

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 ($\frac{1}{2}$) 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 ($\frac{1}{2}$) 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 **COMMERCIAL DEVELOPMENT** **703**

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.