

# **Zoning Ordinance**

## **City of Senatobia, Mississippi**

**Adopted on April 7, 2009**

Amended through July 20, 2010

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## City of Senatobia, Mississippi

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## ARTICLE I TITLE, PURPOSE, AND LEGAL PROVISIONS

### 1. Short title.

This ordinance shall be known as the "Zoning Ordinance" and the map herein referred to identified by the title "Zoning Map of Senatobia" and attested by the City Clerk. The Zoning Map of Senatobia and all explanatory matter thereon is hereby adopted and made a part of this ordinance. Such map shall be filed in the office of the City Clerk and shall show thereon the date of adoption of this ordinance.

### 2. Purpose.

The purpose of this ordinance is to protect and enhance the integrity and value of the property in Senatobia. This ordinance shall be considered the minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare of the community inside the city limits of Senatobia. Further any subdivision, proposed development, operation, or other activity that intends to have and be serviced by Senatobia city water and/or sewer and/or gas shall abide by these rules and commit to being annexed into the city.

### 3. Zoning Districts.

For the purpose of this ordinance the City of Senatobia is hereby divided into the type of districts designated as follows:

A-R, Agricultural Residential District (Rural Residential),  
R-1, Residential District (Single-Family 13,500 sq.ft. lot minimum),  
R-2, Residential District (Single-Family 10,000 sq.ft. lot minimum),  
R-3, Residential District (Single-Family 8,000 sq.ft. lot minimum),  
R-4, Multi-Family District (Multi-Family 1-4 units per structure),  
R-5, Multi-Family District (Multi-Family 1-20 units per structure),  
R-6, Manufactured Home District (Manufactured Home Subdivision or Park),  
B-1, Business District (Local Shopping),  
B-2, Business District (General),  
B-3, Business District (Central Business District),  
M-1, Industrial District (Light),  
M-2, Industrial District (Heavy),  
X-1, Government District (Government), and,  
PUD, Planned Unit Development.

### 4. District boundaries.

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

**5. Interpretation**

Where other ordinances or regulations presently in place, or that may be adopted hereafter, impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory. This ordinance shall not lower the restrictions of other ordinances, regulations, plats, deeds, or private contracts if such are greater than the provisions of this ordinance.

**6. Saving clause.**

If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance that is not in and of itself invalid or unconstitutional.

**ARTICLE II DEFINITIONS**

For the purpose of this ordinance words used in the present tense include the future, the singular number includes the plural, and the plural the singular. The word "building" includes the word "structure" or "premises"; the word "shall" is mandatory and "may" is permissive; the word "person" includes a firm, organization, association, partnership, trust, company, or corporation, as well as an individual. Words not specifically defined herein shall be interpreted in accordance with their usual dictionary meaning and customary use in municipal government and the planning and zoning profession. Words and terms are defined as follows:

**Accessory Building or Structure:** Any detached minor building in the rear or side of the main building consisting of masonry or frame walls and roof: one (1) or two (2) stories in height, that is subordinate or incidental to the principal or main structure or use and located on the same lot. Any and all accessory buildings will be located behind the front building line of the main structure in the rear or side yards. Further, the accessory buildings overhang or any portion of the building or structure will not be located less than five (5) feet from the side or rear property lines. It is the intent of this ordinance that there shall be but one (1) main structure plus any permitted accessory structures on any lot used for residential purposes; also, that accessory structures, including storage buildings, shall not include living quarters, and shall generally conform to the style and appearance of the main structure to blend in with the main structure and/or the neighborhood.

**Accessory Use:** A subordinate use that is incidental to and customary in connection with the principal building or use and located on the same lot.

**Alteration and altered:** A building or structure shall be classified as altered when it is repaired, renovated, remodeled, rebuilt at a cost in excess of fifty (50) percent of its property value prior the commencement of such repairs, renovation, remodeling, rebuilding. The word "alteration" shall include any of the following:

- a. Any addition to the height or depth of a building or structure;
- b. Any change in the location of any of the exterior walls building or structure;

- c. Any increase in the interior accommodations of a building or structure.

**Apartment:** Same as Dwelling, Multi-family.

**Bed & Breakfast:** A building or portion thereof, formerly a single-family dwelling unit, where an owner-operator is paid for lodging in a limited number of guest bedrooms, for specific time periods, with meals provided only to registered guests. This definition does not include hotels, restaurants, cafes, or any other activities that involve sales or services to non-registered guests.

**Billboard (or Off-Premise Sign):** A sign that directs attention to a business, commodity, profession, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located. This definition shall also include an object, device, display, sign or structure used to express a point of view, by any means, including words, letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations or projected images. Each substantially different face of a billboard structure shall constitute a separate billboard. See Senatobia Sign Ordinance for details and regulations regarding all signs.

**Boarding house:** Similar to Bed & Breakfast.

**Building:** Any structure having a roof supported by columns or walls built for the support, shelter, or enclosure of persons, animals, or property of any kind, but not including any vehicle, trailer (with or without wheels) nor any movable device. It is the intent of this ordinance that there shall be but one (1) main structure plus any permitted accessory structures on any lot used for residential purposes; also, that accessory structures, including storage buildings, shall not include living quarters, and generally conform to the style and appearance of the main structure to blend in with the main structure and/or the neighborhood.

**Building area:** The portion of the lot occupied by the building, including porches, carports, accessory building, and other structures.

**Building Line-- Front, Side, Rear:** Lines that define the required area for the front, side and rear yards, as set forth in this Ordinance (see Yards). This line is usually fixed parallel to the property line and is equivalent to the required yard.

**Building height:** The vertical distance from the grade (as defined herein) to the highest point of the coping of a flat roof, or to the top deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

**Church:** A building used principally for religious worship, but the word church shall not include or mean a funeral chapel or building, religious educational institution or parochial school, day care center, or any type of religious owned or sponsored residential facilities.

**Cluster Development:** A development pattern for residential subdivisions that permits a reduction in lot area and bulk requirements, provided there is no increase in

the number of lots permitted under a conventional subdivision and the resultant land area is devoted to open space.

**Communications Tower:** Structure used for receiving and relay of radio, telegraph, telephone, and television signals. This definition includes monopole and taller structures that require external wire supports.

**Comprehensive Plan:** The adopted comprehensive plan for Senatobia Comprehensive Plan Update 2008.

**Condominium:** The ownership of single units in a multi-unit structure with common areas and facilities. Also, a building, or group of buildings, where units are owned individually, and where the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

**Daycare Center:** A place operated by a person, social agency, corporation, institution, or other group, whether such place be organized or operated for profit or not, that receives pay for the instruction, guidance, care, supervision, and protection of six (6) or more children under 17 years of age for less than 24 hours per day, without transfer of custody.

**Daycare Center, Adult:** A place operated by a person, social agency, corporation, institution, or other group, whether such place be organized or operated for profit or not, that receives pay for the instruction, guidance, care, supervision, and protection of six (6) or more for elderly and/or functionally impaired adults for less than 24 hours per day.

**Density:** The number of dwelling units per acre of gross land area.

**Drive-in restaurant:** A restaurant or public eating business so conducted that food, meals or refreshments are brought to the motor vehicles for consumption by the customer or patron.

**Dwelling:** A house or other building used primarily as an abode for one family except that the word "dwelling" shall not include boarding or rooming houses, tents, tourist camps, hotels, manufactured homes and/or mobile homes, manufactured home and mobile home parks or subdivisions, or other structures designed or used primarily for transient residents.

**Dwelling unit:** One room or rooms connected together, constituting a separate, independent housekeeping establishment for one family, physically separated from any other dwelling units that may be in the same structure, and containing independent cooking, sleeping and bathroom facilities.

**Dwelling, Single-family, Detached:** A dwelling designed for and occupied by not more than one family which does not have any roof wall or floor in common with any other dwelling unit

**Dwelling, Multi-family:** A building designed or occupied by more than two families living independently of each other.

**Dwelling--- Two-family (duplex), Three-family (triplex), or Four-family (quadplex):** A building designed or occupied by two, three, or four families, living independently of each other having one wall common to the dwelling units, and located on one lot.

**Easement:** A strip of land extending along a property line or across a lot for which a limited right of use has been granted for a public or quasi-public purpose, such as drainage, utility lines, construction infringement, access, etc., and within which the owner of the property shall not erect any permanent structures.

**Family:** Any number of individuals related by blood, marriage, or other legal arrangement, or a group of unrelated individuals not to exceed four unrelated persons living together as a single housekeeping unit and in which food preparation is conducted on the premises.

**Farm:** An area of more than 10 acres located outside a recorded subdivision which is used for the growing of the usual farm products such as vegetables, fruit, trees, hay, cotton, and grain, and their storage on the area, as well as the raising thereon of the usual farm animals, such as horses and cattle. The term "farming" includes the operating of such an area for one or more of the above uses 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 provided further that farming **does not include** the extraction of minerals, 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.

**Floor Area:** The total number of square feet of floor space within the exterior walls of a building, not including unheated space in attics, garages, cellars or basements.

**Flood, 100-year:** The highest level of flooding that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1) percent chance of occurring each year). Details and definitions concerning uses and development are covered in a separate ordinance.

**Garbage:** The animal and vegetable waste resulting from the handling, preparation, cooking, serving and non-consumption of food.

**Home Owners' Association (HOA), or Property Owners Association (POA):** A community association which is organized in a development in which individual

owners share common interests in common property such as open space, private drives, or facilities. The HOA/POA manages and maintains the common property, and enforces certain covenants and restrictions. To assure that common property is maintained any development that proposes to have private amenities and/or common properties, those that are not being dedicated to and accepted by the city of Senatobia, shall have a HOA/POA that is established with the first part of the development HOA/POA and shall be mandatory in membership and dues, and shall apply to the entire development. All lots within the subdivision should be included in one HOA /POA for the development.

**Home occupation:** Any occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit, and shall be subject to the following conditions:

- a) The home occupation shall be conducted entirely within a dwelling unit which is the bona fide residence of the practitioner(s), or entirely within only one accessory garage building (not to include a carport, driveway, yard or outside area).
- b) Not more than 25 percent of the total gross floor area of residential buildings plus other buildings housing the purported home occupation, or more than 500 square feet of gross floor area (whichever is less), is used for home occupation purposes.
- c) No more than one person other than family members who reside in the dwelling unit participates in the home occupation on the premises.
- d) The residential character of the lot and dwelling shall be maintained. Neither the interior nor the exterior of the dwelling shall be structurally altered so as to require compliance with non-residential construction codes to accommodate the home occupation. No additional building shall be added on the property to accommodate the home occupation.
- e) The home occupation shall not generate customer related vehicular traffic in excess of ten (10) vehicles per twenty-four (24) hour day in the residential neighborhood. Not more than two (2) customer related vehicles shall occupy the neighborhood at any given time.
- f) No direct selling of merchandise shall occur on the premises.
- g) No equipment or materials associated with the home occupation shall be displayed or stored where visible from anywhere off the premises.
- h) The occupation shall not produce external noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference, or waste runoff outside the dwelling unit or on the property surrounding the dwelling unit.
- i) No vehicle used in connection with the home occupation that requires a commercial driver's license to operate shall be parked on the premises or on any street adjacent to the residentially zoned property.
- j) Nothing herein shall be construed to allow the following businesses or occupations as home occupations: animal hospitals, clinics, hospitals, contractor's yards, dancing schools, junk yards, car lots, wrecker services, restaurants, rental outlets, vehicle repair shops, or massage parlors.

**Hotels:** Any building or portion thereof that contains at least ten (10) guest rooms intended for overnight lodging and occupancy by individuals, for compensation whether paid directly or indirectly. This definition also includes Motels, Motor

Courts, Motor Lodges, Tourist Courts, and other similar establishments.

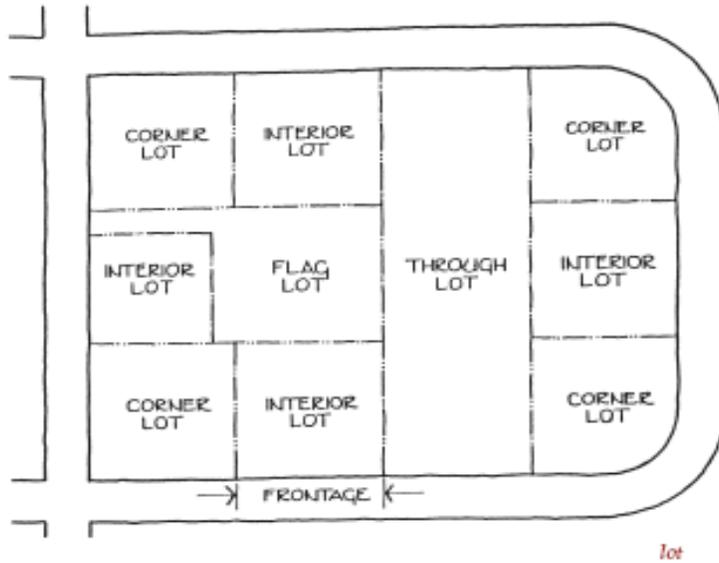
**Improvements:** Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, gas lines, street lights, flood control and drainage facilities, utility lines, landscaping, dirt work, and other related matters normally associated with the development of undeveloped land into building sites.

**Junk:** Old and dilapidated vehicles and parts thereof, scrap, building material, scrap contractor's equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper, excelsior, hair, mattresses, beds or bedding or any other kind of scrap or waste material which is stored, kept, handled or displayed within the City Limits.

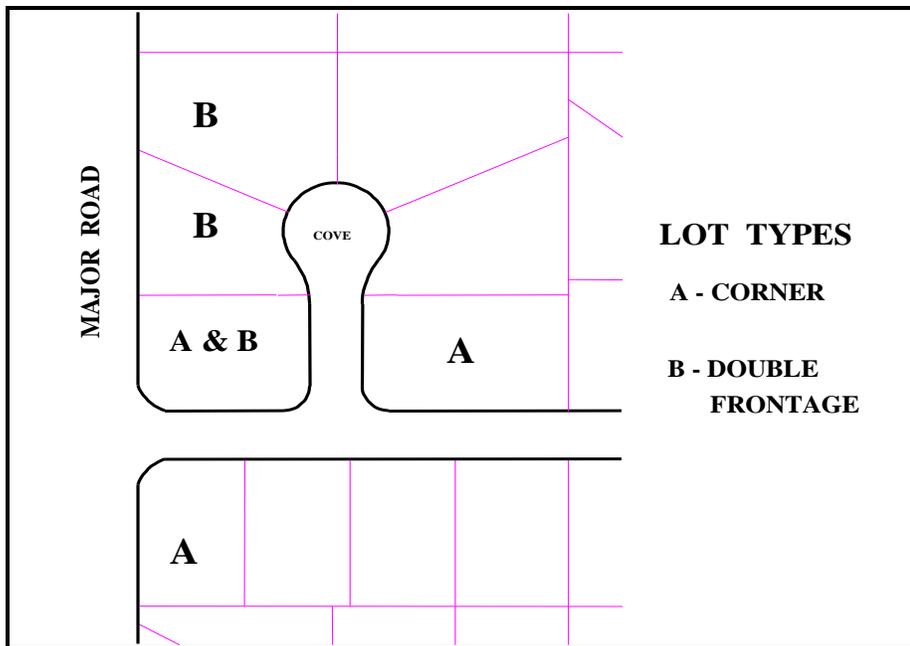
**Junk car or vehicle:** Any motor vehicle that does not have a current inspection sticker and/or without a state license plate that is current. Any vehicle that is obviously in such condition as to be considered inoperable. Evidence for determining whether a vehicle is disabled shall include removed or flat tires, partial or complete dismantling or removal of parts, broken glass, missing major parts such as lights, doors, trunk covers, hoods, or motor parts essential for the lawful, safe operation of the vehicle, or other signs of substantial deterioration. Further evidence shall include growth of vegetation about the vehicle, the positioning of the vehicle in other than an upright or operable manner, and vandalism

**Junkyard:** A lot or parcel of land used for collection, storage or sale of discarded material such as waste paper, rags, automobiles, scrap metal, or other junk, whether the use thereof was intended or not. For the purposes of this ordinance, a lot or parcel with two or more inoperable or unlicensed automobiles shall be considered a Junk Yard. Junkyards shall be prohibited in all agricultural, residential, or business zones.

**Lot:** A portion of a subdivision, any parcel, plot, piece, or survey of land, intended as a unit for transfer of ownership or for development. For purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Every lot shall have frontage on a public right-of-way, public road, or public street of at least 50 feet except in a cove where at least 20 feet is required. Types of lots are shown below:



Source: A Planners Dictionary, PAS report 521/522 (2004)



Source: Tate County Zoning Ordinance (2001)

**Lot Area:** The total area within the lot lines of a lot including land area within easements and excluding any street rights-of-way.

**Lot, Corner:** A lot that fronts on two or more streets or roads at their intersection (see illustrations above).

**Lot, Double Frontage or Through:** A lot that fronts on two or more non-intersecting streets, as distinguished from a corner lot (see illustrations above).

**Lot, Flag or Toothbrush:** A lot that is shaped so that the access is through a narrow strip of land, at least 50 feet wide, that touches a public street, but the main building and lot are set back from the street and otherwise conform to lot and yard requirements. No buildings are allowed in the narrow street that connects the main portion of the lot and the public street (see illustrations above).

**Lot Lines:** The property lines bounding the lot.

**Lot Line, Front:** The property line separating the lot from a street right-of-way. In the case of a corner lot each line separating such lot from the street shall be considered a front lot line.

**Lot line, Rear:** The lot line opposite and most distant from the front lot line of the lot.

In the case of a corner lot the line opposite the front of the house shall be considered the rear lot line.

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

**Lot Width:** The width of a lot at the building line. Buildable width is the width of lot left to be built upon after the side yards are provided.

**Manufactured Home:** A factory manufactured movable home, as provided in Miss Code Ann §75-49-3, is a residential dwelling, transportable in two or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Manufactured homes are 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.

**Manufactured Housing Park or Subdivision:** A parcel of land under single ownership that has been planned and improved for the placement of manufactured housing for dwelling purposes.

**Mobile Home:** A mobile home, as provided in Miss Code Ann §75-49-3 is 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 (42 U.S.C. 5401 *et seq.*), as amended. It is a structure that is transportable in one or more sections, that, in the traveling mode is eight (8) feet or more in width and thirty two (32) body feet or more in length, or, when erected on site, is two hundred fifty-six (256) or more square feet, that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes any plumbing, heating, air conditioning, and electrical systems contained therein.

**Modular Homes:** A residential dwelling unit assembled on-site in accordance with the municipal building code and composed of components substantially constructed in a

manufacturing plant and transported to the building site for final, permanent assembly on a permanent foundation.

**Non-conforming building:** A structure or building the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to a zoning ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district. See Article III General Provisions for restrictions regarding continued use.

**Non-conforming lot:** A lot where the area, dimensions, and/or location, was originally lawful and conformed to the zoning ordinance, but no longer conforms to the requirements of this ordinance or any subsequent amendments thereto of the zoning district where it is located. See Article III General Provisions, Section 5, for restrictions regarding continued use.

**Non-conforming use:** A use of any structure or land that though originally lawful no longer conforms with the provisions of this ordinance or any subsequent amendments thereto for the district in which it is located. Uses established after the passage of this ordinance that are in violation of this ordinance are illegal uses and shall not be given the status of nonconforming uses. See Article III General Provisions, Section 5, for restrictions regarding continued use.

