



LAND DEVELOPMENT CODE

CITY OF FULTON, MISSISSIPPI

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**" Communities can be shaped
by chance, or they can be
shaped by choice. We can keep
on accepting the kind
of communities we get, or we can
start creating the kind of
communities we want."**

- Richard Moe

National Trust for Historic Preservation



Developed by the City of Fulton, MS

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CHAPTER 1

TITLE, PURPOSE & ENACTMENT

SECTION 101 GENERAL

101.1 Title. these regulations shall be known and may be cited as the *Land Development Code of Fulton, Mississippi*, hereinafter referred to as "these Regulations."

101.2 Policy.

1. It is the intent of the City of Fulton Board of Aldermen that the Land Development Code shall be consistent with the adopted Comprehensive Plan and any amendments thereof and with any supplemental land use and planning policies of the City of Fulton, Mississippi.
2. It is declared to be the policy of the City of Fulton, Mississippi to consider the subdivision of land and its subsequent development as subject to the control of the Municipality, pursuant to the Fulton Comprehensive Plan and these regulations.
3. Land to be subdivided shall be of such character that it can be used safely for building purposes, and shall not be subdivided until adequate facilities and improvements such as drainage, water and sewer are provided, or a performance bond is filed to assure that the required improvements will be made by the developer.
4. Proposed public improvements shall conform with and be related to the proposals shown in the comprehensive plan, capital improvement program, and development programs of Fulton, Mississippi, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the Building Code, Property Maintenance Code, the Comprehensive Plan, and other related development codes of the City of Fulton, Mississippi.

101.3 Scope. These regulations are adopted as minimum requirements for the regulation and control of land subdivision and to establish procedures governing the filing and approval of land subdivision plats and data; to establish minimum standards governing streets, utilities, and other necessary improvements; to ensure the proper coordination of future streets and their development with existing or planned streets; and to provide an ability to vary these regulations through the approval of the governing body.

101.4 Authority. These regulations are instated pursuant to authority granted to the Board of Aldermen by Section 17-1-1 through 17-1-27 of the Mississippi Code, 1972, as amended.

101.5 Public Purpose. Regulation of the development of land and the attachment of reasonable conditions to development and land subdivision is an exercise of public police power delegated by the state to the City of Fulton, Mississippi pursuant to Title 17 of the Mississippi Code of 1972, to attain the objectives of the Comprehensive Plan through the regulation of location, height, number of stories, size of buildings and other structures, the density and distribution of population, size of yards and other open spaces, the use of buildings, structures, and land for commercial, industrial, residential and other purposes. Developers shall also be in compliance with conditions established by the Board of Aldermen for design, dedication, improvement, and restrictive use of land to conform to the physical and economic development of the City of Fulton, Mississippi and the health, safety, and general welfare of the future lot owners of subdivisions and of the City of Fulton, generally.

**SECTION
102**

APPLICABILITY

102.1 General. These regulations shall apply to all land areas of the City of Fulton, Mississippi. The use of all land and any buildings or structures located on the land and the construction, reconstruction, alteration, expansion, or relocation of any building or structure upon the land shall conform to all regulations applicable to the district in which the land is located as provided herein. No land, building, structure or premises shall be for any purpose or in any manner other than is permitted in the district in which such land, building, structure or premises is located except as provided. The regulations and provisions established herein for each district shall apply uniformly within each district of the same name and shall apply uniformly to each class or type of building, structure, use, or land therein except as otherwise provided. These regulations shall govern all subdivisions of land within the City of Fulton, Mississippi. The Design and Construction Standards shall apply to any and all public infrastructure. The provisions of these regulations shall also be applied to all applications for a change in zoning classification from and after the date of adoption of the *Land Development Code*.

102.2 Compliance with the Regulations. The regulations set by these regulations within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

1. No building shall be erected, converted, placed, enlarged, reconstructed, or structurally altered, nor shall any building or land be used except for a purpose and in the manner permitted in the district in which the building or land is located.
2. No land required for yards, open spaces, or off-street parking or loading spaces about an existing building or any building hereafter erected or structurally altered shall be considered as required yard of lot area for more than one (1) building.
3. Every building hereafter erected or structurally altered shall be located on an approved lot.

4. No building shall be erected or structurally altered to the extent specifically provided hereinafter except in conformity with these regulations.

102.3 Application of other codes. The provision of these regulations shall supplement the laws of the State of Mississippi, other codes, ordinances, rules and regulations adopted by the Board of Aldermen. No site plan, building permit, or subdivision plat shall be approved for issuance and/or recording until the requirements of these regulations have been met and certification thereof has been endorsed by the appropriate reviewing authority. Whenever the requirements of these regulations are at variance with the requirements of other lawfully adopted rules, regulations, or ordinances, the most restrictive or that imposing the highest standard shall govern. These regulations shall be interpreted as minimum requirements. Furthermore, no person shall use or occupy a building, structure or land within the City for an activity which requires a federal, and/or State of Mississippi license until said license is obtained from the appropriate authorities.

102.4 Validity and Separability. If, for any reason, any clause, provision or portion of these regulations shall be held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect validity or legality of these regulations as a whole, or any part thereof, other than the part so held to be invalid. These regulations shall not abate any legal action pending under prior regulations and shall not interfere with other applicable laws and regulations or with deed restrictions.

102.5 Saving Provision. These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the City under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights adopted by any person, firm, or corporation by lawful action of the City except as shall be expressly provided for in these regulations.

102.6 Classification of Annexed Property. All annexations of land shall be in an R-1 single family residential zone unless otherwise classified by the Board of Aldermen, for a period of time not to exceed one (1) year from the effective date of the Ordinance annexing said property. Within this one (1) year period of time, the Board of Aldermen shall instruct the Planning Commission to study and make recommendations concerning the use of land within said annexed area to promote the general welfare, and upon receipt of such recommendations the Board of Aldermen shall establish the district classification of said property; provided, however, that this shall not be construed as preventing the Board of Aldermen from establishing the district classification at the time of said annexation.

102.7 Enactment. These regulations shall become effective from and after the date of their approval, adoption, or amendment by the Board of Aldermen after public hearing and certification to the Municipal Clerk as required by Title 17 of the Mississippi Code of 1972. Henceforth, any other regulations previously adopted by the City of Fulton, Mississippi shall be deemed to be repealed. These regulations shall in no way affect any building permit, site plan, development or subdivision having received previous or preliminary plan approval prior to the effective date of these regulations or any amendment thereto, provided, however, that no changes to the building permit, site plan or preliminary plan, as approved, are introduced by the developer.

CHAPTER 2 ADMINISTRATION

SECTION GENERAL 201

201.1 Designation of Planning Director. The Mayor, hereinafter referred to as the “Planning Director”, or their designee, shall administer, enforce, and implement the provisions of these regulations. Decision making authority shall be shared between the Planning Director, authorized staff, the Planning Commission, and Board of Aldermen as described herein.

201.1.1 Rule-making authority. The Planning Director shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of these regulations; and to secure the intent thereof. Such rules shall not have the effect of waiving any requirements specifically required by these regulations, or of violating accepted engineering methods involving public safety.

201.1.2 Inspections. The Planning Director shall accept reports of inspection by approved agencies or individuals, as described in these regulations. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Planning Director is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

201.1.3 Notices and orders. The Planning Director is hereby authorized to issue all necessary notices, orders, and municipal court summonses to ensure compliance with these regulations.

201.1.4 Department records. The Planning Director shall keep official records of all business and activities specified in the provisions of these regulations. Such records shall be retained in the official records as required by State statute.

201.1.5 Application Review. The Planning Director shall review all applications required by these regulations prior to scheduling their approval with the Site Plan Review Committee, or Planning Commission, as required herein. Upon verification that all required documentation required by these regulations have been provided by the applicant, the Planning Director shall place the site plan review and/or preliminary plat review on the next available agenda of the Site Plan Review Committee or Planning Commission, as appropriate.

201.1.6 Liaison between review and approval bodies. The Planning Director shall be responsible for forwarding all documentation required by these regulations to the appropriate review staff and decision making bodies as described in these regulations. The Planning Director shall be responsible for any

communications to the governing authorities and applicant regarding hearings, corrections, modifications, approval or denial of applications, and other such communications as are necessary during the subdivision review process.

201.2 The Fulton Planning Commission. The Fulton Planning Commission is hereby established and shall hereby be designated the administrative body of these regulations. The Planning Commission, as created and appointed by the Board of Aldermen, and the Planning Director and staff as appointed by the Board of Aldermen, shall have the powers and duties as provided hereinafter set forth.

201.2.1 Membership. The Fulton Planning Commission shall be composed of seven (7) members, residents of the City of Fulton, of which, one (1) shall be appointed by each Alderman from their respective ward, one (1) shall be appointed from at-large by the alderman-at-large, and two (2) shall be appointed from at-large by the Mayor. All such appointments shall be approved by the Board of Aldermen for terms of four (4) years to run concurrently with the terms of the members of the Board of Aldermen.

201.2.2 Procedure. Meetings of the Planning Commission shall be held at a regular time, day and place each month and at other such times as the Chairman or Commission may determine. The Chairman may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Planning Commission shall keep minutes of its meetings and taped transactions for the duration of the period of appeal. Four (4) members of the Planning Commission shall constitute a quorum for transaction of business. The Planning Commission may adopt necessary rules and regulations to govern the performance of their duties.

201.2.3 Public Hearings. Where the law requires a public hearing to be held before the Board of Aldermen on any matter in which the Planning Commission is authorized to make recommendations to the Board of Aldermen, such public hearing shall be held thereon before the Planning Commission after notice duly published in the manner and time required by law.

201.2.4 Applications. Applications for variances, exceptions or changes to the provisions of those regulations shall be made to the Planning Director at least thirty (30) days prior to a regularly scheduled meeting of the Planning Commission in order to be heard at said meeting. The Planning Director shall have the right to refuse to accept a reapplication for the same or a similar variance, exception or change in zoning after an application has been heard and denied, or granted and reversed on appeal, unless there is a substantial change in

1. the proposed use or the plans for the use;
2. the circumstances of the conditions affecting the property; or
3. a combination of those two factors.

201.2.5 Powers. The Planning Commission shall have the following powers to hear and recommend action relative to:

1. Special Exceptions for each zoning district when the use is not specified in Uses Permitted in that district.
2. Amendments to the Official Zoning Map.
3. Variances.
4. Zone Changes.
5. Plat Approvals.
6. Other matters delegated by the Board of Aldermen.

201.3 Site Plan Review Committee. A Site Plan Review Committee is hereby established. The Site Plan Review Committee shall be chaired by the Planning Director, and shall consist of the following:

1. Planning Director
2. City Engineer, or their alternate
3. Fire Chief, or their alternate
4. Police Chief, or their alternate
5. Public Works Director, or their alternate
6. Street Department Director, or their alternate

201.4 Liability. The Planning Director, Planning Commissioners, municipal employees, or consultants charged with the enforcement of these regulations, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of these regulations shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The Planning Director or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of these regulations; and any officer of the municipality, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

201.5 Amendments. The Board of Aldermen may, from time to time, on its own motion, or on petition from a property owner, or on recommendation of the Planning Commission, amend the regulations and districts herein established. No change in regulations, restrictions or district boundaries shall become effective until after a public hearing held in relation thereto by the Planning Commission at which parties in interest and citizens shall have an opportunity to be heard. Every such proposed amendment shall be referred to the Planning Commission for report. When an application has been made to the Planning Commission for the rezoning of any area within a district, the applicant shall, as a condition precedent to the holding of a public hearing on such application, fully comply with the procedures set out in Section 202 for public hearing procedure.

201.6 Expiration and Extension. Failure to comply with stated time periods of these regulations shall result in the expiration of the application and associated Planning Commission approvals. Before expiration, the developer may provide a letter and extension fee stating why these time periods cannot be met and requesting their extension. The developer is solely responsible for knowing expiration dates and meeting or extending them in accordance with these regulations. The Planning Commission shall have no duty, obligation or responsibility to remind or notify subdividers of approaching expiration dates.

201.7 Fees. Fees, charges, expenses and collection procedures may be established by the Board of Aldermen to defray costs incurred through the administration and enforcement of these regulations as to building inspections, code enforcement, public hearings, notices, reviews and monitoring land development. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal. The developer shall be solely responsible for submittal of required documents and payment of fees to the City of Fulton.

SECTION 202

PUBLIC HEARINGS

202.1 Procedure. Whenever, in these regulations, reference is made to this section regarding procedures for public hearings and applications for same, the following is required.

1. An application shall be made to the City Clerk and the following shall be furnished by the applicant unless otherwise noted:
 - A. Name and address of applicant, who shall be the owner of the property or have a vested interest in the property, along with written proof of ownership or vested interest.
 - B. The present zoning classification (will be furnished by the Planning Department).
 - C. The proposed zoning classification or use requested.
 - D. A legal description of the property including a current or previous survey, if accurate.

- E. A plot plan showing the location and intended use of the site, and the present use of the property and all adjoining properties.
 - F. Any fees or charges established by the Planning Commission to cover expenses incidental to the application.
 - G. Any other material that the Planning Commission feels is pertinent to the application.
2. The Planning Commission shall hold a public hearing within sixty (60) days of the date of filing of the application.
 3. Notice shall be posted on the subject property at least fifteen (15) days prior to the date of said hearing, and shall show the time, date and place of hearing, the reason for the hearing,
 4. At least fifteen (15) day's notice of the time and place of hearing shall be published in a paper of general circulation in the City of Fulton.
 5. If the applicant or their representative fails to appear at the public hearing, the Planning Commission may deny the application.
 6. The Planning Commission shall within thirty (30) days of the final hearing, transmit to the Board of Aldermen its report, findings, decision and/or recommendation.

SECTION 203 **VIOLATIONS**

203.1 Unlawful Acts. It shall be unlawful to transfer, offer for sale, or lease any lot, parcel or tract of land from a plat of a subdivision before such plat has been recorded in the office of the Chancery Clerk in accordance with these regulations, or otherwise violate these regulations.

Each lot, parcel, or tract of land sold or otherwise conveyed in violation of these regulations shall constitute a separate offense. The description of such lot, parcel, or tract by metes and bounds in the deed or transfer shall not serve to exempt the seller from the penalties provided in this section.

203.2 Prosecution of Violation. Any person, individual, corporation, company, partnership, association or any other entity failing to comply with the requirements of these regulations shall be issued a summons to appear in Municipal Court. Such violations shall be considered a misdemeanor, and shall be deemed a strict liability offense. Penalties for violations shall be as described in Section 203.3.

203.3 Violation Penalties. Any person, individual, corporation, company, partnership, association or any other entity failing to comply with these regulations or any of the

requirements thereof or otherwise violating these regulations or any of its provisions shall, upon being found guilty, pay a fine not exceeding One Thousand Dollars (\$1,000) or imprisonment not exceeding ninety (90) days, or both. In the case of continuing violations without reasonable effort on the part of a person to correct same, each day the violation continues after a conviction shall be a separate offense and the violator shall be fined one hundred dollars (\$100.00) per day until the violation is brought into compliance.

203.4 Abatement of Violation. In addition to the penalties set out herein, no building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations, nor shall the city have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of these regulations.

Any condition caused or permitted to exist in violation of the provisions of these regulations shall be deemed a public nuisance and may be abated by the City as provided by law.

The Municipal Judge has the authority to order any remedy to bring the violation into compliance in addition to assessing fines.

SECTION 204

MEANS OF APPEAL

204.1 Application for appeal. Any person directly affected by a decision of the Planning Director, Planning Commission, or Site Plan Review Committee issued under these regulations shall have the right to appeal to the Board of Aldermen, provided that a written application for appeal is filed within seven (7) days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of these regulations or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of these regulations do not fully apply, or the requirements of these regulations are adequately satisfied by other means.

Appeals of decisions by the Board of Aldermen shall be in the manner prescribed by State Statute.

204.2 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than half of the board membership.

204.2.1 Procedure. The board shall adopt and make available to the public through the clerk procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

204.3 Board decision. The board shall modify or reverse the decision of the Planning Director or Planning Commission, as appropriate, only by a majority vote of a quorum of the members of the Board of Aldermen.

204.3.1 Records and copies. The decision of the Board of Aldermen shall be recorded. Copies shall be furnished to the appellant and to the Planning Director.

204.3.2 Administration. The Planning Director shall take immediate action in accordance with the decision of the Board of Aldermen

204.4 Court review. All appeals of decisions made under the provisions of these regulations, by the Board of Aldermen, shall be made with the Circuit Court in the prescribed time and pursuant to Mississippi law.

204.5 Stays of enforcement. Appeals shall stay the enforcement of the decision under appeal until the appeal is resolved.

**SECTION
205**

WITHDRAWAL OF APPLICATION OR APPEALS

1. A letter withdrawing an application for a public hearing or an appeal shall be submitted by the applicant, or their representative, no later than seven (7) days prior to the hearing.
2. An applicant cannot resubmit an application for a public hearing within ninety (90) days of the date of withdrawal.
3. If a timely withdrawal is made no later than seven (7) days prior to the hearing, the Planning Director may waive the ninety (90) day re-submittal period, at their discretion.

CHAPTER 3

PROCEDURES AND APPROVALS

SECTION GENERAL 301

301. 1 General Procedure. Before any special exception, variance, rezoning, subdivision of land, or development of large-scale projects occurs the owner of the property, or their authorized agent, shall apply for and secure approval of the proposed action in accordance with the following procedures:

- 1. Special Exception:** Also referred to as a “conditional use”, or a “use upon review”, Special Exceptions provide for the location of certain uses in a zoning district which have the potential for impacts on the surrounding neighborhood and City. Such uses require individual consideration of their location, design, and operation at the proposed location. Such requests shall be processed by the Planning Commission.
- 2. Variance:** The variance process is used to formally adjust distances and measurements required by these regulations, such as the width of a setback, lot dimensions or area, fence height, etc. Such requests shall be processed by the Planning Commission.
- 3. Zoning Change (Re-Zoning):** Changing the existing zoning classification of a parcel or group of parcels involves a public hearing and recommendation by the Planning Commission and decision by the Board of Aldermen.
- 4. Site Plan Review.** Specified developments require a formal review and approval by the Site Plan Review Committee prior to the issuance of building permits. The purpose of this review is to ensure compliance with all zoning, building code, and other related development ordinances, coordinate the involvement of varied municipal departments, and to expedite the processing of permit applications on large scale developments.
- 5. Lot Split or Minor Subdivision:** These shall be processed by the Planning Director and require an accurate and clearly legible drawing of the metes and bounds survey and a deed with a legal description, and the appropriate fees (if applicable).
- 6. Platted Subdivision or Major Subdivision:** These involve approval actions by the Planning Commission and the Board of Aldermen. The approval process for a major development, whether a subdivision, cluster development, or planned unit development (PUD), is essentially the same, and includes four principal steps: a sketch plan, a preliminary plat, infrastructure construction plan, and a final plat.
- 7. Combining Existing Tax Parcels.** Combining entire existing tax parcels can be accomplished by the County Chancery Clerk without Planning Commission

approval if the existing parcels have the same deed reference, are adjacent to each other, are not separated by a public roadway, and acreage of all parcels is combined into a single tax parcel, by filling out the appropriate paperwork at the Chancery Clerk's office listing the tax parcel numbers to be combined.

8. Resubdivision of Recorded Plat. A developer proposing the re-subdivision of a plat previously recorded by the Chancery Clerk shall follow the same procedures required for a major subdivision.

9. Plat of Streets, Common Spaces, and Public Easements. Proposals for the platting of street openings, widenings, and extensions; platting of open spaces for common use by owners, occupants, or leaseholders; and easements for the extension and maintenance of public sewer, storm drainage, or other public utilities shall follow the same procedures required for a major subdivision.

301.2. Plats Exempted. The following actions are exempt from the subdivision platting requirements of these regulations:

- 1. Agricultural Tracts.** Division of a tract of land proposed to continue in its present use as agricultural, farming and growing of trees is exempted from the plat review and approval procedures described in these regulations, regardless of its location in the City, provided that such division does not result in a nonconforming lot as described herein.
- 2. Conveyance among immediate family.** The plat review and approval procedures described within these regulations shall not apply to any conveyance of land between immediate family members, provided that dedication, vacation or reservation of any street, alley or public/private utility easement are not involved.

SECTION 302

SPECIAL EXCEPTION

302.1 Purpose. The classification of a Special Exception Use is established to provide for the location of those uses which are generally compatible with the other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and the City, require individual consideration of their location, design, configuration, and/or operation at the location proposed. Such individual consideration may also call for the imposition of unique conditions to ensure that the use is appropriate at a specific location.

Any use designated in these regulations as a Special Exception Use shall be reviewed and considered for approval by the Planning Commission.

302.2 Uses Not Specifically Defined. For all Zoning Districts, any use not specifically defined in these regulations must apply for a Special Exception to the Planning Commission in accordance with these regulations.

302.3 Administrative Procedure and Approval.

302.3.1 Application Requirements. Before filing an application, the applicant is encouraged to discuss the proposed work with the Planning Director to become familiar with the applicable requirements and approval procedures required by these regulations. A Special Exception application available at City Hall shall be filed by the landowner or designated representative. A complete application shall contain the following:

- A. An application for approval of a Special Exception Use shall be filed with the City Clerk on a form prescribed by the City, along with the fee prescribed by the Board of Aldermen.
- B. The application shall include such information and plans as required on the application form.
- C. The Planning Director shall determine whether the application is complete. If the Planning Director determines that the application is not complete, then they shall notify the applicant of any deficiencies and shall take no further steps to process the application until the applicant remedies the deficiencies. Once the application is complete, the Planning Director shall schedule the application for consideration at a **public hearing** before the Planning Commission.
- D. After determining that the application is complete, the Planning Director shall transmit to the Planning Commission prior to the hearing on the application, all applications, plans, and other records pertaining to the proposed Special Exception use.

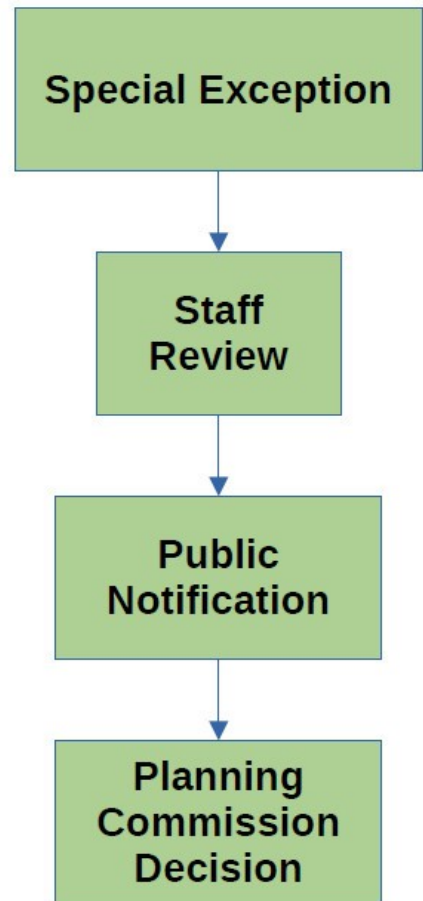


**ILLUSTRATION 302.3 - SPECIAL
EXCEPTION APPROVAL
PROCESS**

302.3.2 Site Plan Review Required. All applications for Special Exceptions shall be reviewed by the Site Plan Review Committee for compliance with these regulations and other applicable ordinances, statutes, and laws. Upon satisfactory review by the Site Plan Review Committee, the Special Exception application shall be forwarded to the Planning Commission for a decision.

302.3.3 Public Hearing Required. The Planning Commission, prior to acting on a Special Exception application, shall hold a public hearing as described in Section 202.

302.3.4 Action by Planning Commission. The Planning Commission shall review the Special Exception application and render a decision to table, approve, deny, or approve with changes or conditions.

302.3.4.1 Standards of Review. The Planning Commission shall not approve the proposed Special Exception unless and until they make the following findings, based on evidence and testimony received at the public hearing or otherwise appearing in the record of the case:

1. That the proposed use or development of the land will not materially endanger the public health or safety;
2. That the proposed use is reasonably necessary for the public health or general welfare, such as by enhancing the successful operation of the surrounding area in its basic community functions or by providing an essential service to the community or region;
3. That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property;
4. That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located;
5. That the proposed use or development of the land will generally conform with the Comprehensive Plan and other official plans adopted by the City;
6. That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities;
7. That the proposed use will not cause undue traffic congestion or create a traffic hazard.
8. That the existence of a nonconforming use of the neighboring land, buildings, or structures in the same district or of the permitted or nonconforming uses in other districts shall not constitute a reason for the required exception.

The burden of the proof shall be on the applicant to prove that these criteria are satisfied.

302.3.4.2 Approval with Changes or Conditions. In approving the Special Exception, the Planning commission may attach such conditions to the

approval as it deems necessary to meet the standards set forth for the proposed Special Exception in these regulations, and to protect the health, safety, and general welfare of the public. All such conditions shall be stated in the motion approving the application.

302.3.4.2.1 Nature of Conditions. Such conditions may be stricter than any requirement or limitation stated elsewhere in these regulations for the proposed use. Such conditions may include, but are not limited to the following: limitations on the size, bulk, and location of structures; requirements for landscaping, signs, and outdoor lighting; the provision of adequate ingress and egress; dedication of rights-of-way for streets or utilities; provision of recreational space and facilities; limitations on the duration of the approval and the time period within which the use will be developed; limitations on hours of operation; limitations on the transfer of such approval to a successor-in-interest or lessee of the property; and the mitigation of environmental impacts.

302.3.3.2.2 Changes to Conditions of Approval. During the Site Plan Review process, or during any other permitting, review, or approval procedure required by these regulations or any other applicable regulation, it becomes necessary to change the conditions of approval of the Special Exception, such change to the conditions of approval shall first be approved by the Planning Commission. Any application for approval of such a change shall be filed, processed, reviewed, and approved or denied as a Special Exception described in this section.

302.3.5 Effect of Approval or Denial.

- 1. Subsequent permits and approvals.** Approval of the application for Special Exception Use authorizes the applicant to apply for Site Plan Approval from the Planning Director and such other permits or approvals which the Planning Commission and/or Board of Aldermen may require for the proposed development. The Planning Director shall review applications for these permits for compliance with the terms of the Special Exception approval. A permit, certificate, or other approval shall be issued and valid only for work which complies with the terms of the Special Exception approval.
- 2. Transferability of approval.** A Special Exception approval is not transferrable from one property to another, but may be transferred to a successor-in-interest to the property, unless specifically prohibited.
- 3. Re-submission of denied applications.** No application for approval of a Special Exception shall be filed with or accepted by the Planning Director which is identical or substantially like an application which has been denied within one (1) year. This waiting period requirement may be waived in an individual case, for good cause shown, at the discretion of the Planning Director.

- 4. Expiration of Approval.** Any approved Special Exception which has not been exercised shall expire three (3) years after the date of approval by the Planning Commission.

**SECTION
303**

VARIANCE

303.1 Purpose. Variances are intended to provide limited relief from the requirements of these regulations in those cases where strict application of a requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under these regulations. It is not intended that Variances be granted merely to remove inconveniences or financial burdens that the requirements of these regulations may impose on property owners in general. Rather, it is intended to provide relief where the requirements of these regulations render the land difficult or impossible to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the Variance is requested.

303.2 Provisions Which May Not Be Varied. In no event shall the Planning Commission grant a Variance for a property which would allow a use that is not otherwise allowed in a zoning district or which would change the zoning district classification for a portion or all of the property.

303.3 Administrative Procedure and Approval.

303.3.1 Application Requirements. Before filing an application, the applicant is encouraged to discuss the proposed variance with the Planning Director to become familiar with the applicable requirements and approval procedures required by these regulations. A Variance application available at City Hall shall be filed by the landowner or designated representative. A complete application shall contain the following:

- A.** An application for approval of a Variance shall be filed with the City Clerk on a form prescribed by the City, along with the fee prescribed by the Board of Aldermen.
- B.** The application shall include such information and plans as required on the application form.

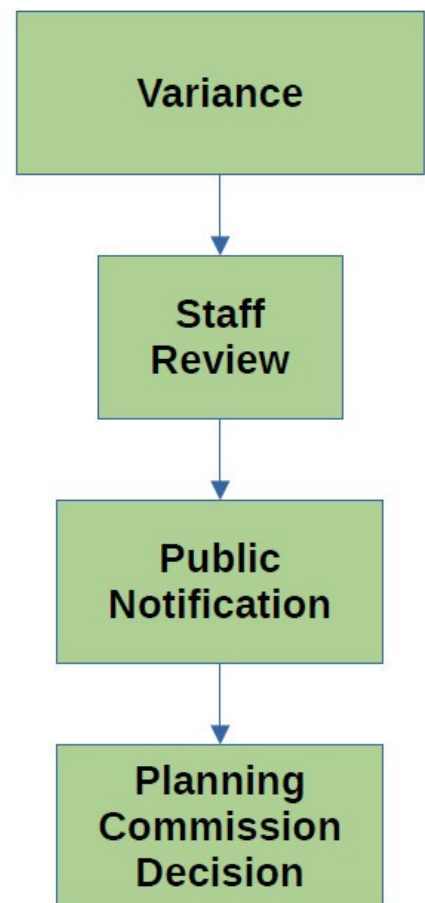


**ILLUSTRATION 303.3 -
VARIANCE APPROVAL PROCESS**

- C. The Planning Director shall determine whether the application is complete. If the Planning Director determines that the application is not complete, then they shall notify the applicant of any deficiencies and shall take no further steps to process the application until the applicant remedies the deficiencies. Once the application is complete, the Planning Director shall schedule the application for consideration at a **public hearing** before the Planning Commission.
- D. After determining that the application is complete, the Planning Director shall transmit to the Planning Commission prior to the hearing on the application, all applications, plans, and other records pertaining to the proposed Variance.

303.3.2 Site Plan Review Required. All applications for Variances shall be reviewed by the Site Plan Review Committee for compliance with these regulations and other applicable ordinances, statutes, and laws. Upon satisfactory review by the Site Plan Review Committee, the Variance application shall be forwarded to the Planning Commission for a decision.

303.3.3 Public Hearing Required. The Planning Commission, prior to acting on a Variance application, shall hold a public hearing as described in Section 202.

303.3.4 Action by Planning Commission. The Planning Commission shall review the Variance application and render a decision to table, approve, or deny.

303.3.4.1 Standards of Review. The Planning Commission shall not grant a Variance unless it makes the following findings:

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 located in the same zoning district;
2. That the literal interpretation and strict enforcement of the provision to be varied would deprive the applicant of rights commonly enjoyed by other properties located in the same zoning district under the terms of these regulations;
3. That the special conditions and circumstances do not result from the actions of the applicant; and
4. That granting the proposed Variance will not confer on the applicant any special privilege that these regulations deny to other land, structures, or buildings located in the same zoning district.

The burden of the proof shall be on the applicant to prove that these criteria are satisfied.

303.3.5 Effect of Approval or Denial.

- 1. Subsequent permits and approvals.** Approval of the Variance authorizes the applicant to apply for Site Plan Approval from the Planning Director and such other permits or approvals which the Planning Commission and/or Board of Aldermen may require for the proposed development. The Planning Director shall review applications for these permits for consistency with the Variance granted to the applicant. A permit, certificate, or other approval shall be issued and valid only for work which complies with the terms of the approved Variance.
- 2. Re-submission of denied applications.** No application for approval of a Variance shall be filed with or accepted by the Planning Director which is identical or substantially like an application which has been denied within one (1) year. This waiting period requirement may be waived in an individual case, for good cause shown, at the discretion of the Planning Director.
- 3. Expiration of Approval.** Any approved Variance which has not been exercised shall expire three (3) years after the date of approval by the Planning Commission.

SECTION 304

ZONING CHANGE (REZONING)

304.1 Purpose. Zoning Changes are intended to make adjustments to the Official Zoning Map that are necessary in light of changed conditions or changes in public policy, or otherwise necessary to advance the general welfare of the City. The purpose is not to relieve particular hardships, nor is it to confer special privileges or rights on any person.

304.2 Initiation of Zoning Changes. An amendment to the Official Zoning Map may be initiated by the Board of Aldermen or by any owner of a legal or equitable interest in land located in the City. Rezoning by the Board of Aldermen may require an amendment to the Comprehensive Plan, a comprehensive rezoning, a correction to the Official Zoning Map, or the adoption of a new zoning map.

304.3 Administrative Procedure and Approval.

304.3.1 Application Requirements. Before filing an application, the applicant is encouraged to discuss the proposed Zoning Change with the Planning Director to become familiar with the applicable requirements and approval procedures required by these regulations. A Zoning Change application available at City Hall shall be filed by the landowner or designated representative. A complete application shall contain the following:

- 1.** An application for approval of a Zoning Change shall be filed with the City Clerk on a form prescribed by the City, along with the fee prescribed by the Board of Aldermen.

2. The application shall include such information and plans as required on the application form.
3. The Planning Director shall determine whether the application is complete. If the Planning Director determines that the application is not complete, then they shall notify the applicant of any deficiencies and shall take no further steps to process the application until the applicant remedies the deficiencies. Once the application is complete, the Planning Director shall schedule the application for consideration at a **public hearing** before the Planning Commission.
4. After determining that the application is complete, the Planning Director shall transmit to the Planning Commission prior to the hearing on the application, all applications, plans, and other records pertaining to the proposed Zoning Change.

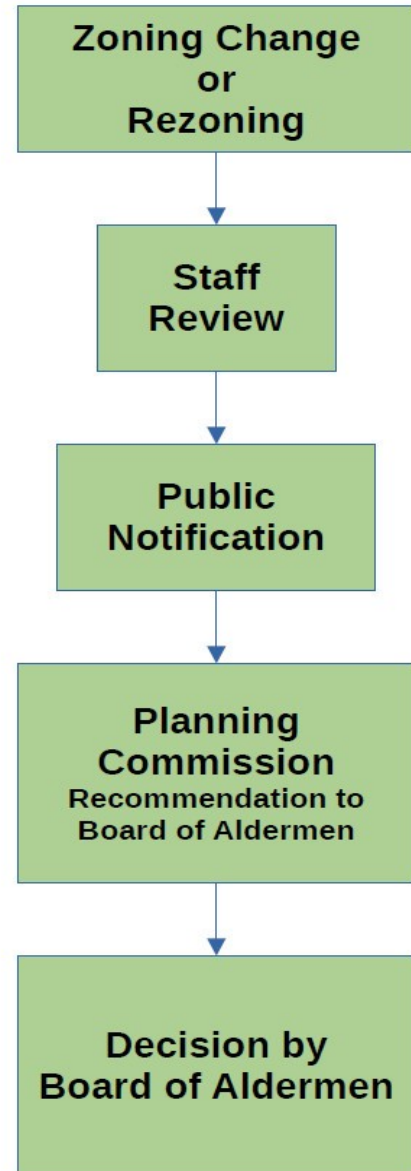


ILLUSTRATION 304.3 – ZONING CHANGE APPROVAL PROCESS

304.3.2 Public Hearing Required. The Planning Commission, prior to acting on a Zoning Change application, shall hold a public hearing as described in Section 202.

304.3.3 Review by Planning Commission. The Planning Commission shall review the Zoning Change application and render a decision to table to application, or recommend to the Board of Aldermen to either approve, or deny the Zoning Change.

304.3.3.1 Standards of Review. The recommendation of the Planning Commission to the Board of Aldermen shall be based on the following criteria:

1. That either there was a mistake in the original zoning, or the character of the neighborhood has changed to such an extent to justify rezoning;
2. That the Zoning Change conforms to the Comprehensive Plan;
3. That City utilities, sewer and other infrastructure can accommodate the uses allowable in the requested zoning district;
4. That allowable uses in the requested zone will not adversely affect the character of the area and will not result in a decrease of property values;
5. That the request does not constitute “spot zoning,” as described herein.

The burden of the proof shall be on the applicant to prove that these criteria are satisfied.

304.3.4 Action by Board of Aldermen. The Board of Aldermen shall review the Zoning Change application and render a decision to approve, or deny the request.

304.3.4.1 Standards of Review. In considering to approve or deny a Zoning Change request, the Board of Aldermen shall base such decisions on the Standards of Review described in Section 304.3.3.1.

304.3.5 Protest. If, at least one (1) business day prior to the decision of the Board of Aldermen on a Zoning Change application, the City Clerk receives a written petition protesting the Zoning Change application, and such petition is verified by the Planning Director as having been signed by the owners of twenty percent (20%) or more, either of the area of the lots included in such proposed change, or of those immediately adjacent to, or of those within two hundred (200) feet of the property boundary, such Zoning Change shall not become effective except by a favorable decision of eighty percent (80%) of all voting members of the Board of Aldermen.

304.3.6 Effect of Approval or Denial.

1. **Subsequent permits and approvals.** Approval of the application for a Zoning Change authorizes the applicant to apply for Site Plan Approval from the Planning Director and such other permits or approvals which the Planning Commission and/or Board of Aldermen may require for the proposed development. The Planning Director shall review applications for these permits for compliance with the new zoning of the subject parcel(s). A permit, certificate, or other approval shall be issued and valid only for work which complies with the new zoning category of the subject parcel(s).

2. Transferability of approval. A Zoning Change approval is not transferrable from one property to another.

3. Re-submission of denied applications. No application for a Zoning Change shall be filed with or accepted by the Planning Director for the same property for one (1) year following the date of denial or withdrawal of the application. The inclusion of an additional lot or lots in the new application shall not be permitted when it is evident that the inclusion of the new lot or lots is for the express purpose of avoiding this required waiting period. The one (1) year waiting period requirement may be waived in an individual case, for good cause shown, by majority vote of the Board of Aldermen.

304.4 Rezoning by Court Order. In the event rezoning is required pursuant to a court order specifically establishing the zoning classification to be applicable to the property which is the subject matter of the suit, the procedural requirements of the zoning ordinance for rezoning property shall not apply. A certified copy of the final court order shall be filed with the Planning Director after all available time for appeal has expired. The Planning Director shall enter the zoning change on the official zoning map and place the certified copy of the court order in the immediate area of the official zoning map and cause the zoning change to be entered in the minutes of the Board of Aldermen.

**SECTION
305**

SITE PLAN REVIEW

Site Plan Review shall be required, as stated by the provisions of these regulations to ensure compliance with zoning and other ordinances on large scale and other projects, to expedite procedures necessary for the obtaining of building permits, to provide the developer with one (1) central review of their development proposal, to conserve the time and efforts of Municipal staff in the various departments, and to provide for a speedy processing of applications for building permits on large scale and other projects. A Site Plan Review fee shall be charged in accordance with the adopted fee schedule.

305.1 Outline of Conditions for Site Plan Review. A proposal involving any of the following shall be subject to site plan review prior to issuance of a building permit:

1. Any new commercial or industrial development, including additions.
2. Any new residential development consisting of two or more duplexes
3. Any new residential development consisting of multi-family housing.
4. Planned Unit Developments.
5. Any new development located within a designated flood plain.
6. Preliminary Plats of Major Subdivision Developments.
7. Any project requiring a Special Exception or Variance.

8. Medical Cannabis facilities.

9. Additional projects as specifically defined by these regulations.

305.2 Site Plan Requirements. Two (2) copies of the Site Plan shall be provided to the Planning Director, with one (1) copy being returned to the developer upon approval of the Site Plan by the Site Plan Committee. The Site Plan shall include the following elements:

1. **Site Survey**, based on an exact survey of the property drawn to scale of sufficient size to show (a) exact location of all buildings and structures, (b) all means of ingress and egress, (c) all screens and buffers, (d) off-street parking and loading areas, (e) refuse collection areas, (f) access to utilities, proposed easements, and points of utility hook-ups, (g) natural features such as streams, lakes or other topographic features, and (h) any designated flood hazard areas.
2. **Storm drainage and grading plans**, including a stormwater runoff analysis, erosion control methods, and any proposed stormwater controls and structures.
3. **Building Plans** for all buildings in the development; including location, purpose, sizes, and appearances. For any structures 5,000 sq.ft. or larger in area, such drawings and plans shall be prepared by a state licensed engineer, architect, or similar design professional.
4. **Landscape Plan** indicating the location of all proposed greenspace, the location, type, size, quantities, and planting details for all proposed plant materials.
5. **Special Requirements for Designated Flood Hazard Areas**, Developments located within flood plains shall also provide documentation indicating base flood elevations, and proposed finished floor elevations for all structures.
6. **Plans for recreation facilities, if any**, including buildings for such use.
7. Such additional data, maps, plans, or statements as may be required for the particular use or activity involved.
8. Such additional data as the applicant may believe is pertinent to the site development plan.

In the review of Site Plans related solely to Special Exception or Variance requests, the Planning Director may waive any of the above Site Plan Requirements that are not specifically required by these regulations for the proposed development.

305.3 Site Plan Review. A Site Plan shall be filed with the City Clerk and forwarded to the Planning Director. Upon receipt of all required documentation, the Planning Director shall call a meeting of the Site Plan Review Committee for the purpose of study and verification of compliance with all relevant regulations. If the Site Plan is being reviewed in conjunction with an application for a Special Exception, Variance, Preliminary Plat, or Planned Unit Development, the Site Plan Review Committee shall review the Site Plan prior to further processing of the application. Applicants shall have the right to appear before the Site Plan

Review Committee, upon request. After receipt of reports from the Site Plan Review Committee, the developer shall be given opportunity to prepare amendments to the filed Site Plan.

305.3.1 Conditions and General Considerations of Site Plan Approval. The site plan submitted for such development as defined in this section shall provide that the proposed lot sizes, lot coverage, density, setback provisions and other factors are in conformity with the requirements of these regulations and other applicable ordinances and laws. In addition to such general considerations, said plan shall be approved only after a consideration of the following factors:

1. Ingress and egress to the property and proposed structure thereon, with particular reference to automotive and pedestrian safety, traffic flow and control, provision of services and servicing for utilities, and access in case of fire or catastrophe.
2. Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent properties and the consequence of such drainage on overall city capacities.
3. Conditions on ownership, control and use generally, and conditions on ownership, control, use and maintenance of open space or common lands to insure preservation of such lands for their intended purposes.
4. All utility connections shall be indicated and shall be in conformity with the standards and requirements for connection to utility companies proposed to serve the property whether said utility companies are public or private.
5. Off-street parking and loading areas, with attention to automotive and pedestrian safety, traffic flow and control, access in case of fire and catastrophe, and screening and landscaping.
6. Recreation and open spaces, with attention to the location, size, and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties, and relationship to community-wide open spaces and recreation facilities.
7. Density and/or purpose of the development, with attention to its relationship to adjacent and nearby properties.
8. General site arrangement, amenities, and convenience, with particular reference to insuring that appearance and general layout of the proposed development will be compatible and harmonious with properties in the general area and will not be so at variance with other development in the area as to cause a substantial depreciation of such property values.

9. All setbacks, parking areas and accessory structures shall be so landscaped, located and constructed so as not to interfere with the use of the surrounding property.

305.3.2 Action by Site Plan Review Committee. The Site Plan Review Committee shall review the Site Plan and either approve or disapprove the site plan.

305.3.2.1 Effect of Approval or Denial.

- 1. Subsequent permits and approvals.** If the Site Plan is approved and there are no further reviews or approvals required by these Regulations, the project shall be approved for Building Permit issuance, and the Planning Director shall so notify the applicant. If a Special Exception, Variance, Preliminary Plant Approval, or other action is pending, the Planning Director shall forward the approved Site Plan to the Planning Commission, Board of Aldermen, or other decision making body, as appropriate, and notify the applicant of this action.
- 2. Disapproval of Site Plan.** If a Site Plan is not approved by the Site Plan Review Committee, the Planning Director shall specify in what respect it does not comply in writing to the applicant, who shall then amend the Site Plan for such corrections as necessary before further processing.

305.3.3 Time Period for Review. In all cases, the Site Plan Review Committee shall have up to or a maximum of thirty (30) days from the date of filing to review and either approve or disapprove of any site plan.

305.3.4 Action of the Committee Binding. Actions of the Site Plan Review Committee shall be binding upon the City of Fulton, Mississippi as far as the obtaining of building permits is concerned. Upon expiration of the thirty (30) day maximum review period and failure of the Committee to act, the Planning Director shall immediately forward the application to the Planning Commission for resolution within a maximum of thirty-five (35) days after the date of submission by the Site Plan Review Committee.

305.3.5 Expiration of Site Plan Approval. An approved Site Plan shall be valid for three (3) years from the time of approval.

SECTION 306 **MINOR SUBDIVISION REVIEW AND APPROVAL**

306.1 Outline of Conditions for Minor Subdivision. Approval without a plat of a minor subdivision may be granted by the Planning Director or their designee if the proposed subdivision of the parcel of land meets all of the following conditions:

1. The proposed division of a parcel of land involves no more than four (4) lots, being situated on and is along an existing public street, and shall not require the installation of public or private infrastructure regulated by these regulations.
2. The proposed division is not contrary to applicable subdivision, zoning or other regulations or has received any necessary zoning approvals, exceptions, and/or variances.
3. The proposed subdivision is approved by the Mississippi Department of Environmental Quality, local health department, Fulton Zoning Planning Director, and others as may be applicable.

306.2 Administrative Procedure and Approval.

1. **Application Requirements.** A minor subdivision or lot split application available at City Hall shall be filed by the landowner or designated representative. A complete application shall contain the following:
 - A. **Property Deed** verifying ownership of the property listed in the application. If applicant is an authorized agent, a notarized statement or other suitable documentation verifying the applicant is applying with the property owner's permission is required. Such other suitable documentation shall be at the discretion of the Planning Director.
 - B. **Survey:** Boundaries and lot lines drawn on an 11"X 17" sheet and at a scale between 1"=10, and 1"=100. All dimensions shall be shown in feet and tenth of feet. The survey shall also include the location and description of any monuments, and the location and size of all existing buildings. The survey shall conform to the minimum standards for boundary surveys in State of Mississippi.
 - C. **Legal description** for each lot being created.
 - D. **Flood map:** Areas within the 100 year floodplain and within floodways, as determined from flood studies or by scaling from mapping provided by FEMA, shall be delineated. Such boundaries may be included on the Survey described above.
 - E. **Other items**, or provisions deemed necessary by the Planning Director.
2. **Administrative Review.** The Planning Director shall approve the Minor Subdivision upon review of the required documentation and verification that such documents comply with the requirements of these regulations. Such approvals shall be reported to and ratified by the Board of Aldermen at its next regularly scheduled board meeting.

Incomplete or deficient proposals shall be disapproved and the developer notified of issues and reasons for the disapproval.

- 3. Recording.** The Minor Subdivision survey and legal descriptions shall then be recorded with Itawamba County. Minor Subdivision approvals expire if not recorded within one (1) year of approval.



ILLUSTRATION 306.2 – MINOR SUBDIVISION APPROVAL PROCESS

**SECTION
307**

MAJOR SUBDIVISION REVIEW AND APPROVAL

307.1 Outline of Conditions for Major Subdivision. A proposal involving any of the following shall be subject to major subdivision procedures:

1. Five (5) or more lots, including the original tract.
2. Creation, widening or extension of a street, court or public access easement.
3. Dedication of public infrastructure, or connection of private infrastructure to public infrastructure.
4. Subdividing platted land to create additional building lots in a recorded subdivision.

307.2 Pre-application Conference and Sketch Plat. Prior to preparing a preliminary plat, the developer may request an informal discussion with the Planning Director to discuss the procedures for approval of the subdivision plat and to familiarize the developer with the comprehensive plan, zoning requirements, infrastructure requirements, and the availability of existing utility services.

The developer is encouraged to prepare a sketch plat and submit the drawing for review prior to scheduling the pre-application conference.

