900 - Off-Street Parking and Loading Requirements of this Ordinance shall not be applicable to public facilities or utilities. Parking and paving requirements for such facilities shall be subject to the Site Plan Review and approval by the Mayor and Board of Aldermen.

SECTION 403 – DIMENSIONAL REQUIREMENTS FOR PUBLIC/QUASI-PUBLIC FACILITIES AND UTILITIES IN ALL DISTRICTS (N/A)

Developers of churches, schools, hospitals, civic organizational buildings, country clubs, and other public/quasi-public facilities or utilities IN ANY DISTRICT shall comply with the following dimensional requirements.

- 403.01 Maximum Building Height: 35 feet, unless greater height is specifically approved by the Mayor and Board of Aldermen based upon the required site plan review.
- 403.02 Minimum Lot Area: Minimum lot areas for ALL public/quasi-public uses shall be based upon the proposed use, subject to approval of a site plan submitted in accordance with Section 2006 of this Ordinance.
- 403.03 Minimum Lot Width: Established based upon proposed use.
- 403.04 Minimum Yards: Minimum yards for public/quasi-public structures shall be the same as for all other structures in individual zoning classifications.

SECTION 404 – HOME OCCUPATIONS

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

- 404.01 Visible Evidence of Home Occupation/Sign: There shall be no change in the outside appearance of the dwelling or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one (1) square foot in area, non-illuminated and mounted flat against the wall of the principal building. Furthermore, no storage or display of materials, goods, supplies, or equipment related to the operation of a home operation shall be visible from the outside of any structure located on the premises.
- 404.02 Home Occupations as an Incidental Use and Maximum Area: The use of a dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty five percent (25%) of the floor area of the dwelling shall be used for the conduct of the home occupation. No home occupation may occur in any accessory structure.
- 404.03 Traffic and Parking Restrictions: No traffic shall be generated by such home occupations in greater volumes than would normally be expected in a residential neighborhood (as determined by the Zoning Administrator), and any need for parking generated by the conduct of such home occupations shall be met off the street and other than in a required yard. Furthermore, an ample amount of such off-street parking shall be provided as determined by the Zoning Administrator at the time of the application for a building permit or change of use permit.
- 404.04 Exterior Lighting: There shall be no exterior lighting which would indicate that the dwelling is being utilized in whole or in part for any purpose other than residential.
- 404.05 Non-Resident Employees: No non-resident employee (i.e., a person not residing on the same premises with the operator) shall be employed in connection with any home occupation.
- 404.06 Other Provisions: No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, or odors detectable to the normal senses outside of the dwelling unit in which the occupation is conducted. No equipment or process shall be used in any home occupation which creates visual or audible electrical interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
- 404.07 Privilege License and Other Required Permits: Existing and new home occupations are required to have a privilege license in accordance with State law and applicable City ordinances.

SECTION 405 – MISCELLANEOUS GENERAL REGULATIONS

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

405.02 Fence Requirements: All fences shall be constructed in a good and workmanlike manner and shall be uniform in height, color and materials. Fences in the A-1 Agricultural District, the R-E Residential Estate District, the R-1 Low Density Residential District, the R-2 Moderate Density Residential District, the R-3 Patio Home District, the R-4 Townhouse District, the T-1/MHP Manufactured Home Park District and the MHS Manufactured Home District shall be constructed of wood, brick, stucco, stone or wrought iron unless otherwise approved by the Mayor and Board of Aldermen. Fence posts and fencing may be constructed of different, but compatible materials and may be different, but compatible colors. Fences in the foregoing districts shall not exceed four feet in height in the front yard or eight feet in height in other yards. Additionally, black vinyl coated chain link fences are allowed in commercial and industrial districts and barbed wire fences are allowed in the A-1 Agricultural District. All fencing shall comply with Section 401.06 of this Ordinance. All fences shall be maintained in such a manner so as not to become an eyesore or hazard. Any dilapidated fences or fences which become a hazard shall be removed.

A building permit shall be required for the erection of a fence in ANY zone. Furthermore, no fence shall cross any drainage easement, ditch or swale, which would impede the flow of water.

405.03 Abandoned, Junked or Wrecked Vehicles: Abandoned, junked, wrecked, inoperable or partially dismantled vehicles, recreational vehicles, camping trailers, located on public or private property are considered a public nuisance for the following reasons:

- (a) Such vehicles constitute an attractive nuisance, creating a hazard to health, and safety concern for minors;
- (b) Such vehicles create an unsightly condition on property that tends to reduce property values;
- (c) Such vehicles promote urban blight and deterioration of neighborhoods; and

- (d) Such vehicles invite plundering to create fire hazards.

A vehicle is classified as "inoperable" if it does not have a current license plate affixed to the vehicle, irrespective of its condition, or if the vehicle has tires (for seven days or more) that are continuously flat or deflated.

The storage of such vehicles on public or private property within the city for a period in excess of ten (10) days is prohibited unless such vehicles are completely enclosed within a building or unless such vehicles are stored or parked on the property of a duly licensed commercial business where such parking or storing is necessary to the operation of the business.

Repair of Vehicles: Minor repairs such as changing oil, or the replacement of the air filter, spark plugs, brakes, tires, shocks, etc. are permitted in a residential zoned district. Minor repairs of any vehicle performed other than within a fully enclosed building shall not exceed a seventy-two (72) hour period of time.

Major repairs such as, but not limited to, replacing or overhauling of engine, transmission, or auto bodywork or other repairs that exceed a 72 hour period is only permitted if such work is being conducted within a fully enclosed building. Minor or major repairs as stated are only permitted on vehicles registered to the property owner or tenant of the said property on which the repairs are conducted. Vehicle repair shops are prohibited within any residential district.

405.04 Use of Any Recreational Vehicle As a Residence: No recreational vehicle, as defined herein, may be used as a residence (that is, for living, sleeping, cooking, etc.) in any zoning district other than in a section of a Manufactured Home Park (zoned T-1) reserved for such use. However, an exception may be granted by the Zoning Administrator for the temporary living of an owner or tenant whose primary residence on such property is being substantially repaired or renovated. The period for such exception shall not exceed sixty (60) days without further approval of the Zoning Administrator.

405.05 Prohibited Uses: Within the City of Richland, no lot, land, premises, place or building shall be used, and no buildings or structures shall be erected or placed, which are arranged, intended, or designed for any use which generates environmental pollutants beyond a tolerable level by reason of excessive noise (according to the city's noise ordinance), odor, glare, vibration, smoke, dust, fumes, vapors, gases, liquid and solid waste, radiation, electrical emissions, danger from fire or explosion, or any other debilitating influence as defined by the U.S. Environmental Protection Agency as regulated by the Mississippi department of Natural

Resources, the Mississippi Department of Environmental Quality (MDEQ), and the Mississippi State Board of Health.

- 405.06 Interference with Traffic Signals: In any zoning district no outdoor advertising sign, structure, tree or conflicting illuminate shall protrude so as to create confusion around or otherwise interfere with traffic.
- 405.07 Materials and Growth Constituting Public Health and/or Safety Hazards Prohibited: See City of Richland Property Maintenance Code.
- 405.08 Maximum Diameter and Location of Satellite Dish Antennas: Satellite dish antennas are accessory uses, and, as such, are subject to the dimensional controls of Section 401.07 of this Ordinance. In all residential zones, no ground-mounted dish antenna may exceed a diameter of two (2) feet. Satellite dish antennas that are visible from the street on which a dwelling fronts are prohibited on the roof of any structure in a residential zone, unless a clear line of sight to a satellite is needed. However, if installed on roofs in residential zones, such antennas shall not exceed a diameter of two (2) feet. For non-residential zones, there are no maximum diameter regulations. In any zone where the regulations of this section would prevent the property owner from locating a satellite dish antenna on his/ her property with a clear line of sight to a satellite, the Zoning Administrator shall have the authority to waive the appropriate regulation upon written request.
- 406.09 Portable Storage Containers or "POD's": In any zoning district where residential uses are a permitted use, portable storage containers or "POD's" may be used during construction, by a contractor or owner on a construction site for a period not to exceed eighteen (18) months or by the owner or occupant for temporary storage purposes for a period not to exceed 30 days in any one year. Exception: The building official may permit the placement of a portable storage container in a residential district for up to ninety (90) days, provided that the property owner has a valid building permit or has demonstrated that extenuating circumstances exist to justify the extension. Extenuating circumstances shall include, but not be limited to, disasters such as tornado, fire or flood.
- 406.10 Incidental Sale of Vehicles: No more than two (2) vehicles by any one (1) owner or seller may be offered for such incidental sale at any given time, provided the vehicle has been used for transportation by the owner. A pattern of offering vehicles for sale in this manner on a continuing basis shall be grounds for determining the sales to be non-incidental, and a violation of this Ordinance. Exception: Except for property zoned where such sale of vehicles is a permitted use.

- 406.11 Prohibited Parking or Storage of Vehicles in Front and Side Yards and on Public Streets or Rights-Of-Way: See Ordinance no. 1978-9.
- 406.12 Conduct of Garage Sale at Any Location Other Than a Single -Family Residence Prohibited; Time Limitation on Garage Sales: Except for the conduct or operation of a garage sale, as defined by this Ordinance, by a non-profit group or groups for charitable purposes with a permit in any commercial zone, the conduct or operation of a garage sale at any location other than a single-family residence is prohibited; this includes but is not limited to the conduct or operation of a garage sale at a self-storage warehouse or "mini-warehouse". The conduct or operation of a garage sale for more than six days within a 12-month period is considered a commercial operation and is prohibited. Garage sales in single-family residential zones shall begin no earlier than 7:00 A. M. and conclude no later than 2:00 P. M. (Monday through Sunday). A permit from the Zoning Administrator for the conduct or operation of ANY garage sale shall be required.
- 406.13 Transient Vendors: No transient vendor, as defined by this Ordinance, shall conduct any business or activity without first obtaining a \$250 privilege license through the City of Richland in accordance with MS Code 75-85-15 that must be renewed by 90 days at a rate of \$25. Transient vendors must also post a \$2,000 bond and notify the City of Richland Police Department for appropriate background check procedures and maintain an "A" rating from the State Health Department. Transient vendors must also obtain written permission from the owner of the property on which they operate.
- 406.14 Manufactured Homes or Mobile Homes, Portable Buildings and Structures Not Constructed in accordance with the International Building Code: No manufactured home, mobile home, portable building, or structure not constructed in accordance with the International Building Code or any other standard codes as adopted by the City of Richland shall be located in any district unless specifically authorized pursuant to the provisions of this Ordinance, except as follows:
- (a) Portable buildings may be used as an accessory use or building to any residential use permitted under the terms of this Ordinance.
 - (b) Portable building may be used by civic groups, church groups, and other nonprofit organizations in connection with fund raising events or other functions not conducted for personal profit for a period of not to exceed ninety (90) days in any one year.

- (c) Portable buildings, manufactured homes, and mobile homes may be used during construction by a contractor on a construction site or by the owner for temporary offices, storage and securing purposes on a construction site for a period not to exceed 18 months, after site development building for permit is pulled.

406.15 **Drainage Impact Data:** See the City of Richland Storm Water Pollution Prevention Ordinance.

SECTION 407 – PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL NEIGHBORHOODS

407.01 **Purpose of This Section:** The purpose of this section is to promote a clean and nuisance free environment for all Richland residential neighborhoods.

407.02 **Definition:** A commercial vehicle is any wrecker, or panel truck, as defined by this Ordinance, or motor vehicle with more than six wheels licensed or operated for the purpose of commercial activity. This includes, but is not limited to, all panel trucks, regardless of the number of wheels, and eighteen wheelers, with or without tractor or trailer, and all trucks weighing four tons and over.

407.03 **Applicability:** This section applies to ALL residential districts.

407.04 **Regulation:** Overnight parking of commercial vehicles, as defined above, in residential districts is prohibited.

SECTION 408 – REQUIRED ENCLOSURE OF COMMERCIAL GARBAGE/TRASH DISPOSAL FACILITIES

408.01 **Intent of This Section:** The intent of this section is to ensure the construction of durable, permanent trash enclosure facilities, in locations that are inconspicuous but easily accessible to collection vehicles, for any land that will or could use garbage cans, trash bins or other similar facilities as a means of storing garbage.

408.02 **Definitions for This Section:**

“Garbage or Trash”: These terms may be used interchangeably to include food wastes as from a kitchen and all forms of rubbish or refuse.

“Garbage/ Trash Disposable Facilities”: Any container with a capacity of forty (40) gallons or more that is designed to be used for the storage of garbage.

“Garbage/ Trash Bin” means a metal trash container that is designed to be hydraulically lifted from the front or rear of a trash collection vehicle. Also called a “dumpster”.

“Garbage/ Trash Enclosure” means a permanent, immobile structure, designed for the screening and storage of garbage cans, trash bins, or other trash receptacles.

- 408.03 **Uses To Which This Section Applies:** Upon the effective date of this Ordinance, all garbage disposal facilities located on the site of any new (at the effective date of this Ordinance) multiple family residential uses, manufactured home parks, commercial, industrial or public/quasi-public uses shall be enclosed on three sides in a manner that prevents direct visibility of the garbage cans, dumpster, or recycle bin. Failure to maintain such garbage disposal facilities in a neat and sanitary manner shall constitute a violation of this Ordinance and be subject to the penalties imposed herein.
- 408.04 **Site Plans Shall Include Location and Description of Disposal Facilities:** All site plans for multiple family residential, manufactured home parks, commercial, industrial or public/quasi-public uses proposed following the effective date of this Ordinance shall indicate the location of garbage disposal facilities on the site and the type of enclosure (materials, height, etc.) to be installed.
- 408.05 **Screening and Accessibility of Trash Enclosures:** Trash enclosures shall be sited and constructed to provide adequate screening from public view of refuse, as follows:
- (a) Garbage/trash enclosures shall not be located nearer than thirty (30) feet to streets or sidewalks and shall be located to the rear of a building where possible.
 - (b) Enclosures shall be easily accessible to collection vehicles and collection personnel. The area directly in front of any trash enclosure should be less than a two percent slope to make manipulation of the trash bin as easy as possible. Enclosures shall be of sufficient size to store trash receptacles, or trash bins, as specified by the local solid waste disposal company. Passage routes for collection vehicles shall be a minimum of twelve (12) feet wide and without obstructions, and adequate space shall be provided for maneuvering the collection vehicles without backing into streets.

- (c) Enclosures shall be constructed to be as inconspicuous as possible. The contents of the enclosures shall be screened from public view.
- (d) Enclosures shall consist of a brick or masonry fence matching the main structure at least six (6) feet in height on three sides of the refuse site. A building permit is not required for trash enclosures which do not exceed six (6) feet in height and do not have a roof.
- (e) Trash enclosures shall be located at least thirty (30) feet from any front entrance to a structure.
- (f) Refuse site enclosure gate or doors will be wide enough to maneuver the required refuse containers in and out of the site enclosure area without having to realign the container with the access point. Minimal available clear width of the gate opening will be twelve (12) feet.
- (g) Ground attached locks for refuse/recycling site enclosure gates are required.
- (h) Refuse site enclosures are to remain free of all other materials that would interfere with the collection or collection vehicle while providing service. Floor will be kept clean and free of grease, oil, and other trip or slip hazards.
- (j) If recycling space is included, additional pad and gate width will be required to meet all of the above criteria.
- (k) Storage of oil, grease, cleaning supplies and other flammable or hazardous materials inside trash enclosures is prohibited.

408.06 **Pad Size and Site Configuration:** Pads for dumpsters shall be constructed with 8-inch thick, Class 3000 cement. Pads shall extend twenty (20) inches beyond the enclosure with 8-inch thick Class 3000 cement. The pad sizes will be evaluated on a case-by-case basis as part of the Site Plan Review process. Refuse/recycling sites and pads will be sloped to provide positive drainage. The site and pad drainage slope will provide easy passage by collection vehicles and crews.

408.07 **Failure To Maintain Garbage/ Trash Disposal Facilities:** Failure to maintain garbage/trash disposal facilities in a neat and sanitary manner in the opinion of the solid waste office shall constitute a violation of this Ordinance and shall be subject to the penalties prescribed herein.

408.08 **Exceptions to Requirements:** The Zoning Administrator, upon written request, has the power to grant an exception to the requirement for a

trash enclosure if it is determined that any use in the proposed structure will not generate enough trash to necessitate the use of a garbage can, trash bin, or number of trash receptacles to require screening and enclosure or if such cans, bins, or receptacles are maintained inside of a building.

Furthermore, the Zoning Administrator has the power to work with property and business owners to identify options which result in implementation of the spirit and intent of this Section, where unique or unusual circumstances exist.

SECTION 409 - MEDICAL CANNABIS ESTABLISHMENT

- 409.01 **Applicable Laws:** All requirements of state and local laws and regulations shall be met, and licenses for operation shall be maintained from Mississippi Department of Health or Mississippi Department of Revenue. To the extent state law or regulation is more restrictive and/or in direct conflict with the provisions herein, state law shall control.
- 409.02 **Display and Storage:** No storage or display of materials, goods, supplies, or equipment related to the operation of a medical cannabis establishment (excluding delivery vehicles) shall be visible.
- 409.03 **Traffic and Parking Restrictions:** No traffic shall be generated by such establishments in greater volumes than would normally be expected in a commercial or industrial zone (as determined by the Zoning Administrator), and any need for parking generated by the operation of such establishment shall be met off the street. Furthermore, an ample amount of such off-street parking shall be provided as determined by the Zoning Administrator at the time of the application for a conditional use permit.
- 409.04 **Hours of Operation:** Allowed hours of operation for a medical cannabis dispensary shall be limited to 8 a.m. to 8 p.m., unless the Board of Aldermen determines different hours of operation as stated in the conditional use permit.
- 409.05 **Required Privilege License in Accordance with State and Local Law:** Prior to the initiation of any medical cannabis establishment within the City and before such establishment may apply for its license with the Mississippi Department of Health or the Mississippi Department of Revenue, as applicable, a privilege license must be obtained from the Zoning Administrator. The medical cannabis establishment shall submit the proposed location of the establishment and confirm that such

establishment is in compliance with the requisite buffer requirements under state law. The applicant shall further provide a copy of its security (including alarm and video surveillance) plan, its floor and exterior lighting plan (set forth hereinbelow) and demonstrate adequate ventilation requirements, as set forth hereinbelow. For a medical cannabis dispensary, an applicant must also provide its verification plan to confirm how it will verify all persons have the requisite state-issued card prior to entering the establishment. A privilege license may be denied or revoked for failure to comply with the requirements herein.

409.06 Lighting: To promote security, all medical cannabis establishments must have adequate exterior lighting for each point of ingress and egress for the establishment, as well as the entire area of parking for the establishment.

409.07 Location: No medical cannabis establishment shall be located within the same physical location as any other business or establishment. Each medical cannabis establishment shall either be located as a standalone structure or, if within a strip or shopping center, have fully partitioned walls, ceiling, separate ventilation (as set forth herein) and its own separate point(s) of exterior ingress or egress so that the medical cannabis establishment is not accessible from the adjacent business or establishment.

409.08 Ventilation: Every medical cannabis establishment shall be equipped with a proper ventilation system that filters out the odor of cannabis so that the odor is not capable of being detected by a person with a normal sense of smell at the exterior of the structure or any adjoining business, parcel or tract of real property.

409.10 Signage: Consistent with state law, no medical cannabis establishment may have any signage on the exterior of the premises that contains any image or logo of a cannabis leaf, bud or cannabis products.

SECTION 410 – DOOR-TO-DOOR SOLICITATION

400.01 Anti-Solicitation. No door-to-door solicitation for any product or service shall be allowed in any zone within the City.

ARTICLE V

AGRICULTURAL DISTRICT (A-1)

SECTION 500 – PURPOSE OF THIS DISTRICT

The purposes of these districts are to conserve land for agricultural use, to prevent the premature development of land, and to prevent urban and agricultural land use conflicts. It is the intent of this Ordinance that such districts be located primarily in those areas of the City of Richland that are not served by the public sewer system. It is also the purpose of these districts to encourage and protect such uses from urbanization until such is warranted and the appropriate change in district classification is made. It is further the intent of this Ordinance to prevent disorderly scattering of residences on small lots and to prevent the establishment of other urban land uses that would require unreasonable expenditures for public improvements and services.

SECTION 501 – LAND USES PERMITTED

The following uses are permitted in A-1 Agricultural Districts:

- A. Cultivation of field and truck crops, orchards and vineyards.
- B. Single family detached dwellings. Only one principal dwelling per lot may be erected in A-1 districts.
- C. Accessory buildings and structures associated with the use of the land for residential purposes.
- D. Breeding, raising, and feeding of livestock (i.e., horses, cattle, sheep, goats, mules, pigs, etc.) and the breeding, raising, and feeding of chickens, ducks, turkeys, geese, or other fowl. See Animal Control Ordinance.
- F. Private stables.
- G. Private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities or utilities subject to the provisions of Section 402 of this Ordinance.
- H. Home occupations in compliance with Section 404 of this Ordinance.
- I. Streets and highways.

SECTION 502 – SPECIAL EXCEPTIONS AS PROVIDED IN SECTION 2004

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

- B. Animal hospitals, kennels, veterinary clinics and other facilities for housing, boarding, breeding and/or caring for animals.
- C. Child care facilities.
- D. Inns or "bed and breakfast inns."
- E. Stables, riding academies, and facilities for the training of horses and similar activities, providing that there shall be at least three (3) acres of land for each horse normally kept on the premises.
- F. Plant nurseries and other horticultural uses where vegetables, fruit and other plants are grown on the premises or brought to the premises and maintained there for the purpose of retail sales from said premises. Such other additional products shall be permitted to be sold from the premises as are customarily incidental to the operation of a plant nursery.
- G. Commercial catfish productions.
- H. Extraction of minerals, including sand and gravel, provided that when "open-pit" operations are proposed, a Reclamation Plan shall be approved by the Mayor and Board of Aldermen prior to the initiation of such open pit mining operations. The operator must obtain required permits and approvals, which shall not be transferrable, from other governmental entities and provide the City of Richland Mayor and Board of Aldermen with written proof of same.
- I. Animal cemeteries (small domestic animals such as cats and dogs).