**Noxious plant:** Any plant capable of poisoning, including but not limited to poison ivy, at any height or state of maturity.

**Offices:** Space or rooms, clinics, suites, or buildings used for conduct of a business such administrative, clerical, professional, and similar uses. These offices shall include, but shall not necessarily be limited to, professional offices, medical (doctors and dentists), attorneys, accountants, real estate brokers, insurance agents, architects or engineers, but shall in no way be construed as permitting undertaking establishments, funeral homes or living quarters.

**Parking Area:** Any public or private land designed and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated area of public streets. This definition does not include grassy or other non-hard surface areas of lots. And it is the intention of this ordinance that each lot should be designed to accommodate the parking requirements of the normal occupants of the lot/building/house on the lot in a hard surface area, driveway or garage without parking in the street. Coves should be left clear of parked vehicles to allow access and turning of emergency vehicle and school buses.

**Parking Space:** A paved area, measuring a minimum of nine (9) feet in width and eighteen (18) feet in length with adequate space for ingress and egress to all spaces and/or right-of-way.

**Planned Unit Development:** (See Article IV Section 14 Planned Unit Developments). A development with a minimum of four acres, under unified control to be planned and developed as a whole in a single development or in a definitely programmed series of development phases. A planned unit development is built according to a detailed development plan proposed by the developer and approved by

the Planning Commission and the Mayor and Board that include not only streets, utilities, lots and building locations, and the like, but also site plans for all buildings as are intended to be located, constructed, used, and related to each other, and plans for other uses and improvements. A planned unit development may include zero lot line developments.

**Premises:** Any public or private property, vacant or occupied lot, plot, parcel of land, street, sidewalk, alley, boulevard, highway, right-of-way, park, parkway, public square or viaduct, including the structures or buildings thereon.

**Rank weeds:** Thickets or any vegetation which may emit noxious odors or any vegetation which is 12 inches or more in height, including but not limited to grasses and unattended growths of other plants, bushes and shrubbery. Rank weeds shall not mean trees in excess of six feet in height, cultivated or attended trees less than six feet in height, or cultivated or attended plants, bushes or shrubbery.

**Refuse:** Unwanted or discarded waste materials in a solid or semisolid state consisting of garbage or rubbish or a combination thereof.

**Rubbish:** Solid wastes consisting of combustible and noncombustible waste materials from residential, commercial, industrial, and institutional establishments, including yard wastes and items commonly referred to as trash.

**Setback:** The minimum distance required between the lot boundary and the building line. (Also see Lots & Yards)

- a. Front setback line: A line parallel to the street right-of-way line and representing distance which all or any part of the building is set back from said right-of-way line.
- b. Side setback line: A line parallel to the side lot line and representing the distance which all or any part of the building is set back from the rear lot line.
- c. Rear setback line: A line parallel to the rear lot line and representing the distance which all or any of the building is set back from the rear lot line.

**Sign:** Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. For details and regulations see separate Senatobia Sign Ordinance.

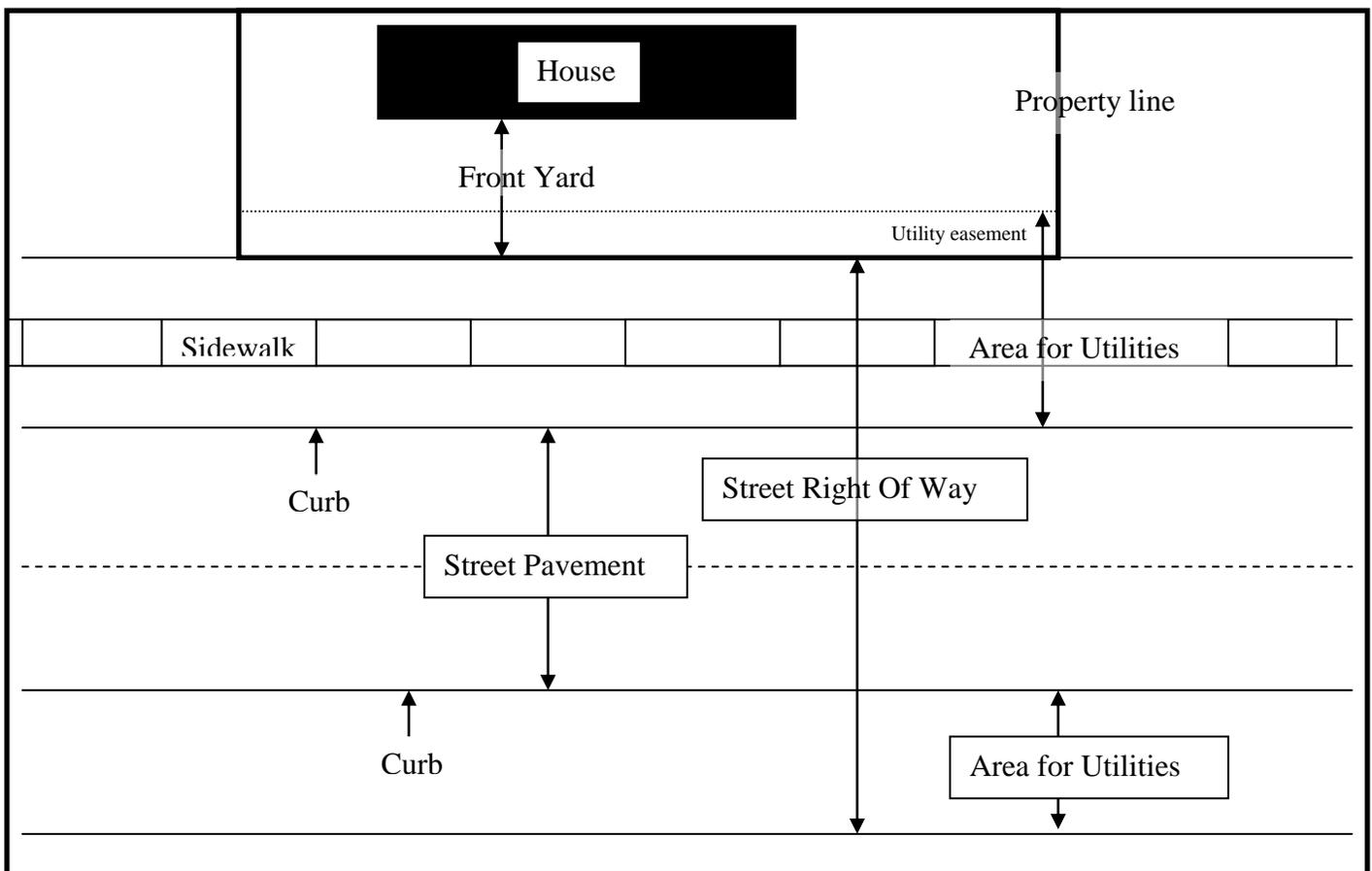
**Special Exception:** a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, time limit, or relation to the neighborhood as approved by the Board of Adjustments, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare.

**Street:** Any public or private way set aside for common travel more than twenty-one (21) feet in width if such existed at the time of enactment of this ordinance, or such right-of-way fifty (50) feet or more in width if established thereafter. The term

“street” means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, place, or however otherwise designated.

- a. Arterial streets or highways are those that are used primarily for fast and heavy traffic.
- b. Collector streets are those which carry traffic from minor or neighborhood streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
- c. Cul-de-sac is a short street, less than 400 feet in length, having one end open to traffic and being permanently terminated within the plat by a permanent vehicular turnaround.
- d. Frontage road is a street, parallel to and adjacent to a major highway or thoroughfare, which provides access to abutting properties.
- e. Local or Minor streets are those that are used primarily for access to the abutting properties and are designed to carry traffic from residential areas to collector streets.
- f. Alleys are minor ways that are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

**Street Right-of-Way (ROW):** A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, communication, crosswalk, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and similar uses (see drawing below).



**Structure:** Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground, including among other things signs, billboards, but not including telephone poles and overhead wires.

**Subdivision:** A subdivision shall include all divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development. A subdivision shall include all divisions of land involving the dedication of a new street or a change in existing streets. The following shall not be included within this definition, nor be subject to the subdivision rules and regulations of Senatobia:

- a. The division of land into parcels greater than five acres, and where no additional street right-of-way dedication is involved.
- b. The public acquisition by purchase or dedication of parcels of land for the purpose of widening or opening

**Use:** The purpose for which land or a building or other structure is designed, arranged, or intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

**Utility Substation:** A facility containing high voltage electrical equipment, transformers or specialized transmission facilities for gas, water, sewer, telephone or other public utilities enclosed in a single area and connected to a transmission network, but not requiring office space, or other space with regular attendants.

**Variance:** A variance is a relaxation of the terms of the zoning ordinance, granted by the Board of Adjustments, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

**Wireless Communication Facilities (WCF):** Any unstaffed facility for the transmission and/or reception of wireless telecommunication services, usually consisting of an antenna array, cabling and associated ground equipment and a support structure.

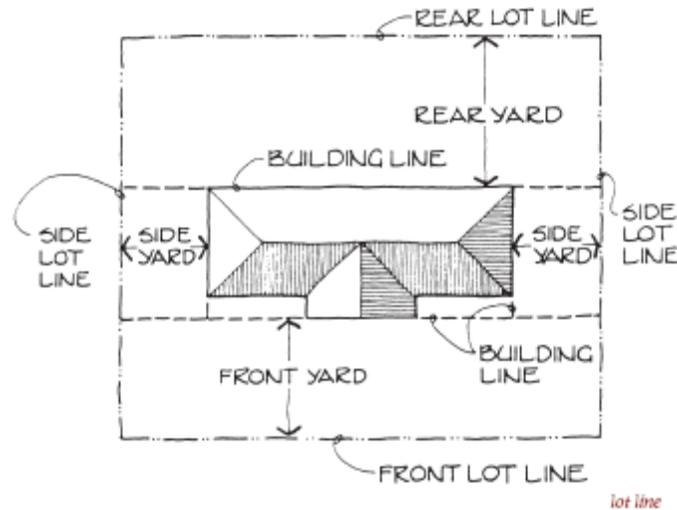
**Yard:** An open space, on the lot with the main building left open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance (See illustrations below).

**Front yard:** The yard extending across the width of the lot between the main building, including covered porches, and the front lot line, or if an official future street right-of-way line has been established, between the main building, including

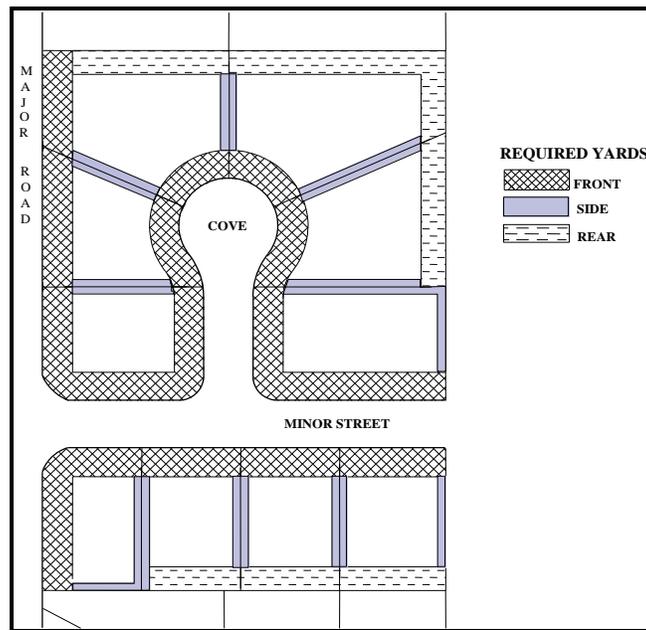
covered porches, and the right-of-way line. Corner lots and double-frontage lots or “through” lots have two front yards (See illustrations below).

**Rear yard:** The yard extending across the entire width of the lot between the main building, including covered porches, and the rear lot line (See illustrations below).

**Side yard:** The yard extending along a side lot line, from the front yard to the rear yard, between the main building, including covered porches and carports and such lot line (See illustrations below).



Source: A Planners Dictionary, PAS report 521/522 (2004)



Source: Tate County Zoning Ordinance (2001)

**Zero lot line development:** A development approach in which a single-family dwelling is located on a lot in such a manner that one (1) or more of the building's sides rest directly on a lot line.

## ARTICLE III GENERAL PROVISIONS

### 1. **Building lots, yards, fences, and open space.**

In each district each structure hereafter erected or altered shall be provided with the yards specified, and shall be on a lot of the area and width specified in Article IV. No open space or lot required for a building or structure shall during its life be occupied by or counted as open space for another building or structure.

For purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Every lot shall have frontage on a public right-of-way, public road, or public street of at least 50 feet except in a cove where at least 20 feet is required

No lot shall be reduced in area so that yards and other open spaces total less than the minimum area required under this ordinance.

It is the intent of this ordinance that there shall be but one (1) main structure plus any permitted accessory structures on any lot used for residential purposes; also, that accessory structures, including storage buildings, shall not include living quarters, and generally conform to the style and appearance of the main structure to blend in with the main structure and/or the neighborhood.

Where the owner of a lot of official record at the time of adoption of this ordinance does not own sufficient adjacent land to enable him to conform to the yard and other requirements of this ordinance, the building and its accessory structures may be built provided the yard space and other requirements conform as closely as possible, in the opinion of the Board of Adjustment through the specific action of granting a variance, to the requirements of the district in which it is located; and further provided that neither side yard shall be reduced to less than three (3) feet in width.

Fences shall normally be located behind the front yard building line, be no more than six (6) feet high and shall not enclose the utility meters.

### 2. **Corner visibility in districts and obstructions along street right-of-way.**

In all zoning districts no fence, wall, shrubbery, tree, sign, marquee, or other obstruction to vision shall be permitted within at least twenty (20) feet of the intersection of the right-of-way lines of two (2) streets or railroads or of a street and a railroad right-of-way line. This is also known as the "sight triangle". Further, no fence, wall, shrubbery, tree, or other obstruction should be permanently placed or planted within fifteen (15) feet of the curb due to placement of sidewalks, and utility lines in these areas and easements thereof, and the long-term detriment to public infrastructure in the right-of-way by such items.

### 3. **Future street lines.**

On any lot which, at the time of adoption of this ordinance or at the time this ordinance is changed by amendment hereafter, may be reduced in area by widening a

public street to a future street line as indicated on the duly adopted "Thoroughfare Plan," or as same may be hereafter amended, the minimum required yards, the minimum required lot area, the minimum required lot width and the maximum building area shall be measured by considering the future street lines as the lot line of such lot. A temporary cul-de-sac shall be provided at the end of a street for each phase of development and paved without curb and gutter.

#### **4. Uses.**

In each district no other use than the types specified as "permitted" or "permitted as a special exception" shall be allowed. (See Article IV). Uses specified as "permitted" shall be permitted upon application to the Building Official. Uses specified as "permitted as a special exception" are special exceptions and no permit shall be issued for such uses except with the written approval of the Board of Adjustment and subject to such conditions as may be required to preserve and protect the character of the district. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

#### **5. Non-Conforming Uses**

Any non-conforming use, lot, building / structure may be continued as long as it shall not be:

- a) Changed to another non-conforming use;
- b) Re-established after discontinuance or abandonment for six (6) months; and,
- c) Rebuilt after fire or damage exceeding 50% of its fair market value of the building or structure as determined by the city.

If any of the above three items (a-c) were to happen, then the non-conforming use, lot, or structure would lose its non-conforming status and shall be required to come in conformance with the regulations immediately.

A non-conforming use, lot, or structure can be sold or otherwise legally transferred and the use continued as long as the non-conforming status is maintained as described above. Any non-conforming use, lot, or structure may be repaired and maintained to keep them in sound condition, as long as, the costs of alterations or improvements do not exceed 50% of its fair market value of the building or structure as determined by the city.

#### **6. Non-conforming mobile homes and manufactured homes**

All manufactured homes that are not currently located in areas zoned "R6", upon adoption of this ordinance and accompanying Zoning Map, are deemed non-conforming uses. Also, all mobile homes, as defined above, are deemed non-conforming uses. These manufactured homes or mobile homes are "grandfathered" non-conforming uses and may continue to be used for residential purposes as long as the non-conforming status is maintained as described above. Subject to the provisions of this ordinance, all occupants of "grandfathered" manufactured homes will be afforded all rights and privileges of the city including water, gas and any other utility and privilege afforded to all citizens.

Notice and opportunity for hearing concerning nonconforming mobile homes and

manufactured homes:

1. Notice will be provided to owners of manufactured homes and mobile homes deemed “nonconforming” by any part of this ordinance via hand-delivery by any law enforcement officer of the city or county. Additionally, notice will be posted on the property explaining the right to contest and avenues of redress.
2. Upon notice as provided above, the owner of any manufactured home and/or mobile home shall have the right to be heard by the Board of Aldermen of the City of Senatobia. The owner must submit a written request for a hearing to the City Clerk at 133 N. Front St., Senatobia, Mississippi, 38668, no later than one week before the Board’s next regularly-scheduled meeting.
3. In the event of a timely written request, the owner of the home in question, or his representative, will be given the opportunity to appear before the City of Senatobia in open session and contest the citation that the home in question is not in violation or is entitled to an exemption from this ordinance.

## **7. Nuisances.**

It shall be unlawful for any owner or occupant of any lot, tract or parcel of land, or owner of a vehicle, to cause or permit any nuisance as defined in this ordinance to be created or remain upon such premises; and it shall be the duty of such owner or occupant to abate and remove any such nuisance from such premises.

No owner or occupant shall permit, cause, keep, maintain or do any nuisance, as defined by the laws of the state or ordinances of the city, or cause to be committed, caused kept, maintained or done any such nuisance, within the corporate limits of the city.

No owner or occupant of any house, building, lot or premises shall cause or allow any nuisance to be or remain in or upon any such house, building, lot or premises.

The following are hereby declared to constitute nuisances:

1. All substances which emit, generate or cause noxious or toxic odor, dust, vapor, fume or mist in the neighborhood where they exist.
2. All carcasses of animals remaining exposed 12 hours after death.
3. All establishments or structures that emit, generate or cause any hazardous, noxious or toxic dust, vapor, fume, mist, odor or condition.
4. All foul, dirty or polluted water or liquid deposited or allowed to remain upon any premises, except for noncommercial washing of private automobiles.
5. All filth, excrement, boards, sawdust, wood or metal shavings, rubber, old tires, discarded plastic containers or wrappers, coal, gasoline, paint, lumber scraps, boxes, barrels, kegs, crates, cans, bottles, cartons, paper, trash, rubbish, brush, logs, broken ware, rags, iron or other metal, old wearing apparel, refuse, debris, vehicle parts, broken concrete, slag, garbage, offal, putrid fish, meat entrails, wastewater, dead animals, broken glass, tacks, nails, wire, or any other unwanted or discarded substance or thing thrown, cast, dropped, blown, spilled, poured, discharged, swept, left or deposited by anyone in or upon any premises, except when any of these items are allowed and used in a licensed recycling or salvage facility holding a valid permit under the Code of Ordinances of Senatobia, Mississippi.

6. All malfunctioning private sewage disposal systems which allow polluted, raw or partially treated wastewater or effluent to be deposited or stand upon any premises. When any private sewage disposal system has been determined to be malfunctioning, the owner of the subject premises will be ordered to make connection to the public sewer if available.