307.2.1 Sketch Plat Requirements. Sketch plats submitted to the Planning Director, prepared in pen or pencil, shall be drawn to a convenient scale of not more than one hundred (100) feet to an inch and shall show the following information:

1. Location or vicinity map.
2. Ownership of property and adjacent properties.
3. Existing and proposed roads and easements.
4. Existing public and private sewer, water, natural gas, and other such infrastructure.

5. Approximate location and size of proposed water, sewer, storm sewer, natural gas, and other improvements.
6. Existing structures.
7. North arrow.
8. Outline of areas to be subdivided.
9. Location and use of proposed lots.
10. Important natural features and drainage ways.

307.3 PRELIMINARY PLAT.

Eight (8) copies of the preliminary plat shall be provided to the Planning Director, with one (1) copy being returned to the developer upon approval of the Preliminary Plat by the Planning Commission. The Preliminary Plat shall be at a scale of not less than one (1) inch equals one hundred (100) feet and shall show on the plat or on additional documents the following proposed improvements and conditions:

1. Completed Application Form available from the City Clerk's Office.
2. Subdivision name (if any) as it would be recorded, with names and addresses of owners, with notation stating acreage, graphic scale, a north arrow, datum, benchmarks, and date of survey;
3. Names of adjacent subdivisions, owners of adjoining parcels, and location of common boundary lines, extended to 200 feet beyond the boundary of the subdivision;
4. Vicinity map showing location of the site for the proposed subdivision with relation to other developed areas;
5. Bearings and distances along boundaries and mathematical closure of perimeter survey;
6. Location, width, and purpose of easements;
7. Location, width, and names of existing streets and railroad rights-of-way, parks, buildings, municipal limits, wooded areas, watercourses, marsh areas, drainage patterns, and water bodies;
8. Topographic features within and adjacent to the plat for a minimum distance of 200 feet unless access to adjacent property has been denied the professional surveyor. (5-foot contour intervals or less);
9. Location of floodways, floodplains, and a good faith effort to identify other potentially hazardous areas;

- 10.** A good faith effort to identify the location of environmentally sensitive areas;
- 11.** Proposed layout of the development indicating location, use, and number of lots, dimensions of each lot, and setback lines;
- 12.** Copy of Traffic Impact Study, if proposed development will consist of 50 or more lots.
- 13.** Parcels of land reserved for public use or reserved by covenant for residents of the subdivision;
- 14.** Point of ingress/egress of driveway locations and the distance to any existing driveways;
- 15.** Conceptual grading plan including the proposed location, size, and general grading for any storm drainage facilities, culverts, and stormwater detention/retention areas;
- 16.** Proposed general location and size of any proposed water, sanitary sewer, natural gas lines, easements, and other underground utilities within the tract or adjacent thereto;
- 17.** Proposed general location of any proposed electric lines and facilities;
- 18.** Proposed location of any other infrastructure improvements, such as sidewalks along public streets;
- 19.** Known cemeteries, historical or archaeological sites;
- 20.** A description and/or plan of erosion and sediment control measures, which will be employed to prevent damaging increases in erosion or in flood height velocities;
 - A.** For developments 1 to 5 acres in area, a *Small Construction Permit* (as submitted to the Mississippi Department of Environmental Quality) must be attached.
 - B.** For developments greater than 5 acres in area, a *Large Construction Permit* (as issued by the Mississippi Department of Environmental Quality) must be attached.
- 21.** Copy of proposed covenants and restrictions;
- 22.** Copy of agreed “will-serve” correspondence from the City, or as otherwise approved. The extension of public utilities to serve the development may require Board of Aldermen approval to secure the “will-serve” letter;
- 23.** A letter issued by the Mississippi Department of Transportation authorizing connection of proposed streets to existing streets under their jurisdiction, if any.

24. Any screening, buffering and/or noise abatement measures;

25. Other plans or general information as is deemed necessary by the Planning Director, or as required by other local ordinances, to verify compliance with the regulations of the City.

26. Phasing plan; provide an estimated time table for construction of the entire subdivision including:

A. Estimated date of submission of final construction drawings for each phase,

B. Estimated date of submission of Final Plat, (as built) for each phase,

C. Estimated number of Lots to be included in each phase.

307.3.1 Staff Review. Upon receipt of all required documentation, the Planning Director shall forward copies of the Preliminary Plat to the Site Plan Review Committee for the purpose of study and verification of compliance with all relevant regulations. After receipt of reports from the Site Plan Review Committee, the developer shall be given opportunity to prepare amendments to the filed Preliminary Plat.

Upon completion of any amendments and submission of a revised Preliminary Plat, if necessary, the Planning Director shall forward the Preliminary Plat to the Planning Commission for review and approval.

307.3.2 Public Hearing Required. The Planning Commission, prior to acting on a Preliminary Plat, shall hold a public hearing as described in section 202 of these regulations.

307.3.3 Action by Planning Commission. The Planning Commission shall review the preliminary plat and render a decision to table, approve, deny, or approve with changes or conditions. Approval of the preliminary plat shall not constitute approval of the final plat, nor shall the preliminary plat be recorded in the Chancery Clerk's office.

307.3.3.1 Standards of Review. If the Planning Commission finds that the Preliminary Plat has elements in the design which are in violation of these Regulations, the Fulton Zoning Ordinance, or other applicable regulations, and the developer has not secured remedies of these violations, such as variances, exceptions, etc., or that the land proposed to be subdivided is unsuitable for subdivision development due to poor drainage, flood hazard, topography, or other reasons and other such conditions which may endanger health, life, safety, or property; and, if by any public agencies concerned it is determined that in the best interest of the public the land should not be developed for the purpose proposed, the Planning Commission shall not approve the subdivision unless adequate methods for solving the problems are advanced by the developer. A written statement may be required by the Planning Commission describing characteristics of

the development site, such as soils, topography, flood prone areas, existing vegetation, structures and road networks, visual features, and past and present use of the site. No environmentally sensitive area such as a stream or wetland shall be developed or approved for development without providing all applicable permits from the appropriate state and/or federal agencies.

307.3.4 Action by Board of Aldermen on certain Preliminary Plats. If it is necessary for the City to extend existing infrastructure, such as water, sewer or natural gas, or perform other off-site improvements necessary to provide services to the proposed subdivision, or if the development is to be located in whole or in part within a FEMA designated Special Flood Hazard Area, the Preliminary Plat shall be forwarded to the Board of Aldermen for review and approval following Planning Commission approval.

In such consideration, the approval of the Preliminary Plat by the Board of Aldermen shall obligate the City to extend any such utility services as may be necessary to serve the proposed subdivision prior to approval of the Final Plat. The cost and timing of such improvements shall be as agreed to between the developer and Board of Aldermen, subject to any limitations by State Statute.

In such cases, the Preliminary Plat shall be approved by both the Planning Commission and Board of Aldermen.

307.3.5 Preliminary Plat Expiration. The approval of the Preliminary Plat shall be effective for a maximum period of three (3) years from the date of its final approval unless an extension of the approval has been granted in writing by the Board of Aldermen. If the final plat application is not accepted within three (3) years, the preliminary plat approval shall expire and become void.

307.3.6 Preliminary Plat Recall. The Planning Director may recall unplatted portions of the preliminary plat for consideration, and re-approval, modification, or disapproval by the Planning Commission. A recall may occur if:

1. Incomplete, inaccurate or fraudulent information influenced approval.
2. The developer has failed to satisfactorily pursue platting or conditions of approval.
3. Previously unknown or new health, safety or environmental concerns arise.

The developer shall be notified by letter at least thirty (30) days before the recall is scheduled for consideration.

307.3.7 Model Homes. For the purpose of allowing the early construction of model homes in a subdivision, the Planning Director, in their sole discretion, may permit a portion of a major subdivision involving no more than (2) lots to be created in accordance with the procedures for minor subdivision, provided the portion has access from an existing public street, and to existing water, and sewer,

and provided no future road or other improvements are anticipated where the lots are proposed.

An application for minor subdivision or lot split shall be submitted to the Planning Director simultaneously with the Preliminary Plat for the entire major subdivision. Subsequent to preliminary approval, the model homes may be constructed, subject to such additional requirements as the Planning Director may require.

307.4 CONSTRUCTION PLANS

Upon approval of the Preliminary Plat, the developer is authorized to prepare Construction Plans for all necessary improvements. Construction plans specified herein shall be prepared under the supervision of a registered Professional Engineer. Four (4) sets of construction plans shall be provided to the Planning Director, with one (1) set being returned to the developer upon completion of review. The construction plans shall be drawn to a scale acceptable to the Planning Director and shall be prepared on sheets twenty-four (24) inches by thirty-six (36) inches in size and shall consist of the following information:

- 1.** The approved Preliminary Plat and related information for the entire development;
- 2.** A base survey showing all pertinent boundary and owner information for the subject property and adjoining properties;
- 3.** An existing topographic map (2-foot contour intervals or less) of the entire site with detailed topographic information for on site and off site contributing drainage areas, including property boundaries, and delineation of all identified floodplain, floodway, wetlands, streams, bodies of water, and/or other protected areas;
- 4.** Proposed site layout plan including all existing and proposed property boundaries, lot arrangements, lot numbers, rights of way, streets, utilities, easements, site vegetation, and development phasing.
- 5.** A detailed proposed grading plan, including building pad elevations for all prepared sites (2-foot contour intervals or less);
- 6.** Detailed plans on water, wastewater, and natural gas systems;
- 7.** A detailed Stormwater Report including:
 - A.** a site stormwater summary;
 - B.** detailed plans on culverts, drainage structures, stormwater detention/retention facilities, bridges, and other such structures;
 - C.** the basis for determining runoff coefficients and time of concentration;
 - D.** inflow hydrographs with peak flows for the 2, 10, 25, and 100 year storm frequencies;

E. a stage/storage/discharge table for all proposed detention;

F. details and calculation for all proposed control structures;

G. hydrological routing of 2, 10, 25, and 100 year storm events through the proposed facilities, including an analysis of the off-site properties that may require consideration anticipating future development in addition to addressing existing conditions;

8. A Storm Water Pollution and Prevention Plan, as approved by the Mississippi Department of Environmental Quality;

9. Construction plans and specifications for all proposed water and wastewater systems shall be accompanied by a written letter of approval from the Mississippi State Health Department and the Mississippi Department of Environmental Quality;

10. Construction plans and specifications for all proposed natural gas systems shall be accompanied by a written letter of approval from the Fulton Gas Department Director;

11. A combination street plan and profile for a typical cross-section of the proposed grading, drainage, base course, and pavement;

307.4.1 Construction Plan Review and Approval. The Planning Director shall forward the Construction Plans to the City Engineer or Engineering Consultant. The engineer shall review the construction plans for compliance with this chapter, and the referenced standards, and render an approval or disapproval.

Construction plan reviews may take up to thirty (30) days to complete. This time may be extended or reduced by the Planning Director, depending on the completeness of the application.

Any fees incurred by the City for the review of Construction Plans shall be reimbursed to the City, by the applicant, within thirty (30) days of Construction Plan approval.

Approval of the construction plans shall not constitute approval of the final plat, nor shall the plat be recorded in the Chancery Clerk's office. Approval of the construction plans by the Planning Director shall authorize the developer to proceed with the construction of infrastructure and other site improvements.

307.4.2 Improvement Schedule Required. Prior to beginning construction, the developer shall furnish to the Planning Director an approximate schedule for installation of required improvements.

307.4.2.1 Development Agreement. Any improvements the developer intends to install after Final Plat approval shall be brought before the Board of Aldermen for approval. The Board of Aldermen, at their sole discretion, may require that all infrastructure be installed and dedicated at the time of

Final Plat approval, or may enter into a Development Agreement with the developer, allowing improvements to be installed following Final Plat approval. Such Development Agreement shall be as described in Section 307.6.3

307.4.3 Inspections Required. The developer's engineer or engineer's representative shall make periodic inspections of all improvements required by these regulations including water, wastewater, stormwater, natural gas and road infrastructure during construction and shall maintain a record of written inspection reports detailing the results of such inspections.

307.4.4 Engineer Certification Required. An Engineer's Inspection Summary Report shall be prepared by the developer's engineer. The Engineer's Inspection Summary Report shall contain records of inspections, tests reports, etc. and other documents required herein. This report shall be submitted along with a letter of certification from the developer's engineer that construction has been completed in substantial conformance with the approved construction documents. The Engineer's Inspection Summary Report shall be submitted with the Final Plat when submitted for approval. The Final Plat will not be reviewed for approval until the Engineer's Inspection Summary Report is accepted by the Planning Director as complete and the engineer's letter of certification is provided.

307.4.5 As-Built Drawings Required. Upon completion of all improvements intended to be dedicated as public infrastructure, the developer's engineer shall provide drawings of the infrastructure as-built to the Planning Director. These drawings shall be prepared on sheets twenty-four (24) inches by thirty-six (36) inches in size. The Final Plat will not be reviewed for approval until the As-Built Drawings are accepted by the Planning Director and verified as complete.

307.5 FINAL PLAT

Upon completion of all required improvements for the subdivision or phase of subdivision, and engineer certification of the same, as described in Section 307.4.4, the developer is authorized to submit a Final Plat to the Planning Director. The Final Plat shall be prepared by a licensed surveyor.

The Final Plat shall conform substantially to the approved Preliminary Plat and, if desired by the developer, it may constitute only that phase of the approved preliminary plat that is proposed to be recorded, provided that such portion conforms to all requirements of these regulations.

Eight (8) copies of the Final Plat shall be submitted to the Planning Director, with one (1) copy being returned to the developer upon approval of the Final Plat. The scale of the Final Plat shall conform to the requirements of the Itawamba County Chancery Clerk and shall contain the following information:

1. Primary control points, approved by the Planning Director, or descriptions and "ties" to such control points to which all dimensions, angles, bearings, and similar data on the plat are referred;

2. Tract boundary lines, right-of-way lines of streets and easements, and property lines of lots and other sites. Sufficient data shall be shown, including accurate dimensions, bearings, deflection angles and radii, arcs, and central angles of all curves to determine readily and reproduce on the ground any line on the map;
3. Name and width of each street or other right-of-way;
4. Location, dimensions, and purpose of any easements;
5. Lot lines together with identification of all lots which shall be numbered consecutively;
6. Purpose of which sites, other than single-family residential lots, are dedicated or reserved, and any areas subject to flooding by a flood with an expected frequency of one hundred (100) year shall be clearly identified and delineated;
7. Minimum building setback lines on all lots and other sites;
8. Location and information for all areas reserved for stormwater detention/retention use;
9. Location and description of boundary monuments;
10. Title, graphic scale, north arrow, and date;
11. Any proposed restrictive covenants in form for recording;
12. Engineer Certification of completed construction improvements and prepared Improvement Warranty, or copy of Development Agreement and performance guarantee;
13. A metes and bounds description of the subdivision boundary;

307.5.1 Final Plat Approval. The Planning Director shall review the Final Plat for compliance with the requirements of these regulations, and upon verification, shall forward the Final Plat to the Board of Aldermen for consideration at their next regularly scheduled board meeting.

307.5.1.1 Action by Board of Aldermen. The Board of Aldermen shall act on the Final Plat within forty-five (45) days of receipt, unless such time is extended by agreement with the developer, the final plat is withdrawn or a delay-of-action is requested and granted. Failure of the Board of Aldermen to act upon the final plat within such time shall be deemed an approval of the plat.

Conditional approval of a final plat shall be limited to minor clerical and other non-substantive errors as determined by the Board of Aldermen.

307.5.1.2 Denial of Final Plat. If disapproved, the reason shall be stated in the record of the Board of Aldermen. If disapproved, the developer shall

make the necessary corrections and resubmit the final plat, within thirty (30) days, to the Board of Aldermen for its final approval.

The Final Plat shall not be approved by the Board of Aldermen until full payment of any unpaid fees owed the City by the developer are received by the office of the City Clerk.

If a Final Plat is refused by the Board of Aldermen, the developer may file a petition within sixty (60) days after such refusal in the Circuit Court of Itawamba County, Mississippi.

307.5.1.3 Effect of Final Plat Approval. Upon approval of the Final Plat by the Board of Aldermen, the City Clerk is authorized to sign the *Certificate of Board of Aldermen Approval* (see Section 1501, item E) indicating approval together with the date of the approval of the Board.

Approval of the Final Plat by the Board of Aldermen shall constitute authorization for the developer to proceed with recording the subdivision of the approved parcels and development of said lots.

A filed copy of the Final Plat shall be presented to the Planning Director prior to the issuance of any building permits.

307.5.1.4 Final Plat Expiration. The developer shall record the final plat with the Chancery Clerk of Itawamba County, and to the Itawamba County Tax Assessors office for processing. within sixty (60) days of final approval, otherwise the final plat approval shall expire and become void.

307.6 ACCEPTANCE OF PUBLIC INFRASTRUCTURE

307.6.1 Procedure. During or after Final Plat approval, when the developer has completed installation of infrastructure to be dedicated to the City, the Planning Director shall provide the Board of Aldermen with the Engineer's Inspection Summary and Certification, as described in Section 307.4.4, and any Development Agreement, as described in 307.6.3 as previously authorized by the Board of Aldermen. The developer shall also provide the following:

- 1.** Title Certificate and Legal Description of all dedicated public right-of-ways.

- 2. Improvement Warranty.** The developer shall guarantee that all improvements provided, installed and as stipulated in the development agreement, shall remain free of defects for a period of one year from date of acceptance by the City. This guarantee shall be in the form of an improvement warranty in the amount of ten percent (10%) of the engineer's estimated cost of improvements as approved by the City Engineer. Such warranty shall be provided in a financial instrument as described for Development Agreements in Section 307.6.3 A, B, or C.

307.6.1.1 Action by Board of Aldermen. Upon receipt of the documentation, certifications and warranty as described in Section 203.6.1, the Board of Aldermen shall accept the dedicated infrastructure. Acceptance by the Board of Aldermen shall authorize the Mayor and City Clerk to sign the *Certificate of Acceptance of Dedications* (see Section 1501, item H) indicating approval together with the date of the approval of the Board.

307.6.2 Final Inspection and Warranty Release. One (1) year after acceptance of Public Infrastructure, a final inspection by the City Engineer, or designee, shall be made. Should the City Engineer find that repairs or maintenance is necessary, and upon written notice, the developer shall have a maximum of thirty (30) days to affect the required repairs or maintenance work. Approval of inspection of the Public Infrastructure shall be in writing and shall be forwarded to the Planning Director. The decision of the City Engineer upon the matter shall be final and binding upon the developer.

In the event the developer fails to conduct such repairs or maintenance, the City shall pursue action against whichever method of warranty was provided as well as any other rights available under the law.

Upon receipt of the City Engineer's approval of the Public Infrastructure, the Planning Director shall report the final acceptance of the improvements to the Board of Aldermen and direct the City Clerk to release the remaining improvement warranty to the developer.

307.6.3 Development Agreement. If the Board of Aldermen does not require that all public improvements be installed and dedicated prior to signing of the Final Plat, the Board of Aldermen shall require that the applicant provide a Development Agreement specifying the improvements not yet completed and furnish a performance guarantee for the ultimate installation of said improvements. The developer shall provide a cost estimate for the completion of required construction items prepared by the developer's engineer for the proposed subdivision. Such performance guarantee shall be in one of the following methods:

A. Payment and Performance Bonds. The developer shall furnish payment and performance bonds in an amount equal to one hundred ten percent (110%) of the estimated cost of improvements as approved by the City Engineer.

B. Escrow Deposit. The developer shall deposit in an interest bearing escrow account an amount equal to one hundred ten percent (110%) of the engineer's estimated cost of improvements as approved by the City engineer. The escrow account shall be used solely for securing the subdivision's improvements. The escrow account holder shall be first approved by the Board of Aldermen prior to the deposit being made. The terms of the escrow account shall only require that the City present the issuer with a signed draft and a certificate signed by the Mayor and City Clerk certifying the City's right to draw funds on the account to complete the required improvements.

C. Irrevocable Letter of Credit. The developer shall file with the City Clerk an irrevocable letter of credit from a duly chartered state or national bank or savings and loan institution in an amount equal to one hundred ten percent (110%) of the engineer's estimated cost of improvements as approved by the City Engineer. Said letter of credit shall:

1. Be irrevocable,
2. Be of a term sufficient to cover the completion, plus sixty (60) days, and the improvement warranty period (1 year); and
3. Require only that the City present the issuer with a signed draft and a certificate signed by the Mayor and City Clerk certifying to the City's right to draw funds under the letter of credit.

307.6.3.1 Default. In the event the developer fails to complete the required improvements as stipulated in the development agreement, within two (2) years after final plat acceptance, the City shall pursue action against whichever method of guarantee was provided to complete the improvements as described.

The Board of Aldermen may assign its right to receive funds under the security to any third party, including a subsequent owner of the subdivision for which required development improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete the public improvements on the tract.

The City may exercise any other rights available under the law, upon default.

307.6.3.2 Covenant. The developer shall, as part of the executed development agreement, not sell, lease or convey any of the subdivided property to anyone unless they, as a condition thereto, satisfy at least one of the performance guarantees specified in Section 307.6.3. The agreement shall specifically provide that it shall be deemed to be a covenant running with the land, binding all successors, heirs, and assigns of the property owner to secure the installation of the improvements required together with payment of all costs, including reasonable attorney fees which may be incurred by the City in the enforcement of any of the terms and provisions of the agreement. The development agreement shall be recorded in the Itawamba County recorder's office. All existing lienholders shall be required to subordinate their liens to the covenants contained in the development agreement.

307.6.3.3 Reduction and Release of Surety. Request for conditional acceptance of the subdivision improvements and reduction in surety must be in writing from the developer to the Planning Director. When installation of the subdivision improvements are seventy five percent (75%) complete, fifty percent (50%) of the estimated cost of the improvements will be released after inspection and written verification by the City Engineer. After final completion of all work, an additional fifty percent (50%) of the

estimated cost will be released after inspection and written verification by the City Engineer, and acceptance by the Board of Aldermen, as described in Section 307.6.1. This leaves ten percent (10%) of the estimated cost to be held as the improvement warranty for the improvement warranty period, as described in Section 307.6.1. The schedule for release of surety may be modified by the specific development agreement.

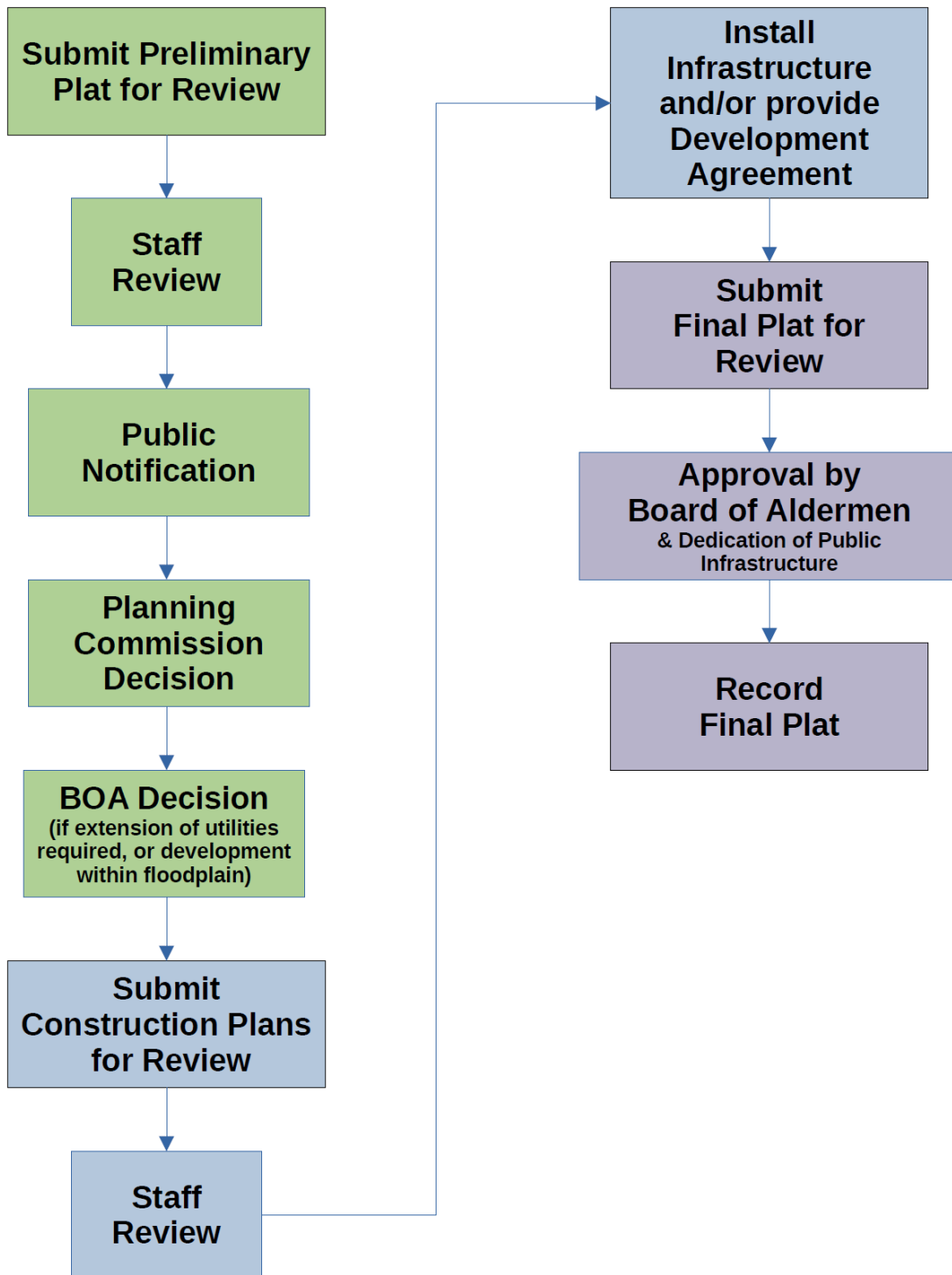


ILLUSTRATION 307 – MAJOR SUBDIVISION APPROVAL PROCESS

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:

RESERVED

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*.

CHAPTER 5

SCHEDULE OF DISTRICT REGULATIONS

SECTION ALL DISTRICTS 501

Except as hereinafter provided, no land and no buildings shall be used except for a purpose permitted in the district in which it is located. No building shall be erected, converted, placed, enlarged, reconstructed, structurally altered or used except for a purpose and in a manner permitted in the district in which the building is located.

All setbacks and other bulk regulations are shown in Appendix 1, Dimensional Standards. All permitted uses and conditional uses in each district are shown in Appendix 2, Land Use Matrix.

TABLE 501 - ZONING DISTRICTS

Zoning Map Symbol	Name of Zoning District
Residential Districts	
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
Commercial Districts	
CBD	Central Business District (Downtown Commercial)
C-1	General Commercial
C-2	Highway Commercial
Special Use and Overlay Districts	
PS	Public Service
FP	Floodplain Overlay District
PUD	Planned Unit Development
Industrial Districts	
I	Industrial

501.1 A Agricultural District. This district is intended to provide an area primarily for agricultural purposes and low density residential development. Because of the rural nature, it is the purpose of this district to encourage and protect such uses from urbanization until such is warranted and the appropriate change in district classification

is made. This district does not allow campers, travel trailers, tents or recreational vehicles to be used for living purposes, except within designated campground and/or RV parks.

501.2 R-1 Estate Residential District. This district is intended to provide an area for single-family dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. Because of the rural nature, it is the purpose of this district to encourage and protect such uses from urbanization. These areas are intended to be defined and protected from encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationships of each element. This district also does not allow multi-family dwelling units, nor does it allow campers, travel trailers, tents or recreational vehicles to be used for living purposes. No farm animals are allowed in this residential district except on parcels of land of one (1) acre or more. Farm fowl are only allowed on parcels of land of one half (½) acre or more.

501.3 R-2 Low-Density Residential District. This is the most restrictive residential district. The principal use of land is for single family dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationships of each element. No farm animals are allowed in this residential district except on parcels of land of one (1) acre or more. Farm fowl are only allowed on parcels of land of one half (½) acre or more. This district also does not allow manufactured homes, mobile homes, or trailers, nor does it allow campers, travel trailers, tents or recreational vehicles to be used for living purposes.

501.4 R-3 Medium-Density Residential District. This is a residential district to provide for medium population density. The principal use of land may range from single-family to two-family dwelling units. No farm animals or fowl are allowed in this residential district. This district also does not allow manufactured homes, mobile homes, or trailers, nor does it allow campers, travel trailers, tents or recreational vehicles to be used for living purposes.

501.5 R-4 High-Density Residential District. This is a district to provide for high density residential living. No farm animals or fowl are allowed in this residential district. This district does not allow campers, travel trailers, tents or recreational vehicles to be used for living purposes.

501.6 R-5 Multifamily Residential District. This is a residential district to provide for medium and high population density. The principal use of land may range from two-family dwelling units to compact single-family, multi-family and cottage style dwelling units (including garden apartments) at a density of 8 units per gross acre. No farm animals or fowl are allowed in this residential district. This district also does not allow manufactured homes, mobile homes, or trailers, nor does it allow campers, travel trailers, tents or recreational vehicles to be used for living purposes. Certain uses which are more

compatible functionally with intensive residential uses than with commercial uses are permitted.

501.7 CBD Central Business District. This a mixed-use high-density commercial district to accommodate new and infill mixed-use commercial within the downtown area. The principal use of the Central Business District is urban commercial development that may be in the form of street-side storefront buildings, commercial annex buildings, or warehouse infill with various commercial, office and residential uses. This district allows for zero-lot line developments with on-street parking and additional parking in the rear accessible via alleys. Residential developments are typically accessory to commercial uses, being located in the rear of the building or above the ground floor.

501.8 C-1 General Commercial District. This commercial district is intended for the conduct of personal and business services, professional offices, and retail business of individual neighborhoods and the community in general. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods.

501.9 C-2 Highway Commercial. This district is intended predominately for major mixed-use developments of a service nature, which typically have operating and traffic generation characteristics requiring location on major roads and highways. The district will permit combinations of office, service, commercial and business establishments.

501.10 PS Public Service. The Public Service District includes lands which are owned by the federal, state, or local government, and are used for purposes which are particularly and peculiarly related to governmental functions, and primarily for recreational or educational purposes. Buildings shall meet local building codes and inspections will be conducted by the City of Fulton. Any lands in a PS District which are sold or converted to private uses shall be rezoned to a district other than the PS District. The provisions of this district shall not prevent governmental uses in other districts, provided such use is in compliance with all provisions of this code applicable to such other districts.

501.11 FP Flood Plain Overlay District. This district is intended to comprise those areas which are subject to periodic or occasional inundation from stream and river overflows and are therefore usually unsuited for residential, commercial and industrial uses. All lands lying within this Overlay District are subject to inundation by the base (or 100 year) flood as defined on the Flood Insurance Rate Maps (DFIRMs) of the City of Fulton, Mississippi and Itawamba County, Mississippi, as adopted by the Board of Aldermen through the *Flood Damage Prevention Ordinance*. The underlying zoning dictates the principal uses and dimensional requirements for development in this overlay district, the overlay designation indicates that additional design review and construction methods are required as described in the *Flood Damage Prevention Ordinance*.

501.12 PUD Planned Unit Development Overlay District. The purpose of the Planned Unit Development District is to provide a means for developing open space areas in larger developments, to take advantage of natural features of the landscape in the design, to improve the quality of urban environment and to reduce the costs of developing and providing public resources and utilities. The owners of any tract of land containing at least five (5) acres may submit a plan for the use and development of the entire tract for residential, compatible commercial and related uses as a single and unified project. The

basic control development intensity shall be one (1) or more residential districts. The Planned Unit Development shall be a superimposed designation providing a broader latitude of design to achieve the above stated goals. No farm animals or fowl are allowed in a Planned Unit Development. This district does not allow campers, travel trailers, tents or recreational vehicles to be used for living purposes.

501.13 I Industrial District. This district is established to accommodate for the new development and expansion of industrial buildings, industrial parks, and accessory functions. The principal use of the Industrial District is for manufacturing of goods for distribution or wholesale. The type, area, and intensity of development permitted in this district are factors designed to allow for expansive industrial uses located to enhance existing industrial resources and be compatible with surrounding land uses.

CHAPTER 6

SUPPLEMENTARY REGULATIONS

SECTION 601

ACCESSORY USES AND STRUCTURES

No accessory building or use shall be placed within the required front yard of any main building or use in any district. When the main structure setback is greater than the required front yard setback, then the accessory structure cannot be closer than the elevation of the main structure. However, an accessory building or use may be placed in the required side or rear yard of any main building in any district upon meeting required setbacks. Accessory buildings shall not be constructed prior to main use. A building constructed or intended for use as an accessory building (i.e. storage buildings, private garages, accessory dwelling units, etc.) shall not be permitted as a primary dwelling. Buildings designed specifically for storage shall not be utilized or converted to occupied space.

SECTION 602

SALE OF ALCOHOLIC BEVERAGES

- A. It shall be unlawful to operate in the City of Fulton, Mississippi, any place of business for the sale, either at wholesale or retail, of alcoholic beverages within four hundred (400) feet of any church, school, child daycare, or park; but within an area zoned commercial, such minimum distance shall not be less than one hundred (100) feet.
- B. For the purposes of this section, the distance shall be measured as follows:
1. **Church or other regular place of worship** - The distance shall be measured by following the shortest route of ordinary pedestrian travel along the business thoroughfare from the main entrance of said business to the main entrance of the church. For the purposes of computing this distance, the same shall be measured between two (2) fixed points on said thoroughfare determined by projecting straight lines at right angles to the thoroughfare from the parts of the buildings nearest to each other. A Church may waive this distance requirement, in writing.
 2. **School, daycare, or park** - The distance shall be measured from the actual location of the business to the nearest point of the property line of the school grounds, daycare, or park, to be measured along the regular traveled thoroughfare in the same manner as set out in one (1) above.
 3. There shall be excluded from the restrictions imposed as to location, those businesses which have been operating within the City of Fulton, Mississippi, prior to the location of a church, school, daycare, or park within the restricted distance, provided that said establishment can produce evidence that a license has been issued by proper authorities to the business for the sale of alcoholic beverages prior to the location of the church, school, daycare, or park for each year thereafter.

SECTION
603

RECREATIONAL VEHICLE (RV) PARK, CAMPGROUND

- A. Developer shall furnish a sketch of the layout of camper trailer spaces, tent spaces, driveways, buildings, utilities and recreational area.
- B. Each camper trailer park shall contain a minimum of five (5) acres.
- C. Sewerage facilities, washroom or toilet facilities, and water supply shall connected to public sanitary sewer and water system.
- D. The Park shall afford proper drainage and same shall be approved by the city engineering consultant. Prior to zoning approval, the applicant shall reimburse the City of Fulton for any engineering review fees, incurred in coordination of this review.
- E. Parks shall be restricted to towed campers or travel trailers not exceeding thirty-one (31) feet in length, and to self-propelled vehicles not exceeding forty (40) feet in length.
- F. Parks shall be surrounded by an unoccupied open space or buffer strip fifty (50) feet wide on all sides. The inside twenty (20) feet may be used for a driveway.

G. Lot Sizes -

Minimum lot area - 1,600 square feet

Minimum lot width - 30 feet

H. Driveways -

- 1. Minimum -Twenty (20) feet two-way traffic: Twelve (12) feet one-way traffic
- 2. Maximum Grade - Six percent (6%)
- 3. Minimum curve radius - fifty (50) feet
- 4. Surface requirements - Minimum four (4) inch sub-base with clay or gravel surface. Regular and adequate maintenance required to afford circulation of traffic and suitable surface for travel.
- 5. Adequate turnarounds shall be provided for emergency vehicle access, with no dead end streets.

I. Electrical Requirements -

- 1. Electrical outlets shall meet the minimum standards of the current adopted edition of the *National Electrical Code*.
- 2. Washrooms or toilet facilities shall remain lighted at night.

3. Outdoor lighting is required along pathways to restrooms at a maximum of one hundred (100) feet apart, not exceeding three (3) feet above ground and reflected downward, or as may be approved by the Building Inspector to provide adequate visibility.
- J. Camper trailer parks may contain accessory buildings necessary for the operation of the park such as bathhouses, rest room, laundry rooms, offices, recreation buildings, if approved by the Planning Commission. One (1) single family residence is allowed on site for occupancy by the owner-operator only, for each one hundred (100) campsites or portion thereof.
- K. The Planning Commission shall have the right to require any other improvements deemed necessary for proper layout and design, or health, safety, convenience and general welfare of the citizens of Fulton, Mississippi.
- L. All parks must have an evacuation plan approved by the Site Plan Review Committee.

SECTION 604

TELECOMMUNICATION FACILITIES

604.1 Purpose and Intent. It is the intent of this Section to address the siting of telecommunication facilities in a manner which protects the public health, safety and welfare of the citizens of Fulton, Mississippi while recognizing the demand of the public for wireless communications services and the limitations placed upon local regulatory authority by the Federal Telecommunications Act of 1996. Among the specific purposes of this Section are to:

1. Protect the public and surrounding property from the consequences of potential tower failures;
2. Minimize the visual impacts of communication towers on residential and other areas of Fulton through appropriate siting, design and buffering criteria and by encouraging the co-location of new telecommunication facilities on existing structures;
3. Provide an appropriate number of sites for communication towers so that the demand of the public for wireless communications services can be met while the general appearance of Fulton and the safety of its residents and visitors is protected; and

EXCEPTIONS.

1. Any telecommunications facility (or communication tower) or antenna that is solely operated by an amateur radio operator licensed by the Federal Communications Commission.
2. Antennas placed on alternative support structures which blend architecturally with the alternative support structure and require no additional equipment buildings or support equipment on the existing premises.

3. Antennas placed on telecommunication towers which do not add to the height of the telecommunication tower.

604.2 General Requirements.

1. If lighting is required, strobe lighting shall be utilized during daylight hours only and red lighting shall be utilized at night unless another form of lighting is required by the Federal Aviation Administration or any other authority with jurisdiction.
2. All communication towers shall meet all applicable requirements of the Federal Aviation Administration, the Federal Communication Commission, and any other agency of the federal government, with authority to regulate telecommunication facilities. These approvals shall be submitted with the application for a building permit.
3. New communication towers and antennas, as well as modifications to existing towers, including height additions and additions of antennas, shall be designed in accordance with the *Building Code*. Construction plans shall be signed and sealed by an engineer currently licensed to practice in the State of Mississippi.
4. No communication tower shall exceed a maximum height of three hundred sixty (360) feet.
5. No commercial signage or advertising shall be placed on communication towers.
6. Communication towers shall be enclosed by security fencing not less than six feet (6') in height.
7. No communication tower shall be approved unless a lease or other contract exists between the tower applicant and a telecommunication service provider for placement of an antenna on the tower upon approval and construction of the tower.
8. Landscape screening shall be placed around the perimeter of the security fence and shall be of a height to obscure the fence.
9. Telecommunication towers located as permitted uses in Industrial and Highway Commercial (C-2) Zoning Districts shall meet any additional setback or screening requirements of that district.
10. Telecommunication towers, including their equipment building and other supporting equipment shall meet the buffering requirements of Section 704.2.
11. Telecommunication towers in no instance shall have a setback less than that required of the specific Zoning District Regulations.
12. In order to encourage co-location of facilities, all new towers shall be designed and built to accommodate at least two (2) carriers.
13. If a tower ceases to operate, in that there are no operational antenna located thereon for a period of one (1) year, then the tower will be deemed to be abandoned. The owner/operator of the abandoned tower shall be given one (1) year after being

provided with written notice of the determination of abandonment, to either reactivate or dismantle and remove the tower.

14. Temporary towers associated with a special event may be permitted for a limited period of time by the City of Fulton, Mississippi as part of the event, not to exceed the time of the special event. Temporary towers necessary to aid in post disaster relief efforts are exempt from these regulations.
15. Prior to approval by the Planning Commission of a permanent telecommunications tower, the applicant must submit written proof to the Planning Commission of attempts to co-locate when there is another telecommunications tower which could provide the coverage sought within the search area.

604.6 Conflicts. In the event any of these provisions regarding telecommunication facilities are in conflict with federal law, the latter will govern on the point of conflict.

SECTION 605

MANUFACTURED & MODULAR HOMES

This section shall apply to all manufactured homes and modular homes within the municipal limits. All manufactured homes within the City of Fulton on the effective date of these Regulations are hereby classified as Non-Conforming Structures and shall be subject to the provisions of Section 801. Modular homes, approved in accordance with these regulations, shall be installed in accordance with this section. Non-conforming manufactured (mobile) homes may be removed from the property and replaced with a newer manufactured (mobile) home, provided they are not declared abandoned as described in section 801, and provided that the following requirements are met:

1. The dwelling home shall be no more than five (5) years old.
2. The dwelling shall meet or exceed the current construction standards promulgated by the U.S. Department of Housing and Urban Development (HUD), and shall comply with the *Building Code*, when applicable.
3. The dwelling shall be classified as a “double-wide” or larger.
4. The pitch of the dwelling's roof shall have a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run, and the roof shall be finished with a type of shingle commonly used in standard residential construction.
5. The exterior siding shall consist of hardboard, composite, or architectural vinyl comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
6. A continuous, rigid perimeter foundation shall be installed consisting of brick, stucco, stone veneer, or other similar exterior material to compliment siding of the dwelling, and shall be continuous except for required ventilation and access.

7. The dwelling shall be appropriately underpinned and installed on a permanent foundation per the *Building Code*.
8. The tongue, axles, transporting lights, and removable towing apparatus (if any) shall be completely removed after placement on the lot and before occupancy.
9. The front entrance of the dwelling shall face the street.
10. The dwelling shall be equipped with a covered porch at the front exterior door measuring a minimum of five feet by five feet (5' x 5') and constructed of materials to match or compliment the dwelling. Back porches measuring a minimum of three feet by three feet (3' x 3') shall be installed on any secondary exterior door.
11. Prior to occupation, all manufactured or modular homes shall be registered as Real Property with the Itawamba County Tax Assessor.
12. The existing manufactured home shall be removed from the property within thirty (30) days of occupancy of the replacement manufactured or modular home.

SECTION 606

HOME OCCUPATIONS

Home occupations, as defined by these regulations, may be permitted in any district where residential uses are allowed, subject to the following limitations and such conditions as may be determined by the Board of Aldermen for the protection of the health, safety and welfare of the citizens of Fulton, Mississippi.

606.1 Display and Storage. No storage or display of materials, goods, supplies, or equipment related to the operation of a home occupation shall be visible from any public way, or adjoining property.

606.2 Maximum Area. Not more than twenty-five percent (25%) 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.

606.3 Traffic and Parking Restrictions. No traffic shall be generated by such home occupations in greater volumes than would normally be expected in a residential neighborhood (as determined by the Planning Director), and any need for parking generated by the conduct of such home occupations shall be met off the street and other than in a required setback (yard). Furthermore, an ample amount of such off-street parking shall be provided as determined by the Planning Director at the time of the application for a building permit.

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

606.5 Signs Relating to Home Occupations. See Section 608.2.

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

606.7 Termination of Home Occupation Permits. Home occupation permits may be terminated by the Planning Commission after due public notice and public hearing thereof.

**SECTION
607**

OUTDOOR SALES OF GOODS

Unless as specified within this section, there shall be no goods sold or peddled out of trucks, vans, shacks, cars or any object or structure that does not meet the *Building Code* or setbacks, except that farm produce may be sold from vehicles which are mobile in an Agricultural, Commercial or Industrial District, but shall be removed daily after normal working hours.

607.1 Mobile Food Vendor.

- A. Vendors locating on private property shall have written permission on file with a permit showing permission from the owner of the property where located, and permission shall include access to public restrooms and parking for customers.
- B. Vending units requiring any outside utility support, such as power or water, are subject to inspection and approval by the City of Fulton as a temporary installation. All connections must be completed in a manner which prevents potential harm to operators, customers, or nearby public.
- C. When not in use, vending units may be stored on-site, if on private property and secure. When not in use, the unit must be stored in a secure, screened area. No more than one unit may be stored on residential property or in a residential zone, and if so stored, must be completely contained within a privacy-fenced area or garage. The location of the vending unit storage must be clearly identified on application for permit/license.
- D. Vending units must not be locked or attached to trees, garbage receptacles, or street furniture.
- E. Vending units may not locate in any area that blocks view of traffic or traffic signals or signs and may not locate within ten (10) feet of any fire hydrant.
- F. Vendors are responsible for collection, removal and disposal of all waste associated with their operation.
- G. Sales may include food, beverage, and branding materials associated with the unit such as T-shirts or decals.

- H. Special events and vendor permits within City Parks are not included. Permission to operate in those situations will be addressed separately as appropriate.

607.1.1 Licenses and Insurance Required. All mobile Food Vendors shall have a valid Fulton Privilege License. Such license shall not be issued until the city clerk has verified the following:

1. a current Food Service Permit from the Mississippi Department of Health,
2. a State Tax Number from the Mississippi Department of Revenue designating them as a City of Fulton business, or designating the City of Fulton as an additional permitted location for reporting of sales tax collected for sales in the City of Fulton.
3. proof of a valid general liability insurance policy that provides minimum liability coverage of five hundred thousand dollars (\$500,000) per mobile vendor vehicle or mobile pushcart

607.1.2 Mobile Food Vendors on Public Property. Mobile Food Vendors shall not operate on publicly owned property unless within specially designated areas so authorized by the Board of Aldermen. Such mobile food vendor units shall be removed when not in use, except during the duration of special events. In all cases, mobile food vendors operating on public property shall provide proof of a valid general liability insurance policy that provides minimum liability coverage of five hundred thousand dollars (\$500,000) per mobile vendor vehicle or mobile pushcart, with the City named as an additional insured.

607.2 Temporary Christmas Tree Sales Lots.

1. Christmas trees may be sold in Commercial Zoning Districts only.
2. Any sales structures shall meet the setback of the district in which located.
3. No parking or sign is permitted on the road right-of-way.
4. Sales period for temporary Christmas Tree Sales lots shall start no sooner than November 15.
5. Temporary Christmas Tree Sales lots shall be cleared by the 1st day of January.

607.3 Flea Markets.

1. Applicants for flea markets shall submit a Site Plan as described in these Regulations.
2. Any new or used items may be sold if the general intent of the approved use remains conforming. Items generally sold are garden produce, new and used household wares, tools, jewelry, pictures, clothing, pottery, books, antiques and furniture.

3. The approved use is for flea market sales and all sales conducted shall stay within the intent of the aforementioned generally accepted items sold at farmers or flea markets. This by no means allows other uses generally conducted in the commercial district in which located such as offices, repairs, restaurants, supply stores, etc.
4. All structures must conform to current adopted building codes.
5. Storage of materials shall be neat and orderly and screened from public view.
6. No business sales or activities shall be allowed within the minimum required building setback area.
7. No campers, mobile homes or living quarters are allowed.

607.4 Firework Sales.

Provisions in this section shall govern the sales of fireworks and related articles.

- a. Fireworks shall be sold in C-1 and C-2 Zoning Districts only.
- b. Permanent buildings housing fireworks must conform to the *Building Code* and *Fire Prevention Code* and shall meet the building setback requirements of the district in which located.
- c. Portable structures used for the sales of fireworks must be of such design and construction that they can be readily moved without disassembly. It must be able to pass Mississippi Department of transportation (MDOT) inspection.
- d. Portable structures and signs shall not be located on property earlier than ten (10) days before sales period. Sales periods shall be from June 15 – July 5, and December 5 – January 2 of each year.
- e. Portable structures and signs shall be removed from public view within five (5) days from end of sales period. Sales periods shall be from June 15 – July 5, and December 5 – January 2 of each year.
- f. Persons selling fireworks must conform at all times with Mississippi Code, Title 45, Chapter 13, Article I.
- g. Fireworks shall not be sold or displayed within two hundred (200) feet of gasoline pumps or fuel storage areas.
- h. Fireworks shall not be sold or displayed within one hundred (100) feet of other buildings.

