

# LAND DEVELOPMENT ORDINANCE



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# Land Development Ordinance

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## Article I: General Provisions

### Section 1.1: Title

The Ordinance shall be known as the "Land Development Ordinance of the Town of Smithville, Mississippi," and may be so cited, and further reference elsewhere as "the Ordinance" or "this Ordinance" shall imply the same wording and meaning as the full title.

### Section 1.2: Authority and Purpose

**1.2.1 Authority.** This ordinance, and all subsequent amendments, is adopted pursuant to the authority granted by Section 17-1-11, Mississippi Code of 1972, annotated, as amended Code of Mississippi.

**1.2.2 Purpose.** In accordance with the Comprehensive Plan of Smithville, Mississippi, this ordinance is adopted for the following purposes:

- A. To lessen congestion in the streets.
- B. To secure safety from fire, panic, and other dangers.
- C. To promote health and general welfare.
- D. To provide adequate light and air.
- E. To prevent overcrowding of land,
- F. To avoid undue concentration of land.
- G. To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.
- H. To encourage economically sound, orderly, and compatible land development practices in accordance with the Comprehensive Plan and other local policies and objectives.

### Section 1.3: Application of Regulations

The provisions of this ordinance shall be applicable to land and appurtenances thereto located within the incorporated limits of the Town of Smithville, MS.

**1.3.1 Use.** No building or land shall be used or occupied and no building or part thereof shall be erected, constructed, moved, or altered except in conformity with the regulations for the district in which it is or is to be located.

**1.3.2 Structures.** No structure shall be erected, constructed or altered so as to exceed the height limit or dimensional standards specified in the regulations herein for the district in which it is located except in instances where a dimensional variance has been granted or when said property meets the criteria for exceptions found herein.

**1.3.3 Lots.** No lot shall be reduced in size below the minimum requirement for lot width or depth, front, side, or rear yard, inner or outer courts, lot area per family or other requirements of this ordinance. This section shall not apply when a portion of a lot is acquired for public use.

**1.3.4 Subdivision of Land.** No building shall be constructed on any lot which does not conform to the provisions of this Ordinance.

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## **Section 1.4: Interpretation of District Boundaries**

Where uncertainty exists with respect to the boundaries of any of the districts as shown on the official zoning map, the following rules shall apply.

**1.4.1 Property Lines.** Unless otherwise indicated, the district boundaries shall be construed to follow property lines, land lot lines, center lines of public rights-of-way, shorelines of bodies of water, or civil boundaries.

**1.4.2 Centerlines.** Where district boundaries are approximately parallel to the centerlines of rights-of-way or shorelines of bodies of water, district boundaries shall be construed as being parallel to these lines at the distance indicated on the official zoning map. If no distance is given, the dimensions shall be determined by the use of the scale shown on the official zoning map.

**1.4.3 Abandonment of rights-of-ways.** Where a public right-of-way is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to the vacated or abandoned right-of-way.

**1.4.4 Final Determinations.** The final determination of a district boundary shall be made according to the legal description contained in the adopted ordinance. If the description is incomplete, the Board of Aldermen shall determine the legislative intent and may, if necessary, adopt an amending ordinance to correct the district boundary.

## **Section 1.5: Official Zoning Districts and Map**

**1.5.1 Establishment of Districts.** Zoning Districts have been established in order to maintain the character of existing neighborhoods, establish the suitability of certain areas for particular uses, conserve the value of buildings and encourage the most appropriate use of land throughout the municipality.

**1.5.2 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.

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

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

*"This is to certify that this is the Official Zoning Map of the Town of Smithville, Mississippi, as adopted by the Mayor and Board of Aldermen on . . ."*

**1.5.5 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 above, be located in the Town Hall of Town of Smithville, and shall be the final authority as to the zoning status of land and water areas, buildings, and other structures in the Town of Smithville.

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**1.5.6 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. In addition a copy of the ordinance approved shall be published after approval.

**1.5.7 Three-Fifths Vote Needed.** In accordance with Mississippi Code Annotated Section 17-1-17 (1972), in case of a protest against such (zoning changes) signed by the owners of twenty (20) percent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent to the rear thereof, extending one hundred sixty (160) feet therefrom or of those directly opposite thereto, extending one hundred sixty (160) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fifths (3/5) of the members of the governing authority who are not required by law or ethical considerations to recuse themselves.

**1.5.8 Rezoning by Court Order.** In the event rezoning is required pursuant to a court order specifically establishing the zoning classification to be applicable to the property which is the subject matter of the suit, the procedural requirements of this Ordinance for rezoning property shall not apply. A certified copy of the final court order shall be filed with the Zoning Administrator after all available time for appeal has expired. The Zoning Administrator shall have the zoning change to be entered on the official zoning map and place the certified copy of the court order in the immediate area of the official zoning map, and cause the zoning change to be entered in the minutes of the governing authority.

## Section 1.6: Text Amendments

Text amendments to the Zoning Ordinance may be initiated by the Zoning Administrator, a majority of the Planning Commission, or a majority of the Board. Such changes shall be made according to the public hearing procedures established in Article VII. Ordinances amending the text of the Zoning Ordinance shall be recorded in Appendix C of this Ordinance.

## Section 1.7: Newly Annexed Land

Property annexed into the Town shall be zoned according to the following requirements.

**1.7.1 Existing Zoning.** Property annexed into the Town that is zoned by Monroe County (or another governmental entity) shall be classified as the most similar district at the time of annexation.

**1.7.2 Unclassified Land.** Where no zoning designation exists, and until such property is otherwise zoned by the Board of Aldermen, it shall be classified as AR - Agricultural Residential.

**1.7.3 Determination of Zoning District.** A public hearing shall be held within three-hundred and sixty-five (365) days of annexation for the purpose of establishing the most appropriate zoning classification.

## Section 1.8: Conflict with Other Laws

Whenever the requirements of this ordinance conflict with the requirements of any other lawfully adopted statutes, rules, regulations, or ordinances, the most restrictive, or that imposing higher standards, shall govern.

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## **Section 1.9: Severability and Validity**

Each phrase, sentence, paragraph, section or other provision of this ordinance is severable from all other such phrases, sentences, paragraphs, sections and provisions. Should any phrase, sentence, paragraph, section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of this ordinance.

## Article II: Zoning Districts and Dimensional Standards

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### Section 2.1 Establishment of Districts

The following zoning districts are established for the purpose of promoting the health, safety, morals and general welfare, and for the additional in accordance with the Comprehensive Plan.

- AR: Agricultural /Residential District
- R-1: Low Density Single-Family Residential District
- R-2: Medium Density Single-Family Residential District
- R-3: Medium Density Patio/Townhome Residential District
- R-4: High Density Multi-Family Dwelling Residential District
- B-1: Community Business District
- TC: Town Center Business District
- M-1: Light Industrial District
- PU: Public Use

### Section 2.2 General Dimensional Standards

#### 2.2.1 General Requirements for Set-backs (yards)

- A. Required Yard Cannot Be Used By Another Building:** No part of a yard or open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required in this ordinance for another building.
- B. Minimum Lot Frontage:** No dwelling or non-residential structure shall be erected on a lot that does not abut a public street or private drive for a least twenty (20) feet maintained from the point of frontage with a public street or private drive to the required minimum lot width at the applicable building setback line.
- C. Yard Requirements on Corner Lots:** The side yard of the lot closest to the corner shall be the same as the size of the required front yard.
- D. Front Yard Requirements along Major Roads:** When the street (classified as a Major Road on the Major Road Plan) upon which a lot fronts has an existing right-of-way less than that designated on the Major Road Plan, consultation shall be made with the City Engineer to determine the building setback line, so as to take into consideration the proposed right-of-way of the street (Major Road).

#### 2.2.2 Determination of Front Yard Setbacks for non-typical Lots

In determining a required front yard on an irregularly shaped lot (Le. pie-shaped) within the vehicle turn-around of a cul-de-sac, or similar design, the building setback line shall be established at that point where the applicable minimum lot width is achieved, the minimum horizontal distance of which shall not be less than that prescribed for the applicable zone district.

#### 2.2.3 Exceptions to Yard Requirements

The following exceptions may be made to any applicable yard requirements: Open fire

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escapes, fireproof outside stairways, and balconies opening upon fire towers may project into a rear yard a maximum of three and one-half feet when so placed as to not obstruct light and ventilation as determined by the Zoning Administrator.

## **2.2.4 Exceptions to Height Requirements**

All buildings shall conform to the height regulations herein; except that the following exceptions may be made to any applicable height requirements: chimneys, church steeples, cooling towers, elevator bulkheads, radio, television and microwave towers, antennas, fire towers, monuments, water tanks, silos, and necessary mechanical appurtenances.

## **Section 2.3 Site Accessibility and Number of Buildings per Lot**

- A. General:** Every structure shall be on a lot adjacent to a public street, or access to any approved private drive, and all structures shall be located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.
- B. Residential Districts:** Only one principal building and its customary accessory buildings shall be erected on any lot in any residential zone district.
- C. Non-Residential Districts:** Multiple principal buildings shall be permitted on lots within all nonresidential zone districts and Planned Unit Developments when specifically approved as part of the Site Plan.

## **Section 2.4 Uses Permitted in All Districts**

The following uses and/or structures shall be permitted in all Zoning Districts:

- A.** Accessory Uses as permitted in Article III of this Ordinance
- B.** Forested Land
- C.** Home Occupations
- D.** Open Space
- E.** Public Utilities
- F.** Public Parks
- G.** Signs as permitted in Article IV of this Ordinance
- H.** Temporary Uses as permitted in Article IV of this Ordinance



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## Section 2.5

### AR AGRICULTURAL RESIDENTIAL DISTRICT

**2.5.1 PURPOSE:** This district is established to provide a compatible mixture of agricultural, forestry, conservation and very low-density residential uses. Protection of the environment, preservation of prime farm land, and the continuation of rural lifestyles are goals this district seeks to attain. This district may also be used as a “holding zone” for future development in accordance with the comprehensive plan, when future conditions allow for efficient expansion of development.

### 2.5.2 PERMITTED USES:

- A. Dwelling, Single-family detached

### 2.5.3 CONDITIONAL USES:

- A. Accessory Dwelling Unit (Guest House)  
B. Agricultural Activity  
C. Bed and Breakfast Inn  
D. Church or Place of Worship  
E. Manufactured Home located on a permanent foundation and registered as Real Property  
F. Katrina or Mississippi Cottages on a permanent foundation

### 2.5.4 DIMENSIONAL STANDARDS

USE	MIN LOT SIZE	MIN LOT WIDTH	MAX HEIGHT	MIN FRONT YARD	MIN SIDE+	MIN REAR	% IMP AREA	MAX UNITS PER AC
SF Dwelling	20,000 sf	100 ft.	35 ft/ 2 1/2 stories	35 ft.	20 ft.	25 ft	15%	2
Church	20,000 sf	100 ft.	45 ft/ 2 ½ Stories	35 ft	25 ft++	25 ft	75%	NA

+Minimum Side Setbacks apply to the yard of each side of the structure. Corner lots shall be required to have the same minimum setback as the front yard on the corner side.

++Parking areas may be located within this area if a five foot landscaping perimeter is maintained.

Accessory structures shall be placed behind the front building line, shall not exceed 1 story or 20 ft in height and shall be a minimum of 10 feet from side and rear property lines.

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## Section 2.6

### R-1 LOW-DENSITY RESIDENTIAL DISTRICT

**2.6.1 PURPOSE:** This district is established to provide for stable and attractive residential neighborhoods consisting of single-family detached homes on large parcels of land. Certain public and private recreational uses may be appropriate.

#### 2.6.2 PERMITTED USES:

Dwelling, Single-family detached

#### 2.6.3 CONDITIONAL USES

Church or Place of Worship

#### 2.6.4 DIMENSIONAL STANDARDS

USE	MIN LOT SIZE	MIN LOT WIDTH	MAX HEIGHT	MIN FRONT YARD	MIN SIDE+	MIN REAR	% IMP AREA	MAX UNITS PER AC
SF Dwelling	9,600 sf	80 ft.	35 ft./ 2 ½ stories	25 ft	10 ft.	25 ft	15%	4
Church	See Section 2.5.4 (Same as AR District Standards)							
+ Corner lots which shall be required to have the same minimum setback as the front yard on the corner side. Accessory structures shall be placed behind the front building line, shall not exceed 1 story or 20 ft in height and shall be a minimum of 5 feet from side and rear property lines.								

# Land Development Ordinance

## Section 2.7

R-2

MEDIUM-DENSITY RESIDENTIAL DISTRICT

**2.7.1 PURPOSE:** This district is established to provide for relatively quiet residential neighborhoods consisting of single-family detached homes on lots of moderate size and two-family units as a conditional use.

### 2.7.2 PERMITTED USES

Dwelling, Single-family detached

### 2.7.3 CONDITIONAL USES

- A. Church or Place of Worship  
B. Dwellings, Two-Family (Duplex)

### 2.7.4 DIMENSIONAL STANDARDS

USE	MIN LOT SIZE	MIN LOT WIDTH	MAX HEIGHT	MIN FRONT	MIN SIDE+	MIN REAR	% IMP AREA	MAX UNITS PER AC
SF Detached Dwelling	7,500 sf	60 ft.	35 ft. / 2 ½ stories	20 ft.	10 ft.	25 ft	25%	6
Two-Family Dwelling (Duplex)	10,000 sf	75 ft	35 ft. / 2 ½ stories	25 ft.	10 ft.	25 ft	30%	8
Church	See Section 2.5.4							
+ Corner lots which shall be required to have the same minimum setback as the front yard on the corner side. Accessory structures shall be placed behind the front building line, shall not exceed 1 story or 20 ft in height and shall be a minimum of 5 feet from side and rear property lines.								

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## Section 2.8

R-3

PATIO HOME, TOWNHOUSE RESIDENTIAL DISTRICT

**2.8.1 PURPOSE:** This district is established to permit planned residential areas consisting of single-family detached homes on small lots and single-family attached homes. Development of such areas is intended to be a cohesive unit with planned placement of homes, landscaping, architectural standards, internal drives (when required), and open space. To insure the creation of neighborhood amenities including parks and/or open space are required to mitigate the higher density of homes.

### 2.8.2 Permitted Uses

- A. Dwelling, Single-family detached (Patio Home)
- B. Dwelling, Single-family attached (Townhouse)
- C. Dwelling, Two-family dwellings (Duplex)

### 2.8.4 Conditional Uses

- A. RESERVED

### 2.8.3 Dimensional Standards for Individual Lots

USE	MIN LOT SIZE	MIN LOT WIDTH	MAX HEIGHT	MIN FRONT	MIN SIDE+	MIN REAR	% IMP AREA	MAX UNITS PER AC
SF Detached Dwelling	5,000 sf.	50 ft.	35 ft. / 2 ½ stories	15 ft.	10 ft	20 ft	30%	8
SF Attached dwelling	2,400 sf per unit	25 ft	35 ft. / 2 ½ stories	0/15++	0/15 ft	20 ft	30%	8
Two-Family dwellings	10,000 sf	75	35 ft. / 2 ½ stories	15 ft +	10 ft	15 ft	30%	8

+ Corner lots which shall be required to have the same minimum setback as the front yard on the corner side.

++Exterior units shall be a minimum of 15 ft from adjacent end units

Accessory structures shall be placed behind the front building line, shall not exceed 1 story or 20 ft in height and shall be a minimum of 5 feet from side and rear property lines.

### 2.8.4 General Requirements for Patio Home, Townhouse Developments

- A. **Minimum and Maximum Development:** A minimum of two (2) acres or one block of land which is 80,000 square feet in size and 200 ft or greater in length is required to initiate a request for a conditional use for a Patio Home/Townhouse Development. All lots or areas shall be on contiguous or abutting lots or spaces.

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- B. Common Park and Green Areas:** A minimum of ten (10) percent of the total development area shall be devoted to parks or green areas for the common use of residents of the development. This requirement may be waived if development is within 500 feet of a public park. Such space shall be maintained in without expense to the general taxpayer. The owner/developer or homeowners association created by the developer shall record covenants and restrictions, that sets aside and maintains land for open areas, parks, or recreational use, and the common off-street parking spaces established for the development.
- C. Rental Units and Occupancy:** Units that are rented shall be rented by the month only and the number of occupants shall be limited to the same restrictions per home as single family residential homes.
- D. Review Process:** All Patio and Townhome Developments require platting. In addition to other requirements a landscape plan and architectural rendering are required.

### 2.8.5 Specific Standards for Patio and Townhomes

- A. Separate Lots Required:** Each patio home and/or townhouse shall be located on its own lot. Minimum rear yard depth of twenty (20) feet for townhouses and zero lot line houses, such space may be used for parking purposes and open carports.
- B. Vehicular Access:**
1. Vehicle access to townhouses shall be via rear-loaded by alleys. No parking pads, or carports shall be allowed in the front yards of housing units.
  2. Vehicle access to patio homes may be permitted from front or rear; however, if in front, a garage or carport shall be required on the side or rear of the house. No front yard parking or carports shall be allowed except behind the front building line..
  3. Parking areas may also be grouped in bays within the interior of blocks or at the end of blocks. No off-street parking space shall be more than 50 feet by the most direct pedestrian route from a door of the dwelling unit it is intended to serve.
- C. Limit to Number of Attached Units:** No more than five (5) townhomes may be connected to one another. End units shall be separated by minimum of twenty (20) feet from the adjacent end unit.
- D. Building Facades and Architectural Elements:**
1. The front entry of each home shall be private, with a front porch, stoop or architectural elements that makes the home distinctive.
  2. The front building façade of every two townhomes shall incorporate façade offsets of no less than two feet in depth, in the form of projections or recesses in the façade plane
  3. Architectural features, including building elevations, exterior material, and roof pitches of all building classifications within the site plan or subdivision plat.

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## Section 2.9

R-4

### HIGH-DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT

**2.9.1 PURPOSE:** This district is established to provide areas where the highest density housing can be built such as low-rise multi-family units, assisting living or independent living communities. Parks, Open spaces and recreational facilities for residents of the community are required to compensate for the higher density of uses.

#### 2.9.2 PERMITTED USES

- A. Apartment Buildings
- B. Multi-family Apartment Developments which may include: Offices for operation, leasing and maintenance purposes; Laundry room for residents; and Maintenance equipment storage shed(s).
- C. Recreation Facilities within the development for the use of residents including playgrounds, tennis courts, basketball courts, swimming pools, club houses and community centers

#### 2.8.3 CONDITIONAL USES

- A. Day Care Facility

#### 2.8.4 DIMENSIONAL STANDARDS

MIN LOT SIZE	MIN LOT WIDTH	MAX HEIGHT OF PRINCIPAL STRUCTURE	OPEN SPACE PERIMETER	SPACING BETWEEN BLDGS.	% IMPERVIOUS SURFACE	MAX UNITS PER AC
Multi-Family						
20,000 + 2,000 per unit	200	45 ft./ 2 stories	25 ft perimeter all around	15 ft	40%	15
Accessory structures shall be placed behind or to the rear of principal buildings, shall not exceed 1 story or 20 ft in height and shall be a minimum of 15 feet from side and rear property lines.						

#### 2.8.5 Site Plan Required

- A. Architectural features, including building elevations, exterior material, and roof pitches of all building classifications within the site plan.
- B. Landscaping and signs are required as a part of the site plan.

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## Section 2.10

### B1 COMMUNITY BUSINESS

**2.10.1 PURPOSE:** This district is intended to provide for retail and service businesses located along major transportation routes. These uses serve surrounding areas as well as a local market. The intent of the B-1 district is to allow businesses that may be automobile-oriented such as fast-food restaurants and larger format buildings while adding pedestrian and design elements that are attractive and encourage connections to smaller scale business areas.

#### 2.10.2 PERMITTED USES:

- A. Automotive Repair Shop
- B. Bank or Financial Institution
- C. Beauty/Barber Shop with or without Day Spa
- D. Car Wash
- E. Church or Place of Worship
- F. Convenience Store
- G. Dry Cleaning Pick-up Station
- H. Funeral Home
- I. General Office
- J. Health Club, Fitness Center
- K. Instructional Studio
- L. Laundromat
- M. Medical Clinic
- N. Nursery, Horticultural
- O. Pet Grooming Shop
- P. Professional Office
- Q. Service Station
- R. Dwelling, Single-Family Detached Homes (Existing at the time of Adoption of this Ordinance)
- S. Dwelling, Two-Family (Duplex) Homes (Existing at the time of Adoption of this Ordinance)
- T. Retail Store
- U. Restaurant, General or Fast-food
- V. Used Car Sales Establishment
- W. Veterinarian Clinic
- X. Vocational School

#### 2.10.3 CONDITIONAL USES

- A. Apartment as part of a mixed use building
- B. Body Piercing Business
- C. Check Cashing Business

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- D. Church or Place of Worship
- E. Day Care Facility
- F. Dwelling, Single-Family Detached Homes (Constructed after adoption of this Ordinance)
- G. Dwelling, Two-Family (Duplex) Homes (Constructed after adoption of this Ordinance)
- H. Farmers Market, Public
- I. Mixed Use Development or Building
- J. Pay-Day Loan Business
- K. Produce Stand
- L. Recreational Areas and Facilities, Outdoor
- M. Self-Service Storage Facility
- N. Tattoo Parlor
- O. Title Loan Business
- P. Telecommunications Tower

## 2.10.4 DIMENSIONAL STANDARDS

USE	MIN LOT SIZE	MIN LOT WIDTH	MAX HEIGHT	MIN FRONT YARD	MIN SIDE	MIN REAR	% IMP AREA
<b>Commercial Use</b>	None	20 ft.	45 ft.	0/25+	0/25*	0/25*	75%
+Business uses with building adjacent to public sidewalks have no minimum front setbacks requirement. *When located adjacent to residential use a 25 ft. setback shall be required.							
<b>SS &amp; Convenience Store</b>	15,000 sf	100	25	20/30**	15/25***	15/25***	75%
**Twenty for pumps; 30 for building unless pumps are located in rear. ***When located adjacent to residential use setback shall be 25 ft setback.							
<b>Single and Two-Family Dwellings</b>	See Section 2.7.4						
<b>Church</b>	See Section 2.5.4						



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## Section 2.11

TC

### TOWN CENTER BUSINESS

**2.11.1 PURPOSE:** The Town Center Business District is intended to preserve and enlarge downtown Smithville as the focal point of the immediate area, and to provide an appropriate location for small businesses and offices. The Town wishes to encourage infill developments, including shopping, restaurant and entertainment, offices, government functions, and residential uses, provided they create a pedestrian oriented atmosphere and are consistent with the historic fabric of downtown.

