

# ZONING

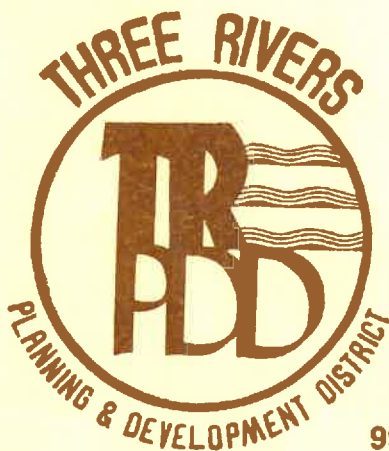
## ORDINANCE

for the

city of

Okolona,

Mississippi



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ZONING REGULATIONS

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

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF OKOLONA, MISSISSIPPI, THAT:

WHEREAS, the statutes of the State of Mississippi, Sections 17-1-3 to 17-1-27 inclusive, of the Mississippi Code of 1972, annotated, as amended, empower the City to enact a zoning ordinance and provide for its administration, enforcement, and amendment, and

WHEREAS, the Mayor and City Council have divided the City into districts and have prepared regulations pertaining to such districts, and have given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City, and

WHEREAS, the Mayor and City Council deem it necessary, for the purpose of promoting the health, safety, morals, and general welfare of the City to enact a zoning ordinance, which among other things is designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to facilitate the adequate provision of transportation, water, sewage disposal, schools, parks, and other public requirements, and

WHEREAS, the Mayor and City Council have given due public notice of hearings relating to zoning districts, regulations, and restrictions, and have held such public hearings in accordance with the requirements of Sections 17-1-15 of the Mississippi Code of 1972, annotated, as amended:

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF OKOLONA, MISSISSIPPI:

ARTICLE I  
TITLE AND PURPOSE

100 TITLE

This Ordinance shall be hereafter known as and referred to as the OFFICIAL ZONING ORDINANCE OF THE CITY OF OKOLONA, MISSISSIPPI, and may be so cited.

101 PURPOSE

It is the purpose of this ordinance to: avoid undue concentration of population; prevent overcrowding of land and buildings; provide adequate light and air; lessen congestion in the streets; secure safety from fire, panic and other dangers; and to preserve and promote the public health, safety, and general welfare of the inhabitants of the City of Okolona and of the public generally and to encourage and facilitate the orderly growth and expansion of the municipality.

102 INTERPRETATION AND CONFLICT

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements to serve for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare of the City of Okolona. Where the provisions of this Ordinance impose greater restrictions or higher standards than those of any statute, other ordinance, or regulation, the provision of this Ordinance shall govern. Where the provisions of any statute, other Ordinance, or regulation impose greater restrictions or higher standards than this Ordinance, the provisions of such statute, other Ordinance, or regulation shall govern.

103 SEVERABILITY

In the event any article, section, clause, provision, or sentence of this Ordinance is declared by the courts to be invalid, the same shall not affect the validity of these regulations as a whole or any part thereof other than the part so declared to be invalid.



## ARTICLE II

### DEFINITIONS AND WORDS

#### 200 RULES FOR WORDS AND PHRASES

For the purpose of this Ordinance certain terms and words are hereby defined. Words used in the present tense shall include the future tense; the singular number shall include the plural and the plural number shall include the singular; the word building shall include the words "structure" and "premises"; the word "shall" is mandatory; the word "may" is permissive; the word "person" includes a firm, organization, association, partnership, trust, company, or corporation as well as an individual; the words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied", the word "lot" includes the words "plot" or "parcel".

#### 201 DEFINITIONS

201.1 Accessory Use of Structure: A use or a structure subordinate to the principal use of a building or use on the same lot and serving a purpose customary and incidental to the use of the principal building or use. No such accessory use or structure (excluding fences) shall be located in any required side, front, or rear yards as specified in the Schedule of District Regulations Section 508.

201.2 Alterations, Structural: Any change in the supporting members of a building, such as walls, floors, columns, beams, or girders.

201.3 Apartment: A room or suite of rooms used as the dwelling of a family, including bath and culinary accommodations located in a building in which there are two or more such rooms or suites.

201.4 Apartment House: Any building housing three (3) or more apartment units, providing said units are the principal use of the building.

201.5 Board: The Planning and Zoning Board appointed by the Mayor and City Council of the City of Okolona, Mississippi.

building or part thereof, other than a hotel or restaurant, where meals and/or lodging are provided for compensation, for three (3) or more persons, and where no cooking or dining facilities are provided in individual rooms.

201.7 Building: Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property.

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

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

201.10 City: The City of Okolona, Mississippi.

201.11 Conditional Use: A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as conditional uses if specific provision for such conditional uses is made in this zoning ordinance.

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

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

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

201.15 Dwelling, Two-Family: A building designed for or used by two (2) families or housekeeping units.

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

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

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

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

201.20 Garage, Public: A building or portion thereof, other than a private garage or filling station, used for equipping, servicing, repairing, hiring, selling or storing vehicles or similar equipment.

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

there shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding one (1) square foot in area, nonilluminated, and mounted flat against the wall of the principal building. No home occupation shall be conducted in any accessory building; no traffic shall be generated by such home occupation in volumes greater than would normally be expected in a residential neighborhood; and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the lot to the normal senses. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

201.22 Hotel: Any building or portion thereof which contains at least ten (10) guest rooms intended for occupancy by individuals for compensation, whether paid directly or indirectly.

201.23 Junkyard: A place where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto-wrecking yards, house-wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed 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.

201.24 Lot: A piece, parcel, or tract of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory

thereto, together with such open spaces as required by this ordinance and having frontage on a public street.

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

201.26 Lot, Corner: A lot at the juncture of and fronting on two (2) or more intersecting streets.

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

201.28 Lot Lines: The property lines bounding the lot.

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

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

201.31 Lot of Record : A lot which is part of a subdivision recorded in the office of the (County Clerk, County Recorder), or a lot or parcel described by metes and bounds, the description of which has been so recorded.

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

201.33 Lot Width: The width of the lot measured at the setback line.

201.34 Mobile Home: A single-family residence, not including camp or travel trailers, designed for transportation after fabrication on streets, highways, land, air, or water, and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy after location on the site whether the location be by wheels, jacks, or permanent foundations, and connected to utilities.