SECTION 503 – DIMENSIONAL REQUIREMENTS

- 503.01 Maximum Building Height: There shall be no height limitations for barns and agricultural storage buildings provided they do not contain space intended for human occupancy. No habitable floor of any other building shall exceed two (2) stories unless it is a hotel or industrial building which can be up to sixty (60) feet with every story above two (2) stories having an installed sprinkler system.
- 503.02 Minimum Lot Area:
 - (a) For lots where City of Richland sanitary sewerage service is NOT available: two (2) acres, subject to Rankin County Health Department approval of all on-site wastewater disposal systems.
 - (b) For lots where City of Richland sanitary sewerage service is available: 12,000 square feet.
- 503.03 Minimum Lot Width: Ninety (90) feet.

503.04

Minimum Yards:

- (a) Front yard: Forty (40) feet from the existing right-of-way line to the building setback line.
- (b) Side yard: Ten (10) feet

503.05

Minimum Buildable Area: Not regulated.

AGRICULTURAL INTENSIVE DISTRICT (A-2)

SECTION 550 – PURPOSE OF THIS DISTRICT

The purposes of these districts are to conserve land for agricultural use, to prevent the premature development of land, and to prevent urban and agricultural land use conflicts. It is the intent of this Ordinance that such districts be located primarily in those areas of the City of Richland that are not served by the public sewer system. It is also the purpose of these districts to encourage and protect such uses from urbanization until such is warranted and the appropriate change in district classification is made. It is further the intent of this Ordinance to prevent disorderly scattering of residences on small lots and to prevent the establishment of other urban land uses that would require unreasonable expenditures for public improvements and services.

SECTION 551 – LAND USES PERMITTED

The following uses are permitted in A-1 Agricultural Districts:

- A. Cultivation of field and truck crops, orchards and vineyards.
- B. Single family detached dwellings. Only one principal dwelling per lot may be erected in A-1 districts.
- C. Accessory buildings and structures associated with the use of the land for residential purposes.
- D. Breeding, raising, and feeding of livestock (i.e., horses, cattle, sheep, goats, mules, pigs, etc.) and the breeding, raising, and feeding of chickens, ducks, turkeys, geese, or other fowl. See Animal Control Ordinance.
- F. Private stables.
- G. Private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities or utilities subject to the provisions of Section 402 of this Ordinance.
- H. Home occupations in compliance with Section 404 of this Ordinance.
- I. Streets and highways.
- J. Medical Cannabis Cultivation Facility.
- K. Medical Cannabis Distribution Facility.
- L. Medical Cannabis Processing Facility.

SECTION 552 – SPECIAL EXCEPTIONS AS PROVIDED IN SECTION 2004

- A. Public or quasi-public facilities and utilities in compliance with Section 402 and other regulations of this Ordinance.
- B. Animal hospitals, kennels, veterinary clinics and other facilities for housing, boarding, breeding and/or caring for animals.
- C. Child care facilities.
- D. Inns or “bed and breakfast inns.”
- E. Stables, riding academies, and facilities for the training of horses and similar activities, providing that there shall be at least three (3) acres of land for each horse normally kept on the premises.
- F. Plant nurseries and other horticultural uses where vegetables, fruit and other plants are grown on the premises or brought to the premises and maintained there for the purpose of retail sales from said premises. Such other additional products shall be permitted to be sold from the premises as are customarily incidental to the operation of a plant nursery.
- G. Commercial catfish productions.
- H. Extraction of minerals, including sand and gravel, provided that when "open-pit" operations are proposed, a Reclamation Plan shall be approved by the Mayor and Board of Aldermen prior to the initiation of such open pit mining operations. The operator must obtain required permits and approvals, which shall not be transferrable, from other governmental entities and provide the City of Richland Mayor and Board of Aldermen with written proof of same.
- I. Animal cemeteries (small domestic animals such as cats and dogs).

SECTION 553 – DIMENSIONAL REQUIREMENTS

- 553.01 Maximum Building Height: There shall be no height limitations for barns and agricultural storage buildings provided they do not contain space intended for human occupancy. No habitable floor of any other building shall exceed two (2) stories unless it is a hotel or industrial building which can be up to sixty (60) feet with every story above two (2) stories having an installed sprinkler system.
- 553.02 Minimum Lot Area:
- (a) For lots where City of Richland sanitary sewerage service is NOT available: two (2) acres, subject to Rankin County Health Department approval of all on-site wastewater disposal systems.

- (b) For lots where City of Richland sanitary sewerage service is available: 12,000 square feet.

553.03 Minimum Lot Width: Ninety (90) feet.

553.04 Minimum Yards:

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

- (b) Side yard: Ten (10) feet

553.05 Minimum Buildable Area: Not regulated.

ARTICLE VI

RESIDENTIAL ESTATE DISTRICT (R-E)

SECTION 600 – PURPOSE OF THIS DISTRICT

The purpose of this district is to provide for large lot (20,000 square feet or larger), low density residential subdivisions for persons desiring a more “country-like” setting as a home site. It is also the purpose of these districts to protect the property values of people living in existing Residential Estate subdivisions or other large lot developments. Neighborhoods zoned to this classification shall either be served by a public sewer system or by a private wastewater treatment facility.

SECTION 601 – LAND USE PERMITTED

- A. Single-family detached dwellings with only one principal dwelling per lot.
- B. Accessory uses and structures associated with the use of the land for residential purposes.
- C. Horticultural uses not involving the sale of produce on the premises.
- D. Home occupations in compliance with Section 404 of this Ordinance.
- F. Private recreational or open space facilities excluding country clubs and the like which shall be regulated as public/quasi-public facilities or utilities subject to the provisions of Section 402 of this Ordinance.
- G. Streets, roads and highways.

SECTION 602 – SPECIAL EXCEPTIONS AS PROVIDED IN SECTION 2004

- A. Public and quasi-public facilities and utilities.
- B. Adult daycare facilities.
- C. Child care facilities, when conducted in the owner’s residence or in conjunction with a religious facility.
- D. Places of Worship.

SECTION 603 – DIMENSIONAL REQUIREMENTS

- 603.01 Maximum Building Height: There shall be no height limitations for barns and agricultural storage buildings provided they do not contain space intended for human occupancy. No habitable floor of any other building shall exceed a height above the finished ground elevation measured at the front line of the building as specified in the latest edition of the **International Building Code** adopted by the City.

- 603.02 **Minimum Lot Area:** 20,000 square feet.
- 603.03 **Minimum Lot Width:** 100 feet at the front yard setback.
- 603.04 **Minimum Yard:**
- (a) Front yard: Forty (40) feet from the existing right-of-way line to the building setback line.
 - (b) Side yard and rear yard: Twenty-five (25) feet.
- 603.05 **Accessory Buildings:** When detached from the main building, accessory buildings shall be set back a minimum of sixty (60) feet from the front yard line and a minimum distance of ten (10) feet from the side yard lot line and any rear yard line. No accessory building shall cover more than ten percent (10%) of a required rear yard. Except as otherwise expressly provided herein, no accessory building, accessory structure or area may be used for residential, commercial or business purposes. See also Section 401.7 of this Ordinance.
- 603.06 **Minimum Buildable Area:** Not regulated.

ARTICLE VII

LOW DENSITY RESIDENTIAL DISTRICT (R-1)

SECTION 700 – PURPOSE OF THIS DISTRICT

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

SECTION 701 – LAND USES PERMITTED

- A. Single-family detached dwellings with only one principal dwelling per lot.
- B. Accessory uses and structures associated with the use of the land for residential purposes.
- C. Home occupations in compliance with Section 404 of this Ordinance.
- D. Private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities or utilities subject to the provisions of Section 402 of this Ordinance.
- E. Streets and highways.

SECTION 702 – SPECIAL EXCEPTIONS AS PROVIDED IN SECTION 2004

- A. Public and quasi-public facilities and utilities.
- B. Adult daycare facilities.
- C. Child care facilities, when conducted in the owner's residence or in conjunction with a religious facility.

SECTION 703 – DIMENSIONAL REQUIREMENTS

- 703.01 Maximum Building Height: No habitable floor of any other building shall exceed a height above the finished ground elevation measured at the front line of the building as specified in the latest edition of the **International Building Code** adopted by the City.
- 703.02 Minimum Lot Area: 12,000 square feet.

703.04 Minimum Lot Width: Ninety (90) feet.

703.04 Minimum Yards:

- (a) Front yard: Thirty (30) feet from the street right-of-way line to the building setback line.
- (b) Side yards: Ten (10) feet.
- (c) Rear Yard: Twenty-five (25) feet.

703.05 Accessory Buildings: When detached from the main building, accessory buildings shall be set back a minimum of sixty (60) feet from the front yard line and a minimum distance of ten (10) feet from the side yard lot line and any rear yard line. No accessory building shall cover more than ten percent (10%) of a required rear yard. Except as otherwise expressly provided herein, no accessory building, accessory structure or area may be used for residential, commercial or business purposes. See also Section 401.7 of this Ordinance.

(Note: In an R-1 zone, with a minimum 25 foot rear yard and a minimum lot width of 90 feet, the minimum available rear yard would be 2,250 square feet (25 ft. x 90 ft.). Ten percent of that area would be 225 square feet.)

ARTICLE VIII

MODERATE DENSITY RESIDENTIAL DISTRICT R-2

SECTION 800 – PURPOSE OF THIS DISTRICT

The purpose of this district is to provide areas for the development of moderate density residential uses in moderately spacious surroundings. It is the intent of this Ordinance that these districts be located primarily in established moderate density residential areas as a means to ensure their continuance.

SECTION 801 – LAND USES PERMITTED

- A. Single-family detached dwellings with only one principal dwelling per lot.
- B. Accessory uses and structures associated with the use of the land for residential purposes.
- C. Home occupations in compliance with Section 404 of this Ordinance.
- D. Private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities or utilities subject to the provisions of Section 402 of this Ordinance.
- E. Streets and highways.

SECTION 802 – SPECIAL EXCEPTIONS AS PROVIDED IN SECTION 2004

- A. Public and quasi-public facilities and utilities.
- B. Adult daycare facilities.
- C. Child care facilities, when conducted in the owner's residence or in conjunction with a religious facility.

SECTION 803 - DIMENSIONAL REQUIREMENTS

- 803.01 Maximum Building Height: No habitable floor of any other building shall exceed a height above the finished ground elevation measured at the front line of the building as specified in the latest edition of the **International Building Code** adopted by the City.
- 803.02 Minimum Lot Area:
 - (a) Single-family detached residences: 10,800 square feet.
 - (b) All conditional uses: Based upon site plan review.

803.03 Minimum Lot Width:

- (a) Single-family detached residences: Ninety (90) feet.
- (b) All conditional uses: Based upon site plan review.

803.04 Minimum Yards:

- (a) Front yard: Thirty (30) feet from the street right-of-way line to the building setback line.
- (b) Side yards: Ten (10) feet.
- (c) Rear yard: Twenty-five (25) feet.

803.05 Accessory Buildings: When detached from the main building, accessory buildings shall be set back a minimum of sixty (60) feet from the front yard line and a minimum distance of ten (10) feet from the side yard lot line and any rear yard line. No accessory building shall cover more than ten percent (10%) of a required rear yard. Except as otherwise expressly provided herein, no accessory building, accessory structure or area may be used for residential, commercial or business purposes. See also Section 401.7 of this Ordinance.

(Note: In an R-2 zone, with a minimum 25 foot rear yard and a minimum lot width of 90 feet, the minimum available rear yard would be 2,250 square feet (25 ft. x 90 ft.). Ten percent of that area would be 225 square feet.)

ARTICLE IX

PATIO HOME DISTRICT R-3

SECTION 900 – PURPOSE OF THIS DISTRICT

The purpose of this district is to provide areas for the development of single-family detached houses on small lots in which site use efficiency is achieved by relaxing one side yard requirement. Through design and planning controls, higher densities can be accommodated without sacrificing usable open space, privacy or environmental quality. These districts should be located only in those areas of the City of Richland depicted as “Patio Homes and Townhouses” on the adopted Land Use Plan.

SECTION 901 – LAND USES PERMITTED

- A. Single-family detached dwellings with only one principal dwelling per lot.
- B. Accessory uses and structures associated with the use of the land for residential purposes.
- C. Home occupations in compliance with Section 404 of this Ordinance.
- D. Private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Section 402 of this Ordinance. Lakes deeded to a homeowner's association or dedicated (public) to the City of Richland shall comply with the Richland Subdivision Regulations.
- E. Streets and highways.

SECTION 902 – SPECIAL EXCEPTIONS AS PROVIDED IN SECTION 2004

- A. Public and quasi-public facilities and utilities.
- B. Adult daycare facilities.
- C. Child care facilities.
- D. Commercial recreational areas and facilities such as swimming pools and tennis courts.

SECTION 903 – DIMENSIONAL REQUIREMENTS

- 903.01 Maximum Building Height: No habitable floor of any other building shall exceed a height above the finished ground elevation measured at the front line of the building as specified in the latest edition of the International Building Code adopted by the City.

- 903.02 Minimum Size of Tract to be Subdivided for Patio Homes: Five (5) acres.
- 903.03 Minimum Lot Area: 6,000 square feet.
- 903.04 Maximum Density: Six (6) patio homes per gross acre (including street rights-of-way).
- 903.05 Minimum Lot Width: Sixty (60) feet.
- 903.06 Minimum Yards:
- (a) Front yard: 25 feet from the right-of-way line to the building setback line.
 - (b) Side yards: 5 feet, but with a minimum distance between dwelling units on adjoining lots of twenty (20) feet.
 - (c) Rear yard: 20 feet
- 903.07 Minimum Floor Area of Residence (Heated and Cooled Areas): 1,600 square feet.
- 903.08 Accessory Buildings: When detached from the main building, accessory buildings shall be set back a minimum of sixty (60) feet from the front yard line and a minimum distance of ten (10) feet from the side yard lot line and any rear yard line. No accessory building shall cover more than ten percent (10%) of a required rear yard. No accessory building shall be used as a permanent dwelling. See also Section 401.07 of this Ordinance.

SECTION 904 – 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 or dedicated to the City of Richland for use by all residents of the City. The Development Plan shall indicate the location and area (in acres) to be so reserved or dedicated for open space or recreational facilities.

- 904.01 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.
- 904.02 Steep Slopes: In reviewing the preliminary subdivision plat for a proposed patio home subdivision, the Site Plan Review Committee 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 Site Plan Committee shall make a recommendation to the Mayor and Board as to whether or not any steep slope land should be approved for use in meeting the requirements of this Section.

- 904.03 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 sketch subdivision plat or development plan (approximate locations and dimensions and proposed use) and the preliminary and final plats (precise locations and dimensions and proposed use). Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.
- 904.04 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 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 acre. If the second part consists of fifteen (15) acres, the developer shall reserve ten (10%) of the second part or 1.5 acres, in addition to the one-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.
- 904.05 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 two hundred (200) percent of all open space improvements to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and permitted to do business in the State of Mississippi. The Zoning Administrator 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. Refer to the Subdivision Regulations of the City of Richland for bond time limit.
- 904.06 Maintenance/Liability in the Operation and Use of Common Open Space and Recreational Areas Not Dedicated to the City of Richland: Authority granted by the City of Richland for the development of a patio home

subdivision shall not be construed as nor constitute an obligation on the part of Richland either for maintenance or liability in the operation and use of common open space and recreational facilities located in the subdivision. At the time the final subdivision plat is submitted for the patio home subdivision, the developer shall submit with his application for final plat approval a legal instrument or instruments which state that the responsibility for liability insurance, taxes, and maintenance of open space and other common facilities shall rest with the homeowners association, 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.

For the purposes of this Ordinance, a homeowner association, which shall be a legal entity in accordance with the laws of Mississippi, shall be required, and shall be approved by the Mayor and Board of Aldermen.

ARTICLE X

TOWNHOUSE RESIDENTIAL DISTRICT (R-4)

SECTION 1000 – PURPOSE OF THIS ARTICLE

The purpose of this district is to provide areas for the development of two-to-four-family townhouse subdivisions within moderately spacious surroundings. The use of this district is appropriate as a transition zone between lower density residential districts (R-1) and higher density residential districts (R-5), commercial uses or arterial streets (as reflected in the adopted Thoroughfares Plan) that are not compatible with low-density residential environment. These districts should be located only in those areas of the City of Richland depicted as “Patio Homes and Townhouses” on the adopted Land Use Plan.

SECTION 1001 – LAND USES PERMITTED

- A. Two-family, three-family or four-family townhouses (i.e., townhouses that are part of a townhouse subdivision in which the occupant owns both the individual townhouse unit and the lot on which the townhouse is constructed; property lines between such townhouses extend through the center of party walls separating the individual single-family dwellings).
- B. Accessory uses and structures associated with the use of the land for residential purposes.
- C. The keeping of animals in compliance with the City of Richland's Animal Control Ordinance.
- D. Home occupations in compliance with Section 404 of this Ordinance.
- E. Private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Section 402 of this Ordinance. All lakes associated with this or any other usage shall comply with the Richland Subdivision Regulations.
- F. Streets and highways.

SECTION 1002 – SPECIAL EXCEPTIONS AS PROVIDED IN SECTION 2004

- A. Public and quasi-public facilities and utilities.
- B. Adult daycare facilities.
- C. Child care facilities.

SECTION 1003 – DIMENSIONAL REQUIREMENTS FOR TOWNHOUSE SUBDIVISIONS

- 1003.01 **Minimum Size of Tract to be Subdivided for Two-To-Four-Family Townhouses:** Five (5) acres.
- 1003.02 **Maximum Building Height:** No habitable floor of any other building shall exceed a height above the finished ground elevation measured at the front line of the building as specified in the latest edition of the **International Building Code** adopted by the City.
- 1003.03 **Minimum Lot Area:**
- (a) End townhouses: 6,000 square feet
 - (b) Interior townhouses: 3,500 square feet.
- 1003.04 **Minimum Lot Width:**
- (a) End townhouses: Forty (45) feet
 - (b) Interior townhouses: Thirty (30) feet
- 1003.05 **Minimum Yards:**
- (a) Front yard: Twenty-five (25) feet from the street right-of-way line to the building setback line.
 - (b) Side yards (for end units): Ten (10) feet from each side lot line, except where abutting an existing single-family detached residence or an R-1 or R-2 district, then thirty (30) feet, which shall remain open with no encroachments by driveways, patios or other paved areas.
 - (c) Rear yard: Twenty (20) feet, except where abutting an existing single-family detached residence or an R-1 or R-2 district, then thirty (30) feet, which shall remain open with no encroachments by driveways, patios or other paved areas.
- 1003.06 **Minimum Floor Area of Residential (Heated and Cooled Areas):** 1,600 square feet.
- 1003.07 **Accessory Buildings:** When detached from the main building, accessory buildings shall be set back a minimum of sixty (60) feet from the front yard line and a minimum distance of ten (10) feet from the side yard lot line and any rear yard line. No accessory building shall cover more than ten percent (10%) of a required rear yard. Except as otherwise expressly provided herein, no accessory building, accessory structure or area may

be used for residential, commercial or business purposes. See also Section 401.7 of this Ordinance.

(Note: In an R-2 zone, with a minimum twenty (20) foot rear yard and a minimum lot width of forty-five (45) feet, the minimum available rear yard would be nine hundred (900) square feet (20 ft. x 45 ft.). Ten percent of that area would be ninety (90) square feet.)

SECTION 1004 – REQUIRED RESERVATION OR DEDICATION OF OPEN SPACE FOR TOWNHOUSE SUBDIVISIONS CONTAINING FIVE ACRES OR MORE

Developers of townhouse subdivisions shall provide common open space amounting to ten percent (10%) of the total gross area of the subdivision. Such common open space shall consist of land reserved exclusively for the recreational use of the residents of the townhouse subdivision or land dedicated to the City of Richland for use by all residents of the City. The Development Plan shall indicate the location and area (in acres) to be so reserved or dedicated for open space or recreational facilities.

- 1004.01 Maximum Amount of Common Open Space Covered by Water: No more than fifty percent (50%) of the required amount of open space may be covered by lakes or ponds.
- 1004.02 Steep Slopes: In reviewing the preliminary subdivision plat for a proposed townhouse subdivision, the Site Plan Review Committee 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 Site Plan Review Committee shall make a recommendation to the Mayor and Board as to whether or not any steep slope land should be approved for use in meeting the requirements of this Section.
- 1004.03 Physical Improvements: Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of reservation 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 sketch subdivision plat or development plan (approximate locations and dimensions and proposed use) and the preliminary and final plats (precise locations and dimensions and proposed use). Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.
- 1004.04 Staged Development of a Townhouse Subdivision: If a townhouse subdivision is to be developed in stages or parts, ten percent (10%) of

each part must be reserved for open space. However, in order to provide usable open space, the amount reserved shall not be less than one (1) acre. Thus, if a developer proposes to ultimately develop twenty (20) acres of land for a townhouses 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 acre. If the second part consists of fifteen (15) acres, the developer shall reserve ten percent (10%) of the second part or one and a half (1.5) acres, in addition to the one-acre reserved for the first phase; thus, the total open space reserved for the twenty (20)-acre tract developed in two (2) phases would be two and a half (2.5) acres. If less than five (5) acres is developed initially and the developer wishes to expand the subdivision at a later time to include more than five (5) acres, subsequent plats shall not be approved by the Mayor and Board of Aldermen until at least ten percent (10%) of the entire subdivision is reserved for open space.

1004.05 **Performance Bonds:** Prior to the sale of any lot in a townhouse 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 two hundred (200) percent to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and permitted to do business in the State of Mississippi. The Public Works Director 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. Refer to the Subdivision Regulations of the City of Richland for bond time limit.