- i. Any building, portable structure, tent, or area in which fireworks are sold or displayed must be clean and free of debris. In addition, the grass must be cut and trimmed to its lowest setting on a push type lawn mower, such clearance shall be no less than fifty (50) feet from the building or structure.
- j. There shall be only one (1) on-premise sign not exceeding thirty-two (32) square feet, in addition to one (1) sign attached to the building. Such signs must conform to the Zoning Code.
- k. Placement of signs or parking shall not be permitted on the road right-of-way.
- l. Prior to the commencement or sale of fireworks, an on-site inspection must be conducted by the Code Official and Fire Chief or their designated representative.
- m. Sale of fireworks from: Vans, Trucks, Buses, Mobile Homes, or similar means is prohibited. Fireworks may not be stored in vans, trucks, buses, or trailers on location. Any such structures located within the municipal limits on the effective date of these regulations shall be removed within ninety (90) days.
- n. Only one (1) portable structure per location is allowed.
- o. Any person or corporation prior to selling fireworks shall first obtain a permit from Fulton City Hall. A fee established by the Board of Aldermen shall be paid at the time of application and a one thousand dollar (\$1,000.00) per location cash bond payable to the City of Fulton shall be posted to insure removal of the temporary structure. A separate permit will be required for each location and sales period. A state sales tax ID number and privilege license is required in order to obtain a permit.

Any out of state person or corporation shall obtain a permit from Fulton City Hall. A fee established by the Board of Aldermen shall be paid at the time of application and a two thousand dollar (\$2,000.00) per location cash bond payable to the City of Fulton shall be posted to insure removal of the temporary structure. A separate permit will be required for each location and sales period. A state sales tax ID number and privilege license is required in order to obtain a permit. Any out of state person or corporation found in violation of this permit will forfeit their bond and will not be allowed a fireworks permit for a minimum of three (3) years.

607.5 Garage Sales.

The occupant(s) of any single-family residence may conduct garage sales, yard sales, carport sales, and similar outdoor sales activities, provided that such activities are conducted as specified in this section.

607.5.1 Permit Required. Before conducting any garage sales, yard sales, carport sales, or similar activities, the occupant of the property where the sale will be

conducted shall first obtain a Yard Sale Permit from the City of Fulton. Yard Sale Permit fees shall be as adopted and approved by the Board of Aldermen.

Exception: No yard sale permit shall be required for participation in the annual “Trash or Treasure” event, or any other such similar event authorized by the Board of Aldermen.

607.5.1.1 Yard Sale Permit Application. An application for a yard sale permit may be filed only by the occupant of the property on which the sales is to be conducted. Such permit application shall be filed with the City Clerk on a form prescribed by the City. Yard Sale Permit Applications shall include the following:

1. Location where the sale is to be conducted.
2. Name, address, phone number and email address of applicant.
3. Dates when the sale shall be occurring.

607.5.1.2 Approval of Yard Sale Permit. The City Clerk shall review the yard sale permit application for conformance with these Regulations. Upon satisfactory review, the City Clerk shall either approve the application request, or deny the application and inform the applicant of the reason for denial. Upon approval, the yard sale permit shall be valid for a maximum of three (3) consecutive days. Yard sales shall not be permitted on Sundays.

607.5.1.3 Posting of Yard Sale Permit Required. Yard sale permits shall be posted in a clearly visible manner, but not obstructing the view of traffic or causing a public safety hazard, at or near the street in front of the property where the sale is occurring. Yard sale permits shall remain posted for the duration of the sale event.

607.5.1.4 Limitation on Yard Sale Permits. A maximum of one (1) yard sale permit may be issued per thirty (30) days per address. A maximum of three (3) yard sale permits may be issued per address, per twelve (12) month period.

607.5.2 Yard Sale Advertising. Yard sale signs may be temporarily erected by the applicant(s) on any private property (with the property owner’s permission), or on public right-of-way, provided that such signage does not obstruct visibility or cause a public nuisance. Such signage may be erected no more than seven (7) days prior to a yard sale, and shall be removed within twenty-four (24) hours following the conclusion of the permitted sale. Sale signs shall not be posted on utility poles, street signs, or traffic signs.

SIGNS AND OUTDOOR ADVERTISING

608.1 Sign Permit Required. Except as otherwise stated in this Section, signs which are allowed under these Regulations shall not be erected until and unless the person erecting the sign, or the property owner, has obtained a Sign Permit from the City of Fulton. Sign Permit fees shall be as adopted and approved by the Board of Aldermen.

608.1.1 Sign Permit Application. An application for a sign permit may be filed only by the owner of the property on which the sign is to be erected, or by an agent, lessee, or contract purchaser specifically authorized by the owner to file such an application. Such permit application shall be filed with the City Clerk on a form prescribed by the City. Sign Permit Applications shall include the following:

1. Location where proposed sign is to be erected or installed.
2. Names, addresses, phone numbers and email addresses of property owner, applicant, and contractor who shall install the sign.
3. Renderings of the proposed signage, indicating dimensions, height, and precise location of the signage. For buildings not installed on a building facade, a site plan indicating the location of the sign and its distances from street rights-of-ways and nearest property lines shall be included.
4. Any additional information the Planning Director requires to determine the proposed signage is in conformance with and State, Federal, or Municipal regulation.

608.1.2 Approval of Sign Permit. The Planning Director shall review the sign permit application for conformance with these Regulations. Upon satisfactory review, the Planning Director shall either approve the application request, or deny the application and inform the applicant how the proposed signage does not meet the requirements of these regulations. If the proposed signage requires a Variance, such request shall be administered in accordance with Section 303.

608.1.3 Uniform Sign Plans for Multi-Tenant Commercial or Industrial Developments.

- A. A uniform sign plan is required for all shopping centers, including any out-parcels connected thereto at the time of Site Plan approval and for all other multi-occupant nonresidential developments, before any signs for the development, or establishments therein may be erected on the property. All owners, tenants, subtenants, and purchasers of individual units within the development shall comply with the approved uniform sign plan.
- B. The uniform sign plan shall consist of **five (5) elements**, which shall govern all signs within the shopping center or development: **location, materials, size, letter style, and color**. The uniform sign plan shall include drawings,

specifications, dimensions, and maps showing the proposed locations of signs and how such locations conform to the requirements of this Part.

C. The uniform sign plan shall be reviewed by the Planning Director for compliance with these Regulations. The uniform sign plan shall be approved prior to the issuance of any sign permits for the development, including any individual establishments therein or out-parcels connected thereto.

D. Existing shopping centers are encouraged to submit a uniform sign plan and shall be allowed the additional size and height specified herein.

608.2 Permanent Signs.

A. Ground Signs

1. A maximum of one (1) ground-mounted business sign is permitted per single-tenant building in any zoning district. The sign should face the predominant street side. Individual tenants within shared, multi-tenant commercial buildings are not allowed to have an individual ground sign. The maximum size and height of ground signs shall be as follows:

Zoning District	Maximum Area of Signage*	Maximum Height of Sign (Above Ground Plane)
C-1	36 sq.ft.	8 feet
C-2	80 sq.ft.	15 feet
I	80 sq.ft.	15 feet
A, R-1 - R-5	16 sq.ft.	8 feet

* - In the case of double faced signs, this is the area of signage per side.

2. **Multi-tenant commercial buildings** are allowed at least one freestanding, ground mounted multi-tenant sign. One multi-tenant sign is permitted for every ten (10) tenants up to a maximum of three (3) per multi-tenant development. The allowable total sign area of a multi-tenant ground sign is forty (40) square feet per tenant, up to a maximum of four-hundred (400) square feet. A maximum of fifty (50) square feet of the total sign face may be dedicated to an individual tenant. Multi-tenant signs may be pylon-supported and elevated from the ground plane with a maximum allowable height of twenty-five (25) feet.
3. Each ground sign shall be located a minimum of one-hundred-fifty (150) feet from other ground signs on the same side of the street.
4. All ground signs shall be a minimum of fifteen (15) feet from the edge of any curb or street upon which they are located. No ground sign shall be placed within, or project over, the right-of-way of any street. Ground signs shall be set back a minimum of ten (10) feet from side lot lines or greater to allow placement of ground signs on adjoining property that would meet the one-hundred-fifty (150) foot separation requirement.

5. All ground-mounted signs must be complementary of the architecture, construction and building materials of the associated building for which it is advertising. Ground-mounted tenant signs must be located within the commercial development property and near the associated tenant buildings.

B. Attached Signs.

1. Attached signs must be permanently mounted to the facade of the building. One attached sign is permitted per each building facade facing a public street.
2. The maximum permitted surface area of an attached sign equals one (1) square foot times the total length of the facade it is to be attached to, with a maximum allowable surface area of one-hundred (100) square feet. The surface area of an attached sign shall be measured by finding the area of the minimum imaginary rectangle which fully encloses all words, copy or messages on the sign. In the case of signs formed by individual, separate letters, the surface area shall be measured by finding the area of the minimum rectangle or square, whichever is less in size, which fully encloses each letter and then by totaling the area of each letter in the sign. For multi-tenant buildings, the total area as specified above, shall be equally distributed among each business therein according to the linear frontage occupied by each business.
3. An attached sign must be no higher than one (1) foot less than the highest point of the building's roof line. Signs which hang from and under awnings, canopies, marquees or other structures shall extend no closer than eight (8) feet to the ground. Projecting signs shall not project from any structure a greater distance than ten (10) feet, shall not project into any street right-of-way, nor within three (3) feet of any street, public or private, and shall be at least eight (8) feet above ground level.

C. Development and Subdivision Signs.

1. Residential subdivisions, PUDs, and multi-family developments consisting of more than three (3) lots or dwelling units are allowed one (1) permanent ground mounted development sign per collector street entrance.
2. Commercial developments are allowed one (1) permanent ground-mounted development sign per collector street entrance. Commercial development signs must be complementary of the architecture, styling, and scale of any associated ground-mounted tenant signage and associated buildings, and may only contain the name and theme of the development and not the names of any tenant. Commercial development signs must be located no closer than one-hundred-fifty (150) feet from another ground-mounted sign.

3. Development signs should face onto or be perpendicular to the predominate street.
4. The maximum allowable sign face of a ground-mounted development sign is twelve (12) square feet per sign face. The maximum allowable height of a development sign is six (6) feet. Such signs shall be incorporated into a permanent landscape feature, such as a wall or masonry column, which shall not exceed eight (8) feet in height.
5. Development signs must be located on and associated with the development property.

D. Billboards.

1. Billboards shall be allowed only on property zoned A, C-1, C-2, or I and which is adjacent to a designated interstate or highway.
2. Billboards must not exceed a total of two-hundred-fifty (250) square feet in surface area per side and not exceed thirty (30) feet in height as measured from ground level to the highest point of the sign.

3. Setback and separation.

- a. Building setbacks shall apply to all billboards.
- b. Billboards shall be separated from all other billboards by a minimum distance of one-half (1/2) mile measured at a radius.
4. Billboards shall be detached from all other structures and shall not be erected on or above the roof or any other part of a building. Double sided billboards shall be allowed and shall be considered as one billboard, provided the nearest points of the individual sides of the structure are no more than five (5) feet apart.

E. Electronic Signs. Signs containing electronic reader boards or changing electronic display shall be permitted only by Special Exception approval of the Planning Commission on any property zoned C-1, C-2, or I as set forth in these Regulations. Signs used for Public Service announcements which are in PS zoning districts shall be exempt from the requirements of these regulations. The following guidelines shall apply to electronic signs:

1. No more than one electronic sign may be used for any property.
2. Electronic signs may only be incorporated with a ground-mounted sign or billboard, and shall not be mounted on the façade of a building or installed with an attached sign, excepting stationary gasoline price signs referenced herein.

3. The stationary image or message displayed by an electronic sign shall not be animated (including rotating, flashing, changing in colors, or moving) in any way except to interchange stationary displays, and having a minimum display period of eight (8) seconds.
4. Electronic signs must be automatically programmed to reduce the sign image brightness during night-time hours to seventy-five percent (75%) of the normal operating brightness.

E. Exempt Signs. The following types of signs are allowed, in addition to ground and attached signs, without acquiring a sign permit. Exempt signs shall not extend within or over any street right-of-way or be located within fifteen (15) feet of any curb or street edge, unless otherwise specified.

1. **Direction and instructional signs for private development.** Signs which provide directions and instructions for the public, including entrance and exit signs for private commercial or residential development, provided such signs do not exceed a total of four (4) square feet in size or three (3) feet in height. Directional and instructional signs for public buildings or facilities are exempt.
2. **Menu signs.** Signs at drive-through windows of restaurants or other food service establishments, provided that such signs shall not exceed thirty (30) square feet in size and shall not be in any front yard or be visible from a public street.
3. **Name and address signs.** Name and address signs not exceeding two (2) square feet in size.
4. **Interior signs.** Signs completely within the premises of any building, provided such signs are not attached to or painted on any windows or exterior doors of the structure.
5. **Incidental signs.** Signs such as credit card, rest room, public telephone and other such signs displayed primarily for the convenience or information of the public, provided such signs are securely attached to a building or other permanent structure and do not exceed a total of two (2) square feet in size.
6. **Window signs.** Window signs, whether painted on or attached to windows of a structure, provided the total area of any such signs does not exceed twenty-five percent (25%) of the window area in any single window.
7. **Public notice bulletin boards.** Signs and bulletin boards that provide general information to the public concerning affairs of general interest to the community provided such signs do not exceed twenty (20) square feet in size. Public notice signs may only be used for temporary purposes for a maximum of six (6) month intervals.

8. No trespassing/dumping signs. Signs posting private property against trespassing or dumping, or for other lawful reasons, provided such signs shall not exceed twenty (20) square feet in size.

9. Traffic Signs.

a. Property Owners shall be responsible for the installation of any regulatory traffic sign or signal warranted by the associated proposed development.

b. The use of decorative street signage to complement the architecture of the associated development is encouraged.

c. Pedestrian circulation signals are encouraged for highly traveled areas. Installation of pedestrian signalization shall be the responsibility of the developer or builder.

10. Gasoline price signs. Signs advertising the price of gasoline, provided such signs shall not exceed fifteen (15) square feet in size. Stationary electronic signs may be used for gasoline price display so long as the electronic display meets the criteria for electronic signs herein and the message does not consistently change, flash, or animate in any way.

11. Flag signs. Each business within a commercial district shall be allowed up to twenty (20) square feet of flag signs per one-hundred (100) feet of street frontage, provided each flag is separated by a distance of at least ten (10) feet and does not exceed twenty (20) feet in height or ten (10) feet above the highest point of the wall or roof to which they are attached. All flag signs which become faded or torn shall be removed or replaced immediately. Before any such flag signs are erected, all non-conforming streamers and banners must be removed.

12. Flagpoles. In all residential districts, flagpoles shall only be used for the display of standard flags, such as state or federal institutions, or for decorative purposes, but shall not be used as signage for a business.

13. Political/Campaign Signs. Located in any zoning district may remain in place from the date of candidate qualification, until the date following the particular election of the candidate. Political signs shall not be located within the public right-of-way, on any public property, or upon any tree or utility pole.

608.3 Temporary Signs. In addition to the permanent signs which are allowed by these regulations the following temporary signs shall be allowed in accordance with the standards set forth.

A. No temporary sign shall be placed or erected within the right-of-way of any street, or within fifteen (15) feet of any curb line or street edge, or in any area that blocks the line of sight for traffic purposes.

B. Temporary signs are allowable, without requiring permits, provided the stated restrictions are met as follows:

- 1. Residential Zoning Districts.** No sign may exceed eight (8) square feet in size, or four (4) feet in height. Signs are allowed to remain in place for up to ninety (90) days, excepting any sign advertising an event located in a residential neighborhood is allowed to remain in place for up to seven (7) days.
- 2. Non-residential Zoning Districts.** No sign may exceed thirty-two (32) square feet in size, or eight (8) feet in height. Signs are allowed to remain in place up to ninety (90) days. Only one sign exceeding eight (8) square feet in size may be allowed per individual parcel.
- 3.** Any sign which advertises a message based on an event in time or which advertises the date of an event must be removed within at least three (3) days of the end of the event so advertised.
- 4. Banners and streamers.** Banners are allowed in non-residential zoning districts and shall not exceed seventy-five (75) square feet in size. Banners or streamers shall not be located within twenty (20) feet of any street.
- 5. Temporary Construction Signs.** Temporary signs advertising construction or sale/leasing of a property under construction are allowed in any district but must be located on the subject property. No sign may exceed thirty-two (32) square feet in size, or eight (8) feet in height. Signs are allowed to remain in place for the duration of the construction or sale/leasing period. No more than two temporary construction signs may be allowed for any property.
- 6. Real estate signs** located in any zoning district may remain in place for the duration of the contract period, but no longer than twenty-four (24) months.

C. Any temporary sign that does not meet the requirements herein, may only be allowed by sign permit.

608.4 Prohibited Signs. The following types of signs are prohibited:

A. Flashing or other distracting illumination.

- 1.** No sign shall consist of, or display, in whole or in part, any flashing lights or other illuminating devices which change in intensity, brightness, or color.
- 2.** The light for or from any illuminated sign shall be so shaded, shielded, or directed that the light intensity shall not be objectionable to surrounding areas and shall not cause unnecessary glare to be directed toward traffic lanes.

B. Resemblance to traffic signs. No sign shall resemble or conflict with any traffic control device or sign, or contain the words "stop", "caution", "go slow", "danger", "warning", or any similar words or phrases that may be construed to misdirect or confuse traffic flow.

C. Vehicle signs. No sign shall be attached to, suspended from, or painted upon any vehicle or trailer which is regularly parked on any street, or on any private property which is visible from any street, which is designed to serve the purposes of a sign as defined in these regulations. This prohibition shall not apply to vehicles or trailers utilized on a regular basis for deliveries, maintenance, and related business purposes, or to a single sign not exceeding two (2) square feet displayed on or within a vehicle advertising the availability of said vehicle for sale.

D. Prohibited locations. No signs otherwise permitted by these regulations shall be placed on any public property, including but not limited to, utility poles, fences or trees, or within any street or other public right-of-way, except as otherwise stated in these regulations.

E. Off premise signs. No sign may be placed on a separate tract of land from the business or other use for which it provides advertisement, except as otherwise stated in these regulations.

F. General prohibited signs. All other signs not specifically allowed by these regulations are prohibited, unless a Special Exception for their use can be secured in accordance with Section 302 of these regulations.

608.5 Signs in Disrepair or Abandoned. Any outdoor advertising sign, whether permitted to remain as a nonconforming sign structure or an erected advertising sign structure under the terms of these regulations, which is found to be abandoned, or is not properly maintained and in a state of disrepair, or signs which do not meet all requirements of the building codes, including the issuance of a permit, therefore, shall be removed by the property owner or sign owner within thirty (30) days after written notice to the property owner or lessee is provided by the City. Advertising signs not removed within thirty (30) days are subject to removal by the City, without liability.

Business (on-premise) signs which are not properly maintained and are in a state of disrepair, or which are abandoned, may likewise be removed by the City, without liability, following a thirty (30) day period of notification to the property owner or lessee.

MEDICAL CANNABIS AND CANNABIS PRODUCTS

609.1 Site Plan Approval Required. No medical cannabis establishment shall operate in any building which has not received site plan approval per the requirements of these Regulations.

609.2 Distance Requirements. Approval of medical cannabis facilities shall be denied if such facilities fail to meet the minimum distance requirements as specified below:

1. Distance Requirement from Certain Uses. No medical cannabis establishment shall be located within one thousand (1,000) feet from the property line of any other such use, or located within one thousand (1,000) feet of the property line of a school, preschool, church or regular place of worship, daycare center, state licensed daycare home, childcare facility, nursery school, funeral home with chapel, or assisted living/nursing home with chapel.

2. Distance Requirement Between Medical Marijuana Dispensaries. No medical cannabis dispensary may be located within one-thousand-five-hundred (1,500) feet radius from the main point of entry of the dispensary to the main point of entry of another medical cannabis dispensary.

609.2.1 Calculation of Measurement. Measurements related to this section shall be made in a straight line, without regard to intervening objects or structures, from the main point of entry of the building or structure used as part of the premises where a medical cannabis establishment is conducted to the nearest property line of the premises of a school, preschool, church or regular place of worship, daycare center, state licensed daycare home, childcare facility, nursery school, funeral home with chapel, or assisted living/nursing home with chapel. The property boundary of a school, preschool, church or regular place of worship, daycare center, state licensed daycare home, childcare facility, nursery school, funeral home with chapel, or assisted living/nursing home with chapel operating within a leased or rented space as part of a shared structure or parcel in which other commercial establishments are located, such as a shopping center, strip mall, plaza, etc., will be measured from the boundary of the leased or rented space in which the a school, preschool, church or regular place of worship, daycare center, state licensed daycare home, childcare facility, nursery school, funeral home with chapel, or assisted living/nursing home with chapel operates. The presence of a city jurisdictional boundary shall be irrelevant for the purposes of calculating and applying the distance requirements of this subsection.

614.2.3 Variance in Distance Requirements. Variance in the distance restrictions may be granted by right only when a medical cannabis establishment has received written approval from the school, church, child care facility, nursing/assisted living facility, or funeral home, has applied for a waiver with its respective licensing agency, and provided that the main point of entry of the cannabis establishment is not located within five hundred (500) feet of the nearest property boundary of any school, church, child care facility, assisted living/nursing home facility or funeral home with a chapel.

614.2.4 There shall be excluded from the restrictions imposed as to location, those businesses which have been operating within the City of Fulton, Mississippi, prior to the location of a school, church, child care facility, nursing/assisted living facility, or funeral home within the restricted distance, provided that said establishment can produce evidence that a license has been issued by proper authorities to the business for the sale of medical marijuana prior to the location of the school, church, child care facility, nursing/assisted living facility, or funeral home for each year thereafter.

609.3 Operations.

614.3.1 Shared Office Space Restricted. A medical cannabis establishment may not share office space with or refer patients to a practitioner.

614.3.2 Certain Services Prohibited. A medical cannabis establishment shall not include a drive through, and may not offer curbside pickup or delivery services.

614.3.3 Hours of Operation. The hours of operation of a medical cannabis dispensary shall be from no earlier than 10:00am to no later than 6:00pm.

614.3.4 Security Required. All medical cannabis establishments shall have 24-hour video surveillance that is made available to the Fulton Police Department for review upon written request by the Chief of Police.

614.3.4.1 Facilities to Provide Security Personnel. All medical cannabis establishments shall provide 24 hour on-site security personnel. At least one member of security personnel shall be licensed by the Mississippi Department of Public Safety to carry a firearm, and at least one (1) security guard so licensed shall be present on site at all times. On-premise security requirements shall not be waived.

Exception: Medical cannabis dispensaries shall not be required to provide 24-hour on site security personnel.

609.4 Signage Restrictions. No medical cannabis establishment may advertise or market on posted signage which,

1. depicts cartoon or other imagery that would attract or appeal to minors,
2. displays paraphernalia or the use of paraphernalia,
3. is located in zones where medical cannabis establishments are unable to locate,
4. is mobile or provided through unsolicited leaflets, brochures, or handbills,
5. is located on public transit, publicly owned property, or within 1,000 feet of protected places,
6. is located off-premises of the establishment,
7. makes advertised claims which are not backed by research/science or in which sources can be used out of context,

8. depicts cannabis consumption or imagery of the cannabis plant, including bud and leaf imagery

**SECTION
610**

ADULT ENTERTAINMENT

610.1 Site Plan Approval Required. No adult based business shall operate in any building which has not received site plan approval per the requirements of these Regulations.

610.2 Distance Requirement. No adult arcade, adult book store, adult cabaret, adult motion picture theater, adult motel, adult video store, or any other adult business establishment shall be located within two thousand five hundred (2,500) feet from the property line of any other such use, or located within two thousand five hundred (2,500) feet of the property line any residence or residentially zoned property, church, or other regular place of worship, school, park, day care center, day care home, or playground except where it is allowed by a variance, or court order, or of any lot or parcel in residential use, school property, church or other place of worship, public park, public or private recreational facility, child care facility, nursery school, preschool, or other use that is primarily oriented to youth (less than 18 years of age) activities.

610.2.1 Calculation of Distance Requirement. For the purpose of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult entertainment business is conducted, to the nearest property line of the premises of a church or other regular place of worship, school, or to the nearest boundary of an affected park, day care center, day care home, playground, residence, residential district, or residential lot;

The distance between any two adult entertainment business uses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located;

610.3 Prohibitions. An adult entertainment business may not be operated in the same building, structure, or portion thereof, containing another adult entertainment business or where the sale of alcohol occurs.

610.4 Signage and Distribution of Materials. Notwithstanding any language or definition used herein, this Part nor any other Part of these regulations does not permit any acts, display or distribution of materials which violate the obscenity statutes or any other laws of the State of Mississippi.

**SECTION
611**

ACCESSORY FARMS

Accessory farms, as defined in these regulations, shall be a permitted use on any property developed as a single-family residence. Such accessory farms may be located within the front, side, or rear setbacks.

LIVESTOCK AND FARM FOWL

612.1. Pastureland and raising of farm animals and poultry shall be subject to the following regulations. This is not to be construed to include the operation of commercial farms and similar activities provided for within these regulations; such as feeding or fattening lots or pens for the purpose of dealing or trading in live stock, fowl, or small domestic animals, such as cats, dogs and rabbits.

612.1.1 Livestock. Breeding, raising, and feeding of grazing livestock (such as horses, cattle, sheep, goats, mules, and similar), where permitted, shall be located on a tract or lot of one (1) acre of land or greater. Barns, pens, corrals, and other buildings on enclosures for the keeping of grazing livestock are permitted accessory uses, provided that such buildings or enclosures (excluding open pastures) are located no closer than 150 feet from any adjoining property lines and at least 100 feet from any existing/proposed street right-of-way line.

612.1.2 Swine. Breeding, raising and feeding of swine, where permitted, shall be located on a tract or lot of one (1) acre of land or greater, provided that pens for the keeping of swine are located no closer than 150 feet from any adjoining property lines and at least 100 feet from any existing/proposed street right-of-way line.

612.1.3 Farm Fowl. Breeding, raising and feeding of chickens, ducks, turkeys, geese, guineas, or other fowl, where permitted, shall be located on a tract or lot of one half (1/2) acre of land or greater, provided that the fowl are confined to the side and rear setbacks of the property.

612.2 Animal Nuisance Prohibited. It shall be unlawful for the owner of any animal regulated by this section to allow an animal nuisance, described as follows:

1. Runs uncontrolled;
2. Molests or disturbs persons or vehicles by chasing, snapping, biting or scratching;
3. Attacks persons or other animals;
4. Damages property other than that of the owner;
5. Whines, howls, honks, brays, cries or makes other noises excessively;
6. Creates noxious or offensive odors; or
7. Overturns garbage containers, removes garbage from a container or trespasses upon the premises of any person other than the owner thereof.

Such violation shall be a strict liability offense.

612.2.1 Penalties for Violation. Any person found by the Municipal Court to have been in violation of this section shall be guilty of a misdemeanor and subject to fines and penalties not to exceed five hundred dollars (\$500) per offense. Each such animal in violation shall be considered a separate offense. In the case of repeat offenders, the Municipal Court may issue such orders as are necessary to enforce the provisions of this section, up to and including the temporary or

permanent suspension of the offender's ability to keep such animals within the municipal limits.

CHAPTER 7

DESIGN GUIDELINES

SECTION GENERAL 701

701.1 Applicability. All new development requiring a site plan, plat, or construction documents to be approved prior to building permit issuance is subject to the following design guidelines. These guidelines are not intended to discourage development, but to promote smart and aesthetic development throughout the city. Development plans that fail to meet the full extent of these guidelines, but remain within the spirit of such guidelines are still subject to approval by Variance, as described within these regulations. When a requirement is denoted by “should”, it is considered permissive and the Planning Director is authorized to waive such requirement if the specific site constraints make compliance unfeasible. Such waiver shall occur during the Site Plan Review. The burden of demonstrating that the submitted plans are appropriate and in compliance with the spirit of the guidelines, and that permissive requirements are not feasible, falls upon the applicant.

701.2 General Requirements. The following design guidelines shall apply to all new development subject to this section.

A. Building Siting. Residential buildings shall be oriented with the front facade towards the street, public thoroughfares, or central greenspaces. Commercial Buildings shall be oriented with the front facade facing a public street. Parking lots shall be located in the side or rear setbacks of the development.

B. Underground Utilities. All new electricity, cable, fiberoptic, telephone or other communication lines shall be located underground, except in cases where the utility provider is not able to provide underground service. Developers shall be responsible for the underground routing and installation of all utility lines. All individual service lines shall be routed below ground to residential or non-residential buildings. Unnecessary above ground appurtenances shall be eliminated. Site utility markers or signs shall be consistent with architecture and materials of the site.

C. Enclosures for Mechanical Units and Dumpsters. Permanent enclosures for dumpsters and mechanical units are required. Enclosures shall consist of a masonry or similar based structure to match and complement the development’s building materials, with a painted wood or metal opaque service gate. The overall height of the enclosure shall be at least two feet taller than the dumpster or mechanical units. When possible, service areas shall be located away from the public view, preferably at the rear of the building. It is also recommended that rear entry homes use the alley as the refuse container collection area.

D. Site Lighting Required. Private streets, driveways, parking lots, walks and service areas shall have an evenly distributed minimum lighting level of one foot candle for commercial development and four-tenths foot candle for residential development. The

maximum allowed total height of all lighting, including all appurtenances, shall be twenty feet.

1. All exterior lighting fixtures shall be shielded to prevent glare onto adjacent properties or right-of-way.
2. The use of metal-halide luminaires is recommended, but high-pressure sodium is also permitted.
3. No blinking, flashing, animated, or fluttering lights are permitted.

E. Grading and Drainage. Each site should be graded for proper surface runoff and shall be developed in accordance with the following requirements:

1. All paved surfaces should have a minimum one percent cross slope to drain. All grassed or otherwise vegetated surfaces should have a minimum two percent cross slope to drain.
2. Stormwater runoff should be collected and piped underground. The use of drainage ditches should be avoided where steep slopes apply.
3. Each site should be designed to minimize erosion to the extent possible. Best Management Practices shall be used in design and during construction to prevent erosion. Alternative erosion control methods are strongly encouraged, such as the use of permanent vegetative erosion matting versus concrete or rip-rap rock. Temporary erosion control devices must be managed and removed from site when construction is completed. Permanent erosion control devices must be permanently managed by the owner or dedicated as public infrastructure, in accordance with these regulations.
4. Each site must be designed in such a manner as to eliminate post-development excess stormwater runoff onto adjacent properties. All new development sites shall be capable of retaining or detaining stormwater excess flows for a twenty-five year storm event of twenty-four hour duration. Each development should be designed to utilize existing natural drainage features of the site.
5. Development should work with the existing contours of the land to the greatest extent feasible.

SECTION 702 RESIDENTIAL DEVELOPMENT

702.1 Residential Subdivisions. In all new subdivisions, the following minimum design standards apply:

- A. Architectural variation in home design, as well as variation in siding material and colors, are required.

- B.** Floor plans should be arranged so that the front entrance of a home is noticeably visible from the public street, accented by a front porch, patio, or motor court.
- C.** No more than fifty percent (50%) of garage doors or garage entrances shall face the public street, being considered front-loaded garages. Back alleys should be used when appropriate for rear loaded homes.

702.2 Multi-Family Housing. For all new multi-family developments, the following minimum design standards apply:

- A.** All structures within the development shall be such that the exterior, architectural character, and functional plans thereof is harmonious and compatible with adjacent housing developments. The Planning Director shall determine whether this requirement has been met as part of the Site Plan review process.
- B.** Building fronts shall have variations in the elevations to diversify the front planes facing a public space. Multi-family buildings shall have offset building planes with facade breaks every fifty feet or less.

**SECTION
703**

COMMERCIAL DEVELOPMENT

All new commercial development shall be designed in accordance with the following requirements:

A. Building Design.

- 1.** Long, uninterrupted, flat facades shall be avoided. Facade breaks are required every fifty feet or less. Building facades should have a defined base (bottom), and cap (top).
- 2.** Any facade facing a public street shall consist of fifty percent (50%) stone, masonry, drivit, stucco, or similar masonry-like material. The use of glazing (such as on windows and doors), may account for up to half of this requirement.
- 3.** Vinyl or aluminum plank, for entire walls, are not permitted, when such wall is visible from a public street.

B. Additional Screening Requirements.

- 1.** Service bays, loading docks, mechanical areas or overhead doors should not be visible from a public street.
- 2.** Parapet or screen walls are required to screen any rooftop mechanical units. Screen walls and parapets shall be unified with the architecture, materials and color of the main structure.

LANDSCAPING AND BUFFERING

704.1 General Provisions.

- A. Greenspace Required.** All new development, except single-family residential, must provide a minimum fifteen percent (15%) of the overall site in greenspace. Greenspace includes buffer area, lawns, islands, medians, and any other non-agricultural planted space. All greenspace, not otherwise planted, must be covered with permanent vegetation such as ground cover or turf grass.
- B. Formal Greenspace Required.** All new development over fifteen (15) acres in size must be equipped with at least one centralized formal greenspace equal to at least three percent (3%) of the site (which counts toward the overall greenspace requirement).
- C. Street Trees.** Two (2) street trees are required (one on each side of the road) for every one-hundred (100) linear feet of roadway along all improved or new public streets. Street trees must be planted in the greenspace adjacent to the street, but no closer than three (3) feet from the street edge or curb.
- D. Tree Islands.** Tree islands are required in all parking lots. One (1) tree island is required per every twelve (12) parking spaces, and islands should be at least as large as the adjacent parking space. Tree islands must be provided at each end of all parking rows, regardless of the length. Tree islands on double loaded parking rows should be contiguous. All tree islands should be raised at least six (6) inches with perimeter curbing.
- E. Site Trees Required.** Five (5) canopy trees and three (3) understory trees are required per acre for all commercial and multi-family or duplex developments. Such developments less than one acre in size are exempt from this requirement.
- Two (2) canopy trees are required per each single-family residential dwelling in a subdivision.
- F. Planting Locations.** One (1) canopy tree is required to be planted in each commercial parking island; trees take precedence over utility placement. Canopy trees should be planted between the building/street or parking lot/street. Understory trees should be planted to accent the front building facade.
- G. Amenity Plantings Required.** Each development shall incorporate some type of amenity planting, such as shrubbery planted in street medians, around entrance signs, or along the sidewalks as hedges.
- H. Greenspace, including plant materials, turf, landscape beds, and irrigation, is the responsibility of the property owner or owner's association. Landscaped areas must be adequately watered and maintained.**

704.2 Landscape Buffering.

704.2.1 Project Boundary Buffers. A landscape buffer shall be required to be consistently preserved or installed along the side and rear property lines of all new development where the adjacent zoning is less intensive than the proposed development. For the purposes of this section, properties separated by a public street are not considered adjacent. The minimum depth for such buffers shall be equal to the minimum side and rear setbacks, with a minimum depth of fifteen (15) feet unless otherwise specified in this section. Project boundary buffers shall extend along the entire length of the property line.

A. Buffers Between Adjoining Residential Development. Project Boundary Buffers shall only be required between residentially zoned properties if the proposed new development consists of multi-family housing of five (5) units or more.

B. Buffers Between Non-Residential Developments. Regardless of the adjacent zoning, project boundary buffers shall be required for the following developments:

- A. adult entertainment establishments,
- B. airports,
- C. animal shelters,
- D. asphalt or concrete plants,
- E. correctional facilities,
- F. crematories,
- G. dog kennels,
- H. major auto repair establishments,
- I. firing ranges,
- J. junkyards,
- K. manufacturing,
- L. railroad facilities,
- M. recycling facilities,
- N. resource extraction,
- O. trucking companies,
- P. truck stops,
- Q. major utilities,
- R. warehouse and distribution facilities,
- S. retail buildings greater than 40,000 square feet in area,
- T. waste related facilities.

C. Commercial or Industrial Buffering. Where a commercial or industrial zoning district abuts two street frontages (primary and secondary streets) and the secondary street adjoins a residential zoning district, there shall be a thirty five (35) foot buffer and there shall be no egress and ingress from the secondary street. This shall include not only maintained streets but also platted and recorded right-of-ways. This buffer area herein required is in addition to other required setbacks or screening.

704.2.1.1 Standards.

A. Constructed Buffers. Project boundary buffers shall consist of a continuous solid screen to the height of six (6) feet, serving as a sight and noise barrier. Constructed buffers shall be planted with canopy trees spaced not less than five (5) feet apart at maturity, and a continuous or staggered row of shrubs creating a dense hedge of a minimum of six (6) feet in height at maturity. 50% of trees and 100% of shrubs shall be evergreen.

B. Natural Buffers. Existing, healthy, natural forest cover and other vegetation shall be used to meet buffer requirements, provided that the existing tree cover exceeds fifteen (15) feet in height, and the existing tree canopy covers 75% or more of the required buffer area. Natural buffer areas shall be a minimum of twenty (20) feet in depth. Supplemental plantings may be used to enhance a natural buffer to meet these requirements.

C. Buffers with Overhead Utilities. Buffers where overhead utilities make larger tree planting impractical shall be planted with understory trees.

D. Variations in Buffer Width. Buffer width shall normally be calculated as perpendicular to the property line, however, design variations are allowed and shall be calculated based upon the average width of the buffer. In no case shall the minimum width of the buffer be less than half the required minimum width.

704.2.2 Utility and Service Area Buffers. A continuous evergreen hedge (min. six (6) feet in height at planting), a wall or opaque fence (min. six (6) feet in height), or a combination of the two shall be provided around all ground located service areas, such as dumpsters, mechanical equipment, outdoor storage, and loading/unloading areas. The use of berms to reduce the height of required shrubs, walls or fences is permitted, provided that the buffer is a minimum of six (6) feet in height upon completion.

704.2.3 Parking Area Buffers. A continuous evergreen or semi-evergreen hedge (min. twenty-four (24) inches in height at planting) shall be planted along the perimeter of all parking areas lots to screen from the public view.

704.2.4 Riparian Buffers. Riparian buffers shall be indicated on all site plans, preliminary plats, and final plats for all perennial and intermittent streams, and naturally occurring ponds and lakes within the development, as designated by the United States Geological Survey (USGS).

1. Size. Riparian buffers apply to each side of the stream and shall begin at the most landward limit of the top of the bank perpendicular to the direction of stream flow. Riparian buffers shall be a minimum for 50 feet in width for perennial streams and 30 feet for intermittent streams. Buffers for naturally occurring lakes and ponds shall be 5 feet from the water's edge.

2. Remain in Natural State. Riparian buffers shall remain in a natural undisturbed state, except as allowed by Variance.

3. Encroachments. Crossings by streets, driveways, railroads, recreational features, intakes, docks, utilities, bridges, or other facilities shall be allowed provided they are designed to minimize the amount of intrusion into the riparian buffer.

704.2.5 Easements within Buffers. Required utility easements may cross landscape buffers when necessary, but may not otherwise be located within a required landscape buffer, unless approved by the Public Works Director.

704.3 Maintenance. The owner, developer, or owner's association shall be responsible for continuous maintenance of the installed landscape materials, including plant materials, turf, landscape beds, and irrigation. If landscaping materials die or suffer damages, the owner or developer will be responsible for replacement of the plant materials to match the approved landscape plan.

704.4 Landscape Preservation. Existing trees or plant materials that are to be preserved shall be indicated on the Landscape Plan. Significant trees shall be preserved and maintained where feasible. The Planning Director may give credit for existing trees, so preserved and maintained, and modify the requirements for greenspace and site plantings.

SECTION 705

FENCES, WALLS AND HEDGES

705.1 Permit Required. A fence permit is required to erect, move, or replace an existing fence or repair fifty (50) percent or more of an existing fence. A fence permit may be obtained from City Hall and must be obtained prior to installation of or replacement of a fence. Said permit shall be valid for ninety (90) days, however, at the discretion of the Planning Director, the permit may be extended for an additional ninety (90) days. The information required includes the height, materials, location of the fence, distances from each structure on the property, and lot size. Tenants must have property owner authorization to apply for a fence permit.

EXCEPTION: Fences used for agricultural purposes are exempt from the requirements of this section. Agricultural purposes shall include land zoned A and used for the raising of crops, horticulture, animal, and poultry husbandry.

705.2 General Provisions. Fences and walls within the municipal limits shall conform to the following minimum design standards:

A. Fence Construction: Horizontal and vertical support posts shall be located inside of the fenced area or otherwise hidden from adjacent properties and the general public's view. Shadowbox style fencing may be used to conceal the fence supports.

B. Materials: Fences or walls may be constructed only of the following materials:

1. Provisions General to all Zoning Districts: Fences may be solid wall construction (brick, stone, or stone-faced block); post/plank construction (metal, wood or vinyl); or vinyl-coated chain-link, with limitations as described in this section. No more than two different types of fencing material are permitted. No fence shall be made of, in whole or in part, cloth, canvas, or other like material. The use of barbed wire, razor wire, welded wire, chicken wire, or single strand wire is prohibited, unless specifically authorized by these regulations.

2. Commercial Districts: Metal palisade-style security fencing is permitted, provided that the height, location, and opacity complies with all applicable provisions of these regulations.

3. Industrial Districts: Barbed or razor wire shall be permitted only if the lowest strand is at least seven (7) feet above grade, and when used for security purposes in addition to a regular fence.

C. Location/Setbacks: Fences located along a side or rear setback may be installed on the property line. Fences located within the front yard shall be located at least fifteen (15) feet from the edge of the street or curb, and not within the right-of-way.

D. Height: Fences and walls shall be restricted in maximum height as follows:

1. Residential Districts: For all properties zoned A, R-1, R-2, R-3, R-4, and R-5, the maximum height of a fence in a rear or side yard is six (6) feet. Maximum height in a front yard is four (4) feet, but also must comply with the following regulations:

a. Privacy Fences Prohibited in Front Yards. Sight proof fences are not allowed in the required front yard. The fence shall have some open spacing, such as open picket type, wrought iron, or other non-opaque fence design. Visibility through front yard fencing shall not be reduced by greater than fifty (50) percent.

b. Corner and double frontage lots.. The above requirements for fences in a required front yard apply to both front yards on a corner lot. On a double frontage lot, fences, or walls of no more than a height of six (6) feet may project into the yard space at the designated rear of the building.

2. Commercial Districts: For all properties zoned CBD, C-1, and C-2, the maximum height of a fence in a front, rear, or side yard is six (6) feet. Visibility through front yard fencing shall not be reduced by greater than fifty (50) percent.

3. Industrial and Public Service Districts: For all properties zoned I and PS, the maximum height of a fence in a front, rear, or side yard is eight (8) feet. Visibility through front yard fencing shall not be reduced by greater than fifty (50) percent.

E. Sight Distance Triangle: Fences on property that is at the intersection of two streets must allow for adequate sight distance. The sight distance triangle is defined as a line twenty-five (25) feet back from the corner along both the front and side property lines. These two points are connected by a diagonal line. This sight distance triangle must be kept free of fences that would obstruct the motorist views of oncoming traffic.

705.3 Fences or Walls Located within Easements. Fences may not be located directly over any underground utility lines, but may be located within utility easements located in the side yard and/or rear yard. It should be noted that placement of a fence in the utility easement is at the risk of the property owner as the Municipality and utility companies have no responsibility for repair of any fence damaged by construction or maintenance activities on the property.

705.4 Stormwater Flow. It shall be the responsibility of the property owner to ensure that a fence does not block or obstruct the flow of storm water.

705.5 Pedestrian Gates. Gates to fences must be a minimum of three (3) feet wide to allow for passage of emergency personnel and equipment.

705.6 Maintenance. All fences must be maintained upright and in good and sound condition, free of damage, breaks or missing structural members. Vegetation adjacent to the fence must be maintained in good condition or trimmed as appropriate. Missing boards, pickets, or posts shall be replaced within forty-five (45) days with material of the same type and quality. Fences designed for painting or similar surface finishes shall be maintained in their original condition as designed. All exposed steel, except the galvanized metal fences, shall have a colored finished coat applied to them and be preserved against rust and corrosion.

705.7 Temporary Fencing. Temporary fencing, such as plastic silt fences or safety fences, is permitted and may be required for active construction projects by the Building Official. Temporary fencing is not to remain in place longer than is necessary to perform its function.

705.8 Fencing Required for Certain Areas and Uses. All towing companies, junkyards, salvage yards, major auto repair operations, and similar operations that store junked or inoperable motor vehicles, and any such business that regularly has items such as, but not limited to, appliances, mowers, yard equipment, and auto parts, in the public view, shall block the view of all such items with 100% opacity privacy fencing and screening as provided in this section. Any existing facilities or operations of this nature within the municipal limits at the time of adoption of these regulations shall comply with this section within ninety (90) days of the effective date of these regulations.

CHAPTER 8

NONCONFORMING BUILDINGS, USES, AND LOTS

SECTION **NONCONFORMING BUILDINGS AND STRUCTURES** **801**

A nonconforming building or structure existing at the time of adoption of these regulations may be continued and maintained except as otherwise provided in this section.

801.1 Alteration or Enlargement of Buildings and Structures. A nonconforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions and enlargements, is made to conform to all of the regulations of the district in which it is located.

801.2 Outdoor Advertising and Structures. When any commercial advertising structure or billboard, being an outdoor sign whereby the advertising content is for lease or rent, that is legally in existence either as a conforming sign or a nonconforming sign, that is required to be removed for public purposes, just compensation shall be paid for the removal thereof according to the terms and conditions as found in the laws of the State of Mississippi controlling outdoor advertising.

801.3 Building Vacancy. A nonconforming building, structure or portion thereof, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located. Manufactured homes which become vacant for a period of one (1) year, or longer, shall be deemed abandoned and shall be removed by the property owner, upon receipt of notice.

801.4 Condemnation of a Nonconforming Use. Any nonconforming building or structure which is condemned in accordance with the *Property Maintenance Code* shall be removed from the property, instead of repaired, if so ordered. In such an event, any new structure or use of the property shall be a use which conforms to the use regulations of the district in which it is located.

801.5 Change in Use. A nonconforming use of a conforming building or structure (i.e., commercial use in a dwelling, etc.) shall not be expanded or extended into any other portion of such conforming building or structure nor changed except to a conforming use.

SECTION **NONCONFORMING USES OF LAND** **802**

A nonconforming use of land existing at the time of adoption of these regulations, which becomes discontinued for a period of three (3) months may not be extended or renewed.

SECTION
803

NONCONFORMING LOTS OF RECORD

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of these regulations, notwithstanding limitations imposed by other provisions of these regulations. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.

CHAPTER 9

SUBDIVISION AND SITE DEVELOPMENT DESIGN STANDARDS

SECTION **GENERAL PURPOSE** **901**

The purpose of good subdivision and site design is to create a functional and attractive development, minimize adverse impacts, and ensure that a project will be an asset to the city. To promote this purpose, the subdivision shall conform to this chapter's standards which are designed to result in a well-planned community without adding unnecessarily to development costs. These design controls shall help insure creation of convenient and safe streets, usable lots, space for public purposes, and will minimize the undesirable features of unplanned, haphazard growth.