201.35 Mobile Home Park: A parcel of land under single ownership divided into mobile home lots for lease, and which has been planned and improved for the placement of nontransient mobile homes for dwelling purposes only. A current mobile home park privilege license for the property must have been secured from the \_\_\_\_\_ tax collector.

Okolona

201.36 Mobile Home Subdivision: A parcel of land subdivided into lots, each lot individually owned and utilized for placement of a nontransient mobile home for dwelling purposes only. A plat designating the property as a mobile home subdivision must have been recorded in the \_\_\_\_\_

Chickasaw

\_\_\_\_\_ land deed records.

County

201.37 Motel or Tourist Court: A building or group of buildings comprising individual sleeping or living units for the accomodation of transient guests and not containing individual cooking or kitchen facilities.

201.38 Neighborhood Convenience Store: A store of not more than 3,000 sq. ft. of retail sales area, not counting storage, which deals in grocery items of a convenience nature (food, drugs, sundries). Also, commonly referred to as a "drive-in" grocery store.

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

201.40 One Hundred (100) Year Flood: The highest level of flooding that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one (1) percent chance of occurring each year).

201.41 Parking Space: The area required for parking one (1) automobile, not less than eight (8) feet wide and eighteen (18) feet long, either within a structure or in the open, exclusive of driveways or access drives.

201.42 Planning and Zoning Board: The Okolona Planning and Zoning Board as appointed by the Mayor and City Council of the City of Okolona, Mississippi, and in the absence of a Planning and Zoning Board shall mean the Mayor and City Council.

201.43 Setback Line: The closest point at which a building may be constructed in relation to the lot line.

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

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

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

201.47 Variance: A variance is the 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. 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 otherwise prohibited shall not be allowed by a variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

201.48 Yard: An open space at grade between the edges of a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

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

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

201.51 Zoning Administrator: The person authorized to issue building permits and to enforce the Zoning Ordinance: Okolona, Mississippi.



ARTICLE III

ESTABLISHMENT OF ZONING DISTRICTS

300 ZONING DISTRICTS

In order to classify, regulate, and restrict the location of businesses, trades, industries, residences, and other land uses and the location of buildings designed for specific uses; to regulate and limit height and bulk of buildings hereafter erected, reconstructed, or altered; to regulate and limit the intensity of the use of lot areas, and to regulate and determine the area of yards, courts, and other open spaces within and surrounding such buildings, the incorporated area of Okolona is hereby divided into eight districts.

The use, height, and area regulations are uniform in each district, and said districts shall be known as:

- R-1 Low-Density Single-Family Residential District
- R-2 Medium-Density Single-Family Residential District
- R-3 Multiple-Family Residential District
- C-1 Central Business Commercial District
- C-2 Highway Commercial District
- I-1 Industrial District
- A-1 Agricultural District
- F-1 Floodplain District

301 OFFICIAL ZONING MAP

The aforesaid zoning districts are identified and delineated on a map entitled "Official Zoning Map of Okolona, Mississippi", which map is attached to and made a part of the Ordinance. The Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk and bearing the seal of the City under the following words:

"This is to certify that this is the Zoning Map referred to in SECTION 301

of the Ordinance adopted by the Okolona Mayor and City Council  
on the \_\_\_\_\_ day of \_\_\_\_\_, and recorded in the  
Minute Book \_\_\_\_\_ at Page \_\_\_\_\_ thereof.

If, in accordance with the provisions of this Ordinance and Statutes  
of the State of Mississippi, when changes are made in zoning district  
boundaries or other matters portrayed on the Official Zoning Map, such  
changes shall be made on the Official Zoning Map within thirty (30)  
days after the amendment has been approved by the Mayor and City Council  
together with an entry on the Official Zoning Map as follows "By official  
action of the Mayor and City Council of Okolona, Mississippi, the  
following changes were made in the Official Zoning Map: (including date,  
reference number to change, minute book number, and initial of authorized  
official)." The amending ordinance shall provide that such changes or  
amendments shall not become effective until they have been duly registered  
upon the Official Zoning Map. No amendment to this ordinance which  
involves matters portrayed on the Official Zoning Map shall become  
effective until after such change and entry has been made on said map.  
No changes of any nature shall be made in the Official Zoning Map or  
matter shown thereon except in conformity with the procedures set forth  
in this Ordinance.

Regardless of the existence of purported copies of the Official Zoning  
Map, which may from time to time be made or published, the Official  
Zoning Map, that shall be located in the office of the Zoning Administrator,  
shall be the final authority as to the current zoning status of the land,  
buildings and other structures in the incorporated areas of the City of  
Okolona.

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 Governing Body may, by resolution, adopt a new Official Zoning Map which shall supercede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Zoning Ordinance, 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 attested by the words: "This is to certify that this Official Zoning Map supercedes and replaces the Official Zoning Map adopted as part of the Ordinance of the Mayor and City Council of Okolona, Mississippi, as adopted by resolution dated the \_\_\_\_\_ day of \_\_\_\_\_, recorded in Minute Book at page \_\_\_\_\_ thereof.

303 ZONING BOUNDARIES

303.1 Except where referenced and noted on the Zoning Map by designated line and/or dimensions, the zoning boundary lines are intended to follow property lines, lot lines, or centerlines of streets, alleys, streams, or railroads as they existed at the time of the passage of this Ordinance, or the extention of such lines.

303.2 The Zoning Administrator shall interpret the boundary lines on the Zoning Map. When the Zoning Administrator's interpretation is disputed, the boundary lines shall be determined by the Mayor and City Council after review and recommendation from the Planning and Zoning Board.

304 ANNEXATION

Any territory hereafter annexed to the City of Okolona shall be in the A-1 District unless the Mayor and City Council rezone it to another district at the time of annexation.

ARTICLE IV  
GENERAL PROVISIONS

400 APPLICATION OF PROVISIONS

The following provisions hereby established by this Ordinance within each zoning district shall be designated as minimum requirements and shall apply uniformly throughout the district, except as hereafter provided.