7. Any wrecked, damaged, demolished, disassembled or disabled vehicle left or permitted to remain upon any portion of the premises other than within a private garage, except when a license for salvaging vehicles has been issued for the property where the vehicles are located and the salvage vehicles are being stored properly pursuant to other applicable provisions of the Code of Ordinances of Senatobia, Mississippi. Evidence under this subsection for determining whether a vehicle is disabled shall include removed or flat tires, partial or complete dismantling or removal of parts, broken glass, missing major parts such as lights, doors, trunk covers, hoods, or motor parts essential for the lawful, safe operation of the vehicle, or other signs of substantial deterioration. Further evidence shall include growth of vegetation about the vehicle, the positioning of the vehicle in other than an upright or operable manner, and vandalism.

8. The off-street parking of vehicles other than on a parking space.

9. A live or dead tree which constitutes a hazard to the safety of persons or of property, private or public.

10. Rank weeds, tall grass in excess of one foot in length/height, and/or noxious plants allowed to stand at any season of the year upon any lot, tract or parcel of land, or unpaved alley, or along the sidewalk, street or paved alley adjacent to such lot, tract or parcel of land.

11. Any portion of residential premises maintained in an unclean manner or used for the open storage of items or materials other than yard furniture, neatly stacked firewood, garden or yard tools, toys, or temporarily stored usable building materials.

12. Any situation that constitutes a health or fire hazard, or other threat to the health, safety or welfare to the citizens of Senatobia.

## ARTICLE IV DISTRICT REGULATIONS

### 1. Agricultural Residential (A-R) Zoning District regulations.

- (a) *Uses permitted:* Single-family dwellings; agricultural activities such as the production of crops and/or livestock for sale or show; accessory structures; home occupations; gardens, and parks.
- (b) *Uses that may be permitted as a special exception:* Public utility substations; public buildings of a proprietary nature; animal clinics; semi-public buildings and uses, including private schools; and churches.
- (c) *Uses prohibited:* Industrial uses; intensive agriculture such as feedlots, sales barns or auction houses; mineral extraction including sand, dirt or gravel; junkyards; and manufactured homes and/or mobile homes.

- (d) *Required lot area and width, yards, building area, and height for residences:*  
Minimum lot area – 10 acres  
Minimum lot width at the building line – 150 feet  
Minimum street frontage – 50 feet  
Minimum depth of front yard – 50 feet  
Minimum depth of rear yard – 50 feet  
Minimum width of each side yard – 50 feet  
Maximum total building area - 30% of total lot area  
Maximum height of structures – 2 & 1/2 stories or 35 feet
- (e) *Off-street parking requirements:* Minimum of four (4) paved spaces per dwelling.  
See Article V of this ordinance for requirements for other uses.
- (f) *General Provisions for A-R:*  
(1) Large animals, such as horses and cattle, are allowed on properties in the A-R zone. The prohibition against these animals in Senatobia’s municipal limits within 300 feet of a residence of any person who shall complain” in the Animal and Fowl ordinance, are waived in the A-R zoning district. However, the animals are to be securely confined to the property at all times. In the event of complaints from neighboring property owners, attempts shall be made to prevent any obnoxious, offensive, or detrimental dust, pests, smoke, vibration, noise, odor, or effluents from impacting neighboring property.  
(2) ~~These large tracts—at least 10 acres in size—in the A-R zoning are exempt from mowing requirements that apply to the other zoning districts regarding “rank weeds and noxious plants” from the Nuisances Ordinance. In the event of complaints from neighboring property owners, attempts shall be made to prevent any obnoxious, offensive, or detrimental dust, pests, smoke, vibration, noise, odor, or effluents from impacting neighboring property. (SEE AMENDING ORDINANCE NO. 375.)~~

## **2. Residential (R-1) (Single-Family Detached 13,500 sq. ft.) Zoning District regulations.**

- (a) *Uses permitted:* Single-family dwellings; accessory structures; home occupations; gardens; playgrounds, and parks.
- (b) *Uses that may be permitted as a special exception:* Utilities substation and churches.
- (c) *Uses prohibited:* Business, or industrial uses; junkyards; and manufactured homes and/or mobile homes.
- (d) *Required lot area and width, yards, building area, and height for residences:*  
Minimum lot area - 13,500 square feet  
Minimum lot width at the building line –90 feet  
Minimum street frontage – 50 feet; except in a Cove where it shall be at least 20 feet

- Minimum depth of front yard - 35 feet  
Minimum depth of rear yard - 35 feet  
Minimum width of each side yard - 15 feet  
Maximum total building area - 30% of total lot area  
Maximum height of structures – 2 & 1/2 stories or 35 feet
- (e) *Off-street parking requirements:* Minimum of four (4) car spaces per dwelling. See Article V-of this ordinance for requirements for other uses.
- (f) *General Provisions:* ~~Large undeveloped tracts of R-1 the zoning district—at least 10 acres in size—are exempt from mowing requirements that apply to the other zoning districts regarding “rank weeds and noxious plants” as defined above. In the event of complaints from neighboring property owners, attempts shall be made to prevent any obnoxious, offensive, or detrimental dust, pests, smoke, vibration, noise, odor, or effluents from impacting neighboring property. (SEE AMENDING ORDINANCE NO. 375.)~~
- (g) *Buffering for new developments:* Where new development is adjacent to existing development or vacant land of a different zoning category the developing property must provide a buffer to the adjacent property. This buffer must be provided in two ways. First, the lots immediately adjacent to the differing zoning must be modified to have added area as follows:
- Developing R next to existing or vacant A-R, larger R, B, M, or X =  
Additional 25’ to depth of the lot, & additional 10’ to width of the lot;
- Developing B or X next to existing or vacant A-R, R, B, M, or X =  
Additional 25’ to depth of the lot, & additional 10’ to width of the lot;
- Developing M next to existing or vacant A-R, R, B, M, or X =  
Additional 50’ setback from that property line or lines;
- Second, for developing R-4, R-5, or R-6, B, M, or X when building next to existing or vacant A-R, R, B, or X there shall be plantings & a fence in the form of a 20’ strip with planted trees and shrubs. The strip shall be landscaped as follows: one large deciduous tree (ultimate height 50+ feet) for every seventy-five (75) linear feet, PLUS a group of three (3) medium evergreen trees (planted on 15 feet triangular staggered spacing) and one small deciduous or ornamental tree (planted 15 feet from evergreens) for every seventy-five (75) linear feet.
- The 25’ strip can be left alone if there is natural tree cover and this can count as plantings and fence with approval of the Building Official. Additionally a 25’ strip can be left alone if there is natural tree cover and can count as plantings and fence in a developing Industrial zone with approval of the Building Official.

**3. Residential (R-2) (Single-Family Detached 10,000 sq. ft.) Zoning District regulations.**

- (a) *Uses permitted:* Single family dwellings; accessory structures; home occupations; gardens; playgrounds; parks.
- (b) *Uses that may be permitted as a special exception:* Utilities substation and churches.
- (c) *Uses prohibited:* Business, industrial uses, junkyards; and manufactured homes and/or mobile homes.
- (d) *Required lot area and width, yards, building area, and height for residences:*
  - Minimum lot area Single -family dwelling - 10,000 square feet
  - Minimum lot width at the building line - 80 feet
  - Minimum street frontage – 50 feet; except in a Cove where it shall be at least 20 feet
  - Minimum depth of front yard - 30 feet
  - Minimum depth of rear yard - 35 feet
  - Minimum width of each side yard - 12 feet
  - Maximum total building area – 30 % of total lot area
  - Maximum height of structure – 2 & 1/2 stories or 35 feet
- (e) *Off-street parking requirements:* Minimum of four (4) car parking spaces per dwelling unit. See Article V of this ordinance for requirements for other uses.
- (f) *General Provisions:* ~~Large undeveloped tracts of R-2 the zoning district—at least 10 acres in size—are exempt from mowing requirements that apply to the other zoning districts regarding “rank weeds and noxious plants” as defined above. In the event of complaints from neighboring property owners, attempts shall be made to prevent any obnoxious, offensive, or detrimental dust, pests, smoke, vibration, noise, odor, or effluents from impacting neighboring property. (SEE AMENDING ORDINANCE NO. 375.)~~
- (g) *Buffering for new developments:* (see Article IV, Sec. 2 (g) R-1) Where new development is adjacent to existing development or vacant land of a different zoning category the developing property must provide a buffer to the adjacent property.

**4. Residential (R-3) (Single-Family Detached 8,000 sq. ft.) Zoning District regulations.**

- (a) *Uses permitted:* Single-family dwellings; accessory structures; home occupations; gardens; playgrounds; parks.

- (b) *Uses that may be permitted as a special exception:* Utilities substation and churches.
- (c) *Uses prohibited:* Business, industrial uses, junkyards; and manufactured homes and/or mobile homes.
- (d) *Required lot area and width, yards, building area, and height for residences:*
  - Minimum lot area Single -family dwelling - 8,000 square feet
  - Minimum lot width at the building line - 70 feet
  - Minimum street frontage – 50 feet; except in a Cove where it shall be at least 15 feet
  - Minimum depth of front yard - 25 feet
  - Minimum depth of rear yard - 35 feet
  - Minimum width of each side yard - 10 feet
  - Maximum total building area – 35 % of total lot area
  - Maximum height of structure – 2 & 1/2 stories or 35 feet
- (e) *Off-street parking requirements:* Minimum of four (4) car parking spaces per dwelling unit. See Article V of this ordinance for requirements for other uses.
- (f) *Buffering for new developments:* (see Article IV, Sec. 2 (g) R-1) Where new development is adjacent to existing development or vacant land of a different zoning category the developing property must provide a buffer to the adjacent property.

**5. Residential (R-4) (Multi-Family Two [2] to Four [4] Units) Zoning District regulations.**

- (a) *Uses permitted:* Multi-family dwellings for not more than four (4) families, accessory structure, home occupations, gardens, playgrounds, parks.
- (b) *Uses that may be permitted as a special exception:* Utilities substation; and churches.
- (c) *Uses prohibited:* Business, industrial use, junkyards, or manufactured homes and/or mobile homes.
- (d) *Required lot area and width, yards, building area, and height of residences:*
  - Minimum lot area for duplex --- 12,000 square feet
  - Minimum lot area for a triplex --- 14,000 square feet
  - Minimum lot area for a quadplex --- 16,000 square feet
  - Minimum lot width at the building line – 70 feet
  - Minimum street frontage – 50 feet; except in a Cove where it shall be at least 15 feet

Minimum depth of front yard - 25 feet  
Minimum depth of rear yard - 35 feet  
Minimum width of each side yard - 10 feet  
Maximum total building area - 40% of total lot area  
Maximum height of structure - 2 & 1/2 stories or 35 feet

- (e) *Off-street parking requirements:* Minimum of four (4) parking spaces per dwelling unit. See Article V of this ordinance for requirements for other uses.
- (f) *Buffering for new developments:* (see Article IV, Sec. 2 (g) R-1) Where new development is adjacent to existing development or vacant land of a different zoning category the developing property must provide a buffer to the adjacent property.

## **6. Residential (R-5) Multi-Family Apartments Zoning District regulations.**

- (a) *Uses permitted:* Residential structures for any number of families, and rooming houses up to twelve units per acre.
- (b) *Uses which may be permitted as an exception:* Lodges, clubs, fraternity houses and similar uses not operated for a profit.
- (c) *Uses prohibited:* Any commercial and industrial uses, or junkyards.
- (d) *Required lot area and width, yards, building area, and height of structures.*
  - Minimum lot area - 7,700 square feet
  - Minimum lot width at the building line - 70 feet
  - Minimum street frontage – 50 feet
  - Minimum depth of front yard - 25 feet:
  - Minimum depth of rear yard - 35 feet
  - Minimum width of each side yard - 10 feet
  - Maximum total building area - 30% of total lot area
  - Maximum height of structures - 3 stories or 45 feet
- (e) *Off-street parking requirements:* Two (2) spaces per dwelling unit; two (2) spaces for each three hundred (300) square feet or fraction thereof of office space or guest, meeting, or other non-residential space in structure; or two (2) spaces per room for each room let to roomers. See Article V of this ordinance for requirement for other uses.
- (f) *Buffering for new developments:* (see Article IV, Sec. 2 (g) R-1) Where new development is adjacent to existing development or vacant land of a different zoning category the developing property must provide a buffer to the adjacent property.

- (g) *Site Plan approval required:* All new proposals for developments as R-5 will require site plan approval as part of the rezoning process. The information required for site plan approval is similar to that required for Planned Unit Developments (PUD) Outline Plans, see Article IV, Sec. 14 (m) for details.

## **7. Residential (R-6) Manufactured Housing (MH) Zoning District Regulations.**

- (a) *Uses permitted:* Manufactured home parks.
- (b) *Uses which may be permitted as an exception:* None.
- (c) *Uses prohibited:* All residential, commercial or industrial uses not specifically permitted.
- (d) *Required lot area and width, yards, building area and heights for* manufactured home parks and subdivisions and manufactured homes.

The parcel of land to be used for a manufactured home park or subdivision shall have a minimum lot area of two (2) acres. The minimum width of the lot at the building line shall be three hundred ten (310) feet. The minimum yard depths for the manufactured home park or subdivision shall be: front thirty (30) feet; side and rear fifteen (15) feet each. This yard space may not be used for parking nor shall it constitute the yard requirements for any manufactured home. The height of all structures in the manufactured home park or subdivision shall be limited to one (1) story or twelve (12) feet. All new proposals for developments as R-6 will require site plan approval as part of the rezoning process. The information required for site plan approval is similar to that required for Planned Unit Developments (PUD) Outline Plans, see Article IV, Sec. 14 (m) for details.

The individual manufactured home lot shall have a minimum lot area of five thousand five hundred (5,500) square feet and shall not be less than fifty (50) feet in width at the building line. The minimum yard requirements for the manufactured home lot shall be: front thirty (30) feet; rear fifteen (15) feet; and sides ten (10) feet. This yard space may be used for parking of the resident's vehicle, but shall not constitute any of the yard requirements for the manufactured home park or subdivision. Private accessory structures, such as sheds, must be within the building area defined for each manufactured home lot. Such structures shall not cover more than ten (10) percent of the remaining building area after the manufactured home has been located on the manufactured home.

- (e) *Off-street parking requirements.* Four (4) car spaces shall be provided on each manufactured home lot. See Article VIII of this ordinance for requirements for other uses.
- (f) *Buffering for new developments:* (see Article IV, Sec. 2 (g) R-1) Where new development is adjacent to existing development or vacant land of a different

zoning category the developing property must provide a buffer to the adjacent property.

- (g) All manufactured homes that are not currently located in areas zoned “R6”, upon adoption of this ordinance and accompanying Zoning Map, are deemed non-conforming uses. Also, all mobile homes, as defined above, are deemed non-conforming uses. These manufactured homes or mobile homes are “grandfathered” non-conforming uses and may continue to be used for residential purposes as long as the non-conforming status is maintained as described above. Subject to the provisions of this ordinance, all occupants of “grandfathered” manufactured homes will be afforded all rights and privileges of the city including water, gas and any other utility and privilege afforded to all citizens.
- (h) This Ordinance prohibits any new mobile home from being located in the City of Senatobia. Also, this Ordinance prohibits the replacement of any existing mobile home with another mobile home. However, this ordinance does not prohibit the replacement of an existing mobile home with a manufactured home.
- (i) All manufactured homes located within the Senatobia city limits must conform to the guidelines as set forth in the National Manufactured Housing Construction and Safety Standards Act of 2000 (“NHCSSA”). A copy of these guidelines may be obtained at the City Hall at 133 North Front Street, Senatobia, Mississippi 38668.
- (j) All manufactured homes must be inspected upon ownership change, occupancy change, or annually, whichever comes first.
- (k) All manufactured homes that are manufactured and sold after 1976 shall be identified with a HUD Certification Label or HUD tag, a metal plate that is affixed to the outside of the manufactured home in accordance with Section 3280.11(b), and a Data Plate affixed inside the home and is located in a kitchen cabinet, an electrical panel, or a bedroom closet, containing the information that is described more fully in <http://www.hud.gov/offices/hsg/sfh/mhs/mhslabels.cfm>.
- (l) All manufactured homes found in violation of the NHCSSA guidelines will be deemed “nonconforming” with respect to the NHCSSA guidelines. All manufactured homes in the City of Senatobia currently deemed nonconforming with respect to the NHCSSA guidelines must conform to the guidelines within ninety (90) days from the passage of this Ordinance.
- (m) All manufactured homes in the City of Senatobia determined “nonconforming” with respect to the NHCSSA guidelines after their annual inspection or after inspection due to change in ownership or occupancy must conform to the NHCSSA guidelines within ninety (90) days from the date of inspection.

- (n) Notice and opportunity for hearing concerning nonconforming manufactured housing:
1. Notice will be provided to owners of manufactured homes and mobile homes deemed “nonconforming” by any part of this ordinance via hand-delivery by any law enforcement officer of the city or county. Additionally, notice will be posted on the property explaining the right to contest and avenues of redress.
  2. Upon notice as provided above, the owner of any manufactured home and/or mobile home shall have the right to be heard by the Board of Aldermen of the City of Senatobia. The owner must submit a written request for a hearing to the City Clerk at 133 N. Front St., Senatobia, Mississippi, 38668, no later than one week before the Board’s next regularly-scheduled meeting.
  3. In the event of a timely written request, the owner of the home in question, or his representative, will be given the opportunity to appear before the City of Senatobia in open session and contest the citation that the home in question is not in violation or is entitled to an exemption from this ordinance.

**8. Business (B-1) Zoning District regulations (Local Shopping).**

- (a) *Uses permitted:* Neighborhood retail stores and markets, including the following types of stores: food; general merchandise; apparel; furniture; household and hardware; radio and television; drugs and sundries; jewelry and gifts; florists; sporting goods; pet shops; and similar types. Neighborhood services, including the following types: dry cleaning and laundry pickup stations; barber and beauty shops; animal clinics, shoe repair; offices; banks; post offices; restaurants, and similar services.
- (b) *Uses that may be permitted as a special exception:* Filling stations, provided that there is no major auto repair, drive-in eating places, motels and churches.
- (c) *Uses prohibited:* ~~Residential dwellings, major auto repair, laundry and dry cleaning plants, manufacturing, trucking terminals, manufactured home and/or mobile homes, hospitals, junkyards, or kennels.~~ (SEE AMENDING ORDINANCE NO. 377.)
- (d) *Minimum lot size:* It is the intent of this ordinance that lots of sufficient size be used for any business or service use to provide adequate parking and loading space in addition to the space required for the other normal operations of the business or service.
- (e) *Minimum street frontage for each lot:* – 50 feet; except in a Cove where it shall be at least 20 feet.

