

# Zoning Ordinance

Holly Springs, Mississippi

An Implementation Tool of the  
City of Holly Springs Comprehensive Plan

Adopted 8-7-12

Base Ordinance created April 1970  
Comprehensively Revised and Amended  
December 1997, June, 2008, August 2012



Table of Contents

**ARTICLE 1 TITLE AND PURPOSE** ..... 1  
Short Title ..... 1  
Purpose..... 1  
**ARTICLE 2 DEFINITIONS** ..... 2  
**ARTICLE 3 ESTABLISHMENT OF DISTRICTS** ..... 10  
**ARTICLE 4 DISTRICT USES AND DIMENSOINAL REQUIREMENTS** ..... 11  
Table of Permissible Uses ..... 11  
Rules Governing Non-Conforming Uses..... 11  
Table of Dimensional Requirements ..... 11  
**ARTICLE 5 REGULATIONS APPLICABLE IN ALL DISTRICTS** ..... 26  
Regulations Applying to all Districts..... 26  
Building Lots, Yards and Open Space ..... 26  
Exceptions to the District Yard Requirements..... 26  
Structures ..... 26  
**ARTICLE 6 AGRICULTURAL AND RESIDENTIAL DISTRICTS** ..... 28  
R-15 Low Density Residential District..... 28  
R-12 Low Density Residential District..... 28  
R-10 Low Density Residential District..... 28  
R-7 Medium Density Residential District..... 28  
RM-7 High Density Residential District..... 29  
**ARTICLE 7 BUSINESS DISTRICTS** ..... 30  
General Purpose of the Business Districts ..... 30  
B-1 Neighborhood Business District ..... 30  
B-2 Highway Business District..... 30  
B-3 Central Business District ..... 30  
Business Court Square District ..... 30  
**ARTICLE 8 INDUSTRIAL DISTRICTS** ..... 32  
General Purpose of the Industrial Districts ..... 32  
M -1 Light Industrial District ..... 32  
M-2 Heavy Industrial District..... 32  
**ARTICLE 9 PLANNED AND OVERLAY DISTRICTS** ..... 33  
Planned Unit Development District ..... 33  
B-4 Planned Commercial District..... 35  
Flood Plain Overlay District ..... 38  
Historic Overlay District..... 38  
**ARTICLE 10 SUPPLEMENTAL STANDARDS** ..... 48  
Home Occupations ..... 49

Auto Mobile Repair and Service Structures .....	50
Vehicle Towing Services .....	50
Junk Yards and Salvage Yards .....	50
Mini-Warehouses.....	50
Bed and Breakfast Homes .....	51
Manufactured Home Parks .....	52
Communication Towers.....	53
Upper Floor Housing .....	54
Manufactured Homes.....	54
Adult Entertainment .....	54
Reduction in Lot Area .....	54
Comer visibility in Residence and Local Business Districts .....	54
Future Street Lines.....	54
Group Housing Projects .....	54
<b>ARTICLE 11 OFF STREET PARKING .....</b>	<b>56</b>
Number of Parking Spaces Required.....	56
Table of Parking Requirements .....	56
Flexibility in Administration Required.....	56
Parking Space Dimensions .....	56
Required Widths of Parking Area Aisles and Driveways.....	57
<b>ARTICLE 12 DESIGN STANDARDS .....</b>	<b>58</b>
Purpose of Standards .....	58
Development Plan Required .....	59
General Architectural Guidelines .....	60
Site and Design Review Committee .....	66
<b>ARTICLE 13 SIGNS AND OUTDOOR ADVERTISING .....</b>	<b>67</b>
Purpose .....	67
Business Signs and Outdoor Advertising Signs.....	67
Size and Lighting.....	67
Certificate .....	68
Nonconforming Signs.....	68
General Regulation .....	68
Abandoned Signs .....	69
Right of Ways.....	69
Penalties.....	69
Validity .....	69
<b>ARTICLE 14 ADMINISTRATION AND ENFORCEMENT .....</b>	<b>70</b>
Administration .....	70

Enforcement.....	70
Certificate of Occupancy .....	70
<b>ARTICLE 15 PLANNING COMMISSION .....</b>	<b>72</b>
<b>ARTICLE 16 BOARD OF AJUSTMENTS .....</b>	<b>73</b>
<b>ARTICLE 17 AMENDMENTS.....</b>	<b>76</b>
<b>ARTICLE 18 LEGAL STATUS PROVISION.....</b>	<b>78</b>
Separability.....	78
Interpretation and Purpose.....	78

ZONING ORDINANCE FOR THE CITY OF HOLLY SPRINGS, MISSISSIPPI

**WHEREAS**, The Mayor and Board of Aldermen deems it necessary, for the purpose of promoting the health, safety, morals, and general welfare of the city to enact such an ordinance, and

**WHEREAS**, Section 17-1-7 of the Mississippi Code empowers the governing authority of each municipality and county may divide the municipality or county into zones of such number, shape and area as may be deemed best suited to carry out the purposes of sections 17-1-1 to 17-1-27, inclusive. Within the zones created, the governing authority of each municipality and county may, subject to the restrictions with respect to agricultural lands and farm buildings or structures as set out in section 17-1-3, regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land, and

**WHEREAS**, Sections 17-1-9 requires that such 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 that such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings, and encouraging the most appropriate use of land throughout such municipality, and

Whereas, the requirements of Sections [17-1-1](#) to [17-1-27](#), inclusive of the Code of Mississippi have been diligently observed and met:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF HOLLY SPRINGS MISSISSIPPI:

## ARTICLE 1. TITLE AND PURPOSE

### 1.1. Repeal Of Prior Ordinance

The Zoning Ordinance of the City of Holly Springs, Mississippi, adopted October 15, 1968, and all amendments thereof are hereby repealed in their entirety and substituting in lieu thereof the following:

### 1.2. Short Title

This Ordinance shall be known as the "Zoning Ordinance", and the map herein referred to identified by the title, "Zoning Map of Holly Springs", shall be further certified by the Mayor of Holly Springs, and attested by the City Clerk. The Zoning Map of Holly Springs and all explanatory matters thereon are hereby adopted and made a part of this ordinance. Such map shall be filed in the office of the City Clerk or Zoning Administrator and shall show there on the date of adoption of this ordinance.

### 1.3. Purpose

The zoning regulations and districts as herein set forth, in this Ordinance have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and the general welfare of the community. They have been designed to lessen congestion in the streets; to secure safety from fire, panic and other danger; 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. They have been made with reasonable consideration, among other things, as to the character of each with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

## ARTICLE 2. DEFINITIONS

- 2.1. Unless otherwise stated the following words shall, for the purpose of this Ordinance, have the meaning herein indicated. Words used in the present tense shall include the future. The singular number includes the plural and the plural the singular. The word "shall" is mandatory, not directory.
- 2.2. Words and phrases shall have the meanings respectively ascribed to them in this ordinance unless the context clearly indicates otherwise. Terms not defined in this ordinance shall use "A Planners Dictionary" published by the American Planning Association.
- 2.3. Definitions
  - 2.3.1. "Accessory Apartment" A secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot.
  - 2.3.2. "Adult Daycare"- a facility for the supervised care of older adults, providing activities such as meals and socialization one or more days a week during specified daytime hours.
  - 2.3.3. "Adult Entertainment" An establishment providing nude dancing or other live or recorded performances that depict, describe, or relate to specified sexual activities: human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation, or sodomy; fondling or other erotic touching of human genitals (pubic region), buttocks, or female breasts; or specified anatomical areas
  - 2.3.4. "Adult Oriented Business" Adult arcades, adult bookstores or adult video stores, cabarets, adult live entertainment establishments, adult motion picture theaters, adult theaters, massage establishments that offer adult service or nude model studios
  - 2.3.5. "Alley" Any public or private way set aside for public travel, less than thirty (30) feet in width.
  - 2.3.6. "Alteration and Altered" The word 'Alteration' shall include any of the following: (a) Any addition to the height or depth of a building or structure; (b) Any change in the location of any of the exterior walls of a building or structure; (c) Any increase in the interior accommodations of a building or structure. In addition to the foregoing, a building or structure shall be classified as altered when it is repaired, renovated, remodeled, or rebuilt at a cost in excess of fifty percent (50%) of its value prior to the commencement of such repairs, renovation, remodeling or rebuilding.
  - 2.3.7. "Apartment House" A building for use as and including at least four (4) independent dwelling units.
  - 2.3.8. "Bed and Breakfast" The term "Bed and Breakfast" shall mean an owner-occupied dwelling in which a room or rooms are rented on a nightly basis only, and only where the only meal served is the breakfast meal to the guests only. The dwelling must be the primary residence of the home. In the

- event the property is owned by two or more persons, then at least one must live on the property regardless of his or her percent of ownership
- 2.3.9. "Bar" An area primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.
- 2.3.10. "Boarding House" A building other than a hotel, café, or restaurant where, for compensation, meals are provided for three (3) or more persons.
- 2.3.11. "Building" Any structure constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars/ trailers, billboards, signs, and similar structures whether stationary or movable.
- 2.3.12. "Business Signs" A sign which directs the attention of the general public to a business, product, service or activity which is conducted upon the premises where such sign is located.
- 2.3.13. "Principal Building" Building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be the principal building on the lot on which the same is situated.
- 2.3.14. "Accessory Building" a subordinate building, the use of which is incidental to that of a principal building on the same lot.
- 2.3.15. "Building Area" The portion of the lot occupied by the main building, including porches, carports, accessory buildings, and other structures.
- 2.3.16. "Carport" A one-story structure attached to the principal building, open and to remain open on three sides except for necessary supporting posts; to be used only for the shelter of an automotive vehicle.
- 2.3.17. "Center Line of a Street" The center of the surfaced roadway or the surveyed center line of the street.
- 2.3.18. "Child Care Home" A place which provides shelter and personal care for not more than five children who are not related within the third degree computed according to the civil law to the operator and who are under 13 years of age, for any part of the twenty-four hour day. Circulation Area. That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.
- 2.3.19. "Day Care Center" A place which provides shelter and personal care for six or more children who are not related within the third degree computed according to the civil law to the operator and who are under 13 years of age, for any part of the twenty-four hour day, whether such place be organized or operated for profit or not. The term "child care facility" includes day nurseries, day care centers, child care centers, preschool programs, and any other facility that fall within the scope of the definition set forth above.

- 2.3.20. "Dwelling" A house, apartment building, or other building designed or used primarily for human habitation. The word 'dwelling' shall not include boarding or rooming houses, motels, hotels or other structures designed for transient residence.
- 2.3.21. "Dwelling Unit" Any portion of a building used, intended or designed as a separate abode for a family.
- 2.3.22. "Drive-In Restaurant" A restaurant or public eating business so conducted that food, meals or refreshments are brought to the motor vehicles for consumption by the customer or patron.
- 2.3.23. "Drive-In Theater" A theater so arranged and conducted that the customer or patron may view the performance while seated in a motor vehicle.
- 2.3.24. "Driveway". That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.
- 2.3.25. "Erect" Means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish a sign. The term neglect shall not mean a change in the advertising message or customary maintenance and repair.
- 2.3.26. "Essential Service" Is the erection, construction, alteration, or maintenance by public utilities or municipal departments, or commissions, of underground or overhead gas/ electrical, steam, or water transmission or distribution systems, collection, communications, supply or disposal systems, including poles, wire, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, including buildings or sub-stations reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions, or for the public health or safety or general welfare.
- 2.3.27. "Family Day Care Home" The keeping for part-time care or instruction, whether or not for compensation, of five or less persons at any one time within a dwelling, not including members of the family living on the premises.
- 2.3.28. "Family" One (1) or more persons occupying a premise and living as a single, non-profit housekeeping unit. A family shall be deemed to include necessary servants.
- 2.3.29. "Flashing Sign" A sign, the illumination of which is not constant in intensity when in use, except that illuminated signs which indicate time, date, temperature or other public service information, shall not be considered to be flashing signs.
- 2.3.30. "Flea Market" – An occasional or periodic market held in an open area or structure where goods are offered to sale to the general public by individual sellers from open or semi-open facilities or temporary structures.

- 2.3.31. "Gross Floor Area" - The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.
- 2.3.32. "Half Way Home" A place where persons are aided in readjusting to society when following a period of imprisonment, hospitalization or institutionalized treatment.
- 2.3.33. "Height of Building" The vertical distance from the established average sidewalk grade or street grade, or finished grade at the building line, whichever is the highest, to the highest point of the building.
- 2.3.34. "Home Occupation" Any use customarily conducted entirely within a dwelling and carried on solely by the inhabitant thereof, and which use is clearly incidental and secondary to the use of the dwelling purposes, and does not change the character thereof, and in which any signs advertising said home occupation are limited to one sign, not over four square feet in area, and also in which there is no public display of goods. Examples of home occupations may include professional offices, dressmaking, cosmetology or similar activities that meet the criteria of Section 11.3 of this ordinance.
- 2.3.35. "Horticultural" The use of land for the growing or production for income of fruits, vegetables, flowers, nursery stock, including ornamental plants and trees, and cultures sod.
- 2.3.36. "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.
- 2.3.37. "Incidental Signs" Business signs customary and incidental to the business conducted on premises such as "Self-Service", "Master Charge", "Visa", or any other type of sign erected within any building.
- 2.3.38. "Lodges" A membership organization that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues paying members and their guests. There are no sleeping facilities.
- 2.3.39. "Lot" A piece, parcel or plat of land occupied or to be occupied by one (1) principal building and its accessory buildings and including the open spaces required under this Ordinance.
- 2.3.40. "Lot of Record" A lot whose existence, location and dimensions have been legally recorded or registered in a deed or plat prior to the enactment of the Zoning Ordinance
- 2.3.41. "Low-volume Traffic Generation" Uses such as furniture stores, carpet stores, major appliance stores, etc. that sell items that are large and bulky, that need a relatively large amount of storage or display area for each unit offered for sale,

and that therefore generate less customer traffic per square foot of floor space than store selling smaller items.

- 2.3.42. "Manufactured Home" A factory built single family structure that is manufactured under the authority of the National Manufactured Home Construction and Safety Act, is transportable in one or more sections, is built on a permanent chassis, and is built for human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body of frame.
- 2.3.43. "Mobile Home" A structure transportable in one or more sections, which is at least 32 feet in length, which is built on a permanent chassis and designed to be used as a permanent dwelling unit when connected to permanent utilities and built prior to the National Manufactured Home Construction and Safety Act.
- 2.3.44. "Modular structures" A structure which is not built on site, but which is placed on a permanent foundation and meets the local building code
- 2.3.45. "Motor Court" A building or group of buildings containing one (1) or more guest rooms having separate outside entrances for each such room or set of rooms and for which rooms or suites of rooms automobile parking space is provided.
- 2.3.46. "Motor Vehicle" Any self propelled vehicle designed primarily for transportation of persons or goods along public streets or alleys, or other public ways.
- 2.3.47. "Multiple Family Dwelling" – A building or portion thereof designed exclusively for occupancy by three or more families living independently of each other in individual dwelling units.
- 2.3.48. "Night Club" A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing and musical entertainment are permitted
- 2.3.49. "Nonconforming Use" A use of a building or land lawful at the time of the enactment of this Ordinance that does not conform with the provisions of this Ordinance for the district in which it is located.
- 2.3.50. "Offices" Space or rooms used for professional, administrative, clerical and similar uses.
- 2.3.51. "Outdoor Advertising Signs" A sign which directs the attention of the general public to a business product, service or activity not conducted upon the premises where such sign is located
- 2.3.52. "Parking Area Aisles" - That portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.
- 2.3.53. "Parking space" - A portion of the vehicle accommodation area set for the parking of one vehicle.

- 2.3.54. "Portable Signs" Any business sign or outdoor advertising sign not permanently attached to a building, post, or other type of foundation and which is capable of being moved by means of lifting or rolling on wheels with a minimum of difficulty by disconnection of wiring, bolts, or other anchors.
- 2.3.55. "Professional Office" An office for the use of a person or persons generally classified as professionals such as architect, engineers, attorneys, accountants, planners, doctors, dentists and the like.
- 2.3.56. "Rooming House" Any building or portion thereof which contains not less than three (3) or more than nine (9) guest rooms which are designed or intended to be used, let, or hired out for occupancy by individuals for compensation whether paid directly or indirectly.
- 2.3.57. Rummage Sale – The occasional sale of personal property at a residence conducted by one or more families in a neighborhood. Rummage sales do not exceed four consecutive days and are not conducted more than three times per year. Rummage sales may also be known as garage sales or yard sales but do not include flea markets.
- 2.3.58. "Story" That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building used for human occupancy between the topmost floor and the roof. A basement not used for human occupancy shall not be counted as a story
- 2.3.59. "Half Story" A story under a sloping roof, the finished floor area which does not exceed one-half the floor area of the floor immediately below it, or a basement used for human occupancy, the floor area of the part of the basement thus used not to exceed fifty percent(50%) of the floor area of the floor immediately above.
- 2.3.60. "Sign" Any outdoor display, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing which is designed, intended to be used to advertise or inform, any part of the advertising or information contents of which is designed to be primarily viewed from any place on the traveled way of a street or highway.
- 2.3.61. "Sign Area" The entire width within a single, continuous perimeter enclosing the outer dimensions of the actual message or copy area. It does include decorative trim, customary extensions or embellishments and any structural elements outside the limits of such display surface. For double-face or V-type sign structures, only one display face shall be counted in computing the actual sign area.
- 2.3.62. "Social Club" A non-profit association of person who are bonafide members paying annual dues, use of premises being restricted to members and their guests but does not include activities associated with Lodges.
- 2.3.63. "Special Events"- Circuses, fairs, carnivals, festivals, or other types of special events that run longer than one day, but not longer than two weeks; are

- intended to attract substantial crowds; and unlike the customary or usual activities generally associated with the property where the special event is to be located.
- 2.3.64. "Special Exception" - A use or structure which may be authorized by the Board of Adjustment that would not be appropriate generally or without restriction throughout a district but which, if controlled, could be appropriate within that district. Such uses and structures may be permitted as special exceptions only if provisions imposed by the Board of Adjustments are met.
- 2.3.65. "Street" Any public or private way set aside for public travel thirty (30) feet or more in width. The word "street" shall include the words, 'road', 'highway', and 'thoroughfare'.
- 2.3.66. "Street Line" The properly line which bounds the right-of-way set aside for use as a street. Where sidewalks exist and location of the properly line;" questioned, the side of the sidewalk farthest from the traveled street shall be considered as the street line.
- 2.3.67. "Temporary" Of limited or short duration. Typically refers to a period of thirty days or less. Longer periods require appropriate authority for the City.
- 2.3.68. "Temporary Sign" Any business sign or outdoor sign not intended to be permanently located on the premises and usually advertising property "For Sale", "For Lease", "For Rent", and including construction signs advertising the nature of new construction or remodeling of buildings, structures, or other facilities. Such signs shall not be construed to be "portable sign".
- 2.3.69. "Total Floor Area" The area of all floors of a building including finished attics, finished basements, covered porches and carports.
- 2.3.70. "Townhome or Multi-Family Townhome" A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light and ventilation.
- 2.3.71. "Trailer or Mobile Home" Any portable structure or vehicle so constructed and designed as to permit occupancy thereof for dwelling or sleeping purposes.
- 2.3.72. "Trailer Park or Manufactured Home Park" Any plot of ground upon which two (2) or more trailers, occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for each accommodation.
- 2.3.73. "Two Family Conversion" Conversion of an existing single family dwelling unit into a structure accommodating two families living independently.
- 2.3.74. "Structure" Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground, including among other things signs, billboards, but not including telephone poles and overhead wires.
- 2.3.75. "Use" The purpose for which land or a building or other structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.

