

ZONING ORDINANCE

OF

HINDS COUNTY, MISSISSIPPI

Amended by the Hinds County Board of Supervisors Ordinance
Adopted: _____

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

PREAMBLE

WHEREAS, the Statutes of the State of Mississippi, Section 17-1-1 to 17-1-21, inclusive, of the Mississippi Code of 1972, annotated, as amended, empower Hinds County, Mississippi, to enact a Zoning Ordinance and to provide for its administration, enforcement and amendment; and

WHEREAS, the Board of Supervisors deem it necessary for the purpose of promoting the health, safety, morals, and general welfare of the County to enact such an ordinance, which, among other things, is designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, pursuant to the Laws of the State of Mississippi, including Chapter 197 of the Laws of Mississippi of 1956, the Board of Supervisors of Hinds County, Mississippi, acting independently of all municipalities in the county, has heretofore by resolution duly and legally adopted and entered upon its minutes as provided by law, created a Planning Commission to recommend the boundaries of the various Districts and appropriate regulations which cover and affect all of Hinds County, Mississippi. Less and except from the foregoing, all land within the municipal boundaries of the City of Jackson, the Town of Bolton, the City of Clinton, the Town of Edwards, the Town of Learned, the Town of Raymond, the Town of Terry, and the Town of Utica, Mississippi; and

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

WHEREAS, the Board of Supervisors have given due public notice of the hearing relating to Zoning Districts, regulations, and restrictions, and together with the Planning Commission, have held such a public hearing in accordance with the requirements of Section 17-1-15 of the Mississippi Code of 1972, annotated, as amended:

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF SUPERVISORS OF HINDS COUNTY, MISSISSIPPI, ON THIS THE FIRST DAY OF MARCH, 2004, THAT THIS ORDINANCE SHALL GOVERN THE USE OF ALL LAND WITHIN THE AFORMENTIONED UNINCORPORATED AREAS OF HINDS COUNTY, MISSISSIPPI.

ARTICLE I

TITLE AND PURPOSE

SECTION 100 - TITLE

The Ordinance shall be known as the "Zoning Ordinance of Hinds County, Mississippi", and may so be cited, and further reference elsewhere as "Zoning Ordinance", and herein as "the Ordinance" or "this Ordinance" shall imply the same wording and meaning as the full title.

SECTION 101 - PURPOSE

The purpose of this Ordinance is to preserve and promote the public health, safety, morals, and general welfare of the inhabitants of Hinds County and of the public generally through the regulation of: the location, height, number of stories, size of buildings and other structures; the density and distribution of population, size of yards and other open spaces; and the use of buildings, structures, and land for commercial, industrial, residential and other purposes. This Ordinance applies to all unincorporated areas of Hinds County not lying within an incorporated municipality.

ARTICLE II

INTERPRETATION AND DEFINITIONS

SECTION 200 - 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 and not directory; the word "may" is permissive; the word "used" includes "designed" and "intended or arranged to be used or occupied"; and the word "person" includes a firm, association, organization, partnership, trust, foundation, company or corporation as well as any individual.

SECTION 201 - DEFINITIONS

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

ABANDONMENT: To cease or discontinue a use or activity without intent to resume, but excluding temporary or short term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging the property or improvements.

ACCESSORY USE OR 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. The maximum size of accessory structures shall be limited to 50 percent of the area of the main building or 1,000 square feet in area, whichever is smaller.

ADULT ENTERTAINMENT USES: Any commercial establishment such as an arcade, bookstore, cabaret, motion picture theater, live production theater, massage parlor, or encounter establishment wherein a substantial proportion of the stock in trade, video materials shown, performances presented, or activities accommodated involves the following specified sexual activities and/or display of the following specified anatomical areas:

- A. Specified Sexual Activities. *Specified sexual activities* means and includes any of the following:
- (a) Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - (b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
 - (c) Masturbation, actual or simulated; and
 - (d) Excretory functions public displayed within the facility as a part of or in connection with any of the types listed above.
- B. Specified Anatomical Areas. *Specified anatomical areas* means and includes any of the following:
- (a) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or
 - (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

AGRICULTURAL ACTIVITIES: The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to:

- (a) Forages and sod crops: grains and seed crops;
- (b) Dairy animals and dairy products, poultry and poultry products, excluding commercial feed lots;
- (c) Livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals and excluding commercial feed lots;
- (d) Bees and apiary products, fur animals;
- (e) Trees and forest products;
- (f) Fruits of all kinds, including grapes, nuts and berries;

- (g) Vegetables;
- (h) Nursery, floral, ornamental and greenhouse products;
- (i) Or land devoted to a soil conservation or forestry management program.

AIRPORT: Any area of land designed and set aside for take-off and landing of aircraft, including all necessary facilities for vehicular access, parking and housing and maintenance of aircraft.

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

ALTERATION OF BUILDING: Any change in the supporting members of a building (such as bearing walls, columns, girders) except such change as may be required for its safety; any addition to a building; any change in use from that of one District classification to another or of a building from one location to another.

AMUSEMENT ARCADE: A building or part thereof in which five or more pinball machines, video games, or other similar player-oriented amusement devices are maintained. An amusement arcade is a commercial use.

ANCHOR: See *ground anchor*.

ANTENNA: Any system of wires, poles, rods, reflecting or receiving dishes and all similar devices, along with supporting structures, which are used in transmitting and receiving electromagnetic waves for radios, telephones, televisions, and data transmission and reception.

APARTMENT: A dwelling unit located in a multiple family structure for occupancy by one family only, either rented or leased to the occupants. The occupant may not own an apartment.

ARTERIAL STREET/HIGHWAY: See *Street*.

ASSISTED LIVING FACILITY (PERSONAL CARE HOME): A living facility of residential design and situation that provides a homelike environment and supportive services for not more than eight unrelated individuals for a fee. Included are living and sleeping accommodations, meal preparation, housekeeping, laundry, recreation, social, counseling and transportation services. Also, personal care services responsive to the individual requirements of those who request or need help with activities of daily living and instrumental activities of daily living are provided on a 24-hour per day basis to meet scheduled and unscheduled individual needs. Assisted living facilities provide a sheltered environment of dignity and independence for each resident. Assisted living facilities are operated subject to state regulations. Conformance with these regulations is a condition of operating within Hinds County. An assisted living facility is a residential use.

BAR: Any premises wherein the primary activity is the retail sale of alcoholic beverages for on-site consumption. A bar is a commercial use.

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

BED AND BREAKFAST INN: A residence or portion thereof, whether historic, existing or newly constructed, where short-term lodging and meals are provided to paying guests. The owner or manager resides on the property and oversees its day-to-day operation. Additional on-site parking for one vehicle per bedroom must be provided. A bed and breakfast inn is a residential use.

BILLBOARD: A sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located. A billboard is a highway commercial use.

BOARDING OR ROOMING HOUSE: Any dwelling in which more than three persons, but not more than twelve persons, either individually or as families, are housed or lodged for compensation and by pre arrangement for definite periods, with or without meals. Additional on-site parking for one vehicle per bedroom must be provided. A boarding or rooming house is a residential use.

BORROW PIT: Any place or premises where dirt, soil, sand, gravel, minerals or other materials are removed below the grade of surrounding land for any purpose other than that necessary and incidental to site grading or building construction on the property.

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

BUILDABLE AREA, MAXIMUM: That portion of a lot remaining after required yards have been provided.

BUILDING: Any enclosed structure built for the housing shelter, or enclosure for persons, animal, or chattel. The term *building* shall be construed as if followed by the words or part thereof.

BUILDING COVERAGE: The area of a site covered by buildings or roofed areas, including projecting eaves, balconies and similar structural features as determined by dividing their sum by the total lot area.

BUILDING HEIGHT: The vertical distance measured from the average elevation of finished grade within twenty feet of the structure to the highest point.

BUILDING PERMIT: A permit issued by the Director of Permit and Zoning authorizing the construction, placement or structural alteration of a specific building on a specific lot.

BUILDING, PORTABLE: Any building that is portable in nature, without any wheels, and built on a chassis or frame designed and constructed to be used without a permanent foundation. Building permits are required prior to the placement of such buildings on any lot.

BUILDING, PRINCIPAL: A building in which is conducted the main or primary use of the lot on which said building is situated.

BUILDING SETBACK LINE: The minimum distance, as prescribed by this Ordinance, between the property line of a lot or a parcel of land and any point on a building or structure related thereto, exclusive of those architectural features permitted to extend thereunto.

BUILDING, STRUCTURAL ALTERATION OF: Any change or rearrangement in the supporting members, including bearing walls, beams, columns, or girders of a building.

BUILDING WIDTH: Width of the building site left after the required yards have been provided.

CAR WASH: An area of land and/or a structure with machine or hand-operated facilities used principally for the cleaning, washing, or polishing of motor vehicles. A carwash is a commercial use.

CANOPY: A roof-like cover which can be attached to the main building or separated from the main building providing a sheltered place for parking a vehicle and for entering and alighting from said vehicle.

CARPORT: A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three sides.

CEMETERY: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

CERTIFICATE OF OCCUPANCY: A certificate issued by the Director of Permit and Zoning to ensure that new or altered buildings or structures are in conformance with the provisions of the Zoning Ordinance and any other Federal, State and County laws and to have a record on the point.

CENTERLINE OF STREET: That line surveyed and monumented by the County shall be the centerline of the street; or, if such centerline has not been surveyed, it shall be that line running midway between the outside curbs or ditches of such street.

CHANGE OF USE: An alteration or exchange from a previous use of land, buildings, or structures to another use of land, building, or structures.

CHILD CARE FACILITY: See *Day Care*.

CHURCH OR PLACE OF RELIGIOUS WORSHIP: An 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 are held. *Church* also includes all related facilities, including but not limited to chapels, schools, day care and after-school care facilities, meeting rooms, sports facilities, reception halls, offices, playgrounds, parking lots, and housing for ministers and staff of the facilities.

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

COLLECTOR STREET: See *Street*.

COMMERCIAL ESTABLISHMENT: Any place of business activity engaged in the sale of goods or services.

COMMERCIAL USE: Those uses of land and structures that involve the sale of goods and provision of services for which payment is made by the purchasers or recipients. An occupation, employment or enterprise which is carried on for a profit.

CONDITIONAL USE: A land use which would not generally be appropriate in a particular zoning District, but which, with certain restrictions or conditions, would in the judgement of the Board of Supervisors promote the public health, safety, morale, or general welfare of the County and would not adversely affect or be detrimental to public health, safety or general welfare or adjacent properties. A permit (building permit or change of use permit) granted by the Board of Supervisors on a renewal basis for the initiation of a conditional use (with the necessary restrictions included) will not change the zoning of the property involved and will allow such use to continue as long as the specific use granted by the conditional use remains the same. Also referred to as a *Special Exemption*.

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

CONFORMING USE: Any lawful use of a building or lot, which complies with the provisions of the Zoning Ordinance.

CONVALESCENT HOME (REST HOME OR NURSING HOME): Those health facilities where persons are housed and furnished with meals and continuing nursing services for a fee.

CONVENIENCE GOODS: Those retail products and services that are needed immediately and frequently and are, therefore, purchased where it is most convenient for the shopper. The shopper usually finds it most convenient to buy such goods near home, work, or near a temporary residence when traveling.

CONVENIENCE STORE: A store of less than 5,000 square feet of retail sales area, not counting storage, which deals in grocery and other items of a convenience nature. Also, commonly referred to as a “drive-in” grocery store.

COUNTRY CLUB: A land area and buildings containing recreational facilities, clubhouse and the usual accessory uses, open only to members and their guests for a membership fee. Country clubs are regulated as public/quasi-public facilities and are subject to the provisions of Section 414 of this Ordinance.

COUNTY: Hinds County, Mississippi.

COVERAGE: That part of a lot covered by buildings.

CUL-DE-SAC (Court or Dead End Street): A short street having one end open to traffic and being permanently terminated by a vehicle turnaround.

DAY CARE: A facility and enterprise wherein care, protection, and supervision services are provided for a fee to designated populations, i.e. preschool children, afterschool children, disabled individuals or elderly persons under public, private or institutional sponsorship subject to applicable state imposed licensure and regulation.

Three classes of day care facilities that are permitted in the County are:

- (a) Family Home Care: A private residence that can accommodate no more than 6 persons at a time at least two days per week.
- (b) Small Group Care: An appropriately designed facility capable of accommodating up to 12 persons at a time on a regular schedule at least two days per week.
- (c) Large Group Care Center: A building or buildings wherein over 12 persons are accommodated on a regular schedule at least two days per week.

DEAD END STREET: Any local street other than a cul-de-sac that has only one outlet.

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

DETAIL SHOP: See *Carwash*

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

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

DEVELOPMENT PLAN: A drawing or set of drawings depicting the ultimate layout and proposed land uses for a large tract of land, usually involving varying lot sizes and/or different proposed land uses. A development plan of a subdivision may be considered the “sketch plat” if a subdivision is to be constructed in phases. A development plan is sometimes referred to as a “master plan”; however, since

the Comprehensive Plan for the County may also be called a “Master Plan”, the term “Master Plan” is not used in this Ordinance.

DIMENSIONAL VARIANCE: See *Variance*.

DISTRICT: Any section or sections of Hinds County 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. Refer to Zoning District.

DRAINAGE CHANNEL: A watercourse with a definite bed and banks that conduct and confine the normal continuous and intermittent flow of water.

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

DRIVE-IN RESTAURANT: See *Restaurant, Drive In*.

DUMP: See *Sanitary Landfill*.

DWELLING: Any building, or portion thereof, exclusive of manufactured homes as defined herein, which is designed and used for human habitation.

DWELLING, MULTIPLE FAMILY: A detached or semi-detached building or portion thereof used or designed and intended as a residence for two or more households living independently of each other, in separate dwelling units therein, including apartment houses, apartment hotels, apartment cooperatives, bungalow courts, flats and grouphouses.

DWELLING, SINGLE FAMILY: A detached house or building designed and intended for or occupied exclusively by one household and having no party wall or walls in common with an adjacent house or houses, building or buildings.

DWELLING, TWO-FAMILY (DUPLEX): A detached residential building designed to be occupied by two families living independently of each other.

DWELLING UNIT: One room or rooms connected together which constitute a separate, independent housekeeping establishment for owner, rental or leased occupancy on a weekly, monthly or longer basis; physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent kitchen, bathroom and sleeping spaces.

DWELLING, ZERO LOT LINE: A detached single-family dwelling that is located on a lot in such a manner that one or more of the buildings sides rests directly on a lot line. Also called a “patio house or home”.

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

EASEMENT (RECORDED): Exclusive right of ingress and egress reserved for the use of the owner of the subject tract or parcel as recorded by written instrument in the Office of the Chancery Clerk of Hinds County. The subject easement shall not be owned jointly nor shall additional rights of easement be assigned.

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

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

- (a) Churches and other religious institutions.
- (b) Schools, including all private, public or parochial schools, excluding institutions of higher learning that shall be zoned "Special Use" Districts only.
- (c) All governmental buildings (including municipal buildings and buildings erected by County, State or Federal governments) and major governmental facilities, such as water pumping stations, sewage treatment plants, sanitary landfills and the like.
- (d) All hospitals, whether public or private.
- (e) Convalescent or nursing homes.
- (f) Civic organization buildings and major facilities.
- (g) Buildings and facilities erected by charitable organizations (e.g. American Red Cross, Salvation Army, emergency measure, they shall be exempt from the Special Exception provisions of this Ordinance, including sit plan review and public hearing requirements).
- (h) Country clubs and other major recreational facilities constructed by private groups.
- (i) Cemeteries
- (j) Major facilities associated with privately-owned utilities (electrical, natural gas, telephone) including but not limited to electrical substations, telephone communications centers, natural gas pumping facilities and similar significant uses.

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

FAMILY MEMBER: Persons who are related by blood, marriage or court order.

FARM: An area of land of more than 10 acres which is used for agricultural activities as herein defined. The term "farming" includes the operating of such an area for agricultural use with the necessary accessory uses for treating or storing the produce, provided, however, that the operation of such accessory uses shall be secondary to that of the normal farming activities, and provide further, that farming does not include 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 on farms of less than 40 acres. All agricultural buildings conforming to this regulation are exempt from permit fees other than electrical inspection permit and fees.

FENCE: Any structural device forming a physical barrier which is so constructed that not less than 50% of the vertical surface is open to permit the transmission of light, air and vision through said surface in a horizontal plane; said fencing may include brick, wood, wire, mesh, chain link, louvered, stake and similar materials.

FLEA MARKET: An occasional or periodic sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage sales.

FLOODPLAIN: Floodplain or flood-prone area means any land area susceptible to being inundated by surface water from any source. A floodplain is that area identified as *Zone A* on the latest available Flood Insurance Rate Map published by FEMA (Federal Emergency Management Agency).

FLOODWAY: The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point. A floodway is that area identified as a floodway, including the elevations thereof, shown on the latest available Floodway and Flood Boundary map published by FEMA.

FLOODWAY FRINGE: All that land in a floodplain not lying within a delineated floodway as shown on the latest available Floodway, Flood Boundary and Floodway map published by FEMA. Land within a floodway fringe is subject to inundation by relatively low velocity flows and shallow water depths.

FLOOR AREA: Whenever the term *floor area* is used in this Ordinance as a basis for requiring offstreet parking for any structure, it shall be assumed that, unless otherwise stated, said floor area not only applies to the *ground floor area* but also to *any additional stories or basement* within said structure intended for beneficial occupancy and use.

FOUNDATION: The base upon which a structure is constructed or stands; that part of a building that permanently attaches it to its site. Properly engineered permanent foundations, which are required for every habitable structure, shall be waterproofed and must conform to the design and construction standards of the Southern Standard Code. Commonly used foundations for residential use include monolithic slabs, masonry wall and piers, piers and beams, and pilings. Professionally engineered foundation systems for specific buildings may be designed by a registered professional engineer. Site adaptations of standard foundations may be used.

FOUNDATION, ENGINEERED: Designed to meet clearly-stated design parameters based on the size, weight, and other characteristics of the structure to be supported and affixed to the site, taking into consideration its environmental setting and natural characteristics; capable of permanently supporting the structure and affixing it to the site under both normal loading and typical weather-stressed conditions.

FRONT: The side of a lot bordering on a street right-of-way except corner lots or other double-frontage lots, in which case both sides bordering the streets are the front yard for purposes of the setback requirement. For purposes other than the setback requirements, the owner of the lot must designate in his application for a building permit which side of a lot bordering a street is the front.

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

FUNERAL HOME (OR MORTUARY): A building or part thereof used for human funeral services. The building may contain space and facilities for:

- (a) Embalming and the performance of other services used in preparing the dead for burial;
- (b) The performance of autopsies and other surgical procedures;
- (c) The storage of caskets, funeral urns, and other related funeral supplies; and
- (d) The storage of funeral vehicles.
- (e) A funeral chapel is permitted as a part of the funeral home.

The building shall not contain facilities for cremation. A funeral home is a commercial use.

FUTURE LAND USE PLAN: One of the elements of a Comprehensive Plan. The Land Use Plan indicated the allocation of space within Hinds County for future land use based upon projections of land use needs for various types of activities, including housing, commercial enterprises, industry and community facilities.

GARAGE, APARTMENT: A dwelling unit erected above a private garage. A garage apartment is an ancillary residential use.

GARAGE, AUTOMOTIVE REPAIR: A building or portion thereof, other than a private storage garage, designed or used for the storage, care, repair, refinishing, glass replacement, and/or upholstery of motor vehicles, including minor and major mechanical overhauling, paint, body work, and interior refinishing. A public garage or automotive repair facility is a commercial use.

GARGAGE, PRIVATE: The term “garage” shall mean a private garage, which is a fully enclosed portion of a main building of a fully enclosed accessory building (i.e. detached from the main building) and used primarily for the storage of privately owned automobiles. The term includes *carport*. A private garage serving a residential unit on the same lot or parcel is an accessory residential use.

GARAGE, STORAGE: A building or portion thereof, other than a private garage, used exclusively for the parking or storage of motor-driven vehicles, with no other facilities provided, except for washing.

GASOLINE SERVICE STATION: Any area of land, including the structures thereon, that is used for the retail sale of gasoline, diesel fuel, oil or automobile accessories and incidental services including facilities for lubrication, washing (either automatic or by hand) and cleaning, or otherwise servicing automobiles and light trucks. This term does not include the painting or major repair of vehicles.

GRADE OR GRADE LEVEL: The finished elevation of land after completion of site preparations for construction.

GRADE, FINISHED: The completed surfaces of lawns, walks and roads, brought to grades as shown on official plans or designs relating thereto.

GROUND ANCHOR: Any device to which tie-downs (see definition under this section) are attached for the purpose of securing a manufactured home or portable building to the ground.

GROUP HOME: A dwelling shared by four or more handicapped persons and including resident staff who live as a single housekeeping unit in a long-term, family-like environment in which the staff provides care, education, and participation in community activities for the residents with the primary goal of enabling the resident to live as independently as possible. As used herein, *handicapped* shall mean having: *a physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently; a record of having such an impairment; or being regarded as having such an impairment.* However, *handicapped* shall not be interpreted as the current illegal use of or an addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term *group home for the handicapped* shall not include alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration. A group home is a residential use.

HALFWAY HOUSE: A licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial containment, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society.

HARDSHIP: Any proven medical hardship condition where the use of a manufactured home on residential property is required.

HAZARDOUS SUBSTANCES: Any substance or material that, by reason of toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

HEALTH CLUB: Health club means but is not limited to *interior spaces designed and used for physical exercise and sports.* Included are private athletic clubs or recreational clubs, fitness centers, exercise rooms, locker rooms, sauna and whirlpool facilities, weight control establishments, and pro shops. Facilities may include weight training facilities, gymnasiums, ball courts, and swimming facilities. A health club is a commercial use.

HISTORIC DISTRICT: An area containing buildings or places in which historic events occurred or having special public value because of notable features relating to the cultural or artistic heritage of the community and having such significance as to warrant conservation and preservation.

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

HOME OCCUPATION: Any use conducted entirely within a dwelling and carried on by the inhabitants thereof which is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof or adversely affect the use permitted in the residential District and requires no additional parking space; where no persons are employed other than residents and domestic help, where no electrical or mechanical equipment is used other than that of a design accommodating the residence.

HOSPITAL: A public or quasi-public institution where sick or injured persons are given medical care and in the course of same are housed overnight, fed and provided nursing and related services. Accredited by the American Hospital Association and licensed by the State of Mississippi.

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

HOTEL OR MOTEL: A building or buildings where lodging, food and various personal services are provided for more than twelve persons, who are usually but not always transients, for compensation. Hotels or motels shall be considered "Major Thoroughfare Commercial" (G-3) uses rather than residential uses or low intensity commercial uses.

HOUSEHOLD PET: An animal that is customarily kept for personal enjoyment in the home. These pets shall include but not be limited to dogs, domestic cats, domestic tropical birds, and rodents.

HOUSING FOR THE ELDERLY: Individual dwelling units in a complex setting designed for occupancy by elderly and disabled persons with or without additional convalescent or nursing services. Development density shall not exceed that permitted in the R4 District. Housing for the elderly is a residential use.

IMPERVIOUS SURFACE: A material that substantially reduces or prevents the infiltration of storm water into undeveloped land, including graveled driveways and parking areas or a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, lime rock or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

INDUSTRIAL PARK: A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

INDUSTRY: The processing or fabrication of products or raw materials within a building; those industries whose processing operations result in the outdoor storage or processing of materials or products, the emission of any atmospheric pollution, visible light flashes or glare, odors, noise or vibration which may be heard or felt off the premises, or those industries which constitute a fire or explosion hazard.

INDUSTRY, HEAVY: A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials; a use engaged in storage of flammable or explosive materials; or a use engaged in a manufacturing process that involves hazardous or commonly recognized offensive conditions; uses which have extensive space requirements. Heavy industry may take place in an enclosed work space, in specially designed and constructed facilities, or in an outdoor work area.

INDUSTRY, LIMITED (LIGHT): Those industrial uses including manufacturing activities conducted wholly within completely enclosed building (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 that require the discharge of by-products or processed wastewater through the sewer system. Such industrial uses shall be permitted as a conditional use only in the Heavy Industrial Districts (I-2).

INTERNAL BUILDING SPACE: The required minimum space between principal or accessory buildings on the same lot.

JUNK: Dilapidated, scrap or abandoned paper, rags, tires, building material and equipment, glass, appliances, furniture, bedding, motor vehicles and parts; also used machinery, scrap, iron, steel, other ferrous and nonferrous metals, tools, implements or portions thereof, plastic, cordage, or other waste that has been abandoned from its original use and may be used again in its present form or in a new manner.

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

KENNEL: A facility where four (4) 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 Conditional Use Permit shall be required in the residential areas to operate a kennel. All commercial kennels in the Agricultural Zoned areas shall require a Conditional Use Permit as well.

LANDFILL: A disposal site for refuse employing an engineering method in which refuse and earth or other suitable cover materials are deposited in alternate layers of specified depth in accordance with a definite plan on a specific portion of open land, with each layer being compacted by force applied by mechanical equipment, and subject to a long-range management and use plan.

LANDSCAPING: The addition of lawns, trees, plants, and other natural or decorative features to land. Landscape treatment can include walks and patios.

LAND USE PLAN: See *Future Land Use Plan*.

LAUNDRY, SELF-SERVICE: A business that provides individual laundry and dry-cleaning equipment for use on the premises for a fee.

LOADING SPACE: An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials and which abuts on a street, alley or other appropriate means of access.

LOCAL STREET: A street designed primarily to provide access to abutting properties and a route of access to collector and arterial streets.

LOT: A parcel of land at least sufficient in 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 Hinds County, Mississippi*. Such lot shall have frontage on an improved public (dedicated) street or on a private drive or parking lot specifically approved by the Board of Supervisors through the subdivision plat review

process prescribed herein or through the Site Plan review process required by the *Zoning Ordinance* for multifamily dwellings and other developments. A lot may consist of:

- (a) A single lot of record
- (b) A portion of a lot of record
- (c) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.
- (d) A parcel of land described by metes and bounds.

Provided that in case of divisions or combination, no lot or parcel shall be created which does not meet the requirements of the *Zoning Ordinance*.

(Note: *Lots* shown on a subdivision plat may be combinations of lots of record; lots do not become *lots of record* until a final plat is approved and the final plat is recorded in the Office of the Chancery Clerk of Hinds County.)

LOT AREA: The total horizontal surface area included within the boundary lines of a lot.

LOT, CORNER: A lot fronting on and at the intersection of two or more streets.

LOT COVERAGE: That percentage of the total horizontal surface of a lot which is covered by enclosed or covered structures.

LOT DEPTH: The distance from the street right-of-way line to the rear lot line, measured along the side lines of the lot.

LOT, DOUBLE FRONTAGE: A lot which runs through a block from street to street (i.e. has frontage on more than one street); double frontage lots are also called "through lots".

LOT, FRONTAGE: The front of a lot shall be construed to be that dimension of a lot abutting on a street. For the purpose of determining yard requirements on corner lots or double frontage lots, all sides of such lots abutting on public streets shall be considered lot frontage, and yards shall be provided as indicated in this Ordinance.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE, FRONT: In the case of an interior lot, the line separating said lot from the street. In the case of a corner or double frontage lot, the line separating said lot from the street that the dwelling will face, to be determined from the request for a building permit.

LOT LINE, REAR: The lot boundary 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 LINE, SIDE: The side lot line is the property boundary line between the front and rear lot lines.

LOT LINES: The lines bounding a lot as defined herein.

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 Hinds 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. *Buildable width* shall be the width of lot left to be built upon after the required yards are provided.

LOW-RISE APARTMENTS: A multiple dwelling not more than three stories in height, which is the maximum height of such structures permitted within the County.

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

MANUFACTURED HOME SPACE: A plot of ground within a manufactured home park designed for and designated as (on an approved Site Plan) the location of one manufactured home, and which has water, sewer and electricity at the space.

MANUFACTURED HOME STAND OR “PAD”: The paved runners or paved parking area in each manufactured home space upon which the manufactured home is placed, together with the paved patio and paved off-street vehicular parking area.

MANUFACTURED HOME SUBDIVISION: An area, tract, site or plot of land of at least five (5) acres, which has been planned, improved and meets the requirements of this Ordinance and in which spaces or lots for manufactured homes are offered for sale and in which the purchaser receives fee simple title to the space or lot.

MANUFACTURED HOUSING UNIT: A factory built, single-family residential structure that is built under the authority of and to the specifications of the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401, et seq.); is transportable in one or more sections; is built on a permanent chassis and is designed to be used as a place of human habitation; not constructed permanently to its site but must be permanently attached to its site with a properly engineered foundation before occupancy; the method of attachment must fulfill all standards established by the State of Mississippi Rules and Regulations for Manufactured Homes; may not have a permanent hitch or other device allowing transport of the unit other than for delivery purposes to a permanent site; may not have wheels or axles permanently attached to its body or frame. This definition is intended to be inclusive of the legislative definition of *Manufactured Home* found in the Mississippi Code, which states: *Manufactured Home* means a structure defined by and constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401, et seq.) and manufactured after June 14, 1976.

MARQUEE: A roof-like structure projecting from a building and often bearing a signboard (see also *Canopy*).

MINE: see BORROW PIT

MOBILE HOME: A structure manufactured before June 15, 1976 that is not constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401, et. sec.) a structure that is transportable in one or more sections; in the traveling mode, it is 8 body feet or more in width and 32 body feet or more in length; when erected on site, it is 256 or more square feet and is built on a permanent chassis designed to be used as a dwelling, with or without a permanent foundation when connected to the required utilities; includes plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure that meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the Mississippi Insurance Commissioner and complies with standards established in the Mississippi Code. A single-family dwelling 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; arriving complete and ready for occupancy except for minor unpacking and assembly operations, location on jacks or permanent foundations, and connection to utilities. Mobile homes are considered structures for the purpose of this Ordinance when they are parked in a mobile home park. Small camp or weekend-type trailers are not mobile homes; they are deemed vehicles but not dwellings or structures.

MOBILE HOME PARK: An area, tract, site or plot of land of at least five (5) acres, which has been planned, improved and meets all requirements of this Ordinance, and in which spaces are provided on a rental or lease basis only for owner-occupied homes or in which both the space and the mobile home are offered to the public on a rental or lease basis only.

MOTEL: A building or group of buildings which consist of individual sleeping quarters for the accommodation of guests, so designed that hard-surface parking on the same building site is conveniently accessible from the individual units without having to pass through any lobby or interior court. This definition does not include accommodations for mobile homes. A motel is a commercial use rather than a residential use.

MULTIPLE FAMILY DWELLING: See *Dwelling, Multiple Family*.

NEIGHBORHOOD SHOPPING CENTER: The neighborhood shopping center provides for the sale of convenience goods and personal services, which are those that meet the daily needs of an immediate neighborhood trade area.

A supermarket is the principal anchor tenant in the neighborhood shopping center, along with a drugstore and a small variety store. Geographical convenience is the most important factor determining the shopper's choice of neighborhood shopping center. Neighborhood shopping centers also contain merchants who offer a combination of shopping goods, personal and professional services, specialty goods and convenience goods.

The neighborhood shopping center has a typical gross leaseable area of about 50,000 square feet in which to perform the functions ascribed to it; however, it may range from 30,000 to 100,000 square feet. Its site area requires from three to 10 acres. The center normally serves a trade area population of 3,000 to 40,000 people within a five to 10-minute drive. It has a parking index of approximately four spaces per 1,000 square feet of space gross leaseable area.

NIGHTCLUB: A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing is permitted or entertainment is provided.

NONCONFORMITIES: Any land, lot, building, structure or part 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.

NON-CONFORMING BUILDING: Any building that does not conform to regulations in terms of size and location on the lot for the District in which said building is located or for the use classification for which the building is being used.

NON-CONFORMING LOT: A lot which lawfully existed prior to the adoption, revision, or amendment of this Ordinance but which fails by reason of such adoption, revision or amendment to conform to lot size and dimensional standards for the District in which it is located.

NON-CONFORMING USE: A use of land which does not conform to the regulations of the District or zone in which it is located but which did comply with applicable regulations at the time the use was established. A situation which occurs when property is used for a purpose or in a manner made unlawful by use regulations of the zoning District in which it is located. This is a result of application of zoning regulations to property in use at the time of the adoption or amendment of the Ordinance. A non-conforming use is not a principal, accessory or conditional use in the zone in which it is located and is not otherwise permitted by the Zoning Ordinance.

NURSERY, HORTICULTURAL: Commercial uses in which flowers and plants are cultivated for retail sale and related products are offered for retail sale.

NURSING OR CONVALESCENT HOME: Any facility in which aged, chronically ill, invalid, disabled or incurable persons are housed and furnished with meals and nursing care for compensation; a nursing home is a commercial use.

OFFICE: A building or portion of a building utilized for the conduct of business wherein services are performed involving predominantly administrative, professional or clerical operations; an office building can accommodate either single tenant or multi-tenant occupancy and must provide sufficient off-street parking on site consistent with standards established in this Ordinance for employees, customers, clients and guests.

OFFICE PARK: A tract of land which has been planned, developed and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention given to circulation, parking, utility needs, aesthetics, and use compatibility.

OPEN SPACE: An unoccupied space open to the sky on the same lot with a building; which is reserved for providing access to air and light and a means of recreation, resource protection, amenity and buffers. In no event shall any area of an improved parcel on a lot constituting the minimum lot area nor any part of an existing or future road or right-of-way be counted as constituting open space.

OPEN SPACE, COMMON: Open space within or related to a development, not in individually-owned lots or dedicated for public use, but designed and intended for the common use or enjoyment of the residents of the development as common property.