- (f) *Minimum yard size:* Front, twenty (20) feet; rear, twenty (20) feet; side: ten (10) feet; except on a lot adjoining along its side lot line a lot which is in a residential district, there shall be a side yard not less than that required by the residential district.
- (g) *Maximum total building area:* Twenty-five (25) percent.
- (h) *Maximum height of building or structures:* Two (2) stories or thirty-five (35) feet.
- (i) *Off-street parking:* Two hundred (200) square feet of parking space for every two hundred (200) square feet of gross floor area including multi-story buildings. See Article V of this ordinance for requirements for other uses.
- (j) *Off-street loading and unloading:* The required rear or side yard shall be used for loading and unloading.
- (k) *General Provisions:* ~~Large undeveloped tracts of B-1 the zoning district—at least 10 acres in size—are exempt from mowing requirements that apply to the other zoning districts regarding “rank weeds and noxious plants” as defined above. In the event of complaints from neighboring property owners, attempts shall be made to prevent any obnoxious, offensive, or detrimental dust, pests, smoke, vibration, noise, odor, or effluents from impacting neighboring property. (SEE AMENDING ORDINANCE NO. 375.)~~
- (l) *Buffering for new developments:* (see Article IV, Sec. 2 (g) R-1) Where new development is adjacent to existing development or vacant land of a different zoning category the developing property must provide a buffer to the adjacent property.
- (m) *Site Plan approval required:* All new proposals for developments as B-1 will require site plan approval as part of the rezoning process. The information required for site plan approval is similar to that required for Planned Unit Developments (PUD) Outline Plans, see Article IV, Sec. 14 (m) for details.

## **9. Business (B-2) (General Commercial) Zoning District regulations**

- (a) *Uses permitted:* Stores selling food, general merchandise, apparel, furniture, houseware and household wares, radios and televisions, department stores, groceries, drugs and sundries, jewelry, gift items, flowers, sporting goods, and similar types, fitness instruction facilities, educational instruction facilities, places of amusement, hospitals, dry cleaning and laundry pick-up stations, barber and beauty shops, animal clinics, pet shops, shoe repair, offices, banks, post offices, restaurants, theaters, and similar services, automobile filling stations, drive-in eating places, motels, automobile repair, and funeral homes.
- (b) *Uses that may be permitted as a special exception:* Any retail or wholesale business or service not specifically permitted herein, churches.

- (c) *Uses prohibited:* ~~Residential dwellings, outdoor advertising structures, check cashing, title loan, pawn shop, or similar activity, adult oriented business, dry cleaners and laundries plant; manufacturing incidental to a retail business where articles are sold at retail on the premises, not specifically permitted herein. Manufactured homes and/or mobile homes, kennels, junkyards, or any industrial use.~~(SEE AMENDING ORDINANCE NO. 377.)
- (d) *Minimum lot size:* It is the intent of this ordinance that lots of sufficient size be used for any business or service use to provide adequate parking and loading space in addition to the space required for the normal operation of the business or service.
- (e) *Minimum street frontage for each lot:* – 50 feet; except in a Cove where it shall be at least 20 feet.
- (f) *Minimum yard size:* Front, twenty (20) feet; rear, twenty (20) feet; side, one (1) side shall be ten (10) feet in width to provide vehicular access to the rear. On adjacent lots zoned B-2 where written agreement has been made on joint use of vehicular access to the rear of the lots no side yard shall be required. Such agreement shall run with the land. On any lot that the side lot line adjoins a residential district the side yard on that side shall not be less than that required by the residential district.
- (g) *Maximum total building area:* Twenty-five (25) percent.
- (h) *Maximum height of buildings or structures:* Two (2) stories or thirty-five (35) feet.
- (i) *Off-street parking:* Two hundred (200) square feet of parking space for every two hundred (200) square feet of gross floor area including multi-story buildings. See Article VIII of this ordinance for requirements for other uses.
- (j) *Off-street loading and unloading:* The required rear or side yard shall be used for loading and unloading.
- (k) *General Provisions:* ~~Large undeveloped tracts of B-2 the zoning district—at least 10 acres in size—are exempt from mowing requirements that apply to the other zoning districts regarding “rank weeds and noxious plants” as defined above. In the event of complaints from neighboring property owners, attempts shall be made to prevent any obnoxious, offensive, or detrimental dust, pests, smoke, vibration, noise, odor, or effluents from impacting neighboring property.~~ (SEE AMENDING ORDINANCE NO. 375.)
- (l) *Buffering for new developments:* (see Article IV, Sec. 2 (g) R-1) Where new development is adjacent to existing development or vacant land of a different zoning category the developing property must provide a buffer to the adjacent property.

- (m) *Site Plan approval required:* All new proposals for developments as B-2 will require site plan approval as part of the rezoning process. The information required for site plan approval is similar to that required for Planned Unit Developments (PUD) Outline Plans, see Article IV, Sec. 14 (m) for details.

**10. Business (B-3) Zoning District regulations (Central Business District).**

- (a) *Uses permitted:* Any retail or wholesale business or service not specifically restricted or prohibited herein. Places of amusement, offices, hotels; all uses permitted in a (B-1) (Local Shopping) Zoning District.
- (b) *Uses that may be permitted as an exception:* Dry cleaners and laundries drop-off facilities; Manufacturing incidental to a retail business where articles are sold at retail on the premises, not specifically prohibited herein; churches. Residential dwellings and residential.
- (c) *Uses prohibited:* ~~Major auto sales and repair, check cashing, title loan, pawn shop, or similar activity, adult oriented business, laundry and dry cleaning plants, animal clinic, hospitals or kennels; lumber yard or mill; auto wrecking, gasoline, oil, gas, or storage above ground in excess of five hundred (500) gallons; junkyards, any use prohibited in a light industrial (M-1) Zoning District, trucking terminals, manufactured home and/or mobile home, outdoor advertising structures. (SEE AMENDING ORDINANCE NO. 377.)~~
- (d) *Width of buildings and structures:* For properties that have buildings that extend from property line to property line, meaning no front, back, and/or side yard setbacks, at the time that this ordinance is adopted, those properties may continue to have no setbacks required. Further, those properties may redevelop or rebuild in a like manner. For properties that, at the time that this ordinance is adopted, do have setbacks existing there will be a requirement of the existing distance or twenty (20) feet each for front and rear yards, and ten (10) feet each side, whichever is greater for all setbacks, for redevelopment or rebuilding purposes.
- (e) Minimum street frontage for each lot: – 50 feet; except in a Cove where it shall be at least 20 feet.
- (f) *Maximum height of buildings and structures:* Fifty (50) feet or four (4) stories.
- (g) *Off-street parking:* No additional parking spaces are required in the downtown area of the C-3 Central Business District. This area is defined as west of the railroad tracks, south of College Street, east of Ward Street, north of Tate Street, and east of Highway 51 on Main Street. Properties inside this area and along both sides of these streets benefit from the availability of existing parking and are not required to create additional parking spaces. Other properties zoned C-3 are required to provide parking as in the C-2 zone, two hundred (200) square feet of parking

space for every two hundred (200) square feet of gross floor area including multi-story buildings. See Article V of this ordinance for requirements for other uses. All properties can propose to add additional parking if it is deemed needed by the owner with approval of the Building Official.

- (h) *Off-street loading and unloading:* The required rear or side yard shall be used for loading and unloading.
- (i) *Buffering for new developments:* (see Article IV, Sec. 2 (g) R-1) Where new development is adjacent to existing development or vacant land of a different zoning category the developing property must provide a buffer to the adjacent property.
- (j) *Site Plan approval required:* All new proposals for developments as B-3 will require site plan approval as part of the rezoning process if there will be changes or additions to the exterior of the building and/or lot design. The information required for site plan approval is similar to that required for Planned Unit Developments (PUD) Outline Plans, see Article IV, Sec. 14 (m) for details.

## **11. Manufacturing (M-1) Zoning District regulations (Light Industry).**

- (a) *Uses permitted:* Light industrial operations that are not obnoxious, offensive, or detrimental to neighboring property by reason of dust, smoke, vibration, noise, odor, or effluents, and including the following types of business or industry as permitted uses; ice cream plants; bottling and central distribution plants; baking plants; cold storage plants; textile mills; warehouses; dry cleaners and laundries plants; trucking terminals, and similar types of industries or businesses, public utility substations, offices, churches, or funeral homes.
- (b) *Uses that may be permitted as a special exception:* ~~Any manufacturing or business use not specifically prohibited herein.~~ (SEE AMENDING ORDINANCE NO. 377.)
- (c) *Uses prohibited:* ~~Residential uses of any type; check cashing, title loan, pawn shop, or similar activity, adult oriented business, slaughter house, stockyard; central mixing plant for cement, mortar, plaster, or paving material; manufacturing of acetylene, acid, alcohol, ammonia, bleaching powder, brick, pottery, terra cotta or tile, blocks, candles, disinfectants, fertilizers, illuminating or heating gas, including storage, paint, turpentine, varnish, soap, and tar products; cotton waste reclaiming; and similar types of plants or operations.~~ (SEE AMENDING ORDINANCE NO. 377.)
- (d) *Minimum lot size:* It is the intent of this ordinance that lots of sufficient size be used for any industrial service or business use to provide adequate parking and loading

space in addition to the space required for the other normal operations of the enterprise. Each lot is required to have at least 50 feet of frontage on public road right-of-way.

- (e) *Minimum yard size:* Front yard, thirty (30) feet; except where existing establishments (other than residential) are set back, any new structures shall be set back not less than the average of the setbacks of the existing establishments within one hundred (100) feet on each side thereof. Side yards: twenty (20) feet, excepting a lot, adjoining its side lot lines to another lot which is in a residential zoning district, in which case there shall be a side yard not less than thirty (30) feet wide. Rear yard: thirty (30) feet.
- (f) *Maximum building coverage:* Forty (40) percent.
- (g) *Maximum height of buildings or structures:* Forty-five (45) feet or three (3) stories.
- (h) *Off-street parking:* Parking spaces shall be provided at the ratio of 0.75 spaces per worker, and one (1) space for each company vehicle incidental to the operation of the industry or use. See Article V for requirements for other uses.
- (i) *Off-street loading and unloading:* Adequate space shall be provided for loading or unloading all vehicles or trucks incidental to the operation of the industry or use inside the established building lines.
- (j) *General Provisions:* ~~Large undeveloped tracts of M-1 the zoning district—at least 10 acres in size—are exempt from mowing requirements that apply to the other zoning districts regarding “rank weeds and noxious plants” as defined above. In the event of complaints from neighboring property owners, attempts shall be made to prevent any obnoxious, offensive, or detrimental dust, pests, smoke, vibration, noise, odor, or effluents from impacting neighboring property. (SEE AMENDING ORDINANCE NO. 375.)~~
- (k) *Buffering for new developments:* (see Article IV, Sec. 2 (g) R-1) Where new development is adjacent to existing development or vacant land of a different zoning category the developing property must provide a buffer to the adjacent property.
- (l) *Site Plan approval required:* All new proposals for developments as R-5 will require site plan approval as part of the rezoning process. The information required for site plan approval is similar to that required for Planned Unit Developments (PUD) Outline Plans, see Article IV, Sec. 14 (m) for details.

## **12. Manufacturing (M-2) Zoning District regulations (Heavy Industrial).**

- (a) There is at present no Heavy Industrial zoning in existence in Senatobia. It is anticipated that if M-2 zoning were needed in Senatobia the following locational criteria would be used:

1. The zone shall be located not less than 1000 feet from an Interstate Highway interchange, but no more than one mile from the Interstate Highway interchange;
2. The zone shall be located at least 1000 feet away from homes, schools, parks, or churches;

- (b) *Uses permitted:* Any industry, service, or commercial use except those which, in the opinion of the City Planning Commission, buildings and utilities departments of the municipal government of the City of Senatobia would cause noise, smoke, gas, vibration, fumes, dust, or other objectionable conditions which would affect a considerable portion of the said City of Senatobia.
- (c) *Uses which may be permitted as a special exception:* ~~Any industrial, service, or commercial use, and subject to such conditions and safeguards as the Board of Adjustment may require to preserve and protect any portion or portions of the City which otherwise could be adversely affected, and specifically, check cashing, title loan, pawn shop, or similar activity, adult oriented business, slaughter house, stockyard, central mixing plant for cement, mortar, plaster, or paving material; manufacturing of acetylene, acid, alcohol, ammonia, bleaching powder, brick, pottery, terra cotta or tile, blocks, candles, disinfectants, fertilizers, illuminating or heating gas, including storage, paint, turpentine, varnish, soap, and tar products; junkyards, cotton waste reclaiming; intensive agriculture such as feedlots, sales barns or auction houses; mineral extraction including sand, dirt or gravel; and similar types of plants or operations. (SEE AMENDING ORDINANCE NO. 377.)~~
- (d) *Uses prohibited:* Dwellings for any number of families or manufactured home, excepting quarters for a watchman or custodian and his family.
- (e) *Minimum lot size:* It is the intent of this ordinance that lots of sufficient size be used for an industrial, service, or business use to provide adequate parking and loading space in addition to the space required for the other normal operations of the enterprise. Each lot is required to have at least 50 feet of frontage on public road right-of-way.
- (f) *Minimum yard size:* Front yard, sixty (60) feet which shall be open yard space not used for parking or loading; rear yard, thirty (30) feet; side yard, fifty (50) feet.
- (g) *Maximum building coverage:* Forty (40) percent.
- (h) *Maximum height of buildings or structures:* Forty-five (45) feet or three (3) stories.
- (i) *Off-street parking:* Parking space shall be provided at the ratio of 0.75 spaces per worker, and one (1) space for each company vehicle incidental to the operations of the industry or use. See also Article VIII for requirements for other uses.

- (j) *Off-street loading and unloading:* Adequate space shall be provided for loading and unloading all vehicles or trucks incidental to the operation of the industry or use inside the established building lines.
- (k) *General Provisions:* ~~Large undeveloped tracts of M-2 the zoning district—at least 10 acres in size—are exempt from mowing requirements that apply to the other zoning districts regarding “rank weeds and noxious plants” as defined above. In the event of complaints from neighboring property owners, attempts shall be made to prevent any obnoxious, offensive, or detrimental dust, pests, smoke, vibration, noise, odor, or effluents from impacting neighboring property. (SEE AMENDING ORDINANCE NO. 375.)~~
- (l) *Buffering for new developments:* (see Article IV, Sec. 2 (g) R-1) Where new development is adjacent to existing development or vacant land of a different zoning category the developing property must provide a buffer to the adjacent property.
- (m) *Site Plan approval required:* All new proposals for developments as M-2 will require site plan approval as part of the rezoning process. The information required for site plan approval is similar to that required for Planned Unit Developments (PUD) Outline Plans, see Article IV, Sec. 14 (m) for details.

### **13. Governmental (X-1) Zoning District regulations.**

- (a) *Uses permitted:* Governmental and institutional activities including but not limited to the following: office activities, public meeting rooms, libraries, schools, storage of vehicles and maintenance on vehicles, dormitories, public safety, courts, fire stations, police stations, jails, water towers, utility substations, post offices, cemeteries, emergency management, flood control, sewage treatment, etc.
- (b) *Uses that may be permitted as an exception:* None
- (c) *Uses prohibited:* Any non-governmental activities as described above, or in accordance with normal activities of the agency, and, manufactured homes and/or mobile homes.
- (d) *Minimum lot size:* It is the intent of this ordinance that lots of sufficient size be used to provide adequate parking and loading space in addition to the space required for the other normal operations of the enterprise without adversely effecting the neighboring properties.
- (e) *Minimum street frontage – 50 feet*
- (f) *Minimum yard size:* Front yard, rear yard, & side yards, none specified, should be in character with the surrounding areas, and should use adjacent zoning district requirements as a guide.

- (g) *Maximum building coverage*: None specified, should be in character with the surrounding areas, and should use adjacent zoning district requirements as a guide.
- (h) *Maximum height of buildings or structures*: None specified, should be in character with the surrounding areas, and should use adjacent zoning district requirements as a guide.
- (i) *Off-street parking*: As required for other non-governmental uses in Senatobia's zoning districts, generally, two hundred (200) square feet of parking space for every two hundred (200) square feet of gross floor area including multi-story buildings. See also Article V for requirements for other uses.
- (j) *Off-street loading and unloading*: Adequate space shall be provided for loading and unloading all vehicles or trucks incidental to the operation of the use inside the established building lines.
- (k) *General Provisions*: ~~Large undeveloped tracts of X-1 the zoning district exempt from mowing requirements that apply to the other zoning districts regarding "rank weeds and noxious plants" from the Nuisances Ordinance. In the event of complaints from neighboring property owners, attempts shall be made to prevent any obnoxious, offensive, or detrimental dust, pests, smoke, vibration, noise, odor, or effluents from impacting neighboring property. (SEE AMENDING ORDINANCE NO. 375.)~~
- (g) *Buffering for new developments*: (see Article IV, Sec. 2 (g) R-1) Where new development is adjacent to existing development or vacant land of a different zoning category the developing property must provide a buffer to the adjacent property.

#### **14. Planned Unit Development (PUD) District Regulations.**

The purpose and intent of these PUD regulations is to promote innovative design in development by providing flexibility in regard to permitted uses and bulk regulations. These regulations are designed to promote the development of attractive, desirable communities of place, where residents and visitors can work and live in a development pattern that integrates residential and non-residential uses in a design that is accessible to pedestrians and encourages the use of alternative modes of transportation and shared parking and offers greater convenience to the residents of the City.

PUDs may include zero lot line developments.

For purposes of this ordinance a PUD shall be a tract of land at least four (4) acres in area, under single corporation, firm, partnership or association ownership, planned and developed as an integrated unit, in a single development operation or a programmed series of development operations, and according to an approved general site plan.

It is the intent and policy of the City to encourage PUDs because of the extensive planning that is required prior to development. PUDs may allow the City to plan for large areas and to manage the impacts of growth on the provision of City services and infrastructure. PUD's must conform to the procedures, standards, and requirements of the Subdivision Regulations and other applicable codes and ordinances of the City of Senatobia.

A proposal for rezoning to PUD can be made in any area of Senatobia. Whether it is appropriate for the area is left to the planning commission and Mayor and Board of Aldermen, and depends on the specifics of the PUD proposed outline plan. The proposal should generally conform to the Future Land Use Plan Map of the Senatobia Comprehensive Plan. If the proposal does not conform to the Future Land Use Plan Map evaluation should be conducted to see if the Future Land Use Plan Map should be amended. Any PUD proposed outline plan is subject to revision of the planning commission and/or Mayor and Board.

The filing of a PUD outline plan shall constitute an agreement by the owner and applicant, their heirs, successors and assigns when the PUD outline plan is approved by the Mayor and Board of Aldermen. Building permits for improvement of such property shall be issued only when in conformance with the binding elements of the PUD outline development plan as approved by the Planning Commission and Mayor and Board of Aldermen for the property in question. Such plan shall be strictly complied with and be enforceable in the same manner as the zoning district regulations.

An approved outline plan is a defined document to allow development. Amendments to the outline plan constitute a change in zoning, and the process must be followed.

- (a) *Uses Permitted:* Any use not otherwise prohibited by the terms of this ordinance. An application for establishment of a PUD District must include a listing of the permitted uses within the proposed PUD. All uses that are set out in an approved outline plan shall thereafter be treated as permitted uses within the PUD. Any use not listed in the approved PUD outline plan will not be permitted.
- (b) *Uses that may be permitted as an exception:* None
- (c) *Uses Prohibited:* Any uses, if any, that are otherwise prohibited by this ordinance.
- (d) *Minimum lot size:* The parcel of land proposed for development as a PUD shall be a minimum of four (4) acres. Details of the proposal must be listed in the PUD outline plan and will use the existing zoning districts as a guide.

#### Residential

No minimum lot area is specified, however, density of detached single-family residential development shall not exceed six (6) dwelling units per acre. A maximum of twelve (12) units per acre is permitted in multi-family residential areas. This will allow clustering of dwellings to provide maximum open space. PUDs may include zero lot line developments.