400.1 No land shall be used except for a purpose permitted in the district in which it is located.

400.2 No structure shall be located, erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any structure be used:

400.2-0 Except for a use permitted in the district in which it is located.

400.2-1 Except in conformity with the area regulations of the district in which such structure is located.

400.3 No structure shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which such structure is located.

400.4 No structure shall be located, erected, enlarged, moved, or structurally altered except in conformity with the off-street parking and loading regulations of this Ordinance.

400.5 No part of a yard or other open space, or off-street parking or loading space required about or in connection with any structure for the purpose of compliance with this Ordinance, shall be included as part of a yard as open space or off-street parking or loading space similarly for any other structure.

400.6 No structure shall be located, constructed, enlarged, reconstructed, or materially altered without first obtaining a building permit, and no

building permit shall be issued, except in strict conformance with the provisions of this Ordinance.

401 NONCONFORMING USES

401.1 It is the intent of this Ordinance to permit nonconforming uses of land and structures to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

401.1-0 The Mayor and City Council may permit substitution of a new nonconforming use for an existing nonconforming use, provided the Mayor and City Council determine that any change of use will be less detrimental to the neighborhood than the existing use. A recommendation shall be first obtained from the Planning and Zoning Board of such matter.

401.2 No building or portion thereof used in whole or in part for a nonconforming use, which remains idle or unused for a continuous period of six (6) months, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the district in which it is located.

401.3 Except as hereinafter specifically provided or when required by law, no nonconforming use shall be enlarged, extended, reconstructed, or structurally altered.

401.3-0 Repairs and maintenance work as required to keep it in sound condition may be made to a nonconforming use.

401.4 No nonconforming structure shall be moved in whole or in part to any other location unless such structure and the yard and other open

spaces provided are made to conform to all the regulations of the district in which such structure is to be located.

401.5 No building which has been damaged by any cause whatsoever to the extent of more than fifty (50) percent of the fair market value of the building immediately prior to damage, shall be restored except in conformity with the regulations of the Ordinance, and all rights as a nonconforming use are terminated. If a building is damaged by less than fifty (50) percent of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstruction be substantially completed within twelve (12) months of the date of such damage.

401.6 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. Such lot 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 for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to the area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. If two (2) or more lots or combinations of lots or portions of lots with continuous frontage and under single ownership are of record at the time of adoption or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot area or lot width, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance. No portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width or lot area requirements established by this

Ordinance, nor shall any division of any parcel be made which creates a lot with a width or an area below the requirements stated in this Ordinance.

402 PENDING APPLICATIONS FOR BUILDING PERMITS

402.1 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 officials and required building permits have been legally granted before the enactment of this Ordinance. Construction shall have been started within six (6) months of the effective date of this Ordinance and completed in a normal manner within a subsequent two (2) year period and not discontinued until completion except for reasons beyond the builder's control. All permits for which construction has not begun within six (6) months of the effective date or amendment of this Ordinance are hereby revoked and void.

403 STREET FRONTAGE REQUIRED

403.1 Except as permitted by other provisions of this Ordinance, every building hereafter erected or moved after the adoption of this Ordinance shall be on a lot adjacent to a public street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

404 CORNER LOTS

404.1 Lots formed at the intersection of two (2) streets shall not be required to provide two (2) front yard setbacks. On only one (1) side abutting either street shall the front setback be required; on the remaining side, a setback of one-half ( $\frac{1}{2}$ ) of the front setback shall be provided.



405 OFF-STREET PARKING

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

405.1-0 Dwelling units - Two (2) spaces per family or dwelling unit.

405.1-1 Retail stores - One hundred (100) percent of the gross floor area.

405.1-2 Wholesale establishments - One (1) space per two (2) employees.

405.1-3 Manufacturing, processing, or industrial establishments - One (1) space per two (2) employees.

405.1-4 Hotels, motels, and lodging houses - One (1) space per guest room plus one (1) space per two (2) employees.

405.1-5 Hospitals - One (1) space per three (3) beds plus one (1) space per two (2) employees.

405.1-6 Restaurants and other eating establishments - One (1) space per three (3) seats.

405.1-7 Churches - One (1) space per six (6) seats in the principal assembly hall.

405.1-8 Business and professional offices - One hundred (100) percent of the gross floor area.

405.1-9 Theaters - One (1) space per four (4) seats.

405.2 In case of any use which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is so mentioned and to which said use is similar shall apply as determined by the Mayor and City Council after review and recommendation by the Planning and Zoning Board.

ARTICLE V  
DISTRICT REGULATIONS

500 R-1 LOW-DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT

500.1 The R-1 Low-Density Single-Family Residential District is hereby created in order to exclusively reserve areas in Okolona, Mississippi, for spacious single-family development in the urbanizing portions of the City. In addition to single family residences, churches, schools, and accessory uses compatible with residential surroundings are permitted. It is the intent of this ordinance that these existing residential and accessory uses be protected from encroachment by other uses, and that new residential development be regulated according to sound, reasonable, and desirable regulations as stated within this Ordinance. In the R-1 Low-Density Single-Family Residential District, a building or premises shall be used for the following purposes:

500.2 Permitted uses:

500.2-0 Single-family detached dwellings, excluding mobile homes.

500.2-1 Churches and other places of worship.

500.2-2 Schools and institutions for academic instruction.

500.2-3 Public parks, playgrounds, recreational and community center buildings and grounds of a non-commercial nature.

500.2-4 Golf courses (except miniature courses, driving ranges, and lighted courses) and country clubs.

500.3 The following conditional uses may be permitted in the R-1 District only if expressly authorized by the Planning and Zoning Board and shall be subject to any limitations and restrictions deemed necessary by the Board.

500.3-0 Private, non-commercial recreational areas and facilities such as swimming pools and tennis courts.

500.3-1 Any hospital for human care, provided that buildings are located not less than fifty (50) feet from any lot in any residential district.

500.3-2 Necessary public facilities such as power substations, sewer lift stations, water wells, and fire stations that require location in the R-1 District.

500.3-3 Customary home occupations, provided they meet the definition in Article II.

500.4 Accessory uses or structures customary and incidental to any aforesaid permitted uses shall be allowed, provided they do not involve any type of business, trade, manufacturing, or industry.