SECTION **SUBDIVISION AND SITE DESIGN** **902**

Design of the subdivision shall take into consideration the existing comprehensive plan, and shall be based on a site analysis. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alterations of natural features. The following specific areas shall be preserved as undeveloped open space, to the extent consistent with the reasonable utilization of land, and in accordance with the U.S. and Mississippi Constitutions and state or federal regulations:

- A. Unique and/or fragile areas, including wetlands, as may be defined in Section 404, *Federal Water Pollution Act*, as amended; and in Mississippi Department of Environmental Quality standards.
- B. Land in the floodway as identified and mapped using the Federal Emergency Management Agency's Flood Hazard Boundary Maps.

The development shall be laid out to avoid adversely affecting groundwater and aquifer recharge; to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and, to mitigate adverse effects of noise, odor, traffic, drainage, and utilities on neighboring properties. The placement of buildings in residential developments shall take into consideration topography, building height, orientation and drainage.

SECTION **MONUMENTS, MARKERS, AND PINS** **903**

- A. Monuments shall be placed at all corners or changes of alignment along the boundary of the subdivision and at all block corners, angle points, or points of curves in street right-

of-way lines. These monuments shall be an iron rod or pipe 3/4 to 1" inch diameter and at least eighteen (18) inches long, driven flush with the surface of the ground.

- B. Markers shall be placed to locate all lot corners or changes in alignment in lot boundaries and driven flush with the surface of the ground. These markers shall consist of iron pipe not less than one-half (1/2) inch in diameter and not less than twenty-four (24) inches in length. Where utility service lines are shown to terminate near each front lot corner, these front corner markers are to be offset along the property line at least 10 feet. Such offset shall be shown on the Final Plat.
- C. Monuments shall be set with the top thereof flush with finish grade. Where farming operations or other land uses might destroy or disturb the monument, it shall be sunk underground and referenced to permanent landmarks.
- D. Elevations (mean sea level datum) shall be established for each monument described in Section 903.A

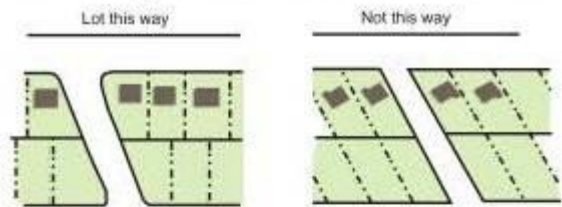
SECTION 904

BLOCKS

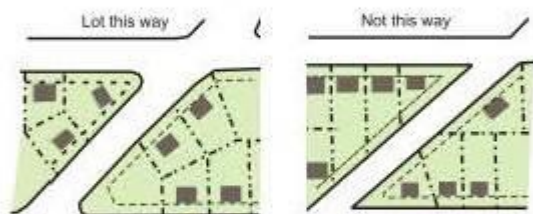
The following regulations shall govern the design and layout of blocks:

- A. The arrangements of blocks shall conform to the street design criteria set forth in these regulations.
- B. Blocks shall be arranged to accommodate lots and building sites of the size and character required by these regulations and any applicable zoning requirements, to provide for adequate community facilities, and with regard of the limitations and opportunities of topography.
- C. Irregularly shaped blocks, blocks intended for cul-de-sacs and loop streets, and blocks containing interior parks and playgrounds may be approved by the Planning Commission if properly designed and located.
- D. No block shall be larger than 1,200 feet, or be less than 400 feet, but the Planning Commission may elect to make exceptions in particular cases. Cross streets shall be provided between blocks.

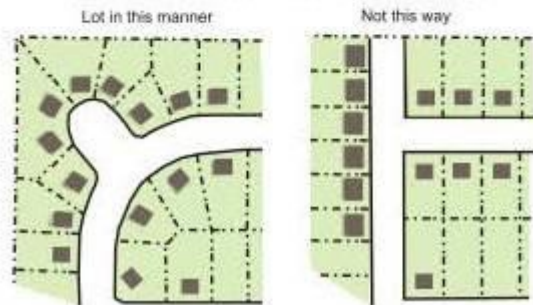
When diagonal streets cannot be avoided



When existing intersecting streets form acute-angled intersections



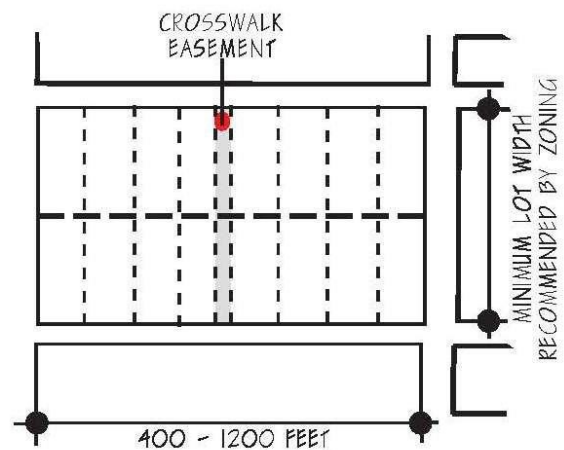
When future street extensions are not required in corners of the property



- E. Where blocks are more than 600 feet in length, a walkway easement not less than 10 feet in width or near the halfway point of the block may be required between streets.
- F. Blocks in the traditional gridiron pattern should consist of two tiers of lots and an easement may be included to separate them.
- G. Through lots (extending from one parallel street to the other) shall be discouraged to avoid problems between adjoining owners, and to reduce the number of streets.
- H. No building lots shall be platted in areas known to be subject to flooding or in areas, which for other reasons, are unsuitable for such use. Areas subject to inundation shall be clearly indicated on the Preliminary and Final Plat.

SECTION 905 EASEMENTS

- A. Location of utility line easements within the road right-of-way shall be located outside of the improved portion of the roadway. Utility easements may also be located along the front of line or centered on the rear or side lot line as necessary for utility lines. Easements shall give access to every lot, park or public grounds. Such easements shall be a total of not less than twenty (20) feet wide at ground level.



- B. Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the subdivider to submit copies of the preliminary plat to all appropriate public utility companies.
- C. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way of not less than fifteen (15) feet conforming substantially with the lines of such water course or an accepted canal or drainage course plus additional width as necessary to accommodate future construction and channel maintenance as recommended by the City Engineer, Road Manager, and the Planning Commission. No fences, poles or any other obstruction will be permitted within the drainage channel. Fences and poles will be permitted along the edge of the drainage easement if such fences and poles will not obstruct the water flow. The plat shall specify the entity or person responsible for maintenance of storm water facilities.
- D. Whenever practicable, the utilities shall be placed underground, according to the standards of the appropriate utility company.

- E. The location of mailboxes and similar structures in the right-of-way of a public or private street shall be constructed so as to not create a hazard to the public and shall be constructed pursuant to standards of the Mississippi Department of Transportation.
- F. Easements across lots or centered on rear or side - lot lines shall be provided for utilities or drainage where necessary and shall be at least twenty (20) feet wide at ground level. Where drainage easements are required and are to be located adjoining utility easements, the combined easement shall be thirty-five (35) feet; twenty (20) feet for utility and fifteen (15) feet for drainage. Drainage easements shall not be combined with utility easements.
- G. Where easements intersect or sharp changes in alignment are necessary, corners shall be cutoff sufficiently to permit equipment access as determined by the City Engineer, Road Manager, and Planning Commission.
- H. No buildings or structures will be placed or permitted within easements.
- I. The City shall maintain only those improvements specifically accepted for public maintenance. Other easements shall stipulate that contiguous owners shall be responsible for general maintenance of such easements. The City and utility companies with lines in such easements shall have full right of access. No structures of any kind (including fences) shall impede access to any parts of the City or utility company's system including water meters, sanitary sewer connections or components thereof (including power and control panels).

SECTION 906

LOT ARRANGEMENT AND DIMENSIONS

- A. Lot arrangement, design and dimensions shall be such that all lots will provide satisfactory building sites. Driveway access to buildings on the lot shall be from a dedicated public street (existing or proposed or on a private street meeting public street standards). Lots shall be properly related to topography and the character of the surrounding development, and shall be in compliance with the *Fulton Zoning Ordinance* for the district in which they are located and for the use for which they are intended.
- B. The minimum lot size, width and frontage shall be as specified in these regulations.
- C. Dimensions of corner lots shall be large enough to allow the erection of buildings, observing the minimum front-yard setback from both streets.

SECTION 907

LOT ORIENTATION

- A. Residential lots shall front on a dedicated public street (existing or proposed) or on a private street meeting public street standards. All side lot lines where practicable should be at approximate right angles to street lines or radial to curving street lines, unless a variation from these rules will give a better street or lot plan. Variations are permitted to accommodate barriers such as streams and existing utility easements. However, side lot

lines shall not deflect more than (30) degrees from the perpendicular in relation to street center lines. A side lot line shall maintain the same angle of deflection between the front lot line and the minimum building setback line as established by the *Fulton Zoning Ordinance*.

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

SECTION 908

DOUBLE FRONTAGE LOTS AND ACCESS TO LOTS

- A. Double frontage and reversed frontage lots shall be avoided except where essential to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.
- B. Lots may not be created by dividing land at the end of stub streets in adjacent subdivisions, such stub streets being intended to promote continuity of street systems in adjoining subdivisions.
- C. Fifty (50) feet (minimum) of additional lot depth or a buffer strip in accordance with these regulations may be required where a residential lot in a subdivision backs up to a railroad right-of-way, a natural gas line, open drainage ditch, an arterial street or interstate highway, an industrial area or other existing land use which may have a detrimental effect on the residential use of the property, and where no local street is provided at the rear of such lot.

SECTION 909

STANDARDS FOR NONRESIDENTIAL SUBDIVISIONS

- A. In addition to the principles and standards in these Regulations, the applicant shall demonstrate to the satisfaction of the Planning Commission that the streets, parcels, blocks, and lot patterns proposed are specifically adapted to the uses anticipated and take into account other uses in the vicinity.
- B. Proposed industrial parcels shall be suitable in area and dimension to the types of industrial development anticipated.
- C. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.
- D. Blocks intended for commercial and industrial subdivisions shall be designed specifically for such purposes and shall include adequate provision for parking, loading and delivery services. Such blocks shall not be less than (250) feet in width and not less than (500) feet in length.

- E. Lots intended for other nonresidential use shall be specifically noted and designed for such purposes, and shall have adequate provisions for off-street parking, setbacks, and loading and unloading areas.

**SECTION
910**

CLUSTERING

On lots or parcels where significantly environmental resources exist, owners or developers may use or be required to use a land development technique known as clustering.

- A. The concept of clustering involves allowing development on the most suitable parts of a development site (also known as the developable area) while avoiding the environmentally sensitive areas of the site (which is called the preservation area). In order for clustering to be allowed, the following criteria must be met:
 - 1. The resource or preservation area to be protected must be clearly identified.
 - 2. In order to determine the allowable development of a site, the number of units allowed for the entire parcel must be determined, subject to availability of supporting facilities and services such as water and sewer.
 - 3. This number of units will then be allowed on the portion of the parcel that remains after the environmental resources are perpetually preserved. Clustering does not permit the development of duplex or multi-family units in areas not specifically zoned for such use, but does permit the reduction in individual lot size, with Planning Commission approval.

CHAPTER 10

STREET DESIGN AND CONSTRUCTION STANDARDS

SECTION **GENERAL** **1001**

These Regulations shall control the manner in which the road system is arranged on the land to permit the safe, efficient, and orderly movement of traffic; to meet, but not exceed, the needs of the present and future population; to have a simple and logical pattern; to respect natural features and topography; and to present an attractive streetscape.

SECTION **CONFORMITY TO DEVELOPMENT PLANS AND ZONING** **1002**

No subdivision shall be approved unless the area to be subdivided has frontage on and access from an existing street on the official thoroughfare map, or unless such street is an existing state, county, or city highway, road or a street shown upon a plat approved by the Planning Commission and recorded in the Chancery Clerk's office. Such street or highway must be suitably improved as required by these Regulations or guaranteed, with a performance bond, to be improved as required by these Regulations. In addition, no final plat of land within an existing zoning district shall be approved unless it conforms with requirements of the zoning district.

SECTION **ARTERIAL ROAD DESIGN STANDARDS** **1003**

Design standards and required improvements to arterial streets and roads are contained in Table 1. Construction design criteria of these streets are to be determined by the City Engineer when such streets abut or cross the proposed subdivision. Certain improvements may be waived upon recommendation of the City Engineer and after review and approval by the Planning Commission. In all cases right-of-way dedications shall be required for streets leading to new subdivisions. When developing along one side of an existing street or roadway included in the official thoroughfare plan, the subdivider may be responsible for construction or replacement of the entire existing pavement, in accordance with the requirements of the City Engineer.

Table 1003: Street Design Standards for Arterial Roads

R/W Width (feet)	Sidewalks (feet)	Parkway (feet)	Median (feet)	Pavement Width (feet)
80	4	5.5	14	48
110	5	5	16	72

**SECTION
1004**

STREET NAMES

Street name signs or numbers of a type in use throughout the city shall be erected by the subdivider at all intersections. Names of new streets shall not duplicate or nearly duplicate those of existing or platted streets, irrespective of the use of the suffix "street," "avenue," "circle," "boulevard," "drive," etc., and shall be displayed at each street intersection with street signs of the type established by the City. When a new street is a direct extension of an existing street, the name shall remain the same.

Street names shall be subject to the approval of the Planning Commission. The subdivider is responsible for the cost of purchasing and installing all signage.

**SECTION
1005**

STREET AND CIRCULATION SYSTEM DESIGN

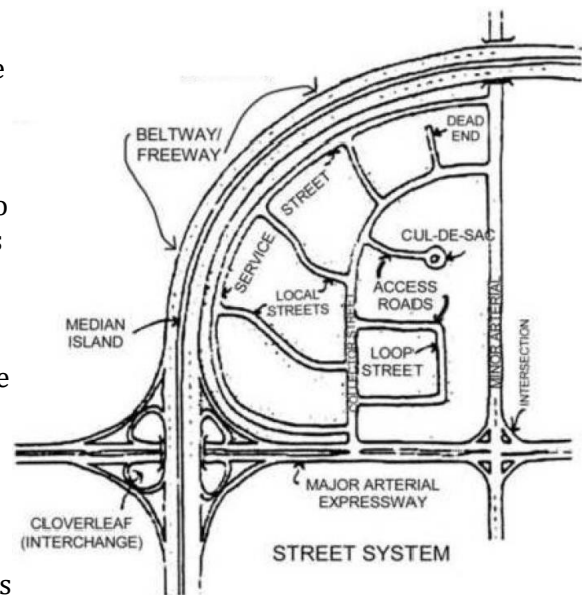
A. The arrangement, character, extent, and location of all streets shall conform to the thoroughfare plan of the City; such streets shall be considered in their relation to existing and planned streets, topographic conditions, public convenience and safety, and in their relation to the proposed uses of land to be served by such streets. The Planning Commission reserves the right to disapprove any street plan which does not represent good design or does not insure continuity of the existing street system.

B. The road system shall be designed to serve the need of the neighborhood and to discourage through traffic in the interior of such subdivision.

Residential driveway access shall not be permitted onto principal arterials. Major subdivisions shall be designed to discourage residential driveway access onto major arterial and collector roadways by using access roads.

Minimizing driveway access points or curb cuts by using access roads shall be encouraged. There shall be no private streets, lanes, roads or ways nor any private easement used for the purpose of primary access to any subdivision, including subdivisions exempt from platting under these Regulations unless constructed and maintained to City

road specifications and standards. The cost of maintenance of such private streets, roadways and easements shall be borne by a mandatory Homeowners Association. The Association shall own and be responsible for the maintenance of the private streets. Lot deeds shall convey membership in the Association and provide for the payment of dues and assessments required by the Association.



- C. Subdivisions shall provide for at least two entrances to furnish proper ingress and egress from established public roads or streets, except in the case of a single street subdivision.

**SECTION
1006**

STREET VACATION

The Planning Commission shall not recommend the vacation of any street dedicated to and accepted by the public if such vacation will adversely affect the proper functioning of the existing street system or any future street plan prepared by, or approved by, the Planning Commission. The procedure to vacate a street or alley shall require replatting of the property and the applicant must follow the platting procedures that are required in Section 307 of these Regulations.

**SECTION
1007**

RIGHTS-OF-WAY

- A. The right-of-way shall be measured from lot line to lot line and shall be sufficiently wide to contain the roadway, curbs, sidewalks, utilities, graded areas and shade trees, if required.
- B. The right-of-way of a new street that is a continuation of an existing street shall in no case be continued at a width less than that of the existing street.
- C. The right-of-way for roads shall be in accordance with the major thoroughfare plan, and shall provide for future development.

Table 1007: Right-of-Way Standards by Types of Road

Street Type	R-O-W Width (feet)	Street Type	R-O-W Width (feet)
Major Arterial	100-300	Local Street/Road	50-60
Minor Arterial	50-100	Access Street	28-36
Major Collector	50-70	Alley	30
Minor Collector	50-60	Cul-de-Sac	50
Local Industrial	60-80		

**SECTION
1008**

SPECIAL STREET TYPES

The following requirements shall apply to special street types:

- A. **One way streets:** One-way streets are permitted in new subdivisions if the Planning Commission determines that such streets are properly integrated with the existing and proposed street system in the area.
- B. **Permanent dead-end streets** shall not be permitted. Temporary dead-end streets shall be permitted only as a segment of a continuing street plan subject to extension into undeveloped acreage. Temporary dead-end streets shall extend to the boundary of such undeveloped acreage and shall be provided with an interim turnaround satisfactory to

the Planning Commission in design. The Planning Commission shall reserve the right to limit the length of such a dead-end street based on principles of proper planning, and the Planning Commission may require a street along the boundary between a proposed subdivision and the undeveloped acreage to provide for future development.

- C. Cul-de-sac streets** shall not exceed a length of seven hundred (700) feet in length for medium to high density traffic and 1,000 feet for low density traffic. The terminus may be circular with a minimum driving surface radius of forty (40) feet measured from a point on the street center line. Other termini types, such as “T”s or vegetated islands, are acceptable and subject to review and approval by the City Engineer and Planning Commission. Cul-de-sacs may exceed 1,000 feet with an intermediate turnaround depending upon the total number of lots served by the road.
- D.** The dedication of new **half-streets** shall not be permitted. If a parcel to be subdivided exists adjacent to a dedicated or platted and recorded half-width street or alley, the other half-width of such street or alley falling within the proposed subdivision shall be platted, provided that in the opinion of the Planning Commission such right-of-way is necessary for the proper development of the area.
- E.** Where a subdivision adjoins an arterial street, a **marginal access street** shall be designed to control access from lots fronting on it. Points of access to the arterial street shall be spaced at a minimum of thirteen hundred twenty (1320) feet. A planting strip having a minimum width of twenty (20) feet shall be provided between the pavement of the marginal access street. The minimum width of the marginal access right-of-way shall be fifty (50) feet. In addition, the Planning Commission may also require the provision of buffer planting strips, the platting of loop streets or cul-de-sacs connected to such parallel streets, or any combination thereof.
- F. Easements or reserve strips controlling access to streets** shall be prohibited except where deemed necessary by the Planning Commission and where their control is definitely placed with the city.
- G.** In subdividing land along existing streets or roads and within a proposed subdivision, provisions for the dedication of land for one or more access streets to undeveloped land not fronting on an existing street or road shall be incorporated. Said access streets shall be spaced not less than eight hundred (800) feet, nor more than one thousand four hundred (1,400) feet apart.
- H. Alleys** may be approved in residential subdivisions when justified by subdivision street design, to provide vehicular access to parking areas. Alleys may be approved in commercial and industrial subdivisions if no other provisions can be made for adequate service access. The minimum right-of-way widths for alleys shall be thirty (30) feet and they shall be dedicated to the public.
- I. Alley intersections** and sharp changes in alignment shall be avoided, but, where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
- J. Dead-end alleys** shall be avoided where possible but, if unavoidable, shall be provided with adequate turnaround facilities at the dead-ends as determined by the Planning Commission.

**SECTION
1009**

STREET DESIGN STANDARDS

The design and improvement standards contained in Table 1009.1 are minimums for all local streets and collector streets in residential subdivisions.

Table 1009.1: Street Design Standards for Local and Collector Streets

Terrain Classification	Local Street		Collector Street	
	Level	Rolling	Level	Rolling
Right-of-way (ft)	50*	50*	60	60
Pavement Width	24	24	36-40	36-40
Minimum Stopping Sight Distance (ft)	200	150	250	200
Maximum Grade	4%	8%	4%	8%
Maximum Spacing when intersected with an arterial (ft)	-	-	1,320	1,320
Maximum Center Line Radius of Streets with an angle of turn of: (1) Between 80 and 100 (2) Less than 80 or more than 100	50 200	50 200		
Minimum Center Line Radius	250	175	350	350

* A utility easement ten (10) feet in width may be required along each side of the street right-of-way for these streets.

Note: Exceptions to the standards contained in this table are permitted under certain conditions for large lots.

The design and improvement standards contained in Table 1009.2 are minimums for all cul-de-sac and loop type local streets in residential subdivisions. Cul-de-sacs are required whenever a street is intended to be permanently dead-ended.

Table 1009.2: Street Design Standards for Cul-de-Sacs and Loop-Type Streets

Terrain Classification	Level	Rolling
Right-of-way (ft)	50*	50*
Pavement Width	24	24
Minimum Stopping Sight Distance (ft)	200	150
Maximum Grade	4%	8%
Maximum cul-de-sac length	1,000 (50%)	1,000 (50%)
Maximum cul-de-sac radius (row)	50	50
Maximum cul-de-sac radius (pavement)	40	40
Maximum Center Line Radius of Streets with an angle of turn of: (1) Between 80 and 100 (2) Less than 80 or more than 100	50 200	50 200

*A utility easement ten (10) feet in width may be required along each side of the street right-of-way for these streets.

**SECTION
1010**

INTERSECTION DESIGN STANDARDS

- A.** The design and improvement standards for intersections are suggested minimums for all street intersections in subdivisions. All such intersections shall be designed and constructed in accordance with standards as specified in Table 1010.

Table 1010: Intersection Design Standards

Terrain Classification	Level	Rolling
Maximum Approach Speed (mph)	25	25
Clear Sight Distance (ft, length along each approach leg)	90	90
Vertical Alignment with Intersection	Flat	2%
Minimum Angle of Intersection Streets	90 degrees	90 degrees
Minimum Curb Radius (ft)		
a. local-local	25 – all classes	25 – all classes
b. local-collector	25 – all classes	25 – all classes
c. collector-collector	30 – all classes	30 – all classes
d. collector, marginal access-arterial	35 – all classes	35 – all classes
Minimum Centerline Offset of Adjacent Intersection (ft)		
a. local-local	125 – all classes	125 – all classes
b. local-collector	150 – all classes	150 – all classes
c. collector-collector	200 – all classes	200 – all classes
d. collector, marginal access-arterial	1,320 – all classes	1,320 – all classes

- B.** Multiple intersections involving junctions of more than two (2) streets shall not be permitted.
- C.** Proposed streets shall intersect one another as nearly at right angles as topography or other limiting factors will permit. No intersection of streets on angles less than seventy-five (75) degrees shall be approved unless justified by extreme topographical conditions. In such a case, special provisions as deemed necessary by the Planning Commission shall be made.
- D.** Low points which would result in water ponding or poor visibility shall not be permitted.
- E.** All Streets intersecting other streets shall either intersect directly opposite to each other, or shall be separated by at least a one hundred-fifty (150) foot offset between centerlines, measured along the centerline of the street being intersected.
- F.** All Street intersections shall be located at least one hundred-fifty (150) feet from the right-of-way of any railroad, measured from the center point of the intersection to the railroad right-of-way line nearest the intersection.

**SECTION
1011**

STREETS FOR COMMERCIAL SUBDIVISIONS

Streets serving business developments and accessory parking areas shall be planned to connect with arterial streets so as not to generate traffic on local streets. The intersection of driveways from parking areas with arterial or collector streets shall be located so as to cause the least possible interference with traffic movement on the streets, and shall be located not less than one hundred (100) feet from the intersection of an arterial or collector street with any other street, and shall be located not less than one hundred (100) feet from the intersection of an arterial or collector street with any other street, and shall be spaced not less than two hundred (200) feet from each other. The Planning Commission may require marginal access streets to provide maximum safety and convenience.

**SECTION
1012**

STREETS FOR INDUSTRIAL SUBDIVISIONS

Collector streets for industrial subdivisions shall be planned to serve industrial areas exclusively and shall connect with arterial streets so that no industrial traffic will be directed into any residential streets. The intersections of service streets from parking areas, with arterial or collector streets shall not be less than one hundred (100) feet from the intersections of the arterial or collector street with any other street. Streets shall be planned to be extended to the boundaries of any adjoining land planned for industry, except if severe physical conditions prevent this or if the Planning Commission finds such extension is not in accord with the approved plan of the area.

**SECTION
1013**

DRIVEWAYS

- A.** A private driveway may be used to provide vehicular access to no more than four single family detached dwelling units. The Planning Commission may require passing lanes, turnarounds, and overhead and width clearances as necessary to accommodate fire and emergency vehicles. A homeowner's association shall be formed to provide for the long-term maintenance of any private access way. Common driveways shall have a maintenance agreement acceptable to the Planning Commission. Any driveway serving more than four (4) single-family dwelling units shall be considered a street and shall be designed and constructed according to these Regulations.
- B.** Access roads or vehicular ways within subdivisions containing single-family attached dwelling units or multifamily dwellings shall be considered streets and designed and constructed according to these Regulations.
- C.** When adequate frontage is available on a non-limited access highway, two driveways to a property used for a single purpose may be permitted.
- D.** Driveways should have a maximum grade of (15) percent. Driveways and curb cuts shall be located not less than three (3) feet from the side lot line. Curb cuts for straight curbs and the flare for rolled curbs shall be three (3) feet wider than the driveway on each side. The subdivider or developer shall place the approved drainage structures under

intersecting roads, drives, lanes or property entrances and at other locations where required.

E. In all areas where open ditch drainage is allowed, all driveway culverts shall be furnished and installed by the Sub-divider. Required sizes of driveway culverts shall be shown on the construction plans for the Subdivision.

F. Driveways shall be designed so as to drain into the roads ditch and not into the roadway surface. Smooth transitions of driveways must be done not to impede drainage.

**SECTION
1014**

ACCELERATION, DECELERATION, AND TURNING LANES

A. Deceleration or turning lanes will be required where the proposed subdivision will intersect a major street or an arterial unless determined unnecessary by the City Engineer.

B. Deceleration lanes shall be designed to the following standards:

1. The lane width shall be the same as the required width of the roadway moving lanes.
2. The lane shall provide the full required land width for its full length. It shall not be tapered.
3. The minimum lane length shall be as follows:

Table 1014: Deceleration Lane Length

Design Speed of Road	Minimum Deceleration Lane Length
30 mph	165 feet
40 mph	230 feet
50 mph	310 feet

C. Acceleration lanes are only required when indicated as needed by a traffic impact study. The design shall be as per the recommendation of the City Engineer. Where needed, a paved taper shall be provided for right hand turns.

**SECTION
1015**

SIDEWALKS AND GRADED AREAS

A. Sidewalks may be required in all subdivisions. Where the average lot line frontage is 100 feet or less, sidewalks may be required on both sides of the street. Where the average lot line frontage is greater than 100 feet, sidewalks may only be required on one side of the street. Where the average lot line frontage is greater than 150 feet, sidewalks may not be required. Such determination shall be made by the approval authority for the proposed development (Planning Director for minor subdivisions, Planning

Commission for major subdivisions), and may be appealed to the Board of Aldermen as described in Section 204.

B. In conventional developments, sidewalks shall be placed in the right-of-way, parallel to the street, unless an exception has been permitted to preserve topographical or natural features or to provide visual interest, or unless the applicant shows that an alternative pedestrian system provides safe and convenient circulation. In commercial and in high-density residential areas, sidewalks may abut the curb.

C. Pedestrian-way easements ten (10) feet wide may be required by the Planning Commission through the center of blocks to provide circulation or access to schools, playgrounds, shopping or other community facilities.

D. Sidewalks shall measure four (4) feet in width; wider widths may be necessary near pedestrian generators and employment centers. Where sidewalks abut the curb and parked cars overhang the sidewalk, widths shall be five (5) feet. The width of graded areas shall be the same as for sidewalks.

E. All sidewalks shall meet the requirement of the *Americans with Disabilities Act*.

F. Sidewalks cross slope shall not exceed 2%, and the running slope shall not exceed 5%.

G. Curb ramps shall be installed at all roadway intersections and designated pedestrian crossings. Ramps shall be installed in accordance with the *Mississippi Department of Transportation's standard detail sheet – working number SDCCR-1, latest revision*.

H. Sidewalks and ramps shall be constructed in accordance with the *Federal Highway Administration publication, "Accessible Sidewalks and Street Crossings – An Internal Guide", FHWA-SA-03-019*.

I. Sidewalks and graded areas shall be constructed according to the specifications set forth in these Regulations.

J. Public sidewalks may be required for commercial and industrial lots. Such determination shall be made by the approval authority for the proposed development (Planning Director for minor subdivisions, Planning Commission for major subdivisions), and may be appealed to the Board of Aldermen as described in Section 105.

SECTION 1016

CULVERTS and BRIDGES

Where natural drainage channels intersect any street right-of-way, it shall be the responsibility of the subdivider to have satisfactory bridges and/or culverts constructed. Where culverts are required, minimum requirements shall be observed as follows:

A. All culverts shall extend for an adequate distance to accommodate the required roadway embankment slopes. The cover over the culvert and its capacity shall be determined by the developer's professional engineer and approved by the City Engineer. The minimum diameter of the culvert pipe shall be eighteen (18) inches. Depending on the existing

drainage conditions, head walls may be required. Where driveway culverts are wholly or partially in the street right-of-way, they shall have a minimum length of twenty (20) feet and minimum diameter of fifteen (15) inches. The driveway culverts shall be laid so as to maintain the flow lines of the ditch or gutter.

- B. Culverts shall be designed in accordance with the *Mississippi Department of Transportation Design Manual* along with *HDS #5, Publication No. FHWA-NHI-01-020*.

SECTION
1017

STREET IMPROVEMENTS

All streets and thoroughfares shall be graded to their full width, including side slopes, and improved in conformance with the standards given or referred to in these Regulations. These standards are considered minimum and are subject to change where deemed necessary. All materials and construction procedures shall be in accordance with the *MDOT Construction Manual*.

SECTION
1018

STREET WIDTH

Minimum street pavement widths shall conform to the standards of these Regulations. Where pavement widths greater than those specified are deemed necessary by the City Engineer and approved by the Planning Commission, the subdivider shall bear the extra cost of providing the width beyond the requirements of these Regulations.

SECTION
1019

STREET SUBGRADE

Soil borings shall be obtained by the developer from a licensed Geotechnical firm of sufficient quantity to identify the soil characteristic of the road subgrade. Soil borings will be required every 300 feet along the proposed centerline of any proposed roadway and will also be required at the center of every proposed cul-de-sac. In addition, soil borings will be taken at minimum depths of eight (8) feet below ground and will be required at the entrance of the proposed subdivision and at all low areas. A report shall be included recommending the methods to be used for the street design.

SECTION
1020

STREET BASE COURSE

The developer has the option of using any of the following base courses, based on recommendations of the City Engineer as to soil and traffic conditions: aggregate, bituminous aggregate, asphalt, concrete, or equally suitable base course. Thickness shall be determined by the Developer's Geotechnical Engineer and approved by the City Engineer, and Road Manager, based upon the physical properties of the base course used and the physical properties of the roadbed.

**SECTION
1021**

STREET CONSTRUCTION DESIGN

- A. The subdivider shall construct streets including all grubbing, grading, laying of sub-base, base, pavements, curbs and gutters, culverts, bridges, storm sewer mains, and structures in accordance with the *MDOT standards*. The design of the work shall be submitted to the City Engineer and the Road Manager prior to the construction of the work.
- B. All pavement or surfacing designs shall be based on a twenty (20) year life and must be approved by the Planning Commission before any construction is undertaken to insure adequate design for the existing soil conditions and proposed use to which it is to be subjected. Design calculations for the road surfacing and base shall be submitted to the City Engineer, and Road Manager for approval.

**SECTION
1022**

HOT MIXED ASPHALT STREETS

- A. Design thickness for combined surface and base material shall be based on the subgrade condition, the ADT factor and the magnitude of equivalent 18,000 pounds axle load where estimated ADT of 100 vehicles per day.
- B. Design guides provided by the *AASHTO, National Asphalt Pavement Association* and the *Asphalt Institute* shall be used.
- C. Surface material shall be at least three inches (3") in thickness. Base material may consist of soil cement, limestone, clay gravel, crushed gravel, or hot mix asphalt base and shall extend a distance of one (1) foot beyond the curb limit. The design mix of the asphalt shall conform to local accepted material or according to Mississippi Department of Transportation specifications.

**SECTION
1023**

STREET CURBS AND GUTTERS

The requirements for curbs and gutters will vary according to the character of the area and the density of development. In areas with substantial flash flooding or heavy rain runoff, curbs shall be required on all streets designed for areas where the existing or anticipated residential density of the area surrounding the proposed subdivision equals or exceeds three (3) dwelling units per net acre. In commercial developments, or where other similar intensive urban uses exist or are anticipated, curbs shall be required. Where curbs exist on abutting properties, their extension shall be required throughout the proposed subdivision. Curbs and gutters shall be constructed in conformance with the current *Constructions and Material Specifications of the State of Mississippi Department of Transportation*.

**SECTION
1024**

OPEN DITCHES AND SLOPES

Open ditch construction for roadside drainage shall be permitted in areas zoned A and R-1, and constructed according to Mississippi Department of Transportation specifications. Minimum depth of ditches shall be two (2) feet below the edge of pavement, and one (1) foot minimum at top of hill and toe of bank. All ditches shall be protected against erosion. The designer shall utilize the *Federal Highway Administration Hydraulic Engineering Circular No. 15 (HEC 15)* to calculate and determine channel lining requirements for all proposed roadside ditches and open channels. Concrete linings will be required in areas determined by the City Engineer and the Road Manager. All open ditches will be concreted or curb and gutter with storm drain will be required.

**SECTION
1025**

ENTRANCE DESIGN STANDARDS

- A. Any private street with an access control gate shall have a minimum uninterrupted pavement width of twenty-four (24) feet at the location of the access control device. All restricted access gates shall be approved by the particular Fire Department servicing the area and meet access requirements for emergency vehicles.
- B. Overhead barriers shall not be allowed.
- C. Internal storage for three (3) vehicles shall be provided between the right-of-way line and the point of the access control device. An additional setback between the point of the access control device and the access gate shall be required to allow a vehicle which is denied access to safely turn around and exit onto a public street.
- D. On lots adjacent to access gates, screening walls may exceed thirty (30) inches in height, up to a maximum of eight (8) feet within the front yard setback of the adjacent lot.

CHAPTER 11

STORMWATER MANAGEMENT

SECTION **GENERAL** **1101**

1101.1 Stormwater Report Required. All preliminary site and subdivision plans submitted for approval shall be accompanied by a narrative describing how stormwater entering, traveling within, and leaving the site will be managed and to what extent the development will impact existing conditions on-site and off-site. All final site plan and construction drawing submittals shall be accompanied by a Stormwater Report prepared by the developer's engineer.

Every applicant shall provide for stormwater management as required by this chapter, unless a written request is filed and granted by the city to waive this requirement.

Requests to waive the stormwater management plan requirements shall be submitted to the Planning Director for approval.

1101.2 Exemptions and Waivers. When considering a waiver to the Stormwater Management requirements, the Planning Director shall only grant such a waiver, provided that at least one of the following conditions apply:

1. Provisions are made to manage stormwater by an off-site facility. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of stormwater control that is equal to or greater than that which would be afforded by on-site practices and there is a legally obligated entity responsible for long-term operation and maintenance of the stormwater practice.
2. The city engineer finds that meeting the minimum on-site management requirements is not feasible due to the natural or existing physical characteristics of a site.
3. Nonstructural practices, such as pervious pavers and green roofs, will be used on the site that reduce:
 - A. The generation of stormwater from the site;
 - B. The size and cost of stormwater storage; and
 - C. The pollutants generated at the site.

SECTION **METHODS** **1102**

Methods used for computing runoff and generating hydrographs must be by one of the following methods:

1) Rational Method for drainage areas up to one hundred (100) acres or

2) Soil Conservation Service (SCS) Method (TR55) for small and medium size water sheds containing up to ten thousand (10,000) acres.

Other methods may be used upon prior approval of the City Engineer.

SECTION 1103

DESIGN

1103.1 Street and Local Drainage Facilities. All street and local drainage facilities shall be designed using the twenty-five (25) year storm guidelines unless more stringent requirements apply. Piped Drainage Structures shall have a minimum size of fifteen inches (15") in diameter. Inlet and outlet headwalls and toewalls are required for all pipes. Velocities for all pipes shall be kept to a minimum and, if practical, should not exceed four (4) feet per second when flowing full; however, if outlet velocities exceed five (5) feet per second, then energy dissipation devices and vegetative channel protection must be provided.

1103.2 Cross Drains. Pipes and box culverts used for cross drains shall be designed to carry at a minimum the twenty five (25)-year storm discharge, but should also be checked against the one hundred (100)-year storm to insure that the maximum headwater depth (HW) is six inches (6") below the centerline grade of the roadway. Street catch basins may be designed for gutter spread using the ten (10)-year storm provided a four (4) minute time of concentration is used and the remainder of the system is designed for the twenty five (25)-year storm assuming each inlet captures one hundred percent (100%) of the flow (to provide additional capacity for future additions to the system and off site drainage). Inlet capacity at sags, where relief by curb overflow is not provided, shall allow for debris blockage by providing twice the computed opening for the ten (10)-year storm. Curb inlets in the roadway shall be placed in such a way that the spread of water from the ten (10)-year storm does not exceed one half of a lane width on two or three lane streets and one lane width on wider streets. When the typical section includes a full shoulder or parking lane, no encroachment onto the travel lane will be allowed.

1103.3 Drainage Structures within Special Flood Hazard Areas. All drainage structures that lie within streams designated as Special Flood Hazard Areas (SFHA) as defined on the National Flood Insurance Program (NFIP) maps must be designed using the one hundred (100)-year (1% chance) flood event. Designs for structures lying within these streams shall be accompanied by a no-rise certification analysis by the Professional Engineer. All no-rise certifications shall be conducted in accordance with FEMA guidelines.

1103.4 Development within Special Flood Hazard Areas. The floodplain boundary information must be obtained using Federal Emergency Management Agency (FEMA) guidelines. Proposed developments located in approximate "A" zones that will be greater than fifty (50) lots or five (5) acres, whichever is lesser, must provide one hundred (100)-year base flood elevation data. This data should be obtained using appropriate methodologies accepted by FEMA.

SUBDIVISION WITHIN FLOOD PLAIN

There shall be no platting or subdivision of land allowed by the Board within the area defined as a floodplain unless the following conditions are met:

- A) It is determined after receipt of additional hydrological or grade studies from the subdivider or appropriate federal or state agencies that the lands to be developed are no longer subject to be covered by flood water of a 100-year frequency flood, or
- B) The location, grade, and flood-proofing of all proposed water mains and wastewater collectors which are to be extended into or through any portion of the flood plain to serve the proposed development shall first be approved by the City Engineer, prior to the extensions of such utilities into the flood plain area.
- C) That any proposed use which is located within a flood plain shall not include buildings which are inhabited and will be limited to such uses as open space, streets, and parking areas on that portion of the land within the flood plain where significant damage to life and property from flooding is more likely to occur. Any use approved to be located on land which is included within an area designated as a flood plain shall be approved only where the following factors have been considered and arrangements have been made which are satisfactory to the Board of Aldermen.
 - 1. The danger to life and property by water which may be backed up or diverted by such obstruction or land use;
 - 2. The danger that the obstruction or land use will be swept downstream to the injury of others;
 - 3. The availability of alternate locations;
 - 4. The construction or alteration of the obstruction in such a manner as to lessen any danger;
 - 5. The permanence of the obstruction or land use;
 - 6. The anticipated development in the foreseeable future of the area in which the proposed subdivision is to be located which may be affected by the obstruction or land use; and
 - 7. Any additional conditions adopted by the Board of Aldermen to ensure proper use of the areas within the flood plain.
- D. That the development of any land located within the flood plain will be accomplished so as to completely protect all areas of habitation and employment by raising of the ground elevation to the minimum freeboard requirement of the *Fulton Flood Damage Prevention Ordinance*. The raising of the ground shall be accomplished in such a manner that the general flow and storage of water is not unduly restricted or limited and will not cause flood hazards to other lands and developments, either within the proposed subdivision

or otherwise, and that said protection shall be accomplished without creating the need of significant public expenditures for flood control. This may require a detailed study to ensure the site raising will not cause flood hazards.

- E. The proposed center line grade of streets, roads, or private roadways located within the floodplain that are necessary to serve the proposed development shall not be more than one (1) foot below the 100-year frequency flood elevation.
- F. Any area within a flood plain from which fill is taken shall be hydrologically designed and maintained to reduce the likelihood of becoming refilled by silt. The subdivider must make arrangements satisfactory to the Board binding his/her successors and assigns, to regrade or remove such silt as is necessary to return any area to its approved design after flooding has occurred. Any area from which fill is taken within a flood plain shall be at a grade that will continue to permit adequate drainage into the stream or watercourse. If a water area is to be maintained within the flood plain, consideration shall be given to the effect the water area may have upon the flooding of both the land within the flood plain and other lands outside of the flood plain.

The subdivider shall obtain the approval of the City Engineer for any modifications in the location or design of the borrow area within the flood plain.

SECTION 1105

STORMWATER RETENTION AND DETENTION

1105.1 Stormwater Retention and Detention Required. Whenever the Stormwater Report indicates that an adverse stormwater runoff related impact is expected to result from the development of a property, that project shall be required to provide a stormwater detention facility or facilities so that peak flows from the developed site do not exceed those associated with the pre-developed site.

1105.2 Detention Facility Design. The detention facility shall be designed to accommodate a twenty five (25)-year post development event with the discharge structure designed to release the ten (10)-year pre-development flow. Larger projects, in excess of fifteen (15) acres, may be designed to release the twenty five (25)-year pre-development flow. Detention and retention ponds shall be designed with adequate freeboard to protect against overtopping of the dam or levee from the one hundred (100)-year storm. A variety of methods of achieving stormwater management goals are acceptable in providing detention facilities.

The type of facility provided shall be based on the following criteria:

1. The type of development for which the detention facility is intended to protect.
2. Volume of stormwater to be stored.
3. Origin and magnitude of the flows to be managed.
4. Topographic opportunities and limitations.

5. Safety considerations.
6. Maintenance requirements.
7. Aesthetic considerations.
8. Likelihood of facility operation interfering with access to public or private facilities.
9. Proximity of facility to property lines, utilities, buffers, etc.
10. Similar site-specific constraints as necessary.

The use of detention structures, which are greater than four feet (4') in depth, is strongly discouraged. When a detention structure is over four feet (4') deep and in a location that constitutes a danger to human habitation, a permanent fence or barrier and warning signs shall protect it.

1105.2.1 Fencing. When required, fences shall be a minimum of five feet (5') in height with a ten foot (10') wide gate. All fencing must be decorative wood or dark coated metal, such as aluminum picket or powder coated chain-link, and must be specifically approved, along with a plan of access and appropriate easements, by the City during the plans review process. Detention areas shall be dedicated as public infrastructure to the City, or may be owned and maintained by the neighborhood home owner's association and protected by subdivision covenants.

1105.3 Existing Tree Credit. In addition to standard stormwater facilities, credit may be given to developers for preserving mature trees to be used in a detention or stormwater quality facility on a development site. Mature native trees are an integral part of the stormwater treatment process and should be preserved and maintained where applicable. Stormwater storage credits will be given in the amount of one half (½) cubic foot per inch (caliper inch at breast height) of mature trees preserved on site. For example, if ten (10) mature trees with a diameter of twelve (12) inches were preserved in an open, pervious area of the site (or other greenspace that is not in parking lots), the developer would receive credit for sixty (60) cubic feet of storage saved. Credits would be given at the discretion of the Planning Director or designee based on location, size and type of trees. It shall be the responsibility of the developer to provide adequate information concerning the location, size, quality, and type of all trees to be preserved. Such information can be provided by means of a survey or other similar and pertinent documentation.

1105.4 Drainage Easements. Drainage easements suitable for the construction and maintenance of the drainage system shall be provided. A minimum of twenty feet (20') in width will be required for any drainage easement along a drainage pipe, ditch, stream or other area that is designated for stormwater to flow. No obstruction shall be built; constructed or planted that would inhibit proper function of the drainage system. All detention facilities shall be accessible from a public street by a minimum twenty foot (20') access easement, and there shall be an easement for the detention facility including twenty feet (20') beyond the toe of the side slope of the containment berm of the structure. No fences or planting of shrubbery shall be allowed on access easements. Fences and/or

shrubbery may be placed within a piped drainage easement, if an indemnification agreement is provided to the City.

1105.5 Slope Requirements. Drainage channels and detention/retention facilities should have maintained banks with slopes no steeper than three linear feet (3') per one vertical foot (3:1). Channel protection should be provided in vegetative form unless otherwise unsuitable. Where vegetative protection is proposed, the use of temporary or permanent erosion control material is required. At a minimum, the use of excelsior mats, or on approved equal, with sod or seed is required.

Whenever a drainage ditch or channel has a depth of five (5) feet or more, or a bank slope of two (2) feet horizontal to one (1) vertical or steeper, a five (5) foot high masonry wall or a five (5) foot high chain link fence may be required by the Planning Commission.

SECTION 1106

STORMWATER POLLUTION PREVENTION

1106.1 General. Prior to beginning development work, sediment control measures shall be established by the developer to prevent stormwater pollution. Structural practices shall be implemented to divert flows from exposed soils, temporarily store flows, or otherwise control runoff in order to prevent pollutants from leaving development project sites and rights-of-way.

The City will not issue approval for work to begin on a project without the proper permits on file. It shall be the responsibility of the developer to apply for, obtain, and maintain applicable stormwater permits from the **Mississippi Department of Environmental Quality**. Permits shall remain on site at all times for inspection by City and/or MDEQ personnel.

1106.2 Stormwater Permits Required. Before beginning projects that will encompass a disturbed area greater than five (5) acres, the developer/builder shall submit a Stormwater Pollution Prevention Plan (SWPPP) to the Mississippi Department of Environmental Quality (MDEQ) for a Large Construction Stormwater General Permit. A copy of the approved SWPPP plan must be provided to the City with construction plans.

Projects that will have a total disturbed area of less than five (5) acres, but greater than one (1) acre shall be covered under a Small Construction Stormwater General Permit.

Projects that disturb an area of less than one (1) acre that may not be required to obtain stormwater pollution prevention permits shall follow best management practices regarding erosion and sediment control.

1106.3 Minimum Erosion Control Requirements. As a minimum, the developer / contractor shall provide straw bales or silt fences as a temporary structural practice to minimize erosion and sediment runoff. Straw bales and silt fences shall be properly placed to effectively retain sediment in each independent runoff area; then, as work progresses, shall be removed/replaced/relocated as needed. Erosion control measures must remain in place until vegetative establishment has occurred across the newly developed drainage area.

PIPE CULVERTS AND STORM SEWERS

1107.1 General. The minimum diameter for pipe culverts and storm drain pipe shall be fifteen inches (15"), and when used as a culvert, the length shall be such that the ends project at least four feet (4') beyond the edge of the pavements or beyond the back of the curb.