OVERLAY ZONE: Overlay zoning is generally used when there is special public interest that doesn't coincide with the traditional zoning in that geographic area. It is a mapped area with restrictions in addition to or less than those in the underlying traditional zone. Rather than attempt to create a new zoning category, an overlay zone is superimposed over the traditional area and establishes additional regulations, or reduces or extends the existing uses. While the underlying zone or zones identify permitted land uses, the overlay zone might provide design restrictions, additional setbacks, or other exceptions to the base District regulations.

Overlay Districts are used to achieve various planning objectives, such as preservation of unique characteristics or physical amenities, or management of health and safety issues. Examples of overlay zoning Districts are: natural resources, or open space preservation, historic preservation, economic development, or specific plan enablement (i.e. planned unit developments).

PARCEL: A continuous quantity of land in the possession of or owned by the same person or persons as recorded in the land records of Hinds County, Mississippi.

PARK: Any public or private land, preserved or improved, which is available for recreation, cultural, or aesthetic use.

PARKING LOT: An area not within a building where motor vehicles may be stored off street temporarily, daily, or overnight.

PARKING SPACE: An area on a lot or within a building intended for the use of temporary parking of a motor vehicle with a mean of access to a public street. The term *parking space* shall refer only to parking places not located on a public street. Each parking space shall be sufficient in size to store one full-size automobile, or 200 square feet (10 feet x 20 feet) in area for each such space, exclusive of the necessary access route and maneuvering space providing access to each parking space.

PATIO HOUSE OR PATIO HOME: See *Dwelling, Zero Lot Line*.

PEDESTRIAN WAY: A non-vehicular right-of-way, however designated, either across or within a block, intended for use by pedestrian traffic.

PERSONAL CARE HOME: See *Assisted Living Facility*.

PLANNED UNIT DEVELOPMENT (PUD): Land under unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations or phases. A planned development includes principal and accessory structures and uses substantially related to the character and purposes of the planned development. A planned development is built according to general and detailed plans that include not only streets, utilities, lots and building location, and the like, but also sit plans for all buildings as are intended to be located, constructed, used and related to each other, and plans for other uses and improvements on the land as related to the buildings. A planned development includes a program for the provisions, operations, and maintenance of such areas, facilities, and improvements as will be for common use by some or all of the occupants of the planned development District, but which will not be provided, operated, or maintained at general public expense.

PLANNING COMMISSION: The duly appointed Planning Commission of Hinds County, Mississippi.

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

PLANT NURSERY: Any land used to raise trees, shrubs, flowers and other plants for sale or for transplanting. A plant nursery is a commercial use.

PLAT: A map, plan or layout of a subdivision showing the information required by the Subdivision Regulations of Hinds County, Mississippi. Three types of plats are required by the Subdivision Regulations:

- (a) Sketch Plat: Also referred to as a "development plan" When the subdivision is to be constructed in phases. A sketch plat is submitted by a subdivider prior to filing an application for approval of a preliminary plat and is intended to afford the subdivider an opportunity to secure guidance from the County Officials and the Planning Commission so as to gain understanding of what will be required of him before he has incurred great expense in preparing the more detailed preliminary plat.
- (b) Preliminary Plat: A detailed plat of a proposed subdivision which, together with the required construction plans, forms the basis upon which construction of improvements will proceed; no construction shall be initiated until both the preliminary plat and construction plans have been approved in accordance with these regulations.
- (c) Final Plat: A plat submitted by the subdivider following completion of construction of all required improvements or all improvements except the final wearing surfaces of streets (in which case the final plat must be accompanied by a performance bond); following approval of the final plat by the Board of Supervisors, the subdivider is responsible for having the plat recorded in the office of the Chancery Clerk of Hinds County, Mississippi.

PORTABLE BUILDING: See *Building, Portable*.

PRINCIPAL BUILDING: A building in which the primary use of the lot on which the building is located is conducted.

PRINCIPAL USE: The specific primary purpose for which land or a building is intended to be used.

PRINT SHOP: A retail establishment that provides duplicating services using photocopy, blueprint, and offset printing equipment and includes collating services, facsimile, transfer and shipping services.

PRIVATE DRIVE: A right-of-way which has the characteristics of a street, as defined herein, except that it is not dedicated for public use. A driveway located on a lot which serves only that lot is not considered a public drive.

PROPERTY: Real estate, real property, land and improvements thereon.

PROPERTY LINE: The legal boundary line separating buildings or tracts in different ownership.

PUBLIC BODY: Any government or governmental agency of the United States, State of Mississippi, Hinds County or functional subsidiary thereof.

PUBLIC BUILDING: A building owned or used by any public body.

PUBLIC USE: Includes public parks and recreation, schools and other educational public assembly or cultural facilities, libraries, hospitals, public safety and service facilities, and other public offices or administrative facilities.

PUBLIC/QUASI-PUBLIC FACILITIES AND UTILITIES: See *Facilities and Utilities, Public/Quasi Public*.

PUBLIC UTILITY: The organization, whether public, certificated, or franchised, which provides water, sewer, electricity, natural gas, telecommunications, or cable television services; also, the infrastructure by which such organizations effect delivery to their customers.

RECLAMATION PLAN: A regulatory document used to ensure that operators of mining sites will restore their sites to productive use through an orderly schedule of steps. The reclamation plan shall consist of a combination of graphic representation and written text of sufficient detail as determined by the Hinds County Board of Supervisors. It shall include but not be limited to the following elements:

- (a) Initial condition of mining site;
- (b) Phasing of operations and reclamation steps;
- (c) Methods and processes of reclamation;
- (d) Final condition of site;
- (e) Relation of final site condition to adjoining forms and drainage features; and
- (f) Plans for posting of bond and insurance based on size of the mining operation.

RECREATIONAL FACILITIES: Public, quasi-public or private land and improvements designed, maintained, operated, and used for recreational pursuits, including but not limited to gymnasiums, sports fields, parks and playgrounds, rodeo arenas, walking, hiking and bicycle trails, golf courses, racquet court facilities, swimming pools, and other similar facilities.

RECREATIONAL VEHICLE: See *Travel Trailer*.

RECREATIONAL VEHICLE PARK: Any lot or parcel upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public for a fee as temporary living quarters for recreation or vacation purposes, along with customary services and recreational facilities. A recreational vehicle park is a commercial use.

RECYCLING PLANT: A facility in which recoverable resources, such as newspapers, magazines, books and other paper products, cloth, glass, metal cans and other products are recycled, reprocessed, and treated to return such products to a condition in which they may be reused for production.

RESEARCH LABORATORY: A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. A research laboratory is a commercial use.

RESORT: A hotel or motel and related ancillary activities, that serves as a destination point for visitors, providing recreational facilities for vacationers; self-contained and providing personal services customarily furnished at hotels, including the serving of meals. Buildings and structures in a resort should complement the scenic qualities of the area in which the resort is located. A resort is a commercial use.

REST HOME: See *Convalescent Home*.

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

RESTAURANT, DRIVE-IN: A retail outlet where food or beverages are sold to a substantial extent for consumption by customers either on or off the premises. A drive-in restaurant is a commercial use.

RESTAURANT, FAST FOOD: An establishment that offers hot and cold foods, frozen desserts and beverages in disposable containers in a quick service environment; accomplished by a limited menu of prepared food items or food that is fried, grilled or heated in a microwave oven; orders not generally taken at the customer's table or through a drive-through facility. A fast-food restaurant is a commercial use.

RIGHT-OF-WAY: A continuous strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

RIGHT-OF-WAY LINE: The boundary line between a railroad or a street or abutting property.

ROOMING HOUSE: A building where lodging only is provided for compensation to three or more, but not exceeding twelve persons. A building which has accommodations for more than twelve persons shall be defined as a *Hotel* or *Motel* under the terms of this Ordinance. A rooming house is a residential use.

SATELLITE DISH ANTENNA: A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia; to be used to transmit and/or receive radio or electromagnetic waves between terrestrial and/or orbital-based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVRO's (television reception only satellite dish antennas) and satellite microwave antennas.

SCHOOL: The term *school* as used in this Ordinance include public, private, and parochial institutions of learning and shall include "trade or industrial schools" (i.e., those schools offering training to students in skills required for the practice of trades and industry).

SCREENING: A device or materials used to conceal one element of a development from other elements or from adjacent or contiguous developments or roadways. Screening may include one or a combination of the following materials of sufficient mass to be opaque or that shall become opaque after 12 months and which shall be maintained in an opaque condition: walls, fences, berms or plantings.

SELF-SERVICE STORAGE FACILITY: A building or group of buildings in a secure, fenced and controlled-access compound containing various sizes of fully-enclosed individual, compartmentalized, and controlled-access stalls or lockers for the storage of customers' goods. A selfservice storage facility is a commercial use.

SERVICE STATION: Premises where gasoline and other petroleum products are sold and light maintenance activities such as oil changes, engine tuneups, lubrication, minor repairs, carburetor cleaning, car washing and waxing are conducted; shall not include premises where heavy automobile repair and maintenance activities such as engine overhauls, auto painting, and body work are conducted. A service station is a commercial use.

SETBACK: The required minimum horizontal distance between the lot or parcel line and the nearest front, side, or rear line of the building, including terraces or any covered projections thereof, including steps.

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

SHELL HOME: A predesigned, precut, modular or premanufactured residential structure of any brand or type designed and used as a place of human habitation, the components of which are delivered to the site and assembled to varying levels of completion. Before occupancy, a shell home must be permanently attached to its site with an engineered foundation; must have plumbing, electrical and mechanical systems installed that conform to building code requirements; must be connected to all utilities; and must have an imperviously-surfaced driveway and on-site parking space within the required setback area for two motor vehicles. A shell home is a residential use.

SHOPPING CENTER: A group of architecturally unified commercial establishments built on a site that is planned, developed, owned, and managed as an operating unit related by its location, size, and type of shops to the trade area that it serves. A shopping center must provide onsite parking in definite relationship to the types and total size of the stores. A shopping center is a commercial use.

SHOPPING GOODS: Those retail products and services on which shoppers spend the most effort and for which they have the greatest desire to do comparison shopping. The trade area for shopping goods tends to be governed by competitive comparison-shopping; therefore, its size will be affected by the availability of such goods.

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 Director of Permit and Zoning; in the case of buildings (as opposed to other types of "structures"), the street which the building faces shall be determined by the principal entrance to the building.

SIGN: Any letter, work, figure, numeral, design, symbol, trademark, flag, pennant, banner, insignia (except for the flag, pennant, banner, or insignia of any nation, state, city, or other political unit displayed by any person) light, display, or other device mounted or otherwise placed and intended to be visible from outdoors, which, whether singly or in any combination is used to direct, identify, inform, persuade, advertise, protect from harm, or for any other reason attract the attention of the public while viewing same from outdoors. In cases where material is displayed in a random or unconnected manner without organized relationship of the components, or where there is reasonable doubt as to the intended relationship of such components, each component or element shall be considered to be a single sign. A projecting or ground sign with sign surface on both sides of such sign shall be construed as a single sign, and the total area of such sign shall be the area computed on a single surface.

SIGN, BUSINESS: An attached or free-standing structure on which is announced the name of the business, the use of the premises and/or the name of the operator of the business.

SIGN, GROUND: A sign which is supported by structures or supports in, or upon, the ground and independent of support from any building.

SIGN, OUTDOOR ADVERTISING: Signs erected and maintained by an advertising business, or service in the form of a ground, wall or roof sign upon which advertising matter may be displayed, generally advertising goods and services not sold or available on the premises on which the sign is leased for the display of advertising material.

SIGN, TRAILER: Any sign mounted on a wheeled vehicle which uses a temporary power source, if illuminated. Trailer signs are not permitted within Hinds County.

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

SITE PLAN REVIEW: The process specified under Section 2408 of this Ordinance in which Site Plans for certain proposed developments and/or Site Plans (when required by the Director of Permit and Zoning in coordination with other County officials) accompanying applications for dimensional variance, conditional use, and rezoning are reviewed by County officials, the Planning Commission and the Board of Supervisors for conformance with this Ordinance and other applicable laws and codes, and to determine what other special restrictions (if any) need to be applied if the Site Plan and application are approved by the Board of Supervisors.

SPECIAL EXCEPTION: A special exception is a use that would not be appropriate generally throughout a zoning District but which, if controlled as to number, area, location or relation to existing and permitted land-use in a zoning District, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare, and, therefore, would be permitted. See also *Conditional Use*.

SPECIALTY GOODS: Those retail products and services that shoppers will take more care and spend more effort to purchase; such merchandise has no clear trade area.

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.

STABLE: A building where horses or other animals are kept for private or commercial purposes. A private stable may be located in an agricultural District, may be an accessory use in a residential District, or must be in a commercial District if available for a fee or for hire or sale.

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

STREET: a publicly-owned thoroughfare which affords the principal means of access to abutting property; such thoroughfares are dedicated by a property owner for public use, accepted by the responsible political entity in which the street is located and is so dedicated, and recorded in the Office of the Hinds County Chancery Clerk. Each street within Hinds County is classified in the adopted Transportation Plan Element of the Hinds County Comprehensive Plan. The five functional classifications of streets and highways are:

- (a) **Interstate Highways:** The National System of Interstate and Defense Highways (Federal Aid Interstate System), consisting of highways which are of highest importance to traffic by connecting, as direct by as practical, principal metropolitan areas and cities. These routes are fully controlled access and are four or more lanes divided; they are limited to those designated by the Mississippi State Highway Department in conjunction with the Federal Highway Administration.
- (b) **Principal Arterial (or Primary Arterial) Street or Highway:** A street or highway intended to move traffic as efficiently and expeditiously as possible between major centers of activity not only within Hinds County but the surrounding urban area; the function of providing service to abutting land uses is subordinate to the provision of travel service to major traffic movements. These streets and highways are the highest traffic volume corridors and serve the longest trip desires.

- (c) Minor Arterial (or "Secondary Arterial") Street: A street which interconnects with and augments the principal arterial street and highway system. The minor arterial street system contains facilities that place more emphasis on land access than principal arterial streets and highways and provides a lower level of traffic mobility. These arterial streets primarily serve intra-County travel desires rather than connecting the County with the surrounding area.
- (d) Collector Street: A street intended to provide both land access and traffic circulation within residential neighborhoods, commercial and industrial areas. A collector street collects traffic from local street and channels it to principal and minor arterial streets and highways.
- (e) Local Street: A street intended to provide access to abutting land and access to collector streets and arterial streets and highways. A local street provides the lowest level of mobility and service to through and the highest level of land access. Through traffic movement is usually deliberately discouraged.

STREET RIGHT-OF-WAY LINE: The legal property boundary line delineating the street right-of-way and the abutting property.

STRIP COMMERCIAL DEVELOPMENT: Strip commercial development, as distinguished from the strip shopping center, is not a shopping center but can be a string of commercially-zoned lots developed independently or a string of interconnected or adjacent retail stores and commercial service establishments on a single site where there is no anchor tenant and no central management, and where tenant mix results from leasing primarily to available tenants with good credit, not from planning and executing more sophisticated leasing programs.

STRUCTURE: Anything constructed or erected, which is permanently attached to the ground, or which is attached to something having more or less permanent location on the ground, including but not limited to conventional buildings including homes, shell homes, manufactured homes, and mobile homes. Structures shall not include *Transient Trailers* (Travel Trailers) as defined herein. The term *structure* shall be construed as if followed by the words "or part thereof".

STRUCTURAL ALTERATION OF A BUILDING: *See Building, Structural Alteration of.*

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

SUBDIVISION: 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 by means of an appropriately recorded legal document.

SUBDIVISION (FAMILY): A tract or parcel of real property within the unincorporated portions of Hinds County that has been subdivided among family members for the purpose of establishing individual lots for building development.

SUBDIVISION REGULATIONS: The adopted Subdivision Regulations of Hinds County, Mississippi.

TEMPORARY USE: Any use, intended for limited duration, to be located in a zoning District not permitting such use and not continuing as a nonconforming use or building. A temporary use permit is required before a temporary use can occur; said permit shall specify the maximum duration of the use.

THEATER, MOTION PICTURE: A building or part of a building devoted primarily to the showing of motion pictures on a paid admission basis.

THEATER, DRIVE-IN: An open lot or part thereof, with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical production, on a paid admission basis, to patrons seated in automobiles or on outdoor seats.

TOWER (see ANTENNA): A structure situated on a nonresidential site that is intended for transmitting or receiving television, radio, or telephone communications including those used for public safety dispatch communications. A tower is an industrial use.

TOWNHOUSE: A single-family dwelling forming one of a group or series of two or more attached single-family dwellings separated from one another by party walls without doors, windows, or other provisions for human passage or visibility through such walls from basement or first floor to the roof. The term townhouse includes: (1) single-family dwelling constructed immediately adjacent to one another which both the dwelling and the adjacent land are individually owned by the occupants; (2) condominiums in which only the interiors of such townhouses are owned by the individual occupants and the exterior portions of the dwellings as well as the adjacent land are commonly owned by the residents will as the adjacent land are commonly owned by the residents as a group and maintained by a homeowner's association; (3) Apartments in which the townhouses are rented or leased.

TOWNHOUSE, FEE SIMPLE: A townhouse that is developed and sold as part of a townhouse subdivision, in which the occupant owns both the individual townhouse unit and the lot on which the townhouse is constructed; property lines between such fee simple townhouses extend through the center of party walls separating the individual single-family dwellings.

TOWNHOUSE SUBDIVISION: A subdivision in which the developer proposes to partition land into individual lots and construct townhouses wherein both the dwellings and the lots will be individually owned by the residents (i.e. fee-simple townhouses).

TRAILER: Any vehicle without motor power, with or without a kitchen and toilet, which is designed to be drawn by a motor vehicle, and to be used in such a manner as to permit temporary occupancy thereof as sleeping quarters, for the conduct of any business, trade or occupation, as a selling or advertising device, as a storage or conveyance of tools, equipment, or machinery and so designed that it is mounted on wheels and may be used as a conveyance on highways and streets. The term *trailer* includes the terms *camp trailer*, *motor home*, *travel trailer*, and similar terms, except when the latter falls within the definition of *mobile home*. Trailers are considered vehicles for the purpose of this Ordinance when they are used as temporary places for human habitation, offices, wash houses, or for storage. Trailers are intended for a variety of temporary uses; mobile homes are intended for full-time use as a residence.

TRANSIENT TRAILER (TRAVEL TRAILER): A portable or manufactured living unit used for temporary human occupancy away from the place or residence of the occupants. For the purposes of this Ordinance, such transient trailers shall be considered a vehicle and not a structure. The term *transient trailer* or *travel trailer* shall include pick-up truck campers, motor homes, camping trailers, and recreational vehicles.

TRANSIENT TRAILER PARK: A commercial operation where space and service accommodations for transient trailers are provided for a fee on an overnight or daily basis.

TRANSITIONAL USE: A permitted use or structure that by nature or level and scale of activity acts as a transition or buffer between two or more incompatible uses.

TRANSPORTATION PLAN ELEMENT: One of the elements of The Hinds County Comprehensive plan, developed concurrently with the Land Use Plan and the Community Facilities Plan as defined in State of Mississippi law. As used in this Ordinance, Thoroughfares Plan shall refer to a portion of the Comprehensive Plan document adopted by the Board of Supervisors as official policy for the improvement of the street and highway system within Hinds County.

TRIP GENERATION: The total number of trip ends (i.e., trips entering or leaving a land use or site) produced by a land use or activity. The most comprehensive data on trip generation is entitled *Trip Generation* prepared by the Institute of Transportation Engineers.

TRUCK TERMINAL: Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another; cannot be used for permanent or long-term accessory storage for principal land uses at other locations; facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal. A truck terminal is an industrial use.

TRUCK STOP: Any area of land, including the structures thereon, that is used for the servicing of heavy trucks (i.e., tractor-trailer combinations designed for transporting large cargoes), and which may offer food and beverages in addition to lodging. Such uses may only be located immediately adjacent to major thoroughfares in C-3, I-1, and I-2 Districts.

UNDEVELOPED LOT: A vacant lot or parcel of land.

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

USE, ACCESSORY: See, *Accessory Use*.

USABLE OPEN SPACE: That portion of a lot which is free of buildings, is not devoted to driveway and parking areas, is available and accessible to all the occupants of dwelling units on the lot and is of reasonable dimension to allow its use for active or passive recreation or other outdoor activities. Usable open space may include play lots, gardens, sun decks, courts, courtyards and open yard areas.

UTILITY: See, *Facilities and Utilities, Public/Quasi-Public*.

VARIANCE: A variance is an adjustment of the established dimensional requirements in this Ordinance, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the land's configuration and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height and size of structure, density, or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited 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 zoning District. A use variance is not permitted.

VETERINARY HOSPITAL: See *Hospital, Veterinary*.

WALL: Any structure or device forming a physical barrier which is so constructed that 50% or more of the vertical surface is closed to prevent the passage of light, air and vision through said surface in a horizontal plane; shall include concrete, concrete block, brick, wood or other materials that are solid and are so assembled as to form a solid barrier.

WAREHOUSE: A building used primarily for the storage of goods and materials. A warehouse is an industrial use.

WAREHOUSING AND DISTRIBUTION: A use engaged in storage, wholesale trade, and distribution of manufactured products, supplies and equipment, excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions. Warehousing and distribution facilities are industrial uses.

WETLANDS: Areas subject to saturation and periodic inundation; supporting aquatic plant life; as determined by appropriate federal regulations. The areas subject to saturation and periodic inundation by surface or ground water at a frequency and duration sufficient to support, and, under normal circumstances, do support a prevalence of vegetation typically adapted to life in saturated soil conditions. Wetlands may include marshes, bogs, swamps and similar areas. Development of wetland areas should be avoided, and, where unavoidable, must conform to all applicable federal and state regulations, including mitigation requirements.

YARD: A space on the same lot as the principal building, open, unoccupied and unobstructed by buildings or structures from ground to sky, except where encroachments and accessory buildings are expressly permitted.

YARD, FRONT: The required unoccupied and unobstructed space on the same lot with a main buildings, extending the full width of the lot, and situated between the front property line and the nearest exterior limits of the main building.

YARD, REAR: An open, unoccupied space, except by a possible accessory building, on the same lot as the principal building, extending the full width of the lot and situated between the rear line of the building projected to side lines of the lot.

YARD, SIDE: An open, unoccupied space on the same lot as the principal building, situated between the building and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

ZERO LOT LINE: The location of a building on a lot in such as manner that one or more of the sides of the building rests directly on a lot line. See also *dwelling, zero lot line*.

DIRECTOR OF PERMIT AND ZONING: The official (or officials) charged by the Board of Supervisors with the administration and enforcement of this Zoning Ordinance, or his duly authorized representative.

ZONING CHANGE/REZONING: The procedure to amend the official Zoning Map to change the classification of a lot or parcel of land from one Zoning District to another.

ZONING DISTRICT: See *District*.

ARTICLE III

ESTABLISHMENT OF ZONING DISTRICTS: PROVISION FOR OFFICIAL ZONING MAP

SECTION 300 - ZONING DISTRICTS

For the purpose of promoting public health, safety, morals, or general welfare, Hinds County, Mississippi, is hereby divided into the following zoning District:

"A"	Agricultural District
"R-1A"	Estate Residential District
"R-1B"	Low-Density Residential District
"R-1C"	Moderate Density Residential District
"R-2"	Medium Density Residential District
"R-3"	Medium Density Multi-Family Residential District
"R-4"	High Density Residential District
"R-5"	Manufactured Home Subdivision Residential District
"R-6"	Manufactured Home Park Residential District
"PUD"	Planned Unit Development District
"C-1"	Restricted Commercial District
"C-2"	General Commercial District
"C-3"	Major Thoroughfares Commercial District
"I-1"	Limited Industrial District
"I-2"	Heavy Industrial District
"SU"	Special Use District
"FP"	Flood Plain

In addition Overlay Districts provide for planned unit developments, patio home developments, low-density professional offices and Special Use Districts.

SECTION 301 - OFFICIAL ZONING MAP

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

301.01: Map Certified: The official Zoning maps shall be identified by the signature of the President of the Board of Supervisors, attested by the Chancery Clerk, and shall bear the seal of the County under the following words: "This is to certify that this is an Official Zoning Map of Hinds County, Mississippi as adopted by the Board of Supervisors on September 12, 1988.

301.02: Location of Official Zoning Maps: Regardless of the existence of purported copies of the Official Zoning Maps which may from time to time be prepared or printed, the Official Zoning Maps bearing the certificate specified under Section 301.01 and located in the Hinds County Courthouse in Raymond, Mississippi in the form of a two-book atlas shall be the final authority as to the zoning status of land and water areas, buildings, and other structures in Hinds County.

301.03: Public Inspection of Maps: The official Zoning Maps shall be available for public inspection as provided by law during normal business hours of the Hinds County Courthouse in Raymond.

301.04: 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 Maps, such changes shall be made WITHIN THIRTY (30) DAYS AFTER THE AMENDMENT HAS BEEN APPROVED BY THE BOARD OF SUPERVISORS.

All such amendments shall also be recorded by the Director of Permit and Zoning in a book known as the Log of Amendments to the Official Zoning Maps, and these entries shall be made in chronological order as follows:

“On _____, by official action by the Board of Supervisors, the following change(s) was (were) made in the Official Zoning Maps: (description of the nature of the change).”

Each such entry shall be signed by the President of the Board of Supervisors and attested by the Chancery Clerk. All entries in the Log of Amendments to the Official Zoning Maps shall be made within thirty days after the amendment has been approved by the Board of Supervisors. Said Log of Amendments, like the Official Zoning Maps, shall be located in the Hinds County Courthouse in Raymond and shall be available for public inspection. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Maps shall become effective until after such change has been made on said Maps and recorded in the Log of Amendments. Furthermore, no changes of any nature on the Official Zoning Maps or matter shown thereon shall be made except in conformity with the procedures set forth in this Ordinance. An unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Article XXIV.

SECTION 302 - REPLACEMENT OF OFFICIAL ZONING MAP

In the event that the Official Zoning Maps become damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Board of Supervisors may, by resolution, adopt new Official Zoning Maps that shall supersede the prior Zoning Map. The new Official Zoning Maps may correct drafting errors or other omissions on the prior Official Zoning Maps, but no such correction shall have the effect of amending the original Official Zoning Maps or any subsequent amendment thereof. The new Official Zoning Maps shall be identified by the signature of the President of the Board of Supervisors, attested by the Chancery Clerk, and shall bear the seal of the County under the following words: “This is to certify that these Official Zoning Maps replace the Official Zoning Maps adopted as part of the Zoning Ordinance of Hinds County, Mississippi, on April 8, 1974.

SECTION 303 - RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

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

- (a) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (c) Boundaries indicated as approximately following municipal or County boundaries shall be construed as following such boundaries.
- (d) Where the boundary of a District follows a railroad right-of-way, such boundary shall be deemed to be located on the right-of-way line to which it is closest, which shall completely include or exclude the railroad property unless otherwise designated.
- (e) Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
- (f) Boundaries indicated as following township, range, section and fractional divisions of sections shall be construed to follow such U.S.G.S. lines.
- (g) Boundaries indicated as parallel to or extensions of features indicated in section 303, Subsections (a) through (b) above shall be so construed.
- (h) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Maps, or in other circumstances not covered by subsections 303.01 through 303.06 above, the Board of Supervisors shall interpret the District boundaries.
- (i) Where a District boundary line divides a lot which was in a single ownership at the time of passage or amendment of this Ordinance, the Board of Supervisors may permit, as a special exception, the extension of the use not to exceed fifty (50) feet beyond the District line into the remaining portion of the lot. Zoning Regulations.

ARTICLE IV

GENERAL REGULATIONS

SECTION 400 - COMPLIANCE REQUIRED

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered EXCEPT IN CONFORMANCE WITH ALL OF THE REGULATIONS SPECIFIED FOR THE DISTRICT IN WHICH IT IS LOCATED. Furthermore, no person shall use or occupy a building, structure or land within Hinds County for an activity which requires a federal and/or State of Mississippi license until said license is obtained from the appropriate authorities.

SECTION 401 - PERMITS REQUIRED

Before any person shall commence the construction or erection of building, parking or placing a manufactured home or travel trailer, on any property within the area, he shall obtain a permit from the Board of Supervisors of Hinds County, Mississippi. No building or other structure shall be erected, moved (see resolution adopted December 3, 1982, Book 118, page 210), added to, structurally altered or manufactured home parked without a permit therefore issued by the Permit Department.

SECTION 402 - NONCONFORMITIES DEFINED

"Nonconformities" shall consist of any land, lot, building, structure, or parts thereof, or the various uses to which those items are or were put, and which lawfully existed prior to the enactment of this Ordinance; but which subsequently do not comply with the provisions of this Ordinance and the requirements of the District wherein located. The regulations pertaining to such nonconformities are established in the District regulations and under Article XXIII.

SECTION 403 - DISTRICT REGULATIONS CONSTITUTE MINIMUM REGULATIONS

The regulations established in this Ordinance with each District (Articles V through XX) shall constitute minimum regulations unless otherwise noted.

SECTION 404 - 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.

SECTION 405 - COMMON YARDS, OPEN SPACE, AND OFF-STREET PARKING OR LOADING SPACE

No yard, other than open space, offstreet parking or loading space required for any building or structure shall be included as a yard, open space or offstreet parking or loading space required for any other building or structure.

SECTION 406 - REDUCTION OF YARDS AND LOTS BELOW MINIMUM REQUIREMENTS PROHIBITED

No yard or lot of record existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots of record created after the effective date of this Ordinance shall meet at least the minimum requirement established by this Ordinance.

SECTION 407 - FRONT YARDS ON CORNER OR DOUBLE FRONTAGE LOTS

On corner lots or double frontage lots ("through lots"), each side fronting on a street shall be considered a front yard, and the required front yard setback shall be measured from each existing or proposed (on the adopted Hinds County Comprehensive Plan's Future Transportation Map) right-of-way upon which the lot abuts. In accordance with the Subdivision Regulations of Hinds County, the front yard setbacks of a lot shall be shown as a dashed line on all preliminary and final subdivision plats.

SECTION 408 - DETERMINATION OF SETBACKS

In measuring required front, side or rear yard (setbacks along roadways), the minimum horizontal distance between the existing or proposed right-of-way line, as determined from the Hinds County Comprehensive Plan's Transportation Plan Element, and the main structure shall be used. The required setback line shall be measured from the existing or proposed right-of-way line, or lines for corner lots and double frontage lots, which shall be determined by the adopted Transportation Plan element of the Hinds County Comprehensive Plan. If a proposed street is not functionally classified by the Transportation Element of the Hinds County Comprehensive Plan, the functional classification of said street shall be determined by the County Engineer during the sketch plat review process for the proposed subdivision or during the Site Plan review process (for developments not involving a subdivision of land).

SECTION 409 - STREET FRONTAGE REQUIRED

Every building or structure hereafter constructed, moved, or structurally altered shall have the herein required frontage to a public (dedicated) street, as set forth in the dimensional requirements section of each District, and shall be so located as to provide safe and convenient access for utility connections, servicing, fire protection, and required off-street parking, unless allowed otherwise by the specific approval of the Board of Supervisors through Site Plan Review.

SECTION 410 - VISIBILITY AT INTERSECTIONS

On a corner lot in any District, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede the vision of motor vehicle operators between a height of two and one-half (2 1/2 and ten (10) feet above the center line grades or the intersecting streets and within a triangular area bounded by the rights-of-way lines for a distance of twenty (20) feet from the intersections and a straight line connecting said points twenty (20) feet from the intersection of the rights-of-way lines.

SECTION 411 - FENCES, WALLS, AND HEDGES

At intersections, notwithstanding other provisions of this Ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no such fence, wall or hedge impedes the vision of vehicle drivers so as to constitute a safety hazard.

SECTION 412 - ACCESSORY BUILDINGS OR USES

No accessory building or use shall be placed within the required front or side yard of any main building or use in ANY District. However, an accessory building or use may be placed in the required rear yard of any main building or use provided that the accessory building or use is at least ten feet from the main building or rear property line. Side setbacks shall be the same as main structure requirements.

SECTION 413 - EXCEPTIONS TO HEIGHT REGULATIONS

The height regulations contained in the District Regulations of this Ordinance do not apply to spires, belfries, cupolas, antennas, water tanks, ventilation chimneys, masts, towers, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. However, any person proposing to erect such an appurtenance to exceed a height of fifty (50) feet above the finished grade shall apply for a conditional use permit (special exception) in accordance with Section 2306 of this Ordinance.

SECTION 414 - PUBLIC/QUASI PUBLIC FACILITIES AND UTILITIES

All public and quasi-public facilities and utilities, as defined under Article II of this Ordinance, may be located in any District in the County, provided:

- (a) That all applicable requirements of federal and state laws shall be met.
- (b) That all such proposed uses shall be subject to the procedures stated under Section 2406 relative to Special Exceptions (Conditional Uses). No public or quasipublic facility or utility shall be located in a residential District or other District where such land use would adversely affect the surrounding area.

SECTION 415 - PERMITTED CONDITIONAL USES CONSTITUTE CONFORMING USES

Any land use which is permitted as a conditional use in a particular District under the terms of this Ordinance shall not be deemed a nonconforming use in such District, but shall without further action be considered a conforming use.

SECTION 416 - HOME OCCUPATIONS

Home occupations, as defined under Article II of this Ordinance, are permitted in any District where residential uses are allowed if a building permit or change of use permit is issued therefor subject to the following limitations:

416.01: Display and Storage: No storage or display of materials, goods, supplies, or equipment related to the operation of a home occupation shall be visible from the outside of any structure located on the premises.

416.02: Minimum Area: Not more than twenty-five percent (25%) of the floor area of the dwelling shall be used for the conduct of the home occupation. Any accessory building used in connection with the home occupation shall not exceed 400 square feet in area.