- 2.3.76. Utility Facilities – All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and includes facilities for the generation of electricity.
- 2.3.77. "Vehicle Accommodation Area" - That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas (spaces and aisles).
- 2.3.78. "Yard" An open space on the same lot with a principal building, open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this Ordinance. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and any part of the principal building.
  - 2.3.78.1. "Front Yard" The yard extending across the entire width of the lot between the front lot line, and the nearest part of the principal building, including covered porches and carports.
  - 2.3.78.2. "Rear Yard" The yard extending across the entire width of the lot between the rear lot line, and the nearest part of the principal building, including covered porches and carports.
  - 2.3.78.3. "Side Yard" A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including covered porches and carports.

**ARTICLE 3. ESTABLISHMENT OF DISTRICTS**

3.1. For the purpose of the Ordinance, the City of Holly Springs, Mississippi is divided into eight (8) classes of districts as follows:

- 3.1.1. [A Agricultural District](#)
- 3.1.2. R-15 Low Density Residential District
- 3.1.3. R-12 Low Density Residential District
- 3.1.4. R-10 Low Density Residential District
- 3.1.5. R-7 Medium Density Residential District
- 3.1.6. RM-7 High Density Residential District
- 3.1.7. B-1 Neighborhood Business District
- 3.1.8. B-2 Highway Business District
- 3.1.9. B-3 Central Business District
- 3.1.10. Business Court Square
- 3.1.11. B-4 Planned Business District
- 3.1.12. PUD Planned Unit Development
- 3.1.13. Flood Plain Overlay District
- 3.1.14. Historic Overlay District
- 3.1.15. Manufactured Home (Manufactured Home) Park District
- 3.1.16. M-1 Industrial District (Light)
- 3.1.17. M-2 Industrial District (General)

3.2. District Boundaries - The boundaries of the above districts are hereby established as shown on the Zoning Map of the municipality. Unless otherwise shown on said Zoning Map, the boundaries of districts are lot lines, the center lines of streets or alleys or such lines extended, railroad right-of-way lines, or the corporate limit lines as they existed at the time of enactment of this ordinance. Questions concerning the exact location of district boundary lines shall be decided by the Planning Commission.

## ARTICLE 4. DISTRICT USES AND DIMENSIONAL REQUIREMENTS

- 4.1. Table of Uses - The Table of Uses should be read in close conjunction with the definitions of terms set forth in Article 2, Definitions and the other interpretive provisions in this ordinance. As used in this table, “■” shall stand for Permitted Use, “□” shall stand for Special Exception. Additional standards and requirements may apply and the applicable section is indicated in the “Code” column.
- 4.2. Rules Governing Uses
  - 4.2.1. In each district no other use other than the types specified as "permitted" or "permitted on appeal" shall be allowed. Uses specified as "permitted" shall be permitted upon application to the Zoning Administrator. Uses specified as □ are special exceptions, and no permit shall be issued for such uses except upon application and approval of the Planning Commission and subject to the requirements of this ordinance and such conditions as the Planning Commission may require preserving and protecting the character of the district.
- 4.3. Rules Governing Non-Conforming Uses - Any use or structure existing at the time of enactment or of subsequent amendment to this ordinance, but not in conformity with its provisions, may be continued with the following limitations. Any use or structure which does not conform to the provisions of this Ordinance shall not be:
  - 4.3.1. Changed to another non-conforming use
  - 4.3.2. Re-established after discontinuance for six months
  - 4.3.3. Extended except in conformity to this Ordinance
  - 4.3.4. Rebuilt after fire or damage exceeding 50 percent of its before damage value above the foundation.
- 4.4. Table of Dimensional Requirements indicates the required lots sizes, setbacks, build to lines, minimum and maximum densities and other dimensional requirements of zoning districts.

Table of Uses																			
Use/Activity	Base Zones										Planned/Overlay Zones					Additional Standard	Parking Ratio		
	A	R15	R12	R10	R7	RM7	MH	B1	B2	B3	BCS	M1	M2	PUD	B-4			FLD	HO
<b>Residential buildings</b>																			
Single-family detached dwellings	■	■	■	■	■	■	□	□	□	□		□	□	9.1		9.3	9.4		2 per DU
Single-family attached dwellings	□	□	□	□	□	□	□							9.1		9.3	9.4		2per DU
Duplex structures						■	□							9.1		9.3	9.4	11.2	1 per DU
Zero lot line or row houses					□	□	□							9.1		9.3	9.4	11.2	1 per DU
Accessory dwelling units		□	□	□										9.1		9.3	9.4		1 per DU
Accessory apartments		□	□	□		□								9.1		9.3	9.4		-
Townhouses					□	□	□							9.1		9.3	9.4	11.2	2 per DU
Manufactured housing, residential design(modular)	□			■	■	■	□	□	□	□		□	□	9.1		9.3	9.4		2 per DU
Mobile Home														9.1		9.3	9.4		2 per DU
Manufactured home	■						□							9.1		9.3	9.4	11.12	2 per DU
Multifamily dwellings						□	□							9.1		9.3	9.4	11.2	2 per DU
Retirement housing services	□	□	□	□	□	□	□	□	□	□				9.1		9.3	9.4		1 per 3 DU
Congregate Living Services	□					□	□							9.1		9.3	9.4		1 per 3 DU
Assisted living services	□					■	□							9.1		9.3	9.4		.3 per DU
Skilled nursing services	□	□			□	■	□	□	□					9.1		9.3	9.4		.3 per DU
College fraternities	□	□	□	□	□	□	□	□	□	□		□	□	9.1		9.3	9.4		.3 per bed
Dormitories	□				□	□	□							9.1		9.3	9.4		1 per rm
Single-room occupancy units					□	□	□							9.1		9.3	9.4		.3 per bed

Table of Uses																					
	Use/Activity	Base Zones											Planned/Overlay Zones				Additional Standard	Parking Ratio			
		A	R15	R12	R10	R7	RM7	MH	B1	B2	B3	BCS	M1	M2	PUD	B-4			FLD	HO	See Article 11
	Temporary structures, tents, etc., for shelter														9.1		9.3	9.4		Per review	
	<a href="#">Upper Floor Housing</a>														9.1	9.2	9.3	9.4	11.11	1 per DU	
Commercial	<b>Hotels, motels, or other accommodation services</b>																				
	<a href="#">Bed-and-breakfast home</a>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>						<input type="checkbox"/>	<input type="checkbox"/>			9.1	9.2	9.3	9.4	<a href="#">11.8</a>	11.8	
	Rooming and boarding house														9.1	9.2	9.3	9.4		1 per bed	
	Hotel, motel, or tourist court										<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		9.1	9.2	9.3	9.4		1 per rm	
	<b>Commercial buildings</b>																				
	Commercial center										<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		9.1	9.2	9.3	9.4		1/300 gfa	
	Shop or store building with drive through facility									<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>			9.1	9.2	9.3	9.4		1/300 gfa	
	Restaurant, with incidental consumption of alcoholic beverages									<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		9.1	9.2	9.3	9.4		1/3 seats	
	Restaurant, with no consumption of alcoholic beverages permitted									<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		9.1	9.2	9.3	9.4		1/3 seats	
	Stand-alone store or shop building										<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		9.1	9.2	9.3	9.4		1/300 gfa	
	Tobacco Store										<input checked="" type="checkbox"/>										
	Department store building									<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		9.1	9.2	9.3	9.4		1/300 gfa	
Warehouse discount store/superstore										<input checked="" type="checkbox"/>			<input type="checkbox"/>	9.1	9.2	9.3	9.4		1/300 gfa		

Table of Uses																				
Use/Activity	Base Zones								Planned/Overlay Zones						Additional Standard	Parking Ratio				
	A	R15	R12	R10	R7	RM7	MH	B1	B2	B3	BCS	M1	M2	PUD			B-4	FLD	HO	See Article 11
Market shops, including open markets								<input type="checkbox"/>			9.1	9.2	9.3	9.4		Per review				
Gasoline station								■	■	<input type="checkbox"/>		<input type="checkbox"/>			9.1	9.2	9.3	9.4		1/400 gfa
<a href="#">Automobile repair and service structures</a>									■			<input type="checkbox"/>			9.1	9.2	9.3	9.4	11.4	1/400 gfa
Car dealer									■			<input type="checkbox"/>			9.1	9.2	9.3	9.4		1/400 gfa
Bus, truck, manufactured home, or large vehicle dealers									■			<input type="checkbox"/>			9.1	9.2	9.3	9.4		1/400 gfa
Bicycle, motorcycle, all terrain vehicle dealers									■			<input type="checkbox"/>			9.1	9.2	9.3	9.4		1/400 gfa
Boat or marine craft dealer									■			<input type="checkbox"/>			9.1	9.2	9.3	9.4		1/400 gfa
Parts, accessories, or tires									■	■		<input type="checkbox"/>			9.1	9.2	9.3	9.4		1/400 gfa
Gasoline service									■			<input type="checkbox"/>	<input type="checkbox"/>		9.1	9.2	9.3	9.4		1/400 gfa
Lumberyard and building materials									■			<input type="checkbox"/>			9.1	9.2	9.3	9.4		1/400 gfa
Outdoor resale business								<input type="checkbox"/>	<input type="checkbox"/>						9.1	9.2	9.3	9.4		1/400 gfa
Pawnshops									<input type="checkbox"/>						9.1	9.2	9.3	9.4		1/300 gfa
Beer, wine, and liquor store (off premises consumption)									■						9.1	9.2	9.3	9.4		1/300 gfa
Shopping center									■						9.1	9.2	9.3	9.4		1/300 gfa
Convenience stores								■	■	<input type="checkbox"/>					9.1	9.2	9.3	9.4		1/200 gfa
Car care center									■	<input type="checkbox"/>					9.1	9.2	9.3	9.4	11.4	1/400 gfa
Car washes								<input type="checkbox"/>	■	<input type="checkbox"/>					9.1	9.2	9.3	9.4		1/400 gfa

Table of Uses																				
Use/Activity	Base Zones												Planned/Overlay Zones				Additional Standard	Parking Ratio		
	A	R15	R12	R10	R7	RM7	MH	B1	B2	B3	BCS	M1	M2	PUD	B-4	FLD			HO	See Article 11
Office or bank building, stand alone (without drive through)									■	■	■	■			9.1	9.2	9.3	9.4		1/400 gfa
	Office building (with drive through)								■	■	■	□			9.1	9.2	9.3	9.4		1/400 gfa
	Office or store building with residence on top								■	■	■	■			9.1	9.2	9.3	9.4		1/400 gfa
	Office building over storefronts								■	■	■	■			9.1	9.2	9.3	9.4		1/400 gfa
	Research-and development services (scientific, medical, and technology)								□	■	□	□	■	■	9.1	9.2	9.3	9.4		1/600 gfa
	Car rental and leasing								□	■	□				9.1	9.2	9.3	9.4		1/600 gfa
	Leasing trucks, trailers, recreational vehicles, etc.								□	■	□				9.1	9.2	9.3	9.4		1/600 gfa
	Services to buildings and dwellings (pest control, janitorial, landscaping, carpet/upholstery cleaning, parking and crating)								■	■	□				9.1	9.2	9.3	9.4		1/400 gfa
	Bars, taverns, and night clubs										□	□			9.1	9.2	9.3	9.4		1/3 seats
	Adult Entertainment													□	9.1	9.2	9.3	9.4	11.13	1/3 seats
	Camps, camping, and related establishments	■													9.1	9.2	9.3	9.4		Upon Review
Tattoo parlors											□			9.1	9.2	9.3	9.4		1/600 gfa	
Industrial buildings and structures	<b>Industrial buildings and structures</b>																			
	Light industrial structures and facilities(not enumerated below)												■	□	9.1	9.2	9.3	9.4		1/1.6 empl.
	Mill-type factory structures												□	■	9.1	9.2	9.3	9.4		1/1.6 empl
	Manufacturing plants												■	□	9.1	9.2	9.3	9.4		1/1.6 empl

Table of Uses																					
Use/Activity	Base Zones												Planned/Overlay Zones				Additional Standard	Parking Ratio			
	A	R15	R12	R10	R7	RM7	MH	B1	B2	B3	BCS	M1	M2	PUD	B-4	FLD			HO	See Article 11	See Article 12
Industrial parks	Industrial parks												■	■	9.1	9.2	9.3	9.4		1/1.6 empl	
	Laboratory or specialized industrial facility												■	■	9.1	9.2	9.3	9.4		1/1.6 empl	
	Assembly and construction type plants												■	■	9.1	9.2	9.3	9.4		1/1.6 empl	
	Process plants (metals, chemicals, etc.)												■	□	9.1	9.2	9.3	9.4		1/1.6 empl	
	Construction-related businesses												■	□	9.1	9.2	9.3	9.4		1/1.6 empl	
	<a href="#">Automotive wrecking and graveyards, salvage yards, and junkyards</a>													□	9.1	9.2	9.3	9.4	11.5	1/1.6 empl	
	Demolition business													□	9.1	9.2	9.3	9.4	11.5	1/1.6 empl	
	Recycling business													□	9.1	9.2	9.3	9.4	11.5	1/1.6 empl	
Warehouse or storage facility	<b>Warehouse or storage facility</b>																				
	<a href="#">Mini-warehouse</a>								□	□	□		□	□	9.1	9.2	9.3	9.4	11.7	1/40 units	
	Warehouse structure								□	□	□		■	■	9.1	9.2	9.3	9.4		1/1.6 empl	
	Produce warehouse								□	□	□		□	□	9.1	9.2	9.3	9.4		1/1.6 empl	
	Refrigerated warehouse or cold storage												□	□	9.1	9.2	9.3	9.4		1/1.6 empl	
	Large area distribution or transit warehouse												□	■	9.1	9.2	9.3	9.4		1/1.6 empl	
	Wholesale trade—durable goods										□	□		■	□	9.1	9.2	9.3	9.4		1/1.6 empl
	Wholesale trade—nondurable goods										□	□		■	□	9.1	9.2	9.3	9.4		1/1.6 empl
Warehouse and storage services										□	□		■	■	9.1	9.2	9.3	9.4		1/1.6 empl	

Table of Uses																			
Use/Activity	Base Zones												Planned/Overlay Zones				Additional Standard	Parking Ratio	
	A	R15	R12	R10	R7	RM7	MH	B1	B2	B3	BCS	M1	M2	PUD	B-4	FLD			HO
Tank farms	<input type="checkbox"/>											<input type="checkbox"/>	■	9.1	9.2	9.3	9.4		1/1.6 empl
<b>Public assembly structures</b>																	9.4		
Performance theater	<input type="checkbox"/>								■	■	■	<input type="checkbox"/>	<input type="checkbox"/>	9.1	9.2	9.3	9.4		1 per 4 seats
Movie theater									■	■	■	<input type="checkbox"/>	<input type="checkbox"/>	9.1	9.2	9.3	9.4		1 per 4 seats
Amphitheater	<input type="checkbox"/>		■	■	■	<input type="checkbox"/>	<input type="checkbox"/>	9.1	9.2	9.3	9.4		1 per 6 seats						
Drive-in theaters									■	■		<input type="checkbox"/>	<input type="checkbox"/>	9.1	9.2	9.3	9.4		Upon Review
Indoor games facility									■	■	■	<input type="checkbox"/>	<input type="checkbox"/>	9.1	9.2	9.3	9.4		1/400 gfa
Amusement, sports, or recreation establishment(not specifically enumerated)	<input type="checkbox"/>								<input type="checkbox"/>	■	■	<input type="checkbox"/>		9.1	9.2	9.3	9.4		1/6 seats
Amusement or theme park										<input type="checkbox"/>				9.1	9.2	9.3	9.4		1/600 sf outdoor rec area
Arcade										<input type="checkbox"/>				9.1	9.2	9.3	9.4		1/device or table
Miniature golf establishment	<input type="checkbox"/>									<input type="checkbox"/>				9.1	9.2	9.3	9.4		1/hole
Fitness, recreational sports, gym, or athletic club									<input type="checkbox"/>	■	<input type="checkbox"/>			9.1	9.2	9.3	9.4		1/300 gfa
Bowling, billiards, pool, etc.										■				9.1	9.2	9.3	9.4		2/lane
Skating rinks										■				9.1	9.2	9.3	9.4		1/300 gfa
Sports stadium or arena	<input type="checkbox"/>									■				9.1	9.2	9.3	9.4		1/4 seats
Racetrack	<input type="checkbox"/>									<input type="checkbox"/>				9.1	9.2	9.3	9.4		1/4 seats
Exhibition, convention, or conference structure	<input type="checkbox"/>									<input type="checkbox"/>				9.1	9.2	9.3	9.4		1/4 seats
<a href="#">Churches, temples, synagogues, mosques, and other religious facilities</a>	■	<input type="checkbox"/>		■	■	■	<input type="checkbox"/>	<input type="checkbox"/>	9.1	9.2	9.3	9.4	1.1	1/4 seats					