1107.2 Design. The design of stormwater drainage systems shall insure adequate control of stormwater runoff through the use of properly sized and positioned drainage structures including but not limited to curb and gutter, curb and grate inlets, raised grates, stormwater sewer pipe, box culverts, intersectional drains, open ditches, and bridges. Some such structures may also be required at side and rear lot lines.

The design of all stormwater drainage systems (including main channels) shall be in accordance with the City's plan (if any) for the basin in which the development is located and shall provide for potential affects to upstream and downstream developments in the basin. Drainage facilities shall be designed to meet all City ordinances and prevent excessive runoff onto adjacent properties. Cross drains shall be provided to accommodate all natural water flow and shall be of sufficient length to permit construction of a full width roadway including side slopes. Headwalls or flared end sections, aprons, channel bottom, and slope protection shall be provided at the upstream and discharge end of the cross drains. The use of excelsior mats or an approved equal will provide adequate protection.

1107.2.1 Design Frequencies. The following stormwater design frequencies shall be used in computing design distribution:

100-Year: All major streams, channels, bridges, open ditches, or drains within the jurisdictional limits of the City.

50-Year: Minor streams, channels, open ditches, or sub-drains from tributary to main streams.

25-Year: Side drains and miscellaneous culverts where flooding would cause minor adverse affects.

1107.2.2 Storm Drainage Pipe and Culverts. The following design criteria shall apply to all storm drainage pipe and culverts:

- A.** Calculation of design flows for drainage areas less than ten (10) acres: All pipes, side drains, and open ditches shall be designed using the accepted methodologies. The minimum storm drainage pipe size shall be ten inches (10") and shall be obtained using the Rational Formula.
- B.** Storm sewer design velocities shall not exceed ten feet (10') per second. For small, compact drainage basins less than ten (10) acres, the peak runoff shall be computed from the Rational Formula.

C. Calculation of design flows from drainage areas greater than ten (10) acres: Design flows shall be obtained by using accepted methodologies suitable for urbanized streams.

D. All pipes, side drains and open ditches shall be designed using the applicable frequency curve.

1107.2.3 Streets, Curb and Gutter, and Inlets. The following requirements shall apply to the construction of streets, curb and gutter, and inlets.

A. The horizontal and vertical alignment of streets shall be compatible with the stormwater runoff system and drainage design.

B. Street Grades shall be coordinated with lot drainage as proposed in the grading plan. Street grades shall be above the one hundred (100)-year frequency flood level.

C. The hydraulic capacity of curb inlets shall be determined by generally accepted engineering procedures taking into consideration roughness and street cross slope. The design depth of flow in the curb and gutter section shall not exceed four inches (4").

D. The hydraulic capacity of curb inlets shall be determined by generally accepted engineering procedures taking into consideration inlet geometry and characteristics of the gutter flow. Curb inlets shall be spaced to limit the spread of water to not more than one quarter ($\frac{1}{4}$) of the street width during a design storm of ten (10) year return period and fifteen (15) minute duration. Inlets shall also be placed at all low points in the gutter grade, at intersections where necessary to prevent gutter flow from crossing traffic lanes of an intersecting street or at points of special concern designated by the Planning Director or Designee.

E. Finished grades of all buildings shall be a minimum of one foot (1') above the one hundred (100)-year flood elevation.

F. The structural design of all box culverts or bridges shall conform to the standard plan of the Mississippi State Highway Department for a load capacity of HS-20 minimum.

G. All culverts, cross drainage, and storm sewers shall be constructed in accordance with the technical specifications contained herein.

1107.3 Materials. All materials and construction practices shall conform to the requirements of the *Mississippi Standard Specifications for State Aid Road and Bridge Construction (2004 Edition)*.

Head walls or flared end sections shall be provided on all eighteen inch (18") pipes and larger.

Plastic Pipe and fittings shall conform to the requirements of Type "S" High Density Polyethylene (HDPE) corrugated pipe under AASHTO M 294. It shall be "N-12 Pipe", as manufactured by Advance Drainage Systems, Hilliard, Ohio, or equal. Couplings used at pipe joints shall provide a watertight connection and gaskets shall conform to the requirements under ASTM F-477.

Reinforced concrete pipe shall conform to ASTM C-76.

1107.4 Installation. Pipe shall be installed according to the Manufacturer's recommendations. Excavation shall be true to line and grade within 0.05 feet. Excavation carried below the grade shall be backfilled at the Contractor's expense with selected materials. Unsuitable materials excavated from the trenches shall not be used for backfill and shall be disposed of as directed by the Developer's Engineer. Any material encountered in way of pipe trenches, including buried drainage structures and obstructions, shall be excavated.

The trench width shall not be less than twelve inches (12") greater than the outside diameter of the pipe. The Contractor shall do such trench bracing, de-watering, sheathing, or shoring necessary to perform and protect the excavation, and shall remove such material as backfill progresses.

The pipe shall be firmly and accurately set to line and grade so that the invert will be smooth and uniform, and any pipe which is not in true alignment, or which shows any settlement after laying, shall be taken up and re-laid. Pipe shall be laid on a prepared bed which will provide a full bearing for the barrel and which is uniformly firm throughout its entire length.

Concrete pipe shall be used beneath all paved areas.

1107.5 Backfilling. The backfill material shall be approved by the Developer's Engineer. Great care shall be used to obtain thorough compaction under the haunches and along the sides to the top of the pipe. The backfill shall be placed in loose layers not exceeding six inches (6") in depth and successive layers shall not be placed until thorough compaction is obtained. Trenches under areas to be paved shall be compacted to ninety-five percent (95%) Standard Proctor density.

1107.6 Connections. Where the plans call for connections to existing or proposed structures or lines, these connections shall be watertight and made so that a smooth uniform flow line will be obtained.

The joints of all pipe culverts to other drainage structures shall be caulked and filled with mortar. Joints shall be thoroughly wet before applying mortar, and sufficient mortar shall be used to form a bead around the outside of the joint and to fill the whole joint to the inside of the connection. The inside of the joint shall be wiped and finished smooth. After the initial set, the mortar on the outside shall be cured with a cover of thoroughly wetted earth or burlap.

STORMWATER SYSTEM CONSTRUCTION RECORDS

The following records must be provided prior to approval of the Final Plat or release of the Construction Bond:

- A. A certification letter from the Developer's Engineer that the improvements were constructed in substantial conformance with the approved construction plans and specifications, accompanied by inspection documentation records and construction inspection photographs. The Developer, or his Designee, is responsible for maintaining inspection records to ensure that all improvements were constructed according to approved plans.
- B. RECORD DRAWINGS shall accurately represent the completed construction including locations of appurtenances. Provide four (4) printed sets and two (2) sets on CD or other media in PDF or other acceptable machine-readable file format.
- C. Copies of the manufacturer's literature necessary for reference in operating and maintaining the facilities including but not limited to manufacturer's product descriptive literature for materials incorporated into the work, operation and maintenance manuals for equipment, copies basic warranty information, etc.
- D. Contact information for the source of supply.
- E. Other information as may be requested by the Planning Director.

CHAPTER 12

WATER DISTRIBUTION SYSTEMS

SECTION GENERAL 1201

1201.1 Water Distribution Required. The developer of all developments and subdivisions shall provide a water distribution system designed, approved and installed in accordance with these Regulations. Water distribution systems for subdivisions and developments shall be connected to a public water supply.

The water distribution system shall meet the minimum requirements of the Mississippi Department of Health and conform to the applicable standards of the City including the current Water Use Policy.

The developer shall be fully responsible for the design, installation, and oversight of any physical improvements necessary to connect to existing public infrastructure.

1201.2 Waiver and Exception. In the event it is determined by the Director of the Water and Sewer Department that it is not possible, or is not feasible, to provide access to the public water supply system, the developer may request a waiver from providing a public water distribution system. Such request shall be in writing and be presented to the Planning Director prior to Preliminary Plat Approval.

The Board of Aldermen shall have sole authority in granting or denying such a waiver.

Should the Board of Aldermen grant a waiver to the developer from providing a public water distribution system, the developer shall install a private individual water supply system for each lot within the proposed development or subdivision.

1201.2.1 Individual Water Supply. Individual water supply systems shall be designed and installed in accordance with the *Mississippi Department of Health*, and *National Groundwater Association (NGWA)* standards.

1201.3 Plans and Specifications Approval. Prior to advertising for bids, or prior to beginning construction where bids are not received on a new public water system, or for extensions or modifications to an existing public water system, plans and specifications shall be provided to the Planning Director.

Plans and specifications shall be prepared, sealed, and signed by a professional engineer registered to practice in Mississippi.

Such plans shall be forwarded to the Mississippi Department of Health for review and approval. Such plans shall not be approved by the City, until approved in writing by the Mississippi Department of Health, Division of Water Supply.

1201.4 System Design. Unless otherwise recommended by the City Engineer, the distribution system shall be designed to maintain a minimum dynamic pressure of twenty (20) psi. Maximum static pressure shall not exceed eighty (80) psi.

Water mains shall be designed based on hydraulic analysis using an appropriate friction coefficient, but shall not be less than six inches (6"). The maximum Hazen-Williams C value to be used is one hundred twenty (120).

The minimum water main size supplying fire hydrants with pumper connections shall be as determined by hydraulic analysis using calculated fire flows.

1201.5 Materials. All materials not specifically referenced herein shall be non-toxic and approved for use in potable water systems by American Water Works Association (AWWA), U.S. Environmental Protection Agency (EPA), Underwriters Laboratory (UL), National Sanitation Foundation (NSF), or other appropriate organization.

Ductile iron pipe and fittings shall only be allowed for open ditch crossings and similar surface layments, and shall be approved by the Water and Sewer Director prior to installation. When allowed, ductile iron pipe shall comply with the latest application standards issued by the AWWA.

All water distribution mains shall be Polyvinyl Chloride (PVC) pipe and shall meet the latest revised requirements of AWWA C-900.

1201.6 Installation. Pipe installation shall comply with generally accepted standards of good workmanship, including applicable AWWA and industry standards, along with, but not limited to the following:

- A. A continuous uniform bedding shall be provided, free of injurious stones or debris within six inches (6") of the pipe in the bedding and cover material.
- B. There shall be a minimum of thirty-six inches (36") of cover.
- C. Except for street and driveway crossings, water lines shall be located outside of paved areas. Exceptions will be considered on a case-by-case basis. Water lines shall be installed a minimum of five feet (5') behind the back of the curb.
- D. While under construction, unattended exposed pipelines must have the ends capped.
- E. Adequate separation from other utilities for maintenance and/or repair should be provided.
- F. Water mains shall be laid at least ten feet (10') horizontally from any sanitary sewer or manhole. Where local conditions prevent ten feet (10') horizontal separation, the City may allow the water line to be laid closer to the sewer line if the following requirements are met:
 - 1. The developer must obtain written approval from the Mississippi State Health Department.

2. If local conditions prevent ten feet (10') horizontal separation, the water main may be laid closer to the sewer line provided they are in a separate trench and the bottom of the water line is eighteen inches (18") above the top of the sewer lines.
 3. Where this ten foot (10') horizontal separation cannot be maintained, the water line should be ductile iron with water line joints located at the maximum distance possible from sewer line joints. PVC pipe may be used if it is protected by a steel casing.
 4. Where water lines cross sewer lines, the pipe segments should be centered to provide maximum spacing of joints of both water and sewer lines. A vertical separation of at least eighteen inches (18") should be maintained (water over sewer).
 5. No water pipe shall pass through or come into contact with any part of a sewer manhole. In places where the water line passes underneath a sanitary sewer line, the water line shall be installed so the midpoint of a full pipe length of water line is centered on the sanitary sewer.
- G.** Water lines crossing ditches where less than thirty-six inches (36") of cover is maintained or crossing streams shall be either ductile iron pipe (when approved by the Water and Sewer Director), or protected by a steel casing. Adequate support and anchorage shall be provided on both sides of the ditch.
- H.** Pipe lines including main and service lines that cross roadways shall be protected by a steel casing. Casings for service lines under collector and local streets installed by open cut may be PVC pipe or steel pipe.
- I.** Encasements for all main lines shall be welded steel encasement pipe.
- J.** All water users shall be supplied individually from a service line extended directly from the main line.
- K.** A sufficient number of valves shall be provided to limit the number of meters isolated during line maintenance and repairs. Valves shall be located and lines looped so that not more than twenty-five (25) meters will be isolated at a time. Valve location spacing shall not exceed one thousand feet (1,000') along any segment. Valves shall be provided at each fire hydrant.
- L.** Pressure and leakage tests should be completed and conform to the current AWWA Standard, C 600 Section 5. Provide records of test results indicating witness by the developer's engineer or a city representative.
- M.** There shall be no physical connection (cross connections) between the distribution system and any pipes, pumps, hydrants, or tanks whereby unsafe water or any contaminants may be caused to enter the water system. An appropriate backflow prevention device shall be installed on each service extension where an existing or potential health hazard exists or where a hazardous hydraulic condition may be allowed to exist. Where backflow

prevention devices are required, they must be installed inside of an associated building, or equipped with a prefabricated exterior housing to be approved by the Administrator or designee. These devices should be located in a serviceable area but screened away from the public view. Prior to service being connected to a public water system, all wells or water sources owned or used previously by the potential customer shall be physically disconnected from the plumbing to be supplied by the public water system.

N. All dead end mains shall terminate with one of the following:

1. A two inch (2") flushing hydrant may be installed, serviced by a two inch (2") brass tapping saddle with corporation stop and curb stop. A main line valve and pipe bell with cap shall be placed beyond the tap for the flushing hydrant.
2. A fire hydrant may be installed. Hydrant type and installation shall be per the specifications herein, at the discretion of the Planning Director.

SECTION 1202

WATER PIPE LINES

1202.1 Size and Materials. Except as otherwise provided, water mains shall be minimum six inch (6") PVC. Ductile Iron Pipe for water pipe lines, where permitted, shall be in accordance with ANSI/A21.50 and ANSI/A 21.51 mechanical or push-on jointed and shall be cement lined in accordance with ANSI/A 21.4. Rubber gasket joints shall be in accordance with ANSI 21.11. The pressure classes for ductile iron pipe shall be: PC 350 for eight to twelve inch (8"-12") pipe.

Plastic Pipe shall be rigid polyvinyl chloride pipe AWWA C-900 Class 150 (DR18) with integral bell for gasketed slip joints. "O"-ring joints and glue joints will not be accepted. Gasket joints shall be in accordance with ASTM D-3139. All plastic pipe shall be installed within one (1) year of the date of manufacture indicated on the pipe.

1202.1.1 Pipe Fittings. Fittings for ductile iron and PVC pipe shall be ductile iron mechanical joint fittings, ANSI Specification A21.53, A21.11 as applicable. Fittings shall be rated for a working water pressure of 350 psi. Ductile iron fittings shall be uniformly coated on the inside with cement-mortar lining conforming to ANSI Specifications A21.4. Mechanical joint fittings with Ebaa Iron Megalug glands and gaskets or Uni-Flange Series 1400 restrained joint device may be used where restrained joint fittings are specified. Pipe Fittings for Flanged Connections shall be ANSI Specifications A21.10, Class 125, ductile iron fittings.

1202.1.2 Thrust Blocks: Concrete thrust blocks, or similar method approved by the City Engineer, shall be installed around fittings at the locations and of the volume and strength required to withstand thrust reactions at the test pressure. Where directional changes occur in a vertical plane, approved mechanical retainers shall be used.

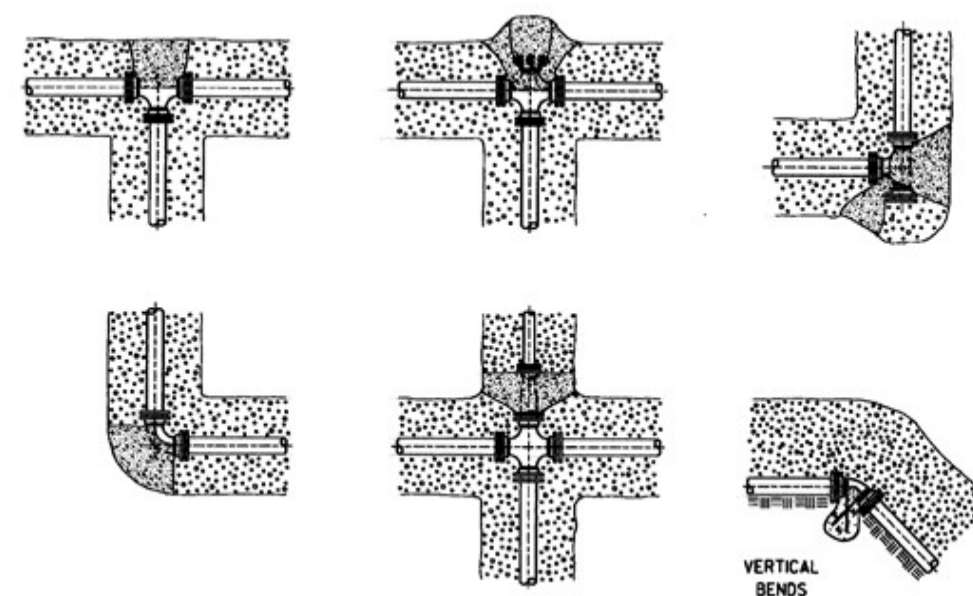


ILLUSTRATION 1202.1.2 - THRUST BLOCKING

1202.2 Jointing.

Ductile Iron Pipe – When permitted, all joints shall be in accordance with the manufacturer's instructions exercising extreme care to clean all parts before assembly. Joints shall be made under dry conditions. Underground flanges shall be wrapped with 8 mil black polyethylene material conforming to ANSI A21.5 and taped in place before backfilling.

Plastic Pipe - Joints in plastic pipe shall be rubber gasket push-on type. Push-on joints shall be made in accordance with the manufacturer's instructions. The resulting joints shall be clean and watertight.

1202.3 Encasements. Encasement for water lines at roadway crossings shall be new black steel pipe per ASTM A252, Grade 2, ASTM A53, Grade B or better. Minimum wall thickness shall be 0.188" for sizes 12" and less and 0.250" for 14" and above. Joints shall be welded. Trenching and backfilling shall be performed in conformity with the Water Pipe Lines standard.

1202.4 Pipe Laying. The pipe shall be lowered into the trench in such a manner as to prevent damage to the pipe or pipe coating. It shall not be dropped or dumped during unloading or laying. Foreign matter and dirt shall be prevented from entering the pipe. A minimum cover of thirty-six inches (36"), measured from the top of the pipe shall be provided.

1202.5 Tracer Wire. Twelve gauge (minimum) insulated single-strand solid copper tracer wire shall be installed with all plastic mains and service lines to facilitate location with a pipe locator. The tracer wire shall be laid in the trench with the plastic pipe.

The tracer wire shall be brought up and terminated in a tracer wire test station at each valve and at intervals along pipelines not to exceed five hundred feet (500'). Tracer wire test stations shall be Rhino TriView Flex with internal test station as manufactured by REPNET, Inc. or equal. The tracer wire station shall be installed by sliding it over a six foot (6') long 1-1/2 lb. per foot U-channel post driven eighteen to twenty four inches (18" - 24") into the ground and securing it with a bolt or rivet as recommended by the manufacturer. Where utilities are located in the front or side yard, use "snakepit" style tracing wire system with six inch (6") top flange in-grade locator markers. Identification decals shall be affixed to all three sides of the post.

1202.6 Backfilling. Trenching and excavation shall be backfilled immediately after the pipes are laid. The initial backfill shall extend to twelve inch (12") above the pipe. The initial backfill shall be thoroughly and carefully tamped before the next layer is placed. The remainder of the backfill shall be as follows:

In areas not be paved, the backfill may be fine, loose soil, free from large clods, stones, frozen earth, debris or any material with an exceptionally high void content. The backfill may be accomplished by dozing in layers of approximately one foot each. A windrow shall be left over the trench and bladed and shifted as necessary as settling occurs. For graveled areas, after maximum settlement has been reached, excess material shall be hauled away and washed gravel or crushed stone added as necessary.

In areas to be paved, the trench soils shall be tested by the design engineer to determine their suitability for use as backfill material. If the trench soils are found to be unsuitable, they shall be replaced with suitable materials. Backfill in areas to be paved shall be placed in twelve inch (12") lifts and each lift compacted to ninety five percent (95%) Standard Proctor density. Backfill shall extend to the top of the subgrade.

The location of backfill density tests shall be at the discretion of the design engineer. Generally, one sample will be taken mid-trench depth and one on top of the material each two hundred feet (200')+ along the trench. In the event of failed density tests, the compaction shall be continued and water added until the optimum moisture content is reached and the samples meet or exceed the specified minimum density.

1202.7 Pressure Testing. After the pipe has been laid, all newly laid pipe and selected valved sections shall be subjected to a hydrostatic pressure equal to one and one-half (1-1/2) times the normal static water pressure, but not less than 100 psi. All pressure tests must be conducted in the supervision of the Developer's Engineer or representative.

Test Pressures shall:

- A. Not exceed pipe or thrust-restrain design pressures (Backfill pipe trenches sufficiently and provide reaction blocking hydrostatic testing.)
- B. Be of at least 2-hour duration.
- C. Not vary by more than + 5 psi for the duration of the test.
- D. Not exceed the rated pressure of the valves when the pressure boundary of the test section includes closed, resilient-seated gate valves.

Each valved section of pipe shall be slowly filled with water. The specified test pressure shall be applied, by means of a pump connected to the pipe in a satisfactory manner. Valves

shall not be operated in either the opening or closing direction at differential pressures above the rated pressure. The system shall be allowed to stabilize at the test pressure before the leakage test is conducted.

Before applying the specified test pressure, air shall be expelled completely from the section of pipe under test. If permanent air vents are not located at all high points, corporation stops shall be installed at such points so that the air can be expelled as the line is filled with water. After all the air has been expelled, the corporation stops shall be closed and the test pressure applied. At the conclusion of the pressure test, the corporation stops shall be left in place and record of their location provided.

Damaged or defective pipe, fittings, valves, or hydrants that are discovered following the pressure test shall be repaired or replaced and the test shall be repeated until satisfactory results are obtained.

A leakage test shall be conducted concurrently with the pressure test. Leakage shall be defined as the quantity of water that must be supplied into a pipe to maintain pressure within five (5) psi of the specified test pressure after the pipe has been filled with water and the air has been expelled. Leakage shall not be measured by a drop in pressure in a test section over a period of time.

No pipe installation will be accepted if the leakage is greater than the allowable leakage at various pressures as shown in the table below.

Table 1202.7. Allowable Leakage per 1000 ft (GPH)

Avg. Test Pressure (PSI)	Nominal Pipe Diameter (inches)									
	3	4	6	8	10	12	14	16	18	24
180	0.31	0.41	0.61	0.81	1.01	1.21	1.41	1.61	1.82	2.42
175	0.30	0.40	0.59	0.80	0.99	1.19	1.39	1.59	1.79	2.38
150	0.28	0.37	0.55	0.74	0.92	1.10	1.29	1.47	1.66	2.21
125	0.25	0.34	0.50	0.67	0.84	1.01	1.18	1.34	1.51	2.01
100	0.23	0.30	0.45	0.60	0.75	0.90	1.05	1.20	1.35	1.80

Note: If the pipeline under test contains sections of various diameters, the allowable leakage will be the sum of the computed leakage for each size.

Acceptance shall be determined on the basis of allowable leakage. If any test of installed pipe discloses leakage greater than that specified, repairs shall be made as necessary until the leakage is within the specified allowance.

All visible leaks are to be repaired regardless of the amount of leakage. Tests must be observed by the Planning Director or designee and certification of such observance must appear on the test record.

1202.8 Disinfection and Bacteriological Testing. Disinfection shall be in valved sections and may be done concurrently with pressure testing. Flushing and disinfection shall be in accordance with AWWA Specification C651. After completion of the disinfection, arrangements shall be made to collect a least one sample from every dead-end line and every major looped line for bacteriological examination. The sample shall be collected by a representative of the Mississippi State Department of Health, the registered professional

Engineer in charge of the project, or a certified water operator authorized by the City. Water being collected for testing shall not have a chlorine residual higher than is normally maintained in other part of the distribution system.

1202.8.1 Test Results Required. No coliform bacteria and no confluent growth indication shall constitute a satisfactory sample when analyzed by the Mississippi Department of Health or a laboratory certified by the State of Mississippi. A copy of the test results shall be furnished to the City.

SECTION 1203

VALVES AND BOXES

1203.1 Materials. Gate valves shall be resilient seated gate valves conforming to AWWA Standard C509, iron body, bronze mounted, non-rising stem with O-ring seals, opening counterclockwise, M&H Valve Company. All cast iron parts, inside and out except contact or bearing surfaces of resilient seated valves, shall be coated with an approved surface tolerant hi-solids catalyzed epoxy coating. Buried valves shall have an AWWA wrench nut; mechanical joint ends, but may have flanged ends (ANSI B16.1) - (125 lb.) where necessary.

Valve boxes for underground installation of valves shall be fine grain gray iron castings, 5-1/4 inch shaft, screw type, adjustable height, round base, Vulcan V8460, Fastech or equal per ASTM Specification A48 Class 30B. Shaft extension pieces shall be installed where necessary. Valve boxes shall have the word "WATER" cast into the top of the cover. Valve boxes shall not be painted.

1203.2 Installation. Valves and boxes shall be installed truly vertical. Joints and leakage shall be as specified under the Water Pipe Lines standard. The valve box shall not transmit shock or stress to the valve and shall be centered and plumb over the wrench nut of the valve. In unpaved areas, an 18"x18"x6" reinforced, formed concrete pad shall be provided at the finished grade around the top of the box. The top of the valve box should be flush with grade.

Tracer wire shall be terminated in a test station only and not in the valve box.

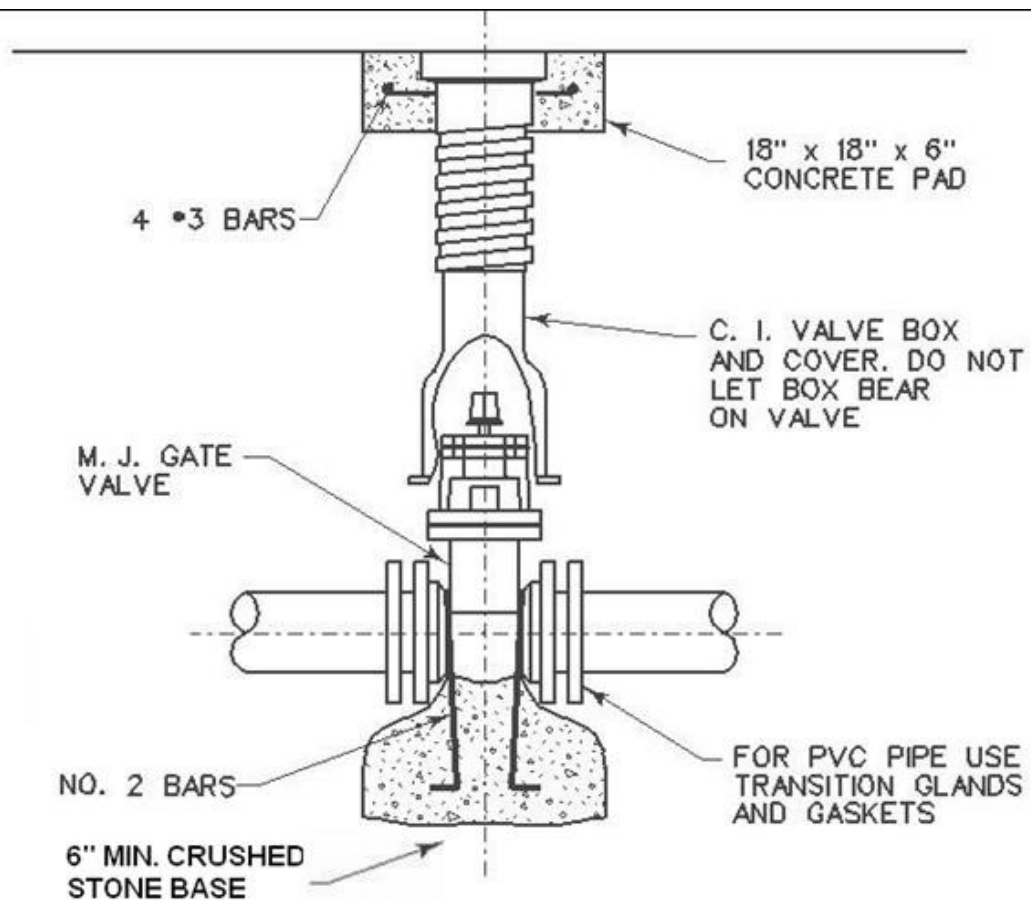


ILLUSTRATION 1203.2 - TYPICAL VALVE INSTALLATION

SECTION **FIRE HYDRANTS** 1204

1204.1 Materials. Fire hydrants shall conform to AWWA Standard C-502. Hydrants shall be Mueller "Super Centurian - 250" or M & H "Style 129" or equal for a minimum of 200 psi working pressure. Hydrants shall be of the 5-1/4" valve size for connections to mains with 6" mechanical joint connections, with 42" minimum cover and shall be fitted with 2-1/2" hose connections and one 4-1/2" steamer connection with National Standard threads. Stems shall be provided with "O"-ring seals. The above ground part of the hydrant shall be given a prime coat then two coats of an approved, weather-proof paint. Hydrants shall be of the traffic model type. The riser shall be designed so that if breakage occurs, the breakage flange, ring, or bolts and the stem will break before damage is done to the riser and the hydrant can be restored to service by replacing the breakage parts.

1204.2 Installation. Hydrants shall be set perpendicular and the base braced against the water pressure at the shoe with concrete blocking, or similar method approved by the Planning Director or designee. Three cubic feet of washed gravel shall be placed around the drain port to provide the water absorption to prevent freezing. Concrete blocking shall not interfere with hydrant drainage.

Hydrants shall be spaced at not more than 500 feet (500') in residential developments and at not more than 300 feet (300') in commercial and industrial developments. Such measurements shall be made solely along the routes of existing or proposed streets. Hydrants shall not be located more than twelve feet (12') from a street or road. Hydrants shall be installed with the hose connections in the proper direction for attachment to the fire hose. A clear space shall be provided around all fire hydrants defined by a circle with a minimum radius of three feet (3').

Hydrants shall be marked with a sign or reflector affixed to the roadway surface, as approved by the Fire Chief. In addition, at the discretion of the Fire Chief, hydrants shall be color coded or otherwise marked in an approved manner indicating the available flow capacity.

Hydrants subject to vehicular damage, and not located within a public right-of-way, shall be protected from damage with barriers, bollards, or similar methods, as approved by the Fire Chief.

The collision ring of hydrants shall be set flush with (not below) the finished grade surface or not more than six inches (6") above the finished surface. Barrel extension sections shall be installed where necessary.

A valve shall be provided to isolate each hydrant from the main line. The valve shall be furnished and installed in accordance with Section 603.

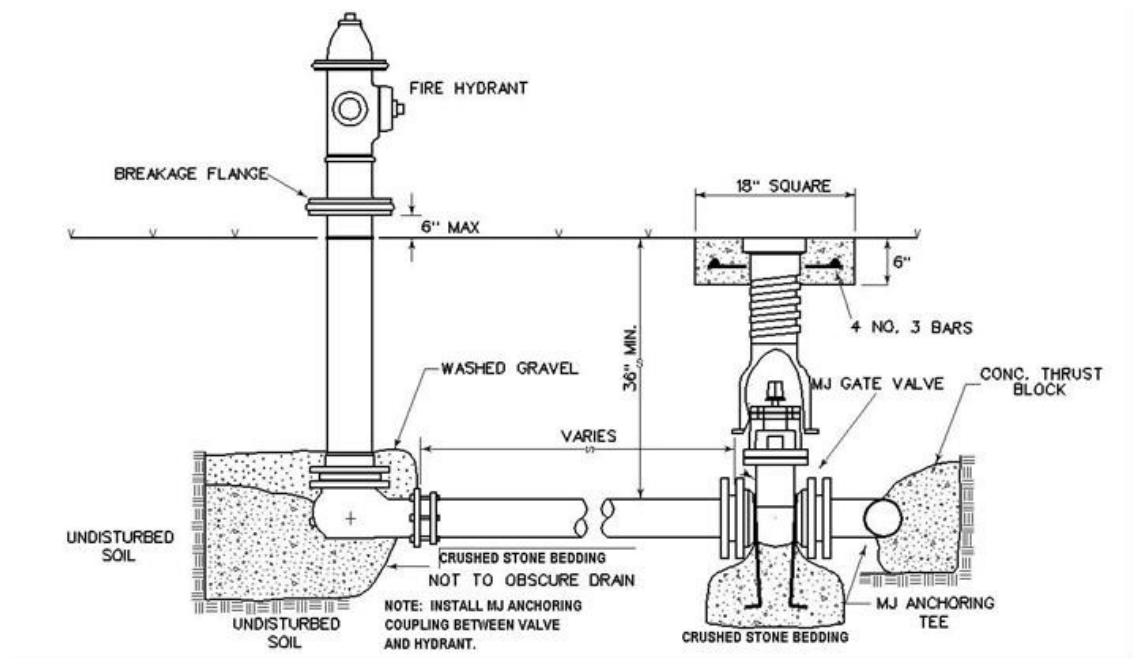


ILLUSTRATION 1204.2. – FIRE HYDRANT INSTALLATION

**SECTION
1205**

WATER SERVICE CONNECTIONS

1205.1 General. This standard covers the installation of a corporation stop in the water main, the water service line extending from the water main outward towards the road right-of-way line, and the meter valve at the line terminus.

1205.2 Connection to Main Waterlines. Connection to water mains shall be made with the service line horizontal and watertight using an approved sealer on all screwed joints. Corporation stops shall be set in an up-45 degree position. Two-inch service lines shall be connected using a PVC Schedule 80 female adapter (IPT/Socket).

For three quarter inch ($\frac{3}{4}$ ") and one inch (1") services, a properly sized, hinged, single strap, bronze service clamp equal to Ford (#) series shall be installed with a bronze corporation stop with compression connection equal to Ford (#) or packing nut. For two inch (2") services the corporation stop equal to Mueller H-9969 shall be installed in a service tee.

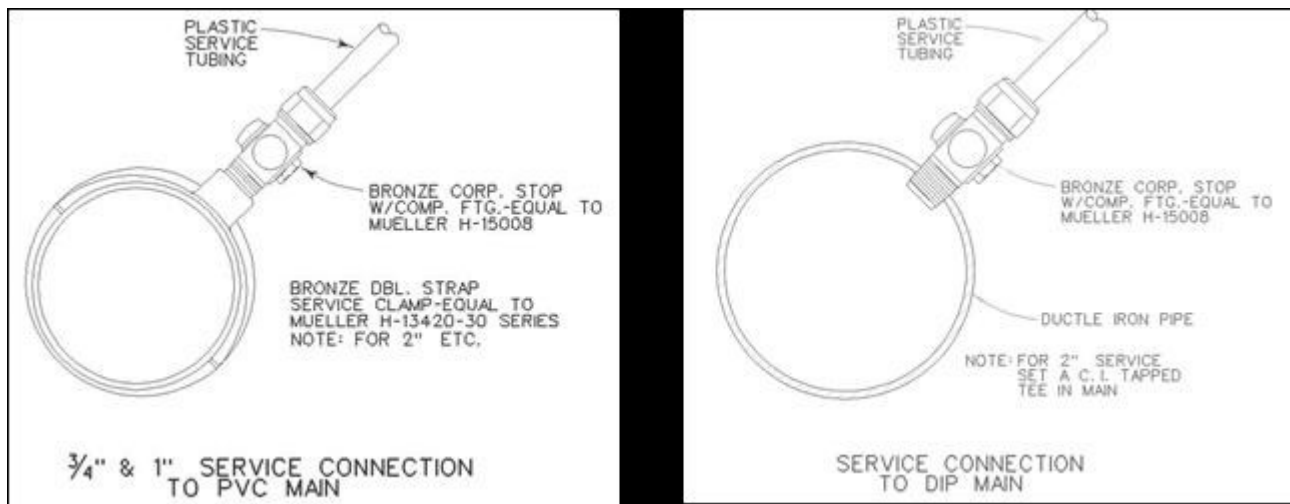


ILLUSTRATION 1205.2 - SERVICE CONNECTION DETAILS

1205.3 Water Service Lines. Water service lines shall be polyvinyl chloride Class 200 pipe or greater. All tubing and pipe shall have the manufacturer's name and NSF logo identification number. Generally, service lines shall be installed with a minimum bury of twenty-four inches (24") and shall be laid to conform roughly to the topography of the ground. Under ditches, the minimum bury shall be twenty-four inches (24") (measured from the bottom of the ditch). Trenching, backfilling, and pipe laying shall be performed in conformity with the Water Pipe Lines standard. Water meters shall be installed with either a three-quarter inch ($\frac{3}{4}$ ") or one inch (1") riser.

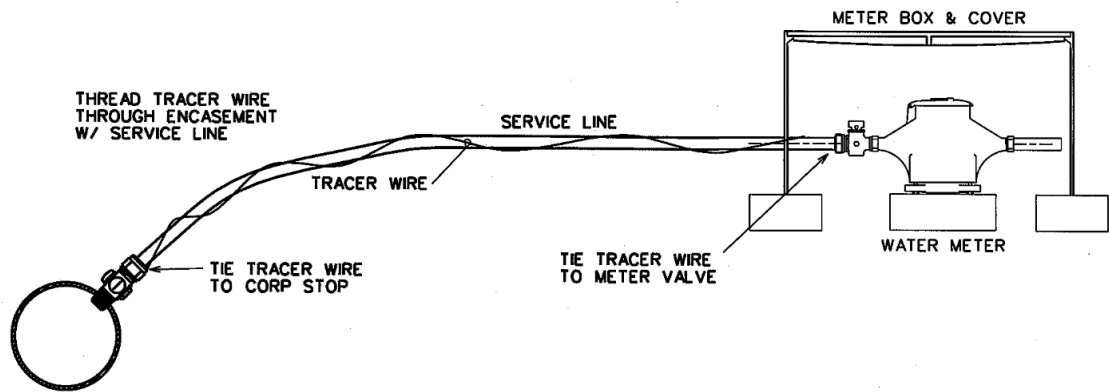


ILLUSTRATION 1205.3 - WATER SERVICE LINE DETAILS

1205.4 Encasements. Encasement for service lines at roadway crossings shall be two inches (2") Schedule 40 PVC with solvent weld couplings. Trenching and backfilling shall be performed in conformity with the Water Pipe Lines standard.

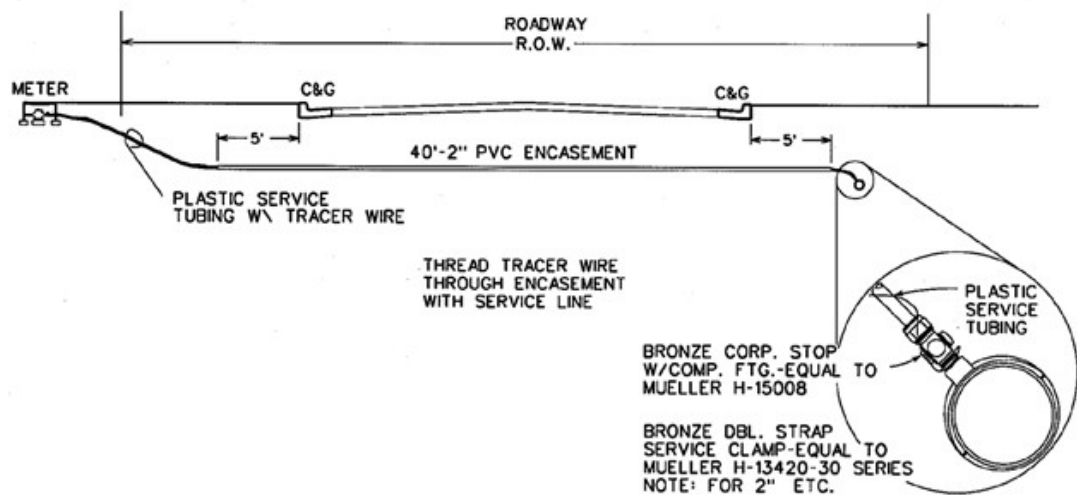


ILLUSTRATION 1205.4 - SERVICE LINE ENCASEMENT DETAILS

1205.5 Water Service Line Terminals. Each three quarter inch ($\frac{3}{4}$ ") and one inch (1") service shall terminate with a bronze meter valve with packing nut or compression connection/meter coupling equal to Mueller H-14348 and brass meter coupling equal to Mueller H-10890, set in a meter box near the right-of-way line. All joints shall be watertight.

For two inch (2") services a two inch (2") bronze meter valve with inside IPT/Meter-Flange equal to Mueller H-14337 shall be installed.

A teaspoon or one (1) tablet of HTH powder shall be placed in each service connection before setting.

Meter boxes shall be cast iron or plastic of an approved type. Set a t-post guard at each meter box.

Water meters shall be installed with either a three-quarter inch ($\frac{3}{4}$ ") or one inch (1") riser.

1205.6 Tracer Wire. Twelve gauge minimum insulated solid copper wire shall be installed with all plastic mains and service lines to facilitate location with a pipe locator. The tracer wire shall be laid in the trench with the pipe and threaded through encasements. Tracer wire shall be tied to the corporation stop, threaded through encasements where applicable and extended into the meter box. Tracer wire shall also be required on water connection service lines to the connection point at the structure.

1205.7 Flushing. After completion of the service assembly installation, each service shall be thoroughly flushed with chlorinated water. During sterilization of the mains, the meter stop shall be opened to allow chlorinated water to pass through each service.

SECTION 1206

CONNECTIONS TO EXISTING WATER MAINS

1206.1 General. Connections to existing water mains shall be made in cooperation with the Water and Sewer Department Director. Schedule taps so as to interfere as little as possible with the operation of the system.

Connections to existing water mains shall be made as follows:

- A.** Connections to existing water mains shall be made by machine taps except as directed otherwise.
- B.** A City permit will be required for each main line tap. The tap shall be made in the presence of the Director of the Sewer and Water Department or designee after MSDH approval is provided.
- C.** A connection fee will be required for each service tap.
- D.** The Director of the Sewer and Water Department or designee must be present for each tap. No work will be permitted without an inspector present.
- E.** All work shall conform to applicable requirements of these Regulations and any other applicable City Ordinance.
- F.** Surfaces shall be restored in accordance with City Standards.
- G.** Damages shall be repaired at no cost to the City.
- H.** The developer's contractor shall be liable for the cost of the removal of contaminants introduced into the system as a result of the work.

1206.1.1 Tapping Mains under pressure. Where the water cannot be cut off on a line to be tapped, make the tap under pressure using a tapping sleeve and a tapping valve in accordance with the tapping machine manufacturer's instructions. It shall be the Contractor's responsibility to furnish the tapping machine required for a machine tap under pressure. Tapping sleeves for machine taps to PVC mains shall be stainless steel body Mueller H-304, JCM432, or approved equivalent.

1206.1.2 Machine Tap Valves. Valves for machine taps shall be resilient wedge tapping valves conforming to ANSI/AWWA C509 with stainless steel nuts and bolts on the stuffing box and valve bonnet. Mueller T-2360 MJFL, or approved equivalent.

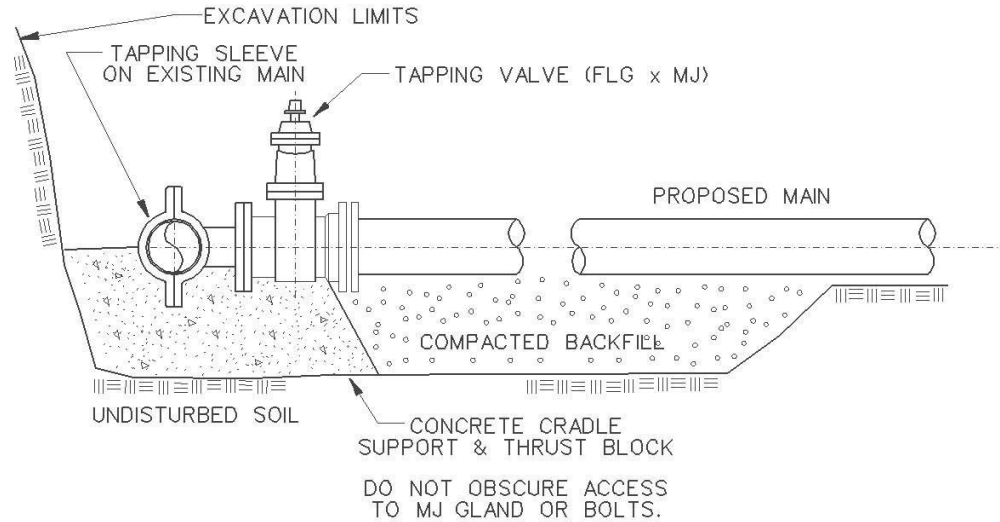


ILLUSTRATION 1206.1 - MACHINE TAP DETAIL

**SECTION
1207**

WATER SYSTEM CONSTRUCTION RECORDS

The following records must be provided prior to approval of the Final Plat or release of the Construction Bond:

- A.** A copy of the Mississippi State Health Department's final approval letter.
- B.** A certification letter from the developer's engineer that the improvements were constructed in substantial conformance with the approved construction plans and specifications, accompanied by inspection documentation records and construction inspection photographs of all mechanical joints, assemblies and pipe deflection joints as constructed in the field. The developer's engineer, or his designee, is responsible for maintaining inspection records to ensure that all improvements were constructed according to approved plans.
- C.** RECORD DRAWINGS shall accurately represent the completed construction including locations of service stub outs, valves, fire hydrants, flushing hydrants, and other

appurtenances. Provide four (4) printed sets and two (2) sets on CD or other media in PDF or other acceptable machine-readable file format.

D. Copies of the manufacturer's literature necessary for reference in operating and maintaining the facilities including but not limited to manufacturer's product descriptive literature for materials incorporated into the work, operation and maintenance manuals for equipment, copies of basic warranty information, etc.

E. Contact information for the source of supply.

F. Copies of Mississippi State Department of Health bacteriological test results; and

G. Other information as may be requested by the Planning Director or designee.

CHAPTER 13

SANITARY SEWER SYSTEMS

SECTION GENERAL 1301

1301.1 Sanitary Sewer Required. The developer of all developments and subdivisions shall provide a sanitary sewer system designed, approved and installed in accordance with these Regulations. Sanitary sewer systems for subdivisions and developments shall be connected to a public sewer.

The sanitary sewer system shall meet the minimum requirements of the Mississippi Department of Environmental Quality and conform to the applicable standards of the City.

The developer shall be fully responsible for the design, installation, and oversight of any physical improvements necessary to connect to existing public infrastructure.

1301.2 Waiver and Exception. In the event it is determined by the Director of the Water and Sewer Department that it is not possible, or is not feasible, to provide access to the public sanitary sewer system, the developer may request a waiver from providing a public sanitary sewer system. Such request shall be in writing and be presented to the Planning Director prior to Preliminary Plat Approval.

The Board of Aldermen shall have sole authority in granting or denying such a waiver.

Should the Board of Aldermen grant a waiver to the developer from providing a public sanitary sewer system, the developer shall install an individual onsite wastewater system for each lot within the proposed development or subdivision.

1301.2.1 Individual Onsite Wastewater System. Individual onsite wastewater systems shall be designed and installed in accordance with the **Mississippi Department of Health** requirements.

1301.3 Plans and Specifications Approval. Prior to advertising for bids, or prior to beginning construction where bids are not received on a new public sewer system, or for extensions or modifications to an existing public sewer system, plans and specifications shall be provided to the Planning Director.