416.03: Traffic and Parking Restrictions: No traffic shall be generated by such home occupations in greater volumes than would normally be expected in a residential neighborhood (as determined by the Director of Permit and Zoning), and any need for parking generated by the conduct of such home occupations shall be met off the street and other than in a required yard. Furthermore, an ample amount of such off-street parking shall be provided as determined by the Director of Permit and Zoning, based on the scale and nature of the home occupation use, at the time of the application for a building permit or change of use permit.

416.04: Exterior Lighting: There shall be no exterior lighting which would indicate that the dwelling and/or accessory building is being utilized in whole or in part of any purpose other than residential.

416.05: Signs Relating to Home Occupations: One unilluminated non-reflectorized name plate shall be allowed per dwelling.

416.06: Non-Resident Employees: No non-resident employee (i.e., a person not residing on the same premises with the operator) shall be employed in connection with any home occupation.

416.07: Other Provisions: No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, or odors detectable to the normal senses outside of the dwelling unit or accessory building in which the occupation is conducted. No equipment or process shall be used in any home occupation which creates visual or audible electrical interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

SECTION 417 - PARKING AND STORAGE OF VEHICLES REQUIRING LICENSES AND STATE INSPECTION STICKERS

Vehicles or trailers of any kind or type which require licenses or State inspection stickers, but are without current license plates or do not have current State inspection stickers affixed to the vehicle or trailer, shall not be parked or stored on any property zoned agricultural or residential other than in completely enclosed buildings, nor shall such vehicles be parked on public streets. The only exception to this requirement is the allowance of a junkyard as conditional use in certain agriculturally zoned areas.

SECTION 418 - PARKING, STORAGE, OR USE OF MAJOR RECREATIONAL EQUIPMENT

For the purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on or attached to automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment. No major recreational equipment shall be parked or stored on any lot in a residential District except within the setbacks required in that District, provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed 24 hours during

loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

SECTION 419 - ONLY ONE PRINCIPAL STRUCTURE PERMITTED IN R-1 OR R-2, R-2-M DISTRICTS

In no case shall there be more than one principal structure erected on a single lot in any R-1A, R-1B, R-1C, R-2 or R-2-M Residential District except as otherwise provided in this Ordinance.

SECTION 420 - CONFORMANCE WITH SUBDIVISION REGULATIONS

No building shall be constructed on any lot which does not conform to the provisions of the Subdivision Regulations of Hinds County

SECTION 421 - PROHIBITED USES

Within Hinds County, no lot, land, premises, place or building shall be used, and no buildings or structures shall be erected or placed, which are arranged, intended, or designed for any use which generates environmental pollutants beyond a tolerable level by reason of excessive noise, odor glare, vibration, smoke dust, fumes, vapors, gases, liquid and solid waste, radiation, electrical emissions, danger from fire or explosion, or any other debilitating influence as defined by the U. S. Environmental Protection Agency as regulated by the Mississippi Department of Natural Resources, Bureau of Pollution Control and the Mississippi State Board of Health.

SECTION 422 - MATERIALS AND GROWTH CONSTITUTING PUBLIC HEALTH AND/OR SAFETY HAZARD PROHIBITED

No rubbish, salvage materials, junk or hazardous waste materials, including inoperable vehicles and parts and any combustible matter, shall be openly stored, allowed to accumulate or kept in the open, and no weeds or other growth shall be allowed to go uncut within any District when the same shall be determined by the appropriate County Official (the Director of Permit and Zoning, Fire Chief, or other authorized County employee) or health official to constitute a menace to the public health and/or a safety.

SECTION 423 - PENDING APPLICATIONS FOR BUILDING PERMITS

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

SECTION 424 - AREAS BECOMING PART OF UNINCORPORATED HINDS COUNTY

All territory which may hereafter become a part of the unincorporated area of Hinds County by revision of corporate boundaries of any village, town, or city, shall remain in its existing municipal zoning classification until such time as such classification may be changed by an amendment to the Hinds County Zoning Ordinance, as provided by law. Where such territory does not have an existing zoning classification, no building or use permits shall be issued in that District for 90 days or until the territory is zoned according to proper procedures as outlined herein.

SECTION 425 - REQUIRED DEDICATION OF LAND FOR IMPROVEMENT OF EXISTING NARROW STREETS

Where any person proposes the development of an apartment or condominium complex, a residential subdivision, a manufactured home park, and office park or shopping center, or an industrial development and said person owns land on one side only of an existing narrow street (i.e., a street having a right-of-way and/or surface width less than the minimum design standard specified in the Hinds County Comprehensive Plan for the functional classification of the subject street, road and highway; as shown and discussed in the Transportation Element thereof, the person responsible for initiating the development shall be required to dedicate at his expense the land (on the side of the street that he owns) needed for widening or re-alignment of the street as measured from the approximate center line of the

narrow street, or sufficient right of way. However, if the person proposing any such development as prescribed above owns land on both sides of the existing narrow street, said person shall dedicate at his expense all of the minimum land needed for widening or re-alignment on both sides of the narrow street and right-of-way required.

SECTION 426 - REQUIRED IMPROVEMENT OF UNPAVED STREETS

Where any person proposes the development of an apartment or condominium complex, a residential subdivision, a manufactured home park, an office park or shopping center, or an industrial use, and the land that said person proposes for development abuts an unpaved street, the developer shall pave at his expense in accordance with the minimum design standards prescribed for the functional classification as shown in the adopted Hinds County Comprehensive Plan's Transportation Element the entire length of said unpaved street abutting the proposed development/ or the developer shall pay to Hinds County a sum equal to the estimate by the County Engineer of the cost of paving the unpaved street in accordance with the minimum standards for the appropriate functional classification. If the unpaved street is functionally classified a Principal Arterial, the developer shall pave the street, or pay to the County the cost of paving the street, in accordance with Minor Arterial standards without curbs and gutters (i.e., with open ditch storm drainage).

If the unpaved street is classified as a Minor Arterial, Collector, or Local street in the adopted Hinds County Comprehensive Plan's Transportation Element, the developer shall pave or pay the cost of paving the street in accordance with the appropriate design standards with curbs and gutters where curbs and gutters are required by Hinds County Subdivision Regulations.

The paving of such unpaved streets, or payment to the County of the cost of paving the street; shall be completed/made by the developer prior to issuance of a building permit for the construction of any building that will be part of the proposed development, unless a performance bond for the final wearing surface is accepted by the County.

SECTION 427 - REQUIRED DEDICATION OF LAND FOR NEW STREETS PROPOSED ON THOROUGHFARES PLAN AND CONSTRUCTION OF NEW STREETS

Where a person, corporation or other entity propose the development of land for an apartment or condominium complex, a residential subdivision, an office park or shopping center or an industrial use that lies within the approximate path of a new street proposed in the adopted Hinds County Comprehensive Plan's Transportation Element, said entity shall dedicate to Hinds County the right-of-way needed for such new street in accordance with minimum design standards specified for the functional classification of the street as indicated therein.

If the proposed street is classified as Principal Arterial, said developer shall also be responsible for constructing at his expense the proposed street in accordance with the design standards specified in the adopted Hinds County Comprehensive Plan's Transportation Element for at least a Minor Arterial without curbs and gutters. Where the proposed street is functionally classified as a Minor Arterial or Collector street, the developer shall construct the new street in accordance with the minimum design standards for the new street in accordance with the minimum design standards for the applicable classification as specified in the adopted Hinds County Comprehensive Plan's Transportation Element. Or, in lieu of construction as specified above, the developer shall pay to Hinds County the cost of constructing the new street based upon the cost estimate of the County Engineer for the appropriate functional classification as shown in the adopted Hinds County Comprehensive Plan's Transportation Element.

If it is determined by the Director of Permit and Zoning and the County Engineer that the developer owns land only on one side of the proposed street, the developer shall dedicate the right-of-way needed for the new street measured from the approximate center line of the new street as determined by the County Engineer and pay to the County a pro-rate share of the cost of constructing the new street for the applicable classification.

The dedication of land and construction of the street shall be made and performed (or prorated payment made to the County if land is owned only on one side of the new street) prior to issuance of a building permit for construction of any building that will be part of the proposed development, unless a performance bond for the final wearing surface is accepted by the County.

The developer shall submit construction plans to the Director of Permit and Zoning and the County Engineer for approval prior to the approval of preliminary plat (for a subdivision) or a Site Plan (for an apartment or condominium complex, shopping center or other development not involving a subdivision).

SECTION 428 – NOISE SETBACKS AND ATTENUATION REQUIRED FOR ALL RESIDENTIAL USES AND REQUIRED SETBACK FOR ALL RESIDENTIAL USES ABUTTING RAILROADS

Provision shall be made in siting of all new residential structures for avoidance of detrimental noise impacts consistent with standards and procedures set forth in the most recent version of “The Noise Guidebook”, published by the U.S. Department of Housing and Urban Development. These standards address noise associated with airports, railroads, major streets and highways and industrial operations along with other noise creating environments. No residential unit of any type shall be located on a site which experiences a noise level in excess of the standards established therein unless sound attenuation consistent with the standards and procedures recommended are provided.

A setback of one hundred (100) feet shall be required between all proposed residential main buildings and railroad tracks (i.e., measured from the metal track, not the railroad right-of-way line, to the nearest exterior limits of the proposed residential building). The side or rear yard setback required within the District where residential structures are permitted may be included within this 100-foot setback. Accessory buildings, such as garages or carports where detached from the main residential buildings or laundry rooms and recreational club houses (in apartment or condominium complexes) may be located within the 100-foot setback provided that the builder of such accessory structures complies with the required side or rear yard setback within the subject District.

SECTION 429 - LOT AREA REQUIREMENT WHERE CENTRAL WATER AND SEWER ARE NOT AVAILABLE

The purpose and intent of this section shall be to clarify, qualify, or supplement, as the case may be, the District regulations of the District in which such property is located.

429.01: Minimum Lot Area: The minimum lot area requirements in all subdivisions having 2 or more lots where both water and sewer service, as herein defined, are not adjacent to the lot or building site shall be two (2) acres.

429.02: General: The following definitions and general provisions shall apply:

- (a) Water service shall mean a central water supply system serving the property approved by the State Board of Health.
- (b) Sewer service shall mean a central sewage disposal or collection and treatment system approved by the Mississippi Department of Environmental Quality Water Pollution Control Division. Copy of Hinds County Health Departments written approval of sewer for the structure and/or facility shall be furnished.
- (c) Minimum improvements required in the subdivision of land are set forth in Section IV of the Hinds County Subdivision Regulations.

SECTION 430 - STREET/ROAD NUMBERS REQUIRED

All permanent structures hereafter constructed in unincorporated Hinds County shall have street/road numbers posted in two locations; one set of numerals at the street right-of-way, and the other located on the structure. Such numbers shall be of sufficient size to be clearly legible for identification purposes.

SECTION 431 - LARGE TRUCKS PROHIBITED IN RESIDENTIAL ZONES

For the purpose of these regulations the term “large trucks” is defined to include all trucks with either a cargo box or bed in excess of twenty (20) feet or a Gross Vehicle Weight Rating (GVWR) in excess of 32,500. No such trucks shall be permitted to travel upon or park in local or collector streets in residentially zoned property, provided however that such trucks may be parked anywhere on residential premises for a period not to exceed 24 hours during loading or unloading. This requirement is not meant to apply to arterial streets traversing, or adjacent to, residential areas.

SECTION 432 - RECORDED EASEMENTS (APPROVED MINUTE BOOK 73, PAGE 273, FEBRUARY 11, 1991)

Any person or persons owning a tract or parcel of real property within the unincorporated portions of Hinds County that is accessed by a recorded easement must, for the purpose of obtaining a building permit to construct a single family residence, or a permit to park or place a mobile home or manufactured housing unit, comply with the below listed requirements:

- (a) Provide evidence that the above referenced tract or parcel of property meets minimum requirement for residential use as outlined in the applicable zoning District guidelines.
- (b) The subject tract or parcel is provided an exclusive perpetual easement for ingress and egress of a minimum width of twenty-five (25) feet verified by a written instrument recorded in the Chancery Clerk's office of Hinds County.
- (c) The term "exclusive" to mean all rights of ingress and egress shall be reserved for the use of the owner of the subject tract or parcel as recorded on, or deed of trust, in the office of the Chancery Clerk of Hinds County. The subject easement shall not be owned jointly nor shall additional rights of easement be assigned.
- (d) The Maximum number of lots that may be accessed by a private easement shall not exceed five (5). Only one (1) residential permit will be allowed on an easement of twentyfive feet (25). A fifty foot (50) easement, owned jointly, will be required for two to five residences
- (e) A maximum of five (5) lots with only one house per lot is permitted.

SECTION 433 - ILLEGAL INGRESS AND EGRESS

Pursuant to Section 409 of this Ordinance, no property may be accessed through a lot of a platted and recorded subdivision in Hinds County, Mississippi.

SECTION 434 - DEVELOPMENT OF FAMILY SUBDIVISION

Any person or persons owning a tract for parcel of real property within the unincorporated portions of Hinds County who wish to subdivide said tract or parcel among family members for the purpose of establishing individual lots for building development (creating a "family subdivision") may do so under the following conditions:

- (a) The tract or parcel of property must be subdivided among family members only. Family members include those related by blood, marriage or court order.
- (b) The subdivided lots must meet all guidelines regarding plat requirements, permitted uses and lot sizes applicable to the Hinds County Zoning Ordinance, adopted September 12, 1988, with the exception that frontage on a "public road" will not be required. For the purposes of this policy, the perpetual right-of-way ("private road") described in item 4 below will replace the term "public road" as used in the Zoning Ordinance.
- (c) Prior to any construction or building being permitted on the subject lots, a preliminary plat for the family subdivision must be reviewed and approved, including water, sewer and flood data requirements, as set forth in the latest adopted version of the Hinds County Subdivision Ordinance.
- (d) All subdivided lots must have frontage on a perpetual right-of-way ("private road") measuring at least fifty (50) feet in width or wider as governed by the applicable zoning District frontage requirements on a public road to provide safe and convenient ingress and egress for emergency and service vehicles. Property owners must supply all legal documentation necessary to certify ownership or right of access in said perpetual rightof way. Each right-of-way must be constructed in accordance with the minimum standards for clay gravel road building as established by the County Engineer. Each right-of-way must be inspected and approved by the County Permit and Zoning Director and the County Road Management Director to insure compliance with the pertinent County regulations.
- (e) Property owners must, at their own expense, post a clearly visible notice at the entrance to the family subdivision stating that all roads within are private and not maintained by Hinds County. The condition of the private roads will be inspected at least annually by the County Department of Road Management and/or Department of Permit and Zoning.

- (f) Should any rights-of-way in family subdivisions become impassable, as determined by the inspection noted above, Hinds County has the option to clear the road as needed and to assess the residents of the subject family subdivision for the expense of the clearing
- (g) If any lot within a family subdivision is conveyed or transferred outside the subject family, the subdivision shall no longer be considered a private family subdivision. This being the case, the subdivision in question shall be made to conform to all requirements of the County Zoning Ordinance and the Subdivision Regulations, as they apply to Subdivision development prior to any additional permits being issued for single family residences or the placement of manufactured housing units.
- (h) In petitioning Hinds County for a family subdivision, all petitioners shall certify agreement to and compliance with all terms stated herein. Furthermore, all petitioners shall specifically acknowledge that the subject clay gravel rights-of-way are private roads and are in no way eligible for County maintenance; and that should the petitioners desire to have any such private road considered for acceptance by the County as a Public road, petitioners shall, at their own expense, upgrade the road to minimum County standards, as defined by the County Subdivision Ordinance, for overlaid roads prior to the subject road being considered for acceptance by the County.

SECTION 435 - PUBLIC HEARING REQUIREMENTS

Any zoning change or special request not specifically stipulated in the Ordinance shall go through the normal procedure of an advertised public hearing before the Planning Commission with their recommendation forwarded to the Board of Supervisors for final action.

SECTION 436- REGULATING THE PLACEMENT, USE, LOCATION, AND OCCUPATION OF MANUFACTURED HOMES AND TRAILERS IN RESIDENTIAL ZONED AREAS (RECORDED IN MINUTE BOOK 79, PAGE 85, APRIL 13, 1992). APPLICATION FOR PERMIT FOR USE UNDER THE RESIDENTIAL HARDSHIP PROVISION

Any application submitted under this Ordinance must travel through the standard route established by the Zoning Ordinance of a public hearing before the Planning Commission for a recommendation, and to the Board of Supervisors for final action. All applications submitted under this section shall be accompanied by a plat of the subject property, drawn to scale, showing the proposed location of the manufactured home, and all existing buildings or structures and the setback of each. All applications must be accompanied by water and sewer approval. Manufactured homes placed under this section shall be investigated by the Director of Permit and Zoning. All other possibilities, such as additions to the existing home, guest house, and any other solution, should be considered first prior to consideration of the placement of a manufactured home. No temporary mobile homes in a platted/recorded residential subdivision with lots smaller than two (2) acres will in any case be allowed.

The placement of a manufactured home in a residential area will never be permanent under any circumstance. Temporary placement of a manufactured home for six months may be allowed with only one six month extension at the discretion of the Director of Permit and Zoning.

The placement of a manufactured home in a residential area shall reduce the property value of the surrounding property, therefore, every attempt will be made to hide the structure to the highest degree possible in the rear yard.

The placement of a manufactured home on residential property is a variance in itself, therefore, variances of square footage, lot requirements, and set backs will not be considered.

APPLICATIONS FOR A PERMITTED USE OTHER THAN RESIDENTIAL

All applications for construction use, storage, and security should meet applicable outlines. (See Application for Permit for Use under the Residential Hardship Provision).

SECTION 437 - REQUIRED LANDSCAPING ALONG ALL ARTERIAL STREETS IN ALL ZONING DISTRICTS

437.01: Arterial Street Landscaping for Subdivisions:

Developers of all residential, commercial or industrial subdivisions shall provide a landscaped easement at least ten (10) feet in width consisting of grass, shrubs and trees along all existing or proposed streets or highways designated as Principal Arterial or Minor Arterial on the adopted Hinds County Comprehensive Plan Transportation Element. The spacing, sizes and specific types of landscaping material to be installed within this landscaped easement shall be shown on the preliminary plat for all proposed subdivisions. Subdividers shall refer to the standards adopted by Hinds County regarding such required landscaping along arterial streets. A preliminary plat shall not be approved unless the developer's proposals for the landscaped strip are acceptable to the Board of Supervisors and the Director of Permit and Zoning. This requirement is intended to ensure consistent treatment along the traffic frontage, which is essential for appearance and permanency. At the time the final subdivision plat is submitted for ANY subdivision, the developer shall submit with his application for final plat approval a legal instrument or instruments which state that the responsibility for liability insurance, taxes and maintenance of the required landscaped easement shall rest with the developer, if he retains ownership of such areas, or with a homeowners association if ownership of such landscaped areas is transferred to a homeowners association. Within Planned Unit Developments (see Article XII), this landscaped easement shall not be counted toward meeting the common open space requirements of the PUD. No fence shall be erected in a manner which blocks access to this required landscaped easement.

437.02: Arterial Street Landscaping for Developments Not Involving the Subdivision of Land:

Developers of all multiple family residential (apartments or condominiums), manufactured home parks, commercial, industrial or public/ quasi-public uses not involving the subdivision of land shall provide a landscaped strip at least ten (10) feet in width consisting of grass, shrubs and trees along all existing or proposed streets or highways designated as Principal Arterial or Minor Arterial on the adopted Hinds County Comprehensive Plan Transportation Element. The spacing, sizes and specific types of landscaping material to be installed within this landscaped easement shall be shown on the required Site Plan. Developers shall refer to the standards adopted by Hinds County regarding such required landscaping along arterial streets. A Site Plan shall not be approved unless the developer's proposals for the landscaped strip are acceptable to the Board of Supervisors and the Director of Permit and Zoning. This requirement is intended to insure consistent treatment along the traffic frontage, which is essential for appearance and permanency. Maintenance of this required landscaped strip shall be the responsibility of the property owners and not Hinds County. Failure to maintain the landscaping in a satisfactory manner shall constitute a violation of this Ordinance and be subject to the penalties imposed herein. No fence shall be erected in a manner that blocks access to this required landscaped easement.

ARTICLE V

AGRICULTURAL DISTRICT (A)

SECTION 500 - PURPOSE OF THIS DISTRICT

The purpose of the Agricultural District (A) is to conserve land for agricultural use, to prevent the premature development of land, and to prevent urban and agricultural land use conflicts. It is the intent of this Ordinance that the Agricultural District (A) be located in rural areas of Hinds County that are not served by public sewer systems. It is further the intent of this Ordinance to prevent disorderly scattering of residences on small lots and to prevent the establishment of other urban land uses that would require unreasonable expenditure for public roadway and stormwater management improvements and utility and public safety services.

SECTION 501 - LAND USES PERMITTED

- (a) Single-Family detached dwellings including manufactured homes, modular homes, and relocated structures. Only one principal dwelling per lot may be erected in A Districts, except where the lot consists of six (6) acres or more, in which case up to three (3) single family detached dwellings may be erected per six (6) acres of land.
- (b) Accessory buildings and structures, the maximum size of which shall be limited to 50 percent of the area of the main building or 1,000 square feet in area, whichever is smaller.
- (c) Pastureland and raising the usual farm animals and poultry subject to the following regulations. This is not to be construed to include the operation of commercial activities otherwise provided in this Ordinance; such as feeding or fattening lots or pens for the purpose of dealing or trading in live stock, fowl, or small domestic animals, such as cats, dogs and rabbits.
 - (1) Breeding, raising, and feeding of grazing livestock (i.e., horses, cattle, sheep, goats, mules, etc.), provided that each such animal herein defined as "grazing livestock" shall be kept on a tract or lot of one-half (1/2) acre of land or greater. Barns, pens corrals, and other buildings or enclosures for the keeping of grazing livestock are permitted accessory uses, provided that such buildings or enclosure (excluding open pastures) are located no closer than 150 feet from any adjoining property lines and 100 feet from an existing/proposed street right-of-way line.
 - (2) Breeding, raising and feeding of swine, provided that pens for the keeping of swine are located no closer than 150 feet from any adjoining property line and 100 feet from an existing/proposed street right-of-way line, as shown in the Hinds County Comprehensive Plan's Transportation Element.
 - (3) Breeding, raising and feeding of chickens, ducks, turkeys, geese, or other fowl, provided that if more than two (2) such fowl are kept on any lot, they shall be kept at least 150 feet from any adjoining property line and 100 feet from an existing/proposed street rightof-way line.
- (d) Forestry and horticultural uses. The sale of vegetables, fruits and other plants shall only be allowed if permitted as a special exception (see *Section 502*).
- (e) Public or private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities or utilities subject to the provisions of *Section 414* of this Ordinance.
- (f) Seasonal roadside stands for display or sale of agricultural products raised on the premises.
- (g) Home occupations in compliance with *Section 416* of this Ordinance.
- (h) Farms and farm buildings, as defined in Article II.
- (i) Public streets and highways.
- (j) Family subdivisions in compliance with *Section 434* of this Ordinance.

SECTION 502 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2406

- (a) Public or quasi-public facilities and utilities in compliance with *Section 414* and other regulations of this Ordinance.
- (b) Day Care Facilities.
- (c) Stables and riding academies, provided that there shall be at least one (1) acre of land for each horse normally kept on the premises. In no case shall a stable or riding academy be located on a lot with an area of less than five (5) acres.
- (d) Plant nurseries and other horticultural uses where vegetables, fruit and other plants are grown on the premises or brought to the premises and maintained there for the purpose of retail sale from said premises. Such other additional products shall be permitted to be sold from the premises as are customarily incidental to the operation of a plant nursery.
- (e) Extraction of minerals, including sand and gravel, provided that when "open-pit" operations are conducted a Reclamation Plan must be approved by the Board of Supervisors as required in *Section 201* and all related state laws regarding reclamation should be accommodated.
- (f) Veterinary hospitals and kennels.
- (g) Animal cemeteries (small domestic animals such as cats and dogs).
- (h) Commercial dealing or trading in farm animals or poultry, including such uses as: feed lots, feeding pens, poultry farms, rabbit hutches and similar intensive farming operations.
- (i) Roadside stand for the sale of merchandise or products not grown on premises.
- (j) Landing strips and agricultural flying services, provided they comply with all regulations of the Federal Aviation Administration.
- (k) Convenience grocery stores.
- (l) Accessory structures of greater area than that required in *Section 501*.
- (m) Junk yards.
- (n) Sanitary Landfill or Dump

SECTION 503 - DIMENSIONAL REQUIREMENTS

503.01: Maximum Building Height: There is no height limitations for barns and agricultural storage buildings provided they do not contain space intended for human occupancy. No other building shall exceed a height of 35 feet above the finished ground elevation measured at the front line of the building.

503.02: Minimum Lot Area: Two (2) acres.

503.03: Minimum Lot Width: 50 feet measured at the front building setback line (Amended September 11, 1989, Book 64, page 137).

503.04: Minimum Yards:

- (a) Front yard: 25 feet from the existing or proposed right-of-way line as shown in the adopted Hinds County Comprehensive Plan Transportation Element to the building setback line, except where *Section 501(c)(1)* requires a minimum of 100 feet from any existing/proposed street right-of-way line.
- (b) Side yard: 10 feet, except where *Section 501(c)(1)* requires a minimum yard of 150 feet from any adjoining property line.
- (c) Rear yard: 25 feet, except where *Section 501(c)(1)* requires a minimum yard of 150 feet from any adjoining Property line.

503.05: Maximum Buildable Area: No limitation on buildable area.

SECTION 504 - OFF-STREET PARKING REQUIREMENTS

See Article XXI for off-street parking and loading requirement for residential and other uses allowed in A Districts.

SECTION 505 - SIGNS

See Article XXII for regulations concerning signs in this District.

SECTION 506 - REQUIREMENTS REGARDING EXISTING NARROW STREETS, UNPAVED STREETS AND PROPOSED NEW STREETS

Developers of public/quasi public facilities, where permitted as conditional use, shall comply with Sections 426 and 427. A residential subdivision cannot be developed in an A-1 District. Land intended for residential subdivision use must be rezoned to a residential district.

ARTICLE VI

LOW DENSITY RESIDENTIAL DISTRICTS: (I) ESTATE RESIDENTIAL DISTRICT (R -1A), (II) LOW DENSITY RESIDENTIAL DISTRICT (R-1B), AND (III) MODERATE DENISTY SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1C)

I - ESTATE RESIDENTIAL DISTRICT (R-1A)

SECTION 610.00 – PURPOSE OF THIS DISTRICT (R-1A)

The purpose of this District is to provide areas for the development of subdivisions for low density, single family detached dwellings on large lots and related compatible uses in relatively spacious and protected surroundings that provide ample, usable open space. It is the intent of this zoning classification that this District should be located in the suburban areas of the County where the environment is conducive to low density residential use and also in other established low density residential areas as a means to insure their continuance. No new single-family residential subdivisions shall be developed in the R-1A District without connection to a State approved sanitary sewage system. Land Zoned in the R1A Single Family Residential District is intended to fall within areas designated Low Density Single Family Residential on the Future Land Use Map contained in the Land Use Element of the adopted Hinds County Comprehensive Plan.

SECTION 610.01 - LAND USES PERMITTED

- (a) Single-family detached dwellings, other than manufactured and modular homes, with only one principal dwelling per lot.
- (b) Accessory uses and structures associated with the permitted use of the land for residential purposes, the maximum size of which shall not exceed fifty (50) percent of the area of the main structure or sixteen hundred (1,600) square feet, whichever is smaller.
- (c) Horticultural uses not involving the sale of produce on the premises.
- (d) Home occupations in compliance with Section 416 of this Ordinance
- (e) The housing of animals in compliance with the Hinds County Animal Control Ordinance.
- (f) Public or private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Section 414 of this Ordinance.
- (g) All lakes associated with this or any other usage shall comply with the Hinds County Subdivision Regulations.
- (h) Public streets and highways.
- (i) Family subdivisions in compliance with Section 434 of this Ordinance.

SECTION 610.02 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2406

- (a) Public or quasi-public facilities and utilities in conformance with Section 414 and other regulations of this Ordinance.
- (b) Day care facilities.
- (c) Relocated residential structures, subject to requirements of resolution adopted December 3, 1982.
- (d) Accessory structures of greater area than permitted under Section 601.
- (e) Pastureland and raising of usual farm animals and poultry subject to the regulations set forth in Section 501 C.
- (f) Inns or "bed and breakfast inns".
- (g) All lakes associated with these or any other usage shall comply with Hinds County Regulations.
- (h) Public streets and highways

SECTION 610.03 - DIMENSIONAL REQUIREMENTS

610.03.01: Maximum Building Height: 35 feet, or two and one half (21/2) stories.

610.03.02: Minimum Lot Area: One (1) acre per residential unit.

610.03.03: Minimum Lot Width: 120 feet measured at the front building setback line, except that corner lots shall be a minimum of 150 feet wide.

610.03.04: Minimum Yards:

- (a) Front yard: 50 feet from the existing or proposed street right-of-way line as shown on the Future Transportation Plan Map in the Transportation Element of the adopted Hinds County Comprehensive Plan to the building setback line.
- (b) Side yards: 20 feet.
- (c) Rear yard: 50 feet.
- (d) All conditional use setbacks will fall within the above minimums and be subject to Site Plan review and approval.

SECTION 610.04 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

The developer of any Estate Residential property in an R-1A zone shall comply with Section 437 of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities shall comply with Section 437.

610.05 - SWIMMING POOLS

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

SECTION 610.06 - OFF-STREET PARKING REQUIREMENTS

See Article XXI for off-street parking and loading requirements for residential and other uses allowed in the R-1A District.

SECTION 610.07 – SIGNS

See Article XXII for regulations concerning signs in this District.

SECTION 610.08 – REQUIREMENTS REGARDING EXISTING NARROW STREETS, UNPAVED STREETS AND PROPOSED NEW STREETS

The developer of any residential subdivision in an R-1A District shall comply with the provisions of Section 425, 426 and 427 of this Ordinance.

II - LOW DENISTY RESIDENTIAL DISTRICT (R-1B)

SECTION 620.00 - PURPOSE OF THIS DISTRICT (R-1B)

The purpose of this District is to provide areas for the development of low density, singlefamily detached dwellings and related compatible uses in relatively spacious and protected surroundings that provide ample, usable open space. It is the intent of this zoning classification that this District should be located in the suburban areas of the County where the environment is conducive to low density residential use and also in other established low density residential areas as a means to insure their continuance. No new single-family residential subdivisions shall be developed in the R-1 District without connection to a State approved sanitary sewage system. Land Zoned in the R1 Single Family Residential District is intended to fall within areas designated Low Density Single Family Residential on the Future Land Use Map contained in the Land Use Element of the adopted Hinds County Comprehensive Plan.

SECTION 620.01 - LAND USES PERMITTED

- (a) Single-family detached dwellings, other than manufactured and modular homes, with only one principal dwelling per lot.
- (b) Accessory uses and structures associated with the permitted use of the land for residential purposes, the maximum size of which shall not exceed forty (40) percent of the area of the main structure or eight hundred (800) square feet, whichever is smaller.

- (c) Horticultural uses not involving the sale of produce on the premises.
- (d) Home occupations in compliance with Section 416 of this Ordinance
- (e) The housing of animals in compliance with the Hinds County Animal Control Ordinance.
- (f) Public or private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Section 414 of this Ordinance.
- (g) All lakes associated with this or any other usage shall comply with the Hinds County Subdivision Regulations.
- (h) Public streets and highways.
- (i) Family subdivisions in compliance with Section 434 of this Ordinance.

SECTION 620.02 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2406

- (a) Public or quasi-public facilities and utilities in conformance with Section 414 and other regulations of this Ordinance.
- (b) Day care facilities.
- (c) Relocated residential structures, subject to requirements of resolution adopted December 3, 1982.
- (d) Accessory structures of greater area than permitted under Section 601.
- (e) Pastureland and raising of usual farm animals and poultry subject to the regulations set forth in Section 501 C.
- (f) Inns or "bed and breakfast inns".
- (g) All lakes associated with these or any other usage shall comply with Hinds County Regulations.
- (h) Public streets and highways.

SECTION 620.03 - DIMENSIONAL REQUIREMENTS

620.03.01: Maximum Building Height: 35 feet, or two and one half (2 1/2) stories.

620.03.02: Minimum Lot Area: 11,500 square feet.

620.03.03: Minimum Lot Width: 90 feet measured at the front building setback line, except that corner lots shall be a minimum of 110 feet wide.

620.03.04: Minimum Yards:

- (a) Front yard: 30 feet from the existing or proposed street right-of-way line as shown on the Future Transportation Plan Map in the Transportation Element of the adopted Hinds County Comprehensive Plan to the building setback line.
- (b) Side yards: 10 feet.
- (c) Rear yard: 30 feet.
- (e) All conditional use setbacks will fall within the above minimums and be subject to Site Plan review and approval.

SECTION 620.04 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

The developer of any Low-Density Residential property in an R-1B zone shall comply with Section 437 of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities shall comply with Section 437.

620.05 - SWIMMING POOLS

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

SECTION 620.06 - OFF-STREET PARKING REQUIREMENTS

See Article XXI for off-street parking and loading requirements for residential and other uses allowed in the R-1B District.

SECTION 620.07 – SIGNS

See Article XXII for regulations concerning signs in this District.

SECTION 620.08 – REQUIREMENTS REGARDING EXISTING NARROW STREETS, UNPAVED STREETS AND PROPOSED NEW STREETS

The developer of any residential subdivision in an R-1B District shall comply with the provisions of Section 425, 426 and 427 of this Ordinance.