1004.06 **Maintenance/Liability in the Operation and Use of Common Open Space and Recreational Areas Not Dedicated to the City of Richland:** Authority granted by the City of Richland for the development of a townhouse subdivision shall not be construed as nor constitute an obligation on the part of Richland either for maintenance or liability in the operation and use of common open space and recreational facilities located in the subdivision. At the time the final subdivision plat is submitted for the townhouse subdivision, the developer shall submit with his application for final plat approval a legal instrument or instruments which state that the responsibility for liability insurance, taxes, and maintenance of open space and other common facilities shall rest with the owners of the several lots or parcels of land located within the townhouse subdivision. In order to insure the integrity of the open space so that it will remain genuinely open, the legal instrument(s) shall specify that the open space restrictions are permanent, not just for a period of years.

SECTION 1005 – PROPERTY LINES BETWEEN ADJOINING TOWNHOUSES

Any person desiring to construct townhouses shall prepare a sketch plat, preliminary plat and final plat indicating the approximate location of property lines between dwelling units. Following approval of the final plat, the builder who proposes such townhouses shall submit a plot diagram in accordance with the International Building Code to the Building Inspector prior to the issuance of a building permit; said plot diagram shall indicate as nearly as possible the exact location of the property lines between the townhouses. (Consistent with the Subdivision Regulations of the City of Richland, Mississippi).

SECTION 1006 – UNDERGROUND UTILITY CONNECTIONS FOR TOWNHOUSES

All underground utilities (including water, sanitary sewer, electrical, natural gas, telephone, and cable television) shall be installed in such a manner that the utility lines do not cross the lots of adjoining townhouses, except where the utility line is placed in a utility easement required by the Subdivision Regulations of the City of Richland, Mississippi. This provision is intended to prevent the need for excavation of the yards of adjoining townhouses for utility repairs. The construction drawings submitted by builders of townhouses shall indicate the proposed location of all utility lines on each lot, and these locations shall comply with this Section prior to issuance of a building permit. (Consistent with Section 504 of the Subdivision Regulations of the City of Richland, Mississippi).

SECTION 1007 – REQUIRED OFF-STREET PARKING FOR TOWNHOUSES

Each townhouse, as defined by this Ordinance, shall front directly upon a public (i.e., dedicated) street rather than a common parking lot or common driveway. Access to required parking by means of easements shall be prohibited. Each townhouse shall be served by a private driveway; common or "flag-type" driveways which serve adjoining townhouses shall be prohibited. Off-street parking for townhouses shall consist of a fully enclosed garage of adequate size to house at least two (2) full-size automobiles; or a carport or paved parking pad in the rear of each townhouse of adequate size for at least two (2) full-size automobiles.

ARTICLE XI

HIGH DENSITY RESIDENTIAL DISTRICT (R-5)

SECTION 1100 – PURPOSE OF THIS DISTRICT

The purpose of this district is to provide areas for the development of two-family dwellings (duplexes) or higher density multiple family (i.e., three or more) residential uses with adequate, usable open space to prevent overcrowding. It is the intent of this Ordinance that these districts be carefully located only in areas where the infrastructure of the City (i.e., the street/highway system, storm drainage and water and sanitary sewer systems) is adequate to serve such higher density housing. The use of this district is appropriate as a transition between low density (R-1) or moderate density (R-3 and R-4) residential districts and higher intensity uses, such as commercial uses (COM districts) or industrial uses (IND districts), that are not compatible with lower density residential environment. All apartment or condominium developments shall front upon at least one street or highway that is classified as a Principal Arterial or Minor Arterial on the adopted Thoroughfares Plan.

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-5 High Density 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 being allowed in any R-5 High Density Residential District.

All multiple-family residential uses shall be properly landscaped and screened from other uses and access/egress to apartment or condominium complexes shall be provided in accordance with Article IV of this Ordinance.

SECTION 1101 – LAND USES PERMITTED

The following uses are permitted outright in R-5 districts subject to the regulations prescribed herein.

- A. Single-family dwellings
- B. Two (2) family or duplex dwellings.
- C. Rooming House(s) and Boarding House(s) as defined in Article II, Section 201.

(Note: "Group dwellings or homes" refers to a completely different use—see definitions).

- D. Multiple family dwellings (Dwelling, Multiple-Family) including Apartment(s) and Condominium(s) as defined in Article II, Section 201.
- E. Accessory uses or structures in multiple family residential complexes, including Laundromats, vending machine centers, recreational buildings, swimming pools, tennis courts, and similar uses and structures incidental to multiple family buildings. Such uses and structures shall be reserved exclusively for use by residents and guests of residents of the multiple-family complex.
- F. Home Occupations in compliance with Section 404 of this Ordinance.
- G. Streets and highways.

SECTION 1102 – SPECIAL EXCEPTIONS AS PROVIDED IN SECTION 2004

- A. Public or quasi-public facilities and utilities in compliance with Section 402 and other regulations of this Ordinance.
- B. Child care facilities.
- C. Adult daycare facilities.
- D. Commercial recreational areas and facilities such as swimming pools and tennis courts (R-1 Special Exceptions).
- E. Medical and dental facilities.
- F. Other similar non-retail uses.

SECTION 1103 – DIMENSIONAL REQUIREMENTS FOR ALL MULTIPLE FAMILY USES

- 1103.01 Maximum Height: The height limitations for this district shall be determined in accordance with the latest edition of the **International Building Code** adopted by the City.
- 1103.02 Minimum Lot Area: Two (2) acres.
- 1103.03 Minimum Floor Area: (From Comprehensive Plan):
 - (a) One bedroom units: 750 square feet.
 - (b) Two bedroom units: 1,400 square feet.
 - (c) Three or more bedroom units: 1,600 square feet.
- 1103.04 Maximum Density: Six (6) dwelling units per gross acre.
- 1103.05 Minimum Lot Width: 100 feet at the building setback line.
- 1103.06 Minimum Yards:

- (a) **Front yard:** Forty (40) feet from the right-of-way line. This yard shall be a landscaped open area with no encroachments permitted including parking lots, patios or swimming pools, or other paved areas except for entrance/exit driveways.
- (b) **Side and rear yards:** Twenty-five (25)- feet from each side lot line or rear lot line to any building, except where a side or rear lot line abuts an existing single-family detached residence or an R-E (Residential Estate), R-1 (Low Density Residential), or R-2 (Moderate Density Residential) district, in which case the side or rear yard shall be 50 feet. This yard shall be a landscaped in accordance with Article XXVI with no encroachments permitted including driveways, parking lots, patios, swimming pools, or other paved areas.

Side yards – Ten (10) feet

Rear yards – Twenty-five (25) feet

- 1103.07 **Accessory Buildings:** When detached from the main building, accessory buildings shall be set back a minimum of forty (40) feet from the building front yard lot line, and a minimum distance of ten (10) feet from the side lot line and/ or rear yard line. The size of the accessory building is Subject to Site Plan Review.

SECTION 1104 – REQUIRED OPEN SPACE RESERVATION

A minimum of 30% of the gross site area to be developed for a condominium or apartment complex shall be devoted to open space. In calculating this open space requirement, the front, side and rear yards may be included. Parking lots and driveways, however, MAY NOT be included in calculating this required open space. Such open space shall consist of land reserved exclusively for the recreational use of the residents of the apartment or condominium complex.

The required site plan (see Section 1105) shall indicate the location and area (in acres) to be so reserved for open space or recreational facilities.

- 1104.01 **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.
- 1104.02 **Steep Slopes:** In reviewing the site plan for a proposed apartment or condominium development the Site Plan Review Committee 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 Site Plan Review Committee shall make a recommendation to the Mayor and Board as to whether or not any steep

slope land should be approved for use in meeting the requirements of this Section.

1104.03 **Physical Improvements:** Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Mayor and Board of Aldermen as part of the site plan review process. Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.

1104.04 **Performance Bonds:** Prior to the rental/ lease of any apartment or the sale of any condominium, the developer may be permitted, at the discretion of the Mayor and Board of Aldermen, to post with the City a performance bond of two hundred (200) percent to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and permitted to do business in the State of Mississippi. The Public Works Director 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. Refer to the Subdivision Regulations of the City of Richland for bond time limit.

SECTION 1105 – SITE PLAN REQUIRED

The developer of ANY apartment or condominium complex shall submit a site plan to the Planning Commission in accordance with Section 2006 of this Ordinance.

SECTION 1106 – REQUIREMENTS FOR OFF-STREET PARKING LOADING AND ACCESS CONTROL

For reasons of fire safety all proposed apartment or condominium complexes shall provide at least two separate points of ingress/ egress to/from the complex. Spacing requirements for these access points are provided under Section 1900. Developers of any proposed apartment or condominium complex or permitted special exception shall comply with parking and loading requirements included under Section 1900. Since single-family homes are required to have two-car garages, the one bedroom apartments are required to have one (1) parking space, and all others are required to have two (2) parking spaces.

ARTICLE XII

MANUFACTURED/MOBILE HOME PARK RESIDENTIAL DISTRICT (T-1/MHP)

SECTION 1200 – PURPOSE OF THIS DISTRICT

The purpose of this district is to provide for properly planned manufactured or mobile home parks in which spaces are offered on a rental or lease basis only for owner-occupied manufactured homes, or in which the space and manufactured home combination are both offered to the public on a rental or lease basis only. It is the intent of this Ordinance that these districts may be located only in such areas as to not adversely affect the established residential subdivisions and residential densities in the City. Such location, however, shall have necessary public services, a healthful living environment and normal amenities associated with residential zones of the City. All areas zoned T-1 shall have public sewerage.

SECTION 1201 – LAND USE PERMITTED

- A. Single-family manufactured homes (single-wide or larger) or mobile homes (as defined by this Ordinance). Single-family mobile homes and accessory buildings, accessory structures and accessory uses. This is the only district where mobile homes shall be located unless specifically authorized pursuant to the provisions of this Ordinance. The location of mobile homes in the City of Richland shall also comply with all provisions of that certain Ordinance Establishing The Requirements For Locating A Mobile Home In the City of Richland, Mississippi (Ordinance 1992-1 as amended). In the event of any conflict between the provisions of said Ordinance and this Ordinance, the most restrictive shall apply;
- B. Any uses permitted in the R-1 Single-Family Residential District.
- C. Private lakes, swimming pools, open space, and other private recreational facilities intended only for the use of the residents of the manufactured/ mobile home park.
- D. Laundromat, vending machine center, and related auxiliary uses incidental to the primary manufactured home uses, provided that such structures for auxiliary uses do not constitute over ten (10) percent of the total site area of the manufactured home park, and further provided that they be exclusively for the use of the residents of the manufactured home park.
- E. Accessory uses and structures as defined under Article II, Section 201 of this Ordinance.
- F. Private streets (circulation drives).

SECTION 1202 – SPECIAL EXCEPTIONS AS PROVIDED IN SECTION 402

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

SECTION 1203 – SITE PLAN REQUIRED

(NOTE: A SITE PLAN IS REQUIRED FOR MANUFACTURED/ MOBILE HOME PARKS, NOT A SUBDIVISION PLAT. A SUBDIVISION PLAT WOULD BE REQUIRED FOR MANUFACTURED HOME SUBDIVISION, WHERE EACH HOME SITS ON ITS OWN LOT).

No site development permit to construct a new manufactured/ mobile home park or to expand (by the addition of one or more spaces) an existing manufactured/ mobile home park shall be issued until the applicant for the building permit has complied with the provisions of Section 2006 relative to site plan review. All new manufactured/ mobile home parks established after the effective date of this Ordinance shall comply with all of the provisions herein. With regard to manufactured/ mobile home parks established prior to the effective date of this Ordinance, which are expanded (by the addition of one or more spaces) after the effective date hereof, the expanded portions of such parks shall comply with all applicable provisions of this Ordinance.

SECTION 1204 – SITE DEVELOPMENT PERMIT REQUIRED

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

Furthermore, any person responsible for placing a manufactured/ mobile home in a manufactured/ mobile home park shall comply with the tie-down standards prescribed in Section G501.3 of the **International Building Code, 2012**; or standards in the latest edition or the **State Fire Marshal's Rules and Regulations for the Uniform Standards Code For the Factory-Built Homes Law Regulations MH-5**. An approval from the State Fire Marshal is required.

SECTION 1205 – DIMENSIONAL REQUIREMENTS

- 1205.01 Minimum Size of Park: Ten (10) acres.
- 1205.02 Maximum Density: The maximum density shall not exceed six (6) manufactured/mobile homes per gross acre.

- 1205.03 Maximum Building Height within Manufactured/ mobile Home Parks: Twenty (20) feet or one story. No structure or building shall exceed twenty (20) feet or one (1) story in height.
- 1205.04 Minimum Set-Backs for Park Perimeter: All manufactured/ mobile homes shall be located at least 50 feet from any property line or any existing or proposed right-of-way line of a public street or road. This park perimeter set-back shall be a landscaped in accordance with the Landscape Regulations of the City of Richland (Ordinance 2003-January 21, 2003) or Section 1205.06 of this Ordinance and remain an open area with no encroachments permitted, including parking lots, patios, or swimming pools, or other paved areas except for entrance/exit driveways (front yard only).
- 1205.05 Required Lot Area and Lot Width: Every manufactured/ mobile home dwelling shall be located on a single lot not less than seven thousand (7,000) square feet in area and a width determined at the building set-back line of not less than fifty (50) feet. [NOTE: A minimum lot width of fifty (50) feet and a minimum lot area of 7,000 square feet will produce a lot fifty (50) ft. wide x one hundred forty (140) feet deep, which should be ample for a double-wide manufactured home: thirteen (13) ft. on each side of a twenty-four (24)-foot wide home.]
- 1205.06 Required Set-Backs for Individual Manufactured/ Mobile Home Spaces Within the Park:
- (a) Front yard: There shall be a minimum distance of 20 feet between an individual manufactured/ mobile home and the adjoining pavement of a park street, or common parking area or other common areas.
 - (b) Side yards: There shall be a minimum distance of ten (10) feet between all manufactured/ mobile homes and the side yard lines of each manufactured/ mobile home space (lot). On corner lots there shall be a minimum side yard of twenty (20) feet on the corner side.
 - (c) Rear yards: There shall be a minimum distance of twenty (20) feet between all manufactured/ mobile homes and the rear yard lines of manufactured/ mobile home space (lot).
- 1205.07 Accessory Buildings or Uses: Accessory buildings or uses shall comply with the same height and yard requirements as manufactured/ mobile homes. Accessory buildings or uses shall be located a minimum distance of 10 feet away from all manufactured/ mobile homes or other main buildings within the manufactured/ mobile home park.

SECTION 1206 – OFF STREET PARKING REQUIREMENTS

In order to provide for free movement of traffic through the park on park streets, no on-street parking shall be permitted on any manufactured/ mobile home park street. See Section 1900 for the off-street parking requirements of this district.

SECTION 1207 – PRIVATE STREETS WITHIN MANUFACTURED/MOBILE HOME PARKS

Street construction shall be in accordance with the City's subdivision regulations.

OR

Private streets (circulation drives) within a manufactured/ mobile home park shall be at least twenty-eight (28) feet in width (traveled road), with curbs and gutters. All streets shall be constructed in accordance the Richland Subdivision Regulations. Proper maintenance of all streets within manufactured/ mobile home parks shall be the responsibility of the owner or operator of the park and not the City of Richland.

SECTION 1208 – WHEEL REMOVAL AND PLACEMENT OF MANUFACTURED/MOBILE HOME ON A CONCRETE PAD OR PERMANENT FOUNDATION/SKIRTING REQUIREMENTS

The owner of any manufactured/ mobile home located or re-located in an MHP district on and after the effective date of this Ordinance shall be responsible for removing the wheels of such manufactured/ mobile homes and placing the manufactured/ mobile home on a concrete pad or permanent foundation. Each manufactured/ mobile home shall be provided with a patio and parking area.

SECTION 1209 - UTILITIES AND DRAINAGE

See the City's Subdivision Regulations and the Storm Water Control Ordinance

SECTION 1210 – FREEDOM FROM FLOODING AND PONDING

See the City's Subdivision Regulations and the Storm Water Control Ordinance.

SECTION 1211 – REFUSE COLLECTION FACILITIES

The owner, or his authorized representative, of a manufactured/ mobile home park shall provide adequate refuse collection stations approved by the City of Richland for the proper storage of all refuse produced by residents of the manufactured/ mobile home park, and shall be responsible for the cleanliness of the premises. The City of Richland will collect refuse at container stations provided that the residents of the manufactured/ mobile home park comply with the regulations of the **Sanitation Ordinance** of the City of Richland.

SECTION 1212 – ACCESS TO PUBLIC STREETS AND HIGHWAYS

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

SECTION 1213 – RECREATIONAL AREA

A minimum of ten percent (10%) of the gross land area of each manufactured/ mobile home park shall be set aside as a recreational area or common open space for park residents. In calculating this open space requirement, the front, side and rear yards may be included. Parking lots and driveways, however, MAY NOT be included in calculating this required open space. Such open space shall consist of land reserved exclusively for the recreational use of the residents of the manufactured/mobile home park. The required site plan (see Section 2006) shall indicate the location and area (in acres) to be so reserved for open space or recreational facilities.

- 1213.01 **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.
- 1213.02 **Steep Slopes:** In reviewing the site plan for a proposed manufactured/ mobile home park, the Site Plan Review Committee 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 Site Plan Review Committee shall make a recommendation to the Mayor and Board as to whether or not any steep slope land should be approved for use in meeting the requirements of this Section.
- 1213.03 **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 site plan review process. Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.
- 1213.04 **Performance Bonds:** Prior to the rental/ lease of any space within a proposed manufactured/ mobile home park (or the expanded portion of an existing park), the developer may be permitted, at the discretion of the Mayor and Board of Aldermen, to post with the City a performance bond of two hundred (200) percent of all open space improvements to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and permitted to do business in the State of Mississippi. The Public Works Director 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. Refer to the Subdivision Regulations of the City of Richland for bond time limit.

SECTION 1214 – EXTERIOR LIGHTING

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

SECTION 1215 – FIRE HYDRANTS

Fire hydrants approved by the Richland Fire Department shall be placed a maximum of 250 feet from each manufactured/ mobile homes stand and every building within the manufactured/ mobile home park.

SECTION 1216 – REQUIRED PLANTING SCREEN FOR ALL MANUFACTURED/MOBILE HOME PARKS

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

SECTION 1217 – COMMON MAIL DELIVERY FACILITY REQUIRED

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

ARTICLE XIII

MANUFACTURED/MOBILE/MODULAR HOME SUBDIVISION DISTRICT (MHS)

SECTION 1300 – PURPOSE OF THIS DISTRICT

The purpose of this district is to provide for properly planned manufactured/ mobile home or modular subdivisions in which lots are offered for sale, and in which the purchaser receives fee simple title to the lot. It is the intent of this Ordinance that these districts may be located only in such areas as to not adversely affect the established residential subdivisions in the City of Richland. Such location, however, shall have necessary public services, a healthful living environment and normal amenities associated with other residential zones in City of Richland.

SECTION 1301 – LAND USE PERMITTED

- A. Owner-occupied single-family manufactured homes, mobile homes, or modular homes as defined by this Ordinance.
- B. Accessory uses and structures associated with the use of the land for residential purposes.
- C. Private recreational or open space facilities.
- D. Streets constructed in compliance with the Subdivision Regulations of the City of Richland.

SECTION 1302 – SPECIAL EXCEPTIONS AS PROVIDED IN SECTION 2004

No conditional uses are allowed in a manufactured/mobile/modular home subdivision.

SECTION 1303 – DIMENSIONAL REQUIREMENTS

- 1301.01 Minimum Size of Subdivision: 25 acres
- 1301.02 Maximum Building Height: 20 feet.
- 1301.03 Minimum Lot Area: 10,600 square feet
- 1301.04 Minimum Lot Width: 75 feet
- 1301.05 Minimum Yards:
 - (a) Front yard: 30 feet from any manufactured home to any right-of-way line of any public road or highway.
 - (b) Side yards: 10 feet
 - (c) Rear yard: 25 feet

1303.06 Accessory Buildings: No accessory building shall be located in the front yard or side yard of any manufactured/ mobile/ modular home in this district. No accessory building shall be located in the rear yard closer to the rear property line than 10 feet, nor shall an accessory building occupy more than 25 percent of a required rear yard.

ARTICLE XIV

PLANNED UNIT DEVELOPMENT (“PUD” DISTRICT)

SECTION 1400 – PURPOSE OF THIS DISTRICT

(NOTE: PUD’s require subdivision plat review, NOT site plan review). (NOTE: Commercial uses should not be allowed in a PUD; a commercial use adjacent to a PUD should require a rezoning to insure that the proposed use is compatible with residential uses. Also, public uses should only be allowed as conditional uses.).

The purposes for establishing Planned Unit Development (“PUD”) districts are:

- A. To provide for the development of relatively large land areas as total cohesive and coordinated units, rather than development on a lot-by-lot basis.
- B. To permit more flexible and advantageous use of sites, especially with regard to natural features of the landscape, through the relaxation of conventional zoning requirements including minimum lot size and minimum lot width, while at the same time retaining approximately the same overall density as would ordinarily apply if the same areas were developed by conventional methods. (Note: However, minimum yard requirements are the same as for conventional districts.)
- C. To help reduce the cost of residential development by allowing more dwelling units per gross acre than could be built in a conventional low density subdivision (due to the extensive space requirements of streets rights- of-way, utility easements, etc., in a conventional subdivision) and by reducing the length of streets and utility extensions through concentration or clustering of housing.
- D. To provide for the development of sites in which land not used for structures and yards but not required by the basic zoning of the site shall be reserved collectively in contiguous units accessible to all dwellings within the PUD as open space; this open space will provide recreational opportunities for the residents of the PUD, and will also afford improved, safer pedestrian circulation within the PUD.

SECTION 1401 – PLANNED UNIT DEVELOPMENTS SHALL BE SUPERIMPOSED DISTRICTS

A Planned Unit Development shall be a superimposed designation on an existing low density residential district (either R-1 or R-2), thereby providing a broader latitude of design to achieve the purposes stated under Section 1400. As a superimposed designation, Planned Unit Developments shall be subject to the overall density requirements of the low density residential district over which they are superimposed. The maximum residential density shall be calculated as prescribed under Section 1406.02 of this Ordinance.