Table of Uses																			
Use/Activity	Base Zones												Planned/Overlay Zones				Additional Standard	Parking Ratio	
	A	R15	R12	R10	R7	RM7	MH	B1	B2	B3	BCS	M1	M2	PUD	B-4	FLD			HO
Passenger terminal, mixed mode	<input type="checkbox"/>								<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	9.1	9.2	9.3	9.4		
Active open space/athletic fields/golf courses	<input type="checkbox"/>								<input type="checkbox"/>					9.1	9.2	9.3	9.4		6/hole
Passive open space	■	■	■	■	■	■	<input type="checkbox"/>	■	■	■		<input type="checkbox"/>	<input type="checkbox"/>	9.1	9.2	9.3	9.4		
<b>Institutional or community facilities</b>																			
Hospital building	■								■	<input type="checkbox"/>				9.1	9.2	9.3	9.4		1/400 gfa
Medical clinic building								■	■	■				9.1	9.2	9.3	9.4		1/400 gfa
Social assistance, welfare, and charitable assistance(not otherwise specified)								■	■	■				9.1	2	3	9.4		1/400 gfa
Child and youth services								■	■	■				9.1	2	3	9.4		1/400 gfa
Child care institution(basic)								<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				9.1	2	3	9.4		1/400 gfa
Family Day Care Home	■	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			■	■	<input type="checkbox"/>				9.1	2	3	9.4		1/400 gfa
Day care center	<input type="checkbox"/>							<input type="checkbox"/>	■	<input type="checkbox"/>				9.1	2	3	9.4		1/400 gfa
Community food services	<input type="checkbox"/>		<input type="checkbox"/>	■	<input type="checkbox"/>				9.1	2	3	9.4		1/400 gfa					
Emergency and relief services	<input type="checkbox"/>							<input type="checkbox"/>	■	<input type="checkbox"/>				9.1	2	3	9.4		1/400 gfa
Other family services	<input type="checkbox"/>							<input type="checkbox"/>	■	<input type="checkbox"/>				9.1	2	3	9.4		1/400 gfa
Services for elderly and disabled	<input type="checkbox"/>							■	■	<input type="checkbox"/>				9.1	2	3	9.4		1/400 gfa
Animal hospitals	■							<input type="checkbox"/>	■	<input type="checkbox"/>				9.1	2	3	9.4		1/employee
School or university buildings (privately owned)	■	■	■	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	■	<input type="checkbox"/>				9.1	2	3	9.4		1/classroom
Grade school (privately owned)	■	■	■	■	■	■		■	■	■				9.1	2	3	9.4		1/classroom

Table of Uses																			
Use/Activity	Base Zones												Planned/Overlay Zones			Additional Standard	Parking Ratio		
	A	R15	R12	R10	R7	RM7	MH	B1	B2	B3	BCS	M1	M2	PUD	B-4	FLD	HO	See Article 11	See Article 12
College or university facility (privately owned)	■	■	■	□	□	□		□	■	□				9.1	2	3	9.4		1per 4 students
Trade or specialty school facility (privately owned)	■	■	■	□	□	□		□	■	□				9.1	2	3	9.4		1/400 gfa
Library building	■	■	■	■	■	■		■	■	■	■			9.1	2	3	9.4		1/400 gfa
Museum, exhibition, or similar facility	■	■	■	■	■	■		■	■	■	■			9.1	2	3	9.4		1/1000 gfa
Exhibitions and art galleries	■	■	■	■	■	■		■	■	■	■			9.1	2	3	9.4		1/1000 gfa
Planetarium	■								■					9.1	9.2	9.3	9.4		1/1000 gfa
Aquarium	■								■					9.1	9.2	9.3	9.4		1/1000 gfa
Outdoor facility, no major structures	■								■					9.1	9.2	9.3	9.4		1/1000 gfa
Zoological parks	■								■					9.1	9.2	9.3	9.4		1/1000 gfa
Public safety-related facility	■	■	■	■	■	■		■	■	■	■			9.1	9.2	9.3	9.4		1/.8 employees
Fire and rescue station	■	■	■	■	■	■		■	■	■	■	□	□	9.1	9.2	9.3	9.4		1/.8 employees
Police station	■	■	■	■	■	■		■	■	■	■	□	□	9.1	9.2	9.3	9.4		1/.8 employees
Emergency operation center	■	■	■	■	■	■		■	■	■	■	□	□	9.1	9.2	9.3	9.4		1/.8 employees
Correctional or rehabilitation facility	■							□	□	□		□	■	9.1	9.2	9.3	9.4		1/.8 employees
Cemetery, monument, tombstone or mausoleum	■	□	□	□	□	□		□	□	□				9.1	9.2	9.3	9.4		
Funeral homes	□	□	□	□	□	□		■	■	□				9.1	9.2	9.3	9.4		1 per 4 seats
Cremation facilities	□	□	□	□	□	□		□	□					9.1	9.2	9.3	9.4		1 per 4 seats
Public administration	■	■	■	■	■	■		■	■	■	■			9.1	9.2	9.3	9.4		1/300 gfa
Post offices	■	□	□	□	□	□		■	■	■	■			9.1	9.2	9.3	9.4		1/.8 employees
Clubs or lodges	□							□	■	■				9.1	9.2	9.3	9.4		Projected peak parking

Table of Uses																				
	Use/Activity	Base Zones											Planned/Overlay Zones					Additional Standard	Parking Ratio	
		A	R15	R12	R10	R7	RM7	MH	B1	B2	B3	BCS	M1	M2	PUD	B-4	FLD			HO
Transportation-	<b>Transportation-related facilities</b>																			
	Automobile parking facilities								<input type="checkbox"/>	9.1	9.2	9.3	9.4	12						
	Surface parking, open								■	■	■	■	■	■	9.1	9.2	9.3	9.4		
	Bus terminal								<input type="checkbox"/>	■	■		■	<input type="checkbox"/>	9.1	9.2	9.3	9.4		
	Bus stop shelter								<input type="checkbox"/>	■	■		■	<input type="checkbox"/>	9.1	9.2	9.3	9.4		
	Bus or truck maintenance facility									■	■		■	■	9.1	9.2	9.3	9.4		
	Truck and freight transportation services									■	■		■	■	9.1	9.2	9.3	9.4		
	Road, ground passenger, and transit transportation									■	■		■	■	9.1	9.2	9.3	9.4		Projected peak parking
	Local transit systems									■	■		■	■	9.1	9.2	9.3	9.4		Projected peak parking
	Taxi and limousine service								<input type="checkbox"/>	■	■		■	■	9.1	9.2	9.3	9.4		
	School and employee bus transportation									■	■		■	■	9.1	9.2	9.3	9.4		
	<a href="#">Towing and other road services</a>								<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	9.1	9.2	9.3	9.4	11.5	
	Space transportation												<input type="checkbox"/>	■	9.1	9.2	9.3	9.4		
	Pipeline transportation												<input type="checkbox"/>	■	9.1	9.2	9.3	9.4		
	Postal transportation services								■	■	■		■	■	9.1	9.2	9.3	9.4		
	Courier and messenger services								■	■	■		■	■	9.1	9.2	9.3	9.4		
	Air and space transportation facility									<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	■	9.1	9.2	9.3	9.4		
	Airport terminal												■	<input type="checkbox"/>	9.1	9.2	9.3	9.4		Projected peak parking
	Runway												■	<input type="checkbox"/>	9.1	9.2	9.3	9.4		
Airport maintenance and hanger facility												■	<input type="checkbox"/>	9.1	9.2	9.3	9.4			

Table of Uses																			
Use/Activity	Base Zones											Planned/Overlay Zones					Additional Standard	Parking Ratio	
	A	R15	R12	R10	R7	RM7	MH	B1	B2	B3	BCS	M1	M2	PUD	B-4	FLD			HO
Airport control tower												■	□	9.1	9.2	9.3	9.4		
Railroad facility												■	□	9.1	9.2	9.3	9.4		
<b>Utility and other nonbuilding structures</b>																			
Utility structures on right of way	■	■	■	■	■	■	■	■	■	■	■	■	■	9.1	9.2	9.3	9.4		1/8 employees
Water supply-related facility	■	■	■	■	■	■	■	■	■	■	■	■	■	9.1	9.2	9.3	9.4		1/8 employees
Water supply pump station	■	■	■	■	■	■	■	■	■	■	■	■	■	9.1	9.2	9.3	9.4		1/8 employees
Dam	■	■	■	■	■	■	■	■	■	■		■	■	9.1	9.2	9.3	9.4		1/8 employees
Levee	■	■	■	■	■	■	■	■	■	■		■	■	9.1	9.2	9.3	9.4		1/8 employees
Culvert	■	■	■	■	■	■	■	■	■	■	■	■	■	9.1	9.2	9.3	9.4		1/8 employees
Water tank (elevated, at grade, underground)	■	■	■	■	■	■	■	■	■	■		■	■	9.1	9.2	9.3	9.4		1/8 employees
Wells	■	■	■	■	■	■	■	■	■	■		■	■	9.1	9.2	9.3	9.4		1/8 employees
Water treatment and purification facility	■	■	■	■	■	■	■	■	■	■		■	■	9.1	9.2	9.3	9.4		1/8 employees
Water reservoir	■	■	■	■	■	■	■	■	■	■		■	■	9.1	9.2	9.3	9.4		1/8 employees
Irrigation facilities	■	■	■	■	■	■	■	■	■	■		■	■	9.1	9.2	9.3	9.4		1/8 employees
Wastewater storage or pumping station facility; lift stations	■	□	□	□	□	□	□	□	□	□		■	■	9.1	9.2	9.3	9.4		1/8 employees
Solid waste landfill facility													□	9.1	9.2	9.3	9.4		1/8 employees
Incinerator, composting, or similar facility													□	9.1	9.2	9.3	9.4		1/8 employees
Hazardous waste collection													□	9.1	9.2	9.3	9.4		1/8 employees

Table of Uses																			
Use/Activity	Base Zones											Planned/Overlay Zones					Additional Standard	Parking Ratio	
	A	R15	R12	R10	R7	RM7	MH	B1	B2	B3	BCS	M1	M2	PUD	B-4	FLD			HO
Hazardous waste treatment													<input type="checkbox"/>	9.1	9.2	9.3	9.4		1/.8 employees
Solid waste collection													<input type="checkbox"/>	9.1	9.2	9.3	9.4		1/.8 employees
Solid waste combustor or incinerator													<input type="checkbox"/>	9.1	9.2	9.3	9.4		1/.8 employees
Waste treatment and disposal													<input type="checkbox"/>	9.1	9.2	9.3	9.4		1/.8 employees
Septic tank and related services													<input type="checkbox"/>	9.1	9.2	9.3	9.4		1/.8 employees
Hazardous waste storage facility													<input type="checkbox"/>	9.1	9.2	9.3	9.4		1/.8 employees
Sewer treatment plant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	9.1	9.2	9.3	9.4		1/.8 employees
Gas or electric power generation facility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	9.1	9.2	9.3	9.4		1/.8 employees
<a href="#">Communication towers</a>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	9.1	9.2	9.3	9.4	11.10	
Radio, television, or wireless transmitter	■	■	■	■	■	■	■	■	■	■		■	■	9.1	9.2	9.3	9.4		
Weather stations or transmitters	■	■	■	■	■	■	■	■	■	■		■	■	9.1	9.2	9.3	9.4		
Environmental monitoring station (air,soil,etc.)	■	■	■	■	■	■	■	■	■	■		■	■	9.1	9.2	9.3	9.4		1/.8 employees
Sign, free-standing (must comply with Article 14)		<a href="#">See Article 14</a>											9.1	2	3	10.4			
Billboard (must comply with Article 14)		<a href="#">See Article 14</a>											9.1	10.2	9.3	10.4			
Highway rest stops and welcome centers	■	■	■	■	■	■	■	■	■	■		■	■	9.1	9.2	9.3	9.4		
Roadside produce stand	■	■	■	■	■	■	■	■	■	■		■	■	9.1	9.2	9.3	9.4		
Playground equipment	■	■	■	■	■	■	■	■	■	■		■	■	9.1	9.2	9.3	9.4		

Table of Uses																			
Use/Activity	Base Zones												Planned/Overlay Zones				Additional Standard	Parking Ratio	
	A	R15	R12	R10	R7	RM7	MH	B1	B2	B3	BCS	M1	M2	PUD	B-4	FLD			HO
Fountain, sculpture, or other aesthetic structure	■	■	■	■	■	■	■	■	■	■	■	■	■	9.1	9.2	9.3	9.4		
Outdoor stage, bandstand, or similar structure	■	□								□	□	□	□	9.1	9.2	9.3	9.4		Upon Review
<b>Agriculture, forestry, fishing, and hunting</b>																			
Grain silos and other storage structure for grains and agricultural products	■											■	■	9.1	9.2	9.3	9.4		1/900 gfa
Animal production, including slaughter	■												□	9.1	9.2	9.3	9.4		1/900 gfa
Livestock pens or hog houses	□													9.1	9.2	9.3	9.4		1/900 gfa
Hatcheries and poultry houses	□												□	9.1	9.2	9.3	9.4		1/900 gfa
Greenhouses/nurseries	■							■	■	■		■	□	9.1	9.2	9.3	9.4		1/900 gfa
Stables and other equine-related facilities	■	■	■	■	■	■								9.1	9.2	9.3	9.4		1/900 gfa
Kennels and other canine-related facilities	□													9.1	9.2	9.3	9.4		1/900 gfa
Apiary and other related structures	■	■	■	■	■	■		■	■	■		■	■	9.1	9.2	9.3	9.4		1/900 gfa
Crop production	■	■	■	■	■							■	■	9.1	9.2	9.3	9.4		
Forestry and logging	■													9.1	9.2	9.3	9.4		

Table of Uses																				
Use/Activity		Base Zones											Planned/Overlay Zones				Additional Standard	Parking Ratio		
		A	R15	R12	R10	R7	RM7	MH	B1	B2	B3	BCS	M1	M2	PUD	B-4	FLD	HO	See Article 11	See Article 12
	Fishing, hunting, and trapping, including game preserves and retreats	■													9.1	9.2	9.3	9.4		
	Support functions for agriculture and forestry	■								■	■		■	■	9.1	9.2	9.3	9.4		
Mining	<b>Mining and extraction establishments</b>																			
	Oil and natural gas	□											□	□	9.1	9.2	9.3	9.4		1/.8 employees
	Quarrying and gravel mining	□											□	□	9.1	9.2	9.3	9.4		1/.8 employees
	Other nonmetallic mining	□											□	□	9.1	9.2	9.3	9.4		1/.8 employees

Section 5 – Table of Uses

Table of Dimensional Requirements																
Dimension	Base Zones								Planned/Overlay Zones							
	A	R15	R12	R10	R7	RM7	MH	B1	B2	B3	BCS	M1	M2	PUD	B-4	FLD
Lot Size(Minimum Square Feet)	43,560	15,000	12,000	10,000	7,000	4,000	25,000	-	-	-	-	-	-	9.1	10.2	9.3
Density (Maximum/Minimum Dwellings Units per Gross Acre)	1/1	3/2	3.6/2	4.3/3	6.2/5	15	2/1	-	-	-	-	-	-	9.1	10.2	9.3
Frontage (minimum)	100	40	35	30	25	20	50	-	50	-	-	50	50	9.1	10.2	9.3
Lot Width (minimum feet at setback)	40	80	70	65	60	25	75	-	50	-	-	-	-	9.1	10.2	9.3
Lot Width (maximum feet at setback)	100	80	90	75	70	45	100	-	-	-	-	-	-	9.1	10.2	9.3
Height (maximum feet)	45	45	45	45	45	45	25	45	45	45	45	45	45	9.1	10.2	9.3
Stories (maximum)	3	3	3	3	3	3	2	3	3	3	3	3	3	9.1	10.2	9.3
Front Setback (minimum feet)	40	30	25	25	20	15	50	15	25	0	0	30	30	9.1	10.2	9.3
Front Setback (maximum feet)	-	35	30	30	25	20	70	30	250	5	0	-	-	9.1	10.2	9.3
Side Setback (minimum feet)	20	10/25 total	7	5/12 total	5	0	15	20	20	0	0	20	20	9.1	10.2	9.3
Rear Setback (minimum feet)	40	30	30	25	20	20	30	20	20	0	0	30	30	9.1	10.2	9.3
Lot Coverage (percent)	15-May	25%	40%	40%	45%	55%	15%	50%	50%	300%	300%	50%	50%	9.1	10.2	9.3
Maximum Front Building Facade (individual)	-	-	-	-	-	-	-	2000	-	-	-	-	-	9.1	10.2	9.3
Maximum Building Size (aggregate)	-	-	-	-	-	-	-	20,000	-	-	-	-	-	9.1	10.2	9.3

**ARTICLE 5. REGULATIONS APPLICABLE IN ALL DISTRICTS**

- 5.1. Regulations Applying to all Districts - Certain regulations are common to all zoning districts and are set forth as follows:
  - 5.1.1. Building Lots, Yards and Open Space - In each district each structure hereafter erected or altered shall be provided the yards specified, and shall be on a lot of the area and width specified by the requirement for each district. No open space or lot required for a building or structure shall during its life be occupied by or counted as open space for another building or structure
- 5.2. Exceptions to the District Yard Requirements
  - 5.2.1. Where the Owner of a lot of official record at the time of adoption of this ordinance does not own sufficient adjacent land to enable him to conform to the yard and other requirements of this ordinance, the building and its accessory structures may be built provided the yard space and other requirements conform as closely as possible, in the opinion of the Planning Commission, to the requirements of the district in which it is located; and further provided that neither side yards shall be reduced to less than three (3) feet.
  - 5.2.2. No building need be set back more than the average of the setbacks of the existing residences within one hundred (100) feet each side thereof.
- 5.3. Building Height - In each district each structure hereafter erected or altered shall not exceed the heights specified in the Table of Dimensional Requirements except that height limitations shall not apply to church steeples, hospitals, sanitariums, barns, silos, farm structures, chimneys, flag poles, public utility poles, radio' and television towers and aerials, cooling towers, water tanks, and industrial structures when required by manufacturing process.
- 5.4. Structures - It is the intent of this ordinance that there shall be but one main structure plus any permitted accessory structures on any lot used for residential purposes; also, that accessory structures shall not include living quarters.
- 5.5. Accessory buildings and uses are permitted when in accordance with the following:
  - 5.5.1. Private garages and storage buildings
  - 5.5.2. Vegetable and flower gardens, and fruit and nut trees, for use by members of the family residing on the premises and not for commercial purposes
  - 5.5.3. Raising and keeping of small animals and fowl, but not on a commercial basis or on a scale creating objectionable conditions noticeable from neighboring property.
  - 5.5.4. Tennis Courts, swimming pools, garden houses, pergolas, ornamental gates, barbecue ovens, fireplaces, and similar uses customarily accessory to residential uses.
  - 5.5.5. Fences, walls, and hedges under the following conditions:
    - 5.5.5.1. In residential districts in a yard that adjoins a public street, fences, walls and hedges may not exceed 4 feet in height except in a designated rear yard

