

# Table of Contents

<b>Article I.</b>	<b>Preamble .....</b>	<b>1</b>
<b>Article II.</b>	<b>Title and Purpose.....</b>	<b>3</b>
Section 2.01	Title and Short Title.....	3
Section 2.02	Statement of Purpose.....	3
<b>Article III.</b>	<b>Interpretation and Definitions .....</b>	<b>4</b>
Section 3.01	Rules for Words and Phrases.....	4
Section 3.02	Definitions.....	4
<b>Article IV.</b>	<b>Establishment of Zoning Districts: Provision for Official Zoning Map ..</b>	<b>24</b>
Section 4.01	Zoning Districts.....	24
Section 4.02	Official Zoning Map.....	24
Section 4.03	Replacement of Official Zoning Map.....	25
Section 4.04	Rules for Interpretation of District Boundaries .....	25
<b>Article V.</b>	<b>General Regulations .....</b>	<b>27</b>
Section 5.01	Application of Regulations .....	27
Section 5.02	Dimensional Controls.....	28
Section 5.03	Public/Quasi-Public Facilities and Utilities .....	29
Section 5.04	Dimensional Requirements for Public/Quasi-Public Facilities and Utilities .....	30
Section 5.05	Required Landscaping Along All Arterial Streets in All Zoning Districts.....	31
Section 5.06	Home Occupations .....	32
Section 5.07	Miscellaneous General Regulations .....	33
Section 5.08	Commercial Planned Unit Development Overlay Classification.....	36
<b>Article VI.</b>	<b>Agricultural District (A-1).....</b>	<b>48</b>
Section 6.01	Purpose of This District.....	48
Section 6.02	Conditional Uses and Structures as Provided in Section 28.06.....	49
Section 6.03	Dimensional Requirements.....	49
Section 6.04	Swimming Pools .....	50
Section 6.05	Off-Street Parking Requirements.....	50
Section 6.06	Signs.....	50
<b>Article VII.</b>	<b>Residential Estate District (RE-A).....</b>	<b>51</b>
Section 7.01	Purpose of This District.....	51
Section 7.02	Conditional Uses and Structures as Provided in Section 28.06.....	51
Section 7.03	Dimensional Requirements.....	52
Section 7.04	Minimum Yards.....	52
Section 7.05	Swimming Pools .....	52
Section 7.06	Off-Street Parking Requirements.....	52
Section 7.07	Signs.....	52
<b>Article VIII.</b>	<b>Residential Estate District (RE-B).....</b>	<b>53</b>
Section 8.01	Purpose of This District.....	53
Section 8.02	Conditional Uses and Structures as Provided in Section 28.06.....	53
Section 8.03	Dimensional Requirements.....	54
Section 8.04	Swimming Pools .....	54
Section 8.05	Off-Street Parking Requirements.....	54
Section 8.06	Signs.....	54
<b>Article IX.</b>	<b>Single Family Residential District (R-1) .....</b>	<b>55</b>
Section 9.01	Purpose of This District.....	55
Section 9.02	Conditional Uses and Structures As Provided in Section 28.06 .....	55

Section 9.03	Dimensional Requirements.....	56
Section 9.04	Swimming Pools .....	56
Section 9.05	Off-Street Parking Requirements.....	56
Section 9.06	Signs.....	56
<b>Article X.</b>	<b>Single Family Residential District (R-2) .....</b>	<b>57</b>
Section 10.01	Purpose of This District.....	57
Section 10.02	Land Uses Permitted .....	57
Section 10.03	Conditional Uses and Structures As Provided in Section 28.06 .....	57
Section 10.04	Dimensional Requirements.....	58
Section 10.05	Swimming Pools .....	58
Section 10.06	Off-Street Parking Requirements.....	58
Section 10.07	Signs.....	58
<b>Article XI.</b>	<b>Townhouse Residential District (R-3).....</b>	<b>59</b>
Section 11.01	Purpose of This District.....	59
Section 11.02	Land Uses Permitted .....	59
Section 11.03	Conditional Uses and Structures As Provided in Section 28.06 .....	59
Section 11.04	Dimensional Requirements for Townhouse Subdivisions .....	60
Section 11.05	Reserved for Future Use .....	60
Section 11.06	Required Off-Street Parking for Non-Residential Uses Allowed in R-3 Districts .....	60
Section 11.07	Signs.....	61
Section 11.08	Required Landscaping Along Arterial Streets .....	61
Section 11.09	Required Reservation or Dedication or Open Space for Townhouse Subdivisions Containing Five Acres or More .....	61
Section 11.10	Maximum Amount of Common Open Space Covered by Water.....	61
Section 11.11	Steep Slopes: .....	61
Section 11.12	Physical Improvements:.....	61
Section 11.13	Staged Development of a Townhouse Subdivision: .....	62
Section 11.14	Performance Bonds: .....	62
Section 11.15	Maintenance/Liability in the Operation and Use of Common Open Space and Recreational Areas Not Dedicated to the City of Madison:.....	62
Section 11.16	Maintenance and Liability With Regard to Private Driveways in Townhouse Subdivisions..	63
Section 11.17	Property Lines Between Adjoining Townhouses.....	63
Section 11.18	Underground Utility Connections for Townhouses.....	63
Section 11.19	Required Off-Street Parking for Townhouses/ Concrete Driveways Required.....	63
<b>Article XII.</b>	<b>Patio Home District (R-4) .....</b>	<b>65</b>
Section 12.01	Purpose of This District.....	65
Section 12.02	Land Uses Permitted .....	65
Section 12.03	Conditional Uses and Structures As Provided in Section 28.06 .....	66
Section 12.04	Dimensional Requirements.....	66
Section 12.05	Swimming Pools .....	66
Section 12.06	Off-Street Parking Requirements.....	66
Section 12.07	Signs.....	67
Section 12.08	Required Landscaping Along Arterial Streets .....	67
Section 12.09	Required Reservation or Dedication of Open Space for Patio Home Subdivisions .....	67
Section 12.10	Maximum Amount of Common Open Space Covered by Water:.....	67
Section 12.11	Steep Slopes: .....	67
Section 12.12	Physical Improvements:.....	67
Section 12.13	Staged Development of a Patio Home Subdivision: .....	68
Section 12.14	Performance Bond:.....	68
Section 12.15	Maintenance/Liability in the Operation and Use of Common Open Space and Recreational Areas Not Dedicated to the City of Madison:.....	68
<b>Article XIII.</b>	<b>Multi-Family Residential District (R-5).....</b>	<b>69</b>
Section 13.01	Purpose of This District.....	69
Section 13.02	Land Uses Permitted .....	69
Section 13.03	Conditional Uses and Structures as Provided in Section 28.06 .....	70

Section 13.04	Dimensional Requirements for All Multiple Family Uses.....	70
Section 13.05	Maximum Density: .....	70
Section 13.06	Minimum Lot Width: .....	70
Section 13.07	Minimum Yards:.....	70
Section 13.08	Minimum Space between Buildings:.....	71
Section 13.09	Requirements for Off-Street Parking, Loading and Access Control.....	71
Section 13.10	Signs.....	71
Section 13.11	Site Plan Required.....	71
Section 13.12	Required Open Space Reservation for All Multifamily Residential Developments.....	71
Section 13.13	Maximum Amount of Common Open Space Covered by Water:.....	72
Section 13.14	Steep Slopes: .....	72
Section 13.15	Physical Improvements:.....	72
Section 13.16	Staged Development of a Multiple Family Residential Development:.....	72
Section 13.17	Performance Bonds:.....	72
Section 13.18	Required Landscaping Along Arterial Streets .....	72
Section 13.19	Water and Sewer Connections: .....	73
Section 13.20	Refuse Collection Facilities.....	73
<b>Article XIV. Manufactured Home Park Residential District (R-M).....</b>		<b>74</b>
Section 14.01	Purpose of This District.....	74
Section 14.02	Land Uses Permitted .....	74
Section 14.03	Conditional Uses and Structures As Provided in Section 28.06 .....	74
Section 14.04	Dimensional Requirements.....	75
Section 14.05	Off-Street Parking Requirements.....	75
Section 14.06	Signs.....	76
Section 14.07	Site Plan Required.....	76
Section 14.08	Building Permit Required .....	76
Section 14.09	Required Landscaping Along Arterial Streets .....	76
Section 14.10	Private Streets Within Manufactured Home Parks.....	77
Section 14.11	Manufactured Home Stands or Pads.....	77
Section 14.12	Utilities and Drainage.....	77
Section 14.13	Freedom From Flooding and Ponding .....	77
Section 14.14	Refuse Collection Facilities.....	77
Section 14.15	Access to Public Streets and Highways.....	77
Section 14.16	Service Buildings .....	77
Section 14.17	Recreational Area.....	78
Section 14.18	Exterior Lighting.....	78
Section 14.19	Fire Hydrants .....	78
Section 14.20	Required Planting Screen for All Manufactured Home Parks .....	78
<b>Article XV. Planned Unit Development District (PUD) .....</b>		<b>79</b>
Section 15.01	Purpose of This District.....	79
Section 15.02	Land Uses Permitted .....	79
Section 15.03	Conditional Uses and Structures (Special Exceptions) As Provided in Section 28.06.....	80
Section 15.04	Dimensional Requirements.....	80
Section 15.05	Swimming Pools .....	81
Section 15.06	Requirements For Off-Street Parking, Loading and Access Control.....	81
Section 15.07	Signs.....	81
Section 15.08	Planned Unit Developments Shall Be Superimposed Districts .....	81
Section 15.09	Preliminary Subdivision Plat Approval Required Prior to Designation of Planned Unit Development on Official Zoning Map .....	81
Section 15.10	Rezoning Required for Development of Portion of PUD for Townhouses, Patio Homes, Multiple-Family Residential or Commercial Uses .....	82
Section 15.11	Dimensional Requirements for Townhouses, Patio Homes, Multiple Family Residential and Commercial Portions of a PUD .....	82
Section 15.12	Required Landscaping Along Arterial Streets .....	82
Section 15.13	Common Open Space Requirements for Planned Unit Developments .....	82
<b>Article XVI. Business Office Park Commercial District (C-1).....</b>		<b>86</b>
Section 16.01	Purpose of This District.....	86

Section 16.02	Land Uses Permitted .....	86
Section 16.03	Conditional Uses and Structures as Provided Under Section 28.06 .....	87
Section 16.04	Dimensional Requirements .....	87
Section 16.05	Site Plan Required .....	88
Section 16.06	Required Landscaping Along Arterial Streets .....	88
Section 16.07	Required Off-Street Parking, Loading and Access Control .....	88
Section 16.08	Signs .....	88
<b>Article XVII.</b>	<b>Old Madison Station District (O-M) .....</b>	<b>89</b>
Section 17.01	Purpose of This District .....	89
Section 17.02	Land Uses Permitted Within Old Madison Station District, Including the Depot Subdistrict .....	90
Section 17.03	Conditional Uses and Structures As Provided Under Section 28.06 .....	91
Section 17.04	Dimensional Requirements for All Uses in Depot Subdistrict of the Old Madison Station District (Including Single-Family Residential Uses) .....	91
Section 17.05	Dimensional Requirements for Old Madison Station District Outside of Depot Subdistrict (Including Single-Family Residential Uses) .....	92
Section 17.06	Site Plan Required for Any Proposed Action in the Old Madison Station District .....	93
Section 17.07	Required Landscaping Along Arterial Streets .....	96
Section 17.08	Requirements for Off-Street Parking, Loading and Access Control .....	96
Section 17.09	Signs .....	96
<b>Article XVIII.</b>	<b>General Commercial District (C-2) .....</b>	<b>97</b>
Section 18.01	Purpose of This District .....	97
Section 18.02	Land Uses Permitted .....	97
Section 18.03	Conditional Uses and Structures as Provided Under Section 28.06 .....	98
Section 18.04	Dimensional Requirements .....	99
Section 18.05	Plan Required .....	100
Section 18.06	Required Landscaping Along Arterial Streets .....	100
Section 18.07	Requirements for Off-Street Parking, Loading and Access Control .....	100
Section 18.08	Signs .....	100
<b>Article XIX.</b>	<b>Major Thoroughfares Commercial (C-3) .....</b>	<b>101</b>
Section 19.01	Purpose of This District .....	101
Section 19.02	Land Uses Permitted .....	101
Section 19.03	Conditional Uses (Special Exceptions) and Structures as Provided Under Section 28.06 .....	101
Section 19.04	Dimensional Requirements .....	103
Section 19.05	Minimum Lot Area .....	103
Section 19.06	Site Plan Required .....	104
Section 19.07	Required Landscaping Along Arterial Streets .....	104
Section 19.08	Requirements for Off-Street Parking, Loading and Access Control .....	104
Section 19.09	Signs .....	104
<b>Article XX.</b>	<b>Adult Entertainment District (C-4) .....</b>	<b>106</b>
Section 20.01	Purpose of This District .....	106
Section 20.02	Land Uses Permitted .....	106
Section 20.03	Conditional Uses (Special Exceptions) and Structures As Provided Under Section 28.06 .....	107
Section 20.04	Dimensional Requirements .....	107
Section 20.05	Site Plan Required .....	108
<b>Article XXI.</b>	<b>High Intensity Commercial (C-5) .....</b>	<b>109</b>
Section 21.01	Purpose of This District .....	109
Section 21.02	Land Uses Permitted .....	109
Section 21.03	Conditional Uses (Special Exceptions) and Structures As Provided Under Section 28.06 .....	110
Section 21.04	Dimensional Requirements .....	110
Section 21.05	Site Plan Required .....	111
Section 21.06	Required Landscaping Along Arterial Streets .....	111
Section 21.07	Requirements for Off-Street Parking, Loading and Access Control .....	112
Section 21.08	Signs .....	112

<b>Article XXII.</b>	<b>Limited Industrial District (I-1).....</b>	<b>113</b>
Section 22.01	Purpose of This District.....	113
Section 22.02	Land Uses Permitted .....	113
Section 22.03	Conditional Uses and Structures As Provided in Section 28.06 .....	114
Section 22.04	Dimensional Requirements.....	115
Section 22.05	Site Plan Required.....	116
Section 22.06	Required Landscaping Along Arterial Streets .....	116
Section 22.07	Requirements for Off-Street Parking, Loading and Access Control.....	116
Section 22.08	Signs.....	116
<b>Article XXIII.</b>	<b>Heavy Industrial District (I-2).....</b>	<b>117</b>
Section 23.01	Purpose of This District.....	117
Section 23.02	Land Uses Permitted .....	117
Section 23.03	Conditional Uses and Structures As Provided in Section 28.06 .....	117
Section 23.04	Dimensional Requirements.....	118
Section 23.05	Site Plan Required.....	119
Section 23.06	Required Landscaping Along Arterial Streets .....	119
Section 23.07	Requirements for Off-Street Parking, Loading and Access Control.....	120
Section 23.08	Signs.....	120
<b>Article XXIV.</b>	<b>Retirement Village Special Use (S-1).....</b>	<b>121</b>
Section 24.01	Purpose of This District.....	121
Section 24.02	Land Uses Permitted .....	<b>Error! Bookmark not defined.</b>
Section 24.03	Conditional Uses and Structures (Special Exceptions) as Provided for in Section 28.06 ..	122
Section 24.04	Dimensional Requirements.....	122
Section 24.05	Lakes and Dams.....	124
Section 24.06	Site Plan Required.....	124
Section 24.07	Required Landscaping Along Arterial Streets .....	124
Section 24.08	Requirements for Off-Street Parking, Loading and Access Control.....	124
Section 24.09	Signs.....	124
<b>Article XXV.</b>	<b>Airport Special Use (S-2).....</b>	<b>125</b>
Section 25.01	Purpose of This District.....	125
Section 25.02	Zones and Map.....	125
Section 25.03	Determination of Zones and Height Limits.....	126
Section 25.04	Use Restrictions .....	127
Section 25.05	Nonconforming Uses .....	127
Section 25.06	Public Notice Required .....	128
Section 25.07	Permits Required.....	128
Section 25.08	Land Uses Permitted .....	130
Section 25.09	Conditional Uses and Structures As Provided in Section 28.06 .....	130
Section 25.10	Dimensional Requirements.....	131
Section 25.11	Site Plan Required.....	131
Section 25.12	Required Landscaping Along Arterial Streets .....	131
Section 25.13	Requirements for Off-Street Parking, Loading and Access Control.....	131
Section 25.14	Signs.....	132
<b>Article XXVI.</b>	<b>Off-Street Parking, Loading Space and Access Requirements .....</b>	<b>133</b>
Section 26.01	Purpose of This Article.....	133
Section 26.02	Off-Street Parking.....	133
Section 26.03	Off-Street Loading Space Requirements .....	137
Section 26.04	Accessways.....	137
Section 26.05	Required Landscaping of Parking Lots.....	138
<b>Article XXVII.</b>	<b>Nonconformities .....</b>	<b>140</b>
Section 27.01	Purpose of This Article.....	140
Section 27.02	Types of Nonconformities .....	140
Section 27.03	Regulations Concerning Nonconforming Undeveloped Lots of Record.....	141

Section 27.04	Regulations Concerning Nonconforming Structures .....	142
Section 27.05	Regulations Concerning Nonconforming Uses of Land (Land with Minor Structures Only).....	142
Section 27.06	Regulations Concerning Nonconforming Uses of Major Structures or of Major Structures and Land in Combination .....	143
<b>Article XXVIII. Administration and Enforcement.....</b>		<b>145</b>
Section 28.01	Purpose of This Article.....	145
Section 28.02	Duties, Powers, and Limitation of Powers of the Building Official and Zoning Administrator in the Administration and Enforcement of This Ordinance .....	145
Section 28.03	Duties and Rules of Conduct of the Madison Planning Commission .....	147
Section 28.04	Duties of the Mayor and Board of Aldermen in the Administration and Enforcement of This Ordinance	148
Section 28.05	Dimensional Variances .....	149
Section 28.06	Special Exceptions (Conditional Uses).....	151
Section 28.07	Amendments to the Zoning Ordinance Text or the Official Zoning Map (Rezoning).....	152
Section 28.08	Site Plan Review: When Required.....	154
Section 28.09	Site Plan Review Procedures .....	155
Section 28.10	Specifications for All Required Site Plans.....	156
Section 28.11	Criteria for Site Plan Review.....	159
Section 28.12	Public Hearing Notices and Procedures .....	161
Section 28.13	Fees.....	163
Section 28.14	Appeals.....	164
Section 28.15	Ordinance Enforcement.....	165
<b>Article XXIX. Miscellaneous Provisions.....</b>		<b>166</b>
Section 29.01	Purpose of This Article.....	166
Section 29.02	Omission Clause .....	166
Section 29.03	Separability and Validity Clause .....	166
Section 29.04	Repeal of Conflicting Ordinances or Parts Thereof .....	166
Section 29.05	References Include Subsequent Revisions, Amendments, or Enactments .....	166
Section 29.06	Failure to Enforce Ordinance .....	166
Section 29.07	Effective Date of Ordinance.....	167
Section 29.08	Adoption Clause .....	167

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

**Article I. Preamble**

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

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

**WHEREAS**, Section 17-1-1 of the *Mississippi Code of 1972, annotated*, as amended, defines the term "comprehensive plan" as "a statement of public policy for the physical development of the entire municipality or county adopted by resolution of the governing body, consisting of the following elements at a minimum: (1) goals and objectives for the long-range (twenty to twenty-five years) development of the county or municipality---; (2) a land use plan---; (3) a transportation plan---; and (4) a community facilities plan---"; and

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

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

**WHEREAS**, the Mayor and Board of Aldermen on October 16, 2012, adopted by resolution certain "Final Goals and Objectives" and a "Land Use/Thoroughfares Plan", as previously recommended by the Madison Planning Commission following public hearings relative to same; and

**WHEREAS**, the Madison Planning Commission has recommended the adoption of a Zoning Ordinance of the City of Madison, Mississippi and an accompanying Official Zoning Map; and

**WHEREAS**, based upon the recommendations of the Planning Commission, the Mayor and Board of Aldermen have divided the City into districts and adopted regulations pertaining to such districts, and have given reasonable consideration among other things, to the character of the districts and their particular suitability for particular uses, with a view to conserving the value of property and encouraging the most appropriate use of land throughout the City; and

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

***NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF MADISON, MISSISSIPPI, THAT THIS ORDINANCE SHALL GOVERN THE USE OF ALL LAND WITHIN THE CORPORATE LIMITS OF MADISON, MISSISSIPPI.***

## **Article II. Title and Purpose**

### **Section 2.01 Title and Short Title**

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

The short title for the Ordinance shall be: "*THE ZONING ORDINANCE OF THE CITY OF MADISON, MISSISSIPPI*", and may be so cited, and further reference elsewhere as "*ZONING ORDINANCE*", and herein as "the Ordinance" or "this Ordinance" shall imply the same wording and meaning as the full title.

### **Section 2.02 Statement of Purpose**

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

## **Article III. Interpretation and Definitions**

### **Section 3.01 Rules for Words and Phrases**

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

### **Section 3.02 Definitions**

For the purpose of this Ordinance certain words, phrases and terms used herein shall be interpreted as stated in this [Article III](#). For definitions not included in this Ordinance, the current edition of the Merriam-Webster Collegiate Dictionary shall be the authoritative reference.

- **Accessory Structure or Use**: Any detached structure or use which is subordinate or incidental to the main building or dominant use of the lot or premises, excluding driveways, sidewalks and fences.
- **Adult Entertainment Use (or Activity or Establishment)**: An adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, or similar establishment which regularly features or depicts behavior which is characterized by the exposure of "specified anatomical areas" (as defined by this Ordinance), or where any employee, operator or owner exposes his/ her "specified anatomical area" for viewing of patrons. Such adult entertainment uses may further be defined as follows:
- **Adult Arcade**: An establishment where, for any form of consideration, one or more motion picture projectors, or similar machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by emphasis upon the depiction or description of "specified sexual activities" (as defined by this Ordinance) or "specified anatomical areas".
- **Adult Bookstore**: An establishment which has as a substantial portion of its stock-in-trade and offers for sale for any form of consideration any one or more of the following: books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas"; or instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

- Adult Cabaret: A nightclub, bar, restaurant, theatre, or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified anatomical areas" or by "specified sexual activities".
- Adult Motel: A motel or similar establishment which includes the word "adult" in any name it uses or otherwise advertises the presentation of adult material, offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified anatomical areas" or by "specified sexual activities".
- Adult Motion Picture Theatre: An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or other photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified anatomical areas" or by "specified sexual activities".
- Alley: A public or private right-of-way primarily designed to serve as a secondary access to the sides or rear of those properties for which principal frontage is on some other street; alleys are intended to provide access for refuse collection, loading/unloading and for fire protection.
- Animal Control Ordinance: When used in this Zoning Ordinance, this term shall refer to An Ordinance Setting Standards, Conditions, and Requirements for the Keeping, Maintaining, and Treatment of Animals in the City of Madison and Prescribing Penalties for Violation Thereof (Adopted in 1986).
- Apartment: A dwelling unit located in a multiple family structure for occupancy by one family only, either rented or leased to the occupants. See also "Condominium".
- Architectural Review: An examination of architectural plans and renderings for conformance with the Architectural Control Ordinance of the City of Madison and subsequent versions thereof.
- Arterial Street/Highway: See "Street".
- Automotive Service Center: Any building and land upon which the building is located that is used for the performance of minor mechanical repairs and the sale of associated equipment or merchandise for automobiles, light trucks, and vans. Such minor mechanical repairs/ sales may include, but not necessarily be limited to, the following: the sale and installation of tires, batteries, and accessories; the sale and installation of exhaust systems, including mufflers, tailpipes, etc.; front-end and rear-end alignments; complete brake services; the sale and installation of hoses and belts; oil and oil/ air filter changes and lubrication services; and minor tune-ups. This term does not include the

following activities: the performance of engine or transmission overhauls; vehicle painting or body work; or the operation of a wrecker service. All mechanical repairs or storage of equipment or merchandise associated with the operation of an automotive service center shall be performed/ housed inside the building. Areas where vehicles are kept overnight for service shall be fully screened from view from all adjacent streets and adjoining property in accordance with Sections [17.05.5](#), [18.04.04](#), and [19.04.04](#) of this Ordinance and the Landscape Ordinance of the City of Madison, Mississippi.

- **Bar**: A structure or part of a structure used primarily for the sale or dispensing of liquor by the drink.
- **Barn**: A building used for storing grain, hay, and other farm products and for the sheltering of livestock; the use of barns for non-agricultural purposes in A-1 Agricultural districts, such as for offices or commercial purposes, is prohibited.
- **Basement**: A story wholly or partially underground. For the purpose of height regulation, a basement shall be counted as a story when more than one-half of its height is above the average grade level.
- **Bingo Hall**: A facility used primarily for the conduct of bingo games, open to the public and not in a subsidiary nature to another use.
- **Boarding House**: A building other than a hotel or motel, where, for compensation and by prearrangement for definite periods, meals and/or lodging are provided for three or more but not exceeding twelve persons (other than family members) on a weekly or monthly basis. (See also "Rooming House".)
- **Buffer Area**: An area so planned which acts as a buffer or separation area between two or more uses or structures not compatible due to design, function, use or operation.
- **Building**: Any structure having a roof supported by columns or walls and intended for shelter, housing or enclosure of persons, animals, equipment, goods, or materials. The term "building" shall be construed as if followed by the words "or part thereof."
  - **Building, Fully-Enclosed**: A building having walls on all sides. (NOTE: This definition is intended to distinguish between buildings that are "canopies", which do not have walls on all sides, from those that are fully-enclosed by walls. When the term "fully-enclosed building" is used in this Ordinance, it is intended to prevent exposure of equipment, materials, etc. to the outside world, thereby controlling some characteristics that might be otherwise objectionable, such as noise and uses that are not aesthetically appropriate for a particular zoning district.)
  - **Buildable Area, Maximum**: That portion of a lot remaining after required yards have been provided.
  - **Building Height**: The vertical distance measured from the average elevation of the finished grade within twenty feet of the structure to the highest point of the roof. (NOTE: The provision for measuring the finished lot grade within 20 feet of the

structure is to prevent the deliberate building up of a portion of the site on which the building will sit in order to permit an additional story to be constructed.)

- Building Permit: A permit issued by the city official designated by the Madison Mayor and Board of Aldermen authorizing the construction, placement or structural alteration of a specific building on a specific lot.
- Building, Portable: Any building that is portable in nature, without any wheels, and built on a chassis or frame designed and constructed to be used without a permanent foundation. Building permits are required prior to the placement of such buildings on any lot.
- Building Setback Line: See "Setback Line".
- Building, Structural Alteration of: Any change or rearrangement in the supporting members, including bearing walls, beams, columns, or girders of a building.
- Carport: A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three sides.
- Cemetery: Property used for the interring of the dead. ALL cemeteries are considered public/quasi-public facilities, subject to there regulations of Section [5.03](#).
- Certificate of Occupancy: A certificate issued by the city official designated by the Madison Mayor and Board of Aldermen to ensure that new or altered buildings or structures are in conformance with the provisions of the Zoning Ordinance and any other Federal, state, city and county laws and to have a record on the point.
- Change of Use: An alteration or change from a previous use of land, buildings, or structures to another use of land, buildings, or structures.
- Child Care Facility: A place which provides shelter and personal care for six (6) or more children who are not related to the operator, whether such place be organized or operated for profit or not.
- City: The City of Madison, Mississippi.
- Clinic: A facility for diagnosis and treatment of medical, chiropractic, dental or psychological outpatients, provided that patients are not kept overnight, and which may be used by one or a group of medical or dental practitioners. These shall be regulated as a commercial use.
- Collector Street: See "Street".
- Comprehensive Plan: In accordance with Section 17-1-1 of the Mississippi Code of 1972, Annotated, As Amended, "comprehensive plan" shall be defined as "a statement of public policy for the physical development of the entire municipality---adopted by resolution of the governing body, consisting of the following

elements at a minimum: (I)Goals and Objectives---; (ii) a Land Use Plan---; (iii) a Transportation Plan---; and (iv) a Community Facilities Plan---."

- Community Facilities Plan: One of the elements of a Comprehensive Plan. Section 17-1-1 of the Mississippi Code of 1972, Annotated, As Amended, defines the term as follows: "a community facilities plan (serves as) a basis for a capital improvements program including, but not limited to, the following: housing; schools; parks and recreation; public buildings and facilities; and utilities and drainage."
- Conditional Use: A land use which would not generally be appropriate in a particular zoning district, but which, with certain restrictions or conditions, would in the judgment of the Mayor and Board of Aldermen promote the public health, safety, morals, or general welfare of the City and would not adversely affect adjacent properties. A permit (building permit or change of use permit) granted by the Mayor and Board of Aldermen for the initiation of a conditional use (with the necessary restrictions included) will not change the zoning of the property involved and will allow such use to continue as long as the specific use granted by the conditional use remains the same. Also referred to as a "Special Exception".
- Condominium: Real property consisting of an undivided interest in common of a portion of a parcel of real property, plus a separate interest in space in a residential, office, commercial or other land use. (From: Mississippi Code of 1972, Annotated, Section 89-9-7.) See also "Apartment".
- Conforming Use: Any lawful use of a building or lot which complies with the provisions of this Zoning Ordinance.
- Convalescent Home (Rest Home or Nursing Home): Those health facilities where persons are housed and furnished with meals and continuing nursing services for a fee.
- Convenience Store: A store of not more than 3,000 square feet of retail sales area, not counting storage, which deals in grocery items of a convenience nature; such stores may or may not sell petroleum products (gasoline, diesel fuel, oil, etc.); however, such establishments shall NOT include the provision mechanical service (repairs, oil change, etc.) for vehicles NOR automatic or manual car washing service.
- Country Club: A land area and buildings containing recreational facilities, clubhouse and the usual accessory uses, open only to members and their guests for a membership fee. Country clubs are regulated as public/quasi-public facilities and are subject to the provisions of Section 5.03 of this Ordinance.
- Coverage: That part of a lot covered by buildings.
- Density: The intensity of land use and also the maximum intensity of use of a minimum lot or land area physically possible observing all yard, height, and lot or land area coverage provisions of this Zoning Ordinance, exclusive of any publicly dedicated rights-of-way.

- Developer: The legal or beneficial owner or owners of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.
- Development: The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance, and any use or extension of the use of land.
- Development Plan: A drawing or set of drawings depicting the ultimate layout and proposed land uses for a large tract of land shown in stages to reflect the order of development, usually involving varying lot sizes and/or different proposed land uses. A development plan of a subdivision may be considered the "sketch plat" if a subdivision is to be constructed in phases. A development plan is sometimes referred to as a "master plan"; however, since the Comprehensive Plan for the City may also be called a "Master Plan", the term Master Plan is not used in this Ordinance.
- Dimensional Variance: See "Variance".
- District: Any section or sections of the City of Madison for which regulations governing the use of land and the use, density, bulk, height, and coverage of buildings and other structures are established by this Ordinance.
- Drainage Channel: A watercourse with a definite bed and banks which conduct and confine the normal continuous and intermittent flow of water.
- Driveway: A fully-paved private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.
- Drive-In Restaurant: See "Restaurant, Drive-In":
- Dwelling: Any building, or portion thereof, or mobile home, which is designed and used for human habitation; however, a mobile home, as defined herein, shall not be used as a dwelling in any residential district other than R-M Mobile Home Park Residential districts or as specified under the definition of "Mobile Home".
- Dwelling, Single-Family: A detached residential building designed for occupancy by one family.
- Dwelling, Two-Family (Duplex): A detached residential building designed to be occupied by two families living independently of each other.
- Dwelling, Multiple-Family: Any residential building or portion thereof which is occupied by three or more families living independently of each other. The term "multiple-family dwelling" shall be understood to include apartment houses or "complexes" and condominiums.

- Dwelling, Patio or Garden (or House or Home): A detached single-family dwelling unit that may be constructed nearer the lot line on ONE SIDE (but not directly on either lot line) of a lot than the other side and has a patio.
- Dwelling Unit: A room or group of rooms occupied or intended to be occupied as separate living quarters.
- Dwelling, Zero Lot Line: A detached single-family dwelling on a separate lot with open space setbacks on three sides. In order to be considered a true "zero lot line dwelling" the dwelling must rest no more than six inches from the lot line on one side of the lot; otherwise, it shall be considered a "patio home".
- Easement: A grant by the property owner to the public, a corporation or persons for the use of a strip of land for specific purposes.
- Employee (Staff): Any person who is regularly on the premises of a business or industrial establishment for productive use on a part-time or full-time basis. For the purposes of this Ordinance the maximum number of employees on the premises of an establishment at one time shall constitute the number of employees.
- Facilities and Utilities, Public/Quasi-Public: Any building, structure, system, use, or combination of uses, which is customarily and ordinarily provided by either public or private agencies, groups, societies, corporations, or organizations, whose purpose is the provision of necessary and desirable goods and/or services for the general public health, safety, and welfare. Such uses shall include, but not be limited to:
  - Churches and other religious institutions.
  - Schools, including all private, public or parochial schools, excluding institutions of higher learning which shall be zoned "Special Use" districts only.
  - All governmental buildings (including municipal buildings and buildings erected by County, State or Federal governments) and major governmental facilities, such as water pumping stations, sewage treatment plants, sanitary landfills and the like. (NOTE: Public recreation and open space facilities are a land use permitted outright in ANY district, and such facilities are not subject to the regulations of Section [28.06](#) as special exceptions.)
  - All hospitals, whether public or private.
  - Convalescent homes or nursing homes, excluding "Retirement Villages" which shall be zoned as "Special Use" districts only.
  - Civic organization buildings and major facilities.
  - Buildings and facilities erected by charitable organizations (e.g., American

Red Cross, Salvation Army, etc.); (Note: When such facilities are erected as emergency measures, they shall be exempt from the Special Exception provisions of this Ordinance, including site plan review and public hearing requirements, but they must be approved by the Mayor).