#### 2.11.2 PERMITTED USES:

- A. Bank or Financial Institution
- B. Beauty/Barber Shop with or without Day Spa
- C. Church or Place of Worship
- D. Dwelling, Single-Family Detached Homes (Existing at the time of Adoption of this Ordinance)
- E. Dwelling, Two-Family (Duplex) Homes (Existing at the time of Adoption of this Ordinance)
- F. Dry Cleaning Pick-up Station
- G. Funeral Home
- H. General Office
- I. Health Club, Fitness Center
- J. Instructional Studio
- K. Laundromat
- L. Medical Clinic
- M. Pet Grooming Shop
- N. Professional Offices
- O. Public Utilities
- P. Retail Store
- Q. Restaurant, General
- R. Veterinarian Clinic

#### 2.11.3 CONDITIONAL USES:

- A. Automotive Repair Shop and/or Car Wash
- B. Apartment as part of a mixed use building
- C. Child Care Facility
- D. Church
- E. Convenience Store
- Q. Dwelling, Single-Family Detached Homes (Constructed after adoption of this Ordinance)
- R. Dwelling, Two-Family (Duplex) Homes (Constructed after adoption of this Ordinance)

## Land Development Ordinance

- F. Drive-through Facilities
- G. Farmers Market, Public
- H. Mixed Use Development or Building
- I. Nursery, Horticultural
- J. Recreational Areas and Facilities, Outdoor
- K. Restaurant, Fast-Food
- L. Self-Service Storage Facility
- M. Service Station
- N. Telecommunications Tower
- O. Used Car Sales Establishment
- P. Vocational School

### 2.11.4 DIMENSION STANDARDS

USE	MIN LOT SIZE	MIN LOT WIDTH	MAX HEIGHT	MIN FRONT YARD	MIN SIDE	MIN REAR	MAXIMUM FRONT YARD	% IMP SUR
<b>Commercial Uses</b>	None	20 ft.	45 ft.	0/25+	0/15*	0/15*	25 ft.	75%
+Business uses with building adjacent to public sidewalks have no minimum front setbacks requirement. *A 15 foot setback shall be required on the side and rear when located adjacent to residential use.								
<b>SS &amp; Convenience Store</b>	See Section 2.11.4							
<b>Single and Two-Family Dwellings</b>	See Section 2.7.4							
<b>Church</b>	See Section 2.5.4							

# Land Development Ordinance

## Section 2.12

### I-1 LIGHT INDUSTRIAL DISTRICT

**2.12.1 PURPOSE:** This district is intended to provide a suitable protected environment for manufacturing, research and wholesale establishments which are clean, quiet and free of hazardous or objectionable emissions, and generate little industrial traffic.

**2.12.2 PERMITTED USES:**

- A. General Office
- B. Light Industrial Uses
- C. Wholesale Establishments

**2.12.3 CONDITIONAL USES:**

- A. Automotive Repair Shops
- B. Heavy Industrial or "Wet Industrial" Uses
- C. Junk Yards
- D. Self-Service Storage Facility
- E. Recycling and/or Salvage Operations
- F. Wrecker Services
- G. Adult Entertainment

**2.12.4 DIMENSIONAL STANDARDS**

MIN LOT SIZE	MIN LOT WIDTH	MAX HEIGHT	MIN FRONT YARD	MIN SIDE	MIN REAR	% IMP AREA
20,000 sf	100 ft	45 ft.	40	15/25*	15//25	75%
* When located adjacent to residential uses, an open space landscaped perimeter of 25 ft shall be maintained on both the side and rear of property. Accessory structures shall be placed behind or to the rear of principal buildings, shall not exceed 1 story or 20 ft in height and shall be a minimum of 15 feet from side and rear property lines.						

**2.12.5 Screening and Buffer Requirements:** All junkyards, recycling and/or salvage operations, vehicle salvage yards, wrecker services where junk or wrecked vehicles are stored, and similar operations shall be screened as required in Section 3.9. Automotive repair shops shall comply with the requirements of section 3.4.

# Land Development Ordinance

## Section 2.13

### PL PUBLIC USES

**2.13.1 PURPOSE:** This district is intended to provide appropriate areas for certain types of public and quasi-public buildings and facilities. Such uses may not be compatible with low density housing areas. Land and structures thereon located in this district may be owned or controlled by a public or governmental entity or a private entity. It is the intent of this district that all uses are considered conditional uses and are subject to approval through the public hearing process. Once a rezoning occurs for a specific use, this specific use but no other is allowed on the property. If other uses are desired, the property must be either rezoned or the conditional use approved through the public hearing process.

#### **2.13.2 CONDITIONAL USES:**

- A. Assisted Living Facility
- B. Cemetery
- C. Conservation Land and Open Space
- D. Church or Place of Worship
- E. Community Centers, Public
- F. Funeral Home
- G. Independent Living Facility
- H. Marina, Private or Public
- I. Medical Clinics
- J. Municipal, County or Federal Buildings
- K. Nursing Home Facility
- L. Outdoor Entertainment Facility
- M. Private Lodge or Club
- N. Public Parks, Playgrounds and Athletic Facilities
- O. Public Schools
- P. Water Tower
- Q. Telecommunications Towers
- R. Could be considered for other uses.

## Land Development Ordinance

### 2.13.4 DIMENSIONAL STANDARDS

USE	MIN LOT SIZE	MIN LOT WIDTH	MAX HEIGHT	MIN FRONT YARD	MIN SIDE+	MIN REAR	% IMP AREA
Funeral Home	20,000 sf	100 ft.	35 ft/ 2 1/2 stories	35 ft.	20 ft.	25 ft	40%
Private Lodges, Clubs	25,000 sf	120 ft	35 ft/2 ½ stories	40 ft	30 ft	30 ft	15%
Recreational Facilities, Outdoor, Golf Driving Range	3 Acres	200 ft	35 ft/ 2 1/2 stories	40 ft	30 ft	30 ft	15%
Assisted Living, Independent Living, Nursing Home	20,000 sf	200 ft	35 ft/ 2 1/2 stories	35 ft	30 ft	30 ft	30%
Marina	3 ac	200 ft	20 ft	25 foot vegetated buffer area around perimeter			30%
Church	See Section 2.5.4						
Other Facilities	As appropriate to conform to adjoining and surrounding setbacks**						
+Minimum Side Setbacks apply to the yard of each side of the structure. Corner lots shall be required to have the same minimum setback as the front yard on the corner side.							
++Parking areas may be located within this area if a five foot landscaping perimeter is maintained.							
** Each use shall be evaluated at to the appropriate dimensional standard. Buildings and facilities shall be planned in such a way as to conform to adjacent development whenever possible.							
Accessory structures shall be placed behind the front building line, shall not exceed 1 story or 20 ft in height and shall be a minimum of 10 feet from side and rear property lines.							

### 2.13.5 Site Requirements for Marina Developments

- A. **Minimum Development Area:** Three (3) acres
- B. **Maximum density:** Twenty (20) recreational vehicles per acre
- C. **Periphery Boundary:** The campground perimeter shall be an unoccupied landscaped open space twenty-five (25) feet in width with no encroachments permitted, including parking lots, patios, or other structures. When campgrounds are adjacent to residential uses, a landscaped buffer ten (10) feet in width shall be installed on the perimeter of the development. Plants shall consist of trees and shrubs that will create a screen to shield the park from adjacent uses and sod. This area shall be unoccupied by structures.
- D. **Open space and recreational area:** A minimum of five (5) percent of the gross development area shall be set aside and developed as common use areas for

## Land Development Ordinance

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open or enclosed recreation facilities such as playgrounds, badminton or tennis, parks or similar facilities which shall be in addition to any land or marine facilities such as piers or marinas. No required buffer strip, street, storage area, recreational vehicle site or utility site shall be placed within the area set aside for recreational purposes.

## Article III: Specific Requirements for Certain Uses

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**Section 3.1: Applicability.** The following special conditions for certain uses shall apply to all districts where the use is permitted “by right” or by “conditional use.” In the case of a conflict between the generally applicable standard for the zoning district and the specific standard for the use listed in this section, the more restrictive standards shall apply.

Requirements for the following uses are described in this Article.

- A. Accessory Uses and Buildings Permitted
- B. Accessory Dwelling Units
- C. Automobile Service Stations, Repair Shops and Convenience Stores
- D. Child Care Facilities, Nurseries, and Kindergartens
- E. Home Occupations
- F. Self-Service Storage Facilities
- G. Swimming Pools, Private
- H. Temporary Uses

### Section 3.2: Accessory Uses and Buildings

3.2.1 **Purpose:** Certain types of structures and uses that provide needed or desired space or utility. Accessory buildings and uses are intended to be in harmony with the principal use and fit contextually within the neighborhood within which they are located.

#### 3.2.2 General Requirements

- A. Shall adhere to the general requirements and all stipulated area, bulk and height regulations cited elsewhere in this Ordinance.
- B. Shall be subordinate in area, extent and purpose to such principal use.
- C. Shall be located in the side or rear yard areas if located within residential district.

#### 3.2.3 Accessory Structures permitted for all single-family dwellings

- A. Children’s playhouse and playground equipment.
- B. Decks, gazebos, trellises, and barbeques.
- C. Dog Houses for domestic pets, not to exceed two shelters per dwelling.
- D. Private greenhouse for the growing of vegetables, fruit, or flowers from which no products are sold or offered for sale.
- E. Private garage or carport.
- F. Private swimming pool.
- G. Structure for storage of household items and equipment used on the premises.
- H. Private workshop/woodworking equipment, from which no products are sold or offered for sale.

#### 3.2.4 Accessory Structures Permitted for Church or Place of Worship

- A. Maintenance equipment storage shed(s).
- B. Education Building
- C. Child Care and After School Services.

#### 3.2.5 Accessory Structures Permitted for Industrial Uses in Industrial Districts:

- A. Offices within the industrial use complex.

# Land Development Ordinance

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- B. Watchman's guard station.
- C. Maintenance equipment storage shed(s).

## **3.2.6 Accessory Structures Permitted for Service Stations**

- A. Car Washes.
- B. Automotive Repair Shop within an enclosed building.

## **Section 3.3 Accessory Dwelling Units (Guest Houses)**

Guest houses or living quarters for family members, temporary guests, or domestic help are allowed as a conditional use for single-family detached dwellings that are zoned Agricultural or Residential. Such units are subject to approval by the governing authority, subject to the following minimal restrictions and any other restrictions placed at the time of approval.

### **3.3.1 General Size and Site Place Requirements**

- A. The total square footage of such structures shall not exceed fifty (50) percent of heated and cooled square footage area of the principal dwelling or seven hundred and fifty (750) square feet, whichever is less.
- B. Such units shall be one-story and shall not exceed 25 feet in height.
- C. Setbacks shall be as follows:
  - 1. Front: Behind the front building line of the principal dwelling
  - 2. Side and Rear: Ten (10) feet

### **3.3.2 Building and Architectural Standards**

- A. Guest houses shall be constructed on-site in accordance with adopted building standards.
- B. They shall have the same or similar architectural style and exterior materials as the principal dwelling and the same roof pitch and color as the principal dwelling.

### **3.3.3 Other Requirements**

- A. All utilities shall be connected to and master metered from the principal residence.
- B. Restrictive covenant agreement must be filed with the Monroe County Chancery Clerk which runs with the land that the accessory structure will never be made available for lease or rental.

## **Section 3.4 Automobile Service Stations, Repair Shops and Convenience Stores with Gasoline Pumps**

### **3.4.1 Site Requirements**

- A. An automobile service station or convenience store shall have a minimum front lot line on the primary right-of-way of 100 feet and a minimum area of 12,000 square feet.
- B. Service Station main buildings shall be set back a minimum of 30 feet from all right-of-way lines and all gasoline pump canopies shall be set back a minimum of 15 feet from all right-of-way lines.
- C. All gasoline pump islands shall be set back at least 20 feet from right-of-way line, or where a future widening line has been established, the setback line shall be measured



# Land Development Ordinance

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from such line.

- D. All driving, parking, storage, and service areas shall be paved.

## **3.4.2 Other Requirements**

- A. All vehicle repairs shall occur in an enclosed area.
- B. No junk or non-operable vehicles shall be stored on site except within enclosed buildings.
- C. Up to five (5) operable vehicles may be stored overnight in an outdoor area.
- D. All automobile service stations and repair shops are subject to special site enhanced screening conditions to appropriately screen adjacent property from parking, pump islands, or service bays. This site screening shall be specific to the context of the site and may involve landscape, walls, or other elements as required by the approved site plan.

## **Section 3.5 Child Care Facilities, Commercial (Nurseries and Kindergartens)**

### **3.5.1 License Requirements**

All child care facilities shall meet all applicable State requirements for standards, licensing and inspections. Applications for a business license shall include copies of a current State Permit stating the maximum number of children to be kept at the facility.

### **3.5.2 Site Requirements**

- A. No loading or unloading of children shall be permitted in the street.
- B. A usable outdoor play area shall be provided and no portion of the fenced play area shall be located closer than 35 feet to any public street. Parking and loading areas may not be counted toward play spaces.

## **Section 3.6 Home Occupations**

### **3.6.1 General Regulations**

A home occupation is a gainful occupation conducted in a dwelling unit, for which an annual privilege license must be issued and is subject to the following requirements:

- A. No home occupation shall alter the appearance of the home or neighborhood either through structural changes or through ongoing activities and operations.
- B. Home Occupations shall be conducted within the primary residence and shall not be located in accessory buildings. Not more than twenty (20) percent of the heated and cooled square footage area of the dwelling unit not to exceed five hundred (500) square feet shall be used in conducting the home occupation.
- C. The home occupation shall not generate excessive traffic or produce obnoxious odors, glare, noise vibration, electrical disturbance, radioactivity, electromagnetic interference or any other condition detrimental to the character of the surrounding area.
- D. Written statements of the majority of owners of property within 300 feet in opposition to the home occupation shall be sufficient cause to determine that the use is of a character detrimental to the surrounding area.
- E. No stock in trade or commodity shall be sold on the premises.
- F. There shall be no employment of help other than members of the resident family.
- G. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.

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- H. No outdoor storage of equipment or materials which are uncharacteristic of a residential use shall be permitted.
- I. The Zoning Administrator shall periodically examine all businesses operating under a home occupation permit to determine if they are maintained in compliance with regulations set forth herein. The Zoning Administrator is authorized to notify any business found to not be in compliance to cease operations and to immediately revoke said permits.

## **3.6.3 Home Occupations Permitted**

The following occupations, subject to the requirements of the above section, may be permitted as home occupations:

- A. Artist, sculptor, author.
- B. Computer programming and word processing.
- C. Cooking, preserving and preparation of food for catering service
- D. Dressmaker, seamstress, tailor, interior decorator.
- E. Home office.
- F. Teaching, including tutoring, musical or dance instruction, but limited to one pupil per teacher at any given time.
- G. Telephone answering service.
- H. Any other similar use which the Zoning Administrator determines is compatible. The Zoning Administrator may elect to take any Home Occupation request to the Planning Commission for consideration.

## **3.6.4 Prohibited Home Occupations**

The following are not permitted as home occupations:

- A. Animal hospitals or animal rescue operations.
- B. Child Care Facilities including kindergartens.
- C. Nursing Homes.
- D. Repair Shops requiring major repair to equipment and/or vehicles.
- E. Coffee Shops, restaurants or any facility serving beverages or food to the public.
- F. Boarding or Rooming House.

## **Section 3.7 Self-Service Storage Units**

### **3.7.1 Intent**

The intent of the special conditions for Self-Service Storage Units is to:

- A. Allow for personal storage services to be mixed with other compatible commercial uses.
- B. Ensure that personal storage facilities are appropriately located and used appropriately to minimize the impact on adjacent property.
- C. Set requirements for the design and scale of facilities to better assure this use fits in with surrounding uses.

### **3.7.2 General Requirements**

- A. Maximum size for each individual storage unit shall be six hundred (600) square feet.
- B. Outside storage of RVs, Boats and similar vehicles may be included as a part of

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the site if such outdoor storage facilities are fenced and screened. Parking areas or driveways shall not be used for storage.

## 3.7.3 Site Requirements

- A. Access to the site shall be from a street identified as a collector or major local street on the Transportation Plan.
- B. Paved, off-street parking, access and driveways must be provided.
- C. Any other site requirements determined through the conditional use procedure to minimize impacts on adjacent property.

## 3.7.4 Prohibited Uses

The following uses shall be prohibited in self-service storage facilities:

- A. Auctions, wholesale and retail sales, miscellaneous or garage sales.
- B. Servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn movers, appliances, or other similar equipment.
- C. The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns or other similar equipment, except for purposes of construction and repair of the self-service storage facility.
- D. Transfer and storage business.
- E. Any use that is noxious or offensive because of odors, dust, fumes, or vibrations.
- F. The storage of hazardous materials.

## Section 3.8 Temporary Uses

### 3.8.1 General Regulations

Certain temporary uses are permitted as in accordance with the following regulations:

- A. The temporary use shall be for a specific period of time and at the end of such time, all activities shall cease.
- B. The permission of the property owner shall be required signifying their permission to place the temporary use on the property in question.
- C. Sites shall be free of all debris, whether generated by the temporary use or not.
- D. Adequate off-street parking shall be provided if needed.
- E. Uses and preparation shall meet any and all health standards as defined applicable and certified to by the State Board of Health.
- F. Suitable safety precautions are taken in accordance with conditions approved by the Zoning Administrator to insure that human health and welfare are not jeopardized.

### 3.8.2 Temporary Uses Permitted

- A. **Fund Raising Events for Churches, Schools and Similar Uses:** Car Washing, Fairs, Bake Sales, Rummage Sales, and similar events are permitted for certain non-profit establishments. Such events shall not exceed three (3) days in length.
- B. **Contractor's Temporary Office and Equipment Sheds:** In any district, a contractor's temporary office and equipment sheds incidental to a construction project may be utilized. Such facilities shall not contain sleeping or cooking accommodations. Such facilities shall be removed upon completion of the project or one year whichever is applicable.
- C. **Garage or Rummage Sales:** Garage sales may be conducted in residential districts provided no more than two (2) such events are scheduled within a 12 month period, and the period of the sale does not exceed three (3) days.

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- D. Food Vendors:** Portable food vendors licensed by the Health Department and doing business from a portable vehicle designed for such use are allowed in Commercial Districts with permission by the property owner. Such facilities are subject to provision for adequate parking, ingress and egress and other safety considerations and are considered temporary and must be removed at the end of the business day.
- E. Seasonal Sale of Farm Produce Outdoors:** Farm produce and seafood which is in its harvested form, may be sold from vehicles which are mobile in Commercial Districts but shall be placed no earlier than 6:00 a.m. and shall be removed daily no later than 9:00 p.m. Such uses shall be limited to the preparation and sale of human food stuffs only.
- F. Portable Storage Container (POD)**
  - 1. The use of one (1) container shall be limited to no more than thirty (30) consecutive days in any year. In the event of a catastrophic loss of property due to fire, flood or other physical calamity occurring on the property in question, the permit may be extended for two (2) additional thirty (30) day periods.
  - 2. The container shall be placed on a hard surface such as a driveway on the lot it serves, and shall not be placed on a street right-of-way or in the rear of the property.

### **Section 3.9 Junkyards, Recycling and/or Salvage Operations, and Vehicle Storage:**

All commercial and non-commercial storage of vehicles, junkyards, recycling and/or salvage operations and similar uses shall have Required Screen Fencing as described in Section 4.4.

**3.9.1 Pre-existing Conditions:** Any junkyard, recycling and/or salvage operation, vehicle storage or similar use required to be screened by section 3.9 of this ordinance and located within the municipal limits at the time of adoption of this ordinance shall be required to comply with screening requirements within nine (9) months from the effective date of this ordinance. The property owner where such conditions exist shall be responsible for the necessary improvements, and shall be in violation of this ordinance should the required screening fail to be provided within the time given.