- 5.5.5.2. In non-residential zones, fences in yards adjoining streets are not permitted.
- 5.5.5.3. No fence shall exceed ten feet in height measured from the finished grade of the lot or property upon which the fence is being erected except as otherwise.
- 5.5.6. Accessory Buildings – Accessory buildings shall conform to the following conditions:
  - 5.5.6.1. There shall be no more than one structure per lot
  - 5.5.6.2. An accessory structure shall be no greater than thirty percent of the size of the principal building on a site
  - 5.5.6.3. Accessory buildings shall be located only in a rear yard of a principal building
  - 5.5.6.4. Accessory buildings shall be not exceed 20 feet in height

## ARTICLE 6. AGRICULTURAL AND RESIDENTIAL DISTRICTS

- 6.1. General Purpose of the Agricultural and Residential Districts - The agricultural and residential districts established in this ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. The Agricultural District is designed to accommodate single family residential development in areas within the planning jurisdiction that are not yet served by public water or sewer facilities and that are not yet appropriate for development at higher densities. Residential districts are designed primarily to accommodate residential uses and other selected uses as specified
- 6.2. Agricultural District
- 6.2.1. Purpose of the Agricultural District – See Article 7, 7.1 General Purpose of the Agriculture District Permitted Uses – [See Article 5, Table of Permitted Uses.](#)
- 6.2.3. Special Exceptions – [See Article 5, Table of Permitted Uses](#)
- 6.2.4. Design Requirements for subdivisions containing Manufactured Homes - Where a manufactured home is proposed to be located in a subdivision in the "A" Agricultural Zone, the axles and tongue of the unit shall be removed and the manufactured home shall be placed on a monolithic, conventional, or slab foundation. Roofs shall be built to a minimum 4/12 pitch and covered with roofing shingles. All siding shall run horizontally, and the foundation shall be faced with masonry material. The minimum size of the unit shall be 1450 square feet.
- 6.2.5. Yard and Bulk Requirements - See Article 5, [Table of Dimensional Requirements.](#)
- 6.3. R-15 Low Density Residential District
- 6.3.1. Purpose of the R-15 District Low Density - The R-15 Low Density Residential District is designed to accommodate single family detached residential uses at low densities in areas served with public water and sewer.
- 6.3.2. Permitted Uses - [See Article 5, Table of Permitted Uses.](#)
- 6.3.3. Special Exceptions - See Article 5, [Table of Permitted Uses.](#)
- 6.3.4. Yard and Bulk Requirements – See Article 5, [Table of Dimensional Requirements](#)
- 6.4. R-12 Low Density Residential District
- 6.4.1. Purpose of the R-12 District Low Density District - The R-12 Low Density Residential District is designed to accommodate single family detached residential uses at low densities in areas served with public water and sewer.
- 6.4.2. Permitted Uses - See Article 5, [Table of Permitted Uses.](#)
- 6.4.3. Special Exceptions - See Article 5, [Table of Permitted Uses.](#)
- 6.4.4. Yard and Bulk Requirements – See Article 5, [Table of Dimensional Requirements.](#)
- 6.5. R-10 Low Density Residential District
- 6.5.1. Purpose of the R-10 Low Density District - The R-10 Low Density Residential District is designed to accommodate single family detached residential uses at low densities in areas served with public water and sewer.
- 6.5.2. Permitted Uses - See Article 5, [Table of Permitted Uses.](#)
- 6.5.3. Special Exceptions - See Article 5, [Table of Permitted Uses.](#)
- 6.5.4. Yard and Bulk Requirements - Article 5, [Table of Dimensional Requirements.](#)
- 6.6. R-7 Medium Density Residential District

- 6.6.1. Purpose of the R-7 Medium Residential District - The R-7 Medium Density Residential District is designed to accommodate single family homes, two family homes, and townhomes.
  - 6.6.2. Permitted Uses - See Article 5, [Table of Permitted Uses](#).
  - 6.6.3. Special Exceptions - See Article 5, [Table of Permitted Uses](#).
  - 6.6.4. Yard and Bulk Requirements - See Article 5, [Table of Dimensional Requirements](#)
  - 6.6.5. Site plan required - A request to rezone land to R-7 Medium Density Residential District shall be accompanied by a site plan conforming to the standards set out in Article 11, Section [11.2 Site Plan Standards](#). A request for subdivision approval in the R-7 Medium Density Residential District shall also be accompanied by a site plan conforming to these standards.
  - 6.6.6. Open Space Required A minimum of 10% of the gross acreage of the site shall be set aside as permanent open space. Said open space shall consist of usable land, suitable for recreational purposes and shall not consist of lands encumbered by gullies, strips less than 100 feet in width, marginal land or land not usable for recreational purposes.
- 6.7. High Density Residential District
- 6.7.1. Purpose of the RM-7 High Density Residential District - The RM-7 High Density Residential District is designed to accommodate high density, multi family developments
  - 6.7.2. Permitted Uses - See Article 5, [Table of Permitted Uses](#).
  - 6.7.3. Special Exceptions - See Article 5, [Table of Permitted Uses](#).
  - 6.7.4. Yard and Bulk Requirements – Article 5, [Table of Dimensional Requirements](#)
  - 6.7.5. Site Plan Required - A request to rezone or subdivide land to RM-7 High Density Residential District shall be accompanied by a site plan conforming to the standards set out in Article 11, Section [11.2 Site Plan Standards](#).
  - 6.7.6. Open Space Required - A minimum of 10% of the gross acreage of the site shall be set aside as permanent open space. Said open space shall consist of usable land, suitable for recreational purposes and shall not consist of lands encumbered by gullies, strips less than 100 feet in width, marginal land or land not usable for recreational purposes.

## ARTICLE 7. BUSINESS DISTRICTS

- 7.1. General Purpose of the Business Districts - The business districts established in this ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare.
- 7.2. B-1 Neighborhood Business District
- 7.2.1. Purpose of the B-1 District - The B-1 Neighborhood Business District is designed to accommodate neighborhood scale business activity.
- 7.2.2. Permitted Uses - See Article 5 District Land Uses, 5.1 [Table of Permitted Uses](#).
- 7.2.3. Special Exceptions - See Article 5, [Table of Permitted Uses](#).
- 7.2.4. Yard and Bulk Requirements - See Article 5, [Table of Dimensional Requirements](#).
- 7.2.5. Site Plan Required - A request to rezone land to B-1 Neighborhood Business District shall be accompanied by a site plan conforming to the standards set out in Article 11, Section [11.2 Site Plan Standards](#). A request for subdivision approval in the B-1 Neighborhood Business District shall also be accompanied by a site plan conforming to these standards
- 7.3. B-2 Highway Business District
- 7.3.1. Purpose of the B-2 District - The B-2 Highway Business District is designed to accommodate commercial activities that draw business primarily from and provide services to major highways.
- 7.3.2. 8.32 Permitted Uses - See Article 5, [Table of Permitted Uses](#).
- 7.3.3. Special Exceptions - See Article 5, [Table of Permitted Uses](#)
- 7.3.4. Yard and Bulk Requirements - See Article 5, [Table of Dimensional Requirements](#).
- 7.3.5. Site Plan Required - A request to rezone land to B-2 Highway Business shall be accompanied by a site plan conforming to the standards set out in Article 11, Section [11.2 Site Plan Standards](#). A request for subdivision approval in the B-2 Highway Business District shall also be accompanied by a site plan conforming to these standards.
- 7.4. B-3 Central Business District
- 7.4.1. Purpose of the B-3 Central Business District - The B-3 Central Business District is designed to accommodate a wide variety of commercial uses (particularly those that are pedestrian oriented) that will result in the most intensive and attractive use of the city's central business district.
- 7.4.2. Permitted Uses - See Article 5, [Table of Permitted Uses](#)
- 7.4.3. Special Exceptions - See Article 5, [Table of Permitted Uses](#).
- 7.4.4. Yard and Bulk Requirements - See Article 5, [Table of Dimensional Requirements](#).
- 7.4.5. Site plan Required - A request to rezone land to B-3 Central Business District be accompanied by a site plan conforming to the standards set out in Article 11, Section [11.2 Site Plan Standards](#). A request for subdivision approval in the B-3 Central Business District shall also be accompanied by a site plan conforming to these standards.
- 7.5. Business Courthouse Square(BCS)
- 7.5.1. Purpose of the Business Courthouse Square District - The BSC District is to designate the area fronting on the Marshall County Courthouse Square for

certain retail, office and service uses which will complement the historic nature and traditional functions of the court square area as the heart of community life.

- 7.5.2. Permitted Uses - See Article 5, [Table of Permitted Uses](#)
- 7.5.3. Special Exceptions - See Article 5, [Table of Permitted Uses](#).
- 7.5.4. Yard and Bulk Requirements - See Article 5, [Table of Dimensional Requirements](#).
- 7.5.5. Site Plan Required - A request to rezone land to BCS District shall be accompanied by a site plan conforming to the standards set out in Article 11, Section [11.2 Site Plan Standards](#).

## ARTICLE 8. INDUSTRIAL DISTRICTS

- 8.1. General Purpose of the Industrial Districts - The industrial districts established in this ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare.
- 8.2. M -1 Light Industrial District
  - 8.2.1. Purpose of the M-1 Light Industrial District
  - 8.2.2. Permitted Uses - See Article 5, [Table of Permitted Uses](#)
  - 8.2.3. Special Exceptions - See Article 5, [Table of Permitted Uses](#)
  - 8.2.4. Yard and Bulk Requirements - Article 5, Table of Dimensional Requirements.
- 8.3. M-2 Heavy Industrial District
  - 8.3.1. Purpose of the M- 2 Heavy Industrial District
  - 8.3.2. Permitted Uses - See Article 5, [Table of Permitted Uses](#).
  - 8.3.3. Uses Permitted on Appeal - See Article 5, [Table of Permitted Uses](#).
  - 8.3.4. Yard and Bulk Requirements- See Article 5, Table of Dimensional Requirements.

## ARTICLE 9. PLANNED AND OVELAY DISTRICTS

### 9.1. Planned Unit Development District

- 9.1.1. The purpose of the Planned Unit Development District is to provide for the development of planned total communities that provide a full range of residential types as well as curtain commercial, office, or light industrial uses designed to serve the inhabitants of the districts consistent with the Comprehensive Plan. For purposes of this ordinance a planned Unit Development shall be a tract of land at least 1 acre in area, under single, corporation, firm, partnership or association ownership planned and developed as an integrated unit, in a single development operation or a programmed series of development operations and according to an approved Preliminary Site plan.
- 9.1.2. Site Plan Required - The "PUD" District shall be established only upon application, after public hearing as specified in the amendatory procedures of this ordinance and shall require an approved Preliminary Site plan and Project Narrative which, when zoning is granted, will govern the development of the land and all development plans thereof,
- 9.1.3. Site Plan Standards – The Site Plan shall conform to the site plan standards in Article 11, Section [11.2 Site Plan Standards](#).
- 9.1.4. Minimum District Area - The Minimum area for a "PUD" District shall be 1 acre.
- 9.1.5. Permitted Uses - A list of Permitted uses within each planned Unit Development must be submitted with the application for establishment of the District and the preliminary site plan and must be approved by the Planning Commission and Governing Authority upon application by the owner of the property.
- 9.1.6. Procedures - An application for rezoning to "PUD" District shall be accompanied by a site plan and project narrative presenting the following:
  - 9.1.6.1. Proposed land uses and population densities
  - 9.1.6.2. Proposed primary circulation pattern
  - 9.1.6.3. Proposed parks and playgrounds
  - 9.1.6.4. Delineation of the units or phases to be constructed together with a proposed timetable
  - 9.1.6.5. Proposed means of dedication of common open space areas and organizational arrangements for the ownership, maintenance and preservation of common open space
  - 9.1.6.6. Relationship to the Comprehensive Plan, land uses in the surrounding area and to the general plan of the PUD. Rezoning procedures shall be in accordance with [Article 18, Amendments](#). Following the initial rezoning procedure, the proposed development shall follow all applicable procedures and requirements governing the subdivision of land. No building permits shall be issued until a final plat of the proposed development, or portion thereof, is approved, filed, and recorded. No

building designed or intended to be used, in whole or in part, for commercial purposes shall be constructed prior to the construction of less than 25% of the dwelling units proposed in the plan, or construction of 100 dwellings units/ whichever is smaller. If construction of the "PUD" District is restarted within two years of the date of approval, the Board of Aldermen may consider rezoning the site to its previous classification. The applicant, by showing good cause why he cannot adhere to the proposed timetable described in 9.1.6.4, may seek an extension of not more than one (1) year at a time. A request for extension shall be submitted in writing to the Planning Commission.

9.1.7. Review Standards - The site plan must provide for and conform entirely to the following standards and requirements:

- 9.1.7.1. In order to encourage ingenuity, imagination, and high quality design, regulations on residential areas will not specify minimum lot area per dwelling unit but will limit density in residential areas to 5 families per acre in single family dwelling or 20 families per acre in multi-family dwellings. This will allow clustering of dwellings to provide maximum open space.
- 9.1.7.2. Street widths and improvements thereof, as well as off street parking facilities must conform to city standards or in lieu of such standard, to the standard approved in the master plan. While alternate widths may be proposed, in no case shall street construction standards be varied.
- 9.1.7.3. Provisions for water supply, sanitary sewers, storm water drainage, and connections shall be made to the satisfaction and requirements of the Governing Authority and the appropriate state authority.
- 9.1.7.4. All improvements are to be installed and maintained by the developer unless other arrangements approved by the Governing Authority are made.
- 9.1.7.5. The Governing Authority may require other special improvements as they are required if they are deemed reasonable and essential, and may require that appropriate deed restrictions to be filed enforceable by the Governing Authority for 20 years.
- 9.1.7.6. A minimum total area of 10% of the gross residential area shall be set aside as parks and playgrounds. Of this 10%, a maximum of one half may be covered with water. A maximum of 5% of the area designated to be parks and playgrounds may be covered with structures to be used in the recreational use of the area. Parks and playgrounds must be suitably improved for its intended use but parks and playgrounds containing natural features clearly worthy of preservation may be left unimproved.
- 9.1.7.7. The developer shall also submit sketches of the plan for the entire project showing the relationship of uses, street patterns, open space

and the general character of the proposed development, including a schematic drawing illustrating a typical segment of the development.

- 9.1.7.8. After approval, filing, and recording of the plat, a building permit may be issued in accordance with the approved plan.

9.2. B-4 Planned Commercial District

- 9.2.1. Purpose of the B-4 planned Commercial District - The purpose of this district is to provide for modern, attractive, and efficient retail, personal, and professional commercial facilities with access needs which demand location along major arterial roadways. Uses Permitted in this district are frequently automobile- oriented, and, as such, this district is most appropriately located along or at intersections of urban arterial or collector roadways, as identified on the Transportation Plan. Also, since these corridors are major entryways and focal points in the City, landscape and buffer standards are instituted to provide commercial development which is more compatible and visually pleasing with adjacent residential areas.
- 9.2.2. Permitted Uses - No specific uses are specified for B-4 planned Commercial Zone. The applicant for a planned commercial] district shall submit a list of uses which will be permitted. The Planning Commission may delete certain requested uses where it has been determined that the proposed use will not be compatible with surrounding area or will be in conflict with the Comprehensive Plan of Holly Springs.
- 9.2.3. Prohibited Uses. Uses specifically prohibited in the B-4 Planned Commercial District shall be as follows:
  - 9.2.3.1. Adult Entertainment
  - 9.2.3.2. Night Clubs, Bars and Taverns, Salvage Yards
  - 9.2.3.3. Outside Storage
- 9.2.4. Site Plan Required - The "B-4" planned Commercial District shall be established only upon application, after public hearing as specified in the amendatory procedures of this ordinance and shall require an approved site development plan. The site plan shall conform to the [Site Plan Standards](#) of Article 11 Supplemental Standards.
- 9.2.5. Site Development Standards – Site development shall be governed by [Article 13, Design Standards](#) and the dimension requirements in the table below.
- 9.2.6. Architectural Standards - Exposed metal wall surfaces are prohibited.

Regulator	Requirement
Minimum Site Size	12,000 square feet
Lot Width at properly line	50 feet minimum
Floor Area Ratio	2
Building Height	40 feet maximum
Minimum Building Setbacks	
Front Yard	50

Side Yard	30/ 25 abutting commercial district
Interior side yard	15 feet
Rear Yard abutting residential “planned” or zoned district	60 feet
Rear yard (abutting a planned commercial or zoned district)	15 feet

- 9.2.7. Landscaping Requirements – Landscaping shall be governed by [Article 12, Design Standards](#)
- 9.2.8. Traffic Access Control Standards - In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply.
  - 9.2.8.1. Maximum Width of Driveway Opening at Property Line: 35 feet
  - 9.2.8.2. Minimum Throat Length of Driveway as measured from property line to first parking aisle - 50 feet for access to Urban Arterial and 30 feet for all other public rights-of-way.
  - 9.2.8.3. Location of Driveways: Driveways shall be so located that vehicles entering or leaving the establishment will not interfere with the free movement of traffic or create a hazard on the public right-of-way. Where feasible, they shall be located where there are not sharp curves and steep grades and where sight distance is adequate for safe traffic operation. Driveways should not be located within intersections, interchanges, or on highways immediately approaching them. They shall be so located that they will not interfere with the placement of signs, signals, or other devices that affect traffic operation.
- 9.2.9. Review and Approval
  - 9.2.9.1. The Planning Commission shall study the preliminary plan and supporting data and may make suggestions for changes and adjustments. After the Commission approves the preliminary plan and construction schedule, it shall submit same with a brief report to the governing authority. Upon receipt of the approved preliminary plan, the owner may proceed with final plans and specifications for all or for any portion of the project that is agreed upon. The final plans and specifications shall be reviewed and approved by the Commission and transmitted to the governing authority for approval. Upon approval by the governing authority, one copy shall be filed in the Planning Commission office. No building permit shall be issued until a final plat of the proposed development, or portion thereof, is approved, filed, and recorded.
  - 9.2.9.2. Modification of Site Plan - The Planning Commission or the governing authority may require modification of a site plan as a prerequisite for approval. Required modifications may be more restrictive than district regulations and may include, but not be limited to, provision for

additional buffer yards, landscaping and screening, installation of erosion control measures, improvement to access and circulation systems, rearrangement of structures or uses within the site, and location and character of signs and other modifications deemed necessary to ensure compatibility with the surrounding environment and to protect public health, safety, and welfare.