- Country clubs and other major recreational facilities constructed by private groups.
- ALL cemeteries. (Care taker offices must be approved by special exception.)
- Major facilities associated with privately-owned utilities (electrical, natural gas, telephone) including but not limited to electrical substations, telephone communications centers, microwave towers, cellular telephone antennas, natural gas pumping facilities and similar significant uses.
- Family: One person living alone, or two or more persons living together as a single, housekeeping unit, whether related to each other legally or not, as distinguished from a group occupying a boarding house, lodging house, hotel, motel, dormitory or similar dwelling for group use. A family shall be deemed to include domestic servants employed by said family when these servants are on-premise residents.
- Floor Area: The sum of the gross horizontal area of all floors of a building, excluding all porches, balconies, garages or carports, measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings.
- Frontage: Property on one side of a street measured along the line of the street, or in the case of a corner lot, the property on each street measured along the lines of both streets.
- Funeral Home (or Mortuary): A building used for the preparation of deceased human bodies for burial or cremation and the display of the deceased and ceremonies connected therewith before burial or cremation.
- Future Land Use Plan: See "Land Use Plan".
- Garage (Private): The term "garage" shall mean a private garage, which is a fully enclosed portion of a main building or a fully enclosed accessory building (i.e., detached from the main building) and used primarily for the storage of privately owned automobiles.
- Garage, Mechanical (Repair Shop): A building or portion thereof, other than a private or storage garage, designed or used for servicing, repairing, equipping of motor-driven vehicles and the storage of such vehicles; also include selling, renting, or leasing of motor-driven vehicles in conjunction with repair work.
- Garage, Storage: A building or portion thereof, other than a private garage, used exclusively for the parking or storage of motor-driven vehicles, with no other facilities provided except facilities for washing. Also referred to as a "parking garage".

- Garden Home: See Dwelling, Patio (or house or home).
- Gas Stations: shall include only dispensing facilities for gasoline, diesel and propane fuels and not provide the other services normally provided by service stations as defined in this zoning ordinance.
- Goals and Objectives: One of the elements of a Comprehensive Plan. Section 17-1-1 (c)(ii) of the Mississippi Code of 1972, Annotated, As Amended, defines the term as follows: "goals and objectives (are a list of policies, adopted by the governing authorities) for the long-range (twenty to twenty-five years) development of the county or municipality. Required goals and objectives shall address, at a minimum, residential, commercial, and industrial development; parks, open space and recreation, street or road improvements; public schools and community facilities."
- Grade or Grade Level: The finished elevation of land after completion of site preparations for construction.
- Green Space: A reserved, landscaped land area that is set in perpetuity for the sole purpose of quality of life (flood water detention - no permanent pools).
- Height: See "Building Height".
- Homeowners Association: A non-profit organization (corporate or otherwise) operating under recorded land agreements through which each property owner is automatically subject to a charge for a proportionate share of expenses for maintaining common open space, other activities and facilities.
- Home Occupation: Any activity carried out for gain by a resident conducted as an accessory use by the resident owner in an owner-occupied dwelling. A Home Occupation Permit must be obtained from the Zoning Administrator prior to the initiation of a home occupation. The criteria for issuance of Home Occupation Permit are listed under Section [5.06](#) of this Ordinance.
- Hospital: A public or quasi-public institution where sick or injured persons are given medical care and in the course of same are housed overnight, fed and provided nursing and related services.
- Hospital, Veterinary: A facility where sick or injured animals are given medical or surgical care and, in the course of same, may be housed overnight, fed, and provided related services. Such uses shall be subject to the regulations of the Animal Control Ordinance of the City of Madison, and shall be considered a commercial use.
- Hotel or Motel: A building or buildings where lodging, food and various personal services are provided for more than twenty (20) persons, who are usually but not always transients, for compensation. Hotels and motels shall be considered a commercial use.

- Industry, Heavy: Those industrial uses which are not fully enclosed and/or which generate substantial amounts of noise, vibration, odors or possess other objectionable characteristics.
- Industry, Limited (Light): Those industrial uses including manufacturing activities conducted wholly within completely enclosed buildings (except for the temporary storage within adequately screened or buffered areas of articles, materials, or other matter to be processed, assembled or otherwise changed) and other industrial-related activities which do not generate objectionable odors, smoke, fumes, vibration, or excessive noise.
- Industry, "Wet-Type": Those heavy industrial uses which require the discharge of by-products or processed waste water through the sewer system. Such industrial uses shall be permitted as a conditional use only in the Heavy Industrial Districts (I-2).
- Inn (or "Bed and Breakfast Inn"): An establishment operated in conjunction with a private dwelling where lodging is available OR lodging and food are available for up to twenty (20) persons for compensation.
- Internal Building Space: The required minimum space between principal or accessory buildings on the same lot.
- Junk Yards: A place where waste and discharged or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, used lumber yards, house wrecking yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but EXCLUDING places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition or salvaged materials incidental to manufacturing operations.
- Kennel: A facility other than a residence, where four or more dogs or cats, or a combination thereof, are boarded, whether by the owners of the animals or other persons, with or without compensation. A kennel shall be considered a commercial use.
- Lakes (and Watercourses): See Subdivision Regulations for regulations regarding lakes and watercourses.
- Landscaping: The addition of lawns, trees, plants, and other natural or decorative features to land, including lakes and watercourses. Landscape treatment can include walks or patios.
- Land Use Plan: One of the elements of a Comprehensive Plan usually developed concurrently with the Transportation/ Thoroughfares Plan. Section 17-1-1 (c)(ii) of the Mississippi Code of 1972, Annotated, As Amended, defines the term as follows: "a land use plan designates in map or policy form the proposed general distribution and extent of the used of land for residences, commerce, industry, recreation, and open

space, public/quasi-public facilities and lands. Background information shall be provided concerning the specific meaning of land use categories depicted in the plan in terms of the following: residential densities; intensity of commercial uses; industrial and public/ quasi-public uses; and any other information needed to adequately define the meaning of such land use codes. Projections of population and economic growth for the area encompassed by the plan may be the basis for quantitative recommendations for each land use category."

- Lodging House: See "Rooming House".
- Lot: A parcel of land at least sufficient size to meet the minimum requirements for use, coverage, and area and to provide such yards and other open spaces as specified in the Zoning Ordinance of the City of Madison, Mississippi. Such lot shall have frontage on an improved public (dedicated) street specifically approved by the Mayor and Board of Aldermen through the subdivision plat review process prescribed in the Subdivision Regulations or through the site plan review process required by this ordinance for multifamily dwellings and other developments.
- Lot Area: The total area of a lot included within the boundary lines of a lot.
- Lot, Corner: A lot abutting upon two or more streets at their intersections.
- Lot Depth: The average horizontal distance between the front and rear lot line.
- Lot, Double Frontage: A lot which runs through a block from street to street (i.e., has frontage on more than one street); double frontage lots are also called "through lots".
- Lot Frontage: The front of a lot shall be construed to be that dimension of a lot abutting on a street. For the purpose of determining yard requirements on corner lots or double frontage lots, ALL SIDES OF SUCH LOTS ABUTTING ON PUBLIC STREETS SHALL BE CONSIDERED LOT FRONTAGE, and yards shall be provided as indicated in this Ordinance.
- Lot, Interior: A lot other than a corner lot.
- Lot Lines: The lines bounding a lot as such parcel of land is defined herein. *For the purpose of determining setbacks, the lot line is the same as the property line.* (For clarification, see drawings inserted at the end of the definition section.)
- Lot Line, Front: In the case of an interior lot, the property boundary line separating said lot from the street. In the case of a corner lot or double frontage lot, the line separating said lot from the street on which the building will face, as determined from the application for a building permit.
- Lot Line, Rear: The property boundary line opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line.

- Lot of Record: A lot which is a part of a subdivision, the map of which is recorded in the office of the Chancery Clerk of Madison County, Mississippi, or a lot described by metes and bounds, the description of which has been recorded in said office.
- Lot Width: The distance from side of lot to side of lot measured at the required front minimum building setback line.
- Manufactured Home: A single-family residential dwelling built in a factory in accordance with the National Manufactured Home Construction and Safety Standards Act after June 15, 1976. Manufactured homes shall be considered structures for the purposes of this Ordinance. "Transient trailers" (travel trailers), as defined herein, shall not be considered manufactured homes, and they are deemed vehicles but not dwellings or structures. Manufactured homes were previously referred to as "mobile homes" and any references herein to "mobile homes" shall mean "manufactured homes". Manufactured homes shall be considered structures for the purpose of this Ordinance.
- Manufactured Home Park: An area, tract, site or plot of land of at least twenty acres, which has been planned, improved and meets the requirements of this Ordinance, and in which spaces are provided on a rental basis or lease basis only for owner-occupied homes or in which both the space and the manufactured home are offered to the public on a rental or lease basis only.
- Manufactured Home Space: A plot of ground within a manufactured home park designed for and designated as (on an approved site plan) the location of one manufactured home, and which has water, sewer and electricity at the space.
- Manufactured Home Stand or "Pad": The paved runners or paved parking area in each manufactured home space upon which the manufactured home is placed, together with the paved patio and paved off-street vehicular parking area.
- Manufacturing Use: A facility at which goods are made from secondary materials (previously prepared or refined materials) or raw materials (unrefined materials) through the use of machinery and labor and often employing assembly line techniques. In the case of "light" manufacturing uses, most goods are produced from secondary materials, except for processing, packaging, or canning of food products, and little or no water is used in the manufacturing process. In the case of "heavy" manufacturing, goods are often produced from raw materials and may involve the use of large amounts of water.
- Modular Home: Factory-built housing certified as meeting the local building code as applicable to modular housing. Once certified by the State of Mississippi, modular homes must be subject to the same standards as site-built homes.
- Mortuary: See "Funeral Home".
- Motel: See "Hotel".

- Multiple Family Dwelling: See "Dwelling, Multiple Family".
- Nonconformities: Any land, lot, building, structure or parts thereof existing prior to the enactment of this Ordinance, which subsequent to the enactment of this Ordinance or amendment thereto, does not conform with the use regulations and/or dimensional regulations of the district in which it is situated, and/or does not comply with any other requirements herein. (See Section [27.02](#) of this Ordinance for definitions of the various types of nonconformities, including (1) nonconforming undeveloped "lots of record," (2) nonconforming structures, and (3) nonconforming uses).
- Nursery, Child Care: See "Child Care Facility".
- Nursery, Horticultural: Commercial uses in which flowers and plants are stored and/or cultivated for retail sale and related products are offered for retail sale.
- Nursing Homes: See "Convalescent Home".
- Open Space or "Common Open Space": A parcel or parcels of land not occupied by dwellings or residential structures, accessory structures and yards, which may consist of jogging trails, tennis courts, a golf course, swimming pool, associated recreational buildings and the like, and which is permanently maintained in a suitable state for the shared enjoyment by the owners and/or occupants of individual dwelling units or residential structures within a particular development (such as a conventional residential subdivision, an apartment complex, a manufactured home park or a Planned Unit Development).
- Office: A room, group of rooms or building in which commercial activities primarily involving the provision of services rather than the sale of commodities are conducted.
- Office Park: A development on a tract of land, either subdivided or on a single large lot, containing a number of separate office buildings, supporting uses and open space designed, planned, constructed and managed on an integrated and coordinated basis.
- Parking Space: For the purposes of this Ordinance, the term "parking space" shall refer only to parking places not located on a public street. Each parking space shall be sufficient in size to store one full-size auto manufactured, or 200 square feet in area for each such space, exclusive of the necessary maneuvering space providing access to each parking space, unless otherwise approved as part of the site plan review Process.
- Patio House or Patio Home: See "dwelling, patio (or house or home)".
- Planned Unit Development (PUD): An area of a minimum contiguous size, as specified by this Ordinance, to be planned and developed as a single entity containing one or more residential clusters and in which land not used for residential structures or yards but required by the basic zoning of the site shall be reserved collectively in contiguous units accessible to all building sites in the development as

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

- Planning and Development Director: See Zoning Administrator.
- Planning Commission: The duly appointed Planning Commission of the City of Madison, Mississippi.
- Planting Screen: Densely planted vegetation used to visually shield or obscure abutting or nearby structures or uses from other uses or structures.
- Plat: A map, plan or layout of a subdivision showing the information required by the Subdivision Regulations of the City of Madison, Mississippi.
- Portable Building: See "Building, Portable".
- Principal Structure or Use: The main building(s) or dominant use(s) of a lot.
- Property Line: The legal boundary line separating buildings or tracts in different ownership.
- Public/Quasi-Public Facilities and Utilities: See "Facilities and Utilities, Public/Quasi-Public".
- Recreational Vehicle (RV): See "Transient Trailer" or "Travel Trailer".
- Rest Home: See "Convalescent Home".
- Restaurant, Fast Food: A commercial establishment whose principal business is the sale of pre-prepared or rapidly prepared food and beverages for consumption either within the restaurant or for carry-out, and where either: (1) customers are not served food and beverages by a restaurant employee (waiter or waitress) at the same table or counter where the items are consumed; or (2) the establishment includes a drive-in or drive-through service facility or offers curbside service.
- Restaurant, Full-Service: A commercial establishment where customers are served food and beverages by a restaurant employee (waiter or waitress) at the same table or counter where items are consumed. This term does not include "fast food restaurants" as defined herein. "Full-service restaurants" may offer some "carry-out" services where food and beverages are consumed off the premises.
- Retirement Village: A "special use district" constituting a self-contained community that includes elderly housing and health care facilities in addition to cultural and recreational facilities, support service operations, commercial outlets operated

primarily for the benefit of the residents and staff of the retirement village, and similar related uses.

- Rooming House: A building where lodging only is provided for compensation to three or more, but not exceeding twenty (20) persons. A building which has accommodations for more than twenty persons shall be defined as a "Hotel" or "Motel" under the terms of this Ordinance.
- Satellite Earth Station: Any accessory structure capable of receiving for the sole benefit of the principals use, radio or television signals from a transmitter or a transmitter relay located in planetary orbit.
- Schools: The term "school" as used in this Ordinance shall include public, private, and parochial institutions of learning and shall include "trade or industrial schools" (i.e., those schools offering training to students in skills required for the practice of trades and industry).
- Service Station: Any area of land, including the structures thereon, that is primarily used for the retail sale of gasoline, diesel fuel, oil or automobile accessories and incidental services including facilities for lubricating, washing (either automatic or by hand) and cleaning, or otherwise servicing automobiles and light trucks. This term includes convenience car care establishments (lubrication, tune-up, etc.) but DOES NOT include the painting or major repair of vehicles.
- Setback: The area between the street right-of-way *or property* line and the building setback line.
- Setback Line or Building Setback Line: A line delineating the minimum allowable distance between the street right-of-way and the front of a structure within which no building or other structure shall be placed. The minimum distance is prescribed by this Ordinance. The building setback line is parallel to or concentric with the street right-of-way line.
- Shopping Center: A group, consisting of five or more commercial establishments, planned, developed and managed as a unit, with adequate off-street parking facilities provided on the property and related in its location, size, and type of stores to the trade area or neighborhood which the unit serves.
- Side Street: A street bordering the side of a lot and intersecting the street on which a structure on the lot faces, as determined by the Zoning Administrator; in the case of buildings (as opposed to other types of "structures"), the street which the building faces shall be determined by the principal entrance to the building.
- Sign: See Sign Ordinance of the City of Madison, Mississippi, which is hereby adopted and ratified as the regulatory enactment in the City of Madison governing signs.
- Site Plan: A drawing indicating the location of existing and proposed buildings or

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

- Site Plan Review: The process specified under Sections [28.09](#) and [28.10](#) of this Ordinance in which site plans for certain proposed developments and/or site plans (when required by the Zoning Administrator in coordination with other City officials) accompanying applications for dimensional variance, conditional use, and rezoning are reviewed by City officials, the Planning Commission and the Mayor and Board of Aldermen for conformance with this Ordinance and other applicable laws and codes, and to determine what other special restrictions (if any) need to be applied if the site plan and application are approved by the Mayor and Board of Aldermen.
- Specialty Shop: A store that specializes in a particular line of merchandise, such as a baked goods, candy, clothing, hardware, electronics, antiques, bicycles, etc.
- Special Exception: See "Conditional Use".
- Specified Anatomical Areas: Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or less than 50% of the female breast below a point immediately above the areola; or human male genitals in a discernibly turgid state even if completely and opaquely covered.
- Specified Sexual Activity: Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; fondling or other erotic touchings of human genitals.
- Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. For the purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average grade elevation, or when the basement is used for commercial activities (See "Basement").
- Street: A publicly-owned thoroughfare which affords the principal means of access to abutting property; such thoroughfares are dedicated by a property owner for public use, accepted by the responsible political entity in which the street is located and is so dedicated, and recorded in the Office of the Madison County Chancery Clerk.
- Street Right-of-Way Line: The legal property boundary line delineating the street right-of-way and the abutting property.
- Strip Development: Commercial development, usually one store deep, that fronts on a major street.
- Structure: Anything constructed or erected, the use of which requires a fixed location on the ground, or attached to something having a fixed location on the ground.

Among other things, structures include buildings, manufactured homes, walls, fences, and billboards, but shall not include "Transient Trailers (Travel Trailers)" as defined herein. The term structure shall be construed as if followed by the words "or part thereof". The term "structure" is not intended to include driveways, parking lots, or utilities.

- Structural Alteration of a Building: See "Building, Structural Alteration of".
- Subdivider: Any person, firm, partnership, corporation or other entity acting as a unit, who, having an interest in land, causes it, directly or indirectly, to be divided into a subdivision of two or more parcels.
- Subdivision: The division of any lot, tract or parcel of land into two (2) or more lots.
- Subdivision Regulations: The adopted Subdivision Regulations of the City of Madison, Mississippi.
- Theater, Motion Picture: A building or part of a building devoted primarily to the showing of motion pictures on a paid admission basis.
- Theater, Drive-In: An open lot or part thereof, with its appurtenant facilities devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in auto manufactured or on outdoor seats.
- Thorough Lot: See "Lot, Double Frontage".
- Thoroughfares Plan: The primary component of the "Transportation Plan", which is one of the elements of a Comprehensive Plan, usually developed concurrently with another element, the "Land Use Plan".
- Townhouse: A single-family dwelling constructed in a series or group of attached units with property lines separating each unit. (From: Standard Building Code).
- Townhouse Subdivision: A subdivision in which the developer proposes to partition land into individual lots and construct townhouses wherein both the dwellings and the lots will be individually owned by the residents.
- "Trailer": Archaic term sometimes applied to manufactured homes. (See "manufactured Home").
- Transient Trailer (Travel Trailer): A portable or manufactured living unit used for temporary human occupancy away from the place or residence of the occupants. For the purposes of this Ordinance, such transient trailers shall be considered a VEHICLE AND NOT A STRUCTURE. The term "transient trailer" or "travel trailer" shall include pick-up truck "campers", "motor homes", "camping trailers" and "recreational vehicles".
- Transient Trailer Park: A commercial operation where space and service

accommodations for transient trailers are provided for a fee on an overnight or daily basis.

- Transportation Plan: One of the elements of a Comprehensive Plan. Section 17-1-1 (c)(ii) of the Mississippi Code of 1972, Annotated, As Amended.
- Truck Stop: Any area of land, including the structures thereon, that is used for the servicing of heavy trucks (i.e., tractor-trailer combinations designed for transporting large cargoes), and which may offer food and beverages in addition to lodging.
- Undeveloped Lot: A vacant lot or parcel of land.
- Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" shall not be deemed to include any nonconforming use.
- Use, Accessory: See "Accessory Use".
- Utility: See "Facilities and Utilities, Public/Quasi- Public".
- Variance: A specific relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. However, financial hardship shall not be considered justification for granting a variance. The criteria for issuance of a variance are listed under Section [28.05](#) of this Ordinance. As used in this Ordinance, a variance is authorized only for height, area, size of structure, size of yards and open spaces, and parking requirements. Establishment or expansion of a use not permitted shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining district.
- Vehicle: Any device for carrying passengers, goods, or equipment, usually moving on wheels. This definition does not include manufactured homes, which are considered structures for the purposes of this Ordinance.
- Veterinary Hospital: See "Hospital, Veterinary".
- Washeteria: Self-service laundry or laundromat.
- Yard (or "Minimum Yard" or "Setback"): The required open space between any main building or portion thereof and the adjoining lot lines, WHICH SHALL REMAIN UNOCCUPIED AND UNOBSTRUCTED BY ANY PORTION OF A STRUCTURE, except as otherwise specifically provided herein. However, fences and walls may be permitted in such required yards subject to the height restrictions and other regulations of this Ordinance. In measuring a lot for the purpose of determining the minimum front, side or rear yard, the shortest horizontal distance between the lot line and the nearest vertical structure shall be used; the roof overhang shall not be

considered the nearest vertical structure. Porches, decks, chimneys, accessory buildings, and other vertical structures must meet setback requirement. (For clarification, see drawings inserted at the end of the definition section.)

- Yard, Front: The required unoccupied and unobstructed space on the same lot with a main building, extending the full width of the lot, and situated between the front property line and the nearest vertical portion of the main building.
- Yard, Rear: The required unoccupied and unobstructed space on the same lot with a main building, situated between the rear property line and the nearest vertical portion of the main building, and extending the full width of the lot.
- Yard, Side: The required unoccupied and unobstructed space on the same lot with a main building, situated between the side property line and the nearest vertical portion of the main building.
- Zoning Administrator (or Planning and Development Director): The official (or officials) charged by the Mayor and Board of Aldermen with the administration and enforcement of this Zoning Ordinance, or his duly authorized representative.
- Zoning District: See "District".
- Zoning, Spot: The improper zoning or rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses. While such spot zoning may not be illegal per se, it is generally regarded as an improper practice.



## **Article IV. Establishment of Zoning Districts: Provision for Official Zoning Map**

### **Section 4.01 Zoning Districts**

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

- A-1 Agricultural District
- RE-A Residential Estate District
- RE-B Residential Estate District
- R-1 Single-Family Residential District
- R-2 Single-Family Residential District
- R-3 Town House District
- R-4 Patio Home District
- R-5 Multi-Family Residential District
- R-M Manufactured Home Park District
- PUD Planned Unit Development District
- C-1 Restricted Commercial District
- Old Madison Station District
- C-2 General Commercial District
- C-3 Major Thoroughfare Commercial District
- C-4 Adult Entertainment District
- C-5 Intensive Commercial District
- C-PUD Commercial Planned Unit Development District
- I-1 Limited Industrial District
- I-2 Heavy Industrial District
- S-1 Retirement Village Special Use District
- S-2 Airport Special Use District

### **Section 4.02 Official Zoning Map**

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

- .1 Map Certified: The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and shall bear the seal of the City under the following words: "This is to certify that this is the Official Zoning Map of the City of Madison, Mississippi, as adopted by the Mayor and Board of Aldermen on \_\_\_\_\_."
- .2 Location of Official Zoning Map: Regardless of the existence of purported copies of the

Official Zoning Map which may from time to time be prepared or printed, the Official Zoning Map bearing the certificate specified under Section [4.02.01](#) and located in the City Hall of Madison shall be the final authority as to the zoning status of land and water areas, buildings, and other structures in the City of Madison.

- .3 **Public Inspection of Map:** The Official Zoning Map shall be available for public inspection as provided by law during normal business hours of the City Hall of Madison.
- .4 **Map Amendment:** If, in accordance with the provisions of this Ordinance and Statutes of the State of Mississippi, changes are made in the zoning district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be made WITHIN THIRTY (30) DAYS AFTER THE AMENDMENT HAS BEEN APPROVED BY THE MAYOR AND BOARD OF ALDERMEN.

- Since the Official Zoning Map is part of this Ordinance, any amendments to the Official Zoning Map shall be accomplished in accordance with state statutes relating to passage of ordinances. Therefore, before the Official Map may be amended, an "Ordinance of Rezoning" shall be drafted and passed by the Mayor and Board of Aldermen in accordance with state law. An unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Section [28.15](#).

### **Section 4.03 Replacement of Official Zoning Map**

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Mayor and Board of Aldermen may, by ordinance, designate a new Official Zoning Map which shall replace the prior zoning map. The new Official Zoning Map may correct drafting errors or other omissions on the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and shall bear the seal of the City under the following words:

- This is to certify that this Official Zoning Map replaces the Official Zoning Map adopted as part of the Zoning Ordinance of the City of Madison, Mississippi, on \_\_\_\_\_."

### **Section 4.04 Rules for Interpretation of District Boundaries**

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

- (a) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (c) Boundaries indicated as approximately following City limits shall be construed as following such City limits.
- (d) Where the boundary of a district follows a railroad right-of-way or the centerline of a railroad, such boundary shall be deemed to be located on the right-of-way line to which it is closest or construed to follow such centerline.
- (e) Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
- (f) Boundaries indicated as parallel to, or extensions of, features indicated in Section [4.04](#), Subsections (a) through (h) shall be so construed.
- (g) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Section [4.04](#), the Mayor and Board of Aldermen shall interpret the district boundaries.
- (h) Where a district boundary line divides a lot which was in a single ownership at the time of passage or amendment of this Ordinance, the Mayor and Board of Aldermen may permit, as a special exception, the extension of the use not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

## **Article V. General Regulations**

### **Section 5.01 Application of Regulations**

- .1 **Compliance Required:** No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered EXCEPT IN CONFORMANCE WITH ALL OF THE REGULATIONS SPECIFIED FOR THE DISTRICT IN WHICH IT IS LOCATED. Furthermore, no person shall use or occupy a building, structure or land within the City of Madison for an activity which requires a federal, State of Mississippi and/or City license until said license is obtained from the appropriate authorities.
- .2 **Nonconformities Defined:** "Nonconformities" shall consist of any land, lot, building, structure, or parts thereof, or the various uses to which those items are or were put, and which lawfully existed prior to the enactment of this Ordinance; but which subsequently do not comply with the provisions of this Ordinance and the requirements of the district wherein located. The regulations pertaining to such nonconformities are established in the district regulations and under [Article XXVII](#).
- .3 **Permitted Uses Constitute Conforming Uses:** Any land use which is permitted as a conditional use in a particular district under the terms of this Ordinance shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.
- .4 **District Regulations Constitute Minimum Regulations:** The regulations established in this Ordinance within each district ([Articles VI](#) through [XXV](#)) shall constitute minimum regulations unless otherwise noted.
- .5 **Uniformity within Districts:** The regulations and provisions established by this Ordinance for each district shall apply uniformly within each district of the same name and shall apply uniformly to each class or type of building, structure, use, or land therein except as otherwise provided.
- .6 **Areas Annexed After Enactment of This Ordinance:** Any land annexed into the City of Madison following enactment of this Ordinance shall bear the zoning classifications of Madison County and be subject to the zoning regulations of Madison County until due public notice of hearings is given to consider the zoning of all or part of such annexed land in accordance with the Zoning Ordinance of the City of Madison. Following such public hearings and action by the Mayor and Board of Aldermen, the annexed land shall be subject to the regulations of this Ordinance rather than those of Madison County.
- .7 **Pending Applications for Building Permits and/or Previously Approved Plats:** This shall not apply to subdivisions platted (preliminary plat approved) prior to the effective date of this Ordinance, and all dwellings in such subdivisions shall be considered conforming

structures after the effective date of this Ordinance. Nothing in this Ordinance shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approvals and required building permits have been legally granted before the enactment of this Ordinance. Construction shall have been started within six (6) months of the effective date of this Ordinance and completed within a subsequent two year period and not discontinued until completion except for reasons beyond the builder's control. All permits for which construction has not begun within six (6) months of the effective date of this Ordinance are hereby revoked and void.

- .8 Conformance with Subdivision Regulations: No building shall be constructed on any lot which does not conform to the provisions of the Subdivision Regulations of the City of Madison.
- .9 Grandfather Clause: This amendment shall not apply to subdivisions platted (preliminary plat approved) prior to the effective date of this amendment, and all dwellings in such subdivisions shall be considered conforming structures after the effective date of this amendment.
- .10 Approval Limitations: Any building permit (residential or commercial) issued (or subdivision Preliminary Plat approval or Site Plan approval) which work has not started or is not proceeding at a normal rate within one year of the permit issuance must be brought back before the Mayor and Board of Aldermen for reconsideration. The Board may revoke such permit, Preliminary Plat approval or Site Plan approval.
- .11 Discontinued Use of a Structure: When a use of a structure or structure and land in combination, is discontinued, abandoned, or vacated in a commercial zoning district, any further use of the structure or structure and land in combination must be approved by the Mayor and Board of Aldermen. Without such approval, a building permit, sign permit, or certificate of occupancy will not be issued and use/occupancy of the structure is prohibited.

## **Section 5.02 Dimensional Controls**

- .1 Reduction of Yards and Lots Below Minimum Requirements Prohibited: No yard or lot of record existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots of record created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- .2 Front Yards on Corner or Double Frontage Lots: On corner lots or double frontage lots ("through lots") IN ALL DISTRICTS, each side fronting on a street shall be considered a front yard, and the required front yard setback shall be measured from each existing

right-of-way upon which the lot abuts.

- .3 Determination of Setbacks: In measuring a required front yard (i.e., setback), the minimum horizontal distance between the existing right-of-way or *property* line and the main structure shall be used.
- .4 Accessory Buildings or Uses: No accessory building or use shall be placed within the front or side yard of any main building or use in ANY district. However, one accessory building or use may be placed in the rear yard of any main building, provided that the accessory building or use is at least ten feet from the side and rear property lines. An accessory building shall not cover more than ten percent (10%) of the rear yard, or a maximum of 750 square feet (whichever is less), in any residential districts except R-2. In R-2 districts, an accessory building shall not exceed 400 square feet. For lots exceeding two acres, the maximum size for an accessory structure may not exceed 5% of the rear yard area. No accessory building shall exceed a height of ten (10) feet.
- .5 Railroad Setbacks: A building setback of two hundred fifty (250) feet from the centerline of the railroad shall be required between all proposed residential buildings. The side or rear yard setback required within the district where residential structures are permitted may be included within this 250-foot setback. Accessory buildings, such as garages or carports where detached from the main residential buildings may be located within the structures complies with the required side or rear yard 250-foot setback provided that the builder of such accessory setback within the subject district.
- .6 Exceptions to Height Regulations: Exceptions to the height regulations contained in the District Regulations of this Ordinance may apply to spires, belfries, cupolas, antennae, water tanks, ventilation chimneys, masts, towers, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy, but approval must be given by the Mayor and Board of Aldermen.
- .7 Setbacks: Front yard set-back minimums shall be the controlling criteria for cul-de-sac lots, thereby, taking precedence over the minimum lot width at the front set-back line; except no cul-de-sac lot shall be less than forty (40) feet in width at the front property lines nor less than 60' wide at the front setback line, measuring along the chord. Exceptions to the front setback regulations contained in the District Regulations of this Ordinance may apply to Gasoline Stations. In cases where it is deemed by the Mayor and Board of Aldermen compatible with the surrounding area, the Mayor and Board of Aldermen may allow canopies constructed over fuel dispensing pumps to encroach the front setback requirements by up to one half (1/2) of the minimum required setback.

### **Section 5.03 Public/Quasi-Public Facilities and Utilities**

All public and quasi-public facilities and utilities, as defined under [Article III](#) of this Ordinance, may be located in ANY district in the City, provided:

- (a) That all applicable requirements of federal, state and county or city laws shall be met.
- (b) That all such proposed uses shall be subject to the procedures stated under Section [28.06](#) relative to Special Exceptions (Conditional Uses).

No public or quasi-public facility or utility shall be located in a residential district or other district where such land use would adversely affect the surrounding area. The Mayor and Board of Aldermen may impose such conditions as they deem necessary to preserve and protect the character of the district in which the proposed use is to be located.

### **Section 5.04 Dimensional Requirements for Public/Quasi-Public Facilities and Utilities in All Districts**

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

- .1 Maximum Building Height: 35 feet, unless greater height is specifically approved by the Mayor and Board of Aldermen based upon the required site plan review.
- .2 Minimum Lot Area: Minimum lot areas shall be based upon the proposed use except that the minimum lot area for all proposed churches shall be five (5) acres.
- .3 Minimum Lot Width: Established based upon proposed use, except that the minimum lot width for churches shall be 150 feet.
- .4 Minimum Yards:
  - (a) Front Yard: 50 feet from street right-of-way line to the building setback line.
  - (b) Side Yards: 25 feet.
  - (c) Rear Yard: 50 feet.

Setbacks may be increased or decreased by the Mayor and Board of Aldermen based on intensity and size of use or other variables which may have an input on the surrounding areas.

- .5 Minimum Green Space: Each lot shall have a minimum of 25 percent green space maintained by the property owner.