500.5 The only signs permitted in the R-1 District shall be as follows:

500.5-0 One (1) bulletin board not exceeding (20) square feet for church, school, or other public or semi-public institution.

500.5-1 One (1) temporary unlighted real estate sign advertising the sale or rental of the premises on which it is maintained, not exceeding a total area of nine (9) square feet and located at least six (6) feet from all street right-of-way lines or flat against the building.

500.5-2 One (1) temporary unlighted sign not exceeding fifty (50) square feet in real estate development containing five (5) or more lots. Such sign shall be set back from every street line or any lot in any residential district at least a distance equal in feet to the front yard requirement of that district. Such sign shall be removed after a reasonable time as determined by the Zoning Administrator.

500.5-3 One (1) unlighted sign not more than one (1) square foot and attached flat against the building for home occupations.

500.6 Off-street parking shall be as provided in Section 405.

500.7 Area and yard requirements shall be as prescribed in Section 508.

501 R-2 MEDIUM-DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT

501.1 The R-2 Medium-Density Single-Family District is hereby created in order that certain areas within the City of Okolona be developed with single-family houses on smaller lots. In the "R-2" Single-Family Residential District, a building or premises shall be used only for the following purposes:

501.2 Permitted Uses:

501.2-0 Any use or structure permitted in the R-1 District.

501.3 The following conditional uses may be permitted only if expressly authorized by the Planning and Zoning Board and shall be subject to any limitations and restrictions deemed necessary by the Board.

501.3-0 Any conditional use as regulated in the R-1 District, subject to the requirements thereof.

501.4 Accessory uses or structures customary and incidental to any aforesaid permitted uses shall be allowed, provided they do not involve any type of business, trade, manufacturing, or industry.

501.5 Any sign permitted in the R-1 District shall be permitted in the R-2 District.

501.6 Off-street parking space shall be as prescribed in Section 405.

501.7 Area and yard requirements shall be as prescribed in Section 508.

502.1 The purpose of this district is to provide for two family dwellings, apartment, and townhouse developments in areas of the city where the highway access, availability of community facilities, and shopping convenience are sufficient to support higher density development. In the R-3 Multiple Family Residential District, a building or premises shall be used only for the following purposes:

502.2 Permitted Uses:

502.2-0 Any use permitted in the R-2 Medium-Density Single-Family Residential District.

502.2-1 Two family, multiple family, townhouse dwellings, and residential condominiums.

502.2-2 Mobile Homes - Mobile homes will be permitted on individual lots in a R-3 Multiple-Family Residential District provided that the mobile home meets all of the District Regulations (as specified in Section 508 of the Zoning Ordinance) for minimum lot area, minimum lot width at building setback line, minimum front yard setback, minimum side yard, and minimum rear yard.

502.3 The following conditional uses may be permitted only if expressly authorized by the Planning and Zoning Board and shall be subject to any limitations and restrictions deemed necessary by the Board.

502.3-0 Any conditional use as regulated in the R-1 District subject to the requirements thereby.

502.3-1 Mobile home parks.

502.3-2 Neighborhood convenience stores.

502.4 Accessory uses or structures customary and incidental to any aforesaid permitted uses shall be allowed, provided they do not involve any type of business, trade, manufacturing, or industry.

502.5 Any sign permitted in the R-1 and R-2 Districts shall be permitted in the R-3 District.

502.6 Off-street parking space shall be as prescribed in Section 405.

502.7 Area and yard requirements shall be as prescribed in Section 508.

503 C-1 CENTRAL BUSINESS COMMERCIAL DISTRICT

503.1 The Central Business Commercial District is hereby created in order that there be areas of general retail commercial uses that will constitute the more intensively developed commercial districts of the city, and these areas shall remain as the principal retailing centers. It is the intent of this ordinance that the C-1 District not be encroached upon by other commercial or industrial uses that are incompatible with the existing and future retail businesses located within the Central Business Commercial District of the City. In the C-1 Central Business Commercial District, a building or premises shall be used only for the following purposes:

503.2 Permitted Uses:

503.2-0 Department stores, dry goods and apparel stores, mail order houses, variety and dime stores, drugstores, art or antique shops, furniture and appliance stores, self-service laundries, dry cleaning shops, hardware stores, shoe stores, business offices, specialty shops, medical and professional offices, and similar retail and service establishments.

503.2-1 Motion picture theaters, studios, bowling alleys, and similar entertainment establishments.

503.2-2 Food stores, restaurants, delicatessens, and similar establishments.

503.2-3 Commercial printing establishments, newspaper publishing, and specialty printing, provided the business is in an enclosed building and does not require outside storage of materials or products, and is not objectionable by reason of smoke, noise, dust, odor, vibration, fumes, glare or light.

503.2-4 Electrical, plumbing and heating shops; furniture upholstering stores; and similar establishments.

503.2-5 Any public facility or utility not detrimental to the character and nature of the C-1 District.

503.3 The following conditional uses may be permitted only if expressly authorized by the Planning and Zoning Board and shall be subject to any limitations and restrictions deemed necessary by the Board.

503.3-0 Any retail business or service establishment which the Mayor and City Council determine, after review and comment by the Planning and Zoning Board, to be of the same character and nature as those specifically allowed.

503.4 Accessory structures and uses customary and incidental to any of the aforesaid uses shall be allowed.

503.5 Off-street parking is not required in the C-1 District.

503.6 Area and yard requirements shall be as specified in Section 508.

504 C-2 HIGHWAY COMMERCIAL DISTRICT

504.1 The C-2 Highway Commercial District is hereby created to provide for retail and service areas not only for nearby residential areas, but for distant areas as well, and especially the needs of through highway traffic. It is the intent of this ordinance that certain areas adjacent to major transportation routes be reserved for those uses which normally require larger sites and direct access to major thoroughfares. In the C-2 Highway Commercial District, a building or premises shall be used only for the following purposes:

504.2 Permitted Uses:

504.2-0 Any use permitted in the C-1 District.

504.2-1 Automotive sales and servicing, including gasoline filling stations.

504.2-2 Farm and construction equipment sales and service.