**Section 3.10 Adult Entertainment.** Adult entertainment establishments shall comply with the following requirements:

- A.** No adult arcade, adult book store, adult cabaret, adult motion picture theater, adult motel, adult video store, or any other adult entertainment establishment as defined by Article VIII of this ordinance shall be located within one thousand five hundred (1,500) feet of any other such use, or located within one thousand five hundred (1,500) feet of any residence or residentially zoned property, church, regular place of worship, school, park, child care facility, or playground;
- B.** For the purpose of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where adult entertainment business is conducted, to the nearest property line of the premises of a church, regular place of worship, school, or to the nearest boundary of an affected park, child care facility, playground, residence, residential district, or residential lot;

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- C. For the purposes of this section, the distance between any two adult entertainment business uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located;
- D. An adult entertainment business shall not be operated in the same building, structure, or portion thereof, containing another adult entertainment business.
- E. Notwithstanding any language or definition used herein, neither this section nor any other section of this ordinance shall permit any acts, displays or distribution of materials which violate the obscenity statutes or any other laws of the State of Mississippi.

**Section 3.11      Manufactured Homes and other Manufactured Buildings:** All manufactured buildings shall meet or exceed the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction. Manufactured housing and manufactured buildings constructed over ten (10) years prior to permit application shall not be permitted within the incorporated limits. Manufactured housing and manufactured buildings shall also comply with each of the following criteria:

- 1. All structures shall be limited to single occupancy units;
- 2. The structure shall have a length no greater than four times its width;
- 3. The pitch of the structure's roof shall have a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run;
- 4. The roof shall be finished with either asphalt or architectural shingles, or other roofing material as approved by the Building Official;
- 5. The exterior siding shall consist of wood, hardboard, vinyl, non-reflective aluminum, or other material as approved by the Building Official;
- 6. A continuous, permanent underpinning of treated wood, concrete, brick, stone, drivit, stucco, split face block, similar masonry or masonry-like products, or other material as approved by the Building Official shall be established, un-pierced except for required ventilation and access, around the perimeter of each manufactured building foundation system;
- 7. The tongue, axles, transporting lights, and removable towing apparatus shall be removed prior to occupancy;
- 8. The structure shall be attached to a permanent foundation as described in the most recent edition of the US Department of Housing and Urban Development's "*Permanent Foundations Guide for Manufactured Housing*", or prepared by an engineer licensed to operate in the State of Mississippi.
- 9. The front entrance of the manufactured building shall face the street, excepting manufactured homes with attached garages or carports, and
- 10. All manufactured buildings shall be provided with an exterior stairway or ramp at all exit doors. In addition, all structures shall be equipped with a minimum five (5) feet wide by five (5) feet deep front porch or deck area adjoining the front door, which will be considered the main entrance/exit. All additional ramps and/or stairs shall have a minimum three (3) feet by three (3) feet landing adjoining the associated doorway. These porches, decks, stairways and/or ramps shall be designed and constructed in accordance with the Building Code.

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**Section 3.12 Cottage, Katrina or Mississippi:** All Katrina or Mississippi Cottages shall meet or exceed the construction standards promulgated by the Building Code effective at the time of building permit application. Katrina or Mississippi Cottages constructed over five (5) years prior to permit application shall not be permitted within the incorporated limits. Katrina or Mississippi Cottages shall also comply with each of the following criteria:

1. All structures shall be limited to single occupancy units;
2. The structure must rest on a permanent foundation designed by an Engineer licensed to operate in the State of Mississippi. This foundation shall be designed and constructed in conformance with the local Building Code in effect at the time of building permit issuance.
3. Structures provided with a conventional foundation system shall be equipped with a continuous, permanent veneer of concrete, brick, stone, drivit, stucco, split face block, similar masonry or masonry-like products, or other material as approved by the Building Official. This veneer shall be installed, un-pierced except for required ventilation and access, around the perimeter of each cottage conventional foundation system;
4. The front entrance of the Cottage shall face the street, and
5. All Cottages shall be provided with an exterior stairway or ramp at all exit doors. In addition, all structures shall be equipped with a minimum five (5) feet wide by five (5) feet deep front porch or deck area adjoining the front door, which will be considered the main entrance/exit. All additional ramps and/or stairs shall have a minimum three (3) feet by three (3) feet landing adjoining the associated doorway. These porches, decks, stairways and/or ramps shall be designed and constructed in accordance with the Building Code.

**Section 3.13 Parking Lot Lighting:** Parking lots for businesses that are open after daylight hours shall provide lighting for the safety of the public. Luminaries that are “full cut off” designed and “fully shielded” are required.

## Article IV: Development Standards

This Article provides site design and building standards required for all development whenever applicable. The standards are intended to contribute to the ability of development sites to integrate into the town's overall plan.

These standards should be applied in addition to any specific area or design standards contained in other sections for a particular zoning district. Development standards in this chapter include:

- A. Non-Residential Building Placement and Design
- B. Site Access and Circulation
- C. Off-Street Parking and Loading
- D. Landscaping, Screening and Fencing
- E. Signs
- F. Grading, Erosion, and Sediment Control
- G. Storm Drainage
- H. Streets and Alleys
- I. Easements
- J. Floodplain Areas
- K. Utilities
- L. Water System
- M. Sanitary Sewers

### Section 4.1 Non-residential Building Placement and Design

#### 4.1.1 Building Orientation and Entrance

The front façade containing the primary customer entrance of commercial buildings shall front and relate to the main commercial street, both functionally and visually, and not be oriented toward parking lots. The front façade should include a main entryway and pedestrian access to parking and sidewalks when such exist. Buildings located on corner lots of streets within commercial districts may face the corner or either street.

#### 4.1.2 Type of Exterior Building Material

- A. **Permitted Exterior Building Materials:** All non-residential buildings shall have a facade of brick, stone, drivit®, stucco, split face block or similar designer block over a minimum of 50% of the side(s) of the building facing a street. The 50% requirement shall be calculated based on the entire area of said building side including windows, doors and gable ends. Any offset building fronts which are as close or closer to the rear of the building than the front shall not require improvements described above. Building materials with a cost equal to or greater than the materials listed above may be substituted provided said equal or greater costs is documented. Landscaping in front of the building, which provides screening equal or greater than the required masonry area, at maturity, may be substituted.
- B. **Exterior Building Material Not Permitted:** No building or portion of a principal building visible from a public street or right-of-way shall be exposed metal; vinyl siding; smooth-faced gray concrete block; painted or stained concrete block; tilt-up concrete panels; field-painted or pre-finished standard corrugated metal siding; or any other material the Planning Commission deems to be unacceptable.



# Land Development Ordinance

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## Section 4.2: RESERVED

## Section 4.3: Landscaping Required

### 4.3.1 Applicability of Landscape Requirements

- A. **Exempt Development:** Residential uses are exempt from landscaping requirements except for those located in commercial or mixed-use buildings; multi-family development; independent living, nursing home and assisted living developments.
- B. **Applicability:** All rules, regulations, and requirements set forth in this section are applicable to the following:
  - 1. All non-exempt development.
  - 2. Any alteration to an existing building or development, or construction which changes the amount of gross floor area of a structure or building on a lot by more than 30% or the amount of parking area by 10%. All such property shall come into substantial compliance at the time of alteration or construction.
  - 3. Public use and buildings.

### 4.3.2 Parking Lot Landscaping

All parking areas in excess of ten (10) spaces shall include landscaping and screening as follows:

- A. **Perimeter of Parking Area:** A perimeter landscaped strip at least 5 feet wide on the exterior boundary of the parking area and adjoining property lines shall be required.
- B. **Public Street:** Where the landscaped strip adjoins certain prominent streets including Highway 25, Industrial Drive, Smithville Road, Highway 23, or any other street with a right-of-way of sixty (60) feet or greater, the landscaped strip fronting these streets shall be a minimum of ten (10) feet in depth as measured from the highway right-of-way.
- C. **Continuous Planting Strip Required:** The perimeter landscaped strip may include any landscaped yard or area otherwise required, and shall be continuous except at points of access.

### 4.3.3 Foundation Planting

A landscaped area not less than five (5) feet in width shall span the entire length of the front of the building between the parking area and the building with the exception of buildings adjacent to sidewalks, convenience stores and service stations. Such areas may be landscaped with turf grass, shrubs and flowers.

### 4.3.4 Screening of Refuse and Service Areas

All mechanical or operating equipment, dumpster areas, loading and un loading areas shall be enclosed by a wall or fence of solid appearance not less than six feet in height, or the height of the dumpster, whichever is greater.

- 4.3.4.1 Pre-existing Conditions:** Any refuse or storage areas required to be screened by section 4.3.4 of this ordinance and located within the municipal limits at the time of adoption of this ordinance shall be required to comply with screening requirements within nine (9) months from the effective date of this ordinance. The property owner



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where such conditions exist shall be responsible for the necessary improvements, and shall be in violation of this ordinance should the required screening fail to be provided within the time given.

## 4.3.5 Landscaped Buffers between Certain Uses

In any district where a commercial/industrial use abuts a residential use, screening/buffering shall be required. For the purposes of this section, residential uses separated from commercial/industrial uses by a public street shall not be considered abutting. Acceptable screening/buffering shall include a solid wall or fence or tight evergreen hedge not less than six feet (6') in height.

## 4.3.6 Specifications of Landscaping Required

Landscaped Areas shall consist of the following and shall provide for irrigation of plants:

- A. **Trees:** Non-exempt properties adjacent to Highway 25, Industrial Drive, Smithville Road, Highway 23, and any other street with a right-of-way of sixty (60) feet or greater shall be planted with crape myrtles (*Lagerstroemia indica* var.) spaced a minimum of six (6) feet and a maximum of ten (10) feet apart. Said trees shall be a minimum of six (6) feet in height at the time of planting. Alternative plantings may be approved by the Zoning Administrator, provided the growth habit and general appearance is complimentary to the required ornamental trees.

## 4.3.7 General Regulations for Landscaping

- A. **Protection of Landscaped Areas:** Landscaping around and within vehicular areas shall be protected by curbs, wheel stops, decorative bollards, retaining walls, or other methods integrated into the site improvements.
- B. **Protection of Existing Trees:** During development of a site, every effort must be made to protect and retain existing significant trees. Retained trees will be credited toward fulfillment of this Section.
- C. **Planting Schedule:** Planting material shall be installed prior to the end of the first available planting season prior to the issuance of a Certificate of Occupancy. If construction work is completed during the off-planting season, a temporary certificate of occupancy shall be issued for the property which shall specify that all planting material as required by this Section be installed prior to the end of the next planting season.
- D. **Plant Quality:** All landscaping shall comply with the American Standards for Nursery Stock.
- E. **Maintenance of Plant Material:** Said planting materials shall be maintained and kept in a healthy condition, and any required planting material that dies shall be replaced prior to the end of the next available planting season.

## Section 4.4 Fencing

### 4.4.1 General Requirements:

Fences are permitted in every zoning district. Fences may be permitted on the property lines or anywhere else on the lot in compliance with the following standards:

- A. **Protection of Drainage:** Fences shall not be constructed in a drainage easement, floodway, or other watercourse.
- B. **Prohibited Materials:** No corrugated metal sheets, solid sheets of metal,

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plywood, particleboard, or similar materials shall be allowed. No barbed wire, razor wire, or similar materials shall be allowed except that barbed wire fencing may be used for agricultural purposes in the R-A Residential/Agriculture zone.

- C. Fence Construction:** Horizontal and vertical support posts shall be located inside of the fenced area or otherwise hidden from adjacent properties and the general public's view. Shadowbox style fencing may be used to conceal fence supports. No fence shall be made of, in whole or in part, cloth, canvas, or similar material. A maximum of two materials are permitted in fence construction. The use of barbed wire, razor wire, welded wire, chicken wire, or single strand wire is prohibited, unless specifically authorized by this ordinance. Chain-link fencing shall be vinyl coated in either black or green color.

### 4.4.2 Maximum Height, Materials and Location

- A. Residential Districts:** Fences in all residential zoning districts shall be no higher than eight (8') feet along rear and side property lines and must be behind the front building line. Any fence forward of the front building line shall not be higher than four (4') feet and shall not reduce visibility by more than fifty (50) percent. Chain-link fencing is permitted only within the side and rear setbacks.
- B. Non-Residential Districts:** Fences in all non-residential zoning districts shall be no higher than 8 feet. Any fence in front of the front building line shall be limited to a maximum of six (6) feet high, shall have a design style consistent with the architectural elements of the buildings on the site, and not reduce visibility by more than fifty (50) percent. Metal palisade-style security fencing is not permitted. Barbed or razor wire shall be permitted in the Light Industrial District, provided that the lowest strand is a minimum of seven (7) feet above grade, and when used for security purposes in addition to a regular fence.
- C. Required Screen Fencing:** All screen fencing required to prevent public view of specific uses, as required by this ordinance, shall be eight (8) feet in height and may only be located in the side and rear setbacks. Such fences shall be solid wall construction (brick, stone, or stone-faced block), or post/plank construction (metal, wood or vinyl), and provide 100% visibility restriction/opacity.

## Section 4.5: Signs

### 4.5.1 Applicability of Sign Requirements

All rules, regulations, and requirements set forth in this section are applicable to the following:

- A.** New Signs.
- B.** Any alteration to an existing sign including changing of sign face.
- C.** Relocation of any sign.

### 4.5.2 Business Signs in B-1, TC and I-1 Zoning Districts

The following signs shall be permitted for commercial businesses located in commercial and industrial districts:

- A. Building Signs:** One building sign identifying the name of the business not to exceed one square foot for each one (1) linear feet of building width or seventy-five (75) square feet whichever is less. A minimum of twenty (20) square feet is permitted. In the case of shopping centers or strip centers, each tenant is allowed one building sign in lieu of a ground directory sign. The style of signs may be one of the following: permanent wall sign, projecting sign, or hanging sign. Awning signs are allowed in lieu of building signs. Awning signs shall be placed on the skirt of the awning and shall not exceed 75% of the

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width and height of the skirt portion of the awning.

- B. **Freestanding or Ground Sign:** One monument style sign identifying the name and address of the business not to exceed forty (40) square feet in sign area and eight (8) feet in height. Such signs shall be a minimum of ten (10) feet from the property line.
  - 1. A maximum of 20% of freestanding ground signs may be changeable copy (manual).
  - 2. A maximum of 10% of monument freestanding signs may be changeable copy (electronic) with approval of Board of Aldermen.
- C. **Freestanding Directory or Project Signs:** Multi-occupancy buildings and shopping centers shall be permitted one directory sign with the names of the tenants on the face of the sign or one project sign identifying the name of the development. Such signs shall be a minimum of ten (10) feet from the property line.
- D. **Artistic Mural:** Professionally drawn murals depicting a local scene or a brand name may be placed on commercial buildings after approval of the Planning Commission and the Board. Such signs are permitted in addition to other signs.

### 4.5.3 Service Stations and Convenience Store Signs

The following signs are permitted for service stations and convenience stores that sell retail gasoline and petroleum products:

- A. **Building Signs:** One building sign identifying the name of the business not to exceed one (1) square foot for each two (2) linear feet of building frontage or fifty (50) square feet whichever is less. Two (2) additional building signs are permitted advertising logos or services provided not to exceed twenty (20) square feet each.
- B. **Freestanding or Ground Sign:** One (1) monument style sign identifying the Brand of Gasoline not to exceed forty (40) square feet in sign area and eight (8) feet in height. Such signs shall be a minimum of ten (10) feet from the property line. Such signs may include manual or LED Price changer panels.
- C. **Canopy over Gas Pumps:** One (1) sign on two individual sides of the canopy advertising the brand name shall be permitted.
- D. **Other Signs Permitted:** Non-illuminated self-service or full service signs; federal and state stamps, octane rating, pump use directions, no smoking signs as required by federal, state and local authorities.

### 4.5.4 Signs Permitted in Residential Districts

- A. **Freestanding or Ground Sign:** One (1) freestanding non-illuminated sign identifying the name of the development shall be permitted for each subdivision, neighborhood, or complex entrance not to exceed thirty-two (32) square feet in size and six (6) feet in height. Such signs shall be a minimum of ten (10) feet from the property line.
- B. **Directional Signs:** Multi-family complexes may have internal directional signs and building identification signs.

### 4.5.5 Signs Permitted for Churches and Places of Worship

One (1) monument style freestanding sign identifying the name and address of the church shall be permitted not to exceed forty (40) square feet in sign area and eight (8) feet in height. Such signs shall be a minimum of ten (10) feet from the property line.

- A. A maximum of 20% of freestanding ground signs may be changeable copy (manual).
- B. A maximum of 10% of monument freestanding signs may be changeable copy (electronic) with approval of Board of Aldermen.

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- C. The content of the sign shall only include the name of the church, the name of the pastor, and a schedule of services and activities.

## 4.5.6 Illumination Standards for Signs

- A. **Interior Lighting:** Interior lighted individual translucent letters, numerals, logos and graphic symbols, or interior lighted signs with translucent letters, logos and graphic symbols are allowed provided that the specific location of the light source within the sign cannot be seen or determined when the lights are in operation. Additionally, when the interior lighted signs are utilized, the background shall be opaque.
- B. **External illumination:**
1. **Building Signs:** External lighting of building signs is permitted provided light is projected from a gooseneck or similar type of lighting mounted on the façade surface above the sign and illuminates only the sign.
  2. **Freestanding Signs:** External illumination of freestanding signs is permitted provided light is projected from a spotlight installed on the ground that illuminates only the sign.

## 4.5.7 Measurement of Signs

The size of signs shall be calculated as follows:



*Measuring sign area on a monument sign*

**A. Freestanding Signs (Monument Signs):** The sign area of the sign consists of the actual sign itself, not including the masonry base or surround. The height is measured from the base of the monument to the top of the monument or sign (whichever is taller).



*Measuring sign area for an attached sign*

**B. Building (Attached):** The square footage of building signs shall be calculated by the height times the width of area within which letters, symbols or other features of the sign are located.

## 4.5.8 Design Standards for Signs

- A. **Building Signs:** Letter types are limited to the following, unless expressly approved by the town:
1. Cabinet letters with opaque background and dimensional letters.
  2. Individual letters such as "Minnesota Letters" (may be painted).
  3. Channel letters.
  4. Reverse channel letters.
  5. Sculpted cabinet signs.

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6. Painted letters.

## B. Freestanding Signs:

1. Freestanding ground signs shall be constructed on a masonry base which is a maximum of four (4) feet in height. Acceptable masonry material shall include brick, natural or synthetic stone; integrally-colored, textured or glazed concrete masonry units.
2. Changeable copy must be enclosed and secured against vandalism.
3. Signs shall be constructed of weather-proof materials, professionally constructed and installed.

### 4.5.8 Prohibited Signs

The following types of signs are expressly prohibited and subject to immediate removal at the expense of the owner.

- A. Backlighted Canopy or Awning Signs.
- B. Billboards.
- C. Off-premise Signs.
- D. Signs placed on any public right-of-way
- E. Any sign attached or painted onto a vehicle, trailer, or portable system parked on or adjacent to public right-of-way for the principle purpose of advertising.
- F. Any tethered inflatable signs.
- G. Abandoned or non-functional signs
- H. Copies or imitations of official traffic control signs.
- I. Unsafe or Unsightly Signs
- J. Signs that are designed, painted or erected:
  - 1 On a roof, fence, tree, fire escape, or utility pole.
  - 2 With fluorescent or day-glo colors.
  - 3 With exposed bulbs.
  - 4 That produce glare or reflection onto residential property.
  - 5 That emit visible smoke, vapor, particles, or odor.
  - 6 Flash or illuminate intermittently, revolve, and animated signs except approved Changeable Copy (electronic).

### 4.5.9 Exempt Signs

The following signs are allowed and shall not require a sign permit:

- A. **Official Flags** such as American, State, School or Athletic Team Flags limited to 50 total square feet in area.
- B. **Decorative flags, banners and bunting** authorized by the Board for a citywide celebration, conventions or commemorations;
- C. **Memorial signs, tablets or cornerstones, names of buildings** and date of erection when consisting of a cut masonry surface or when constructed of bronze or other noncombustible materials;
- D. **Incidental Signs** such as directional signs (e.g. entrance, exit, caution, slow, no trespassing) located on and pertaining to a parcel or property not to exceed two square feet in area per sign.
- E. **Identification signs** at the entrance drive of residences, estates, farms, ranches, or similar tracts of land not to exceed two square feet in area.
- F. **Political signs** on private property after the qualifying deadline for the election

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- G. Real Estate / For Sale signs** limited to one non-illuminated, double-faced sign per street frontage.
- H. Construction signs** where construction is actually in progress under a current building permit.
- I. Window signs** which identify or advertise activities, services, goods or products available within the building and which cover 20% or less of the window glass surface area to which it is attached and which cover 20% of all windows collectively.
- J. A-Frame Sign:** In addition to other signs, one A-Frame signs for retail businesses in B-1 and TC districts is allowed subject to the following conditions:
  - 1. They do not interfere with pedestrian movement or wheelchair access to, through, and around the site or obstruct ADA access.
  - 2. Do not encroach onto parking areas.
  - 3. Are used during the regular hours of operation of the business.
  - 4. Do not exceed four (4) ft. by two feet, six inches (2'-6").
  - 5. Are displayed in front of the place of business, not more than twenty (20) feet from the building entrance.
- K. Temporary Event Signs or Banners:** A temporary event sign or banner may be allowed in addition to all permitted signs subject to the following:
  - 1. May be displayed no longer than fifteen (15) days for each event
  - 2. No more frequently than twice (2) each calendar year for the same premises
  - 3. Signs shall not exceed six (6) feet in horizontal dimension and the vertical height shall not exceed two (2) feet.

