

# Zoning Ordinance

## City of Louisville, Mississippi



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Adopted: August 30, 2016

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In Association with:



**GOLDEN TRIANGLE**  
Planning and Development District, Inc.

## ZONING ORDINANCE

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## OFFICIAL ZONING ORDINANCE OF THE CITY OF LOUISVILLE, MISSISSIPPI

*An Ordinance to amend and re-adopt the regulation and restriction of the location and use of buildings, structures and land for all purposes, the height, number of stories, size and other characteristics of buildings and other structures, the size of yards and other open spaces, off-street parking and loading, and the density of population; and for said purposes to divide the municipality into districts of such number, shape and area as may be deemed best suited to carry out these regulations; to prescribe penalties for the violation of its provisions and to provide for its enforcement.*

*Whereas, the Mayor and Board of Aldermen of the City of Louisville, Mississippi, deem it necessary in order to continue to lessen congestion of streets, to secure safely from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of populations; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and order public requirements; to conserve the value of property and encourage the most appropriate use of land throughout the City, all in accordance with the Comprehensive Plan for the City of Louisville, Mississippi; now, therefore, be it further ordained by the Mayor and Board of Aldermen of the City of Louisville, Mississippi.*

These Zoning Regulations prepared and approved by the Louisville Zoning and Planning Board of the City of Louisville Mississippi, August 16, 2016.

Scott Hendrix	Chairman
Paul Hogue	Secretary
Sandra Cole	Board Member
Joann Brandt	Board Member
Johnny Crowell	Board Member

Published by Order of the Mayor and Board of Aldermen

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## **ARTICLE I. TITLE AND PURPOSE**

### **Sec. 1. AUTHORITY.**

1.1. The provisions of this ordinance are amended and adopted pursuant to the authority set forth in Chapter 1, Title 17 of the Mississippi Code of 1972, as amended.

### **Sec. 2. TITLE.**

2.1. This ordinance shall be known as the “Official Zoning Ordinance of Louisville, Mississippi”, and may be so cited, and the map herein referred to and identified by the title, “Zoning Map of Louisville, Mississippi” shall be further certified by the Mayor and Board of Aldermen of the City of Louisville, and attested by the City Clerk. The Zoning Map of Louisville and all explanatory matter thereon is hereby adopted and made a part of this ordinance. Such map shall be filed in the office of the City Clerk and shall show thereon the date of adoption of this Ordinance.

### **Sec. 3. INTERPRETATION.**

3.1. In interpreting and applying this ordinance, its provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience and general welfare.

### **Sec. 4. SEVERABILITY.**

4.1. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

## ARTICLE II. CLASSIFICATION AND ESTABLISHMENT OF DISTRICTS

### Sec. 1. ZONING DISTRICTS.

1.1. In order to regulate and restrict the location of trades and industries and the location of buildings erected, reconstructed, altered or enlarged for specified uses, to regulate and limit the height and bulk of buildings hereafter erected, reconstructed, altered or enlarged; to regulate and determine the area of yards and other open spaces and to regulate the limit and density of population, the City of Louisville is hereby divided into districts of which there shall be eleven (11) as follows:

- R-1** Single-family Residential District, (Large Lot)
- R-2** Single-family Residential District, (Small Lot)
- R-3** Single-family and Two-family Residential District
- RMF** Residential Multi-Family District
- B-1** Commercial Business District (Retail Stores and Personal Service adjacent to residential areas)
- B-2** Commercial Business District (Less Restrictive classes for Retail Stores and Personal Services adjacent to residential areas)
- B-3** Commercial Business District (General Business)
- M-1** Light Manufacturing/Industrial District
- M-2** Heavy Manufacturing/Industrial District
- A-1** Agricultural Area District
- PUD** Planned Unit Development

1.2. The districts aforesaid and the boundaries of such districts are shown upon the map attached hereto and made a part of this ordinance, being designated as the “Official Zoning Map,” and said map and all the notations, references and other information shown thereon are hereby made a part of this ordinance as if the matters and information set forth by said map were all fully described herein.

Except as hereinafter provided:

**First:** No building shall be erected, reconstructed, altered or enlarged, nor shall any building or land be used for any purpose other than is permitted in the district in which such building or land is located.

**Second:** No building shall be erected, reconstructed, altered or enlarged to exceed the height or bulk limit herein established for the district in which such building is located.

**Third:** No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this ordinance, nor shall the density of population be increased in any manner except in conformity with the area regulations herein established.

No building permit shall be issued by the city for the construction or placing of, and no person shall construct or place any dwelling, structure or edifice, designed or usable as a

dwelling place, on any lot, tract or parcel of land unless the lot, tract or parcel of land upon which each such structure is to be located, or is located, has been defined, delineated or described by a map or plat filed for record in the deed records of the county; provided, that the provisions hereinabove in this paragraph shall not prohibit the issuance of a building permit for the construction or placing of any single structure, designed or usable as a single-family dwelling, located on any tract of land set apart, delineated or defined by a metes and bounds description and recorded in the deed records of the county as of December 31, 1970, when the only structure (which with its permitted appurtenances) is located or to be located thereon, faces or fronts upon a legally established public thoroughfare.

No building permit shall be issued by the city for erection or placing of any dwelling on a lot, the width or street frontage of which has been decreased from the width or street frontage as originally platted or as re-platted and recorded in the deed records of the county, nor shall a building permit be issued for the erection or placing of any dwelling on the rear yard of any corner lot situated in Districts R-1, R-2, R-3 or RMF.

A building permit may be issued by the city through its proper agent for the construction or placing of a dwelling on a lot or tract of land composed of portions of two (2) or more lots as recorded in the deed records of the county, only when such resulting lot or tract has a street frontage of not less than the street frontage of any lot in the same block, provided that such frontage meets the requirements of this ordinance.

***Fourth.*** No yard or other open space provided about any building for the purpose of complying with the provisions of these regulations shall be considered as providing a yard or open space for any other building; provided further, that no yard or open space on an adjoining property shall be considered as providing a yard or open space on a lot whereon a building is to be erected.

***Fifth:*** In residential districts only, every building hereafter erected shall be located on a lot as herein defined, and in no case shall there be more than one (1) residence on one (1) lot, except as permitted by the Zoning and Planning Board.

## **Sec. 2. DISTRICT BOUNDARIES.**

2.1. Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map of Louisville, the following rules shall apply:

- (a) Boundaries indicated as following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- (c) Boundaries indicated as approximately following City limits shall be construed as following such City Limits.
- (d) Boundaries indicated as approximately following the boundary of a section or fractional section shall be construed as following such boundary;
- (e) Boundaries indicated as following railroad tracks shall be construed to be midway between the main tracks;



- (f) In the case of large tracts of which small parcels have been sold but not platted the depth of the boundary shall be the average depth of the adjacent parcels measured from the center line of the adjacent roadway, or a normally acceptable development depth for adjacent uses;
- (g) Boundaries indicated as parallel to or extensions of features indicated in subsections (a) through (e) above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

2.2. Where a district boundary line divides a lot held in single and separate ownership at the effective date of this Chapter, The Zoning and Planning Board may permit, as a variance, the extension of the regulations or either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

### **Sec. 3. USES**

3.1 In each district no other use other than the types specified as “permitted” or “permitted on appeal” shall be allowed, (See Article IX, District Regulations). Uses specified, as “permitted” shall be permitted upon application to the Administrative Official. Uses specified as “permitted on appeal” are special exceptions, and no permit shall be issued for such uses except with the written approval of the Zoning and Planning Board and subject to such conditions as such Board may require to preserve and protect the character of the district.

3.2 Any use or structure existing at the time of enactment or of subsequent amendment to this ordinance, but not in conformity with its provisions, may be continued with the following limitations. Any use of structure which does not conform to the provisions of the ordinance shall not be:

- a. Changed to another non-conforming use.
- b. Re-established after discontinuance for one year.
- c. No such nonconforming use shall be enlarged upon or increased, nor extended to occupy a greater area of land or building than was occupied at the effective date of adoption or amendment of this Ordinance.
- d. Rebuilt after fire or damage exceeding 50% of its value above the foundation for tax purpose.
- e. No such nonconforming use shall be moved in whole or part to any portion of the lot other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
- f. No additional structures not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use.

### **Sec. 4. BUILDING LOTS, YARDS, AND OPEN SPACE.**

4.1. In each district each structure hereafter erected or altered shall be provided with the yards specified, and shall be on a lot of the area and width specified in Article IX. No open space or

lot required for a building or structure shall during its life be occupied by or counted as open space for another building or structure.

Exceptions to the district requirements for building lots and yards follow:

- a. Where the owner of a lot of official record at the time of adoption of this ordinance does not own sufficient adjacent land to enable him to conform to the yard and other requirements of this ordinance, the building and its accessory structures may be built provided the yard space and other requirements conform as closely as possible, in the opinion of the Zoning and Planning Board, to the requirements of the district in which it is located; and further provided that neither side yard shall be reduced to less than three (3) feet in width.
- b. No building needs to setback more than the average of the setbacks of the existing residences within one hundred (100) feet each side thereof.

#### **Sec.5. HEIGHT.**

5.1 In each district each structure hereafter erected or altered shall not exceed the heights specified in the district requirements, Article IX.

5.2 Height limitations shall not apply to church steeples, hospitals, sanitariums, barns, silos, farm structures, chimneys, flagpoles, public utility poles, radio and television towers and aerials, cooling towers, water tanks; and industrial structures when required by manufacturing process.

#### **Sec. 6. OFF - STREET AUTOMOBILE STORAGE.**

6.1 In each district each structure hereafter erected or altered shall be provided with off-street automobile storage as specified in the district schedule, Article IX. No off-street automobile storage space required for a building or structure shall during its life be occupied by or counted as off-street automobile space for another building or structure, but may be included in the required yard space.

#### **Sec. 7. OFF - STREET LOADING AND UNLOADING.**

7.1 In each business and industrial district each structure hereafter erected or altered shall be provided with off-street loading and unloading facilities as specified in the district schedule, Article IX.

#### **Sec. 8. STRUCTURES.**

8.1 It is the intent of this ordinance that there shall be but one main structure plus any permitted accessory structures on any lot used for residential purposes.

## **ARTICLE III - ENFORCEMENT**

### **Sec. 1. ENFORCING OFFICER.**

1.1. The Provisions of this ordinance shall be administered and enforced by the Administrative Building Official. This official shall have the right to enter upon any premises at any reasonable time prior to the issuance of Certificate of Occupancy for the purpose of making inspections of buildings or premises necessary in carrying out his duties in the enforcement of this ordinance.

### **Sec. 2. BUILDING PERMIT REQUIRED.**

2.1. It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair (except repairs, not changing the character of the structure and not exceeding \$500 in cost, or painting or wallpapering) of any structure, including accessory structures, until the Administrative Building Official of the municipality has issued for such work, a building permit including a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this ordinance. Application for a building permit shall be made to the Administrative Building Official of the municipality on forms provided for that purpose.

### **Sec. 3. APPROVAL OF PLANS AND ISSUANCE OF BUILDING PERMIT.**

3.1. It shall be unlawful for the Administrative Building Official to approve any plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this ordinance. To this end, the Administrative Building Official shall require that every application for a building permit for excavation, construction, use of land, moving or alteration be accompanied by a map or plat drawn to scale and showing the following in sufficient detail to enable the Administrative Building Official to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this ordinance:

1. The actual shape, proportion and dimensions of the lot to be built upon.
2. The shape, size, and location of all buildings or other structures to be erected, altered or moved and of any buildings or other structures already on the lot.
3. The existing and intended use of all such buildings or other structures.
4. The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

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

#### **Sec. 4. CERTIFICATE OF OCCUPANCY REQUIRED.**

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

#### **Sec. 5. PENALTIES.**

5.1. Any person violating any provision of this ordinance shall be fined upon conviction not less than two dollars (\$2.00), nor more than one hundred dollars (\$100.00) and costs of court for each offense. Each day such violation continues shall constitute a separate offense.