504.2-3 Storage or warehousing facilities.

504.2-4 Mortuaries or funeral homes.

504.2-5 Drive-in theaters and commercial recreation.

504.2-6 Hotels and motels.

504.2-7 Shopping centers to be developed in accordance with a site plan submitted to and reviewed by the Planning and Zoning Board and approved by the Mayor and City Council. Such site plan shall show the location and size of the property to be developed; the location of all proposed buildings and parking areas; means of ingress and egress with access streets if required; and plans and specifications for storm drainage on the site.

504.3 The following conditional uses may be permitted only if expressly authorized by the Planning and Zoning Board and shall be subject to any limitations and restrictions deemed necessary by the Board.

504.3-0 Any use allowed in the R-3 District.

504.3-1 Any retail business or service establishment which the Planning and Zoning Board determine to be of the same character and nature as those specifically allowed.

504.4 Accessory structures and uses customary and incidental to any of the aforesaid uses shall be allowed.

504.5 Off-street parking shall be as prescribed in Section 405.

504.6 Area and yard requirements shall be as prescribed in Section 508.



505 I-1 INDUSTRIAL DISTRICT

505.1 The I-1 Industrial District is hereby created in order that there be areas within the city used exclusively for industry, manufacturing, processing, and related services, and which are incompatible with the residential and commercial areas of the city. It is the intent of this ordinance that these areas be reserved exclusively for industrial and related purposes. In the I-1 Industrial District, a building or premises shall be used only for the following purposes:

505.2 Permitted Uses:

505.2-0 Any industrial, manufacturing, or processing establishment shall be permitted in the I-1 District.

505.2-1 Accessory uses and structures customary and incidental to any permitted use shall be allowed.

505.2-2 No future building or future structure to be located within the I-1 District shall be used for any type of dwelling unit, tourist home, rooming house, or group dwelling, other than quarters for watchmen.

502.2-3 Off-street parking shall be as prescribed in Section 405.

502.2-4 Area and yard requirements shall be as prescribed in Section 508.

506 A-1 AGRICULTURAL DISTRICT

506.1 The A-1 Agricultural District is hereby created primarily for undeveloped land usually found on the periphery of the city. Such lands are usually restricted to agriculture and limited to residential use, and constitute the prime areas for urban growth and expansion. In the A-1 Agricultural District, a building or premises shall be used only for the following purposes:

506.2 Permitted Uses:

506.2-0 Single-family detached dwellings.

506.2-1 Mobile Homes - Mobile homes will be permitted on individual lots in a R-3 Multiple-Family Residential District provided that the mobile home meets all of the District Regulations (as specified in Section 508 of the Zoning Ordinance) for minimum lot area, minimum lot width at building setback line, minimum front yard setback, minimum side yard, and minimum rear yard.

506.2-2 All forms of agriculture and forestry.

506.2-3 Sale of products that are raised or produced on the premises.

506.2-4 Nurseries and greenhouses.

506.2-5 Stables and riding academies.

506.2-6 Golf courses and country clubs.

506.2-7 Cemeteries.

506.3 The following conditional uses may be permitted only if expressly authorized by the Planning and Zoning Board and are subject to any limitations and restrictions deemed necessary by the Board.

506.3-0 Radio and television studios or transmitting stations.

506.3-1 Mobile home parks.

506.4 Such accessory uses and structures customary and incidental to any of the aforesaid permitted uses shall be allowed.

506.5 Off-street parking shall be as prescribed in Section 405.

506.6 Area and yard requirements shall be as prescribed in Section 508.

507 F-1 FLOODPLAIN DISTRICT

507.1 The F-1 Floodplain District is hereby created in order to permit certain non-intensive uses in areas which are subject to periodic flooding and to protect areas from other types of development except where adequate assurance is given that the development will be protected from flooding. The regulations hereinafter set forth in this section shall apply to the property located in the F-1 Floodplain District, which has been delineated

by the Federal Insurance Administrator of the U. S. Department of Housing and Urban Development on the Flood Hazard Boundary Map. The map, prepared by the Federal Insurance Administration, shows the special flood hazard areas, or those areas subject to a one hundred (100) year flood.

507.2 The following conditional uses may be permitted only if expressly authorized by the Planning and Zoning Board and subject to any limitations and restrictions set forth in the National Flood Insurance Program.

507.2-0 Buildings or uses in conformance with the regulations for the R-1, R-2, R-3, C-1, C-2, I-1, or A-1 District in which they are located. This is provided that when the Federal Insurance Administration furnishes the City of Okolona with the one hundred (100) year flood elevations that all new construction or substantial improvements of residential buildings within the F-1 Floodplain District shall have the lowest floor (including basement) elevated by landfill or piers to or above the level of the one hundred (100) year flood, and that all new construction or substantial improvements of non-residential buildings within the F-1 Floodplain District shall have the lowest floor (including basement) elevated by landfill or piers to or above the one hundred (100) year flood or flood-proofed up to the level of the one hundred (100) year flood.

507.3 The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This ordinance does not imply that areas outside the floodplain district or uses permitted within such districts will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Mayor and City Council or any offices or employee thereof for any flood damages that result from reliance on this ordinance.