#### Non- Residential

No minimum lot area is specified. It is the intent of this ordinance that lots of sufficient size be used for any non-residential use in the PUD. Lot sizes must be adequate to provide sufficient parking and loading space in addition to the space required for other normal operation of the uses.

- (e) Minimum street frontage for each lot – 50 feet.
- (f) *Minimum yard size:* No front, rear, or side yard requirements are specified, but

details must be listed in the PUD outline plan and will use the existing zoning districts as a guide.

- (g) *Maximum building coverage:* None specified, but details must be listed in the PUD outline plan and will use the existing zoning districts as a guide. Additionally, ten percent (10%) of the gross residential space is required to be developed and dedicated as approved open space (see #k below).
- (h) *Maximum height of buildings or structures:* None specified, but details must be listed in the PUD outline plan and will use the existing zoning districts as a guide.
- (i) *Off-street parking, loading and unloading:* Off-street parking and off-street loading shall be provided per zoning district regulations outlined in Article V of this ordinance. Reductions or variations in the required parking may be recommended by the Planning Commission and approved by the Mayor and Board of Aldermen if suitable alternatives are presented in the proposed PUD outline plan;
- (j) ~~Large undeveloped tracts of R-1 the zoning district at least 10 acres in size are exempt from mowing requirements that apply to the other zoning districts regarding “rank weeds and noxious plants” as defined above. In the event of complaints from neighboring property owners, attempts shall be made to prevent any obnoxious, offensive, or detrimental dust, pests, smoke, vibration, noise, odor, or effluents from impacting neighboring property. (SEE AMENDING ORDINANCE NO. 375.)~~
- (k) *Buffering required:* In a PUD the buffering for new developments shall follow the regulations of other districts depending on what is proposed in the PUD unless more buffering is offered in the proposed PUD outline plan. Where new development is adjacent to existing development or vacant land of a different zoning category the developing property must provide a buffer to the adjacent property. This buffer must be provided in two ways. First, the lots immediately adjacent to the differing zoning must be modified to have added area as follows:

Developing R next to existing or vacant A-R, larger R, B, M, or X =  
Additional 25’ to depth of the lot, & additional 10’ to width of the lot;

Developing B or X next to existing or vacant A-R, R, B, M, or X =  
Additional 25’ to depth of the lot, & additional 10’ to width of the lot;

Developing M next to existing or vacant A-R, R, B, M, or X =  
Additional 50’ setback from that property line or lines;

Second, for developing R-4, R-5, or R-6, B, M, or X when building next to existing or vacant A-R, R, B, or X there shall be plantings & a fence in the form of a 20’ strip with planted trees and shrubs. The strip shall be

landscaped as follows: one large deciduous tree (ultimate height 50+ feet) for every seventy-five (75) linear feet, PLUS a group of three (3) medium evergreen trees (planted on 15 feet triangular staggered spacing) and one small deciduous or ornamental tree (planted 15 feet from evergreens) for every seventy-five (75) linear feet.

Alternatively a 25' strip can be left alone if there is natural tree cover and this can count as plantings and fence with approval of the Building Official. Additionally a 25' strip can be left alone if there is natural tree cover and can count as plantings and fence in a developing Industrial zone with approval of the Building Official.

- (l) *Open Space Required:* Proposed Open space in the form of a total of at least ten (10) percent of the gross residential area shall be set-aside as parks, open spaces and/or playgrounds unless otherwise approved by the Mayor and Board of Aldermen. Of this ten (10) percent, a maximum of one-half may be covered with water. A maximum of five (5) percent of the area designated to be parks, and playgrounds may be covered with structures to be used in the recreational use of the area. Parks, open spaces and/or playgrounds must be suitably improved for their intended use, but parks, open spaces and/or playgrounds containing natural features clearly worthy of preservation may be left unimproved. At its discretion, the Planning Commission may recommend that the Mayor and Board of Aldermen accept a cash contribution in lieu of land dedication for parks and open spaces; this payment, in lieu of land dedication, will be no less than three hundred fifty dollars (\$350) per dwelling units created.
- (m) General requirements of PUD design are as follows:
- (1) Street widths and improvements must conform to the requirements established by the Subdivision Regulations, however, alternative design cross sections of minor roadways may be presented for consideration and approval at the time of outline plan review.
  - (2) Provisions for water supply and sanitary sewer connections shall be made to the satisfaction and requirements of the Mayor and Board of Aldermen and the appropriate area authority.
  - (3) Drainage provisions: A means of on-site drainage retention shall be provided to control storm water runoff so that surface waters will be properly disposed of without adversely affecting neighboring properties through erosion, flooding, and other drainage problems. Drainage provisions shall be made to the satisfaction and requirements of the City Engineer and the Mayor and Board of Aldermen.
  - (4) All improvements are to be installed and maintained by the developers unless other arrangements approved by the Mayor and Board of Aldermen are made.
  - (5) Approval of the PUD outline plan is equivalent to preliminary subdivision approval and allows the developer the rights to begin making improvements to the property.
- (n) Proposed PUD Outline Plan shall include, at a minimum, the following information:

1. The submission to the commission shall consist of six (6) black or blue prints on white background and other documents in six (6) copies as are necessary to meet the requirements of these regulations.
2. Two electronic versions of the Preliminary PUD Outline Plan or Subdivision Plat shall be provided, one in “dwg” or “tif” or “shp” format, AND, one in “pdf” format.
3. The plan shall be clearly and legibly drawn. The size of the plan drawing shall not be smaller than inches or larger than a maximum size of twenty-four by thirty-six inch (24" x 36"). The scale of the plan showing subdivision lots shall be one inch equals one hundred feet (1"=100'), the scale of a subdivision containing one (1) acre or less shall be one inch equals 50 feet (1"=50'). An overall drawing of the subdivision at a scale that shows the entire proposal on one 8 ½ by 11 page shall be included.
4. Vicinity map, a drawing of the proposed site that shall locate streets and highways, railroads, schools, parks and other community facilities, section lines, tract lines, existing subdivisions and other significant features within one-half (1/2) mile of the proposed PUD or subdivision.
5. North arrow and scale (graphically and numerically).
6. Date of the survey and date of proposed PUD outline plan.
7. Proposed PUD or subdivision name.
8. Exact boundary lines of the tract indicated by a heavy line or other acceptable control traverse, giving dimensions to the nearest one-tenth foot, and angles to the nearest minute, which shall be balanced and closed with an error of closure not to exceed one to 5,000.
9. Tie in dimension and distance from property corner to nearest existing street(s) and to section corner.
10. Names and addresses of the owners of the property, including the names of the existing mortgages, the Developer or Subdivider, and the engineer platting the tract.
11. The location of the tract by legal description giving total acreage.
12. Source of title, giving deed record book and page number.
13. Preliminary engineering certificate.
14. Any city and county political lines, section lines, or other significant information to locate the particular parcel of land.
15. Adjoining subdivisions by name, section and lot number, and zoning designation, with plat book, page references; and the names of owners, parcel acreage and instrument number for all abutting unsubdivided tracts (across the street is construed to mean abutting);
16. Existing and platted streets abutting the proposed subdivision, showing the right-of-way and pavement widths as well as all existing bridges and culverts.
17. The locations of existing streets on the parcel, with both the existing and proposed rights-of-way from centerline. Street center lines showing angles of deflection, angles of intersection, radii, length of tangents and arcs, degree of curvature, and all required curve data.
18. Lot and block numbers, and lot lines with dimensions to the nearest one-tenth foot, necessary internal angles, arcs and chords and radii of

rounded corners.

19. The right-of-way, pavement widths, and names of all proposed streets.
20. Typical cross sections of all street improvements with curb, gutter, and sidewalk. Centerline profiles of approximate street grades, derived from office computations, may be required by the staff if deemed advisable.
21. The size and location of all utilities on or adjacent to the tract to be subdivided, including pipe lines, and power transmission lines should be noted.
22. Any other existing and proposed right-of-way or easements showing locations, widths, and designated purposes.
23. Existing topography showing contour intervals, to sea level datum, of not more than two feet when the slope is less than four percent, and not more than five feet when the slope is greater than four percent, referenced to a United States Geological Survey or Coast and Geodetic Survey benchmark or monument.
24. Natural features within and immediately surrounding the proposed subdivision, including drainage channels, bodies of water, wooded areas, and other significant features. On all watercourses leaving the tract, the direction of flow shall be indicated; and for all watercourses entering the tract, the drainage area above the point of entry shall be noted.
25. If any portion of the land of the proposed subdivision is subject to inundation by storm drainage or overflow or ponding of local storm water; or if the land is located in a designated floodplain area shown as FEMA Floodway and Flood Plain, boundaries as shown on current FEMA maps; the extent of the land so affected shall be clearly shown and identified.
26. The location of all major existing tree growth. Major tree growth shall be defined as trees greater than six (6) inches in diameter at four (4) feet above the ground.
27. Grading and drainage information, including preliminary proposals for on-site detention of storm water, if necessary, in accordance with City storm water drainage policy.
28. Required or proposed landscape buffering (shown on the plan graphically and in cross section).
29. Accurate outlines and descriptions of any areas to be dedicated or reserved for public use or acquisition, such as proposed parks, playgrounds, open space, or school sites, with the purposes indicated thereon; and of any areas to be reserved by deed covenant for common use by all the property owners.
30. Proposed source and adequacy for provision of water and sewer.
31. Existing and proposed covenants and restrictions.
32. Any other information that may be necessary for the full and proper consideration of the proposed PUD or subdivision if such material is deemed reasonable and essential to the consideration of the project. Such material may include, but not be limited to, studies of traffic generation, drainage, sewer and public utilities, marketing and economic feasibility analyses and other issues that may be pertinent to the site and surrounding area.
33. There shall be text to accompany the PUD outline Plan that may

include the information above in more of different details. The following additional information shall be included in the PUD text:

- a) Proposed land uses and population densities;
- b) Estimates of traffic volumes generated by the completed project;
- c) Delineation of the units or phases to be constructed, together with a proposed timetable;
- d) Relation to the comprehensive plan and to land uses in the surrounding area.
- e) Proposed means of dedication of common open space areas and organizational arrangement for the ownership, maintenance, and preservation of common open space, including drainage and stormwater maintenance facilities;

(o) Zero-Lot Line Developments are specialized PUDs. In addition to the above information, the following additional requirements apply to proposed Zero-Lot line developments:

- Minimum lot areas single-family attached dwellings - 3,200 square feet
- Minimum lot width at the building line - 50 feet
- Maximum total building area - 40% of total lot area
- Maximum height of structure- 2 & 1/2 stories or 35 feet
- Minimum Building Setbacks:

	SINGLE FAMILY ATTACHED	ALL OTHER USES
Front Yard:	25 feet	25 feet
Interior Side Yard:	10 feet*	10 feet
Street Side Yard:	25 feet	25 feet
Rear Yard:	35 feet	35 feet

\* On yard opposite common wall.

Site plan information:

- (1) Lot size and location, size and arrangement of proposed and existing buildings to remain, if any, including height in stories and feet, floor area ratio, total floor area, total square feet of ground area coverage, number and size of dwelling units, broken down by the number of bedrooms in each dwelling unit;
- (2) Proposed use of the structures on the subject property;
- (3) Proposed means of dedication of common open space areas and organizational arrangements for the ownership, maintenance and preservation of common open space;
- (4) The location, arrangement, and dimensions of
  - (a) Existing and proposed streets and driveways;
  - (b) Adjacent streets;
  - (c) Sidewalks;
  - (d) Parking areas, including the number of off-street parking spaces;
  - (e) Points of ingress and egress;
  - (f) Off-street loading areas;
  - (g) Other vehicular, bicycle or pedestrian rights-of-way;

- (h) Locations and types of existing and proposed utilities and easements;
  - (i) Fire hydrants;
  - (j) Proposed stages of development, if applicable, and the anticipated time required to develop each stage; and
  - (k) The developer shall also submit architectural elevations of the proposed development and any other necessary plans to insure that their construction shall conform to Senatobia building regulations.
- (p) Amending a PUD outline plan: An approved outline plan is a defined document to allow development. Amendments to the outline plan constitute a change in zoning, and the process must be followed. The proposed amended outline plan shall include the same minimum information as that required in the initial application for a PUD including an application form and fee, and, the changes, specifically spelled out for emphasis to the Planning Commission. The developer must address the following issues:
- 1) List changes proposed to be made to the original approved outline plan.
  - 2) Describe how such changes were not anticipated by the outline plan.
  - 3) Describe how such changes make proposed amendment to the outline plan appropriate
  - 4) How the proposed amendment would conform to the comprehensive plan.
- (q) Procedure for final plat for an approved PUD outline plan: The procedure for filing a final plat for an approved PUD outline plan is very similar to the procedure for any final subdivision plat. However, there are additional information requirements for PUDs as follows. The final plat for each section or phase of an approved PUD outline plan shall include the following:
- 1. Submission of the final plat shall consist of the original drawing plus six prints, and six copies of all documents that may be required to meet the provisions of this section. (same as Preliminary Plat requirement)
  - 2. The final plat shall be clearly and legibly drawn in black ink on tracing cloth or another suitable transparent material. The commission may require specific scales to be used.
  - 3. The final plat shall contain the following information:
    - a. All of the information required by the preliminary subdivision plat, listed above, except:
      - Preliminary Engineering Certificate (Art. IV, 14, m, 13)
      - and
      - Existing topography (Art. IV, 14, m, 23).
    - b. The following additional information:
      - 1. Accurate location and description of existing monuments and markers, or the location and description of a permanent benchmark set as a part of the subdivision survey.
      - 2. A Title block that includes the information from the preliminary plat submission and also the subdivision name and phase or section number, the number of lots shown on the plat, including common areas, the

- “section, township, and range” numbers, and the jurisdiction location.
3. Dimension and location of all setback lines.
  4. Conditions imposed by the Planning Commission and Mayor and Board of Aldermen.
  5. Location/footprint of proposed buildings, including height in stories and feet, floor area ratio, total floor area, and total square feet of ground area coverage.
  6. Points of ingress and egress, parking areas, all internal circulation, including bicycle or pedestrian easements/paths.
  7. The number of off-street parking spaces and off-street loading areas.
  8. Existing tree masses to remain, streams, flood plain, and other natural features.
  9. Landscaping, screening, buffering, and open space areas in accordance with the approved outline plan.
  10. On-site drainage retention basins located in accordance with the outline plan with design approved by the City Engineer.
  11. The following certificates, as worded in Article V, section 4, signed, and notarized:
    - (a) Owner's Certificate.
    - (b) Mortgagee's Certificate, or a note that there is no mortgagee.
    - (c) Notary's Certificates for all owners, mortgagees, signed and sealed.
    - (d) Certificate of engineering accuracy, with engineer's and/or surveyor's certificate number, signature, and seal.
    - (e) Final Plat Approval certificate
    - (f) Recording Certificate.
- c. The final plat shall be accompanied by the following information and documents, unless this information appears on the plat itself:
1. Certificate of approval of water supply and sanitary sewage disposal facilities by the appropriate health department when the system is not connected to the municipal system.
  2. A statement of organizational arrangements for the ownership, maintenance, and preservation of common open space;
  3. Resolution by the board of aldermen accepting or assenting to the vacation of any street, public way, or portion thereof shown on the plat, together with the certification of the city clerk as to the correctness of the

resolution.

4. A copy of a covenant running with the land stating that the city may at any time change the grade of any such street or other public way or any part thereof from the natural grade to the permanent grade without the payment of compensation or damages to the abutting property owners. The certificate shall include the consent by the mortgagee to the aforesaid dedication and covenant, if a lien holder does exist.
5. A copy of a covenant running with the land setting forth the deed restrictions and covenants running with each lot; and the procedure by which amendments can be made and containing a reference to the approval of the final plat.
6. The final plat shall be accompanied by three copies of any protection covenants running with the land in form for recording and their location, size, type and material are correctly shown; and that all requirements of the Senatobia, Mississippi, Subdivision Regulations have been complied with.

(r) *Procedure for final plat for an approved PUD outline plan:* The procedure for filing a final plat for an approved PUD outline plan is very similar to the procedure for any final subdivision plat. (See Subdivision Ordinance, Article V, Sec.2, for Final Subdivision Plat requirements)

(s) *PUD Review and Approval:*

- (1) The Planning Commission shall study the outline plan, text, and supporting data, make suggestions for changes and adjustments, and attach conditions for the approval of the plan as necessary. After the Commission reviews the outline plan and text at a regularly scheduled public hearing, it shall recommend approval, disapproval, or approval with conditions of the outline plan to the Mayor and Board of Aldermen in accordance with Article VII amendments of this ordinance. If the entire development is to be constructed at one time, an outline/final plan may be submitted in lieu of the outline plan for consideration by the Mayor and Board of Aldermen.
- (2) Within sixty (60) days after the date of the Planning Commission public hearing, the applicant shall submit a revised outline plan, incorporating any and all conditions imposed by the Planning Commission, to the Administrative Official for submittal to the Mayor and Board of Aldermen for approval. If no plan has been submitted within the required sixty (60) day period, the application shall be deemed withdrawn.
- (3) The Administrative Official shall forward the recommendations of the Planning Commission to the Mayor and Board of Aldermen within fourteen (14) days of the date of the Planning Commission meeting or within fourteen (14) days of the date the applicant submits an outline plan incorporating the

required conditions, whichever date occurs later. The Mayor and Board of Aldermen shall approve with conditions, or reject the request in accordance with Article VII amendments of the ordinance.

- (4) Upon approval, the applicant shall submit the outline plan of the development, including all conditions of approval, engineer's certification, owner's and mortgagee's signatures with notary acknowledgments, and municipal authorization blocks to the Administrative Official for recording in the office of the Chancery Clerk of Tate County, Mississippi.
  - (5) The recording of an outline plan in the office of the Chancery Clerk of Tate County, Mississippi, shall not allow the development of the site, but shall merely authorize the filing of a final plan with the Administrative Official.
  - (6) If an application for an amendment to classify property in the PUD district is denied by the Mayor and Board of Aldermen, a reapplication pertaining to the same property and requesting the same PUD amendment may not be filed within eighteen (18) months of the date final amendment was taken on the previous application.
  - (7) No building permit shall be issued until a final plan of the proposed development, or phase thereof, is approved, filed, and recorded.
  - (8) If construction of the PUD district is not started within two (2) years of the date of approval, the Mayor and Board of Aldermen may consider rezoning the site to its previous classification. The applicant, by showing good cause why he cannot adhere to the proposed timetable described in subsection (3) b4 of this section, may seek an extension of not more than one (1) year at a time. A request for extension shall be submitted in writing to the Planning Commission.
  - (9) The Mayor and Board of Aldermen may refer the application back to the Planning Commission for additional study before final decision; however, no notice other than for the first public hearing need to be given.
- (t) *PUD Final Plan Procedure:* The final site plan may be filed at any time after approval of the outline plan by the Mayor and Board of Aldermen. The final plan shall be reviewed by the Planning Commission in order to establish that it substantially meets the conditions of the outline plan. After the Planning Commission reviews the final plan at a regularly scheduled public hearing, it shall recommend approval, disapproval, or approval with conditions of the final plan to the Mayor and Board of Aldermen in accordance with the subdivision regulations. Upon approval by the Mayor and Board of Aldermen, the Administrative Official shall record the final plan in the office of the Chancery Clerk of Tate County, Mississippi, after the required signatures for recordation have been secured and any contract to provide improvements required in the subdivision regulations has been approved by the City Engineer and the Mayor of Senatobia. No building permit shall be issued until a final plat of the proposed development, or portion thereof, is approved, filed, and recorded. After approval, filing, and recording of the plan, a building permit may be issued in accordance with the approved plan.