#### **Sec. 6. REMEDIES.**

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

## **ARTICLE IV – ZONING AND PLANNING BOARD**

### **Sec. 1. APPOINTMENT, DUTIES AND RESPONSIBILITIES.**

1.1. *A ZONING AND PLANNING BOARD* is hereby established, which shall consist of five members to be appointed by the Mayor and the Board of Aldermen, each for a term of five years. Members of the Zoning and Planning Board may be removed from office by the Mayor and Board of Aldermen for cause upon written charges and after public hearing. Vacancies shall be filled by resolution of the Mayor and Board of Aldermen for the unexpired term of the member affected.

1.2. *A BOARD OF ADJUSTMENT*, which shall consist of three members, selected and appointed from the members of the Zoning and Planning Board by the Mayor and Board of Aldermen, each for a term running concurrently with their Zoning and Planning Board appointment, shall act as the board to receive any and all zoning appeals to decisions rendered by the Zoning and Planning Board and as directed by the Mayor and Board of Aldermen. Members of the Board of Adjustment may be removed from office by the Mayor and Board of Aldermen for cause upon written charges and after public hearing. Vacancies shall be filled by resolution of the Mayor and Board of Aldermen for the unexpired term of the member affected.

### **Sec. 2. PROCEEDINGS OF THE ZONING AND PLANNING BOARD AND THE BOARD OF ADJUSTMENT.**

2.1. *THE ZONING AND PLANNING BOARD* shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairperson and at such other times as the Board may determine. The chairperson, or in his absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

2.2. *THE ZONING AND PLANNING BOARD* shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the City Clerk.

2.3. *THE BOARD OF ADJUSTMENT*, when hearing any and all zoning appeals, shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the City Clerk.

### **Sec. 3. POWERS AND DUTIES OF THE BOARD.**

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

3.2. *SPECIAL EXCEPTIONS*: To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the term of this ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this ordinance.

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

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
2. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
3. That the special conditions and circumstances do not result from the actions of the applicant.
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
5. Petitions for variances shall be submitted in proper format and accepted by the Administrative Building Official. This form shall be submitted no later than 12 o'clock noon, on the Friday preceding the next regular meeting of the Mayor and Board of Aldermen. The Administrative Building Official shall in-turn forward the petition to the City Clerk to be posted on the agenda for the Board Meeting the following Tuesday. The Administrative Building Official shall review the petition prior to the Mayor and Board of Aldermen Meeting and make recommendations to the Board regarding the petition.
6. The Mayor and Board of Aldermen shall review and approve or disapprove the petition for advertisement. If the petition is accepted by the Mayor and Board of Aldermen, they shall set a hearing date for objections, which shall be no less than fifteen (15) days from the first date of advertisement.

7. The City Clerk shall cause the petition to be advertised (3) times in the local news media over a period of not less than fifteen (15) days. The Petitioner shall bear all costs and expenses involved in the public advertisement.

8. The Administrative Building Official shall post a sign on the property in a position to where it can be readily viewed by the general public. The sign shall be provided by the City of Louisville at a fee to be paid by the petitioner, and shall be 30 inches x 30 inches with 2 inch block letters colored in black on a white background, which shall read:

**A PETITION FOR** (A VARIANCE OR REZONING)  
**IS IN PROCESS**  
**TO CHANGE THE ZONING CLASSIFICATION**  
**OF THIS PROPERTY FROM**  
(CURRENT DISTRICT CLASSIFICATION)  
**TO**  
(NEW DISTRICT CLASSIFICATION)  
**A PUBLIC HEARING ON THIS MATTER IS SCHEDULED**  
**TO BE HELD ON**  
(DATE AND TIME) **AT** (LOCATION).

9. Upon completion of the procedures set forth herein the Zoning and Planning Board shall take action on the petition for variance. The result of the action shall be forwarded to the Mayor and Board of Aldermen for final action and cause the petitioner to be notified the day following the date of final action.

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

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

### *3.4 DECISIONS OF THE ZONING AND PLANNING BOARD:*

In exercising the above mentioned powers, the Zoning and Planning Board may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be

made, and to that end shall have powers of the Administrative Building Official from whom the appeal is taken.

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

3.5. *DUTIES OF ADMINISTRATIVE BUILDING OFFICIAL, ZONING AND PLANNING BOARD, CITY GOVERNMENT AND COURTS ON MATTERS OF APPEAL:*

1. Appeal to the Board of Aldermen and to the Courts. It is the intent of the governing authority of the City that all questions of interpretation and enforcement of this ordinance shall be presented first to the Administrative Building Official. The Administrative Building Official shall in turn, present the appeal to the appointed Board of Adjustment for consideration. Other than those applications and matters upon which the terms and provisions of this ordinance may require action and decision by the said Board of Adjustment, only the appeals taken in the manner and form as provided in this ordinance from the actions and decision of the Administrative Building Official will be considered and acted upon by the said Board of Adjustments. However, any action or decision of the said Board of Adjustments, may take an appeal to the Mayor and Board of Aldermen.

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



## ARTICLE V – AMENDMENT

### Sec. 1. PROCEDURE.

1.1. The regulations, restrictions and boundaries set forth in the ordinance may from time to time be supplemented, changed, or repealed, provided however that no action dealing with zoning (including granting of variance and petitions for appeal) may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the city. All notice requirements of rezoning must be fully complied with in regard to any action by the Mayor and Board of Aldermen of the City of Louisville, Mississippi, on use of real property.

1.2. In case, however, of a protest against such change signed by the owners of twenty percent, or more, either of the area of the lots included in such proposed change, or of those immediately adjacent to the rear thereof, extending 160 feet there from, or of those directly opposite thereto, extending 160 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote or two-thirds of all the members of the legislative body of such municipality.

1.3. When a petition to rezone is acted upon favorably by the Mayor and Board of Aldermen of the City, no additional petition for further rezoning of the property described in the original petition shall be received, advertised or otherwise considered by the Mayor and Board of Aldermen until a minimum of twelve (12) months after the date of favorable rezoning has elapsed, unless and except a significant change in the circumstances can be shown by the Petitioner.

### Sec. 2. PURPOSE.

2.1. Such amendments shall be made only if the character and use of a district or surrounding territory has become so changed since the enactment of the original ordinance, that the public health, morals, safety and welfare would be promoted if a change was made in the boundaries or in the regulations prescribed for certain districts, but more economic gain to the owner of a comparatively small area is not a sufficient cause to amend the zoning ordinance.

## **ARTICLE VI - LEGAL STATUS PROVISIONS**

### **Sec. 1 INTERPRETATION AND PURPOSE.**

*1.1.* In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances or regulations, which may be adopted hereafter, impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory. This ordinance shall not lower the restrictions of plats, deeds, or private contracts if such are greater than the provisions of this ordinance.

### **Sec. 2. SAVING CLAUSE.**

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

## **ARTICLE VII - GENERAL PROVISIONS AND STANDARDS**

### **Sec. 1. REDUCTIONS IN LOT AREA PROHIBITED.**

1.1. No existing lot, conforming to the requirements of this zoning ordinance, shall be reduced or sub-divided in area, so that the resulting yards and other open spaces total less than the minimum area required under this ordinance.

### **Sec. 2. CORNER VISIBILITY IN RESIDENCE AND LOCAL BUSINESS DISTRICTS.**

2.1. In a residence or local business district no fence, wall, shrubbery, sign, marquee, or other obstruction to vision between the heights of three and one-half (3½) feet and fifteen (15) feet above street level shall be permitted within twenty (20) feet of the intersection of the right-of-way lines of two streets, or railroads, or of a street and a railroad right-of-way line.

2.2. Accessory structures of a corner lot shall be set back the minimum front yard depth required on the side street.

### **Sec. 3. FUTURE STREET LINES.**

3.1. On any lot which, at the time of adoption of this ordinance or at the time this ordinance is changed by amendment hereafter, may be reduced in area by widening a public street to a future street line as indicated on a duly adopted "Thoroughfare Plan", or as same may be hereafter amended, the minimum required yards, the minimum required lot area, the minimum required lot width and the maximum building area shall be measured by considering the future street lines as the lot line of such lot.

### **Sec. 4. GROUP HOUSING PROJECTS.**

4.1. In the case of a housing project consisting of a group of two or more buildings to be constructed on a plat of ground of at least four (4) acres not subdivided into the customary streets and lots and not to be so subdivided or where existing or contemplated street and lot layout make it impractical to apply the requirements of this ordinance to the individual buildings in such housing projects, the application of such requirements to such housing projects shall be done by the Zoning and Planning Board with the advice of the Mayor and Board of Aldermen and the Administrative Building Official, in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same character of occupancy, a density of land use no higher and a standard of open space at least as high as required by this ordinance in the district in which the proposed project is to be located, and will provide layout design and public utilities in harmony with the general requirements and minimum standards of design of the Subdivision Regulations of the municipality.

4.2. In no case shall the Zoning and Planning Board or the appointed Board of Adjustments, authorize a use or a building height or building area prohibited in the district in which the housing project is to be located.

**Sec. 5. AREAS ANNEXED TO CITY.**

5.1. Any area annexed to the City of Louisville after the adoption of this ordinance shall be classified as A-1, except that areas already developed shall, at the option of the Zoning and Planning Board, be placed in the zoning district which best fits the existing use of the developed area.

**Sec. 6. MINIMUM PROPERTY APPEARANCE STANDARDS.**

6.1. *JUNK VEHICLES:* Junk vehicles are prohibited from being located within the city except within completely enclosed buildings or garages or at vehicle salvage yards, vehicle repair shops and wrecker services complying with the terms of this ordinance.

6.2. *PROPERTY STORAGE:* No owner or occupant of any property within the City shall use such property for the storage or accumulation of junk, used furniture, used, discarded or worn out material or manufactured products, whether reusable or not, including but not limited to appliances, building materials, rubbish, trash, garbage or waste. These properties include open garages, open storage sheds, and porches.

6.3. *OPEN STORAGE:* Open storage of materials and products shall be prohibited in residential zoning if within view from the street. All such storage shall be screened from view from neighboring properties by opaque fencing or landscape screening a minimum of six (6) feet in height.

6.4. *PARKING OF COMMERCIAL VEHICLES:* Parking of Commercial Vehicles in residential districts is prohibited: Any commercial vehicle rated greater than 3/4 ton, bus, trailer, tractor, or heavy equipment shall not be parked in any residential district unless utilized in a building or construction project.

## ARTICLE VIII. DEFINITIONS AND WORDS

### Sec. 1. RULE FOR WORDS AND PHRASES.

1.1. For the purpose of this ordinance, certain terms and works are herewith defined as follows:

1.2. Words used in the present tense include the future; words in the singular number include the plural, except when preceded by a word known in English grammar as an article which denotes a singular; the word “building” includes the word “structure,” the word “shall” is mandatory and not directory.

### Sec. 2. DEFINITIONS.

*ACCESSORY BUILDING, STRUCTURE OR USE.* A building or structure which is on the same lot as, and of a nature customarily incidental and subordinate to, another building or structure, and the use of which is clearly incidental and subordinate to that of the main building or structure, or a use customarily incidental to the main use of the property.

*ACCESSORY DWELLING UNIT.* A secondary house or apartment with its own kitchen, living area and separate entrance that shares the building lot of a larger, primary house. The ADU may be attached to an existing house or garage, or it may be built as a stand-alone unit.

*ADMINISTRATIVE BUILDING OFFICIAL.* A person designated by the Mayor and Board of Aldermen who is responsible for issuing building permits, certificates of occupancy and inspections, pursuant thereto, for the City of Louisville, Mississippi, or his designee.

*ADULT ENTERTAINMENT ESTABLISHMENTS.* Any adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, adult video store, or similar establishment which regularly features or depicts behavior which is characterized by the exposure of “specified anatomical areas”, or where any employee, operator or owner exposes his/her “specified anatomical areas” for viewing by patrons.

*ADVERTISING SIGN OR STRUCTURE:* Any sign, device or structure of any character whatsoever, including statuary, placed for outdoor advertising purposes on the premises. The area of an advertising structure or sign shall be determined by the area of the largest cross-section of such structure or sign.

*AGRICULTURE:* The raising or growing of crops only; except that the Mayor and Board of Aldermen may, by special order, permit the raising of fowl or livestock, but not swine, in any rural or outlying fringe area within the City of Louisville, providing such use does not constitute a nuisance or health hazard.