III - MODERATE DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1C)

SECTION 630.00 - PURPOSE OF THIS DISTRICT (R-1C)

The purpose of this District is to provide areas for the development of moderate density singlefamily residential uses in moderately spacious surroundings. It is the intent of this Ordinance that this District be located primarily in the suburban portions of the County where a protected environment suitable for moderate density use can be proved as well as in moderate density residential areas as a means to ensure their continuance. No new single-family residential subdivisions shall be developed in the R-2 District without connection to a state approved sanitary sewage system. Land zoned in the R2 Moderate Density Residential District is intended to fall within areas designated Low Density Single Family Residential on the Future Land Use Map contained in the Land Use Element of the adopted Hinds County Comprehensive Plan.

SECTION 630.01 - LAND USES PERMITTED

- (a) Single-family detached dwellings, other than manufactured and modular homes, with only one principal dwelling per lot.
- (b) Accessory uses and structures associated with the permitted use of the land for residential purposes, the maximum size of which shall not exceed 40% of the area of the main structure or 800 square feet, whichever is smaller.
- (c) Horticultural uses not involving the sale of produce on the premises.
- (d) Home occupations in compliance with Section 416 of this Ordinance
- (e) The keeping of animals in compliance with the Hinds County Animal Control Ordinance
- (f) Public or private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Section 414 of this Ordinance.
- (g) All lakes associated with these or any other usage shall comply with Hinds County Regulations.
- (h) Public streets and highways.

SECTION 630.02 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2406

- (a) Public or quasi-public facilities and utilities in compliance with Section 414 and other regulations of this Ordinance.
- (b) Day care facilities.
- (c) Relocated residential structures, subject to requirements of resolution adopted December 2, 1982.
- (d) Accessory structures of greater that that required under Section 601.
- (e) Pastureland and raising of usual farm animals and poultry subject to the regulations set forth in Section 501c.
- (f) Inns or "bed and breakfast inns".

SECTION 630.03 - DIMENSIONAL REQUIREMENTS

630.03.01: Maximum building height: 35 feet or 2 stories

630.03.02: Minimum Lot Area: 10,000 square feet

630.03.03: Minimum Lot Width:

- (a) Single-family detached residences: 80 feet measured at the front building setback line, except that corner lots shall be a minimum of 100 feet wide.

630.03.04: Minimum Yards:

- (a) Front yard: 25 feet from the existing or proposed street right-of-way line as shown on the Future Transportation Plan Map in the Transportation Element of the adopted Hinds County Comprehensive Plan to the building setback line.
- (b) Side yards: 10 feet.
- (c) Rear yards: 25 feet.
- (d) All use setbacks will fall within the above minimums and be subject to Site Plan review.

SECTION 630.04 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

The developer of any Moderate Density Single-Family property in an R-1C zone shall comply with Section 437 of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities shall comply with Section 437.

SECTION 630.05 - SWIMMING POOLS

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

SECTION 630.06 - OFF-STREET PARKING REQUIREMENTS

See Article XXI for off-street parking and loading requirements for residential and other uses allowed in the R-2C District.

ARTICLE VII

MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT (R-2)

SECTION 700 - PURPOSE OF THIS DISTRICT

The purpose of this District is to provide areas for the development of medium density single-family detached houses on smaller lots, including patio homes and zero lot line homes, in which site use efficiency is achieved by relaxing one side yard requirement. Through design and planning controls, higher densities can be accommodated without sacrificing usable open space, privacy or environmental quality. It is the intent of this Ordinance that this District be located in the suburban portions of the County where a protected environment suitable for medium density residential use can be provided, as well as in established medium density residential areas as a means to insure their continuance. No new single family residential subdivisions shall be developed in the R-2 District without connection to a state approved sewage system. Land areas designated in the R2 single-family residential District is intended to fall within medium density single-family residential on the Future Land Use Plan Map contained in the Land Use Element of the adopted Hinds County Comprehensive Plan. This District contemplates subdivision development with a gross density up to five units per acre for conventional lots and six dwelling units per acre for patio home and zero lot line housing types.

SECTION 701 - LAND USES PERMITTED

The following uses are permitted in R-2 Districts:

- (a) Single-family detached dwellings with only one principal dwelling per lot, including conventional, patio home and zero lot line unit types.
- (b) Accessory uses and structures associated with the permitted use of the land for residential purposes.
- (c) Horticultural uses not involving the sale of produce on the premises.
- (d) Home occupations in compliance with Section 416 of this Ordinance.
- (e) Public or private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Section 414 of this Ordinance. All lakes associated with these or any other usage shall comply with Hinds County Regulations.
- (f) Public streets and highways.

SECTION 702 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2416

- (a) Public or quasi-public facilities and utilities in conformance with Section 414 and other regulations of this Ordinance.
- (b) Day care facilities
- (c) Inns or "bed and breakfast inns".

SECTION 703 - DIMENSIONAL REQUIREMENTS

703.01: Maximum Building Height: 35 feet.

703.02: Minimum Size of Tract to be Subdivided: Five (5) acres.

703.03: Minimum Lot Area: 6,000 square feet for zero lot line and patio home lots. 7,500 square feet for conventional single-family detached lots.

703.04: Maximum Density: Five conventional single-family detached lots per gross acre (including open space and street rights of way) Six (6) patio or zero lot line homes per gross acre (including open space and street rights-of-way).

703.05: Minimum Lot Width: 60 feet for conventional lots. 50 feet for patio or zero lot line homes.

703.06: Minimum Yards:

- (a) Front yard: 25 feet from the right-of-way line to the building setback line for conventional lots. 20 feet from the right-of-way line to the building setback line for patio or zero lot line homes.
- (b) Side yards: 5 feet, but with a minimum distance between dwelling units on adjoining lots of twenty (20) feet for conventional lots. 0 feet, but with a minimum distance between dwelling units on adjoining lots of fifteen (15) feet for patio or zero lot line homes.
- (c) Rear yard: 20 feet.

SECTION 704 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

The developer of any subdivision in an R-2 zone shall comply with Section 437 of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities shall also comply with Section 437.

SECTION 705 - REQUIRED RESERVATION OR DEDICATION OF OPEN SPACE FOR PATIO HOME SUBDIVISIONS:

Where a developer proposes a patio home or zero lot line subdivision, the developer shall provide common open space amounting to at least ten percent (10%) of the total gross area of the subdivision. Such common open space shall consist of land reserved exclusively for the recreational and amenity benefit, and use of the residents of the patio home subdivision. The Development Plan shall indicate the location and area (in acres) to be so reserved or dedicated for open space or recreational facilities.

705.01: Maximum Amount of Common Open Space Covered by Water: No more than fifty percent (50%) of the required amount of open space may be covered by lakes or ponds.

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

705.03: Physical Improvements: Common open space provided in medium density single-family detached subdivisions shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Board of Supervisors as part of the preliminary subdivision plat review process. All open space improvements shall be shown on the sketch subdivision plat or development plan (approximate locations and dimensions and proposed use) and the preliminary and final plats (precise locations and dimensions and proposed use). Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings, swimming pools, playgrounds, gazebos, pavilions and similar facilities.

705.04: Staged Development of a Patio Home or Zero Lot Line Subdivision: If a patio home or zero lot line subdivision is to be developed in stages or parts, ten percent (10%) of EACH PART must be reserved for open space. However, in order to provide usable open space, the amount reserved shall not be less than one (1) acre. Thus, if a developer proposes to ultimately develop 20 acres of land and the first phase will only contain five acres, the developer must reserve at least one (1) acre for open space for the first part even though 10% of 5 acres is only one-half acre. If the second part consists of 15 acres, the developer shall reserve 10% of the second part or 1.5 acres, in addition to the one acre reserved for the first phase; thus, the total open space reserved for the 20-acre tract developed in two phases would be 2.5 acres.

705.05: Performance Bond: Prior to the sale of any lot in a patio home or zero lot line subdivision, the developer may be permitted, at the discretion of the Hinds County Board of Supervisors, to post with the County a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is

licensed and permitted to do business in the State of Mississippi. The Director of Public Works and the County Engineer in conjunction with the developer shall determine the amount of the performance bond after reviewing the construction plans for all improvements.

705.06: Maintenance/Liability in the Operation and Use of Common Open Space and Recreational Areas Not Dedicated to Hinds County: Authority granted by Hinds County for the development of a patio home or zero lot line subdivision shall not be construed as nor constitute an obligation on the part of Hinds County either for maintenance or liability in the operation and use of common open space and recreational facilities located in the subdivision. At the time the final subdivision plat is submitted for the patio home or zero lot line subdivision, the developer shall submit with his application for final plat approval a legal instrument or instruments which state the joint ownership of all common elements associated with the individual by lots platted and the associated responsibility for liability insurance, taxes, maintenance and operation of open space and other common facilities in perpetuity shall rest with the owners of all lots or parcels of land located within the patio home or zero lot line subdivision. In order to insure the integrity of the open space so that it will remain genuinely open, the legal instrument(s) shall specify that the open space restrictions are permanent, that the land is owned in common by benefited lot owners and that a mandatory member property owners association has been created to assume responsibility for liability insurance, taxes, maintenance and operation of open space and other common facilities.

SECTION 706 - REQUIRED OFF-STREET PARKING IN R-2 DISTRICTS

See Article XXI for off-street parking and loading requirements for R-2 Districts.

ARTICLE VIII

MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (R-3)

SECTION 800 - PURPOSE OF THIS DISTRICT

The purpose of this District is to provide areas for the development of two-to-four-family townhouse subdivisions within moderately spacious surroundings. The use of this District is appropriate as a transition zone between lower density residential Districts (R-1 and R-2) and higher density residential Districts (R-5), commercial uses or arterial streets (as reflected in the adopted Hinds County Comprehensive Plan's Transportation Element) that are not compatible with low-density residential environment. These Districts should be located only in those areas of Hinds County depicted as "Medium Density Residential" areas on the adopted Land Use Plan.

SECTION 801 - LAND USES PERMITTED

- (a) Two-family, three-family or four-family townhouses. Townhouses are individual residential units that are part of a townhouse subdivision in which the occupant owns both the individual townhouse units and the lot on which the townhouse is constructed; property lines between such townhouses extend through the center of party walls separating the individual single-family dwellings.
- (b) Accessory uses and structures associated with the use of the land for townhouse residential purposes.
- (c) Horticultural uses not involving the sale of produce on the premises
- (d) The keeping of animals in compliance with the Hinds County's Animal Control Ordinance.
- (e) Home occupations in compliance with Section 416 of this Ordinance.
- (f) Public or private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Section 414 of this Ordinance. All lakes associated with uses permitted in the R4 District usage shall comply with Hinds County Regulations.
- (g) Streets and highways.

SECTION 802 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2416

- (a) Public or quasi-public facilities and utilities in compliance with Section 414 and other regulations of this Ordinance.
- (b) Day care facilities.
- (c) Inns or "bed and breakfast inns".

SECTION 803 - DIMENSIONAL REQUIREMENTS FOR TOWNHOUSE SUBDIVISIONS

803.01: Minimum Size of Tract to be Subdivided for Two-To-Four-Family Townhouses: Five (5) acres.

803.02: Maximum Building Height: 35 feet.

803.03: Minimum Lot Area:

- (a) End townhouses: 6,000 square feet.
- (b) Interior townhouses: 3,500 square feet.

803.04: Minimum Lot Width:

- (a) End townhouses: 45 feet
- (b) Interior townhouses: 30 feet

803.05: Minimum Yards:

- (a) Front yard: 25 feet from the street right-of-way line to the building setback line.
- (b) Side yards (for end units): 10 feet from each side lot line, except where abutting an R-1 District, then 30 feet, which shall remain open with no encroachments by driveways, patios or other paved areas.

- (c) Rear yard: 20 feet, except where abutting an R-1 District, then 30 feet, which shall remain open with no encroachments by driveways, patios or other paved areas.

SECTION 804 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

The developer of any Townhouse Subdivision in an R-3 zone shall comply with Section 437 of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities shall comply with Section 437.

SECTION 805 - REQUIRED RESERVATION OR DEDICATION OF OPEN SPACE FOR TOWNHOUSE SUBDIVISIONS CONTAINING FIVE ACRES OR MORE

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

805.01: Maximum Amount of Common Open Space Covered by Water:

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

805.02: Steep Slopes:

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

805.03: Physical Improvements:

Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Hinds County Board of Supervisors as part of the preliminary subdivision plat review process. All open space improvements shall be shown on the sketch subdivision plat or development plan (approximate locations and dimensions and proposed use) and also on the preliminary and final plats (precise locations and dimensions and proposed use). Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.

805.04: Phased Development of a Townhouse Subdivision:

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

805.05: Performance Bonds:

Prior to the sale of any lot in a townhouse subdivision, the developer may be permitted, at the discretion of the Hinds County Board of Supervisors, to post with the County a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). Such performance

bonds must be issued by a company that is licensed and permitted to do business in the State of Mississippi. The Director of Public Works and the County Engineer in conjunction with the developer shall determine the amount of the performance bond after reviewing the construction plans for all improvements.

805.06: Maintenance/Liability in the Operation and Use of Common Open Space and Recreational Areas Not Dedicated to Hinds County:

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

SECTION 806 - PROPERTY LINES BETWEEN ADJOINING TOWNHOUSES

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

SECTION 807 – UNDERGROUND UTILITIES REQUIRED FOR TOWNHOUSES

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

SECTION 808 - REQUIRED OFF-STREET PARKING FOR TOWNHOUSES

Each townhouse, as defined by this Ordinance, shall front directly upon a public (i. e., dedicated) street rather than a common parking lot or common driveway. Access to required parking by means of easements shall be prohibited. Each townhouse shall be served by a private driveway; common or "flag type" driveways which serve adjoining townhouses shall be prohibited. Offstreet parking for townhouses shall be provided as follows:

- (1) For all townhouses having 1,500 square feet or less living (heated) area: A fully enclosed garage of adequate size to house at least one (1) full-size automobile; or a carport or paved parking pad in the rear of each townhouse of adequate size for at least two (2) full-size automobiles.
- (2) For all townhouses having in excess of 1,500 square feet of living (heated) area: A fully enclosed garage of adequate size to house at least two (2) fullsize automobiles; or a carport or paved parking pad in the rear of each townhouse of adequate size for at least two (2) fullsize automobiles.

SECTION 809 - REQUIRED OFF-STREET PARKING FOR NON-RESIDENTIAL USES ALLOWED IN R-3 DISTRICTS

See Article XXI for off-street parking and loading requirements for all other uses allowed in R-3 Districts.

ARTICLE IX

HIGH DENISTY RESIDENTIAL DISTRICT (R-4)

SECTION 900 - PURPOSE OF THIS DISTRICT

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

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

SECTION 901 LAND USES PERMITTED

The following uses are permitted outright in R-4 Districts subject to the regulations prescribed herein.

- (a) Multiple family dwellings including apartments and condominiums as defined in Article II.
- (b) Accessory uses or structures in multiple family residential complexes, including laundromats, vending machine centers, recreational buildings, swimming pools, tennis courts, and similar uses and structures incidental to multiple family buildings. Such uses and structures shall be reserved exclusively for use by residents and guests of residents of the multiple family complex.
- (c) Home occupations in compliance with Section 416 of this Ordinance.
- (d) Streets and highways.

SECTION 902 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2416

- (a) Public or quasi-public facilities and utilities in compliance with Section 414 and other regulations of this Ordinance.
- (b) Day care facilities.
- (c) Inns or "bed and breakfast inns".

SECTION 903 - DIMENSIONAL REQUIREMENTS FOR ALL MULTIPLE FAMILY USES

903.01 Maximum Height: 35 feet unless greater height is specifically approved by the Hinds County Board of Supervisors at the time the Site Plan is approved.

903.02 Minimum Lot Area: Two (2) acres.

903.03 Minimum Floor Area:

- (a) One bedroom units: 500 square feet.
- (b) Two bedroom units: 700 square feet.
- (c) Three or more bedroom units: 900 square feet.

903.04 Maximum Density: 10 dwelling units per gross acre.

903.05 Minimum Lot Width: 100 feet at the building setback line.

903.06 Minimum Yards:

- (a) Front yard: 40 feet from the right-of-way line. This yard shall be a landscaped open area with no encroachments permitted including parking lots, patios or swimming pools, or other paved areas except for entrance/exit driveways.

- (b) Side and rear yards: 25 feet from each side lot line or rear lot line to any building, except where a side or rear lot line abuts an R-1 District, in which case the side or rear yard shall be 50 feet from any building to the lot line abutting the R-1 District. This yard shall be a landscaped open area with no encroachments permitted including driveways, parking lots, patios, swimming pools, or other paved areas.

903.07 Minimum Space between Buildings:

No principal building or accessory building shall be constructed nearer than thirty (30) feet to any other principal building or accessory building.

SECTION 904 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

Developers of High-Density Residential uses and other uses permitted in R4 zones shall comply with Section 437 of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts.

SECTION 905 - REQUIRED OPEN SPACE RESERVATION/ DEDICATION FOR MULTIPLE FAMILY DEVELOPMENTS

A minimum of 30% of the gross site area to be developed for a condominium or apartment complex shall be devoted to open space. In calculating this open space requirement, the front, side and rear yards may be included. Parking lots and driveways, however, MAY NOT be included in calculating this required open space. Such open space shall consist of land reserved exclusively for the recreational use of the residents of the apartment or condominium complex. The required Site Plan (see Section 2408) shall indicate the location and area (in acres) to be so reserved for open space or recreational facilities.

905.01 Maximum Amount of Common Open Space Covered by Water:

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

905.02 Steep Slopes:

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

905.03 Physical Improvements:

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

905.04 Performance Bonds:

Prior to the rental/ lease of any apartment or the sale of any condominium, the developer may be permitted, at the discretion of the Hinds County Board of Supervisors, to post with the County a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and permitted to do business in the State of Mississippi. The Director of Public Works and the County Engineer in conjunction with the developer shall determine the amount of the performance bond after reviewing the construction plans for all improvements.

SECTION 906 - SITE PLAN REQUIRED

The developer of ANY apartment or condominium complex shall submit a Site Plan to the Planning Commission in accordance with Sections 2406 through 2410 of this Ordinance.

SECTION 907 - REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

For reasons of fire safety all proposed apartment or condominium complexes shall provide at least two separate points of ingress/ egress to/from the complex. Spacing requirements for these access points are provided under Article XXI. Developers of any proposed apartment or condominium complex or permitted special exception shall comply with parking and loading requirements included under Article XXI.

ARTICLE X

MANUFACTURED HOME SUBDIVISION RESIDENTIAL DISTRICT (R-5)

SECTION 1000 - PURPOSE OF THIS DISTRICT

The purpose of this District is to provide areas for needed and properly planned Manufactured Home Subdivisions in which lots are offered for sale and in which the purchaser receives fee simple title to the lot. It is the intent of this Ordinance that these Districts may be located only in such areas as to not adversely affect the established residential subdivisions and residential Districts in Hinds County. It is further the intent of this Ordinance that no manufactured home site subject to potential flooding be approved.

SECTION 1001 - LAND USES PERMITTED

- (a) Single-family manufactured homes with self-contained sanitary sewerage facilities capable of being connected to a public or community collection system and approved by the Mississippi Department of Natural Resources, Pollution Control Division.
- (b) Accessory uses and structures as defined under Article II of this Ordinance.

SECTION 1002 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2406

- (a) Public or quasi-public facilities and utilities in compliance with Section 414 and other regulations of this Ordinance.
- (b) ChildCare Facilities.

SECTION 1003 - SITE PLAN REVIEW

No building permit to construct a new manufactured home subdivision or to expand (by the addition of one or more spaces) an existing manufactured home subdivision shall be issued until the applicant for the building permit has complied with the provisions of *Section 2408* relative to Site Plan Review. All new manufactured home subdivisions established after the effective date of this Ordinance shall comply with all of the provisions herein. With regard to manufactured home subdivisions established prior to the effective date of this Ordinance, which are expanded (by the addition of one or more spaces) after the effective date hereof, the expanded portions of such subdivisions shall comply with all applicable provisions of this Ordinance.

SECTION 1004 - BUILDING PERMIT REQUIRED

Prior to the placement of any manufactured home in a manufactured home subdivision, the owner of the manufactured home shall apply for a building permit (see also *Section 2301* of this Ordinance). All utility connections will be performed in accordance with the latest edition of the Southern Standard Building Codes and other applicable codes by qualified, licensed, and bonded contractors. Furthermore, any person responsible for placing a manufactured home in a manufactured home subdivision shall comply with the tie down standards prescribed in the Resolution adopted by the Hinds County Board of Supervisors on April 14, 1980.

SECTION 1005 - DIMENSIONAL REQUIREMENTS

1005.01: Minimum Size of Subdivision: 5 acres.

1005.02: Maximum Density: The maximum density shall not exceed ten manufactured homes per gross acre.

1005.03: Maximum Building Height: 20 feet.

1005.04: Minimum Manufactured Home Space (Lot Area) Within the Subdivision: 4,230 square feet.

1005.05: Minimum Space (Lot Width): 45 feet measured at the front setback line.

1005.06: Required Set-backs for Individual Manufactured Home Spaces (Lots) Within the Subdivision When The Manufactured Home is To Face The Street:

- (a) Front yard: There shall be a minimum distance of 20 feet between an individual manufactured home and the adjoining pavement of a subdivision street or common parking area or other common area.
- (b) Side yards: There shall be a minimum distance of 10 feet between all manufactured homes and the side yard lines of each manufactured home space (lot). On corner lots there shall be a minimum side yard of 20 feet on the corner side.
- (c) Rear yards: There shall be a minimum distance of 15 feet between all manufactured homes and the rear yard lines of manufactured home space (lot).

1005.07: Required Set-back for Individual Manufactured Home Spaces (Lots) Within the Park When Manufactured Home is to be Situated Perpendicular to the Street: As distinguished from the definition of front, side and rear yards of conventional street facing development, the following setback requirements shall apply to manufactured homes where so planned to be situated perpendicular to the street frontage (i.e., face toward manufactured home on adjoining lot).

- (a) Setback from street: There shall be a minimum distance of 20 feet between an individual manufactured home and the adjoining pavement of a subdivision street or common parking area or other common areas.
- (b) Front yard: There shall be a minimum distance of 20 feet between all manufactured homes and the side lot line to which the main entrance to the manufactured home is facing toward.
- (c) Rear yard: There shall be a minimum distance of 15 feet between all manufactured homes and the side lot line parallel to the rear of the manufactured home (i.e., the yard space opposite to the front yard as defined above).
- (d) Side yard opposite street frontage: There shall be a minimum distance of 10 feet between all manufactured homes and the side lot line opposite the street frontage lot line.

SECTION 1006 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

Developers of Manufactured Home Subdivision Residential uses and other uses permitted in R5 zones shall comply with Section 437 of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts.

SECTION 1007 - OFF-STREET PARKING REQUIREMENTS

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

SECTION 1008 - UTILITIES AND DRAINAGE

Utilities (electrical power, natural gas, water, and sanitary sewerage) and storm drainage shall be provided in all manufactured home subdivisions in accordance with the requirements of the Hinds County Subdivision Regulations and applicable codes adopted by Hinds County. Specifically, each lot shall be provided with a sanitary sewer tap to a public or approved private sewerage disposal system and all manufactured homes shall be connected to such system. Each lot shall also be provided with a water tap from a water supply system approved by the Mississippi State Board of Health. The maintenance of water and sanitary sewage facilities and storm drainage facilities within manufactured home parks and shall be the responsibility of the owner of the park, and not Hinds County.

SECTION 1009 - FREEDOM FROM FLOODING AND PONDING

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

SECTION 1010 - EXTERIOR LIGHTING

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

SECTION 1011 - FIRE HYDRANTS

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

SECTION 1012 - SIGNS

See Article XXII for regulations regarding signs in this District.

SECTION 1013 - REQUIREMENTS REGARDING EXISTING NARROW STREETS, UNPAVED STREETS AND PROPOSED NEW STREETS

The developer of any manufactured home subdivision shall comply with the provisions of *Sections 425, 426, and 427* of this Ordinance.

ARTICLE XI

MANUFACTURED HOME PARK RESIDENTIAL DISTRICT (R-6)

SECTION 1100 - PURPOSE OF THIS DISTRICT

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

SECTION 1101 - LAND USES PERMITTED

- (a) Single-family manufactured homes, occupied on either an owner, rental or lease basis.
- (b) Private lakes, swimming pools, open space, and other private recreational facilities intended only for the use of the residents of the manufactured home park.
- (c) Laundromat, vending machine center, and related auxiliary uses incidental to the primary manufactured home uses, provided that such structures for auxiliary uses do not constitute over 10 percent of the total site area of the manufactured home park, and further provided that they be exclusively for the use of the residents of the manufactured home park.
- (d) Accessory uses and structures as defined under Article II of this Ordinance.
- (e) Private streets (circulation drives) in compliance with Section 1108 of this Ordinance.

SECTION 1102 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2404

The only conditional uses or structures which may be considered in R6 Districts are public or quasi-public facilities and utilities in compliance with Section 414 and other regulations of this Ordinance. An example of a quasi-public building in an R-6 District might involve a manufactured home park owner who wishes to allow a civic club to use a building on the same property with the manufactured home park for meetings, etc.

SECTION 1103 - SITE PLAN REQUIRED

No building permit to construct a new manufactured home park or to expand (by the addition of one or more spaces) an existing manufactured home park shall be issued until the applicant for the building permit has complied with the provisions of Sections 2408 through 2410 relative to Site Plan review. All new manufactured home parks established after the effective date of this Ordinance shall comply with all of the provisions herein. With regard to manufactured home parks established prior to the effective date of this Ordinance, which are expanded (by the addition of one or more spaces) after the effective date hereof, the expanded portions of such parks shall comply with all applicable provisions of this Ordinance.

SECTION 1104 - BUILDING PERMIT REQUIRED

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

SECTION 1105 - DIMENSIONAL REQUIREMENTS

1105.01 Minimum Size of Park: 10 acres.

1105.02 Maximum Density: The maximum density shall not exceed six manufactured homes per gross acre.

1105.03 Maximum Building Height within Manufactured Home Parks: 20 feet.

1105.04 Minimum Set-Backs for Park Perimeter:
All manufactured homes shall be located at least 50 feet from any property line or any existing or proposed right-of-way line of a public street or road. This park perimeter setback shall be a landscaped open area with no encroachments permitted, including parking lots, patios, or swimming pools, or other paved areas except for entrance/exit driveways (front yard only).

1105.05 Minimum Manufactured Home Space Area Within the Park: 5,000 square feet.

1105.06 Minimum Space Width Within the Park: 50 feet measured at the front set-back line.

- 1105.07 Required Set-Backs for Individual Manufactured Home Spaces within the Park:
- (a) Front yard: There shall be a minimum distance of 20 feet between an individual manufactured home and the adjoining pavement of a park street, or common parking area or other common areas.
 - (b) Side yards: There shall be a minimum distance of 10 feet between all manufactured homes and the side yard lines of each manufactured home space (lot). On corner lots there shall be a minimum side yard of 20 feet on the corner side.
 - (c) Rear yards: There shall be a minimum distance of 10 feet between all manufactured homes and the rear yard lines of manufactured home space (lot).

1105.08 Accessory Buildings or Uses:
Accessory buildings or uses shall comply with the same height and yard requirements as manufactured homes. Accessory buildings or uses shall be located a minimum distance of 10 feet away from all manufactured homes or other main buildings within the manufactured home park.

SECTION 1106 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

See Section 437.02 of this Ordinance regarding the provision of landscaping along arterial streets upon which the manufactured home park abuts.

SECTION 1107 - OFF-STREET PARKING REQUIREMENTS

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

SECTION 1108 - PRIVATE STREETS WITHIN MANUFACTURED HOME PARKS

All streets (circulation drives) within a manufactured home park shall be at least 28 feet in width (traveled road), with curbs and gutters. All streets shall be constructed in accordance with low and medium density residential zone standards for local streets as specified under Section V of the Hinds County Subdivision Regulations. Proper maintenance of all streets within manufactured home parks shall be the responsibility of the owner or operator of the park and not Hinds County.

SECTION 1109 - WHEEL REMOVAL AND PLACEMENT OF MANUFACTURED HOME ON A CONCRETE PAD OR PERMANENT FOUNDATION/ SKIRTING REQUIREMENTS

The owner of any manufactured home located or re-located in an R-M District on and after the effective date of this Ordinance shall be responsible for removing the wheels of such manufactured homes and placing the manufactured home on a concrete pad or permanent foundation. Furthermore, the owner of

any manufactured home located or re-located in an R-M District on or after the effective date of this Ordinance shall be responsible for installing skirting around the base of the manufactured home, thereby completely covering all sides of the manufactured home from the concrete pad or foundation to the bottom of the manufactured home.

SECTION 1110 - UTILITIES AND DRAINAGE

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

SECTION 1111 - FREEDOM FROM FLOODING AND PONDING

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

SECTION 1112 - REFUSE COLLECTION FACILITIES

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

SECTION 1113 - ACCESS TO PUBLIC STREETS AND HIGHWAYS

All access points to public streets or highways shall be approved by the Hinds County Board of Supervisors and/or the Mississippi State Highway Department.

SECTION 1114 - SERVICE BUILDING

A service building containing mechanical laundry equipment including washing machines and dryers for use by park occupants only shall be provided in every manufactured home park.

SECTION 1115 - RECREATIONAL AREA

A minimum of thirty percent (30%) of the gross land area of each manufactured home park shall be set aside as a recreational area or common open space for park residents. In calculating this open space requirement, the front, side and rear yards may be included. Parking lots and driveways, however, MAY NOT be included in calculating this required open space. Such open space shall consist of land reserved exclusively for the recreational and amenity use of the residents of the manufactured home park. The required Site Plan (see Section 1103) shall indicate the location and area (in acres) to be so reserved for open space or recreational facilities.

1115.01 Maximum Amount of Common Open Space Covered by Water:

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

1115.02 Steep Slopes:

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

1115.03 Physical Improvements:

Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Hinds County Board of Supervisors as part of the Site Plan review process. Open space improvements

may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.

1115.04 Performance Bonds:

Prior to the rental/ lease of any space within a proposed manufactured home park (or the expanded portion of an existing park), the developer may be permitted, at the discretion of the Hinds County Board of Supervisors, to post with the County a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and permitted to do business in the State of Mississippi. The Director of Public Works and the County Engineer in conjunction with the developer shall determine the amount of the performance bond after reviewing the construction plans for all improvements.

SECTION 1116 - EXTERIOR LIGHTING

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

SECTION 1117 - FIRE HYDRANTS

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

SECTION 1118 - REQUIRED PLANTING SCREEN FOR ALL MANUFACTURED HOME PARKS

Developers of manufactured home parks shall comply with all landscaping standards adopted by Hinds County Board of Supervisors with regard to the installation of a planting screen.

SECTION 1119 – EXISTING MANUFACTURED HOMES

Notwithstanding any other section of this Zoning Ordinance, Manufactured Homes that were in existence at the time of the effective date of this Zoning Ordinance (April 4, 1997) may continue in existence as provided by any special exception approved by the Hinds County Board of Supervisors prior to May 1, 1997, and subject to such terms as may have been imposed by the Hinds County Board of Supervisors in granting such special exception. This shall also apply to Manufactured Homes that were nonconforming uses under the previous Ordinance.

ARTICLE XII

PLANNED UNIT DEVELOPMENT (“PUD”) DISTRICT

SECTION 1200 - PURPOSE OF THIS DISTRICT

- (a) To encourage the development of planned residential communities on sites greater than 5 acres of a higher quality than possible under existing residential zoning classifications.
- (b) To permit more flexible and advantageous use of land, especially with regard to preservation of natural landscape features, inclusion of water features, and complementary uses and amenities through the relaxation of conventional zoning requirements.
- (c) To produce and maintain effective open areas, providing functional and beneficial recreational and environmental amenities, and to provide safer pedestrian circulation.
- (d) To offer a variety of housing choices to potential residents.
- (e) To include a diversity of complementary uses and increased variety in siting of structures
- (f) To optimize public utility and service provision within the development
- (g) To optimize traffic circulation, safety, efficiency and effectiveness within and adjacent to the development.

SECTION 1201 – PLANNED UNIT DEVELOPMENT SHALL BE SUPERIMPOSED DISTRICT

A Planned Unit Development shall be a superimposed designation on any existing residential District (R1 through R-4) or combination thereof. No Planned Unit Development shall be permitted in any District for a use which is not permitted within the existing zoning classification of that particular lot, tract or parcel of land. Permitted uses may be developed and included Districts subject to the standards and procedures set forth as follows:

- (a) Except as modified by the approved development plan, a Planned Unit Development shall be governed by the regulations of the Zoning District in which it is located or overlays.
- (b) Approval of the Planned Unit Development may provide for such exceptions from the Zoning District regulations governing area, bulk, parking and such subdivision regulation as may be necessary or desirable to achieve the objectives of the proposed Planned Unit Development, provided that such exceptions are consistent with the standards and criteria contained in this section and have been specifically requested in the application for the Planned Unit Development; and further provided that no modification of the District requirements or subdivision regulations may be allowed when such proposed modification would result in:
 - 1. Inadequate or unsafe access to the Planned Unit Development
 - 2. Traffic volumes exceeding the anticipated capacity of the existing or proposed major street network in the vicinity.
 - 3. An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the Planned Unit Development.
 - 4. A development which will be incompatible with the purposes of this Article of Zoning Classification.
 - 5. Detrimental impact on surrounding areas including, but not limited to visual pollution.
- (c) The burden of proof that the above criteria are not being violated shall rest with the developer and not the staff or the Planning Commission. Such exceptions shall supersede the regulations of the permitted Zoning Districts in which the Planned Unit Development is located.