### 4.5.10 Illustration of Letter and Sign Types

Table 5 illustrates several types of letters permitted on wall and building and freestanding signs allowed in accordance with Ordinance regulations.



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Table No. 5: Illustration of Letter and Sign Types

## LETTER TYPES

Contour Channel Letters



Individual Letters



## FREE-STANDING SIGNS

Monument Sign



Directory Sign



Service Station with Price Changer



Changeable Copy (Electronic)



## BUILDING SIGNS

Permanent Building Sign



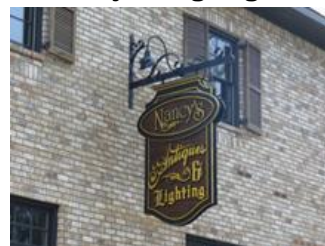
Hanging Signs



Awning Sign



Projecting Sign



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Table No. 5: Illustration of Letter and Sign Types

## LETTER TYPES

Service Station Bldg Sign

SS Additional Bldg signs



Window Sign



Directional Signs





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## Section 4.6 Grading, Erosion, and Sediment Control

### 4.6.1 Purpose and General Requirements

The purpose of controlled grading, and erosion and sediment control is to reduce the impact of surface water runoff on existing waterways, natural areas, and adjoining property. All sites shall be designed with surface drainage provisions in accordance with the Mississippi Department of Environmental Quality Regulations and Best Management Practices. Developers shall take all steps necessary to prevent run-off, which may have the potential for causing flood damage to neighboring property.

### 4.6.2 Specific Requirements

- A. Timing of Grading:** When land is exposed during development, the exposure must be kept to the shortest period of time and the smallest area that is practical.
- B. Protection of Existing Vegetation:** Removal of surface soil and vegetation shall be minimized as much as possible.
- C. Temporary and Permanent Vegetation:** Temporary vegetation and/or mulching must be used to protect critical areas exposed during development. Permanent vegetation and structures must be installed as soon as practical in the development
- D. Protection of Ditches and Side Slopes:** Adequate protection of ditch inverts and side slopes must be provided to prevent erosion. On ditch slopes greater than 3%, special ditch treatment such as concrete paving or rip-rap may be required
- E. Sediment Basins:** Debris Basins, de-silting basins or silt traps must be installed and maintained to remove sediment from runoff waters from land undergoing development.
- F. Cut and Fill:** Areas to be graded by cutting or filling must be rough graded to within two-tenths (0.2) of a foot of the accepted elevation after necessary allowance has been made for the thickness of topsoil, paved areas, and other installations.
- G. Cross Section:** Final cross sections and profiles of streets and other installations must conform to grades recommended by the county engineer. Elevations must be based on mean sea level.
- H. Removal of Debris:** All timber, logs, trees, brush, vegetation, and other rubbish must be removed or otherwise disposed of to leave areas that have been disturbed in a neat and finished appearance.

## Section 4.7 Storm Drainage Systems

The design of storm water drainage systems shall insure adequate control of storm water runoff through the use of properly sized and positioned drainage structures including but not limited to curb and gutter, curb and grate inlets, stormwater sewer pipe, box culverts, intersectional drains, open ditches and bridges.

**4.7.1 Types of System Required and Design Criteria.** The type of stormwater system shall be determined by the Consulting Engineer based on the location of the development, the intensity or density of buildings, and the existing system.

### 4.7.2 Open Ditches

- A. Full lot Width:** In the case of surface drainage, the full width of the street between

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property lines shall be utilized in the graded section in order to permit easy maintenance and grassing of the section from the edge of the shoulders to the property lines.

- B. Driveways and Culverts:** Driveways crossing side ditches shall be constructed to a minimum width of fifteen (15) feet with head walls at both ends or twenty (20) feet or more without head walls at both ends of the culvert pipe drains laid to the profile of the ditch invert. Fill material shall be Class nine (9) or better with a minimum of four (4) inches compacted thickness of clay gravel or other suitable material. Driveway culverts of proper size shall be installed at each lot by developer prior to the issuance of a building permit.
- C. Size of Structures:** All drainage pipes, culverts, structures and ditches shall be sized by determining a volume of flow in cubic feet per second using known drainage areas and generally accepted engineering formulas, but in no case shall any culvert be less than fifteen (15) inches in diameter. All open drainage ditches other than swales and existing waterways that exhibit a constant natural flow shall have adequate erosion controls. All open ditches shall have a maximum side slope of two-to-one (2:1) and shall be sprigged, seeded or soil sodded from the invert to the natural ground line. Any deviation whatsoever from the above requirements must be approved by the Consulting Engineer or appropriate staff person.
- D. Piping of Ditches:** Piping of ditches will not be allowed unless plans are submitted for review by a professional engineer registered in the State of Mississippi. Also, a permit or approval letter shall be provided to the Town of Smithville or Monroe County by the Mississippi Department of Environmental Quality.

### 4.7.3 Specific Requirements

- A. Storm Water Duration:** Storm drainage systems shall be designed to carry not less than the storm water from the maximum twenty-four (24) hour rainfall expected to occur once in twenty-five (25) years with a run-off factor of ninety (90%) percent for pavements and buildings and a variable run-off factor for ground areas, dependent upon topographic conditions and other characteristics in accord with accepted engineering practices. A culvert or other drainage facility shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development. Materials and construction must conform to Mississippi Standard Specifications for State Aid Road and Bridge Construction.
- B. Rational Formula:** Drainage Structures must be sized using the rational formula and calculated by a licensed engineer for the State of Mississippi. However, the minimum allowable design shall be a fifty (50) year storm frequency or other design as recommended by the Consulting Engineer.
- C. Construction:** Reinforced concrete headwalls of precast flared end sections must be provided on fifteen (15) inch pipe and larger. The minimum diameter for storm drain pipe must be fifteen (15) inches and when used as a culvert the length must be such that the ends project at least four (4) feet beyond the edge of the pavement or to the edge of the fill slope. Concrete culverts are required for cross drains and must be a minimum of Class III reinforced concrete. Other storm drains or culverts that are not cross drains can either be RCP or Corrugated HDPE pipe.

**4.7.4 Alternative Stormwater Maintenance Systems.** Standards of this ordinance may be waived to provide for an alternative stormwater design system provided:

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- A. **Minimum Infiltration** of at least 80% of the runoff from impervious surfaces into the groundwater on the site and results in an overall reduction in impacts on streams in the watershed.
- B. **Natural elements** on the site are incorporated into a natural storm drain infrastructure minimizing or eliminating the need for detention ponds and other constructed storm drainage.
- C. **Long-term Maintenance** and operation of the alternative design, including easements, covenants, restrictions, and an acceptable legal entity to oversee long-term maintenance must be addressed.

### Section 4.8 Streets and Alleys

#### 4.8.1 General Design Standards

- A. **State Aid Road Standards:** All design, construction, and materials must conform to the appropriate sections or subsections of the latest edition of Mississippi Standard Specifications for State Aid Road and Bridge Construction.
- B. **Street Arrangement:** The arrangement of streets shall provide for the continuation of existing principal streets in surrounding areas unless topography or other conditions make continuation of existing streets impractical. Site or subdivision plans shall create an orderly arrangement of streets that will provide for a cohesive plan.
- C. **Jogs:** Street jogs with centerline offsets of less than one hundred twenty-five (125) feet should be avoided.
- D. **Tangent:** A tangent of at least one hundred (100) feet must be introduced between reverse curves on collector streets. Horizontal curves on collector streets must have a minimum of a three hundred and fifty (350) foot radius computed from the centerline. Horizontal curves on local streets must have a minimum of a two hundred and fifty (250) foot radius computed from the centerline.
- E. **Street Names and Signs:** Street names shall not be used that duplicate or be confused with the names of existing streets. Street names should be cleared with the E-911 office before being used. Streets which are will become extensions of existing streets shall be given the same name as the existing street. Street name signs shall be installed and provided by the subdivider and shall be in conformance
- F. **Traffic Signs:** Traffic signs shall be in compliance with the latest edition of the Federal Highway Administration's Manual of Uniform Traffic Control Devices.
- A. **Core Tests:** All roads must be cored by the Developer's Engineer with the core results being submitted to the County for review before being accepted by the County. The County must be notified when asphalt operations begin.
- B. **Street Grades:** Street grades of local streets must not exceed ten (10) percent or be less than five-tenths (0.5) of one (1) percent. Street grades of collector streets and major thoroughfares must not exceed seven (7) percent. Grades approaching intersections must not exceed five (5) percent for a distance of not less than eighty-five (85) feet from the centerline of said intersecting streets.

#### 4.8.2 Minimum ROW and Vertical Alignment

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**Table No. 6: Minimum ROW and Vertical Alignment**

Type of Street	Minimum ROW	Vertical Alignment
Collector	60 ft	300 ft
Local		200 ft
Open Ditch	50 ft	
Curb and Gutter	40 ft	

## 4.8.3 Typical Section of Streets and Roads with Surface Ditches

**Table No. 7: Street and Road Sections with Ditches**

	Collector	Local
Minimum width of roadway out-to-out of shoulders	34 ft	28 ft
Minimum depth of ditch from edge of shoulder to flow line	2 ft, 0 in	1 ft, 6 in.
Minimum width of shoulders	5 ft	4 ft
Minimum slope of shoulders to ditch	½ in per ft	½ in per ft
Minimum gradient, flow line of open ditch	0.4%	0.4%
Maximum gradient of roadway profile	10%	15%
Minimum width of base course	26 ft	22 ft
Minimum width of pavement	24 ft	20 ft
Minimum radii of pavement at intersections	35 ft	25 ft
Minimum radii of outside pavement edge at dead end turnaround circle	42 ft	N/A

## 4.8.4 Typical Sections of Streets with Curbs and Gutters:

**Table No. 8: Typical Sections of Streets with Curbs and Gutters**

Minimum width of streets (back-to-back of curbs)	Local: 27 ft Collector: 33 ft Major Thoroughfare: 48 ft
Minimum gradient of street profile	0.4%
Minimum curb and gutter gradient	0.4%
Minimum radii of curbs and gutter at intersection	30 ft
Minimum width of shoulders behind curb	4 ft
Minimum slope of shoulders to curb	½ in per ft
Minimum radii of turnaround at cul-de-sac or dead-end street	42 ft

## 4.8.5 Pavement Design

- A. The minimum subgrade for pavement construction must have a California Bearing Ratio (CBR) of ten (10) or better. If the CBR factor is less than 10, then the construction requirements must be approved by the county.
- B. The minimum pavement design thickness for local, collector, and cul-de-sac streets and alleys must be one of the following:
  1. A six-inch (6") sand-clay topping and a six-inch (6") clay-gravel base. The

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wearing surface must be one and one half inch (1 -1/2") binder course of DBST, topped with a two-inch (2") hot mix asphaltic surface

2. An eight-inch (8") clay-gravel base. The wearing surface must be one and one half inch (1 -1/2") binder course of DBST, topped with a two-inch (2") hot mix asphaltic surface.
3. A four-inch (4") bituminous pavement (black base). The wearing surface must be a one and one half inch (1 -1/2") binder course of DBST, topped with one and one-half inch (1 1/2") hot mix asphaltic surface.
4. A minimum compaction of 95% of a standard proctor density is required on the subgrade and 100% on the base.
5. All clay-gravel base courses must meet Class 4-Group B specifications.

**4.8.5.1 Wearing Surface Installation:** Road construction shall be performed in the following manner. A one and one half inch (1-1/2") binder layer of DBST shall be applied to the top of the base course. The lift of hot bituminous pavement surface course shall not be installed until the earlier of three years from acceptance of all other required improvements by the Town of Smithville or until all construction in the development is complete including, but not limited to, sidewalks, buildings, driveways and residences. A performance bond available to the Town of Smithville shall be posted for the lift of hot bituminous pavement surface course upon acceptance of all other required improvements by the Town of Smithville and/or Monroe County (as applicable). The performance bond posted for the lift of hot bituminous pavement surface course shall be for an amount as calculated by the county engineer. The date of the placement of the lift of hot bituminous pavement surface course shall be submitted to and approved by the county engineer.

### 4.8.6 Intersections

- A. **Right Angles:** Streets must be laid out so as to intersect as nearly as possible at right angles, and no street may intersect any other street at less than (60) sixty degrees.
- B. **Property Lines at Intersections:** Property lines at street intersections must be rounded with a radius of ten (10) feet or with a greater radius if deemed necessary. The county may require comparable cutoffs or chords in place of rounded corners. A comparable chord shall be considered a chord or line connecting the points of tangency of the radius it is replacing.

### 4.8.7 Dead End Streets and Cul-De-Sacs

- A. **Dead End Streets:** Dead end streets are prohibited in new residential subdivisions except where a street is planned to continue beyond the boundary of a subdivided property, in which case a temporary stub out may be allowed provided sufficient turning radius is provided for emergency vehicles. .
- B. **Cul-De-Sacs:** Cul-de-sacs designed to have one end permanently closed shall

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be no more than 500 feet long and shall provide a circular turnaround with an outside pavement radius of 40 feet and an outside ROW radius of 50 feet

## **Section 4.9 Easements**

- A. Easements across lots or centered on rear or side lot lines must be provided for utilities where necessary and must be at least fifteen (15) feet wide at ground level with an additional six (6) foot wide overhang on each side from twelve (12) feet above ground and up, or a width designated by the county engineer.
- B. Where easements intersect or sharp changes in alignment are necessary, corners must be cut off sufficiently to permit equipment access as determined by the county engineer.
- C. No fences, buildings, paving, or plotting will be permitted in easements.
- D. Any overhanging limbs, shrubbery, or vegetation of any kind may be removed from within the limits of easements at the sole discretion of the maintenance personnel of the utilities installed or to be installed in or above the easements.
- E. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there must be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse or an accepted canal or drainage course, and any further width of construction as will be adequate for drainage purposes.

## **Section 4.10 Floodplain Areas**

- A. Land subject to flooding with a frequency of a one hundred (100) year flood shall not be developed unless precautionary measures are taken to eliminate or minimize flood hazards. All building grades must be raised to an elevation equal to a minimum of one foot (1') above the maximum flood elevation of a one hundred (100) year flood calculated for the area in which the proposed subdivision is situated. This is provided however; that no fill must be made, or any subdivision constructed, which will increase flood hazards to other lands, or in any manner impede or restrict the flow of water in a flood situation. All areas, which will remain subject to the flooding after the subdivision is constructed, must be delineated on the final plat.
- B. All utilities and facilities, such as water, sewer, gas, and electrical systems, must be located, elevated or constructed to eliminate or minimize flood damage; and adequate drainage must be provided so as to reduce exposure to flood hazards.

## **Section 4.11 Utilities**

- A. Where possible no utilities including water, sewer, power, gas, cable television, or telephone lines shall be laid under the planned paved roadway.
- B. Utilities shall be located either in the road right-of-way away from the paved surface or in utility easements.
- C. All services for utilities must be made available for each lot in such a way that will eliminate disturbing the street pavement and drainage structures when connections are made.



# Land Development Ordinance

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## Section 4.12 Water System

- A. All dead-end mains must be equipped with an approved outlet sufficient to periodically flush the main.
- B. The water system should be designed so that the calculated pressure within the system, at maximum use flows, is not less than twenty (20) pounds per square inch at any curb stop.
- C. The water system shall be connected to the existing systems and must conform to the specifications of such water district or association.
- D. Materials for the water mains must conform to the following requirements:
  - 1. Ductile Iron Pipe: Ductile iron pipe must have a minimum diameter of six (6) inches and conform to the latest revisions of the American Water Works Association (AWWA) specification C106 or C108, Class 150.
  - 2. PVC Pipe: PVC pipe must have a minimum diameter of six (6) inches and must conform to the latest AWWWA specification C900
- E. Hydrostatic tests must be performed on the new water system with a pressure of one hundred fifty (150) pounds per square inch for twenty-four (24) hours. Before any or all of the work is placed in service, the system must be disinfected and reinfected as necessary until chlorine-free samples are found to meet Mississippi State Board of Health standards as to bacteriological quality. Samples for the tests must be taken from remote parts of the system.

## Section 4.13 Sanitary Sewers

- A. Sanitary sewer facilities shall be provided for all development and must conform to all applicable state and local laws pertaining to sewage collection and treatment.
- B. All sewer pipe must be concrete, vitrified clay, cast iron, plastic, or other type approved by the Consulting Engineer. Sewer pipe installed with trench depth up to and including ten (10) feet will be standard strength; and for trench depth greater than ten (10) feet, extra strength pipe must be used.
- C. The minimum diameter pipe for sanitary sewers is eight (8) inches. Minimum diameter service pipe for house connection is four (4) inches for single-family dwellings and six (6) inches for multi-family dwellings. House connections must be stubbed out to each property or lot line before street construction and plugged with extended sewer stub marker tape from pipe to surface.
- D. All joints must be either gasket joint or other type as approved by the Consulting Engineer. The following are the minimum slopes that will be allowed; however, slopes greater than these are desirable.

# Land Development Ordinance

**Table No. 9: Minimum Slope Per 100 Feet**

**Sewer Size**

8 inch  
10 inch  
12 inch  
14 inch  
15 inch  
16 inch  
18 inch  
21 inch  
24 inch  
27 inch  
30 inch  
36 inch

- E.** Manholes must be no more than four hundred (400) feet apart, must be placed at each change in alignment or grade, and must be provided with traffic-grade cast-iron lids and frames.
- F.** A minimum ten (10) foot separation between all parallel sanitary sewer and water mains is required.
- G.** Any sewer mains exposed through ditches must be Class 150 cast iron for mains or cast-iron soil pipe for services.
- H.** Infiltration in any section of sewer main must not exceed three hundred (300) gallons per inch of pipe diameter, per mile, per day.
- I.** In the event that oversize sewer mains must be installed within the proposed subdivision to serve other areas, appropriate arrangements for construction must be made between the subdivider and the county prior to installation.

## **Section 4.14 Clear Sight Triangle**

When any public or private right of way or driveway intersects a public right-of-way or when the subject property abuts the intersection of two (2) or more public rights-of-way, no sign, fence, wall, hedge or other structure or planting shall be erected, placed or maintained that obstructs view at a level between three (3) feet and ten (10) feet above the street grade and within the sight visibility triangles as defined in A and B below. Unobstructed cross-visibility shall be provided within the clear visibility triangle. Trees having limbs and foliage trimmed in such a manner that no limbs or foliage extend into the unobstructed cross-visibility area shall be allowed provided they do not create a traffic hazard. Minimum Clear Visibility Triangle Distances are shown in Table No. 12..

### **A. Corner Lots**

On a lot at the corner of two (2) public streets or a public street and a private street, the sight visibility triangle shall be formed by the intersecting street lines and a straight line joining the street lines at points which are the following minimum distances from the point of intersection.

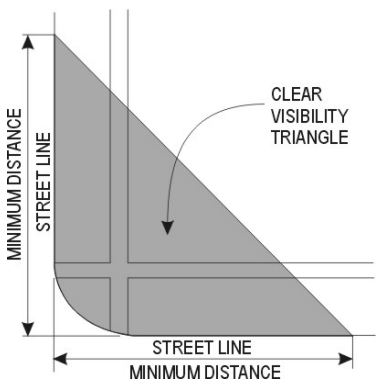
### **B. Driveways and other Access ways**

For an access way other than a public or private street, the clear visibility triangle shall be formed by the intersecting lines of the accessway or driveway and the public or private street and a straight line joining those two (2) lines at points which are fifteen (15) feet distant from the point of intersection. This distance shall be on both sides of the subject property.



## Land Development Ordinance

**Table No. 10: Clear Sight Triangle Distance Requirements**

	<b>Street Classification</b>	<b>Minimum Distance (Feet)</b>
	Alley or Driveway	15
	Local Street	30
	Collector	60
	Arterial	120

## Article V: Non-Conforming Uses and Structures

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### Section 5.1 Purpose

This ordinance seeks to protect the public health, safety, and general welfare, and avoid any unreasonable invasion of established private property rights. To avoid undue hardship, non-conformities that came into existence lawfully should be allowed to exist subject to conditions in this Article; however, the conditions should seek to ultimately secure compliance with the comprehensive plan.

### Section 5.2 Non-conforming Structures

Structures that were legally constructed prior to the adoption of this ordinance, but which could not be constructed under the terms of this ordinance are considered legal non-conforming structures. A legal non-conforming structure may continue to exist subject to the following:

- A. Alteration and expansions may follow the non-conforming setback only on the non-conforming side.
- B. The structure shall remain legal in all other regards except for the non-conformance that existed upon adoption of the ordinance that made the structure non-conforming.
- C. A non-conforming structure, which is not intentionally damaged, destroyed, or removed, may be restored within 365 consecutive days from the date of the event. If the structure is not re-constructed within this time limit all restorations and improvements shall be in compliance with applicable ordinances. The burden of proof of date of damage or destruction shall be on the person proposing the restoration.