*ALLEY.* A minor right-of-way in public use which gives a secondary means of access to the back or side of properties otherwise abutting a street, and which may be used for public utility

purposes.

*ALTERATION AND ALTERED.* The word “Alteration” shall include any of the following:

- (1) Any addition to the height or depth of a building or structure;
- (2) Any change in the location of any of the exterior walls of a building or structure;
- (3) Any increase in the interior accommodations of a building or structure.

In addition to the foregoing, a building or structure shall be classified as altered when it is repaired, renovated, remodeled, or rebuilt at a cost in excess of fifty percent (50%) of its value prior to the commencement of such repairs, renovation, remodeling or rebuilding.

*AMUSEMENT ESTABLISHMENT.* An establishment offering sports, theatrical productions, game playing, or similar amusements to the public within a fully enclosed building. This shall include, but is not limited to, theaters, bowling alleys, billiard parlors, and skating rinks. This shall not include recreation centers or such amusements which are accessory to churches, schools, or colleges.

*APARTMENT HOUSE OR MULTIPLE-FAMILY DWELLING:* Any single detached dwelling unit designed for and occupied by three (3) or more families living independently of each other as separate house-flats, but not including auto or trailer courts or camps, hotels, motels or resort-type hotels.

*APPEAL.* A request for a review of the Zoning and Planning Board/Mayor and Board of Aldermen interpretation of any provision of this Ordinance.

*AUTOMOBILE JUNK AREA OR GRAVEYARD.* An area other than a street or alley used for the dismantling or wrecking of used automobiles or the storage, sale or dumping of dismantled or wrecked automobiles or their parts.

*BASEMENT.* A story below the first story as hereinafter defined. See Story.

*BED AND BREAKFAST INN.* An operator-occupied residence where eight or fewer rooms are rented on an overnight basis, guests are served no more than two meals per day, no cooking facilities are provided in the rooms, and the length of stay does not exceed 14 consecutive days.

*BILLBOARD.* An outdoor advertising structure which advertises a business, industry, establishment, use, product or service not necessarily found on the premises.

*BLOCK.* A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the city engineer shall determine the outline of the block.

*BOARD.* The City of Louisville Zoning and Planning Board or appointed Board of Adjustment.

*BOARD OF ADJUSTMENT.* A three (3) member board, from the membership of the Zoning and Planning Board, appointed by the Mayor and Board of Aldermen, to hear any and all zoning regulation appeals.

*BOARDING HOUSE OR LODGING HOUSE.* A building, other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for three (3) or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

*BROWN BAG ESTABLISHMENT.* Shall mean an unlicensed establishment that allows consumption of alcoholic beverages and/or beer on the premises and where dancing and entertainment may or may not be provided.

*BUFFER AREA.* An area which acts as a separation area between two (2) or more non-compatible districts.

*BUILDABLE AREA.* That portion of a lot remaining after required yards have been provided.

*BUILDABLE WIDTH.* Width of the building site left after the required yards have been provided.

*BUILDING.* Any structure which is enclosed and isolated by exterior walls and constructed or used for residence, business, industry, or other public or private purpose, or accessory thereto, the construction of which requires or would require a building permit under the building code.

*BUILDING AREA.* The portion of the lot occupied by the main building, including porches, carports, accessory buildings, and other structures.

*BUILDING, ALTERATION OF.* Any change or rearrangement in the supporting members (such as bearing walls, beams, columns or girders) of a building, any addition to a building or movement of a building from one (1) location to another.

*BUILDING CODE(S).* The International Building Code, National Electrical Code, Standard Gas Code, Standard Housing Code, Standard Plumbing Code, Swimming Pool Code, Standard Mechanical code, Standard Fire Prevention code, and/or Life Safety Code, used singularly or any combination thereof.

*BUILDING, FRONT LINE OF.* A line intersecting the foremost portion of the building and parallel and/or concentric to the street line.

*BUILDING HEIGHT.* The vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of the roof surface.

*BUILDING LINE OR SETBACK LINE.* The distance required by this ordinance to be maintained between a given lot line, easement or right-of-way line and any structure front, rear or side as specified. For the purpose of this ordinance, the setback measurement shall be from the overhang edge on the eave of the structure.

*BUILDING, MAIN.* A building in which is conducted the principal use of the lot on which it is situated.

*BUILDING OFFICIAL.* A person designated by the Mayor and Board of Aldermen who is responsible for issuing building permits, certificates of occupancy and inspections, pursuant thereto, for the City of Louisville, Mississippi, or his designee.

*BUILDING PERMIT.* A permit issued by the Building Department pursuant to the provisions of this Ordinance and the State building requirements.

*BUILDING SITE.* A single parcel of land occupied, or intended to be occupied, by a building or structure and appropriate accessory buildings or uses.

*CAR WASH.* A commercial establishment which washes automobile or other motor vehicles, whether or not in conjunction with other goods or services provided to customers.

*CEMETERY.* A tract of land, private or public, licensed with the State of Mississippi, divided into plots for sale for interment of the human dead.

*CENTRAL BUSINESS DISTRICT.* The area shown and delineated on the official zoning map and generally known as downtown Louisville.

*CERTIFICATE OF OCCUPANCY.* A permit issued by the building inspector indicating that the use of the building or land in question is in conformity with this ordinance or that there has been a legal variance there from, as provided by this ordinance.

*CHILD CARE CENTER.* Child care center means a place which provides shelter and personal care for six (6) or more children for four (4) or more hours of any part of the twenty-four-hour day, whether such place be organized or operated for profit or not. The term “child care center” indicates day care nurseries, day care centers and any other facility that falls within the scope of the definition set forth herein, regardless of auspices. Exempted from this definition is any facility operating as a kindergarten, nursery school or Head Start in conjunction with an elementary and/or secondary school system, whether it be public, private or parochial, whose primary purpose is a structured school readiness program. Space requirements shall be as stipulated by the Mississippi State Board of Health and the adopted building code(s). *Child Care Centers* shall not be considered as a home occupation category.

*COMMON AREAS.* Private property owned in common by, and designated for the private use of, the owners or occupants of townhouses in a particular project or subdivision. *Common areas* uses include, but are not limited to, recreation areas, parks and plazas, ornamental areas open to the general view within the project or subdivision, and building setbacks not otherwise required by



ordinance. The *Common Area* does not include public streets, alleys, required building setbacks or utility easements.

**CONCEALING FENCE.** A fence, wall, live shrubbery or other material approved by the Zoning and Planning Board, which visually prevents, on a perpetually maintained basis, an area so enclosed from being viewed from without by a maximum of twenty (20) percent visibility. Any fence, wall or other material, except live shrubbery, shall be painted or colored a uniformly solid color, pastel in nature, or otherwise aesthetically pleasing, which contains no advertising sign or symbol. Any live shrubbery used shall be a hearty species native to the area and permanently maintained in a manner which will not create a nuisance. Any lack of maintenance of such concealing fence shall be deemed a violation of this ordinance and shall be prosecuted as prescribed herein.

**CONFORMING USE.** Any lawful use of a building or lot which complies with the provisions of this ordinance.

**COVERAGE.** The percentage of the lot area covered by the building area.

**DAYCARE CENTER.** A facility that provides care for more than six (6) children under the age of 14 for less than 24 hours a day. See *Child Care Center*.

**DAY NURSERY.** A place where six (6) or more children are left for care a part of the twenty-four (24) hours of the day, for which remuneration is received. See *Child Care Center*.

**DISTRICT.** A section or sections of the city for which regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

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

**DRIVE-IN THEATER.** A theater so arranged and conducted that the customer or patron may view the performance while seated in a motor vehicle.

**DROP-IN CARE CENTER.** A child care facility that provides care for children under the age of 14 for part of the day. It does not provide regular daily care for the same child. It does not include a *Day Care Center* or *Child Care Center*.

**DWELLING.** A house or other building used primarily as living quarters for one or two families except that the word “dwelling” shall not include boarding or rooming houses, tents, tourist camps, hotels, trailers, trailer camps, or other structures designed or used primarily for transient residents.

**DWELLING, SINGLE-FAMILY.** A dwelling having accommodations for and occupied exclusively by one (1) family.

**DWELLING, TWO FAMILY.** A dwelling having accommodations for and occupied exclusively by two (2) families living independently of each other.

*DWELLING, MULTIPLE-FAMILY.* A dwelling designed for occupancy for three (3) or more families living independently of each other.

*DWELLING UNIT.* Any portion of a building used, intended or designed as separate living quarters for a family.

*DWELLING, ZERO LOT LINE.* A detached single-family dwelling unit which is constructed against the lot line on one (1) side of a lot, provided, however, that there shall be no windows, doors or other openings of any kind on this side. This type of dwelling is also sometimes referred to as a court-garden house or patio house.

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

*ENGINEER-CITY ENGINEER.* A person registered as a professional engineer in the State of Mississippi and who is authorized to approve construction design of public works such as streets, roads, bridges, etc.

*FAMILY.* One (1) or more persons related by blood or marriage, including adopted children, occupying premises and living as a single nonprofit housekeeping unit as distinguished from a group occupying a boarding house, lodging house, or hotel as herein defined.

*FLAMMABLE LIQUIDS.* Any liquid which gives off flammable vapors, as determined by the flash point from an open-cup tester as used for test burning of oils, at or below a temperature of eighty (80) degrees Fahrenheit, is flammable.

*FLOODPLAIN.* Any normally dry land area that is susceptible to being inundated by waters of the one (1) per cent annual chance flood; i.e., the one hundred (100) year flood.

*FLOODWAY FRINGE AREA.* That area of the floodplain lying outside the floodway but still lying within the area of special flood hazard; i.e., within the one hundred (100) year floodplain.

*FLOODWAY.* The channel of a river or other watercourse and the adjacent designated land areas that must be reserved in order to discharge the velocity waters of the regulatory flood.

*FLOOR AREA.* The square feet of floor space within the outside line of walls and including the total of all space on all floors of a building used for dwelling purposes.

*GARAGE APARTMENT.* A dwelling unit erected above a private garage.

*GARAGE, MECHANICAL.* A facility used for the repair of automobiles, trucks and similar vehicular powered, hydraulic or control systems.

*GARAGE, PRIVATE.* An accessory building or part of a main building used for storage purposes for one (1) or more automobiles.

*GARAGE, PUBLIC.* Any building, other than a private garage, available to the public for the care, servicing, repair or equipping of automobiles or where such vehicles are parked or stored for remuneration, hire or sale.

*GARAGE, STORAGE.* A building or portion thereof, other than a private garage, used exclusively for parking or storage of self-propelled vehicles, but with no other services provided except facilities for washing.

*GASOLINE, SERVICE OR FILLING STATION.* Any area of land, including structures thereon, that is used for the retail sale of gasoline or oil fuels, and installations of other minor automobile accessories, and which may or may not include facilities for lubricating, washing or cleaning.

*GOVERNING AUTHORITY.* The Mayor and Board of Aldermen of the City of Louisville, Mississippi.

*GROUP HOUSING PROJECT.* A group of one-family, two-family or multiple dwellings, arranged on land not subdivided into customary streets and lots.

*HEIGHT OF BUILDING.* The vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or the average height level between the eaves and ridge for a gable, hip and gambrel roofs.

*HOBBY.* An accessory use carried on by the occupant of the premises in a shop, studio or other work room, purely for personal enjoyment, amusement or recreation; provided that the articles produced or constructed in said shop, studio or work room are not sold either on or off the premises, and provided such use will not be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes.

*HOME OCCUPATION.* Any occupation or profession conducted within a dwelling by the occupants of the dwelling, and is clearly incidental and secondary to the main use of the premises as a dwelling place and does not change the character thereof, and is conducted solely by a member of a family residing in the dwelling and in connection with which there is kept no stock in trade nor commodity to be sold upon the premises. No mechanical equipment shall be used which will be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes. Examples of home occupations are: personal services such as are furnished by an architect, designer, musician, artist, lawyer, notary, dressmaking, the taking of tourists and boarders and the leasing of rooms when performed by the person occupying the building as his or her private dwelling and not including a partnership. The *Home Occupation* shall not employ any one who is not a resident in the home. The operation of beauty culture schools, beauty parlors, day nurseries, day care centers, or barber shops, and the repair of motor vehicles and/or implements powered by gasoline motors shall not be considered a *Home Occupation*. No trade shall be permitted which requires the dispatching of commercial vehicles from the residence. Any signs advertising said home occupation are limited to (1) one sign, not over (2) square feet in total area and on which there is no public display of goods. A homeowner or tenant shall make application to the Administrative Building Official and receive approval from the Zoning and Planning Board for any home occupation.