508. SCHEDULE OF DISTRICT REGULATIONS

DISTRICT	MINIMUM LOT AREA	MAXIMUM HEIGHT OF STRUCTURES	MINIMUM WIDTH AT BUILDING SETBACK LINE	MINIMUM FRONT YARD SETBACK	MINIMUM SIDE YARD	MINIMUM REAR YARD
<u>R-1</u>	10,000 sq. ft.	35'	80'	30'	10'	30'
*Churches	20,000 sq. ft.	35'	90'	35'	30'	50'
*Schools	10 acres	50'	90'	40'	40'	40'
*Golf Courses & Country Clubs	9 hole - 75 acs. 18 hole -125 acs.	35'	N/A	N/A	N/A	N/A
*Public Buildings	20,000 sq. ft.	50'	90'	75'	30'	50'
<u>R-2</u>	7,500 sq. ft.	35'	50'	25'	5'	25'
<u>R-3</u>	***MH or 1F- 7,500 sq. ft.	35'	50' (SF or MH)	25'	5' (SF/MH)	25'
	2F-12,500 sq. ft.		80' (Multi-Fam.)		12' (Multi-Fam.)	
	3F-16,000 sq. ft. 3,000 sq. ft for each family over 3 families					
Neighborhood Convenience Store	None	35'	None	35'	25' <sup>1/</sup>	25'
<u>C-1</u>	None	35'	None	None	None <sup>2/</sup>	None <sup>2/</sup>
<u>C-2</u>	None	35' <sup>4/</sup>	None	50'	25' <sup>3/</sup>	25' <sup>3/</sup>
<u>I-1</u>	None	None	None	40'	25' <sup>3/</sup>	25' <sup>3/</sup>
<u>A-1</u>	43,560 sq. ft. (SF/MH)	None	150' (SF/MH)	40'	30'	50'
<u>F-1</u>	<sup>5/</sup>	<sup>5/</sup>	<sup>5/</sup>	<sup>5/</sup>	<sup>5/</sup>	<sup>5/</sup>

\*\* Applicable to A-1 District also.

\*Applicable to R-2 & R-3 Districts also.

<sup>1/</sup>The owners of two or more adjoining lots may construct a common wall along interior property lines and join two or more structures into one structure.

<sup>2/</sup>When abutting any residential district, a side or rear yard, or both, of 15 feet is required.

<sup>3/</sup>When abutting any residential district, a side or rear yard, or both of 50 feet is required.

<sup>4/</sup>Maximum height of structures regulated by applicable fire and building codes.

<sup>5/</sup>Area, height, and setback requirements are as set forth in those zoning districts wholly or partially in the floodplain district.

ARTICLE VI

SUPPLEMENTARY DISTRICT REGULATIONS

600 MOBILE HOME PARKS

600.1 Mobile homes shall be allowed only in Mobile Home Parks authorized and approved by the Planning and Zoning Board.

600.2 Mobile Home Parks shall be allowed as a conditional use in the R-3 Multiple Family Residential District and the A-1 Agricultural District.

600.3 A minimum number of eight (8) mobile homes shall constitute a Mobile Home Park.

600.4 All applications for construction of Mobile Home Parks shall comply with the following regulations:

600.4-0 A written application for preliminary approval of the park shall be submitted to the Zoning Administrator fifteen (15) days prior to the Planning and Zoning Board's scheduled meeting. The application shall contain the name, address, and telephone number of the applicant; the location, description, and current zoning of the property to be developed; and a sketch plan showing the number, location, and size of all lots, service areas, playgrounds, and streets.

600.4-1 As Mobile Home Parks are allowed as conditional uses in certain designated zoning districts, the Planning and Zoning Board shall review the application and sketch plan in conformity with the provisions of Section 705. Upon review by the Planning and Zoning Board and finding that the application and sketch plan conform with the provisions of Section 705, the Board may grant preliminary approval of the development. Preliminary approval of the Mobile Home Park shall authorize the developer

to proceed with preparation of engineering plans and specifications showing the number, location, and size of all lots, service areas, and playgrounds; the location and width of all roadways and walkways; topographic survey showing contours at two (2) foot intervals; and the location and size of all water and sewer lines and riser pipes.

600.4-2 All streets shall have a minimum paved surface of twenty (20) feet and minimum right-of-way of 40 feet. Minimum surface treatment of all streets shall consist of double bituminous surface treatment with a six (6) inch clay gravel base.

600.4-3 All water and sewer lines shall conform to minimum specifications required by the City of Okolona.

600.4-4 All lots shall contain a minimum of three thousand (3,000) square feet, and shall be designed so that no mobile home is placed closer than twenty (20) feet from any other mobile home, property line, or other building within the park. There shall not be more than eight (8) mobile homes per gross acre within the Mobile Home Park. Each lot shall contain an off-street parking area for two (2) cars.

600.4-5 Mobile home stands shall be improved to provide adequate support for the placement and tie-down of the mobile home; anchors or tie-downs such as cast-in-place concrete "dead-men", eyelets imbedded in concrete screw augers, or arrowhead anchors shall be placed at each corner of the mobile home stand and at intervals of at least twenty (20) feet. Each device shall be capable of withstanding a minimum load of forty-eight hundred (4,800) pounds. All mobile homes shall be connected securely to such devices.

600.4-6 Upon completion of the required plans and specifications, the developer may submit such to the Planning and Zoning Board for final approval. The Board may grant final approval of the mobile home park after receipt and review of the plans and specifications. Final approval of the mobile home park as a conditional use shall be dependent upon the applicant constructing and maintaining the park as shown in the approved plans and specifications. Any variation in such plans and specifications must be approved by the Board. Failure to provide any required improvement or to develop the park according to the approved plans and specifications shall constitute a violation of this ordinance.

601 VISIBILITY AT INTERSECTIONS IN RESIDENTIAL DISTRICTS

601.1 On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and a half and ten feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of the intersection.

602 EXCEPTIONS TO HEIGHT REGULATIONS

602.1 The height limitations contained in Section 508 do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

603 PARKING AND STORAGE OF CERTAIN VEHICLES

603.1 Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.



ARTICLE VII

ENFORCEMENT AND ADMINISTRATION

700 ENFORCEMENT BY ZONING ADMINISTRATOR

700.1 The position of Zoning Administrator is hereby established. It shall be the duty of the Zoning Administrator to enforce this ordinance in accordance with the provisions hereof. The Zoning Administrator shall issue all building permits. All departments, officials, and public employees of the City of Okolona vested with the duty of authority to issue other permits or licenses shall conform to the provisions of this ordinance and shall not issue a permit for any use, building, or purpose in conflict with the provisions of this ordinance. Any permit or license issued in conflict with the provisions of this ordinance shall be null and void.

700.2 The Zoning Administrator shall act upon all applications on which he is authorized to act by the provisions of this ordinance within seven (7) days after they are filed in full compliance with all the applicable requirements as specified in Section 701. The Zoning Administrator shall either issue a building permit within said seven (7) days or shall notify the applicant in writing of his refusal of such permit and the reasons therefor. Failure to notify the applicant of refusal within seven (7) days shall entitle the applicant to submit his request to the Mayor and City Council.