### Section 5.3 Non-conforming Uses

Use of land or structure that legally existed prior to the adoption of this ordinance, but which could not be initiated under the terms of this ordinance is considered a legal non-conforming use. A legal non-conforming use of land or structures may continue to exist subject to the following:

- A. **Restricted to Existing Lot and Buildings:** The use shall be restricted to the lot and building occupied by the use as of the effective date of the ordinance creating the non-conformance. A legal non-conforming use shall not be extended to any other building or lot or part of a lot.
- B. **Ceasation of Use:** A lawful non-conforming use that ceases for any reason for a period of more than 180 consecutive days shall not be reinitiated unless it is in compliance with all ordinances. If a legal non-conforming use is replaced by a conforming use, the legal non-conforming use shall not be reinitiated.
- C. **Change to Another non-conforming Use:** A change of a legal non-conforming use shall only be allowed if the change is to a conforming use or to a use that is considered less non-conforming, as determined by the Zoning Administrator of non-conformance or in intensity.

### Section 5.4 Non-conforming Lots

- A. **Substandard Lots of Record:** Where the owner or subsequent owner of a lot of official record at the time of the adoption of this Ordinance does not own sufficient land to enable him to conform to the yard requirements of this ordinance, an application may be submitted for a variance from the applicable provisions of this Ordinance.

# Land Development Ordinance

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- B. Two or More Abutting Lots:** Where two (2) or more substandard lots of record with a continuous frontage are under the same ownership, such lots shall be combined to form one (1) or more building sites meeting the minimum requirements of the district in which they are located.

## Section 5.5 Non-conforming Signs

A sign or sign structure that legally existed prior to the adoption of this ordinance, but which could not be initiated under the terms of this ordinance is considered a legal non-conforming sign. A legal non-conforming sign may continue to exist subject to the following:

- A. Destroyed or Damaged Signs:** Any legal non-conforming sign that is removed, or destroyed shall be replaced with a conforming sign. Any non-conforming sign that is damaged fifty (50) percent or more of its value shall be replaced with a conforming sign.
- B. Change in Use, Occupancy or Ownership:** Where a change in use, occupancy, or ownership occurs which necessitates the altering of a sign in any manner (not including copy change), the altered or changed sign shall conform to all ordinances.
- C. Amortization of Non-conforming Signs:** All legal non-conforming signs, which are twenty-five (25) percent or more in excess of allowed maximum dimensions, shall be either removed or replaced with a conforming sign within five (5) years of the date it became a legal non-conforming sign. Upon failure to comply with the time specified, the building official may require the sign to be removed as provided by law and any expense shall be paid by the owner, agent or lessee of the sign or property on which the sign is located.
- D. Restrictions on Additional Signs:** All non-conforming signs shall be removed for a premise prior to issuance of any other sign permits.

## Section 5.6 Maintenance of Non-conformities

In the interest of public safety and health, routine maintenance of non-conforming situations shall continue as warranted by the property owner or otherwise required by law, provided that no maintenance involves continuance or expansion of the non-conformity contrary to this Article.

## Section 5.7 Adjacent Land

The presence of a non-conforming use in a zoning district shall not be allowable as grounds for the granting of variances for other surrounding properties by the board of adjustment.

## Section 5.8 Change, Re-establishment, Expansion, Alteration or Major Repair of Non-conformities

- A. Intent.** The intent of this section is to allow for the continuation of any nonconformity and the normal maintenance and repair thereof, but to require any change, re-establishment, expansion, alteration or major repair of a nonconformity to obtain a special exception approval to determine whether it will substantially injure the value, use, and enjoyment of neighboring properties.
- B. Procedure.** Unless this Section expressly provides otherwise, change, reestablishment, expansion, alteration or major repair of any nonconformity shall be deemed a "Conditional Use," and shall occur only as approved by the Planning Commission in accordance with the procedures set forth in Article VII of this Ordinance.
- C. Standards of Review.** After holding a public hearing on the conditional use, the

## Land Development Ordinance

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Planning Commission shall determine whether to approve the proposed change, re-establishment, expansion, alteration or major repair. The Planning Commission shall not approve the proposed change, re-establishment, expansion, alteration or major repair unless and until it finds, based on the evidence and testimony received at the public hearing or otherwise appearing in the record of the case, that the proposed change, re-establishment, expansion, alteration or major repair meets the standards set forth in Article VII of this Ordinance as well as the following:

1. That all access roads and entrance or exit drives to the nonconformity will be adequate with respect to automotive and pedestrian safety and convenience, traffic flow, and control and access in the case of fire or other emergency;
2. That all off-street parking, loading, refuse collection, and other service areas will be adequate with respect to automotive and pedestrian safety and convenience, traffic flow, economic, noise, glare, odor and other impacts on adjoining properties;
3. That all water, wastewater treatment, schools, fire and police protection and other necessary public and private utilities and services will be adequate with respect to their location, availability and compatibility with adjoining properties;
4. That all landscaping, screening, and fencing will be adequate, with respect to the effectiveness of their type, dimensions and character; will be adequate with respect to minimizing the economic, noise, glare, odor and other impacts of the nonconformity on adjoining properties and other properties in the neighborhood;
5. That the type, size and intensity of the proposed special exception use, including such considerations as storage of items and arrangement, the size of the site and the location of the use upon it, and the hours of operation and numbers of people who are likely to utilize or be attached to the use, will be adequate with respect to minimizing the impact of the nonconformity upon adjoining properties, other properties in the neighborhood, and the purposes of the use district in which the property is located;
6. Surface drainage will be adequate with respect to on-site erosion, siltation, pollution, flooding or other detrimental effects of the nonconformity.

**D. Additional Considerations.** In determining whether the proposed change, re-establishment, expansion, alteration or major repair will substantially injure the value, use and enjoyment of other properties, the Planning Commission shall also consider and balance:

1. The possible detriment or benefit to the owner of the nonconformity resulting from denying the approval, from approving the request;
2. The possible detriment or benefit to the owner of the nonconformity resulting from denying the approval, from approving the request but requiring that the nonconformity be brought wholly or partially into compliance, or from approving the request;
3. The possible detriment or benefit to the general public resulting from denying the approval, from approving the request but requiring that the nonconformity be brought wholly or partially into compliance, or from approving the request.

**E. Conditional Approval Permitted.** The Planning Commission may impose any conditions on approval of the request, as it deems necessary to mitigate any potential hazards or problems, or to bring the nonconformity into compliance to the extent necessary to protect the rights and interests of nearby property owners and the general

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public.

- F. Effect of Denial:** In acting upon applications for such special exceptions, the Planning Commission shall not order the discontinuation or termination of a nonconformity. If an applicant is denied, then the continuation, maintenance and repair of the nonconformity shall still be allowed in accordance with the terms of this section.

# Land Development Ordinance

## Article VI: Subdivision of Land

### Section 6.1. Applicability

No tract of land within the Town of Smithville, Mississippi shall be subdivided without prior approval of the Board of Alderman in accordance with this Ordinance provided however, that division of land into parcels of five acres or more where no new street is involved is exempt from this requirement.

### Section 6.2 General Procedure for Subdivision of Land

Whenever any subdivision of land is proposed, before any recording of deeds, the developer or his authorized agent must apply for and receive approval for the proposed subdivision. Table No. 11 gives an overview of this process.

**Table No.11: General Process for Subdivision of Land**

No.	Process	Review
1.	Preapplication Meeting	Zoning Administrator
2.	Submission and approval of the preliminary plat	Zoning Administrator Consulting Engineer
3.	Submission and approval of construction plans	Consulting Engineer
4.	Submission and approval of final plat	Zoning Administrator Consulting Engineer
5.	Completion of Infrastructure or Performance Bond	City Attorney
6.	Final Plat Approval and Maintenance Bond	City Attorney
7.	Dedication of streets to County and Recording of Plat at Monroe County Chancery Clerk Office	Board of Supervisors and Chancery Clerk

### Section 6.3 Pre-application Meeting

#### 6.3.1 Purpose

A preapplication meeting shall be held with the developer prior to preparation of the preliminary plat in order to obtain information regarding standards and the process for subdividing of land.

The purposes of this conference are to:

- A. Ensure that the development is being planned and will be constructed in compliance with the Subdivision Regulations.
- B. Allow the developer an opportunity receive the advice and assistance of staff and the Consulting Engineer before the preparation of the preliminary plat and before application for its formal approval.

#### 6.3.2 Information Required for Pre-application Meeting

The developer shall provide three (3) copies of a concept map drawn to scale of the proposed subdivision showing the following information:

- A. General location including section, township, and range.
- B. Developer(s) name(s), addresses(s) and phone number(s).
- C. All existing subdivisions and the street and tract lines or acreage parcels of land, together with the name of the record owners of such parcels immediately adjoining the proposed subdivision.
- D. The nearest existing highways or thoroughfares, streets, and alleys in adjoining subdivisions or unplatted property.

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- E. Proposed use of land including portions to be preserved as natural or park areas.
- F. Proposed number, size, width and depth of lots.
- G. Utilities and street improvements (existing and proposed).
- H. Watercourses, marshes, flood areas, wooded areas, houses, and other significant natural or cultural features.

### **6.3.3 Additional Conferences Required**

The developer shall also consult with other governmental agencies and/or entities that will be involved in providing services and/or issuance of approvals. Such entities may include the Monroe County Health Department, the Mississippi Department of Environmental Quality, and utility providers.

### **Section 6.4 Preliminary Plat**

A Preliminary Plat shall be prepared and submitted to the Town in accordance with the standards in this Ordinance.

#### **6.4.1 Process for Approval of Preliminary Plat**

- A. **Technical Review:** The Preliminary Plat along with required documentation shall be reviewed by the Zoning Administrator and Consulting Engineer to determine compliance with local, state and federal regulations. The Zoning Administrator shall offer a written report of the findings of the staff and consultant(s).
- B. **Planning Commission Review:** The application shall be submitted to the Planning Commission for review along with the Zoning Administrators report. The Commission shall review the plat and the recommendations of the staff and consulting engineer and vote to recommend approval (with or without conditions or corrections) or require resubmittal of the plat. If the developer is unable or unwilling to make corrections to the plat in order to bring it into compliance with requirements, the Planning Commission may recommend denial of the plat.
- C. **Board of Aldermen:** The application shall be submitted to the Board with the recommendations of the Planning Commission and the Technical Review report. The Board shall consider the preliminary plat take one of the following actions:
  - 1. If the plat complies with requirements of local, state and federal standards and the recommendations of the Planning Commission and staff, approve the subdivision plat.
  - 2. If the plat does not comply with above standards and the applicant is willing to make the appropriate changes, table the plat subject to re-submittal.
  - 3. If the plat does not comply with required standards and the applicant is unwilling to make the appropriate changes, deny the plat.

#### **6.4.2 Preliminary Plat Requirements**

The developer shall submit three (3) complete sets of the Preliminary Plat with ten (10) copies of the proposed subdivision layout showing streets, lots and significant features. Copies of the

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subdivision layout sheet will allow review by individual members of the Planning Commission and the Board without the developer having the expense of providing full sets for all members. The Preliminary Plat shall be clearly and legibly drawn at a scale of not less than 100 feet to one inch. The sheet size shall not exceed 36 inches by 48 inches. Extra site layout sheets to be distributed to the Planning Commission and the Board of Aldermen shall be a minimum of 17 inches by 22 inches. The Preliminary Plat application package shall, at a minimum, contain the following:

- A. Title under which the proposed subdivision is to be recorded, with names and address of owners, notation stating acreage, graphic scale, north arrow (true north), datum, benchmarks, and date of survey.
- B. A location sketch or vicinity map positioning the subdivision in relation to the surrounding area with regard to recognized permanent landmarks, showing township and range.
- C. Boundary lines of the overall property perimeter showing bearings in degrees, minutes and seconds and distances in feet and hundredths of a foot along all lines and the bearing and distances to an existing street intersection or other recognized permanent landmark. The source of boundary information shall be shown.
- D. Current field-run topography with mean sea level contours at intervals no greater than five feet. The source of topographic information shall be shown.
- E. Accurate locations of all natural features such as lakes, ponds, streams, creeks, wetlands, floodplain boundaries, riparian buffers, and other significant features, and notations designating any federal, state, or local regulatory agency permits or approvals that are or may be required relative to development of or around such features. The source of floodplain information shall be shown. If applicable, the petitioner must provide a copy of the Wetland Delineation that has been approved by the US Army Corps of Engineers, or at a minimum, a delineation prepared by a qualified wetland scientist.
- F. Open Space, Parks, Conservation Areas or Recreational Areas
- G. Stormwater Management Plan.
- H. Accurate locations of all cultural features such as all existing historic resources.
- I. Proposed layout including lot lines with preliminary dimensions, lot numbers, building setbacks on all lots, block letters, street rights-of-way with names and widths, easements, public use facilities, facilities exclusively for use of residents and all relevant conditions of zoning.
- J. Proposed method of water supply and sewage disposal.
- K. Landscaping Plan when required.
- L. Architectural Renderings when required.
- M. Existing and proposed location of fire hydrants.

### **6.4.4 Preliminary Plat, Supplemental Information**

The following supplemental information shall be required for each submittal of a Preliminary Plat:

- A. Names, addresses, and telephone numbers of the property owner of record and the developer or subdivider.
- B. A written summary of the proposed Subdivision giving information as to the overall development plan including, number of housing units, types of land uses, anticipated traffic generation.
- C. Name, address, and telephone number each professional firm associated with the preparation of the Preliminary Plat.
- D. Description of the anticipated utility systems required to serve the proposed



# Land Development Ordinance

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- subdivision including projected average and peak demands or flows for potable water, fire protection, sewerage, and electrical power.
- E. Description of proposed stormwater management practices for the subdivision including the ownership and proper maintenance provisions of all stormwater detention facilities within the subdivision.
- F. Such additional information as may be reasonably required to obtain an adequate understanding of the subdivision.

## **Section 6.5 Construction Plans**

### **6.5.1 Purpose of Construction Plans**

The purpose of Construction Plans is to provide all the detailed engineering information necessary to actually build the proposed subdivision in accordance with the development codes and ordinances of the Town.

### **6.5.2 Process for Approval of Construction Plans**

- A. Upon approval of the Preliminary Plat the developer shall submit two (3) sets of construction plans providing all the detailed engineering information for construction of infrastructure and drainage facilities
- B. Construction Plans shall be reviewed by the Consulting Engineer for completeness and conformance to standards. For every submittal, the consulting engineer shall have at least 30 working days for review of the Construction Plans.
- C. Staff inspections will be performed on a regular basis during the construction process to assure conformance with the approved plans and specifications. If the developer wishes to make any substantive change to the Construction Plans at any time during the process, that change must first be approved by the Consulting Engineer.
- D. Upon request, the Consulting Engineer or his designee shall make a final inspection of the construction. On the basis of the site inspection and the review of the supporting documentation to determine if the construction is satisfactory. This determination shall be made within ten working days of the request.

### **6.5.3 Construction Plans and Specifications**

The construction plans must be prepared on sheets no less than twenty-four (24) by thirty-six (36) inches. The plan and profile sheets (street and sanitary sewers) must be drawn on an appropriate scale designated by the developing engineer and approved by the Consulting Engineer. The Construction Plans shall include the following information:

- A. Name of Subdivision.
- B. Name, Address and Telephone Numbers of the Owner/Developer of the Property.
- C. Name, Address and Telephone Number of the Professional Engineer who prepared the plans.
- D. Date plans were prepared, North Arrow and Graphic Scale on all appropriate sheets.
- E. An accurate list of all conditions relative to the zoning or development of the property as a Subdivision and the approval of the Concept Plat and Preliminary

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- Plat.
- F.** Pertinent Site Development Data.
- G.** A copy of each permit or approval that shall be required from any federal, state or local regulatory agency for or in connection with the proposed subdivision, or any portion thereof, or a copy of a pending application for any such permit or approval.
- H.** Erosion and Sediment Control Plans.
- I.** Detailed Stormwater Management Plans.
- J.** Detailed Electric and Natural Gas Utility Plans.
- K.** Detailed Roadway Plans.
- L.** Detailed Grading Plans.
- M.** Detailed Water Supply/Utility Plans.
- N.** Detailed Sanitary Sewer Plan.
- O.** Such other Information as may be required to fully evaluate and review the Project.

## **Section 6.6 Final Plat**

### **6.6.1 Purpose of the Final Plat**

The purpose of the Final Plat of a subdivision is to present an accurate depiction of the layout of the Subdivision that has been constructed so that it can be properly recorded at the Monroe County Chancery Clerk's office and then used as a permanent reference for the sale of the property included within the Subdivision.

### **6.6.2 Conformance to Preliminary Plat**

The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of the Preliminary Plat and this Ordinance.

### **6.6.3 Process for Approval of the Final Plat**

- A. Technical Review:** The developer shall submit two (2) Mylar's, four (4) hard copies and one (1) electronic file. The Final Plat shall be carefully checked to determine whether or not it is complete. If it is incomplete, unacceptable, or not in accordance with the approved Preliminary Plan, it will be returned to the developer with an explanation of what must be done to make it complete. The developer will resubmit with no additional fee required
- B. Performance Bond:** Prior to recording the Final Plat, the developer shall complete all required improvements and those improvements must all be inspected and approved by the appropriate staff or consultant. If for any reason, it is not possible or practical for the developer to be able to complete this work within a reasonable period of time; the developer may post a cash bond or irrevocable letter of credit for a minimum time of two (2) years, in an amount equal to 150% of the estimated cost of completion of the infrastructure. Such estimate shall be determined by the project engineer and verified by the consulting engineer.
- C. Board of Aldermen:** Once the infrastructure has been installed, inspected and

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approved by the Consulting Engineer or a Performance Bond has been posted and a Maintenance Bond as described in Section 6.6.3 has been posted, the Final Plat may be reviewed by the Board of Aldermen and approved.

- D. Board of Supervisors:** Streets shall be dedicated to Monroe County and shall be approved by the Board of Supervisors.
- E. Permit Issuance:** Upon approval of the Final Plat by the Board of Aldermen and the Board of Supervisors, and submission of all required bonds to the City and County Engineers (as applicable), building and related permits may be issued and lots may be conveyed by the owner. Prior to such approval and submission of the required bonds, no building or related permits shall be issued and no lots shall be conveyed by the owner.
- F. Chancery Clerk:** Within ten (10) days following the approval of the final plat by the Board of Aldermen and Board of Supervisors, such plat shall be recorded in the office of the clerk of the Monroe County Chancery Court, and a duplicate copy filed with the Town of Smithville as provided by this section. Failure to record such plat within the time specified shall result in the immediate revocation of all building and related permits then outstanding, and no building or related permits shall be issued for any building to be erected within the subdivision until such time as the final plat is recorded.
- G. Performance Bond Release:** No bond shall be released by the Town until such time as all improvements have been accepted for maintenance and the final plat recorded in the office of the clerk of the Monroe County Chancery Court.

**6.6.4 Maintenance Bond Required:** A warranty bond, certified check or letter of credit shall be posted by the developer which is available to the Town of Smithville, for an amount not less than 15 percent of the total estimated construction cost as approved by the city engineer. Each developer shall warrant and shall guarantee to the town all materials and workmanship to be free from defects for a period of two years from the date of acceptance of any improvements by the mayor and board of aldermen. Any work performed by the Town of Smithville on facilities warranted by the warranty bond, certified check or letter of credit during this warranty period shall be charged to the developer and billed by the Town of Smithville Public Works Department. Any arrears shall be cause for the Town of Smithville to notify the developer and call on the developer's warranty bond, certified check or letter of credit. When the board of aldermen finds that extraordinary hardships may result from strict compliance with these regulations, they may vary the regulations so as that substantial justice may be done and the public interest secured.

**6.6.5 Qualifications of contractors.** All contractors or subcontractors installing required improvements (water or sewer lines, storm drains or streets) to be dedicated to the city shall have a certificate of responsibility issued by the state board of public contractors in the event such water line, sewer line, storm drain or street costs in excess of \$50,000.00.

**6.6.6 As-Built Drawings:** Once the developer has completed construction of infrastructure and the Board has approved the Final Plat, the developer shall provide to the Zoning Administrator a complete and accurate set of as-built drawings in both paper and electronic format acceptable to the Town. The as-built drawings must also be approved by the Consulting Engineer.

### Section 6.7 Required Plat Certifications

(See Appendix A)

# Land Development Ordinance

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## Section 6.8 Design Standards for Required Improvements for Subdivisions

### 6.8.1 General Requirements

- A. **Owners Responsibility:** The owner or owners of the subdivision responsible for installation of all infrastructure including streets, alleys, water system, sanitary sewer system, drainage facilities, utility systems, street signs, street lights and any other required component. The owner or owners of the subdivision must ensure that the required improvements are constructed according to the specifications set forth in these regulations as well as all applicable federal, state and county requirements.
- B. **Tests for Compliance:** All tests necessary to insure that improvements are in compliance with these regulations are the responsibility of the developer.
- C. **Notification of Construction:** At the time construction begins on any of the improvements required by these regulations, the developer or his agent must notify the Engineer of the jurisdiction which shall have final maintenance and control authority of the specific improvement(s).