*HOSPITAL.* An institution where sick or injured persons are given medical care and in the course of same are housed overnight, fed and provided nursing and related services.

*HOSPITAL, LARGE ANIMALS.* An institution where sick or injured large animals of more than one hundred fifty (150) pounds are given medical care, and in the course of same are housed overnight, fed and provided related services. Hospital, large animal shall be considered an industrial use.

*HOSPITAL, SMALL ANIMALS.* An institution where sick or injured small animals of less than one hundred fifty (150) pounds are given medical care, and in the course of same are housed overnight, fed and provided related services. Hospital, small animal shall be considered a commercial use.

*HOTEL OR MOTEL.* A building containing sleeping rooms occupied, intended or designed to be occupied, as the more or less temporary abiding place of persons who are lodged, with or without meals for compensation.

*JUNK.* The term “junk” is defined to mean and shall include scrap iron, scrap tin, scrap brass, scrap copper, scrap lead, or scrap zinc and all other scrap metals and their alloys; and rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old cotton; or used machinery, used tools, used appliances, used fixtures, used utensils, used boxes or crates, used pipe or pipe fittings; used automobile or airplane tires, inoperative motor vehicles not held for repair nor held for sale in operating condition, and other manufactured goods that are [so] worn, deteriorated or obsolete as to make them unusable in their existing condition; subject to being dismantled for junk.

*JUNK VEHICLE.* Junk vehicle shall mean any vehicle that is inoperable or which does not have a current Mississippi Inspection Sticker or Mississippi License plate.

*KENNEL.* Any building, lot or premises on or in which four (4) or more dogs, cats or similar pets (at least eight (8) weeks of age) are kept. Any building, lot or premises where dogs, cats or similar pets are housed or accepted for boarding for which remuneration is received.

*KINDERGARTEN.* A school, other than a public school, for children of pre-public school age in which constructive endeavors, object lessons and helpful games are prominent features of the curriculum.

*LODGING HOUSE.* A building or place where lodging is provided (or which is equipped to provide lodging regularly) by prearrangement for definite periods, for compensation, for three or more persons in contradistinction to hotels open to transients.

*LOT.* A piece, parcel, or plot of land occupied or intended to be occupied by one main building, accessory buildings, uses, customarily incidental to such main buildings and such open spaces as are provided in this ordinance, or as are intended to be used with such piece, parcel or plot of land.

*LOT CORNER.* A lot located at the intersection of and abutting on two (2) or more streets.

*LOT DEPTH.* The average horizontal distance between the front lot line and the rear lot line.

*LOT DOUBLE FRONTAGE.* A lot, other than a corner lot, which has frontage on more than one (1) street.

*LOT INTERIOR.* A lot other than a corner lot.

*LOT AREA.* The total area included within the front, side and rear lot lines.

*LOT FRONTAGE.* That dimension of a lot or portion of a lot abutting on a street.

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

*LOT REVERSE FRONTAGE.* A lot fronting on two (2) parallel streets but with access to only one (1) street.

*LOT WIDTH.* Shall mean the average lot width taken by measuring the front lot line and the rear lot line, adding these dimensions together and dividing by two (2).

*LOT OF RECORD.* A lot, the plat of which has been recorded in the office of the Chancery Clerk of Winston County.

*LOUISVILLE (MISSISSIPPI).* The Mayor and Board of Aldermen of the City of Louisville (Mississippi).

*MEDICAL AND DENTAL FACILITIES:*

- (1) *Convalescent, rest or nursing home.* A health facility where persons are housed and furnished with medical and/or nursing care.
- (2) *Medical or paramedical offices.* A facility for the examination and treatment of patients.
- (3) *Hospital.* An institution providing comprehensive health services.
- (4) *Public health center.* A facility primarily utilized by a health unit for the provision of the public health service.

*MINOR REPAIR, AUTOMOBILE.* The replacement of minor assemblies or parts and tune-up of automobiles, or trucks of less than fifteen thousand (15,000) pounds gross license weight, but not including body and fender work, painting, engine overhaul or similar types of work.

*MOBILE HOME.* A transportable, single-family dwelling unit suitable for year-round occupancy and containing the same water supply, waste disposal and electrical conveniences as immobile housing.

*MOBILE HOME PARK.* A contiguous parcel of land which has been planned and improved for the placement of mobile homes for non-transient use.

*MOBILE HOME STAND OR PAD.* The area for locating a single mobile home unit.

*MODULAR HOMES.* A modular home is a factory-fabricated dwelling over thirty-two (32) feet in length and at least twenty-four (24) feet wide, designed and constructed without carriage or hitch collar as stationary house construction for placement upon a permanent foundation, to be permanently connected to utilities and to be used for year-round occupancy. It may consist of two (2) or more components that can be separated when transported but designed to be joined into one (1) integral unit. A modular home must meet the minimum construction standards for house construction as specified in the adopted Building Code, the Federal Housing Administration Minimum Property Standards, the minimum construction standards as may from time to time be fixed by the law of the State of Mississippi, and must have a roof with at least a 3/12 pitch. Modular homes shall be allowed only in the R-3 District.

*NIGHTCLUB OR BAR.* Shall mean an establishment licensed to serve alcoholic beverages and/or beer on the premises and where dancing and entertainment may or may not be provided.

*NONCONFORMING USE, BUILDING OR YARD.* A use, building or yard, existing or under construction legally at the time of the passage of this ordinance, which does not by reason of design, use or dimensions conform to the regulations of the district in which it is situated. A use, building or yard established after the passage of this ordinance, which does not conform to regulations of the district in which it is situated, shall be considered an illegal nonconforming use.

*MOTOR COURT OR MOTEL.* A building or group of buildings containing one (1) or more guest rooms having separate outside entrances for each such room or suite of rooms and for which rooms or suites of rooms, automobile parking space is provided.

*OFFICES.* Space or rooms used for professional, administrative, clerical and similar uses.

*OUTDOOR ADVERTISING SIGNS AND BILLBOARDS.* A sign, including the supporting sign structure, which directs the attention of the general public to a business, service or activity not usually conducted, or a product not usually offered or sold, upon the premises where such a sign is located, and such sign or billboard shall be considered a commercial use.

*OUTDOOR STORAGE:* A depository or place for storing goods related to the establishment on the same premises and not located within a building.

*PARKING SPACE.* A space located on private or public property not less than 160 square feet exclusive of the driveways connecting the space with a street or alley. The *Parking Space* and connecting driveway shall be durably surfaced and so arranged to permit satisfactory ingress and egress of an automobile, in accordance with Article VII, Section 6, Sub-section 6.4 of this ordinance, one (1) automobile.

*PARKING AREA, PUBLIC.* An open area other than a street or alley used for the temporary parking of more than four (4) self-propelled vehicles and available for public use whether free, for compensation or as an accommodation for clients or customers.

*PARKING AREA, SEMI-PUBLIC.* An open area other than a street or alley used for temporary parking of more than four (4) self-propelled vehicles as an accessory use to semi-public institutions, schools, churches, hospitals and noncommercial clubs.

*PEN.* A small area fenced and used to confine small animals or other livestock.

*PLANNED UNIT DEVELOPMENT (PUD).* A land tract in which a multiplicity of land uses may be permitted, including single-family residential, multifamily residential, public use and compatible commercial use, and in which land, not used by residential or commercial structures and yards but required by basic zoning of the site, shall be reserved collectively in contiguous units accessible to all the building sites in the development as open space for the purpose of providing recreational facilities and pedestrian circulation.

*PLANNING COMMISSION.* The appointed body designated as the City of Louisville Zoning and Planning Board.

*PREMISES:* Land, together with the structure or structures occupying it.

*PRINCIPAL PERMITTED USE.* That use of a zoning lot which is among the uses allowed as a matter of right under the zoning classification.

*PROFESSIONAL OCCUPATION.* A recognized profession requiring specialized knowledge and intensive academic preparation, such as physicians, attorneys, dentists, engineers, architects, certified public accountants, ministers and similar professions.

*RIGHT-OF-WAY.* The land occupied, including necessary parkway or open space, dedicated or designated for the use of a public street or alley.

*ROOMING HOUSE.* A dwelling containing not less than three (3) or more than nine (9) lodging rooms that accommodate one (1) or more persons who are not members of the keeper's family; provided, however, that the letting of rooms for hire, to the extent permitted by this ordinance as a home occupation, shall not in itself cause a dwelling to be a rooming house. In a rooming house, lodging with or without meals are provided for compensation on a weekly or monthly basis. Rooming house includes boarding house.

*SCREENING.* This term refers to landscaping, fencing and, or architectural barriers erected as required by this ordinance to provide visual and/or noise barrier from adjacent properties and streets.

*SERVICE STATION.* Any building, structure or land used primarily for the dispensing, sale, or offering for sale at retail of any automotive fuels, oils, accessories or other sundry items normally sold at service stations for the traveling public, but not including major repair work such as motor overhaul, body and fender repairs or spray painting.

*SIGN.* Means any device, light, figure, picture, letter, work, message, symbol; plaque or poster, visible from outside the premises on which it is located and designed to inform or attract the attention of persons not on that premises, excluding searchlights. See Article XI, Sign Regulations.

*SIGN, SHINGLE.* Means a non-thermal electric, non-self-illuminating sign of not more than two (2) square feet of surface area, which is commonly used for identification by members of a recognized profession.

*SIGN, REAL ESTATE.* Means a sign offering property for sale or rent by either an owner or real estate agent.

*SITE PLAN REVIEW.* The Administrative Building Official shall have the duty to review required site plans, and provide recommendations to the Zoning and Planning Board as herein provided for in the ordinance.

*SPACE SATELLITE TELEVISION ANTENNA.* An accessory structure used to receive audio-visual waves from satellites in outer space. Ground-mounted, private, noncommercial space satellite antennas twelve (12) feet or less in diameter are permitted as an accessory structure.

*STABLE, PRIVATE.* An accessory building for the keeping of horses or mules owned by the occupants or the premises and not kept for remuneration, hire or sale.

*STABLE, PUBLIC.* A stable other than a private or riding stable.

*STABLE, RIDING.* A structure in which horses or mules used for pleasure riding or driving are housed, boarded or kept for hire, including a riding track.

*STORY.* That part of a building included between the surface of one (1) floor and the surface of the next floor above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is the highest story having its interior floor surface not more than four (4) feet above the curb level, or the average elevation of the finished grade along the front of the building were it set back from the street.

*STREET.* Any public or private right-of-way set aside for common travel more than twenty-one (21) feet in width if such existed at the time of enactment of this ordinance, or such right of way forty (40) feet or more in width if established thereafter.

*STREET LINE.* Public right-of-way line of a street.

*STRUCTURE.* Anything constructed or erected, including buildings, which requires location on the ground or attached to anything having a location on the ground, including but not limited to advertising signs, billboards and poster panels; but exclusive of customary fences or boundary or retaining walls; sidewalks and curbs, telephone poles and overhead wires.

*STRUCTURAL ALTERATIONS.* Any change in the supporting members of building, such as bearing walls, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

*SUBDIVISION.* An area of land divided into lots for development by means of an appropriately recorded legal document.



*TOWNHOUSE.* One of a series of single family dwelling units which are either structurally connected, or which are constructed immediately adjacent to each other without side yards between the dwelling units.

*TOWNHOUSE SUBDIVISION.* The term “townhouse subdivision” shall apply to those developments in which it is proposed to partition land into individual lots and construct townhouses, which may be individually owned, and where the minimum lot sizes shall be as required under RMF, Residential Multi-Family District.

*TRACT DEVELOPMENT.* A tract of land at least two and one-half (2.5) acres in size designed for residential purposes, where dwellings may be grouped or clustered to maximize advantageous development of the site, and where, through the proper use of common maintained open space, character and density requirements of the residential district in which it is located are satisfied.