## **Section 5.05 Required Landscaping Along All Arterial Streets in All Zoning Districts**

- .1 Arterial Street Landscaping for Subdivisions: Developers of all residential, commercial or industrial subdivisions shall provide a landscaped easement at least ten (10) feet in width consisting of grass, shrubs and trees along all existing or proposed streets or highways designated as Principal Arterial or Minor Arterial on the adopted Thoroughfares Plan of the City of Madison. The spacing, sizes and specific types of landscaping material to be installed within this landscaped easement shall be shown on the preliminary plat for all proposed subdivisions. Subdividers shall refer to the standards adopted by the City of Madison regarding such required landscaping along arterial streets. A preliminary plat shall not be approved unless the developer's proposals for the landscaped strip are acceptable to the Mayor and Board of Aldermen. This requirement is intended to ensure consistent treatment along the traffic frontage, which is essential for appearance and permanency. At the time the final subdivision plat is submitted for ANY subdivision, the developer shall submit with his application for final plat approval a legal instrument or instruments which state that the responsibility for liability insurance, taxes and maintenance of the required landscaped easement shall rest with the owners of the several lots and parcels of land located within the subdivision and not the City of Madison. Within Planned Unit Developments (see [Article XV](#)), this landscaped easement shall not be counted toward meeting the common open space requirements of the PUD. **NO FENCE SHALL BE ERECTED IN A MANNER WHICH BLOCKS ACCESS TO THIS REQUIRED LANDSCAPED EASEMENT.**
- .2 Arterial Street Landscaping for Developments Not Involving the Subdivision of Land: Developers of all multiple family residential (apartments or condominiums), manufactured home parks, commercial, industrial or public/ quasi-public uses not involving the subdivision of land shall provide a landscaped strip at least fifteen (15) feet in width consisting of grass, shrubs and trees along all existing or proposed streets or highways designated as Principal Arterial or Minor Arterial on the adopted Thoroughfares Plan of the City of Madison. The spacing, sizes and specific types of landscaping material to be installed within this landscaped easement shall be shown on the required site plan. Developers shall refer to the standards adopted by the City of Madison regarding such required landscaping along arterial streets. A site plan shall not be approved unless the developer's proposals for the landscaped strip are acceptable to the Mayor and Board of Aldermen. This requirement is intended to ensure consistent treatment along the traffic frontage, which is essential for appearance and permanency. Maintenance of this required landscaped strip shall be the responsibility of the property owners and not the City of Madison. Failure to maintain the landscaping in a satisfactory manner shall constitute a violation of this Ordinance and be subject to the penalties imposed herein.
- NO FENCE SHALL BE ERECTED IN A MANNER WHICH BLOCKS ACCESS TO THIS REQUIRED LANDSCAPED EASEMENT.**

## **Section 5.06 Home Occupations**

Home occupations, as defined under [Article II](#) of this Ordinance, may be permitted in any district where residential uses are allowed, subject to the following limitations:

- .1 Home Occupation Permit Required: Any person desiring to initiate a home occupation shall apply for a permit from the Zoning Administrator. If the proposed home occupation is acceptable, the Administrator shall have authority to issue a home occupation permit under the provisions of this Section
- .2 Display and Storage: No storage or display of materials, goods, supplies, or equipment related to the operation of a home operation shall be visible from the outside of any structure located on the premises.
- .3 Maximum Area: Not more than twenty-five percent (25%) of the floor area of a dwelling or more than 400 square feet shall be used for the conduct of the home occupation. The operation of a home occupation in an accessory building is prohibited.
- .4 Traffic and Parking Restrictions: No traffic shall be generated by such home occupations in greater volumes than would normally be expected in a residential neighborhood (as determined by the Zoning Administrator), and any need for parking generated by the conduct of such home occupations shall be met off the street and other than in a required yard. Furthermore, an ample amount of such off-street parking shall be provided as determined by the Zoning Administrator at the time of the application for a building permit or change of use permit.
- .5 Exterior Lighting: There shall be no exterior lighting which would indicate that the dwelling is being utilized in whole or in part of any purpose other than residential.
- .6 Signs Relating to Home Occupations: Signs associated with the operation of a home occupation are prohibited.
- .7 Non-Resident Employees: No non-resident employee (i.e., a person not residing on the same premises with the operator) shall conduct business from the home occupation site.
- .8 Other Provisions: No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, or objectionable odors detectable to the normal senses outside of the dwelling unit in which the occupation is conducted. No heavy trucks (tractor-trailer combinations) shall be used in connection with a home occupation. No equipment or process shall be used in any home occupation which creates visual or audible electrical interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

## **Section 5.07 Miscellaneous General Regulations**

- .1 **Street Access Required**: Every building or structure hereafter constructed, moved, or structurally altered shall have direct access to a public (dedicated) street or to an approved (through a building permit issued by the Zoning Administrator) private street or parking area, and shall be so located as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
- .2 **Fences, Walls and Hedges**: Fences, walls, and hedges or other densely planted vegetation shall be permitted in any required yard or along the edge of any yard. However, said fences, walls or densely planted vegetation shall not exceed a height of four (4) feet in the front yards of A-1 Residential Estate (RE-A and RE-B) Single-Family Residential (R-1 or R-2), Town House (R-3), and Patio Home (R-4) districts. No fence shall cross a drainage easement in any district. Houses which front on more than one street may have a fence exceeding four feet in height in the side yard which fronts on a street provided that the fence does not block the view of traffic for the adjacent property when pulling onto the street.
- .3 **Chain Link, Barbed-Wire, or Other Wire Fences Prohibited in Any District**: The erection of a chain link (also referred to as a "Cyclone" fence), barbed-wire or other wire fences shall be prohibited in ANY district. However, plastic coated (not painted) black, brown or green chain link fences may be approved by the Mayor and Board of Aldermen in lieu of wooden fencing provided appropriate landscaping is planted on both sides of the fence and the fence would not be out of character with the surrounding area. The burden of proof that the chain link fence would be better suited for the proposed commercial or residential development is on the applicant.
- .4 **Parking and Storage of Vehicles Requiring Licenses and State Inspection Stickers**: Vehicles, boats, or trailers of any kind or type which require licenses or State inspection stickers, but are without current license plates or do not have current State inspection stickers affixed to the vehicle or trailer, shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings, nor shall such vehicles be parked on public streets.
- .5 **Parking of Vehicles That Are Deemed to Constitute a Hazard**: Any vehicle that constitutes a hazard in the opinion of an officer of the Madison Police Department or the Zoning Administrator shall not be parked on a residentially-zoned or commercially-zoned public street. If a hazard is noted by the Zoning Administrator, he/she will file a complaint with the Madison Police Department. If a police officer is unable to contact the owner of a vehicle deemed to constitute a safety hazard, and an immediate hazard exists, the officer shall be authorized to order the removal of such vehicle.
- .6 **Prohibited Uses**: Within the City of Madison, no lot, land, premises, place or building shall be used, and no buildings or structures shall be erected or placed, which are arranged, intended, or designed for any use which generates environmental pollutants beyond a tolerable level by reason of excessive noise, odor, glare, vibration, smoke,

dust, fumes, vapors, gases, liquid and solid waste, radiation, electrical emissions, danger from fire or explosion, or any other debilitating influence as defined by the U. S. Environmental Protection Agency as regulated by the Mississippi Department of Natural Resources, Bureau of Pollution Control and the Mississippi State Board of Health.

- .7 Materials and Growth Constituting Public Health and/or Safety Hazards Prohibited: No rubbish, salvage materials, junk or hazardous waste materials, including inoperable vehicles and parts and any combustible matter, shall be openly stored, allowed to accumulate or kept in the open, and no weeds or other growth shall be allowed to go uncut within any district when the same shall be determined by the appropriate City Official (the Zoning Administrator, Fire Chief, or other authorized City employee) or health official to constitute a menace to the public health and/or a safety.
- .8 Required Enclosure of Garbage Disposal Facilities: Upon the effective date of this Ordinance, all garbage disposal facilities (i.e., any container with a capacity of over 40 gallons) located on the site of existing (at the effective date of this Ordinance) or new multiple family residential uses, manufactured home parks, commercial, industrial or public/quasi-public uses shall be enclosed at least three sides by solid fencing or other material in a manner that prevents direct visibility of the garbage cans, dumpster, etc., from the street side (or sides) of such uses; the fourth side shall also be enclosed and gated. Drainage from such enclosure shall be contained with a surface drain connected to the sanitary sewer system. Failure to maintain such garbage disposal facilities in a neat and sanitary manner shall constitute a violation of this Ordinance and be subject to the penalties imposed herein. All site plans for multiple-family residential, manufactured home parks, commercial, industrial or public/quasi-public uses proposed following the effective date of this Ordinance shall indicate the location of garbage disposal facilities on the site and the type of enclosure (materials, height, etc.) to be installed.
- .9 Erection of Special Event Tents in Commercial Districts/Permit Required: A tent may be erected on any commercially-zoned land for a period of up to seven (7) consecutive days no more than two (2) times per year for special events, such as sales, etc. A permit shall be obtained from the Zoning Administrator prior to the erection of such tents and a safety inspection shall be performed by the Planning and Development Department.
- .10 Satellite Earth Stations: Satellite Earth Stations must be permanently ground mounted and may not be installed on a portable or movable structure such as a trailer, can only be erected on a lot or parcel of land on which there is located either a permanent residence, or a permanent structure in which is operated a full-time and on-going legitimate business; and, cannot exceed twelve (12) feet in height from ground level, nor eight (8) feet in width or diameter. No form of advertising or identification is allowed on the dish or frame-work other than the manufacturer's small identification plate. Satellite Earth Stations in residential districts shall not be erected in any required front or side yard; on corner lots, the stations must be erected on the opposite corner of the rear and side lot lines. Satellite Earth Stations in commercial districts must be approved as part of the site plan.
- .11 Drainage from Barns, Pens, Corrals, and Other Buildings or Enclosures: Drainage from

barns, pens, corrals and other buildings or enclosures shall be contained on-site and shall be prevented from flowing onto downhill properties unless an NPDES permit is issued by the Mississippi Department of Environmental Quality.

- .12 Construction Trailers:** Construction trailers may be located on commercial sites during construction provided a permit has been issued by the Planning and Development Director. Such permit shall be issued after consideration of the safety of the location (i.e. Emergency equipment access, fire hydrant location, etc.); availability of utilities and sanitary facilities; and other considerations. Sales trailers are not allowed unless approved by the Mayor and Board of Aldermen.
- .13 Radio and Television Station(s) and/or other transmission/relay tower(s):** Such facilities must be permanently ground mounted and may not be installed on a portable or moveable structure(s) such as a trailer or self-propelled vehicle and can only be erected on a parcel of land in an industrial district (I-1 or I-2), and comply with the following conditions:
- (a) Permitted only by special exception;
  - (b) Minimum lot size three (3) acres or of sufficient dimensions to cover the fall zone (including all gye wires) within the district setback minimums, whichever is greater;
  - (c) The height of the tower must be approved by federal air space regulatory agencies prior to any construction;
  - (d) No activities, other than normal maintenance will be conducted on the property within one hundred (100) feet of the property line of any adjoining residential zoning lot;
  - (e) No identification sign shall be allowed other than informational and safety signs not exceeding four (4) square feet;
  - (f) No dwelling(s) will be allowed on the site.
  - (g) A registered professional engineer(s) must certify as to the adequacy of the design and construction of all electrical work (National Electric Code) and the foundation/tower structural work to withstand the static and dynamic loading conditions required by city building codes;
  - (h) In addition to the minimums contained in the landscaping ordinances, all towers must include simulated tree appearances similar to native long leaf southern pines so as to blend-in with the surrounding natural vegetation; and
  - (i) Such structures shall be removed by the property owner within three (3) months of deactivation.
- .14 Uses Prohibited:** Any use or structure that is either not specifically permitted or any use

or structure that in the opinion of the Planning and Development Director would not be in keeping with the intent and character of the district is prohibited. No person shall throw or place any refuse, paper, trash, glass, nails, tacks, wire, bottles, cans, grass clippings, brush, yard trash, concrete, earthen fill, garbage containers, or litter or other debris in any creek, ditch, stream, lake, stormwater drain, or retention/detention basin that regularly or periodically contains and/or carries surface water runoff. Any persons who deposit any of the above shall remove it or shall cause it to be removed therefrom immediately.

- .15 Temporary Storage Facilities: No temporary storage facility, structure or device with or without wheels, whatever its original use may have been, shall be allowed in any residential district except under the following conditions: Placement of such facility, structure or device, shall be entirely upon private property, and unless otherwise approved by the Zoning Administrator, on the driveway of the property. Each day the facility, structure, or device, remains on the property without the required permit is a separate violation. The mandatory fine for conviction of such violation is hundred (100) dollars Temporary Storage Facilities, Structures, or Devices shall include, but are not limited to, portable on demand storage units, inoperable vehicles or portions thereof, and trailers, unless otherwise specifically and expressly allowed under other provisions of the Zoning Ordinance.

## **Section 5.08 Commercial Planned Unit Development Overlay Classification**

### **.1 Purposes of this Classification:**

- (a) A purpose of the Commercial Planned Unit Development Overlay Classification hereby created is to provide a means of encouraging and allowing, within any specified commercially zoned area warranting same, a composition and/or transition of uses and character of improvements in order to achieve certain objectives promoting the health and welfare of the citizens of the City, to accommodate special circumstances identified by the Mayor and Board of Aldermen. The imposition of this classification shall be used to achieve unified development within commercial districts that is attractively designed and is exceptionally functional. The imposition of this classification may be used to encourage and permit ingenuity and creativity in design, preservation of natural or cultural features, efficient use of land, green areas, streets, and utilities, effective storm water management, and /or flexibility in the development, improvement and use of an area having special circumstances provided such is accomplished under ordained and noticed regulations containing specific requirements, permissions, exclusions, conditions and restrictions established for the area which the Mayor and Board of Aldermen, in their discretion, deem appropriate to achieve or control such development, improvement and use.
- (b) The imposition of this classification shall be made only on areas which are classified or zoned as commercial, including the Old Madison District (as opposed to residential, industrial or special use). Consideration of the imposition of this classification may be undertaken concurrently with a request for zoning action to

change the underlying zoning of the area to a specific commercial district, but in such event the procedures and requirements of this Ordinance pertaining to such rezoning of the area shall take precedence and must be followed and complied with fully.

- (c) As a result of the imposition of this overlay classification and the enforcement of the specific requirements, permissions, exclusions, conditions and restrictions established for a particular area, nearby existing residential neighborhoods will be stabilized and enhanced by preventing the conduct in the vicinity of the neighborhood of those commercial activities deemed incompatible with the character of the area, and by encouraging the development and improvement of land in a manner which compliments and enhances nearby existing residential neighborhoods by allowing in these areas only those uses which can be planned and controlled by the incorporation of techniques, conditions, and/or elements which provide stability and promote compatibility between commercial areas and residential neighborhoods.
- (d) The imposition of this classification may be used to assure the development, improvement and use of an area in accordance with specific plans setting out the size, number, arrangement, layout and character of lots and structures and in accordance with agreements which permit and/or preclude certain uses otherwise excluded or permitted by the regulations of the underlying commercial zoning district.
- (e) A Commercial Planned Unit Development Overlay Classification shall be imposed
  - 1) By specifying a coordinated layout or arrangement of structures, streets, driveways, parking areas, yards, buffers and amenities for all improvements and facilities within such an area;
  - 2) By imposing requirements and guidelines on the number, size and exterior elements of such structures, streets, driveways, parking areas, yards and buffers so as to achieve a homogeneity of style, scale, and appearance among all the improvements in such an area;
  - 3) By specifying certain permitted uses and those restrictions on and qualification for such uses, and by specifying prohibited and conditional uses; and
  - 4) By establishing such entities and mechanisms as may be necessary or advisable to assure, administer, fund and enforce the conduct of such uses and the construction, operation, repair, replacement and continuing and continuous maintenance of designated structures, appurtenances, amenities, elements and facilities which are designated as necessary or appropriate to achieve and maintain the intended objective.
  - 5) This Commercial Planned Unit Development Overlay Classification shall be a superimposed designation laid over all or part of a commercially zoning

district, including the Old Madison District, but if only a part of a district is so affected, such part shall be clearly identified and defined. The imposition of this overlay classification shall not be deemed, for any purpose other than notice, a change in the zoning of the district or such part thereof, but shall be interpreted and enforced solely as a method to permit uses and structures in commercially zoned areas which are subject to the specific requirements, permissions, conditions and restrictions established as set out herein. Under no circumstances shall the imposition of this Commercial Planned Unit Development Overlay Classification be construed as a change in the character of the neighborhood.

**.2 Land Uses Permitted.** The following uses are permitted outright in areas onto which the Commercial Planned Unit Development Overlay Classification is superimposed:

- (a) Any use permitted outright in the underlying commercial zoning district.
- (b) Any use(s) permitted conditionally in the underlying commercial zoning district provided such permission has been granted by the Mayor and Board of Aldermen pursuant to the requirements of this Zoning Ordinance.
- (c) Any use permitted in a C-1 zoning district (or any other zoning district(s) noticed, designated and specified by the Mayor and Board of Aldermen), subject to those specific requirements, permissions, exclusions, conditions, restrictions, techniques and elements which the Mayor and Aldermen deem necessary or advisable to impose in the Use Guidelines adopted for the area.
- (d) Residential uses located above commercial or office uses.
- (e) Any other professional, commercial or service use which in the discretion of the Mayor and Board of Aldermen advances the objectives of the CPUD classification and enhances the character of the area.

**.3 Use Restrictions Required.**

- (a) As a part of the superimposition of the CPUD on an identified area of the City, a written document, setting forth the legal description and specific requirements, permissions, exclusions, conditions, restrictions, techniques and elements which the use(s) of such area shall be subject, shall be submitted to and approved by the Mayor and Board of Aldermen.
- (b) The requirements, permissions, exclusions, conditions, restrictions, techniques and elements included in the Use Restrictions shall be deemed to be provisions of this Ordinance pertinent to the described area, and any violation of same shall be enforced in any manner available to the City under this or any other ordinance, statute, law, or power.
- (c) The Use Restrictions approved by the Mayor and Board of Aldermen shall be included as an exhibit to the minutes of the meeting at which such approval is given, and a copy of the approved document setting forth the guidelines, certified by the City Clerk, shall be maintained by the Director of Planning and Development. In addition, the owner and the City Clerk shall execute, and the City Clerk shall file for record in the office of the Chancery Clerk of Madison County, the document approved by the Mayor and Aldermen and an instrument which is appropriate to give constructive notice that the particulars of the approved document, which particulars shall be listed in said instrument and run with and bind the property described. Should for any reason the approved Use Restrictions terminate or lapse, thereafter only the uses permitted in and the requirements of the underlying commercial zoning district shall be permitted within the area.

.4 Site Plan Required:

- (a) As a part of the superimposition of the CPUD classification on an identified area, a Site Plan of said area shall be submitted to and approved by the Mayor and Board of Aldermen. Such Site Plan shall meet the requirements of Sections [28.10](#) and any other pertinent provision of this zoning ordinance or any other applicable ordinance of the City.
- (b) The application of the requirements of the underlying commercial zoning district set forth elsewhere in this ordinance respecting any element related to the site and any other element other than elements pertaining to use and/or the exterior of structures, which elements shall be addressed in the Use Requirements and Architectural Guidelines required by the provisions of this Section, shall be deemed superseded by the elements shown on the approved Site Plan.
- (c) Should the Site Plan contemplate areas and facilities other than conventionally subdivided lots to be held, occupied and used by separate owners, the Site Plan must provide for a scheme of unified control which is reasonably sufficient to assure timely and quality maintenance, repair, upkeep and refurbishment of all exterior features of such areas and facilities.
- (d) In addition, the Site Plan identify and describe those requirements, permissions, exclusions, conditions, restrictions, techniques and elements which the owner(s) of the land in the area deem appropriate and are willing to impose on the development and improvement of such area. Should the Mayor and Board of Aldermen deem it necessary or advisable to modify and/or impose additional exclusions, limitations, restrictions, conditions, techniques and elements, and the owner(s) decline to have such modifications and additions made a part of the submitted Site Plan, the Site Plan shall be deemed to be denied without further act or action by the Mayor and Board of Aldermen.
- (e) The requirements, permissions, exclusions, conditions, restrictions, techniques and elements shown of the Site Plan shall be deemed to be provisions of this Ordinance pertinent to the area shown thereon, and any violation of same shall be enforced in any manner available to the City under this or any other ordinance, statute, law or power.
- (f) The Site Plan approved by the Mayor and Board of Aldermen shall be included as an exhibit to the minutes of the meeting at which such approval is given, and a copy of the plan, certified by the City Clerk, shall be maintained by the Director of Planning and Development. In addition, the owner and the City Clerk shall execute, and the City Clerk shall file for record in the office of the Chancery Clerk of Madison County, the approved Site Plan and an instrument which is appropriate to give constructive notice that the particulars of the approved Site Plan which particulars shall be listed in said instrument and shall run with and bind the property shown and described on the approved Site Plan. Should for any reason the Site Plan approval terminate or lapse, thereafter only the uses permitted in and the dimensional requirement of the underlying zoning district shall be permitted within the area.

**.5 Architectural Guidelines Required**

- (a) As a part of the superimposition of the CPUD classification on an identified area of the City, sufficient written architectural guidelines, the adherence to which will assure architectural compatibility and/or harmony with nearby neighborhood(s), shall be submitted to and approved by the Mayor and Board of Aldermen.
- (b) Architectural Guidelines shall identify and address those elements pertinent to the exterior of a structure, and by means of example, sample, rendering, photograph, and/or description, promulgate as guidelines such standards and requirements for the locations, dimensions, height, materials, color, design significance as the owner(s) of the property are willing to impose on structures to be erected or permitted to remain on the identified property. Should the Mayor and Board of Aldermen deem it necessary or advisable to modify and/or impose additional standards and requirements and the owner(s) decline to have such modifications and/or additions included as a part of the submitted Architectural Guidelines, the Architectural Guidelines shall be deemed to be denied without further act or action by the Mayor and Board of Aldermen.
- (c) The standards and requirements of the approved Architectural Guidelines shall be deemed to be provisions of the Ordinance pertinent to the property to which they are applicable, and any violation of same shall be enforced in any manner available to the City under this or any other ordinance, statute, law, or power.
- (d) The Architectural Guidelines approved by the Mayor and Board of Aldermen shall be included as an exhibit to the minutes of the meeting at which such approval is given, and a copy of the document, certified by the City Clerk, shall be maintained by the Director of Planning and Development. In addition, the owner(s) and the City Clerk shall execute, and the City Clerk shall file for record in the office of the Chancery Clerk of Madison County, the document approved by the Mayor and Aldermen and an instrument which is appropriate to give constructive notice that the particulars of the approved Architectural Guidelines run with and bind the improvement and use of the property to which they are applicable. Should for any reason the Architectural Guidelines shall terminate or lapse, thereafter only the structures and dimensional requirements permitted in the underlying zoning district shall be erected within the property.

**.6 Procedure for Application And Criteria For Consideration of Imposition of a Commercial Planned Unit Development Overlay Classification**

- (a) Any person desiring the imposition of a Commercial Planned Unit Development Overlay Classification shall submit a written application in the same manner and following the same procedure as are required for Amendments to the Zoning Ordinance Text or the Official Zoning Map (Rezoning) as are found in Article XXVIII

Section [28.07](#) of this Ordinance.

- (b) The Mayor and Board of Aldermen may from time to time promulgate, and on a case by case basis require and/or modify, procedures and/or criteria for consideration of an application for imposition of a commercial planned unit development overlay as they may deem necessary or advisable, but in no event shall the requirements of law, the requirements for a Public Hearing as provided in Article XXVIII Section [28.07.5](#) or the requirements for Notification of Adjacent Property Owners as provided in Article XXVIII Section [28.07.6](#) be waived.

## **Section 5.09 General Overlay Classification**

### **.1 Purposes of this Classification:**

- (a) A purpose of the General Overlay Classification hereby created is to provide a means of encouraging and allowing, within any area warranting same, a composition and/or transition of uses and character of improvements in order to achieve certain objectives promoting the health and welfare of the citizens of the City, to accommodate the needs of the citizens of the City and/or to accommodate special circumstances identified by the Mayor and Board of Aldermen. The imposition of this classification shall be used to achieve unified development within any district that is attractively designed and is exceptionally functional. The imposition of this classification may be used to encourage and permit ingenuity and creativity in design, preservation of natural or cultural features, efficient use of land, green areas, streets and utilities, effective storm water management, and/or flexibility in the development, improvement and use of an area having special circumstances provided such is accomplished under ordained and noticed regulations containing specific requirements, permissions, exclusions, conditions and restrictions established for the area which the Mayor and Board of Aldermen, in their discretion, deem appropriate to achieve or control such development, improvement and use.
- (b) The imposition of this classification shall be made in any zoning classification. Consideration of the imposition of this classification may be undertaken concurrently with a request for zoning action to change the underlying zoning of the area, but in such event the procedures and requirements of this Ordinance pertaining to such re-zoning of the area shall take precedence and must be followed and complied with fully.
- (c) As a result of the imposition of this overlay classification and the enforcement of the specific requirements, permissions, exclusions, conditions and restrictions established for a particular area, nearby neighborhoods will be stabilized and enhanced by preventing the conduct in the vicinity of the neighborhood of those activities deemed incompatible with the character of the area, and by encouraging the development and improvement of land in a manner which compliments and enhances nearby existing neighborhoods by allowing in these areas only those uses which can be planned and controlled by the incorporation of techniques, conditions

and/or elements which provide stability and promote compatibility between adjoining neighborhoods.

(d) The imposition of this classification may be used to assure the development, improvement and use of an area in accordance with specific plans setting out the size, number, arrangement, layout and character of lots and structures and in accordance with agreements which permit and/or preclude certain uses otherwise excluded or permitted by the regulations of the underlying commercial zoning district.

(e) A General Overlay Classification shall be imposed

- 1) By specifying a coordinated layout or arrangement of structures, streets, driveways, parking areas, yards, buffers and amenities for all improvements and facilities within such an area;
- 2) By imposing requirements and guidelines on the number, size and exterior elements of such structures, streets, driveways, parking areas, yards and buffers so as to achieve a homogeneity of style, scale and appearance among all the improvements in such an area;
- 3) By specifying certain permitted uses and those restrictions on and qualifications for such uses, and by specifying prohibited and conditional uses; and
- 4) By establishing such entities and mechanisms as may be necessary or advisable to assure, administer, fund and enforce the conduct of such uses and the construction, operation, repair, replacement and continuing and continuous maintenance of designated structures, appurtenances, amenities, elements and facilities which are designated as necessary or appropriate to achieve and maintain the intended objective.

(f) This General Overlay Classification shall be a superimposed designation laid over all or part of an existing zoning district, including the Old Madison District, but if only a part of a district is so affected, such part shall be clearly identified and defined. The imposition of this overlay classification shall not be deemed, for any purpose other than notice, a change in the zoning of the district or such part thereof, but shall be interpreted and enforced solely as a method to permit uses and structures in areas which are subject to the specific requirements, permissions, conditions and restrictions established as set out herein. Under no circumstances shall the imposition of this General Overlay Classification be construed as a change in the character of the neighborhood.

.2 Land Uses Permitted. The following uses are permitted outright in areas onto which the General Overlay Classification is superimposed:

- (a) Any use permitted outright in the underlying zoning district.
- (b) Any use(s) permitted conditionally in the underlying commercial zoning district provided such permission has been granted by the Mayor and Board of Aldermen pursuant to the requirements of this Zoning Ordinance.
- (c) Any use permitted in any zoning district(s) noticed, designated and specified by the Mayor and Board of Aldermen), subject to those specific requirements, permissions, exclusions, conditions, restrictions, techniques and elements which the Mayor and Aldermen deem necessary or advisable to impose in the Use Guidelines adopted for the area.

.3 Use Restrictions Required.

- (a) As a part of the superimposition of the General Overlay classification on an identified area of the City, a written document, setting forth the legal description and specific requirements, permissions, exclusions, conditions, restrictions, techniques and elements which the use(s) of such area shall be subject, shall be submitted to and approved by the Mayor and Board of Aldermen.
- (b) The requirements, permissions, exclusions, conditions, restrictions, techniques and elements included in the Use Restrictions shall be deemed to be provisions of this Ordinance pertinent to the described area, and any violation of same shall be enforced in any manner available to the City under this or any other ordinance, statute, law or power.
- (c) The Use Restrictions approved by the Mayor and Board of Aldermen shall be included as an exhibit to the minutes of the meeting at which such approval is given. In addition, the applicant shall file for record in the office of the Chancery Clerk of Madison County, the document approved by the Mayor and Aldermen and/or an instrument which is appropriate to give constructive notice that the particulars of the approved document, which particulars shall be listed in said instrument and run with

and bind the property described. Should for any reason the approved Use Restrictions terminate or lapse, thereafter only the uses permitted in and the requirements of the underlying zoning district shall be permitted within the area.

- (d) In addition to the elements established above, the Use Restrictions approved by the Mayor and Board of Aldermen may supersede the provisions of any other lawfully adopted ordinance of the City.

#### .4 Site Plan May Be Required.

- (a) As a part of the superimposition of the General Overlay classification on an identified area, a Site Plan of said area may, if desired by the applicant or required by the governing authorities of the City, be submitted to and approved by the Mayor and Board of Aldermen. Such Site Plan, if required, shall meet the requirements of Sections [28.10](#) and any other pertinent provision of this zoning ordinance or any other applicable ordinance of the City.
- (b) The application of the requirements of the underlying zoning district set forth elsewhere in this ordinance respecting any element related to the site and any other element other than elements pertaining to use and/or the exterior of structures, which elements shall be addressed in the Use Requirements and Architectural Guidelines required by the provisions of this Section, shall be deemed superseded by the elements shown on the approved Site Plan.
- (c) Should the Site Plan contemplate areas and facilities other than conventionally subdivided lots to be held, occupied and used by separate owners, the Site Plan must provide for a scheme of unified control which is reasonably sufficient to assure timely and quality maintenance, repair, upkeep and refurbishment of all exterior features of such areas and facilities.
- (d) In addition, the Site Plan shall identify and describe those requirements, permissions, exclusions, conditions, restrictions, techniques and elements which the owner(s) of the land in the area deem appropriate and are willing to impose on the development and improvement of such area. Should the Mayor and Board of Aldermen deem it necessary or advisable to modify and/or impose additional exclusions, limitations, restrictions, conditions, techniques and elements, and the owner(s) decline to have such modifications and additions made a part of the submitted Site Plan, the Site Plan and application for General Overlay designation shall be deemed to be denied without further act or action by the Mayor and Board of Aldermen.
- (e) The requirements, permissions, exclusions, conditions, restrictions, techniques and elements shown of the Site Plan shall be deemed to be provisions of this Ordinance pertinent to the area shown thereon, and any violation of same shall be enforced in any manner available to the City under this or any other ordinance, statute, law or power.
- (f) The Site Plan (if applicable) approved by the Mayor and Board of Aldermen shall be

included as an exhibit to the minutes of the meeting at which such approval is given.

In addition, the applicant shall file for record in the office of the Chancery Clerk of Madison County, the approved Site Plan and/or an instrument which is appropriate to give constructive notice that the particulars of the approved Site Plan, which particulars shall be listed in said instrument and shall run with and bind the property shown and described on the approved Site Plan. Should for any reason the Site Plan approval terminate or lapse, thereafter only the uses permitted in and the dimensional requirements of the underlying zoning district shall be permitted within the area.

**.5 Architectural Guidelines May Be Required.**

- (a) As a part of the superimposition of the General Overlay classification on an identified area of the City, sufficient written architectural guidelines, the adherence to which will assure architectural compatibility and/or harmony with nearby neighborhood(s), may, if desired by the applicant or required by the governing authorities, be submitted to and approved by the Mayor and Board of Aldermen.
- (b) Architectural Guidelines shall identify and address those elements pertinent to the exterior of a structure, and by means of example, sample, rendering, photograph, and/or description, promulgate as guidelines such standards and requirements for the locations, dimensions, height, materials, color, design style, appointments, appurtenances and any other element of architectural significance as the owner(s) of the property are willing to impose on structures to be erected or permitted to remain on the identified property. Should the Mayor and Board of Aldermen deem it necessary or advisable to modify and/or impose additional standards and requirements and the owner(s) decline to have such modifications and/or additions included as a part of the submitted Architectural Guidelines, the Architectural Guidelines and application for General Overlay designation shall be deemed to be denied without further act or action by the Mayor and Board of Aldermen.
- (c) The standards and requirements of the approved Architectural Guidelines shall be deemed to be provisions of this Ordinance pertinent to the property to which they are applicable, and any violation of same shall be enforced in any manner available to the City under this or any other ordinance, statute, law or power.
- (d) The Architectural Guidelines (if applicable) approved by the Mayor and Board of Aldermen shall be included as an exhibit to the minutes of the meeting at which such approval is given. In addition, the applicant shall file for record in the office of the Chancery Clerk of Madison County, the document approved by the Mayor and Aldermen and/or an instrument which is appropriate to give constructive notice that the particulars of the approved Architectural Guidelines run with and bind the improvement and use of the property to which they are applicable. Should for any reason the Architectural Guidelines shall terminate or lapse, thereafter only the structures and dimensional requirements permitted in the underlying zoning district shall be erected within the property.

**.6 Procedure for Application And Criteria For Consideration Of Imposition of a General**

Overlay Classification.

- (a) Any person, including but not limited to the governing authorities of the City of Madison or a property owner within the affected district, desiring the imposition of a General Overlay Classification shall submit a written application in the same manner and following the same procedures as are required for Amendments to the Zoning Ordinance Text or the Official Zoning Map (Rezoning).
  
- (b) The Mayor and Board of Aldermen may from time to time promulgate, and on a case by case basis require and/or modify, procedures and/or criteria for consideration of an application for imposition of a commercial planned unit development overlay as they may deem necessary or advisable, but in no event shall the requirements of law, the requirements for a Public Hearing be waived. However, any provision of the Zoning Ordinance notwithstanding, notification may be made solely by publication. Any additional notification is solely within the discretion of the Planning Official.

## **Article VI.    Agricultural District (A-1)**

### **Section 6.01    Purpose of This District**

The purposes of these districts are to conserve land for agricultural use, to prevent the premature development of land, and to prevent urban and agricultural land use conflicts. It is the intent of this Ordinance that such districts be located primarily in those areas of the City of Madison that are not served by the public sewer system. It is further the intent of this Ordinance to prevent disorderly scattering of residences on small lots and to prevent the establishment of other urban land uses that would require unreasonable expenditures for public improvements and services.

### **Section 6.02    Land Uses Permitted**

- (a) Single-family detached dwellings. Only one principal dwelling per lot may be erected in A-1 districts.
- (b) Accessory buildings and structures associated with the use of the land for residential and agricultural purposes.
- (c) Breeding, raising, and feeding of grazing livestock (i.e., horses, cattle, sheep, goats, mules, etc.), provided that each such animal herein defined as "grazing livestock" shall be kept on a tract or lot of three (3) acres of land or greater. Barns, pens, corrals, and other buildings or enclosures for the keeping of grazing livestock are permitted accessory uses, provided that such buildings or enclosures (excluding open pastures) are located no closer than 200 feet from any adjoining property lines or existing street right-of-way line. Barns shall not be used for business offices or for other commercial purposes, retail or non-retail.
- (d) Breeding, raising and feeding of swine, provided that pens for the keeping of swine are located no closer than 200 feet from any adjoining property line or existing/proposed street right-of-way line.
- (e) Breeding, raising and feeding of chickens, ducks, turkeys, geese, or other fowl, provided that if more than two (2) such fowl are kept on any lot, they shall be kept at least 200 feet from any adjoining property line or existing/proposed street right-of-way line.
- (f) Forestry and horticultural uses. The sale of vegetables, fruits and other plants shall only be allowed if permitted as a special exception (see Section [6.03](#)).
- (g) Public or private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities or utilities subject to

the provisions of Section [5.03](#) of this Ordinance.