SECTION 1202 – PRELIMINARY SUBDIVISION PLAT APPROVAL REQUIRED PRIOR TO DESIGNATION OF PLANNED UNIT DEVELOPMENT ON OFFICIAL ZONING MAP

Any person desiring to subdivide land for purposes of creating a PUD shall first prepare and submit a sketch plat (“Development Plan”) of the PUD indicating the types and configuration of residential uses, the traffic circulation concept, complimentary uses, amenities, and related development proposals in accordance with the Subdivision Regulations. All development plans for proposed PUD shall be reviewed by the Director of Permits and Zoning as well as the Director of Public Works and the County Engineer prior to consideration by the Planning Commission.

SECTION 1203 – REZONING REQUIRED FOR DEVELOPMENT OF PORTION OF PUD FOR TOWNHOUSES, PATIO HOME, MULTIPLE-FAMILY RESIDENTIAL, OR COMMERCIAL USES

If a person desires to reserve a portion of a proposed Planned Unit Development for townhouses, patio homes or multiple-family residential uses (condominiums or apartments), and such areas are not zoned appropriately for such densities, he shall submit an application for rezoning in accordance with Section 2407 of this Ordinance indicating which areas he desires to be rezoned to R3, R-4, or R-5.

Likewise, up to 5% of a PUD’s land area may be reserved for commercial use by applying for the appropriate commercial zoning if the subject land is not zoned commercial on the Official Zoning Map.

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

SECTION 1204 – LAND USES PERMITTED

- (a) Single-family detached dwellings (only one main structure per lot). Lots may include conventional single-family detached residences, patio homes; zero lot line homes and may be organized in clusters.
- (b) Townhomes and condominium apartment complexes.
- (c) Accessory uses and structures as defined under Section 201 of this Ordinance.
- (d) Horticultural uses not involving the sale of produce on the premises.
- (e) The keeping of animals in compliance with the Hinds County Animal Control Ordinance.
- (f) Home occupation in compliance with Section 416 of the Ordinance.
- (g) Public streets and highways
- (h) Private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Section 416 of this Ordinance. Lakes deeded to an Owner’s Association shall comply with the Hinds County Subdivision Regulations.

SECTION 1205 – CONDITIONAL USES AND STRUCTURES (SPECIAL EXCEPTIONS) AS PROVIDED IN SECTION 2416

- (a) Public or quasi-public facilities and utilities may be considered for location in a PUD District in conformance with Section 414 and other regulations of this Ordinance.
- (b) Day care facilities.
- (c) Assisted living facilities.
- (d) Tennis, swim, gymnasium club facilities
- (e) Inns or “bed and breakfast inns”.

SECTION 1206 – DIMENSIONAL REQUIREMENTS

- (a) Minimum size of PUD – The minimum size of any PUD shall be five (5) acres.
- (b) Development within PUD Districts shall be limited to the number of residential units stipulated by the Hinds County Board of Supervisors and shall not exceed the theoretical maximum number of lots and/or dwelling units which could be constructed in the basic residential Districts on which the PUD District is superimposed.
The theoretical maximum density for a development within a PUD District shall be the number of lots and/or dwelling units that a conventionally designed preliminary lot layout (of a conceptual residential development situated within the property boundaries and on the topography of the site proposed for a PUD) would show could reasonably be constructed on the site following the lot area, lot width and yard requirements for the site’s underlying zoning, the requirements of this Ordinance, and the requirements of the Hinds County Subdivision Regulations.
- (c) Residential Lot area, Lot width and Yards and Design Standards- No minimum lot area or lot width for dwellings is required by this Ordinance in PUD Districts. The developer shall set reasonable and uniform minimum requirements for the various parts or phases of the

development including lot size, setbacks, street widths, horizontal and vertical alignment, right of way widths, curb and gutter or any other aspect of current zoning and subdivision Ordinances. Should these minimum requirements be less than that of the basic residential District (s) on which the PUD designation is superimposed or less than is required by the current subdivision Ordinance then they shall be subject to approval by the Hinds County Board of Supervisors at Site Plan review. Such minimum dimensions shall not permit a dwelling or other structure to be located closer than fifteen (15) feet to the right-of-way or easement line of a public or private street.

- (d) Commercial Lot Area, Lots Width and Yards– The minimum lot area, lot width and yards for commercial structures shall be the same as those required in the G1 District.

SECTION 906 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

Developers of Planned Unit Developments and other uses permitted in PUD zones shall comply with Section 437 of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts.

SECTION 1207 – GENERAL STANDARDS AND CRITERIA

Upon recommendation of the Planning Commission, the Board of Supervisors may approve or disapprove modifications to the applicable Zoning District regulations and Subdivision Regulations to permit a PUD. Any such recommendation should include a finding by the Board of Supervisors that the proposed PUD is consistent or inconsistent with the following standards and criteria:

- (a) The proposed PUD will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development polices and plans of Hinds County.
- (b) An approved water supply, community wastewater treatment and disposal, and stormwater drainage facilities that are adequate to serve the proposed PUD have been or shall be provided.
- (c) The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access ways shall be landscaped or otherwise improved, except where natural features are such as to justify preservation.
- (d) Any modification of the zoning or other regulations that would otherwise be applicable to the proposed PUD and warranted by the design of the development plan may be permitted. However, such modifications shall not be inconsistent with the public interest.
- (c) Homeowners associations or some other responsible party shall be required to maintain any and all common open space and/or common element of the proposed development.

SECTION 1208 – SPECIFIC STANDARDS AND CRITERIA FOR PLANNED UNIT DEVELOPMENTS

In addition, PUD's shall comply with the standards and criteria set forth in this section:

- (a) *Design and preservation of common open space.* Common open space must be provided as a condition to the approval of a PUD. No open area may be delineated or accepted as common open space under the provisions of this section unless it meets the following standards:
 1. Common open space must be usable for recreational purposes or must provide visual, aesthetic and environmental amenities. The uses authorized for the common open space must be appropriate to the scale and character of the PUD, considering its size, density, expected population, topography, and the number and type of dwellings to be provided.
 2. Common open space must be suitable improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved. Any buildings, structures and improvements to be located in the common open space must be appropriate to the uses which are authorized therefore, and must conserve and enhance the amenities of the common open space having regard to its topography and the intended function of the common open space. Parking lots shall not be considered open space.
 3. The development phasing sequence which is part of the development plan must coordinate the improvement of the common open space; the construction of the buildings, structures and improvements in the common open space; and the construction of public improvements and the construction of residential dwellings in a PUD, but in no event shall occupancy permits for

- any phase of the final development plan be issued unless and until the open space which is part of that phase has been dedicated or conveyed and improved.
4. No common open space of a PUD shall be conveyed or dedicated by the developer or any other person to any public body, homeowners' association or other responsible party unless the Board of Supervisors has determined that the character and quality of the tract to be conveyed makes it suitable for the purpose for which it is intended. The Planning Commission may give consideration to the size and character of the dwellings to be constructed within the PUD, the topography and existing trees, the ground cover, and other natural features, the manner in which the open space is to be improved and maintained for recreational or amenity purposes, and the existence or public parks or other public recreational facilities in the vicinity.
 5. All land shown on the outline plan as common open space must be:
 - (i) Conveyed to a homeowners' association or some party responsible for maintaining common buildings, areas and land within the PUD. The common open space must be conveyed subject to covenants. The Board of Supervisors shall approve only those provisions of the covenants which restrict the common open space to the uses specified on the development plan and which provide for the maintenance of the common open space in a manner which ensures its maintenance for its intended purpose.
 - (b) *Accessibility of Site.* All proposed streets, alleys and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the PUD, and should be consistent with the Transportation Plan Element of the adopted Hinds County Comprehensive Plan. All forms of transportation including, but not limited to, bikeways, and pedestrian circulation should be considered in developing the plan for development.
 - (c) *Off-street parking.* Off-street parking shall be conveniently accessible to all dwelling units and other units. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening or parking and service areas shall be required through use of trees, shrubs and/or hedges and screening walls.
 - (d) *Pedestrian circulation.* The pedestrian circulation system and its related walkways shall be separate, whenever feasible, from the vehicular street system in order to provide an appropriate degree of separation of pedestrian and vehicular movement.
 - (e) *Privacy.* The PUD shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to its boundaries. Protection and enhancement of the property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms and landscaped barriers. Buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining buildings.
 - (d) *Density.* The PUD shall exclude from the gross area of the lot, tract or parcel all areas for street dedications and private drives prior to the calculation of the density of the project, as permitted by existing zoning of the site.

SECTION 1209 – COMMON AREA AND OPEN SPACE REQUIREMENT

- (a) For a development within a PUD District, the developer shall set aside and convey, to the developer's successive owners of developed properties associated in a Owner's Association and/or to an acceptable structured and economically viable Country Club, at least ten percent (10%) of the gross land area of the development as common area and/or open space, which areas shall be accessible subject to reasonable rule, assessments and fees to all residents of the District.
- (b) No more than fifty percent (50%) of the required amount of open space may be covered by water (lakes, ponds, streams, etc.)
- (c) The developer shall set aside, improve and donate unencumbered to an Owner's Association, as common area an amount of land and such improved facilities as are sufficient to permit and justify the operation of the Owner's Association as an entity functioning to fulfill its purposes as provided in the covenants, conditions and restrictions to which developed lots and parcels within the development are to be subjected.

- (d) The amount of land to be set aside and donated to an Owner's Association, and the amount of land, if any to be set aside and conveyed to a Country Club, shall be substantiated by the developer to the satisfaction of the Hinds County Board of Supervisors.
- (e) Open space may be any reasonable use of land that causes spaciousness between groupings lots, dwelling units and permitted ancillary uses. Open spaces areas may include areas that are lakes, parks, golf courses, wide medians in boulevard boundaries, and similar land uses which provide aesthetic views and/or provide areas adequate for low-impact recreation and pedestrian movement for residents living within the District. Common areas may contain improvements and must be owned and maintained by an Owner's Association or Country Club. Common areas may include lands that are open space.
- (f) The Hinds County Board of Supervisors has the authority to require as a prerequisite to approval of a Site Plan for a development within a PUD District such features, infrastructure, covenants, condition and restrictions as the Board deems necessary to promote and preserve the health, safety, welfare and properties of the citizens of Hinds County, Mississippi.
- (g) To be considered as common area or open space which meet the requirements of this section of this Ordinance, the lands set aside and conveyed as common area or open space must be adequate in size and topography to be practically used for or serve their intended purposes(s).
- (h) Because subdivision construction within PUD Districts is anticipated to be logically phased or staged in parts, at initial Site Plan Review, the developer shall provide to the Hinds County Board of Supervisors a general description of and donation schedule for the total amount of required common area and open space. Such description and schedule shall designate which parts if not all or said proposed common area and open space will be improved, if any, and thereafter when, relative to the development, the developer shall convey to the Owner's Association or Country Club such common areas and open space.
- (i) Such schedule shall be proportionally reasonable and cumulatively relate the amount or land to be set aside, the cost of common area improvements, if any, to be made by the developer, the estimated cost of maintaining such common area and open space by an Owner's Association or Country Club or both, and the number of lots and/or dwelling units anticipated to be completed at the time of such donation. Such description and schedule shall be approved by the Hinds County Board of Supervisors.
- (j) Should improvements to proposed common areas and open space not be completed in accordance with the approved donation schedule, prior to granting its approval of the record plat of a corresponding part or phase of the development, the Hinds County Board of Supervisors shall require that a performance bond or other sufficient surety be posted with a disinterested Trustee who is empowered to complete the proposed common area and open space improvements should the developer fail to do so within a timely manner.

SECTION 1210 – MAINTENANCE OF COMMON AREAS AND OPEN SPACE

- (a) As a part of the plans and documents submitted for the Site Plan Review of a proposed development within the PUD District, the developer shall include a draft of those covenants, conditions and restrictions to which developed lots and parcels within the development shall be subjected.
- (b) Such covenants, conditions and restrictions shall provide for the organization and operation of a mandatory membership Property Owner's Association in which each property owner (including successive purchasers) within the development shall be a member, holding a proportional ownership interest subject to reasonable rules, assessments and fees. Such covenants, conditions and restrictions shall also provide that any private Country Club to which required common areas and/or open space is conveyed shall permit, subject to reasonable rules, assessments and fees, all residents of the development to be members.
- (c) The Owner's Association or private Country Club must be responsible for liability and property insurance, property taxes, and the administration, operation, security, repair and maintenance of all common areas and open space areas, including any improvements thereon, owned, operated and maintained by such association or club.

- (d) The Owner's Association must provide for reasonable and pro rata collection of sufficient money from the owner's of developed lots and properties within the development to pay the costs for necessary property and liability insurance, taxes, administration, operation, security, repair and maintenance of all property and facilities under its ownership and control. The collection of such money from such owners shall be enforceable by the Owner's Association having the authorities to assess such costs to such owners and to enforce the collection of unpaid assessments by placing a lien on the property of owners not paying legally and properly levied assessments.
- (e) The legal structure of a Country Club within a Planned Unit Development accepting ownership and maintenance responsibility for common areas and/or open space shall provide that the owner(s) of such Club are responsible for providing and funding all taxes, insurance, administration, operation, security, repair and maintenance of all said Country Club property.

SECTION 1211 – COORDINATION WITH SUBDIVISION REGULATIONS

- (a) Prior to the initiation of construction, a detailed Site Plan for each proposed segment of development within a PUD District shall be submitted to the Hinds County Board of Supervisors for Site Plan Review in accordance with Section 2408 and 2409 of this Ordinance as applicable.
- (b) Subdivision review under the Subdivision Regulations may be carried out simultaneously with the Site Plan Review required by this Ordinance.
- (c) The development plan submitted for Site Plan Review shall be submitted in a form which satisfies the requirements of the Subdivision Regulations for preliminary plats, or in such other form (or forms) as is necessary to show to the satisfaction of the County Engineer, the configuration, dimensions, infrastructure, stormwater management and other important features of the proposed development and to present generally how the developer intends to accomplish construction of the development consistent with the plans submitted.
- (d) There shall be no substantial or material deviation from an approved Site Plan until such deviation has been approved by the Hinds County Board of Supervisors.

ARTICLE XIII

RESTRICTED COMMERCIAL DISTRICT (C-1)

SECTION 1300 - PURPOSE OF THIS DISTRICT

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

SECTION 1301 - LAND USES PERMITTED

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

- (a) Offices of professional services such as physicians, dentists, engineers, architects, attorneys and similar professions.
- (b) Offices of insurance or real estate agents or brokers and travel agencies.
- (c) Personal services such as hair styling shops and photographic portrait studios.
- (d) Business services such as advertising firms and private employment agencies.
- (e) Instructional services such as studios for the teaching of fine arts, photography, music drama and dance; business and stenographic schools; barber and beauty schools.
- (f) General offices.
- (g) Public streets and highways.
- (h) Other similar or related uses specifically approved by the Board of Supervisors.

SECTION 1302 - CONDITIONAL USES AND STRUCTURES AS PROVIDED UNDER SECTION 2406

Public or quasi-public facilities and utilities in compliance with Section 414 and other regulations of this Ordinance.

SECTION 1303 - DIMENSIONAL REQUIREMENTS

1303.01: Maximum Building Height: 35 feet or 2 stories.

1303.02: Minimum Lot Area: 7,500 square feet.

1303.03: Minimum Lot Width: 75 feet.

1303.04: Maximum Buildable Area: The aggregate square footage of all buildings shall not exceed fifty percent (50%) of the gross lot area.

1303.05: Minimum Yards:

- (a) Front yard: 25 feet from the existing or proposed right-of-way line as shown on the adopted Hinds County Thoroughfares Plan. This yard shall be a landscaped open area with no encroachments permitted including parking lots, or other paved areas except for entrance/exit driveways.
- (b) Side yards: 10 feet from each side lot line to any building, except where a side lot line abuts an existing single family residential use or R-1A, R-1B, R-1C, R-2, or R-2-M District in which case the side yard shall be 20 feet from any building to the lot line.
- (c) Rear yard: 15 feet from the rear lot line to any building, except where the rear lot line abuts and existing single-family detached residential uses of R-1, R-2, R-2-M District in which case the rear yard shall be 20 feet from any building to the lot line abutting the residential use or District. This yard shall be landscaped open area with no encroachments permitted including driveways, parking lots, patios or swimming pools or other-paved areas.

1303.06: Internal Building Space: No principal building or accessory building shall be constructed nearer than twenty (20) feet to any other principal building or accessory building.

SECTION 1304 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

Developers of restricted commercial uses and other uses permitted in G1 zones shall comply with Section 437 of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities should also comply with Section 437.

SECTION 1305 - SITE PLAN REQUIRED

The developer of any use in a C-1 Restricted Commercial District shall submit a Site Plan to the Planning Commission in accordance with *Section 2408* of this Ordinance.

SECTION 1306 - REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

Developers of any proposed commercial use or permitted special exception shall comply with parking and loading requirements included under Article XXI.

SECTION 1307 - SIGNS

See Article XXII for regulations regarding signs.

SECTION 1308 - REQUIREMENTS REGARDING EXISTING NARROW STREETS, UNPAVED STREETS AND PROPOSED NEW STREETS

The developer of any commercial use in a C-1 District shall comply with the provisions of *Sections 425, 426 and 427* of this Ordinance.

ARTICLE XIV

GENERAL COMMERCIAL DISTRICT (C-2)

SECTION 1400 - PURPOSE OF THIS DISTRICT

The purpose of this District is to provide for the preservation and perpetuation of retail and other commercial uses and to provide areas for the additional development of retail, service and office commercial uses in accessible, visible and compatible areas of Hinds County. The commercial activities permitted in this District include uses of a higher intensity and scale than those first allowed in the Restricted Commercial District (C-1) and such uses are not "highway oriented" like those first allowed in the Major Thoroughfares Commercial District (C-3). It is the intent of this Ordinance that commercial uses in this District serve the general commercial needs of the surrounding area. It is further the intent of this Ordinance that these commercial areas have such features as ample parking and loading space and adequate vehicular access from primary and secondary circulation routes.

SECTION 1401 - LAND USES PERMITTED

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

- (a) All commercial uses allowed in the C-1 District.
- (b) Commercial uses in which services performed and merchandise offered for sale are conducted or displayed entirely within enclosed structures, including grocery stores, drug stores, general merchandise stores, specialty retailers, department stores (full line or discount), furniture and appliance stores and similar establishments.
- (c) Shopping centers that shall be developed as a unit in accordance with *Sections 2408 and 2409* relative to Site Plan Review.
- (d) Veterinary clinics and pet shops, where the housing and care of animals is conducted entirely within enclosed structures.
- (e) Service Stations, including vehicle repairs (except body repairs), provided that all vehicle repairs except those of a minor nature (e.g., change of fan belt, minor carburetor adjustments, tire repairs) are conducted entirely within an enclosed building and provided that all such service stations are located on an existing or proposed arterial street designated as such by the adopted Transportation Element of the Hinds County Comprehensive Plan.
- (f) Single or multi-tenant convenience stores.
- (g) Bowling alleys, skating rinks, motion picture theatres and similar recreational or entertainment enterprises conducted entirely within enclosed structures.
- (h) Other similar or related uses specifically approved by the Board of Supervisors.
- (i) Public streets and highways.

SECTION 1402 - CONDITIONAL USES AND STRUCTURES AS PROVIDED UNDER SECTION 2406

- (a) Public or quasi-public facilities and utilities in compliance with *Section 414* and other regulations of this Ordinance.
- (b) Mortuaries or funeral homes provided such uses shall be located on an existing or proposed arterial street as shown on the adopted Transportation Element of the Hinds County Comprehensive Plan.
- (c) Yard and garden centers and horticultural nurseries shall be considered only as conditional uses in C-2 Districts because much of the activity associated with these uses is conducted outdoors.

SECTION 1403 - DIMENSIONAL REQUIREMENTS

1403.01: Maximum Building Height: No structure shall exceed 35 feet in height as measured from the average of the finished ground elevations at the front line of the building. Any building or structure proposed to be constructed or erected above the maximum height shall require Site Plan Review in accordance with Section 2306.

1403.02: Minimum Lot Area: 7,500 square feet

1403.03: Minimum Lot Width: 75 Feet

1403.04: Maximum Buildable Area: The aggregate square footage of all buildings shall not exceed fifty percent (50%) of the gross lot area.

1403.05: Minimum Yards:

- (a) Front yard: 25 feet from the existing or proposed right-of-way line as shown on the adopted Hinds County Transportation Element. This yard shall be a landscaped open area with no encroachments permitted including parking lots, patios or swimming pools or other paved areas except for entrance/exit driveways.
- (b) Side yards: 10 feet from each side lot line to any building, except where a side lot line abuts an existing residential use or District in which case the side yard shall be 20 feet from any building to the lot line. This yard shall be a landscaped open area with no encroachments permitted including driveways, parking lots, patios or swimming pools or other paved areas
- (c) Rear yard: 15 feet from the rear lot line to any building, except where the rear lot line abuts an existing residential use or District in which case the rear yard shall be 20 feet from any building to the lot line abutting the residential use or District. This yard shall be a landscaped open area with no encroachments permitted including driveways, parking lots, patios or swimming pools or other paved areas.

1403.06: Internal Building Space: No principal building or accessory building shall be constructed nearer than twenty (20) feet to any other principal building or accessory building.

SECTION 1404 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

The developer of any use in a C-2 District shall comply with Section 437 of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities shall also comply with Section 437.

SECTION 1405 - SITE PLAN REQUIRED

The developer of any use in a C-2 General Commercial District shall submit a Site Plan to the Planning Commission in accordance with *Section 2408* of the Ordinance.

SECTION 1406 - REQUIREMENTS FOR OFF-STREET PARKING, LOADING, AND ACCESS CONTROL

Developers of any proposed commercial or permitted special exception shall comply with parking and loading requirements included under Article XXI.

SECTION 1407 - SIGNS

See Article XXII for regulations regarding signs.

SECTION 1408 - REQUIREMENTS REGARDING EXISTING NARROW STREETS, UNPAVED STREETS AND PROPOSED NEW STREETS

The developer of any commercial use in a C-2 District shall comply with the provisions of *Section 425, 426, and 427* of this Ordinance.

ARTICLE XV

MAJOR THOROUGHFARES COMMERCIAL DISTRICT (C-3)

SECTION 1500 - PURPOSE OF THIS DISTRICT

The purpose of this District is to provide relatively spacious areas for the development of vehicle-oriented traffic access and visibility from Interstate interchanges and frontage roads, State highways, and existing and proposed primary arterial roads designated on the adopted Transportation Element of the Hinds County Comprehensive Plan. This District is intended to encourage those commercial activities that function relatively independent of intensive pedestrian traffic and proximity of other commercial establishments. These Districts are appropriate for the fringes of existing high intensity retail Districts and along major thoroughfares designated as arterial streets in the adopted Transportation Plan Element of the Hinds County Comprehensive Plan. Because development in this District will cater primarily to motorists, special development standards are incorporated into these regulations to provide for orderly development and to minimize traffic hazards and impacts.

SECTION 1501 - LAND USES PERMITTED

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

- (a) Any use permitted in the C-2 General Commercial District.
- (b) Hotels and motels.
- (c) Commercial recreation and entertainment enterprises in which all or part of the activities are conducted out-of-doors, such as swimming pools, golf driving or putting courses, tennis complexes, amusement parks, race tracks, outdoor theatres, etc.
- (d) Automobile, truck and other vehicle sales, service and storage (both new and used), including heavy machinery and implement dealer/repair, and other similar uses.
- (e) Manufactured housing, trailer and recreational vehicle sales, repair, service and storage facilities.
- (f) Accessory structures and uses customarily and incidental to any of the foregoing permitted uses and not otherwise prohibited.
- (g) Public streets and highways.
- (h) Veterinary clinics with outside facilities such as pens and dog runs.
- (i) Mortuaries, mausoleums and commercial cemeteries.
- (j) Horticultural nurseries.
- (k) Mini-storage warehouses, enclosed storage yards, and wholesale establishments of not more than 4000 square feet of gross floor area in size.
- (l) Construction processing equipment and material yards and buildings.

SECTION 1502 - CONDITIONAL USES (SPECIAL EXCEPTIONS) AND STRUCTURES AS PROVIDED UNDER SECTION 2406

- (a) Public or quasi-public facilities and utilities in compliance with *Section 414* and other regulations of the Ordinance.
- (b) Other similar enterprises or businesses of the same nature which are not more obnoxious or detrimental to the welfare of the particular area than the enterprises permitted above, however, not to include those uses which are first permitted in the I-1 District. Uses not specifically listed above shall be reviewed by the Planning Commission and approved by the Board of Supervisors.

SECTION 1503 - DIMENSIONAL REQUIREMENTS

1503.01: Maximum Building Height: No structure shall exceed 35 feet in height as measured from the average of the finished ground elevations at the front line of the building. Any building or structure proposed to be constructed or erected above the maximum height shall require Site Plan Review in accordance with Section 2408.

1503.02: Minimum Lot Area: 7,500 square feet.

1503.03: Minimum Lot Width: 75 feet.

1503.04: Maximum Buildable: The aggregate square footage of all buildings shall not exceed fifty percent (50%) of the gross lot area. Minimum Yards:

- (a) Front yard: 25 feet from the existing or proposed right-of-way line as shown on the adopted Transportation Element of the Hinds County Comprehensive Plan. This yard shall be a landscaped open area with no encroachment permitted including parking lots, patios or swimming pools, or other paved areas except for entrance/exit driveways.
- (b) Side yards: 10 feet from each side lot line to any building, except where a side lot line abuts an existing residential use or District in which case the side yard shall be 25 feet from any building to the lot line. This yard shall be a landscaped open area with no encroachments permitted including driveways parking lots, patios, or swimming pools or other paved areas.
- (c) Rear yard: 15 feet from the rear lot line to any building, except where the rear lot line abuts an existing residential use or District in which case the rear yard shall be 25 feet from any building to the lot line abutting the residential use or District. This yard shall be a landscaped open area with no encroachments permitted including driveways, parking lots, patios or swimming pools or other paved areas.

1503.06 Internal Building Space; No building within the C-3 District shall be nearer than twenty (20) feet to any other building.

SECTION 1504 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

Developers of any commercial use and other uses permitted in C-3 District shall comply with Section 437 of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities shall also comply with Section 437.

SECTION 1505 - SITE PLAN REQUIRED

The developer of ANY commercial use in this District shall submit a Site Plan to the Planning Commission in accordance with *Section 2408* of this Ordinance.

SECTION 1506 - REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

Developers of any proposed commercial or permitted special exception shall comply with parking and loading requirements included under Article XXI.

SECTION 1507 - SIGNS

See Article XXII for regulations regarding signs.

SECTION 1508 - REQUIREMENTS REGARDING EXISTING NARROW STREETS, UNPAVED STREETS AND PROPOSED NEW STREETS.

The developer of any multiple family residential use in an R-4 District shall comply with the provisions of *Sections 425, 426, and 427* of this Ordinance.

SECTION 1509 - REQUIRED PLANTING SCREEN FOR USES ABUTTING EXISTING SINGLE FAMILY DETACHED RESIDENCES IN R-1 OR R-2 ZONES.

Whenever a proposed use in the C-3 District will abut an existing single family detached residence, or any R-1 or R-2, or R-2M Residential District, the developer shall install a planting screen having an ultimate height of at least six (6) feet along the side and/or rear property lines of the proposed use. The location and type of planting screen to be installed shall be noted on the Site Plan. Maintenance of this required planting screen shall be the responsibility of the property owner, and failure to maintain the planting screen in a satisfactory manner shall constitute a violation of this Ordinance and be subject to the penalties prescribed herein.

ARTICLE XVI

LIMITED INDUSTRIAL DISTRICT (I-1)

SECTION 1600 - PURPOSE OF THIS DISTRICT

The purpose of this District is to provide areas for the exclusive development of limited (light) manufacturing and industrial uses within enclosed structures. It is the intent of this Ordinance that all land uses be compatible with abutting Districts, such as R4 and commercial Districts, which will serve as transitional zones between the industrial uses and the lower intensity residential uses. The uses permitted in I-1 Districts shall generate no objectionable odor, smoke, fumes, vibration or excessive noise. Such limited industrial and related uses shall be located only in areas directly accessible to major thoroughfares or railroads. It is further the intent of this Ordinance that encroachment by all residential uses be prohibited.

SECTION 1601 - LAND USES PERMITTED

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

- (a) Any use permitted in the C-3 District.
- (b) Light or limited manufacturing conducted wholly within completely enclosed buildings, except that the temporary storage of articles, material, or other matter to be processed, assembled, or otherwise changed may be permitted if adequately screened or buffered. The manufacturing activities conducted in I-1 District shall, in general, be predominantly dependent upon use of raw materials prepared elsewhere to create finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing. Furthermore, all manufacturing uses shall be of the "dry type" (i.e., those industries which do not discharge by products or processed wastewater.) The following limited manufacturing uses shall be permitted, provided they are not offensive to neighboring land uses due to the emission of dust, gas, smoke, noise, fumes, odors, vibrations, fire hazards or other objectionable influences:
 - (1) Manufacturing, assembly or other treatment of products produced elsewhere.
 - (2) Manufacturing of electrical appliances, machinery equipment and supplies.
 - (3) Fabrication of metal products including the manufacture of metal cans, cutlery, hand tools, and general hardware, heating apparatus and plumbing fixtures, metal stamping, fabricated wire products, and including coating, engraving and allied services, but EXCLUDING primary metal industries (such as blast furnaces, steel works, the rolling and finishing of metals, drop forges, and the like) and EXCLUDING the manufacture of non-electrical machinery (such as engines and turbines, farm machinery and equipment, and similar "heavy" machine parts and equipment.)
 - (4) Manufacturing of pottery or similar ceramic products (using only previously prepared sand or pulverized clay, and kilns fired only by electricity or natural gas).
 - (5) Manufacturing of apparel and other finished products made from fabrics, leather, fur, synthetics and similar materials.
 - (6) Assembly, painting, upholstering and similar activities in connection with automobiles, trucks, farm machinery, mobile homes and related products.
- (c) Truck stops and trucking terminals.
- (d) Warehousing and storage, provided that all storage is within enclosed structures; such warehousing may include the storage of goods manufactured on the premises as well as goods manufactured off the site.
- (e) Railroad facilities exclusive of marshaling yards, maintenance and fueling facilities.
- (f) Television and radio transmitters, telephone microwave towers, and similar communications facilities in compliance with Article XXVI of this Ordinance.
- (g) Dwellings for resident watchmen and caretakers employed on the premises of the primary permitted use.
- (h) Accessory structures and uses customary and incidental to any of the foregoing permitted uses and not otherwise prohibited.
- (i) Public streets and highways.

- (j) Other similar enterprises which are of the same character and nature as those specifically permitted above, but not to include those uses which are first permitted in the I2 Heavy Industrial District.

SECTION 1602 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2406

Public and quasi-public facilities and utilities may be allowed in this District in compliance with *Section 414* of this Ordinance and subject to any limitations and restrictions deemed necessary by the Board of Supervisors.

SECTION 1603 - DIMENSIONAL REQUIREMENTS

1603.01: Maximum Building Height: No structure shall exceed 35 feet in height as measured from the average of the finished ground elevations at the front line of the building. Any building or structure proposed to be constructed or erected above the maximum height shall require Site Plan Review in accordance with Section 2408 of this Ordinance.

1603.02: Minimum Lot Area: 10,000 square feet.

1603.03: Minimum Lot Width: 100 feet.

1603.04: Maximum Buildable Area: Except for required minimum yards, off-street parking and loading requirements, accessory buildings or uses, commercial and industrial uses permitted in this District may occupy as much of a lot as necessary to conduct the permitted activity.

1603.05: Minimum Yards:

- (a) Front yard: 25 feet from the existing or proposed right-of-way line as shown on the adopted Transportation Element of the Hinds County Comprehensive Plan. This yard shall be landscaped open area with no encroachments permitted including parking lots, patios or swimming pools, or other paved areas except for entrance/exit driveways.
- (b) Side yards: 10 feet from each side lot line to any building, except where a side lot line abuts an existing residential use or District in which case the side yard shall be 25 feet from any building to the lot line, unless a greater setback is required by the Board of Supervisors following Site Plan Review. This yard shall be landscaped open area with no encroachments permitted including driveways, parking lots, patios or swimming pools or other paved areas.
- (c) Rear yard: 15 feet from the rear lot line to any building, except where the rear lot line abuts an existing residential use or District in which case the rear yard shall be 25 feet from any building to the lot line abutting the residential use or District, unless a greater setback is required by the Board of Supervisors following Site Plan Review. This yard shall be a landscaped open area with no encroachments permitted including driveways, parking lots, patios or swimming pools or other paved areas.

1603.06: Internal Building Space: No building within the I1 District shall be nearer than twenty (20) feet to any other building.

SECTION 1604 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

Developers of limited industrial uses and other uses permitted in I1 District shall comply with Section 437 of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities shall also comply with Section 437.

SECTION 1605 - SITE PLAN REQUIRED

The developer of ANY use in this District shall submit a Site Plan to the Planning Commission in accordance with *Section 2408* of this Ordinance.

SECTION 1606 –REQUIRED PLANTING SCREEN FOR USES ABUTTING EXISTING SINGLE-FAMILY DETACHED RESIDENCES OR R-1 OR R-2 ZONES

Whenever a proposed use in the I-1 District will abut an existing single family detached residence or a R-1, R-2, or R-2-M Residential District, the developer shall install a planting screen having an ultimate height of a least six (6) feet along the side and/or rear property lines of the proposed use. The location and type of planting screen to be installed shall be noted on the Site Plan. Maintenance of this required planting screen shall be the responsibility of the property owner, and failure to maintain the planting screen in a satisfactory manner shall constitute a violation of this Ordinance and be subject to the penalties prescribed herein.