**15. Uses and bulk regulations: Quick Guide.**

Attached as Appendix 1 are two tables that can be used as a quick guide to what is allowed in each district and what the setbacks are for each district. These tables are not intended to be used alone, and any errors in those tables are superseded by the written descriptions herein.

**ARTICLE V. OFF-STREET PARKING, STORAGE AND LOADING**

**1. Automobile parking requirements.**

Off-street automobile storage or standing spaces shall be provided in any district other than the downtown area B-3 Central Business District Zone.

For each dwelling, multiple dwelling, business or industrial establishment there shall be provided and maintained off-street parking facilities to accommodate the motor vehicles used by the occupants, customers, clientele and employees of such structures. It is the intention of this ordinance that each lot should be designed to accommodate the parking requirements of the normal occupants of the lot/building/house on the lot in a hard surface area, driveway or garage without regular parking in the street.

Parking spaces shall be provided with vehicular access to a street or alley.

Each required parking space shall not be less than nine (9) feet in width and eighteen (18) feet long, and in addition there shall be adequate space for ingress and egress to all spaces.

No off-street automobile storage space required for a building or structure shall during its life be occupied by or counted as off-street automobile space for another building or structure.

All driveways that connect to a concrete or asphalt street shall use either material for the first 50 feet from the edge of pavement.

No parking or storage of vehicles is allowed in the front yard of any residence except on the paved driveway.

No major recreational equipment such as boats and boat trailers, travel trailers, pickup campers or coaches, recreational vehicles (RV), motor home, motorized dwellings, tent trailers, and the like, shall be parked or stored on any front yard in any residential district. These may be stored behind the front line of the residence on a paved driveway or other hard surface.

Junk vehicles, as defined above, which include any vehicle that does not have a current inspection sticker and/or is without current a state license plate, shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. Further, the repair of inoperable vehicles, and/or junk vehicles, in the front yard of residences or in the street or public right-of-way is prohibited. Junk vehicles that are found to be in violation of this ordinance will receive notice from the Senatobia Code Enforcement Office or Police Department and will have 15 days to correct the violation before court action is initiated.

The loading of household goods into personal vehicles, moving vans, or other storage devices, such as "PODS", should be done quickly and shall not be allowed to continue over a period of more than ten days.

Coves should be left clear of parked vehicles to allow access and turning of emergency vehicle and school buses.

## **2. Required Parking for residential, commercial and industrial districts.**

As listed in Article IV, the required parking spaces for zoning districts are as follows:

**Residential:** Four (4) parking spaces per single-family detached, or single-family attached dwelling unit, including manufactured home and/or mobile home; Two (2) parking spaces per apartment dwelling unit; and /or two (2) spaces per room for each room let to roomers.

**Commercial:** Two hundred (200) square feet of parking space for every two hundred (200) square feet of gross floor area including multi-story buildings. The required rear or side yard shall be used for loading and unloading. No additional parking spaces are required for the downtown area of the B-3 Central Business District Zone.

**Industrial:** Parking space shall be provided at the ratio of 0.75 spaces per worker, and one (1) space for each company vehicle incidental to the operations of the industry or use. Adequate space shall be provided for loading and unloading all vehicles or trucks incidental to the operation of the industry or use inside the established building lines

## **3. Additional Uses.**

**Rooming houses, lodging houses, clubs, fraternities and dormitories:** For each two (2) guest rooms there shall be provided one (1) parking space, or one (1) parking space for every five (5) active members, whichever is greater.

**Auto courts, tourist courts, hotels and motels:** For each living or sleeping space one (1) parking space shall be provided.

**Hospital, sanitariums, convalescent homes and homes for the elderly:** One (1) parking space shall be provided for each three-fourths (3/4) of one dwelling unit or fraction thereof. At hospitals there shall not be less than one & one-half (1.5) parking spaces per bed at maximum capacity.

**Auditoriums, churches, theater and places of assembly:** For places of general assembly one (1) parking space shall be provided for every five (5) seats provided. When seats are arranged in rows or pews ["seat"] shall mean eighteen (18) lineal inches of seating space.

**Schools:** Five (5) parking spaces for each classroom.

### **Amusement facilities:**

A) For stadiums, arenas, fairs and outdoor sports fields, one (1) parking space shall be provided for each four (4) seats or eighteen (18) lineal inches of seating space.

B) For dance halls, roller rinks and similar activities one (1) parking space shall be provided for each one hundred (100) square feet of floor area or fraction thereof.

C) For bowling alleys four (4) spaces shall be provided for each alley.

**Restaurants:** Two hundred (200) square feet of parking space shall be provided for each one hundred (100) square feet of floor space.

**Other uses:** Other uses permitted in Article VII, not having specified parking space, as determined by the Building Official.

## **4. Commercial Vehicles**

Commercial vehicles, commercial trucks, and commercial trailers are not permitted in residential zoning districts with the exception of a truck or trucks, tractors, trailers, etc., that are being used as part of the farming operation on property zoned Agricultural-Residential. The drawing of vehicle types (below) provides a description of body types

that are not permitted; however, this list is not inclusive. The code enforcement officer for the City of Senatobia may determine that a commercial vehicle not specifically shown herein is similar to the body types shown and, therefore, would not be permitted in residential zoning districts.

Utility Trailers, Motor Homes, and towed Campers are allowed in residential zoning districts provided they are parked in the back yard or side yard of the residence and behind the front building line of the dwelling unit. Utility Trailers, Motor Homes, and towed Campers shall not be parked on the street.

Motor Homes and towed Campers shall not be used as a temporary residence.

Semi Truck Tractors (trucks registered in Mississippi as a commercial vehicle, primarily used for commercial business, and commonly referred to as the pulling unit for an 18-wheel tractor-trailer combination) shall be allowed to park in residential zoning districts provided they meet the following criteria:

1) Resident must be the legal titled owner and operator of said tractor and must be the legal owner of the property on which the tractor is parked.

2) Tractor must be parked in the back yard or side yard of the residence and behind the front building line of the dwelling unit. Tractor may not encroach on adjacent property.

3) Tags and inspections for the tractor must be current.

4) No trailers allowed.

5) Owner-operator must register with the City Clerk. When registering, owner-operator must present a copy of the property deed and registration papers for the vehicle. Applicant must register annually before August 1. Failure to reapply shall be cause to revoke permit unless just cause can be proven by appeal before the governing authority.

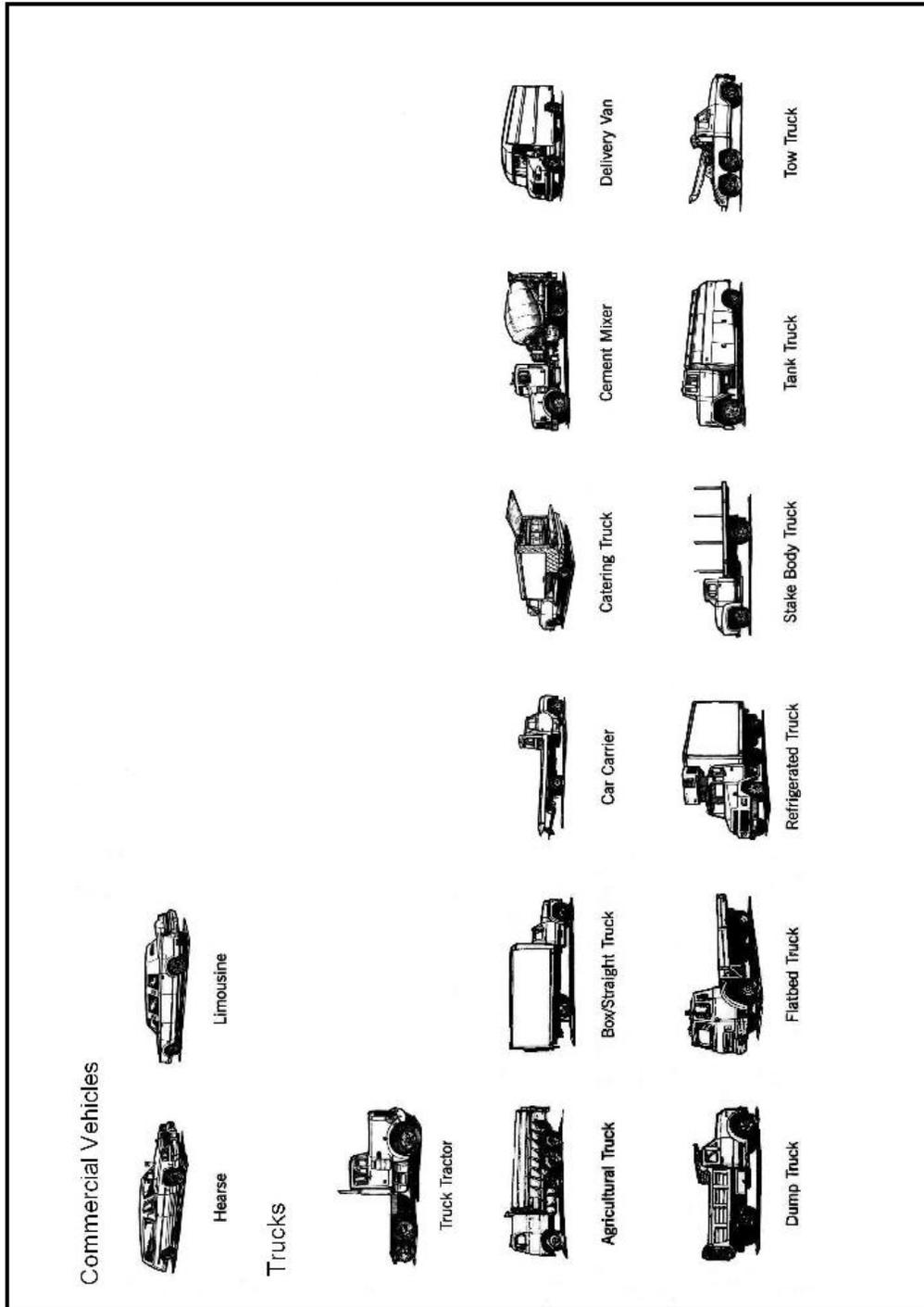
6) For property zoned Agricultural-Residential (A-R), the legal owner of the property may park a semi-truck tractor for which he or she is not the owner, but he/she is the normal operator of said tractor and employed by the owner of the vehicle.

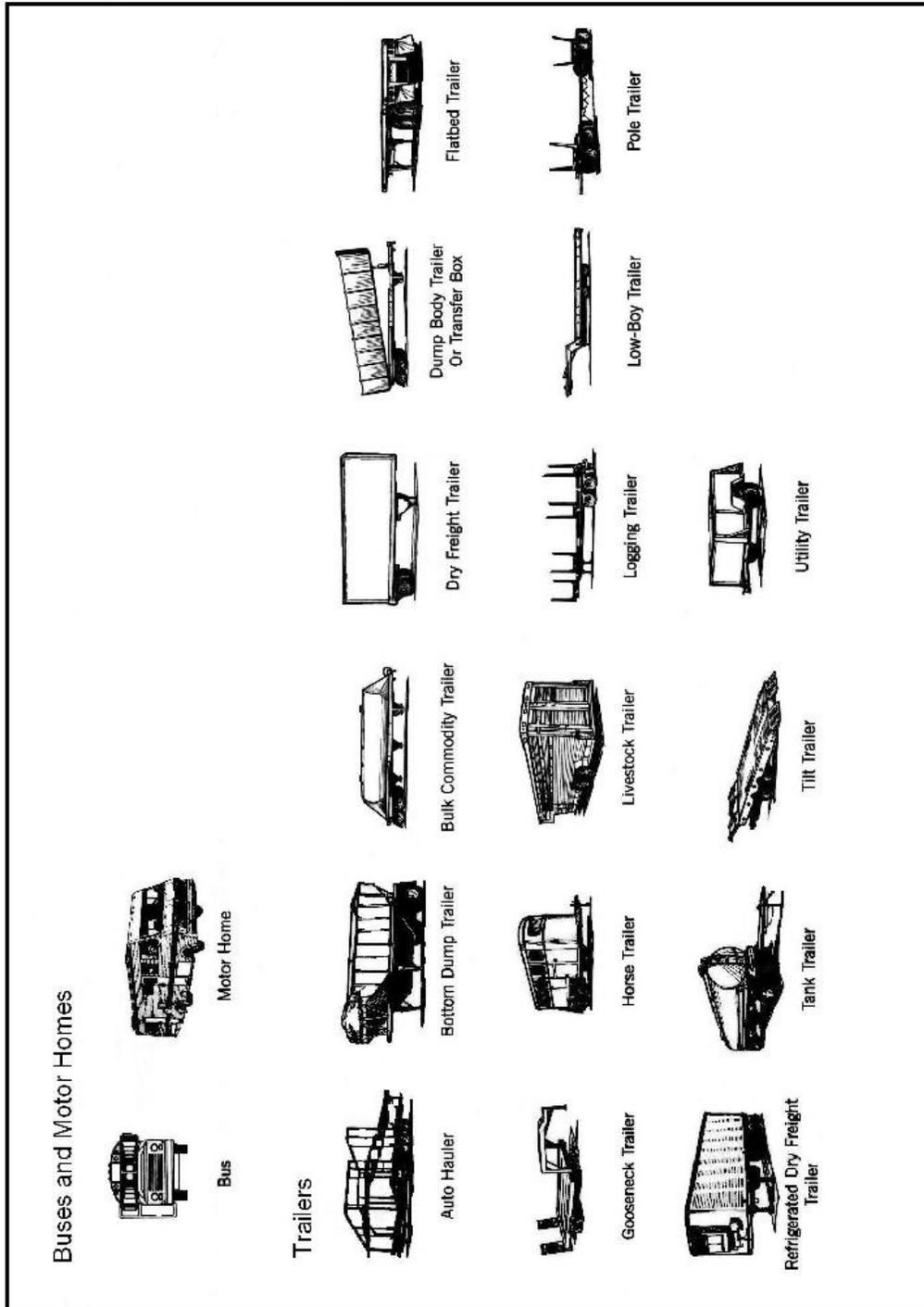
In addition to the code enforcement officer for the City of Senatobia, an officer of the Senatobia Police Department may give notice to the owner of a Commercial Vehicle, Utility Trailer, Motor Home, or Towed Camper and/or the owner of a property where the unit is parked. Notice shall be given if it is determined that the unit is not permitted in a residential zoning district, or if the unit is not properly parked.

##### **5. Miscellaneous provisions.**

A) If vehicle storage space or standing space required herein cannot be reasonably provided on the same lot on which the principal use is conducted, the Board of Adjustment may permit such space to be provided on other off-street property provided such space lies within four hundred (400) feet of the main entrance to such principal use measured on the nearest traveled way. Such vehicle storage or standing space shall be specifically dedicated for space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

B) When, in its judgment, the public convenience and welfare will be substantially served and the appropriate use of neighboring property will not be substantially or permanently injured, the Board of Adjustment may, in specific cases, permit the use of lot or lots in a residential district, immediately adjacent to any business or industrial district, even if separated there from by an alley, for the parking of passenger cars provided no fee is charged and under such safeguards and conditions as the Board of





C)Adjustment may require for the adequate protection of the more restricted property.

D)Nothing in this Article shall prohibit the collective use of space for off-street parking, provided such collectively used space is equal to the sum of the requirements of each individual establishment participating in such collective use.

## **ARTICLE VI. ADMINISTRATION**

### **1. Administration and enforcing officer.**

The provisions of this ordinance shall be administered and enforced by the Building Official. This official shall have the right to enter upon any premises at any reasonable time prior to the issuance of a certificate of occupancy for the purpose of making inspections of buildings or premises necessary in carrying out the enforcement duties of this ordinance. The Senatobia Planning Commission has been duly established as allowed under Mississippi Code 17-1-11 to assist with implementation of the comprehensive plan, zoning ordinance, subdivision ordinance, and other ordinances and regulations as allowed.

### **2. Development Procedures.**

If a property owner, or developer, in order to achieve their desired development results, needs to initiate a change in the zoning of a property, or a change in the zoning ordinance, the process is described in Article VII below.

If a property has the proper zoning designation to allow the desired development, or, after a change in zoning, also known as a rezoning, has been approved by the Mayor and Board of Aldermen, then the owner or developer must apply for, and potentially receive, preliminary and final subdivision plat approval from the Planning Commission and the Mayor and Board of Aldermen. The approval of a PUD zoning with its Preliminary Outline Plan is equivalent to the approval of a preliminary subdivision plat and entitles the developer to begin improving the site. Otherwise, there is a two-step process for subdivision approval.

The technical requirements of the subdivision process are described in the subdivision ordinance. But, in summary, the developer or subdivider presents a preliminary subdivision plat for approval by the Planning Commission. If the preliminary subdivision plat meets all of the regulations and is recommended for approval by the planning commission, then the developer may begin with infrastructure and other improvements. If the preliminary subdivision plat is not recommended for approval, the developer may revise and re-submit it to the Planning Commission, or may appeal the preliminary subdivision plat recommendation to the Mayor and Board of Aldermen. After the preliminary subdivision plat has received approval by the Planning Commission or Mayor and Board of Aldermen, then the developer/subdivider presents a final subdivision plat to the Planning Commission for potential approval. If the final subdivision plat substantially conforms with the approved preliminary subdivision plat, then the Planning Commission should recommend the approval of the final subdivision plat and forward the plat to the Mayor and Board of Aldermen for consideration. Upon approval of the final subdivision plat by the Mayor and Board of Aldermen the final

subdivision plat may be recorded and lots sold, provided all regulations and requirements have been met.

This process allows for discussion and revision so that the developer/subdivider is able to accomplish his or her goals while at the same time meeting the requirements of the city and its development goals. But, at each point the process may be continued to additional Planning Commission and/or Mayor and Board of Aldermen meetings to allow for discussion and public hearings. Additional issues such as variances and/or special exceptions have to be approved by the Board of Adjustments with the opportunities for appeal in certain cases. And, after these and other issues have been favorably resolved then an individual lot owner may apply for a building permit and Certificate of Occupancy.

**Summary of Development Process:**

- Developer applies to Building official for rezoning with detailed application information and fee at least 2 weeks before Planning Commission meeting;
- Developer puts up sign for planning commission meeting and probable Board meeting dates;
- Planning Commission meets in public meeting and amends, recommends or rejects rezoning application;
- Application is legally advertised for hearing by Board;
- Meeting with Mayor & Board regarding rezoning application;
- If approved, developer applies to Building official for preliminary subdivision plat approval with detailed application information and fee to be heard by Planning Commission;
- If approved, then developer may begin building infrastructure;
- If any of the improvements by the developer require a building permit, developer must obtain the building permit;
- Within one year of preliminary approval by Planning Commission developer applies to Building official for final subdivision plat approval with detailed application information and fee;
- Meet with Planning Commission, and if Final subdivision plat application substantially conforms with preliminary approval, Planning Commission may recommend approval of the Final Subdivision Plat to the Board;
- Meet with Mayor & Board for approval of Final Subdivision Plat;
- If approved developer has mylar originals of Final Subdivision Plats signed and certified and recorded by Chancery Clerk;
- Developer may begin selling lots or may obtain a building permit.