- (h) Home occupations in compliance with Section [5.06](#) of this Ordinance.
- (i) Streets and highways.

### **Section 6.03 Conditional Uses and Structures as Provided in Section [28.06](#)**

- (a) Public or quasi-public facilities and utilities in compliance with Section [5.03](#) and other regulations of this Ordinance.
- (b) Child care facilities.
- (c) Inns or "bed and breakfast inns".
- (d) Stables and riding academies, providing that there shall be at least one (1) acre of land for each horse normally kept on the premises. In no case shall a stable or riding academy be located on a lot with an area of less than five (5) acres.
- (e) Plant nurseries and other horticultural uses where vegetables, fruit and other plants are grown on the premises or brought to the premises and maintained there for the purpose of retail sales from said premises. Such other additional products shall be permitted to be sold from the premises as are customarily incidental to the operation of a plant nursery.
- (f) Commercial catfish production.
- (g) Extraction of minerals, including sand and gravel, provided that when "open-pit" operations are conducted, the operator must obtain required permits and approvals from other governmental entities and provide the Madison Board of Aldermen with written proof of same.
- (h) Veterinary hospitals and kennels in compliance with the adopted Animal Control Ordinance of the City of Madison.
- (i) Animal cemeteries.
- (j) Railroads and railroad spur tracks.

### **Section 6.04 Dimensional Requirements**

- .1 Maximum Building Height: No building shall exceed a height of thirty-five (35) feet

above the finished ground elevation measured at the front line of the building, unless approved by the Mayor and Board of Aldermen.

- .2 Minimum Lot Area: Three (3) acres.
- .3 Minimum Floor Area: 1,800 square feet.
- .4 Minimum Lot Width: 200 feet.
- .5 Minimum Yards:
  - (a) Front yard: 60 feet from the existing right-of-way line to the building setback line, except for those uses which require a greater setback.
  - (b) Side yard: 20 feet, except for those uses which require a greater setback.
  - (c) Rear yard: 50 feet, except for those uses which require a greater setback.
- .6 Maximum Buildable Area: No limitation on Buildable area.

### **Section 6.05 Swimming Pools**

Swimming pools, if constructed, shall be located behind the front line of the house, and there shall be a minimum of ten (10) feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be enclosed by a structure or fencing. Fences shall be at least four (4) feet in height and shall have a self-latching gate.

### **Section 6.06 Off-Street Parking Requirements**

See [Article XXVI](#) for off-street parking and loading requirements for residential and other uses allowed in A-1 districts.

### **Section 6.07 Signs**

See Sign Ordinance of the City of Madison, Mississippi.

## **Article VII. Residential Estate District (RE-A)**

### **Section 7.01 Purpose of This District**

The purpose of this district is to provide for large lot, low-density residential development in areas where existing or programmed infrastructure cannot accommodate higher density demands. No RE-A districts shall be located in areas that do not have public sewerage.

### **Section 7.02 Land Uses Permitted**

- (a) Single-family detached dwellings with only one principal dwelling per lot.
- (b) Accessory uses and structures associated with the use of the land for residential purposes.
- (c) Horticultural uses not involving the sale of produce on the premises.
- (d) Home occupations in compliance with Section [5.06](#) of this Ordinance.
- (e) Streets and highways.

### **Section 7.03 Conditional Uses and Structures as Provided in Section [28.06](#)**

- (a) Public or quasi-public facilities and utilities in compliance with Section [5.03](#) and [5.04](#) and other regulations of this ordinance.
- (b) Child care facilities.
- (c) Inns or "bed and breakfast inns".
- (d) Railroads and railroad spur tracks.
- (e) Breeding, raising, and feeding of grazing livestock (i.e., horses, cattle, sheep, goats, mules, etc.), provided that each such animal herein defined as "grazing livestock" shall be kept on a tract or lot of three (3) acres of land or greater. Barns, pens, corrals, and other buildings or enclosures for the keeping of grazing livestock are permitted accessory uses, provided that such buildings or enclosures (excluding open pastures) are located no closer than 200 feet from any adjoining property lines or street right-of-way line. Barns shall not be used for business offices or for other commercial purposes, retail or non-retail. Drainage from barns, pens, corrals, and

other buildings or enclosures shall be contained on-site and shall be prevented from flowing onto downhill properties unless an NPDES permit is issued by Mississippi Department of Environmental Quality.

## **Section 7.04 Dimensional Requirements**

- .1 Maximum Building Height: 35 feet.
- .2 Minimum Lot Area: One (1) acre.
- .3 Minimum Floor Area: 2,500 square feet.
- .4 Minimum Lot Width: 150 feet unless exempt in Section [5.02.07](#)
- .5 Minimum Yards
  - (a) Front yard: 100 feet from the street right-of-way line to the building setback line.
  - (b) Side yards: 25 feet, except where Section 7.02 (e) requires a minimum yard of 200 feet from any adjoining property line.
  - (c) Rear yard: 50 feet.

## **Section 7.05 Swimming Pools**

Swimming pools, if constructed, shall be located behind the front line of the house, and there shall be a minimum of ten (10) feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be enclosed by a structure or fencing. Fences shall be at least four (4) feet in height and shall have a self-latching gate.

## **Section 7.06 Off-Street Parking Requirements**

See [Article XXVI](#) for off-street parking and loading requirements for residential and other uses allowed in R-E districts.

## **Section 7.07 Signs**

See Sign Ordinance of the City of Madison, Mississippi.

## **Article VIII. Residential Estate District (RE-B)**

### **Section 8.01 Purpose of This District**

The purpose of this district is to provide for large lot, low-density residential development in areas where existing or programmed infrastructure cannot accommodate higher density demands. No RE-B districts shall be located in areas that do not have public sewerage.

### **Section 8.02 Land Uses Permitted**

- (a) Single-family detached dwellings with only one principal dwelling per lot.
- (b) Accessory uses and structures associated with the use of the land for residential purposes.
- (c) Horticultural uses not involving the sale of produce on the premises.
- (d) Home occupations in compliance with Section 5.06 of this Ordinance.
- (e) Streets and highways.

### **Section 8.03 Conditional Uses and Structures as Provided in Section 28.06**

- (a) Public or quasi-public facilities and utilities in compliance with Section [5.03](#) and [5.04](#) and other regulations of this ordinance.
- (b) Child care facilities.
- (c) Inns or "bed and breakfast inns".
- (d) Railroads and railroad spur tracks.
- (e) Breeding, raising, and feeding of grazing livestock (i.e., horses, cattle, sheep, goats, mules, etc.), provided that each such animal herein defined as "grazing livestock" shall be kept on a tract or lot of three (3) acres of land or greater. Barns, pens, corrals, and other buildings or enclosures for the keeping of grazing livestock are permitted accessory uses, provided that such buildings or enclosures (excluding open pastures) are located no closer than 200 feet from any adjoining property lines or street right-of-way line. Barns shall not be used for business offices or for other commercial purposes, retail or non-retail. Drainage from barns, pens, corrals, and other buildings or enclosures shall be contained on-site and shall be prevented from

flowing onto downhill properties unless an NPDES permit is issued by Mississippi Department of Environmental Quality.

### **Section 8.04 Dimensional Requirements**

- .1 Maximum Building Height: 35 feet.
- .2 Minimum Lot Area: One-half (1/2) acre or 21,780 square feet.
- .3 Minimum Floor Area: 2,200 square feet.
- .4 Minimum Lot Width: 125 feet unless exempt in Section [5.02.07](#).
- .5 Minimum Yards:
  - (a) Front yard: 50 feet from the street right-of-way line to the building setback line.
  - (b) Side yards: 10 feet, except where Section 8.02 (e) requires a minimum yard of 200 feet from any adjoining property line.
  - (c) Rear yard: 25 feet.

### **Section 8.05 Swimming Pools**

Swimming pools, if constructed, shall be located behind the front line of the house, and there shall be a minimum of ten (10) feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be enclosed by a structure or fencing. Fences shall be at least four (4) feet in height and shall have a self-latching gate.

### **Section 8.06 Off-Street Parking Requirements**

See [Article XXVI](#) for off-street parking and loading requirements for residential and other uses allowed in R-E districts.

### **Section 8.07 Signs**

See Sign Ordinance of the City of Madison, Mississippi.

## **Article IX. Single Family Residential District (R-1)**

### **Section 9.01 Purpose of This District**

The purpose of this district is to promote the preservation and establishment of areas of low density residential development with a minimum lot size of 15,000 square feet. No R-1 districts shall be located in areas that do not have public sewerage.

### **Section 9.02 Land Uses Permitted:**

- (a) Single-family detached dwellings with only one principal dwelling per lot.
- (b) Accessory uses and structures associated with the use of the land for residential purposes.
- (c) Horticultural uses not involving the sale of produce on the premises.
- (d) The keeping of animals in compliance with the City of Madison's Animal Control Ordinance.
- (e) Home occupations in compliance with Section [5.06](#) of this Ordinance.
- (f) Streets and highways.

### **Section 9.03 Conditional Uses and Structures As Provided in Section [28.06](#)**

- (a) Public or quasi-public facilities and utilities in compliance with Section [5.03](#) and [5.04](#) and other regulations of this ordinance.
- (b) Child care facilities.
- (c) Inns or "bed and breakfast inns".
- (d) Railroads and railroad spur tracks.

## **Section 9.04 Dimensional Requirements**

- .1 Maximum Building Height: 35 feet.
- .2 Minimum Lot Area: 15,000 square feet.
- .3 Minimum Floor Area: 2,000 square feet.
- .4 Minimum Lot Width: 100 feet unless exempt in Section [5.02.07](#).
- .5 Minimum Yards:
  - (a) Front yard: 40 feet from the street right-of-way line to the building setback line.
  - (b) Side yards: 10 feet.
  - (c) Rear yard: 25 feet.

## **Section 9.05 Swimming Pools**

Swimming pools, if constructed, shall be located behind the front line of the house, and there shall be a minimum of ten (10) feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be enclosed by a structure or fencing. Fences shall be at least four (4) feet in height and shall have a self-latching gate.

## **Section 9.06 Off-Street Parking Requirements**

See [Article XXV](#) for off-street parking and loading requirements.

## **Section 9.07 Signs**

See Sign Ordinance of the City of Madison, Mississippi.

## **Article X. Single Family Residential District (R-2)**

### **Section 10.01 Purpose of This District**

The purpose of this district is to provide areas for the development of low density, single-family detached dwellings and related compatible uses in relatively spacious surroundings which provide ample, usable open space for leisure time activities. No R-2 district shall be located in areas that do not have public sewerage.

### **Section 10.02 Land Uses Permitted**

- (a) Single-family detached dwellings with only one principal dwelling per lot.
- (b) Accessory uses and structures associated with the use of the land for residential purposes.
- (c) Horticultural uses not involving the sale of produce on the premises.
- (d) The keeping of animals in compliance with the City of Madison's Animal Control Ordinance.
- (e) Home occupations in compliance with Section [5.06](#) of this Ordinance.
- (f) Streets and highways.

### **Section 10.01 Conditional Uses and Structures As Provided in Section [28.06](#)**

- (a) Public or quasi public facilities and utilities in compliance with Section 5.03 and 5.04 and other regulations of this ordinance.
- (b) Child care facilities.
- (c) Inns or "bed and breakfast inns".
- (d) Railroads and railroad spur tracks.

## **Section 10.02 Dimensional Requirements**

- .1 Maximum Building Height: 35 feet.
- .2 Minimum Lot Area: 12,000 square feet.
- .3 Minimum Floor Area: 1800 square feet.
- .4 Minimum Lot Width: 80 feet unless exempt in Section [5.02.07](#).
- .5 Minimum Yards:
  - (a) Front yard: 30 feet from the street right-of-way line to the building setback line.
  - (b) Side yards: 10 feet.
  - (c) Rear yard: 25 feet.

## **Section 10.03 Swimming Pools**

Swimming pools, if constructed, shall be located behind the front line of the house, and there shall be a minimum of ten (10) feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be enclosed by a structure or fencing. Fences shall be at least four (4) feet in height and shall have a self-latching gate.

## **Section 10.04 Off-Street Parking Requirements**

See [Article XXVI](#) for off-street parking and loading requirements for residential and other uses allowed in R-2 districts.

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## **Section 10.05 Signs**

See Sign Ordinance of the City of Madison, Mississippi.

## **Article XI. Townhouse Residential District (R-3)**

### **Section 11.01 Purpose of This District**

The purpose of this district is to provide areas for the development of two-to-four-family townhouse subdivisions within moderately spacious surroundings. The use of this district is appropriate as a transition zone between lower density residential districts (RE-A, RE-B, R-1 or R-2) and higher density residential districts (R-5), commercial uses or arterial streets (as reflected in the adopted Thoroughfares Plan) that are not compatible with low density residential environment.

### **Section 11.02 Land Uses Permitted**

- (a) Two-family, three-family or four-family townhouses (i.e., townhouses that are part of a townhouse subdivision in which the occupant owns both the individual townhouse unit and the lot on which the townhouse is constructed; property lines between such townhouses extend through the center of party walls separating the individual single-family dwellings).
- (b) Accessory uses and structures associated with the use of the land for residential purposes.
- (c) Horticultural uses not involving the sale of produce on the premises.
- (d) The keeping of animals in compliance with the City of Madison's Animal Control Ordinance.
- (e) Home occupations in compliance with Section [5.06](#) of this Ordinance.
- (f) Streets and highways.

### **Section 11.03 Conditional Uses and Structures As Provided in Section [28.06](#)**

- (a) Public or quasi-public facilities and utilities in compliance with Section [5.03](#) and [5.04](#) and other regulations of this ordinance.
- (b) Child care facilities.
- (c) Railroads and railroad spur tracks.

## **Section 11.04 Dimensional Requirements for Townhouse Subdivisions**

- .1 Minimum Size of Tract to be Subdivided for Two-To-Four-Family Townhouses: No minimum. However, see Section [11.09](#) regarding minimum open space/recreational area requirement for townhouse subdivisions containing three (3) acres or more. No building shall contain more than four (4) townhouse units.
- .2 Maximum Building Height: 35 feet.
- .3 Minimum Lot Area:
  - (a) End townhouses: 6,000 square feet.
  - (b) Interior townhouses: 3,500 square feet.
- .4 Minimum Floor Area: All townhouses, whether units of a two, three or four-family building, shall contain a minimum of 1,600 square feet of floor area.
- .5 Minimum Lot Width:
  - (a) End townhouses: 45 feet
  - (b) Interior townhouses: 30 feet
- .6 Minimum Yards:
  - (a) Front yard: 30 feet from the street right-of-way line to the building setback line.
  - (b) Side yards (for end units): 10 feet from each side lot line, except where abutting an R-E, R-1 or R-2 district, then 30 feet, which shall remain open with no encroachments by driveways, patios or other paved areas.
  - (c) Rear yard: 20 feet, except where abutting an R-E, R-1 or R-2 district, then 30 feet, which shall remain open with no encroachments by driveways, patios or other paved areas.

## **Section 11.05 Reserved for Future Use**

## **Section 11.06 Required Off-Street Parking for Non-Residential Uses Allowed in R-3 Districts**

See Article [XXVI](#) for off-street parking and loading requirements for non-residential uses allowed in R-3 districts.

### **Section 11.07 Signs**

See Sign Ordinance of the City of Madison, Mississippi.

### **Section 11.08 Required Landscaping Along Arterial Streets**

The developer of any townhouse subdivision in an R-3 zone shall comply with Section [5.05](#) of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities shall comply with Section 5.05.

### **Section 11.09 Required Reservation or Dedication or Open Space for Townhouse Subdivisions Containing Five Acres or More**

Where a developer proposes a townhouse subdivision that will ultimately contain three (3) or more acres according to the required development plan or sketch plat, the developer shall provide common open space amounting to twenty-five percent (25%) of the total gross area of the subdivision. Such common open space shall consist of land reserved exclusively for the recreational use of the residents of the townhouse subdivision. However, public streets, parking lots and utility easements shall not be considered in meeting the open space requirements of this Section. The Development Plan shall indicate the location and area (in acres) to be so reserved or dedicated for open space or recreational facilities.

### **Section 11.10 Maximum Amount of Common Open Space Covered by Water**

No more than fifty percent (50%) of the required amount of open space may be covered by lakes or ponds.

### **Section 11.11 Steep Slopes:**

In reviewing the preliminary subdivision plat for a proposed townhouse subdivision, the Planning Commission shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination shall be based upon the developer's specific proposed use of the steep slope land. The Planning Commission shall make a recommendation to the Mayor and Board as to whether or not any steep slope land should be approved for use in meeting the requirements of this Section.

### **Section 11.12 Physical Improvements:**

Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Mayor and Board of Aldermen as part of the

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

### **Section 11.13 Staged Development of a Townhouse Subdivision:**

If a townhouse subdivision is to be developed in stages or parts, twenty-five percent (25%) of EACH PART must be reserved for open space. However, in order to provide usable open space, the amount reserved shall not be less than one (1) acre. Thus, if a developer proposes to ultimately develop 20 acres of land for a townhouses and the first phase will only contain three (3) acres, the developer must reserve at least one (1) acre for open space for the first part --- even though 25% of three (3) acres is only three-fourths acre. If the second part consists of 17 acres, the developer shall reserve 25% of the second part or 4.25 acres, in addition to the one acre reserved for the first phase; thus, the total open space reserved for the 20 acre tract developed in two phases would be 5.25 acres. If less than three (3) acres is developed initially and developer wishes to expand the subdivision at a later time to include more than five acres, subsequent plats shall not be approved by the Mayor and Board of Aldermen until at least 25% of the entire subdivision is reserved for open space.

### **Section 11.14 Performance Bonds:**

Prior to the sale of any lot in a townhouse subdivision, the developer may be permitted, at the discretion of the Mayor and Board of Aldermen, to post with the City a performance bond of sufficient surety to ensure the completion of all proposed open space improvements (where applicable). The Director of Public Works, the Planning and Development Director, and the City Engineer shall determine the amount of the performance bond after reviewing the construction plans for all improvements.

### **Section 11.15 Maintenance/Liability in the Operation and Use of Common Open Space and Recreational Areas Not Dedicated to the City of Madison:**

Authority granted by the City of Madison for the development of a townhouse subdivision shall not be construed as nor constitute an obligation on the part of Madison either for maintenance or liability in the operation and use of common open space and recreational facilities located in the subdivision.

At the time the final subdivision plat is submitted for the townhouse subdivision, the developer shall submit with his application for final plat approval a legal instrument or instruments which state that the responsibility for liability insurance, taxes, and maintenance of open space and other common facilities shall rest with the owners of the several lots or

parcels of land located within the townhouse subdivision. In order to ensure the integrity of the open space so that it will remain genuinely open, the legal instrument(s) shall specify that the open space restrictions are permanent, not just for a period of years.

### **Section 11.16 Maintenance and Liability With Regard to Private Driveways in Townhouse Subdivisions**

If a proposed townhouse subdivision is to contain two-to-four townhouses that will be served by common private driveways, the developer of the subdivision (i.e., not the individual townhouse builders) shall submit with his application for final subdivision plat approval a legal instrument or instruments which state that the responsibility of liability insurance, taxes, and maintenance of all private driveways shall rest with the owners of the several lots or parcels of land located in the subdivision and not the City of Madison. Approval of a final subdivision plat and issuance of a building permit for construction of townhouses that will be served by common private driveways shall not be construed as nor constitute an obligation of the part of the City of Madison to maintain such private driveways or to be liable with regard to the use of such driveways.

### **Section 11.17 Property Lines Between Adjoining Townhouses**

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

### **Section 11.18 Underground Utility Connections for Townhouses**

All underground utilities (including water, sanitary sewer, electrical, natural gas, telephone, and cable television) shall be installed in such a manner that the utility lines do not cross the lots of adjoining townhouses, except where the utility line is placed in a utility easement required by the Subdivision Regulations. This provision is intended to prevent the need for excavation of the yards of adjoining townhouses for utility repairs.

### **Section 11.19 Required Off-Street Parking for Townhouses/ Concrete Driveways Required**

Off-street parking shall be provided for each townhouse IN THE REAR OF EACH TOWNHOUSE. Such rear parking shall be of adequate size to accommodate two full-size automobiles. Driveways in the rear of townhouses may be "common driveways" (i.e., utilized by all the residents of the townhouses to which the driveway provides access for

rear parking); see Section [11.10](#) for regulations concerning such common driveways. Parking in the rear of townhouses may be outdoors (uncovered on concrete "pads"), in carports, or in fully-enclosed garages. ALL driveways shall be constructed of concrete in accordance with the Standard Building Code.

## **Article XII. Patio Home District (R-4)**

### **Section 12.01 Purpose of This District**

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

### **Section 12.02 Land Uses Permitted**

The following uses are permitted in R-4 districts:

- (a) Single-family detached dwellings with only one principal dwelling per lot.
- (b) Accessory uses and structures associated with the use of the land for residential purposes.
- (c) Horticultural uses not involving the sale of produce on the premises.
- (d) The keeping of animals in compliance with the City of Madison's Animal Control Ordinance.
- (e) Home occupations in compliance with Section [5.06](#) of this Ordinance.
- (f) Public or private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Section [5.03](#) of this Ordinance. Lakes deeded to a homeowner's association or dedicated (public) to the City of Madison shall comply with the Madison Subdivision Regulations.
- (g) Streets and highways.

### **Section 12.03 Conditional Uses and Structures As Provided in Section 28.06**

- (a) Public or quasi-public facilities and utilities in conformance with Section [5.03](#) and other regulations of this Ordinance.
- (b) Child care facilities.
- (c) Railroads and railroad spur tracks.

### **Section 12.04 Dimensional Requirements**

- .1 Maximum Building Height: 35 feet.
- .2 Minimum Size of Tract to be Subdivided for Patio Homes: Five (5) acres.
- .3 Minimum Lot Area: 7,000 square feet.
- .4 Minimum Floor Area: 1800 square feet.
- .5 Minimum Lot Width: 70 feet unless exempt in Section [5.02.07](#).
- .6 Minimum Yards:
  - (a) Front yard: Twenty-five (25) feet from the right-of-way line to the building setback line.
  - (b) Side yards: Five (5) feet, but with a minimum distance between dwellings on adjoining lots of twenty (20) feet.
  - (c) Rear yards: Twenty-five (25) feet.

### **Section 12.05 Swimming Pools**

Swimming pools, if constructed, shall be located behind the front line of the house, and there shall be a minimum of ten (10) feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be enclosed by a structure or fencing. Fences shall be at least four (4) feet in height and shall have a self-latching gate.

### **Section 12.06 Off-Street Parking Requirements**

See [Article XXVI](#) for off-street parking and loading requirements for residential and other uses allowed in R-2 districts.

## **Section 12.07 Signs**

See Sign Ordinance of the City of Madison, Mississippi.

## **Section 12.08 Required Landscaping Along Arterial Streets**

The developer of any subdivision in an R-4 zone shall comply with Section [5.05](#) of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities shall comply with Section [5.05](#).

## **Section 12.09 Required Reservation or Dedication of Open Space for Patio Home Subdivisions**

Where a developer proposes a patio home subdivision, the developer shall provide common open space amounting to twenty-five percent (25%) of the total gross area of the subdivision. Such common open space shall consist of land reserved exclusively for the recreational use of the residents of the patio home subdivision. However, public streets, parking lots and utility easements shall not be considered in meeting the open space requirements of this Section. The Development Plan shall indicate the location and area (in acres) to be so reserved or dedicated for open space or recreational facilities.

## **Section 12.10 Maximum Amount of Common Open Space Covered by Water:**

No more than fifty percent (50%) of the required amount of open space may be covered by lakes or ponds.

## **Section 12.11 Steep Slopes:**

In reviewing the preliminary subdivision plat for a proposed patio home subdivision, the Planning Commission shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination shall be based upon the developer's specific proposed use of the steep slope land. The Planning Commission shall make a recommendation to the Mayor and Board as to whether or not any steep slope land should be approved for use in meeting the requirements of this Section.

## **Section 12.12 Physical Improvements:**

Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Mayor and Board of Aldermen as part of the preliminary subdivision plat review process. All open space improvements shall be shown on the sketch subdivision plat or development plan (approximate locations and dimensions

and proposed use) and the preliminary and final plats (precise locations and dimensions and proposed use). Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.

### **Section 12.13 Staged Development of a Patio Home Subdivision:**

If a patio home subdivision is to be developed in stages or parts, ten percent (10%) of EACH PART must be reserved for open space. However, in order to provide usable open space, the amount reserved shall not be less than one (1) acre. Thus, if a developer proposes to ultimately develop 20 acres of land for patio homes and the first phase will only contain three (3) acres, the developer must reserve at least one (1) acre for open space for the first part --- even though 25% of three (3) acres is only three-fourths acre. If the second part consists of 17 acres, the developer shall reserve 25% of the second part or 4.25 acres, in addition to the one acre reserved for the first phase; thus, the total open space reserved for the 20 acre tract developed in two phases would be 5/25 acres. If less than three (3) acres is developed initially and developer wishes to expand the subdivision at a later time to include more than five acres, subsequent plats shall not be approved by the Mayor and Board of Aldermen until at least 25% of the entire subdivision is reserved for open space.

### **Section 12.14 Performance Bond:**

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

### **Section 12.15 Maintenance/Liability in the Operation and Use of Common Open Space and Recreational Areas Not Dedicated to the City of Madison:**

Authority granted by the City of Madison for the development of a patio home subdivision shall not be construed as nor constitute an obligation on the part of Madison either for maintenance or liability in the operation and use of common open space and recreational facilities located in the subdivision. At the time the final subdivision plat is submitted for the patio home subdivision, the developer shall submit with his application for final plat approval a legal instrument or instruments which state that the responsibility for liability insurance, taxes, and maintenance of open space and other common facilities shall rest with the owners of the several lots or parcels of land located within the patio home subdivision. In order to ensure the integrity of the open space so that it will remain genuinely open, the legal instrument(s) shall specify that the open space restrictions are permanent, not just for a period of years.

## **Article XIII. Multi-Family Residential District (R-5)**

### **Section 13.01 Purpose of This District**

The purpose of this district is to provide areas for the development of higher density multiple family (i.e., three or more) residential uses with adequate, usable open space to prevent overcrowding. It is the intent of this Ordinance that these districts be carefully located only in areas where the infrastructure of the City (i.e., the street/highway system, storm drainage and water and sanitary sewer systems) is adequate to serve such higher density housing. NO SITE PLAN FOR THE DEVELOPMENT OF HIGH DENSITY MULTIPLE FAMILY RESIDENTIAL USES SHALL BE APPROVED BY THE MAYOR AND BOARD OF ALDERMEN UNLESS ALL SUCH INFRASTRUCTURE IS ACTUALLY IN PLACE AT THE TIME OF SUCH SITE PLAN APPROVAL.

The use of this district is appropriate as a transition between low density (R-E, R-1 or R-2) or moderate density (R-3 and R-4) residential districts and higher intensity uses, such as commercial uses or limited industrial (I-1) uses that are not compatible with lower density residential environment. Multiple Family Residential districts (R-5) shall have access directly onto with streets/highways that are classified as Principal Arterials or Minor Arterials on the adopted Thoroughfares Plan; such access shall not be provided by means of a driveway through land zoned for other purposes or by means of a driveway through other property that is not a part of the proposed multiple-family development.

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

Entrances to all units must be through an interior hallway. No outside entrances will be allowed including patio entrances on ground floors.

### **Section 13.02 Land Uses Permitted**

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

- (a) Multiple family dwellings including apartments and condominiums as defined in Article II.
- (b) Accessory uses or structures in multiple family residential complexes, including Laundromats, vending machine centers, recreational buildings, swimming pools, tennis courts, and similar uses and structures incidental to multiple family buildings. Such uses and structures shall be reserved exclusively for use by residents and guests of residents of the multiple family complex.
- (c) The keeping of animals in compliance with the City of Madison's Animal Control

Ordinance.

- (d) Home occupations in compliance with Section [5.06](#) of this Ordinance.
- (e) Streets and highways.

**Section 13.03 Conditional Uses and Structures as Provided in Section [28.06](#)**

- (a) Public or quasi-public facilities and utilities in compliance with Section [5.03](#) and other regulations of this Ordinance.
- (b) Child care facilities.
- (c) Railroads and railroad spur tracks.

**Section 13.04 Dimensional Requirements for All Multiple Family Uses**

- .1 Maximum Height: Two stories, unless additional stories are specifically approved by the Mayor and Board of Aldermen at the time the site plan is approved.
- .2 Minimum Lot Area: Five (5) acres, but not more than twenty (20) acres and not adjacent to existing or proposed multifamily housing.
- .3 Minimum Floor Area:
  - (a) One bedroom units: 750 square feet.
  - (b) Two bedroom units: 1400 square feet.
  - (c) Three or more bedroom units: 1600 square feet.

**Section 13.05 Maximum Density:**

Six (6) dwelling units per gross acre.

**Section 13.06 Minimum Lot Width:**

200 feet at the required building setback line.

**Section 13.07 Minimum Yards:**

- (a) Front yard: 200 feet from the right-of-way line. This yard shall be a landscaped open

area with no encroachments permitted including parking lots, patios or swimming pools, or other paved areas except for entrance/exit driveways.

- (b) Side and rear yards: 50 feet from each side lot line or rear lot line to any building, EXCEPT where a side or rear lot line abuts an R-E, R-1, or R-2 district, in which case the side yard or rear yard shall be 100 feet from any building to the lot line abutting the R-E, R-1, or R-2 district. This yard shall be a landscaped open area with no encroachments permitted including driveways, parking lots, patios or swimming pools, or other paved areas.

### **Section 13.08 Minimum Space between Buildings:**

No principal building or accessory building shall be constructed nearer than fifty (50) feet to any other principal building or accessory building.

### **Section 13.09 Requirements for Off-Street Parking, Loading and Access Control**

For reasons of fire safety all proposed apartment or condominium complexes shall provide at least two separate points of ingress/egress to/from the complex. Spacing requirements for these access points are provided under [Article XXVI](#). Developers of any proposed apartment or condominium complex or permitted special exception shall comply with parking and loading requirements included under Article XXVI. All roads and parking areas shall be curbed and guttered.

### **Section 13.10 Signs**

See Sign Ordinance of the City of Madison, Mississippi.

### **Section 13.11 Site Plan Required**

The developer of ANY apartment or condominium complex shall submit a site plan to the Planning Commission in accordance with Section [28.09](#) or [28.10](#) of this Ordinance.

### **Section 13.12 Required Open Space Reservation for All Multifamily Residential Developments**

A minimum of 30% of the gross site area to be developed for a condominium or apartment complex shall be devoted to open space. In calculating this open space requirement, the front, side and rear yards may be included. Parking lots and driveways, however, MAY NOT be included in calculating this required open space. Such common open space shall consist of land reserved exclusively for the recreational use of the residents of the apartments or condominiums. The site plan shall indicate the location and area (in acres) to be so reserved or dedicated for open space or recreational facilities.

### **Section 13.13 Maximum Amount of Common Open Space Covered by Water:**

No more than fifty percent (50%) of the required amount of open space may be covered by lakes or ponds.

### **Section 13.14 Steep Slopes:**

In reviewing the preliminary subdivision plat for a proposed apartment or condominium complex, the Planning Commission shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination shall be based upon the developer's specific proposed use of the steep slope land. The Planning Commission shall make a recommendation to the Mayor and Board as to whether or not any steep slope land should be approved for use in meeting the requirements of this Section.

### **Section 13.15 Physical Improvements:**

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

### **Section 13.16 Staged Development of a Multiple Family Residential Development:**

If a multifamily residential development is to be developed in stages or parts, thirty percent (30%) of the gross site area of EACH PART shall be reserved for open space.

### **Section 13.17 Performance Bonds:**

Prior to the sale of any condominium or the rental/ lease of any apartment, the developer may be permitted, at the discretion of the Mayor and Board of Aldermen, to post with the City a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). The Director of Public Works, the Planning and Development Director, and the City Engineer shall determine the amount of the performance bond after reviewing the construction plans for all improvements.

### **Section 13.18 Required Landscaping Along Arterial Streets**

Developers of multiple family residential uses in R-5 zones shall comply with Section [5.05.02](#) of this Ordinance regarding the provision of landscaping along arterial streets upon

which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities or child care facilities shall also comply with Section [5.05.02](#).

### **Section 13.19 Water and Sewer Connections:**

A single master meter shall be required for any multi-family development complex.

### **Section 13.20 Refuse Collection Facilities**

The owner, or his authorized representative, of a multi-family residential development shall provide adequate refuse collection stations approved by the City of Madison for the proper storage of all refuse produced by residents of the multi-family residential development, and shall be responsible for the cleanliness of the premises. The City of Madison will collect refuse at container stations provided that the residents of the multi-family residential development comply with the regulations of the Sanitation Ordinance of the City of Madison and the Waste Disposal Contract.

## **Article XIV.      **Manufactured Home Park Residential District (R-M)****

### **Section 14.01 Purpose of This District**

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

- (NOTE: This zone will be considered a "floating zone" and any person desiring to establish a manufactured home park would have to request an amendment to the Land Use Plan, which currently does not specifically identify areas for this type of business, and an amendment to the Official Zoning Map.)

### **Section 14.02 Land Uses Permitted**

- (a) Single-family manufactured homes, either owner occupied or on a rental or lease basis.
- (b) Private lakes, swimming pools, open space, and other private recreational facilities intended only for the use of the residents of the manufactured home park.
- (c) Accessory uses and structures as defined under [Article III](#) of this Ordinance.
- (d) Home occupations in compliance with Section [5.06](#) of this Ordinance.
- (e) Private streets (circulation drives) in compliance with Section 14.10 of this Ordinance.