SECTION 1402 - SKETCH SUBDIVISION PLAT APPROVAL REQUIRED PRIOR TO DESIGNATION OF PLANNED UNIT DEVELOPMENT ON OFFICIAL ZONING MAP

Any person desiring to subdivide land for purposes of creating a PUD shall first prepare and submit a sketch plat (or "Development Plan" if the PUD is proposed to contain uses other than single-family detached residences) to the Public Works Director in accordance with the Subdivision Regulations. All sketch plats for proposed PUD shall be reviewed by the Site Plan Review Committee, Planning Commission as well as the Public Works Director and the City Engineer and Site Plan Review Committee.

SECTION 1403 - REZONING REQUIRED FOR DEVELOPMENT OF PORTION OF PUD FOR TOWNHOUSES, PATIO HOMES, MULTIPLE-FAMILY RESIDENTIAL, OR COMMERCIAL USES

If a person desires to reserve a portion of a proposed Planned Unit Development for townhouses, patio homes, or multiple-family residential uses (condominiums or apartments), and such areas are not zoned appropriately for such densities, he shall submit an application for rezoning in accordance with Section 2005 of this Ordinance indicating which areas he desires to be rezoned to R-3, R-4, or R-5.

If the subdivider wishes to reserve portions of the proposed PUD for moderate density or high density residential development or commercial use, such areas shall be shown on a sketch plat or "Development Plan," which shall be submitted with an application for rezoning. A rezoning to permit such residential densities or commercial uses shall only be approved upon the condition that the preliminary plat and individual site plans (for the high density residential or commercial development) substantially conform to the sketch plat or development plan.

SECTION 1404 - LAND USES PERMITTED

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

- A. Any residential use permitted by right in the R-1 and R-2 districts.
- B. Accessory Uses and Structures as defined under Article II, Section 201 of this Ordinance.
- C. Home occupations in compliance with Section 404 of this Ordinance.
- D. Public streets and highways
- E. Private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Section 402 of this Ordinance.

SECTION 1405 – SPECIAL EXCEPTIONS AS PROVIDED IN SECTION 2004

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

- B. Child care facilities.

SECTION 1406 – DIMENSIONAL REQUIREMENTS

- 1406.01 Minimum Size of PUD: The minimum size of any PUD shall be five (5) acres.
- 1406.02 Maximum Residential Development Density:
The basic control of residential development density shall be the density requirement of the particular conventional district (i.e., R-1 or R-2) over which the PUD is superimposed. The maximum density shall be calculated by dividing 43,560 square feet by the minimum lot size and then multiplying that quotient by the total gross acreage to be included in the PUD. EXAMPLE: If a subdivider proposes to develop a 30 acre tract zoned "R-1" as a PUD, the basic control of density is that of the R-1 district: 43,560 square feet divided by 12,000 square feet (minimum lot size in R-1 districts), resulting in a quotient of 3.63 lots or dwelling units; 30 acres multiplied by 3.63 = 109 lots or single-family detached dwelling units. The developer is encouraged to cluster or concentrate housing on the site to take advantage of its natural features.
- 1406.03 Minimum Lot Area: No minimum.
- 1406.04 Minimum Lot Width: No minimum.
- 1406.05 Minimum Yards: The minimum yard requirements for single family detached dwellings in PUD districts shall be the same as those required in R-1 or R-2.
- 1406.06 Maximum Height: Thirty-five (35) feet, unless greater height is specifically approved by the Mayor and Board of Aldermen.

SECTION 1407 – DIMENSIONAL REQUIREMENTS FOR TOWNHOUSES, PATIO HOMES, MULTIPLE FAMILY RESIDENTIAL AND COMMERCIAL PORTIONS OF A PUD

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

SECTION 1408 – COMMON OPEN SPACE REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS

Common open space shall be provided as a condition to the approval of a Planned Unit Development. Such common open space shall consist of land reserved exclusively for the recreational use of the PUD residents and owned and maintained by the residents (see Section 1408.07).

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

1408.01 Minimum Percentage of Land Reserved as Common Open Space:
Common open space shall comprise at least twenty-five percent (25%) of the gross area (total acreage) of the PUD as shown on the required development plan. Public streets, parking lots (for example, a parking lot for a PUD recreational building), and utility easements shall not be considered in meeting the open space requirements of this Section.

1408.02 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 water (lakes, ponds, streams, etc.)

1408.03 Steep Slopes: In reviewing the preliminary subdivision plat for a proposed Planned Unit Development, the Site Plan Review Committee 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 Site Plan Review Committee shall make a recommendation to the Mayor and Board as to whether or not any steep slope land should be approved for use in meeting the requirements of this Section.

1408.04 Physical Improvements: Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Mayor and Board of Aldermen as part of the preliminary subdivision plat review process.

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

1408.05 Staged Development of a Planned Unit Development: If a Planned Unit Development is to be developed in stages or parts and the first part is to consist of the minimum of five (5) acres, twenty-five percent (25%) must be reserved for open space, or one and a quarter (1.25) acres. The open space requirements for subsequent parts or phases shall be calculated based upon the total open space requirement for the entire subdivision, including the initial phase or phases. Thus, if a developer proposes to ultimately develop forty (40) acres of land for a Planned Unit

Development and the first phase will only contain five (5) acres, the developer must reserve a total of at least ten (10) acres for the entire subdivision, which may include the one and a quarter (1.25) acres reserved for the first part.

1408.06 **Performance Bond Required:** Prior to the sale of any lot in a Planned Unit Development, the developer shall post with the Town a performance bond of two hundred (200) percent of all open space improvements to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and admitted to business in the State of Mississippi. The Public Works Director 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. Refer to the Subdivision Regulations of the City of Richland for bond time limit.

1408.07 **Maintenance/Liability in the Operation and Use of Common Open Space Areas Not Dedicated to the City of Richland:** Authority granted by the City of Richland for the development of a PUD shall not be construed as, nor constitute, an obligation on the part of City of Richland either for maintenance or liability in the operation and use of common open space and recreational facilities located in the PUD.

At the time the final subdivision plat is submitted for a PUD, the developer shall submit with his application for final plat approval a legal instrument or instruments which state that the assumption of 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 PUD. In order to insure the integrity of the open space so that it will remain genuinely open, the legal instrument(s) shall specify that the open space restrictions are permanent, not just for a period of years.

ARTICLE XV

COMMERCIAL DISTRICT (COM)

SECTION 1500 – PURPOSE OF THIS DISTRICT

The purpose of this district is to promote the development of well- planned shopping centers and independent commercial uses within carefully selected areas of the City of Richland. It is the intent of this Ordinance that shopping centers and independent commercial uses be developed so that pedestrian and vehicular circulation is coordinated with the circulation patterns of adjacent properties in the vicinity that are also affected. In accordance with the Comprehensive Plan of the City of Richland adopted February 21, 2012, it is a goal of the City to encourage future commercial development in clusters rather than as strip commercial. As stated under Policy 17 of the adopted Comprehensive Plan, “in order to prevent further spread of strip commercial as much as possible, ---- minimum lot widths at 200 feet for independent commercial uses shall be established. Service roads, with new businesses backing onto arterial streets and access to arterial streets limited to selected intersections shall be required.

It is also the purpose of this district to regulate alternative financial service providers (AFSP’s), as defined by this Ordinance. While these alternative, non-bank financial service providers offer convenient services and access to cash, their services often carry high costs, limiting the ability of individuals or families to accumulate assets and establish a good credit history. Furthermore, there is evidence that there is the potential for abuse of customers utilizing such providers. The financial performance of AFSP’s is enhanced by their ability to generate repeat customers – that is, customers that repeatedly roll over high priced day loans. Studies have found that when customers of AFSP’s roll over high-cost short-term loans, they can easily end up trapped in vicious cycle that can result in them paying substantially more in fees than the amount borrowed. Commissioner of Banks data suggest that while less than half of all AFSP customers took out more than 7 loans during 2000, these customers accounted close to three quarters of total revenue for the industry.

Finally, it is the purpose of this district to regulate the operation and location of adult entertainment establishments for the purposes of: (1) stemming a potential increase in criminal activities and disturbances of the peace and good order of the City of Richland; (2) maintaining property values; (3) preventing injuries to residential neighborhoods and other commercial districts; (4) protecting and preserving the quality of life through effective land use planning. The Richland Planning Commission and the Mayor and Board of Aldermen have found that there is substantial evidence, including numerous studies, reports and findings on the potential harmful effect of adult entertainment uses made by cities, experts, urban planners, etc., which document that such uses adversely affect property values, cause an increase in crime, encourage businesses to move elsewhere, and contribute to neighborhood blight.

SECTION 1501 – PERMITTED USES

The following uses are permitted outright in COM districts subject to the regulations prescribed.

- A. Commercial uses in which services performed and merchandise offered for sale are conducted or displayed within enclosed structures, except for the display, sales and storage permitted by Section 1506 of this Ordinance.
- B. Shopping centers located on minimum sites of three (3) acres on an existing or proposed arterial street as shown on the adopted Thoroughfares Plan.
- C. Full service restaurants. Fast food restaurants shall be permitted only as conditional uses in COM districts.
- D. Veterinary clinics and pet shops, excluding outside runs or pens.

SECTION 1502 - SPECIAL EXCEPTIONS AS PROVIDED UNDER SECTION 2004

- A. Public and quasi-public facilities and utilities, as defined by this Ordinance.
- B. Service stations/convenience car care establishments as defined by this Ordinance.
- C. Convenience stores as defined by this Ordinance.
- D. Child care facilities as defined by this Ordinance.
- E. Outdoor fresh vegetable and fruit sales.
- F. Wireless communications facilities as regulated by Section 1930 of this Ordinance.
- G. Institutions for the aged and infirm as defined by this Ordinance (see Section 402 of this Ordinance.)
- H. Vehicle sales, rental or lease and vehicle service. Because the sale, rental or lease of vehicles involves outdoor activities, these uses may not be appropriate for all areas zoned COM Commercial districts.
- I. Boat and marine sales, rental or lease, and boat/marine services.
- J. Nail salons, hair styling shops or hair salons, beauty parlors and tanning parlors, and massage clinics only when associated with spa salons which offer more generalized services related to skin health, facial aesthetics, and similar related services. None of these uses shall be permitted as stand-alone uses in the COM Commercial district.

- K. Commercial recreational and entertainment enterprises in which all or part of the activities are conducted outdoors, such as golf driving or putting courses, water amusement parks, drive-in theaters, etc.
- L. Building materials sales where some or all such materials are displayed outdoors or are visible from streets or highways.
- M. Heavy construction equipment sales and service.
- N. Truck stops.
- O. Veterinary clinics with outside dog runs or pens.
- P. Medical Cannabis Dispensary.

SECTION 1503 – DIMENSIONAL REQUIREMENTS

1503.01 **Maximum Building Height:** The height limitations for this district shall be determined in accordance with the latest edition of the International Building Code adopted by the City.

1503.02 **Minimum Lot Area:**

- (a) Shopping centers: Three (3) acres.
- (b) Independent commercial uses: 10,000 square feet.

1503.03 **Minimum Lot Width:**

- (a) Shopping centers: 200 feet.
- (b) Independent commercial uses: 200 feet. See Section 1500 – Purpose of This District.

1503.04 **Minimum Yards:**

The Minimum yard requirements for all uses permitted in a COM Commercial district shall be as follows:

- (a) Front yards: The front yard building setback line shall be thirty (35) feet from any existing or proposed right-of-way line of any street or road.
- (b) Side yards: The side yard building setback line shall be a minimum of five (5) feet unless a side yard abuts any residential zoning district, then a side yard of at least twenty-five (25) feet shall be provided. Such space shall not be occupied by any building or accessory structure.

- (c) Rear yards: A rear yard of at least twenty-five (25) feet shall be maintained. Such space shall remain open and unoccupied by any building. Where the rear yard abuts a residential zoning district, a rear yard of at least fifty (50) feet shall be provided and such space shall not be occupied by any building or accessory building.

1503.05 Fencing of Side and Rear Yards That Abut Residential Districts: A solid view-obstructing fence constructed of wood or other construction materials approved by the Mayor and Board of Aldermen of the City of Richland shall be constructed along the property line of any property that abuts a residential zoning District. The Mayor and Board of Aldermen will consider any materials of uniform height and composition which will adequately shield or screen the premises from the adjacent residential property. Plans and specifications for the fence shall be submitted to and considered by the Board of Aldermen for approval.

SECTION 1504 – OUTDOOR DISPLAY, SALES AND STORAGE IN COMMERCIAL (COM) DISTRICTS

1504.01 Sidewalk Display and Cart Storage: “Sidewalk display” is a term commonly used in the retail industry to describe display areas along the front of a building. Sidewalk display and cart storage in the sidewalk display area are subject to the following restrictions.

- (a) Merchandise may be displayed and carts may be stored within twenty (20) feet of the front of the building.
- (b) No single item may exceed twelve (12) feet in height.
- (c) Items may not be stacked to exceed six (6) feet in height.
- (d) A clearly delineated pedestrian walkway at least six (6) feet in width shall be provided contiguous to the twenty (20) foot display and cart storage area to provide unimpeded pedestrian access to the building.
- (e) An area the width of the customer entrance and exit door(s) plus fifteen (15) feet on either side of the door(s) shall be maintained clear of merchandise and carts to allow unimpeded pedestrian access to the building.
- (f) Areas for customer loading of merchandise shall be clearly delineated and shall not be located in front of any customer entrance or exit door(s) or within fifteen (15) feet on either side of the door(s).

- (g) This section does not prohibit storage of carts in the parking lot, but merely regulates storage of carts in the sidewalk display area.

1504.02

Permanent Outdoor Display, Sales and Storage: Merchandise may be stored or displayed for sale to customers on the front or side of the building in accordance with the following restrictions:

- (a) The total square footage of all permanent outdoor storage, display and sales areas shall be limited to ten (10) percent of the footprint of the building, but in no event shall exceed 15,000 square feet.
- (b) Permanent outdoor storage, display and sales shall be contiguous to the building and shall not be permitted within one hundred (100) feet of residential property.
- (c) The permanent storage, display and sales area shall be enclosed by a chain link fence covered with windscreen or wall of like material to the building with a minimum height of eight feet. Windscreen shall be maintained in good repair and free of tears. Merchandise may be stacked up to twenty-five (25) feet high or level with the top of the adjacent side wall, whichever is lower, but may not be stacked above the height of the wall or fence. The roofline on the front façade shall have architectural features, such as gables or parapets, to obscure merchandise stored in the area.

1504.03

Seasonal Outdoor Display and Sales: Christmas trees may be displayed for sale. In addition, bedding plants, trees, shrubs, potting soil and bagged yard products including without limitation fertilizer, bark, mulch, peat moss and play sand may be also be displayed. The seasonal outdoor sales area shall be limited to ten (10) percent of the footprint of the building but in no event shall exceed 12,000 square feet. No merchandise may exceed five (5) feet in height, except Christmas trees.

1504.04

Rear Storage: Bulk merchandise may be stored behind the building. The sides and back of the storage area shall be screened with a chain link fence covered with winged slats, except for any side or back that is adjacent to any existing single-family residential use or single-family residential district and separated by an eight-foot masonry wall and landscaped buffer yard in accordance with this Ordinance. Winged slats shall be maintained in good repair and free of tears. The rear storage area shall not be accessible to customers. Merchandise shall be stacked no higher than twenty-five (25) feet. Plans and specifications for the rear storage shall be submitted to and considered by the Board of Aldermen for approval. Among the items in the plans and specifications to be

considered are: type of fence, height of fence, height of proposed storage, and landscaped bufferyards.

SECTION 1505 – SITE PLAN REQUIRED

A site plan shall be submitted to the Site Plan Review Committee in accordance with Section 2006.

ARTICLE XVI

RICHLAND TOWN CENTRE DISTRICT (RTC)

SECTION 1600 - PURPOSES OF THIS DISTRICT

In accordance with the goals and objectives of the Comprehensive Plan of the City of Richland adopted on February 21, 2012, with regard to the Richland Town Centre, the purposes of this District are as follows:

- GOALS:**
- To create a unique and appealing downtown environment that will encourage and enhance development by private developers consistent with the culture, heritage and vision of the City.
 - To preserve the character of the Richland Town Centre by preventing location of inappropriate land uses and by prohibiting incompatible architectural design and materials.
 - To promote development of the Richland Town Centre as a major focal point of community life.

- OBJECTIVES:**
- (1) To designate the Richland Town Centre as a "Mixed Use" area on the Land Use Plan. The Richland Town Centre Districts shall allow only the following uses: governmental uses; professional offices; and public/quasi-public uses as special exceptions under the Zoning Ordinance.
 - (2) To create a governmental complex consisting of a new building housing the Police Department, and to expand the existing City Hall to include current city services offered in that building and the Public Works Department.
 - (3) To enhance the aesthetic qualities of the Richland Town Centre District through such public improvements as continued removal of overhead utility lines, installation of street trees, erection of attractive street light standards, and other features such as benches, sidewalks and fountains to promote the use of the area by pedestrians and bicyclists.

SECTION 1601 – LAND USES PERMITTED

The following uses are permitted to the Richland Town Centre District.

- A. All governmental offices.
- B. Offices of all types.
- C. Indoor commercial uses.

D. Restaurants.

SECTION 1602 – SPECIAL EXCEPTIONS AS PROVIDED UNDER SECTION 2004

The only uses that may be considered for location in the Richland Town Centre District are public/ quasi-public uses as defined by this Ordinance (other than governmental uses, which are allowed outright in the RTC District).

SECTION 1603 – PROHIBITED USES

The following uses are expressly prohibited in the Richland Town Centre District:

- A. Payday loan businesses, Title Loan businesses, or “Check Cashing” businesses.
- B. Pawn shops.
- C. Tobacco and/or Vape shops.
- D. Massage parlors.
- E. Tattoo parlors.
- F. Pharmacies.
- G. Gas Stations.
- H. Medical Cannabis Establishments.

SECTION 1604 – DIMENSIONAL REQUIREMENTS

1604.01 Maximum Building Height: The height limitations for this district shall be determined in accordance with the latest edition of the International Building Code adopted by the City.

1604.02 Minimum Lot Area: No minimum lot area is required.

1604.03 Minimum Lot Width: No minimum lot width required.

1604.04 Minimum Yards:

The minimum yard requirements for all permitted in a RTC district shall be as follows:

- (a) Front yards: The front yard building setback line shall be thirty-five (35) feet from any existing or proposed right-of-way line of any street or road.
- (b) Side yards: The side yard building setback line shall be a minimum of five (5) feet unless a side yard abuts any residential zoning district, then a side yard of at least twenty-five (25) feet shall be

provided. Such space shall not be occupied by any building or accessory structure.

- (c) **Rear yards:** A rear yard of at least twenty-five (25) feet shall be maintained. Such space shall remain open and unoccupied by any building. Where the rear yard abuts a residential zoning district, a rear yard of at least fifty (50) feet shall be provided and such space shall not be occupied by any building or accessory building.

ARTICLE XVII

INDUSTRIAL DISTRICT (IND)

SECTION 1700 – PURPOSES OF THIS DISTRICT

In accordance with the goals and objectives of the Comprehensive Plan of the City of Richland adopted on February 21, 2012, with regard to the Industrial District (IND), the purposes of this District are as follows:

- A. To encourage industrial uses to locate and expand in areas where existing infrastructure can support such uses and where vehicular traffic, train noise levels or the presence of 100-year floodplains render these areas unsuitable for any residential development.
- B. To promote expansion or location of industrial development in selected areas where the noise levels from vehicular traffic on streets and highways or trains from railroads now exceeds or is expected to exceed a level that is comfortable to a person of normal hearing sensitivity standing one hundred (100) feet away from such streets and highways or railroads.
- C. To prevent the spread of self-storage warehouses (“mini-warehouses”) to locations other than industrial areas.

SECTION 1701 – PERMITTED USES

- A. Any use allowed outright in (COM) Commercial Districts
- B. The following uses that are allowed as special exceptions only in (COM) Commercial Districts shall be allowed outright in (IND) Industrial Districts.
 - 1. Service stations/convenience car care establishments as defined by this Ordinance.
 - 2. Convenience stores as defined by this Ordinance.
 - 3. Vehicle sales, rental or lease and vehicle service.
 - 4. Boat and marine sales, rental or lease, and boat/marine service.
 - 5. All building materials sales, including those where some or all such materials are displayed outdoors or are visible from streets or highways.
 - 6. All heavy construction equipment sales and service.
 - 7. Truck stops.

- C. No uses permitted in this zoning district shall be dangerous or offensive or detrimental to the present or intended character of this district or vicinity or constitute a nuisance due to the emission of dust, gas, smoke, noise, fumes, glare, odor, vibration, fire hazard, or similar effects. These prohibited uses include, but are not limited to the following:
1. Ammunition, fireworks, gunpowder, and other explosive manufacture or storage.
 2. Fat rendering, grease, lard, or tallow manufacture or storage.
 3. Fish smoking and curing.
 4. Glue, gelatin (animal) manufacture.
 5. Rubber or gutta-percha manufacture or treatment.
 6. Sauerkraut manufacture.
 7. Wood pulp and fiber, reduction and processing.
 8. And in general, those uses that have been declared a nuisance in any court of record, or where such use generates environmental pollutants beyond a tolerable level by reason of excessive noise, odor, glare, vibration, smoke, dust, fumes, vapors, gases, liquid and solid waste, radiation, electrical emissions, danger from fire or explosion, or any other debilitating influence as defined by the Environmental Protection Agency as regulated by the Mississippi Department of Environmental Quality.
- D. Any type of transportation or distribution facility or terminal, including truck terminals, railroads, and intermodal and rail switching yards.
- E. Accessory buildings, accessory structures and accessory uses customary and incidental to any permitted use.
- F. Telecommunications towers of a height not greater than two hundred (200) feet subject to Section 1930 of this Ordinance.
- G. Tattoo parlors.
- H. Fortune telling businesses as defined by this Ordinance.
- I. Pawn shops, subject to the regulations under Section 1704.
- J. Cash for gold shops.
- K. Check cashing business (also called "Pay-Day Loan Agency"), subject to the regulations under Section 1705.