Plans and specifications shall be prepared, sealed, and signed by a professional engineer registered to practice in Mississippi.

Such plans shall be forwarded to the Mississippi Department of Environmental Quality for review and approval. Such plans shall not be approved by the City, until approved in writing by the Mississippi Department of Environmental Quality, Office of Pollution Control.

1301.4 System Design. Sewer mains shall be of sufficient size to serve all residents of the subdivision but shall not be less than eight inches (8") in diameter. The lines shall be designed and constructed to give mean velocities, when flowing full, of not less than two feet (2') per second, based on Kutter's formula using an "n" value of 0.013. Where velocities of over fifteen feet (15') per second are attained, special provision shall be made to protect against displacement. Sewers shall be laid with straight alignment and uniform slope between manholes.

All sewers shall be designed to prevent damage from superimposed loads. Proper allowance for loads on the sewer shall be made because of the width and the depth of trench. Where necessary to withstand extraordinary superimposed loading, special bedding, concrete cradle, or special construction may be used.

Except for street and driveway crossings, sewer lines shall be located outside of paved areas. Exceptions will be considered on a case-by-case basis.

Construction specifications shall contain appropriate requirements based on the criteria, standards and requirements of the City.

1301.5 Materials. Sewer mains and fittings shall be constructed of Rigid Polyvinyl Chloride Pipe (PVC).

1301.6 Installation. The width of the trench shall be ample enough to allow the pipe to be laid and jointed properly and to allow the backfill to be placed and compacted as needed. When wider trenches are dug, appropriate bedding class and pipe strength shall be used.

The installation of joints and the materials used shall be included in the specifications.

Sewer joints shall be designed to minimize infiltration and to prevent the entrance of roots throughout the life of the system.

Manholes shall be installed in accordance with Section 1304 and as follows:

1. at the end of each line;
2. at all changes in grade, size or alignment;
3. at all intersections; and
4. at distances not greater than four hundred feet (400') for sewers fifteen inches (15") or less, and five hundred feet (500') for sewers 18 inches to 30 inches (18" to 30"), except the distances up to six hundred feet (600') may be approved in special cases.

Manholes shall be inspected for water-tightness prior to placing into service.

The minimum diameter of manhole shall be forty eight inches (48"). Manholes shall be of the pre-cast concrete (ASTM C478) or poured-in-place concrete type. Manhole steps shall be provided. Manholes shall be waterproofed on the interior and to twelve inches (12") below grade on the exterior.

The bottom of manholes shall be reinforced concrete and the flow channel (invert) through manholes shall be made to conform in shape and slope to that of the sewers.

Inlet and outlet pipes shall be jointed to the manholes with a gasketed flexible watertight connection that will allow differential settlement of the pipe and manhole wall to take place.

Watertight manhole covers shall be used for manholes (1) located in paved or traveled areas, (2) with tops set flush with the surrounding ground or (3) located in areas subjected to flooding by surface runoff or high water. The tops of manholes with vented covers shall be raised above the surrounding finished grade, three inches (3") minimum and shall not be subjected to surface runoff or flooding. Locked manhole covers may be required in isolated easement locations or where vandalism may be a problem. An access of twenty two inches (22") diameter (minimum) shall be provided.

Stub outs or house laterals (Schedule 40 PVC) shall be laid out and in place ahead of the gas and water lines so that variances in the depth or grade of the line will not be required to accommodate to allow for water or gas lines or stub outs. All sanitary sewer mains shall have stub outs installed, one per lot and be stubbed out to a sufficient distance to insure that the pavement of a street need not be cut in order to connect thereto. Each stub out shall include a service cleanout. Multiple lots may not be serviced by a common service line.

Sewers shall be laid at least ten feet (10') horizontally from any existing or proposed water main. The distance shall be measured edge to edge. In cases where it is not practical to maintain a ten foot (10') separation, the Water and Sewer Director may allow deviation on a case-by-case basis. Sewers crossing water mains shall be laid to provide a minimum vertical distance of eighteen inches (18") between the outside of the water main and the outside of the sewer. The crossing shall be arranged so that the sewer joints will be equidistant and as far as possible from the water main joints. Where a water main crosses under a sewer, adequate structural support shall be provided for the sewer to prevent damage to the water main. When it is not possible to obtain proper horizontal and vertical separation as stipulated above, the sewer shall be designed and constructed equal to the water pipe, and shall be pressure tested to assure water tightness prior to backfilling.

SECTION 1302

GRAVITY SEWER LINES

1302.1 Materials. PVC Sewer Pipe and fittings shall be rigid polyvinyl chloride pipe in accordance with ASTM D-1784, cell classification 12454 and applicable portions of ASTM D-3034. Wall thickness shall be minimum SDR 26 and be in accordance with ASTM F-679 (PS46). The pipe shall have an integral bell for elastomeric gasket joints per ASTM 3212 with seals per ASTM F-477. All fittings and accessories shall have bell and spigot configurations identical to that of the pipe.

Rubber gasket joints shall be in accordance with ANSI/A21.11. Push-on joint pipe shall be used unless otherwise shown on the plans. Flanged joint pipe shall be in accordance with ANSI/A21.10 and ANSI/21.15.

1302.2 Pipe Material Testing. Each piece of pipe and fitting shall bear the stamp of certification of the manufacturer that the pipe conforms to the standard specifications requirements.

1302.3 Installation. PVC sewer pipe shall be installed in accordance with ASTM Standard D-2321 as modified herein. PVC pipe shall be installed within one (1) year of the date of manufacture indicated on the pipe.

A. Bedding and Haunching. Crushed stone, or sand shall be used to support the pipe as shown on the drawing of typical trench section in this standard. Prior to pipe installation, the bedding material shall be brought to grade along the entire length of pipe to be installed. For pipe with bells or couplings, bell holes shall be formed at each joint to provide full length support and prevent point loadings.

B. Pipe Laying. The necessary equipment and supports shall be provided to insure installation of the pipe to the proper line and grade. The pipe shall be lowered into the trench so that neither the pipe nor the trench will be damaged. The pipe shall be protected from lateral displacement. The pipe shall not be laid in water. The pipe shall be laid in the finished trench starting at the lowest point and laying the pipe upgrade. The pipe shall be set firmly and accurately, with ends abutting, to line and grade so that the invert will be smooth and uniform. The pipe lines shall be drained as the work progresses so that no water will be trapped in the lines.

C. Making Joints. Joints shall be watertight in accordance with the jointing standards of the manufacturer. All oil, grease, asphalt, mud, and debris shall be cleaned from the joint before it is made. Solvents or lubricant shall be applied as required. The pipes shall be pressed home using mechanical means if necessary so that a full bearing surface is obtained all around the joint. Out-of-round sections shall be culled.

D. Connections. Connections to manholes or other structures shall be watertight and shall conform to a smooth and uniform flow line. Commercial lengths of pipe shall be cut along neat lines as required. All gravity sewer lines shall begin and end at a manhole.

E. Backfilling. Trenching and excavations shall be backfilled immediately after the pipe is laid, in the manner described below:

In unpaved areas, the backfill may be excavated materials except that debris, frozen materials, large clods or stones, organic matter or other unsuitable materials shall not be used for backfill within two feet (2") of the top of the pipe. The initial backfill shall be placed in six inch (6") lifts using materials as for bedding and haunching. Each lift shall be thoroughly and carefully tamped before the next layer is placed. The remainder of the backfill may be accomplished with bulldozers and tampers by dozing twelve inch (12") thick layers into the trench then tamping each layer firmly before placing the next layer. A windrow shall be left over the trench and bladed

and shifted as necessary when settling has occurred. For graveled areas, after maximum settlement has been reached, excess material shall be hauled away and washed gravel or crushed stone added as necessary.

In areas to be paved, the trench soils shall be tested by the Developer's engineer or designee to determine their suitability for use as backfill material. If the trench soils are found to be unsuitable they shall be replaced with suitable materials. Backfill in areas to be paved shall be placed in eight inch (8") lifts and each lift compacted to ninety five percent (95%) Standard Proctor density. Backfill shall extend to the top of the subgrade.

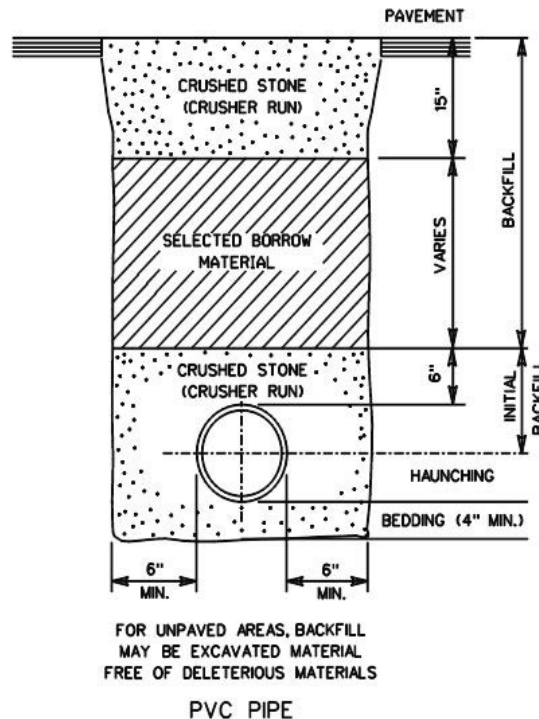


ILLUSTRATION 1302.3.A – SEWER LINE TYPICAL BACKFILL DETAILS

F. Wye or Tee Branches. Wye or Tee Branches shall be of the same material and size as the sewer line. The branch opening shall be either six inches (6") or four inches (4"). Branches shall be installed in the "up 45 degree" position. A watertight plug shall be set in each branch unless a service line is attached at the time of construction. The plug shall be set so that removal will not injure the wye or tee. Each branch without a service line attached shall be permanently marked on top of the curb for ease of future location.

G. Testing. All gravity sewer line piping shall be tested, as follows, at the time of installation:

Deflection Testing: The alignment and grade of sewer pipe intended to be straight shall be so true that a section of laid line will show a full circle of light when viewed from the other end. PVC sewer pipe shall be tested after backfill and trench settlement (but not less than thirty (30) days after

installation) with an approved go/no-go five percent (5%) deflection testing mandrel. The mandrel shall be pulled by hand without mechanical pulling devices.

Leakage Testing: Infiltration/exfiltration shall not exceed fifty (50) gallons per inch of pipe diameter per mile per day for any section of the system. Test all pipe lines for infiltration/exfiltration using the air test method described in ASTM F1417, "Standard Testing Method for Installation Acceptance of Plastic Gravity Sewer Lines using Low-Pressure Air."

The air test procedure shall be as follows:

1. Clean the section of pipe to be tested using an approved method.
2. Plug all pipe outlets with suitable test plugs. Brace each plug securely.
3. The seal at one end of the pipe section being tested shall have an orifice through which air can be injected into the pipe. The air supply line shall contain an on-off air valve and a pressure gauge. The pressure gauge shall have minimum division of 0.10 psi and shall have an accuracy of +five percent (+5%).
4. If the pipe section being testing is submerged in water, insert a pipe probe, by boring or jetting, into the backfill material adjacent to the center of the pipe and determine the pressure in the probe when air passes slowly through it, which is the back pressure due to ground water submergence. Increase all gauge pressures in the test by this amount. Alternately, if the depth of pipe submergence below the ground water is known, gauge pressures may be adjusted by adding 0.433 psi for each foot of submergence.
5. Add air slowly to the portion of the pipe installation under test until the internal air pressure is relaxed to four (4.0) psi.
6. Check exposed pipe and plugs for abnormal leakage by coating with a soap solution. If any failures are observed, bleed off air and make necessary repairs.
7. After an internal pressure of four (4.0) psi is obtained, allow at least two (2) minutes for air temperature to stabilize, adding only the amount of air required to maintain pressure.
8. After the two minute period, disconnect air supply.
9. When pressure decreases to three and a half (3.5) psi, start stopwatch. Determine the time in seconds that it required for the internal air pressure to reach two and a half (2.5) psi. This time interval should then be compared with Table 1302.3.B: Pressure Test Allowances.

10. If the time lapse is greater than that specified in Table 7, then that section has passed the test and the test may be discontinued at that time. However, if the time is less than that specified in Table 7, the line has not passed the test and the Contractor will be required to repair and prepare the line for retest.

11. The Sewer and Water Department Director or designee must be present to witness the tests.

Table 1302.3.B: Pressure Test Allowances
(Minimum Specified Time Required for a 1.0 PSIG Pressure Drop
for Size and Length of Pipe Indicated for Q = 0.0015)

Pipe Diameter (in.)	Minimum Time (min:sec)	Length for Minimum Time (ft.)	Time for Longer Length (sec)	Specification Time (min:sec) for Length L Shown Below in Feet							
				100	150	200	250	300	350	400	450
4	3:46	597	0.380 L	3:46	3:46	3:46	3:46	3:46	3:46	3:46	3:46
6	5:40	398	0.854 L	5:40	5:40	5:40	5:40	5:40	5:40	5:42	6:24
8	7:34	298	1.520 L	7:34	7:34	7:34	7:34	7:36	8:52	10:08	11:24
10	9:26	239	2.374 L	9:26	9:26	9:26	9:53	11:52	13:51	15:49	17:48
12	11:20	199	3.418 L	11:20	11:20	11:24	14:15	17:05	19:56	22:47	25:38
15	14:10	159	5.342 L	14:10	14:10	17:48	22:15	26:42	31:09	35:36	40:04
18	17:00	133	7.692 L	17:00	19:13	25:38	32:03	38:27	44:52	51:16	57:41
21	19:50	114	10.470 L	19:50	26:10	34:54	43:37	52:21	61:00	69:48	78:31
24	22:40	99	13.674 L	22:47	34:11	45:34	56:58	68:22	79:46	91:10	102:33
27	25:30	88	17.306 L	28:51	43:16	57:41	72:07	86:32	100:57	115:22	128:48
30	28:20	80	21.366 L	35:37	53:25	71:13	89:02	106:50	124:38	142:26	160:15
33	31:10	72	25.852 L	43:05	64:38	86:10	107:43	129:16	150:43	172:21	193:53
36	34:00	68	30.768 L	51:17	76:55	102:34	128:12	153:50	179:29	205:07	230:46

NOTE: Consult with pipe and appurtenance manufacturer for maximum test pressure for pipe size greater than 30 inches in diameter.

1302.4 Flushing. The completed gravity sewer lines shall be free of all mud, siltation, and other foreign matter deposited or collected during construction. The lines shall be flushed prior to testing. Flushing shall be started at the upstream end of the completed system and shall continue downstream manhole to manhole. Water used in flushing shall not be permitted to enter into the system but shall be collected and disposed of in an approved manner. Also mud and other solids shall be similarly collected and disposed of.

1302.5 Video Inspection and Records. Prior to acceptance of the sewer system, the City shall require video records to prove that the system has been installed in accordance with these guidelines. Closed circuit television or other method shall be used to record the condition of each segment of gravity sewer line. The Planning Director or designee must be present while video scoping takes place. Provide a DVD recording for each segment of gravity sewer line. A camera capable of pan and tilt shall be used to document the location and condition of each sewer connection. The location of service connections shall be indicated by measured distance from the downstream manhole.

**SECTION
1303**

SEWER SERVICE LINES

1303.1 Materials. Sewer service lines and fittings shall be PVC.

PVC Sewer Pipe and fittings shall be Schedule 40 rigid polyvinyl chloride pipe in accordance with ASTM Specification D-1784, (cell classification 12454) and ASTM D-2665.

1303.2 Installation. Service lines shall be laid to the same requirements as specified for Gravity Sewer Lines. All pipe must be laid to a positive grade; with minimum slope of one foot (1') per one hundred feet (100'). Services lines shall terminate to such an elevation that the abutting premises may be served as intended.

Adapters required to make a watertight connection to the wye or tee branch and elbows as required for proper service shall be installed.

Each service line shall incorporate a cleanout as indicated. Tracer wire shall be installed from the sewer tap to the cleanout. Tracer wire shall also be required on sewer connection service lines.

The end of each new service not connected to a customer service line shall have a watertight plug installed in such a manner that the plug may be removed without injury from the pipe. The plug shall be blocked or secured in such a manner that testing can be completed as specified for Gravity Sewer Lines.

The end of each new service shall be clearly marked by a 4" x 4" x 36" treated post, or a "T" post, which may be removed after the service connection has been completed.

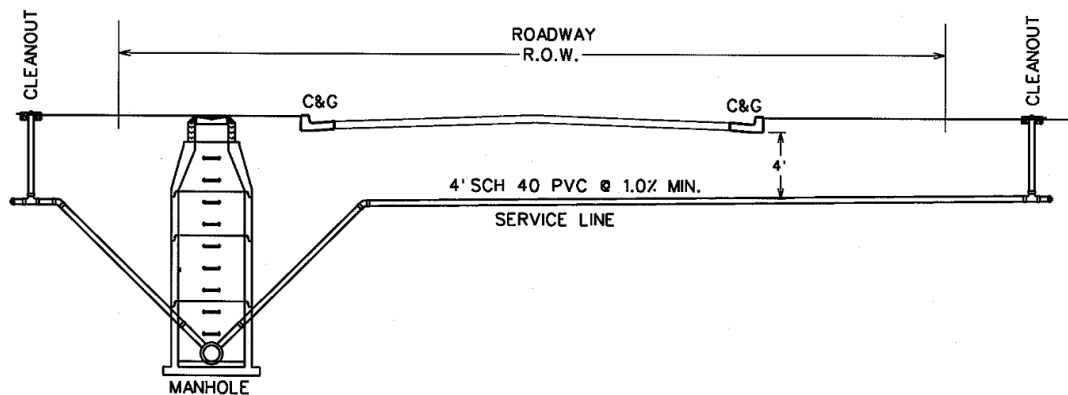


ILLUSTRATION 1303.2 A – SEWER SERVICE LINE DETAIL

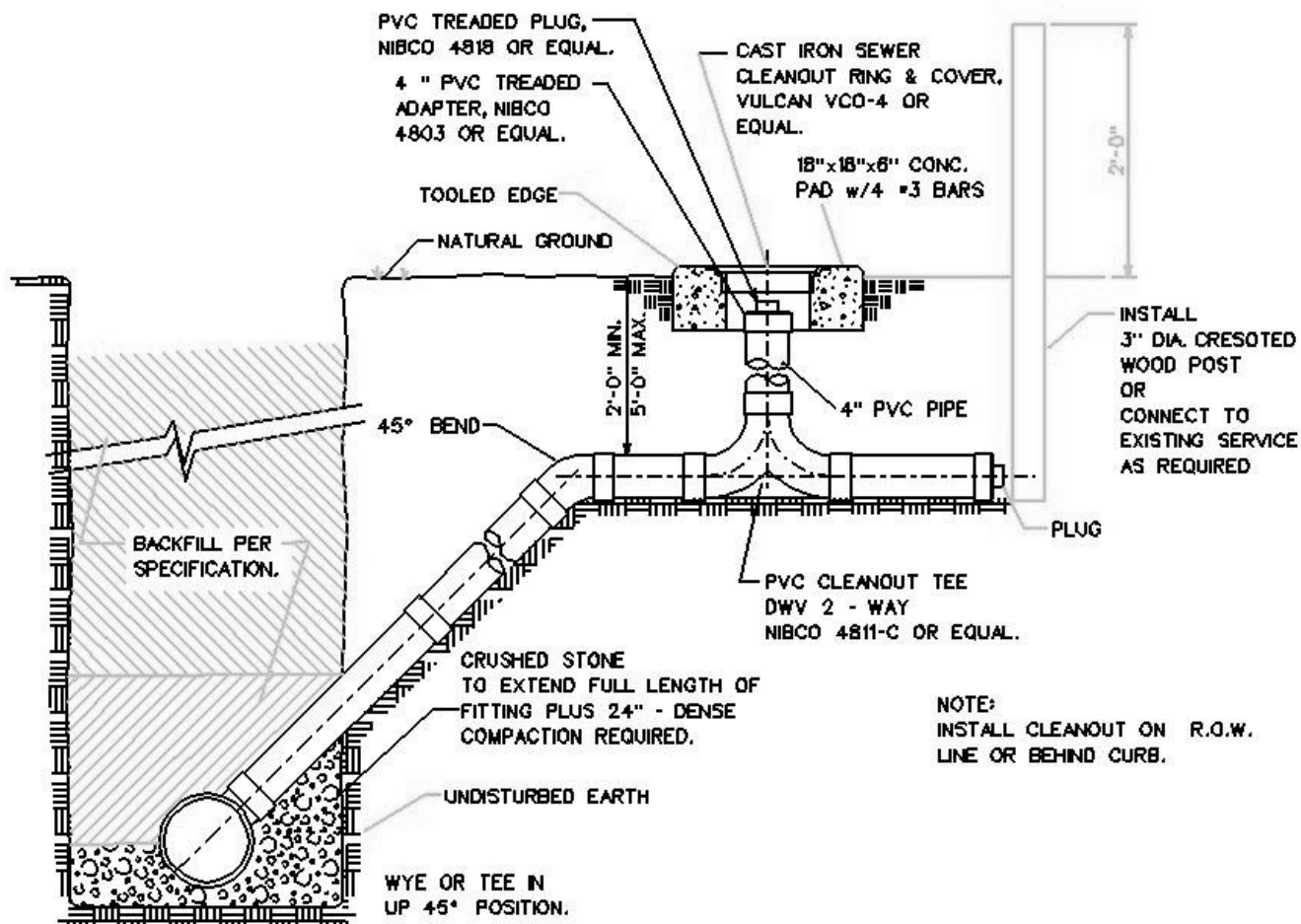


ILLUSTRATION 1303.2 B- TYPICAL CLEANOUT INSTALLATION DETAIL

SECTION 1304 SEWER MANHOLES

1304.1 Materials. Manhole barrels may be constructed of precast concrete manhole units or concrete poured-in-place. The bottom of all manholes shall be reinforced concrete.

Precast concrete manholes shall conform to the requirements of ASTM C-478 and shall be constructed using concrete with a minimum twenty eight (28)-day compressive strength of four thousand (4000) psi. The mixture shall contain not less than six (6) bags of Portland Cement per cubic yard.

Rubber gaskets shall conform to the requirements of the latest edition of ASTM Specification C-443. Lubricants shall be as recommended by the gasket manufacturer.

Manhole pipe seal gaskets for precast manhole units shall be similar to "Kor-N-Seal" as manufactured by the Kor-N-Seal Co., Milford, NH.

Preformed joint compound shall be a butyl compound similar to "EZ Stik" as manufactured by Concrete Products Supply Co., Fort Wayne, IN. Primer, when required for use with the

preformed joint compound, shall be as recommended by the manufacturer of the joint compound.

Sealer compound shall be similar to "Drycon" as manufactured by IPA Systems, Inc., Philadelphia, PA or Tamm's "Tamoseal".

Patching material shall be similar to "Octocrete" as manufactured by IPA Systems, Inc., Philadelphia, PA or Tamm's "Speed Crete Blue Line".

Manhole steps shall be made of injection molded copolymer polypropylene encapsulating a one half inch ($\frac{1}{2}$ ") diameter grade sixty (60) steel reinforcing rod. The steps shall be of such cross-sectional area and configuration that they will withstand a single concentrated live load of three hundred pounds (300 lbs.). They shall be in conformance with ASTM Standard C-478 Paragraph 11 except as herein modified.

Manhole frames and covers shall be sound gray iron castings (ASTM A48 Class 30B). The castings shall be true to pattern, free from faults, sponginess, cracks, blowholes, and other defects affecting their strength. The minimum clear opening shall be twenty two inches (22") in diameter. The frame and cover shall be machined to a non-rattle fit. The standard manhole frame and cover for installations not subject to flooding, may be non-traffic type weighing approximately three hundred pounds (300 lbs.).

Manhole frames and covers for manholes in streets and paved areas shall be watertight traffic model type; similar to Vulcan Pattern V-2407-2 pattern without vent holes and weighing approximately three hundred fifty pounds (350 lbs.). The cover shall have a rubber "O" ring gasket and be fastened to the ring with four stainless steel hexagonal-head bolts. Covers for areas subjected to runoff shall be watertight. Manhole covers shall have the word "SANITARY SEWER" cast into the face.

1304.2 Installation. Manhole inverts shall be constructed on line and grade of concrete, concrete and split pipe or with invert builder blocks and mortar. The invert shall be formed smoothly and accurately so as to assure the free, unobstructed flow of sewage through the manhole.

Precast manholes shall be constructed of precast units with concrete bottoms. The bottom unit shall be set level on a six inch (6") layer of medium crushed stone bedding. The frame shall be placed on a grout bed or a grout and brick riser. Joints in brick risers shall not exceed five eights inch ($\frac{5}{8}$ ") in thickness. Exterior joints of manhole units shall be wiped with grout and sealed entirely inside and outside with sealer compounds. The exterior surface may be sealed prior to installation.

Form fins shall be removed on the entire interior and, on the exterior, to below one-foot grade. The inside of these manholes shall be sealed with sealer compounds. After installation, the manhole interior shall be coated with two (2) one eighth inch ($\frac{1}{8}$ ") thick coats of sealer compound. The exterior shall be coated in the same manner to twelve inches (12") below finished grade.

"Doghouse" style manholes shall not be allowed.

Manhole steps shall be installed at sixteen inches (16") o.c. vertically. The deepest step shall be located not more than twenty four inches (24") above the manhole invert.

The cast iron frame and covers shall be installed to grade, set in a grout bed. Grout shall lap up one inch (1") minimum on the frame vertical. In streets, the manhole covers shall be set no more than to one inch (1") above the street grade and parallel to the plane of the street.

All visible leaks in manhole bottoms, barrels, and connection shall be stopped.

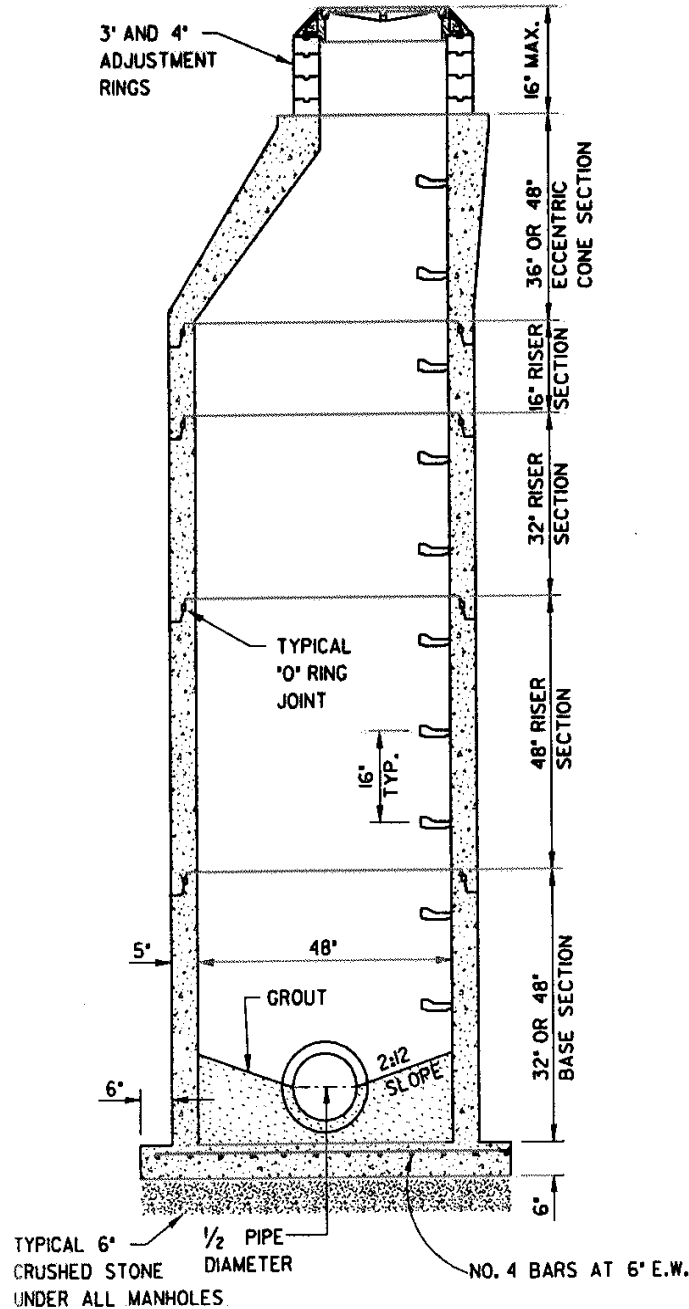


ILLUSTRATION 1304.2 A - SEWER MANHOLE DETAILS

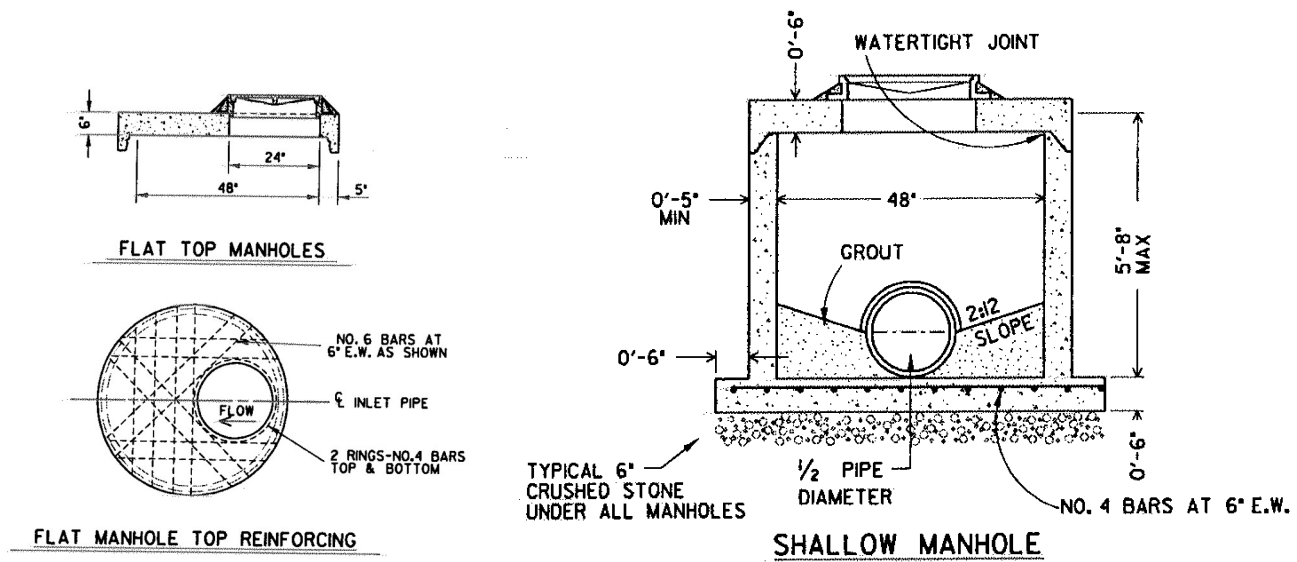


ILLUSTRATION 1304.2 B - SEWER MANHOLE DETAILS

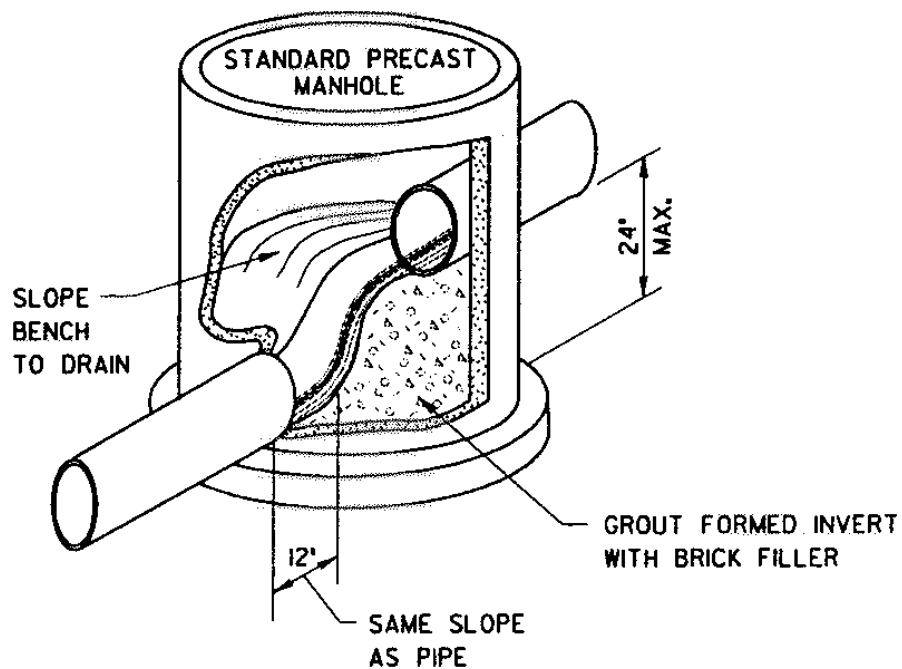


ILLUSTRATION 1304.2 C - SEWER MANHOLE DETAILS

SECTION
1305

SEWAGE LIFT STATIONS

1305.1 General. Sewage lift stations are not encouraged, but will be permitted where gravity sewer options are unavailable. The burden of proof shall be on the developer to show that all other options have been reviewed and that a station is necessary. Where lift stations are proposed, the applicant must consider future development of city infrastructure and expansion options of adjacent properties when specifying the proposed system.

Sewage lift stations shall be factory built and tested as complete units and shall meet the requirements of the Mississippi Department of Environmental Quality Guidelines as modified herein.

The discharge from the Sewage lift station shall be routed to a point on the City's collection system that is acceptable to the City.

Sewage lift stations shall be designed for above ground suction lift pumps where hydraulically feasible. Other types of pumps will be considered on a case-by-case basis only.

Sewage lift stations shall be prefabricated stations manufactured by the Gorman-Rupp Company of Mansfield, Ohio and must have a secondary (backup) pump that is equipped with an alarm to notify officials in the event of failure.

Design calculations shall be provided for all Sewer Lift Stations.

Sewage lift stations serving a single unit structure may be privately owned and maintained, provided the lift station is designed and installed in accordance with section 705.1 and shall be approved by the Sewer and Water Department Director, in writing, prior to connecting to the City's collection system. All sewage lift stations serving multiple properties, or one or more multi-tenant properties shall be dedicated as public infrastructure.

1305.2 Features. Control panels shall be fabricated by the Lift Station manufacturer. Control Panels shall be equipped with City approved electric surge protection for main and branch circuits. An automatic pump alternator shall be provided with a manual lead/lag selection switch. A run light and elapsed time meter for each pump shall be included in the control panel. An adjustable high water visual/audible alarm with silencing switch shall be provided.

Wet wells shall be constructed of reinforced concrete pipe ASTM C-76, Class III, Wall B. Station piping shall be SDR-26 PVC with flanged connections.

If submersible pumps are approved, discharge valve arrangements shall be installed in a separate vault accessible from ground level. Valve vaults shall have bottoms sloped to drain and the drain (if routed to the wet well) shall be fitted with a pinch type check valve to prevent water from entering the vault from the wet well. Separate conduits with seal fitting are required for each power conductor and float switch cable. Conduits shall be extended from the control panel to the wet well and shall be fitted with seal fitting on the inside of

the wet well. Conduit ends in the wet well shall be set within easy reach from above ground but in no case more than eighteen inches (18") below the top of the wet well.

1305.3 Lift Station Startup. The developer shall arrange for a factory trained representative to perform field-testing and to instruct City operating personnel in the operation and maintenance of the sewage lift station.

A manufacturer's O & M Manual shall be provided for each sewage lift station.

1305.4 Access. Access to within ten feet (10') of the lift station shall be by paved access road. Access roadways shall be constructed as set out for local streets, except that access roads widths shall be twelve feet (12'). Curb and gutter are not required for the access road.

1305.5 Security. All lift stations shall be fenced for security. Landscaping, shrubs, and/or architectural treatments for concealing lift station equipment are encouraged, but shall not be set closer than ten feet (10') to the station enclosure and shall not obscure access. Structures to enclose pumping equipment shall be considered for approval on a case-by-case basis. Security fencing must be dark colored, vinyl-coated chain link, or approved equal with a minimum height of six feet (6').

1305.6 Structures. Permanent structures for lift stations should match adjacent architecture styles, or character, or must be fully screened by an evergreen buffer with a minimum height of six feet (6') at the time of installation.

SECTION

1306

PRESSURE SEWER LINES

1306.1 Materials. Pressure sanitary sewer lines shall be of either PVC, or restrained joint pipe and shall meet the requirements of this section.

Plastic Pipe shall be rigid polyvinyl chloride pipe in accordance with ASTM Specification D1784 (Cell Classification 12454). Pipe shall be Class 200 (SDR 21) per ASTM D-2241 with gasketed slip joints. "O"-ring joints will not be accepted. Gasket joints shall be in accordance with ASTM D-3139.

Rubber gasket joints shall be in accordance with ANSI/A21.11. Push-on joint pipe shall be used unless otherwise shown on the plans. Flanged joint pipe shall be in accordance with ANSI/A21.10 and ANSI/21.15.

Restrained Joint Pipe shall be rated for 250-PSI minimum. The joints, gaskets, and accessories for restrained joints shall meet applicable requirements of ANSI/A21.11. Retainer glands for mechanical joint pipe shall be Megalug Ebba Iron or Uni-Flange Series 1400 restrained joint devices.

Restraint Devices for PVC Pipe shall be manufactured of ductile iron conforming to ASTM A-536. Bolts and connecting hardware shall be in accordance with ASNI A21.11. All restraint devices shall have a pressure rating equal to that of the pipe on which it is used.

Restraint devices shall be Uni-Flange Block Buster Series 1300, Ebaa Iron Series 2000PV, or City approved equal.

1306.2 Installation.

A. Jointing. Joints in plastic pipe shall be rubber gasket push-on type. Make push-on joints in accordance with the manufacturer's instructions. The resulting joint shall be clean and watertight.

B. Pipe Laying. The pipe shall be lowered into the trench in such a manner as to prevent damage to the pipe or pipe coating. It shall not be dropped or dumped during unloading or laying. Foreign mater and dirt shall be prevented from entering the pipe. A minimum cover of thirty-six inches (36"), measured from the top of the pipe shall be provided. Plastic pipes not encased and under vehicular grade paved streets shall be covered at least forty-eight inches (48").

C. Concrete Thrust Block. Concrete thrust blocks shall be provided at all bends in pipe lines greater than twenty two and a half (22-1/2) degrees. Concrete thrust blocks are to be installed according to the plan dimensions and details, placed between the fitting s and undisturbed soil.

D. Tracer Wire. Twelve-gauge minimum insulated solid single-strand copper tracer wire shall be installed with all plastic mains and service lines to facilitate location with a pipe locator. The tracer wire shall be laid in the trench with the plastic pipe.

The tracer wire shall be brought up and terminated in a tracer wire test station at each air release valve and at intervals along pipe lines not to exceed five hundred feet (500'). Tracer wire test stations shall be Rhino TriView Flex with internal test station as manufactured by REPNET, Inc. or equal. The tracer wire station shall be installed by sliding it over a six feet (6') long 1-1/2 lb. per foot U-channel post driven eighteen to twenty four inches (18"-24") into the ground and securing it with a bolt or rivet as recommended by the manufacturer. Identification decals shall be affixed to all three sides of the post.

E. Underground Warning Tape. Warning tape shall be installed in the trench above the pressure sewer lines after the initial backfill is placed and compacted. Underground warning tape shall be manufactured of polyethylene, green in color, and imprinted with the words "CAUTION - BURIED SEWER LINE BELOW". Underground warning tape shall be four (4) mils thick and three inches (3") wide as manufactured by SETON Identification Products, Branford, CT or approved equal.

F. Backfilling. Trenching and excavations shall be backfilled immediately after the pipes are laid. The initial backfill shall extend to twelve inches (12") above the pipe. The initial backfill shall be thoroughly and carefully tamped before the next layer is placed. The remainder of the backfill shall be as follows:

In areas not to be paved the backfill maybe fine, loose soil, free from large clods, stones, frozen earth, debris, or any material with an exceptionally high void

content. The backfill may be accomplished by dozing in layers of approximately one foot (1') each. A windrow shall be left over the trench and bladed and shifted as necessary when settling has occurred. For graveled areas, after maximum settlement has been reached, excess material shall be hauled away and washed gravel or crushed stone added as necessary.

In areas to be paved, the trench soils shall be tested by the design engineer to determine their suitability for use as backfill material. If the trench soils are found to be unsuitable, they shall be replaced with suitable materials. Backfill in areas to be paved shall be placed in twelve inch (12") lifts and each lift compacted to ninety five percent (95%) Standard Proctor density. Backfill shall extend to the top of the subgrade.

G. Testing. Pressure sewer lines shall be hydrostatically tested to a pressure of one hundred fifty (150) psi. The duration of the test at the test pressure shall be at least one (1) hour. Pipe lines showing any leakage as evidenced by a reduction in pressure will not be accepted. Defective pipe or fittings shall be removed and replaced with sound material and the test repeated until satisfactory results are obtained.

Before applying the specified test pressure, all air shall be expelled from the pipe. If blow-offs are not available at high places, taps shall be made at points of highest elevation before the test is made. Each section of pipe shall be slowly filled with water to the specified test pressure, based on the elevation of the lowest point of the line or lowest point of the section under test and corrected to the elevation of the test gauge. Pressure shall be applied by means of a test pump connected to the pipe in an approved manner. Make arrangements for metering the amount of water used during the testing.

All testing must be conducted in the supervision of the Sewer and Water Department Director or designee.

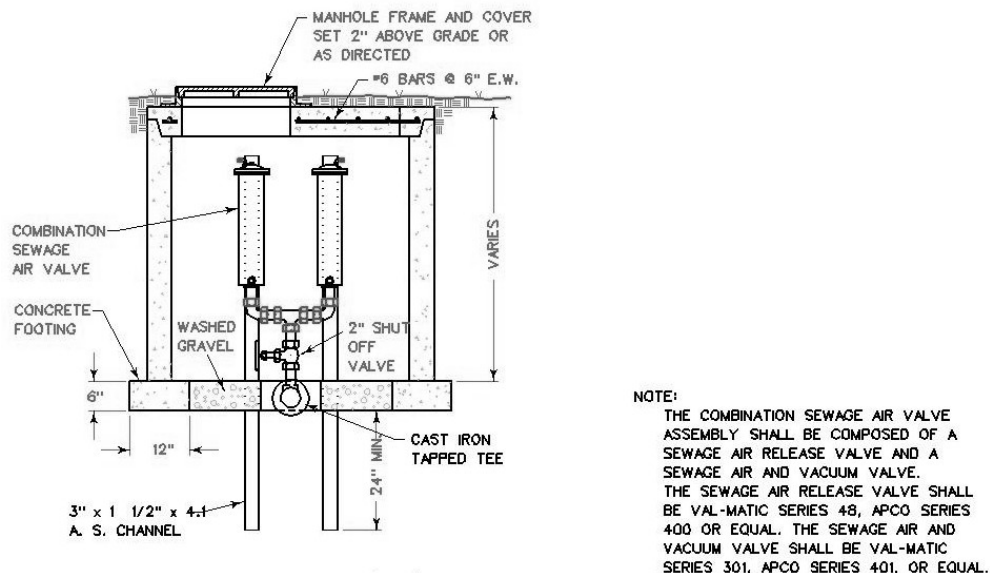


ILLUSTRATION 1306.2 A - PRESSURE SEWER AIR RELEASE VALVE

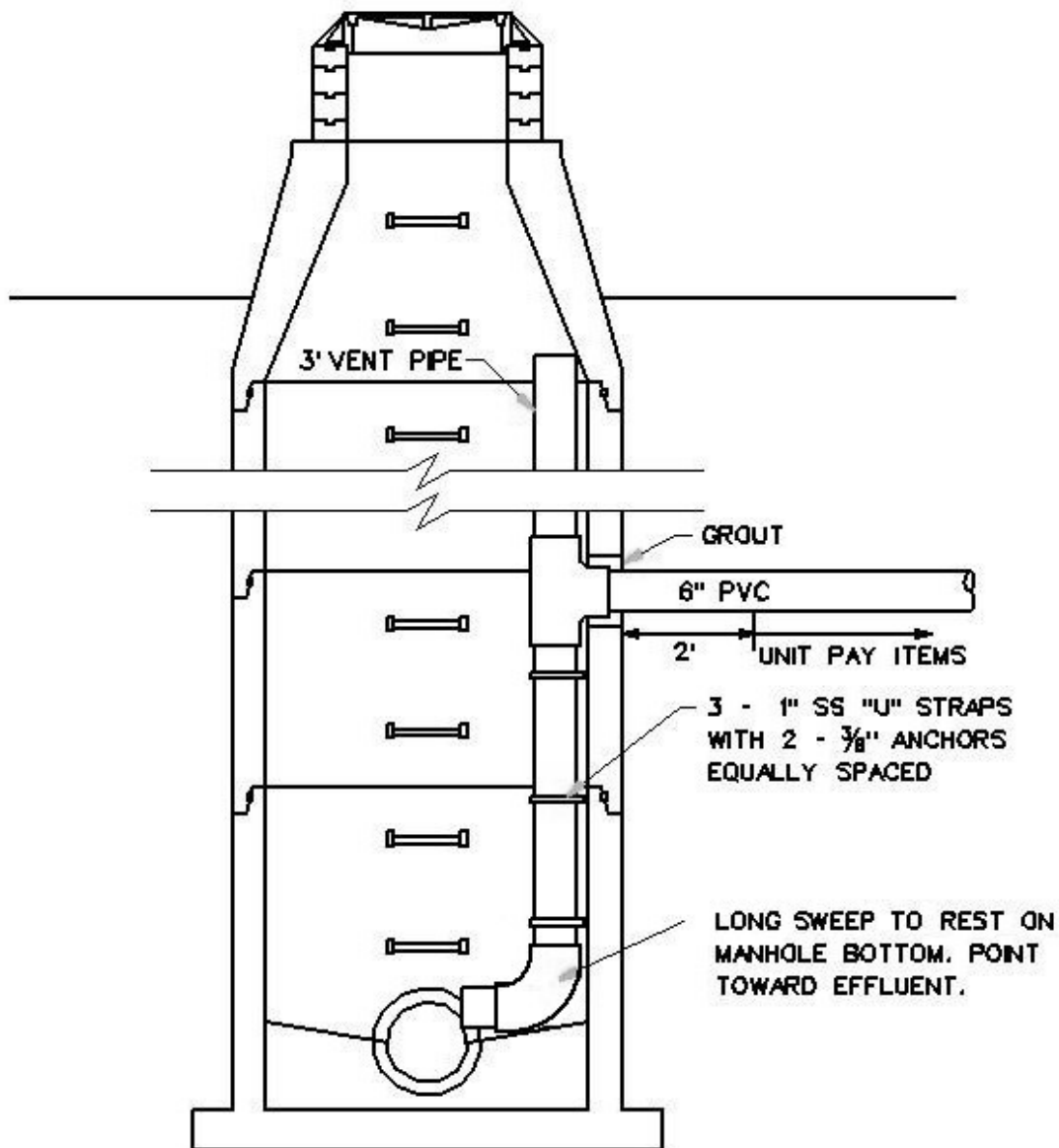


ILLUSTRATION 1306.2 B - PRESSURE SEWER CONNECTION TO EXISTING MANHOLE

SECTION 1307

GRANULAR MATERIALS

1307.1 General. The City shall be furnished certified test reports of the materials and gradations prior to incorporation into the work.