### **Section 14.03 Conditional Uses and Structures As Provided in Section 28.06**

- (a) Public or quasi-public facilities and utilities in compliance with Section [5.03](#) and other regulations of this Ordinance.
- (b) Railroads and railroad spur tracks.
- (c) Laundromat, vending machine center, and related auxiliary uses incidental to the

primary manufactured home uses, provided that such structures for auxiliary uses do not constitute over 10 percent of the total site area of the manufactured home park, and further provided that they be exclusively for the use of the residents of the manufactured home park.

### **Section 14.04 Dimensional Requirements**

- .1 Minimum Size of Park: 20 acres.
- .2 Maximum Density: The maximum density shall not exceed six manufactured homes per gross acre.
- .3 Maximum Building Height Within Manufactured Home Parks: 20 feet.
- .4 Minimum Set-Backs for Park Perimeter: All manufactured homes shall be located at least 100 feet from any property line or any existing right-of-way line of a public street or road. This park perimeter set-back shall be a landscaped open area with no encroachments permitted, including parking lots, patios, or swimming pools, or other paved areas except for entrance/exit driveways (front yard only).
- .5 Minimum Manufactured Home Space (Lot) Area Within the Park: 5,000 square feet.
- .6 Minimum Space (Lot) Width Within the Park: 50 feet measured at the front set-back line.
- .7 Required Set-Backs for Individual Manufactured Home Spaces (Lots) Within the Park:
  - (a) Front yard: There shall be a minimum distance of 20 feet between an individual manufactured home and the adjoining pavement of a park street, or common parking area or other common areas.
  - (b) Side yards: There shall be a minimum distance of 10 feet between all manufactured homes and the side yard lines of each manufactured home space (lot). On corner lots there shall be a minimum side yard of 20 feet on the corner side.
  - (c) Rear yards: There shall be a minimum distance of 10 feet between all manufactured homes and the rear yard lines of manufactured home space (lot).
- .8 Accessory Buildings or Uses: Accessory buildings or uses shall comply with the same height and yard requirements as manufactured homes. Accessory buildings or uses shall be located a minimum distance of 10 feet away from all manufactured homes or other main buildings within the manufactured home park.

### **Section 14.05 Off-Street Parking Requirements**

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

### **Section 14.06 Signs**

See Sign Ordinance of the City of Madison, Mississippi.

### **Section 14.07 Site Plan Required**

No building permit to construct a new manufactured home park or to expand (by the addition of one or more spaces) an existing manufactured home park shall be issued until the applicant for the building permit has complied with the provisions of Sections [28.09](#) and [28.10](#) relative to site plan review. All new manufactured home parks established after the effective date of this Ordinance shall comply with all of the provisions herein. With regard to manufactured home parks established prior to the effective date of this Ordinance, which are expanded (by the addition of one or more spaces) after the effective date hereof, the expanded portions of such parks shall comply with all applicable provisions of this Ordinance.

### **Section 14.08 Building Permit Required**

Prior to the connection of utilities (water, sewer, electricity) to serve any manufactured home located in a manufactured home park, the owner of the manufactured home, or the owner (or his authorized representative) of the manufactured home park in cases where both the space and the manufactured home are leased or rented, shall apply for a building permit. All electrical wiring and plumbing connections will be performed in accordance with the National Electrical Code (latest edition) and the Standard Plumbing Code prepared by the Southern Building Code Congress International, Inc. (latest edition) by qualified, licensed, and bonded electricians and plumbers.

- Furthermore, any person responsible for placing a manufactured home in a manufactured home park shall comply with the tie down standards prescribed in the Standard Building Code (latest edition) prepared by the Southern Building Code Congress, International, Inc.

### **Section 14.09 Required Landscaping Along Arterial Streets**

See Section [5.05.02](#) of this Ordinance regarding the provision of landscaping along arterial streets upon which the manufactured home park abuts.

### **Section 14.10 Private Streets Within Manufactured Home Parks**

All streets (circulation drives) within a manufactured home park shall be at least 28 feet in width, with curbs and gutters. All streets shall be constructed in accordance with standards for local streets as specified in the Madison Subdivision Regulations. Proper maintenance of all streets within manufactured home parks shall be the responsibility of the owner or operator of the park and not the City of Madison.

### **Section 14.11 Manufactured Home Stands or Pads**

Each manufactured home stand or "pad" shall be provided with permanent paved runners, patio, parking area and underground utilities.

### **Section 14.12 Utilities and Drainage**

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

### **Section 14.13 Freedom From Flooding and Ponding**

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

### **Section 14.14 Refuse Collection Facilities**

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

### **Section 14.15 Access to Public Streets and Highways**

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

### **Section 14.16 Service Buildings**

A service building containing mechanical laundry equipment including washing machines and dryers for use by park occupants only shall be provided in every manufactured home park upon approval of facility by the Mayor and Board of Aldermen.

### **Section 14.17 Recreational Area**

A minimum of thirty percent of the gross land area of each manufactured home park shall be set aside as a recreational area or common open space for park residents.

### **Section 14.18 Exterior Lighting**

Adequate street lights shall be provided by the park developer to illuminate all streets and walkways for the safe movement of vehicles and pedestrians at night, consistent with the adopted Exterior Lighting Ordinance.

### **Section 14.19 Fire Hydrants**

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

### **Section 14.20 Required Planting Screen for All Manufactured Home Parks**

See Landscape Ordinance of the City of Madison, Mississippi.

## **Article XV. Planned Unit Development District (PUD)**

### **Section 15.01 Purpose of This District**

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

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

### **Section 15.02 Land Uses Permitted**

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

- (a) Single-family detached dwellings (only one main structure per lot).
- (b) Accessory uses and structures as defined under [Article III](#) of this Ordinance.
- (c) Horticultural uses not involving the sale of produce on the premises.
- (d) The keeping of animals in compliance with the City of Madison's Animal Control Ordinance.
- (e) Home occupations in compliance with Section [5.06](#) of this Ordinance.
- (f) Public streets and highways.

**Section 15.03 Conditional Uses and Structures  
(Special Exceptions) As Provided in Section [28.06](#)**

- (a) Public or quasi-public facilities or utilities may be considered for location in a PUD district in compliance with Section [5.03](#) of this Ordinance.
- (b) Child care facilities.
- (c) Railroads and railroad spur tracks.
- (d) Private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Section [5.03](#) of this Ordinance. Lakes deeded to a homeowner's association or dedicated (public) to the City of Madison shall comply with Madison Subdivision Regulations.

**Section 15.04 Dimensional Requirements**

- .1 Minimum Size of PUD: The minimum size of any PUD shall be five (5) acres.
- .2 Maximum Residential Development Density: The basic control of residential development density shall be the density requirement of the particular conventional district (i.e., RE-A, RE-B, R-1 or R-2) over which the PUD is superimposed. The maximum density shall be calculated by dividing 43,560 square feet by the minimum lot size and then multiplying that quotient by the total gross acreage to be included in the PUD. EXAMPLE: If a subdivider proposes to develop a 30 acre tract zoned "R-1" as a PUD, the basic control of density is that of the R-1 district: 43,560 square feet divided by 15,000 square feet minimum lot size in R-1 districts), resulting in a quotient of 2.90 lots or dwelling units; 30 acres multiplied by 2.9 = 87 lots or single-family detached dwelling units. (Note: This method for calculating residential development density can not be used for conventional subdivisions, since conventional subdivisions require more land for street rights-of-way, utility easements, etc., than do PUDs in which

development is concentrated.)

- .3 Minimum Lot Size: No minimum.
- .4 Minimum Lot Width: No minimum.
- .5 Minimum Yards: The minimum yard requirements for single-family detached dwellings in PUD districts shall be the same as those required in RE-A, RE-B, R-1, or R-2 districts, whichever the property is zoned.
- .6 Minimum Floor Area: The minimum floor area requirements shall be the same as those required in RE-A, RE-B, R-1 or R-2 districts, whichever the property is zoned.
- .7 Maximum Height: 35 feet, unless greater height is specifically approved by the Mayor and Board of Aldermen.

### **Section 15.05 Swimming Pools**

Swimming Pools shall meet the requirements of R-1 or R-2 zoning, whichever the property is zoned.

### **Section 15.06 Requirements For Off-Street Parking, Loading and Access Control**

See [Article XXVI](#) regarding parking, loading and access control requirements.

### **Section 15.07 Signs**

See Sign Ordinance of the City of Madison, Mississippi.

### **Section 15.08 Planned Unit Developments Shall Be Superimposed Districts**

A Planned Unit Development shall be a superimposed designation on an existing low density residential district (RE-A, RE-B, R-1, or R-2), thereby providing a broader latitude of design to achieve the purposes stated under Section [15.01](#). As a superimposed designation, Planned Unit Developments shall be subject to the overall density requirements of the low density residential district over which they are superimposed. The maximum residential density shall be calculated as prescribed under Section [15.04.02](#).

### **Section 15.09 Preliminary Subdivision Plat Approval Required Prior to Designation of Planned Unit Development on Official Zoning Map**

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

### **Section 15.10 Rezoning Required for Development of Portion of PUD for Townhouses, Patio Homes, Multiple-Family Residential or Commercial Uses**

If a person desires to reserve a portion of a proposed Planned Unit Development for townhouses, patio homes, or multiple-family residential uses (condominiums or apartments), and such areas are not zoned appropriately for such densities, he shall submit an application for rezoning in accordance with Section [28.07](#) of this Ordinance indicating which areas he desires to be rezoned to R-3, R-4, or R-5.

Likewise, portions of a PUD may be reserved for commercial use by applying for the appropriate commercial zoning if the subject land is not zoned commercial on the Official Zoning Map.

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

### **Section 15.11 Dimensional Requirements for Townhouses, Patio Homes, Multiple Family Residential and Commercial Portions of a PUD**

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

### **Section 15.12 Required Landscaping Along Arterial Streets**

See Section [5.05.01](#) of this Ordinance regarding the provision of landscaping along arterial streets upon which the Planned Unit Development abuts.

### **Section 15.13 Common Open Space Requirements for Planned Unit Developments**

Common open space shall be provided as a condition to the approval of a Planned Unit Development. Such common open space shall consist of land reserved exclusively for the recreational use of the PUD residents and owned and maintained by the residents through a Homeowner's Association (see Section [15.13.07](#)). Common open space shall be integrated throughout the PUD, easily accessible to all the residents. The sketch plat or Development Plan shall indicate the location and area (in acres) to be so reserved for open space or recreational facilities.

- .1 Minimum Percentage of Land Reserved as Common Open Space: Common open space shall comprise at least twenty-five percent (25%) of the gross area (total acreage) of the PUD as shown on the required development plan. Public streets, parking lots (for example, a parking lot for a PUD recreational building), and utility easements shall not be considered in meeting the open space requirements of this Section.
- .2 Maximum Amount of Common Open Space Covered By Water: No more than fifty percent (50%) of the required amount of open space may be covered by lakes or ponds.
- .3 Steep Slopes: In reviewing the preliminary subdivision plat for a proposed Planned Unit Development, the Planning Commission shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination shall be based upon the developer's specific proposed use of the steep slope land. The Planning Commission shall make a recommendation to the Mayor and Board as to whether or not any steep slope land should be approved for use in meeting the requirements of this Section.
- .4 Physical Improvements: Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Mayor and Board of Aldermen as part of the preliminary subdivision plat review process.
  - All open space improvements shall be shown on the sketch subdivision plat or Development Plan (approximate locations and dimensions and proposed use) and the preliminary and final plats (precise locations and dimensions and proposed use). Open space improvements may include pedestrian (nature trails) or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.

- .5 Staged Development of a Planned Unit Development: If a Planned Unit Development is to be developed in stages or parts and the first part is to consist of the minimum of 5 acres, twenty-five percent (25%) must be reserved for open space, or 1.25 acres. The open space requirements for subsequent parts or phases shall be calculated based upon the total open space requirement for the entire subdivision, including the initial phase or phases. Thus, if a developer proposes to ultimately develop 40 acres of land for a Planned Unit Development and the first phase will only contain 5 acres, the developer must reserve a total of at least 10 acres for the entire subdivision, which may include the 1.25 acres reserved for the first part.
- .6 Performance Bond Required: Prior to the sale of any lot in a Planned Unit Development, the developer shall post with the City a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). The Director of Public Works and the City Engineer in conjunction with the developer shall determine the amount of the performance bond after reviewing the construction plans for all improvements.
- .7 Areas Not Dedicated to the City of Madison: Authority granted by the City of Madison for the development of a PUD shall not be construed as nor constitute an obligation on the part of Madison either for maintenance or liability in the operation and use of common open space and recreational facilities located in the PUD.
  - At the time the final subdivision plat is submitted for a PUD, the developer shall submit with his application for final plat approval a legal instrument or instruments which state that the responsibility for liability insurance, taxes and maintenance of open space and other common facilities shall rest with the owners of the several lots or parcels of land located within the PUD. In order to insure the integrity of the open space so that it will remain genuinely open, the legal instrument(s) shall specify that the open space restrictions are permanent, not just for a period of years.
  -

### **Section 15.14 – Division of Existing PUD**

- .1 Any developer or owner of undeveloped land encompassed within an existing PUD consisting of no less than 200 acres may petition the City to consider separating out such undeveloped land from the existing PUD provided the new PUD(s) and the existing PUD (less and except the undeveloped land to be in the new PUD(s)) should each separately satisfy the requirements of a PUD as set forth in this Article XV. The City shall have sole discretion to grant or deny the request.
- .2 The developer or owner shall submit a sketch plat or Development Plan (as the case may be) for each new PUD and shall submit a revised sketch plat or Development Plan for the existing PUD with the land area for the new PUD(s) removed therefrom.
- .3 If the City approves the request to separate such undeveloped land, the land encompassing the proposed new PUD(s) and the existing PUD shall remain in and

subject to the requirements of the existing PUD until final approval of the new PUD(s) and sketch plat of the new PUD(s) and the existing PUD by the City.

## **Article XVI.      Business Office Park District (C-1)**

### **Section 16.01 Purpose of This District**

The purpose of this district is to provide relatively quiet, attractive, and spacious areas for the development of non-retail restricted commercial uses that do not generate substantial volumes of vehicular traffic (i.e., generally, not more than approximately 70 average daily trips per 1,000 square feet of Gross Floor Area according to the National Cooperative Highway Research Program Report #187 or the latest edition of the Institute of Transportation Engineers manual entitled Trip Generation.) This district is intended to encourage high quality office park development and to serve as a transition zone between residential uses and higher intensity commercial uses. These districts are appropriate for the fringes of retail districts.

### **Section 16.02 Land Uses Permitted**

The following uses are permitted outright in C-1 districts subject to the regulations prescribed herein:

- (a) Business and professional offices of all types, including medical facilities and corporate headquarters.
- (b) Business-related retail and service establishments not to exceed 25% of the leasable area of any office building or not to exceed 10,000 square feet if freestanding. Permitted uses include, but are not limited to, office supply stores, office equipment dealers, telecommunication equipment sales and service companies, computer stores and services, blueprint and copy services, graphics supply and equipment dealers; private employment agencies; travel agencies; medical facilities; emergency health care clinics; child care facilities; and totally enclosed health club facilities.
- (c) Instructional services such as studios for the teaching of fine arts, photography, music, drama and dance; business and stenographics schools; barber and beauty schools; and similar facilities.
- (d) Restaurants, cafeterias, delicatessens, coffee shops and carry-out food establishments if located within an office building.
- (e) Educational and technical training facilities of all types except for those which require outdoor space and/or industrial type structures or those that involve trucking or similarly sized equipment; included are conference center facilities.
- (f) Privately-owned and operated museums, libraries, galleries, and similar facilities.  
(NOTE: Public or quasi-public facilities of this nature are permitted in ANY district as

special exceptions).

- (g) Residential facilities (e.g., care-taker residences) and ancillary uses commonly associated with any permitted use.
- (h) Public streets and highways.

### **Section 16.03 Conditional Uses and Structures as Provided Under Section [28.06](#)**

- (a) Public or quasi-public facilities and utilities in compliance with Section [5.03](#) and other regulations of this Ordinance.
- (b) Railroads and railroad spur tracks.
- (c) Outside playgrounds or teaching facilities for educational uses.
- (d) Personal services such as hair styling shops, photographic portrait studios, and nail salons.
- (e) Totally enclosed health club facilities, wellness and physical fitness centers.

### **Section 16.04**

### **Section 16.05 Dimensional Requirements**

- .1 Maximum Building Height: 35 feet.
- .2 Minimum Lot Area: No minimum lot area is required.
- .3 Minimum Lot Width: No minimum lot width is required.
- .4 Minimum Yards:
  - (a) Front yard: 40 feet. The first twenty (20) feet inside this front yard setback (adjacent to the street right-of-way line) shall remain open except for entrance/exit driveways and shall be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi; no parking shall be permitted in driveways within the first twenty (20) feet of the front yard setback.
  - (b) Side yards where NOT abutting a residential district or Agricultural (A-1) district: fifteen (15) feet; the first five (5) feet inside this side yard setback (adjacent to the property line) shall be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi. The remainder of the side yard (between the

landscaped five feet and the structure) may be used for driveways, parking, or other paved areas.

- (c) Rear yards where NOT abutting a residential district or Agricultural (A-1) district: twenty (20) feet; the first five (5) feet inside this rear yard setback (adjacent to the property line) shall be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi. The remainder of the rear yard (between the landscaped five feet and the structure) may be used for driveways, parking, or other paved areas.
  - (d) Side yards and rear yards where abutting ANY residential district or Agricultural (A-1) district: 50 feet, which shall remain open and be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi; OR 20 feet, which shall remain open and be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi AND a fence approved by the Zoning Administrator alongside or rear yards abutting such residential district. All side or rear yards shall be landscaped open area with no encroachments permitted including driveways, parking lots, or other paved areas.
- .5 Minimum Space between Buildings on the Same Lot: 30 feet. No more than two-thirds (66 2/3%) of the space between such buildings shall be paved; the remaining area shall be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi.
- .6 Minimum Green Space: Each lot shall have a minimum of 25 percent green space maintained by the property owner.

### **Section 16.06 Site Plan Required**

A site plan shall be submitted to the Planning Commission in accordance with Sections [28.09](#) and [28.10](#) of this Ordinance.

### **Section 16.07 Required Landscaping Along Arterial Streets**

See Section [5.05](#) of this Ordinance regarding the provision of landscaping along arterial streets.

### **Section 16.08 Required Off-Street Parking, Loading and Access Control**

See [Article XXVI](#) for off-street parking, loading and access control requirements.

### **Section 16.09 Signs**

See Sign Ordinance of the City of Madison, Mississippi.

## **Article XVII.      Old Madison Station District (O-M)**

### **Section 17.01 Purpose of This District**

In accordance with the adopted Goals and Objectives Element of a Comprehensive Plan for the City of Madison, an "Old Madison Station District" ("O-M") is hereby created to promote this area, as delineated on the Official Zoning Map, as a major focal point of community life in Madison. The purpose of this district is to preserve the character of historic buildings along and adjacent to Main Street by the review of architectural style, materials and colors, including the properties nominated by the Mississippi Department of Archives and History for listing on the National Register of Historic Places: Old Madison-Ridgeland High School (currently The Arts Center), the Price-Cox Building, the Hoy House, and the Montgomery House.

It is further the purpose of this district to prevent the deterioration of the Madison central business district as the result of inappropriate land uses and incompatible architectural design. This district is intended to encourage the development of selected commercial activities that are compatible with historic structures, single-family detached residences and public/quasi-public sector uses. Uses first permitted in the C-2 General Commercial district or C-3 Major Thoroughfares Commercial districts shall not be permitted here.

Finally, it is the purpose of this district to alleviate the substandard housing conditions and to preserve property values in the O-M district by requiring that any person proposing additions to existing dwellings or rehabilitation of/ repairs to existing dwellings not only comply with the Building Code but also comply with the specific terms of this Ordinance. This requirement is intended to ensure compatibility of such additions or repairs with other uses in the district, thereby preserving the property values of other dwellings and businesses.

Within the Old Madison Station District there is hereby created a "subdistrict", to be known as the "Depot Subdistrict". The "Depot Subdistrict" is the core of Old Madison Station and contains residences and businesses that developed around the railroad depot in Madison. Because many of the businesses in the "Depot Subdistrict" were constructed very near or directly upon the right-of-way line of Main Street (Miss. Highway 463) and with little, if any, side or rear yard setbacks, special provisions are included in the district regulations for this area.

"When any "action", as defined herein, is proposed anywhere in the Old Madison Station District (O-M), such actions shall be subject to the provisions of the Old Madison District. An "action" within the context of this Article shall be defined as: "Any construction, restoration, rehabilitation, refurbishment, relocation, addition to, repair of or demolition of a building or structure, or construction and location of parking facilities or the cutting of live trees (i.e., those measuring 6 inches in diameter four and one half feet above ground level).

**Section 17.02 Land Uses Permitted Within Old  
Madison Station District, Including the Depot  
Subdistrict**

The following uses are permitted outright in the O-M district, including the "Depot Subdistrict", subject to the regulations prescribed herein:

- (a) Single-family detached residences (only one main structure per lot); the garages of all new or reconstructed (after the effective date of this Ordinance) single-family residences SHALL NOT OPEN FACING MAIN STREET (MS. HIGHWAY 463).
- (b) All uses permitted outright in C-1 Restricted Commercial zones, but any service performed must be conducted within enclosed structures.
- (c) Retail uses in which the merchandise offered for sale is displayed within enclosed structures, EXCEPT FOR THE DISPLAY OF SMALL ARTICLES (i.e., those that can generally be hand-carried by one or two persons) OUTSIDE THE COMMERCIAL USE that are for sale.

- (d) Full service restaurants. Fast food restaurants, as defined by this Ordinance, are prohibited in this district.
- (e) Accessory buildings and uses customarily incidental to the aforementioned uses.
- (f) Streets and highways.

**Section 17.03 Conditional Uses and Structures As  
Provided Under Section [28.06](#)**

- (a) Public or quasi-public facilities and utilities in compliance with Section [5.03](#) and other regulations of this Ordinance.
- (b) Inns or "bed and breakfast inns".
- (c) Railroads and railroad spur tracks.

**Section 17.04 Dimensional Requirements for All Uses  
in Depot Subdistrict of the Old Madison Station  
District (Including Single-Family Residential Uses)**

Because many of the businesses and other land uses in the "Depot Subdistrict", as delineated on the Official Zoning Map: City of Madison, Mississippi, were constructed very near or directly upon the right-of-way line of Main Street (Mississippi Highway 463), the following dimensional regulations shall apply to said "Depot Subdistrict":

- .1 Maximum Building Height: 35 feet, unless greater height is approved by the Mayor and Board of Aldermen.
- .2 Minimum Lot Area: No minimum.
- .3 Minimum Floor Area for Single Family Residential Uses: 1800 square feet.
- .4 Minimum Lot Width: No minimum.
- .5 Minimum Yards: No minimum.
- .6 Minimum Space between Separate (Detached) Buildings on the Same Lot: Must meet requirements of Southern Standard Building Code.

**Section 17.05 Dimensional Requirements for Old  
Madison Station District Outside of Depot Subdistrict  
(Including Single-Family Residential Uses)**

- .1 Maximum Building Height: 35 feet, unless greater height is approved by the Mayor and Board of Aldermen.
- .2 Minimum Lot Area:
  - (a) Single-family detached residences: 12,000 square feet.
  - (b) Shopping centers: Three (3) acres.
  - (c) Independent commercial uses: 10,000 square feet.
- .3 Minimum Floor Area (Single-Family Detached Residences Only): 1,800 square feet.
- .4 Minimum Lot Width:
  - (a) Single-family detached residences: 80 feet.
  - (b) Shopping centers: 200 feet.
  - (c) Independent commercial uses: 100 feet.
- .5 Minimum Yards:
  - Note: Upon approval by Mayor and Board of Aldermen, the required setbacks may be lessened if it is in keeping with the character of the surrounding area.

- (a) Front yard for all single-family detached residences: 30 feet (same as R-2).
  - (b) Side yards for all single-family detached residences: 10 feet (same as R-2).
  - (c) Rear yard for all single-family detached residences: 25 feet (same as R-2).
  - (d) Front yard for ALL USES OTHER THAN SINGLE-FAMILY RESIDENTIAL USES: 30 feet. The first ten (10) feet inside this front yard setback shall remain open except for entrance/exit driveways and shall be landscaped in accordance with Landscape Ordinance of the City of Madison, Mississippi; no parking shall be permitted in the first ten (10) feet of these driveways. (NOTE: This front yard setback for commercial and other uses is consistent with front yard setbacks for single-family detached residences.)
  - (e) Side yards for ALL USES OTHER THAN SINGLE-FAMILY RESIDENTIAL USES: Fifteen (15) feet; the first five (5) feet inside this side or rear yard setback (adjacent to the property line) shall remain open and be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi. The remainder of the side yard (between the landscaped five feet and the structure) may be used for driveways, parking, or other paved areas.
  - (f) Rear yards for ALL USES OTHER THAN SINGLE-FAMILY RESIDENTIAL USES: Twenty (20) feet; the first five (5) feet inside this side or rear yard setback (adjacent to the property line) shall remain open and be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi. The remainder of the rear yard (between the landscaped five feet and the structure) may be used for driveways, parking, or other paved areas.
- .6 Minimum Space between Separate (Detached) Principal Buildings on the Same Lot: 30 feet. No more than two-thirds (66 2/3 %) of the space between principal buildings shall be paved; the remaining area shall be landscaped in accordance with Landscape Ordinance of the City of Madison, Mississippi.
- .7 Minimum Greenspace: Each commercial lot undeveloped at the time of this Ordinance shall have a minimum of 25 percent greenspace maintained by the property owner.

### **Section 17.06 Site Plan Required for Any Proposed Action in the Old Madison Station District**

When any "action", as defined under Section [17.01](#) above, is proposed anywhere within the Old Madison Station District, the Planning Commission shall review plans for such actions. The plans shall be evaluated on the basis of preservation of the character of the district by reviewing the elevations, materials, colors, architectural style, and landscaping. Site plans shall be prepared in accordance with Section [28.10](#) of this Ordinance and persons responsible for initiating such "actions" shall comply with the procedures specified under Section [28.09](#) of this Ordinance.

Applications for New Construction, Additions, Restorations, and Rehabilitation: In addition to site plan requirements of Section [28.10](#) of this Zoning Ordinance, applications for new construction, additions, restorations, refurbishing, and rehabilitation shall include:

- .1 A set of scaled floor plans, elevations and exterior elevations showing the type of work proposed and indicating:
  - (a) overall dimensions, including height;
  - (b) type of material to be used on walls, roofs, windows, trim, siding, etc.; and
  - (c) color samples.
- .2 Photographs of the existing structure, or if for new construction, a photograph of the lot and the adjoining structures.
- .3 Applications for Cutting Live Trees: Applications for cutting live trees measuring twelve (12) inches in diameter five (5) feet above ground level shall include:
  - (a) A photograph of the tree(s) showing the relationship to the structure(s) on the lot.
  - (b) A measurement of the diameter of the tree(s) at the five (5) foot level.
  - (c) An explanation of why the tree is proposed to be removed.
- .4 Applications for the Construction of a Parking Lot or Facility: Applications for the construction of a parking lot or parking facility shall include:
  - (a) Type of paving to be used.
  - (b) Style of proposed curbing and striping.
  - (c) Type of illumination, if any.
  - (d) Any proposed fencing, screening, landscaping and signs.
  - (e) Photographs showing adjoining structures.
  - (f) Written identification of any neighboring structures.

(NOTE: The required site plan will indicate all existing and proposed building lines and the location of all structures, existing or proposed. Item (f) above refers to a written description of such buildings or structures.)

- .5 Applications for Moving a Structure Out of the Old Madison Station District:** Applications for moving a structure out of the Old Madison Station District shall include:
- (a) A photograph of the structure to be moved.
  - (b) Description of the proposed method for moving the structure.
- .6 Application for Moving a Structure Into or Within the Old Madison Station District:** Applications for moving a structure into or within the O-M district shall include:
- (a) Photograph of the structure to be moved.
  - (b) Description of the proposed method for moving the structure.
  - (c) Statement of the need for the proposed move with reference to the future use of the site.
  - (d) Photograph and address of the proposed location of the structure.
- .7 Application for Demolition:** Applications for demolition of a structure in the O-M district shall include:
- (a) A photograph of the structure to be demolished.
  - (b) Description of the method of demolition to be used.
- .8 Application for Minor Repairs:** Applications for a Certificate of Appropriateness for minor repairs may be approved by the Planning and Development Director and shall include:
- (a) Drawings or photograph showing the front elevation of the building.
  - (b) Drawings or photograph of the area of the building to be repaired if not the front elevation. (If the rear or side elevations are to be repaired, a photograph showing the building's relationship to the neighboring structures is necessary), or
  - (c) Either a written description or drawing of the work to be done including materials to be used and paint samples.
- .9 Minor Repairs or Routine Maintenance without Review:** The Planning and Development Director may authorize the Building Inspector to issue a permit for minor repairs or routine maintenance without review by the Committee if that repair or maintenance: (1) does not involve a change in design, material or other appearance thereof; (2) is undertaken with identical materials and in such a manner as to substantially duplicate the existing construction; (3) involves only removal of inappropriate or outdated signage or removal of inappropriate awning or canopy not

original to the structure.

### **Section 17.07 Required Landscaping Along Arterial Streets**

Where space permits, developers of any commercial use or permitted special exception bordering a street classified as a Principal Arterial or Minor Arterial on the adopted Thoroughfares Plan in the O-M district shall comply with Section [5.05](#) of this Ordinance regarding the provision of landscaping along arterial streets.

Builders of single-family detached dwellings on lots of record existing at the time of enactment of this Ordinance shall not be required to comply with this Section.

### **Section 17.08 Requirements for Off-Street Parking, Loading and Access Control**

Off-street parking for individual uses in the O-M district shall be provided in accordance with the Section [26.02.02](#) Schedule of Off-Street Parking Requirements. However, OFF-SITE PARKING MAY BE PROVIDED IF APPROVED THROUGH THE SITE PLAN REVIEW REQUIREMENTS OF THIS ORDINANCE (Sections [28.09](#) and [28.10](#)).

Off-street loading and access requirements within the O-M district shall also be subject to the site plan review requirements of Sections [28.09](#) and [28.10](#).

### **Section 17.09 Signs**

See Sign Ordinance of the City of Madison, Mississippi.

## **Article XVIII.     General Commercial District (C-2)**

### **Section 18.01 Purpose of This District**

The purpose of this district is to promote the development of well-planned shopping centers and independent commercial uses within carefully selected areas of the City of Madison. The commercial activities permitted in this district include uses of a higher intensity than those first allowed in Restricted Commercial districts (C-1). Although shopping center uses permitted in this zone require access to an arterial street, such uses are not "highway oriented" like those first allowed in the Major Thoroughfares Commercial District (C-4). Uses first permitted in C-4 Major Thoroughfares Commercial districts shall not be permitted in the C-2 district.

It is also the intent of this district that commercial uses permitted in C-2 districts be limited to those in which services performed and merchandise offered for sale be conducted or displayed entirely within enclosed structures as defined by this Ordinance. Furthermore, uses of a "convenience" nature, which involve high traffic volumes and higher levels of noise and increased litter, be first permitted in C-3 Convenience Commercial districts.

It is the intent of this Ordinance that shopping centers and independent commercial uses be developed so that pedestrian and vehicular circulation is coordinated with the circulation patterns of adjacent properties in the vicinity that are also affected. In order to facilitate access between adjoining properties and to reduce the number of curb cuts onto arterial streets, the installation of a service drive shall be considered in connection with any independent commercial use (i.e., a commercial use that is not a part of a shopping center) proposed in this district.

### **Section 18.02 Land Uses Permitted**

The following uses are permitted outright in C-2 districts subject to the regulations prescribed herein:

- (a) All uses allowed in C-1 Restricted Commercial district. (NOTE: The C-2 district DOES NOT PERMIT SINGLE-FAMILY DETACHED RESIDENCES, WHICH ARE PERMITTED USES IN THE "OLD MADISON STATION DISTRICT").
- (b) Retail uses in which the merchandise offered for sale is displayed within enclosed structures, EXCEPT FOR THE DISPLAY OF SMALL ARTICLES (i.e., those that can generally be hand-carried by one or two persons) OUTSIDE THE COMMERCIAL USE.
- (c) Shopping centers located on minimum sites of three (3) acres on an existing or proposed arterial street as shown on the adopted Thoroughfares Plan; shopping

centers may contain any of the uses permitted outright in C-2 zones.

- (d) Full-service restaurants, EXCLUDING fast food restaurants.
- (e) Veterinary clinics and pet shops, excluding outside runs.
- (f) Branch banks and dry cleaners.
- (g) Other similar or related uses specifically approved by the Mayor and Board of Aldermen.
- (h) Child care facilities.
- (i) Streets and highways.

**Section 18.03 Conditional Uses and Structures as  
Provided Under Section [28.06](#)**

- (a) Mortuaries or funeral homes, provided such uses shall be located on an existing or proposed arterial street as shown on the adopted Thoroughfares Plan.
- (b) Public or quasi-public facilities and utilities in compliance with Section [5.03](#) and other regulations of this Ordinance.
- (c) Fast food restaurants, food product carry-out and delivery stores.
- (d) Yard and garden, nursery and greenhouse operations.
- (e) Railroads and railroad spur tracks.
- (f) Hotels, motels, washeterias and bingo halls.
- (g) Bowling alleys, skating rinks and similar recreational or entertainment enterprises conducted entirely within enclosed structures.
- (h) Package liquor stores.
- (i) Personal services such as hair styling shops, photographic portrait studios, and nail salons.
- (j) Health club facilities, wellness and physical fitness centers.