**3. Building permit and other permits required.**

It shall be unlawful to commence the demolition of, excavation for, or the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair (except repairs, not changing the character of the structure and not exceeding ten thousand dollars (\$10,000) in cost, or painting or wallpapering) of any structure, including accessory structures until the Senatobia Building Official has issued a building permit for said work. The building permit shall include a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this ordinance. The requirement for a building permit and other permits shall include placement or re-placement of a manufactured housing unit in a

manufactured housing park on a new or previously used space.

**This permit requirement applies to all homes, manufactured housing, commercial or industrial buildings, for demolition of, excavation for, or the construction of any building or other structure, including accessory structures, fences, pools, storage buildings, patio enclosure\ permanent roof structure, irrigation, signs, etc.**

Application for a building permit shall be made not less than three (3) days prior to date of commencement of construction. In addition to a building permit, permits for electrical, plumbing and mechanical work are required. Each of these permits requires a non-refundable fee as established by the Mayor and Board of Aldermen.

For persons who begin activities without applying and receiving a permit, the Senatobia Building Official and/or Code Enforcement Officer shall provide notice that permits are required. If the person or persons notified do not make application and receive the required permits, then penalties as described below in #6 shall be assessed.

#### **4. Approval of plans and issuance of building permit.**

It shall be unlawful for the Building Official to approve any plans or issue a building permit for any excavation or construction until the plans have been reviewed in detail and found to be in conformity with this ordinance and other city requirements. To this end, the Building Official shall require that every application for a building permit for excavation, construction, use of land, moving or alteration be accompanied by a map or plan drawn to scale and showing the following in sufficient detail to enable the Building Official to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this ordinance:

- a) The actual shape, proportion, and dimensions of the lot to be built upon.
- b) The shape, size, and location of all buildings or other structures to be erected, altered or moved and of any buildings or other structures already on the lot.
- c) The existing and intended use of all such buildings or other structure.
- d) The setback and sidelines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

If the proposed excavation, construction, moving, or alteration, as set forth in the application, is in conformity with the provisions of this ordinance, the Building Official shall issue a building permit accordingly. If an application for a building permit is not approved, the Building Official shall state in writing on the application the cause for such disapproval. Issuance of a building permit shall, in no case, be construed as waiving any provision of this ordinance.

The building process shall be begun within six month of issuance of the building permit, and the project shall be completed within two years of commencement. If an extension is needed, it is the responsibility of the builder, applicant, and/or property owner to make a written request to the Building Official.

A Foundation Survey is required prior to inspections by the Building Official to assure that the building was sited and built exactly as was proposed.

**5. Certificate of occupancy required.**

No land or building or other structure or part thereof hereafter erected, moved or altered in its use shall be used until the Building Official has issued a certificate of occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions of this ordinance. Within three (3) days after the owner or his agent has notified the Building Official that a building or premises or part thereof is ready for occupancy or use, and after a Final Survey has been received by the Building Official, it shall be the duty of the Building Official to make a final inspection thereof, and to issue a certificate of occupancy if the building or premises or part thereof is found to conform with the provisions of this ordinance or, if such certificate is refused, to state the refusal in writing with the cause.

**6. Notice of Violations.**

Whenever the Building Official or Code Enforcement Officer becomes aware of a reported nuisance or violation of this ordinance, he/she shall serve written notice of violation upon the property's owner and occupant having control thereof, or their agent, to abate such nuisance or otherwise correct the violation. To constitute official notice, this notice of violation shall:

- 1) Be in writing.
- 2) State the nature of such nuisance and that such condition constitutes a nuisance.
- 3) Describe the premises where the nuisance is alleged to exist or to have been committed.
- 4) Specify a period of 15 days for the abatement of the nuisance and advise the owner or occupant of his right to request a hearing, except for "grass mowing" violations during the height of "grass" season (spring/summer) when the period shall be 7 days.
- 5) State that, unless such nuisance is abated within the 15 days specified, except for "grass mowing" violations during the height of "grass" season (spring/summer) when the period shall be 7 days, it may be abated by the city and the costs of such abatement may be specially assessed and constitute a lien against the property from which abated.
- 6) State that failure, neglect or refusal to abate such nuisance within the 15 days specified, except for "grass mowing" violations during the height of "grass" season (spring/summer) when the period shall be 7 days, renders the owner or occupant prosecutable in municipal court, and, upon a finding of guilty, punishable by a fine.
- 7) Be served upon the owner or occupant of the premises or owner of the vehicle by delivery to him personally or by leaving such notice at his usual place of abode with a member of the family over the age of 15 years, or by mail addressed to the owner, occupant or agent. If a person to whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon such person by posting the notice in or about the premises described in the notice, or by causing such notice to be published in a newspaper of general circulation. If the owner or occupant is a corporation, notice shall be served upon an officer, a person in charge of any local business office, or its registered agent or any other agent authorized by appointment or required by law to receive service of process.

## **7. Appeals.**

Any person entitled to be served with a notice of violation shall have the right to appeal from any notice of violation to the Board of Aldermen. The Board of Aldermen shall hear each duly filed appeal and decide whether to affirm, amend or reverse the notice of violation or other action appealed. In doing so, the Board of Aldermen may interpret the provisions of this ordinance.

An appeal shall be in writing and shall be in such form and provide such information as the Board of Aldermen may require. An appeal must be delivered to the office of the City Clerk within ten days from the date of service of the notice of violation. Only those matters or issues specifically raised by the appellant in the written appeal shall be considered in the appeal hearing.

The timely filing of an appeal to the Board of Aldermen shall stay enforcement of the notice of violation or action appealed, including abatement, until the appeal is finally determined. Failure of a person entitled to appeal under this chapter either to make appeal or to timely file his appeal shall constitute a waiver of his right to an administrative hearing and adjudication of his complaint, and such person shall be estopped to deny the validity of any order or action which could have been timely appealed.

## **8. Penalties.**

After notice and an opportunity to be heard, any person who shall knowingly and willfully violate the terms, conditions or provisions of this zoning ordinance adopted under the authority of the City of Senatobia, for violation of which no other criminal penalty is prescribed, shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not to exceed one hundred dollars (\$100.00).

In case of continuing violations without reasonable effort on the part of the defendant to correct same, each day the violation continues thereafter shall be a separate offense constituting a fine of one hundred (\$100.00) per day until remedied.

## **9. Remedies.**

In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land used in violation of this ordinance, the Building Official or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correct or abate such violations or to prevent occupancy of such building, structures, or land.

## **ARTICLE VII CHANGES OF ZONING MAP AND AMENDMENT TO ORDINANCE**

### **1. Zoning Change Procedures.**

The regulations, restrictions and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed, by the Mayor and Board of Aldermen after advice from the Planning Commission. This can be initiated by the Mayor and Board, or by an individual property owner.

If a property owner or developer wishes to request a change in the existing zoning of a property, an application for “Rezoning” shall be filed with the Planning Commission. The information required by the rezoning application shall be determined by the Planning Commission office and shall be listed on the application form. It shall be similar to the information that is required for preliminary subdivision approval or for a PUD (see above) and shall include a description of the property proposed to be rezoned, information related to adjacent properties including lot lines and owners names, etc. The application shall be accompanied by a non-refundable fee established by the Mayor and Board of Aldermen.

In accordance with State Statute, a change in zoning must be supported by clear and convincing evidence that:

- There is a mistake in the original zoning; or
- The character of the neighborhood has substantially changed and warrants the rezoning; and
- There is a public need for rezoning the property.

Additionally, the rezoning request must address the following:

- How the proposal conforms to the Comprehensive Plan, or,
- Why the Comprehensive Plan did not anticipate the proposed change;
- What is proposed in detail;
- Why the existing zoning designation is not appropriate; and,
- How the proposed zoning is appropriate.

### **2. Public Hearing Notice and Advertising.**

Any proposed amendments, supplements, change, modification, or repeal shall be first submitted to the Planning Commission for its recommendations and report, and the Planning Commission shall discuss the rezoning as part of its regular public meetings process.

The Planning Commission shall make its recommendation on such request for any amendment, supplement, change, or modification, or repeal to the Mayor and Board of Aldermen, and they shall proceed to hold a public hearing in relation thereto after giving 15 days notice of the hearings in an official newspaper specifying the time and place for said hearing.

Additional notice of the Planning Commission public meeting and the Mayor & Board of Aldermen public hearing shall be advertised on the rezoning site (property requested to be rezoned) in the following manner:

1. The owner, developer, or person requesting the rezoning shall post a sign or signs on the site;
2. The sign must be posted fifteen (15) days prior to date of first public hearing. It is the responsibility of the applicant to maintain the sign until final decision is rendered by the Mayor and Board of Aldermen.

3. Applicants may use the sign vendor of their choice.
4. Fifteen (15) days prior to Planning Commission hearing the applicant must submit a notarized affidavit of the posting and a photo of the sign posted on site.
5. Sign Specifications (as illustrated below):
6. Sign shall be 4' x 8' minimum size.
7. It shall be constructed of laminated plywood or MDO board.
8. The front, back, and all edges shall be painted with two coats of red acrylic exterior enamel.
9. White lettering shall be used with the above mentioned dimensions.
10. One sign shall be located on each road front and should face the road. It should also be in an obvious location along the road, no more than 20 feet from the road pavement.
11. Sign shall be attached with six (6) screws to two (2) 4"x4"x8' wooden posts
12. If the provisions of this policy are not met, the application shall be tabled or denied.
13. The sign must be removed from the property within 30 days of the Mayor and Board of Aldermen's decision.

SENATOBIA (3" letters)  
PUBLIC NOTICE (3" letters)

ZONING HEARING (4" letters)

SENATOBIA CITY HALL (1" letters)  
133 NORTH FRONT STREET (1" letters)  
SENATOBIA, MISSISSIPPI (1" letters)

PLANNING COMMISSION MEETING: TIME & DATE (2" letters)

MAYOR AND BOARD OF ALDERMEN MEETING: TIME & DATE (2" letters)

REQUEST: REZONE ## ACRES FROM XXXX TO YYYY (2" letters)

APPLICANT: NAME OF DEVELOPER (2' letters)

Case file is available in the Senatobia Planning Commission Office (2" letters)  
133 North Front Street, Senatobia, MS 38668 (2" letters)

POSTING DATE: DATE THAT SIGN IS PUT UP (1" letters)

Penalty for removing or defacing sign prior to date of last meeting (1" letters)

The Mayor and Board of Aldermen may refer the application back to the Planning Commission for additional study before final decision; however no notice other than for the first public hearing need be given.

Changes may be made provided that no such action may be taken until after a public hearing in relation thereof, at which parties of interest and citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City.

In case, however, of a protest against such change signed by the owners of twenty (20) percent, or more, either of the area of the lots included in such proposed change, or of those immediately adjacent to the rear thereof, extending one hundred sixty (160) feet therefrom or of those directly opposite thereto, extending one hundred sixty (160) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fifths (3/5) of the members of the Mayor and Board of Aldermen who are not required by law or ethical considerations to recuse themselves.

## **ARTICLE VIII BOARD OF ADJUSTMENTS (BOA)**

### **1. Appointment, duties, and responsibilities.**

A Board of Adjustment (BOA) is hereby established, which shall consist of seven (7) members to be appointed by the Mayor and the Board of Aldermen, each for a term of three (3) years. Members of the Board of Adjustment, like all other employees and commission or committee members, serve at the will and pleasure of the Mayor and Board of Aldermen and may be terminated at any time. Vacancies shall be filled by resolution of the Mayor and Board of Aldermen for the unexpired term of the member affected.

### **2. Proceedings of the Board of Adjustment.**

The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board of Adjustments shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

### **3. Powers and duties of the Board.**

(a) *Administrative review:* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Official in the enforcement of this ordinance.

(b) *Special exceptions:* To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this ordinance; to decide

such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this ordinance.

(c) *Variances*: To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until a written application for a variance is submitted demonstrating:

- 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 intentional 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.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards relative for compliance with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance.

Under no circumstances shall the Board of Adjustment grant a variance to permit a use not generally or by special exception permitted in the district involved, or any use expressly or implication prohibited by the terms of this ordinance in district.

(d) *Decisions of the Board of Adjustment*: In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end, shall have powers of the Building Official from whom the appeal is taken.

The concurring vote of five (5) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Building Official, or to decide in favor of applicant on any matter upon which it is required to pass under this ordinance; or to effect any variation in the application of this ordinance.

(e) *Duties of Administrative Official, Board of Adjustment, City Government, and Courts on matters of appeal*:

- 1) Appeal to the Board of Aldermen and to the *courts*: It is the intent of the governing authority of the City that all questions of interpretation and enforcement of this ordinance be presented first to the Building Official. Other than those applications and matters upon which the terms and

provisions of this ordinance may require action and decision by the Board of Adjustment, only the appeal taken in the manner and form as provided in this ordinance from the actions and decision of the Building Official will be considered and acted upon by the Board of Adjustment. However, any interested party who is aggrieved by any action or decision of the Board of Adjustment may take an appeal there from to the Board of Aldermen.

If for any reason whatsoever the Board of Aldermen shall find, by proper resolution adopted and spread upon the municipal minutes, that it is impossible for the Board of Adjustment as created and established herein to perform and carry out the functions assigned by this ordinance to the Board of Adjustment, then the Board of Aldermen shall act in the place of and perform the functions of the Board of Adjustment. By a like resolution the Board of Aldermen may return the functions to the Board of Adjustment when it is found that it is possible for the Board to discharge and perform the same.

## **ARTICLE IX CONCLUSION**

### **1. Repeal of Previous Related Ordinances.**

This zoning ordinance is intended to address issues of public health and safety as related to zoning regulations thereby taking the place of, and repealing previous ordinances addressing the same issues. Specifically, the following ordinances are hereby repealed:

Ordinance #298, Zoning Ordinance, enacted by the Mayor and Board of Aldermen of the City of Senatobia on the 17<sup>th</sup> day of March, 1998;

Ordinance #345, Regulating Vehicle Storage in Residential Zoning Districts, enacted by the Mayor and Board of Aldermen of the City of Senatobia on the 5<sup>th</sup> day of July, 2005;

Ordinance #356, An Ordinance Amending Ordinance #345 and Ordinance #298 enacted by the Mayor and Board of Aldermen of the City of Senatobia on the 6<sup>th</sup> day of June, 2006;

Ordinance #301, An Ordinance Requiring All Owners of Real Property, or Their Agents or Representatives, to Obtain a Building Permit From the City Prior to Construction, Describing Charges Therefore, and Setting out Certain Requirements and Penalties in Violation Thereof, enacted by the Mayor and Board of Aldermen of the City of Senatobia on the 4<sup>th</sup> day of August, 1998;

Ordinance #289, Nuisances Ordinance, enacted by the Mayor and Board of Aldermen of the City of Senatobia on the 4<sup>th</sup> day of March, 1997; and,

Ordinance #94, An Ordinance to Protect the Public Health By Controlling the Breeding of Mosquitoes and Harborage of Rats Associated with Unsanitary Conditions and by Requiring the Removal of Junked Vehicles and Appliances from Premises in the City of Senatobia, Mississippi, enacted by the Mayor and Board of Aldermen of the City of Senatobia on the 4<sup>th</sup> day of November, 1969.

### **2. Effective date.**

This ordinance shall take effect and be in force from and after its passage for the reason that a great number of the citizens have been affected by the enforcement of the provisions of this ordinance when said ordinance was not legally enforceable.

**3. Adoption and certification.**

The above and foregoing ordinance was previously reduced to writing, proposed and introduced for the consideration of the Mayor and Board of Aldermen of the City of Senatobia, and was read, considered and voted upon by sections and as a whole; the vote on each and all the sections, and upon the ordinance as an entirety was taken by "yea" and "nay" vote. The Aldermen voted as follows:

Alderman Cathey	<u>Yea</u>
Alderman Givens	<u>Yea</u>
Alderman Hawks-Frazier	<u>Yea</u>
Alderman Nail	<u>Yea</u>
Alderman Putt	<u>Yea</u>

and the said ordinance was adopted, enacted and passed on the 7<sup>th</sup> day of April, 2009 by the Mayor and Board of Aldermen in lawful session, all as appears of record in the Municipal Minutes Book Number Z.

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Kay Minton, City Clerk

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Alan Callicott, Mayor

It is hereby certified that the foregoing ordinance was passed, adopted, and granted by the Mayor and Board of Aldermen of the City of Senatobia, Mississippi on the day and in the manner therein stated, and the foregoing is a true and exact copy of the same as so passed, and adopted, and granted.

This the 7<sup>th</sup> day of April 2009.

-----

Kay Minton, City Clerk

Read, verified, and subscribed to by the Mayor and the City Clerk at a regular meeting of the Mayor and Board of Aldermen held on the 7<sup>th</sup> day of April 2009, in the manner provided and as required by Section 21-13-13 and 21-13-17, Mississippi .