*TRAILER PARK.* Any site, lot, field, or tract of land, privately or publicly owned or operated, containing two (2) or more house trailers designed or intended to be used as temporary living facilities, and such establishments being open and designated to the public as places intended primarily for temporary residential automobile transients, whether operated for or without compensation.

*USE.* The purpose for which land or a building or other structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.

*UNOBSTRUCTED OPEN SPACE.* An area of land upon which no structure may be erected.

*USED AUTOMOBILE JUNK AREA.* An area, other than a street or alley, used for the dismantling or wrecking of used automobiles or the storage, sale or dumping of dismantled or wrecked automobiles or their parts.

*VARIANCE.* A modification from the provisions of this ordinance by the Zoning and Planning Board in cases when enforcement of its provisions would result in unnecessary hardship.

*YARD.* An open space other than a court on the same lot with the main building, unoccupied and unobstructed by buildings from the ground to the sky, except as otherwise provided herein. In measuring to determine the width of side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

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

*YARD, REAR.* The yard extending across the entire rear width of a lot, measured between inner side yard lines, and being the minimum distance between the rear lot line and the further-most rear line of the main building. On both corner lots and interior lots the *Rear Yard* shall in all cases be at the opposite end of the lot from the front yard.

*YARD, SIDE.* The yard extending along a side lot line, between the buildings and the side line of the lot, including covered porches and carports, unoccupied and unobstructed by any portion of a structure from the ground upward and extending from the front building line to the rear building line.

*ZERO LOT LINE SUBDIVISION.* A residential complex consisting of no less than ten (10) zero lot line lots.

*ZONING ADMINISTRATOR.* The city official, designated by the Mayor and Board of Aldermen, responsible for administration and enforcement of the city zoning ordinance.

*ZONING BOARD.* The appointed body designated as the City of Louisville Zoning and Planning Board.

### **Sec. 3. SIGN DEFINITIONS.**

For the purposes of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them:

*ADDRESS SIGN:* A sign denoting the street address number and/or the name of the owner of the property, which sign is located on the same site as the building.

*ADVERTISING DEVICE:* Banners affixed on poles, wires or ropes, and streamers, wind operated devices, flashing lights, and other similar devices

*BENCH SIGN:* A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

*BUSINESS IDENTIFICATION SIGN:* A sign displaying the name of the business to which it pertains and/or the names or description of the products or services sold or offered by such business at the site on which the business and sign are located.

*CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGN (CEVMS).* A sign which permits light to be turned on or off periodically or which is operated in a way whereby light is turned on or off periodically (including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, LED (light emitting diode) sign or digital sign) and which varies in intensity or color. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the national standard.

*CHARACTER:* Means any letter of the alphabet or any numeral.

*CONSTRUCTION SIGN.* A temporary sign stating the names of those individuals or businesses directly connected with a construction project, or with any maintenance or improvement

activity on a property including financial institutions, general and subcontractors, architectural, and engineering firms, painting, roofing, and landscaping firms, and all such parties, addresses, and telephone numbers.

*DIRECTORY SIGN.* Any sign on which the names and indications of occupants or the use of the building is given. This shall include office buildings and church directories.

*EFFECTIVE AREA FOR DETACHED SIGNS.* Means they are enclosed by the minimum imaginary rectangle of vertical and horizontal lines which fully contains all extremities of the sign, exclusive of its supports. This rectangle is to be calculated from the orthographic projection of the sign viewed horizontally. A viewpoint for this projection is to be taken which gives the largest rectangle of that kind, as the viewpoint is rotated horizontally around the sign. If elements of the sign are movable or flexible, as a flag or string of lights, the measurement shall be taken when the elements are fully extended and parallel to the plane of view.

*EFFECTIVE AREA FOR ATTACHED SIGNS.* Shall mean the sum of the areas of the minimum imaginary rectangles enclosing each word attached to any particular façade. A horizontal "orthographic projection" is simply a non-perspective view of an object, a perpendicular projection seen from the ground, like the architect's elevation of a building. The "effective area" definition suggests a two-step process for calculating sign area. First, one must choose the point of view from which the sign looks widest. For flat signs, this viewpoint is directly opposite the face. If the sign were a cube in shape, this viewpoint would be opposite a corner. Now the picture of the sign seen from this viewpoint is enclosed within the smallest rectangle, which fully contains the sign. The area of that rectangle is the "effective area" of the sign.

*FAÇADE.* Means any separate face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space. Where separate faces are oriented in the same direction, or in the directions within forty-five (45) degrees of one another, they are to be considered part of a single façade.

*FREE STANDING SIGN.* A sign which is supported by one or more uprights, braces, pedestals, or other solid foundations in or upon the ground. It may be a multi-face sign and shall also include signs sometimes referred to as post signs, monument signs, pole signs, or ground signs.

*GARAGE SALE OR ESTATE SALE SIGN.* Signs advertising the sale by the homeowner of items of personal property and containing only the words "Garage Sale" or "Estate Sale."

*GROUND SIGN.* Any sign erected, constructed, or maintained for the purpose of displaying outdoor advertising by means of posters, pictures, pictorial and reading matter when such sign is supported by two or more uprights, posts, or braces affixed in the ground and not attached to any part of a building.

*HEIGHT:* As applied to a sign, shall be measured as the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and a level plane going through the elevation at finish grade at the base of the sign.

*INTERSECTION.* Means the junctions of the centerlines of any two (2) public right-of-way, other than alleyways.

*ILLUMINATED SIGN OR LIGHTED SIGN.* Terms which may be used interchangeably and shall refer to any sign which has a source of light, either internal or external, for the purpose of illuminating such sign.

*INSTITUTIONAL SIGN.* Any on-premises sign relating to schools, churches, hospitals, universities, or similar institutions.

*LOST PET SIGN.* A sign indicating the loss of a pet giving a description thereof and the address and phone number of the owner.

*LUMINANCE.* Means the brightness of a sign or a portion thereof expressed in terms of foot Lambert's. For the purposes of this definition, luminance shall be determined by the use of an exposure meter calibrated to standards established by the National Bureau of Standards and equipped with a foot-lambert scale.

*MARQUEE SIGN.* Any sign affixed to a marquee over the entrance to a building and supported from the building.

*OCCUPANCY.* The purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include changes of tenants or proprietors.

*OFF-PREMISES SIGN.* Any sign that advertises products, goods, services, business entities, or other items, entities, or activities that are not located on the same premises as the sign.

*ON-PREMISES SIGN.* Any sign that advertises products, goods, services, business entities, or other items, entities, or activities that are located on the same premises as the sign.

*POLITICAL SIGN.* A temporary sign indicating the name and/or picture of an individual seeking election or appointment to a public office, or relating to a forthcoming public election or referendum, or pertaining to the advocating by persons, groups, or parties of political views or policies.

*PORTABLE SIGN.* Any sign or other advertising device, usually of a temporary nature, which is not intended to be permanently affixed to the ground or any supporting structure. Such signs include trailer-mounted signs. The Building Official shall have the authority to determine what signs are portable on a case by case basis.

*POST SIGN.* Any letter, word, model sign, device or representation used in the nature of an advertisement or announcement not attached to a building and which is supported by a single stationary pole or post.

*PROJECTING SIGN.* A sign which is attached to and projects more than 12 inches from the face of a wall of a building.

*PREMISES.* Means any lot or un-platted tract, or any combination of contiguous lots or un-platted tracts, held under single ownership.

*PYLON SIGN.* A free-standing structure which contains two or more separate business identification signs for entities within a shopping mall, strip center, or similar project.

*REAL ESTATE SIGN.* (Such as a “for sale” sign, “for lease” sign, “for rent” sign, and the like.) A sign indicating that the premises on which the sign is located, or any portion thereof, is for sale, lease, or rent, and containing any of the following information: a description of the premises offered for sale, lease, or rent. The sign may include information indicating a pending contract or the fact that the property is sold, or the fact that the building is open for public viewing.

*ROOF SIGN.* Any sign erected, constructed, or maintained upon the roof of any building or any wall sign which extends more than 36 inches above the roof line or parapet wall of a building.

*SETBACK.* Means the required distance between any point on private land and the nearest point at the edge of the nearest public right-of-way, other than an alley. Where a public way crosses a railroad right-of-way, the setback distance is to be measured from the public right-of-way line extended across the railroad right-of-way.

*SIGN.* Means any device, light, figure, identification, description, picture, letter, word, message, symbol, plaque or poster, illustration, illuminated or non-illuminated, excluding searchlights, which is affixed to or represented directly or indirectly upon a building, structure, or land, and which directs attention to a product, service, place, activity, person, institution, or business. Signs erected by an authorized public agency for the purpose of directing traffic or providing information are not affected by these regulations, National and state flags, when properly displayed, are not considered a sign under these regulations.

*SIGN AREA.* The total area of the space to be used for advertising purposes, including the spaces between open type letters and figures, including the background structure, or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of a sign. A double faced sign shall be allowed the total area of a single faced sign on each face

*SIGN, ATTACHED/WALL SIGN.* Means any sign attached to, applied on, or supported by, any part of a building (such as a wall, roof, window, canopy, awning, arcade or marquee) which encloses or covers usable space.

*SIGN, DETACHED/GROUND-MOUNTED SIGN.* Means any sign connected to the ground, which is not an attached sign, inclusive of signs on movable objects.

*SIGN, DIRECTIONAL.* Means a non-premises sign whose content is limited exclusively to the identification of specific premises or occupancy located elsewhere, and which tells the location of or route to that premises or occupancy.

*SIGN, ILLUMINATED.* Means any sign, which is directly lighted by any electrical light source internal or external. This definition shall not include signs which are illuminated by streetlights

or other light sources owned by any public agency, or light sources which are specifically operated for the purpose of lighting the area in which the sign is located, rather than the sign itself.

*SIGN, NON-PREMISES.* Means any sign, which is not a premises sign.

*SIGN, POLITICAL.* Means any type of non-premises sign, which refers only to the issues or candidates involved in a political election.

*SIGN, PREMISES.* Means any sign, the content of which relates to the premises on which it is located, referring exclusively to the name, location, products, persons, accommodations, services or activities of or on those premises, or the sale, lease or construction of those premises.

*SIGN, REAL ESTATE.* Means a sign offering property for sale or rent by either an owner or real estate agent.

*SIGN, SHINGLE.* Means a non-internal electric, non-self-illuminating sign of not more than two (2) square feet of surface area which is commonly used for identification by members of a recognized profession.

*SIGN, SPECIAL PURPOSE.* Means a sign temporarily supplementing the permanent signs on a premises.

*SIGN TRAILER/PORTABLE.* Means a temporary sign structure for use with or without changeable type lettering, illuminated or non-illuminated, with or without wheels, not permanently attached to the ground.

*SIGN, VEHICULAR.* Means any sign on a vehicle moving along the ground or on any vehicle parked temporarily, incidental to its principal use for transportation. This definition shall not include signs, which are being transported to site of permanent erection.

*TEMPORARY SIGN.* Ground signs advertising future use or development of property with a sign area per face not exceeding one hundred (100) square feet, not remaining more than six months on the property on which it is located and not more than one sign per parcel of land and located not closer than one(1) foot from the right-of-way.

*TRAFFIC DIRECTIONAL SIGN.* Any sign which aids the flow of traffic.

*WALL SIGN.* Any sign or poster on any surface or plane that may be affixed to the front, side or rear wall of any building. Any sign on a window which exceeds more than twenty (20) percent of the window area is considered a wall sign.

*WORD.* For the purpose of this section, one (1) word shall be deemed to be any of the following:

- (1) Any word in any language found in any standard unabridged dictionary or dictionary of slang.
- (2) Any proper noun or any initial.
- (3) Any separate symbol or abbreviation, such as “&”, “\$”, “%”, “and

- (4) Any telephone number, street number or commonly used combination of numerals and/or symbols such as “\$55.00,” or “50%”.
- (5) Any symbol or logo which is a registered trademark, but which itself contains no word or character.
- (6) Otherwise, each separate character is considered to be a word.

## ARTICLE IX DISTRICT REGULATIONS

### Sec. 1. REGULATIONS APPLYING TO ALL DISTRICTS.

#### 1.1. *USES PERMITTED:*

- (1) Public Utilities (but not including power substations and pumping stations.);
- (2) Public buildings of a governmental nature, including public schools and libraries;
- (3) Recreational facilities, including parks, playgrounds, stadiums, etc.
- (4) Accessory Structures;
- (5) Other uses similar to the above, after Zoning and Planning Board review and recommendation; and approval by the Mayor and Board of Aldermen.