## **Section 18.04 Dimensional Requirements**

- .1 Maximum Building Height: 35 feet, unless greater height is approved by the Mayor and Board of Aldermen.
- .2 Minimum Lot Area:
  - (a) Shopping centers: Three (3) acres.
  - (b) Independent commercial uses: 30,000 square feet.
- .3 Minimum Lot Width:
  - (a) Shopping centers: 200 feet.
  - (b) Independent commercial uses: 200 feet.
- .4 Minimum Yards: The minimum yard requirements for all uses permitted in a C-2 district shall be as follows:
  - (a) Front yard: 40 feet. The first twenty (20) feet inside this front yard setback shall remain open except for entrance/ exit driveways and shall be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi; no parking shall be permitted in driveways within the twenty (20) feet of the front yard setback.
  - (b) Side yards where NOT abutting a residential district or Agricultural (A-1) district: fifteen (15) feet; the first five (5) feet inside this side yard setback (adjacent to the property line) shall be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi. The remainder of the side yard (between the landscaped five feet and the structure) may be used for driveways, parking, or other paved areas.
  - (c) Rear yards where NOT abutting a residential district or Agricultural (A-1) district: twenty (20) feet; the first five (5) feet inside this rear yard setback (adjacent to the property line) shall be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi. The remainder of the rear yard (between the landscaped five feet and the structure) may be used for driveways, parking, or other paved areas.
  - (d) Side yards and rear yards where abutting ANY residential district or Agricultural (A-1) district: 50 feet, which shall remain open and be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi. All side or rear yards shall be landscaped open area with no encroachments permitted including buildings, driveways, parking lots, or other paved areas (except approved entrances/exits).

- .5 Minimum Space between Separate (Detached) Buildings on the Same Lot: 30 feet. No more than two-thirds (66 2/3%) of the space between such buildings shall be paved; the remaining area shall be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi.
- .6 Minimum Green Space: Each lot shall have a minimum of 25 percent green space maintained by the property owner.

### **Section 18.05 Plan Required**

The developer of any use in a C-2 General Commercial district shall submit a site plan to the Planning Commission in accordance with Sections [28.09](#) and [28.10](#) of this Ordinance.

### **Section 18.06 Required Landscaping Along Arterial Streets**

See Section [5.05](#) of this Ordinance regarding the provision of landscaping along arterial streets.

### **Section 18.07 Requirements for Off-Street Parking, Loading and Access Control**

See [Article XXV](#) for off-street parking, loading and access control requirements.

### **Section 18.08 Signs**

See Sign Ordinance of the City of Madison, Mississippi.

## **Article XIX. Major Thoroughfares Commercial (C-3)**

### **Section 19.01 Purpose of This District**

The purpose of this district is to provide relatively spacious areas for the development of vehicle-oriented commercial activities which typically require direct auto traffic access and visibility from major thoroughfares, including Interstate 55, Mississippi Highway 463, and U.S. Highway 51, excluding Highland Colony Parkway and the Old Madison District. This district is intended to encourage those commercial activities which function relatively independently of intensive pedestrian traffic and proximity to other commercial establishments.

Uses first permitted in C-4 Adult Entertainment district, C-5 Intensive Commercial district, I-1 Limited Industrial, and I-2 Heavy Industrial districts shall not be permitted in C-3 Major Thoroughfares Commercial zones.

### **Section 19.02 Land Uses Permitted**

The following uses are permitted outright in the C-3 districts subject to the regulations prescribed herein:

- (a) Any use permitted in the C-2 General Commercial District, SUBJECT TO ALL OF THE REGULATIONS OF THAT DISTRICT.
- (b) Food product carry-out and delivery stores.
- (c) Mortuaries.
- (d) Streets and highways.
- (e) Medical and healthcare related facilities including hospitals and clinics providing acute, emergency, ambulatory, general and/or specialized personal care, therapy or traditional health related services; offices for physicians, dentists, and other medically oriented practitioners providing personal treatment, diagnostic or testing services; pharmacies, health education, wellness and physical fitness centers; and convalescent homes, nursing homes and adult day care facilities.

### **Section 19.03 Conditional Uses (Special Exceptions) and Structures as Provided Under Section [28.06](#)**

- (a) Public or quasi-public facilities and utilities in compliance with Section [5.03](#) and other regulations of this Ordinance.
- (b) Drive-in restaurants (fast food)
- (c) Building materials sales where some or all such materials are displayed outdoors or visible from streets or highways.
- (d) Heavy construction equipment sales and service.
- (e) Veterinary clinics with outside dog runs and animal cemeteries.
- (f) Railroads and railroad spur tracks.
- (g) Yard and garden centers, nurseries, and greenhouse operations.
- (h) Service stations including vehicle repairs (except body repairs), provided that all vehicle repairs except those of a minor nature (e.g., change of fan belt, minor carburetor adjustments, tire repairs) are conducted entirely within an enclosed building and provided that all such service stations are located on an arterial street designated as such by the adopted Thoroughfares Plan.
- (i) Automobile sales, rental, or lease.
- (j) Gas stations and Convenience stores.
- (k) Car washes/vacuum cleaner stations and quick car-care clinics (lubrication, tune-up, etc.).
- (l) Photomats.
- (m) Free-standing game rooms, for electronic video games, pool tables, etc.
- (n) Public streets and highways.
- (o) Hotels and Motels.
- (p) Other similar enterprises or businesses of the same nature which are not more obnoxious or detrimental to the welfare of the particular area than the enterprises permitted above. Uses not specifically listed above shall be reviewed by the Planning Commission and approved by the Mayor and Board of Aldermen.
- (q) Tattoo parlors, body piercing shops, check cashing facilities (other than banks) and pawnshops.
- (r) Vaporizer stores and hookah/smoke lounge or similar places where electronic

cigarettes/vaporizers/hookah are sold or used.

- (s) Freestanding automated teller machine. (ATM).
- (t) Cigar shops and lounges, cigarette shops, cigarette and cigar sales and other similarly related retail sales shops.
- (u) Personal services such as hair styling shops, photographic portrait studios, and nail salons.
- (v) Health club facilities, wellness and physical fitness centers.

## **Section 19.04 Dimensional Requirements**

- .1 Maximum Building Height: 35 feet, unless greater height is approved by the Mayor and Board of Aldermen. However, for medical and healthcare related facilities, the maximum building height shall be 80 feet provided the structure is at least 80 feet from any public right-of-way or property boundary.
- .2 Minimum Lot Area:
  - (a) Shopping centers: Three (3) acres.
  - (b) Independent commercial uses: 30,000 square feet.
- .3 Minimum Lot Width:
  - (a) Shopping centers: 200 feet.
  - (b) Independent commercial uses: 200 feet.
- .4 Minimum Yards: The minimum yard requirements for all uses permitted in a C-3 district shall be as follows:
  - (a) Front yard: 40 feet. The first twenty (20) feet inside this front yard setback shall remain open except for entrance/ exit driveways and shall be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi; no parking shall be permitted in driveways within the first twenty (20) feet of the front yard setback.
  - (b) Side yards where NOT abutting a residential district or Agricultural (A-1) district: fifteen (15) feet; the first five (5) feet inside this side yard setback (adjacent to the property line) shall be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi. The remainder of the side yard (between the landscaped five feet and the structure) may be used for driveways, parking, or other

paved areas.

- (c) Rear yards where NOT abutting a residential district or Agricultural (A-1) district: twenty (20) feet; the first five (5) feet inside this rear yard setback (adjacent to the property line) shall be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi. The remainder of the rear yard (between the landscaped five feet and the structure) may be used for driveways, parking, or other paved areas.
  - (d) Side yards and rear yards where abutting ANY residential district or Agricultural (A-1) district: 100 feet, which shall remain open and be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi. All side or rear yards shall be landscaped open area with no encroachments permitted including driveways, parking lots, or other paved area (except approved entrances/exits).
- .5 Minimum Space between Separate (Detached) Buildings on the Same Lot: 30 feet. No more than two-thirds (66 2/3%) of the space between such buildings shall be paved; the remaining area shall be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi.
- .6 Minimum Green Space: Each lot shall have a minimum of 25 percent green space maintained by the property owner.

### **Section 19.05 Site Plan Required**

The developer of any use in a C-3 Major Thoroughfares Commercial district shall submit a site plan to the Planning Commission in accordance with Sections [28.09](#) and [28.10](#) of this Ordinance.

### **Section 19.06 Required Landscaping Along Arterial Streets**

See Section [5.05](#) of this Ordinance regarding the provision of landscaping along arterial streets.

### **Section 19.07 Requirements for Off-Street Parking, Loading and Access Control**

See [Article XXVI](#) for off-street parking, loading and access control requirements.

### **Section 19.08 Signs**

See Sign Ordinance of the City of Madison, Mississippi.



## **Article XX. Adult Entertainment District (C-4)**

### **Section 20.01 Purpose of This District**

The purpose of this district is to regulate the operation and location of adult entertainment establishments, as defined by this Ordinance, for the purposes of: (1) stemming a potential increase in criminal activities and disturbances of the peace and good order of the City of Madison; (2) maintaining property values; (3) preventing injuries to residential neighborhoods and other commercial districts; (4) protecting and preserving the quality of life through effective land use planning.

The Madison Planning Commission and the Mayor and Board of Aldermen have found that there is substantial evidence, including numerous studies, reports and findings on the potential harmful effect of adult entertainment uses made by cities, experts, urban planners, etc., which document that such uses adversely affect property values, cause an increase in crime, encourage businesses to move elsewhere, and contribute to neighborhood blight.

Therefore, this district is intended to regulate adult entertainment uses to ensure that these adverse effects will not contribute to blighting or downgrading of surrounding neighborhoods. (NOTE: This zone will be considered a "floating zone" and any person desiring to operate an adult entertainment business would have to request an amendment to the Land Use Plan, which currently does not specifically identify areas for this type of business, and an amendment to the Official Zoning Map.)

### **Section 20.02 Land Uses Permitted**

The following uses are permitted outright in the C-4 districts subject to the regulations prescribed herein:

- (a) Any uses permitted outright in C-1 "Restricted Commercial" districts, C-2 "General Commercial" districts and C-3 "Major Thoroughfares Commercial" districts.

- (b) Adult arcades, adult bookstores, adult cabarets, adult motion picture theatres, and other adult entertainment activities as defined by this Ordinance. However, no such establishment shall be located within two hundred fifty (250) feet of the property line of any other such similar use or any other district. Furthermore, no such establishment shall be located within one thousand (1,000) feet of the property lines of any existing residential use or any residentially zoned property, church, school, hospital, convalescent or nursing home, cemetery, civic organization building or facility, charitable organization building or facility, public or private park or playground, or any property zoned "S-1" Special Use district under this Ordinance.

### **Section 20.03 Conditional Uses (Special Exceptions) and Structures As Provided Under Section [27.06](#).**

- (a) Public or quasi-public facilities and utilities in compliance with Section [5.03](#) and other regulations of this Ordinance. However, see Section [20.02](#) above for minimum distances between adult entertainment uses and certain public/quasi-public facilities. (NOTE: Section [5.03](#) specifies that public/quasi-public facilities or utilities may be located as special exceptions in ANY district, but the separation distances under Section [20.02](#) will prevent close proximity of such uses to adult entertainment establishments.)
- (b) Hotels and Motels.
- (c) Other uses that may be considered as special exceptions for location in C-1 "Restricted Commercial" districts and C-2 "General Commercial" districts.

### **Section 20.04 Dimensional Requirements**

- .1 Maximum Building Height: 35 feet, unless greater height is approved by the Mayor and Board of Aldermen.
- .2 Minimum Lot Area: two (2) acres.
- .3 Minimum Lot Width: 300 feet.
- .4 Minimum Yards: The minimum yard requirements for all uses permitted in a C-4 district shall be as follows:
  - (a) Front yard: 125 feet. The first ten (10) feet inside this front yard setback shall remain open except for entrance/exit driveways and shall be landscaped in accordance with Section [5.05](#) of this Ordinance; no parking shall be permitted in these driveways or

front setback.

- (b) Side yards and rear yards: 125 feet; the first ten (10) feet inside this side or rear yard setback (adjacent to the property line) shall be landscaped in accordance with standards adopted by the City of Madison. This 125 foot side or rear yard setback shall be in addition to the minimum distance (1,000 feet) required between all existing residential uses, residential zones, any public/ quasi-public uses listed under Section [20.02](#) (b), and any Special Use (S-1) district.
- .5 Minimum Space between Separate (Detached) Buildings on the Same Lot: 30 feet. No more than two-thirds (66 2/3%) of the space between such buildings shall be paved; the remaining area shall be landscaped in accordance with standards adopted by the City of Madison.
- .6 Minimum Green Space: Each lot shall have a minimum of 25 percent green space maintained by the property owner.

### **Section 20.05 Site Plan Required**

The developer of any use in a C-4 Adult Entertainment Commercial district shall submit a site plan to the Planning Commission in accordance with Sections [28.08](#) through [28.11](#) of this Ordinance.

- .1 Requirements for Off-Street Parking, Loading and Access Control

See [Article XXVI](#) for off-street parking, loading and access control requirements.

- .2 Reserved for Future Use.

- .3 Signs.

See Sign Ordinance of the City of Madison, Mississippi.

## **Article XXI. High Intensity Commercial (C-5)**

### **Section 21.01 Purpose of This District**

The purpose of this district is to provide areas for the development of land uses in which all or part of the associated activity is conducted OUTDOORS. The uses first permitted in this district are appropriate only in selected areas adjacent to major thoroughfares or railroads, well away from ALL residential areas. These uses tend to generate noise levels detectable at considerable distances off the premises.

(NOTE: This zone will be considered a "floating zone" and any person desiring to start any business first permitted in this zone would have to request an amendment to the Land Use Plan, which currently does not specifically identify areas for this type of business, and an amendment to the Official Zoning Map.)

### **Section 21.02 Land Uses Permitted**

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

- (a) Any use permitted outright in C-3 Highway Commercial districts.
- (b) Vehicle sales, rental or lease and vehicle service (both new and used), EXCLUDING heavy machinery and implement dealers and repair shops.
- (c) Yard and garden centers, nurseries, and greenhouse operations.
- (d) Large FULLY ENCLOSED sports and recreational facilities such as skating rinks, bowling alleys, racquetball courts, gymnasiums and fitness centers, and similar uses.
- (e) Public streets and highways.

**Section 21.03 Conditional Uses (Special Exceptions)  
and Structures As Provided Under Section [28.06](#)**

- (a) Public or quasi-public facilities and utilities in compliance with Section [5.03](#) and other regulations of this Ordinance.
- (b) Truck stops.
- (c) Heavy equipment sales and service.
- (d) Manufactured home sales.
- (e) Recreational vehicle sales and service.
- (f) Bus terminals.
- (g) Building materials sales where some or all building materials, such as bricks, lumber, concrete culverts etc., are displayed outdoors or are visible from adjoining thoroughfares. (NOTE: This permitted use does not include the manufacturing of such building materials.)
- (h) Outdoor commercial recreational enterprises, such as water slides, golf driving ranges, amusement parks, etc.
- (i) Railroads and railroad spur tracks.
- (j) Gasoline and/or service stations and convenience stores.
- (k) Hotels and Motels.

**Section 21.04 Dimensional Requirements**

- .1 Maximum Building Height: 35 feet, unless greater height is approved by the Mayor and Board of Aldermen.
- .2 Minimum Lot Area: One (1) acre.
- .3 Minimum Lot Width: 200 feet.
- .4 Minimum Yards: The minimum yard requirements for all uses permitted in a C-5 district shall be as follows:
  - (a) Front yard: 50 feet. The first ten (10) feet inside this front yard setback shall remain open except for entrance/exit driveways and shall be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi; no parking shall be

permitted in driveways within the first ten (10) feet of the front yard setback.

- (b) Side yards where NOT abutting a residential district or Agricultural (A-1) district: fifteen (15) feet; the first five (5) feet inside this side yard setback (adjacent to the property line) shall be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi. The remainder of the side yard (between the landscaped five feet and the structure) may be used for driveways, parking, or other paved areas.
  - (c) Rear yards where NOT abutting a residential district or Agricultural (A-1) district: twenty (20) feet; the first five (5) feet inside this rear yard setback (adjacent to the property line) shall be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi. The remainder of the rear yard (between the landscaped five feet and the structure) may be used for driveways, parking, or other paved areas.
  - (d) Side yards and rear yards where abutting ANY residential district or Agricultural (A-1) district: 50 feet, which shall remain open and be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi; OR 20 feet, which shall remain open and be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi AND a fence approved by the Zoning Administrator alongside or rear yards abutting such residential district. All side or rear yards shall be landscaped open area with no encroachments permitted including driveways, parking lots, or other paved areas.
- .5 Minimum Space between Separate (Detached) Buildings on the Same Lot: 30 feet. No more than two-thirds (66 2/3%) of the space between such buildings shall be paved; the remaining area shall be landscaped in accordance with standards adopted by the City of Madison.
- .6 Minimum Green Space: Each lot shall have a minimum of 25 percent green space maintained by the property owner.
- .7 Maximum Buildable Area: The aggregate square footage of all buildings shall not exceed fifty (50%) of the gross lot area.
- .8 Maximum Floor Area Ratio (FAR): 0.5.

### **Section 21.05 Site Plan Required**

The developer of any use in a C-5 Major Thoroughfares Commercial district shall submit a site plan to the Planning Commission in accordance with Sections [28.09](#) and [28.10](#) of this Ordinance.

### **Section 21.06 Required Landscaping Along Arterial**

## **Streets**

See Section [5.05](#) of this Ordinance regarding the provision of landscaping along arterial streets.

### **Section 21.07 Requirements for Off-Street Parking, Loading and Access Control**

See [Article XXVI](#) for off-street parking, loading and access control requirements.

### **Section 21.08 Signs**

See Sign Ordinance of the City of Madison, Mississippi.

## **Article XXII. Limited Industrial District (I-1)**

### **Section 22.01 Purpose of This District**

The purpose of this district is to provide areas for the exclusive development of limited manufacturing and industrial uses within enclosed structures. It is the intent of this Ordinance that I-1 land uses be compatible with abutting districts, such as commercial districts, which will serve as transitional zones between the industrial users and the lower intensity residential uses. The uses permitted in I-1 districts shall generate no objectionable odor, smoke, fumes, vibration, or excessive noise. Such limited industrial and related uses shall be located only in areas directly accessible to major thoroughfares or railroads. It is further the intent of this Ordinance that encroachment by all residential uses be prohibited.

### **Section 22.02 Land Uses Permitted**

The following land uses shall be permitted in I-1 districts, provided such uses conform to standards established by appropriate Federal and State regulatory agencies:

- (a) Light or limited manufacturing conducted wholly within completely enclosed buildings, except that the temporary storage of articles, materials, or other matter to be processed, assembled, or otherwise changed may be permitted if conducted in I-1 districts shall, in general, be dependent upon raw materials refined elsewhere. The following limited manufacturing uses shall be permitted, provided they are not offensive to neighboring land uses due to the emission of dust, gas, smoke, noise, fumes, odors, vibrations, fire hazards, or other objectionable influences:
  - 1) Processing, canning, packaging and other treatment of food products, including: bakery products, confectionary and related products, fruit and vegetable products, fish, poultry and other meat products, excluding the rendering or refining of fats and oils and the slaughtering of animals.
  - 2) Manufacturing, assembly or other treatment of products from the following secondary (previously prepared or refined materials): plastics, glass, paper, precious or semi-precious metals or stones, tobacco, and wood (excluding sawmills).
  - 3) Fabrication of metal products including the manufacture of: machinery (engines and turbines, farm machinery and equipment, etc.); electrical equipment and supplies; transportation equipment (including motor vehicles and parts, aircraft and parts, motorcycles, bicycles and parts, etc.); and other secondary metal manufacturing such as metal cans, cutlery, hand tools, and general hardware, heating apparatus and plumbing fixtures, metal stamping, fabricated wire products, and coating, engraving and allied services.

- 4) Manufacturing of pottery or similar ceramic products (using only previously prepared or pulverized clay, and kilns fired only by electricity or natural gas).
- 5) Manufacturing of professional, scientific, and controlling instruments; photographic or optical goods; watches and clocks.
- 6) Manufacturing of textile mill products, including broad and narrow woven fabrics and other small wares (cotton, man-made fibers, silk and wool), floor coverings (rugs and carpets), yarns and similar products.
- 7) Manufacturing of apparel and other finished products made from fabrics, leather, fur and similar materials.
- 8) Assembly, painting, upholstering and similar activities in connection with automobiles, trucks, farm machinery, mobile homes and related products.

**Section 22.03 Conditional Uses and Structures As  
Provided in Section [28.06](#)**

- (a) Public and quasi-public facilities and utilities may be allowed in this district in compliance with Section [5.03](#) of this Ordinance and subject to any limitations and restrictions deemed necessary by the Mayor and Board of Aldermen.
- (b) Conditional uses listed under the C-3 Major Thoroughfares Commercial District, subject to C-3 regulations.
- (c) Television, cellular phone, and radio transmitters.
- (d) Warehousing and storage, provided that all storage is within enclosed structures; such warehousing may include the storage of goods manufactured on the premises as well as goods manufactured off the site; includes mini-warehouses or self-storage warehouses.
- (e) Dwellings for resident watchmen and caretakers employed on the premises of the primary permitted use.

- (f) Public streets and highways.
- (g) Railroads and railroad spur tracks.
- (h) Radio and/or television station(s) and/or transmission tower(s) pursuant to the provisions of Section [5.07.13](#) of the General Regulations herein before in [Article V](#).
- (i) Other similar enterprises which are of the same character and nature as those specifically permitted above, but not to include those uses first permitted in the I-2 Heavy Industrial district.

## **Section 22.04 Dimensional Requirements**

- .1 Maximum Building Height: No structure shall exceed 35 feet in height as measured from the average of the finished ground elevations at the front line of the building. Any building or structure proposed to be constructed or erected above the maximum height shall require site plan review in accordance with Sections [28.09](#) and [28.10](#).
- .2 Minimum Lot Area: 20,000 square feet.
- .3 Minimum Lot Width: 100 feet.
- .4 Minimum Yards:
  - (a) Front yard: 100 feet. The first fifteen (15) feet inside this front yard setback (adjacent to the street right-of-way line) shall remain open except for entrance/exit driveways and shall be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi; not parking shall be permitted in driveways within the first fifteen (15) feet of the front yard setback.
  - (b) Side yards where NOT abutting a residential district or Agricultural (A-1) district: twenty-five (25) feet; the first ten (10) feet inside this side yard setback (adjacent to the property line) shall be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi. The remainder of the side yard (between the landscaped five feet and the structure) may be used for driveways, parking, or other paved areas.
  - (c) Rear yards where NOT abutting a residential district or Agricultural (A-1) district: twenty-five (25) feet; the first ten (10) feet inside this rear yard setback (adjacent to the property line) shall be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi. The remainder of the rear yard (between the landscaped ten (10) feet and the structure) may be used for driveways, parking, or other paved areas.
  - (d) Side yards and rear yards where abutting ANY residential district or Agricultural (A-1) district: 50 feet, which shall remain open and be landscaped in accordance with the

Landscape Ordinance of the City of Madison, Mississippi; OR 20 feet, which shall remain open and be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi AND a fence approved by the Zoning Administrator along side or rear property lines abutting such residential district. All side or rear yards shall be landscaped open area with no encroachments permitted including driveways, parking lots, or other paved areas.

- .5 Minimum Space Between Separate (Detached) Buildings on the Same Lot: 30 feet. No more than two-thirds (66.66%) of the space between such buildings shall be paved; the remaining area shall be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi.
- .6 Minimum Green Space: Each lot shall have a minimum of 25 percent green space maintained by the property owner.

### **Section 22.05 Site Plan Required**

A site plan shall be submitted to the Planning Commission in accordance with Sections [28.09](#) and [28.10](#) of this Ordinance.

### **Section 22.06 Required Landscaping Along Arterial Streets**

See Section [5.05](#) of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities shall comply with Section 5.05.

### **Section 22.07 Requirements for Off-Street Parking, Loading and Access Control**

See [Article XXVI](#) for off-street parking, loading and access control requirements.

### **Section 22.08 Signs**

See Sign Ordinance of the City of Madison, Mississippi.

## **Article XXIII. Heavy Industrial District (I-2)**

### **Section 23.01 Purpose of This District**

The purpose of this district is to provide areas for the exclusive development of industrial uses that generally have extensive space requirements and/or generate substantial amounts of noise, vibration, odors, or possess other objectionable characteristics. It is the intent of this Ordinance that such heavy industrial districts be located insofar as possible adjacent only to C-3 Major Thoroughfare Commercial or I-1 Limited Industrial districts, which shall serve as transitional zones between I-2 districts and residential uses and lower intensity commercial uses. Heavy industrial uses shall be located only in areas directly accessible to major thoroughfares or railroads. (See also Section [5.07.06](#) of this Ordinance with regard to prohibited uses.)

### **Section 23.02 Land Uses Permitted**

The following land uses permitted in I-2 districts may include those located outside of enclosed structures as well as those within enclosed structures, subject to the regulations of this Ordinance and standards established by appropriate Federal and State regulatory agencies. The following uses are permitted outright:

- (a) Any outright uses permitted in an I-1, SUBJECT TO ALL OF THE REGULATIONS OF THE I-1 DISTRICT.
- (b) Heavy manufacturing uses WHICH ARE NOT POTENTIALLY HAZARDOUS OR OFFENSIVE TO NEIGHBORING LAND USES due to the emission of dust, gas, smoke, noise, fumes, odors, vibrations, or other objectionable influences shall be permitted by right in I-2 districts, EXCEPT THAT MANUFACTURING USES OF THE "WET" TYPE (i.e., those industries which require large amounts of water in processing or discharge large amounts of by-products through the sewer system) SHALL BE PERMITTED ONLY AS CONDITIONAL USES (see Section [28.06](#)).
- (c) Television, cellular phone, and radio transmitters.

### **Section 23.03 Conditional Uses and Structures As Provided in Section [28.06](#)**

- (a) Any conditional use listed under I-1 district regulations, subject to I-1 regulations.
- (b) Primary metal manufacturing, including: blast furnaces, steel works, and the rolling and finishing of ferrous metals; iron and steel foundries; primary smelting and

refining of non-ferrous metals; and similar activities.

- (c) Any manufacturing activity requiring large amounts of water for processing or discharging large amounts of waste or by-products into the sewer system.
- (d) Mining, quarrying and crude petroleum and natural gas production (including sand and gravel pits and rock-crushing operations). When “open-pit: mining operations are conducted, the operator must obtain required permits and approvals from other governmental entities and provide the Madison Board of Aldermen with written proof of same.
- (e) Junk yards and auto wrecking yards.
- (f) Public and quasi-public facilities and utilities may be allowed in this district in compliance with Section [5.03](#) of this Ordinance and subject to any limitations and restrictions deemed necessary by the Mayor and Board of Aldermen.
- (g) Public streets and highways.
- (h) Railroads and railroad spur tracks.
- (i) Radio and/or transmission station(s) and/or transmission/relay tower(s) pursuant to the provisions of Section [5.07.13](#) of the General Regulations, herein before in Article IV.
- (j) Any other use of a heavy industrial nature which is not prohibited under Section [5.07.06](#) of this Ordinance or otherwise prohibited by law may be initiated in I-2 districts, subject to any limitations and restrictions deemed necessary by the Mayor and Board of Aldermen.

## **Section 23.04 Dimensional Requirements**

- .1 Maximum Building Height: No structure shall exceed 35 feet in height as measured from the average of the finished ground elevations at the front line of the building. Any building or structure proposed to be constructed or erected above the maximum height shall require site plan review in accordance with Sections [28.09](#) and [28.10](#).
- .2 Minimum Lot Area: One (1) acre or 43,560 square feet.
- .3 Minimum Lot Width: 150 feet.
- .4 Minimum Yards:
  - (a) Front yard: 100 feet. The first fifteen (15) feet inside this front yard setback (adjacent to the street right-of-way line) shall remain open except for entrance/exit driveways

and shall be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi; not parking shall be permitted in driveways within the first fifteen (15) feet of the front yard setback.

- (b) Side yards where NOT abutting a residential district or Agricultural (A-1) district: twenty-five (25) feet; the first ten (10) feet inside this side yard setback (adjacent to the property line) shall be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi. The remainder of the side yard (between the landscaped ten (10) feet and the structure) may be used for driveways, parking, or other paved areas.
  - (c) Rear yards where NOT abutting a residential district or Agricultural (A-1) district: twenty (20) feet; the first ten (10) feet inside this rear yard setback (adjacent to the property line) shall be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi. The remainder of the rear yard (between the landscaped ten (10) feet and the structure) may be used for driveways, parking, or other paved areas.
  - (d) Side yards and rear yards where abutting ANY residential district or Agricultural (A-1) district: 50 feet, which shall remain open and be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi; OR 20 feet, which shall remain open and be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi AND a fence approved by the Zoning Administrator along side or rear property lines abutting such residential district. All side or rear yards shall be landscaped open area with no encroachments permitted including driveways, parking lots, or other paved areas.
- .5 Minimum Space Between Separate (Detached) Buildings on the Same Lot: 30 feet. No more than two-thirds (66.66%) of the space between such buildings shall be paved; the remaining area shall be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi.
- .6 Minimum Green Space: Each lot shall have a minimum of 25 percent green space maintained by the property owner.

### **Section 23.05 Site Plan Required**

A site plan shall be submitted to the Planning Commission in accordance with Sections [28.09](#) and [28.10](#) of this Ordinance.

### **Section 23.06 Required Landscaping Along Arterial Streets**

See Section [5.05](#) of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of

public/quasi-public facilities shall comply with Section [5.03](#).

### **Section 23.07 Requirements for Off-Street Parking, Loading and Access Control**

See [Article XXVI](#) for off-street parking, loading and access control requirements.

### **Section 23.08 Signs**

See Sign Ordinance of the City of Madison, Mississippi.

## **Article XXIV. Retirement Village Special Use (S-1)**

### **Section 24.01 Purpose of This District**

The purpose of this district is to provide land areas within the City of Madison for development of elderly housing and care facilities which, because of their size, institutional nature and unique characteristics, do not fit compatibly into other zoning districts of the City. Property zoned "S-1" ("Special Use-1") shall consist only of Retirement Villages which constitute "self-contained communities" and may include: residential uses, related health care facilities, cultural and recreational facilities, support service operations, commercial outlets operated primarily for the benefit of the residents and staff of the Retirement Village (e.g., ancillary retail and service businesses, professional offices, etc.) and other similar uses on the property of the facility. Such "S-1" Retirement Village districts may be public, private, or institutional in ownership.

It is the intent of this Ordinance to protect land zoned "S-1" Retirement Village from the intrusion of adjacent land uses which would be detrimental to the character of such districts; this shall be accomplished by the proper zoning of land adjacent to "S-1" Retirement Village districts. At the same time, it is the intent of this Ordinance to protect adjacent privately owned property (especially low density and moderate density residentially zoned property) from any intrusion of uses included in "S-1" districts which would be detrimental to the character of such adjacent private property.

It is further the intent of this Ordinance to enable the Mayor and Board of Aldermen to exercise control over land zoned "S-1" Retirement Village in the event land so zoned is ever sold. The zoning of property to a "S-1" zoning classification will serve to alert the public as the possible character of the future development of land so zoned.

**Section 24.02 Conditional Uses and Structures  
(Special Exceptions) as Provided for in Section [28.06](#)**

- (a) Single-family detached residences.
- (b) Duplexes.
- (c) Townhouses.
- (d) Multiple-family dwellings.
- (e) Congregate living facilities.
- (f) Nursing homes.
- (g) Hospitals.
- (h) Offices of physicians and dentists.
- (i) Hospices.
- (j) Outpatient aging services.
- (k) Day care facilities.
- (l) Facilities for the storage and maintenance of vans or buses used in conjunction with services offered by the retirement district.
- (m) Outpatient emergency facilities.
- (n) Outpatient surgery facilities.

- (o) Retail and office commercial activities primarily for the benefit of residents and staff of the retirement village.
- (p) Cultural and recreational facilities.
- (q) Public/quasi-public facilities and utilities may be allowed on the property of a retirement retirement village. Furthermore, no building permit shall be issued until such site plan has been reviewed by the Planning Commission and approved by the Mayor and Board of Aldermen. See Sections [28.09](#) and [28.10](#) relative to site plan review.

### **Section 24.03 Dimensional Requirements**

- .1 Maximum Building Height: 35 feet, unless greater height is specifically approved by the Mayor and Board of Aldermen.
- .2 Minimum District Area: 40 acres.
- .3 Minimum Lot Area: Not regulated.
- .4 Minimum Lot Width: Not regulated.
- .5 Maximum Buildable Area: Except for required minimum yards, off-street parking and loading requirements, and required distances between buildings, permitted uses may occupy as much of a site as in an "S-1" district as is necessary to conduct the permitted activity.
- .6 Minimum Distance between Buildings: 30 feet. No more than two-thirds (66 2/3%) of the space provided between such buildings shall be paved; the remaining area shall be landscaped in accordance with the Landscape Ordinance of the City of Madison, Mississippi.
- .7 Minimum Yards:
  - (a) Front yard: 50 feet from the front of any proposed structure to the right- of-way of any public (i.e., dedicated street or highway); or 20 feet from the front of any proposed structure to the curb or pavement line of any existing or proposed private street (i.e.,

circulation drive on the property of the retirement village).

(b) Side and rear yards: Not regulated.

### **Section 24.04 Lakes and Dams**

Developers of retirement villages shall adhere to the guidelines established by the Mayor and Board of Aldermen concerning construction of lakes and dams stipulated in the subdivision regulations.

### **Section 24.05 Site Plan Required**

A detailed site plan shall be required for the establishment of a new retirement village a defined by this Ordinance or for the construction or expansion of buildings in an existing retirement village. Furthermore, no building permit shall be issued until such site plan has been reviewed by the Planning Commission and approved by the Mayor and Board of Aldermen. See Sections [28.09](#) and [28.10](#) relative to site plan review.