- L. Cash for title stores, subject to the regulations under Section 1705.
- M. Tax refund anticipation loan offices, subject to the regulations under Section 1705.
- N. Medical Cannabis Establishments including cultivation, dispensary, disposal, research, testing, and transportation.

SECTION 1702 – SPECIAL EXCEPTIONS AS PROVIDED UNDER SECTION 2004

- A. Portable buildings for storage purposes only provided that granting of the conditional use permit would not materially or adversely affect adjacent properties, that the portable building could be suitably and safely used for storage of the articles to be stored, and that the use of a portable building for storage purposes only would be in keeping with the character of the area in which it is located.
- B. Salvage yards as defined herein. Also, outside storage of automobiles, trucks, tractors, trailers, heavy equipment, and machinery rendered inoperative by reason of lack of essential parts; wrecker services; outside storage of parts of any automobiles, trucks, tractors, trailers, heavy equipment, or machinery, provided such uses listed under this paragraph are properly screened or buffered, and further provided that such uses at the proposed location would be compatible with adjacent properties and other properties in the district, and the granting of the conditional use permit would not materially or adversely affect adjacent properties.
- C. Any industry which possesses, stores or disposes of solid waste, hazardous materials, or hazardous waste, provided that the Mayor and Board of Aldermen make a determination that such use is compatible with existing uses of surrounding properties, would not have an adverse impact on such properties, could be suitably and safely conducted at said location, and is not otherwise prohibited by Section 405.05 (Prohibited Uses) of this Ordinance. Any conditional use permit granted shall be conditioned upon the applicant obtaining all necessary permits from Federal and State regulatory agencies and compliance with all laws and regulations governing solid waste, hazardous waste and hazardous materials.
- D. Wireless communications facilities as regulated by Section 1930 of this Ordinance.
- E. Extraction of minerals, including sand and gravel, provided that when “open-pit” operations are conducted, the operator must obtain required permits and

approvals from other governmental entities and provide the City of Richland with written proof of same.

F. Adult arcades, adult bookstores, adult cabarets, adult motels, adult motion picture theaters, and other adult entertainment activities as defined by this Ordinance. All such uses shall be subject to the provisions of Richland Ordinance 1999-4, Ordinance Regulating Adult Entertainment Establishments. Furthermore, no such establishment shall be located within one thousand five hundred (1,500) feet of the property lines of the following:

1. A church, synagogue, or regular place of worship;
2. A public or private elementary or secondary school;
3. Any existing residential use or any residentially zoned property;
4. A public or private park or playground;
5. A licensed day care center;
6. An entertainment establishment that is oriented primarily towards children or family entertainment;
7. U.S. Highway 49;
8. Any hospital or convalescent or nursing home;
9. Any cemetery;
10. Any charitable organization building or facility;
11. Any charitable organization building or facility;
12. Any property zoned "SU-1" Special Use District.

SECTION 1703 – DIMENSIONAL REQUIREMENTS

- 1703.01 **Maximum Building Height:** The height limitations for this district shall be determined in accordance with the latest edition of the **International Building Code** adopted by the City.
- 1703.02 **Minimum Lot Area:** 10,000 square feet.
- 1703.03 **Minimum Lot Width:** Fifty (50) feet.

1703.04 Minimum Yards:

The minimum yard requirements for all uses permitted in a IND district shall be as follows:

- (a) Front yards: The front yard building setback line shall be sixty (60) feet from any existing or proposed right-of-way line of any street or road.
- (b) Side yards and rear yards: twenty-five (25) feet as measured from the side or rear lot line of the nearest building or structure. Where such use abuts any existing residence or residential zone, the side or rear yard clearance on the sides abutting the existing residence or residential zone shall be seventy-five (75) feet. Such space shall remain open and unoccupied by any building or accessory building, accessory structure, or accessory use, and shall be maintained as a landscaped buffer area.

SECTION 1704 – REGULATION OF PAWN SHOPS

Pawn shops shall be subject to the provisions of Mississippi law as specified under the Mississippi Pawnshop Act in Title 75 of the Mississippi Code of 1972.

Since the location of pawn shops can provide a relatively easy way in which to secure cash, which may be obtained through the sale of stolen goods, to procure illegal drugs, the regulation of such businesses is deemed to be important in order to provide for the public safety of the citizens of Richland. Therefore, no such establishment shall be located within one thousand (1,000) feet of the property lines of any existing residential use or any residentially zoned property, church, school, hospital, convalescent or nursing home, cemetery, civic organization building or facility, charitable organization building or facility, public or private park or playground, or any property zoned "SU-1" Special Use District under this Ordinance.

ARTICLE XVIII

PLANNED INDUSTRIAL DISTRICT (PID)

SECTION 1800 – PURPOSE OF THIS DISTRICT

In order to permit the continued use and expansion of the previously existing non-conforming light industrial uses situated in residential zoning districts, the Planned Industrial District is hereby created, subject to site plan review. It is the intent of this district to permit certain light industrial uses to operate in previously zoning residential areas where industrial uses existed at the time the property was zoned R-1 Single-Family Residential District, provided that it can be clearly demonstrated that significant improvement will be made in the compatibility of the uses in this zone with properties in the adjoining residential district.

SECTION 1801 – LAND USES PERMITTED

Light industrial uses conducted wholly within enclosed buildings and storage of motor vehicles or other equipment or materials may be permitted if located within completely enclosed buildings or behind a view-obscuring fence and subject to the specific requirements and restrictions set forth in Section 1803.

SECTION 1802 – LOCATIONAL REQUIREMENTS

The following prerequisites must exist before an application for the Planned Industrial District can be filed with the City.

The property to be zoned must:

- A. Have frontage on a street used exclusively by industrial uses,
- B. Adjoin a railroad right-of-way and/or be a part of a larger industrial area adjoining a railroad right-of-way,
- C. Be within reasonable proximity to U.S. Highway 49 as determined by the Mayor and the Board of Aldermen.

SECTION 1803 – REQUIREMENTS AND RESTRICTIONS

All applications to re-zone property (PID) Planned Industrial District shall be accompanied by a preliminary site plan in duplicate submitted as required by Section 2006 of this Ordinance, except that the Mayor and Board of Aldermen may waive the requirement that a site plan be submitted if no building or structures are located on the property or are proposed to be located on the property or are proposed to be located on the property. The application and site plan shall specify that the following requirements and restrictions shall be met:

- A. All activities conducted in connection with the non-conforming use, both before and after the expansion and, with the exception of storage, shall be conducted shall be either within completely enclosed buildings or behind a view-obscuring fence.
- B. No truck traffic, loading or unloading of trucks shall be conducted except between the hours of 7:00 o'clock A.M. and 6:00 o'clock P.M. and no trucks or trailers shall remain parked with any engines or motors running between the hours of 6:00 o'clock A.M. and 7:00 o'clock P.M. The term "truck traffic" as used in this ordinance shall not include pickup trucks, emergency vehicles or wreckers.
- C. The front yard building setback lines shall be a minimum of thirty (30) feet from any existing or proposed right-of-way line of any street or road. There shall be a minimum side yard on each side of each building of ten (10) feet as measured from the side lot line to the nearest building. Where said use abuts any property which is primarily residential in character, as may be determined by the Mayor and Board of Aldermen, there shall be a side yard clearance on the sides abutting the residential property of one-hundred (100) feet. Such space shall remain open and unoccupied by any building, accessory building, accessory structure, parking area, loading area, or any other use and shall be maintained as a buffer area. There shall be a minimum rear yard as measured from the rear property line to the nearest building of twenty-five (25) feet. Such space shall not be occupied by any building, accessory building, accessory structure or accessory use. Where said use abuts any property which is primarily residential in character, as may be determined by the Mayor and Board of Aldermen, there shall be a rear yard of at least one-hundred (100) feet as measured from the rear property line to the nearest building. Such space shall remain open and unoccupied by any building, accessory building, accessory structure or accessory use, parking area, loading area, or any other use, and shall be maintained as a buffer area.
- D. Detailed plans and specifications for the expansion, together with the detailed plans and specifications for the enclosure of all existing operations shall include all measures proposed to reduce the noise level to adjacent properties.
- E. A view-obscuring fence constructed of wood or chain link with winged slats inserted and not less than eight (8) feet in height of permanent type construction shall be erected and maintained upon the property upon which the zoning change is being requested at a minimum distance of twenty-five (25) feet from the boundaries of the district and along such other boundaries of the property as may be necessary to obscure the view of the uses located on the property from adjacent residential property as may be determined by the Mayor and Board of Aldermen. The application shall specify the type of fence to be constructed, the anticipated maintenance requirements of the fence, and a

maintenance schedule, specifying maintenance work to be performed and the intervals at which the maintenance work is to be performed. The application shall specifically state that the fence shall be maintained in the manner provided for in the proposed maintenance schedule, with such modifications as may be required by the Mayor and Board of Aldermen.

- F. Landscaping shall be planted between the property line of the property upon which the zoning change is being requested and any fence required to be constructed, with that portion of the landscaping immediately adjacent to the fence being capable of growing to a height of not less than six (6) feet. Plans shall be submitted, specifically identifying the type, location and maintenance schedule of the proposed landscaping. The application shall specifically state that the landscaping shall be planted and maintained as provided for in the proposed maintenance schedule, with such modifications as may be deemed appropriate by the Mayor and Board of Aldermen, and specifically that all bushes and shrubs shall be trimmed, all grass clipped at a height less than six (6) inches, and all litter and debris removed from the area at regular specified intervals.
- G. All exterior lights shall be located and shielded to insure no glare or lighting being directed toward residential properties. The plans and specifications shall specifically show the location of all exterior lights on the premises of applicant.
- H. All drives, parking, loading, and unloading areas shall be constructed of concrete or asphalt.
- I. All by-products, wastes, and emissions of whatever nature, including but not limited to: radioactive elements, electromagnetic interference, smoke, dust, dirt, fumes, vapors, gases, noise, odor, glare, and vibration shall be contained completely upon the property or be of a level not exceeding that normally associated with developed residential properties.
- J. For questions regarding specific noise levels, refer to Richland's Noise Ordinance.

SECTION 1804 – BUILDING HEIGHT

Not specified.

SECTION 1805 – REQUIRED LOT AREA AND LOT WIDTH

Not regulated, however, the sum total of all buildings and accessory buildings shall not cover more than sixty percent (60%) of the area of any lot.

SECTION 1806 – OFF STREET PARKING AND LOADING REQUIREMENTS

See Section 1900 pertaining to off-street Parking and loading.

SECTION 1807 – SIGNS AND OUTDOOR ADVERTISING

See Section 1910 pertaining to signs and outdoor advertising.

SECTION 1808 – USE PERMIT

The ordinance zoning any property (PID) Planned Industrial District shall require compliance with all of the foregoing requirements, and any other conditions and safeguards deemed appropriate in order to accomplish the intent and purpose of this Ordinance and shall entitle the applicant to commence construction upon any proposed use. No use, however, shall be made of any proposed expansion or proposed use until such time as the Mayor and the Board of Aldermen have determined that all of said requirements have been met. Upon the completion of any construction of any facilities as expanded, the Mayor and the Board of Aldermen shall be notified in writing that all of said requirements have been met and shall request a permit to commence use and operation of any facilities as expanded or the proposed use. Upon determination by the Mayor and Board of Aldermen that all of said requirements have been met, the Mayor and the Board of Aldermen shall issue a permit authorizing the use of the facilities as expanded or the use of the property.

SECTION 1809 – VIOLATIONS

In the event that the Mayor and Board of Aldermen determine that any violation exists of said requirements, the Mayor and the Board of Aldermen shall notify the person or corporation in violation of the nature of the violation. Such violation shall immediately cease and any steps necessary to correct the violation shall be taken. The notice shall specify a hearing date more than ten (10) days and within twenty-one (21) days from the date of the notification of any violation. The requirement that the hearing be conducted within twenty-one (21) days is for the benefit of any persons who may be aggrieved by the violation and shall not entitle the person or corporation in violation of the conditions of the Planned Industrial District Zone to use the twenty-one (21) day requirement as a basis for raising any defenses or objections to any proceedings to which the requirement applies. At the hearing the Mayor and the Board of Aldermen will determine if such violation exists. In the event that at the date of the hearing the Mayor and the Board of Aldermen determine that such violation exists for the granting of said Planned Industrial District Zone, such violation shall be ceased on or before fourteen (14) days after the date of said hearing. Any person or corporation found to be in violation shall be subject to penalties provided for in Section 2300 of this Ordinance.

SPECIAL USE DISTRICT (SU-1)

SECTION 1850 – PURPOSE OF THIS DISTRICT

The Special Use District is hereby created in order to permit certain uses, which, because of their size, institutional nature, transportation function or other unique characteristics, are incompatible with the established zoning district of the City. It is the intent that this special use district be located separately and distinctly from all other districts and that these areas be reserved for those privately or publicly owned facilities that are permitted within the Special Use District and similar compatible uses.

SECTION 1851 – SPECIAL LAND USES PERMITTED

The following uses are permitted:

- A. Educational institutions including any publicly or privately owned educational facility and other directly related educational uses.
- B. Transportation facilities including all lands within the rights-of-way of Interstate Highways, highways built to Interstate standards, public parkways adjacent to and included in the rights-of-way of public roads intended to beautify or otherwise aesthetically enhance the transportation corridor.
- C. Recreational facilities including outdoor recreational facilities, which preserve the environmental quality of the district such as parks and playgrounds, golf courses, swimming facilities, picnic areas, tennis courts, and other related uses.
- D. Public Uses including all public facilities, structures and buildings such City Hall, police departments, post offices for governmental owned public utilities and offices and buildings incidental to and used in the furtherance of any governmental function or by any governmental agency.
- E. Medical, dental, veterinary facilities, pharmacies, and retirement facilities including retirement villages.
- F. Professional offices and office building.

SECTION 1852 – COORDINATION WITH SUBDIVISION REGULATIONS

- A. A detailed development plan of the proposed special use shall be submitted to the Mayor and Board of Aldermen for site plan review in accordance with Section 2006 of this Ordinance.
- B. Subdivision review under the Subdivision Ordinance shall be carried out simultaneously with the review of the Special Use development plan under this section of the Zoning Ordinance.

- C. There shall be no deviation from the approved development plan until such deviation has been submitted to the Mayor and Board of Aldermen for approval or disapproval.

PLANNED HIGHWAY CORRIDOR DISTRICT (PHC)

SECTION 1860 – Purpose of the District

The general purposes of this section are to protect the integrity of and to provide for a superior environment along the Highway 49 corridor of the City, as stated in the Comprehensive Plan. As a matter of public policy the City aims to redevelop, enhance, and perpetuate those aspects of overlay districts that have aesthetic, architectural, cultural, and/or historical significance. Such development activities will promote and protect the health, safety, prosperity, and general welfare of persons living in the City. The Planned Highway Corridor District (PHC) functions as an overlay district, which imposes a set of requirements in addition to those of the underlying residential, commercial, industrial or other district. Upon change in ownership, all non-conforming buildings and lots shall comply with the requirements of the PHC District within six (6) months.

Specifically, the PHC District guidelines are designed to encourage the following:

- A. To establish and enhance the “gateway” character of the district, thereby increasing aesthetic and visual qualities, as well as, property values of the City;
- B. To prevent the placement of inappropriate land uses along the entranceway corridors;
- C. To promote uniformity, with regard to dimensional regulations (i.e., maximum height, lot area and lot width, density, setbacks, and open space);
- D. To standardize landscaping requirements within the district;
- E. To establish sign regulations to prevent the erection of outdoor advertising that would detract from the aesthetic quality of the entranceway districts, thereby diminishing property values;
- F. To establish uniform off-street parking, service area, and access control regulations;
- G. To enact exterior lighting regulations that will minimize glare, promote security, and provide vehicular traffic and pedestrian safety; and
- H. To promote site plan review standards and procedures that encourages the highest quality of development while preventing unnecessary delays.

SECTION 1861 - PLANNED HIGHWAY CORRIDOR DISTRICT IS AN OVERLAY DISTRICT

- A. The PHC District shall be established as an “overlay district,” superimposed on the existing zoning district, and intended to supplement the regulations of the underlying base district and to provide harmony and compatibility of development over the length of the corridor.

- B. The width of the PHC District along Highway 49 is 600 feet on either side of the right-of-way. The PHC District will overly multiple zoning districts and if any portion of a lot/parcel is within the 600 feet perimeter set forth herein, then the entire lot/parcel shall be encompassed within the PHC District, subject to removal or partitioning only by the Mayor and Board of Aldermen under Section 2001 of the Ordinance.
- C. In the event a proposed development is not completely covered by the overlay district, then the City reserves the right, in its discretion based on the purposes and intent of this section and in the best interest of the City, to extend the overlay district so that the proposed development is completely covered by the requirements herein.

SECTION 1862 - PERMITTED LAND USES

Because the PHC District overlays residential, commercial, and industrial zoning districts, the underlying permitted uses of the affected districts shall not be affected by the presence of the overlay.

SECTION 1863 - SPECIAL EXCEPTIONS AS PROVIDED UNDER SECTION 2004

Only those conditional uses that are specifically permitted in each of the affected underlying districts shall be considered by special exception.

SECTION 1864 - PROHIBITED PHC DISTRICT LAND USES

To maintain the integrity of this district the following uses are prohibited regardless of the type of district in which they are found. These uses apply only in the portions of each district covered by the overlay.

- A. Re-cycling collection point;
- B. Junk yards;
- C. Palm readers, psychics, fortune tellers and similar businesses;
- D. Tattoo Parlor;
- E. Massage Parlor;
- F. Pawn shops;
- G. Title pledge office;
- H. Bars not associated with restaurants;
- I. Mini-warehouses; and
- J. Adult entertainment establishments.

SECTION 1865 - SITE PLAN REQUIRED

The developer/applicant of any use in the PHC District shall submit a site plan to the Site Plan Review Committee in accordance with Section 2006 of this Ordinance.

SECTION 1866 - GENERAL STANDARDS

- A. **Loading Areas Screened:** Loading areas shall be screened and located on side or rear yards.
- B. **Access to Property:** Access to the property shall be approved by the City Engineer, Planning and Zoning Board, and Mayor and Board of Aldermen.
- C. **Buffer Standards:** When nonresidential uses abut residential uses, the following standards apply:
 - 1. All of the structures for the nonresidential uses shall be set back a minimum of 50 feet from the residential property line and a 25-foot landscaped buffer shall be located between the residential and nonresidential uses; or
 - 2. All of the structures for the nonresidential uses shall have a minimum 25-foot landscaped buffer and a masonry wall or a fence, as approved by the Board of Mayor and Aldermen, located between the residential and nonresidential use.
- D. **Landscaping Standards:** Persons wishing to develop property within the PHC District shall comply with the following landscaping standards:
 - 1. Existing natural landscaping material shall not be disturbed within 25 feet of the property line that adjoins the street right-of-way. This area shall be labeled as open space setback. No structures, fences, walls, or parking are allowed in this setback;
 - 2. Landscaping shall be provided in the open space setback where landscaping has been disturbed and shall be provided surrounding buildings and parking areas at a minimum width of five feet. The intensity of landscaping shall be two plants per 30 square feet of landscaped area. One-half of vegetation shall be at least four-feet high, and one-half shall be one-foot high at the time of planting. Trees shall be a minimum of 10 percent of the total planting. If parking is provided in the front setback, it shall be effectively screened by earth berms or landscaping, which shall be at least four feet above parking lot grade; and

3. In order to preserve natural landscaping on stream banks, an undisturbed setback of 10 feet shall be retained next to the major streams where 100-year floodplains have been recorded.
- E. **Lighting Standards:** Any lighting in the PHC District used to illuminate any off-street parking area shall be energy efficient as approved by the Zoning Administrator and shall be so arranged as to reflect the light away from adjacent residential property. Specifically, lights with no cutoff type luminaire shall be no higher than 10 feet and shall have a minimum illumination, measured at the lot line at ground level, of .20 candlepower. Lights with a cutoff-type luminaire shall be no higher than 20 feet with a maximum illumination, measured at the lot line ground level, of .30 candlepower. Lights with a luminaire of less than 90-degree cutoff shall be no higher than 20 feet, with a maximum illumination, measured at the lot line at ground level, of .50 candlepower. The burden of proof of the candlepower provided shall be upon the developer/applicant.
 - F. **Sign Standards:** Signs in the PHC District shall meet the standards in Section 1910 of this Ordinance.
 - G. **Architectural Standards:** In addition to the requirements herein, all commercial, industrial, and multi-family structures and/or buildings in the PHC District shall meet the requirements of the Richland Architectural Review Ordinance, as amended and supplemented from time to time.
 - H. **Required Information for Site Plans:** The following data shall be supplied by the developer/applicant in connection with required site plans:
 1. Lot lines (property lines).
 2. The zoning of adjacent lots.
 3. The names of owners of adjacent lots.
 4. Rights-of-way of existing and proposed streets, including streets shown on the adopted Thoroughfares Plan.
 5. Access ways, curb cuts, driveways and parking (including number of parking spaces to be provided) and loading areas.
 6. All existing and proposed easements.
 7. On request by the Zoning Administrator, all existing and proposed water and sanitary sewer lines; also, the location of all existing and proposed fire hydrants.
 8. On request by the Zoning Administrator, a drainage plan showing all existing and proposed storm drainage facilities. The drainage plan shall indicate adjacent off-site drainage courses and projected storm water flow rates from off-site and on-site sources.

9. On request by the Zoning Administrator, contours at vertical intervals of five (5) feet or less.
10. Floodplain zone designations according to maps prepared by the Federal Emergency Management Agency, Federal Insurance Administration, and any proposed floodway modifications.
11. Landscaped areas and planting screens.
12. Building lines and the location of all structures, existing and proposed.
13. Proposed uses of the land and buildings.
14. Proposed gross lot coverage in square feet (i.e., that portion of a lot occupied by buildings and structures.
15. Location of sign structures and drawings.
16. Any additional data necessary to allow for a thorough evaluation of the proposed use.
17. Drawings or renderings of the general design, style, and architecture of the building or structure.
18. Proposed materials and color schemes to be utilized in the construction of the exterior of buildings and structures.