### 6.8.2 Specific Requirements

- A. **Infrastructure Requirements:** Specific Requirements for streets, alleys, water system, sanitary sewer system, drainage facilities, and stormwater management shall be in accordance with **Article IV Development Standards.**
- B. **Industry Standards:** Where no county or town standard exists governing the design or construction of required public improvements, such standards shall comply with the following:
  - 1. Streets: Latest edition of "A Policy of Geometric Design of Roadways and Streets," AASHTO; and the latest edition of the Mississippi Department of Transportation Standard Specifications for Road and Bridge Construction
  - 2. Water: American Water Works Association Standards
  - 3. Sanitary Sewers: Mississippi Department of Environmental Quality Standards
  - 4. Storm Drainage: Latest Edition of MDOT Design Manual and Specifications to Roads and Bridge Construction

## Section 6.9 Monuments

- A. Monuments must be placed at all major corners along the boundary of the subdivision. These monuments should consist of a four (4) inch by four (4) inch concrete post not less than thirty (30) inches in length.
- B. Markers must be placed at all corners or changes in alignment in lot boundaries and at all block corners, angle points, or curves in street right-of-way boundary lines. The markers should consist of a reinforcing rod or iron pipe of not less than one-half (1/2) inch in diameter and not less than twenty-four (24) inches in length.
- C. All monuments or markers should be set with the top flush with the finished grade. When necessary to prevent disturbance, the monument should be sunk underground and referenced to permanent landmarks.

## Section 6.10 Blocks

### 6.10.1 General Requirements: The layout of blocks shall be determined with due regard to:

- A. Provision of adequate building sites suitable to specific needs of the type of use contemplated

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- B. Zoning requirements as to lot sizes and dimensions
- C. Needs for convenient access, circulation, control and safety of street traffic
- D. Limitations and opportunities of the topography
- E. Property fire and police protection

**6.10.2 Block Length:** No residential block to be located in a new residential development that has not been previously been subdivided shall be shorter than four hundred (400) feet nor longer than twelve hundred (1,200) feet unless the subdivision is using acceptable alternative design standards throughout the development. Block lengths of six hundred (600) feet or longer may require a ten (10) foot easement for pedestrian traffic through the middle of the block to provide for access to schools, playgrounds, and other facilities.

**6.10.3 Block Width:** The width of blocks should be arranged so as to allow two (2) tiers of lots, with utility easements.

### Section 6.11 Lots

#### 6.11.1 General Regulations:

- A. The lot size, width, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the site for the type of development and use contemplated and in compliance with the Land Development Ordinance requirements for minimum lot size and minimum frontage except that lots located on triangular or pie-shaped lots such as those on a cul-de-sac may use a front yard setback line that will allow placement of principle structures at the widest portion of the lot
- B. Lot arrangement and design shall be such that all lots shall provide building sites except for those lots which are designated open space or designated parks or other public facilities. Such lots shall be so indicated on the plat.
- C. All lots shall abut a public or private street unless the subdivision is using acceptable alternative design standards throughout the development.
- D. Where platted lots and lands of a development are subject to inundation in tidewater bottoms or along lakes, streams, bayous, or uncontrolled lakes the limits of such areas subject to inundation shall be clearly indicated on the Preliminary and Final Plats.
- E. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.
- F. All lot lines shall be at right angles to straight street lines or radial to curved street lines, except where a variation to this provision will provide a better street and lot layout.

#### 6.11.2 Residential Subdivisions

- A. Residential lots shall not front, or have direct access to arterial streets, except where unavoidable because topographical constraints. In such cases the subdivision shall be so designed to minimize the number of lots fronting on arterial streets.
- B. Residential development abutting or containing proposed arterial streets, may utilize single frontage or reverse frontage lots. A landscaped buffer and a wooden or masonry fence may be required along the rear lot lines which abut arterial

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streets.

- C. The lot line common to the street right-of-way shall be the front line. All lots shall face the front line and a similar line across the street. Whenever feasible, lots shall be arranged so that the rear line does not abut the side line of an adjacent lot.

## 6.11.3 Multi-family and Non-Residential Subdivisions

- A. Depth and width of properties reserved or laid out for multi-family, commercial and industrial purposes shall be adequate to meet the needs of this type of use and the development contemplated to properly provide for off-street loading and unloading and parking facilities.
- B. Commercial or industrial development should be oriented toward arterial streets or have direct access to collector or arterial streets.

## Section 6.12 Recreational Areas, Open Space, Lakes and Ponds

### 6.12.1 General Requirements

- A. **Shown on Plat:** Reservations for common ground, open spaces, conservation areas, or playgrounds shall be shown and marked on the plat in an appropriate manner such as “Reserved for Park and/or Recreational Purposes,” or “Common Ground.”
- B. **Location:** Recreational Areas, Open Space and Parks shall be located so as to be readily accessible and usable by occupants and users of the development. Where possible, a portion of the open space set-aside should provide focal points for the development due to prominent placement or easy access from streets. Such areas shall front a public or private street.
- C. **Adjacent to Existing or Planned Trails, Parks or Open Space:** If the development site is adjacent to existing or planned trails, parks or other public open area land, the open space set-aside for the new development shall adjoin, extend and enlarge existing or planned areas.





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## 6.12.2 Maintenance Requirements

- A. **Responsibility of Developer/Homeowners Association:** The maintenance of such areas shall be the responsibility of the developer and/or the Home Owners Association. Responsibilities for perpetual maintenance shall be a part of the Restrictive Covenants of the subdivision. Articles of agreement of the Home Owner's Association and/or Restrictive Covenants shall be submitted for review by the Town Attorney prior to Final Plat approval.
- B. **Corrective Action:** If and when problems arise with parks, lakes or any other type of recreational facility due to inadequate maintenance, inspection of the improvements shall be accomplished by the Town. The responsible party shall be notified by written notice. If corrective action is not completed in a reasonable time, as specified in the notice, by the responsible party, the Town/County shall have such situations corrected and a lien shall be placed on the property equal to the cost of the corrective action plus any administrative expenses incurred.

## 6.12.3 Playgrounds and Parks

- A. Parks and playgrounds shall be improved and landscaped consistent with other development within the subdivision, contain park benches or other related equipment certified by the Developer's Engineer and approved by the Town.
- B. Existing natural areas may be used to meet the open space requirements, provided they are not unusable due to flooding, steep slope or for other reasons.

## 6.12.4 Lakes or Ponds Within or Adjacent to Development

Any lakes or ponds included within any development shall be designed in accordance with accepted engineering practices for containment and outlet structures. All lakes or ponds shall be developed to Natural Resources Conservation Service (NRCS) minimum standard and have all DEQ or Army Corps of Engineers Permit where required.

## Section 6.13 RESERVED

## Article VII: Administrative and Enforcement Procedures

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### Section 7.1: Applications for Zoning and Development

#### 7.1.1 Timely submittal required

All applications submitted under this ordinance shall be made on forms required by the Town of Smithville and in accordance with required deadlines. In addition to the minimum information specified on the application forms, applicants may be asked to submit additional information, data, or reports as necessary for the review bodies to make an informed decision on compliance of the application with this ordinance.

#### 7.1.2 Withdrawal of a Request

A written request to withdraw an application may be submitted to the Zoning Administrator prior to or at the Planning Commission or Board of Alderman meeting. Fees are non-refundable after public notices have been published. An application may be withdrawn without prejudice if made prior to the opening of the Planning Commission public hearing.

#### 7.1.3 Limitation on Re-submittal

No application for a rezoning, conditional use, or variance shall be considered within 365 days of denial by the Board.

#### 7.1.4 Public Hearings and Public Notifications Required for Certain Types of Actions

Zoning or Rezoning of land, Conditional Uses, Variances changes to the text of this Ordinance and the Comprehensive Plan require a public hearing before the Planning Commission and the governing body in accordance with the requirements in this Ordinance.

#### 7.1.5 Planning Commission and Board Approval Required

Site Plans for new construction and Preliminary Subdivision Plats require action by the Planning Commission and the Board of Aldermen but do not require any type of public notification except in cases where a variance or conditional use is a part of the requested action.

Final Plats for Subdivisions and Dedication of Infrastructure require approved by the Board of Aldermen prior to recording of the plat at the Monroe County Chancery Clerk's Office. No public notification is required on this action.

#### 7.1.6 Zoning Administrator Approval Required

Approval of home occupations, re-use of buildings for different uses, signs for existing businesses, landscaping for existing businesses, minor changes to site plans and subdivisions, land alteration and disturbance may be approved by the Zoning Administrator. New signs may be approved as a part of the Site Plan Review Process.

#### 7.1.7 Required Notice for Public Hearings:

- A. **Newspaper Advertisement:** Actions that require a public hearing shall be advertised in a local newspaper of general circulation with the first notice being published not less than fifteen days prior to the date fixed for the public hearing before the Planning Commission. Such notices shall include:
  - 1. Parcel (tax) Identification Number (if applicable).
  - 2. Address of the subject property (if applicable and available).



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3. The type of action requested.
  4. The time, date and location of the public hearing(s).
  5. A phone number to contact for additional information.
  6. A statement that interested parties may appear at the public hearing and shall have the opportunity to be heard.
- B. On-Site Notification of Public Hearing:** A sign shall be erected on the site under consideration at least fifteen (15) days prior to the Planning Commission hearing and shall remain on the property until final action is determined. The sign shall contain the following information:
1. Type of Action Requested.
  2. The time, date and location of the public hearing(s).
  3. A phone number to contact for additional information.

### **Section 7.2 Review Process for Planning Commission and/or Board Action**

#### **7.2.1 Role of Applicant or Representative**

Applicants or a representative of the applicant shall appear before the Planning Commission and the Board at the appropriate time and place as advertised to present compelling evidence for the action they are requesting. They are also required to submit information in a timely manner to allow processing of their application.

#### **7.2.2 Role of Staff**

Actions that required action by the Planning Commission and the Board of Aldermen shall proceed as follows:

- A.** The completed application shall be reviewed by the Zoning Administrator and when needed the consulting engineer and building inspector to determine compliance with the requirements of Ordinances and Regulations.
- B.** The Zoning Administrator shall notify the applicant of any deficiencies or additional information needed.
- C.** Once the application is complete a written report on the merits of the application shall be prepared for the benefit of the Planning Commission and the Board
- D.** If required, the Zoning Administrator shall publish legal advertisements and install a sign on the property.
- E.** The Zoning Administrator shall place the item on the agenda of the Planning Commission and/or the Board of Aldermen.

#### **7.2.3 Role of Planning Commission**

The Planning Commission is charged with the responsibility of acting in an advisory capacity to the Board. Public Hearings shall be conducted in such a manner as to allow both the applicant and members of the public adequate opportunity to address the commission. The Commission shall consider the application and take one of the following actions:

- A.** Recommend approval by the Board (with or without specific conditions.)
- B.** Recommend denial by the Board.
- C.** Table the application for one month for the purpose of further study.

#### **7.2.4 Role of the Board of Aldermen:**

The Board of Aldermen is the final authority and shall consider the recommendations of the Planning Commission and staff as well as other factors.

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## **Section 7.3 Effect and Limitation on Approvals**

### **7.3.1 Rezoning**

Any rezoning granted according to this section and which is not challenged on appeal shall run with the land until such time as the land is rezoned.

### **7.3.2 Conditional Use**

Any conditional use granted according to this section shall run with the land provided the following criteria are met:

- A.** The conditional use shall be acted upon within 365 days of approval by the Board.
- B.** There is uninterrupted application of any conditions placed on the property at the time of approval of the Conditional Use.

### **7.3.3 Variance**

- A.** A variance from required setbacks for principal building(s) and accessory buildings shall run with the land provided the building(s) originally approved remain on the land. In the event said building(s) are removed and new building(s) are to be constructed, the original building(s) shall be considered a legal non-conforming use. Construction of new building(s) that deviates from required setbacks shall require approval by the Board.
- B.** Variance from sign requirements shall be valid until such time as new or replacement signs are to be installed in which case a new variance shall be required to deviate from required setbacks, size or placement of signs. A change in the face of a sign shall not be considered a new sign.
- C.** Variance from off-street parking requirements shall be valid until such time as the use of the principle building remains on the site; however, should another use be proposed for said building, the Zoning Administrator shall determine the number of off-street parking spaces needed, current compliance with ADA standards and whether or not additional landscaping shall be required.
- D.** Variance from landscaping requirements shall be valid as long as required landscaping is maintained in a healthy and unsightly condition or until a new building is proposed for the site.
- E.** A variance for placement of buildings shall require issuance of a building permit within 365 days or it shall be null and void.
- F.** Sign and/or landscaping that are required after granting of a variance shall be installed within 365 days of the granting of the variance or said variance shall become null and void.

### **7.3.4 Site Plan**

Site plan approval shall be valid for 365 days from the approval date. If the building permit has not been issued within this time, the site plan approval shall be null and void. The Board may consider a request for extension of this time up to 180 additional days for good cause. The site plan may be amended, but amendments shall be subject to the same procedures as a new site plan approval.

### **7.3.5 Subdivision of Land (See Article VI).**

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## **Section 7.4 Criteria for Approval of Rezoning, Conditional Use and Variance**

### **7.4.1 Zoning Action**

A zoning map amendment to rezone property may be initiated by the Mayor, a majority of the Board of Aldermen, a majority of the Planning Commission, or the property owner. The Planning Commission shall not recommend approval of a rezoning and the Board shall not rezone property unless the applicant has proven by clear and convincing evidence that either:

- A.** There was a mistake in the original zoning, OR
- B.** The character of the surrounding area has changed to such an extent as to justify rezoning AND there is a public need for additional property to be zoned in accordance with the request.

### **7.4.2 Conditional Use Standards**

A request for a conditional use may be submitted by the property owner at the time of rezoning of property or anytime thereafter. Approval of a Conditional Use shall depend upon satisfaction of all of the following criteria:

- A.** The proposed use would, in the judgment of the governing body, promote the public health, safety, morals, or general welfare of the Town and would not adversely affect adjacent properties.
- B.** Ingress and egress to property and proposed structures thereon is adequate with particular reference to vehicular and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- C.** Off-street parking and loading areas are available.
- D.** Required yards screening and buffering can be accommodated on the site.

### **7.4.3 Variance Standards**

In certain circumstances, a Variance from the dimensional requirements of this ordinance may be granted if the applicant can prove that because of physical constraints of the property involved, he is not able to build the same type of structure that other persons with the same zoning classification can build. Variances for uses permitted will not be considered in-as-much as “use Variances” are not legal in the State of Mississippi. A request for a variance may be submitted by the property owner at the time of rezoning of property, conditional use approval or anytime thereafter.

#### **A. What qualifies for consideration for a variance?**

- 1.** Dimensional requirements for setbacks, height and placement of buildings.
- 2.** Dimensional requirements for setbacks and placement of signs.
- 3.** Off-street parking requirements not to exceed twenty (20) percent easement of requirements.
- 4.** Landscaping requirements not to exceed twenty (20) percent easement of requirements.

#### **B. Criteria for Consideration of a Variance:** Variances shall not be granted unless all of the following criteria are met.

- 1.** That special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels) or structures or buildings in the same district.

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2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance.
3. That the special conditions and circumstances do not result from actions of the applicant.
4. That granting the Variance requested will not confer upon the applicant any special privilege that is denied by this Ordinance to other similar sites (lots or parcels) structures or buildings in the same district.

## **Section 7.5 Site Plans**

### **7.5.1 Site Plans shall be required for the following:**

- A. Construction or enlargement of commercial and industrial buildings or development of sites.
- B. Construction or enlargement of multi-family units, cottage home, manufactured home, and recreational vehicle buildings or development.
- C. Conditional Use applications.
- D. Variance applications.

### **7.5.2 Submittal Requirements**

The following information shall be required for Site Plan Review:

- A. Property boundaries with dimensions and setback lines.
- B. Location of proposed buildings and structures indicating sizes in square feet.
- C. Data to show percentage of lot covered with existing and proposed buildings.
- D. Topography and stormwater facilities.
- E. Building elevations indicating exterior materials.
- F. The locations, intensity, and height of exterior lights.
- G. The locations of mechanical equipment.
- H. Outside storage and/ or display.
- I. Drive-up window locations.
- J. Curb-cut detail and location(s).
- K. Parking, loading, and maneuvering areas.
- L. Landscaping plan.
- M. Location, materials, and elevation of any and all fences and/or walls.
- N. Dumpster location and screening.
- O. Location, size and type of all signage.
- P. Copy of Protective Covenants or deed restrictions.
- Q. Copies of approval, or requests for approval from other necessary agencies such as, but not limited to the Department of Health, MDEQ, and the Army Corp of Engineers.

## **Section 7.6: Review Bodies and Duties**

### **7.6.1 Board of Aldermen**

The Board of Aldermen shall exercise all final legislative authority over zoning matters as provided in this ordinance.

### **7.6.2 Planning Commission**

- A. **Establishment and Authority:** The Planning Commission of the Town of Smithville is established according to Title 17-1-11, of the Code of Mississippi

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(1972), as amended, and Ordinance 102 of the Town Code. The Planning Commission shall exercise the authority granted by the Code of Mississippi, the Town Code, and the Zoning Ordinance.

- B. Rules of Procedure:** The Planning Commission shall establish bylaws under which to operate as provided by law. Proceedings of the hearing at the Planning Commission Meeting shall be taken down in shorthand and/or by mechanical or tape recording, which cannot be altered. The hearing at the meeting shall use Robert's Rules of Order but without strict compliance with rules of evidence. The Chairman of the Planning Commission shall act as moderator.
- C. Duties and Powers under Zoning Ordinance:** The Planning Commission shall have the following powers and duties under the Zoning Ordinance:
1. To review and make recommendations on rezoning, conditional uses, and variance applications consistent with the standards in this ordinance.
  2. To review and make recommendations on site plans consistent with the standards in this ordinance and the existing zoning for the property.
  3. To review and make recommendations on subdivision plats consistent with the standards in this ordinance and the existing zoning for the property.
  4. To hear appeals from administrative decisions of the Zoning Administrator.
  5. To propose zoning amendments to the Mayor and Board of Aldermen.
  6. To advise the Mayor and Board of Aldermen on implementation of the Comprehensive Plan.
  7. Other duties as authorized by the Code of Mississippi and the Town of Smithville.

### 7.6.3 Zoning Administrator

The Zoning Administrator shall keep records of all permits, and certificates of occupancy issued, maps, plats and other documents with notations of all special conditions involved. He shall file and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records of his office and shall be public record. The Zoning Administrator is authorized and empowered on behalf and in the name of the governing body to administer and enforce the provisions of this ordinance including:

- A.** Administer and enforce the regulations of this Ordinance.
- B.** Receive, review and prepare recommendations on applications.
- C.** Provide information to the public and developers regarding the provisions of this Ordinance.
- D.** Inspect premises, and issue certificates of zoning compliance for uses and structures which are in conformance with the provisions of this ordinance.
- E.** Interpret the meaning of the ordinance in the course of enforcement.
- F.** Propose zoning amendments as provided in this ordinance.
- G.** Advise the Planning Commission, Mayor and Board of Aldermen on implementation of the Comprehensive Plan.
- H.** Advise the Planning Commission, Mayor and Board of Aldermen on provisions of the Land Development Ordinance and interpretation thereof.

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## 7.6.4 Building Official

The duties of the Building Official under this Ordinance shall be as follows:

- A. Issuance of Building Permits.
- B. Issuance of Certificates of Occupancy.
- C. Any other duties assigned by the town.

## Section 7.7 Ordinance Enforcement

### 7.7.1 Enforcement Official and Notification

This Ordinance shall be enforced by the Zoning Administrator or the person appointed by the Mayor and Board of Aldermen for administration and enforcement of same. Where and when violations of the provisions of this Ordinance are found, the person or persons responsible shall be notified in writing, by mail, the violation and remedy needed to correct the illegal activity. Acceptable remedies include discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures, or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done. In accordance with 7.7.2, a penalty shall accrue for each day the illegal activity continues.

### 7.7.2 Amount of Penalty

In accordance with Section 17-1-27 of the Mississippi Code of 2012, 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 therefor shall be sentenced to pay a fine 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."

## SECTION 7.8 Fees and Expenses

### 7.8.1 Schedule of fees and expenses.

1. **Schedule of fees established:** The schedule of fees for the reviewing of applications for permits, amendments, and variances, and any other matters pertaining to this ordinance shall be as described in Appendix B of this ordinance.. The fixed schedule may be amended from time to time as needed by the Board of Aldermen.
2. **Collection of fees:** The schedule of fees shall be available to the public in Smithville Town Hall. Until all applicable fees have been paid in full, no action will be taken on any application, appeal or other processing of land use matters.
3. **Other fees and license:** The list of applicable development and business license fees shall be available to the public in Smithville Town Hall.

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## Article VIII: Definitions

### Section 8.1 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 "building" includes the word "structure"; the word "shall" is mandatory; the word "may" is permissive; the word "used" includes "designed" and "intended or arranged to be used or occupied; the word "person" includes a firm, association, organization, partnership, trust, foundation, company or corporation, as well as an individual; the word "lot" includes "building lot" or "parcel."