### **Section 24.06 Required Landscaping Along Arterial Streets**

See Section [5.05](#) of this Ordinance regarding the provision of landscaping along arterial streets. Where permitted as special exceptions, the developers of public/quasi-public facilities shall comply with Section [5.05](#).

### **Section 24.07 Requirements for Off-Street Parking, Loading and Access Control**

See parking, loading and access requirements for S-1 districts under [Article XXVI](#).

### **Section 24.08 Signs**

See Sign Ordinance of the City of Madison, Mississippi.

## **Article XXV.     **Airport Special Use (S-2)****

### **Section 25.01 Purpose of This District**

The purpose of the Airport Special Use District (S-2) is to provide areas for the development of airport-related facilities and other compatible uses which do not create hazards to air navigation. It is further the intent of this Ordinance to regulate and restrict the height of structures and objects of natural growth and otherwise regulate the use of property in the vicinity of Bruce Campbell Field, Madison Airport by creating the S-2 zone, airport approach zones, transition zones, horizontal zone and conical zone, and establishing the boundaries thereof; defining certain terms used herein; referring to the Bruce Campbell Field, Madison Airport Zoning Map which is incorporated in and made a part of this Ordinance. The authority to impose such regulation is conferred by the Airport Zoning Act of the State of Mississippi, (Chapter 7, Title 61 of the Code of 1972) for the purpose of promoting the health, safety and general welfare of the inhabitants of the City of Madison, Mississippi, by preventing the creation or establishment of airport hazards, thereby protecting the lives and property in its vicinity and preventing destruction or impairment of the utility of Bruce Campbell Field, Madison Airport and public investment therein.

### **Section 25.02 Zones and Map**

- .1 Establishment of Surface Zones with S-2 District: In order to carry out the provisions of this Ordinance, there are hereby established certain zones which include all land as outlined on the Official Zoning Map designated S-2 and all areas lying within the following as they apply to Bruce Campbell Field:
- the primary surface zone;
  - the approach surface zones;
  - the transitional surface zones;
  - the horizontal surface zones; and,
  - the conical surface zones.

Such zones are shown on the "Bruce Campbell Field Airport Zoning Map".

- .2 Boundaries of the S-2 District: The boundaries of the S-2 District are shown on the Official Zoning Map and are further determined by reference to surface areas or zones. The boundaries of these surface areas or zones are hereby established as shown on the "Bruce Campbell Field Airport Zoning Map".

## **Section 25.03 Determination of Zones and Height Limits**

- .1 Structures or Trees in Excess of Height Limits Prohibited: Except as otherwise provided in this Ordinance, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by this Ordinance to a height in excess of the height limit elevation hereby established for such zone.
- .2 Boundaries and Height Limits for Each Surface Zone: The boundary and height limit elevation for each surface zone is hereby established as follows:
  - (a) Primary Surface Zones: A surface longitudinally centered on runway extending 200 feet beyond each end of runway with a width of 500' (250' either side of the said centerline). The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
  - (b) Airport Approach Surface Zones:
    - 1) Runway 35 Approach Surface: Beginning at a point 200 feet south of the south end of the north-south runway, an inclined surface starting at elevation 314.7 Above Mean Sea Level (AMSL) with a slope of 20 horizontal to one vertical, 500 feet wide, symmetrical about the projected runway center line and extending a horizontal distance of 5,000 feet from the point of beginning, with a width of 1,500 feet symmetrical about the projected runway center line at the 5,000 foot point and an elevation of 564.7 AMSL at the 5,000 foot point.
    - 2) Runway 17 Approach Surface: Beginning at a point 200 feet north of the north-south runway, an inclined surface starting at elevation 325.3 AMSL with a slope of 20 horizontal to 1 vertical, 500 feet wide, symmetrical about the proposed runway center line and extending a horizontal distance of 10,000 feet from the point of beginning, with a width of 3,500 feet symmetrical about the proposed runway center line at the 10,000 foot point and an elevation of 825.3 AMSL at the 10,000 foot point.
  - (c) Transition Surface Zones: An inclined surface at right angles to the runway center line and the projection thereof extending on a slope of 7:1 from the edge of the primary surface zone at the elevation of the runway center line to an intersection with the horizontal surface at elevation 475.3 and extending on a slope of 7:1 from the edge of approach surfaces to an intersection with the horizontal surface at elevation 475.3 or conical surface at its intersecting point.

(d) Horizontal Surface Zones: A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

- 1) 5,000 feet for all runways designated as utility or visual (south end).
- 2) 10,000 feet for all other runways (north end).

The radius of the arc specified for each end of a runway will have the same arithmetical value. The value will be the highest determined for either end of the runway. When a 5,000 foot arc is encompassed by tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

(e) Conical Surface Zones: A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet to an elevation of 675.3 AMSL.

- .3 Airport Elevation Established: The established airport elevation is hereby declared to be 325.3 AMSL.
- .4 Height Limits of Less Than Fifty Feet: Notwithstanding any other provision of this Ordinance to the contrary, the height limits prescribed by this Ordinance shall not establish for any particular parcel of land at any particular point within such parcel a height limit of less than 50 feet above the surface elevation of the land at the point.

### **Section 25.04 Use Restrictions**

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport. Furthermore, no crops which tend to attract birds shall be cultivated within or immediately adjacent to the boundaries of the S-2 District.

### **Section 25.05 Nonconforming Uses**

- .1 Regulations Not Retroactive: The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date hereof, or to otherwise

interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance.

- .2 **Marking and Lighting:** Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the City of Madison or other authorized agents.

### **Section 25.06 Public Notice Required**

In accordance with Federal Aviation Regulations (FAR) Part 77, all persons are required to give adequate public notice of the construction or alteration of any structure where such notice will promote safety in air commerce, as well as the efficient use and preservation of navigable airspace at Bruce Campbell Field. For particulars about who must file such notice, please refer to Federal Aviation Administration Advisory Circular No. 70/7460-21, copies of which are available from the Zoning Administrator or the FAA District Office at Jackson International Airport in Jackson, Mississippi.

### **Section 25.07 Permits Required**

- .1 **Future Use:** Except as specifically provided in a, b, and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. And, if within a 100:1 slope to the runway, written approval from the Federal Aviation Administration in accordance with applicable Federal Regulations shall be furnished with the application. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a dimensional variance has been approved in accordance with Section 25.05 of this Ordinance.
  - (a) **Horizontal and Conical Zone:** In the area lying within the limits of the horizontal zone and conical zone no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
  - (b) **Approach Zone:** In areas lying within the limits of the approach zones, but at a

horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

- (c) Transition Zone: In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance, except as set forth in Section [25.03.04](#).

- .2 Expansion of Nonconforming Uses, Structures or Trees: No permit shall be granted that would allow a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- .3 Nonconforming Uses or Trees Abandoned or Destroyed: Whenever the Zoning Administrator determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- .4 Dimensional Variances: Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, not in accordance with the regulations prescribed in this Ordinance, may apply to the Mayor and Board of Aldermen for dimensional variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.

Such variances shall only be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship. Furthermore, variances shall be allowed only where it is determined that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Mayor and Board of Aldermen unless a copy of the application has been furnished to the Airport Manager for advice as to the aeronautical effects of the variance. If the Airport Manager does not respond to the application within fifteen (15) days after receipt, the Mayor and Board of Aldermen may act on its own to grant or deny said application.

- .5 Obstruction Marking and Lighting: Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Mayor and Board of Aldermen, this condition may be modified to require the owner to permit the City of Madison or its authorized agent at its own expense, to install, operate, and maintain the necessary markings and lights.

### **Section 25.08 Land Uses Permitted**

The following land uses shall be permitted in the S-2 district, provided such uses conform to standards established by appropriate Federal and State regulatory agencies.

- (a) Airport related facilities including administration buildings, hangars, tie-down areas, fuel sales stations and similar enterprises.
- (b) Agricultural uses.
- (c) Other uses which, in the judgment of the Mayor and Board of Aldermen are compatible with normal airport operations, including landing and takeoff of aircraft.

### **Section 25.09 Conditional Uses and Structures As Provided in Section [28.06](#)**

The only conditional uses which may be considered in an S-2 zone are public and quasi-public facilities and utilities, which may be allowed in this district only in compliance with Section [5.03](#) of this Ordinance and subject to any limitations and restrictions deemed necessary by the Mayor and Board of Aldermen.

## **Section 25.10 Dimensional Requirements**

- .1 Maximum Building Height: Any building structure proposed to be constructed or erected above the height of 35 feet in an S-2 district shall require site plan review in accordance with Sections [25.09](#) and 25.10 of this Ordinance prior to issuance of a building permit.
- .2 Minimum Lot Area: Not regulated.
- .3 Minimum Lot Width: Not regulated.
- .4 Minimum Yards:
  - (a) Front yard: 40 feet. This dimension shall be measured from the front of the proposed structure to the street right-of-way line.
  - (b) Side and rear yards: 30 feet, except where a side or rear yard abuts a residential zoning district, in which case a side/ rear yard of at least 50 feet shall be provided on the side or rear of the use which abuts the residential district.
- .5 Maximum Buildable Area: Except for required minimum yards, off-street parking and loading requirements, uses permitted in this district may occupy as much of a lot as necessary to conduct the permitted activity.

## **Section 25.11 Site Plan Required**

Where any person proposes the construction of a new principal structure or the relocation or expansion of an existing principal structure, a site plan shall be submitted to the Planning Commission in accordance with Sections [28.09](#) and [28.10](#) of this Ordinance.

## **Section 25.12 Required Landscaping Along Arterial Streets**

See Section [5.05](#) of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities shall comply with Section [5.03](#).

## **Section 25.13 Requirements for Off-Street Parking, Loading and Access Control**

See [Article XXVI](#) for off-street parking, loading and access control requirements.

## **Section 25.14 Signs**

See Sign Ordinance of the City of Madison, Mississippi.

## **Article XXVI. Off-Street Parking, Loading Space and Access Requirements**

### **Section 26.01 Purpose of This Article**

The purpose of this Article is to establish requirements regarding: (1) sufficient space for the off-street parking and, where required, parking lot landscaping; (2) sufficient space for loading (or unloading) of all motor vehicles; and (3) design standards for accessways within the City of Madison. The purpose of these requirements is to reduce or avoid congestion of streets and to provide a more suitable living and working environment. Such space for parking or loading of motor vehicles, provisions for ingress and egress, and required landscaping shall be provided at the time of the erection of any principal structure, or at the time any principal structure is enlarged or increased in capacity by the addition of dwelling units, guest rooms, floor area, or seats. The responsibility for meeting the requirements established by this Ordinance shall be that of whoever establishes the use to which it is appurtenant.

### **Section 26.02 Off-Street Parking**

- .1 General Requirements: Off-street parking and loading space shall be provided in accordance with the following regulations:
- (a) Residential Uses:
- 1) Provision of Parking Space on the Same Lot with all Residential Uses: Off-street parking space for all residential land uses shall be provided on the same parcel of land as the residential use to which the parking space is appurtenant.
  - 2) Requirement of Enclosed Parking: Residential land uses shall be required to have a minimum of a two-car, completely enclosed garage. If the garage or carport of an existing house is converted into living area, a new garage or carport (whichever is consistent with what is being enclosed must be added, which meets the setbacks for the zoning district. If a carport is enclosed a garage may be constructed in lieu of a carport.

- (b) Non-residential Uses and Off-site Parking: Off-street parking space for all non-residential land uses shall be provided on the same parcel of land as the use to which the parking space is appurtenant; PROVIDED, however, that, following site plan review by the Planning Commission in accordance with Section 10-2708 of this Ordinance, the Mayor and Board of Aldermen may authorize in writing an alternative off-site location to the required parking space for such non-residential land uses if:
  - 1) There are practical difficulties preventing the location of parking space on the same parcel; and/or,
  - 2) The public safety or the public convenience or both would be better served by the location of the required space on a parcel of land other than with the use to which it is appurtenant.
  
- (c) Provision of Access and Maneuver Space: In calculating any required parking area, other than for parking spaces required for single and two-family dwellings, sufficient access and maneuver space shall be provided to permit the parking and removal of any vehicle without moving other vehicles. Furthermore, all parking spaces shall be designed, maintained and regulated so that no parking or maneuvering incidental to parking shall be on any public street, sidewalk, or alley; and exiting will not require backing into a public street.
  
- (d) Parking Space Near Fire Hydrants: Under no circumstances shall any parking space be provided within ten (10) feet of a fire hydrant.
  
- .2 Schedule of Off-Street Parking Requirements: For the purpose of this Ordinance, an "off- street parking space" shall consist of a space sufficient in size to store one full size automobile (minimum of 10 feet wide and 20 feet long with a 24 foot wide drive aisle, or 10 feet wide by 18 feet long with a 26 foot wide drive aisle with 90 degree parking or 10 feet wide by 18 feet long with a 24 foot wide drive aisle with 60 degree parking, or such other dimensions as may be required by special circumstance and authorized by the Mayor and Board of Aldermen) with room for opening doors on both sides. When computing parking space requirements on the basis of the number of persons expected to be on the premises of a particular land use, the maximum number of occupants, practitioners, patrons or employees anticipated to be on the premises at any one time shall be used. When the application of the requirements of this Section would result in a fractional space, any such fraction shall be counted as one space. In the case of mixed, compatible subcategories of land use (e.g., as shopping centers containing a grocery store, a furniture store, a motion picture theater, etc.), the parking space required by the schedule below shall equal the sum of the requirements for each of the various uses categories) computed separately. Off-street space for parking and storage of vehicles shall be provided in accordance with the following schedule:

- (a) All Residential Uses Other Than Multiple Family: Two spaces per dwelling unit.
- (b) Multiple Family Uses: 2.5 spaces per dwelling unit.
- (c) General Business, Commercial or Service Establishments Catering to the Retail Trade: One parking space for each 250 square feet of GROSS floor area, except for the following prescribed uses:
  - 1) Hotels and motels - One space for each guest room plus one space for each employee on the largest shift.
  - 2) Restaurants and similar establishments serving food and beverages - One space for each 75 square feet of floor area devoted to patron use, plus one space for each employee on the largest shift.
  - 3) Offices of physicians and dentists - Five spaces for each staff member.
  - 4) Other business and professional offices (other than physicians or dentists) - One space for each 300 square feet of gross floor area.
  - 5) Furniture and appliance stores - One space for each 400 square feet of gross floor area.
  - 6) Theaters, auditoriums and other commercial places of assembly - One space for each four fixed seats.
  - 7) Gasoline and Service Stations - One space for each employee and three spaces for each wash rack, lubrication rack, repair bay or similar facility for servicing and incidental repair of motor vehicles (not including said rack or bay as a space). If convenience store is also on site, additional parking is required as specified herein.
  - 8) Dry Cleaners and Banks - One space per every 300 square feet gross floor area.
  - 9) "Drive-in service" establishments, such as drive-in banking, drive-in "windows" for restaurants, and laundry establishments and similar uses - In addition to the spaces required for the use, each such establishment shall have five standing spaces that do not block parked cars (i.e., spaces for vehicles waiting in line for service) for each teller window or other facility at which customer service is provided.
  - 10) Motor vehicle repair shops, body shops, etc. - One space for each employee on largest shift, plus one space for each 300 square feet of gross floor area used for mechanical or body repair.

- 11) Motor vehicle sales, machinery sales and equipment sales establishments - Two parking spaces (one customer and one employee) for each 1,000 square feet of area utilized for the display of vehicles, machinery or equipment for sale, whether or not said area is enclosed. (Note: If a motor vehicle sales establishment is combined with a motor vehicle repair shop, body shop or similar use, one space shall be provided for each employee of the establishment, whether mechanic, salesman, or other, plus one space for every 1,000 square feet of sales display area and one space for every 300 square feet of floor area used for repair).
  - 12) Grocery stores (excluding convenience type grocery stores) - One parking space (for employees and customers) for each 100 square feet of non-storage floor area.
  - 13) Convenience-type grocery stores - A minimum of four parking spaces for any such use plus one space for each 400 square feet of non-storage area.
  - 14) Skating rinks and other commercial places of amusement or assembly without a fixed seating arrangement - One parking space for each 75 square feet of floor area devoted to use by patrons.
  - 15) Bowling alley - Five spaces for each bowling lane.
- (d) Warehouse, Wholesale and Manufacturing Uses NOT Catering to the Retail Trade: One parking space for each 1,000 square feet of gross, or one parking space for each employee on the largest shift, whichever is greater; plus one space for each vehicle operating from the premises.
- (e) Public/Quasi-Public Facilities and Uses: Off-street parking space requirements for public/quasi-public facilities and uses shall be determined based upon a site plan and in accordance with the following schedule of requirements:
- 1) Churches - One parking space for each three fixed seats in the principal assembly hall or one parking space for every 90 linear inches of pew space, whichever is applicable.
  - 2) Hospitals - One space for each patient bed, plus one space for each employee determined by the number of employees on the largest shift.
  - 3) Rest homes, nursing homes, sanitariums, and convalescent homes - One space for every two patient beds, plus one space for each employee determined by the number of employees on the largest shift.
  - 4) Libraries, art galleries, and museums, both public and private - One space for each 200 square feet of floor area (excluding storage rooms).

- 5) Other public/quasi-public facilities and uses not listed above - The off-street parking requirements for public/quasi- public uses not listed above shall be determined on the basis of a site plan submitted in accordance with Sections [25.09](#) and [25.10](#) of this Ordinance.
- (f) Uses Not Covered: The Planning and Development Director will determine the amount of parking required for any use not specifically noted by referring to standardized sources.
- .3 Design Standards for Off-Street Parking: All off-street parking shall be provided in accordance with the design standards for off-street parking as prescribed in the latest edition of the Traffic Engineering Handbook, published by the Institute of Transportation Engineers (formerly the Institute of Traffic Engineers), Washington, D.C., or in accordance with Architectural Graphic Standards.

### **Section 26.03 Off-Street Loading Space Requirements**

Adequate off-street space for the loading and unloading of vehicles and for vehicles temporarily stopped ("standing") while waiting to be loaded, unloaded, or serviced, shall be provided and maintained for all commercial and industrial uses and any other use involving the receipt or distribution by vehicles of materials, merchandise or other matter on a regular basis. Said space shall be provided on the same premises with the use to which it is appurtenant, unless with a recommendation from the Planning Commission, the Mayor and Board of Aldermen authorize in writing an alternative location for such loading or unloading. Unless otherwise specified in this Ordinance, loading, unloading or standing space shall be provided in accordance with the following:

One loading space measuring at least 12 feet by 55 feet with a minimum height clearance of 14 feet for the first 3,000 square feet of building and/or storage area; PLUS one additional loading space with the same space requirements as above for each 10,000 square feet of building and/ or storage area above the first 3,000 square feet. (Examples: (1) A parcel of land containing 3,000 square feet of area which is used for the storage of building supplies or a commercial building containing 3,000 square feet of floor space: one loading space would be required for either situation; (2) a parcel of land containing 23,000 square feet of outdoor storage area or a building containing 23,000 square feet of floor area: a minimum of three loading spaces would be required in either situation.)

### **Section 26.04 Accessways**

Developers of public/quasi-public uses, multiple family residential uses, all commercial uses and all industrial uses shall control access along arterial and collector streets upon which the use abuts in accordance with the following regulations:

- .1 Access Barrier: Each lot, with its buildings, other structures and parking and loading areas shall be physically separated from each adjoining street by a curb or other

suitable barrier against unchanneled motor vehicle ingress or egress. Except for the accessways permitted below, such barrier shall be continuous for the entire length of any lot line adjoining a street.

- .2 Number of Accessways Per Lot: A minimum of one accessway per lot, or one accessway for every 200 feet of street frontage unless a greater number is approved by the Mayor and Board of Aldermen for reasons of safer traffic maneuvering.
- .3 Width of Accessways: The width of any accessway shall not exceed thirty-six (36) feet for two-way traffic nor be less than fifteen (15) feet for one-way traffic. The alignment of accessways shall be reviewed in accordance with the provisions of Sections [28.09](#) and [28.10](#) of this ordinance relative to site plan review.
- .4 Distances between Accessways and Minimum Setbacks from Street Intersections: The spacing of accessways shall conform to the following: (1) at its intersection with the lot line, no part of any accessway shall be nearer than twenty (20) feet to any other accessway on the same lot, nor shall any part of the accessway be nearer than five (5) feet to any side or rear property line unless a shared access easement plan is approved by Mayor and Board of Aldermen; (2) at intersections with other streets, no part of an accessway shall be permitted within forty (40) feet of the intersecting streets right-of-way line; and (3) no part of an accessway shall be permitted within a corner radius.
- .5 Reduction of Traffic Hazards at Accessways: Accessways shall be constructed so that vehicles will not have to back into the roadway. In addition, the location and number of accessways shall be so arranged that they will reduce the possibility of traffic hazards as much as possible.

In cases where a tract of land is being subdivided, the Planning and Development Director, the Planning Commission and/or the Mayor and Board of Aldermen may request that the property owner provide an access plan which will reduce the number of accesses on an arterial or collector street.

### **Section 26.05 Required Landscaping of Parking Lots**

Because large undivided parking lots can be a traffic hazard, can be unsightly, and can contribute to an unpleasant environment resulting from glare from reflected sunlight, heat produced by solar radiation and unimpeded winter winds, developers of ANY land use other than single-family and two-family dwellings shall comply with the adopted landscaping standards of the City of Madison. Such landscaping will enhance the safety of parking lots by guiding the circulation of cars and pedestrians, enhance the visual appearance of the parking lot and have a moderating effect on the heat and other uncomfortable aspects of the parking lot.



## **Article XXVII. Nonconformities**

### **Section 27.01 Purpose of This Article**

A nonconformity is any land, lot, building, structure or parts thereof, existing prior to the enactment of this Ordinance, which subsequent to the enactment of this Ordinance or amendment thereto, does not conform with the use regulations and/or dimensional regulations of the district in which it is situated, and/or does not comply with any other requirements herein.

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

Nonconforming USES (see definition under Section 27.02 below) are declared by this Ordinance to be incompatible with permitted land use in the districts involved. Therefore, a nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this Ordinance by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change of plans, construction, or designated use of any building on which ACTUAL CONSTRUCTION WAS LAWFULLY INITIATED PRIOR TO THE EFFECTIVE DATE OF ADOPTION OR AMENDMENT OF THIS ORDINANCE and upon which actual building construction has been carried on diligently. "Actual construction" is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially initiated preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be "actual construction", provided that work shall be carried on diligently.

### **Section 27.02 Types of Nonconformities**

Where the definition of a nonconformity has been given in Section [3.02](#) and under Section 27.01, such nonconformities shall be further defined according to one of the types of nonconformities listed below, or combination thereof, for the purpose of regulation.

- .1 Nonconforming Undeveloped "Lot of Record": This type of nonconformity is an undeveloped "lot of record" (i.e., part of a subdivision, the map of which has been recorded in the office of the Chancery Clerk of Madison County, Mississippi, or a lot described by metes and bounds, the description of which has been recorded in said office) the dimensions of which, subsequent to the passage of this Ordinance, do not

meet the area or width requirements, or both, of the district wherein such lot is located.

- .2 Nonconforming Structure (Including Buildings): This type of nonconformity includes anything lawfully constructed or erected with a fixed location on the ground (or attached to something having a fixed location on the ground) prior to the passage of this Ordinance, but which subsequently does not comply with the bulk, placement and dimensional requirements of the zoning district wherein located.
- .3 Nonconforming Use: This type of nonconformity includes the uses of any land, lot, building, structure, or parts thereof, which lawfully existed prior to the passage of this Ordinance but which subsequently does not comply with all or some part of the use requirements of the zoning district wherein located.

### **Section 27.03 Regulations Concerning Nonconforming Undeveloped Lots of Record**

- .1 Erection of One-Family Dwellings Allowed on Single Nonconforming Undeveloped (or Vacant) Lots of Record in Separate Ownerships: In any district in which one-family dwellings are permitted, a one-family dwelling and customary accessory buildings may be erected on any SINGLE nonconforming undeveloped (or vacant) lot of record after the effective date of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lots must be in SEPARATE OWNERSHIP and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such single lot of record fails to meet the requirements for area or width, or both, that are generally applicable in the district, PROVIDED THAT: The required yard dimensions and other requirements (than those applying to lot area or width, or both) of the proposed single-family residential use shall conform to the regulations in the district in which such single nonconforming lot of record is located. Variance of yard requirements shall be obtained only through action of the Mayor and Board of Aldermen (See Section [28.05](#) of this Ordinance).
- .2 Two or More Nonconforming Undeveloped (or Vacant) Lots of Record with Continuous Frontage Changing Ownership After the Effective Date of This Ordinance: If two or more undeveloped (or vacant) lots in single ownership with continuous frontage are "of record" at the time of enactment of this Ordinance, and if, subsequent to the passage of this Ordinance, such lots become nonconformities in the district where they are located; and if such lots change ownership (except by inheritance or as a gift) after the enactment of this Ordinance, the lands involved shall be considered as UNDIVIDED PARCEL for the purposes of this Ordinance; and no portion of said parcel shall be used in a manner which diminishes compliance with the lot width and/or lot area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot width or area (or both) below the requirements stated in this Ordinance.

The provisions of this subsection shall not apply to two or more undeveloped lots of record in single ownership with continuous frontage which remain in the same ownership (or if the lots are conveyed by inheritance or as a gift) following enactment of this Ordinance. Such lots not changing ownership shall continue to be considered divided parcels; and the owner of such lots may erect single-family dwellings on each lot in districts where single-family dwellings are permitted, subject to the regulations imposed by subsection [27.03.01](#). However, further division of such nonconforming lots of record shall be prohibited. (NOTE: Subsection [27.03.02](#) is intended to prevent the construction of dwelling units at too high a density by individuals purchasing two or more nonconforming vacant lots in continuous frontage after the effective date of this Ordinance. At the same time, it is intended to avoid undue harshness with regard to persons who owned such lots prior to the effective date of this Ordinance.)

### **Section 27.04 Regulations Concerning Nonconforming Structures**

Where a lawful structure exists before the effective date of adoption or amendment of this Ordinance that could not subsequently be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its placement on the lot, or other dimensional requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, PROVIDED THAT:

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

### **Section 27.05 Regulations Concerning Nonconforming Uses of Land (or Land with Minor Structures Only)**

Where at the time of passage of this Ordinance, lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, and where such use involves no individual structure with a replacement cost exceeding \$1,000.00, the use may be continued so long as it remains otherwise lawful, PROVIDED:

- (a) No such nonconforming use shall be enlarged or increased, nor extended to occupy

a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;

- (b) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance;
- (c) If any such nonconforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located;
- (d) No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

### **Section 27.06 Regulations Concerning Nonconforming Uses of Major Structures or of Major Structures and Land in Combination**

If lawful use involving individual MAJOR structures (i.e., those with a replacement cost of \$1,000 or more) or of such MAJOR structures and land in combination, exists prior to the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (b) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- (c) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

- (d) When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for six consecutive months or for six months during any three year period (except when government action has impeded access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- (e) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to the extent of more than 50 percent of the replacement cost at the time of destruction.

## **Article XXVIII. Administration and Enforcement**

### **Section 28.01 Purpose of This Article**

It is the purpose of this Article to prescribe the legal devices and procedures for administering and enforcing this Ordinance and to define the duties, powers, limitations and scope of jurisdiction for the various persons and groups which are concerned with the administration and enforcement of this Ordinance.

### **Section 28.02 Duties, Powers, and Limitation of Powers of the Building Official and Zoning Administrator in the Administration and Enforcement of This Ordinance**

- .1** Duties of the Zoning Administrator (Also Referred to as Planning and Development Director):
- (a) Coordinate all matters relating to this Ordinance with, as appropriate, the Director of Public Works, Building Official, and other City officials.
  - (b) Provide information to the public on matters relating to zoning.
  - (c) Provide application forms to the public on matters relating to zoning.
  - (d) Maintain, or be responsible for, the maintenance of the Official Zoning Map in good and useful condition and properly recording on that map all zoning amendments (rezonings).
  - (e) Review all building permit applications and plot diagrams as they relate to this Ordinance.
  - (f) Receive and take appropriate action on all applications for dimensional variances, conditional use permits (special exceptions), and zoning amendments (rezonings).
  - (g) Receive and take appropriate action on all site plans submitted in accordance with Sections [28.09](#) and [28.10](#) of this Ordinance and the forwarding copies of site plans and associated materials to the proper individuals or bodies.
  - (h) Check construction (or use conversion) performed under zoning-related permits to

determine if the work (or use conversion) meets the requirements before authorizing the Building Official to issue a certificate of occupancy.

- (i) Oversee the preparation and maintenance of a map or other recording process indicating nonconforming uses, structures and undeveloped (or vacant) lots.
  - (j) Clear with other local, county, state, or Federal agencies where such clearance is necessary in connection with zoning matters.
  - (k) Appear before the Planning Commission and the Mayor and Board of Aldermen to furnish information helpful to those bodies in carrying out its assigned functions. Also shall lend support to the Historic Commission.
  - (l) Make periodic checks for violations of this Ordinance and notifying IN WRITING the person(s) responsible for violations of the Ordinance, indicating the nature of the violation and ordering the action necessary to correct it.
  - (m) Advertise public hearings as required by this Ordinance. (Note: The Zoning Administrator may simply notify the City Clerk that advertisement of a public hearing is needed, and the City Clerk may actually transmit the required notice to the appropriate newspaper or newspapers).
  - (n) Keep records pertaining to zoning matters.
  - (o) Attend Planning and Zoning Commission meetings as needed or designate a representative to attend.
  - (p) Provide administrative interpretation as provided in Subsection [28.02.02](#).
  - (q) Any other duties prescribed by the Mayor and Board of Aldermen.
- .2 Administrative Interpretation by the Zoning Administrator:** In the event there is a question as to the general intent or specific meaning of any provision of the Zoning Ordinance text, or of the boundaries or district designations or other matters relating to the Official Zoning Map, the Zoning Administrator shall have the power to make such administrative decisions and interpretation.
- (a) **Limitation of Powers:** Said administrative interpretation shall in no manner be construed to include, or used in any way which would permit, the granting of a conditional use permit (special exception), dimensional variance, or zoning amendment (either an amendment to the zoning text or a district re-classification---that is, the rezoning of any land), the provisions for which use are given elsewhere in this Ordinance.
  - (b) **Appeals from the Administrative Interpretation by the Zoning Administrator:** Appeals

from said administrative interpretation shall be made as provided in Subsection [28.14.01](#) of this Ordinance.

### **Section 28.03 Duties and Rules of Conduct of the Madison Planning Commission**

In accordance with Section 2 of An Ordinance to Amend the Zoning Ordinances of the City of Madison Pertaining to the Establishment of a Planning and Zoning Commission (adopted September 27, 1988), an advisory body known as the "Madison Planning Commission" was established. The Madison Planning Commission shall have the duties and responsibilities of a local planning commission pursuant to Section 17-1-11 of the Mississippi Code of 1972, Annotated, As Amended.

- .1 Duties of the Planning Commission: The Commission's duties with regard to this Ordinance shall include, but not be limited to:
  - (a) The Planning Commission shall hold all public hearings on all matters relating to this Ordinance which require such hearings, including:
    - applications for dimensional variances;
    - applications for special exceptions (conditional use permits);
    - applications for amendments to the Official Zoning Map (i.e., applications for rezoning);
    - proposed amendments to this text;
  - (b) The Planning Commission shall review all site plans (i.e., plans for the development of a SINGLE lot, as opposed to a subdivision plat involving the development of two or more lots) where such plans are required under Section [28.08](#) of this Ordinance.
  - (c) The Planning Commission shall review all "sketch plats" for subdivisions.
  - (d) The Planning Commission shall review all preliminary plats for subdivisions, including plats for proposed conventional subdivisions and Planned Unit Developments (PUD's).
  - (e) The Commission shall review all development plans (i.e., a drawing or set of drawings depicting the ultimate layout of a large tract of land, usually involving varying lot sizes and/or different proposed land uses).
- .2 Rules of Conduct for the Madison Planning Commission: In addition to other rules of conduct that the Planning Commission may adopt, the following shall apply:
  - (a) In accordance with Section 9 of An Ordinance to Amend the Zoning Ordinances of the City of Madison Pertaining to the Establishment of a Planning and Zoning Commission, "all actions taken by the Planning Commission of the City of Madison shall be in the form of a written recommendation to the Mayor and Board of

Aldermen." The secretary of the Planning Commission shall report all recommendations regarding variances, special exceptions, rezonings, amendments to the Zoning Ordinance text, site plans, subdivision plats, and other matters through the Minutes of the Planning Commission.

- (b) All items to be discussed by the Planning Commission shall be placed on an agenda. The closing date for items to be included on said agenda shall be 12:00 Noon on the Friday before the date of the regular meeting of the Planning Commission. The Zoning Administrator has the responsibility of preparing and mailing (or having hand-delivered) the agenda and appropriate supporting documentation concerning items to be discussed to each member of the Planning Commission.
- (c) In accordance with Section 25-41-5 of the Mississippi Code of 1972, As Amended, all meetings of the Planning Commission shall be open to the public at all times unless an executive session is declared as provided in Section 25-41-7. Voting by the Planning Commission on all matters coming before that body shall be held in public except for voting during executive sessions.
- (d) No member of the Planning Commission shall participate in the hearing of the singular item nor vote on any matter before the Commission in which he has a personal financial interest.
- (e) There is created and established a Planning Commission to be known as the Madison Planning Commission. It shall consist of twelve members. Appointments to the Planning Commission shall be made in the following manner. The first two appointments to the Commission after the date of this amendment shall be nominated by the Mayor and Board of Aldermen from Ward 6, and shall be subject to approval by the Mayor and Board of Aldermen. As existing appointments to the Planning Commission expire, nominations shall be made by the Aldermen whose ward (as presently configured) does not have two members on the commission, in ascending numeric order.