SECTION 1867 - LAND USES NOT SPECIFICALLY PROHIBITED OR PERMITTED

Proposed land uses not specifically permitted or prohibited under the provisions of this subsection shall be subject to final determination to be made by the Mayor and Board of Aldermen pursuant to Section 2001 of the Ordinance.

ARTICLE XIX

ADDITIONAL GENERAL REGULATIONS

SECTION 1900 – OFF-STREET PARKING AND LOADING REQUIREMENTS

Purpose: In connection with every commercial, business, trade, institutional, recreational, residential, or other use, off-street space for parking and storage of vehicles shall be provided in accordance with the following:

- 1900.01** **Schedule of Parking Requirements:** For the purpose of this Ordinance, an off-street parking space shall consist of a space sufficient in size to store one full-size automobile with a minimum of nine (9) feet wide and eighteen (18) feet long with room for opening doors on both sides.
1. Dwelling Unit - Two (2) spaces per dwelling unit.
 2. Retail Stores - One (1) space for each 300 square feet of gross retail floor area, plus one (1) parking space for every two (2) employees and one (1) space for the manager.
 3. Wholesale Establishments - One (1) space per two (2) employees at maximum employment on a single shift, plus one (1) space for each company vehicle operating from the premises.
 4. Manufacturing, Processing, or Industrial Establishments - One (1) space per two (2) employees.
 5. Hotels, Motels, Lodging Houses - One (1) space per guest room, plus one (1) space per two (2) employees.
 6. Hospital – One (1) space per three (3) beds, plus one (1) space per two (2) employees.
 7. Restaurants and Other Eating Establishments – One (1) space per three (3) seats.
 8. Churches – One (1) space per six (6) seats in principal assembly hall.
 9. Business and Professional Offices – One (1) space for each 300 square feet of gross floor area.
 10. Theaters – One (1) space per four (4) seats.
 11. In case of any building, structure or premises, the use of which is not specifically mentioned herein, the provision for a use which is

mentioned and to which said use is similar shall apply as determined by the Mayor and Board of Aldermen.

- 1900.02 **Paving Requirements:** All driveways and off-street parking areas for any use other than a single-family residence must be paved with concrete or asphalt, with plans and specifications approved by the City Engineer prior to the issuance of a building permit. The Mayor and Board of Aldermen may waive the requirement that all off-street parking areas be paved with concrete or asphalt for businesses located in for businesses which require large outdoor parking areas, where compliance with the paving requirements would cause undue hardship. Such waiver may be granted subject to any conditions or safeguards the Mayor and Board of Aldermen determine to be appropriate.
- 1900.03 **Loading Space Requirements:** On the same premises with building, structure, or part thereof erected and occupied for manufacturing, storage, warehouse goods display, department store, market, hotel, hospital, mortuary, laundry, dry cleaning, grocery, automobile/equipment sales or other uses similarly involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot or premises adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of streets or alleys. Such space, unless otherwise adequately provided for, shall include a ten (10) foot by twenty-five (25) foot loading space, with a minimum height clearance of fourteen (14) feet, for every 10,000 square feet or fraction thereof in excess of 3,000 square feet of building floor space or land use for the above purposes.
- 1900.04 **Driveway Requirements:**
1. **Number of Driveways/Accessways Per Lot:** A minimum of one (1) driveway/accessway per lot, or one driveway/accessway for every two hundred (200) feet of street frontage unless a greater number is approved by the Mayor and Board of Aldermen for reasons of safer traffic maneuvering.
 2. **Width of Driveways/Accessways Per Lot:** The width of any driveway/accessway shall not exceed twenty-five (25) feet for two-way traffic nor be less than fifteen (15) feet for one-way traffic. The alignment of driveways/accessways shall be reviewed in accordance with the provisions of Section 2006 - Site Plans.
 3. **Parking on Street Prohibited:** See Ordinance no. 1978-9

SECTION 1910 – SIGNS AND OUTDOOR ADVERTISING

1910.01

Purpose: The purpose of this Section is as follows:

1. To preserve and protect the beauty, character, economic, and aesthetic value of the land;
2. To promote a pleasant, safe environment while providing for a fair and consistent system for the regulation of commercial signs as a permissible means of identifying places of businesses and of advertising;
3. To further protect the safety and efficiency of the City's transportation network to reduce the risk of distraction or confusion to drivers, which may endanger citizens driving or walking on the streets and thoroughfares; and
4. To eliminate structural hazards which threaten the health and safety of citizens as a result of neglect, deterioration, improper or defective installation, or risk of falling on passerby or nearby structures.

1910.02

Findings: In adopting this Ordinance, the Mayor and Board of Aldermen make the following finds:

1. The people of the City have a primary interest in controlling the erection, location, and maintenance of signs in a manner, which will protect the public health, safety and morals, and promote the general public welfare;
2. The increased number and size of such signs, coupled with the increased use of motor vehicles, makes it imperative that the public streets and highways be kept free from signs that distract from traffic safety by diverting drivers attentions away from the flow of traffic;
3. The number, size, and height of signs, both off premises and on premises, in the City is excessive, is unduly distracting and confusing to motorists and pedestrians, creates a traffic hazard, and reduces the effectiveness of signs needed to direct the public;
4. The appearance of the City is marred by the excessive number of signs;
5. The aforementioned effects detract from the pleasure, safety, and economic well-being of the community, and the number of

distracting signs should be reduced in order to lessen the detrimental effects;

6. The construction, erection and maintenance of large signs suspended from or placed on top of building, walls, and other structures constitute a direct danger to pedestrian traffic below such signs, especially during periods when winds of high velocity are prevalent;
7. Portable signs generally create a higher degree of danger and distraction to the public, are less attractive aesthetically, are more difficult to monitor and regulate, are more susceptible to abuse, are more likely to be placed in areas that create a traffic hazard, are more likely to be blown and moved during periods of high winds and, therefore, should be prohibited;
8. For the promotion and preservation of the public health, safety and welfare of the City it is deemed necessary that the erection, construction, location and maintenance of signs be regulated and controlled; and
9. The regulations contained in this Ordinance are the minimum amount of regulation necessary to achieve its purpose.

1910.03

Definitions: For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given in Section 201 of this Ordinance.

Business Center.

Building Official.

Sign.

Sign, Building.

Sign, Directional.

Sign, Non-Commercial.

Sign, Off-Premises Advertising.

Sign, On-Premises Advertising.

Sign, Portable.

Sign, Trailer.

1910.04 General Requirements: The following regulations shall apply in all zoning districts:

1. It shall be unlawful for any person to erect, display, alter, relocate, replace, or maintain within the City of Richland, Mississippi any sign without first obtaining a permit from the Zoning Administrator of the City of Richland, except that no permit shall be required for exempt signs as set forth in Section 1910.05 of this Ordinance. The sign permit required herein is an addition to any permit required by the International Building Code, Electrical Code and other related codes as adopted by the City.
2. All signs in the City of Richland shall be designed, constructed and maintained in accordance with the International Building Code, Electrical Code and other related codes as adopted by the City, and, no sign shall receive power through any connection resting on ground level;
3. The surface area of a sign shall be computed by including the entire display, together with any lattice work, fencing or other wall-work incidental to its ornamentation. Base, supports and other structural members not bearing advertising matter shall not be included in computing the sign area. Border or trim shall be included in computing the sign area; and
4. For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device if it contains elements organized, related and composed to form a unit. Where the matter is displayed in a random manner without organized relationship to elements or where there is reasonable doubt as to the relationship of the elements, each element shall be considered to be a single sign.

1910.05 Exempt Signs: Unless prohibited by Section 1910.06 of this Ordinance or otherwise prohibited by this Ordinance or regulated by this Ordinance, the following may be erected without securing a permit, subject, however, to meeting all other applicable codes and regulations:

1. One professional name plate for each non-residential premises. Each professional name plate shall not exceed six (6) square feet in area and shall be attached to the wall of the building where the business is located.
2. Legal notices and official instruments required to be posted by federal, state, or local law.

3. **Flags or insignias of a governmental, religious, charitable or fraternal organization, except when displayed in connection with a commercial activity.**
4. **Holiday lights and decorations**
5. **Signs erected by federal, state, and local governmental agencies.**
6. **Signs of public utility companies indicating danger and aides to service or safety.**
7. **Bulletin boards not over twelve (12) square feet in area for public, charitable or religious institutions when located on the premises of said institution.**
8. **Temporary signs advertising property for sale, rent, lease or trade. Such signs shall be no more than thirty-two (32) square feet in area in zoning districts in which residential uses are a permitted use.**
9. **Signs are not over thirty-two (32) square feet in total area denoting architect, contractor, engineer, owner and other similar information shall be allowed when placed upon construction sites during actual construction. Only one (1) sign per street frontage shall be permitted. Such sign must be removed before a certificate of occupancy is issued.**
10. **Political signs, including banners and posters, referring to elections (either primary or general) in which voters residing in the city will legally be allowed to cast a ballot provided that no sign shall be permitted on private property without permission of the owner. No political sign shall be permitted on public property or public right-of-way. Signs may not be posted more than forty-five (45) days and must be removed ten (10) days after any election to which it refers, except that signs may remain standing during the entire course of primaries to the general election (where voters residing in the city will be legally allowed to cast a ballot in the primary and general election) if the candidate remains in contention for the election in question.**
11. **Garage Sale, Yard Sale and signs of the like shall not be erected on public property or right-of-way but may be erected on private property only with the permission of the property owner. There shall be a maximum of three (3) such signs per event and a maximum of one (1) sign per parcel of property, not to exceed three (3) feet by five (5) feet each in size, and erected not more**

than two (2) days before the event and which shall be promptly removed immediately after the event to which it refers. It shall be the joint responsibility of the property owner where the sign is located and the person conducting the sale to remove the sign.

12. Signs not over thirty-six (36) square feet in area erected for the purpose of advertising the sale of fruit, vegetables, honey, dairy products and other agricultural products, which are produced and sold at a residence or farm located in the city.
13. Directional signs or symbols (e.g. Entrance, Exit, Caution, Slow, No Trespassing) located on and pertaining to a parcel of property, not to exceed four (4) square feet in area.
14. On premises signs consisting solely of a menu board that is not oriented toward street frontage and does not exceed thirty-two (32) square feet.
15. Identification signs at the entrance drive of residence
16. An ornamental gateway at a residential subdivision or development may incorporate a sign which identifies the subdivision or development but does not contain any other advertising. Such a sign shall not exceed forty (40) square feet in area. Such a gateway sign shall be approved by the Mayor and Board of Aldermen and shall comply with all regulations of this Ordinance and any other Ordinances or regulations relating to vision at street corners.
17. Signs located within a building.
18. Signs incorporated on machinery and equipment at the manufacturer's or distributor's, which identify or advertise only the product or service dispensed by the machinery or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps.

1910.06 Prohibited Signs: The following signs are hereby prohibited in the City of Richland, Mississippi.

1. Signs that are abandoned or obsolete, including billboards, structures not meeting constructions standards, out of date political signs, signs advertising defunct businesses, signs which refer to events that have already occurred, and signs or structures which have been erected without a permit having been issued therefore.

2. Signs, which are illegal under any Federal or state law or regulation.
3. Signs maintained in such a condition as to be dangerous to the life or limb of any person using the streets or sidewalks of the City or the property upon which same is located, and signs which are unsightly due to the lack of maintenance or repair.
4. Signs erected or continued to be displayed in such a manner as to obstruct the free and clear vision of vehicle drivers or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of or be confused with any authorized traffic or governmental sign, signal or device, or which makes use of the word "STOP", "LOOK", "DANGER", or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.
5. Signs having flashing, intermittent, or animated illumination or moving parts, except electronically operated clocks or message boards which operate primarily for the purpose for giving time, temperature, and information regarding the business where the board is located.
6. Signs having red, green, yellow, amber, or blue lights that imitate or resemble official emergency vehicles or traffic signs or signals.
7. Signs that obstruct any window, door, fire escape, stairway or any opening intended to provide air, ingress or egress from any building or structure.
8. Signs that are placed on or over any public right-of-way, walkway, street, alley or easement other than signs placed by the governmental agency owning the right-of-way, walkway, street, alley, or easement.
9. Signs tacked, painted, posted, or affixed in any manner to trees, fences, rocks, utility poles, or other such structures.
10. Portable signs including trailer signs, except where a special permit has been obtained pursuant to Section 1910.08(3) of this Ordinance.
11. Banners, balloons, inflated objects, posters, pennant, ribbons, streamers, strings of light bulbs, spinners or other related items, whether or not they are a part of sign, except for the following:

- a. Political banners and posters, specifically permitted by Section 1910.08(4) of this Ordinance.
 - b. Banners promoting special events or sales as specifically authorized by Section 1910.08 (4) of this Ordinance.
- 12. Off-premises advertising signs not expressly authorized or permitted by this Ordinance or any other sign not expressly authorized or permitted by this Ordinance.
 - 13. Any sign with a maximum overall height greater than fifty (50) feet from ground level or with a total surface area of greater than two hundred fifty (250) feet unless a special permit is granted by the Mayor and Board of Aldermen as provided for in this Ordinance.

1910.07 Signs in Residential Districts: The following signs shall be permitted in residential districts:

- 1. Small professional or announcement signs of professions or business permitted shall be allowed provided they do not exceed two (2) square feet in area.

1910.08 Signs in Commercial and Industrial Districts:

On Premises Advertising Signs

The following on-premises advertising signs shall be permitted in the (COM) Commercial District, the (IND) Industrial District, the (PID) Planned Industrial District, and in conjunction with any permitted commercial use in the (PUD) Planned Unit Development District.

- 1. **Building Signs.** An individual business establishment may have building signs provided that the total surface area of such signs shall not exceed twenty-five percent (25%) of the surface area of the wall of the building or portion of the building in which the business is located. No sign shall be painted directly on the surface of the wall of a building.
- 2. **Ground Signs:** Ground signs shall be subject to the following regulations:
 - A. **Height.** The maximum overall height for such signs shall not be more than fifty (50) feet from ground level provided, however, that the Mayor and Board of Aldermen may grant a special permit to allow signs with a maximum overall height not more than sixty (60) feet provided that the Mayor and Board of Aldermen determine that such sign would be compatible with the area in

which it is located and in harmony with the intent and purposes of this Ordinance.

- B. **Location.** No sign shall be constructed within ten (10) feet of the edge of any street right-of-way line. No sign may be located on any portion of the premises that has a lot width of less than thirty (30) feet.
- C. **Non-Business Center Ground Signs.** There shall be no more than two hundred fifty (250) square feet of sign area per face of sign for any one business that is not located in a Business Center provided, however, that the Mayor and Board of Aldermen may grant a special permit to allow no more than four hundred (400) square feet of sign area per face of sign provided that the Mayor and Board of Aldermen determine that such a sign would be compatible with the area in which it is located and in harmony with the intent and purposes of this Ordinance.

There shall be no more than one ground sign per street frontage. The Mayor and Board of Aldermen may grant a special exception to allow more than one ground sign when an additional sign is required by a franchise or other similar agreement as a condition of operating the business on the property provided that the Mayor and Board of Aldermen determine that such additional sign would be compatible with the area in which it is located and in harmony with the intent and purposes of this Ordinance.

The Mayor and Board of Aldermen may authorize businesses that are in close proximity to one another, but which are not located in a Business Center, to have a common sign located on the property of one of the businesses in lieu of a ground sign on the property of each business. No business identified on the common sign shall have a separate ground sign. The Mayor and Board of Aldermen may authorize a business, which is a part of a planned business development to have a sign located on any property in the planned business development in lieu of a ground sign on the property of such business, provided that plans for the planned business development have been submitted to and approved by the Mayor and Board of Aldermen. No such business shall have a separate ground sign unless an additional sign is authorized as a result of the business having frontage on more than one street as provided for above or as may otherwise be provided for by this Ordinance.

- D. Business Center Ground Signs.** In addition to the Building Signs allowed for each business establishment in a Business Center, the Business Center itself may have one ground sign per street frontage upon which the list of business establishments comprising the center may be placed. Such signs shall not exceed two hundred fifty (250) square feet per face of sign provided, however, that the Mayor and Board of Aldermen may grant a special permit to allow no more than four hundred (400) square feet of sign area per face of sign provided that the Mayor and Board of Aldermen determine that such a sign would be compatible with the area in which it is located and in harmony with the intent and purposes of this Ordinance. The size, shape, configuration and dimensions of such sign shall be approved by the Mayor and Board of Aldermen of the City of Richland. The Mayor and Board of Aldermen may grant a special exception to allow more than one ground sign per street frontage when an additional sign is required by a franchise or other similar agreement as a condition of operating the business on the property provided that the Mayor and Board of Aldermen determine that such additional sign would be compatible with the area in which it is located and in harmony with the intent and purposes of this Ordinance.
- 3. Portable Signs and Trailer Signs.** Portable signs and trailer signs are prohibited except that a permit may be obtained to locate such a sign from the Zoning Administrator for a period not to exceed sixty (60) days in any one (1) year by any individual or organization for civic, governmental, church, educational or charitable purposes. No fee shall be charged for such permit.
- 4. Banners and Posters.** Banners and posters (but not including flags, streamers, balloons and similar items) promoting special sales or events for a period not to exceed thirty (30) days in any one year. Not more than three such sales or events shall be advertised by this method in any one year. No banner or poster shall exceed forty-eight (48) square feet. Not more than 2 banners shall be allowed on any business premises at any one time. A permit for such banner or poster shall be obtained from the Zoning Administrator. No fee shall be charged for such permit to any civic or charitable organization, governmental entity, or church.
- 5. Flags.** One company flag flown from a flagpole is permitted, provided that the Mayor and Board of Aldermen determine that such a flag would be compatible with the area in which it is located and in harmony with the intent and purposes of this Ordinance. The size, shape, configuration, manner of display, and dimensions of such flag shall be approved by the

Mayor and Board of Aldermen of the City of Richland. A permit for such flag shall be obtained from the Zoning Administrator. No fee shall be charged for such permit to any civic or charitable organization, governmental entity, or church.

1910.09

Legal, Non-Conforming Signs: It is recognized that there exist permanent signs and/or sign structures in which the owner has a substantial investment that were lawful before this Ordinance was adopted, but which would now be prohibited under the terms of this Ordinance.

To eliminate unnecessary, undue hardship in such cases, it is the intent of this Ordinance to permit these non-conforming permanent signs to continue until they are removed, abandoned or destroyed, but not to encourage their survival. Except as provided for in Section 1910.09(1) below, any such permanent non-conforming sign or sign structure lawful before the adoption of this Ordinance may continue to be used as long as it is adequately maintained and does not constitute a public hazard or nuisance, and provided that it is not expanded, moved, extended, enlarged, or changed in basic structural design and integrity, height, or area.

A permanent non-conforming sign shall not be changed to another non-conforming use. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a sign or structure declared unsafe by proper authority. Such signs may be improved only to the extent that such improvement does not exceed fifty percent (50 %) of the current market value of the existing structure.

1. Termination of Non-Conforming Sign Structures:

- A. Any permanent non-conforming sign or sign structure that is partially destroyed or damaged by fire, accident or natural cause beyond fifty percent (50 %) of its current market value shall thereafter be removed or reconstructed in conformance to the regulations of this Ordinance.
- B. Any permanent non-conforming sign or sign structure that is improved or altered to comply with the provisions of this Ordinance shall thereafter be considered as conforming.
- C. Any permanent non-conforming sign, so designated due to the zoning classification of the use of property on which it is located, which ceases to be used as such for a period of more than six (6) consecutive months, shall subsequently conform to the regulations of this Zoning Ordinance.

- D. All trailer signs, portable signs, signs prohibited pursuant to sections 1910.06(1) through 1910.06(11), and signs which have been erected without a required permit or otherwise unlawfully erected shall be removed on or before thirty (30) days from the date of the adoption of this Ordinance.

SECTION 1920 – NON-CONFORMING USES

1920.01 Intent - Within the districts established by this Ordinance or amendment that may later be adopted, there exist:

- (1) lots,
- (2) uses of land and structures,
- (3) structures,
- (4) characteristics of use which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, not be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Non-conforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land in combination shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature that would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where

excavation or demolition or removal of an existing building has been substantially begun prior to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

1920.02 **Non-Conforming Lots of Record:** In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lots must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements other than those applying to area of width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Mayor and Board of Aldermen

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or sold in a manner that diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made that creates a lot with width or area below the requirements stated in this Ordinance.

In any (T-1/MHP) Manufactured/Mobile Home Residential District in which there is located a properly platted subdivision of record as of the date of adoption of this Ordinance, and the lots in said subdivision are platted so that a single-family residence or a double-wide mobile home cannot be placed on said lot and comply with the front and rear setback requirements established for a (T-1/MHP Manufactured/Mobile Home Residential District, such residence or double-wide mobile home may be located on said lot if there is at least ten (10) feet between the mobile home or residence and the rear lot line and all other requirements of this Ordinance are met, including setback requirements from the front and side lot lines, any of the provisions of Section 2 of that certain Ordinance Establishing The Requirements For Factory-Built Homes Presently Located in and to be Located in the City of Richland, Mississippi (Ordinance 2011-1 as amended) notwithstanding.

1920.03

Non-Conforming Uses of Land: (or Land With Minor Structures Only)

Where, at the time of passage of this Ordinance, lawful use of land exists that would not be permitted by the regulations imposed by this Ordinance, and where such use involves no individual structure with a replacement cost exceeding one thousand dollars (\$1,000), the use may be continued so long as it remains otherwise lawful, provided.

1. No such non-conforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
2. No such non-conforming use shall be moved in whole or in part to any portion of a lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance;
3. If any such non-conforming use of land ceases for any reason for a period of more than three (3) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located;
4. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

1920.04

Non-Conforming Structures: Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions.