701 BUILDING PERMITS

701.1 Every application for a building permit shall be accompanied by a drawing in duplicate showing the general shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the location, size, and height of any structure or part thereof; the number of families or housekeeping units the building is designed to accomodate; and, when no

buildings are involved, the location of the present use and proposed use to be made of the lot; and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this ordinance.

701.2 Every application for a building permit for a use to be served by septic tanks shall be approved by the building inspector.

702 EXPIRATION OF BUILDING PERMIT

702.1 If the work described in any building permit has not begun within ninety (90) days from the date of issuance thereof, said permit shall expire and be cancelled by the Zoning Administrator; and work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

703 REQUIRED CONFORMANCE

703.1 Building permits are issued on the basis of plans and applications approved by the Zoning Administrator and authorize only the use, arrangement, and construction set forth in such approved plans and applications; and any other use, arrangement, or construction at variance with that authorized shall be deemed in violation of this ordinance.

704 DUTIES OF PLANNING AND ZONING BOARD

704.1 The Okolona Planning and Zoning Board is hereby authorized to assist in administration of this ordinance. In carrying out its functions and duties, the Planning and Zoning Board shall have authority to review applications for conditional uses and variances, and to review any question concerning interpretation of the zoning text or map. The Planning and Zoning Board shall also have the authority to review applications for rezoning and amendments to the text of this ordinance. All matters submitted to the Planning and Zoning

Board for review shall be duly entered upon the minutes of the Planning and Zoning Board and shall show the vote of each member present at such meeting.

704.2 There shall be a five-member Planning and Zoning Board consisting of one member serving a one (1) year term, two members serving a two (2) year term and two (2) members serving a three-year term.

705 POWERS, CONDITIONAL USES

705.1 The Planning and Zoning Board, shall have the power and original jurisdiction to hear and decide, in accordance with the provisions of this ordinance, applications filed for conditional uses. In considering an application for a conditional use, the Planning and Zoning Board shall give due regard to the nature and condition of all adjacent uses and structures and the consistency herewith of the proposed use and development. Before authorizing a use as a conditional use, the Planning and Zoning Board shall determine whether the proposed use would be hazardous, harmful, noxious, offensive, or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, and aesthetic and psychological effects. Upon authorizing a conditional use, the Planning and Zoning Board may impose such requirements and conditions with respect to location, construction, maintenance, and operation, in addition to those expressly stipulated in this ordinance for the particular conditional use, as the Planning and Zoning Board deems necessary for the protection of adjacent properties and public interest. A conditional use shall not be granted by the Planning and Zoning Board unless and until:

705.1-0 A written application for conditional use is submitted to the Zoning Administrator indicating the section of this ordinance under which the conditional use is sought and stating the grounds on which it is requested.

705.1-1 The Planning and Zoning Board shall make a finding that granting the conditional use will not adversely affect the surrounding neighborhood or the public interest.

705.2 The Planning and Zoning Board 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 conditional use is granted, shall be deemed a violation of this ordinance.

706 POWERS, VARIANCES

706.1 The Planning and Zoning Board shall have the power to authorize such variances from the provisions or requirements of this ordinance as will not be contrary to the public interest, but only in the case of peculiar conditions involving irregular, abnormally narrow, shallow, or steep lots or other unusual physical conditions, whereby strict application of such provisions or requirements would result in practical difficulty and unnecessary hardship that would deprive the owner of the reasonable use of the land or buildings involved, but in no other case. (No variance from the strict application of any provision of this ordinance shall be granted by the Planning and Zoning Board unless they find, beyond reasonable doubt, that all the following facts and conditions exist:)

706.1-0 Written application for a variance has been submitted.

706.1-1 Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, buildings, or structures within the same district.

706.1-2 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.

706.1-3 The special conditions and circumstances do not result from the actions of the applicant.

706.1-4 Granting the variance requested will not confer on the applicant any special privilege which is denied by this ordinance to other lands, structures, or buildings in the same district.

701.1-5 Granting the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

706.2 In no case shall the Planning and Zoning Board approve a variance for a use which is not a permitted use in the district in which the property, building, or structure is located.

707 EXPIRATION OF VARIANCES AND CONDITIONAL USE PERMITS

707.1 Every conditional use permit or variation of the application of the literal provisions of this ordinance, allowed or granted, as provided in this article, shall expire and be of no force or effect six (6) months from the date thereof, unless the beneficiary of such variation or conditional use permit shall have actually, within said period, put the subject property to the purpose for which such variance or conditional use permit shall have been granted or allowed.

ARTICLE VIII

AMENDMENTS

800 DECLARATION OF POLICY

800.1 For the purpose of establishing and maintaining sound, stable, and desirable development within the City of Okolona, Mississippi, this ordinance, and as here used the term "ordinance" shall be deemed to include the official zoning map, shall not be amended except to correct a manifest error in the ordinance, or because of changed or changing conditions in a particular area or in the city generally. Amendments shall be limited strictly to those necessary to the promotion of public health, safety, or general welfare. Subject to the above limitations, an amendment to this ordinance may be initiated by the Mayor and City Council, the Planning and Zoning Board, or by any person, firm, or corporation filing application therefor.

800.2 No amendment to this ordinance shall be adopted whereby the regulations and restrictions so established are not uniform for each district having the same zoning classification and bearing the same symbol or designation on the official zoning map. No amendment to this ordinance shall be adopted which establishes a new zone, regardless of size, which permits uses not compatible with the uses of surrounding zones or which violates the purposes and intent of this ordinance. No amendment to this ordinance shall be adopted whereby the zoning classification of an area is changed unless the area meets the following requirements as to minimum size. For the purpose of computing the size of an area for compliance herewith there shall be added to such area: (1) the area of public right-of-way interior to the area being changed; (2) one-half the area of public right-of-way abutting the area being changed; and

(3) the area of any land within the corporate limits of the City of Okolona which is contiguous to the area being changed and which land already bears the zoning classification sought for the area being changed. Subject to the foregoing limitations, an area proposed to bear the following zoning classifications shall be of at least the following size: The zoning map shall not be amended, changed or modified in such manner as to create a free standing zone of less than 90,000 square feet except where specific area restrictions are stipulated in the ordinance.