### Section 8.2 Interpretation of Definitions

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

### Section 8.3 Definitions

**Abutting:** Being in actual contact; such as by touching along a property line or at a point. Properties that are separated by a right-of-way may be "adjoining, but not abutting". Properties separated by an easement shall be considered "abutting."

**Accessory Dwelling Unit (Guest House):** A dwelling unit which is subordinate in size to the principal dwelling which is occupied for relatives or guests upon approval of the Board as a Conditional Use in the AR Zoning District.

**Accessory Structure:** 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.

**Adjacent:** Either abutting or on opposite sides of a thoroughfare or right-of-way.

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

**Adult Bookstore:** A commercial establishment that, as one of its business purposes, offers for sale or lease for any form of consideration, any one or more of the following: (a) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, DVDs, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas"; or (b) instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities".

**Adult Cabaret:** An establishment that regularly features live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or films, motion pictures, video cassettes, DVDs, slides, or other visual representations in which



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a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas”.

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

**Adult Motel:** An establishment which includes the word “adult” in any name it uses or otherwise advertises the presentation of adult material offering public accommodation for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, DVDs, slides or other visual representations which are characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas”.

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

**Adult Video Store:** A commercial establishment that, as one of its business purposes, offers for sale, rental, or any form of consideration any one or more of the following: (a) photographs, films, motion pictures, video cassettes, DVDs or video reproductions, slides, or other visual representations which depict or describe “specified sexual activities” or “specified anatomical areas”; and/or (b) instruments, devices, or paraphernalia that are designed for use in connection with “specified sexual activities”.

**Advertisement:** The calling of a service, product, or activity to the attention of the public, including identifying such service, product, or activity.

**Agricultural Activity:** The use of land for agricultural purposes, including plowing, tillage, cropping, installation of best management practices, seeding, cultivating and/or harvesting, horticulture, floriculture, viticulture, aquiculture, as well as keeping of horses and cattle. For the purpose of this Ordinance does not include commercial poultry husbandry, extraction of minerals, commercial logging, the feeding of collected garbage or offal to swine or other animals or intensive livestock raising, such as commercial feed lots, large batteries of rabbit hutches, or poultry lots or coops.

**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.

**Antique Store:** A retail business that primarily stocks and sells antique furniture and fine art. Second-hand stores, consignment stores, junk stores and similar businesses do not qualify as an antique store.

**Apartment:** A dwelling unit located in a multiple family structure or a mixed use building for occupancy by one family only, either rented or leased to the occupants.



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**Architect:** A professional architect licensed by the State of Mississippi.

**As-Built Drawings:** Engineer's Drawings depicting the infrastructure within a subdivision or onsite.

**Assisted Living Facility:** A facility which offers non-convalescent nursing care to between five (5) and sixteen (16) individuals by providing a special combination of housing, personalized assistance and limited health care designed to respond to the needs of those requiring assistance with activities of daily living. Such facilities offer private rooms and may include communal dining halls, fitness centers, gift shops, barber/beauty salons, and medical examination rooms.

**Automotive Repair Shop:** A commercial business that specializes in servicing, repairing, and/or painting of vehicles.

**Awning:** A professionally manufactured and installed frame attached to a building wall, over which canvas, cloth, plastic or other fabric is stretched to provide shade or cover or to serve as an ornamental feature of the building.

**Bank or Financial Business:** A business chartered by the State authorized to accept deposits, clear checks, make loans, pay interest on savings and certificates of deposit, issue certified checks to customers and offer other financial services to its customers. Financial institutions shall include: Commercial banks, Savings and Loans, and Credit Unions but shall not include Check Cashing Businesses or other types of businesses which only loan money on personal possessions or titles held by the lender.

**Base Flood:** the flood caused by a 100-year flood event.

**Base Flood Elevation:** the storm water elevation caused by a base flood.

**Beauty or Barber Shop:** A commercial establishment where licensed barbers and/or beauticians cut and style hair and sell hair products.

**Bed and Breakfast Inn:** A building or portion thereof, formerly a single-family dwelling unit, where an owner-operator resides and is paid for lodging in a limited number of guest bedrooms, for specific time periods, with meals provided only to registered guests.

**Best Management Practices (BMP):** are structural and non-structural measures to minimize quantity and maximize quality of runoff from a construction site, including sediment and erosion control BMPs, good housekeeping BMPs, and storm water BMP's.

**Block:** A unit of land comprised of one or more adjoining parcels bounded by thoroughfares or a combination of thoroughfares, land, or any other barrier to the continuity of development.

**Body Piercing Business:** Any business which predominantly specializes in the piercing of body parts and the retail sale of body jewelry.

**Buffer Area:** A landscaped area planted with vegetation that acts as a buffer or separation area between two or more uses or structures not compatible due to design, function, use or operation.

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**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.

**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.

**Building Permit:** A permit issued by the person authorized by the Town of Smithville 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, Structural Alteration of:** Any change or rearrangement in the supporting members, including bearing walls, beams, columns, or girders of a building.

**Canopy for Gasoline Pumps:** The structure covering the gasoline pumps at a convenience store, automobile gas station or anywhere fuel dispensing operations are conducted.

**Car Wash, Automated:** An establishment containing facilities for washing automobiles using a chain conveyor or other method of moving the cars along and which uses automatic or semi-automatic application of cleaner, brushers, rinse water and heat for drying.

**Car Wash, Self-Service:** A structure housing coin operated equipment used by the customer to spray wash automobiles and light trucks.

**Catering Service:** A commercial establishment that prepares, delivers and serves food for special events and off the premises, in accordance with Monroe County Office of the Mississippi State Department of Health.

**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.

**Certificate of Occupancy:** A certificate issued by the Town official so designated by the Town of Smithville which certifies conformance with the provisions of the Zoning Ordinance and authorizing usage of the building.

**Certificate of Zoning Compliance:** A letter signed by Zoning Administrator or his designee stating that a certain use is legal and built in accordance with this Ordinance.

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

**Check Cashing Business:** Any person or entity engaged in the business of cashing checks for a fee, service charge or other consideration, including deferred deposit (postdated checks); but not including federal or state chartered banks, savings and loan associations, credit unions, mortgage brokers, pawnbrokers or insurance companies.

**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

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profit or not. Types of Child Care Facilities include nursery day care, after school care of children, kindergartens, and nurseries.

**Church or Place of Worship:** A non-profit institution that people regularly attend to: participate in or hold religious services, meetings, and related activities. The term *church* shall not carry a secular connotation and shall include buildings in which the religious services of any denomination or recognized religion are held such as synagogues, temples or mosques.

**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.

**Community Center, Public:** A facility provided by the Town for the use of residents who may schedule or attend cultural, recreational or social activities. Community Centers may have patios, swimming pools, and other outdoor facilities. Senior Centers and Youth Centers are categorized as Community Centers shall include

**Conditional Use:** A land use specifically listed as a conditional use in a specific zoning district that would not be appropriate in all areas of a particular zoning district, but which, may be appropriate in certain areas and that will in the opinion of the Mayor and Board of Aldermen promote the public health, safety, morals, or general welfare of the Town and not adversely affect adjacent properties. Conditional Uses may be approved with or without certain restrictions or conditions such as buffering, hours of operation or site restrictions. Approval of a Conditional Use does not change the zoning of the property involved and allows the use to continue as long as the specific use granted by the conditional use remains the same and conditions placed on the use continue. Conditional Uses are approved on a site-by-site basis and are not transferrable to another site or location.

**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.) A condominium is a form of ownership in real property.

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

**Construction Plans:** The details, drawings and specifications showing the specific location and design of public improvements to be installed in accordance with the requirements of the Town.

**Consulting Engineer:** The person or firm, licensed by the State of Mississippi and selected by the Town to provide certifications of physical conditions as may be applicable to this and other Ordinances.

**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 facilities may include gasoline pumps, car washes and minor automotive repair.

**Consignment Store:** A retail establishment which acquires used merchandise from individuals and resells such merchandise to other individuals, engaging primarily in used household items

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and clothing. Does not include pawn shops, used car lots, or antique stores.

**Cottage, Katrina or Mississippi:** A structure between 500 square feet and 1,300 square feet which is transportable in one or more sections; is not designed or equipped with a towing apparatus, chassis, or any other automotive-type frame; is designed to be used as a dwelling when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems with the home; and certified by its manufacturers as being constructed in accordance with a nationally recognized building code; and designed to be permanently installed at its final destination on an approved foundation constructed in compliance with a nationally recognized building code. The term "Katrina or Mississippi Cottage" does not include manufactured housing as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974, nor does it include Modular Homes.

**Day Spa:** A facility offering personalized beautification and relaxation treatment by professional licensed personnel and therapists or staff which is open ten (10) or less hours during the daytime. Examples of treatment which may be offered include: body packs and wraps, exfoliation, waxing, aromatherapy, cleansing facial, manicures, and pedicures.

**Deciduous Plants:** Plants that shed their leaves during their dormant season and produce new leaves the growing season.

**Density, Gross:** 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 Ordinance. Gross Density shall be calculated as the total development area (in acres) divided by the number of housing units.

**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.

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

**Drive Aisle Width:** The width between rows of parking that is designed to allow cars to back out of parking spaces, enter and depart the parking areas.

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

**Drug Store:** A retail establishment which sells pharmaceutical goods, cosmetics, magazines, limited household goods, and fills prescriptions.

**Dry Cleaning Pick-Up Station:** A facility where retail customers drop off or pick up laundry or dry cleaning.

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**Dumpster:** A container that is designed for temporary storage of trash or garbage and which has a housing mechanism that permits it to be raised and dumped into a garbage or sanitation truck.

**Dwelling:** Any building, or portion thereof, designed and used for human habitation. All dwellings are subject to the provisions of the Building Code adopted by the governing body.

**Dwelling, Single-Family Attached:** Two or more residential units structurally connected but on separate contiguous lots. Each unit is designed for single-family occupancy, having a front and rear entrance, front and rear yards, carports or garages.

**Dwelling, Single-Family Detached:** A residential building designed for occupancy by one family located on a single lot or an assembly of contiguous lots.

**Dwelling, Townhouse:** A townhouse is classified as an attached, single-family residence but has three or more dwelling units built in a row.

**Dwelling, Two-Family (Duplex):** A detached residential building designed to be occupied by two families living independently of each other and which contains separate entrances, yards and complete living quarters including kitchens and bath facilities for each family.

**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 House or Home):** A detached single-family dwelling on a separate lot unit that is a part of a planned development where homes are constructed on individual lots but which offer outdoor green or common areas for the benefit of homeowners.

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

**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.

**Educational Building, Church:** An accessory building to a church constructed or used for indoor recreational and educational activities for parishioners and guests. Such activities may include basketball courts, cafeterias, classrooms and similar activities. This term shall be used interchangeably with "youth buildings" or similar terms.

**Employee:** 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.

**Engineer:** A professional engineer licensed by the State of Mississippi.

**Evergreen Plants:** Plants that retain their leaves during their dormant season.

**Façade:** The exterior of a building extending the entire width and height of a building elevation.

**Family:** One person living alone, or two or more persons living together as a single, housekeeping unit, related by blood, marriage, or legal action; or a group of no more than five (5) persons living as a single housekeeping unit.

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**Fence:** A vertical structure having no connection to a roof, typically used to enclose an area, mark a boundary, control access, provide a visual barrier, or form a decorative element in landscaping or architecture. This shall include wire mesh, steel mesh, chain link, louvers, stakes, wood, masonry, concrete, wrought iron, stone, split rails, boards, and similar construction materials.

**Farmers Market, Public:** An area or structure set up and operated by the town or their designee that is used on periodic basis used by (1) or more operators of bona fide farms for the sale of agricultural products.

**Fire Chief:** The person selected by the Town having line responsibility and being in charge of the fire department.

**Food Vendors:** A temporary commercial business contained in a mobile facility designed to prepare and serve food to customers on a walk-up basis. Such business must be approved by the Board of Health.

**Forested Land:** Areas predominately covered with trees and woody vegetation which may be deciduous wooded areas and/or wooded areas dominated by pine and other coniferous tree species.

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

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

**Garage, Private:** A fully enclosed portion of a main building or a fully enclosed detached building used primarily for the storage of privately owned automobiles.

**General Office:** A space, room, building or part of a building that houses administrative, clerical, executive or similar functions for a business, utility or similar use.

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

**Grocery store:** A retail establishment whose primary function is the sale of packaged or unprepared food and grocery items for consumption off the premises.

**“Grandfathered” Uses, Structures and Lots:** A term used to describe legal non-conforming uses, structures or lots subject to the requirements of Article VII of this Ordinance.

**Health Club or Fitness Center:** A commercial use designed and used for physical exercise and sports offering exercise rooms, locker rooms, sauna and whirlpool facilities, and weight training facilities.

**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, enforcement of protective covenants and other activities and facilities within the development.



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**Home Occupation:** A legally permitted activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit.

**Impervious Surface:** A surface composed of any material that significantly impedes or prevents natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, thoroughfares, swimming pools, fountains, sidewalks, tennis courts, and any concrete or asphalt surface.

**Improvements:** Those physical additions and changes to the land that may be necessary to produce usable and desirable developments including but not limited to driveways, landscaping, thoroughfares and alleys, sidewalks, curbs, gutters, utilities, and stormwater management facilities.

**Independent living facility:** Attached dwellings, restricted to occupancy by handicapped persons or persons sixty-two (62) years and older, which may provide common facilities and services, but which are not defined as an assisted living facility.

**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.

**Instructional Studio:** Any facility where licensed teachers provide instructions to individuals or groups in dance such as ballet, line dancing, tap dancing; aerobics; swimming, martial arts, or other artistic or athletic activities but not to include health clubs or gymnasiums where sports skills are taught.

**Junk Yard:** A place where waste and discharged or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, used lumber yards, house dismantling yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment.

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

**Landscaping:** Living vegetation including trees, shrubs, ground covers, turf grass and vines. No artificial plants, trees or like materials may be counted toward meeting the landscaping requirements of this Ordinance.

**Land Use Plan, Future:** One of the elements of a Comprehensive Plan usually developed concurrently with the Transportation/ Thoroughfares Plan. Such a plan portrays graphically where residential, commercial, industrial, recreational, public/quasi-public facilities and land are suitable for the next 10 to 20 year period. Future Land Use Maps are used as a guide for

# Land Development Ordinance

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Zoning but do not dictate the exact zoning districts of the town.

**Laundromat:** A commercial business equipped with self-service clothes washing and drying machines for use by retail customers.

**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 Town of Smithville, Mississippi. A lot shall have frontage on an improved public (dedicated) or private street specifically approved by the Mayor and Board of Aldermen through the site plan or subdivision review process required by this ordinance.

**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.

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

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

**Lot Line, Front:** The property line separating said lot from the street that is parallel to the front building line.

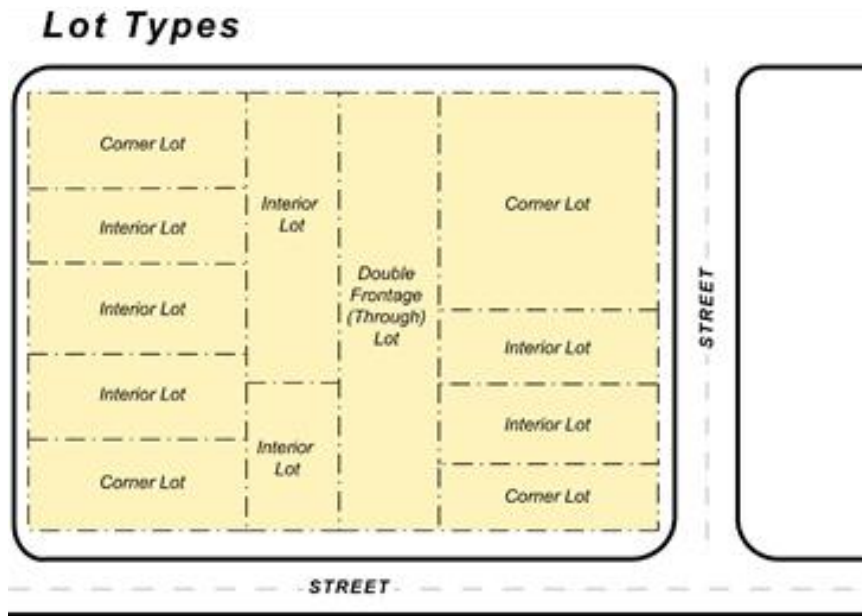
**Lot Line, Rear:** The property opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line.

**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 Monroe County, Mississippi, or a lot described by metes and bounds, the description of which has been recorded in said office.

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



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**Manufactured Home:** A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development (HUD), transportable in one or more sections, which when erected on site, is a minimum of eighteen feet (18') wide and seven hundred twenty (720) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and which includes plumbing, heating, air conditioning and electrical systems.

**Marina:** A boat basin, harbor, or dock with facilities for berthing and servicing boats which may include the provision of bait, ice, and fishing tackle and eating establishments.

**Medical 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.

**Metes and Bounds Description:** A description of real property described by starting at a known point and describing the bearing and distances of the lines forming the boundaries of the property or described by delineation of a fractional portion of a section, lot, or area by described lines or portions thereof, and not described by reference to a lot or a block.

**Mixed Use Development or Building:** A real estate project with planned integration of some combination of retail, office, residential, hotel, recreation or other functions. Such developments maximize space usage, have amenities and architectural expression and tend to mitigate traffic and sprawl with pedestrian-oriented destinations.

**Mobile Home:** A manufactured single family dwelling that does not conform to U.S. Department of Housing and Urban Development Code (HUD Code), containing a kitchen and toilet which is designed for transportation after fabrication on streets and highways on its own wheels or on a flatbed to a site where it is to be occupied as a dwelling and at which site it arrived complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, located on a permanent foundation, connection to utilities and the like.

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**Modular Home:** A structure greater than 1,000 square feet, which is transportable in two or more sections; is not designed or equipped with a towing apparatus, chassis, or any other automotive-type frame; is designed to be used as a dwelling when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems with the home; and certified by its manufacturers as being constructed in accordance with a nationally recognized building code; and designed to be permanently installed at its final destination on an approved foundation constructed in compliance with a nationally recognized building code. The term "modular home" does not include manufactured housing as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974 nor does it include Katrina or Mississippi Cottage Homes.

**Mulch:** A material such as pine straw, bark chips, or wood chips, placed on the ground to stabilize soil, protect roots, limit weed growth, and otherwise promote tree and shrub growth and conserve moisture.

**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.

**Nursing Home:** Those health facilities where persons are housed and furnished with meals and continuing nursing services for a fee.

**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.

**Open Space:** Land which is landscaped or left in a natural state intended for natural or scenic preservation and/or passive recreational uses. If located within a planned residential area such areas shall be maintained by a homeowners' or condominium association of all of the residents for recreation, protection of natural features, amenities or buffers; is freely accessible to all residents of the development; and protected by covenant and the provisions of this Ordinance to ensure that it remains in such use.

**Outdoor Entertainment:** Primarily open areas with facilities for golf driving ranges, baseball batting practice or similar uses.

**Park, Public:** Land owned by a public entity which is predominately open space and is used for active or passive recreational, scenic or leisure activity. Based on their location, a park may contain one or more of the following: walking trails, playgrounds, picnic facilities, community centers, senior citizen centers, tennis courts or basketball courts. Regional parks for use by the entire town may include lighted outdoor recreational facilities, softball and baseball fields, skateboard facilities and other facilities designed for team recreational use.

**Parking Space:** A predetermined area of a specific width, length and size sufficient for the parking of an automobile. For the purposes of this Ordinance, the term "parking space" shall refer only to parking places not located on a public street.

**Parsonage:** A single-family dwelling for use and occupancy by the preacher, pastor or staff person designated by a church or place of worship. Such houses may be located on the church site.

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**Pay-Day Loan Business:** A state-licensed, commercial establishment providing loans to individuals in exchange for personal checks as collateral.

**Pedestrian-Oriented:** Development designed with an emphasis on pedestrian access and connectivity between uses, containing an abundance of landscaped sidewalks, controlled vehicular traffic and areas where shoppers may sit in outdoor areas.

**Pet Grooming Shop:** A commercial facility where domesticated dogs are dropped off and picked up daily between the hours of 7 a.m. and 6 p.m. for grooming. Such facilities shall not board animals overnight nor provide outdoor kennels or dog runs.

**Permanent Foundation:** For the purposes of manufactured housing, this term shall mean any foundation consisting of all of the following: (a) poured in place concrete footings placed below the frost line supporting the manufactured home carriage frame, (b) tie-downs anchored to the footings, (c) skirting comprised of masonry, or other material impervious to rot and infestation, as described by this ordinance, and (d) perimeter footings extending below the frost line to support the skirting.

**Pervious paving:** Materials used for surfacing parking lots and driveways such as porous concrete or modular porous paver systems that are designed to allow infiltration of stormwater and are consistent with Stormwater Best Management Practices. Pervious paving areas are not considered as impervious surface areas for the purpose of calculating impervious surface coverage.