1. No such non-conforming structure may be enlarged or altered in a way that increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
2. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than fifty percent (50 %) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Non-Conforming Uses of Structures or of Structures and Premises in Combination: If a lawful use involving individual structures with a replacement cost of one thousand dollars (\$1,000) or more, or of structure and premises in combination, exists at the effective date of adoption or amendment to this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance, in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located except as provided for in Section 1920.07 hereof.
2. Any non-conforming use may be extended throughout any parts of a building, which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may as a special exception be changed to another non-conforming use provided that the Mayor and Board of Aldermen, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Mayor and the Board of Aldermen may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.
4. Any structure, or structure and land in combination, or in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.
5. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three-year period (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

6. When non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.
Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty percent (50 %) of the replacement cost at the time of destruction.
7. In the event that the non-conforming use of a structure, or structures and premises in combination is discontinued because of economic or other conditions beyond the control of the owner. The Mayor and Board of Aldermen may grant a special exception authorizing the continuance of the non-conforming use or another use that is equally or more compatible with the permitted or existing uses in the district provided that the following conditions are met:
 - A. The owner applies for a special exception specifying the economic or other conditions beyond the control of the owner that resulted in the discontinuance of the prior non-conforming use;
 - B. The application for the special exception specifies the proposed use and submits plans and specifications for any improvements to any structures located on the premises;
 - C. The Mayor and Board of Aldermen find that: (1) the prior non-conforming use was discontinued as a result of conditions beyond the control of the owner and that there was no intent to abandon said use; (2) the proposed use is equally or more compatible to the district in which it is located than the prior non-conforming use and that said use will not materially or adversely affect adjacent properties that such proposed use can be suitably and safely conducted in the area and that such use would be in keeping with the character of the area in which it is located; and
 - D. The Mayor and Board of Aldermen may grant said special exception authorizing such use on such conditions and safeguard as the Mayor and Board of Aldermen determine to be appropriate.

1920.06

Repairs and Maintenance: On any non-conforming structure or portion of a structure containing a non-conforming use, work may done in any period of twelve (12) consecutive months on ordinary repairs, to an extent not exceeding ten percent (10 %) of the current replacement cost

of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.

1920.07 Affidavits of Compliance Required of Certain Uses: Any non-conforming industrial or commercial business that is located in an R-1 Single-Family Residential District, an R-2 Multi-Family Residential District, a T-1/MHP Manufactured/Mobile Home Park Residential District or MHS Manufactured/Mobile/Modular Home Subdivision District or any industrial or commercial business in a (PID) Planned Industrial District which is required to obtain any permit from the Mississippi Department of Environmental Quality shall, not less than annually, provide to the City of Richland an affidavit certifying that such establishment is in compliance with any State of Mississippi Water Pollution Control Permit ("Water Permit") and any State of Mississippi Air Pollution Control Permit ("Air Permit") issued to such business.

Additionally, the businesses described in the preceding paragraph shall within ten (10) days after receipt of same deliver to the City of Richland copies of any notices, letters, reports or correspondence of any kind stating that the business is or is alleged to be in violation of any permit issued by the Mississippi Department of Environmental Quality. The business shall thereafter file a report with the City every ninety (90) days informing the City in detail of the status of any alleged violations.

1920.08 Non-Conforming Uses of Land and Land With Structures for Storage: Where, at the time of passage of this Section of this Ordinance, a lawful use of land exists that would not be permitted by the regulations imposed by this Ordinance, and where such use involves the outside storage of property, the use may be continued so long as it remains otherwise lawful, provided that all such outside storage shall be completely enclosed by a solid view obscuring fence constructed of wood or other construction materials approved by the Mayor and Board of

Aldermen of the City of Richland. The fence shall not be closer to the property line than the required setback line. The Mayor and Board of Aldermen will consider any materials of uniform height and composition that will adequately shield or screen the premises from public view. The fence shall be six (6) feet in height or over six (6) feet if necessary to screen the contents of the premises from public view. Plans and specifications for the fence shall be submitted to be approved by the Mayor and Board of Aldermen. If any such use is not fenced as provided herein, within six (6) months of the effective date of this Section of this Ordinance, then said use shall be considered a nonconforming use and must be removed from the City of Richland, within one (1) year of the expiration of the initial six (6) month period.

SECTION 1930 – TELECOMMUNICATIONS TOWERS (amended Ordinance 1998-10, 199901 and 2000-7)

- 1930.01 **Purpose:** The purpose of this Section is to establish general guidelines for the siting of Telecommunication Towers and antennas. The goals of this Section are to: (1) require the location of towers in non-residential areas and minimize the total number of towers throughout the community, (2) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently; (3) encourage strongly the joint use of new and existing tower sites, (4) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal, and (5) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas.
- 1930.02 **Application Required:** Each person desiring to locate a telecommunications tower or antenna in the City of Richland shall file an application for a Tower Permit, and in the event that a special exception is required, an application for a special exception as required by Section 2004 of this Ordinance, demonstrating that all requirements of this section have been met.
- 1930.03 **Inventory of Existing Sites:** Each applicant for approval of a Telecommunications Tower shall provide to the Zoning Administrator a current map, or update of an existing map on file, showing locations of applicant's antenna and towers, other existing towers, and applicant's proposed towers located within a one-mile radius of the City and such other information as the Zoning Administrator may require to determine that there are no towers, no alternative tower structures or other

practical alternatives that will meet the coverage objectives of the applicant without the construction of a new telecommunications tower.

1930.04

Administrative Approvals: The following uses may be approved by the Zoning Administrator in a (COM) Commercial District, an (IND) Industrial District, or on any municipal facilities after conducting an administrative review and determining all requirements of Section 1930 of this Zoning Ordinance have been met:

1. Installing an antenna on an existing non-residential structure other than a tower (such as building, sign, light pole, water tower, or other free-standing, non-residential structure) so long as such addition does not add more than twenty (20) feet to the height of the existing structure;
2. Installing an antenna on an existing tower of any height, including a pre-existing tower and further including the placement of additional building or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower;
3. Installing a tower of a height not greater than two hundred (200) feet and further including the placement of additional buildings or other supporting equipment used in connection with said tower in the (COM) Commercial District and (IND) Industrial District.

1930.05

Telecommunications Towers Special Use Criteria: Communication companies are encouraged to locate telecommunication antenna on or in Alternative Tower Structures or on existing towers. Where such structures are not available, co-location of facilities is encouraged. When a new tower is proposed to be sited, a determination of whether the location will provide a minimal level of coverage vs. optimal coverage shall be taken in the approval of the siting of new towers:

1. Evidence that the applicant has investigated the possibilities for locating the proposed to be sited, a determination of whether the location will provide a minimal level of coverage vs. optimal coverage shall be taken into consideration. The following criteria shall be used in the approval of the siting of new towers:
2. Sound engineering evidence demonstrating that location of the tower at the proposed site is necessary and in the interest of public safety or is a practical necessity shall be submitted.

3. Evidence that the communications tower is structurally designed to support the maximum number of foreseeable users technically and economically practicable shall be submitted. A report from a structural engineer shall be submitted. A report from a structural engineer registered in the State of Mississippi showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/ETA/TIA 222 (latest revision) standards shall be submitted. The application shall include a statement that the owner of the proposed tower is willing to permit other user(s) to attach communication facilities, on a commercially reasonable basis, which do not interfere with the primary purpose of the tower. The tower owner may require that such other users agree to negotiate regarding reasonable compensation to the owner.
4. A site plan shall be submitted showing the location of the proposed tower and all proposed improvements and providing a location for at least one equipment building in addition to that proposed for use by the applicant. Priority for co-location on the proposed tower shall be given to antennas that will serve a public safety need for the community.
5. The base of the tower and each guy anchor shall be surrounded by a security fence or wall at least eight (8) feet in height unless the tower and all guy anchors are mounted entirely on a building over eight feet in height. The tower's guy anchors may be screened or fenced separately in order to comply with the requirements of this subsection.
6. No outside storage shall be allowed on any telecommunications tower site.
7. The telecommunications tower shall meet all applicable Federal Aviation Administration (FAA) standards and shall not restrict or interfere with air traffic or air travel from or to any existing or proposed airport.
8. The color of the tower shall be neutral and no lighting shall be allowed, except to the extent required by Federal law, so as to minimize its visual impact.
9. In order to protect the public from unnecessary exposure to electromagnetic radiation, the tower owner shall provide documentation that the power density levels do not exceed levels permitted by the Federal Communications Commission (FCC).

10. No commercial advertising shall be allowed on the tower or its related facilities.
11. The applicant shall propose such setback from all adjacent property lines consistent with the design of the tower as are necessary for the safe operation and maintenance of the tower
12. Special design considerations, such as requiring landscaping, designing facilities to appear as natural features found in the immediate area, such as trees, or requiring a monopole tower structure may be required when approving telecommunications towers.
13. No telecommunications tower shall be located within five hundred (500) feet of any lot or parcel of land that is zoned for or used for residential purposes.

The foregoing criteria shall be addressed in any application for a special exception.

- 1930.06 **Substantial Evidence Required for Denial:** The Telecommunications Act of 1996 requires that a denial of a permit be supported by substantial evidence, contained in a written record. Any denial of any application for a telecommunications tower shall be supported by substantial evidence and written findings shall be made of the reasons therefor.
- 1930.07 **Exemptions:** Notwithstanding any other provision of this Ordinance, telecommunications towers located on property of the City of Richland or any other governmental entity is exempt from the requirements of this Ordinance.
- 1930.08 **Removal of Towers No Longer In Service:** Notice shall be provided to the Zoning Administrator when the tower is placed out of service. Towers that are not used for a period of six (6) months or more shall be removed by the owner within one hundred twenty (120) days of receipt of notification to that effect.

ARTICLE XX

ADMINISTRATION AND ENFORCEMENT

SECTION 2000 – ZONING ADMINISTRATOR

2000.01 Creation of the Office of Zoning Administrator: The Zoning Administrator as designated by the Mayor and Board of Aldermen of Richland shall administer and enforce this Ordinance. He may be provided with the assistance of such other persons as the Board may direct.

2000.02 Duties of the Zoning Administrator: The duties of the duly appointed Zoning Administrator shall include, but not be necessarily limited to.

- 1. Receipt of all applications, plans, or petitions to be acted upon by the Zoning Administrator, or the Mayor and Board of Aldermen and the forwarding of these instruments to the proper body within seven days; and the routing of applicants to appropriate channels, furnishing forms and providing public information related to zoning matters.**
- 2. Issuance or action upon the applications for Building permits, change of use permits, sign permits and certificates of zoning compliance within seven days after the applications are filed. Failure to notify the applicant of a refusal within seven days shall entitle the applicant to submit his request to the Mayor and Board of Aldermen.**
- 3. Enforcement of the zoning regulations.**
- 4. Clearance with other local, county, state or federal agencies where such clearance is necessary in connection with zoning matters.**
- 5. Registration and maintenance of records and/or maps covering non-conforming uses.**
- 6. Keeping and making changes on the zoning map as amendments occur.**
- 7. Checking on work performed under zoning related permits to determine if the work meets ordinance requirements before issuing certificate of zoning compliance.**
- 8. Making periodic checks for violations of the ordinance; and notifying in writing the person responsible for violations of the**

ordinance, indicating the nature of the violation and ordering the action necessary to correct it.

9. Initiating court action to prevent or halt violations of the ordinance.
10. Advertising public hearings as required by the ordinance.
11. Appearances before the Mayor and Board of Aldermen to furnish information helpful to the Board in reaching decisions.
12. Keeping of records pertaining to zoning matters.
13. Administrative interpretation as provided in Section 2000.03 of this Ordinance.

2000.03 Administrative Interpretation by Zoning Administrator: In the event there is a question as to the general intent or specific meaning of any provision of the zoning ordinance text, or of the boundaries or district designations or other matters of the Official Zoning Map, the Zoning Administrator shall have the power to make such administrative decisions and interpretation.

1. Limitations of Powers - Said administrative interpretation shall in no manner be construed to include, or used in a way that would permit, the granting of a special exception, variance, site plan, or amendment to the zoning map or zoning ordinance text whose provisions are given elsewhere in this Ordinance.
2. Appeals of Administrative Interpretation - Shall be made as provided in Section 2100 of this Ordinance.

SECTION 2001 - MAYOR AND BOARD OF ALDERMEN

2001.01 Final Authority: The Mayor and Board of Aldermen shall have final authority to approve, deny, modify, or otherwise change applications for amendments, appeals, variances, special exceptions and any other provisions of this ordinance.

2001.02 Duties of the Mayor and Board of Aldermen: The duties of the Mayor and Board of Aldermen shall include, but not be necessarily limited to:

1. Administrative review under which the Board hears and decides appeals from the actions of the Zoning Administrator.
2. Acting upon requests for special exceptions, variances, and amendments to this Ordinance or the Official Zoning Map.

3. Accepting, rejecting, or modifying plans for Planned Unit Development.
4. Taking action upon applications that the Zoning Administrator did not act upon during the seven day limit.
5. Interpreting the provisions of this Ordinance, where actual street lay-out on the ground varies from the street lay-out as shown by the Official Zoning Map.
6. Appointing the Zoning Administrator.
7. Holding public hearings as required by this Ordinance.

SECTION 2002 - PERMITS AND CERTIFICATES

2002.01 **Building Permits** - No building or other structure, including mobile homes, shall be erected, altered, moved, added to, or structurally altered without a permit being issued therefore as required by the **International Building Code** and other standard codes as may from time to time be adopted by the city.

2002.02 **Change of Use Permits** - Change of use permits shall be issued in accordance with the following provisions:

1. The use of any building or other structure or alteration thereof shall not be changed without a permit thereof.
2. Applications for change of use permits shall be dated and submitted to the Zoning Administrator and a fee paid to the Mayor and Board of Aldermen.
3. Applications in duplicate shall include the present zoning classifications of the building or structure, the present use of the building or structure, the exact size and location of the lot upon which the building rests, and the names of owners.
4. Applications shall state what change is requested, any building or lot modifications that may be necessary to accommodate the change of use, and date when anticipated use is to be put into effect.
5. The application shall include such other information as lawfully may be required by the Zoning Administrator.
6. One (1) copy of the application shall be returned to the applicant by the Zoning Administrator after he shall have marked such copy approved, denied, or provisionally approved. The second copy of

the application, similarly marked shall be retained by the Zoning Administrator.

2002.03 Sign Permits - Sign permits shall be issued in accordance with the following provisions:

1. All signs not specifically excluded in Section 1910.05 shall require sign permits.
2. Applications for sign permits shall be dated and submitted in duplicate to the Zoning Administrator.
3. Applications for sign permits shall be accompanied by plans showing the area of the sign, the size, design proposed, wording, foundation dimensions of ground mounted signs, surface area per sign face, and height; the method of illumination, if any; and the exact location proposed for the sign in relation to streets, buildings and property lines.
4. The application shall include such other information as may be required by the Zoning Administrator.
5. One (1) copy of the application shall be returned to the applicant by the Zoning Administrator after he has marked such copy approved or denied. The second copy, similarly marked, shall be retained by the Zoning Administrator.

2002.04 Certificates of Zoning Compliance - Certificates of Zoning Compliance shall be issued in accordance with the following provisions:

1. All construction or alterations thereof, changes in the use of any building or structures or alterations thereof, or any other matter as may be necessary to determine conformance with this Ordinance shall not be occupied or otherwise utilized until a certificate of zoning compliance has been issued.
2. Applications for Certificates of Zoning Compliance shall be dated and submitted to the Zoning Administrator in duplicate.
3. Applications for Certificates of Zoning Compliance will be approved by the Zoning Administrator, provided that the proposed new or altered use is in conformance with this Ordinance. One (1) copy of the application shall be returned to the applicant and second copy, similarly marked, shall be retained by the Zoning Administrator.

SECTION 2003 – VARIANCES

2003.01 **Variances** - Where the strict application of this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional hardship upon the owner of such property, the Mayor and Board of Aldermen are empowered to grant a variation from such strict application so as to relieve such difficulties or hardship, as for example, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions of a specific piece of property, or by reason of the location of trees, natural drainage courses, lakes, or other desirable or attractive features, which condition is not generally prevalent in the neighborhood.

As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. A variance shall not be used to establish or expand a use not permitted by this Ordinance.

- A.** A variance from the terms of this Ordinance shall not be granted unless and until the following requirements are met:
 - 1.** A written application for a variance is submitted demonstrating:
 - a.** That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - b.** That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
 - c.** That the special conditions and circumstances do not result from the actions of the applicant;
 - d.** That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district;
 - e.** No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of neighboring lands, structures, or buildings in other districts shall

be considered grounds for the issuance of a variance.

2. Notice of public hearing shall be given as in Section 2200 of this Ordinance.
3. The public hearing shall be held. Any party may appear in person, or by agent, or by attorney.
4. The Mayor and Board of Aldermen has made a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
5. The Mayor and Board of Aldermen has made a finding that the granting of 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.

In granting any variance, the Mayor and Board of Aldermen may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 2300 of this Ordinance.

Under no circumstances shall the Mayor and Board of Aldermen grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

The Mayor and Board of Aldermen may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both.

B. Corollary Guidelines for Determining Hardships:

1. A variance is not the appropriate remedy for a general condition; When:

- (a) Such hardship is not shared generally by other properties in the same district and the same vicinity.
 - (b) The condition or situation of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance.
 - 2. Self-inflicted hardship is not grounds for a variance.
 - 3. Personal hardship is not grounds for a variance. The hardship must relate to the physical character of the property:
 - (a) The hardship is created by the physical character of the property, including dimensions, topography, or soil conditions, or by other extraordinary situation or condition of such property.
 - (b) Personal hardship shall not be considered as grounds for a variance, since the variance will continue to affect the character of the neighborhood after title to the property has passed to another owner.
 - 4. Economic hardship in itself is not grounds for a variance. It may be considered as an element, but there must be other compelling considerations.
 - 5. The hardship must be severe and unnecessary in achieving public purposes.
 - 6. The variance must not adversely affect adjacent property or the character of the district. This limitation is clear in the above standards governing variances unless the Mayor and Board of Aldermen finds that the authorization of such variance will not be of substantial detriment to adjacent property, and that the character of the district will not be changed by the granting of the variance.
- C. Guidelines for Determining Practical Difficulties: A practical difficulty is present where the requested dimensional change is minimal and the harm to the applicant denied a variance will be greater than the probable effect on neighboring properties if the

variance is granted. The following factors shall be considered in evaluating the costs and benefits of granting the variance:

1. The nature of the zone in which the property lies.
2. The character of the immediate vicinity and the permitted uses.
3. Whether, if the variance were granted, neighboring property would be seriously affected.
4. Whether, if the variance were not granted, it would seriously hinder the owner's effort's efforts to make normal improvements given the property's permitted use.

(NOTE: Allowing the applicant to construct a building to conform with existing nonconforming buildings in the same area as the proposed variance would not be proper, since the other buildings, although allowed to remain as nonconformities, may be located much too close to the street right-of-way, side or rear property line, etc. for the purpose of this Ordinance. Therefore, the variance should prescribe conditions that are as close as possible to the dimensional requirements of this Ordinance.)

- D. **Site Plan Required:** Every applicant for a dimensional variance shall submit a site plan in accordance with Section 2006 of this Ordinance.
- E. **Public Hearing Required:** A public hearing shall be held in accordance with Section 2200 of this Ordinance for all proposed dimensional variances.
- F. **Required Findings:** No variance shall be issued until the Mayor and Board of Aldermen have made a finding that the reasons set forth in the application justify the granting of the variance, and that the variance constitutes the minimum allowable deviation from the dimensional regulations of this Ordinance in order to make possible the responsible use of the land, building or structures. Furthermore, no variance shall be granted until the Mayor and Board of Aldermen have made a finding that the granting of the dimensional variance will be in harmony with the general purpose and intent of this Ordinance, and that the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

- G. **Conditions and Safeguards May be Prescribed with Dimensional Variance:** In granting any dimensional variance, the Mayor and Board of Aldermen may prescribe appropriate conditions and safeguards in conformity with this ordinance. When made a part of the terms under which the variance is granted, a violation of this ordinance and punishable under Section 2300 of this Ordinance. The applicant for the dimensional variance shall be required to sign a statement that he/she accepts the conditions and safeguards prescribed by the Mayor and Board of Aldermen. This statement shall be notarized by a Notary Public. The original of this signed statement shall be kept on file by the Zoning Administrator.

SECTION 2004 - SPECIAL EXCEPTIONS

The Mayor and Board of Aldermen is empowered to hear and decide special exceptions authorized in this Ordinance; to decide such questions as are granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this Ordinance, or to deny special exceptions where not in harmony with the purpose and intent of this Ordinance.

A. **Purposes of Special Exceptions:**

1. The development and implementation of this Zoning Ordinance is based upon the division of the community into districts, within which the use of land and buildings, and the bulk and location and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics or nature, require special and intensive review to determine whether they should be permitted in specified locations.
2. These special exceptions also require review based upon standards and the application of special conditions and safeguards if permission is granted in such locations. Special use procedures and standards as provided herein are intended to assure that such review is made and that appropriate conditions and safeguards are attached. Special exception procedures and standards shall be applied, and special exceptions granted, only in cases specified in this Ordinance.
3. Conditions are required for specified uses which must satisfy standards in addition to those generally applicable in a zoning district to eliminate or minimize the potentially harmful characteristics or impact of such conditional uses on the character of the zoning district in which they will be located.
4. In addition to zoning procedures and requirements relating generally to issuance of building permits and certificates of occupancy/zoning

compliance, a conditional use system is hereby established. It is intended that this system shall assure special examination, review, and findings by appropriate agents, agencies, or bodies in connection with proposed actions particularly specified in this Ordinance.