801 PROCEDURE

801.1 No amendment to this ordinance shall be adopted until the proposed amendment has been examined by the Planning and Zoning Board and a recommendation from the Planning and Zoning Board has been received by the Mayor and City Council.

801.2 No amendment to this ordinance shall become effective until after a public hearing in relation thereto has been held by the Mayor and City Council. Notice of the time and place of such hearing shall be published at least once in a newspaper of general circulation in the city at least fifteen (15) days prior to such hearing. Said notice shall read generally as follows:

PUBLIC NOTICE

Pursuant to the order of the (Mayor and City Council), notice is hereby given to all persons interested in or in any way affected thereby that

\_\_\_\_\_ has filed an application with the under-  
(name of applicant)  
signed to have rezoned the following described property from \_\_\_\_\_ to  
(zone) \_\_\_\_\_  
(zone)

Map of property and  
surrounding area

Said application will be heard by the (Mayor and City Council), at \_\_\_\_\_, 19\_\_\_\_, (place) \_\_\_\_\_, (time) \_\_\_\_\_, (date) \_\_\_\_\_, at which time all parties interested in or affected thereby will be heard. Any objection thereto may be made by any person and if made in writing must be filed with the undersigned before said time of hearing.

This the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Zoning Administrator

801.3 Any area for which an application for a change in zoning classification is being considered shall be posted for at least fifteen (15) days prior to the hearing. Such posting shall be by means of a sign or signs erected in a conspicuous location on the property, using at lease one (1) sign for every two hundred (200) feet of frontage on each street upon which the property abuts. The sign shall be at least two (2) feet by three (3) feet in size, with the lower edge of the sign at least three (3) feet above the ground level, in letters legible from the nearest street as follows:

#### PUBLIC NOTICE

This property is being considered for REZONING. For further information contact the Zoning Administrator, City of Okolona, \_\_\_\_\_ (telephone number).

801.4 In the event of written protest against such amendment signed by twenty (20) percent or more of the owners of property either within the area to be rezoned, or within one hundred sixty (160) feet therefrom, such amendment shall not become effective except by the favorable vote of two-thirds (2/3) of all the members of the City Council.



802 APPLICATIONS

802.1 All applications for amendments to this ordinance shall be filed with the Zoning Administrator and shall contain the following information:

802.1-0 The applicant's name, address and telephone number; a description of the proposed amendment and, if the amendment involves the official zoning map, a map showing the land area to be included in the rezoning; the present zoning of the area; and the location of all streets, alleys, and rights-of-way bounding and/or intersecting the area and abutting properties; and the error in the ordinance, if any, that would be corrected by the proposed amendment or the changing conditions in the area or in the municipality which would make the proposed amendment reasonably necessary for the promotion of the public health, safety, or general welfare.

802.2 Upon receipt of an application for an amendment, properly made as herein set forth, the Zoning Administrator shall transmit copies of the application to the Planning and Zoning Board for consideration. Upon receipt of application, the Planning and Zoning Board shall consider the proposed amendment and forward written notice of its findings and recommendations to the Mayor and City Council. Upon receipt of the application, the Mayor and City Council shall set the time, date, and place for the public hearing and order that such notice be published and signs erected.

802.3 At the time of filing either an application for rezoning or an application for amendment to the text of the zoning ordinance, there shall be paid to the City Clerk the sum of twenty five (25) dollars to cover the cost of advertising, posting property, and other expenses incidental to the determination of such matters. Such filing fees are not refundable to the applicant.

ARTICLE IX

EXCAVATION REGULATIONS

900. A regulation requiring approval before any work may be performed on or over the surface of any dedicated street and to prevent interference with underground pipelines.

900.1 It shall be unlawful for any person, corporation, firm, partnership or any branch or department of the City of Okolona to perform any work on or under the surface of the right-of-way of any dedicated street which may be dedicated to the City in the future without first having submitted a plan for the proposed work to the City Zoning Administrator and having received his approval thereon within two (2) working days thereafter. The word "street" as used in this ordinance shall mean and include any street, alley, road or other public way within the City of Okolona.

900.2 Any party set forth in Section 900.1 of this ordinance in the performance of such work as described in said section shall abide all ordinances of the City of Okolona and rules and regulations of the Zoning Office in the performance of such work. In cases of emergency where such work must be performed at a time when the Zoning Office is closed to the general public, the work shall proceed and the application for permission for the performance thereof shall be made to the Zoning Administrator within forty-eight (48) hours after the commencement of said work.

900.3. The City shall not charge any fees of any kind as a prerequisite to the obtaining of permission to do any work covered by the provisions of Section 900.

900.4. The Zoning Administrator is hereby authorized to promulgate with the approval of the Mayor and City Council rules and regulations for the implementation of Section 900, which rules and regulations shall have the effect of law.

900.5. Any person, corporation, firm, or partnership, who runs, operates, or maintains any pipeline for the transportation or distribution of natural gas, petroleum, petroleum products or other hazardous gases or liquids (hereinafter called "utility operator") located under the surface of the right-of-way of any dedicated street as now laid out within the City of Okolona or any street which may be dedicated to the City of Okolona in the future shall maintain in the office of the Zoning Administrator a map of its pipeline system within the City of Okolona. Each person, corporation, firm, partnership or any branch or department of the City of Okolona making application for approval of any right-of-way as above set out shall check said map and notify any utility operator with pipelines in the area of his work. The utility, upon receiving such advance notification, shall, within the two days allowed for approval by the Zoning Administrator, make investigation to determine the location of its pipelines in the area of the proposed work and mark by some reasonable and customary means the location of pipelines in or near the area of work so as to enable the person engaged in the work to locate the pipeline in advance of and during the work, or shall advise that marking is not necessary.

ARTICLE X

MISCELLANEOUS

1000. PENALTY FOR VIOLATION

1000.1 Any person, firm, or corporation who violates, neglects or refuses to comply with any of the provisions of this ordinance shall be guilty of a misdemeanor and shall be fined not less than twenty-five dollars (\$25) or more than two hundred dollars (\$200) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

1000.2 This ordinance shall become effective on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_. Adopted this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