SECTION 1607 – ACCESS REQUIRED FOR OFF-STREET PARKING, LOADING AND SAFETY CONTROL

For reasons of fire safety all proposed uses in the I-1 District shall provide at least two separate points of ingress/egress to and from the use. Spacing requirements for these access points are provided under Article XXI. Developers of any proposed use or permitted special exception shall comply with parking, loading and access requirements included under Article XXI.

SECTION 1608 - SIGNS

See Article XXII for regulations regarding signs.

SECTION 1609 - REQUIREMENTS REGARDING EXISTING NARROW STREETS, UNPAVED STREETS AND PROPOSED NEW STREETS

The developer of any industrial or commercial use in the I-1 District shall comply with the provisions of Sections 425, 426 and 427 of this Ordinance.

ARTICLE XVII

HEAVY INDUSTRIAL DISTRICT (I-2)

SECTION 1700 - PURPOSE OF THIS DISTRICT

The purpose of this District is to provide areas for the exclusive development of industrial uses that generally have extensive space requirements, require outdoor processing or storage, and/or generate substantial amounts of noise, vibration, odors, glare, or possess other objectionable characteristics. It is the intent of this Ordinance that such "heavy" industrial Districts be located insofar as possible adjacent only to C-3 or I-1 Districts, which shall serve as transitional zones between I2 Districts and residential uses and lower intensity commercial uses. Heavy industrial uses shall be located only in areas directly accessible from U.S. or State Highways and arterial roads or railroads shown on the Transportation Plan Element of the Hinds County Comprehensive Plan. (See also Section 421 of this Ordinance with regard to prohibited uses.)

SECTION 1701 - LAND USES PERMITTED

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

- (a) Any use permitted in I-1 Districts.
- (b) Heavy manufacturing uses WHICH ARE NOT POTENTIALLY HAZARDOUS OR OFFENSIVE TO NEIGHBORING LAND USES due to the emission of dust, gas, smoke, noise, fumes, odors, vibrations, or other objectionable influences shall be permitted by right in I2 Districts, EXCEPT THAT MANUFACTURING USES OF THE "WET" TYPE (i.e., those industries which require large amounts of water in processing or discharge large amounts of byproducts or waste through the sewer system) SHALL BE PERMITTED ONLY AS CONDITIONAL USES (See *Section 2406*)
- (c) Railroad facilities, including marshaling yards, maintenance shops, and fueling facilities.
- (d) Accessory structures and uses customary and incidental to any of the foregoing permitted uses and not otherwise prohibited.
- (e) Public streets and highways.

SECTION 1702 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2406

- (a) Primary metal manufacturing, including: blast furnaces, steel works, and the rolling and finishing of ferrous metals; iron and steel foundries, primary smelting and refining of nonferrous metals; and similar activities.
- (b) Any manufacturing activity requiring large amounts of water for processing or discharging large amounts of waste or by-products into the sewer system.
- (c) Mining, quarrying and crude petroleum and natural gas production (including sand and gravel pits and rock crushing operations). In the case of open pit mining or quarrying, a Reclamation Plan shall be submitted and approved by the Board of Supervisors prior to initiation of such uses (See also *Section 201*).
- (d) Junk yards and auto wrecking yards.
- (e) Public and quasi-public facilities and utilities may be allowed in this District in compliance with *Section 414* of this Ordinance and subject to any limitations and restrictions deemed necessary by the Board of Supervisors.
- (f) Any other use of heavy industrial nature which is not prohibited under *Section 421* of this Ordinance or otherwise prohibited by law may be initiated in I2 Districts, subject to any limitations and restrictions deemed necessary by the Board of Supervisors.

SECTION 1703 - DIMENSIONAL REQUIREMENTS

1703.01: Minimum Building Height: No structure shall exceed 35 feet in height as measured from the average of the finished ground elevations at the front line of the building. Any building or structure proposed to be constructed or erected above the maximum height shall require Site Plan Review in accordance with Section 2408 of this Ordinance.

1703.02: Minimum Lot Area: 1 acre or 43,560 square feet.

1703.03: Minimum Lot Width: 100 feet.

1703.04: Maximum Buildable Area: Except for required minimum yards, off-street parking and loading requirements, and required distances between main buildings and accessory buildings or uses, commercial and industrial uses permitted in this District may occupy as much of a lot necessary to conduct the permitted activity.

1703.05: Minimum Yards

- (a) Front yard: 25 feet from the existing or proposed right-of-way line as shown on the adopted Transportation Element of the Hinds County Comprehensive Plan. This yard shall be landscaped open area with no encroachments permitted including parking lots, patios or swimming pools, or other paved areas except for entrance/exit driveways.
- (b) Side yards: 10 feet from each side lot line to any building, except where a side lot line abuts an existing residential use or District in which case the side yard shall be 25 feet from any building to the lot line. This yard shall be a landscaped open area with no encroachments permitted including driveways, parking lots, patios or swimming pools or other paved areas.
- (c) Rear yard: 15 feet from the rear lot line to any building, except where the rear lot line abuts an existing residential use or District in which case the rear yard shall be 25 feet from any building to the lot line abutting the residential use or District. This yard shall be a landscaped open area with no encroachments permitted including driveways, parking lots, patios or swimming pools or other paved areas.

1703.06: Internal Building Space: No building within the I-2 District shall be nearer than 20 feet to any other building.

SECTION 1704 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

Developers of any use and in a I-2 District shall comply with Section 437 of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities shall also comply with Section 437.

SECTION 1705 - SITE PLAN REQUIRED

The developer of any use in the I-2 District shall submit a Site Plan to the Planning Commission in accordance with Section 2408 of this Ordinance.

SECTION 1706 - REQUIRED PLANTING SCREEN FOR USES ABUTTING EXISTING SINGLE-FAMILY DETACHED RESIDENCES OR R-1 OR R-2 ZONES

Whenever a proposed use in the I-2 District will abut an existing single family detached residence or a R-1 or R-2 residential District, the developer shall install a planting screen having a height of at least six (6) feet along the side and/or rear property lines of the proposed use. The location and type of planting screen to be installed shall be noted on the Site Plan. Maintenance of this required planting screen shall be the responsibility of the property owner, and failure to maintain the planting screen in a satisfactory manner shall constitute a violation of this Ordinance and be subject to the penalties prescribed herein.

SECTION 1707 - REQUIREMENTS REGARDING EXISTING NARROW STREETS, UNPAVED STREETS AND PROPOSED NEW STREETS

The developer of any industrial or commercial use in the I-2 District shall comply with the provisions of Sections 425, 426 and 427 of this Ordinance.

SECTION 1708 – ACCESS REQUIRED FOR OFF-STREET PARKING, LOADING SPACE AND SAFETY CONTROL

For reasons of fire safety all proposed uses in an I-2 District shall provide at least two separate points of ingress/egress to and from the use. Spacing requirements for these access points are provided under Article XXI. Developers of any proposed use or permitted special exception shall comply with parking, loading and access requirements included under Article XXI

SECTION 1709 - SIGNS

See Article XII for regulations regarding signs.

ARTICLE XVIII

SPECIAL USE DISTRICTS (SU)

SECTION 1800 - PURPOSE OF THIS DISTRICT

The purpose and intent of the Special Use District Zoning Classification is to permit the County the right to establish needed zoning Districts for a number of specific types of land use development which do not compatibly fit into the established zoning Districts because of their size, unique characteristics, or institutional nature.

SECTION 1801 - TYPES OF SPECIAL USE DISTRICTS

- (a) SU-1 Medical Complex District - to include such compatible and related activities as hospitals, public health centers, nurses' training facilities, pathology laboratories, medical clinics and offices, extended care and nursing care facilities, dental clinics and offices, and other directly related medical uses.
- (b) SU-2 Recreational District - to include such compatible and related active and passive recreational activities as neighborhood centers, parks and play grounds, sports fields, golf courses, swimming pools, picnic areas, tennis courts, riding stables and academies, stadiums, outdoor tracks and other related sports and recreational uses.
- (c) SU-3 Educational Institutions District - to include such compatible and related activities as elementary schools, secondary schools, colleges and universities, technical and vocational training facilities, auditoriums, libraries, sports facilities and other directly related educational uses.
- (d) SU-4 Civic Facilities District - to include such compatible and related functions and services as public safety facilities, civic centers, historic sites, auditoriums, museums, nature areas and exhibits, cultural centers, parks, neighborhood health centers, automobile parking lots and garages (federal, State, and County), government offices and facilities, public utility buildings and other directly related civic uses.
- (e) SU-5 Religious Institutions District - to include such compatible and related activities as churches, Sunday Schools, parochial schools, youth centers, convents, monasteries, rectories, parsonages, assembly halls, religious office spaces, and other directly related religious institution uses.
- (f) SU-6 Airport District - to include such compatible and related activities as air fields, air strips, and other directly related uses, provided, however, that any and all uses, improvements to facilities and buildings shall be erected and constructed in accordance with current regulations of the Federal Aviation Administration of the United States Government.

SECTION 1802 - LAND USES PERMITTED

Each use proposed to be located in each Special Use District shall be directly related to the specific intent of the respective Special Use District, and may be permitted, provided no conflict exists between existing land use patterns and the proposed uses.

SECTION 1803 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2406

Public and quasi-public facilities and utilities may be allowed in this District in compliance with *Section 414* of this Ordinance and subject to any limitations and restrictions deemed necessary by the Board of Supervisors.

SECTION 1804 - SITE PLAN SUBMITTAL

When submitting and application for a Special Use District zoning, a Site Plan shall be submitted. This Site Plan shall be referred to the Planning Commission which shall review said plan to determine that such plan does or does not comply with the intent of this zoning District. If the plan does not comply, it shall be the duty of the Planning Commission in cooperation with the Director of Permit and Zoning and County Engineer to require such changes as will bring the Site Plan into conformance before submitting application to the Board. After this procedure has been followed and Special Use District Zoning has been granted by the Board of Supervisors, it will not be necessary to resubmit the Site Plan to the Building and Permit Department or to any other department in order to secure building permits.

SECTION 1805 - DIMENSIONAL REQUIREMENTS

1805.01: Minimum Size of District: Five (5) acres.

1805.02: Minimum Building Height: Thirty-five (35) feet or 2 stories unless specifically approved through Site Plan review procedure required herein.

1805.03: Minimum Lot Size: No minimum

1805.04: Minimum Lot Width: No minimum

1805.05: Maximum Buildable Area: Not regulated

1805.06: Minimum Yards:

- (a) Front yard: 25 feet from the existing or proposed right-of-way line as shown on the adopted Transportation Element of the Hinds County Comprehensive Plan. This yard shall be landscaped open area with no encroachments permitted including parking lots, patios or swimming pools, or other paved areas except for entrance/exit driveways.
- (b) Side yards: 15 feet from each side lot line to any building, except where a side lot line abuts an existing residential use or District in which case the side yard shall be 25 feet from any building to the lot line unless a greater setback is required by the Board of Supervisors following Site Plan Review. This yard shall be a landscaped open area with no encroachments permitted including driveways, parking lots, patios or swimming pools or other paved areas.
- (c) Rear yard: 15 feet from the rear lot line to any building, except where the rear lot line abuts an existing residential use or District in which case the rear yard shall be 25 feet from any building to the lot line abutting the residential use or District unless a greater setback is required by the Board of Supervisors following Site Plan Review. This yard shall be a landscaped open area with no encroachments permitted including driveways, parking lots, patios or swimming pools or other paved areas.

1805.07: Internal Building Space: No building within a Special Use District shall be nearer than twenty (20) feet to any other building.

SECTION 1806 – REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

The developer of any use in a SU District shall comply with Section 437 of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities shall also comply with Section 437.

SECTION 1807 - LAND USE COMPATIBILITY

All uses with a Special Use District shall be compatible with the adjacent land uses; otherwise, adequate screening or buffer zones shall be required to preserve the integrity of adjacent properties.

SECTION 1808 - TIME REQUIREMENT

Major uses proposed for Special Use District shall be under construction within one (1) year after approval of the final Site Plan. If construction has not been initiated within one (1) year, or a renewal of the plan has not be obtained, all land areas rezoned shall revert back to their previous zoning.

SECTION 1809 - DESIGNATION TO BE BINDING

Enactment of Special Use District zoning shall be binding upon the applicant or applicants, their successors and assignees and will limit the extent of the development to the conditions and limitations spelled out in the approved development plan for the specific area.

SECTION 1810 - OFF-STREET PARKING, LOADING AND ACCESS CONTROL

See Article XXI for off-street parking and loading requirements for uses within this District. Adequate on premises parking and provisions for ingress and egress shall be provided at the time of the erection of any principal building, structure, or recreational facilities. Further, the same shall be required at the time any building, structure, or other permitted uses are enlarged or increased in capacity.

SECTION 1811 - SIGNS

See Article XXII for regulations regarding signs.

SECTION 1812 - REQUIREMENTS REGARDING EXISTING NARROW STREETS, UNPAVED STREETS AND PROPOSED NEW STREETS

The developer of any use in the Special Use District shall comply with the provisions of *Sections 425, 426, and 427* of this Ordinance.

ARTICLE XIX

FLOOD PLAIN DISTRICT (FP)

SECTION 1900 - PURPOSE OF THIS DISTRICT

The purpose of this District is to identify those areas of Hinds County which having been designated by the Federal Emergency Management Agency (FEMA) through its National Flood Insurance Program are subject to the possibility of periodic flooding. It is the intent of this Ordinance to permit certain non-intensive uses in areas which are subject to periodic flooding and to protect areas from othertypes of development except where adequate assurance is given that the development will be protected from flooding. Furthermore, developers of any use in an area designated as a Flood Plain District shall comply with all the requirements set forth in the Hinds County Amended Flood Damage Prevention Ordinance, adopted by the Board of Supervisors on March 9, 1987, and as thereafter amended.

No structures shall be permitted within any floodway designated area. The regulations hereinafter set forth in this section shall apply to the property located in the Flood Plain District which has been delineated by FEMA on the Flood Insurance Rate maps which shows the special flood hazard areas. The area that is subject to the one hundred year flood is hereby superimposed on other zoning Districts and indicated on the official zoning display map. Such regulations qualify or supplement, as the case may be, the regulations of the District in which such property is located.

SECTION 1901 - LAND USES PERMITTED

The following uses may be permitted only as expressly authorized by the Board of Supervisors and be subject to any limitations and restrictions as set forth in the National Flood Insurance Program. Buildings or other uses are allowed in this District in conformity with all provisions with the underlying Districts in which they are located, provided that: (1) the applicant shall submit to the building permit department evidence that the premises can be protected from inundation, by fill, levee, or other means, without undue interference, either with the flow of any water course or with any necessary impounding basins, which evidence shall then be transmitted to, verified, and approved by the County Engineer prior to building permits being issued; (2) all new construction or substantial improvements to residential buildings with the Flood Plain District shall have the lowest floor (including basement) elevated by landfill or piers above the base flood one elevation; and (3) all new construction or substantial improvements of nonresidential buildings within the Flood Plain District shall have the lowest floor (including basement) elevated by landfill or piers above the base flood elevation or flood-proofed in lieu of being elevated. The following uses are permitted being subject to the flood-proofing requirements stated above:

- (a) Farms and farming as defined herein except that no permanent dwelling shall be permitted nor shall the business of dealing or trading in livestock or the operation of commercial feeding or fattening lots or pens be permitted.
- (b) Temporary buildings incidental to farming.
- (c) Cabins or camps for seasonal, but not permanent, occupancy when located more than 100 feet from any street, road or other public way and more than 200 feet from any dwelling District.
- (d) Public parks and public recreational facilities.
- (e) Temporary accessory buildings and uses customarily incidental to the above permitted uses.
- (f) Advertising, business signs, advertising billboards and roadside stands, but only if premises are located in a District where the use regulations permit such structures and uses, and only to the extent permitted by such use regulations.

SECTION 1902 - LAND USES PROHIBITED

Any and all uses designed for permanent residential habitation, except as provided for under the conditions set forth in Section 1901.

SECTION 1903 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2406

Public and quasi-public facilities and utilities may be allowed in this District in compliance with *Sections 414 and 1901* of this Ordinance and subject to any limitations and restrictions deemed necessary by the Board of Supervisors and/or set forth in the National Flood Insurance Program.

SECTION 1904 - DIMENSIONAL REQUIREMENTS

1904.01: Maximum Building Height: 35 feet or 2 stories unless a greater height is specifically approved through Site Plan Review in accordance with Section 2408.

1904.02: Minimum Lot Area: No cabin shall be erected on lot containing less than one (1) acre, and no camp shall be erected on a site containing less than five (5) acres.

1904.03: Minimum Lot Width: Not Regulated

1904.04: Maximum Buildable Area: Not Regulated

1904.05: Minimum Yards:

(a) Front Yard: 25 feet from the existing or proposed right-of-way line.

(b) Side Yard: 10 feet

(c) Rear Yard: 25 feet

SECTION 1905 - OFF-STREET PARKING

See Article XXI for off-street parking and loading requirements for uses in this District.

SECTION 1906 - REQUIREMENTS REGARDING EXISTING NARROW STREETS, UNPAVED STREET AND PROPOSED NEW STREETS

The developer of any use in the FP District shall comply with the provisions of *Section 425, 425 and 427* of this Ordinance if deemed necessary by the Board of Supervisors.

SECTION 1902 - SCOPE AND LIABILITY

The degree of flood protection required by the Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This Ordinance does not imply that areas outside the flood plain Districts or uses permitted within such Districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Board of Supervisors or any officer or employee thereof for any flood damages that result from reliance on the Ordinance.

ARTICLE XX

TABLE OF DISTRICT REGULATIONS

SECTION 2000 – PURPOSE OF THIS ARTICLE

The purpose of this article is to present in tabular form the dimensional requirements established for land use within the various zoning districts under the preceding articles of this ordinance. Footnotes are used to indicate special considerations which may change the basic dimensional value. The table is presented on the following page.

ARTICLE XXI

OFF-STREET PARKING AND LOADING SPACE REQUIREMENT

SECTION 2100 - PURPOSE OF THIS ARTICLE

The purpose of this article is to establish requirements governing the provision of sufficient space for the off-street parking and loading (or unloading) of all motor vehicles in order to reduce or avoid congestion of streets and to provide a more suitable living and working environment. Such space for parking or loading of motor vehicles shall be provided at the time of the erection of any principal structure, or the time any principal structure is enlarged or increased in capacity by the addition of dwelling units, guest rooms, floor area or seats. The responsibility for providing the space required by this Ordinance shall be that of whoever establishes the use to which it is appurtenant.

SECTION 2101 - GENERAL REQUIREMENTS

Off-street parking and loading space shall be provided in accordance with the following regulations.

2101.01: Provision of Parking Space on the Same Lot With All Residential Uses: Offstreet parking space for all residential land uses shall be provided on the same parcel of land as the residential use to which the parking space is appurtenant.

2101.02: Non-residential Uses and Off-Street Parking: Off-street parking space for all non-residential land uses shall be provided on the same parcel of land as the use to which the parking space is appurtenant; PROVIDED, however, that the Board of Supervisors may authorize an alternative off-site location to the required parking space for such nonresidential land uses if:

- (a) There are practical difficulties preventing the location of parking space on the same parcel; or
- (b) The public safety or the public convenience or both would be better served by the location of the required space on a parcel of land other than with the use to which it is appurtenant; and
- (c) There exists a recommendation from the Planning Commission.

2101.03: Setback Requirements

- (a) No parking space shall be provided or allowed inside the minimum yards in any residential District except in the driveway of a single-family or two-family dwelling.
- (b) The required front yards may be used to assist in meeting parking and loading space requirements appurtenant to commercial and industrial uses. The required side or rear yards may also be used to assist in meeting parking and loading requirements appurtenant to commercial and industrial uses EXCEPT IF SUCH USES ABUT ANY RESIDENTIAL USE OR RESIDENTIAL DISTRICT. If a commercial or industrial use abuts a residential use of District, no parking or loading space shall be provided or allowed in the minimum side or rear yard abutting such residential use or District.

2101.04: Provision of Access and Maneuver Space: In calculating any required parking area, other than for parking spaces required for single and two-family dwellings, sufficient access and maneuver space shall be provided to permit the parking and removal of any vehicle without moving other vehicles. Furthermore, all parking spaces shall be designed maintained and regulated so that noparking or maneuvering incidental to parking shall be on any public street, sidewalk or alley.

2101.05: Required Improvements:

- (a) Curb Cuts: Driveway openings through the curb shall be a minimum of twentyfive (25) feet in width at the street line, excluding single-family and two-family residential uses.
- (b) Driveways in Parking Lots: Driveways in parking lots shall be a minimum of twenty (20) feet wide and no parking shall be allowed in this driveway.

2101.06: Parking Space Near Fire Hydrants: Under no circumstances shall any parking space be provided within ten (10) feet of a fire hydrant. Furthermore, if a fire hydrant is located on a street-corner, no paring space shall be provided within twenty (20) feet of such hydrant.

SECTION 2102 - SCHEDULE OR OFF-STREET PARKING REQUIREMENTS

When computing parking space requirements on the basis of the number of persons expected to be on the premises of a particular land use, the maximum number of occupants, practitioners, patrons or employees anticipated to be on the premises at any one time shall be used. When the application of the requirements of this section would result in a fractional space, any such fraction shall be counted as one space. In the case of mixed, compatible subcategories of land use (e.g., as shopping center containing a grocery store, a furniture store, a motion picture theater, etc.), the parking space required by the schedule below shall equal the sum of the requirements for each of the various uses (subcategories) computed separately. Off-street space for parking and storage of vehicles shall be provided in accordance with the following schedule.

2102.01: Residential Uses:

- (a) Single-Family and Two-Family Dwellings: Two spaces per dwelling unit.
- (b) Multi-Family Dwellings (3 or more units): One per bedroom for single bedroom units and two for each dwelling unit containing two or more bedrooms.
- (c) Manufactured Home Subdivision Lots and Manufactured Home Park Sites: Two spaces per dwelling unit.

2102.02: General Business, Commercial or Service Establishments Catering to the Retail Trade: One parking space for each 200 square feet of Gross floor area, EXCEPT:

- (a) Motor vehicle repair shops, body shops, etc: One space for each regular employee, plus one space for each 300 square feet of floor area used for mechanical or body repair.
- (b) Bowling alley: Five spaces for each bowling lane.
- (c) Hotels, motels, and group homes: One space for each guestroom plus one space for every two employees.
- (d) Restaurants and similar establishments serving food and beverages: One space for each 75 square feet of floor area devoted to patron use, plus one space for each employee.
- (e) Offices of physicians and dentists: Three spaces for each professional staff member.
- (f) Other businesses and professional offices (other than physicians or dentists): One space for each 300 square feet of gross floor area.
- (g) Furniture and appliance stores: One space for each 400 square feet of gross floor area.
- (h) Theaters, auditoriums and other commercial places of assembly: One space for each four fixed seats.
- (i) Gasoline service stations: One space for each employee and five spaces for each wash rack, lubrication rack, repair bay or similar facility for servicing and incidental repair of motor vehicles (not including said rack or bay as a space).
- (j) "Drive-in service" establishments, such as drive-in banking, dry-cleaning and laundry establishments and similar uses: Five standing spaces (i.e., spaces for vehicles waiting in line for service) for each teller window or other drive through or drive-up facility at which customer service is provided, plus one parking space for each employee.
- (k) Motor vehicle sales, machinery sales and equipment sales establishments: Two parking spaces (one customer and one employee) for each 1,000 square feet of area utilized for the display of vehicles, machinery or equipment for sale, whether or not said area is enclosed. (Note: If a motor vehicle sales establishment is combined with a motor vehicle repair shop, body shop or similar use, one space shall be provided for each employee of the establishment, whether mechanic, salesman or other, plus one space for every 1,000 square feet of sales display area and one space for every 300 square feet of floor area used for repair).
- (l) Skating rinks or other commercial places of amusement or assembly without a fixed seating arrangement: One parking space for each 75 feet of floor area devoted to use by patrons.
- (m) Grocery stores (excluding convenience type grocery stores): One parking space (for employees and customers) for each 100 square feet of non-storage floor area.
- (n) Convenience-type grocery stores: A minimum of four parking spaces for any such use plus one space for each 400 square feet of non-storage area.

2101.03: Warehouse, Wholesale and Manufacturing Uses NOT Catering to the Retail Trade: One parking space for each 1,000 square feet of gross floor area, or one parking space for each two employees on the largest shift, whichever is greater; plus one space for each vehicle operating from the premises.

2102.04: Public/Quasi-Public Facilities and Uses: Off-street parking space requirements for public/quasi-public facilities and uses shall be determined based upon a Site Plan and/or in accordance with the following schedule of requirement for specific uses:

- (a) Churches: One parking space for each five seats in the principal assembly hall.
- (b) Hospitals, rest homes, nursing homes, sanitariums, convalescent homes and institutions: One space for each patient bed, plus one space for each employee.
- (c) Elementary and junior high schools (or those schools generally educating students through the age of 15): One space for each six students or one space for each six fixed seats (if provided) in any auditorium, gymnasium or other facility for public assembly, whichever is greater, to accommodate student and parent/visitor parking needs; PLUS one space for each staff member or other employee of the school.
- (d) High Schools (or those schools generally educating students 15 years of age or older): One space for each four students or one space for each four fixed seats in any auditorium, gymnasium or other facility for public assembly, whichever is greater, to accommodate student and parent/visitor parking needs; PLUS one space for each staff member or other employee of the school.
- (e) Libraries, art galleries and museums, both public and private: One space for each 200 square feet of floor area (excluding storage rooms).
- (f) Other public/quasi-public facilities and uses not listed above: The off-street parking requirements for both public/quasi-public uses not listed above shall be determined on the basis of a Site Plan submitted in accordance with Section 414 of this Ordinance.

SECTION 2103 - OFF-STREET LOADING SPACE REQUIREMENTS

Adequate off-street space for the loading and unloading of vehicles and for vehicles temporarily stopped ("standing") while waiting to be loaded, unloaded or serviced, shall be provided and maintained for all commercial and industrial uses and any other use involving the receipt or distribution by vehicles of materials, merchandise or other matter on a regular basis. Said space shall be provided and designated, so as not be construed as the otherwise generally required parking space on the same premises with the use to which it is appurtenant, unless with a recommendation from the Planning Commission, the Board of Supervisors authorize in writing an alternative location for such loading or unloading. Unless otherwise specified in this Ordinance, loading, unloading or standing space shall be provided in accordance with the following: One loading space measuring at least 12 feet by 35 feet with a minimum height clearance of 14 feet for the first 3,000 square feet of effectively used land area (i.e., excluding setback areas, landscaped areas and parking lots) utilized for the above purposes; PLUS one additional loading space with the same space requirements as above for each 10,000 square feet of effectively used land area above the first 3,000 square feet. (Examples: (1) A parcel of land containing 3,000 square feet or area which is used for the storage of building supplies or a commercial building containing 3,000 square feet of floor space: one loading space would be required for either situation; (2) A parcel of land containing 23,000 square feet of effectively used land or a building containing 23,000 square feet of effectively used land or a building containing 23,000 square feet of floor area: a minimum of three loading spaces would be required in either situation.)

SECTION 2104 - DESIGN STANDARDS FOR OFF-STREET PARKING

All off-street parking shall be provided in accordance with the design standards for offstreet parking as prescribed in the latest edition of the Traffic Engineering Handbook, published by the Institute of Transportation Engineers, Washington, D.C., or in accordance with other design standards recommended by the Planning Commission or the Board of Supervisors.

ARTICLE XXII

SIGN REGULATIONS

SECTION 2200 - PURPOSE OF THIS ARTICLE

For the purposes of this Ordinance, a "sign" shall be defined as any word, figure, numeral, design, symbol, trademark, flag, pennant, banner, insignia, light, display or other device mounted or otherwise placed and INTENDED TO BE VISIBLE FROM OUTDOORS, which, whether singly or in combination, is used to direct, identify, inform, persuade, advertise, protect from harm, or for any other reason attract the attention of the public while viewing same from outdoors. However, any flag, pennant, banner, or insignia of any nation, state, city or other political unit displayed by any person shall not be considered a sign. Furthermore, lights intended primarily to illuminate and not comprising advertising copy shall not be considered signs. The purpose of this Article is to regulate signs, as defined above, for the following reasons:

- (a) To assure that such signs will be appropriate to the land, building, or use to which they are appurtenant, thereby protecting the character and economic stability of surrounding property.
- (b) To assure that such signs will be adequate but not excessive for their intended purpose.
- (c) To prohibit the erection, placement or retention (in case of signs existing prior to the adoption of this Ordinance) of any sign which in any way constitutes a hazard to the public safety.
- (d) To prohibit the erection, placement, or retention of any sign which constitutes a nuisance by reason of glare, noise, animation, flashing, or other objectionable influence.

SECTION 2201 - PERMITS REQUIRED

Except for the signs listed under *Section 2101* of this Ordinance, no sign shall hereafter be erected, constructed, displayed, replaced, altered, or maintained except as provided in this Ordinance and as specified in the Southern Standard Building Code, until a permit for the same has been issued by the Permit Department as required under this Section of this Ordinance (and sections 105 and 106 of the Southern Standard Building Code). However, signs, which have been approved through the Site Plan approval procedure specified under Section 2408 of this Ordinance, shall not require an additional permit if such signs were included in the FINAL approved Site Plan.

SECTION 2202 - SIGNS ALLOWED WITHOUT PERMITS SECTION

The following signs are allowed in all Districts without permits:

2202.01: Temporary signs advertising the sale or lease of real estate when located upon property to which the sign refers and when not located closer than 10 feet to a lot line, which signs shall be removed upon sale or lease of the property, provided such signs shall not exceed 12 square feet in the "A" Agricultural District and 9 square feet in all other Districts.

2202.02: Temporary ground signs advertising future use or development of property on which such signs are located may be maintained subject to the provisions of this section, provided such signs do not exceed 100 square feet in area and are properly maintained.

2202.03: Church or public building bulletin boards not exceeding 24 square feet in area.

2202.04: Traffic, directional and official public information signs.

2202.05: Signs as permitted by right in the "A" Agricultural and "R" Residential Districts herein.

2202-06: On premises advertising signs, provided, however, the site is zoned for commercial or industrial use and is permitted by right in the District regulations in which sign is located.

2202.07: Signs as approved through the Site Plan approval process.

SECTION 2203 - GENERAL MAINTENANCE OF ALL SIGNS AND REPAIR OR REMOVAL OF SIGNS CONSTITUTING A SAFETY HAZARD

All signs (whether requiring a permit or not) shall be kept safe, secure, and in good repair at all times. (Note: See also corresponding Sections of the Southern Standard Building Code-2301.06 and 2301-07). Should any sign become insecure or in danger of falling or otherwise unsafe in the judgment of the Building Inspector, the owner thereof, or the person or firm maintaining the same, shall upon written notice from the Building Inspector, FORTHWITH IN THE CASE OF IMMEDIATE DANGER, and in any case, within ten (10) days, secure the same (in a manner to be approved by the Building Inspector) or remove such sign. Said written notice shall be by registered or certified mail or shall be served personally by the Building Inspector. IF SUCH ORDER IS NOT COMPLIED WITH IN TEN (10) DAYS, THE PERSONS RESPONSIBLE SHALL BE GUILTY OF VIOLATING THIS ORDINANCE AND SUBJECT TO THE PENALTIES SPECIFIED HEREIN.

If in the judgment of the Building Inspector, the effective use of a sign for its intended purpose (i.e., to identify, to advertise, etc.) ceases for any reason, said sign shall be removed not more than six months after such effective use ceases.

Furthermore, except for signs constructed of galvanized metal or other deterioration-resistant material, ALL signs, together with all their supports, braces, guys and anchors, shall be thoroughly painted at least once every two years (see Section 2301.7 of the Southern Standard Building Code.) THE BUILDING INSPECTOR MAY ORDER THE REMOVAL OF ANY SIGN THAT IS NOT MAINTAINED IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. Such removal shall be at the expense of the owner or persons responsible for such sign.

SECTION 2204 - SITE PLAN REVIEW REQUIRED FOR ALL SIGNS EXCEEDING THE MAXIMUM HEIGHT ALLOWED IN A DISTRICT

No sign shall exceed the maximum building height allowed in a particular zoning District unless the erection of such sign is approved through the Site Plan Review Process specified under Section 2408 of this Ordinance.

SECTION 2205 - PROHIBITED SIGNS

The following signs and/or sign conditions are hereby prohibited in Hinds County:

- (a) Paper or cardboard signs or signs composed of similar materials shall not be applied to the wall of any building or any other structure or object unless expressly allowed by the Ordinance.
- (b) Signs which in any manner interfere with driver visibility of any traffic control device or sign are prohibited
- (c) Signs which resemble any traffic control or emergency device or which otherwise create a traffic safety hazard are prohibited. This regulation includes any sign that implies the need or requirement of stopping or caution, or the existence of danger, or which for any reason is likely to be confused with a traffic control or emergency device authorized by the governmental authorities.
- (d) Signs which bear statements, words or pictures of an obscene, pornographic or immoral nature are prohibited.

SECTION 2206 - NONCONFORMING SIGNS

In any instances where a sign or advertising billboard is nonconforming to any of the requirements of this Ordinance, such sign or advertising billboard and any supporting structure of such sign and advertising billboard other than a building shall be allowed to remain and will be "grand fathered" in place as a non conforming sign or advertising billboard. However, any such sign or advertising billboard which is abandoned, or is found to be in such disrepair or is so poorly maintained so as to produce a visual blight, said sign shall be subject to removal

without liability after providing notice to the sign owner if known, to so remove within 30 days. Any sign or advertising billboard which is declared to be an illegal sign, one that is erected or placed on location in violation of this Ordinance after said Ordinance is effective, shall be removed immediately without liability for said removal.