5. Special exception procedures and standards as set forth herein are intended to apply in relation to use, occupancy, location, construction, design, character, scale manner of operation, or necessity for making complex or unusual determinations, and to assure consideration of the particular circumstances of each case and the establishment of such conditions and safeguards as are reasonably necessary for protection of the public interest generally, of adjacent properties, the neighborhood, and the jurisdiction as a whole.
6. For the purposes of this Ordinance, the term “requirements” refers to the restrictions which apply to all uses in a district, whether permitted as of right or only through a special exception. They apply automatically to all uses in a zone.

“Standards” are the guidelines for use by administrators in making decisions such as for re-zonings or variances. They involve the application of stated criteria to given situations.

“Conditions” are additional restrictions beyond the stated standards, applied to a particular use, which might govern, for example, hours of operation or the location of exits and entrances or the type of screening. A violation of the conditions is a violation of the Ordinance. The above distinctions help to define the way discretion is to be exercised in making the provisions of this Ordinance flexible to meet the needs of different situations in particular locations.

B. General Procedures and Multiple Applications: A special exception shall not be granted by the Mayor and Board of Aldermen until:

1. A written application for a special exception is submitted indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested. The Zoning Administrator reviews the application first for completeness and in light findings of the following General Procedures for Special Exceptions:
 - a. That the special exception is in conformity with the City’s Comprehensive Plan generally or the Land Use Plan specifically; and with the purpose, intent and applicable standards of this Ordinance.

- b. That the proposed special exception is designated by this Ordinance as a conditional use in the zoning district in which the property in question is located. Uses that are not specifically listed as conditional uses are prohibited.
- c. That the proposed special exception will comply with all applicable regulations in the zoning district in which the property in question is located.
- d. That the proposed use will comply with all special regulations established by this Ordinance for such special exception.
- e. That the establishment or maintenance of the special exception shall not be detrimental to the public health, safety, or general welfare.
- f. That the special exception shall be located, designed, maintained, and operated to be compatible with the existing or intended character of the zoning district.
- g. That the special exception must not depreciate property values.
- h. That the special exception must not be hazardous, detrimental, or disturbing to present surrounding land uses due to noise, glare, smoke, dust, odor, fumes, water pollution, erosion, vibration, general unsightliness, electrical interference, or other nuisance.
- i. That the special exception must be served adequately by essential public services such as streets, police, fire protection, utilities, schools, and parks.
- j. That the special exception must not create excessive additional requirements at public cost for public facilities and services and shall not be detrimental to the economic welfare of the city.
- k. That the special exception shall preserve and incorporate the site's important natural and scenic features into the development design.
- l. That the special exception shall cause minimal adverse environmental effects.
- m. That no conditions imposed on a special exception as a result of these standards will be so unreasonably difficult as to preclude development of the use.
- n. That other information (including a site plan) as required by the Zoning Administrator or Building Official is presented. The Zoning

Administrator is authorized to make recommendations on conditions for special exceptions to the Mayor and Board of Aldermen for consideration.

2. Notice of public hearing shall be as prescribed in Section 2200.
 3. The Zoning Administrator shall then forward the application to the Mayor and Board of Aldermen for action. Before any special exception shall be granted, the Mayor and Board of Aldermen shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning the following requirements for granting a special exception, where applicable.
 - a. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
 - b. Off-street parking and loading areas where required, with particular attention to the items noted above and the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;
 - c. Refuse and service areas with particular reference to the items noted above;
 - d. Utilities, with reference to locations, availability, and compatibility;
 - e. Screening and buffering with reference to type, dimensions, and character;
 - f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - g. Required yards and other open space;
 - h. General compatibility with adjacent properties and other property in the district.
- C. Conditions, Safeguards, and Assurances: The Mayor and Board of Aldermen may impose such conditions relating to the special exception as they may deem necessary in the particular case to protect the public interest, in relation to the items listed above and as may be otherwise be reasonably necessary, and may require a guarantee or bond to insure continued compliance with such

conditions and continued maintenance of such safeguards. Violations of conditions or safeguards lawfully attached to any conditional use shall be deemed violations of this Ordinance. The special exception approval may be revoked until all violations are corrected.

- E. Withdrawal of Application: Rehearing if Withdrawn or Denied: An application for a special exception approval may be withdrawn at any time, but if withdrawn after the department has convened the hearing at which it was to be considered or if denied by the department, substantially the same application shall not be considered within twelve (12) months from date of withdrawal or denial.
- F. Multiple Applications and Simultaneous Project Review: For projects that require more than one application and public hearing by more than one board or commission, the Zoning Administrator shall arrange a joint public hearing where the applications shall be heard by members of each body.
- G. Issuance of Special Exception Approval: Special Exception approval must be issued upon certain conditions, such that if an applicant meets, or agrees to meet, the requisite standards specified in the Ordinance, the permit must be allowed. Conditions other than those delineated in the Ordinance must not be arbitrarily imposed but must be related to the purposes of zoning. Applications may be denied only on proof that the use is detrimental to the public health, safety, and welfare. Reasons for denial must be specific. The permit will be signed and issued by the Zoning Administrator, with the Mayor's signature of approval. The Mayor and Board of Aldermen are empowered to hear and decide whether or not proposed special exceptions authorized under this Ordinance should be granted.

SECTION 2005 - AMENDMENTS TO THE ZONING ORDINANCE TEXT OR THE OFFICIAL ZONING MAP (RE-ZONING)

2005.01 Declaration of Public Policy:

- A. The regulations, restrictions, and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed, provided however that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the city.
- B. For the purpose of establishing and maintaining sound, stable and desirable development within the territorial limits of the City, this Ordinance, the Official Zoning Map, shall not be amended except to correct a manifest error in this Ordinance, or because of changes or changing conditions in a particular area or in the City generally, to rezone

an area or to extend the boundary of an existing zone, or to change the regulations in the interest of the public health, safety, or general welfare. Subject to the limitations of the foregoing Declaration of Public Policy, an amendment to this Ordinance may initiated by the Mayor and Board of Aldermen, on its own motion; or, in the manner and pursuant to the procedure hereinafter set forth, may be initiated by any person, firm, or corporation filing an application therefor with the Zoning Administrator.

- C. When a proposed amendment affects the zoning classification of property, and in case a protest against such change is signed by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending one hundred sixty (160) feet therefrom, or of those directly opposite thereto extending one hundred sixty (160) feet from the street frontage of such opposite lots, then such amendments shall not become effective except by a majority vote of a quorum of the Board of Aldermen.

2005.02 Type of Amendments/Application Required: Amendments to this Ordinance include: (1) amendments to the text; and (2) amendments to the Official Zoning Map, which is legally a part of this Ordinance. Any person may initiate an amendment to this Ordinance by filing an application with the Zoning Administrator (on a form furnished by him/her).

2005.03 Application for Amendments:

2005.03-1 Applications

1. Applications should be in writing and contain at least the following: legal description of property, names of owners, present and proposed classification of property, specific use of property if zoning change is made, date when anticipated use is to be put into effect, and plat of property showing general location.
2. Applications should be signed by owners or their attorney.
3. Applications should be filed with the Zoning Administrator in City Hall and shall be an original and three (3) copies.

4. All applications for amendments shall be originally and finally heard and determined by the Mayor and Board of Aldermen.
5. No further applications for amendment to the Official Zoning Map shall be made or accepted by the Mayor and Board of Aldermen with regard to any change in the zoning classification or permitted use of a tract of land within six (6) months of the hearing of such application for change in classification or use of the same tract of land.

2005.04

Amendment (Rezoning) Application Review Standards: In reviewing applications for amendments to the Official Zoning Map, the Zoning Administrator shall consider the proposed change in relation to the following standards:

1. Re-zonings must pass threshold standards: That is, no proposed zoning amendment will receive a favorable recommendation unless it passes the following threshold standards for a valid spot zoning.
 - a. The proposal must not be a small parcel of land singled out for special and privileged treatment.
 - b. The proposed change must be in the public interest and not only for the benefit of a land owner(s)
 - c. The proposed change is consistent with all elements of the comprehensive plan and sound planning principles as follows:
 - (1) If a development proposal falls within one of the use and/or residential density categories indicated on the Land Use Map, the Mayor and Board of Aldermen shall find the proposal consistent with the plan.
 - (2) If a development proposal is not consistent with the Plan map, the Zoning Administrator shall review the plan's written policies to determine whether the proposal would undermine or conflict with them. If the Zoning Administrator determines that the proposal would not conflict with or undermine the plan's policies, he shall find the proposal consistent with the plan.

- g. Where there is evidence of a mistake in the original zoning due to a clerical error;
- h. Whether the proposed change is speculative. A proposed change must have a definite zoning district in mind as well as a proposed intent or purpose for the proposed zoning district;
- i. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely the uses that applicants state they intend to make of the property involved;
- j. There is convincing demonstration that the character of the neighborhood will not be materially and adversely effected by any use permitted in the proposed change.

2005.05

Criteria for Rezoning: No amendment to the Official Zoning Map shall be approved unless the proposed rezoning meets one of the following criteria:

- 1. That there was mistake in the original zoning. "Mistake" in this context shall refer to a clerical or administrative error, such as a mistake of draftsmanship on the Official Zoning Map or incorrectly reflecting the Mayor and Board of Aldermen's decision in the minutes. "Mistake" does not mean that the Mayor and Board of Aldermen made a mistake in judgment in their prior zoning, such as not realizing the full meaning of the zoning classification or mistakenly placing the property in one classification when the evidence indicated that another would have been more appropriate.
- 2. That the character of the neighborhood has changed to such an extent as to justify reclassification, AND that there is a PUBLIC NEED for the rezoning.

2005.06

Public Hearing Required: In accordance with Section 17-1-17 of the Mississippi Code of 1972, as amended, a public hearing before the Mayor and Board of Aldermen shall be held on any proposed amendment to the text of this Ordinance or the Official Zoning Map following at least fifteen (15) days' notice of the hearing in "an official paper or a paper of general

circulation in such municipality specifying a time and place of said hearing.”

- 2005.07 **Notification of Adjacent Property Owners:** The applicant shall notify all property owners within one hundred sixty (160) feet in all directions (excluding the rights-of-way of streets or highways) from the lot lines of any parcel or parcels of land proposed for re-zoning.
- Notification shall be by certified mail stating the date, time, location and purpose of the public hearing, in the City of Richland, and shall be mailed to such property owners fifteen (15) days prior to the public hearing with notification of receipt of the letter returned to the Zoning Administrator. The Zoning Administrator shall attach all notifications of receipt of the letter to the application.
- 2005.08 **A Majority Vote of a Quorum of the Board of Aldermen Necessary to Approve Rezoning Under Certain Circumstances:** In case of a protest against a proposed rezoning signed by twenty percent (20%) or more of the property owners, either within the area of the proposed rezoning, such amendment shall not become effective except by the favorable vote of a majority of a quorum of the Board of Aldermen. (See Section 17-1-17 of the Mississippi Code of 1972).
- 2005.09 **Res Judicata:** A legal doctrine meant to prevent the re-litigation of cases between the same parties regarding the same issues and preserve the binding nature of the courts’ (or governing bodies’) decision. Therefore, upon the submission of an application for a rezoning, and a determination by the Mayor and Board of Aldermen that said application should be denied, the Mayor and Board of Aldermen shall not accept a subsequent application to rezone the same property or any part thereof to the same classification until the expiration of one (1) year from the date of the decision of the Mayor and Board denying said application. However, if the application relates to the same property but seeks zoning to a different classification, the doctrine does not apply; and the Mayor and Board may consider such a proposed rezoning.
- 2005.10 **Ordinance Amending Text or Official Zoning Map Required:** No amendment to the Official Zoning Map or the text of this Ordinance shall become effective until an ordinance amending same has been passed by the Mayor and Board of Aldermen. Any ordinance amending the Official Zoning Map or the Zoning Ordinance text shall contain findings of fact citing evidence demonstrating compliance with the criteria specified under Section 2005.05 of this ordinance. Section 21-13-11 of the Mississippi Code of 1972, requires that “every ordinance passed by the Mayor and Board of Aldermen—shall be published at least one time in

some newspaper, then in a newspaper within the county having general circulation in said municipality—.”

SECTION 2006 – SITE PLANS

2006.01 Site Plan Required - Procedures

- 2006.01-1** All applications for Planned Unit Development District, mobile home parks, or other applications requiring site plan and zoning review shall be accompanied by a preliminary site plan in duplicate submitted to the Zoning Administrator who shall notify the applicant of any deficiencies or omissions in the site plan that shall not be processed until all required data is provided as listed in Section 2005.04.
- 2006.01-2** Preliminary Plan - The site Plan submitted as required in 2006.01-1 shall be forwarded to the site plan and Site Plan Review Committee within seven (7) days after its receipt by the Zoning Administrator and shall be processed as a preliminary plan. This processing shall include conferences with the developer and Zoning Administrator and the City Engineer for the purpose of reviewing the plan as to utilities required, and similar factors of concern. After the completed review by the Zoning Administrator and City Engineer, not to exceed thirty (30) days, one (1) copy of the submitted preliminary plan shall be returned to the applicant with notations.
- 2006.01-3** Revised Plan - A revised site plan, in quadruplicate, shall be filed with the Zoning Administrator for a public hearing on the site plan by the Planning Commission at its next regular or called meeting and in keeping with the required elapsed time between the advertising and hearing, and the Zoning Administrator shall advertising such public hearing as required by Section 2200. The recommendations of the Zoning Administrator and City Engineer on the site plan shall be presented at the public hearing and such recommendations shall be furnished at least two (2) days before the hearing to the applicant and members of the Mayor and Board of Aldermen.
- 2006.01-4** Final Plan - After hearing the site plan as plan as provided in Section 2006.1-3, the Mayor and Board of Aldermen may approve or disapprove the site plan as submitted, or before approval, may request that the applicant modify, alter, adjust, or otherwise amend the plan and such conditions may be accepted and agreed to by the applicant. Such action by the Mayor and Board of Aldermen shall constitute final approval and authority for the

developer to proceed with the proposed planned unit development subject only to the issuance of a building permit that is mandatory and for which no additional fee shall be charged, and subject to the other provisions of the Ordinance and the provisions of the following section.

2006.01-5 Designation of Final Plan as Official - The final plan, after adoption by the Mayor and Board of Aldermen, shall be deemed an official amendment to the Zoning Ordinance and map. A formal covenant and agreement shall be made and signed by the Mayor and the property owner or his lawful agent who shall certify to the Mayor and Board of Aldermen his willingness to abide by the terms and conditions of the final approved and adopted plan. This plan shall become the zoning requirements for the property involved in addition to the other requirements of this Ordinance not covered by the site plan requirements.

2006.02 Provision for Minor Adjustment - After a site plan has received official adoption as provided in Section 2005.1-5, minor adjustments of the plan that comply with the spirit of the Ordinance, with the intent of the Mayor and Board of Aldermen in its approval of the site plan, and with the general purpose of the Comprehensive Plan and land development policies, may be approved by the Zoning Administrator as provided in Section 2000.03.

2006.03 All Other Provisions of Ordinance to Apply - The other provisions of this Ordinance, excluding the specific terms and conditions of this Ordinance, excluding the specific terms and conditions granted through site plan approval of a Planned Unit Development District, shall apply to this zoning district as for any other district. This shall include proposed amendments within an approved Planned Unit Development District, as well as building permits, sign permits, and certificates of compliance not otherwise provided in the site plan.

2006.04 Plan Specifications for Proposed Planned Unit Development District and for All Other Uses Which Shall Require Site Plan Review for Approval - The purpose and intent of this section is to present in one (1) place the date and specifications for any proposed development that requires site plan approval. The development plans submitted under this section shall be submitted in a form which will satisfy the requirements of the Subdivision Ordinance for Preliminary and Final Plats.

2006.04-1 The following data will be supplied in tabular form:

1. Area (in square feet) of parcel

2. Maximum allowable gross floor area (where applicable)
3. Proposed gross floor area (where applicable)
4. Number and type of dwelling units (where applicable)
5. Number of required parking spaces (or square feet of area where applicable)
6. Number of proposed parking spaces (or square feet of area where applicable)
7. Proposed area - personal or convenience service accessory uses, restaurant, café, or soda fountain uses (where applicable)
8. Percentage and amount of impervious area in square feet for purpose of calculating storm water runoff.

2006.05 Other Exhibits – Photographs, rendering, color slides, models, and so forth may be presented by the developer at his discretion.

2006.06 Staging of Development - Where a developer proposes to construct a Planned Unit Development over a reasonable period to time and by several stages, sufficient data shall be provided to indicate such staging by numbers and types of buildings proposed by each stage, the general area to be developed by state (sic) and related information. The initial stage shall include a sufficient amount of open space, parking, utilities, and other amenities to provide for an independent planned unit.

2006.07 Other Requirements - Should the data submitted as provided by Section 2006.04 not be sufficiently detailed to provide for a thorough evaluation of the proposed project by the City Engineer and Mayor and Board of Aldermen, the developer may be requested to submit such additional data.

SECTION 2007- FEES

2007.01 Schedule of Fees - All persons are required to pay fees for the issuance of permits, certificates of compliance and the processing of appeals and other matters pertaining to this Ordinance according to the following schedule:

2007.01-1 Sign Permits

Sign Permits, including Banners \$25.00

In addition to a sign permit, a building permit, together with the payment of the required fees for a building permit, shall be required for any sign having a value of \$100,00 or more.

2007.01-2 Site Plan Review (PUD)

For less than twenty five (25) acres \$100.00

For twenty-five (25) acres or more but
less than one hundred (100) acres \$200.00

For one hundred (100) acres and over \$300.00

2007.01-3 Certification of Zoning Compliance

Certificates of Zoning Compliance No Fee

2007.01-4 Applications

For Variances \$250.00

For Special Exceptions \$100.00

For Amendments of zoning text or for
A district reclassification on the Official
Zoning Map (rezoning) \$250.00

In addition to the above listed fees, applicants may be required to pay costs relating to publication of necessary legal notices in excess of the above listed fees.

2007.02 Amendment or Alteration of Fee Schedule - The amounts set forth in the fee schedule shall be determined by the Mayor and Board of Aldermen and they shall have the sole right to alter or amend the schedule.

2007.03 Payment Required - No action or processing shall be taken on any application until all applicable fees, charges, and expenses have been paid in full unless waived by the Mayor and Board of Aldermen.

2007.04 Collection - No person other than the Mayor and Board of Aldermen or a duly delegated representative shall collect or accept any monies or other fees in zoning-related matters for which a proper receipt shall be issued.

2007.05 **Fees Not Refundable** - No fees or other monies paid in conjunction with zoning-related matters shall be refunded.

2007.06 **Exemptions** - None of the fees provided for herein shall be charged to any civic or charitable organization, public school, or church. The Mayor and Board of Aldermen may grant such other exemptions as they deem proper.

ARTICLE XXI

REVIEW

SECTION 2100 - APPEALS

2100.01 Appeals - Appeals to the Mayor and Board of Aldermen may be taken by any person aggrieved or by any officer, department or board of Richland, affected by any decision of the Zoning Administrator.

2100.01-1 Procedure for Appeals to the Mayor and Board of Aldermen.

1. Appeals may be submitted directly to the Mayor and Board of Aldermen.
2. Appeals shall contain a copy of the original application for permit or certificate that is being appealed, a statement of the reason for appeal, and other data as may be requested by the Mayor and Board of Aldermen.

2100.02 Appeals to a Court of Law - An appeal from any action, decision, ruling, judgment or order of the Mayor and Board of Aldermen may be taken by any person or persons, jointly or separately, or any taxpayer or any officer, department or board to the Circuit Court of Rankin County.

ARTICLE XXII

PUBLIC NOTICE

SECTION 2200 – PUBLIC NOTICE

Public notice shall be given in accordance with the following provisions:

2200.01 Public Notice Required - Whenever herein a public hearing is specified, notice of such hearing shall be given by publishing a notice to all interested persons one (1) time at least fifteen (15) days prior to the date fixed for said hearing, such notice to be published in an official paper or a newspaper of general circulation in Richland, specifying the date, time and place for said hearing. Notice of such hearing shall also be posted on any property involved.

2200.02 Property Signs - The notice to be posted on the property involved shall consist of a sign at least 24 inches by eighteen inches in size, reading in letters legible from the nearest street, or of a size and description to be determined by the Board of Aldermen.

When more than one (1) parcel or tract of land is involved in the proposed change, enough signs shall be posted to adequately identify the area affected. Such sign shall be as follows, to wit:

Signs shall be posted by the Zoning Administrator not less than fifteen (15) days prior to the date of the public hearing.

ARTICLE XXIII

ORDINANCE ENFORCEMENT

SECTION 2300 – PENALTIES FOR VIOLATION

- 2300.01 Penalties - Any person, firm, or corporation who shall knowingly and willfully violate any of the provisions of this Ordinance or fail to comply herewith or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and upon conviction therefor shall be sentenced to pay a fine of not more than One Hundred Dollars (\$100.00) and each day such violation continues shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of this Ordinance shall be placed or shall exist, any architect, builder, contractor, individual, person or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall be deemed guilty of a separate offense and upon conviction shall be fined as herein provided.
- 2300.02 Enforcement - In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance, the City, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, or use in or about said premises.

ARTICLE XXIV
EFFECTIVE DATE

SECTION 2400 - EFFECTIVE DATE

2400.01 This Ordinance shall be effective immediately from and after passage in accordance with law.

SO ORDAINED, this the 8th day of June, 2022.

* * * *


The motion to adopt the foregoing Ordinance, having been made by Alderman Quick and having been seconded by Alderman Sanford and no request having been made by any member of the Mayor and Board of Aldermen that said Ordinance be read by the Clerk before vote was taken, said Ordinance was adopted by the vote of the Board of Aldermen, the results being as follows:

Alderman Gus Black	voted: ABSENT
Alderman John Hamilton	voted: AYE
Alderman Matt Quick	voted: AYE
Alderman Beth Sanford	voted: AYE
Alderman A.J. Shields	voted: AYE


The motion having received the affirmative vote of all members of the Board of Aldermen present, the Mayor declared the motion so carried and this Ordinance unanimously adopted this the 8th day of June, 2022.



Approved:


Pat Sullivan, MAYOR

ATTEST:


Karen Jackson, CITY CLERK