**Planning/Zoning Commission:** The duly appointed Planning/Zoning Commission of the Town of Smithville, Mississippi.

**Plat:** A map, plan or layout of a subdivision which meets the requirements of this Ordinance and those of the Monroe County Chancery Clerk.

**Preliminary Plat:** A map of proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate suitability of the contemplated subdivision of land for the intended use.

**Final Plat:** A map of land subdivision prepared in a form suitable for filing of record with any necessary affidavits, dedications and acceptances, and with complete bearing and dimensions of all lines defining boundaries, lots and blocks, streets, alleys, public areas and other dimensions of land.

**Portable Storage Container (POD):** A portable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, building materials or merchandise. The term shall not include yard waste containers. Unless allowed by a conditional use permit, no portable storage container shall have dimensions greater than sixteen (16) feet in length, eight (8) feet in width or eight and one-half (8 ½) feet in height.

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

**Professional Office:** Space or rooms, clinics, suites, or building used for the conduct of business services such as attorneys, accountants, real estate brokers, insurance agents, architects or engineers. Such uses shall not include funeral homes, massage parlors, body piercing or tattoo locations, or living quarters.

**Protective (Restrictive) Covenant:** A written document written by the developer of land which

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sets forth certain restrictions on property owners within the development. Such documents are recorded in the public records of Monroe County and must be reviewed by the attorney of the Town of Smithville to acceptance of the final plat or issuance of a building permit. Such Covenants run with the land and are binding upon subsequent owners of the property.

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

**Public Buildings and Facilities:** Any building, structure, system, use, or combination of uses, which is customarily and ordinarily, provided by governmental agencies.

**Public Hearing:** A meeting which is announced and advertised in accordance with State Statute and conducted by a commission or board of the Town or the Board of Aldermen, in which members of the public have an opportunity to give comments.

**Public Meeting:** An informal meeting, hearing, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project or plan.

**Public Utility:** Any City approved water and/or sanitary sewer system, including collection and distribution lines, which is constructed to City standards, sizes, and specifications, conforms to the requirements of this Ordinance, and has been dedicated to and accepted by the City for operation and maintenance and the facilities. Also includes facilities associated with privately-owned utilities that are needed to provide services to private and public uses such as electrical, natural gas, telephone, fiber-optic cable. Does not include a utility substation or transportation facility, buildings which house or contain facilities for the operation of publicly owned or publicly licensed water, wastewater, waste disposal, gas or electricity services. Also does not include recycling and salvage operations.

**Real Property:** For the purposes of Manufactured Housing, this term shall mean any manufactured home which meets the requirements of MS Code of 1972, as amended, Section 27-53-15 and has been certified by the Monroe County Tax Assessors Office as Real Property, as opposed to Personal Property. Such certification shall remain for the duration the manufactured home is located within the incorporated limits of the Town of Smithville.

**Recreational Vehicle (RV):** A portable or mobile living unit used for temporary human occupancy away from the place or residence of the occupants. For the purposes of this Ordinance, such transient trailers shall be considered a VEHICLE AND NOT A STRUCTURE. The term "recreational vehicle" or "travel trailer" shall include", "motor homes" and "camping trailers." .

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

**Restaurant, General:** A commercial establishment where food and beverages are prepared, served and consumed primarily within the principal building, but not including "fast-food restaurants" as defined herein. Restaurants" may offer some "carry-out" services where food and beverages are consumed off the premises.

**Restaurant, Fast Food:** A commercial establishment where food and beverages are prepared and dispensed at either a counter or drive-thru window. Fast food restaurants typically feature food such as hamburgers, hotdogs, sandwiches, french fries or similar items that can be pre-cooked or prepared quickly for the convenience of the customer.

# Land Development Ordinance

**Retail Business:** A commercial business where goods or merchandise is sold to customers for their own personal or household use and including the characteristics of attracting the general public to the place of business, inventorying, selling and receiving merchandise.

**Right-of-Way (ROW) Line:** The legal property boundary line delineating transportation facilities and the abutting property. Such ROW may include paved surfaces, sidewalks curbs and gutters, ditches and other land owned by a public or private entity and may or may not be the legal property line of abutting property.

## **Self-Storage Facility:**

**Self-storage facility, Limited access.** A self-storage facility with limited access points from the exterior of the building to interior halls that provide the only access to individual storage units.

**Self-storage facility, Multi-access.** A self-storage facility with access points from the exterior of the building(s) to individual storage units.

**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. Service Stations may also include other facilities such as convenience store items, food, or fast-food.

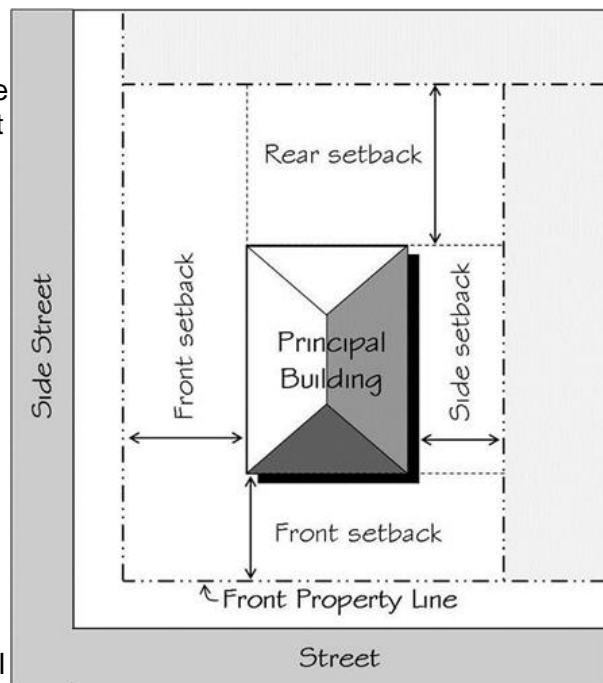
**School:** A state accredited public or private elementary, intermediate, middle, junior high or senior high school but excluding trade or vocational schools and child care facilities.

**Screening:** The method by which mechanical equipment, refuse and loading areas and other outdoor areas or activities are shielded, concealed, or hidden by fences, walls, hedges or berms.

**Setback:** The required distance that a building must be located in relation to property lines. In measuring a lot for the purpose of determining the minimum front, side or rear setbacks, the shortest horizontal distance between the lot line and the nearest vertical structure shall be used. Also known as required "required yard."

**Setback, 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 main building.

**Setback, Rear:** The required unoccupied and unobstructed space on the same lot with a main building, situated between the rear property line and the nearest portion of the main building, and extending the full width of the lot.



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**Setback, Side:** The required unoccupied and unobstructed space on the same lot with a main building, situated between the side property line and the nearest portion of the main building.

**Shopping Center:** A group, consisting of three (3) or more commercial establishments, planned, developed and managed as a unit, with off-street parking facilities provided on the property.

**Shrub:** A woody plant, generally multi-stemmed, smaller than a tree; consisting of several small stems or small branches near the ground; and either deciduous or evergreen.

**Sidewalk:** A paved pedestrian walkway located within a public or private street right-of-way.

**Sight triangle, Clear:** An area of unobstructed vision at a thoroughfare intersection or driveway defined by the minimum intersection sight distance as required by this Ordinance.

**Sign:** Any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, services, activity, place, person or any other item of information.

## **Signs, Permitted within the Town of Smithville:**

**Artistic Mural:** A hand painted rendering depicting a scene, person, logo or type of business that is rendered by a professional mural painter and approved by the Town.

**Awning Sign:** A sign with its copy on a shelter made of any non-rigid material, such as fabric or flexible plastic, that is supported by or stretched over a frame and attached to an exterior wall of a building or other structure.

**Free-standing Sign:** A sign erected and anchored to the ground and not attached to any building.

**Building Sign:** Any sign affixed directly to or painted on, or otherwise inscribed on the outside wall of a building with the face parallel to and projecting no more than 12 inches from the building wall.

**Canopy Sign:** A sign affixed to a service station canopy

**Changeable Copy Sign (Manual):** Any sign on which copy is changed manually in the field (i. e., reader boards with changeable letters).

**Changeable Sign (Electronic):** Any sign with an electronically or electrically controlled message center or reader board, where different copy changes are shown on the same lamp bank.

**Construction Sign:** A on-premises temporary sign erected during the period of construction, indicating the names of the architects, contractors, owners, financial supporters, sponsors and similar persons or firms involved with the construction and development of the project.



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**Externally Illuminated Sign:** Any sign which reflects light from a source intentionally directed upon it such as floodlights or gooseneck reflectors.

**Internally Illuminated Sign:** Any sign designed to provide artificial light through exposed lighting on the sign face (such as neon tubing or light bulbs arranged to form copy)

**Incidental Signs:** Signs that direct patrons and citizens into or out of a site. These signs are intended merely to enhance the safe ingress and egress of pedestrians or vehicles.

**Monument Sign:** A permanent sign mounted on the ground and designed with a continuous structural element of below the sign area that is a minimum of 75% of the width of the sign.

**On-Premise Sign:** A sign which attracts attention to a product, service, or entertainment which is conducted, sold, produced or offered on the premises where the sign is located.

**Project or Entry Sign:** An on-premise freestanding sign CONTAINING NO ADVERTISING MATTER, which is intended to identify one of the following land uses: residential subdivision, apartment/condominium complex, office building, shopping center, or an industrial park.

**Temporary Sign:** A sign which is not permanent and is erected with a time limitation.

**Projecting Sign:** Any sign attached to any outside building wall that is perpendicular to the wall and is hung with permanent framework.

**Real Estate Sign:** An on-premises temporary sign erected to announce the sale, rental, or lease of real property.

Any other Sign not listed above but itemized as permitted in Article V of this Ordinance.

### **Signs, Not Permitted within the Town of Smithville:**

**Billboard:** An outdoor advertising sign structure which advertises goods, products, or services; the poster panels or bulletins, usually on a free-standing or ground sign, illustrate such advertising in the form of pasted paper or painted copy.

**Cabinet Sign:** A sign that is comprised of a metal box with a sign face that may be transparent or translucent and contain a light source within the sign.

**Off-Premise Sign:** A sign which attracts attention to a product, service, or entertainment which is conducted, sold, produced or offered off the premises where the sign is located.

**Roof Sign:** Any sign erected, constructed, or maintained above a roof or on top of or above the parapet of a building.

Any other Sign not listed above but itemized as being not permitted in Article V of this Ordinance.

**Site Plan:** A drawing indicating the location of existing and proposed buildings or other structures, and, where required by this Ordinance, landscaping and planting screens and points

# Land Development Ordinance

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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 whereby plans for certain proposed developments and/or site plans are reviewed for conformance with this Ordinance and other applicable laws and codes, and either approved, disapproved or amended prior to final approval of the development.

**Specified Anatomical Area:** Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae, or human male genitals in a discernable turgid state even if completely or 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 touching of human genitals, pubic regions, buttocks or female breasts; flagellation or torture in the context of a sexual relationship, masochism, erotic or sexually-oriented torture, beating or the infliction of physical pain; erotic touching, fondling or other such contact with an animal by a human being; human excretion, urination, menstruation, vaginal or anal irrigation as a part of or in connection with any activity intended to be viewed by patrons.

**Spot Zoning:** 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.

**Stand-Alone Building:** A structure which is not attached to another structure

**Stormwater management:** A program of structural controls and best management practices (BMP) designed to regulate the quantity and quality of stormwater runoff from a development while promoting the protection and conservation of ground waters and groundwater recharge.

**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

**Street:** Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel, whether designed as a road, avenue, highway, boulevard, drive, lane, place, or court and which affords the principal means of access to abutting property. The function of various types of streets/roads are described below:

- A. **Arterial:** A major thoroughfare, which primarily provides for inter-community travel.
- B. **Collector:** Carries traffic between minor and local roads and arterial roadways and may also provide direct access to abutting properties.
- C. **Cul-de-sac:** Local street that terminates in a vehicular turnaround.
- D. **Highways:** Streets and roadways which are under the jurisdiction of the Mississippi Department of Transportation. Highways may also be classified as expressways or arterial roadways.
- E. **Local street, minor:** Provides access to abutting properties
- F. **Local street, major:** Provides access to abutting properties but typically has a



# Land Development Ordinance

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higher traffic count than a minor local street due to vehicles traveling between other local streets or destinations.

- G. Private Street:** Any street which is to be privately maintained and has not been accepted for maintenance by the Town, but which meets the requirements of this Ordinance and has been approved as a private street by the Town.
- H. Public Street:** Any road or portion of a road which has been dedicated to and accepted for maintenance by the Town of Smithville.
- I. 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.

**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, and fences; but shall not include RVs, driveways, patios, parking lots, or utilities or utility lines.

**Subdivision:** The division of any lot, tract or parcel of land into two (2) or more lots for the immediate or future purpose of sale or building development.

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

**Surveyor:** A professional surveyor licensed in the State of Mississippi.

**Swimming Pool:** Any pool or open tank having a depth of more than thirty (30) inches which is designed and built for swimming and bathing; however, this definition shall not include spas and hot tubs which are securely covered when not in use by a sturdy insulated top capable of restricting access by children.

**Tattoo Parlor:** A commercial use which engages in the business of marking or coloring of the skin by pricking in coloring matter or by producing scars, and which is conducted in exchange for financial or other valuable consideration. It does not include tattooing when applied by a licensed dermatologist on premises licensed as a dermatological office.

**Telecommunications Tower:** Any structure that is designed and constructed primarily for the purpose of supporting one or more antenna, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers and similar towers.

**Title Loan Business:** A business that regularly makes either loans to individuals secured by the title to a vehicle or title pledge agreements with pledgors, unless the business or individual is exempt from the definition of "title pledge lender" under Mississippi Code Annotated Section 75-67-403 (1972), or unless more than ninety (90) percent of the loans that the business makes which are secured by vehicle titles are made in the context of the purchase of the vehicle.

**Town:** The Town of Smithville, Mississippi.

**Trailer:** Archaic term sometimes applied to manufactured homes. (See manufactured home").

**Trails:** Recreation and transportation facilities design and built for use by pedestrians and

## Land Development Ordinance

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bikes. For the purpose of this Ordinance shall refer specifically to existing or proposed facilities owned by the Town.

**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.

**Tree:** A self-supporting woody plant, usually having a single woody trunk and a potential normally attaining a mature height of twenty-five (25) ft or more. For the purposes of this Ordinance, trees may be categorized as follows:

**Tree, Large shade:** A large tree that grows over small shade trees and having a height of fifty (50) ft or more at mature height.

**Tree, Native:** A tree that is typically found in Northeast Mississippi such as an oak, hickory, sycamore, pine, yellow poplar, sweet gum, elm, hackberry or sugarberry, magnolia, or cypress.

**Tree, Ornamental:** A small flowering tree that is suitable for accent plantings or areas where larger trees are not appropriate.

**Tree, Public:** A tree located on Public property, including public ROWs, or any tree owned by the Town.

**Tree, Small shade:** A tree of thirty (30) to forty (40) ft at mature height.

**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.

**Used Car Sales Establishment:** An establishment that sells previously owned motor vehicle(s).

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

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

**Veterinary Clinic:** 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.

## Land Development Ordinance

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**Vocational School: (Trade School and Business College):** A privately owned instructional facility with limited curriculum which offers a course of study of two years (2) years of less and prepares adults for specific types of jobs such as secretarial, medical transcription, paralegal, computer programming, data entry, legal transcription, beauty or barber or other types of trades. Such schools must meet state requirements for a vocational facility.

**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.

**Wetland:** Areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

**Wholesale Establishment:** Any establishment which exclusively sells goods in large quantities, as for resale by a retailer.

**Zoning Administrator:** The official or consultant charged by the Mayor and Board of Aldermen with the administration and enforcement of this Zoning Ordinance, or his duly authorized representative.

**Zoning District:** Any section or sections of the Town of Smithville 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.

## Land Development Ordinance

### Appendix A: Required Certifications for Subdivision Plat

#### REGISTERED LAND SURVEYOR'S CERTIFICATE

STATE OF MISSISSIPPI

COUNTY OF MONROE

I, \_\_\_\_\_ Registered Land Surveyor, do hereby  
certify that the request of \_\_\_\_\_, the owner(s), I have subdivided  
and platted the following described land being situated in the \_\_\_\_\_ of Section  
\_\_\_\_\_, Township \_\_\_\_\_ Range \_\_\_\_\_, City of Smithville, Monroe County,  
Mississippi, as follows to-wit:

#### *(Legal Description of Survey)*

The above described parcel of property is located in \_\_\_\_\_, of  
Section \_\_\_\_\_, Township \_\_\_\_\_, Range \_\_\_\_\_, Monroe County,  
Mississippi, and contains \_\_\_\_\_ acres, more or less.

WITNESS my signature, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Mississippi Registration Number  
(SEAL)

\_\_\_\_\_  
Registered Land Surveyor

This survey meets the minimum standards for Class "B" Surveys adopted by the Mississippi  
State Board of Registration for Professional Engineers and Land Surveyors.

Reference Meridian – true North based on \_\_\_\_\_

#### Typical Setback Schedule

Front:

Side:

Rear:

Corner:



# Land Development Ordinance

## OWNERS CERTIFICATE

STATE OF MISSISSIPPI  
COUNTY OF MONROE

I, (we) \_\_\_\_\_ do hereby certify that I (we)  
(Owners)

are the owners of the land described in the foregoing certificate of \_\_\_\_\_,  
Registered Land Surveyor, and I (we) have caused the same to be subdivided and platted  
as shown heron, and have designated the same as \_\_\_\_\_ that I

(Name of Subdivision)

(we) hereby accept this plat of subdivision as its free act and deed and dedicate all  
streets, utilities, utility easements and rights of way to the \_\_\_\_\_ for public  
use forever.

WITNESS my signature, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Owners)

(SEAL)

## Land Development Ordinance

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### CITY APPROVAL AND ACCEPTANCE

STATE OF MISSISSIPPI

COUNTY OF MONROE

This subdivision is hereby approved and accepted and all improvements contained therein to be dedicated to the \_\_\_\_\_ on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Mayor

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

### CERTIFICATE OF FILING AND RECORDATION

STATE OF MISSISSIPPI

COUNTY OF MONROE

I, \_\_\_\_\_, Clerk of the Chancery Court, in and for said County and State, do hereby certify that the Final Plat of \_\_\_\_\_, (Name of Subdivision) was filed for record in my office on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and was duly recorded in the records of maps and plats of land of Monroe County, Mississippi.

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

\_\_\_\_\_  
Chancery Clerk

**Appendix B: Required Fees and Deadlines for Submittal**



## Land Development Ordinance

**Table No. 12: Applications Required, Fees and Deadlines**

<b>Application For:</b>	<b>Fee</b>	<b>Application Form or Comment</b>	<b>Deadline</b>
Certificate of Occupancy	\$5	Building Permit Application	None
Conditional Use	\$100	Conditional Use and Site Plan Application	30 days prior to Planning Commission Meeting
Land Alteration and Disturbance Permit	\$50	One acre or more	None
Sign Permit	\$15	Sign Application or Site Plan Application	None
Site Plan Review	\$150 *	Site Plan Application	30 days prior to Planning Commission Meeting
Subdivision of Land	\$100 + \$5/lot	Subdivision Application and Preliminary Plat	30 days prior to Planning Commission Meeting
Variance	\$100	Variance Application	30 days prior to Planning Commission Meeting
Zoning Map Change ( <i>Rezoning</i> )	\$150	Rezoning Application	30 days prior to Planning Commission Meeting
Appeal of Administrative Decision	\$25	Request for Appeal of Administrative Decision	Within 10 days after decision

\* - Upon approval of the Site Plan, the site plan review fee shall be refunded to the property owner or developer as credit towards required building permits.

## Land Development Ordinance

### Appendix C: Dimensional Standards Chart

Table No. 13: Dimensional Standards									
	District	Zoning District Description	Minimum lot size	Min. Lot Width	Min. Front Yard	Min. Side Yard*	Min. Rear Yard	Max. % lot coverage	Max. Height
1.	AR	Agricultural Residential	20,000 sf	100	35	20++	25	15	35
2.	R-1	SF Detached.	9,600 sf	80	25	10++	25	25	35
3.	R-2	SF Detached	7,500 sf	60	25	10++	25	25	35
4.		Two-Family	10,000 sf	75	25	10++	25	30	35
5.	R-3	Patio Home (SF-Det.)	5,00 sf	50	15	10	15	30	35
		Townhouse (SF-Att.)	2,400 sf	25	15	0/15	15	30	35
6.	R-4	Multifamily	20,000 + 2,000 per d.u.	200	25	25	25	30	45
7.	B-1	Community Business	None	20	0/25**	0/25***	0/25**	75	45
8.	TC	Town Center Business	NR	20	0/25**	0/15***	0/15**	75	45
9.	I	Industrial	20,000 sf	100	40	15/25***	15/25**	75	45
10.	All Districts	Churches	20,000 sf	100	35	25	25	75	45
11.	All Districts	Service Stations/Conv. stores	15,000 sf	100	20/30 Pumps/ bldg	15/25***	15/25**	75	35
*Minimum Side Yards apply to the yard on each side of the structure. **Commercial uses built adjacent to public sidewalks do not require front setbacks. ***When abutting residential uses shall be a minimum of 25 feet.					+Side yards on corners shall have the same setback as the required front yard.				