#### 1.2. *USES PERMITTED ON APPEAL:*

- (1) Public utilities, not otherwise specified, including power substations and pumping stations.
- (2) Public buildings of a proprietary nature;
- (3) General Hospitals for humans;
- (4) Semi-public buildings and uses, including private schools and churches;
- (5) Cemeteries and Funeral Homes;
- (6) Day Care Centers for Children and Adult Care Centers;
- (7) Home Occupations;
- (8) Other uses similar to the above, after Zoning and Planning Board review and recommendation; and approval by the Mayor and Board of Aldermen.

#### 1.3. *MINIMUM LOT SIZE:*

*Churches* - 1½-acre minimum to serve 75 persons; one acre for each additional 50 persons seating capacity.

*Schools* - Elementary and Junior High - 5 acre minimum for 500 pupils; one acre for each additional 100 pupils.

*High School* - 10 acre minimum for 1,000 pupils; one acre for each additional 100 pupils.

#### 1.4. *MINIMUM YARD SIZE:* (Public and Semi-public Buildings)

Structure shall not be nearer than 35 feet to any property line.

#### 1.5. *OPEN SPACE REQUIREMENT:* (in addition to space required for parking or driveways)

Schools - 450 square feet per pupil

Hospitals - 100 square feet per bed

Churches - 450 square feet for each 5 seats; or in the case of general purpose room without fixed seating 450 square feet for each 50 square feet of floor area

#### 1.6. *MAXIMUM HEIGHT:* (Public and Semi-public buildings)

Maximum building height shall be thirty-five feet, not to exceed two (2) stories.



**1.7. PARKING REQUIREMENTS:**

- (a) Church, auditorium, stadiums, and similar uses: One parking space for each five (5) seats.
- (b) Schools: five (5) parking spaces for each school room.
- (c) Hospitals: two spaces for each bed.

**Sec. 2. RESIDENTIAL DISTRICTS CLASSIFICATIONS.**

Item	R-1	R-2	R-3	RMF
Permitted, Appealed and Prohibited Uses	See Chart Number 1 on page 47			
Required Lot Dimensions:				
Minimum lot area, one family, sq. ft.	15000	10000	10000	7200
Each Additional Family	-	-	2000	2000
Minimum lot width at building line, feet	100	80	80	60
Minimum depth of front yard, feet	35	30	30	25
Minimum depth of rear yard, feet	35	35	35	35
Minimum width of each side yard, feet	10	10	10	10
Maximum building area, percent of gross lot area	25%	40%	40%	40%
Maximum building height: feet/stories	35/2	35/2	35/2	35/2
Off- Street parking requirement: Car spaces per family dwelling unit	2	2	2	2

**Sec. 3. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT (LARGE LOT).****3.1. GENERAL DESCRIPTION.**

This is the most restrictive residential district. The principal use of land is for single-family dwellings and with special permission, 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.

3.2. *USES PERMITTED.*

The following uses of property, buildings or structures [are permitted]:

- (1) Accessory building located on the same lot;
- (2) Dwelling, single-family;
- (3) Public buildings of a governmental nature;
- (4) Public utilities (except substations and pumping stations);
- (5) Recreational facilities, public park and playground.
- (6) Other uses similar to the above, after Zoning and Planning Board review and recommendation; and approval by the Mayor and Board of Aldermen.

3.3. *USES PERMITTED ON APPEAL AFTER PLANNING AND ZONING BOARD REVIEW AND RECOMMENDATION AND APPROVAL BY THE MAYOR AND BOARD OF ALDERMEN.*

- (1) Antique Furniture Sales\*\*\* & Professional Offices\*\*\* (See page 48)
- (2) Bed and Breakfast;
- (3) General hospitals for humans;
- (4) Public buildings of a proprietary nature;
- (5) Public utilities ( including power substations and pumping stations);
- (6) Semi-public buildings (including private schools and churches);
- (7) Home Occupation;
- (8) Modular or Mobile Home\*\* subject to requirements of Article IX, Section 18 (See page 71)
- (9) Accessory Dwelling Units.
- (10) Other uses similar to the above, after Zoning and Planning Board review and recommendation; and approval by the Mayor and Board of Aldermen.

3.4. *USES PROHIBITED.* Uses specifically prohibited in the R-1 Single-family Residential District shall be as follows:

- (1) Apartments;
- (2) Lodges and clubs, not operated for profit;
- (3) Offices;
- (4) Rooming and boarding houses;
- (5) Two family residential structure;
- (6) Two, three and four unit residential structures;
- (7) Townhouse
- (8) Any commercial or incidental use not specifically permitted;
- (9) Other uses similar to the above, after Zoning and Planning Board review and recommendation; and approval by the Mayor and Board of Aldermen.

3.5. *AREA AND SETBACK REGULATIONS.*

*Lot area:* A minimum of fifteen thousand (15,000) square feet. For lots not served by public sanitary sewer or a central sewage disposal system, the minimum lot size shall be determined by the state board of health, the air and water pollution control

commission and the city engineer. The builder shall furnish a certificate from the state board of health, which sets out the minimum size of each such residential lot.

*Lot width:* A minimum of one hundred (100) feet at building setback line.

*Yards:*

*Front:* Setback a minimum depth of not less than thirty-five (35) feet;

*Rear:* Setback a minimum depth of not less than thirty-five (35) feet;

*Side:* (1.) On interior lots there shall be a side yard on each side of a building having a width of not less than ten (10) feet.

(2.) On corner lots, the set back regulation shall be the same as for interior lots, with the setback from both streets being the minimum front yard depth of thirty-five (35) feet.

*Building area:* Maximum percent of gross lot area shall be twenty-five (25) percent.

*Height regulations:* Maximum building height shall be thirty-five (35) feet, not to exceed two (2) stories.

3.6. *ACCESSORY STRUCTURES:* Not to exceed one (1) story in height or be located not less than sixty (60) feet from the front lot line, nor less than the distance required for the main building from any side lot line. The area of accessory buildings shall not exceed fifty (50) percent of the area of the main building. An accessory structure may be constructed, as a part of the main building in which case the regulations controlling the main building shall apply. Accessory structure includes space satellite antennas.

3.7. *ACCESSORY DWELLING UNIT:* Not to exceed one (1) per lot or be located not less than sixty (60) feet from the front lot line, nor less than the distance required for the main building from any side lot line. The area of accessory buildings shall not exceed fifty (50) percent of the area of the main building. An accessory structure may be constructed, as a part of the main building in which case the regulations controlling the main building shall apply.

3.8. *OFF-STREET PARKING REQUIREMENTS.* Car spaces per family dwelling unit shall be minimum of two (2) spaces.

#### **Sec. 4. R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT (SMALL LOT).**

4.1. *GENERAL DESCRIPTION.* This residential district is to provide for medium population density. The principal use of land is for single-family dwelling units with more restrictive lot area.

4.2. *USES PERMITTED.* The following uses of property, buildings or structures [are permitted]:

- (1) Dwelling, single-family;
- (2) Accessory building located on the same lot;
- (3) Public buildings of a governmental nature;

- (4) Public utilities (except substations and pumping stations);
- (5) Recreational facilities, public park and playground;
- (6) Other uses similar to the above, after Zoning and Planning Board review and recommendation; and approval by the Mayor and Board of Aldermen.

*4.3. USES PERMITTED ON APPEAL AFTER PLANNING AND ZONING BOARD REVIEW AND RECOMMENDATION AND APPROVAL BY THE MAYOR AND BOARD OF ALDERMEN.*

- (1) Antique Furniture Sales\*\*\*& and Professional Offices\*\*\*
- (2) Bed and Breakfast;
- (3) General hospitals for humans;
- (4) Home Occupation;
- (5) Modular and/or mobile homes\*\* subject to requirements of Article IX, Section 18;
- (6) Public buildings of a proprietary nature;
- (7) Public utilities ( including power substations and pumping stations);
- (8) Semi-public buildings (including private schools and churches);
- (9) Other uses similar to the above, after Zoning and Planning Board review and recommendation; and approval by the Mayor and Board of Aldermen.

*4.4 USES PROHIBITED.* Uses specifically prohibited in the R-2 Single-family Residential District shall be as follows:

- (1) Apartments;
- (2) Lodges and clubs, not operated for profit;
- (3) Offices;
- (4) Rooming and boarding houses;
- (5) Two family residential structures;
- (6) Two, three and four unit residential structures;
- (7) Townhouse
- (8) Any commercial or incidental use not specifically permitted;
- (9) Other uses similar to the above, after Zoning and Planning Board review and recommendation; and approval by the Mayor and Board of Aldermen.

*4.5. AREA AND SETBACK REGULATIONS. Lot area:* A minimum of ten thousand (10,000) square feet. For lots not served by public sanitary sewer or a central sewage disposal system, the minimum lot size shall be determined by the state board of health, the air and water pollution control commission and the city engineer. The builder shall furnish a certificate from the state board of health, which sets out the minimum size of each such residential lot.

*Lot width:* A minimum of eighty (80) feet at building setback line.

*Yards:*

*Front:* Setback a minimum depth of not less than thirty (30) feet;

*Rear:* Setback a minimum depth of not less than thirty-five (35) feet;

*Side:* (1.) On interior lots there shall be a side yard on each side of a building having a width of not less than ten (10) feet.

(2.) On corner lots, the set back regulation shall be the same as for interior lots, with the setback from both streets being the minimum front yard depth of thirty (30) feet.

*Building area:* Maximum percent of gross lot area shall be forty (40) percent.

*Height regulations:* Maximum building height shall be thirty-five (35) feet, not to exceed two (2) stories.

4.6. *ACCESSORY STRUCTURES:* Not to exceed one (1) story in height or be located not less than sixty (60) feet from the front lot line, nor less than the distance required for the main building from any side lot line. The area of accessory buildings shall not exceed fifty (50) percent of the area of the main building. An accessory structure may be constructed, as a part of the main building in which case the regulations controlling the main building shall apply. Accessory structure includes space satellite antennas.

For lots not served by a public sanitary sewer or a central sewerage disposal system, the minimum lot size shall be determined by the State Board of Health, the Air and Water Pollution Control commission and the city engineer. The builder shall furnish a certificate from the State board of Health, which sets out the minimum size of each such residential lot.

4.7. *OFF-STREET PARKING REQUIREMENTS.* Car spaces per family dwelling unit shall be minimum of two (2) spaces.

## **Sec. 5. R-3 SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DISTRICT.**

### *5.1. GENERAL DESCRIPTION.*

This residential district is to provide for medium population density. The principal use of land may range from single-family to two-family dwelling units.

### *5.2. USES PERMITTED.*

The following uses of property, buildings or structures [are permitted]:

- (1) Accessory building located on the same lot;
- (2) Dwelling, single-family;
- (3) Two family residential structure.
- (4) Public buildings of a governmental nature;
- (5) Public utilities (except substations and pumping stations);
- (6) Recreational facilities, public park and playground;
- (7) Other uses similar to the above, after Zoning and Planning Board review and recommendation; and approval by the Mayor and Board of Aldermen.

*5.3. USES PERMITTED ON APPEAL AFTER PLANNING AND ZONING BOARD REVIEW AND RECOMMENDATION AND APPROVAL BY THE MAYOR AND BOARD OF ALDERMEN.*

- (1) Antique Furniture Sales\*\*\*& and Professional Offices\*\*\*
- (2) Apartments permitted only as Planned Unit Development;
- (3) Bed and Breakfast;
- (4) General hospitals for humans;
- (5) Home occupation;
- (6) Lodges and clubs, not operated for profit permitted only as Planned Unit Development;
- (7) Modular and/or mobile home\*\* subject to requirements of Article IX, Section 18;
- (8) Offices permitted only as Planned Unit Development;
- (9) Public buildings of a proprietary nature;
- (10) Public utilities ( including power substations and pumping stations);
- (11) Residential structures containing three, or four family units permitted only as Planned Unit Development;
- (12) Rooming and boarding houses permitted only as Planned Unit Development;
- (13) Semi-public buildings (including private schools and churches);
- (14) Townhouse
- (15) Other uses similar to the above, after Zoning and Planning Board review and recommendation; and approval by the Mayor and Board of Aldermen.