- 9.2.9.3. Lapse of Approval - A site plan approval shall become void two (2) years after the date on which the approval became effective unless the applicant receives a building permit and diligently carries out construction prior to expiration of that period, or a specific time extension is requested of and approved by the governing authority. A site plan approval may establish a longer effective period as a specific condition of the application. The Planning Commission may grant one (1) year extension of a site plan approval, provided that the applicant files a written request for an extension stating the reasons for the request prior to the date of expiration of the approval.
- 9.2.9.4. Modification of Site plan Approval - The Planning Commission may approve an application for modification of a previous site plan approval if it is determined that the modification does not affect findings relating to the criteria described herein, leading to the Original approval.
- 9.2.9.5. New Applications Following Denial or Revocation No application for approval of the same or substantially the same site may be filed within one (1) year of the date of denial of a site plan review by the Planning Commission and/or the governing authority.
- 9.2.9.6. Approval to Run with the Land - A site plan approval pursuant to these provisions shall run with the land and shall continue to be valid upon change of ownership of the site or structure that was the subject of the application.

9.3. Flood Plain Overlay District

- 9.3.1. The City of Holly Springs participates in the National Flood Insurance Program (NFIP) and administers the Holly Springs Flood Plain Ordinance. Any land within the City of Holly Springs that lies wholly or partially within the designated 100 year flood plain or floodway is subject to the provisions of this Holly Spring Floodplain Ordinance. The Zoning Map indicates the approximate location of flood plains. The Official NFIP Flood Maps should be consulted for final determination of lands impacted by this provision.

9.4. Historic Overlay District –

- 9.4.1. Purpose – The purpose of this district is to preserve the historic sites and structures of the City of Holly Springs in order to
  - 9.4.1.1. to protect and preserve historic and/or architectural value
  - 9.4.1.2. create an aesthetic atmosphere,
  - 9.4.1.3. Strengthen the economy,
  - 9.4.1.4. protect and enhance the city’s attractions to tourists and visitors
  - 9.4.1.5. support and stimulate related business and
  - 9.4.1.6. promote the education and heritage of the present and future citizens of the community.
- 9.4.2. Permitted Uses - Any use permitted by the existing zoning classification is also permitted by the H-1 Historic District.
- 9.4.3. Special Exceptions - Any use listed as a special exception by the existing zoning classification is also permitted by the H-1 Historic District
- 9.4.4. Yard and Bulk Requirements – The district shall be subject to such bulk requirements are listed in [Article 5, Table of Dimensional Requirements](#)
- 9.4.5. Additional Standards - Any designated Historic Overlay Zone shall demonstrate a quality of significance in American history, architecture, archeology and culture and shall possess integrity of location, design, setting, materials, workmanship, feeling and association. Further, areas eligible for Historic Overlay District designation shall demonstrate all or some of the following characteristics
  - 9.4.5.1. Association with events that have made a significant contribution to the broad patterns of our history; or
  - 9.4.5.2. Association with the lives of persons significant in our past;
  - 9.4.5.3. Embodiment of distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity who’s components may lack individual distinction; or
  - 9.4.5.4. Potential for yielding archaeological information
  - 9.4.5.5. Preservation District Recommendation - No Historic Overlay District shall be implemented without the recommendation of the Holly Springs Preservation Commission.
- 9.4.6. Construction, Alteration or Repair of Existing Structures

- 9.4.6.1. When construction, alteration or repair of any structure within the H-1 Historic Overlay Zone, the same shall be subject to review by the Holly Springs Preservation Commission in accordance with the duties, responsibilities, and procedures as set forth in the Holly Springs Preservation Ordinance under the following standards:
- 9.4.6.2. Historic Design Standards - The following Historic Design Standards shall be observed when designing any new construction, alteration or repair of any structure within the H-1 Historic Overlay Zone. Design guidelines are criteria and standards which the Holly Springs Historic Preservation Commission must consider in determining the appropriateness of proposed work within a historic district
- 9.4.6.3. General Guidelines for Rehabilitation of Existing Structure
- 9.4.6.4. Every reasonable effort shall be made to provide a compatible use for property which requires minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended purpose.
- 9.4.6.5. The distinguishing original qualities or character of a building, structure or its site and its environment shall not be destroyed. The removal or alternation of any historic material or distinctive architectural feature should be avoided when possible
- 9.4.6.6. Products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- 9.4.6.7. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right and this significance shall be encouraged
- 9.4.6.8. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity
- 9.4.6.9. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- 9.4.6.10. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- 9.4.6.11. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any project

- 9.4.6.12. New design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment
- 9.4.6.13. Where possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired
- 9.4.6.14. The use of aluminum or vinyl siding or other such trim work is not expressly prohibited, but is discouraged. The use of such, however, should utilize materials which meet the character of the era in which said structure was originally constructed in terms of color and other characteristics.
- 9.4.7. Alterations to Existing Buildings and Property
  - 9.4.7.1. Definition - A change in building material; the addition or elimination of any architectural feature of a structure; a repair that reconstructs any part of an existing building; an addition that extends or increases floor area or height of any building; or construction of an appurtenance
  - 9.4.7.2. General Principles - These guidelines shall apply only to the exteriors of buildings and to areas of lots visible from public rights-of-way
  - 9.4.7.3. Proposals for exterior work to be done on public facades - front and street related elevations shall be more carefully reviewed than that the level of review given other facades
  - 9.4.7.4. Every reasonable effort shall be made to provide a compatible use for a property, requiring minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended purpose
  - 9.4.7.5. Building structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided
  - 9.4.7.6. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right and this significance shall be recognized and respected.
  - 9.4.7.7. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity
  - 9.4.7.8. Deteriorated architectural features shall be repaired rather than replaced whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate

duplication of features, substantiated by historic physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures. When no physical or pictorial evidence is available, design of features may be based on conjecture

- 9.4.7.9. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that damage historic building materials shall not be undertaken
- 9.4.7.10. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any project
- 9.4.7.11. New design for alterations and additions to existing properties shall not be discouraged when such alterations or additions do not destroy significant historical, architectural, size, scale, color, material and character of the property, neighborhood or environment.
- 9.4.7.12. Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired
- 9.4.8. Additions
  - 9.4.8.1. Additions are areas that increase the living or working space of a structure. This does not include the addition of architectural elements.
  - 9.4.8.2. Generally, an addition should be situated at the rear of the building in such a way it does not disturb either front or side public facades
  - 9.4.8.3. Additions should follow the guidelines for new conditions
- 9.4.9. Roofs
  - 9.4.9.1. Original roof pitch and configuration should be maintained.
  - 9.4.9.2. The original size and shape of dormers should be maintained. Dormers generally should not be introduced where none existed originally.
  - 9.4.9.3. Original roof materials and color should be retained. If replacement is necessary, original materials should be used. Asphalt shingles may be substituted for original roofing when it is not economically feasible to replace or repair with original materials or when the original roof is beyond repair. The color and texture of asphalt shingles should be appropriate to the architectural style and period of the structure.
  - 9.4.9.4. Porches
  - 9.4.9.5. Original details and shape - outline roof height and roof pitch - should be retained.
  - 9.4.9.6. Original porch materials and architectural details should be maintained. If different materials are substituted, they should be appropriate to the architectural style and period of the house.
  - 9.4.9.7. The enclosing of front porches is inappropriate.

- 9.4.9.8. The enclosing of side porches may be considered appropriate if the visual openness and character of the original porch is maintained.
- 9.4.10. Windows
  - 9.4.10.1. The original size and shape of windows should be maintained
  - 9.4.10.2. The original number and arrangement of panes should be maintained.
  - 9.4.10.3. The characteristic window shape in the area is vertically rectangular higher than it is wide. Horizontal windows and picture windows are generally not appropriate.
  - 9.4.10.4. New window openings should not be introduced unless they match the existing window configuration and their placement harmonizes with the existing rhythm of openings
  - 9.4.10.5. Original windows should not be filled in.
- 9.4.11. Doors
  - 9.4.11.1. The original size and shape of door openings should be maintained.
  - 9.4.11.2. Original transoms, side lights and doors should be maintained
  - 9.4.11.3. Replacement doors should be compatible with original doors in terms of style and material. Flush doors are generally inappropriate.
  - 9.4.11.4. Generally, new door openings should not be introduced on facades visible from the street.
  - 9.4.11.5. Original door openings should not be filled in.
- 9.4.12. Architectural Details
  - 9.4.12.1. Original details should not be removed.
  - 9.4.12.2. The replacement of irreparable details should be close visual approximations of originals.
  - 9.4.12.3. The replacement of missing original details should be based on accurate duplication, or should be close visual approximations of the originals, based on historic, physical or pictorial documentation.
  - 9.4.12.4. Architectural details of any period or style not original to the building shall not be introduced.
  - 9.4.12.5. Changes that have taken place in the course of time which are evidence of the history and development of a building and its environment may have acquired significance in their own right; their significance should be recognized and respected.
- 9.4.13. Materials
  - 9.4.13.1. Original building materials include wood, brick, stone, terra cotta and stucco. Original roof materials include slate, metal and on twentieth century buildings, asphalt shingles.
  - 9.4.13.2. Original building and roofing materials should be retained. If replacement is necessary, it should be with original material appropriate to the architectural style and period of the house
  - 9.4.13.3. Masonry

- 9.4.13.4. Masonry repainting should be done with care to match the original mortar color. The use of portland cement should be avoided when repointing old brick
- 9.4.13.5. Original tooling configuration and joint width should be maintained
- 9.4.13.6. Cleaning should be done with the gentlest means possible. Since sandblasting causes severe damage to brick and mortar, its use should be avoided
- 9.4.13.7. The painting of brick is inappropriate unless it is mismatched or so deteriorated that it cannot withstand weather. If painting is necessary, original natural color should be used
- 9.4.13.8. Painting of stone is inappropriate.
- 9.4.13.9. Wood
- 9.4.13.10. Wood siding should be retained if possible. Original siding should not be covered or replaced with a material or texture not original and not aesthetically compatible.
- 9.4.13.11. Replacement wood siding should be consistent with the original in size, direction and lap dimension.
- 9.4.13.12. Original wall shingles should be maintained.
- 9.4.13.13. Color - The Holly Springs Preservation Commission shall approve a range of appropriate historic paint colors in conjunction with requests for certificates of appropriateness.
- 9.4.13.14. Appurtenances - Appurtenances related to a building (fence, walls, street lamps, steps, paving, sidewalks and signs) should be visibly compatible with the environment to which they are related.
- 9.4.13.15. Fences
- 9.4.13.16. Low retaining walls in front yards should be kept where they exist. Introduction of retaining walls where none existed should be avoided.
- 9.4.13.17. New or reclaimed iron fencing may be appropriate for properties with pre-1900 houses. Iron fencing is generally not appropriate for later houses.
- 9.4.13.18. Wood picket fences are appropriate in front and /or rear yard of houses.
- 9.4.13.19. Board fences, usually taller, with wider boards set close together, are appropriate only around rear yards.
- 9.4.13.20. Chain link or woven fences are generally inappropriate for front or visible side yards. They may be used in rear yards. If a portion of a rear fence is visible from the street, it should be camouflaged.
- 9.4.13.21. Signs
- 9.4.13.22. The appearance, size, position, method of attachment, texture of materials, color and design of signs shall be in keeping with the collective characteristics of the structure surrounding the property on which the sign will be located.
- 9.4.13.23. Off-site signs shall not be permitted

- 9.4.13.24. Business signs shall comply with the Holly Springs Sign Ordinance except as modified as follows:
  - 9.4.13.25. Buildings and signs may be illuminated by remote light sources, provided that these light sources are shielded to protect adjacent properties.
  - 9.4.13.26. Signs attached to the structure shall not cover any architectural detail.
  - 9.4.13.27. Landscaping
  - 9.4.13.28. All aspects of site development should be sympathetic to the character of landscape development, type of plans and spatial treatment of adjacent properties
  - 9.4.13.29. Wherever possible, healthy existing trees should be retained, as they are amenity requiring many years to replace. Grading and construction should avoid disturbance to such trees
  - 9.4.13.30. To provide a consistent effect in residential areas, the preferred street trees are 2-2 ½" caliper oak, planted on average 50' on center.
  - 9.4.13.31. To provide a more immediate effect in commercial areas and offset the larger scale structures, the preferred street trees are 3-3 ½" caliper oak, planted no further apart than 50' on center.
  - 9.4.13.32. Evergreen species are desirable for screening views, such as views into parking or service areas.
  - 9.4.13.33. As an extension of the surrounding natural landscape, plant species should be native or well-adapted to the region.
  - 9.4.13.34. On site areas adjacent to streets, lawn areas must be established or be sodded prior to occupancy of the project
  - 9.4.13.35. Planting plans approved by the Commission must be maintained as originally designed. Any diseased, dying or dead plants should be treated or removed by the property owner. Appropriate, durable plants should be installed.
  - 9.4.13.36. Where needed, irrigation must be provided to ensure robust planting areas.
- 9.4.14. New Construction
- 9.4.14.1. Definition - The construction of any freestanding structure on any lot.
  - 9.4.14.2. General Principles
  - 9.4.14.3. These guidelines shall apply only to the exteriors of buildings and to areas of lots visible from public rights-of-way.
  - 9.4.14.4. The public facades - front and street related elevations - of proposals for new buildings shall be more carefully reviewed than other facades.
  - 9.4.14.5. Since construction in a historic district has usually taken place continuously from the late nineteenth and early twentieth century's, a variety of building types and styles result which demonstrate the changes in building tastes and technology over the years. New buildings should continue this tradition while complementing and being compatible with other buildings in the area

- 9.4.14.6. Reconstruction may be appropriate when it reproduces facades of a building which no longer exists and which was located in the historic district if: the building would have contributed to the historical and architectural character of the area; if it will be compatible in terms of style, height, scale, massing and material with the buildings immediately surrounding the lot on which the reproduction will be built; and if it is accurately based on pictorial documentation.
- 9.4.14.7. Because new buildings usually relate to an established pattern and rhythm of existing buildings, other on the same and opposite sides of a street, the dominance of that pattern and rhythm must be respected and not disrupted.
- 9.4.14.8. New construction should be consistent with existing buildings along a street in terms of height, scale, setback and rhythm; relationship of materials, textures, details, color, roof shape, orientation and proportion and rhythm of openings.
- 9.4.14.9. Height - New buildings shall be constructed to a height which is compatible with the height of adjacent buildings
- 9.4.14.10. Scale - The size of a new building; its mass in relation to open spaces; and its windows, doors, openings and porches should be visually compatible with the surrounding buildings.
- 9.4.14.11. Setback and Rhythm of Spacing
- 9.4.14.12. The setback from front and side yard property lines established by adjacent buildings must be maintained. When a definite rhythm along a street is established by uniform lot and building width, infill of new buildings should maintain the rhythm
- 9.4.14.13. Relationship of Materials, Texture, Details and Material Color - The relationship and use of materials, texture, details and material color of a new building's public facades shall be visually compatible with and similar to those of adjacent buildings, or shall not contrast conspicuously.
- 9.4.14.14. Roof Shape - The roofs of new buildings shall be visually compatible, by not contrasting greatly with the roof shape and orientation of surrounding buildings.
- 9.4.14.15. Orientation - The site orientation of new buildings shall be consistent with that of adjacent buildings and shall be visually compatible. Directional expression shall be compatible with the surrounding building, whether that expression is vertical, horizontal or non-directional.
- 9.4.14.16. Proportion and Rhythm of Openings - The relationship of width to height of windows and doors and the rhythm of solids to voids in new buildings shall be visually compatible with the surrounding buildings
- 9.4.15. Additions to Existing Buildings

- 9.4.15.1. New additions to existing buildings should be kept to minimum and should be compatible in scale, materials and texture; additions should not be visually jarring or contrasting.
- 9.4.15.2. Addition should not be made to the public facades of existing buildings. Additions may be located to the rear of existing buildings in ways which do not disturb the public facades.
- 9.4.15.3. The creation of an addition through enclosure of a front facade porch is inappropriate and should be avoided.
- 9.4.16. Outbuildings
  - 9.4.16.1. Garages and storage buildings should reflect the character of the existing house and surrounding buildings and should be compatible in terms of height, scale, roof shape, materials, texture and details.
  - 9.4.16.2. The location and design of outbuildings should not be visually disruptive to the character of the surrounding buildings.
  - 9.4.16.3. Appurtenances - Appurtenances related to new buildings, including driveways, sidewalks, lighting, fences and walls, shall be visually compatible with the environment of the existing buildings and sites to which they relate.
  - 9.4.16.4. Sidewalks - Sidewalk additions and repair must be compatible with any existing sidewalk design and material.
- 9.4.17. Demolition
  - 9.4.17.1. Definition - The tearing down of a building.
  - 9.4.17.2. General Principles - Since the purpose of historic zoning is to protect historic properties, the demolition of a building which contributes historically or architecturally to the character and significance of the district is inappropriate and should be avoided.
  - 9.4.17.3. Guidelines
  - 9.4.17.4. Demolition is inappropriate:
  - 9.4.17.5. If a building is of such architectural or historical interest and value that its removal would be detrimental to the public interest
  - 9.4.17.6. If a building is of such old or unusual or uncommon design and materials that it could not be reproduced or be reproduced without great difficulty and expense, or
  - 9.4.17.7. If it proposed replacement would make a less positive visual contribution to the district, would disrupt the character of the district or would be visually incompatible.
  - 9.4.17.8. Demolition is appropriate - If a building has lost its architectural and historical integrity and importance and its removal will not result in a more negative, less appropriate visual effect on the district;
  - 9.4.17.9. If a building does not contribute to the historical or architectural character and importance of the district and its removal will result in a more positive, appropriate visual effect on the district; or

- 9.4.17.10. If the denial of the demolition will result in an economic hardship on the applicant as determined by the Holly Springs Preservation Commission
- 9.4.18. Relocation
  - 9.4.18.1. Definition - The moving of a building in a district from one site to another.
  - 9.4.18.2. General - The moving of an existing building which retains architectural and historical integrity and which contributes to the architectural and historical character of the district should be avoided.
  - 9.4.18.3. The moving out of the district of a building which does not contribute to the historical and architectural integrity of the district or which has lost architectural integrity due to deterioration and neglect shall be appropriate if its removal or the proposal for its replacement will result in a more positive appropriate visual effect on the district.
  - 9.4.18.4. Relocated buildings must be carefully rebuilt to retain and maintain original architectural details and materials
  - 9.4.18.5. A building may be moved into the district if it maintains a sense of architectural unity in terms of style, height, scale, massing, materials, texture and setback with existing buildings along the street
  - 9.4.18.6. A building may be moved from one site to another in the district if
  - 9.4.18.7. the integrity of location and setting the building in its original location has been lost or is seriously threatened;
  - 9.4.18.8. the new location will be similar in setting and siting;
  - 9.4.18.9. the building will be compatible with the buildings adjacent to the new location in style, height, scale, materials and setbacks; and
  - 9.4.18.10. the relocation of the building will not result in a negative visual effect on the site and surrounding building from which it will be removed.
- 9.4.19. When the strict application of these design guidelines would result in severe hardship or injustice, the preservation commission may vary these guidelines so that a rehabilitation project may be conducted in a reasonable manner, but so that at the same time general intent and spirit of the design guidelines is preserved.