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Kay Minton, City Clerk

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Alan Callicott, Mayor

# Appendix 1

## Table 1 - Permitted Uses Quick Guide

	A-R	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	B-3	M-1	M-2	X-1	PUD
<b>RESIDENTIAL</b>														
Single-family dwellings	P	P	P	P			X	X	X	SE	X	X		
Duplexes, Tri-plexes, Quad-plexes					P		X	X	X	SE	X	X		
Multiple family dwellings						P	X	X	X	SE	X	X		
Manufactured housing	X	X	X	X	X		P	X	X	X	X	X	X	
<b>MISCELLANEOUS RESIDENTIAL/ACCESSORY</b>														
Home occupation	P	P	P	P	P			X	X	SE	X	X		
Accessory structure	P	P	P	P	P					SE				
<b>PUBLIC AND SEMI-PUBLIC</b>														
Playground		P	P	P	P									
Park	P	P	P	P	P									
Garden	P	P	P	P	P									
Public utility substations	SE	SE	SE	SE	SE						P		P	
Hospital								X	P					
Schools	SE													P
Church	SE	SE	SE	SE	SE			SE	SE	SE	P			
Library														P
Post office								P	P	P				P
Public building of proprietary nature	SE													P
Semi-public building and uses	SE													P
<b>COMMERCIAL</b>														
Business and professional office		X	X	X	X	X	X	P	P	P	P			
Other neighborhood retail store and markets		X	X	X	X	X	X	P	SE	P				
Other neighborhood services		X	X	X	X	X	X	P	SE	P				
Grocery / food		X	X	X	X	X	X	P	P	P				
General merchandise		X	X	X	X	X	X	P	P	P				
Apparel		X	X	X	X	X	X	P	P	P				
Furniture		X	X	X	X	X	X	P	P	P				
Household and hardware		X	X	X	X	X	X	P	P	P				
Radio and television		X	X	X	X	X	X	P	P	P				
Drugs and sundry		X	X	X	X	X	X	P	P	P				
Jewelry and gift		X	X	X	X	X	X	P	P	P				
Florist		X	X	X	X	X	X	P	P	P				
Sporting good		X	X	X	X	X	X	P	P	P				
Pet shop		X	X	X	X	X	X	P	P	P				
Dry cleaning and laundry pick-up station		X	X	X	X	X	X	P	P	SE				
Barber and beauty salon		X	X	X	X	X	X	P	P	P				
Shoe repair		X	X	X	X	X	X	P	P	P				
Bank		X	X	X	X	X	X	P	P	P				
Drive-in restaurant		X	X	X	X	X	X	SE	P					
Restaurant		X	X	X	X	X	X	P	P	P				
Fitness Instruction Facilities		X	X	X	X	X	X		P					
Educational Instruction Facilities		X	X	X	X	X	X		P					
Adult Oriented Business		X	X	X	X	X	X	X	X	X	SE	SE		
Pawn Shop		X	X	X	X	X	X	X	X	X	SE	SE		
Check-cashing Store		X	X	X	X	X	X	X	X	X	SE	SE		
Title Loan		X	X	X	X	X	X	X	X	X	SE	SE		
Body Piercing		X	X	X	X	X	X	X	X	X	SE	SE		
Tattoo Parlors		X	X	X	X	X	X	X	X	X	SE	SE		
<b>LODGING AND ENTERTAINMENT</b>														
Motel		X	X	X	X	X	X	SE	P	P				
Lodge, club, fraternity house, etc.		X	X	X	X	SE	X							
Theater		X	X	X	X	X	X		P	P				
Amusement or assembly		X	X	X	X	X	X		P	P				
<b>AUTOMOTIVE</b>														
Auto wrecking		X	X	X	X	X	X			X				
Gas station		X	X	X	X	X	X	SE	P					
Minor auto repair		X	X	X	X	X	X		P					
Major auto repair		X	X	X	X	X	X	X	P	X				
Auto Sales		X	X	X	X	X	X			X				

	A-R	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	B-3	M-1	M-2	X-1	PUD
<b>MISCELLANEOUS BUSINESS/SERVICE</b>														
Funeral home / undertaking		X	X	X	X	X	X		P		P			
Animal clinic, hospital	SE	X	X	X	X	X	X	P	P	X				
Outdoor advertising structure		X	X	X	X	X	X	X	X	X				
Kennel		X	X	X	X	X	X	X	X	X				
<b>INDUSTRIAL</b>														
Stockyard	X	X	X	X	X	X	X	X	X	X	X	SE		
Bag cleaning	X	X	X	X	X	X	X	X	X					
Central mixing plant	X	X	X	X	X	X	X	X	X	X	X	SE		
Manufacturing	X	X	X	X	X	X	X	X	X	SE	SE/X	SE		
Trucking terminal	X	X	X	X	X	X	X	X	X	X	P			
Lumber yard or mill	X	X	X	X	X	X	X	X	X	X				
Grist or flour mill	X	X	X	X	X	X	X	X	X					
Oil, gas, or alcohol storage	X	X	X	X	X	X	X	X	X	X				
Light Industrial Operations	X	X	X	X	X	X	X	X	X		P			
Ice cream plants and creameries	X	X	X	X	X	X	X	X	X		P			
Cold storage plants	X	X	X	X	X	X	X	X	X		P			
Bottling and central distribution plants	X	X	X	X	X	X	X	X	X		P			
Baking plants	X	X	X	X	X	X	X	X	X		P			
Textile mills	X	X	X	X	X	X	X	X	X		P			
Dyeing plants	X	X	X	X	X	X	X	X	X					
Warehouse	X	X	X	X	X	X	X	X	X		P			
Dry cleaning and laundry plant	X	X	X	X	X	X	X	X	X	X	P			
Cotton waste reclaiming	X	X	X	X	X	X	X	X	X	X	X	SE		
<b>AGRICULTURAL</b>														
Agriculture	P													
Animal raising	P													
Slaughter house										X	X	SE		
Feedlot	X											SE		
Mining	X											SE		
Sale Barn	X											SE		
<b>OTHER</b>														
Junkyard	X	X	X	X	X	X	X	X	X	X	X	SE		
<b>LEGEND:</b>														
P - Permitted Use allowed by Article IV of Zoning Ordinance														
SE - Special Exception Use specifically identified requiring special approval according to Article IV of Zoning Ordinance														
X - Prohibited Use specifically identified by Article IV of Zoning Ordinance														
<b>NOTES:</b>														
<sup>1</sup> Refer to Article IV of the Zoning Ordinance for a more detailed description of allowed uses for each district.														
<sup>2</sup> Table 1 was updated to include uses per Ordinance No. 377 which was an amendment to the Zoning Ordinance on July 20, 2010.														

**Appendix 1**  
**Table 2 - Bulk Regulations Quick Guide**

ZONING REGULATIONS	Agriculture Residential	Single-Family Detached Residential			Multi-Family 2-4 units	Multi-Family 4+ units	Manufactured Homes	Commercial			Industrial		Gov't	Planned Unit Development
	A-R	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	B-3	M-1	M-2	X-1	PUD
Minimum Lot Area	10 acres	13,500 sf	10,000 sf	8,000 sf	12,000 sf 14,000 sf 16,000 sf	7,700 sf	5,500 sf	-	-	-	-	-	-	Max. Density: SF-Residential: 6 DU/Acre; MF-Residential: 12 DU/Acre
Minimum lot width at the building line	150 ft	90 ft	80 ft	70 ft	70 ft	70 ft	50 ft	-	-	-	-	-	-	-
Minimum depth of Front Yard	50 ft	35 ft	30 ft	25 ft	25 ft	25 ft	30 ft	20 ft	20 ft	0/20 ft	30/100 ft	60 ft	-	-
Minimum depth of Rear Yard	50 ft	35 ft	35 ft	35 ft	35 ft	35 ft	15 ft	20 ft	20 ft	0/20 ft	30 ft	30 ft	-	-
Minimum width of each Side Yard	50 ft	15 ft	12 ft	10 ft	10 ft	10 ft	10 ft	10 ft	0/10 ft	0/10 ft	20/30 ft	50 ft	-	-
Maximum Total Building Area	30%	30%	30%	35%	40%	30%	-	25%	25%	-	40%	40%	-	-
Maximum Height of Structure stories [feet]	2.5 [35]	2.5 [35]	2.5 [35]	2.5 [35]	2.5 [35]	3 [45]	1 [12]	2 [35]	2 [35]	4 [50]	3 [45]	3 [45]	-	-

**NOTE:** Refer to Article IV of the Zoning Ordinance for a more detailed description of bulk regulations for each district.

ORDINANCE NO. 375

AN ORDINANCE AMENDING ORDINANCE NO. 373 THE ZONING  
ORDINANCE TO AMEND GENERAL PROVISIONS UNDER ALL ZONING  
DISTRICT REGULATIONS

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY  
OF SENATOBIA, MISSISSIPPI, AS FOLLOWS:

Article IV District Regulations, Section 1 Agricultural Residential (A-R) Zoning District  
Regulations, (f) General Provisions, paragraph (2) shall read:

These large tracts---at least 10 acres in size---in the A-R zoning are exempt from  
mowing requirements that apply to the other zoning districts regarding “rank  
weeds and noxious plants” from the Nuisances Ordinance. In the event of a  
complaint or complaints from neighboring property owners, action shall be taken  
as defined in Article VI, Administration, Section 6 Notice of Violations, to  
prevent any obnoxious, offensive, or detrimental dust, pests, smoke, vibration,  
noise, odor, or effluents from impacting neighboring property.

Article IV District Regulations, Section 2 Residential (R-1) (Single-Family Detached  
13,500 sq. ft.) Zoning District regulations, (f) General Provisions, shall read:

These large tracts---at least 10 acres in size---in the R-1 zoning are exempt from  
mowing requirements that apply to the other zoning districts regarding “rank  
weeds and noxious plants” from the Nuisances Ordinance. In the event of a  
complaint or complaints from neighboring property owners, action shall be taken  
as defined in Article VI, Administration, Section 6 Notice of Violations, to  
prevent any obnoxious, offensive, or detrimental dust, pests, smoke, vibration,  
noise, odor, or effluents from impacting neighboring property.

Article IV District Regulations, Section 3 Residential (R-2) (Single-Family Detached  
10,000 sq. ft.) Zoning District regulations, (f) General Provisions, shall read:

These large tracts---at least 10 acres in size---in the R-2 zoning are exempt from  
mowing requirements that apply to the other zoning districts regarding “rank  
weeds and noxious plants” from the Nuisances Ordinance. In the event of a  
complaint or complaints from neighboring property owners, action shall be taken  
as defined in Article VI, Administration, Section 6 Notice of Violations, to  
prevent any obnoxious, offensive, or detrimental dust, pests, smoke, vibration,  
noise, odor, or effluents from impacting neighboring property.

Article IV District Regulations, Section 8 Business (B-1) Zoning District regulations  
(Local Shopping), (k) General Provisions, shall read:

These large tracts---at least 10 acres in size---in the B-1 zoning are exempt from  
mowing requirements that apply to the other zoning districts regarding “rank  
weeds and noxious plants” from the Nuisances Ordinance. In the event of a  
complaint or complaints from neighboring property owners, action shall be taken

as defined in Article VI, Administration, Section 6 Notice of Violations, to prevent any obnoxious, offensive, or detrimental dust, pests, smoke, vibration, noise, odor, or effluents from impacting neighboring property.

Article IV District Regulations, Section <sup>9</sup> Business (B-2) (General Commercial) Zoning District regulations, (k) General Provisions, shall read:

These large tracts---at least 10 acres in size---in the B-2 zoning are exempt from mowing requirements that apply to the other zoning districts regarding “rank weeds and noxious plants” from the Nuisances Ordinance. In the event of a complaint or complaints from neighboring property owners, action shall be taken as defined in Article VI, Administration, Section 6 Notice of Violations, to prevent any obnoxious, offensive, or detrimental dust, pests, smoke, vibration, noise, odor, or effluents from impacting neighboring property.

Article IV District Regulations, Section 11 Manufacturing (M-1) Zoning District regulations (Light Industry, (j) General Provisions, shall read:

These large tracts---at least 10 acres in size---in the M-1 zoning are exempt from mowing requirements that apply to the other zoning districts regarding “rank weeds and noxious plants” from the Nuisances Ordinance. In the event of a complaint or complaints from neighboring property owners, action shall be taken as defined in Article VI Administration, Section 6 Notice of Violations, to prevent any obnoxious, offensive, or detrimental dust, pests, smoke, vibration, noise, odor, or effluents from impacting neighboring property.

Article IV District Regulations, Section 12 Manufacturing (M-2) Zoning District regulations (Heavy Industrial), (k) General Provisions, shall read:

These large tracts---at least 10 acres in size---in the M-2 zoning are exempt from mowing requirements that apply to the other zoning districts regarding “rank weeds and noxious plants” from the Nuisances Ordinance. In the event of a complaint or complaints from neighboring property owners, action shall be taken as defined in Article VI, Administration, Section 6 Notice of Violations, to prevent any obnoxious, offensive, or detrimental dust, pests, smoke, vibration, noise, odor, or effluents from impacting neighboring property.

Article IV District Regulations, Section 13 Governmental (X-1) Zoning District regulations, (k) General Provisions, shall read:

These large tracts---at least 10 acres in size---in the X-1 zoning are exempt from mowing requirements that apply to the other zoning districts regarding “rank weeds and noxious plants” from the Nuisances Ordinance. In the event of a complaint or complaints from neighboring property owners, action shall be taken as defined in Article VI, Administration, Section 6 Notice of Violations, to prevent any obnoxious, offensive, or detrimental dust, pests, smoke, vibration, noise, odor, or effluents from impacting neighboring property.

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Article IV District Regulations, section 14 Planned Unit Development (PUD) District Regulations, (j) General Provisions, shall read:

These large tracts--at least 10 acres in size--in the PUD zoning are exempt from mowing requirements that apply to the other zoning districts regarding "rank weeds and noxious plants" from the Nuisances Ordinance. In the event of a complaint or complaints from neighboring property owners, action shall be taken as defined in Article VI, Administration, Section 6 Notice of Violations, to prevent any obnoxious, offensive, or detrimental dust, pests, smoke, vibration, noise, odor, or effluents from impacting neighboring property.

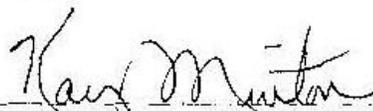
Said Ordinance No. 373 shall and does remain the same in all particulars except the hereinabove amendment.

Alderman Cathey offered and moved the adoption of the above and foregoing Ordinance, the motion was seconded by Alderman Nail, and upon the vote being taken the Aldermen voted as follows:

Cathey	<u>Yes</u>
Clanton	<u>Yes</u>
Frazier	<u>Yes</u>
Nail	<u>Yes</u>
Putt	<u>Yes</u>

SO ORDAINED, on this the 18th day of August, 2009.

ATTEST:

  
\_\_\_\_\_  
KAY MINTON - CITY CLERK

  
\_\_\_\_\_  
ALAN CALLICOTT - MAYOR

**ORDINANCE NO. 376**

**AN ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN  
OF THE CITY OF SENATOBIA, MISSISSIPPI  
REZONING CERTAIN PROPERTY AS HEREINAFTER DESCRIBED  
FROM RESIDENTIAL-2 (R-2) TO RESIDENTIAL-4 (R-4)**

WHEREAS, the following described real property located in the City of Senatobia, Mississippi, is zoned Residential-2 (R-2) under Ordinance o. 373 of the City of Senatobia; and

WHEREAS, it is the desire of the Mayor and Board of Aldermen of the City of Senatobia, Mississippi, that said property be rezoned so as to hereafter have the description of Residential-4 (R-4); and

WHEREAS, the notice of intention for said rezoning was published in The Democrat on July 28, 2009, the said publication being at least fifteen (15) days preceding the time and place for such hearing for the proposed rezoning, the date for said hearing being August 18, 2009, at 5:00 P.M., at the City Hall, Senatobia, Mississippi; and

WHEREAS, after said hearing and there being no opposition from the public, the Mayor and Board of Aldermen deem it in the best interest of the public welfare of the citizens of the municipality that the said property be rezoned as set forth above.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Senatobia, Mississippi, that the Ordinance dated April 7, 2009, being Ordinance No. 373, and being recorded in Minute Book Z at page 484 et seq., be and the same is hereby amended as follows:

That the zoning map and any other map and any other zoning designations of said ordinance reflecting the hereinafter described real property as being Residential-2 (R-2) be and the same is hereby changed and rezoned so as to be, from this day forward, Residential-4 (R-4). Said property is described as follows:

Lot 1, Cedar Ridge Subdivision, 202 Morgan Road, Senatobia, Tate County, Mississippi, Section 30, Township 5 South, Range 7.

Said Ordinance No. 373 shall and does remain the same in all particulars except the hereinabove amendment, and any prior amendments thereto.

Alderman Clanton offered and moved the adoption of the above and foregoing Ordinance and the motion was seconded by Alderman Frazier, and upon the vote being taken, the Aldermen voted as follows:

Cathey	<u>Yes</u>
Clanton	<u>Yes</u>
Frazier	<u>Yes</u>
Nail	<u>Yes</u>
Putt	<u>Yes</u>

SO ORDAINED, on this the 18<sup>th</sup> day of August 2009.

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ALAN CALLICOTT – MAYOR

ATTEST:

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KAY MINTON – CITY CLERK

ORDINANCE NO. 377

AN ORDINANCE AMENDING ORDINANCE NO. 373 THE ZONING  
ORDINANCE TO AMEND ARTICLE IV, DISTRICT REGULATIONS

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY  
OF SENATOBIA, MISSISSIPPI, AS FOLLOWS:

Article IV, District Regulations, Section 8, Business (B-1) (Local Shopping) Zoning  
District Regulations, Paragraph (c) be amended to read as follows:

- (c) Uses prohibited: Residential dwellings; outdoor advertising structures, major auto repair; laundry and dry cleaning plants; manufacturing incidental to a retail business where articles are sold at retail on the premises, not specifically permitted herein; any industrial use; trucking terminals; manufactured home and/or mobile homes; hospitals; junkyards; kennels; check cashing, title loan, pawn shop, tattoo parlor, body piercing establishments (other than ear piercings), or similar activity, adult oriented business.

Article IV, District Regulations, Section 9, Business (B-2) (General Commercial) Zoning  
District Regulations, Paragraph (c) be amended to read as follows:

- (c) Uses prohibited: Residential dwellings, outdoor advertising structures, dry cleaners and laundries plant; manufacturing incidental to a retail business where articles are sold at retail on the premises, not specifically permitted herein; manufactured homes and/or mobile homes; kennels; junkyards; any industrial use; check cashing, title loan, pawn shop, tattoo parlor, body piercing establishments (other than ear piercings), or similar activity, adult oriented business.

Article IV, District Regulations, Section 10, Business (B-3) (Central Business District)  
Zoning District Regulations, Paragraph (c) be amended to read as follows:

- (c) Uses prohibited: Major auto sales and repair; laundry and dry cleaning plants, animal clinic, hospitals or kennels; lumber yard or mill; auto wrecking; gasoline, oil, gas, or storage above ground in excess of five hundred (500) gallons; junkyards; any use prohibited in a light industrial (M-1) Zoning District; trucking terminals; manufactured home and/or mobile home; outdoor advertising structures; check cashing, title loan, pawn shop, tattoo parlor, body piercing establishments (other than ear piercings), or similar activity, adult oriented business.

Article IV, District Regulations, Section 11, Manufacturing (M-1) (Light Industry)  
Zoning District Regulations, Paragraph (b) be amended to read as follows:

- (b) Uses that may be permitted as a special exception: Any manufacturing or business use not specifically prohibited herein; check cashing, title loan, pawn shop, tattoo parlor, body piercing establishments (other than ear piercings), or similar activity, adult oriented business.

Article IV District Regulations, Section 11, Manufacturing (M-1) (Light Industry)

Zoning District Regulations, Paragraph (c) be amended to read as follows:

(c) *Uses prohibited:* Residential uses of any type; slaughter house, stockyard; central mixing plant for cement, mortar, plaster, or paving material; manufacturing of acetylene, acid, alcohol, ammonia, bleaching powder, brick, pottery, terra-cotta or tile, blocks, candles, disinfectants, fertilizers, illuminating or heating gas, including storage, paint, turpentine, varnish, soap, and tar products; junkyard, cotton waste reclaiming; and similar types of plants or operations.

Article IV, District Regulations, Section 12, Manufacturing (M-2) (Heavy Industrial)

Zoning District Regulations, Paragraph (c) be amended to read as follows:

(c) Uses which may be permitted as a special exception: Any industrial, service, or commercial use, and subject to such conditions and safeguards as the Board of Adjustment may require to preserve and protect any portion or portions of the City which otherwise could be adversely affected, and specifically, check cashing, title loan, pawn shop, tattoo parlor, body piercing establishments (other than ear piercings), or similar activity, adult oriented business; slaughter house, stockyard; central mixing plant for cement, mortar, plaster, or paving material; manufacturing of acetylene, acid, alcohol, ammonia, bleaching powder, brick, pottery, terra-cotta or tile, blocks, candles, disinfectants, fertilizers, illuminating or heating gas, including storage, paint, turpentine, varnish, soap, and tar products; junkyards, cotton waste reclaiming; intensive agriculture such as feedlots, sales barns or auction houses; mineral extraction including sand, dirt or gravel; and similar types of plants or operations.

Said Ordinance No. 373 shall and does remain the same in all particulars except the hereinabove amendment and any other amendments heretofore adopted.

Alderman Clanton offered and moved the adoption of the above and foregoing Ordinance, the motion was seconded by Alderman Nail, and upon the vote being taken the Aldermen voted as follows:

Cathey	<u>Yes</u>
Clanton	<u>Yes</u>
Frazier	<u>Yes</u>
Nail	<u>Yes</u>
Putt	<u>Absent</u>

SO ORDAINED on this the 20<sup>th</sup> day of July 2010.

ATTEST:

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KAY MINTON - CITY CLERK

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ALAN CALLICOTT - MAYOR