*5.4. USES PROHIBITED.*

Uses specifically prohibited in the R-3 Single-family and Two-family Residential District shall be as follows:

- (1) Any commercial or incidental use not specifically permitted.
- (2) Other uses similar to the above, after Zoning and Planning Board review and recommendation; and approval by the Mayor and Board of Aldermen.

*5.5. AREA AND SETBACK REGULATIONS.*

*Lot area:* A minimum of ten thousand (10,000) square feet. Each additional family shall require an additional two thousand (2000) square feet. For lots not served by public sanitary sewer or a central sewage disposal system, the minimum lot size shall be determined by the state board of health, the air and water pollution control commission and the city engineer. The builder shall furnish a certificate from the state board of health, which sets out the minimum size of each such residential lot.

*Lot width:* A minimum of eighty (80) feet at building setback line.

*Yards:*

*Front:* Setback a minimum depth of not less than thirty (30) feet;

*Rear:* Setback a minimum depth of not less than thirty-five (35) feet;

- Side:* (1.) On interior lots there shall be a side yard on each side of a building having a width of not less than ten (10) feet.
- (2.) On corner lots, the set back regulation shall be the same as for interior lots, with the setback from both streets being the minimum front yard depth of thirty-five (35) feet.

*Building area:* Maximum percent of gross lot area shall be forty (40) percent.

*Height regulations:* Maximum building height shall be thirty-five (35) feet, not to exceed two (2) stories.

5.6. *ACCESSORY STRUCTURES:* Not to exceed one (1) story in height or be located not less than sixty (60) feet from the front lot line, nor less than the distance required for the main building from any side lot line. The area of accessory buildings shall not exceed fifty (50) percent of the area of the main building. An accessory structure may be constructed, as a part of the main building in which case the regulations controlling the main building shall apply. Accessory structure includes space satellite antennas.

For lots not served by a public sanitary sewer or a central sewerage disposal system, the minimum lot size shall be determined by the State Board of Health, the Air and Water Pollution Control commission and the city engineer. The builder shall furnish a certificate from the State board of Health, which sets out the minimum size of each such residential lot.

5.7. *OFF-STREET PARKING REQUIREMENTS.* Car spaces per family dwelling unit shall be minimum of two (2) spaces.

## **Sec. 6. RMF RESIDENTIAL MULTI-FAMILY DISTRICT.**

### *6.1. GENERAL DESCRIPTION.*

This is a residential district to provide for medium to moderately high population density. The principal use of land may range from two-family dwelling units to multifamily, townhouses and apartment uses. Certain uses which are more compatible functionally with intensive residential uses than with commercial uses are permitted.

### *6.2. USES PERMITTED.*

The following uses of property, buildings or structures [are permitted]:

- (1) Accessory building located on the same lot;
- (2) Dwelling, single-family and two family units;
- (3) Apartments;
- (4) Public utilities (except substations and pumping stations);
- (5) Public buildings of a governmental nature;
- (6) Recreational facilities, public park and playground;
- (7) Two, three or four unit residential structures;

- (8) Townhouse;
- (9) Other uses similar to the above, after Zoning and Planning Board review and recommendation; and approval by the Mayor and Board of Aldermen.

*6.3. USES PERMITTED ON APPEAL AFTER PLANNING AND ZONING BOARD REVIEW AND RECOMMENDATION AND APPROVAL BY THE MAYOR AND BOARD OF ALDERMEN.*

- (1) Antique Furniture Sales\*\*\* and Professional Offices\*\*\*
- (2) Bed and Breakfast;
- (3) General hospitals for humans;
- (4) Home occupation;
- (5) Lodges and clubs, not operated for profit permitted only as Planned Unit Development;
- (6) Modular and/or mobile home subject to requirements of Article IX, Section 18;
- (7) Offices, permitted only as Planned Unit Development;
- (8) Public buildings of a proprietary nature;
- (9) Public utilities (including substations and pumping stations);
- (10) Rooming and boarding houses permitted only as Planned Unit Development;
- (11) Semi-public buildings (including private schools and churches);
- (12) Other uses similar to the above, after Zoning and Planning Board review and recommendation; and approval by the Mayor and Board of Aldermen.

*6.4. USES PROHIBITED.* Uses specifically prohibited in the RMF Residential Multi-Family District shall be as follows:

- (1) Any commercial or incidental use not specifically permitted.
- (2) Other uses similar to the above, after Zoning and Planning Board review and recommendation; and approval by the Mayor and Board of Aldermen.

*6.5. AREA AND SETBACK REGULATIONS.*

*Lot area:* A minimum of seven thousand two hundred (7,200) square feet. Each additional family shall require an additional two thousand (2000) square feet. For lots not served by public sanitary sewer or a central sewage disposal system, the minimum lot size shall be determined by the state board of health, the air and water pollution control commission and the city engineer. The builder shall furnish a certificate from the state board of health, which sets out the minimum size of each such residential lot.

*Lot width:* A minimum of sixty (60) feet at building setback line.

*Yards:*

*Front:* Setback a minimum depth of not less than twenty-five (25) feet;

*Rear:* Setback a minimum depth of not less than thirty-five (35) feet;

*Side:* (1.) On interior lots there shall be a side yard on each side of a building having a width of not less than ten (10) feet.



(2.) On corner lots, the set back regulation shall be the same as for interior lots, with the setback from both streets being the minimum front yard depth of twenty-five (25) feet.

*Building area:* Maximum percent of gross lot area shall be forty (40) percent.

*Height regulations:* Maximum building height shall be thirty-five (35) feet, not to exceed two (2) stories.

6.6. *ACCESSORY STRUCTURES:* Not to exceed one (1) story in height or be located not less than sixty (60) feet from the front lot line, nor less than the distance required for the main building from any side lot line. The area of accessory buildings shall not exceed fifty (50) percent of the area of the main building. An accessory structure may be constructed, as a part of the main building in which case the regulations controlling the main building shall apply. Accessory structure includes space satellite antennas.

For lots not served by a public sanitary sewer or a central sewerage disposal system, the minimum lot size shall be determined by the State Board of Health, the Air and Water Pollution Control commission and the city engineer. The builder shall furnish a certificate from the State board of Health, which sets out the minimum size of each such residential lot.

6.7. *OFF-STREET PARKING REQUIREMENTS* Car spaces per family dwelling unit shall be minimum of two (2) spaces.

## Sec. 7. RESIDENTIAL DISTRICT USES, CHART I.

<b>CHART I - RESIDENTIAL USES</b>				
<b>X – Permitted    A - Permitted on Appeal    P – Prohibited</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>RMF</b>
Accessory Structures	X	X	X	X
Accessory Dwelling Unit	A	X	X	X
Antique Furniture Sales and Professional Offices	A***	A***	A***	A***
Apartments	P	P	A*	X
Bed and Breakfast	A	A	A	A
General hospitals for humans	A	A	A	A
Home occupation	A	A	A	A
Lodges and clubs, not operated for profit	P	P	A*	A*
Modular & or mobile home subject to requirements of Article IX, Section 18	A**	A**	A**	A**

<b>CHART I - RESIDENTIAL USES</b> <b>X – Permitted    A - Permitted on Appeal    P – Prohibited</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>RMF</b>
Offices permitted only as Planned Unit Development	P	P	A*	A*
Public buildings of a governmental nature	X	X	X	X
Public buildings of a proprietary nature	A	A	A	A
Public utilities (except substations and pumping stations)	X	X	X	X
Public utilities (inducing power substations and pumping stations)	A	A	A	A
Recreational facilities	X	X	X	X
Rooming and boarding houses	P	P	A*	A*
Semi-public buildings (including private schools and churches)	A	A	A	A
Single family dwelling	X	X	X	X
Townhouse	P	A	A*	X
Two family residential structure	P	P	P	X
Three, or four unit residential-structures	P	P	A*	X
Any commercial or incidental use not specially permitted	P	P	P	P

\*Permitted only as Planned Unit Development

\*\*Subject to requirements of Article IX Section 18

\*\*\* Additional restrictions apply for Antique and Professional Offices:

**Antique Furniture Sales:** Any antique furniture business operating in Residential R-1, R-2, or R-3 by virtue of an appeal granted by the Board under this provision of the Zoning Ordinance shall be located only in an existing, residential structure, which can be verified as having been originally constructed at least fifty (50) years prior to the date of application for appeal. The outside physical appearance of such existing, residential structure shall not be architecturally altered in any manner that would significantly change its existing appearance. (This restriction does not preclude normal painting, fix-up, repairs, etc.) Any signage associated with the business other than for safety and parking shall be unlighted and physically attached to the existing structure and shall not exceed four feet in width and three feet in height. Any and all storage, display and sales of antique furniture shall be conducted inside the residential structure, excluding porches. Petitioner(s) shall be required to maintain provisions for a minimum number of off-street parking spaces based upon one standard parking space for each 200 square feet of building space or fraction thereof. The construction of any auxiliary or ancillary buildings on Residential R-1, R-2 or R-3 property for which an appeal is granted to operate an antique furniture business under this provision of the Zoning Ordinance is strictly

prohibited. Any appeal granted by the Board for the operation of an Antique Furniture Business in Residential R-1, R-2, or R-3 property under the provisions of this amendment to the Zoning Ordinance shall be non-transferable and may not be conveyed with any future transfer of ownership of the subject property.

**Professional Offices:** For the purpose of this ordinance, professional offices are defined as offices for the practice of medicine, dentistry, chiropractics, architecture and engineering, attorney at-law, and accounting. The Board of Aldermen may also consider other professions that meet the generally defined standard of “professionals” although not specifically listed here. Any professional business operating in Residential R-1, R-2 or R-3 by virtue of an appeal granted by the Zoning and Planning Board under this provision of the Zoning Ordinance must operate in an existing residential dwelling fitting the general architectural standards of the surrounding residential dwellings. No existing residential dwelling may be removed or demolished for the purpose of establishing a professional business in a residential neighborhood. Any signage associated with the business other than for safety and parking shall be unlighted and physically attached to the existing structure and shall not exceed four feet in width and three feet in height. Petitioner(s) shall be required to maintain provisions for a minimum number of off-street parking spaces based upon eight standard parking space for each 800 square feet of building space or fraction thereof. The construction of any auxiliary or ancillary buildings on Residential R-1, R-2 or R-3 property for which an appeal is granted to operate a professional business under this provision of the Zoning Ordinance is strictly prohibited. Any appeal granted by the Zoning and Planning Board for the operation of a Professional Business in Residential R-1, R-2 or R-3 property under the provisions of this amendment to the Zoning Ordinance shall be non-transferable and may not be conveyed with any future transfer of ownership of the subject property.

## Sec. 8. COMMERCIAL DISTRICT CLASSIFICATIONS.

<b>Commercial District Classifications</b>				
<b>Item</b>		<b>B-1</b>	<b>B-2</b>	<b>B-3</b>
Classes of businesses or services permitted; or prohibited		See Chart Number 2 on page 60		
Minimum yard size:				
Front yard in feet		20	20	None
Rear yard in feet		20	20	None
Maximum height: feet/stories		35/2	35/2	50/3
Maximum building area, percent of gross lot area		25%	25%	100%
Off-Street parking requirements sq. ft. of parking per each 100 sq. ft. of building area		400	500	None

**SEC. 9. B-1 COMMERCIAL DISTRICT (RETAIL STORES AND PERSONAL SERVICES).**

*9.1. GENERAL DESCRIPTION.*

The purpose of this commercial district is to provide retail stores and personal service for the convenience of the people in adjacent residential area.