1307.2 Materials.

A. Crushed Stone. Crushed stone shall consist of fragments of sound, durable limestone, free from disintegrated stone, salt, alkali, vegetable matter, or adherent coatings and other deleterious substances; and shall be reasonably free from thin or elongated pieces. The percentage of wear shall not exceed fifty percent (50%). Crushed stone shall have a gradation as specified in Table 1307.2 A.

Table 1307.2 A: Crushed Stone Gradation

Sieve Size (Square Opening)	% Passing (by weight)			
	Fine	Medium	Coarse	Crusher Run
3 inch	---	---	100	---
2 inch	---	---	60-70	---
1 ½ inch	---	---	---	100
1 ¼ inch	---	100	5-40	---
1 inch	---	90-100	0-10	90-100
¾ inch	100	20-60	---	---
½ inch	95-100	0-10	---	---
3/8 inch	45-90	---	---	45-74
No. 4	0-15	0.3	---	30-55
No. 16	0-3	---	---	---
No. 100	---	---	---	4-15

B. Select Borrow Material. Selected Borrow Material shall be a mixture of sand and clay and shall contain sufficient binder material, natural or processed, to produce a uniform mixture complying with the requirements of these specifications. The materials shall be uniform and free of organic matter such as leaves, grass, roots, and other objectionable or foreign substances. The gradation of the natural or processed material shall be in accordance with Table 1307.2 B.

Table 1307.2 B: Natural or Processed Material Gradation

Sieve Size (square opening)	% Passing (by weight)
No.10	100
No.40	20-100
No.60	15-85
No. 200	6-40

The material shall have a plasticity index not more than six (6) and have a liquid limit of not more than twenty-five (25). (Local clean pit run topping-like material will normally meet this specification.)

C. Washed Gravel. Washed Gravel shall be composed of hard, tough, durable particles reasonably free of injurious or deleterious substances. The percentage of wear shall not exceed fifty percent (50%). The gradation of the washed gravel shall be as specified in Table 1307.2 C.

Table 1307.2 C: Washed Gravel Gradation

Sieve Size (square opening)	% Passing (by weight)
2 inch	100
1 ½ inch	90-100
1 inch	80-100
¾ inch	55-100
½ inch	35-80
3/8 inch	12-65
No. 4	5-30
No. 10	0-8

D. Clay Gravel. Clay Gravel shall be composed of natural or artificial mixtures of aggregates and soil mortar so proportioned as to meet all the requirements as hereinafter specified and with gradation as specified in Table 1307.2 D.

The coarse aggregate (material retained on the No. 10 sieve) shall consist of hard, durable particles of uncrushed gravel and shall be free from vegetable or other deleterious substances. The percentage of wear shall not exceed fifty percent (50%).

The binder portion of the surface material (that portion passing the No. 10 sieve) shall be composed of a natural or artificial mixture of natural quartz sand combined with silt and clay.

Table 1307.2 D: Clay Gravel (Aggregate and Binder) Gradation

Sieve Size (square opening)	% Passing (by weight)	
	Coarse Aggregate	Binder
3 inch	100	---
1 ½ inch	85-100	---
1 inch	65-100	---
½ inch	35-90	---
No. 4	90-75	---
No.10	30-55	100
No. 40	---	20-90
No. 60	---	15-80
No. 200	---	8-40

The binder material shall have a plasticity index of not more than six (6) and have a liquid limit of not more than twenty-five (25).

1307.3 Tests. Sampling and testing shall be in accordance with the following standard methods of the AASHTO: Sampling, T-2; Sieve Analysis, T-27; Liquid Limit, T-89; Plasticity Index, T-90.

The loss by abrasion test shall be as specified under *AASHTO Test T-96*.

SECTION 1308

SEWER SYSTEM CONSTRUCTION RECORDS

1308.1 Requirements. The following records must be provided prior to approval of the Final Plat or release of the Construction Bond:

- A.** A copy of the Mississippi Department of Environmental Quality's final approval letter.
- B.** A certification letter from the developer's engineer that the improvements were constructed in substantial conformance with the approved construction plans and specifications, accompanied by inspection documentation records and construction inspection photographs. The developer, or his designee, is responsible for maintaining inspection records to ensure that all improvements were constructed according to approved plans.
- C.** RECORD DRAWINGS shall accurately represent the completed construction including locations of service stub outs and appurtenances. Provide four (4) printed sets and two (2) sets on CD or other media in PDF or other acceptable machine-readable file format.
- D.** Two (2) copies of the manufacturer's literature necessary for reference in operating and maintaining the facilities including but not limited to manufacturer's product descriptive literature for materials incorporated into the work, operation and maintenance manuals for equipment, warranty related information, etc.
- E.** Contact information for the source of supply of basic materials and equipment.
- F.** Test results including pressure test, mandrel pull results, and other tests.
- G.** Prior to acceptance of the sewer system, the City shall require video records to prove that the system has been installed in accordance with these guidelines. Video recording shall be on DVD format for each manhole-to-manhole segment of gravity sewer keyed to the RECORD DRAWINGS with the location and interior condition or each service connection documented by use of a pan and tilt camera and located by measurement from the downstream manhole. A city representative should be present during all video scoping activity.
- H.** Other information as may be requested by the Planning Director.

CHAPTER 14

PLANNED UNIT DEVELOPMENT

SECTION 1401

GENERAL

1401.1 Planned Unit Development Statement. The Planned Unit Development is a contiguous area to be planned and developed as a single entity containing one or more structures to accommodate residential, and/or commercial uses in accordance with applicable zoning regulations. The procedure for approval of Planned Unit Developments is subject to the approval procedure specified by Chapter 2 of these Regulations for a Major Subdivision Development, regardless of the number of lots or dedication of public infrastructure.

1401.2 Purpose. Planned unit development of land may be permitted in order to provide a means for a more desirable physical development pattern than would be possible through the strict application of zoning regulations and subdivision regulations. The Planning Commission will permit certain variety and flexibility in land development to encourage the subdivider to adjust design to irregular topography, economize in the construction of utilities, and create architectural variation as well as attractive and usable buildings and building sites.

SECTION 1402

DESIGN

1402.1 Uses Permitted. Compatible residential, commercial, and public and quasi-public uses may be combined, provided that the proposed location of the commercial uses will not adversely affect or disregard adjacent property, public health, safety, and the general welfare. A variety of housing and building types is encouraged by permitting a higher per acre housing density and a reduction in lot dimensions and yard and building setbacks, compared with conventional development standards.

1402.2 General Requirements.

- A.** The gross area of the tract to be developed under the planned unit development approach shall comprise not less than five (5) acres, unless otherwise approved by the Planning Commission.
- B.** The total ground area occupied by buildings and structures shall not exceed eighty percent (80%) of the total ground area, unless previous development in the neighborhood has a greater ground coverage, in which case the plan may increase the ground coverage of buildings and structures to correspond with the average coverage in the neighborhood.
- C.** A minimum of ten percent (10%) of the land developed shall be reserved for open space and similar uses such as an internal park network, recreational facilities, and preservation of natural features.

- D. The minimum lot size shall be not less than seventy percent (70%) of the lot area per family or use which would be otherwise required under these regulations. Lot widths and required setbacks may be reduced to eighty percent (80%) of the requirements of these regulations.
- E. The design of the internal circulation system shall provide convenient access to dwelling units and non-residential facilities, separation of vehicular and pedestrian traffic, and shall be adequate to carry anticipated traffic, including access for emergency vehicles.

1402.3 Open Space and Common Property. The amount of open space reserved in the Planned Unit Development shall either be held in corporate ownership by the owners of the project area, for the use of those who buy property, be held by an association of property owners within the development, or be dedicated to the City and retained as open space or related uses. All land dedicated to the City shall meet the requirements of the Planning Commission. Public utility or water course easements are not acceptable for open space dedication unless such land is usable as a trail and approved by the Planning Commission.

1402.3.1 Management of Common Property. A homeowner's association, or in the case of non-residential development, an owners association, shall be established to provide for the maintenance of all facilities and/or properties held in common within Planned Unit Developments. These shall include, but not be limited to, private streets and walkways, private recreational facilities, common lots and open space areas. The developer shall submit evidence as to the financial ability of the homeowners association to maintain any property or facilities held in common ownership, including the estimated annual cost of maintaining all common properties and facilities; the estimated monthly fee which shall be assessed to each residential property; and an estimate of the value of the dwelling units which will be constructed within the planned unit development. Any homeowners association and accompanying regulations shall be reviewed and approved by the City Attorney.

1402.3.2 Open Space Improvement Guarantee. At the time of the application for final plat approval, the subdivider shall provide:

- A. A performance guarantee in accordance with Section 203.6.3 of these Regulations, in the amount of the estimated cost of the proposed improvements.
- B. A maintenance guarantee, in accordance with Section 203.6.3 of these Regulations, in such amount as determined and approved by the Planning Commission that shall be arranged for a required maintenance period from the date of acceptance of the improvements.

SECTION
1403

STREETS

1403.1 Conformity to Existing Streets and Thoroughfare Plan. Whenever a Planned Unit Development abuts or contains an existing or proposed major thoroughfare or minor existing street, the roadway standards as contained in these Regulations shall be applicable.

1403.1.1 Public Streets. The Planning Commission may require certain streets within the Planned Unit Development be public if it determines that the project density necessitates the use of public streets for adequate circulation.

1403.1.2 Private Streets.

- A. Private streets may be permitted in Planned Unit Developments and shall meet the construction requirements of these Regulations. Private streets shall be owned and maintained by a mandatory Homeowner's Association. Lot deeds shall convey membership in the Association and provide for the payment of dues and assessments required by the Association.
- B. The following notice shall appear in bold print on each deed to property in the subdivision, on the plat of the subdivision and on each contract on the sale of land within the subdivision:

Notice: The lots within this subdivision are governed by a Homeowner's Association requiring the payments of fees. Failure to pay such fees are subject to attachment of a lien on your property by the Association.

- C. The Association documents shall establish a reserve fund for the maintenance of streets and other improvements and contain provisions for reliable access to provide City services and to other utility service providers with appropriate identification. The Association may not be dissolved, and no portion of the Association documents pertaining to this section may be amended without the written consent of the City.
- D. In the event the Association fails to maintain the streets in accordance with City standards, the City may repair and maintain the streets and charge the cost to the Association. If the Association fails to pay for the maintenance cost, after notice to the property owners, the costs shall be filed as a lien on all property within the subdivision.

SECTION
1404

DEVELOPMENT

1404.1 Phased Development of Planned Unit Development. Each stage of a Planned Unit Development must be so designed so as to stand independently of future related stages, in the event future stages are not constructed. The construction and provision of all

the common open spaces and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of dwelling units.

If a Planned Unit Development contains non-residential uses, these uses may be constructed first, but only if the Planning Commission approves such construction on the Preliminary Development Plan.

CHAPTER 15

REQUIRED STATEMENTS AND SIGNATURES TO BE AFFIXED ON THE FINAL PLAT

SECTION REQUIRED STATEMENTS

1501

Some or all of the following statements, or similar appropriate statements, shall be affixed on the subdivision Final Plat. The Planning Commission may require modifications to the statements. All signatures, except the signatures of the Chancery Clerk, Planning Commission, Mayor and Board of Aldermen shall be obtained prior to approval of the subdivision Final Plat.

A, Deed Reference and Legal Description

Situated in _____ Section, _____ Township, _____ Range, Itawamba County, Mississippi, containing _____ acres and being (part or) the same tract as conveyed to _____ and described in the deed recorded in Deed (Official Records) Book _____ Page _____, Itawamba County, Mississippi.

B. Certificate of Ownership and Dedication

This certifies that the undersigned is (are) the owner(s) of the property shown on this map, having acquired title thereto by deed(s) recorded in the Itawamba County, Mississippi Chancery Clerk's Office or otherwise as shown below and that by submission of this plat or map by approval, I/We do dedicate to the City of Fulton, Mississippi for public use all streets, easements (except drainage easements), rights-of-way and parks shown thereon for all lawful purposes to which the City may devote or allow the same to be used and upon acceptance thereof and in accordance with all City policies, ordinances, and regulations or conditions of the City of Fulton for the benefit of the public, said dedication shall be irrevocable.

Signature of Owner(s)

C. Certificate of Notary Public

Personally, appeared before me, _____, the Owner(s), and _____, (Registered Professional Engineer) each of whom acknowledged to me that they signed and delivered this plat and the certificates thereon as their own act and deed, on the day and year herein mentioned.

Given under my hand and seal of office on this the ____ day of _____, 20____.

(SEAL)

Notary Public

My Commission Expires:

D. Certificate of Surveyor

I, _____, (Registered Professional Land Surveyor), do hereby certify that at the request of _____, the Owner(s), I have subdivided and platted the following described land as follows to wit:

(Insert Legal Description here)

I hereby certify that the plan shown and described hereon is a true and correct survey of the accuracy required by the City of Fulton and that the monuments have been placed as shown hereon, in accordance with the requirements of the subdivision regulations.

(SEAL)

_____, 20____

Surveyor

MS Registration Number

E. Board of Aldermen Approval

This plat was approved by the Fulton Board of Aldermen on this ____ day of _____, 20____.

(SEAL)

Mayor

Municipal Clerk

F. Chancery Clerk's Certification

File No. _____

I, _____, Chancery Clerk of the Chancery Court in and for Itawamba County, Mississippi, do hereby certify that the Final Plat of (name of subdivision), was filed for record in my office on this the ____ day of _____, 20____, and was duly recorded in Plat Book No. ____, Page ____ of the records of maps and plats of land of Itawamba County, Mississippi.

Given under my hand and seal of office on this the ____ day of _____, 20____.

(SEAL)

Chancery Clerk

G. Restrictive Covenants (if applicable)

The property located in (name of subdivision), as shown on this plat is subject to restrictive covenants which are set out in an instrument recorded in book ____ at page _____ of the deed of records of Itawamba County, Mississippi, or recorded as instrument number _____.

Chancery Clerk

H. Acceptance of Dedications

Be it resolved by the Mayor and Board of Aldermen of the City of Fulton, Mississippi, that the dedications shown on this Plat are hereby approved and accepted for the best interest of the public this ____ day of _____, 20____.

(SEAL)

Mayor

Municipal Clerk

CHAPTER 16

DEFINITIONS

SECTION 1601

STANDARDS

1601.1 Interpretation of Terms or Words. For the purpose of these Regulations, certain terms or words used herein shall be interpreted as follows:

- a. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- b. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- c. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
- d. The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied.”
- e. The word “lot” includes the words “plot or parcel.”
- f. The word “City” where used shall mean the City of Fulton, Mississippi and its legal entities.

1601.2 Glossary.

A

Abandonment: To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

Access Point: A driveway, local street or collector street intersecting an arterial street; or a driveway or local street intersecting a collector street; or a driveway or local street intersecting a local street.

Accessory Building, Structure or Use: Any structure or use on the same lot with, and customarily incidental and secondary to the main structure, including but not limited to, satellite receiving dishes, swimming pools, sheds, tree houses, and detached garages or carports.

Accessory Dwelling Unit (ADU): An attached or detached accessory structure secondary to a principal detached single household dwelling; the unit has a kitchen, sleeping and full bathroom facilities and is permitted on single family lots. Accessory dwelling units can take a variety of forms, including but not limited to, a converted garage, an addition above an

existing garage, an addition connected to the side of a house, or a free standing newly built structure. Only one accessory dwelling unit is permitted on any given single-family lot. Terms commonly used to describe an accessory dwelling unit are mother in law house, granny flat, grounds keeper's cottage, etc.

Accessory Farm: An accessory farm is a farm use that is secondary and accessory to a residence on residentially zoned property.

Accidental Discharge: A discharge prohibited by these regulations, which occurs by chance, and without planning or thought prior to occurrence.

Addition (to an existing building): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition that is connected by a firewall or is separated by independent perimeter load-bearing walls is considered new construction. An addition may also include the addition of a second story.

Adjacent: Touching, sharing a common boundary or border.

Adult Business Uses:

- 1. Adult Arcade:** An establishment where one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides or other photographic reproductions that are sexual or pornographic in nature.
- 2. Adult Bookstore:** A commercial establishment that, as one of its principal business purposes, offers for sale or lease for any form of consideration, any one or more of the following: (a) books, magazines, periodicals, or other printed matter, or photographs, films, motions pictures, video cassettes, slides or other visual representations that are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas"; or, (b) instruments, devices or paraphernalia that are designed for use in connection with "specified sexual activities".
- 3. Adult Cabaret:** An establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas".
- 4. Adult Entertainment Establishments:** Any adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, adult video store, or similar establishment which regularly features or depicts behavior which is characterized by the exposure of "specified anatomical areas", or "where any employee, operator or owner exposes his/her "specified anatomical areas" for viewing by patrons".

- 5. Adult Motel:** An establishment which includes the word "adult" in any name it uses or otherwise advertises the presentation of adult material offering public accommodation for any form of consideration, which provides patrons with closed-circuit televised transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
- 6. Adult Motion Picture Theater:** An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas".
- 7. Adult Video Store:** A commercial establishment that, as one of its principal business purposes, offers for sale or rental any form of consideration of any one or more of the following: (a) photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations which depict or describe "specific sexual activities" or "specified anatomical areas"; and, (b) instruments, devices or paraphernalia that are designed for use in connection with "specified sexual activities".

Advertising Sign or Structure: Any sign, device or structure of any character whatsoever, including statuary, placed for outdoor advertising purposes on the premises. The area of an advertising structure or sign shall be determined as the area of the largest cross- section of such structure or sign.

Agriculture: The raising or growing of crops, fowl, livestock or swine, in any A Zone, providing such does not constitute a nuisance or health hazard.

Agricultural Building: Structures with no foundation or floors associated strictly with an agricultural use, such as growing, storage, harvesting crops, raising livestock and cultivation of land, whether there is a residential structure already located on the property or not.

Agricultural Livestock: Any animal normally considered to be a farm animal or commercially produced animal. This includes but is not limited to: cows, horses, mules, pigs, hogs, goats, ducks, geese, chickens, and other forms of poultry.

Aircraft Sales and Service: Any building, structure, or lot used for one or more of the following:

1. offering for retail sale aircraft and aircraft parts and supplies; or
2. the business of repairing aircraft.

Airport: Any area of land designed and set aside for the landing and takeoff of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

Alley: See **Thoroughfare**.

Alteration, Structural: Any change in the supporting members or a building or structure, such as bearing walls, columns, beams, or girders; provided, however, that the application of any exterior siding to an existing building for the purpose of beautifying and modernizing shall not be considered a structural alteration.

Amusement Center: An establishment offering sports, theatrical productions, game playing, or similar amusements to the public within a fully enclosed building. This shall include, but is not limited to, theaters, bowling alleys, billiard parlors, and skating rinks. This shall not include recreation centers or such amusements which are accessory to churches, schools, or colleges.

Animal Hospital: Facility for the medical treatment and care of animals. This shall include Veterinary Clinics.

Animal Shelter: Facility for the temporary care and housing of stray and abandoned animals.

Apartment House or Multifamily Dwelling: Any single detached dwelling unit designed for and occupied by three (3) or more families living independently of each other as separate housekeeping units, including apartment houses, apartment hotels, flats and town houses or condominiums, but not including auto or trailer courts or camps, hotels, motels, or resort-type hotels.

Applicant: Any person, individual, firm, partnership, association, corporation, trust or any other group or combination acting as a unit that makes a formal application to the Planning Commission in accordance with these regulations. (See also: **Developer**).

Asphalt and/or Concrete Plant: A facility for the production and distribution of asphalt or concrete.

Assisted Living Home: A facility which provides care for seniors who need help with activities of daily living yet wish to remain as independent as possible. A middle ground between independent living and nursing homes, Assisted Living Facilities aim to foster as much autonomy as the resident is capable of. Most facilities offer 24-hour supervision and an array of support services, with more privacy, space, and dignity than many nursing homes.

Auto Wrecking: The collecting, burning out, dismantling or wrecking of used motor vehicles, wheeled or track laying equipment, or trailers or their parts. The dismantling and rebuilding, other than custom repair, of more than one (1) motor vehicle, piece of wheeled or track laying equipment, or trailer at a time even though not for profit or a principal use of a parcel of land shall be defined as auto wrecking. The storage of a partially dismantled motor vehicle, piece of wheeled or track laying equipment or trailer shall be considered auto wrecking.

Automobile Junk Yard or Graveyard: An area other than a street or alley used for the dismantling or wrecking of used automobiles or the storage, sale or dumping of dismantled or wrecked automobiles or their parts.

Automotive Repair, Major: A business mainly engaged in the repair or maintenance of motor vehicles, trailers, and other similar large mechanical equipment, including paint, body, and fender, and major engine and engine part overhaul, which is conducted within a completely enclosed building.

Automotive Repair, Minor: A business mainly engaged in the repair or maintenance of motor vehicles, trailers, and other similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune ups, and transmission work, which is conducted within a completely enclosed building.

Automobile Sales And Service: A Building, structure, or lot used for the business of selling and servicing automobiles.

Automobile Service Station: Any building, structure, or lot used for one or more of the following:

1. dispensing, selling, or offering for retail sale, gasoline, kerosene, lubricating oil, or grease for the operation and maintenance of automobiles, including the sale and installation of tires, batteries and other minor accessories and services for automobiles; or
2. the business of repairing automobiles.

This shall not include car washes, the retreading and/or recapping of tires, or convenience stores which sell gasoline or lubricating oil, but not other automotive accessories or services.

B

Bank: A financial institution licensed as a receiver of deposits. May include drive-in services.

Bar: An establishment that primarily serves alcoholic beverages, with no other food accommodation on the premises. A bar is not a nightclub, and does not include adult entertainment and is not open after hours.

Bar And Grill: An establishment that primarily services alcoholic beverages, with accommodation for food as a secondary function (also known as a Sports Bar).

Bed and Breakfast Inn or Tourist Home: A residential structure or portion thereof where short-term lodging rooms and meals are provided. The operators of the inn shall live on the premises or on adjacent premises. The inn shall contain no more than six guest rooms where lodging is provided for compensation.

Best Management Practices (BMPS): Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures and other management practices designed to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating

procedures and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Best Management Practices (BMPS) – Non-Structural: A policy, practice or preventative action that involves operational planning and source controls designed to provide a similar approach to stormwater management.

Best Management Practices (BMPS) – Structural: A physical device designed and constructed or manufactured to trap or filter pollutants from runoff, to reduce runoff velocities, or to minimize or prevent the effects of soil erosion caused by Stormwater Runoff.

Big Box Retail: A very large retail store, usually greater than twenty thousand (20,000) square feet, that does a high volume of business.

Block: A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or green strips, rural and/or drainage channels or a combination thereof.

Block Frontage: Property abutting on one side of a street, and lying between the two nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and railroad right-of-way, waterway, or other definite barrier.

Board or Board of Aldermen: The Board of Aldermen of the City of Fulton, Mississippi.

Boarding House or Rooming House: Any dwelling unit other than a hotel where for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three (3) or more persons.

Borrow Pit: Any place or premises where dirt, soil, sand, gravel, or other material is removed below the grade of surrounding land for any purpose other than that necessary and incidental to site grading or building construction, land leveling, and swimming pool construction.

Bowling Alley: A building or room containing lanes for bowling, and which may also contain food vending and game rooms.

Broadcasting Studio: A programming origination studio of a television station, radio station, or cable television provider.

Brown Bag Establishment (BYOB): An unlicensed establishment that allows consumption of alcoholic beverages and/or beer on the premises and where dancing and entertainment may or may not be provided.

Buffer: An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, and/or berms, designed to limit continuously the view of and/or sound from the site to adjacent sites or properties. Buffers are normally located within required setbacks, but may extend beyond the setback for certain uses and condition.

Buffer Area: An area which acts as a separation area between two (2) or more noncompatible districts.

Buildable Area: That portion of a lot remaining after the required yards have been provided.

Building, Alteration of: Any change or rearrangement in the supporting members (such as bearing walls, beams, columns, or girders) of a building, any addition to a building or movement of a building from one location to another.

Building, Front Line of: A line intersecting the foremost portion of a building and parallel and/or concentric to the street line.

Building Height: The vertical distance from grade plane to the average height of the highest roof surface as defined in the *Building Code*.

Building, Main: Building in which is conducted as the principal use of the lot on which it is situated.

Building Materials And Supply: A building, structure, or lot used for the sale of construction materials. May include lumber yards and wholesale building material supply.

Building Official: The official appointed by the Mayor or the Board of Aldermen and charged with the responsibility of enforcing the City Building Codes and issuance of building permits.

Building Setback Lines: The distance required by these regulations to be maintained between a given lot line, easement or right-of-way line and any structure – front, rear, or side, as specified.

Building: A structure designed to be used as a place of occupancy, storage or shelter.

Building Site: A parcel under separate deed or description containing less than 5 acres and having road frontage.

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

Business Or Financial Services: An establishment intended for the conduct or service or administration by a commercial enterprise, or offices for the conduct of professional or business service.

C

Campground: An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, recreational vehicles and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character.

Canopy: An extension of the roof of a building or a freestanding structure that has a roof with support, but no walls.

Carwash Facility: A commercial establishment which washes automobile or other motor vehicles. This use may include other goods or services provided to customers.

Cemetery or Mausoleum: A tract of land, private or public, divided into plots for internment of the human dead and in compliance with applicable state statutes.

Certificate of Occupancy: A permit issued by the Building Official indicating that the use of the building or land in question is in conformity with these regulations or that there has been a legal variance therefrom, as provided by these regulations.

Check Cashing/Payday Advance/Title Loan Business: An establishment that provides the customer an amount equal to the face value of a check, and/or provides small consumer loans usually until a customer's next payday, and/or an establishment that makes loans leveraged on the equity value of a personal vehicle or other such collateral. All such transactions are typically performed for an excessive fee or above market rate interest.

Child Care Facility: A place which provides shelter or personal care for four (4) or more hours of any part of the twenty-four hour day for children who are not related within the third degree computed according to civil law to the operator and who are under thirteen (13) years of age. There shall be two (2) classifications of child care facilities being defined as follows:

- a. **Day Care Center:** A facility (which may also be a residence) in which shelter and personal care is regularly provided for six (6) or more children who are not related within the third degree computed according to the civil law to the operator and who are under the age of thirteen (13) and receive care for any part of a twenty-four (24) hour day.
- b. **Day Care Home:** An occupied residence in which shelter and personal care is regularly provided for five (5) or less children who are not related within the third degree computed according to the civil law to the provider and who are under the age of thirteen (13) years of age and are provided care for any part of the twenty-four (24) hour day. These homes may be voluntarily registered with the Mississippi State Department of Health.

Exempted from this definition is any facility operating as a kindergarten, nursery school or Head Start in conjunction with an elementary and/or secondary school system, whether it be public, private or parochial, whose primary purpose is a structured school readiness program. Space requirements shall be as stipulated by the Mississippi State Board of Health and current adopted building codes.

Church or Regular Place of Worship: Any structure used principally as a place wherein persons regularly assemble for religious worship, including sanctuaries, chapels, temples, mosques, cathedrals, or similar, and on-site buildings adjacent thereto, such as parsonages, friaries, convents, fellowship halls, Sunday Schools, rectories, recreation facilities, and parking facilities and grounds.

City Drainage System (CDS): Any City maintained or designated roadway, ditch, culvert, channel, or conduit intended to direct water flows.

City Engineer: An engineer employed directly by the City or hired as a consultant to act on the behalf of the City.

Clean Water Act: The Federal Water Pollution Control Act (33 U.S.C., 1251 et seq.), and any subsequent amendments thereto.

Clinic, Dental or Medical: Any establishment housing facilities for medical or dental diagnosis and treatment exclusive of major surgical procedures for patients who are not kept overnight on the premises.

Clubs and Lodges (Civic or Fraternal): Organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics, or the like, but not operated for profit, excluding churches, synagogues, or other houses of worship. A building or facility owned or operated by a corporation, association, or organization of persons for a social, educational, or recreational purpose.

Coin Laundry: A business establishment with washing and drying machines operated by coins, where items such as articles of clothing may be laundered and dried by the customer.

College: An institution, other than a trade school, which provides full time or part time education beyond the high school level.

Commercial: An occupation, enterprise, or employment related to the provision of products and services that is carried on for profit by the owner, lessee, or licensee. (See also retail and wholesale trade, personal and professional services). Commercial uses are divided into two categories:

- 1. Commercial (Heavy):** A nonresidential use involving open yard sales, outside equipment storage or outside activities that generate noise or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are lumber yards, construction specialty services, heavy equipment suppliers, or building contractors.
- 2. Commercial (Light):** A nonresidential use involving retail or wholesale sales, office uses, or services, which do not generate noise or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are retail stores, offices, catering services, or restaurants.

Commercial Strip Center: a retail complex consisting of stores or restaurants in adjacent spaces typically in one long building, typically having a narrow parking area directly in front of the stores.

Community Facility: A building or structure owned and operated by a governmental agency that provides a governmental service to the public.

Comprehensive Plan: In accordance with Section 17-1-1 of the Mississippi Code of 1972, Annotated, As Amended, "Comprehensive Plan" shall be defined as "a statement of public

policy for the physical development of the entire municipality—adopted by resolution of the governing body, consisting of the following elements at a minimum: (i) Goals and Objectives; (ii) a Land Use Plan; (iii) a Transportation Plan; and (iv) a Community Facilities Plan.

Conditional Use (Special Exception Use): A land use which would not generally be appropriate in a particular zoning district but which, with certain restrictions or conditions, would in the judgment of the Planning Commission promote the public health, safety, morals, or general welfare of the City and would not adversely affect adjacent properties. A permit (building permit or change of use permit) granted by the Planning Commission for the initiation of a conditional use (with the necessary restrictions included) will not change the zoning of the property involved and will allow such use to continue as long as the specific use granted by the conditional use remains the same. Also referred to as a “Special Exception”

Conference Center: A facility provided for singular events such as business conferences and meetings.

Conforming Use: Any lawful use of a building or lot which complies with the provisions of these regulations.

Congregate Residence: Any building or portion thereof that contains facilities for living, sleeping, and sanitation as required by these regulations, and may include facilities for eating and cooking for occupancy by other than a family. A congregate residence shall be permitted to be a shelter, convent, monastery, dormitory, fraternity or sorority house, but does not include jails, hospitals, nursing homes, hotels, or lodging houses.

Conservation Areas: Environmentally sensitive and valuable lands protected from activities that would significantly alter their ecological integrity, balance, or character. Conservation areas may include freshwater marshes, lakes, hardwood swamps, wetlands and other areas of significant biological character.

Construction Activity: Activities subject to NPDES construction permits. These include construction projects resulting in land disturbances. Such activities include, but are not limited to, clearing and grubbing, grading, excavating and demolition.

Construction Office, Temporary: A one-story structure used during the construction period of a principal building or structure on the premise or within a subdivision or project.

Contractor Shop: A facility used by a person or company that undertakes a contract to provide materials or labor to perform a service or do a job.

Convenience Store: Retail establishment selling food for off-premises consumption and a limited selection of groceries and sundries, and possibly gasoline, if pumps are provided. It does not include or offer any automobile repair services or automatic or manual car washing service. See **Gasoline, Service or Filling Station**.

Convention Center: A large civic building or group of buildings designed for conventions, industrial shows, and similar gatherings, having large unobstructed exhibit areas and often including conference rooms, hotel accommodations, restaurants, and other facilities.

Corner Lot: See **Lot Types**.

Country Club: a club, usually in a suburban residential district, with a clubhouse and grounds, offering various social activities and generally having facilities for tennis, golf, swimming, and other related activities.

Covenant: A written promise or pledge.

Coverage: The percentage of the lot area covered by the building area.

Crematory: A place, as a funeral establishment, at which cremation is done.

Cul-de-sac: See **Thoroughfare**.

Cultural Activity: Any institution concerned with the appreciation of nature and the humanities such as, but not limited to, museums, art galleries, historic sites and aquariums.

Culvert: A transverse drain that channels under a bridge, street, or driveway.

D

Dead-end Street: See **Thoroughfare**.

Density: A unit of measurement; the number of dwelling units per acre of land.

Department of Environmental Quality: The official Mississippi State Agency whose responsibilities include environmental issues (also referred to MDEQ).

Develop: To make a development; also to do any grading or filling of land, whether undeveloped or already subdivided, so as to change the drainage or the flow of water; or to do any work upon the land that is capable of serving as a subdivision or development of building sites in the future.

Developer: Any individual, subdivider, firm association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations hereunder for himself or for another.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or a drilling operation that requires the installation of a water supply or wastewater system. Such changes may be made for residential, commercial, or industrial construction.

District: Any section or sections of Fulton, Mississippi for which the regulations governing the use of land, density, bulk, height, and coverage of buildings and other structures are uniform. Also known as a zoning district.

Driveway: A vehicular travel way used to provide access from a street to dwelling units or commercial or industrial activities. Driveways are designed for low travel speeds and are often used as, or are integral with, parking areas for vehicles.

Dwelling: Any building, or portion thereof, which is designed or used as living quarters for one (1) or more families to be occupied for thirty (30) days or longer. The following types of dwellings are recognized by these regulations:

- 1. Dwelling, Condominium:** An ownership arrangement in which the buyer purchases a dwelling unit within a multifamily or time share development but does not receive the title to any real property. It also refers to a building or group of buildings in which units are owned individually and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.
- 2. Dwelling, Single-Family, detached:** A building designed for or occupied exclusively by one (1) family which has no connection by a common wall to another building or structure similarly designed.
- 3. Dwelling, Two-Family (Duplex):** A building designed to be occupied by two families, living independently of each other having one wall common to both dwelling units, and located on one lot.
- 4. Dwelling, Manufactured/Mobile Home:** A structure defined by and constructed in accordance with the *National Manufactured Home and Construction and Safety Standards Act of 1974, as amended, 42, U.S.C. 5401, et seq.*, and manufactured after June 15, 1976, and designed to be used as a single family residential 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; except that such term shall include any structure which meets all the requirements of this code and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under the *National Manufactured Home Construction and Safety Standards Act of 1974* and the *Uniform Standards Code for Factory Built Homes Law*, State of Mississippi.
- 5. Dwelling, Modular Home:** A modular home is a factory fabricated dwelling over thirty-two (32) feet in length and at least twenty-four (24) feet wide designed and constructed without carriage or hitch collar as stationary house construction for placement upon a permanent foundation, to be permanently connected to utilities, and to be used for year-round occupancy. It may consist of two (2) or more components that can be separated when transported but designed to be joined into one (1) integral unit. A modular home must meet the minimum construction standards for house construction as specified in the current adopted *Building Code*, the *Federal Housing Administration Minimum Property Standards*, the minimum construction standards as may from time to

time be fixed by the law of the State of Mississippi, and must have a roof with at least a 3/12 pitch.

6. Dwelling, Multifamily: A dwelling designed for occupancy for three (3) or more families living independently of each other.

Dwelling Unit: Space within a building comprising living, dining, sleeping and storage rooms as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one (1) family and its household employees.

E

Easement: A grant by the property owner of the use of a strip of land by the public, a corporation, or other persons, for specified purposes.

Educational Facilities: Established schools including primary, secondary, universities, colleges, junior colleges and various private facilities such as correspondence schools, vocational schools and art, dance and music schools.

Elevated Building: A non-basement building that is built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls or break-away walls.

Elevation Certificate: A certified statement that verifies the elevation information of a building.

Emergency Shelter/Mission: A nonprofit, charitable, or religious organization providing boarding and/or lodging and ancillary services on its premises to primarily indigent, needy, homeless, or transient persons. A facility providing temporary housing for one or more individuals who are temporarily homeless.

Engineer: Any person registered to practice professional engineering in the State of Mississippi (See **Registered Engineer**)

Erosion: The wearing away of the earth's soil surface by water, wind, gravity, or any other natural process.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments, or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution system, collection, communications supply or disposal systems, including poles, wire, mains, drains, sewers, pipes, conduits, cables, traffic signals, in connection therewith, but not including buildings or substations reasonably necessary for the furnishing of adequate services by such public utilities or municipal departments or commissions, or for the public health or safety or general welfare.

Excavate: Means to dig out, scoop out, hollow out, or otherwise make a hole or cavity by removing soil, sand, gravel, or other material from any property so as to change the grade of such property.

F

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

1. Churches and other religious institutions
2. Schools, including all private, public or parochial schools, excluding institutions of higher learning which shall be zoned "Special Use" districts only.
3. All governmental buildings (including municipal buildings and buildings erected by County, State or Federal governments) and major governmental facilities, such as water pumping stations, sewage treatment plants, sanitary landfills and the like. (NOTE: Public recreation and open space facilities are a land use permitted by right in ANY zoning district, and such facilities are not subject to the requirements of special exceptions.)
4. All hospitals, whether public or private.
5. Convalescent homes or nursing homes.
6. Civic organization buildings and major facilities.
7. Buildings and facilities erected by charitable organizations (e.g., American Red Cross, Salvation Army, etc.); (Note: When such facilities are erected as emergency measures, they shall be exempt from the Special Exception provisions of these regulations, including site plan review and public hearing requirements).
8. Country clubs and other major recreational facilities constructed by private groups.
9. ALL cemeteries, including associated facilities (e.g., caretaker offices and residence, etc.) NOT INCLUDING funeral homes and mortuaries.
10. Major facilities associated with privately-owned utilities (electrical, natural gas, telephone) including but not limited to electrical substations, telephone communications centers, microwave towers, cellular telephone towers, natural gas pumping facilities and similar significant uses.

Facility: A structure, installation, or system that is designed to serve a particular purpose, service, or function.

Farm: Use related to the raising of crops, livestock, or other plants and animals, including orchards, vineyards, and nurseries, along with any buildings and structures that are customarily and necessarily incidental to such activities. This shall include the retail sale of products grown or raised on the premises.

Farm Animals: Animals other than household pets that shall be permitted to be kept and maintained for commercial production and sale and/or family food production, education, or recreation.

Farmers Market: An area which is used on a temporary basis by one or more operators of *bona fide* farms for the sale of agricultural products which are not grown or raised on the same premises as the market.

FEMA: The Federal Emergency Management Agency.

Fence(s): Shall mean solid (privacy) fences when required in these regulations for screening purposes when a commercial or industrial use abuts a residential district or under open storage regulations.

Final Plat: A revised version of the preliminary plan showing exact locations of lot lines, rights-of-way, easements, and dedicated areas. The final plat is recorded in the office of the Chancery Clerk.

Flammable Liquids: Any liquid which gives off flammable vapors, as determined by the flash point from an open-cup tester as used for test of burning oils, at or below a temperature of eighty (80) degrees Fahrenheit, is flammable.

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

Flood: An overflowing of water, from watercourses, onto land which is normally dry.

Flood, 100-Year: The temporary inundation of normally dry land areas by a flood that is likely to occur once every 100 years (i.e., that has a one percent (1%) chance of occurring each year, although the flood may occur in any year.)

Flood Plain: Any land area susceptible to be inundated by water from the base flood. The term refers to that area designated as subject to flooding from the base flood (100-year flood) on the "Flood Boundary and Floodway Map" prepared by the Federal Emergency Management Agency.

Flood Plain Management Program: An overall program of corrective and preventive measures for reducing flood damage, including, but not limited to emergency preparedness plans, flood control works, and land use and control measures.

Floodway: The channel of a river, bayou, or other water course, and the adjacent land areas required to carry and discharge the normal high tidal water, or land areas that are inundated by the normal flow of the water course, including marsh land.

Floor Area: The square feet of floor space within the outside line of walls and including the total of all space on all floors of a building used for dwelling purposes.

Frontage: The frontage is that side of a lot abutting on a street or road and ordinarily regarded as the front of the lot, but shall not be considered as the ordinary side line of a corner lot.

Funeral Home: An establishment where the dead are prepared for burial or cremation, where the body may be viewed, and where funeral services are sometimes held.

Furniture Sales and Showroom: An establishment which sells and warehouses furniture in a showroom display.

G

Garage Apartment: A dwelling unit erected above a private garage.

Garage, Private: An accessory building or part of a main building used for storage purposes for one (1) or more automobiles.

Garage, Public: Any building other than a private garage, available to the public for the care, servicing, repair, or equipping of automobiles or where such vehicles are parked or stored for remuneration, hire, or sale.

Garage, Repair: A building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work. (See also: Gasoline, Service or Filling Station).

Gasoline, Service or Filling Station: Any area of land, including structures thereon, that is used for the retail sale of gasoline or oil fuels, and installation of other minor automobile accessories, and which may or may not include facilities of lubricating, washing or cleaning, but not including storage and rental of vehicular equipment.

Golf Course: A course with nine (9) or more holes for playing golf, including any accessory driving range, clubhouse, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, restroom facility, or similar accessory use or structure. This term shall not include miniature golf courses as a principal or accessory use, nor shall it include driving ranges that are not accessory to a golf course.

Governing Authority: The City of Fulton, Mississippi Board of Aldermen.

Governmental Services: Fire, Police, Judicial and other services provided by the government.

Grade: The amount of rise or descent of a sloping land surface, usually measured as a percent where the numbered percent represents the amount of vertical rise or fall, in feet, for every 100 feet horizontally. For example, a one foot vertical rise over one hundred horizontal feet represents a one percent slope.

Green Space: The area that is reserved for the purpose of establishing lawns or landscape planting.

Gross Acreage: The total acreage lying within the boundaries of the plat.

Ground Cover: Natural mulch, permanent type lawn grasses, annual flowering plants, ivy, and evergreen perennials which mature at a height of not more than eighteen (18) inches, installed to form a continuous cover over the ground.

Group Care Facility (Group Home): A facility, required to be licensed by the State of Mississippi, which provides training, care, supervision, treatment and/or rehabilitation to the aged, disabled, those convicted of crimes, or those suffering the effects of drugs or alcohol; this does not include day care centers, family day care homes, foster homes, schools, hospitals, or jails. The dwelling typically is shared by the persons with disabilities and support staff who live in a single (1) housekeeping unit. Staff may provide personal care, education, community activities, and similar habilitation services to residents. As used for this definition, disabilities shall mean a temporary or permanent physical, emotional, or mental disability that limits a person's ability to live independently, including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments. Group home residents shall not include any person whose residency would constitute a direct threat to the health and safety of others. This definition shall not include alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, hospitals, rest homes, nursing homes, boarding homes, homes for orphans or aged, or sub-acute-care detoxification centers of halfway houses. Uses that require state licensure, such as adult foster care facilities, are required to comply with state statutes.

Guest House: An accessory building containing a lodging unit with or without kitchen facilities, and used to house occasional visitors or nonpaying guests of the occupants of a dwelling unit on the same site.

H

Habitable Floor: Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "Habitable Floor".

Habitable Space: Areas within the building designed and/or used as living quarters for human beings.

Halfway House: A licensed home (state or federal) for inmates on release from more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently.

Hardship: Hardship, as related to variances of these regulations, means the exceptional hardship that would result from a failure to grant the requested variance. The Planning Commission requires that the variance is exceptional, unusual and peculiar to the property involved. Mere economic or financial hardship alone is not considered to meet the standard of exceptional under these regulations. Inconvenience, aesthetic considerations, physical handicaps, personal preferences or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Health and Fitness Facility: An indoor facility including uses such as game courts, exercise equipment, locker rooms, jacuzzi, and/or sauna, gymnasiums (except public), private clubs (athletic, health, or recreational), reducing salons, and weight control establishments.

Heliport: Any landing area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling, and emergency service facilities.

Highest Adjacent Grade: The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

Historic Area: A district or zone designated by a local authority, state or federal government within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history, or because of their unique architectural style and scale, including color, proportion, form and architectural detail, or because of their being a part or related to a square, park, or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical or architectural motives or purposes. Historic Structure: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Home Business: A home occupation which allows customers and other activities as specified in this ordinance.

Home Occupation (Live/Work): An occupation or profession which involves the rendering of a service in exchange for:

1. monetary fees or other remuneration, is conducted wholly within a dwelling unit by a member of the family residing therein, and
2. is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

This occupation can in no way be apparent from the outside by signs, traffic generation, etc. Note that the partial use of a home is for commercial or non-residential uses by a resident thereof, which is subordinate and incidental to the use of the dwelling for residential purposes.

Homeowners' or Property Owners' Association: A formally constituted nonprofit association or corporation made up of the property owners and/or residents of a fixed area that may take permanent responsibility for costs and upkeep of semiprivate community facilities and grounds.

Hospital: An institution where sick or injured persons are given medical care and in the course of the same are housed overnight, fed and provided nursing and related services.

Hotel or Motel: A building containing sleeping rooms occupied, intended or designed to be occupied more or less as temporary abiding place of persons who are lodged with or without meals for compensation.

Housing for the Elderly: Multifamily dwelling units occupied by persons 55 years or older. In case of double occupancy of a unit, only one (1) resident is required to be at least 55 years of age. The housing must be self-contained and physically accessible to elderly citizens.

I

Illegal Connections: Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the drainage system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, wash water, or any other such discharge, to enter the City Drainage System and any connections to the City Drainage System from any source, regardless of whether such pipe, open channel, drain, connection, or source had been previously allowed, permitted, or approved by the City.

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

Impervious Surface: A surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. The term includes most conveniently surfaced streets, roofs, sidewalks, parking lots, and similar structures.

Industrial Activity: Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26(b)(14).

Industrial or Research Park: A tract of land developed in accordance with a master Site Plan for the use of a family of industries and their related commercial uses, and that is of sufficient size and physical improvement to protect surrounding areas and the general community and to ensure a harmonious integration into the neighborhood.

Institution: A building occupied or operated by a nonprofit society, corporation, individual foundation or governmental agency for the purpose of providing charitable, social educational or similar services of a charitable character to the public.

In-House Staff Review: Consideration of matters which are authorized to be determined by the Planning Director and/or staff.

J

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

K

Kennel: An establishment in which more than six (6) dogs or domesticated animals more than one (1) year old are housed, groomed, bred, boarded or trained for remuneration or offered for sale.

Kindergarten: A school other than a public school for children of pre-public school age in which constructive endeavors, object lessons and helpful games are prominent features of the curriculum.

L

Land Contract: A legal agreement between a landowner and another person or persons interested in purchasing real property owned by the landowner, wherein the landowner agrees to receive regular payments, at specified intervals for a specified period of time, from the purchaser and at the end of the specified time period agrees to transfer ownership of the property to the purchaser.

Land Use and Control Measures: Zoning ordinances, subdivision regulations and other ordinances, to provide standards and effective enforcement provisions for the prudent use and occupancy of flood prone areas.

Landfill: A disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

Larger Common Plan of Development or Sale: A contiguous area where multiple separate and distinct construction activities are occurring under one plan. The plan in a common plan of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.), indicating that construction activities may occur on a specific plot.

Laundromat: A business that provides coin-operated clothes washing, drying, and/or ironing machines to be used by customers on the premises.

Letter of Credit: A written statement from a bank or loan company, written against the good standing of a developer, guaranteeing necessary funds, the amount to equal a professional engineer's cost estimate for subdivision improvements, to complete such improvements should the developer fail to complete them within the time frame and conditions as specified in the subdivision approval agreements. (See also, **Performance Bond or Surety Bond**)

Library: A place where books, magazines, and other materials (such as videos and musical recordings) are available for people to use or borrow.

Life Care Community: A building or group of buildings which contains dwelling units where the occupancy is restricted to persons who are at least sixty-two (62) years of age, or married couples in which one of the persons is at least sixty-two (62) years of age, and which provides nursing and/or medical care as well as support services, such as common dining facilities, retail stores, and personal service establishments, which are operated by the owner of the life care community or lessees of the owner. Life care communities are designed to meet the basic needs of residents for shelter, food, and health care, regardless of the level of independence of the individual resident and regardless of how these needs may change over time.