SECTION 2207 - SIGN PLAN SUBMITTAL AND IDENTIFICATION

Every application for a sign permit shall be accompanied by plans showing the area and/or size of the sign, character, and design proposed; the method of illumination, if any; and the exact location proposed for the sign. Every sign for which a permit is issued shall have the permit number and date of issuance affixed thereon in letters one inch high at the bottom right hand corner. Fees to be paid for sign permits are set forth in *Section 2411*.

SECTION 2208 - GENERAL REGULATIONS FOR SIGNS IN ALL DISTRICTS

The following general regulations apply to the signs in all Districts:

2208.01: Setbacks: Unless a greater setback is required herein all signs shall be located at least ten (10) feet from any lot line.

2208.02: General Regulations for Different Types of Signs:

- (a) Ground signs: No ground signs or advertising billboards shall be at any point over 30 feet above the ground level of the existing roadbed nearest the location of said sign, and shall have an open space of at least four feet between the lower edge of such sign and the ground level. The ends of all signs shall be at least six feet distance from any wall or fence or any obstruction that would prevent a clear passage around the ends and shall be at least 10 feet distant from any lot line, unless adjacent to industrially zoned property.
- (b) Marquee signs: Marquee may extend eight feet into a front yard. A marquee shall not be less than 11 feet above the ground at its lowest level. A sign may be placed upon a marquee provided such sign does not extend more than three feet above nor one foot below such marquee.
- (c) Pole sign: As mounted in or upon the ground shall not exceed 700 square feet surface area on each facing.
- (d) Portable signs: Portable signs are prohibited except that there may be such portable signs on parking lots as permitted by the Board of Supervisors, provided, however, that no portable signs shall exceed 50 square feet of surface area on each facing.
- (e) Post signs: The maximum square foot area for each face of a post sign shall not exceed 60 square feet or a total of 120 square feet of surface area for all faces.
- (f) Projecting signs: Projecting signs may extend not more than four feet from the building into the front yard.
- (g) Roof signs: Shall extend more than three feet above the roof of any building and shall not exceed 100 square feet of surface area and will conform to the height and yard regulations for each District in which they are permitted.
- (h) Wall signs: No wall sign shall extend beyond the surface of the building more than 12 inches.
- (i) Window Signs: Temporary window signs may be attached to or displayed in show or display windows provided the total sign area does not exceed 20% of the window area.

SECTION 2209 - GENERAL REGULATIONS FOR SIGNS IN "A" AGRICULTURAL DISTRICT ALL RESIDENTIAL DISTRICTS, AND C-1 RESTRICTED COMMERCIAL DISTRICT

2209.01: Permitted signs shall not be illuminated by flashing or intermittent lights and shall have no moving parts.

2209.02: Permitted signs shall not be erected within 100 feet of road or street intersections or 500 feet of the intersection of two primary arterial, State Highways, and/or Interstate Highways.

2209.03: There shall not be more than one sign for each 500 lineal feet of roadway frontage.

SECTION 2210 - SPECIFIC REGULATIONS FOR SIGNS IN THE "A" AGRICULTURAL DISTRICT

All signs outlined in *Section 2208* are permitted in this District subject to the following:

2210.01: Signs advertising activities conducted on the property are permitted provided such signs do not exceed 100 square feet each or a total of 200 square feet on the property.

2210.02: Advertising billboards are permitted provided such signs do not exceed 700 square feet of surface area on each facing.

2210.03: No sign or structure for supporting a sign shall be permitted within twentyfive (25) feet of the right of any public road, nor within one hundred (100) feet of any dwelling or any public road intersection, as measured from the closest right-of-way line.

2210.04: No sign or structure shall be located within five hundred (500) feet of another sign or structure.

2210.05: If signs are to be located along primary arterials, State Highways, and/or Interstate Highways, the placement of such signs shall be subject to the regulations of the Mississippi Department of Transportation.

SECTION 2211 - SIGN REGULATIONS FOR ALL RESIDENTIAL DISTRICTS

Sign regulations for all Residential Districts are as follows, unless noted otherwise.

2211.01: General: No advertising signs or billboards may be erected in the residential Districts (except as allowed in sub-sections 2211.01 and 2211.02 hereafter) other than one real estate sign per lot not exceeding 3 square feet in area.

2211.02: Identification Signs: May be erected at entrances to developments so long as:

- (a) They are properly maintained, and
- (b) Do not have a surface area in excess of 30 feet (except as allowed in the R-6 District, *subsection 2111.04*).

2211.03: Temporary Advertising Signs: May be erected at the entrances to developments provided they do not have a surface area in excess of 30 feet.

2211.04: Sign Advertising Manufactured Home/Travel Trailer Parks: In place of the identification sign allowed in subsection 2111.02 above, one (1) detached indirectly illuminated sign not exceeding 100 square feet in area may be erected at the main entrance to any manufactured home park or travel trailer park in the R-6 District. Such sign shall be located a minimum of 20 feet from any other property line.

SECTION 2212 - SIGN REGULATIONS FOR THE C-1 RESTRICTED COMMERCIAL DISTRICT

No signs shall be erected in the C-1 Restricted Commercial District except wall, marquee, or canopy mounted non- electrical, non-self-illuminating signs, which are part of the architectural design of the structure and non-attached post or pole mounted shingle signs.

SECTION 2213 - SIGN REGULATIONS FOR THE C-2 AND C-3 COMMERCIAL DISTRICTS

2213.01: General: In the "C-2" General Commercial and "C-3" Major Thoroughfares Commercial Districts, roof signs, wall signs, projecting signs, ground signs, post and pole signs, marquee signs and awning signs are permitted. The total square foot area of any onebusiness sign shall not exceed 75 square feet and the total square footage of all such signs shall not exceed two square feet for each lineal foot of frontage on a public road or street (frontage being determined by the principal entrance to the premises and on only one side of the lot). There shall not be more than one post or ground sign for each 100 feet of road or street frontage.

2213.02: Billboards: Billboards are not allowed in the C-2 Commercial District, however, are permitted in the C-3 Commercial District. Such billboard shall not exceed 700 square feet in area and there shall not be more than one advertising billboard for each 500 feet of road or street frontage; said advertising billboards shall also comply with the setback and spacing requirements of Section 2214 below.

SECTION 2214 - SIGN REGULATIONS FOR THE I-1 AND I-2 INDUSTRIAL DISTRICTS

In the "I-1" and "I-2" Industrial Districts any sign is allowed, provided that: No ground sign or advertising billboard shall exceed 700 square feet in total surface area; not more than one advertising billboard shall be erected for each 500 feet of permitted roadway frontage; no ground signs or advertising billboards may

be erected within 500 feet of the intersection of two primary, arterial, State Highways or Interstate Highways, provided further, that no such sign or structure for supporting such sign shall be permitted within 25 feet of the right of way of any public road or street except, when existing buildings have established a building line closer than 25 feet, said signs will be permitted in keeping with the existing building line, and no such signs shall be permitted within 100 feet of any dwelling, or any public road or street intersection as measured from the right of way, nor within 500 feet of another such advertising billboard. (Note: The placement of signs along Interstate Highways and U.S. and State Highways is governed by the Mississippi State Highway Department). For ground signs other than advertising billboards, in instances where an individual property owner does not own sufficient land to meet the minimum separation distance between signs, one sign shall be allowed on this property, but spacing between advertising billboards shall be measured from one advertising billboard to another

ARTICLE XXIII

NONCONFORMITIES

SECTION 2300 - PURPOSE OF THIS ARTICLE

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

It is the intent of this Ordinance to permit nonconforming uses to continue until they are removed, but not permit their expansion or encourage their survival. It is further the intent of this Ordinance that nonconforming buildings, structures or parts thereof may be enlarged upon, expanded or extended provided such expansion is in conformance with this Ordinance.

Nonconforming uses are declared by this Ordinance to be incompatible with permitted land uses in the Districts involved. Therefore, a nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this Ordinance by the addition of other uses of a nature which would be prohibited generally in the District involved. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change of plans, construction, or, designated use of any building on which actual construction was lawfully initiated prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially initiated preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

SECTION 2301 - TYPES OF NONCONFORMITIES

Where the definition of a nonconformity has been given in Section 201 and under Section 1600, such nonconformities shall be listed below, or combination thereof, for the purpose of regulation.

2301-01: Nonconforming Undeveloped "Lot of Record": This type of nonconformity is an undeveloped "lot of record" (i.e., part of a subdivision the map of which has been recorded in the Office of the Chancery Clerk of Hinds County, Mississippi, or a lot described by meets and bounds, the description of which has been recorded in said office) the dimensions of which, subsequent to the passage of this Ordinance, do not meet the area or width requirements, or both, of the District wherein such lot is located.

2301-02: Nonconforming Structure: This type of nonconformity includes anything lawfully constructed or erected with a fixed location on the ground (or attached to something having a fixed location on the ground) prior to the passage of this Ordinance, but which subsequently does not comply with the bulk, placement and dimensional requirements of the zoning District wherein located.

2301-03: Nonconforming Use: This type of nonconformity includes the uses of any land, lot, building, structure or parts thereof, which lawfully existed prior to the passage of this Ordinance but which subsequently does not comply with all or some part of the use requirements of the zoning District wherein located.

SECTION 2303 - REGULATIONS CONCERNING NONCONFORMING UNDEVELOPED LOTS OF RECORD

Erection of One-Family Dwellings Allowed on Single Nonconforming Undeveloped (or Vacant) Lots of Record in Separate Ownerships: In any District in which one-family dwellings are permitted, a one-family dwelling and customary accessory buildings may be erected on any SINGLE nonconforming undeveloped (or vacant) lot of record after the effective date of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. This provision shall apply even though such single lot of record fails to

meet the requirements for area or width, both, that are generally applicable in the District, PROVIDED THAT:

The required yard dimensions and other requirements (than those applying to lot area or width, or both) of the proposed single-family residential use shall conform to the regulations in the District in which such single nonconforming lot of record is located. Variance of yard requirements shall be obtained only through action of the Board of Supervisors (See Section 2405 of this Ordinance).

SECTION 2303 - REGULATIONS CONCERNING NONCONFORMING STRUCTURES

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

- (a) Should such nonconforming structure or nonconforming portions of a structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed, except in conformity with the provisions of this Ordinance.
- (b) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the District in which it is located after it is moved.

SECTION 2304 - REGULATIONS CONCERNING NONCONFORMING USES OF LAND (OR LAND WITH MINOR STRUCTURES ONLY)

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

- (a) A nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
- (b) A nonconforming use shall not be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance; or,
- (c) If any such nonconforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the District in which such land is located; or
- (d) Additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

SECTION 2305 - REGULATIONS CONCERNING NONCONFORMING USE OF MAJOR STRUCTURES OR OF MAJOR STRUCTURES AND LAND IN COMBINATION

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

- (a) An existing structure devoted to a use prohibited by this Ordinance in the District in which it is located shall not be enlarged, extended, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the District in which it is located;
- (b) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but such use shall not be extended to occupy any land outside such building.
- (c) If structural alterations are not made, any nonconforming use of a structure, or structure and land, may as a conditional use be changed to another nonconforming use provided that the Board of Supervisors, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the District than the existing nonconforming use. In permitting such change, the Board of Supervisors may require appropriate conditions and safeguards in accordance with the provisions of this Ordinance.

- (d) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the District, and the nonconforming use may not thereafter be resumed.
- (e) When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for six consecutive months or for 18 months during any three year period (except when government action has impeded access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the District in which it is located.
- (f) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to the extent of more than 50 percent of the replacement cost at the time of destruction.

SECTION 2306 - STRUCTURES CONTAINING A NONCONFORMING USE

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

SECTION 2307 - PERMITTED CONDITIONAL USE CONSTITUTE CONFORMING USES

Any land use which is permitted as a conditional use in a particular District under the terms of this Ordinance (Other than approval by Action of the Board of Supervisors allowing a change from a nonconforming land use to another nonconforming use, see Section 2305, Item c) shall not be deemed a nonconforming use in such District, but shall without further action be considered a conforming use.

ARTICLE XXIV

ADMINISTRATION AND ENFORCEMENT

SECTION 2400 - PURPOSE OF THIS ARTICLE

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

SECTION 2401 - PERMITS AND CERTIFICATES

2401.01: Building Permits Required: Buildings or other structures including manufactured homes shall not be erected, moved (see also resolution adopted December 3, 1982, and recorded in Book 118, page 210), added to, or structurally altered (See "Building, Structural Alteration of "definition under Section 201) without a permit thereof, issued by the Director of Permit and Zoning. (See "Duties of the Director of Permit and Zoning, Section 2402.01 of this Ordinance). A building permit shall not be issued by the Director of Permit and Zoning except in conformity with the provisions of this Ordinance, the Southern Standard Building Code, and other applicable laws, unless said Director of Permit and Zoning receives a written order from the Board of Supervisors in the form of an ADMINISTRATIVE REVIEW, CONDITIONAL USE OR VARIANCE as provided by this Ordinance. See also Section 105 of the Southern Standard Building Code). An application for a building permit shall be filed with the Director of Permit and Zoning, on a form furnished by said official, along with the required fee (See Section 2411 with regard to fees).

2401.02: Plot Plan Requirements: Every application for a building permit shall be accompanied by a plot plan, which shall indicate the following (See also Subsection 105.4 of the Southern Standard Building Code):

- (a) The actual dimensions and shape of the lot to be built upon or changed in its use, in whole or in part.
- (b) The location and size on the lot of every existing building or structure, if any, and an indication of the height of existing buildings or structures.
- (c) Existing and proposed streets and street names (if known).
- (d) The location and size on the lot of the proposed buildings or structures, and an indication of the height of the proposed buildings or structures.
- (e) Such other information as the Permit Department Director of Permit and Zoning may require as necessary to satisfy the provisions of this Ordinance, the Southern Standard Building Code, and other codes and Ordinances, including a boundary line survey if necessary, prepared by a qualified surveyor.

2401 .03: Building Permit Application Requirements: In addition, the following information shall be provided on or with the application form furnished by the Director of Permit and Zoning:

- (a) The name, address and telephone number of the owner and contractor if different from owner.
- (b) The present zoning classification (i.e., zoning District wherein located).
- (c) The expected completion date of any construction. The existing and proposed USE of the buildings and land.
- (e) The type of building to be constructed and the type of construction to be utilized.
- (f) The type of sewer to be used and if it involves an individual on-site system; a copy of a written approval from the Hinds County Health Department.
- (g) The water company serving the location and a copy of a written approval such as a meter or connection deposit.
- (h) "Heat Loss - Heat Gain" plans with the size unit to be used.
- (i) Proof of ownership in the form of a deed (or warranty deed) and if the applicant is not the owner, a notarized document of a permission.
- (j) The estimated total cost of construction.
- (k) If property is in a flood hazard area the applicant shall furnish a Flood Data Certificate from a registered professional engineer.

- (l) Such other information as may be necessary to determine conformance with and provide for the enforcement of this Ordinance and other pertinent laws and Ordinances.

2401.04: Building Permit Submittal Procedure: When required under the provisions of Section 2408 (Site Plan Review) of this Ordinance, or when otherwise determined necessary by the Director of Permit and Zoning in coordination with other County Officials, a detailed SITE PLAN shall be prepared and submitted by applicants for a building permit. Two copies of the detailed Site Plan shall be submitted, drawn to scale and shall contain all of the information required for plot diagrams in addition to the information specified under Section 2408 for Site Plans. When the Site Plan and the procedures prescribed under Section 2408 (including a public hearing) are NOT necessary, the Director of Permit and Zoning shall act upon an application for a building permit or change of use permit within a reasonable time following his receipt of the completed application form, plot diagram, and other necessary information. If the Director of Permit and Zoning is satisfied that the proposed construction or proposed change of use as described in the application for a permit and the plot diagram (or plans) filed therewith conform to the requirements of this Ordinance, the Southern Standard Building Code and other pertinent laws and Ordinances, he shall issue a permit there for to the applicant. If Site Plans are required, these shall be prepared and submitted in accordance with Section 2408. Following approval of the Site Plan, one copy of the plans shall be returned to the applicant by the Director of Permit and Zoning, after he shall have marked such copy "APPROVED" and attested to same by his signature on such copy. The original and one copy of the plans, similarly marked, shall be retained by the Director of Permit and Zoning.

All building permits shall be posted in a prominent location at the Site during the construction or during the use conversion. If Site Plans, drawings and specifications are required by this Ordinance or other codes or Ordinances, the approved plans and drawings shall also be open to inspection by the Director of Permit and Zoning or his authorized representative.

If, following the completion of construction, the structure conforms with the provisions of this Ordinance, a CERTIFICATE OF OCCUPANCY shall be issued in compliance with Subsection 2401.06.

If the application for a building permit and the plans filed therewith describe construction which DOES NOT CONFORM to the requirements of this Ordinance, the Southern Standard Building Code and other pertinent laws or Ordinances, the Director of Permit and Zoning shall not issue a permit. Such refusal shall ALWAYS be in writing and shall contain reasons there for. If plans are required in accordance with this Ordinance or other codes and Ordinances, one copy of said plans shall be returned to the applicant after the Director of Permit and Zoning has marked such copy as "DISAPPROVED" and attested to same by his signature on such copy. The original and one copy of the plans, similarly marked, shall be retained by the Director of Permit and Zoning. Any building permit issued in accordance with this Ordinance and the Southern Standard Building Code shall become invalid for any of the following reasons:

1) work authorized by it shall have been commenced within six (6) months after its issuance, 2) the proposed construction has not been completed within two years the time of issuance; or, 3) if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the work commenced; PROVIDED THAT, for cause, one or more extensions of time, for periods not exceeding ninety days, may be allowed in writing by the Director of Permit and Zoning.

2401.05: Building Permit Valuation: If, in the opinion of the Director of Permit and Zoning, the valuation of building, alteration, or structure appears to be underestimated on the application, permit shall be denied, unless the applicant can show detailed estimated cost to meet the approval of the building Official. Permit valuations shall include total cost, such as plumbing, electrical, mechanical equipment and other systems.

2401.06: Certificates of Occupancy Required: All new structures or buildings, all major alterations of buildings or structures (i.e., alterations which substantially affect major load-bearing members such as exterior walls, columns, girders, beams or trusses) shall not be occupied or otherwise utilized until a Certificate of Occupancy has been issued by the Director of Permit and Zoning. A Certificate of Occupancy shall be issued by the Director of Permit and Zoning upon final inspection, and following continued compliance with Section 2402 concerning proper posting of street/road number. The Director of Permit and Zoning shall maintain a record of all Certificates of Occupancy (see "Duties of the Director of

Permit and Zoning “, Section 402 of this Ordinance), and a copy shall be furnished upon request to any person.

Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance and punishable under Section 2413 hereof.

SECTION 2402 - DUTIES, POWERS, AND LIMITATION OF POWERS OF THE DIRECTOR OF PERMIT AND ZONING IN THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE

The Director of Permit and Zoning of Hinds County shall administer and enforce this Zoning Ordinance in accordance with the provisions herein.

2402.01: Duties of the Director of Permit and Zoning:

- (a) Provide overall supervision of the support staff necessary in the administration and enforcement of this Ordinance (i.e., building inspectors, administrative assistants, clerical personnel, etc.).
- (b) Maintain the Official Zoning Maps in good and useful condition and properly record on the Maps all of the amendments to the Ordinance that change the boundaries of the Zoning Districts.
- (c) Provide application forms and other forms relating to this Ordinance.
- (d) Provide information to the public on matters relating to zoning.
- (e) Receive all applications for Building Permits and Certificates of occupancy. If such applications DO NOT involve circumstances for which a Site Plan is required under Section 2408 of this Ordinance, the Director of Permit and Zoning shall issue a Building Permit or a Certificate of Occupancy or shall notify in writing the applicant of a refusal to issue same (along with reasons for the refusal). FAILURE BY THE DIRECTOR OF PERMIT AND ZONING TO EITHER ISSUE THE PERMIT OR CERTIFICATE OR TO NOTIFY THE APPLICANT IN WRITING OF REFUSAL SHALL ENTITLE THE APPLICANT TO SUBMIT HIS REQUEST DIRECTLY TO THE BOARD OF SUPERVISORS.
- (f) Receive all applications, plans or petitions requiring Site Plan Review in accordance with Section 2408 of this Ordinance and the forwarding of these instruments to the proper individuals or bodies (as specified under Section 2408).
- (g) Check construction (or use conversion) performed under zoning related permits to determine if the work (or use conversion) meets the requirements before issuing a Certification of Occupancy.
- (h) Oversee the preparation and maintenance of a map or other recording process indicating nonconforming uses, structures and developed (or vacant) lots.
- (i) Clear with other local, County, state, or Federal agencies where such clearance is necessary in connection with zoning matters.
- (j) Appear before the Planning Commission and the Board of Supervisors to furnish information helpful to those bodies in carrying out their assigned functions.
- (k) Make periodic checks for violations of this Ordinance and notifying IN WRITING the person(s) responsible for violations of the Ordinance, indicating the nature of the violation and ordering the action necessary to correct it. Such notification shall be by registered or certified mail or shall be delivered personally by the Director of Permit and Zoning.
- (l) Initiate court action to prevent or halt violations of this Ordinance.
- (m) Advertise public hearings as required by this Ordinance. (Note: The Director of Permit and Zoning may simply notify the Chancery Clerk that advertisement of a public hearing is needed, and the Chancery Clerk may actually transmit the required notice to the appropriate newspaper or newspapers).
- (n) Keep records pertaining to zoning matters.
- (o) Attend Planning Commission meetings as needed but especially when Site Plans are to be reviewed.
- (p) Administrative interpretation as provided in Subsection 2402.02.

2402.02: Administrative Interpretation by the Director of Permit and Zoning: In the event there is a question as to the general intent or specific meaning of any provision of the Zoning Ordinance text, or of the boundaries or District designations or other matters relating to the Official Zoning Map, the Director of Permit and Zoning shall have the power to make such administrative decisions and interpretation.

- (a) Limitation of Powers: Said administrative interpretation shall in no manner be construed to include, or used in any way which would permit, the granting of a conditional use, dimensional variance, or zoning amendment (either an amendment to the zoning text or a District reclassification that is, ---the rezoning of any land), the provisions for which use are given elsewhere in this Ordinance.
- (b) Appeals from the Administrative Interpretation by the Director of Permit and Zoning: Appeals from said administrative interpretation shall be made as provided in Subsection 2412.02 of this Ordinance.

SECTION 2403 - DUTIES AND RULES OF CONDUCT OF THE HINDS COUNTY PLANNING COMMISSION

The Hinds County Planning Commission heretofore created under the laws of the State of Mississippi and appointed in accordance with Section 2404 shall duly function to carry out the purposes of this Ordinance. Previous duties assigned to the Planning Commission by the Board of Supervisors shall not be lessened, removed or abrogated for the purposes of this Ordinance. The Commission shall adopt, such rules as necessary for the conduct of its affairs in keeping with the provisions of this Ordinance. Notwithstanding other duties of the Commission and any other rules which that body may adopt, the following shall apply:

- (a) The Planning Commission shall meet at least once in regular session each month, and meetings maybe held at the call of the Chairman of the Commission, the Director of Permit and Zoning or at such other times as the Board of Supervisors may require. Provided, however, that the regular monthly meeting shall not be required in the event that there is not business to be conducted.
- (b) The Planning Commission shall elect its own Chairman, and Vice-Chairman, from among the members appointed by the Board of Supervisors.
- (c) No member of the Planning Commission shall participate in the hearing of the singular item nor vote on any matter before the Commission in which he has a personal financial interest.
- (d) All matters relating to and in keeping with the provisions and interest of this Ordinance shall be reviewed by the Planning Commission in Meetings open to the public. The Commission shall make a written statement of its findings in each instance which shall be a recommendation to the Board of Supervisors to grant, deny, or modify, in whole or in part, any request, application, proposed amendment to the Zoning Ordinance, or any other matters as may be referred to the Commission by the Board of Supervisors or Director of Permit and Zoning.
- (e) The Planning Commission shall keep Minutes of its proceedings showing the members present, if absent or failing to vote indicating such fact; and shall keep records of its examination and other official actions, all of which shall be a public record and copies thereof shall be filed with the Director of Permit and Zoning within seven working days following each meeting of the Commission. The Director of Permit and Zoning shall be responsible for forwarding copies of such Minutes to the Board of Supervisors.
- (f) All items to be discussed by the Planning Commission shall be placed on an agenda. The closing date for items to be included on said agenda shall be 5:00P.M. on the last workday of the preceding month, otherwise the petition may be carried over to the next regular monthly meeting. The Director of Permit and Zoning has the responsibility of preparing and mailing the agenda and appropriate supporting documentation concerning items to be discussed to each member of the Planning Commission.
- (g) In accordance with Section 25-41-5 of the Mississippi Code, all Meetings of the Planning Commission shall be open to the public at all times unless an executive session is declared as provided in Section 25-41-7 of the Mississippi Code. Voting by the Planning Commission on all matters coming before that body shall be held in public.
- (h) If any member of the Planning Commission is absent for any reason from three consecutive regularly scheduled meetings of that body, said member may be removed from the Planning Commission. The Chairman and Secretary of the Planning Commission shall keep records of attendance by members of that body and shall advise the Board of Supervisors when any member of the Planning Commission is absent from three consecutive meetings. The Board of Supervisors may subsequently remove said member of the Planning Commission and appoint a replacement for that member for the remaining period of his/her current term.
- (i) A Quorum shall consist of five (5) members of the Planning Commission.

SECTION 2404 - DUTIES OF THE BOARD OF SUPERVISORS IN THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE

The Board of Supervisors of Hinds County shall, following a recommendation by the Planning Commission in matters related to this Zoning Ordinance, have the final authority to approve, deny, modify or otherwise change applications for amendments (to the text or Official Zoning Map), appeals, variances, conditional uses and any other provisions of this Ordinance. The duties of the Board of Supervisors shall include, but not necessarily be limited to:

- (a) Administrative review under which the Board of Supervisors hears and decides appeals from actions of the Director of Permit and Zoning.
- (b) Acting upon requests for conditional use permits, variances and zoning amendments (i.e., amendments to the Zoning Ordinance text or the Official Zoning Maps).
- (c) Taking action upon applications for building permits and Certificates of Occupancy that the Director of Permit and Zoning refused or did not act upon because of insufficient information.
- (d) Appointing the members of the Planning Commission.
- (e) Holding all public hearings on matters related to and in keeping with the provisions of this Ordinance.

SECTION 2405 - DIMENSIONAL VARIANCES

Where the strict application of this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional hardship upon the owner of such property, the Board of Supervisors is empowered to grant, upon an appeal relating to such property, a dimensional variance from such strict application so as to relieve such difficulties or hardships, as for example, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of the location of trees, natural drainage course, lakes or other desirable or attractive features, which condition is not generally prevalent in the neighborhood. A dimensional variance from the terms of this Ordinance shall not be granted unless and until:

- (a) A written application for a dimensional variance is submitted demonstrating compliance with all of the following:
 - (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same District.
 - (2) That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same District under the terms of this Ordinance.
 - (3) That the special conditions and circumstances do not result from the actions of the applicant.
 - (4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands structures, or buildings in the same District.
 - (5) No non-conforming use of neighboring lands, structures, or buildings in the same District, and no permitted or non-conforming use of lands, structures, or buildings in other Districts shall be considered grounds for the issuance of a dimensional variance.
- (b) A detailed Site Plan is submitted in accordance with Section 2408 of this Ordinance for review of the requested variance.
- (c) Notice of public hearing shall be given as provided in Section 2410 of this Ordinance.
- (d) The public hearing shall be held in accordance with the procedures specified in Section 2411 for all public hearings relative to this Ordinance.
- (e) The Board of Supervisors have made a finding that the reasons set forth in the application justify the granting of the dimensional variance, and that the variance constitutes the maximum allowable deviation from the dimensional regulations of this Ordinance in order to make possible the responsible use of the land, building or structures. (NOTE: Allowing the applicant to construct a building to conform with existing nonconforming buildings in the same area as the proposed variance would not be proper, since the other buildings, although allowed to remain as nonconformities, may be located much too close to the street right-of-way, side or rear property line, or whatever for the purpose of this Ordinance. Therefore, the variance should prescribe conditions which are as close as possible to the dimensional requirements of the Ordinance.)

- (e) The Board of Supervisors has made a finding that the granting of the dimensional variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any dimensional variance, the Board of Supervisors may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 2413 of this Ordinance.

UNDER NO CIRCUMSTANCES SHALL THE BOARD OF SUPERVISORS GRANT A VARIANCE TO ALLOW A USE NOT PERMISSIBLE UNDER THE TERMS OF THIS ORDINANCE IN THE DISTRICT INVOLVED, OR ANY USE EXPRESSLY OR BY IMPLICATION PROHIBITED BY THE TERMS OF THIS ORDINANCE IN SAID DISTRICT.

SECTION 2406 - CONDITIONAL USES

The Board of Supervisors is empowered to hear and decide conditional uses authorized under this Ordinance; to decide such questions as are involved in determining whether such conditional use should be granted; and to grant conditional uses with such conditions and safeguards as are appropriate under this Ordinance, or to deny conditional uses where not in harmony with the purpose and intent of this Ordinance. With the exception of public/quasi-public uses that are permitted as conditional uses in all Districts, all other conditional uses granted following enactment of this Ordinance will be subject to a two-year review and permit renewal requirement. If a conditional use is found to be in violation of the terms and conditions set forth in the initial approval of the application, the use permit will be voided, and complete reapplication will be required. A conditional use shall not be granted by the Board of Supervisors until:

- (a) A written application for a conditional use, is submitted indicating the Section in the Ordinance under which the conditional use is sought and stating the grounds on which it is requested.
- (b) A detailed Site Plan is submitted in accordance with Section 2408 of this Ordinance for review of the requested conditional use.
- (c) A public hearing shall be held and notice of such hearing given in accordance with the procedures specified in Section 2410 for all public hearings relative to this Ordinance.
- (d) The Board of Supervisors have made a written decision certifying compliance with the special rules governing individual conditional uses and that satisfactory provisions and arrangement has been made concerning the following where applicable:
 - (1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, access in case of fire or catastrophe.
 - (2) Off-street parking and loading areas where required with particular attention to the items noted above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the District.
 - (3) Refuse and service areas, with particular reference to the items noted above.
 - (4) Utilities, with reference to locations, availability, and compatibility.
 - (5) Screening and buffering with reference to type, dimensions, and character.
 - (6) Required yards and other open space.
 - (7) General compatibility with adjacent properties and other property in the District.
 - (8) Any other provisions deemed applicable by the Board of Supervisors.

SECTION 2407 - AMENDMENTS TO THE ZONING ORDINANCE TEXT OR THE OFFICIAL ZONING MAP (REZONING)

Although amendments to the Hinds County Zoning Ordinance (which includes both the text and the Official Zoning Maps) are ordinarily proposed only by the Board of Supervisors on their own motion, such amendments to the text or Official Zoning Map (i.e., a rezoning) may be initiated by any property owner or his/her duly authorized representative filing an application for same with the Director of Permit and Zoning. If the proposed amendment is an application for rezoning, said application shall include a legal description of the property involved, the exact nature of the proposed change, the grounds upon which rezoning is requested, and such other information as may be required to determine the merits of the

application. If determined by the Director of Permit and Zoning in coordination with other County Officials that a detailed Site Plan is necessary for review of the requested rezoning, a Site Plan shall be submitted in accordance with Section 2408 of this Ordinance. In ALL cases involving an amendment to this Ordinance, notice of public hearing shall be given as provided in Section 2410 of this Ordinance, and the public hearing shall be held in accordance with the procedures specified in Section 2410. Following action by the Board of Supervisors approving a request for rezoning a notice of such rezoning shall be published in accordance with the procedures specified in Section 2410 of this Ordinance. No amendment shall be made by the Board of Supervisors to the Zoning Ordinance Text or the Official Zoning Map unless there is proof that either:

- (a) There was a mistake in the original zoning, or
- (b) The character of the neighborhood has changed to such an extent as to justify reclassification and that there is a public need for rezoning.

And: That the Amendment is in conformance with the adopted Land Use Element of the Hinds County Comprehensive Plan.

Every applicant or petitioner requesting a zoning Ordinance amendment shall accompany his or her application or petition with an accurate, verified list, made within the previous 30 days giving the names and addresses of the owners of all properties lying within the area of the proposed changes which are within 300 feet in all directions therefrom, excluding the width of roads or streets and the signature of all said property owners who favor the proposed amendment. The list shall be furnished by the applicant or petitioner at his own expense and may be rejected for insufficiency by the Director of Permit and Zoning, Planning Commission or Board of Supervisors. Upon the submission of an application for amendments to this Ordinance, and a determination by the Board of Supervisors that said application should be denied, the Director of Permit and Zoning shall not accept a subsequent application on the same property or any part thereof until the expiration of one (1) year from the date of the decision of the Board denying said application.

SECTION 2408 - SITE PLAN REVIEW FOR THE SAME ZONING DESIGNATION OR A MORE RESTRICTIVE REZONING DESIGNATION

Site Plan Review shall be required for the following:

- (a) Any residential development of 20 or more dwelling units.
- (b) Any residential, commercial or industrial development having structures in excess of two stories.
- (c) Any residential development encompassing ten (10) acres or more or any commercial or industrial development encompassing two (2) acre or more.
- (d) Any hazardous development and/or use within the I-2 Heavy Industrial District.
- (e) Special Use District.
- (f) Any Planned Unit Development
- (g) Any residential, commercial or industrial development located within a FEMA designated floodplain or floodway.
- (h) Other special cases and projects that may be brought to Committee's attention by the Board of Supervisors, County Engineer or Director of Permit and Zoning.