### **Section 28.04 Duties of the Mayor and Board of Aldermen in the Administration and Enforcement of This Ordinance**

The Mayor and Board of Aldermen of the City of Madison shall have the final authority with regard to all matters involving this Zoning Ordinance. The duties of the Mayor and Board of Aldermen shall include, but not necessarily be limited to:

- (a) Acting as a Board of Adjustments and Appeals, including hearing and deciding appeals from actions of the Zoning Administrator and Planning Commission.
- (b) Acting upon all applications for dimensional variances and special exceptions (conditional use permits).

- (c) Acting upon all applications for rezonings (i.e., amendments to the Official Zoning Map). In accordance with Section 17-1-17 of the Mississippi Code of 1972, As Amended, "any party aggrieved with the recommendation of the (planning commission) shall be entitled to a public hearing before the (Mayor and Board of Aldermen), with due notice thereof after publication for the time and as provided by (the Mississippi Code)."
- (d) Acting upon all proposed amendments to the text of the Zoning Ordinance.
- (e) Accepting, rejecting, or conditionally approving site plans, preliminary subdivision plats and final subdivision plats.
- (f) Appointing the members of the Planning Commission.

### **Section 28.05 Dimensional Variances**

Where the strict application of this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional hardship upon the owner of such property, the Mayor and Board of Aldermen is empowered to grant, upon an application relating to such property, a dimensional variance from such strict application so as to relieve such difficulties or hardships. Examples of such difficulties or hardships include exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of this Ordinance; or by reason of the location of trees, natural drainage course, lakes, or other desirable or attractive features, which condition is not generally prevalent in the neighborhood.

- .1 Requirements for Granting Variances: Any person desiring a dimensional variance from the terms of this Ordinance shall submit a written application (on a form furnished by the Zoning Administrator) demonstrating compliance with ALL of the following:
  - (a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the same district.
  - (b) That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
  - (c) That the special conditions and circumstances do not result from the actions of the applicant.
  - (d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

- .2 Existence of Non-Conforming Uses Not Grounds for Variance: The existence of non-conforming uses of neighboring lands, structures, or buildings in the same zoning district shall not be considered grounds for granting a variance. Furthermore, the existence of permitted or non-conforming use of lands, structures, or buildings in other districts shall not be considered grounds for issuance of a variance. (NOTE: Allowing the applicant to construct a building to conform with existing nonconforming buildings in the same area as the proposed variance would not be proper, since the other buildings, although allowed to remain as nonconformities, may be located much too close to the street right-of-way, side or rear property line, etc. for the purpose of this Ordinance. Therefore, the variance should prescribe conditions which are as close as possible to the dimensional requirements of this Ordinance.)
- .3 When a Site Plan Shall Be Required: If the Zoning Administrator feels that more information is needed than is included on the plot diagram submitted with an application for a building permit, then a site plan shall be submitted with an application for a dimensional variance.
- .4 Public Hearing Required: A public hearing shall be held in accordance with Section [28.12](#) of this Ordinance for all proposed dimensional variances.
- .5 Required Findings: No variance shall be issued until the Mayor and Board of Aldermen have made a finding that the reasons set forth in the application justify the granting of the variance, and that the variance constitutes the minimum allowable deviation from the dimensional regulations of this Ordinance in order to make possible the responsible use of the land, building or structures.

Furthermore, no variance shall be granted until the Mayor and Board of Aldermen have made a finding that the granting of the dimensional variance will be in harmony with the general purpose and intent of this Ordinance, and that the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

- .6 Conditions and Safeguards May Be Prescribed with Dimensional Variance: In granting any dimensional variance, the Mayor and Board of Aldermen may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section [28.15](#) of this Ordinance.

If such conditions and safeguards are imposed by the Mayor and Board of Aldermen in granting a variance, the applicant shall be required to sign an agreement whereby he/she accepts those conditions and safeguards (which shall be specified in the agreement). This instrument shall be in a form recordable in public land records.

- .7 Granting of a "Use Variance" Prohibited: Under no circumstances shall the Mayor and

Board of Aldermen issue a variance for to allow a use not permissible under the terms of this Ordinance in the District involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

## **Section 28.06 Special Exceptions (Conditional Uses)**

The Mayor and Board of Aldermen is empowered to hear and decide whether or not proposed special exceptions (conditional uses) authorized under this Ordinance should be granted.

- .1 Requirements for Granting a Special Exception or Conditional Use Permit): Any person desiring a special exception shall submit a written application (on a form furnished by the Zoning Administrator) indicating the Section in the Ordinance under which the conditional use is sought and stating the grounds on which it is requested. The Mayor and Board shall not grant a special exception unless satisfactory provision and arrangement has been made concerning the following where applicable:
  - (a) Ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
  - (b) Off-street parking and loading areas.
  - (c) Refuse and service areas.
  - (d) Utilities, with reference to locations, availability, and compatibility.
  - (e) Screening and buffering with reference to type, dimensions, and character.
  - (f) Required yards and other open space.
  - (g) General compatibility with adjacent properties and other property in the district.
  - (h) Any other provisions deemed applicable by the Mayor and Board of Aldermen.
- .2 Site Plan Required: Every applicant for a special exception (conditional use permit) shall submit a site plan in accordance with Sections [28.09](#) and [28.10](#) of this Ordinance.
- .3 Public Hearing Required: A public hearing shall be held in accordance with Section [28.12](#) of this Ordinance for all proposed special exceptions.
- .4 Approval Limitations: Any Special Exception which has been legally approved but which development has not started (or is proceeding at a normal rate one year from the date of approval) shall be brought back before the Mayor and Board of Aldermen for reconsideration. The Board may revoke such Special Exception based on failure to

follow through with site plan submitted with the Special Exception request.

## **Section 28.07 Amendments to the Zoning Ordinance Text or the Official Zoning Map (Rezoning)**

- .1 Type of Amendments/Application Required: Amendments to this Ordinance include: (1) amendments to the text; and (2) amendments to the Official Zoning Map, which is legally a part of this Ordinance. Any person may initiate an amendment to this Ordinance by filing an application with the Zoning Administrator (on a form furnished by him/her).
- .2 Site Plan Required: If a specific use is identified by the applicant for a rezoning (i.e., a proposed amendment to the Official Zoning Map), then the application for rezoning shall be accompanied by a site plan prepared in accordance with Sections [28.09](#) and [28.10](#) of this Ordinance.
- .3 Criteria for Rezoning: No amendment to the Official Zoning Map shall be approved unless the proposed rezoning meets one of the following criteria:
  - (a) That there was a mistake in the original zoning. "Mistake" in this context shall refer to a clerical or administrative error, such as a mistake of draftsmanship on the Official Zoning Map or incorrectly reflecting the Mayor/ Board of Aldermen's decision in the minutes. "Mistake" DOES NOT mean that the Mayor/ Board of Aldermen made a mistake in judgment in their prior zoning, such as not realizing the full import of the zoning classification or mistakenly placing the property in one classification when the evidence indicated that another would have been more appropriate.
  - (b) That the character of the neighborhood has changed to such an extent as to justify reclassification, AND that there is a PUBLIC NEED for the rezoning.
- .4 Proposed Rezoning Shall Be Consistent with Adopted Comprehensive Plan: Section 17-1-9 of the Mississippi Code of 1972, As Amended, requires that "zoning regulations shall be made in accordance with a comprehensive plan---." Accordingly, no amendment to the Official Zoning Map shall be approved by the Mayor and Board of Aldermen unless the proposed rezoning is consistent with all four elements of the adopted Comprehensive Plan of the City of Madison, including the Goals and Objectives, the Land Use Plan, the Transportation Plan, and the Community Facilities Plan.
- .5 Public Hearing Required: In accordance with Section 17-1-17 of the Mississippi Code of 1972, As Amended, a public hearing shall be held on any proposed amendment to the text of this Ordinance or the Official Zoning Map following at least fifteen days' notice of the hearing in "---an official paper or a paper of general circulation in such municipality --- specifying a time and place of said hearing." The hearing shall be held in accordance with Section [28.15](#) of this Ordinance.

- .6 Notification of Adjacent Property Owners: The Zoning Administrator shall furnish a form letter for use by all applicants for rezoning in notifying all property owners within 160 feet in all directions (excluding the rights-of-way of streets or highways) from the lot lines of any parcel or parcels of land proposed for rezoning that such action is being proposed. The applicant for the rezoning shall furnish to the Zoning Administrator, with the completed application, the names and addresses of all persons owning land within this 160-foot distance from the subject property.

The applicant for rezoning shall also be responsible for MAILING, BY CERTIFIED MAIL (return receipt requested), the form letters (containing the date, time, location and purpose of the public hearing) to all such property owners. All letters to the property owners shall be mailed at least fifteen days prior to the public hearing. The applicant shall then provide to the Zoning Administrator the return receipts for the certified letters, and the Zoning Administrator shall attach these return receipts to the application. This notification of adjacent property owners is NOT required by State law. It is done as a courtesy to citizens owning property within the immediate area of proposed amendments. FAILURE OF ANY PROPERTY OWNER TO RECEIVE NOTIFICATION OF A PUBLIC HEARING CONCERNING A PROPOSED REZONING SHALL NOT BE GROUNDS FOR CONTESTING ACTIONS BY THE CITY OF MADISON. (Note: The 160-foot distance is consistent with Section 17-1-17 of the Mississippi Code of 1972---See Section 28.07.07 below).

- .7 Public Hearing Before Mayor and Board of Aldermen Unnecessary Unless Requested by Aggrieved Party: Following a public hearing held before the Planning Commission on a proposed amendment to this Ordinance (either an amendment to the text or Official Zoning Map), it shall NOT be necessary to hold another hearing on the proposed amendment; the Mayor and Board of Aldermen may act upon the recommendation of the Planning Commission. However, any party aggrieved by the recommendation of the Planning Commission shall be entitled to a public hearing before the Mayor and Board of Aldermen, with due notice thereof as provided under Section [28.12](#) of this Ordinance.
- .8 Two-Thirds Vote of Board of Aldermen Necessary to Approve Rezoning Under Certain Circumstances: In case of a protest against a proposed rezoning signed by twenty percent (20%) or more of the property owners, either within the area of the proposed rezoning or those within 160 feet (excluding the rights- of-way of streets or highways) of the property proposed for rezoning, such amendment shall not become effective except by the favorable vote of two-thirds of all members of the Mayor and Board of Aldermen.
- .9 Res Judicata: Upon the submission of an application for a rezoning, and a determination by the Mayor and Board of Aldermen that said application should be denied, the Mayor and Board of Aldermen shall not accept a subsequent application to rezone the same property or any part thereof to the same classification until the expiration of one (1) year from the date of the decision of the Board denying said application. This is known as the doctrine of res judicata. However, if the application relates to the same property but seeks zoning to a different classification, the doctrine does not apply; and the Mayor and Board may consider such a proposed rezoning.

- .10** When an Ordinance Amending Text or Official Zoning Map Is Required and Publication of That Ordinance: No amendment to the Official Zoning Map or the text of this Ordinance shall become effective until an Ordinance amending same has been passed by the Mayor and Board of Aldermen. Any ordinance amending the Official Zoning Map shall contain findings of fact citing evidence demonstrating compliance with the criteria specified under Section [28.07.3](#) of this Ordinance. Section 21-13-11 of the Mississippi Code of 1972, As Amended, requires that "every ordinance passed by (the Mayor and Board of Aldermen)---shall be published at least one time in some newspaper published in such municipality, or, if there be no such newspaper, then in a newspaper within the county having general circulation in said municipality---."
- .11** Effective Date of Ordinances Amending the Text of this Zoning Ordinance or Official Zoning Map: In accordance with Section 21-13-11 of the Mississippi Code of 1972, As Amended, "No ordinance shall be in force for one month after its passage---". One month is interpreted to mean 30 calendar days.
- .12** Approval Limitations: Any land which has been legally rezoned but on which development has not started (or is not proceeding at a normal rate one year from the date of approval) shall be brought back before the Mayor and Board of Aldermen for reconsideration. The Board may revoke such rezoning based on failure to follow through with site plan development as submitted with the rezoning request.

### **Section 28.08 Site Plan Review: When Required**

Site Plan Review shall be required for the following:

- (a) All new, expanded, relocated or reconstructed principal (i.e., not accessory) buildings or structures in all zoning districts, other than single-family detached dwellings in A-1, R-E, R-1, R-2, or PUD districts. New, expanded, relocated, or reconstructed accessory buildings or structures shall only require site plan review when such review is determined advisable by the Zoning Administrator, EXCEPT FOR THE O-M "OLD MADISON STATION DISTRICT", WHERE SITE PLAN REVIEW SHALL BE REQUIRED FOR ALL ACCESSORY BUILDINGS OR STRUCTURES.
- (b) If the Zoning Administrator determines that more information is needed than is included on the plot diagram submitted with an application for a building permit, then a site plan shall be submitted with an application for a dimensional variance.
- (c) ALL applications for conditional uses.
- (d) All public/quasi-public utilities and facilities. In accordance with Section [5.03](#), such public/ quasi-public utilities and facilities shall be allowed only as conditional uses in any district.

- (e) If a specific use is identified by the applicant for a rezoning (i. e., a proposed amendment to the Official Zoning Map), then the application shall be accompanied by a site plan.
- (f) ALL proposed floodway modifications (to prevent "channelization" without regard to appearance).
- (g) All proposed off-site parking (i.e., off-street parking proposed on a lot other than the one to which the parking is appurtenant) in any district. All applications for imposition of a Commercial Planned Unit Development Overlay Classification.

### **Section 28.09 Site Plan Review Procedures**

The Zoning Administrator shall act as the coordinator for the site plan review process. He/she shall advise all applicants for building permits if the proposed use requires the preparation and submission of a site plan and the official approval of that plan prior to the issuance of the permit. All applicants shall follow the procedures specified below:

- .1 Sketch Plan: Prior to filing of an application for approval of a site plan, the applicant is encouraged to meet and consult informally with the Zoning Administrator. This meeting will give the applicant an opportunity to secure guidance as to what will probably be required before incurring great expense in making a detailed site plan.
- .2 Submission of Site Plan: Fifteen (15) copies of each site plan shall be prepared and submitted to the Zoning Administrator. The Zoning Administrator shall notify the applicant of any deficiencies or omissions in the site plan. The site plan shall not be processed until all required data is provided as prescribed in Section [28.10](#) of this Ordinance.
- .3 Applicant Must Be Represented at Planning Commission and Mayor/Board of Aldermen Meetings: Applicants (or their designated representative) for site plan approval shall be present at meetings of the Planning Commission and Board of Aldermen when their proposed site plan is to be reviewed, or no action will be taken by those bodies.
- .4 Planning Commission Review of Site Plan: Following receipt of the site plan and supporting data as prescribed under Section [28.10](#), the Zoning Administrator shall forward one copy and those of other City staff to the Planning Commission for review.

The Planning Commission shall review the site plan and data at its next regular meeting following submission of same to the Zoning Administrator. THE ZONING ADMINISTRATOR (OR HIS/HER DESIGNATED REPRESENTATIVE) SHALL BE PRESENT AT THE PLANNING COMMISSION MEETING.

After reviewing all information relative to the site plan, the Planning Commission may

recommend approval or disapproval of the site plan or before approval, may request the applicant to modify, alter, adjust or otherwise amend the plan. Such conditions may be accepted and agreed to by the applicant at the time and without further hearing, unless the applicant appeals the recommendation to the Mayor and Board of Aldermen in accordance with Section [28.14.02](#). In any case, the Planning Commission shall make a written statement of its findings (in the form of Minutes).

- .5 Approval of Site Plan by Mayor and Board of Aldermen: The Zoning Administrator shall forward the recommendation of the Planning Commission to the Mayor and Board of Aldermen. The Mayor and Board of Aldermen shall approve or deny, in whole or in part, the recommendation of the Planning Commission, and this shall be done by the Mayor and Board of Aldermen without the necessity of holding further hearings (unless appealed in accordance with Section [28.14.02](#)). Such action by the Mayor and Board of Aldermen shall constitute final approval and authority for the developer to proceed with the proposed development subject to the issuance of a building permit. Following such approval by the Mayor and Board of Aldermen, the Zoning Administrator shall stamp copies of the site plan "APPROVED", sign them. The applicant may request a copy of the stamped approved plan. One copy shall be retained by the Zoning Administrator in his files.
- .6 Site Plan Becomes Zoning Requirements for Proposed Use: The approved site plan shall become the zoning requirements for the property involved. All construction, except for minor adjustments provided under Section [28.09.07](#) below, shall be consistent with the approved site plan.
- .7 Minor Adjustments to the Approved Site Plan: After the final site plan has been approved, minor adjustments to the plan which comply with the spirit of the Zoning Ordinance and the intent of the Mayor and Board of Aldermen in approving the site plan may be authorized by the Zoning Administrator as provided under Sub-section [28.02.02](#).
- .8 As-Built Plans: In the case where exact lot lines cannot be drawn until after construction, (e.g., townhouse subdivisions) the builder shall submit "as-built plans" of the development following construction (See also Madison Subdivision Regulations).

## **Section 28.10 Specifications for All Required Site Plans**

The purpose of this Section is to present in one place the data and specifications required for any proposed development which shall require site plan review under this Ordinance. The following data shall be supplied by the applicant by showing such information on the required site plans:

- (a) Existing and Proposed Lot Lines (property lines).
- (b) The zoning of adjacent lots.
- (c) The names of owners of adjacent lots.
- (d) Rights-of-way of existing and proposed streets, including streets shown on the adopted Thoroughfares Plan.
- (e) Existing and Proposed Access ways, curb cuts, driveways and parking (including number of parking spaces to be provided) and loading areas.
- (f) All existing and proposed easements and rights-of-ways, existing and/or to be dedicated.
- (g) All existing and proposed water and sanitary sewer lines; also, the location of all existing and proposed fire hydrants.
- (h) A drainage plan showing all existing and proposed storm drainage facilities. The drainage plan shall indicate adjacent up-stream drainage basin(s) and through-site drainage courses and projected storm water volumes from off-site and on-site sources, as required by the City's Flood Prevention Ordinance and Storm water Detention Ordinance.
- (i) Show BFE as required by the City's Flood Prevention Ordinance. Floodplain zone designations according to maps prepared by the Federal Emergency Management Agency, National Flood Insurance Program (NFIP) or latest data available, and any proposed floodway modifications.
- (j) Landscaped areas and planting screens when required by An Ordinance Establishing Minimum Landscape Requirements for the City of Madison, Mississippi.
- (k) Building lines and the location of all structures, existing and proposed above and below ground.
- (l) Proposed uses of the land and buildings.
- (m) Existing Contours at vertical intervals of two (2) feet or less based on National Geodetic Vertical Datum (NCVD) plus proposed finish grade contours as required by the Landscape Ordinance.
- (n) Open space and recreation areas, when required.
- (o) Area (in square feet and/or acres) of parcel.
- (p) Proposed gross lot coverage by buildings and structures.

- (q) Location of sign structure.
  - (r) Existing and proposed lighting. Provide fixture cut-sheet and photometrics. Style to be approved by the Mayor and Board of Aldermen.
  - (s) A “development plan” (see Section [28.10.02](#) when staging of development is proposed.
  - (t) Traffic study if deemed necessary by the Zoning Administration and/or the City Engineer.
  - (u) Location map.
  - (v) Exterior elevations/colors. Showing all sides of building.
  - (w) Scale of drawings both by written scale and graphic scale.
  - (x) North arrow.
  - (y) Any additional data necessary to allow for a thorough evaluation of the proposed use.
  - (z) Dumpster location and screening.
  - (aa) A/C location and screening.
  - (bb) Planting plan prepared by a licensed landscape architect or approved landscape designer, showing plant location size and quantity. Include plant matrix. (See example attached).
  - (cc) Furnish electronic files of the site layout, grading and planting plans in an AutoCAD 2004 format. Be sure to include all reference files. Email is acceptable.
  - (dd) In addition, a title block shall be shown on the site plan which such information as the date and date of any revisions, name of developer, name and address of owner, zoning of subject property, name of engineer and landscape architect, etc. shall be located.
- .2** Other Exhibits: Photographs, renderings, color slides, models and similar items may be required of the applicant if Mayor and Board of Aldermen deem it is necessary to have a full understanding of the proposal.
- .3** Staging of Development Requires Development Plan: Where a developer proposes to construct a particular land use requiring site plan review under this Ordinance by stages, (e.g., PUD's, large multi-family developments, large commercial developments,

etc.), sufficient data shall be provided in a development plan (sometimes referred to as a sketch plat or master plan) to indicate such staging by numbers and types of buildings or structures proposed for each stage, the general area to be developed in each stage and related information. The general concept presented in the development Plan shall be adhered to as much as possible by developers. Significant deviations (as determined by the Planning Commission) from the development plan initially approved shall require approval by the Mayor and Board of Aldermen following recommendation by the Planning Commission.

## **Section 28.11 Criteria for Site Plan Review**

Criteria for site plan review consist of the five components specified below:

- .1 Consistency with Adopted Land Use Plan and Zoning Ordinance: The proposed site plan shall be consistent with adopted Land Use Plan and Zoning Ordinance (including the Official Zoning Map).
- .2 Vehicular Traffic Circulation and Parking: The following aspects of vehicular traffic circulation and parking shall be reviewed:
  - (a) Is the site plan consistent with the adopted Thoroughfares Plan?: Are the developer's plans for any new streets that will traverse the site consistent with proposed alignment and right-of-way/surface width requirements indicated on the adopted Thoroughfares Plan? Do the developer's planned setbacks for buildings and structures consider the proposed widening of existing streets and highways reflected on the adopted Thoroughfares Plan? If the proposed development will abut an unpaved street, are the developer's plans for paving that street consistent with the right-of-way/ surface width specifications shown in the adopted Thoroughfares Plan?
  - (b) Street network capacity: Is the street system in the vicinity capable of carrying traffic generated by the proposed development, according to traffic projections developed by the City Engineer or the Central Mississippi Planning and Development District?
  - (c) Traffic engineering operation of adjacent streets: What traffic control devices are needed on adjacent streets?
  - (d) Compliance with [Article XXV](#) (Off- Street Parking, Loading, and Access Requirements)
  - (e) Are proposed freight delivery areas separated from customer access in commercial and industrial developments?

- .3 Utilities:** The following shall be evaluated with regard to utilities:
- (a) Water and sewer system capacity and oversizing (future) needs
  - (b) On-site and off-site drainage requirements, including retention ponds
  - (c) Are underground utilities required on the site?
  - (d) Are garbage disposal facilities enclosed in accordance with Section [5.07.06](#) of this Ordinance?
- .4 Open Space, Landscaping, and Screening Requirements:**
- (a) If the proposed development is residential and will abut the Illinois Central Gulf Railroad tracks, is the 101-foot railroad setback required under Section [5.02.05](#) indicated on the site plan?
  - (b) Perimeter Landscaping: Does the site plan indicate the required 10-foot landscape strip along any abutting arterial streets? Are the proposed spacing, sizes and types of landscaping consistent with An Ordinance Establishing Minimum Landscape Requirements for the City of Madison, Mississippi?
  - (c) Interior Lot Landscaping: Where required by this Ordinance, does the site plan indicate landscaping of for areas not used for buildings and other structures, parking, required lots and driveways? Is the proposed landscaping consistent with An Ordinance Establishing Minimum Landscape Requirements for the City of Madison, Mississippi?
  - (d) Parking Lot Landscaping: Is the proposed parking lot landscaping shown on the site plan consistent with An Ordinance Establishing Minimum Landscape Requirements for the City of Madison, Mississippi?
  - (e) Open Space/Recreational Facilities: Are open space/recreational facilities proposed for an apartment/condominium complex shown on the site plan? (NOTE: Open space/green space reserved for residents of townhouse subdivisions, patio home subdivisions, multi-family housing and green space for commercial, industrial, special use districts or Planned Unit Developments in accordance with this Ordinance shall be shown on the site plan and the preliminary plats as required by the Madison Subdivision Regulations.)
  - (f) Preservation of Vegetation: Does the site plan propose the preservation of trees and other vegetation as much as possible?
  - (g) Is proper use made of floodplains on the site? For example, for open space or passive recreational areas.

**.5 Fire Safety:**

- (a) Are fire hydrants shown on the site plan and properly located to ensure fire protection for all structures?
- (b) Are there at least two points of ingress/ egress for apartment or condominium complexes, office parks, shopping centers, industrial parks, etc. to provide access for fire equipment and to provide for evacuation when necessary?
- (c) Are buildings spaced in accordance with this Ordinance and the adopted Building Code to prevent spread of fires?

**.6 Location of Sign Structures:**

- (a) Are proposed sign structures to be placed in the most desirable locations with respect to other structures, etc.?

**Section 28.12 Public Hearing Notices and Procedures**

In accordance with the provisions previously established in this Ordinance, public hearings shall be conducted by the Planning Commission on the following matters:

- (a) All dimensional variances.
  - (b) All conditional uses.
  - (c) All amendments to the text of the Zoning Ordinance and/or amendments to the Official Zoning Map (i.e., rezoning).
- .2 Public Hearing Notice in a Newspaper Required:** Whenever a public hearing is required by this Ordinance, notice of such hearing shall be given by publishing a notice to all interested persons one time at least fifteen days prior to the date fixed for said hearing, such notice to be published in an official paper or newspaper of general circulation in the City of Madison, specifying the date, time and place for said hearing. Such notices shall be published in accordance with the following format or a format determined by the Mayor and Board of Aldermen:
- (a) For Dimensional Variances:

**NOTICE OF ZONING HEARING**

**NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A HEARING ON (Date), AT (Time), AT THE CITY HALL, MADISON, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT A DIMENSIONAL VARIANCE SHALL BE GRANTED TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY**

LOCATED IN THE CITY OF MADISON, MISSISSIPPI:

(Insert Property Description Here)

APPROVED:

ATTEST:

\_\_\_\_\_  
Mayor's Signature

\_\_\_\_\_  
City Clerk's Signature

DATE

(b) Conditional Use Permits:

NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A HEARING ON (Date), at (Time), AT THE CITY HALL, MADISON, MISSISSIPPI; FOR THE PURPOSE OF DETERMINING WHETHER OR NOT A CONDITIONAL USE SHALL BE ALLOWED ON THE FOLLOWING DESCRIBED PROPERTY LOCATED IN THE CITY OF MADISON, MISSISSIPPI:

(Insert Property Description Here)

APPROVED:

ATTEST:

\_\_\_\_\_  
Mayor's Signature

\_\_\_\_\_  
City Clerk's Signature

DATE

(c) For an Amendment to the Official Zoning Map (or a rezoning):

NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A HEARING ON (Date), AT (Time), AT THE CITY HALL, MADISON, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT THE ZONING OF THE FOLLOWING DESCRIBED PROPERTY LOCATED IN THE CITY OF MADISON, MISSISSIPPI, SHALL BE CHANGED FROM (Insert existing zoning classification) TO (Insert proposed zoning classification):

(Insert Property Description Here)

APPROVED:

ATTEST:

\_\_\_\_\_  
Mayor's Signature

\_\_\_\_\_  
City Clerk's Signature

DATE

(d) For an Amendment to the Text of the Zoning Ordinance:

**NOTICE OF ZONING HEARING**

NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A HEARING ON (Date), AT (Time), AT THE CITY HALL, MADISON, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT THE FOLLOWING AMENDMENTS SHALL BE MADE TO THE ZONING ORDINANCE OF THE CITY OF MADISON, MISSISSIPPI:

(Insert Proposed Amendments to the Zoning Ordinance Here)

APPROVED:

ATTEST:

\_\_\_\_\_  
Mayor's Signature

\_\_\_\_\_  
City Clerk's Signature

DATE

- .3 Public Hearing Notice on Property Signs Required:** Whenever any zoning action (i.e., a dimensional variance, conditional use or rezoning) is considered by the Planning Commission, signs bearing notices of a public hearing shall be erected on the property involved. These signs shall be erected not less than fifteen days prior to the date of the public hearing. When more than one parcel of land is involved in the proposed zoning action or the proposed use, enough signs shall be posted to adequately identify the area affected. With respect to zoning actions involving multiple parcels, the number and location of the signs shall be determined by the Zoning Administrator or the Mayor and Board of Aldermen, in a manner generally calculated to advise the public at large of the proposed reclassification, and no correspondence to adjoining property owners shall be required, the provisions of Section [28.07.06](#) notwithstanding. The notice to be posted on the property involved shall consist of a sign with letters legible from the nearest street.

**Section 28.13 Fees**

- .1 Schedule of Fees:** The Mayor and Board of Aldermen shall establish a schedule of fees for the issuance of building permits, change of use permits, the processing of all site plans required under Section [28.08](#), and the processing of applications for variances, conditional uses and zoning amendments. Said schedule of fees shall be posted in the

office of the Public Works Director, Zoning Administrator or other designated city official whose office shall be responsible for their collection.

- .2 Amendment of Alternation of Fee Schedule: The schedule of fees may be altered or amended only by the Mayor and Board of Aldermen.
- .3 Payment Required: No action or processing shall be taken on any application until all applicable fees, charges and expenses have been paid in full.
- .4 Fees Not Refundable: No fees or other monies paid in conjunction with zoning-related matters shall be refunded.

### **Section 28.14 Appeals**

- .1 Appeals from Administrative Interpretation of the Zoning Administrator: In accordance with Section [28.02.02](#) of this Ordinance, any party aggrieved with the administrative interpretation of the Zoning Administrator shall have the right to appeal such interpretation. Such appeals may be made directly to the Mayor and Board of Aldermen, or the appeal may be made to the Planning Commission. If the appeal is made to the Mayor and Board of Aldermen, the party aggrieved shall submit a written request to the City Clerk by 12:00 Noon on Fridays preceding any regularly-scheduled meeting of the Mayor and Board of Aldermen at which the aggrieved party desires to be heard. Appeals to Planning Commission shall be made by the submittal deadline for the meeting at which the aggrieved party wishes to be heard.

All appeals shall be in writing and shall include a copy of the original application for a building permit, change of use permit, dimensional variance, special exception or rezoning, together with a statement of the reason for the appeal.

- .2 Appeals from Recommendation of the Planning Commission: In accordance with Section 11 of An Ordinance to Amend the Zoning Ordinances of the City of Madison Pertaining to the Establishment of a Planning and Zoning Commission, "any party aggrieved with the recommendation of the Commission as adopted at any meeting of the Commission shall be entitled to a public hearing before the Mayor and Board of Aldermen with due notice thereof and after publication for the time and as provided by law. Such a hearing shall be provided ONLY IF THE AGGRIEVED PARTY FILES A WRITTEN REQUEST WITH THE CITY CLERK WITHIN THREE (3) WORKING DAYS OF THE VOTE OF THE COMMISSION ON THE RECOMMENDATION (emphasis added). The written notice shall be on a form prescribed by the City Clerk and shall be available to the public from the City Clerk, free of charge, during normal business hours. The Board will set a hearing within 30 days of receipt of request."
- .3 Appeals to a Court of Law: An appeal from any action, decision, ruling, judgment or order by the Mayor and Board of Aldermen may be taken by any person or persons to the Circuit Clerk of Madison County.

### **Section 28.15 Ordinance Enforcement**

It is the duty of the Zoning Administrator to enforce this Ordinance and its amendments. The Zoning Administrator shall have police powers to enforce such ordinance including the power to issue citations for violations thereof.

In accordance with Section 17-1-27 of the Mississippi Code of 1972, As Amended, "Any person---who shall knowingly and willfully violate the terms, conditions or provisions of (this Ordinance), for violation of which no other criminal penalty is prescribed, shall be guilty of a misdemeanor and upon conviction therefore shall be sentenced to pay a fine of not to exceed one hundred dollars (\$100.00), and in case of continuing violations without reasonable effort on the part of the defendant to correct same, each day the violation continues thereafter shall be separate offense."

## **Article XXIX. Miscellaneous Provisions**

### **Section 29.01 Purpose of This Article**

The purpose of this Article is to consolidate all provisions applicable to this Ordinance which are not included under the General Regulations, Zoning District Regulations, or elsewhere herein.

### **Section 29.02 Omission Clause**

The omission of any specific use, dimension, word, phrase, or other provision from this Ordinance shall not be interpreted as permitting any variation from the general meaning or intent of this Ordinance, as commonly inferred or interpreted. Should occasion arise as to such intent or meaning, the interpretation of the Zoning Administrator shall apply as provided under Section [28.02.02](#) herein.

### **Section 29.03 Separability and Validity Clause**

Should any Section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so held to be unconstitutional or invalid.

### **Section 29.04 Repeal of Conflicting Ordinances or Parts Thereof**

All Ordinances or Codes or parts of Ordinances or Codes adopted heretofore by the City of Madison, Mississippi, which are in conflict herewith or inconsistent with the provisions of this Ordinance ARE HEREBY REPEALED. However, all ordinances which are considered amendments to the Zoning Ordinance which are not in conflict herewith are not hereby repealed and remain in force.

### **Section 29.05 References Include Subsequent Revisions, Amendments, or Enactments**

Where any statute, ordinance, or regulation is referred to or incorporated into this Ordinance, that reference shall include any subsequent revisions, amendments or enactments encompassing the same subject matter.

### **Section 29.06 Failure to Enforce Ordinance**

Failure to enforce any provision of this Ordinance shall not constitute a waiver nor imply that the action is legal.

**Section 29.07 Effective Date of Ordinance**

This Ordinance shall become effective THIRTY CALENDAR DAYS FROM AND AFTER ITS ADOPTION.

**Section 29.08 Adoption Clause**

Adopted this, the \_\_\_\_\_, at the regular meeting of the Mayor and Board of Aldermen of the City of Madison, Mississippi.

ATTEST:

\_\_\_\_\_  
Susan Crandall  
City Clerk/Administrative  
Director

\_\_\_\_\_  
Mary Hawkins  
Mayor

I, the undersigned Susan Crandall, City Clerk/Administrative Director of the City of Madison, Mississippi, hereby certify that the above and foregoing is a true copy of an Ordinance adopted by the Mayor and Board of Aldermen of the City of Madison at its meeting held on Tuesday, the \_\_\_\_\_, as the same appear in Minute Book No. \_\_\_\_.

Given under my hand and official seal, this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Susan Crandall  
City Clerk/Administrative Director  
Madison, Mississippi

(SEAL)