

CHAPTER 4 ZONING DISTRICTS

SECTION 401

ESTABLISHMENT OF ZONING DISTRICTS

401.1 Zoning Districts. To classify and regulate the uses of land and buildings, the height of buildings, the area and other open spaces about buildings, the City of Fulton, Mississippi is hereby divided into zoning districts listed below:

TABLE 401.1 ZONING DISTRICTS DISCRIPTIONS

Symbol	District Description
A	General Agricultural District
R-1	Estate Residential (Single-Family)
R-2	Low-Density Residential (Single-Family)
R-3	Medium-Density Residential
R-4	High-Density Residential
R-5	Multi-Family Residential
CBD	Central Business District (Downtown Commercial)
C-1	General Commercial
C-2	Highway Commercial
PS	Public Service
FP	Floodplain Overlay District
I	Industrial

401.2 Official Zoning Map. The Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of these regulations. The Official Zoning Map shall be identified by the signature of the Mayor of the City of Fulton, Mississippi, attested by the Municipal Clerk, and bear the seal of the City.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in these regulations. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of these regulations and punishable as provided under Section 203.

Regardless of the existence of purported copies of the Official Zoning Map, which from time to time be made or published, the Official Zoning Map which shall be located in the Office of the Municipal Clerk shall be the final authority as the current zoning status of land and water areas, buildings, and other structures in the City.

401.3 Replacement of Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City of Fulton, Mississippi Board of Aldermen may by resolution adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The New Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The New Official Zoning Map shall be identified by the signature of the Mayor, attested by the Municipal Clerk, and bear the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of the Zoning Ordinance of the City of Fulton, Mississippi." Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

401.4 Rules for Interpretation of District Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;
2. Boundaries indicated, as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated, as approximately following city limits shall be construed as following such city limits;
4. Where the boundary of a district line follows a railroad right-of-way line to which it is closest, which shall completely include or exclude the railroad easement unless otherwise designated;
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 6 above, the Planning Commission shall interpret the district boundaries;
8. Where the district boundary line divides a lot which was in single ownership at the time of passage of these regulations, the Planning Commission may permit

the extension of the district line for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

SECTION **GENERAL** **402**

402.1 Permits Required. Before any person shall commence the construction or erection of a building, parking or placing of a manufactured or modular home, or relocating an existing structure, on any property within the City of Fulton, they shall obtain a permit from the City of Fulton, in accordance with the *Building Code*.

402.2 Special Exception Uses Constitute Conforming Uses. Any land use which is permitted as a Special Exception use in a particular district under the terms of these regulations shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

SECTION **DIMENSIONAL CONTROLS** **403**

403.1 Reduction of Yards and Lots Below Minimum Requirements Prohibited. No yard or lot of record existing at the time of passage of these regulations shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots of record created after the effective date of these regulations shall meet at least the minimum requirements established by these regulations.

403.2 Front Yards on Corner or Double Frontage Lots. On corner lots, the front yard setback shall apply to the property between the building and both the main street and the side street(s). The remaining areas of the property shall be considered side yards. For double frontage lots ("through-lots"), the front yard setback shall be determined by the main entrance to the building or structure. Rear yards for double frontage lots shall be the yard opposite the main entrance to the building or structure.

403.3 Determination of Setbacks. In measuring a required yard (i.e. setback), the minimum horizontal distance between the property line and the main structure shall be used.

403.4 Lots Not Served by Sanitary Sewer Service. For lots not served by public sanitary sewer or a central sewage disposal system, any individual onsite wastewater disposal system (septic tank or alternate system) proposed for use shall be authorized and installed in accordance with Section 1301.2.

403.5 Visibility at Intersections. On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede the vision of motor vehicle operators between a height of two and one-half (2 1/2) and ten (10) feet above the center line grades of the intersecting streets and within a triangular area bounded by the right-of-way lines for a distance of twenty-five (25) feet from the intersection and a straight line connecting said points twenty-five (25) feet back from the intersection of said right-of-way lines.

403.6 Exceptions to Height Regulations. The height regulations contained these regulations do not apply to poles spires, belfries, cupolas, elevators, antennas, water tanks, ventilation chimneys, masts, towers, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

403.7 Roof Overhangs or Appurtenances. Roof overhangs or appurtenances, not on the ground, may project from the outside wall of a building no more than three (3) feet, and are not considered as part of the setback.

**SECTION
404**

MISCELLANEOUS GENERAL REGULATIONS

404.1 Road Street Access Required. Every structure hereafter constructed, moved, or structurally altered shall have direct access to a public (dedicated) street or road or to an approved private street or parking area, and shall be so located as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

404.2 Number of Principal Buildings Per Lot. In any district, except R-1, and R-2, more than one structure containing a Permitted or Special Exception principal use may be erected on a single lot, provided yard requirements are met around the group of buildings and provided the maximum lot coverage standards are not exceeded. Accessory structures, approved in accordance with these regulations, are exempt from this requirement.

404.3 Street/Road Numbers. All permanent structures hereafter constructed in the City shall have street/road numbers posted on the structure, and at the street/road right-of-way on which such structures front. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Street/road numbers will be assigned when the building permit is issued. Addresses will not be assigned to temporary structures such as travel trailers or recreational vehicles.

404.4 Setback Requirements for Ponds. Setback requirements for all ponds shall be a minimum of fifty (50) feet from the right-of-way, and shall be setback a minimum of the structural setback requirements of the district in which they are located.

The setback shall be measured from the exterior wall of the berm or dam or in the event there is no berm or dam, it shall be measured from the exterior edge of the excavated site. Ponds are only allowed by right in the General Agricultural (A-1) Zoning District and the Agricultural-Residential (A-2) Zoning District. Permits may be obtained from the Planning Department and all other state and federal guidelines must be met.

404.5 Highway and Thoroughfare Setbacks. The Planning Commission may establish greater setbacks from highways or thoroughfares than the front yard setback requirements of the zoning district in which the highway or thoroughfare is located.

The highways or thoroughfares and the greater setbacks additional to the front yard setback requirements are as follows:

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All setback requirements are from the terminus of each road, except as noted.

406.7 Permitting of Temporary Structures. Temporary structures shall be permitted and authorized in accordance with Section 109 of the *Building Code*.