2408.01: Site Plan Review Procedures: The Director of Permit and Zoning shall advise all applicants for building permits if the proposed use requires the preparation and submission of a Site Plan and if official approval of that plan is required prior to the issuance of the permits. All applicants shall follow the procedures specified below:

- (a) Sketch Plat: Prior to filing of an application for conditional approval of a Site Plan, the applicant should meet and consult informally with the Director of Permit and Zoning. This meeting will give the applicant an opportunity to secure guidance as to what will probably be required before incurring great expense in making a detailed Site Plan.
- (b) Submission of Site plan: Four (4) copies of a preliminary Site Plan shall be prepared and submitted to the Director of Permit and Zoning, who shall notify the applicant of any deficiencies or omissions in the Site Plan. The Site Plan shall not be processed until all required data is provided as prescribed in Section 2409 of this Ordinance. The Site Plan Review Committee consisting of technically involved County personnel shall review all Site Plans. The Site Plan Review Committee shall include the Director of Permit and Zoning, Assistant Director of Department of Permit and Zoning, Planner, Road Manager, County Engineer,

Subdivision/Utilities, Inspector, and Director of Maintenance Division. Following submission of the Site Plan and supporting data as prescribed under Section 2409, the Director of Permit and Zoning shall forward one copy, with written recommendations of the Director of Permit and Zoning and other appropriate County officials attached, to the Site Plan Review Committee for review within fifteen (15) calendar days after his (the Director of Permit and Zoning's) receipt of such plans.

- (c) The Site Plan Review Committee shall review the Site Plan and data at its next regular meeting following submission of same to the Director of Permit and Zoning. After reviewing all information relative to the Site Plan, the Site Plan Review Committee may recommend approval or disapproval of the Site Plan as revised or before approval, may request the applicant to modify, alter, adjust or otherwise amend the plan. Such conditions may be accepted and agreed to by the applicant at the time and without further hearing, unless appealed. In any case, the Site Plan Review Committee shall make a written statement of its findings in accordance with Section 2403 and said statement shall be forwarded to the Director of Permit and Zoning within five (5) working days following the hearing.
- (d) Final Approval of Site Plan: The Site Plan Review Committee shall forward their recommendations to the Director of Permit and Zoning at the earliest possible date which shall not exceed fifteen days after receiving such recommendations. The Director of Permit and Zoning shall approve or deny, in whole or in part, the recommendation of the Site Plan Review Committee, and this shall be done without the necessity of holding further hearings. Such action by the Director of Permit and Zoning shall constitute final approval and authority for the developer to proceed with the proposed development subject to the issuance of a building permit which is mandatory, and subject to the other provisions of the following section.
- (e) Designation of the Final Site Plan as Official: The Final Site Plan, after approval by the Board of Supervisors, shall be deemed a regulatory supplement to the Zoning Ordinance and the Official Zoning Map, if such amendment is called for in the case involved. In any case, the final approved Site Plan shall be stamped approved, dated and signed by the President of the Board and the property owner/developer.

THIS PLAN SHALL BECOME SUPPLEMENTARY REQUIREMENTS FOR THE PROPERTY INVOLVED IN ADDITION TO THE OTHER REQUIREMENTS OF THIS ORDINANCE NOT COVERED BY THE SITE PLAN REQUIREMENTS.

2408.02: Provision for Minor Adjustment of the Final Site Plan: After the final Site Plan has been approved, minor adjustments of the plan which comply with the spirit of the Zoning Ordinance and the intent of the Board of Supervisors in approving the Site Plan may be authorized by the Director of Permit and Zoning as provided under Sub-section 2402.02.

2408.03: Provision for As-Built Plans: In the case where exact lot lines cannot be drawn until after construction, (i.e., townhouses, duplexes and condominiums) the developer will be required to submit As Built Plans of the development following construction prior to issuance of any Certificate of Occupancy.

SECTION 2409 - SPECIFICATIONS FOR ALL REQUIRED SITE PLANS

The purpose of this Section is to present in one place the data and specifications required for any proposed development which shall require Site Plan Review under this Ordinance. All required Site Plans shall be prepared insofar as possible in a form which will satisfy the requirements of the Hinds County Subdivision Regulations for required data on Preliminary and Final Plats. The following data shall be supplied by the applicant in connection with required Site Plans:

- (a) The zoning of adjacent tracts.
- (b) The names of owners of adjacent lots and tracts.
- (c) Existing and proposed roads and drainage areas.
- (d) Access ways, curb cuts, drives and parking areas.
- (e) Building lines and the location of all structures existing and proposed.
- (f) Proposed uses of the land and buildings.
- (g) Existing water and sewer lines.
- (h) Contours at vertical intervals of two (2) feet or less.
- (i) Lot lines.

- (j) Open space and recreation areas, when required.
- (k) Area (in square feet and/or acres) of parcel.
- (l) Proposed gross lot coverage by buildings and structures.
- (m) Number and type of dwelling units (where proposed).
- (n) Percentage and amount of impervious area in square feet.
- (o) A "Development Plan" (see Section 2409.02) when staging of development is proposed.
- (p) All requirements of the Hinds County Subdivision Regulations where the development constitutes a subdivision.
- (q) Any additional data necessary to allow for a thorough evaluation of the proposed development and use.

2409.01: Other Exhibits: Photographs, renderings, color slides, models and similar items may be presented by the applicant at his discretion.

2409.02: Staging of Development Requires Development Plan: Where a developer proposes to construct a particular land use requiring Site Plan Review under this Ordinance by stages, (e.g., large multifamily developments, large commercial developments, etc.) sufficient data shall be provided in a Development Plan (sometimes referred to as a sketch plat or master plan) to indicate such staging by numbers and types of buildings or structures proposed for each stage, the general area to be developed in each stage and related information. The general concept presented in the Development Plan shall be adhered to as much as possible by developers. Significant deviations (as determined by the Planning Commission) from the Development Plan initially approved shall require approval by the Board of Supervisors following recommendation by the Planning Commission. In addition, it should be realized by developers of staged developments that open space reservation requirements in the multifamily Districts shall be met for each stage of the development. Furthermore, the minimum size tract of open space to be reserved shall be one (1) acre.

SECTION 2410 - PUBLIC HEARING NOTICES AND PROCEDURES

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

- (a) All dimensional variances.
- (b) All conditional uses.
- (c) All amendments to the text of the Zoning Ordinance or amendments to the Official Zoning Map (i.e., rezoning).

2410.01: Public Hearing Notice in a Newspaper Required: Whenever a public hearing is required by this Ordinance, notice of such hearing shall be given by publishing a notice to all interested persons one time at least fifteen days prior to the date fixed for said hearing, such notice to be published in an official paper or newspaper of general circulation in Hinds County specifying the date, time and place for said hearing. Such notices shall be published in accordance with the following format or a format determined by the Board of Supervisors:

- (a) For Dimensional Variances:

NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A HEARING ON (DATE), AT (TIME), IN THE HINDS COUNTY COURTHOUSE IN RAYMOND, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT A DIMENSIONAL VARIANCE SHALL BE GRANTED TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY LOCATED IN HINDS COUNTY, MISSISSIPPI:

(Insert Property Description Here)

Name of Director of Permit and Zoning

- (b) Conditional Use Permits:

NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A HEARING ON (Date), at (Time), IN THE HINDS COUNTY COURTHOUSE IN RAYMOND, MISSISSIPPI,

FOR THE PURPOSE OF DETERMINING WHETHER OR NOT A CONDITIONAL USE SHALL BE ALLOWED ON THE FOLLOWING DESCRIBED PROPERTY LOCATED IN HINDS COUNTY, MISSISSIPPI.

(Insert Property Description Here)

Name of Director of Permit and Zoning

(c) For an Amendment to the Official Zoning Map (or a Re-zoning):

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

(Insert Property Description Here)

Name of Director of Permit and Zoning

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

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

(Insert Proposed Amendments to the Zoning Ordinance Here)

Name of Director of Permit and Zoning

2410.02: Public Hearing Notice on Property Signs Required: Whenever any zoning action (i.e., a dimensional variance, conditional use or rezoning) is considered by the Planning Commission signs bearing notices of a public hearing shall be erected on the property involved. These signs shall be erected not less than fifteen days prior to the date of the public hearing. When more than one parcel or tract of land is involved in the proposed zoning action or the proposed use, enough signs shall be posted to adequately identify the area affected. The notice to be posted on the property involved shall consist of a sign with letters legible from the nearest street, using at least one (1), sign for every four hundred (400) feet of frontage on a publicly dedicated street upon which the property abuts. The following format or a format determined by the Board of Supervisors shall be used for these signs:

(a) For Any Zoning Action Being Considered: NOTICE A PUBLIC HEARING will be held concerning this property. For information contact the Hinds County Building and Permit Department.

(b) For An Amendment to the Official Zoning Map (a rezoning), the following notice may be used:

PUBLIC NOTICE:

The property is being considered for Rezoning. For information contact the Hinds County Building and Permit Department.

SECTION 2411 - FEES

2411.01: Schedule of Fees: It shall be the purpose of this section to establish a schedule of fees and a collection procedure for building and/or structure permits, use permits, signs, moving of structures (buildings), and parking manufactured homes and/or travel trailers according to the Schedule of Permit Fees adopted by the Board of Supervisors on April 24, 1980, and recorded in their Minutes which is of record in Book 40, Page 24, in the office of the Chancery Clerk of Hinds County, Jackson, Mississippi. The Schedule of Permit Fees shall be posted in the Permit Department, who shall be responsible for the collection.

2411.02: Schedule of Filing Fees: It shall be the purpose of this Section to establish a schedule of fees and a collection procedure for each applicant or petitioner, firm, corporation, organization, association, partnership, trust or company requesting zoning Ordinance amendment, Special Exception, Variance, or appeal according to the Schedule of Filing Fees adopted by the Board of Supervisors on September 9, 1985, and recorded in their Minutes which is of record in Book 47, Page 627 in the office of the Chancery

Clerk of Hinds County, Jackson, Mississippi. The Schedule of Filing Fees shall be posted in the Permit Department, who shall be responsible for the collection.

2411-03: Amendment of Alternation of Fee Schedules: The schedule of fees may be altered or amended only by the Board of Supervisors.

2411.04: Payment Required: No action or processing shall be taken on any application until all applicable fees, charges and expenses have been paid in full.

2411-05: Fees Not Refundable: No fees or other monies paid in conjunction with zoning and building related matters shall be refunded.

SECTION 2412 - APPEALS

2412.01: Appeals: Should any party be aggrieved by the statement of findings made by the Planning Commission in connection with any matter for which the Planning Commission makes a statement of findings, such party may appeal the statement of findings by giving written notice to the Director of Permit and Zoning within fifteen days from the date of such statement by the Planning Commission and shall identify the recommendation from which an appeal is desired and the appeal shall be head by the Board of Supervisors as provided by Subsection 2411.02.

2412.02: Appeals to the Board of Supervisors: Any person aggrieved by a decision by the Director of Permit and Zoning or other authorized officer or by a statement of findings issued by the Planning Commission may appeal the decision or statement of findings to the Board of Supervisors. A written Notice of Appeal shall be given to the Director of Permit and Zoning within fifteen (15) days from the date of such decision and shall identify the decision from which an appeal is desired.

2412-03: Appeals to a Court of Law: An appeal from any action, decision, ruling, judgment or order by the Board of Supervisors may be taken by any person or persons to the appropriate Court of Law.

SECTION 2413 - ORDINANCE ENFORCEMENT

2413-01: Penalties for Violation of this Ordinance: Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply herewith or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved here-under shall be deemed guilty of a misdemeanor and shall be liable to a fine of not more than \$100.00 and in case of continuing violations without reasonable effort on the part of the defendant to correct the violation, each day such violation shall be permitted to exist may constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of this Ordinance shall be placed or shall exist, and any architect, builder, contractor, individual person or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall be deemed guilty of a separate offense and upon conviction shall be fined as herein provided.

In addition, based on the Mississippi Code 1978, the following penalties for all construction projects started with or without benefit of a building permit shall be subject to the following penalties:

- (a) Construction started without permit, but has not progressed beyond any required inspections- Double Permit Fee.
- (b) Construction that has progressed beyond the stage a required inspection with or without benefit of building permit - \$250.00 fine.
- (c) Second infraction of Item (b), as listed above, \$500.00 fine.
- (d) Second infraction of Item (a), as listed above, \$500-00 fine plus written refusal of any future building permits for a six (6) month period.

2413.02: Legal Action or Proceedings Instituted by the Director of Permit and Zoning for Violations of this Ordinance: In case any building or structure is created, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance, the Director of Permit and Zoning, in addition to other remedies, may institute any appropriate action or

proceedings in the name of Hinds County, Mississippi, to prevent such unlawful erection, construction reconstruction alteration, repair, conversion maintenance or use, to restrain, correct or abate such violation to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct or use in or about said premises.

ARTICLE XXV

MISCELLANEOUS PROVISIONS

SECTION 2500 - PURPOSE OF THIS ARTICLE

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

2501- OMISSION CLAUSE

The omission of any specific use, dimension, word, phrase, or other provision from this Ordinance shall not be interpreted as permitting any variation from the general meaning or intent of this Ordinance, as commonly inferred or interpreted. Should occasion arise as to such intent or meaning, the interpretation of the Director of Permit and Zoning shall apply as provided under Section 2402 herein.

SECTION 2502 - SEPARABILITY AND VALIDITY CLAUSE

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

SECTION 2503 - REPEAL OF CONFLICTING ORDINANCES OR PARTS THEREOF

All Ordinances or Codes or parts of Ordinances or Codes adopted heretofore by Hinds County, Mississippi, which are in conflict herewith or inconsistent with the provisions of this Ordinance ARE HEREBY REPEALED.

SECTION 2504 - FAILURE TO ENFORCE ORDINANCE

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

SECTION 2505 - EFFECTIVE DATE OF ORDINANCE

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

SECTION 2506 - ADOPTION CLAUSE

Adopted this, the ----- at the regular meeting of the Board of Supervisors Hinds County, Mississippi

ATTEST:

Chancery Clerk Board of Supervisors

I, the undersigned -----", Chancery Clerk of Hinds County, Mississippi, hereby certify that the above and foregoing is a true copy of an Ordinance adopted by the Board of Supervisors of Hinds County its meeting held on the ----- as the same appear in Minute Book __ at pages __ through __ of the Minutes of said Board.

Article II - Section 201 Interpretation and Definitions:

- 1) Accessory Structure or Use
- 2) Easement (Recorded)
- 3) Family Member
- 4) Farm
- 5) Kennel
- 6) Subdivision (Family)

Article IV - General Regulations

- 1) Section 412 - Accessory Buildings or Uses
- 2) Section 432 - Recorded Easements
- 3) Section 433 - Illegal Ingress and Egress
- 4) Section 434 - Development of Family Subdivision-

- 5) Section 435 - Public Hearing Requirements
- 6) Section 436 - Regulating the Placement, Use, Location, and Occupation of Manufactured Homes and Trailers in Residential Zoned Areas

Article V - Agricultural District

Section 501 - Land Uses Permitted, paragraph (b)

Section 501 - Land Uses Permitted, paragraph (j)

Section 503 - Dimensional Requirements, paragraph 503.03

Article VI - Low Density Residential District (R-1)

Section 601- Land Uses Permitted, paragraph (g)

Article XVI - Limited Industrial District (I-1)

Section 1601- Land Uses Permitted, paragraph (f)

Article XX - Table of Dimensional Requirements

Article XXIV - Administration and Enforcement

Section 2402.01, paragraph (p)

Section 2413 - Subsection 2413.01

Article XXVI - Television, Radio, Microwave Tower and Telecommunications Equipment Siting Regulations

AS APPROVED AND ADOPTED BY THE HINDS COUNTY BOARD OF SUPERVISORS ON ----- AND RECORDED IN MINUTE BOOK ---, PAGE ---

APPROVED:

-----, President

Hinds County Board of Supervisors

ATTEST: -----

Chancery Clerk

Hinds County, Mississippi

ARTICLE XXVI

TELEVISION, RADIO, MICROWAVE TOWER AND TELECOMMUNICATIONS EQUIPMENT SITING REGULATIONS (Approved Minute Book 75, Page 201, July 8, 1991)

SECTION 2601 – PURPOSE

- (a) To promote the health, safety and general welfare of the citizens and property owners of Hinds County through appropriate regulation of communication tower siting.
- (b) To accommodate the growing public need for communication towers.
- (c) To minimize the visual and aesthetic effects of communication towers through careful design, configuration, siting, vegetative screening and innovative stealth and camouflaging techniques.
- (d) To maximize use of new transmission towers to reduce the total number of towers needed by promoting and encouraging shared use and co locating of existing and new communication towers rather than proliferation of single user towers.
- (e) To avoid and minimize potential damage to adjacent properties from tower failure and falling ice through engineering and careful siting of tower structures.
- (f) To protect residential development from potential adverse impacts from communication towers by avoiding placement in or near developed residential areas.
- (g) To limit radiation emitted by telecommunications equipment so that it will not adversely affect human health, and
- (h) To require adequate information for proper County evaluation of communication tower construction and operation applications.

SECTION 2602 – APPLICABILITY

2602.01: Communication towers and accessory facilities may be permitted for the following, as a conditional use approved and permitted by the Hinds County Board of Supervisors, in compliance with Section 2406 of the Hinds County Zoning Ordinance.

- (a) VHF and UHF Television;
- (b) AM and FM Radio;
- (c) Two way radio;
- (d) Common Carriers;
- (e) Cellular Telephone; and
- (f) Fixed Point Microwave.

2602.02: An antenna and supporting structure for the following uses are permitted in any Zoning District, if accessory to a permitted use and if they comply with applicable regulations of the Districts in which situated:

- (a) Ham radio
- (b) Citizens band radio
- (c) A telecommunication device that only receives an RF signal and;
- (d) A sole source emitter with more than one kilowatt average output.

2602.03: The following uses are exempt from this Ordinance

- (a) Portable, handheld, and vehicular transmissions;
- (b) Industrial, scientific, and medical equipment operating at frequencies designated for that purpose by the FCC.
- (c) A source of non-ionizing electromagnetic radiation with an effective radiated power of seven watts or less; and
- (d) A sole source emitter with an average output of one kilowatt or less if used for amateur purposes.

2602.04: A source of nonionizing radiation can be attached to an approved tower or structure in any District if the Zoning Director finds the source complies with all regulations herein contained.

2602.05: The need for a Conditional Use Permits for communication towers and accessory structures shall be evaluated on a case by case basis.

SECTION 2603 – REGULATIONS RELATED TO LOCATION OF COMMUNICATION TOWERS, ANTENNAS AND STRUCTURES

- (a) The installation of communication towers, antennas and structures shall first take advantage of existing structures in the area and shall colocate or share towers to the greatest extent possible in order to limit the proliferation of towers.
- (b) Should a tower provider determine that it is not possible to share a tower with more than one antenna or that a new tower is required to accommodate additional service providers, the tower provider shall be required to provide documentation to that effect. In addition, should a tower provider determine that it was not possible to locate a tower in the area of other towers or structures of similar heights, or atop existing structures, the tower provider shall be required to provide documentation to that effect. Such documentation shall be included with the application for a new tower.
- (c) Communication towers and accessory structures shall be located only within the Agricultural District (A), Limited Industrial District (I-1), and Heavy Industrial District (I-2).
- (d) Communication towers and accessory structures shall be setback from rightsof-way and adjacent properties at least a distance equivalent to the height of the tower. Consideration toward reducing the setback must require specifications as to the engineered “fall” characteristics of a specific proposed tower and the nature of neighboring land uses.
- (e) Communication towers, antennas and structures shall be located so as not to interfere with minimum altitudes or operational safety of aircraft.
- (f) The minimum setback requirement for a ground-mounted communication tower where the allowed zoning district is adjacent to a residentially-zoned district or residential use shall be at least 300 feet from the residential use or residential zoning boundary with the tower no higher than 100 feet at that distance. For every additional foot of height proposed, the tower shall be setback an additional one foot.
- (g) Communication towers shall be setback a minimum of 100 feet from the right of way of streets of a major collector or larger classification. For a public right-of-way classified smaller than a major collector, the minimum communication tower setback shall be 50 feet. The classification of streets, roads and highways shall be in accordance with the Transportation Element of the Hinds County Comprehensive Plan.

The following may also be considered in determining minimum setback requirements for communication towers:

- (a) Communication towers shall be setback from all rights of way and adjacent properties a sufficient distance to contain on site all ice fall or debris from tower failure.
- (b) Communication towers shall be seated so as to protect the general public from periodically documentable exposure to nonionizing electromagnetic radiation exceeding established safety standards.

SECTION 2604 - APPROVAL STANDARDS FOR A NEW TRANSMISSION FACILITY

2604.01: Existing or approved towers cannot accommodate the telecommunications equipment planned for the proposed tower, if the following conditions exist.

- (a) Proposed equipment cannot be accommodated on an existing tower if:
 - 1. Proposed equipment would exceed the structural capacity of existing and approved towers, considering existing and planned use of those towers;
 - 2. Proposed equipment will cause RF interference with other existing or planned equipment for that tower; and the interference cannot be prevented at a reasonable cost;
 - 3. Existing or approved towers do not have space on which proposed equipment can be placed so it can function effectively and at least in parity with other similar equipment in place or approved by Hinds County;
 - 4. Addition of the proposed equipment to an existing or approved tower would result in NIER levels in excess of those permitted under Section 2604;
 - 5. Refusal of existing tower owner to rent space;
 - 6. Other reasons that made it impracticable to place the equipment proposed by the applicant on existing and approved towers.

2604.02: Shared use of transmission towers shall be conditioned on the applicant's agreement to pay a reasonable fee and cost of adapting existing facilities to the proposed use, including but not limited to reasonable costs for reinforcing a tower or structure, for preventing RF interference, and other changes reasonably required to accommodate shared use.

2604.03: The fee and costs for shared use are unreasonable, among other reasons, if they exceed the cost of the proposed tower.

2604.04: The Hinds County Board of Supervisors may consider expert testimony to determine whether the fee and costs are reasonable.

2604.05: Once the Hinds County Board of Supervisors finds that the telecommunications equipment proposed by the applicant cannot be accommodated on an existing or approved tower, each tower so found is presumed unable to accommodate similar equipment that may be proposed in the future.

2604.06: The site of existing and approved towers cannot practicably accommodate the proposed tower:

- (a) A planned tower cannot be accommodated on the site of an existing or approved tower if there is not enough land available for the Proposed tower, supporting structure, or accessory uses on or adjoining the site of an existing or approved tower to comply with Sections 2603.07 and 26-03.08.
- (b) Shared use shall be conditioned on the applicant's agreement to pay a reasonable fee and costs of adapting existing facilities to the proposed use, including but not limited to the measures listed in Section 2603.02.
- (c) The Hinds County Board of Supervisors may consider expert testimony to determine whether the fee and costs are reasonable.
- (d) Once the Hinds County Board of Supervisors finds that the tower proposed by the applicant cannot be accommodated on the site of or adjoining an existing or approved tower, each site so found is presumed unable to accommodate similar towers that may be proposed in the future.

2604.07: Structures will be set from abutting parcels or streets sufficient to:

- (a) Contain on site, all ice fall or debris from tower failure;
- (b) Protect the general public from NIER in excess of that allowed in Section IV; and
- (c) Preserve the privacy of adjoining property. The site is of sufficient size to comply with this standard in other ways if:
 1. Accessory structures comply with the setback standard in the Zoning District in which they are located.
 2. The tower base setback is as to existing regulations.
- (d) Guy wire anchors are maintained on subject property as to existing setback regulations.

2604.08: The tower is set back from other on and off site towers, and supporting structures as to FCC regulations.

2604.09: The tower can structurally accommodate the maximum number of foreseeable users technically practicable.

- (a) A television tower complies with this standard if it provides for at least one (1) high power television antennas, one (1) microwave transmitters, two (2) FM radio antennas, and one two-way radio antenna for every 500 feet of tower height over 200 feet.
- (b) A tower that is not for television antennas complies with this standard if it provides for at least one (1) microwave transmitter and one two-way radio antenna for every 100 feet of tower height over 200 feet.
- (c) The Hinds County Board of Supervisors can reduce the required shared capacity of a tower;
 1. If fewer or different telecommunications equipment should be accommodated based on; the number of FCC licenses foreseeable available for the area, kind of tower site or structure proposed, the number of existing and potential licenses without tower space, and space available on existing and approved towers, or

2. If a tower necessary to provide for such sharing dominates and alters the visual character of the areas adversely.
- (d) Generally antennas on a shared tower will be arranged as follows, except as needed to prevent electromagnetic interference or to accommodate topographic or other physical or functional constraints:
 1. Transmitting and receiving equipment serving similar kinds of uses shall be placed on a shared use tower so one of the users in a group can operate roughly equal to other users in the group with similar equipment.
 2. Generally a TV tower will have two side-mounted and one top-mounted TV antenna or one top-mounted, one mounted below it, and one side-mounted. Triangular, T-shaped, or other platforms or candelabra may be used if required telecommunications equipment cannot be mounted as safely or economically without such structures.
 3. Microwave transmitters and receivers, and FM and two-way radio antennas can be placed anywhere on a tower above surrounding obstacles.
- (e) The letter of intent to lease space on a tower complies with Section 2604.04 (d).

2604.10: The tower has the least practicable adverse visual effect on the environment. A tower complies with this standard if it complies with the following:

- (a) If the tower is 200 feet or less in height, more than 10,000 feet from a feeder airport, and more than 20,000 feet from a major airport; and has a galvanized finish or is painted silver above the top of surrounding trees and is painted green below treetop level.
- (b) If the tower is over 200 feet in height, less than 10,000 feet from a feeder airport, or less than 20,000 feet from a major airport, it shall comply with FAA and state aeronautics division painting and lighting standards.
- (c) Towers shall not be artificially lighted unless required by the FAA or FCC.

2604.11: Accessory facilities in an urban residential District may not include offices, long-term vehicle storage, other outdoor storage or broadcast studios, except for emergency purposes, or other uses that are not needed to send or receive transmissions, and in no event may exceed twentyfive (25) percent of the floor area used for transmission equipment and functions.

2604.12: The proposed use shall be consistent with applicable federal and state regulations, based on the applicant's good faith effort to provide the information required in Section 2603.

SECTION 2604 - APPLICATION CONTENTS FOR A NEW TRANSMISSION TOWER

2604.01:

- (a) An application for approval of a new transmission tower shall be submitted in compliance with the requirements for a Conditional Use Permit; as outlined in the Hinds County Zoning Ordinance, adopted September 12, 1988, and Section 2604.02 through 2604.05 of this Ordinance.
- (b) All applications will be filed in the office of the Department of Permit and Zoning.

2604.02: A report from a professional engineer. The report shall:

- (a) Describe the tower and the technical, economic, and other reasons for the tower design;
- (b) Demonstrate that the tower complies with the present County Zoning Ordinance.
- (c) Describe the capacity of the tower, including the number and type of antennas that it can accommodate and the basis for the calculation of capacity;

2604.03: The applicant shall request the FAA and FCC to provide a written statement that the proposed tower complies with applicable regulations administered by that agency or that the tower is exempt from those regulations. If each applicable agency does not provide a requested statement within 30 days after the applicant makes a timely, good faith effort to obtain it; the application is complete. The applicant shall send a subsequently received agency statement to the Zoning Director.

2604.04: A letter of intent shall commit the tower owner and his or her successors in interest to:

- (a) Respond in a timely, comprehensive manner to a request from a potential shared use applicant; the tower owner may charge a party requesting information to pay a reasonable fee not in excess of the actual cost of preparing a response.
- (b) Negotiate in good faith for shared use by third parties; an owner generally will negotiate in the order in which requests for information are received, except an owner generally will negotiate with a party who has received an FCC license or permit before doing so with other parties.
- (c) Allow shared use if an applicant agrees in writing to pay charges and to comply with conditions in Section 2604.04 (d).
- (d) Make no more than a reasonable charge for shared use, based on generally accepted accounting principles. The charge may include but is not limited to a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance, financing, return on equity, and depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference of causing uses on the site to emit NIER in excess of levels permitted under Section 2605.

2604.05: If a new tower is approved, the applicant shall demonstrate that the letter of intent is filed in the office of the Department of Permit and Zoning before a building permit is issued.

SECTION 2605 - NONIONIZING ELECTROMAGNETIC RADIATION STANDARDS

2605-01: A source of nonionizing electromagnetic radiation (NIER), when combined with existing sources of NIER, shall not expose the general public to ambient radiation exceeding the safety standards as provided by the governing authority. Within 90 days after the tower is in operation, a written report verifying compliance of safe levels of ambient radiation must be submitted to the Hinds County Department of Permit and Zoning.

ARTICLE XXVII

ADULT ENTERTAINMENT

SECTION 2701 – PURPOSE

The purpose of this Zoning Ordinance provision is to avoid potential adverse secondary effects of adult entertainment businesses on other residential, commercial, industrial and institutional properties within Hinds County and to recognize the need for dispersion of adult entertainment businesses to avoid such secondary effects as the impact of undue concentration of population and traffic during evening and nighttime hours. The Ordinance provision is specifically not intended to deny any freedom of expression or speech.

SECTION 2702 – APPLICABILITY

2702.01: It is the intention of this Zoning Ordinance provision to leave sufficient locational opportunity within Hinds County for adult entertainment businesses with an adequate number of sites that are appropriately zoned and generally suitable for this type of commercial enterprise. The locational restrictions contained herein are intended to withstand review under the relevant real estate market standard.

2702.02: The definition of Adult Entertainment Businesses shall include the following:

- (a) 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, slides or other photographic reproductions which are characterized by emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas".

Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the State of Mississippi.

- (b) Adult Bookstore: An establishment which has as a substantial portion of its stock-in-trade and offers for sale or lease for any form of consideration any one or more of the following:
 - (1) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas",
 - (2) Instruments, devices or paraphernalia which are designed for use in connection with "specified anatomical areas".

Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the State of Mississippi.

- (c) Adult Cabaret: A nightclub, bar, restaurant, theater, or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas".

Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the State of Mississippi.

- (d) Adult Motion Picture Theater: An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas".

Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the State of Mississippi.

(e) Ancillary Definitions:

- (1) "Specified Anatomical Areas": Less than completely and opaquely covered:

- a) human genitals, pubic region,
- b) buttocks,
- c) anus,

- d) That portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola. This definition shall include the entire lower portion of the female breast

- (2) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the State of Mississippi.

- (3) "Specified Sexual Activity,": Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; If 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; or human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in this section.

Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the State of Mississippi.

- (f) "Adult entertainment premises" means any premises to which the public, patrons or members are invited or admitted and wherein any adult entertainment is provided to a member of the public, a patron or a member.
- (g) "Employee" means any and all persons, including but not limited to, managers, entertainers, and independent contractors, who work in or render any services directly related to the operation of an adult entertainment business.
- (h) "Entertainer" means any person who on any occasion provides adult entertainment within an adult entertainment premises as defined in this section, whether or not a fee is charged or accepted for entertainment, or whether or not the entertainer; is paid.
- (i) "Entertainment" means exhibition or dance of any type, pantomime, modeling or any other performance.
- (j) "Manager" means any person who manages, directs, administers, or is in charge of, the affairs and or conduct of any portion of any activity involving adult entertainment occurring at any adult entertainment business.
- (k) "Operator" means any person operating, conducting or maintaining an adult entertainment business.
- (l) "Person" means any individual, partnership, coporation, trust, incorporated and unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons however organized.
- (m) "Public place" means any area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, and automobiles whether moving or not.

SECTION 2703 - LOCATION REQUIREMENTS FOR ADULT ENTERTAINMENT BUSINESSES

2703.01: Adult entertainment establishments must be location in the following areas:

- (a) Adult entertainment establishments may be located only in (Industrial) I2 Zoning Districts.
- (b) Adult entertainment businesses must be located and directly accessible from a State Highway.
- (c) Adult entertainment businesses must be located in a single occupancy commercial building which meets all County Building and Safety Codes.
- (d) An adult entertainment business may not be located in the same building or structure, or portion thereof, in which another adult entertainment business is located.
- (e) Adult entertainment businesses must have all applicable State and County Licenses and Permits posted in proper locations.
- (f) Minimum admittance age must be clearly posted on all entry doors to adult entertainment establishments.
- (g) Adult entertainment businesses must be connected to water and sewer systems of a municipality or certificated utility.
- (h) An adult entertainment business may not be operated within one quarter mile (1,320) feet of the closest property line of the site used for:
 - 1. a church, synagogue or regular place of religious worship and related facilities,
 - 2. a public, parochial or private pre school, elementary, intermediate, high school or special education institution and related facilities,
 - 3. a community college, college or university and related facilities,
 - 4. an institution or facility of Federal, State or Local governments,
 - 5. any platted residential subdivision,
 - 6. any residential lot or tract which is occupied with a residence, located on a lot outside a platted residential subdivision, or on acreage,
 - 6. a public or private park, playground, sports facility, racetrack, golf course, riding stable or recreation center,
 - 7. a library, recognized historic site or property, community center or public assembly building,
 - 8. a licensed day-care center,
 - 9. a public or private hospital or clinic,
 - 10. a public or private extended care facility or nursing home,
 - 11. another adult entertainment business.

2703.02: For purposes of this Ordinance, such linear 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 an adult entertainment business is located to the nearest property line of the premises of the facilities enumerated in Subsection A above.

2703.03: For the purpose of Subsection C above, the distance between any two (2) adult entertainment businesses 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 such business is located.