## ARTICLE 10. SUPPLEMENTAL STANDARDS

- 10.1. The following standards apply to land uses and proposed land uses requiring site plans and are incorporated as supplemental standards to applicable sections of this ordinance.
- 10.2. Site Plan Standards - Site plan standards shall be applied to proposed changes in zoning districts and in subdivisions proposed in applicable districts. Required information required for site plans is listed as follows.
  - 10.2.1. A site plan shall be drawn to a scale of 1" = 200' and shall include information listed below;
  - 10.2.2. Properly boundary lines and dimensions, topography and location map;
  - 10.2.3. Natural conditions, including the general location and extent of tree cover, location and extent of water courses, marshes and flood plains on or within 100 feet of the subject property; existing natural drainage patterns and soil conditions
  - 10.2.4. A general grading and landscape plan including the location of major existing trees and vegetation that is to be retained;
  - 10.2.5. The general location and maximum number of lots or sites to be developed or occupied by buildings;
  - 10.2.6. Arrangement and size of buildings and the general use of the property;
  - 10.2.7. Areas to be developed for parking, unloading, drives, walkways, or other circulation improvements;
  - 10.2.8. The proposed circulation. movements of delivery vehicles, passenger vehicles and pedestrians within the planned business and research park and to and from existing streets;
  - 10.2.9. The approximate location of points of ingress and egress and access streets, where required;
  - 10.2.10. The general location and maximum amount of area to be devoted to common open space and to be conveyed, dedicated, or reserved for parks, playgrounds, public buildings, and other common use areas, along with an open space improvement plan and method of maintenance of required open space;
  - 10.2.11. General locations and types of utilities and easements including storm drainage as well as general details of all surfaced areas;
  - 10.2.12. The approximate location and general description of type of landscaping, planting or fencing and other treatment to provide buffers to surrounding property;
  - 10.2.13. A tabulation of the maximum floor area to be constructed and the proposed maximum floor area ratio;
  - 10.2.14. A general traffic analysis, estimating the traffic volumes and movements to and from the completed project from the boundary streets;
  - 10.2.15. A written statement generally describing the relationship of the proposed planned business park to the comprehensive plan and how the proposed park

is to be designed, arranged and operated to minimize adverse impacts on neighboring properties;

- 10.2.16. A preliminary time schedule for completion of the entire project. If the proposed development is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule indicating:
    - 10.2.16.1. the approximate date when construction is expected to begin;
    - 10.2.16.2. the order in which the phases of the project will be built; and
    - 10.2.16.3. the minimum area and the approximate location of common open space and public improvements that will be required at each stage;
  - 10.2.17. A statement of financial responsibility describing what bond, credit, or other assurance the applicant proposed in order to ensure the proper completion of the planned district within the proposed time schedule and required open space and improvements; and
  - 10.2.18. A statement describing the proposed means of assuring the continued maintenance of common open space or other common elements and governing the use and continued protection of the planned business park.
- 10.3. Home Occupations
- 10.3.1. Home Occupations, where Permitted in the City of Holly Springs, shall conform to the following standards:
    - 10.3.1.1. No person other than members of the family residing on the premises shall be engaged in such occupation;
    - 10.3.1.2. 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 not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
    - 10.3.1.3. 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 sign, not exceeding four square foot in area, non-illuminated, and mounted flat against the wall of the principal building;
    - 10.3.1.4. No traffic shall be generated by such home occupation in greater volumes 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 street and other than in a required front yard;
    - 10.3.1.5. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single family residence. In the case of electrical interference, 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;
- 10.3.1.6. No wholesale or retail establishment shall be Permitted unless it is conducted entirely by mail or telephone and does not involve the receipt, sale, shipment, delivery or storage of merchandise on or from the premises, provided, however, that articles produced by members of the immediate family residing on the premises may be stored upon the premises;
  - 10.3.1.7. There shall be no storage outside a principal building or accessory structure of equipment or materials used in the home occupation;
  - 10.3.1.8. The home occupation shall be conducted entirely within the principal residential building or in a private garage accessory thereto;
  - 10.3.1.9. There shall be no group instruction in connection with the home occupation.
- 10.4. Automobile Repair and Service Structures
- 10.4.1. Automobile Repair and Service Structures, where permitted in the City of Holly Springs, shall conform to the following standards:
    - 10.4.1.1. All junk cars shall be completely concealed from all surrounding property;
    - 10.4.1.2. Fences shall be solid board and of uniform construction and color;
    - 10.4.1.3. Vehicles shall be only stored temporarily and no parts shall be removed;
    - 10.4.1.4. No more than five vehicles waiting for repair may be stored in front of a building at any one time. No more than 5 junk vehicles may be stored on site and then only temporarily.
- 10.5. Vehicle Towing Services – Vehicle Towing Services shall be established only under the same conditions as 11.4.
- 10.6. Junk Yards and Salvage Yards - Junk Yards are not permitted in the City of Holly Springs
- 10.6.1. Junk yards and auto salvage and wrecking yards shall be enclosed by a solid wall or fence of uniform construction or color at least six feet high and that material not be piled any higher than said wall or otherwise stored in such a manner as to be visible from the adjacent roadway. Burning of autos, parts, or any junk material will not be allowed at anytime.
- 10.7. Mini-Warehouses
- 10.7.1. Mini-Warehouses. where permitted in the City of Holly Springs, shall conform to the following standards:
    - 10.7.2. The site must contain a minimum, of 2 acres, but no more than 5 acres;
    - 10.7.3. The minimum distance between buildings shall be 25 feet;
    - 10.7.4. One (1) parking space for each 50 compartments ,must be provided;
    - 10.7.5. All driveways, parking, loading and vehicle circulation areas shall be paved;
    - 10.7.6. A minimum 6 foot high fence shall be erected, the composition of which shall be approved by the Board of Adjustment. A portion of the 50 foot front yard

set-back requirement for fences may be waived at the discretion of the Board of Adjustment;

- 10.7.7. Only one sign, meeting the requirements of ARTICLE 11. is allowed;
  - 10.7.8. Only dead storage will be allowed; no transfer and storage business will be allowed;
  - 10.7.9. No explosives, radioactive, or other hazardous material will be stored on the premises.
  - 10.7.10. Other conditions deemed necessary and appropriate by the Board of Adjustment to uphold the intent of the Comprehensive plan may be attached to any approval including but not limited to lighting, screening, landscaping, architectural design, and live-in managers. Along with the conditional use application the applicant must submit to the Board of Adjustment Staff a development plan showing the proposed buildings in relation to the property, ingress and egress, and architectural drawings of the buildings.
- 10.8. Bed and Breakfast Homes
- 10.8.1. Bed and Breakfast Homes, where permitted in the City of Holly Springs, shall conform to the following standards:
  - 10.8.2. For the purpose of this ordinance, the following definition shall apply when used herein:
  - 10.8.3. Guest activities of the patrons and guests of any Bed and Breakfast shall be limited to the entertainment and uses of the property that would likely be extended to visiting friends or relatives of the owner and which use would not unduly disturb neighboring residents. Specifically excluded from said use is the rented or paid use of the property, or any portion thereof for banquets, parties, reunions, etc;
  - 10.8.4. The minimum lot size for any Bed and Breakfast shall be at least one (1) acre. The minimum size for any dwelling or building qualifying to be a Bed and Breakfast shall be at least 3,000 square feet of heated and cooled space of the main structure. Maximum number of rooms which any Bed and Breakfast may have available for rent shall be three (3);
  - 10.8.5. The maximum stay for any guest shall be limited to eight (8) consecutive days. The owner or proprietor shall maintain a guest register complete with the name of the guest, date and time of arrival as well as departure. Said register shall at all times be available for review and inspection;
  - 10.8.6. Each Bed and Breakfast must provide off street parking with a minimum of 1.3 spaces per guest room in addition to any normal or required parking for the dwelling. Parking shall be allowed only in the side and rear yards and must be buffeted from adjoining properties by some natural buffer;
  - 10.8.7. Exterior signs on the premises may be no longer than two (2) square feet, may not be illuminated, and shall be either attached to the front of the dwelling or as approved by the site plan submitted to the City of Holly Springs. Variances for the size limit shall not be allowed under any circumstances;

- 10.8.8. Failure to abide by the terms of the conditional use permit granted by the City shall be cause for revocation of said permit. Failure to commence business within six (6) months of the issuance of a permit to operate shall be cause for termination of same. Notice of said termination shall consist of notice in writing by U.S. certified mail to the permit holder at the street address of the Bed and Breakfast. Failure of the establishment at any time to pass inspection by the Mississippi Department of public Health or the City Fire Marshall shall require immediate cessation of operations by the establishment until such time s full compliance may be had.
- 10.9. Manufactured Home Parks
  - 10.9.1. Manufactured Home Parks, where Permitted in the City of Holly Springs, shall conform to the following standards:
  - 10.9.2. Each lot provided for the occupancy of a single trailer or manufactured home unit shall have an area of not less than 5,000 square feet and a width of not less than 50 feet. No trailer, structure, addition, or appurtenance thereto shall be located less than 10 feet from the nearest adjacent lot boundary;
  - 10.9.3. All sewage disposal facilities and water supply facilities must be approved by the State Board of Health. Regular garbage and refuse pickup service must be provided at each trailer court. Permanent facilities for washing and laundering may be required to meet the State Board of Health requirements. Adequate storm water drainage must be provided before occupancy and in a manner not to be objectionable to adjacent property owners. No site subject to flooding shall be approved;
  - 10.9.4. All vehicular road entrances must be approved by the County Engineer for safety access. Each trailer site shall abut a hard surfaced driveway, roadway, or street of not less than 30 feet in width, and which shall have unobstructed access to a public highway or street. Space between trailers may be used for parking of motor vehicles if the space is hard surfaced and clearly designated at least 5 feet from the nearest adjacent lot boundary. When such off-street parking spaces are provided, the driveway, roadway, or street serving the lot shall not be less than 24 feet in width. A street plan satisfactory to the Board of Adjustment must be approved prior to construction with streets paved and culverts in place before occupancy;
  - 10.9.5. Electrical facilities provided to each lot must meet the National Electrical Code requirements. Trailer courts having 10 or more trailer lots must provide an overhead street or night light operating at night. One street light must be provided for each 10 trailer lot spaces, or portion thereof within the court;
  - 10.9.6. Each trailer court providing more than four trailer spaces must provide suitable, fenced playground area of not less than 300 square feet for each trailer space;
  - 10.9.7. In approving a trailer court site, there may be imposed such reasonable requirements as to screening and other features of the development as are

- deemed necessary to protect adjacent property and prevent objectionable conditions. A twenty five foot landscaped area shall be provided around the entire perimeter of a manufactured home park adjacent to any residential dwelling district;
- 10.9.8. After completion of improvements and prior to opening the manufactured home park, a final plat shall be submitted in accordance with City Subdivision Regulations. Such plats need not be recorded in the Chancery Clerk's office, but must be approved by the Planning Commission and Mayor and Board of Aldermen and filed in the plat book in the planning Commission Office;
- 10.9.9. Each manufactured home shall be provided with anchors and tie downs such as cast in place concrete "deadman" eyelets imbedded in concrete slabs, screw augers, arrowhead anchors or other devices to be used to stabilize the manufactured home;
- 10.9.10. Skirting shall be provided around the perimeter of each manufactured home.
- 10.10. Communication Towers - In order to accommodate the communication needs of residents and business while protecting the public health, safety and general welfare of the community, the following communication tower standards are necessary.
- 10.10.1. Objectives - the object of these standards is to:
- 10.10.1.1. protect the scenic, historic, environmental and natural resources of the community.
  - 10.10.1.2. lessen potential adverse effects of telecommunication facilities by minimizing the total number and height of such facilities
  - 10.10.1.3. maximizing the use of existing structures in commercial or industrial districts for such facilities and
  - 10.10.1.4. require providers to share locations where feasible.
- 10.10.2. Locations – Aside from the zoning district locations governed by this ordinance, communications towers shall be located in or upon one of the following structures in order of priority:
- 10.10.2.1. Concealed within existing structures
  - 10.10.2.2. Upon existing structures such as existing communications towers, buildings, billboards, electric transmission towers, water tanks or other elevated structure
  - 10.10.2.3. Upon new tower structures under the following conditions:
  - 10.10.2.4. Applicants shall conclusively demonstrate that its sole option for achieving the desired level of communication service is through the construction of a new tower. The City of Holly Springs may, at its option, retain expertise to verify applicant's conclusion at the applicant's expense.
  - 10.10.2.5. The facility is designed as a monopole tower with all antennae equipment located inside the pole
  - 10.10.2.6. The facility is designed to accommodate at least two additional carriers

- 10.10.2.7. No communication tower may be located within or within 1000 feet of a National Register Historic District or on any property individually listed on the National Register of Historic Places or property designated as a Mississippi Landmark unless completely concealed within an existing structure as stated in Section 11.11.2.1.
- 10.10.2.8. All structures and equipment located at the base of such towers shall comply with the [design standards](#) in their entirety but particularly with regard to the exterior of equipment structures, fencing, screening and landscaping.
- 10.10.2.9. The exterior appearance of such towers shall be so colored so as to achieve minimize visual impact as much as possible.
- 10.10.2.10. A wireless telecommunication facility not in use for six (6) months shall be removed by the facility owner and/or the property owner.
- 10.10.2.11. Towers shall be located a minimum of 500 feet from residential any dwelling unit, school or playground.
- 10.10.2.12. Towers shall not be unlit unless otherwise required by the Federal Aviation Administration or Federal Communications Commission.
- 10.11. Upper Floor Housing - Upper floor housing where permitted in the City of Holly Springs shall be a minimum of 800 square feet per dwelling unit.
- 10.12. Manufactured Homes - Reserved
- 10.13. Adult Entertainment - In addition to the other provisions of this ordinance, Uses classified as adult oriented business shall be located no closer than 1500 feet from any school, playground, day care center, church, or residence or residentially zoned property.
- 10.14. Reduction in Lot Area - No lot shall be reduced in area so that yards and other open spaces total less than the minimum area required under this ordinance.
- 10.15. Corner Visibility in Residence and Local Business Districts
  - 10.15.1. In a residence or local business district no fence, wall, shrubbery sign, marquee, or other obstruction to vision four feet above street level shall be permitted in any front yard
  - 10.15.2. Accessory buildings are permitted only in rear yards.
- 10.16. Future Street Lines - On any lot which, at the time of adoption of this ordinance or at the time this ordinance is changed by amendment hereafter, may be reduced in area by widening a public street to a future street line as indicated on the duly adopted "Thoroughfare plan", or as same may be hereafter amended, the minimum required yards, the minimum required lot area, the minimum required lot width and the maximum building area shall be measured by considering the future street lines as the lot line of such lot.
- 10.17. Group Housing Projects - In the case of a housing project consisting of a group of two or more buildings to be constructed on a plot of ground of at least four (4) acres not subdivided into the customary streets and lots and not to be so subdivided or where existing or contemplated street and lot layout make it impractical to apply the requirements of this ordinance to the individual buildings in such housing projects, the application of such requirements to such housing projects shall be done by the Board of Adjustment with the advice of the Planning commission, in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same character of occupancy, a density of

Section 11 – Supplemental Standards

land use no higher and a standard of open space at least as high as required by this ordinance in the district in which the proposed project is to be located, and will provide layout design and public utilities in harmony with the general requirements and minimum standards of design of the subdivision regulations of the municipality .

## ARTICLE 11. OFF STREET PARKING

- 11.1. Number of Parking Spaces Required
  - 11.1.1. All developments in all zoning districts shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development.
  - 11.1.2. Developments which at the time of adoption of this article do not meet these parking standards are considered to be in compliance.
  - 11.1.3. The Table of Parking Requirements cannot and does not cover every possible situation that may arise. Therefore, in cases not specifically covered, the Zoning Administrator is authorized to determine the parking requirements using this table as a guide.
- 11.2. Table of Parking Requirements – [See Table of Uses](#)
- 11.3. Flexibility in Administration Required - Due to the particularities of any given development, inflexible application of the parking standards may result in a development either with inadequate or excessive parking. The Zoning Administrator may permit deviations from the requirements of this section and may require more parking or allow less parking whenever the Administrator finds that such deviations are more likely to satisfy the purposes of this section.
  - 11.3.1. The Zoning Administrator may allow deviations from the parking requirements set forth herein under the following conditions:
    - 11.3.1.1. A residential development is irrevocably oriented toward the elderly;
    - 11.3.1.2. A business is primarily oriented to walk-in trade.
    - 11.3.1.3. Shared Parking - Off-street parking requirements of a given use may be met with off-site, off-street parking facilities of another use when, and if, all of the following conditions are met:
      - 11.3.1.4. The off-site, off-street parking facilities are within 300 feet of the property;
      - 11.3.1.5. The parking demands of the individual uses, as determined by the administrator based upon minimum off-street parking requirements, are such that the total parking demand of all the uses at any one time is less than the total parking stalls required;
      - 11.3.1.6. A written agreement between the owners and lessees is executed for a minimum of 20 years, approved by the Planning Commission.
  - 11.3.2. Whenever a deviation is allowed, note shall be made on the permit of the parking requirement imposed and the reasons
- 11.4. Parking Space Dimensions
  - 11.4.1. Each parking space shall contain a rectangular area at least 19 feet long and 9 feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this section;

- 11.4.2. Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than 22 feet by 9 feet.
- 11.5. Required Widths of Parking Area Aisles and Driveways - Parking area aisle widths shall conform to the dimensions, which varies the width requirement according to the angle of parking. Driveways shall be not less than 10 feet in width for one-way traffic and 18 feet in width for two-way traffic, except that 10 feet wide driveways are permissible for two-way traffic when:
  - 11.5.1. the driveway is not longer than 50 feet,
  - 11.5.2. it provides access to not more than 6 spaces, and
  - 11.5.3. sufficient turning space is provided so that vehicles need not back into a public street.