Lifestyle Center: a shopping center or mixed-used commercial development that combines the traditional retail functions of a shopping mall with leisure amenities oriented towards upscale consumers.

Liquor Store: A licensed retail shop that sells prepackaged alcoholic beverages - typically in bottles - intended to be consumed off the store's premises.

Loading Space: An area logically and conveniently located to provide temporary parking for delivery vehicles while loading and unloading merchandise or materials. Required off-street loading space is not to be included as off-street parking space in computation of required off- street parking space.

Location Map: See **Vicinity Map**.

Lot: A subdivision of a block or other parcel of land intended as a unit for the transfer of ownership or for building development or both, and which abuts on a public right-of-way. Lots mean tracts, sites or parcel.

Lot Area: The area of a lot computed exclusive of any portion of the right(s) of way of any public or private street.

Lot Depth: The mean horizontal distance between the front and rear lines of a lot.

Lot Frontage: The front of a lot shall be constructed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under **Yards** in this section.

Lot Lines: The lines bounding a lot as defined herein.

Lot Line, Front: The line separating said lot from the street. In the case of a corner or through lot, there will be two or more front lot lines. Front lot line is synonymous with street right-of-way line.

Lot Measurements: A lot shall be measured as follows:

1. **Depth of a lot:** The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. **Width of a lot:** The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line, provided, however, that the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width.

Lot of Record: A lot which is part of a subdivision recorded in the office of the Chancery Clerk, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types: Terminology used in these regulations with reference to corner lots, interior lots and through lots is as follows:

1. **Corner Lot:** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
2. **Interior Lot:** A lot other than a corner lot with only one frontage on a street.
3. **Through Lot:** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
4. **Reversed Frontage Lot:** A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

5. **Flag Lot:** A lot whose only frontage on a public street is through a narrow strip of land which is generally wide enough to accommodate a driveway, but too narrow to accommodate any structures. The narrow strip of land is referred to as the panhandle.

Lot Width: The horizontal distance between side lot lines measured along the required building setback line. When the street line is curved, the measurement shall be made on the arc, on or parallel to the curve of the street line.

Lowest Adjacent Grade: The elevation of the sidewalk, patio, deck support, or basement entryway immediately next to the structure and after the completion of construction. It does not include earth that is replaced for aesthetic or landscape reasons around a foundation wall. It does include natural ground or properly compacted fill that comprises a component of a building's foundation system.

Lumber Yard: A place that sells lumber and other building materials.

M

Machine Shop: A workshop in which work is machined to size and assembled. Includes tool and die operations.

Manufactured Building: A closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured for installation or erection as a finished building or as part of a finished building, which shall include, but not be limited to, residential, commercial, institutional, storage, and industrial structures. The term includes buildings not intended for human habitation such as lawn storage buildings and storage sheds manufactured and assembled offsite by a manufacturer. This definition does not apply to mobile homes.

Major Subdivision: A Major Subdivision of land involves six (6) or more lots, any of which is less than three (3) acres, including the original tract, where public improvements are involved, such as the creation, widening or extension of a street, court or public access easement, division or allocation of land as a utility or drainage easement, or when subdividing platted land to create additional lots in a recorded subdivision.

Minor Subdivision: A Minor Subdivision of land involves no more than five (5) lots, being situated on and is along an existing public street with a total frontage of not more than eight hundred (800) feet, and intended for a use compatible with the designated use of the adjacent properties.

Major Thoroughfare Plan: The Comprehensive Plan adopted by the Board of Aldermen indicating the general location recommended for arterial, collector, and local thoroughfares within the city.

Maintenance Bond: An agreement by a subdivider or developer with the City guaranteeing the maintenance of physical improvements for a period of two (2) years or until such time that 85 percent of the number of lots in the subdivision have received a

certificate of occupancy for the dwelling units constructed therein from the release of the performance bond or filing of the final plat.

Manufactured Home Foundation: The site built supporting parts upon which the manufactured home is placed, whether constructed to encompass the perimeter of the home or in the form of piers and including all exterior materials required to physically screen, veneer or shield from such supports, extending at a minimum from the ground surface to the bottom portion of the exterior wall surfaces of the home.

Manufacturing, Heavy: The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards, or that otherwise do not constitute "light manufacturing," or any use where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing exceeds twenty five (25) percent of the floor area of all buildings on the lot. "Heavy manufacturing" shall include, but not be limited to, the following enameling, lacquering, or the plating or galvanizing of metals; foundries producing iron and steel products; industrial chemical manufacture; meat packing plants; mixing plants for concrete or paving materials, and manufacture of concrete products; oxygen manufacture and/or storage; pottery, porcelain, and vitreous china manufacture; poultry dressing for wholesale; pressure treating of wood; stone cutting; and tire recapping and retreading. This shall not include resource extraction or recycling and salvage operations, and does not include paper mills or sawmills.

Manufacturing, Light: The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing does not exceed twenty five (25) percent of the floor area of all buildings on the lot. This shall include metal fabrication. This shall not include uses that constitute "heavy manufacturing," resource extraction, or recycling and salvage operations, in addition to paper mills and sawmills.

Map: The Zoning Map of the City of Fulton, Mississippi.

Marina: A boat basin, harbor or dock, with facilities for berthing and servicing boats, including bait and fishing tackle shop and eating establishment.

Medical And Dental Facilities:

1. Convalescent, Rest, or Nursing Home: A health facility where persons are housed and furnished with medical and/or nursing care.
2. Dental Office or Doctors Office: A facility for the examination and treatment of patients.
3. Hospital: An institution providing comprehensive health services.

4. **Public Health Center:** A facility primarily utilized by a health unit for the provisions of public health services.

Mini (Self) Storage or Mini Warehouse: A building or structure with storage space (such as rooms, lockers, containers, and/or outdoor space), also known as "storage units" is rented to tenants, usually on a short-term basis (often month-to-month).

Miniature Golf Course: A course for a novelty version of golf played with a putter on greens with obstacles such as tunnels, bridges, and other features.

Mitigation: Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the costs of disaster response and recovery.

Mixed Use Development: The development of a tract of land or building or structure with two or more different uses such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

Mobile Food Vendor: A food service establishment that is vehicle-mounted, trailer-mounted, or wheeled and is capable of being readily movable. This does not include vehicles regularly operating on a public road, selling individually packaged items like ice cream trucks. Units may be motorized or not and may or may not require outside power or utility service but must be fully mobile and able to be relocated within one hour of notice.

Mobile Home Park: A mobile home park shall include any of the following:

1. A parcel, lot, or tract of land on which more than two (2) mobile homes are placed; or
2. Two (2) or more mobile homes placed on any lot, tract, or parcel of land or any adjacent, successive, contiguous or consecutive lots, tract, or parcel of land (whether or not separated by a road) either owner occupied or for rental purposes, or for the purposes of renting the land for placement of two (2) or more mobile homes owned by another;
3. When the density of mobile homes exceeds more than two (2) mobile homes within 1,000 feet regardless of ownership.

Mobile home parks are not permitted within the city limits.

Mobile Home Subdivision: A mobile home subdivision is a tract of land in which spaces or lots for mobile homes are for sale in which the purchaser receives fee simple title to the space or lot.

Model Home: A residential structure in an approved subdivision under construction that is used for a temporary period of time to display furnishings and building materials such as carpet, wallpaper and paint color and to display layouts of subdivision plans and home plans for individual lots within the subdivision. A model home may be staffed with homebuilders, sales agents or real estate brokers to show, assist and contract with potential purchasers of homes within the subdivision.

Monuments: Concrete posts, iron bases or iron pipes which will be set at all lot or parcel corners within the subdivision.

Museum: A building, facility, or yard in which interesting and valuable things (such as paintings and sculptures or scientific or historical objects) are collected and shown to the public.

N

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge

Permit: A permit issued by EPA (or by the State under authority delegated pursuant to (33 USC 1342(b)) that authorizes the discharge of Pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Net Density: the relationship between the number of dwelling units per acre on a site and the gross acreage.

New Construction: The first placement of permanent construction on a site, such as the pouring of slabs or footings, or any work beyond the stage of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof or its pilings or foundation, or the affixing of any prefabricated structure or mobile home to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filling, excavation for basements, footings, piers or foundations, erection of temporary forms, installation of sewer, gas and water pipes, or electric or other service lines from the street, or existence on the property of accessory buildings such as garages or sheds, not occupied as dwelling units or not a part of the main structure.

Newspaper (Periodical) Publishing, Printing, & Distribution: A company or operation that publishes, prints, and distributes newspapers and other periodicals.

Nightclub: An establishment licensed to serve alcoholic beverages and/or beer on the premises and where dancing and entertainment may or may not be provided.

Nonconformities: Any land, lot, building, structures, or parts thereof, or the various uses to which those items are or were put, and which lawfully existed prior to the enactment of these regulations; but which subsequently do not comply with the provisions of these regulations and the requirements of the district wherein located. The regulations pertaining to such nonconformities are established under Article 8.

Non-Stormwater Discharge: Any discharge to the City Drainage System that is not composed entirely of stormwater.

Nursing Home: A building or structure where aged or infirm persons reside on a twenty-four (24) hour basis and are provided with food, shelter and nursing care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Nursery or Greenhouse: The growing, storage, and wholesale or retail sale of garden plants, shrubs, trees, vines, groundcovers, and other related landscaping materials. Such

use may include greenhouses and irrigation systems. Such use may include outdoor storage of goods, materials, and equipment that exceeds the size permitted by accessory use standards; however, all other standards for outdoor storage shall apply.

O

Office: Any room, studio, suite, or building in which the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by a salesman, sales representative or manufacturer's representative; or the conduct of a business by professionals such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents and landscape architects; and including offices for dentists, physicians or other medical practitioners.

- 1. Office, Medical:** A use or building where a medical related business or practice is conducted.
- 2. Office, Non-Medical:** A room or group of rooms, or building whose primary use is the conduct of a business, or governmental activity of a non-retail nature, including administration, record keeping, clerical work, and similar functions. In all circumstances, non-medical business is conducted which does not primarily involve the sale or transfer of goods by the business to the customer at that location. This includes, but is not limited to, general business offices, government offices, insurance offices, This use shall not include manufacturing, processing, repair, or storage of materials, products, or vehicles.
- 3. Office, Professional Services:** Establishments which provide services which include, but are not limited to, architectural, engineering, legal, real estate, or accounting.

Office Park: A subdivision or planned unit development containing more than one office building.

Open Space: An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, and any other recreational facilities that the planning commission deems permissive. Streets, structures for habitation, and the like shall not be included.

Open Space, Common: Open space within or related to a planned development, not individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.

Out Lot: Property shown on a subdivision plat outside of the boundaries of the land which is to be developed and which is to be excluded from the development of the subdivision.

Outdoor Café: a small restaurant selling light meals and drinks with at least some of the area for dining in an outdoor setting, when weather permits.

Outlet Mall or Factory Outlet: A retail store or collection of stores that sells discounted price items that are irregular, outdated, or have been produced in excess quantities. A

factory outlet store specializes in selling goods from a business may which may be located near its manufacturing facilities or in association with other factory outlet stores.

Owner: Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these Regulations.

P

Pad: A building site prepared by artificial means, including, but not limited to, grading, excavation, or filling, or any combination thereof.

Paper Mill: A factory in which paper is produced.

Parcel: Any piece of land described by a current deed.

Park: An open area set aside for recreational, educational, cultural or leisure activities, such as, but not limited to, playgrounds, athletic fields and picnic areas and is not used for the operation of a profit making venture.

Parking Lot: An area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking.

Parking Space: An unobstructed space or area other than a street or alley that is required by these regulations to be permanently reserved for parking one (1) motor vehicle. Except on lots occupied by single-family and two-family dwellings, parking spaces and driveways shall be arranged as to provide for both ingress and egress into any street by forward motion of the parked or parking vehicle.

Parking Space, Off-Street: For the purpose of these Regulations, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

Pawn Shop: An establishment which allows an individual to obtain a loan by providing personal property of an equivalent value, as collateral. If the loan is repaid within the time frame that was agreed, that personal property will be returned. If not, the pawnbroker has the right to liquidate the property in return for the loan.

Pedestrian Way: A sidewalk or similar facility that is provided primarily for the movement of pedestrians within or between developments.

Performance Bond or Surety Bond: An agreement by a developer with the city for the amount of the estimated construction cost (as approved by Board of Aldermen) guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement. (See also, **Letter of Credit**)

Performance Guarantee: Any security that may be accepted by a municipality as a guarantee that the improvements required as part of an application for development that are satisfactorily completed.

Perimeter Landscaping: Landscaped areas intended to enhance the appearance of parking lots and other outdoor auto related uses or to screen incompatible uses from each other along their boundaries.

Permitted Use: Any use specifically identified as being allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Person: An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

Personal Service Establishments: A business which provides personal services directly to customers at the site of the business, or which receives goods from or returns goods to the customer which have been treated or processed at that location or another location. This includes, but is not limited to, travel agencies, dry-cleaners, laundries, tailors, hair stylists, cosmeticians, toning or tanning salons, banks, postal stations, package delivery drop-off and pick-up stations, photocopy centers, shoe repair shops, appliance repair shops, interior design studios, dance and martial arts studios, and domestic pet services. This shall not include automobile service stations.

Pharmacy: A store where medicinal drugs are dispensed and sold.

Psychic/Palm Reader: An establishment that sells the services of psychics and/or palm readers.

Physical Fitness Center: A gym with workout equipment for public use, often requiring membership. May include swimming facilities, ball court facilities, and running facilities.

Planning Commission: The Fulton Planning Commission.

Planning Department: The Fulton Planning Department consisting of the Planning Director and associated staff.

Planning Department Staff or Staff: All personnel who are designated by the Mayor and Board of Aldermen with review or decision making authority under these regulations.

Planning Director: The person designated by the Mayor and Board of Aldermen to administer these regulations.

Planned Unit Development: An area of land, in which a variety of housing types and/or related commercial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot size and setbacks, than those restrictions that would normally apply under these Regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

Plat: The map, drawing, or chart on which the developer's subdivision is presented to the Planning Commission and/or Board of Aldermen for approval, to the county recorder (final) for recording.

Pole Barn: Farm structure with no foundation or floors and no sides, supported by poles set in the ground used strictly for agriculture use, such as storage of farm equipment and accessories.

Pollutant: Any substance which causes or contributes to pollution. Pollutants may include, but are not limited to paints, varnishes, solvents, petroleum hydrocarbons, automotive fluids, cooking grease, detergents (biodegradable or otherwise), degreasers, cleaning chemicals, non-hazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter, discarded or abandoned objects, munitions, accumulations that may cause or contribute to pollution, any floatables, pesticides, herbicides, fertilizers, hazardous substances and wastes, sewage, fecal coliform and pathogens, dissolved and particulate metals, animal wastes, wastes and residues that result from constructing a building or structure including concrete/cement (this includes water from washing out cement trucks) and noxious or offensive matter of any kind or any other substance which has been or may be determined to be a pollutant.

Pollution: The contamination or other alteration of any water's physical, chemical or biological properties by the addition of any substance or condition including but not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Pool Hall and Arcade: An amusement center having coin-operated games, pool tables, and related uses. May include a concession area where food and drinks are sold, but not alcoholic beverages.

Preliminary Plat: The initial proposal, including both narrative and site design information, intended to provide the Planning Commission with an understanding of the manner in which the site in question is to be developed.

Premises: Land together with structure or structures occupying it.

Principal Building: A building in which the primary use of the lot on which the building is located is conducted.

Principal Use: The main use of land or structures, as distinguished from a secondary or accessory use.

Private School: A facility not operated by a public entity that may provide academic instruction from kindergarten through high school. This definition shall not include a home-based school.

Private Street: A street primarily used for vehicular access to more than two lots owned and maintained by a private entity.

Public Assembly Facility: Any of the following types of institutions or installations where community activities are typically performed, such as: parochial and private clubs, lodges, meeting halls, recreation centers and areas; temporary festivals; theaters; public, parochial and private museums and art galleries; places of worship, including any structure or site such as a church, synagogue, chapel, sanctuary or cathedral, used for collective or individual involvement with a religious activity, such as rites, rituals, ceremonies, prayer and discussion; public community centers and recreational areas such as playgrounds, playing fields and parks.

Public Hearing: A meeting for the review of a matter where the public may present opinions. A public hearing may take place during a regular meeting or special session of the Planning Commission or Board of Aldermen and is held in accordance with state laws.

Public Safety Station: Police, fire, or paramedic station operated, franchised, or regulated by a government agency.

Public Uses: Facilities such as, but not limited to, parks, schools, and offices owned and operated by governmental bodies.

Public Utility Facility: Any plant or equipment for the conveyance, production, transmission, delivery of or furnishing of gas, power, water or sewage facilities, either directly or indirectly to or for the public.

Public Way: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other ways in which the general public entity have a right, or which are dedicated, whether improved or not.(See **Right-of-Way**)

R

Race Track: a track or course that is used for racing.

Radio and TV Broadcast Studio: A facility equipped for making films, television or radio productions, or musical recordings.

Railroad Yard: An area having a network of railway tracks and sidings for storage and maintenance of cars and engines.

Real Estate Sales Office: A building or structure which is located on the site of a development or subdivision and temporarily used to sell or lease properties located within that development or subdivision.

Recreational Activities: Sports activities, playground and athletic areas, swimming areas, marinas and other similar activities.

Recreational Center: Country clubs, riding stables, golf courses, public swimming pools and other similar areas or facilities.

Recreational Vehicle: A vehicle of 400 square feet or less towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed to provide temporary living quarters for recreation, camping, travel or seasonal use. The term

recreational vehicle shall include, but shall not be limited to, travel trailers, pick-up-campers, camping trailers, motor coach homes, converted trucks and buses.

Recreational Vehicle (Rv) Park: Any parcel of land upon which recreational vehicle sites are located, established, or maintained for temporary occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Recycling And Salvage Operation: A facility, other than a recycling drop-off station, for the collection, handling, sorting, storage, processing, compaction, purchase, and, or resale of paper, metal, plastic, glass, or cloth materials that are disposed of by households or by non-residential uses. This shall not include junkyards.

Recycling Drop-Off Station: One or more outdoor containers designed and intended for the depositing of clean, separated, and recyclable paper, metal, glass, or plastic materials and the collection of such materials for processing at another location, but itself having no mechanical facilities for the processing of such materials.

Registered Engineer: An engineer properly licensed and registered in the State of Mississippi. (See Engineer)

Regulatory Flood: A flood which is representative of large floods known to have occurred generally in the area.

Regulatory Flood Protection Elevation or Base Flood Level: The elevation to which structures and uses regulated by this section are required to be elevated or floodproofed.

Replat: A subdivision or plat, the site of which has heretofore been platted or subdivided with lots or parcels of land. It may include all or any part of a previous subdivision or plat.

Residential Density: The relationship between the total number of dwelling units on a site and the gross acreage.

Residential Structure: A building or portion thereof designed or used exclusively for residential occupancy but not including hotels, motels, and motor lodges.

Resource Conservation Facility: Fish hatcheries and fish ponds; game preserves; botanical and zoological gardens; water reservoirs and dams.

Resource Extraction: Extraction of minerals, ores, soils, and any other solid matter from its original location, including but not limited to quarrying, open-pit mining, drilling, tunneling, strip mining and any other such activities.

Restaurant: An establishment that sells prepared food for consumption, and may serve some beer or light wine. However, sixty percent (60%) or greater of the sales volume must be food, as opposed to alcohol sales volume, which must be forty percent (40%) or less of the total sales volume on any given day. Restaurants shall be classified as follows:

- 1. Restaurant, fast food.** An establishment that sells food already prepared for consumption, packaged in paper, styrofoam, or similar materials, and may include drive-in or drive-up facilities for ordering.

2. Restaurant, general. An establishment that sells food for consumption on or off the premises.

3. Restaurant, take-out. An establishment that sells food only for consumption off the premises.

Retail Store: A building, property, activity, or portion thereof, the principal use or purpose of which is the sale of goods, products, or materials directly to the consumer. This includes, but is not limited to, clothing stores, appliance stores, bakeries, food stores, grocers, caterers, pharmacies, book stores, florists, furniture stores, hardware stores, pet stores, toy stores, and variety stores. It does not include restaurants, personal service establishments, consignment stores, convenience stores, thrift stores, pawn shops, or amusement establishments.

Right-Of-Way (Row): A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by the topography of treatment) such as grade separation, landscaped areas, viaducts, and bridges. (See **Public Way**)

Roadside Stand: A temporary structure with a floor area of not more than 400 square feet, unenclosed, or partially enclosed, and so designed and constructed that the structure is easily portable.

Rooming House: A residential structure that provides lodging with or without meals, is available for permanent occupancy only, and which makes no provision for cooking in any of the rooms occupied by paying guests.

Runway: A defined area that is designed for landing and takeoff of aircraft along its length.

S

Salon: A business that gives customers beauty treatments (such as haircuts).

Sawmill: a mill or factory where logs are sawed to make boards, plywood, or other wood based products.

School: An educational facility that provides a curriculum of elementary and secondary academic instruction, including charter, parochial, public and private institutions of learning.

School, Trade: A school, other than a college, which provides part-time education beyond the high school level, principally in the vocational arts, and does not provide lodging or dwelling units for students or faculty.

Screening: The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

Self-Service Storage Facility (Mini Storage): A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customer's goods or wares.

Setback Line: A line established by these regulations generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure, other than an accessory building, may be located above ground.

Sewers, On-Site: A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process, or an equally satisfactory process, for the elimination of sewage, and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation official having jurisdiction.

Shooting Range: An area provided with targets for the controlled practice of shooting with firearms. Also includes archery practice.

Shopping Center: A building or group of buildings, either connected or free-standing, under unified or multiple ownership of land parcels, that is designed with common parking, pedestrian movement, ingress, and egress, and used or intended to be used primarily for the retail sale of goods and services to the public.

Shopping Mall: A large building or group of buildings containing many different retail stores, often anchored by large department stores.

Sidewalk: The portion of a road right-of-way outside the roadway or a cross walkway, which is improved for the use of pedestrian traffic. See Walkway.

Sight Triangle: A triangular-shaped area formed by the right of way lines abutting the intersection and a line connecting points on these street lot lines at a distance of twenty-five (25) feet from the point of intersection of each right of way line. There are restrictions on things erected, placed or planted in this area that would limit or obstruct the sight distance of motorists entering or leaving the intersection.

Signs:

1. **Billboard:** An object, device, display, sign, or structure displayed outdoors or visible from a public way, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or place that is not on the premises on which the billboard 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.
2. **Outdoor Advertising Sign** – A sign, including the supporting sign structure, which directs the attention of the general public to a business, service, or activity not conducted, or a product not offered or sold upon the premises where such sign is located.

3. **Business Sign (On-Premise Sign)** – Signs advertising activities, products and accommodations conducted or sold on the property upon which the signs are located.
4. **Roof Sign** – Any sign or outdoor advertising device attached to the roof of a building.
5. **Sign** – Any structure or device maintained outside of enclosed buildings for the purpose of advertising, displaying or informing, including poster, pictures, billboards, bulletin boards, banners, etc.
6. **Sign Area** – The entire width within a single, continuous perimeter enclosing the outer dimensions of the actual message area. It does not include decorative trim, customary extensions or embellishments nor any structural elements not forming an integral part of the display.
7. **Off-Premise Sign** – A sign which relates in its subject matter to products, accommodations, services, or activities which are available or conducted at locations other than on the premises where the sign is located.

Site Plan: A document or group of documents containing sketches, drawings, maps, photographs, and other material intended to present and explain certain elements of a proposed development, including physical design, siting of buildings and structures, interior vehicular and pedestrian access, the provision of improvements, and the interrelationship of these elements.

Site Plan Review Committee: That committee which has the duty to review certain site plans, all as herein provided for in these regulations.

Sketch Plat: An informal drawing which shows how a developer proposes to subdivide a property and which gives sufficient site information for the Planning Commission representatives to offer suggestions for site development.

Small Engine Repair: An operation that primarily specializes in the maintenance and repair of small engines: low-power internal combustion engines or electric engines. Equipment repaired includes chain saws, string trimmers, leaf blowers, lawn mowers, wood chippers, go-karts and sometimes more powerful engines used in outboard motors, snowmobiles, and motorcycles.

Space Satellite Receiving Systems: A structure which receives audiovisual wave frequencies from earth orbiting communications satellites. These satellite systems shall be considered as an accessory use.

Special Event: Any activity or circumstance of a business or organization, which is not part of its daily activities. Such activities may include, but are not limited to, grand openings, closeout sales and fund-raising membership drives, or temporary events conducted by civic, philanthropic, educational, or religious organizations.

Special Event Center: A multi-use facility, indoor or outdoor (or a combination of both), which hosts weddings, reunions, parties, and other social events. A special event center may accommodate large crowds and include food preparation facilities on site. Alcohol is not allowed by-right, and the ability to sell or allow consumption of alcohol on the premises must be obtained separately as a special exception for “**Brown Bag Establishment.**”

Special Exception: A use which is not permitted in the zoning district where the property is located under the provisions of these regulations but which in the specific case, would, in the judgment of the Planning Commission, promote the public health and safety, and the general welfare of the community and the granting of which would not adversely affect adjacent properties. A permit granted as a Special Exception will not change the general zoning of the property or allow any change in integrity and appearance of the existing structure that would be contrary to the desired character of the district, during the occupancy or ownership of the person to whom it was granted, and upon their vacating the property or structure, the property and structure shall revert to the original use.

Special Flood Hazard Area: (Flood Plain District) Areas below the base flood level.

Spot Zoning: The improper zoning or re-zoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses. While such spot zoning may not be illegal per se, it is generally regarded as an improper practice.

Stage, Outdoor: An outdoor entertainment venue, typically a platform, used for public concerts, speaking engagements, and other events.

Stage Set Façade: A structure in which the primary elevation of the building presents a distinct and separate design from the remainder of the building. A structure where the continuity of design does not continue beyond the primary elevation to the sides and rear of the building. This may also include separate materials and colors from the remainder of the building. An example of a stage set façade would be a brick façade reflecting a parapet on a pre-engineered steel or wood frame building with a pitched roof.

State Waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State, which are not entirely confined and retained completely upon the property of a single person.

Stealth Design: (For A Wireless Communications Facility): Any communications tower or Wireless Communications Facility (WCF) which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and tower structures designed to look other than like a WCF and with a visual appearance whereby the structure suggests a purpose other than a WCF. This includes steeples, flagpoles and trees. Towers and other WCF utilizing Stealth Design may be approved by the Planning Department and do not require a Conditional Use Permit under these regulations.

Stopping Sight Distance: The distance down a roadway for which a motorist is able to have unobstructed sight. Stopping sight distance is reduced by vertical and horizontal road curvature, fixed objects on the side of the road, and overhanging vegetation.

Storm Drainage System: Any one (1) or more of various devices used in the collection, treatment or disposition of storm, flood or surface drainage waters, including but not limited to any roads with drainage systems, natural and human-made or altered drainage channels, reservoirs, manmade structures and natural watercourses and/or floodplains for the conveyance of runoff, such as detention or retention areas, berms, swales, improved gutters, pumping stations, pipes, ditches, siphons, catch basins, inlets, and other equipment and appurtenances and all extensions, improvements, remodeling, additions and alterations thereof; and any and all rights or interests in such stormwater facilities.

Stormwater/Stormwater Runoff: Any surface flow, runoff and/or drainage consisting entirely of water from any form of natural precipitation, which is not absorbed, transpired, evaporated or left in surface depressions, and which then flows controlled or uncontrolled into a watercourse or body of water.

Stormwater Pollution Prevention Plan (Swppp): A document which describes the Best Management Practices (BMPs) and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems and/or receiving waters to the maximum extent practicable.

Story: That portion of a building, other than a basement, included between the surface of any floor and the ceiling next above it.

Story, Half: A story under a sloping roof, the finished floor area which does not exceed one half of the floor area of the floor immediately below it, or a basement used for human occupancy, the floor area of the part of the basement thus used not to exceed fifty (50) percent of the floor area of the floor immediately above.

Street Line: Public right-of-way line of a street.

Structure: Anything constructed or erected on the ground or building.

Structural Alterations: Any change in the roof, exterior walls or supporting members of a building.

Structural Stormwater Control: A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff, including but not limited to, the quantity and quality, the period of release or the velocity of flow.

Subdivider: Any individual, developer, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to affect a subdivision of land hereunder for himself or for another.

Subdivision:

1. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites, or lots, any one of which is less than five (5) acres, for the purpose, whether immediate or future of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five (5) acres not involving any new streets or

easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange of parcels between adjoining lot owners, does not create additional building sites, shall be exempted; or

2. The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities. (See **Major Subdivision**)

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

Surveyor: Any person registered to practice surveying in the State of Mississippi.

Swimming Pool: A tank (as of concrete or plastic) made for swimming, located either in ground or above ground.

T

Tattoo Parlor: An establishment in which tattooing is carried out professionally.

Telecommunications: The transmission, between or among points as specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

Telecommunication Facility: A building, tower or other structure and equipment used for the transmission, retransmission, broadcast or promulgation of telephone, telegraph, radio, television or other communications signals. Also referred to a Communications Tower.

Telecommunication Structure (Alternative): This shall mean man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

Telecommunication Tower: A structure used primarily for telecommunications.

Temporary Structure: A factory assembled, movable building not designed or used as a dwelling unit which is towed on its own chassis composed of a frame and wheels. The structure is to be used without a permanent foundation.

Terrain Classification: Terrain within the entire area of the preliminary plat is classified as level, or rolling for street design purposes. The classifications are as follows:

1. **Level:** Land which has a cross slope range of four (4) percent or less;

2. **Rolling:** Land which has a cross slope range of more than four (4) percent but not more than eight (8) percent;

Theater, Indoor: A building used primarily for the presentation of live stage productions, performances, or motion pictures.

Thoroughfare, Street, or Road: The full width between property lines bounding every dedicated travel way, with a part thereof to be used for vehicular traffic and designated as follows:

1. **Alley:** A minor street or right-of-way used primarily for vehicular service access to the back or side of properties abutting on another street. Design speed is 10 miles per hour.
2. **Arterial Street:** A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route. Design speed is generally 55 miles per hour.
3. **Collector Street:** A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions. Design speed is generally 35 miles per hour.
4. **Cul-de-Sac:** A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround. Design speed is generally 25 miles per hour.
5. **Dead-end Street:** A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
6. **Local Street:** A street primarily for providing access to residential, commercial, or other abutting property. Design speed is generally 25 miles per hour.
7. **Loop Street:** A type of local street each end of which terminated at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than three thousand (3000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
8. **Marginal Access Street:** A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called **Frontage Street**.)

Thrift Store: A store selling secondhand clothes and other household goods, typically to raise funds for a charitable organization.

Through Lot: See **Lot Types**.

Tire Recapping: An operation that recaps a worn automobile or truck tire by cementing on a strip of prepared rubber and vulcanizing by subjecting to heat and pressure in a mold.

Topography: General term to include characteristics of the ground surface such as plains, hills or mountains. Also refers to the degree of relief, steepness of slopes and other physiographic features of the land.

Tower: A structure situated on a nonresidential site that is intended for transmitting or receiving television, radio, or telephone communications, excluding those used exclusively for dispatch communications. May also include private radio towers on residential sites in rural areas.

Trade Market And Show: An indoor or outdoor market of temporary showroom vendor booths generally focused on a retail trade market (Also known as an “Open Air Market”).

Trailer, Camper: A portable or mobile dwelling used for temporary occupancy, self-contained, intended for camping purposes and not for extended occupancy.

Transportation Facilities: Stations and related facilities intended for the transition of the public, including bus and railroad passenger stations.

Truck, Heavy Equipment, Sales And Service: An operation that specializes in the sale and service of trucks and/or heavy equipment.

Trucking Company: A company that ships goods or possessions by truck.

Truck Stop: A facility providing services to the trucking industry, including the dispensing of fuel, automated and self-serve car wash facilities, restaurants, gift shops, sales of convenience goods, business service centers, restrooms and shower facilities, scales, and overnight parking facilities.

U

Understory Tree: A vertically inclined woody plant (tree) having one or more trunks, reaching a mature height less than thirty-five (35) feet, and having a full or sparse vegetative canopy.

Unobstructed Open Space: An area of land upon which no structure may be erected.

Use Permit: A use which is not allowed in the zone as a matter of right, but which is permitted upon findings of the Planning Commission that under the particular circumstances present such use is in harmony with the Principal Permitted Uses of the Zone. Allowable Use Permits are specifically listed under the district regulations. Uses not so listed shall not be allowed as conditional uses.

Used Car Sales: Two (2) or more automobiles shown, advertised, or displayed for sale.

Utility: A commodity or service which is of public consequence and need, such as cable television, electricity, gas, sewer, water, or telephone service.

Utility Substations: Water storage tanks; radio, television, and microwave transmission or relay towers; and electric or gas substations, water or wastewater pumping stations, telephone repeater stations; or similar structures used as an intermediary switching, boosting, distribution, or transfer station of electricity, natural gas, water, wastewater, cable television, or telephone services between the point of generation or treatment and the end user. This shall not include broadcasting studios or satellite dish antennas.

V

Variance: A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Vehicle Sale and/or Rental: The sale or rental of all-terrain vehicles, motor vehicles, boats, trailers, or farm equipment. This shall not include salvage operations or scrap operations.

Vehicle Service: Any building, structure, or lot used for the business of repairing automobiles, motorcycles, trucks, boats, recreational vehicles, and other similarly sized vehicles. This shall not include car washes, the retreading and/or recapping of tires, or convenience stores which sell gasoline or lubricating oil, but not other automotive accessories or services.

Vehicular Use Area: Any portion of the site or property, paved or unpaved, designed to receive or accommodate vehicular traffic, including the driving, parking, temporary storage, loading, or unloading of any vehicle.

Vehicle Wrecker Service: An establishment operated for temporary storage on-site of no more than nine wrecked or inoperable vehicles for a period of no longer than ninety (90) days. An establishment with ten (10) or more operable vehicles located on-site or stores inoperable vehicles for more than ninety (90) days, stacks vehicles, or dismantle portions of the vehicles shall be considered a junkyard.

Vested Interest: A legally fixed immediate right of present or future enjoyment to real property.

Vicinity Map: A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the City in order to better locate and orient the area in question.

W

Walkway: A composite term for all formal surfaces supporting walking. This includes sidewalks, trails, paths, stairs, ramps, open passageways, boardwalks, and floating docks/trails.

Warehousing, Distribution and Storage: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

Wastewater: Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Watercourse: Any stream, river, or drainage channel or drainage easement, that is located in the City of Fulton, Mississippi.

Watershed: The drainage basin in which the subdivision drains or that land whose drainage is affected by the subdivision.

Wetland: An area of land, as defined by the federal definition at the time of preliminary plan submission, inundated by water for a portion of each year resulting in the land possessing unique soil and vegetative types.

Wholesale Establishment: Establishments or places of business primarily engaged in selling merchandise to retailer, to industrial, commercial, farm, or professional business users, or to other wholesalers, or acting as agents or brokers in buying merchandise for, or selling merchandise to such persons or companies.

Wireless Communications Facility (Wcf): A WCF is a structure designed to support an antenna array. A monopole tower is permitted within the guidelines of these regulations. Guyed towers hereinafter referred to as Communications Towers, and requiring external wire supports are allowed only in the Agricultural and Industrial Districts as Conditional Uses.

Woodworking or Cabinet Shop: A shop that conducts the activity or skill of making items from wood, and includes wood carving, joinery, and carpentry.

Y

Yard: A required open space other than a court unoccupied and unobstructed by any structure from three (3) feet above the general ground level of the graded lot upward, provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstructions of visibility.

- 1. Yard, Front:** A yard extending between side lot lines between a public right-of-way and the principal building.
- 2. Yard, Rear:** A yard extending between side lot lines opposite a front yard between the lot line and the principle building.
- 3. Yard, Side:** A yard extending adjacent to either a front or rear yard from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Z

Zero Lot Line: The location of a building on a lot in such a manner that one or more of its sides rest directly on a lot line.

Zoning District: Any section of the City for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of the yards and the intensity of use are uniform.

Zoning Map: The official zoning map or maps which are a part of the Zoning Ordinance and delineates the boundaries of the zoning districts.

APPENDIX 1

DIMENSIONAL STANDARDS

Appendix 1 presents the Dimensional Standards referred to in Section 501 of these Regulations. This appendix defines the minimum lot size, maximum development density, minimum lot dimensions, required setbacks, maximum building height, and lot coverage for each zoning district.

Adoption of Appendix 1

The provisions of this Appendix are mandatory and incorporated fully within the Land Development Code of Fulton, Mississippi. Appendix 1 is considered adopted and shall become effective concurrently with the adoption of the Land Development Code, regardless of whether the adoptive ordinance specifically references the incorporation of Appendix 1 or not.

Amending the Site Standards

Amendments to Appendix 1 Dimensional Standards shall be considered a Text Amendment to the Land Development Code, and shall be performed in accordance with Section 304 of these regulations.

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Site Standards by Zoning District									
District	Minimum Lot Size (sq.ft.)	Maximum Density (units/acre)	Lot Dimensions		Required Setbacks			Maximum Building Height (feet)	Maximum Lot Coverage
			Minimum Lot Width (feet of street frontage)	Minimum Lot Depth (feet)	Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)		
A – Agricultural District	1 Acre	1 u/a	150	200	65	30	30	35	15%
R-1 Estate Residential District	1 Acre	1 u/a	120	200	50	25	30	35	25%
R-2 Low Density Residential District	17,500	2 u/a	100	150	30	20	20	35	35%
R-3 Med. Density Residential District	10,000	4 u/a	90	100	25	15	20	35	40%
R-4 High Density Residential District	7,000	6 u/a	60	100	25	10	20	35	50%
R-5 Multifamily Residential District	5,000	8 u/a	50	75	15	5	15	35	80%
CBD – Central Business District	2,500	n/a	25	90	0	0	20	55	80%
C-1 General Commercial District	10,000	n/a	75	100	30	15	20	35	50%
C-2 Highway Commercial District	15,000	n/a	100	125	40	15	25	55	50%
PS Public Service District	10,000	n/a	75	100	30	15	25	-	50%
I Industrial District	1 Acre	n/a	200	200	50	30	35	80	65%

Notes regarding use of this table.

Properties within the R-1 and R-2 zoning districts are restricted to one principal building per lot and shall meet the minimum requirements of this table.

Properties within all other zoning districts may have multiple principal structures per lot. In those cases, each structure shall meet the required setbacks requirements of this table, between buildings and the lot shall be of sufficient size so as to not exceed the Maximum Density, as specified within this table.

Parking areas and greenspace may be located within required setbacks in all zoning districts.

Variances to any of the dimensional requirements specified in this table shall be done in accordance with Section 303 of these regulations.

APPENDIX 2

LAND USE MATRIX

Appendix 2 presents the Land Use Matrix referred to in Section 501 of these Regulations. Instructions for using the Land Use Matrix are at the end of this section.

Adoption of Appendix 2

The provisions of this Appendix are mandatory and incorporated fully within the Land Development Code of Fulton, Mississippi. Appendix 2 is considered adopted and shall become effective concurrently with the adoption of the Land Development Code, regardless of whether the adoptive ordinance specifically references the incorporation of Appendix 2 or not.

Amending the Land Use Matrix

Amendments to Appendix 2 Land Use Matrix shall be considered a Text Amendment to the Land Development Code, and shall be performed in accordance with Section 304 of these regulations.

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Use	A	R-1	R-2	R-3	R-4	R-5	CBD	C-1	C-2	PS	I
Accessory building or structure	P	P	P	P	P	P	P	P	P	P	P
Accessory dwelling unit	S	S	S	S							
Accessory farm	P	P	P	P							
Accessory use	S	S	S	S	S	S	S	S	S	S	S
Adult business uses											S
Agriculture	P	S									
Aircraft sales and service	S									P	P
Airport	S									P	S
Amusement center								S	P	P	S
Animal hospital	S							S	P		P
Animal shelter	S							S	P		P
Asphalt and/or concrete plant	S								S		P
Assisted living home	S	S	S	S	S	S					
Automotive repair, major	S							S	S		P
Automotive repair, minor	S							P	P		P
Automotive sales and service	S							P	P		P
Automobile service stations	S							P	P	P	P
Banks and other registered financial institutions							P	P	P	P	S
Bar							S	S	S		S
Bar and Grill							S	P	P		
Bed and Breakfast inn	P	P	S	S	S	S	S				
Big box retail							S	P	P		S
Boarding house	S	S		S	S	S					
Bowling alley							S	P	P	P	P
Broadcast studio	S						S	P	P	P	P
Brown bag establishment							S	S	S		
Building materials and supply sales								S	P		P
Business or financial service							P	P	P	P	P
Campground and/or RV park	S									P	S
Car wash facility								S	S		P
Cemetery or mausoleum	S	S							S	P	
Check cashing/Title loan business								S	P		
Clubs and lodges (civic & fraternal)	S						S	P	P	P	S
Coin laundry business									P		
Coliseum/Stadium	S						S	P	P	P	S
College	S						S	P	P	P	S
Commercial, heavy							S	S	P		P
Commercial, light							P	P	P		P
Commercial strip center							S	P	P		S
Conference center	S						S	S	S	P	S

Use	A	R-1	R-2	R-3	R-4	R-5	CBD	C-1	C-2	PS	I
Congregate residence	P	S		S	S	S					
Contractor shop	S							S	S		P
Convenience store							S	P	P		P
Convention center	S							S	S	P	S
Country club	P	S	S								
Crematory	S										S
Day care center	S	S	S	S	S	S	S	P	P	P	S
Day care, family	P	P	P	P	P	P					
Dwelling, detached single-family	P	P	P	P	P	P					S
Dwelling, condominium				S	P	P					
Dwelling, duplex	S	S		S	P	P					
Dwelling, modular home	S	S	S	S							
Dwelling, multi-family					S	P	S				
Farm Fowl	P	S	S								
Farmer's Market	P						S	S	S	P	S
Flea Market									S		
Funeral Home	S							P	P	P	S
Furniture sales and showroom								P	P		P
Gas Station								P	P		S
Golf course and/or driving range	P	S									S
Grain elevator, gin, or silo	P										S
Group care facility (Group home)				S	S						
Halfway house				S	S						
Health and fitness facility						S	S	P	P		P
Home business	S	S	S	S	S	S					
Home occupation	P	P	P	P	P	P	S				
Hospital							P	P	P	P	P
Hotel							S	P	P		S
Industrial or research park											P
Junkyard											S
Kennel	S							S	S		S
Library		S	S	S	S		P	P	P	P	
Life care community		S	S	S	S	S		P	P		
Lifestyle center								P	P		S
Livestock	P	S									P
Liquor store								S	P		
Lumber yard	P										P
Machine shop	S								S		P
Manufactured building for non-residential use	S	S						S	S	P	S
Manufacturing, heavy											P
Manufacturing, light								S	S	S	P
Medical Marijuana, Cultivation	P										P

Use	A	R-1	R-2	R-3	R-4	R-5	CBD	C-1	C-2	PS	I
Medical Marijuana, Dispensary							P	P	P		S
Medical Marijuana, Research	P									S	P
Mini-storage, self storage	S							S	S	S	S
Miniature golf course	P							S	P	P	P
Motel							P	P	P		S
Museum	S						S	P	P	P	S
Newspaper, and other publishing, printing, distribution facilities							S	P	P	P	P
Nightclub									S		S
Non-conforming use (reestablishment of)	S	S	S	S	S	S	S	S	S	S	S
Nursing home and convalescent center	S	S	S	S	S						
Nursery or greenhouse (commercial)	P							S	S		P
Offices - medical							S	P	P		S
Offices - nonmedical							P	P	P		S
Office park								P	P	P	S
Outdoor cafe							P	P	P	P	
Outlet mall							S	S	P	P	S
Park and greenspace	P	P	P	P	P	P	P	P	S	P	S
Parking lots on separate lots	S	S	S	S	S	S	S	S	S	P	S
Paper mill											S
Pawn shop/Consignment									P		
Personal service establishment							P	P	P		S
Pharmacy							P	P	P		S
Physical fitness center							P	P	P		S
Psychic/palm reader									S		
Pool hall or arcade							S	P	P		S
Public safety station	P	S	S	S	S	S	P	P	P	P	P
Public utility facility	S	S	S	S	S	S	S	S	S	P	S
Race track	S									P	S
Radio and television studio	S						P	P	P	P	S
Railroad yard	S							S	S	S	S
Real estate sales office	S						P	P	P		P
Recreational center	S	S	S	S	S	S	P	P	P	P	S
RV, motorcycle, trailer, and boat sales/service	S							P	P		S
Recycling and salvage operation	S									P	P
Recycling drop-off station	S							S	S	P	P
Rehabilitation center							S	P	P	P	S
Regular place of worship	P	P	S	S	S	S	S	P	P	P	S

Use	A	R-1	R-2	R-3	R-4	R-5	CBD	C-1	C-2	PS	I
Residential Commercial multi-use						S	P	S	S		
Resource conservation facility	S								S	P	S
Resource extractions	S										S
Restaurant (dine-in)							P	P	P	P	S
Restaurant (fast food)	S						S	S	P	P	S
Restaurant (take out)	S						P	P	P	P	S
Retail store, sales, service							P	P	P	P	S
Salon	S	S	S	S	S	S	P	P	P	P	S
Sawmill											S
School	S	S	S	S	S	S		P	P	P	S
School, trade	S							P	P	P	S
Shooting range (indoor)								P	P		S
Shooting range (outdoor)	S										S
Shopping center							P	P	P		S
Shopping mall (indoor)							S	P	P		P
Sign, Billboard	P							P	P		P
Sign, Electronic/Digital								S	S		S
Small engine repair	P	S						S	P		P
Special event center	P	S		S	S	S	S	S	P	P	S
Stage (outdoor)	S						P	S	S	P	S
Swimming pool	P	P	P	P	P	P	P	P	P	P	P
Swine	S										
Tattoo parlor								S	P		
Telecommunication structure	S						S	S	S	S	S
Telecommunication tower	S								P	S	P
Theater (indoor)							P	P	P	P	S
Thrift store							S	S	P		S
Tire recapping									P		P
Towing Company											S
Trade market and show	S						S	P	P	P	P
Transportation facility								S	S	S	P
Truck and heavy equipment sales and service								S	S		P
Trucking company									S		P
Truck stop								S	P		S
Utility substation	S	S	S	S	S	S	S	S	S	P	P
Vehicle sales/rental								S	P		P
Vending, Christmas Trees							P	P	P		
Vending, Fireworks Sales								P	P		
Vending, Mobile Food							P	P	P	P	P
Veterinary clinic	S						S	P	P	P	P

Use	A	R-1	R-2	R-3	R-4	R-5	CBD	C-1	C-2	PS	I
Warehousing, distribution, storage	S						S	S	S		P
Wholesale establishment								P	P		P
Woodworking or cabinet shop	S						S	S	S		P

HOW TO USE THE LAND USE MATRIX

Land use categories are listed on the left column of the Land Use Matrix and are defined in Section 1601 of these regulations. Zoning Districts are listed across the top row of the Land Use Matrix and are defined in Section 501 of these regulations.

Permitted uses, which are allowed by right, are designated with a "P" in the column below the specific Zoning District category.

Conditional Uses, which require a Special Exception as described in Section 302 of these regulations, are designated with a "S" in the column below the specific Zoning District Category.

Uses which are not permitted within a specific zoning district are designated with a blank entry on the column below the specific Zoning District category.

Please refer to the *Official Zoning Map* of the City of Fulton, MS, as described in section 401.2 of these regulations, to determine the zoning district category for a specific parcel.