Table of Isle Width						
Parking Angle		0"	30"	45"	60"	90"
Aisle Width	One Way Traffic	13'	11'	13'	18'	24'
	Two Way Traffic	19'	20'	21'	23'	24'

- 11.6. General Design Requirements
  - 11.6.1. Unless no other practicable alternative is available, vehicle accommodation areas shall be designed so that vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one or two dwelling units, although backing onto arterial streets is discouraged
  - 11.6.2. Vehicle accommodation areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.
  - 11.6.3. Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.
  - 11.6.4. Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.
  - 11.6.5. Parking lot design shall be governed by the design standards set for in Article 13, Section 13.4.9

## ARTICLE 12. DESIGN STANDARDS

- 12.1. Need for Screening Requirement - Entire Section Deleted and replaced with Design Standards
- 12.2. Purpose of Standards
  - 12.2.1. The overall design of any development has a direct bearing on the economic value of the property. When public areas, business establishments, and residential communities exhibit good design, shoppers, businessmen, homeowners, and industrial developers tend to have strong confidence in the community. Poor design, congestion, and a lack of proper maintenance bring about blight, decay, decreased property values, and the loss of both private and public revenues.
  - 12.2.2. Good community design is the product of orderly and harmonious relationships established between man-made objects and nature. Good design results from the skillful combination and interrelation of these elements through both contrast and similarity.
  - 12.2.3. What citizens experience daily in the community, both consciously and unconsciously, influences their lives. New building programs, along with the improvement and preservation of existing development, are necessary in order to maintain a healthy community. Expanded building programs and land development greatly reduce open space, resulting in an increased awareness of the importance of good design and land use.
  - 12.2.4. The United States Supreme Court has recognized the importance of good design to community well-being. In the landmark case, *Berman v. Parker* {348 U.S. 26, (1954)}, in a decision without dissent, Justice Douglas stated "The concept of the public welfare is broad and inclusive....The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled." *The Court later re-emphasized this view in Penn Central Transportation Co. v. New York City* {438 U.S. 104, 129, (1979)} when it stated:"We emphasize what is not in dispute..This court has recognized in numerous settings, that states and cities may enact land use regulations or controls to enhance the quality of life by preserving the character and the desirable aesthetic features of a city...."
  - 12.2.5. The quality of that environment has a direct impact on the City's livability and its economic prospects. The City of Holly Springs has acknowledged this vital linkage between the maintenance of a high quality of community design and the realization of the City's land use and fiscal objectives in its General Development Plan. The importance of good design is reflected in the following six major goals of the General Development Plan.

- 12.2.5.1. Enhance the visual appearance and living environment of the City through effective design, landscaping, and control of visual clutter.
  - 12.2.5.2. Maximize the conservation of existing housing and the preservation of established neighborhood character and quality.
  - 12.2.5.3. Promote the control and regulation of the adverse effects of development, such as noise, light, odor, etc., within the City.
  - 12.2.5.4. Promote the preservation of historically significant structures and/or districts within the City and maximize the conservation of the established character of these facilities and areas.
  - 12.2.5.5. Encourage the stabilization of existing commercial areas and the development of new commercial nodes in locations which have (1) good vehicular access to local residential market areas; and, (2) minimal conflict or encroachment with either existing or newly developing residential land use areas in the vicinity.
  - 12.2.5.6. Encourage the continued expansion and development of industrial land use areas in existing locations and in new locations which offer the maximum potential for development, but compatible with surrounding land uses and transportation facilities.
- 12.3. Development Plan Required
- 12.3.1. Neither a building permit nor a use and occupancy permit shall be issued for the construction of the following buildings:
    - 12.3.1.1. All new construction, additions, change in exterior appearance, exterior alteration, or change in use for either land, buildings, or buildings and land in combination for all categories of commercial, multiple-family, institutional and industrial uses.
    - 12.3.1.2. The construction, reconstructions, alteration, or expansion of a parking area for automobiles, trucks, trailers, recreational vehicles, manufactured homes, manufactured homes or other vehicles, whether for customer parking, sales, or temporary or long-term storage.
    - 12.3.1.3. Fences, signs, landscaping requirements, and curb cuts not otherwise reviewable in these regulations.
    - 12.3.1.4. Subdivision entrance signs and landscape plans for subdivisions or planned developments, including entrances, landscaped buffer areas, medians and streetscaping.
    - 12.3.1.5. Single-family residences and all accessory structures appurtenant thereto are exempt from these guidelines.
    - 12.3.1.6. All permits for plumbing, heating, air conditioning, elevators, fire alarms and extinguishing equipment, and all other mechanical and electrical equipment when such work is entirely within the interior of a building, or when located outside of the building, but buried beneath the surface of the earth are exempt from these guidelines.

- 12.3.1.7. All permits for interior alterations, repairs or renovation are exempt from these guidelines.
  - 12.3.1.8. All permits for demolition or wrecking are exempt from these guidelines.
  - 12.3.1.9. All properties located in the Historic Overlay Zone
- 12.4. General Architectural Guidelines
- 12.4.1. The City of Holly Springs strongly encourages interesting, articulated and high quality structures. Long or continuous wall planes should be avoided. Buildings should exhibit detail and elements appropriate for pedestrian view.
  - 12.4.2. Lighting -Illumination shall be appropriate to site activities and site location. The minimum amount of illumination necessary for safety should be used. Exterior lighting of the building and site is to be designed so that light is not directed off the site and the light source is fully shielded from direct off-site viewing.
    - 12.4.2.1. Exterior light sources may not be exposed and must be shielded from view, down cast and parallel with the ground. All luminaries (the complete lighting unit, consisting of the light source and all necessary mechanical, electrical and decorative parts) shall be “cut-off type” luminaries with elements such as shields, reflectors, or refractor panels which direct and cut off the emitted light at an angle of ninety degrees or less.
    - 12.4.2.2. No exterior lighting fixture of any kind shall be so placed or directed such that the direct or reflected light there from shall interfere with the operation of automotive vehicles on any adjacent street.
    - 12.4.2.3. No exterior light shall have any blinking, flashing, or fluttering light, or other illuminating device which has a changing light intensity or brightness of color
    - 12.4.2.4. Exterior lighting is to be architecturally integrated with the building style, material and colors.
    - 12.4.2.5. Lighting fixtures, whether mounted upon a building or independently upon a light standard, shall not exceed twenty-five feet (25') in height.
    - 12.4.2.6. Use of low, bollard-type lighting and landscape accent lighting is encouraged.
    - 12.4.2.7. Raised light pole bases are to be attractively designed and detailed to be compatible with the overall project. Bases must be in a neutral color and not traffic yellow
    - 12.4.2.8. Building mounted artificial light sources are to be shielded from public view, except for low intensity decorative lighting not exceeding forty-five (45) watts per bulb.
    - 12.4.2.9. All exterior lighting must be listed by the developer on site plans, including a detailed lighting plan that includes the type, number, brightness, and type of cutoff/shielding for all fixtures.
  - 12.4.3. Utilities

- 12.4.3.1. All on-site utilities shall be installed underground. Surface transformer switching pads shall be located and screened to be unobtrusive. In industrial zones, utilities may be located above ground, provided such utilities are on a steel pole and only on one side of the street.
- 12.4.4. Screening
  - 12.4.4.1. Chain link fencing, including chain link fencing with slats or any other type of insert, is prohibited.
  - 12.4.4.2. In highly visible public areas where fencing is needed, decorative fencing is required. Decorative fencing is defined as black wrought iron fencing or masonry fencing, or a combination thereof.
  - 12.4.4.3. All exterior trash and storage areas, loading docks and ramps, and service areas are to be screened from view in a manner that is compatible with the building and site design. Screening materials should be the same as the primary building materials. The location of such services should be sited with limited visibility to public view and/or adjacent properties. Trash dumpsters and trash receptacle areas are to be screened with a masonry enclosure on three sides and gated.
  - 12.4.4.4. Garbage collection areas shall be located at the rear of buildings. The following criteria shall also apply:
    - 12.4.4.5. Dumpster enclosures shall be located on a concrete pad, of such size as recommended by the disposal company.
    - 12.4.4.6. The approach to the dumpster area shall be paved of a hard surface Portland cement or asphaltic concrete, of a specification sufficient to support the weight and continual use of the garbage collection vehicle.
    - 12.4.4.7. The screening on all enclosed dumpsters shall be a minimum of at least two (2) feet taller than the dumpster.
    - 12.4.4.8. For compaction units, a floor drain shall be provided which ties to the sanitary sewer.
    - 12.4.4.9. Either the dumpster enclosure must be constructed of sufficient size to accommodate all refuse materials to be recycled, such as grease barrels for restaurants and used oil barrels for automotive uses, or a separate enclosed pad of the same specification provided.
    - 12.4.4.10. The use of wooden fences or chain-link fences with slats as a screening device for garbage collection areas is strictly prohibited.
    - 12.4.4.11. Mechanical, communications, and service equipment, including satellite dishes and vent pipes, are to be totally screened from public view by parapets or walls. All building mounted equipment is to be screened by parapets or walls from ALL public views.
- 12.4.5. Sidewalks
  - 12.4.5.1. Where the subject property does not already provide a public sidewalk, a five (5) foot wide sidewalk shall be constructed along the entire street frontage of the property. The sidewalk shall be constructed to align with

existing sidewalks on adjacent properties. Where sidewalks are not yet present on adjacent properties, the sidewalk shall be constructed at least five (5) feet back from the curb to allow for green space and street trees. In the instance of a corner lot, the sidewalk will be constructed along both street frontages, with handicap access ramps constructed at the street corner.

- 12.4.5.2. Crosswalks. Crosswalks shall be provided both internally and externally to the development. Public crosswalks shall be striped in conformance with the latest edition of the Manual on Uniform Traffic Control Devices. Private crosswalks, internal to the site, shall be delineated by materials of a different color and texture from the surrounding parking lot (brick, cobblestone, etc. preferred) or by white, reflectorized pavement striping.
- 12.4.5.3. Street Signs and Traffic Control Devices. When, as the result of the proposed project, street signs, traffic signals, or traffic regulatory signs are required, the applicant shall be responsible for the installation of such devices and signs, the design of which shall be integrated into the overall site design.
- 12.4.6. Retaining Walls:
  - 12.4.6.1. The height and length of retaining walls should be minimized with appropriate landscaping. Retaining walls should be designed to incorporate elements of other architectural features or natural features of the project
  - 12.4.6.2. Materials utilized for the retaining walls should match the primary building material. Plantable walls allowing for the growth of vegetation are encouraged.
- 12.4.7. Signs
  - 12.4.7.1. All signs are to be architecturally integrated and complement their surroundings in terms of size, shape, color, texture and lighting. Signs are to complement the overall design of the building and are not to be designed to be in visual competition with other signs in the area. Signs must adhere to these regulations.
- 12.4.8. Materials and Colors:
  - 12.4.8.1. Materials should have good architectural character, be durable, and be selected for their compatibility with adjoining buildings and properties. Natural, traditional building materials are encouraged. Highly reflective and/or synthetic materials are discouraged.
  - 12.4.8.2. Exterior materials should be selected based on their durability and appropriateness for their intended function. Special attention should be given to the durability of materials used around the ground floor of the building. Preferred building materials include stone, brick, cement board, cementuous stucco, and wood. The materials selected should

require minimal maintenance. Their color should be integral to the material and not painted on (except in the case of wood). No more than three (3) painted or applied colors may be used on the exterior of any building. Colors of the predominate exterior surface material should be subdued, with natural tones and neutral colors predominating.

- 12.4.8.3. Exterior Insulating Finishing (EIFS) and concrete masonry should not be the predominant building material. EIFS should be used as a way to accentuate an architectural element and should be limited to areas not subject to damage or abuse (lower parts of buildings). Concrete masonry should be limited to split face or burnished units. Painted, flat-faced concrete masonry units are prohibited.
- 12.4.8.4. Warehouse or manufacturing areas of industrial buildings may utilize metal veneer surface or pre-cast concrete panels which are tinted or colored with the approval of the Site and Design Committee.
- 12.4.8.5. Architectural consistency of colors, materials and detailing are to be provided between all building elevations. False or decorative façade treatments, where one or more unrelated materials are placed upon the building are prohibited. Large parapet walls should reflect the function behind them and should not be freestanding. All elevations need not look alike; however, a sense of overall architectural continuity is strongly encouraged.
- 12.4.8.6. Inconsistent adornment and frequent changes in material should be avoided.
- 12.4.8.7. All buildings should be designed to be compatible with the character of the community.
- 12.4.8.8. With the exception of industrial uses, the maximum unbroken facades plane shall be fifty (50) feet for multiple-family residential uses, and sixty (60) feet for commercial and office uses. The wall of any such building shall be interrupted through the use of projections or recesses, portals, courtyards, plazas or other appropriate architectural conventions. The design of off-setting wall plane projections or recesses shall have a minimum depth of two (2) feet.
- 12.4.8.9. No flat-faced cement block or metal surfaces shall be visible upon the exterior of any building.
- 12.4.8.10. Where pitched roofs are utilized, the primary roof form shall be on a slope of no less than 6/12. Porches shall be on a slope of not less than 3/12. Pitched roofs shall be shingled with wood textured composition shingles or architectural shingles. Roof design should be appropriate for the architectural style of the building. Enameled standing seam metal, flat tiles of concrete or clay, and copper metal roofs are permitted. All surfaces are permitted when the roof is concealed from public view by parapets (flat, built up or pitched roofs). The use of plastic, fiberglass,

other metal, or glass, visible to public view, is strictly prohibited. The use of bright, high intensity colors is strictly prohibited.

- 12.4.8.11. The treatment of doors and windows shall be uniform throughout the building design, with the exception of designated fire doors located on the rear of the building.
- 12.4.8.12. Parapet facades may be used when of unified construction with the primary surface of the wall and of the same material and color. The parapet shall be design such that the reverse side of all elements shall not be visible to public view. False mansards are prohibited. Canopies are permissible provided they are an integrated part of the overall building design, are not used to create the impression of a false mansard, and are not used as a location or support for wall-mounted signage (painted signs on canopies are permitted).
- 12.4.9. Landscaping and Parking
  - 12.4.9.1. Landscaping is used in parking areas to reduce heat radiated from paving, improve auto circulation and safety, and to screen parked automobiles from public view.
  - 12.4.9.2. A consistent landscape treatment along public streets enhances the appearance of the public domain, and provides an attractive, unified setting for variations among individual developments. Landscaped areas should dominate the frontage of any site where entries are the only interruption. Although the type and nature of the landscaping between individual properties may vary, the design and depth of landscape areas shall be consistent as they transition from one property to another.
  - 12.4.9.3. A minimum of one (1) large deciduous shade tree for every thirty-five (35) feet of lineal street frontage or portion thereof shall be planted upon the subject property within the area five (5) feet behind the street ROW line up to said street ROW line. The size of the trees at planting is to be 3 ½ caliper as measured six (6) inches above the ground.
  - 12.4.9.4. Parking areas shall be organized as a series of small parking bays with landscape islands separating them. A landscape island shall be place for each 10 parking spaces as follows:
  - 12.4.9.5. Single-loaded parking rows - a raised island, not less than six (6) inches in height, five (5) feet wide by twenty (20) feet in length shall be located at both ends of every single-loaded parking row and for every 10 parking spaces. This island shall contain a minimum of one (1) medium deciduous shade tree, 2 ½ inches in caliper as measured six inches above the ground, and low shrubs at least eighteen (18) inches high.
  - 12.4.9.6. Double-loaded parking rows – a raised island, not less than six (6) inches in height, ten (10) feet wide by forty (40) feet in length shall be located at both ends of every single-loaded parking row and for every 10 parking spaces. This island shall contain a minimum of two (2) medium

- deciduous shade trees, 2 ½ inches in caliper as measured six inches above the ground, and low shrubs at least eighteen (18) inches high.
- 12.4.9.7. Where parking areas adjoin public streets, an opaque barrier, a minimum and maximum of three (3) feet above the elevation of the adjacent parking areas shall be provided between the parking area and the street ROW line, for the length of the parking area, to obscure parked vehicles within these areas from public view, and to prevent the lights from parked vehicles encroaching upon the public street. The barrier may take the form of a decorative masonry wall with plantings on the street frontage, an earthen berm with established ground cover, or dense shrubbery of sufficient density to present an uninterrupted vegetative wall.
- 12.4.9.8. Trees planted for the purpose of complying with the perimeter landscaping requirements shall not be double counted for compliance with the interior landscaping requirements.
- 12.4.9.9. Ground cover. Areas adjacent to streets and pedestrian walkways, as well as interior landscaped areas, shall be treated with grass, mulch or other types of vegetative ground cover.
- 12.4.9.10. Irrigation. In order to present a healthy, neat and orderly appearance, landscaped areas shall be provided with adequate irrigation for the maintenance of grass, shrubs, and trees by utilizing a sprinkler system or hose bibs.
- 12.4.9.11. Whenever possible, healthy existing trees should be maintained, as they are an amenity that increases the value of property and requires many years to replace. All existing trees eight (8) inches or larger or significant tree canopy, must be identified on the site plan.
- 12.4.9.12. The trees, shrubs, and other landscaping materials depicted upon the approved Development Plan shall be considered as elements of the project. The applicant and his successors, assign, and/or subsequent owners and their agents shall be responsible for the continued maintenance of all landscaping materials. Plant material which exhibits evidence of insects, disease or damage shall be appropriately treated. Dead plants shall be removed and replaced within thirty (30) days following notification by the Village.
- 12.4.9.13. A planted bufferyard of at least twenty (20) feet is required between any commercial, industrial, multiple-family residential, or institutional use and any single-family use. Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel line, alongside and rear property lines. Bufferyards shall not be located on any portion of a public or private street ROW. A decorative masonry wall of brick, cementuous stucco, or natural stone, six feet in height, with support columns no further apart than ten (10) feet may be used instead of the

planted area, or in conjunction with the planted material. Decorative wrought iron may be used in conjunction with the fencing materials and with landscaping of sufficient density to maintain the integrity of the wall as an effective barrier. The use of wood or chain link fencing as an opaque barrier is strictly prohibited. Bufferyards shall contain one (1) large deciduous tree (ultimate height of 50+ feet), three medium (ultimate height of 25') evergreen trees (planted on a twenty-five foot triangular staggered spacing), and one small ornamental tree for every seventy-five (75) lineal feet of bufferyard,

- 12.4.9.14. All landscaping shall be in accordance with the approved plant list in Appendix "A" [Reserved].
- 12.4.10. Off-site Improvements - Where off-site roadway or utility improvements are required as a result of the proposed development (due to impact), those improvements shall be the responsibility of the applicant, and shall be constructed or installed prior to any final inspection or the issuance of an occupancy permit.
- 12.5. Site and Design Review Committee - There is hereby established a Site and Design Review Committee consisting of the Fire Chief, Police Chief, Building Official, Zoning Administrator, and Public Works Director. The Site and Design Review Committee shall review site and building plans for compliance with the standards set forth in this section.
- 12.6. Administration and Appeals- Any person or persons aggrieved by any decision of the Site and Design Review Committee may appeal such decision to the Planning Commission by filing a "Notice of Appeal" in writing within ten (10) days of the date of the final action of the development plan. Subsequent appeals may be made to the Mayor and Board of Aldermen. Appellate bodies may affirm, reverse, remand, or modify the decision of the Site and Design Review Committee as may be determined appropriate. Variances may be requested under the terms of this ordinance.

## ARTICLE 13. SIGNS AND OUTDOOR ADVERTISING

- 13.1. Purpose - For the purpose of this ordinance, the following sign regulations are established to assure compatibility of signs with surrounding land usage, to enhance the economy of the city, to protect the public investment in streets and highways, to promote the safety and recreational value of public travel, to preserve natural beauty and to protect tax revenues by promoting the reasonable, orderly and effective display of outdoor advertising.
- 13.2. Business Signs and Outdoor Advertising Signs
- 13.2.1. Outdoor Advertising Signs are prohibited in the City of Holly Springs.
- 13.2.2. Portable signs may be displayed for a period not to exceed thirty (30) days and shall not be erected closer than ten (10) feet from any street, road, or highway, and only one permit for the of any portable sign shall be issued during any consecutive six-month period for anyone business, industry, or other entity. Only one portable sign shall be allowed per lot and shall in no way be affixed to any public property. Portable signs, when used as permanent signs, shall be erected in accordance with the setback and visibility requirements of this ordinance.
- 13.2.3. Business signs located within the B-3 Central Business District and BSC Business Court Square District may project over public street rights-of- way, provided, however, that all such signs shall maintain a clear height of eight (8) feet above the sidewalk and shall not project more than forty-two (42) inches from any building or within twenty four (24) inches of any curb line or pavement edge.
- 13.2.4. Temporary signs shall be permitted in all zones, provided that such signs shall meet the setback and visibility requirements of this ordinance. Signs for professional offices, which may be permitted in residential zones, and home occupations shall not exceed four (4)square feet in area or two and one half (2 ½) feet in height. One sign shall be permitted for each professional office. Signs for churches, religious, or cultural institutions shall meet the setback and visibility requirements for business signs as required by the ordinance.
- 13.3. Size and Lighting
- 13.3.1. Size - In determining the square foot area of any sign, the measurements shall be limited to the advertising display area, and including the lattice work, fencing or wall work, structure or other attachments incidental to its ornamentation.
- 13.3.2. Business Signs shall be limited to 2 square feet per lineal frontage of the associated building, a maximum of ½ of which may affixed to the building and ½ of which may be located at the street. Signs located at the street shall have a maximum height of 8 feet and shall be mounted on a masonry base a minimum of 18 inches in height. As an alternative, landscaping may be provided at the sign a minimum of 18 inches in mature height. The maximum size of all combined signs shall be 125 square feet except that one additional square foot may be granted for each additional 2 square feet that a building is located from the building set back

- 13.3.3. On-premises directional signs, not exceeding two (2) square feet, may be erected, in any zone, provided they are not within the right-of-way of any street.
- 13.3.4. No sign shall project above the roof line or facade of the building upon which such sign is to be attached.
- 13.3.5. Lighting - All lighted or illuminated signs shall be so constructed as to prevent any undue glare in any direction which may interfere with traffic or become a nuisance to adjoining properties. Flashing or moving signs are not permitted.
- 13.4. Certificate - Before any person or firm shall erect, place or hang any signs in Holly Springs, they must apply for a permit covering such operations. The cost of said permit shall be as required by the Standard Building Code and the holder of said permit is required to furnish an application to the Zoning Administrator specifying the location, size, character and setback from the right-of-way line of the road for each and every sign erected, placed or hung. Said application shall be filed in duplicate with the Zoning Administrator, one copy of which shall be returned to the sender with notation of date and time of approval or disapproval by the Zoning Administrator. No permits shall be required for temporary signs, home occupation signs, signs painted directly upon any buildings, incidental signs, directional signs, warning signs and name signs for apartment complexes or duplexes mounted flush against walls, fences, or buildings.
- 13.5. Nonconforming Signs
  - 13.5.1. Signs erected prior to the effective date of this ordinance may continue, but if any sign is completely destroyed or damaged to the extent of sixty per cent (60%) of its replacement cost, it shall not be permitted to be repaired or replaced unless in conformity with all provisions of this ordinance.
  - 13.5.2. Any sign determined by the Zoning Administrator to be unsafe, hazardous, insecure or in danger of falling shall be removed or repaired by the owner within ten (10) days of receipt of written notice by the Zoning Administrator.
- 13.6. General Regulation
  - 13.6.1. Exempt Signs - The following types of signs are exempted from this ordinance and shall be allowed in addition to all other signs allowed:
  - 13.6.2. Public Signs: Signs erected by, or on the order of, a public officer in the performance of his public duty, such as safety signs, danger signs, and traffic signs
  - 13.6.3. Historical Markers: Historical markers as recognized by Local, State, or Federal authorities
  - 13.6.4. Name plates mounted on buildings or mail boxes not exceeding one (1) square foot in size
  - 13.6.5. Signs in or on windows not exceeding twenty (20) percent of the window area.
  - 13.6.6. Signs to be used on a temporary basis for a community event sponsored by a not-for profit organization may be permitted at the discretion of the Director of Planning.
  - 13.6.7. Signs shall not be erected or maintained upon trees or painted or drawn upon rocks or natural features.

13.7. Abandoned Signs

13.7.1. If it shall appear and the Zoning Administrator of the City of Holly Springs shall so find that a sign has been abandoned or is in need of repair for a period in excess of one hundred and eighty (180) days, he shall notify, in writing, the owner of the land together with the owner of the sign if known, to remove the sign within thirty (30) days of sign, said notice. If same is not removed, the City may demolish said sign and bill the sign owner and the land owner jointly and severally for the cost of said destruction or removal.

13.8. Vehicle Signs - No sign shall be attached to, suspended from or painted vehicle or trailer which is regularly parked on any upon any street/ or on any private property which is visible from any street, which is designed to serve the purpose of a sign as defined in the ordinance. This prohibition shall not apply to vehicles or trailers utilized on a regular basis for deliveries, maintenance and related business purposes or to single sign not exceeding two (2) square feet displayed in or within a vehicle advertising the availability of said vehicle for sale.

13.9. Right of Ways - Signs shall not be erected or maintained upon utility poles. Political signs shall not be attached to Right-of-Way signs.

13.10. Penalties

13.10.1. Any person found to be violating any provision of this ordinance shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

13.10.2. Any person who shall continue any violation beyond the time limit provided shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not exceeding one hundred dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

13.10.3. Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

13.11. Validity

13.11.1. The provisions of this ordinance are supplemental to any other regulations pertaining to the subject matter of this ordinance, but to the extent that any existing ordinances or parts of ordinances conflict with the provisions herein, the provisions of this ordinance shall control.

13.11.2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

## ARTICLE 14. ADMINISTRATION AND ENFORCEMENT

### 14.1. Administration

- 14.1.1. The provisions, of this ordinance shall be administered by the Planning Commission in cooperation with the Board of Aldermen under the authority granted by the Mississippi Code Section 12-1-1.
- 14.1.2. The City Planning Commission, with approval of the Board of Aldermen, shall designate a Zoning Administrator to effect proper administration of this ordinance. The Zoning Administrator shall have the right to enter upon any premises for the purpose of making inspections of the buildings and premises necessary to carry out his duties in the administration and enforcement of this ordinance.

### 14.2. Enforcement

- 14.2.1. Building Permit Required - It shall be unlawful to commence the excavation for or the construction of any building or other structure including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving alteration, or repair of any structure, including accessory structures, until the Zoning Administrator has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this ordinance. Except on the written order of the Board of Adjustment, no building permit shall be issued for any building where the construction, addition, alteration or use thereof would be in violation of any of the provisions of this ordinance. Application for a building permit shall be made to the Zoning Administrator on forms provided for that purpose
  - 14.2.2. Application requirements - It shall be unlawful for the Zoning Administrator to approve any plans or issue a building permit for any excavation or construction until such plans have been inspected in detail and found in conformity with this ordinance. To this end, the Zoning Administrator shall require that every application for a building permit conform to the “Building Contractor’s Information Manual for the City of Holly Springs”
  - 14.2.3. Voiding of building permit - Any building permit granted under this Section shall become null and void within one (1) year from the date of issuance of the permit. Exceptions may be made if the proposed development or construction has passed the first building inspection. The Zoning Administrator shall make every reasonable effort to notify a holder of a building permit prior to such action.
  - 14.2.4. Inspection – Inspections shall occur in accordance with the “Building Contractor’s Information Manual for the City of Holly Springs”
- 14.3. Certificate of Occupancy - No land or building or other structure or part thereof hereafter erected, moved or altered in its use shall be used until the Zoning Administrator of the City shall have issued a Certificate of Occupancy stating that such land or structure or part thereof

Section 15 – Administration and Enforcement  
is found to be in conformity with the provisions of this ordinance.

**ARTICLE 15. THE PLANNING COMMISSION**

- 15.1. Planning Commission Created - A Planning Commission is hereby created. The Commission shall be appointed by the City of Holly Springs for a term of office concurrent with the term of office of the Mayor and Board of Aldermen. Vacancies shall be filled for the unexpired term of any member.
- 15.2. The Planning Commission shall adopt rules for the conduct of its business, establish a quorum and procedures and keep a public record of all findings and decisions. Meetings of the Commission shall be at the call of the Chairman and at such other times as the Commission may determine. Each session of the Planning Commission at which an appeal is heard shall be a public meeting.
- 15.3. Powers and Duties:
  - 15.3.1. To permit the extension of a district where the boundary line thereof divides a lot held by a single ownership at the time of adoption of this ordinance
  - 15.3.2. Interpret the provisions of this ordinance in such a way as to carry out the intent and purpose of the plan as shown upon the Zoning District p where the street layout on the ground varies from the Street layout as shown on this Zoning District Map
  - 15.3.3. Vary the parking regulations by not more than 50 percent where it is conclusively shown that the specific use of a building would make unnecessary the parking spaces otherwise required by this ordinance. In the "B-3" District, parking regulations may be varied more than 50 percent where extreme and unusual hardship is shown
  - 15.3.4. To hear and make recommendations on amendments, supplements, changes, modifications or repeal of the text or map of this ordinance in accordance with the provisions of Article 18.
  - 15.3.5. Commissioners shall engage in continuing education activities as determined by the Mayor and Board of Aldermen.

## ARTICLE 16. BOARD OF ADJUSTMENT

- 16.1. Appointments, Procedures, and Responsibilities - In order that the objectives of this ordinance may be more fairly and equitably achieved, and that there shall be provided a means for competent interpretation of this ordinance, and that adequate but controlled flexibility may be provided in the application of this ordinance, and that the health, safety and welfare of the public may be secured and justice be done, there is hereby established a Board of Adjustment in accordance with the authority granted by Section 17-1 and following of the Mississippi Code.
- 16.1.1. Appointment - The Board of Adjustment shall consist of five members to be appointed by the Mayor and the Board of Aldermen, each for a term of three years. Members of the Board of Adjustment may be removed from office by the Mayor and Board of Aldermen for cause upon written charges and after public hearing. Vacancies shall be filled by resolution of the Mayor and Board of Aldermen for the unexpired term of the members affected.
- 16.1.2. Planning Commission to Serve as the Board of Adjustment – In the absence of the appointment of a Board of Adjustments in accordance with the terms of this section, the Planning Commission shall serve as the Board of Adjustments and shall fulfill its duties and observe its procedure in accordance with that set forth in this section.
- 16.1.3. Procedure - The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failure to vote indication such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.
- 16.2. Powers and Duties – The Board of Adjustment Shall Have the Following Powers and Duties:
- 16.2.1. Administrative Review - To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Administrative Official in the enforcement of this ordinance.
- 16.2.2. Special Exceptions - To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this ordinance.
- 16.2.3. Variances: To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where,

owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

- 16.2.4. A written application for a variance is submitted demonstrating.
  - 16.2.4.1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
  - 16.2.4.2. 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.
  - 16.2.4.3. That the special conditions and circumstances do not result from the actions of the applicant.
  - 16.2.4.4. 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.
  - 16.2.4.5. In granting any variance, the Board of Adjustment 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. Under no circumstances shall the Board of Adjustment grant a variance to permit a use not generally or by special exception Permitted in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.
- 16.2.5. Decisions of the Board of Adjustment - In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the Administrative official from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Administrative official, or to decide in favor of the application on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.
- 16.2.6. Duties of Administrative official, Board of Adjustment, City Government, and Courts on Matters of Appeal
- 16.2.7. Appeal to the Board of Aldermen and to the Courts. It is the intent of the governing authority of the city that all questions of interpretation and enforcement of this ordinance shall be presented first to the Administrative Official. Other than those applications and matters upon which the terms and provisions of this ordinance may require action and decision by the Board of Adjustment, only the appeals taken in the manner and form as provided in this

ordinance from the actions and decision of the Administration Official will be considered and acted upon by the Board of Adjustment. However, any interested party who is aggrieved by any action or decision of the Board of Adjustment may appeal to the Mayor and Board of Aldermen.

16.2.8.

## ARTICLE 17. AMENDMENTS

- 17.1. The Governing Authority shall have the authority to amend, supplement, change, modify, or repeal by ordinance the text or map of the Zoning Ordinance in accordance with the provisions of the Article.
- 17.2. Procedure - A proposed change of a district or of text may be initiated by the Planning Commission, Board of Aldermen, or by application of one or more owners of property within the area proposed to be changed.
  - 17.2.1. The Governing Authority may propose amendments by forwarding its written proposal, which shall set forth the purpose and reason for such proposed amendment, to the Planning Commission for processing in accordance with the procedure set forth in this Article;
  - 17.2.2. The Planning Commission may make written proposals for amendment which shall set forth the purpose and reason for such proposed amendment, and which shall be processed in accordance with the procedure set forth in this Article;
  - 17.2.3. The owner or other person having a contractual interest in the property to be affected by a proposed amendment shall file an application with the Planning Commission, which application shall be accompanied by a non-refundable fee established from time to time by the Governing Authority;
  - 17.2.4. An applicant for an amendment of the Zoning District Map shall have the responsibility to demonstrate the appropriateness of the change shall include the following;
    - 17.2.4.1. How the proposed amendment would conform to the Comprehensive Plan.
    - 17.2.4.2. Why the existing zone district classification of the property in question is inappropriate or improper.
    - 17.2.4.3. What major economic, physical or social changes, if any, have occurred in the vicinity of the property in question that were not anticipated by the Comprehensive plan and have substantially altered the basic character of the area, which make the proposed amendment to the Zoning District Map appropriate;
    - 17.2.4.4. list such changes
    - 17.2.4.5. Describe how said changes were not anticipated by the Comprehensive plan iii. Describe how said changes altered the basic character of the area
    - 17.2.4.6. Describe how said changes make the proposed amendment to the Zoning District Map appropriate.
  - 17.2.5. Any proposed amendments, supplements, change, modification, or repeal shall be first submitted to the Planning Commission for its recommendations and report and the Planning Commission shall hold a public hearing thereon;

- 17.2.6. The Planning Commission shall make its recommendation on such request for any amendment, supplement, change, modification, or repeal to the Governing Authority, and the Governing Authority shall proceed to hold a public hearing in relation thereto after giving 15 days notice of the hearing in an official newspaper specifying the time and place for said hearing;
- 17.2.7. Unless a proposed determined to be in substantial conformity with the Compressive Plan, in addition to notice required in Section 18.2.6 notice of amendment shall be required in the form of a four foot by four foot red sign erected no higher than eight feet and not less than 15 days prior to the hearing. Sign shall display the following on its face in white lettering legible from the nearest street:

NOTICE OF REZONING

This property is being considered for REZONING From \_\_\_\_\_ to \_\_\_\_\_  
Hearing Date and Time: \_\_\_\_\_, Holly Springs City Hall  
Additional Information: City of Holly Springs Zoning Administrator  
or Call 662-252-4652 x5.

- 17.2.8. The Governing Authority may refer the application back to the Planning Commission for additional study before final decision; however no notice other than for the first public hearing need be given;
- 17.2.9. In case of an adverse report by the Commission or in case of a protest against such change signed by the owners of 20 percent or more either of the area of the lots included in such proposed change or of those immediately adjacent to the rear thereof, extending 160 feet from therefrom or of those directly opposite thereto, extending 160 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of 2/3 of the Governing Authority.

## **ARTICLE 18. LEGAL STATUS PROVISION**

- 18.1. Separability - If any section, clause, provision, or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this ordinance which is not in and of itself in valid or unconstitutional.
- 18.2. Interpretation and Purpose - In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances or regulations which may be adopted here after impose greater restrictions than those specified herein, compliance with such of the ordinances or regulations is mandatory. This Ordinance shall not lower the restrictions of plats, deeds, or private contracts if such are greater than the provisions of this ordinance.