*9.2. USES PERMITTED:*

The following uses of property, buildings or structures [are permitted]:

- (1) Any use permitted in the R-3 Residential District, provided, however, that no residential use is allowed when that use faces or abuts an industrial district or use;
- (2) Antique Shop;
- (3) Art Supplies;
- (4) Bakery;
- (5) Banks and Financial Institution;
- (6) Barber shop, beauty parlor, chiropody, massage or similar personal service shop;
- (7) Bicycle sales and repair;
- (8) Blueprinting shop;
- (9) Book Store;
- (10) Business Supplies;
- (11) Clothing store;
- (12) Coin-operated, self-service laundry, and laundry and dry cleaning pick-up station;
- (13) Custom dressmaking, millinery, tailoring, shoe repairing, repairing of household utility article or similar trade;
- (14) Drug store and Pharmacy;
- (15) One and two family dwellings;
- (16) Eating establishment (except drive-in and drive-thru);
- (17) Fabric store;
- (18) Florist, provided no greenhouses are maintained on the premises;
- (19) Furniture Store;
- (20) Gift Store;
- (21) Grocery store;
- (22) Hardware or appliance stores;
- (23) Interior decorating shop;
- (24) Jewelry Store;
- (25) Liquor stores (when approved by ordinance);
- (26) Medical and dental office;
- (27) Mini-Storage Buildings;
- (28) Music Shop (Equipment, Merchandise, and Records);
- (29) Non-profit Clubs and Institutions;
- (30) Nursery Schools;
- (31) Office Building for Professionals, including insurance, real estate, lawyers, etc.;
- (32) Paint or hobby store, including sales of carpets, wall covering and similar household items;
- (33) Parking Lots;

- (34) Photographer's studio;
- (35) Post offices and similar services;
- (36) Specialty shop for the conduct of a retail business as limited herein; such as furniture, fabric, appliances, apparel, jewelry and gift items, etc.;
- (37) Shop for the repair of electrical, plumbing, radio and electric equipment, shoes, furniture and similar personal or household commodities;
- (38) Sporting goods;
- (39) Stores selling wall and/or floor covering;
- (40) Toy Store;
- (41) Training School;
- (42) Other uses similar to the above, after Zoning and Planning Board review and recommendation; and approval by the Mayor and Board of Aldermen.

Accessory buildings and uses customarily incidental to the above uses, including signs or bulletin boards shall meet regulations of the Sign Ordinance, Article XI. The above-specified stores, shops or businesses shall be retail establishments exclusively, selling merchandise and conducted wholly within an enclosed building. Each store, shop or business shall not exceed five thousand (5,000) square feet of floor area.

A concealing fence, minimum height of six (6) feet, shall be constructed by the commercial property owner on the property line adjacent to all R-1, R-2 and R-3 zoning.

All equipment, supplies and repairs shall be conducted inside a building.

*9.3. USES PERMITTED ON APPEAL AFTER ZONING AND PLANNING BOARD REVIEW AND RECOMMENDATION AND APPROVAL BY THE MAYOR AND BOARD OF ALDERMEN.*

- (1) Ambulance Services;
- (2) Art galleries, Theaters;
- (3) Automobile Repair, Garages, Parts Houses;
- (4) Automobile Service station, whose primary business is gasoline sales and automobile service, limited to the following:
  - A. Gasoline sales;
  - B. Lubrication and oil change, car wash;
  - C. Sale and installation of minor equipment; i.e., head lamps, windshield wipers, tires;
  - D. Motor tune-up, including replacing of spark plugs and points, exhaust pipes;
  - E. Refreshment bars;
  - F. No fender, body or paint shop and no major engine head or requiring racing; i.e., requiring removal of engine head or requiring racing of the motor;
- (5) Bowling and Ten-pin Allies;
- (6) Drive-in's or Drive-thru Eating Places;
- (7) Dwellings for 3 or more families;
- (8) Funeral Homes;
- (9) Hardware, Paint, or Garden Supplies;
- (10) Hospitals and Nursing Homes;

- (11) Hotels and motels, Boarding Houses;
- (12) Nurseries;
- (13) Pet Shops, conducted wholly within a completely enclosed sound proofed and air-conditioned building, provided, that noise and odors created by activities within the building shall not be perceptible beyond the property line, and that no animals are kept outside the building at any time;
- (14) Other uses similar to the above, after Zoning and Planning Board review and recommendation; and approval by the Mayor and Board of Aldermen.

The above-specified stores, shops or businesses shall be retail establishments exclusively, selling merchandise and conducted wholly within an enclosed building. Each store, shop or business shall not exceed five thousand (5,000) square feet of floor area.

A concealing fence shall be constructed on the property line adjacent to all R-1, R-2, R-3 and RMF zoning.

All equipment, supplies and repairs shall be conducted inside a building.

*9.4. USES PROHIBITED:*

- (1) Automobile Sales, New and Used;
- (2) Car Wash
- (3) Coal yards;
- (4) Domino Parlors;
- (5) Dry Cleaners and Laundries;
- (6) Fireworks Sales, except as permitted by local ordinance;
- (7) Large animal clinic, hospital or kennels;
- (8) Light Warehousing where articles are sold on premises;
- (9) Manufacturing incidental to a retail business where articles are sold at retail on the premises;
- (10) Mobile Home Sales;
- (11) Outdoor Advertising Sign and Structures, except as permitted by the provisions of the Sign Ordinance, Article XI;
- (12) Pawn Shops;
- (13) Pool Halls;
- (14) Rag storage, Bailing;
- (15) Skating Rinks, Bike Rinks;
- (16) Small Animal Clinics, Hospitals, Kennels;
- (17) Video Game room, Electronic Shooting galleries;
- (18) Other uses similar to the above, after Zoning and Planning Board review and recommendation; and approval by the Mayor and Board of Aldermen.

9.5. *AREA AND SETBACK REGULATIONS.*

*Yards:*

*Front:* A minimum of twenty (20) feet;

*Rear:* A rear yard of not less than twenty (20) feet shall be provided. Such space will be screened from the abutting residential district by concealing walls or by concealing fences or by other concealing screening not less than six (6) feet in height;

*Side:* A minimum side yard of ten (10) feet shall be provided between the end building, of a row of buildings, and the side property line. Where a commercial use abuts a residential district, a side yard of ten (10) feet shall be provided, as measured from the side lot line to the nearest building or structure on the side adjacent to the residential district. Such space shall be screened from the abutting residential district by concealing walls or by concealing fences or by other concealing screening not less than six (6) feet in height.

*Lot width:* A minimum of fifty (50) feet at the building setback line.

*Building area:* Maximum percent of gross lot area shall be twenty-five (25) percent.

*Height regulations:* Maximum building height shall be thirty-five (35) feet, not to exceed two (2) stories.

9.6. *OFF-STREET PARKING REQUIREMENTS:* Square feet of parking space per 100 square feet of building area shall be a minimum of four hundred (400) square feet.

**Sec. 10. B-2 COMMERCIAL DISTRICT.**

10.1. *GENERAL DESCRIPTION.*

The purpose of this commercial district is to provide less restrictive classes for retail stores and personal service for the convenience of the people in adjacent residential area.

10.2. *USES PERMITTED:*

The following uses of property, buildings or structures [are permitted]:

- (1) Any use permitted in the R-3 Residential District, provided, however, that no residential use is allowed when that use faces or abuts an industrial district or use;
- (2) Ambulance Services;
- (3) Antique Shop;
- (4) Art Galleries, Theaters;
- (5) Art Supplies;
- (6) Automobile Repair. Garages. Parts Houses;

- (7) Automobile Service station, whose primary business is gasoline sales and automobile service, limited to the following:
  - A. Gasoline sales;
  - B. Lubrication and oil change, car wash;
  - C. Sale and installation of minor equipment; i.e., head lamps, windshield wipers, tires;
  - D. Motor tune-up, including replacing of spark plugs and points, exhaust pipes;
  - E. Refreshment bars;
  - F. No fender, body or paint shop and no major engine head or requiring racing; i.e., requiring removal of engine head or requiring racing of the motor;
- (8) Bakeries;
- (9) Banks and Financial Institution;
- (10) Barber shop, beauty parlor, chiropody, massage or similar personal service shop;
- (11) Bicycle sales and repair;
- (12) Blueprinting shop;
- (13) Book Store;
- (14) Bowling and Ten-Pin Alleys;
- (15) Business Supplies;
- (16) Cafes and Restaurants;
- (17) Car Wash;
- (18) Clothing store;
- (19) Coin-operated, self-service, and laundry and dry cleaning pick-up station;
- (20) Custom dressmaking, millinery, tailoring, shoe repairing, repairing of household utility article or similar trade;
- (21) Drive-ins or Drive-thru Eating Places;
- (22) Drug store and Pharmacy;
- (23) Dwellings for any number of Families;
- (24) Fabric store;
- (25) Florist;
- (26) Funeral Homes;
- (27) Furniture Store;
- (28) Gift Store;
- (29) Grocery store;
- (30) Hardware, Paint, Garden Supplies, or appliance stores;
- (31) Hotels and Motels, Boarding Houses;
- (32) Hospitals;
- (33) Interior decorating shop;
- (34) Jewelry Store;
- (35) Liquor stores, when approved by local ordinance;
- (36) Medical and dental office;
- (37) Mini-Storage Buildings;
- (38) Mobile Home Sales;
- (39) Music Shop (Equipment, Merchandise, and Records);
- (40) Non-profit Clubs and Institutions;



- (41) Nurseries;
- (42) Nursery Schools;
- (43) Office Building for Professionals, including insurance, real estate, lawyers, etc.;
- (44) Paint or hobby store, including sales of carpets, wall covering and similar household items;
- (45) Parking Lots;
- (46) Pet Shops, conducted wholly within a completely enclosed sound proofed and air-conditioned building, provided, that noise and odors created by activities within the building shall not be perceptible beyond the property line, and that no animals are kept outside the building at any time;
- (47) Photographer's studio;
- (48) Post offices and similar services;
- (49) Shop for the repair of electrical, plumbing, radio and electric equipment, shoes, furniture and similar personal or household commodities;
- (50) Specialty shop for the conduct of a retail business as limited herein; such as furniture, fabric, appliances, apparel, jewelry and gift items, etc.;
- (51) Skating Rinks, Bicycle Rinks;
- (52) Sporting goods;
- (53) Stores selling wall and/or floor covering;
- (54) Toy Store;
- (55) Training School;
- (56) Other uses similar to the above, after Zoning and Planning Board review and recommendation; and approval by the Mayor and Board of Aldermen.

Accessory buildings and uses customarily incidental to the above uses, including signs or bulletin boards shall meet regulations of the Sign Ordinance, Article XI.

The above-specified stores, shops or businesses shall be retail establishments exclusively, selling merchandise and conducted wholly within an enclosed building.

A concealing fence shall be constructed on the property line adjacent to all R-1, R-2 and R-3 zoning.

All equipment, supplies and repairs shall be conducted inside a building.

*10.3. USES PERMITTED ON APPEAL AFTER ZONING AND PLANNING BOARD REVIEW AND RECOMMENDATION AND APPROVAL BY THE MAYOR AND BOARD OF ALDERMEN.*

- (1) Automobile Sales, New and Used;
- (2) Dog and cat hospitals, or small animal hospitals, conducted wholly within a completely enclosed sound proofed and air-conditioned building, provided, that noise and odors created by activities within the building shall not be perceptible beyond the property line, and that no animals are kept outside the building at any time;
- (3) Domino Parlor;
- (4) Dry Cleaners and Laundry;

- (5) Light Warehousing where articles are sold on Premises;
- (6) Outdoor Advertising Signs and Structures;
- (7) Outside Storage;
- (8) Pawn Shop;
- (9) Pool Hall;
- (10) Video Game Room, Electronic Shooting gallery;
- (11) Other uses similar to the above, after Zoning and Planning Board review and recommendation; and approval by the Mayor and Board of Aldermen.

A concealing fence shall be constructed on the property line adjacent to all R-1, R-2, R-3 and RMF zoning.

All equipment, supplies and repairs shall be conducted inside a building.

*10.4. USES PROHIBITED:*

- (1) Coal yard;
- (2) Fireworks sales, except as permitted by local ordinance;
- (3) Manufacturing incidental to a retail business where articles are sold at retail on the premises;
- (4) Rag storage, Bailing;
- (5) Salvage Yards;
- (6) Other uses similar to the above, after Zoning and Planning Board review and recommendation; and approval by the Mayor and Board of Aldermen.

*10.5. AREA AND SETBACK REGULATIONS.*

*Yards:*

*Front:* A minimum of twenty (20) feet;

*Rear:* A rear yard of not less than twenty (20) feet shall be provided except in instances where a commercial use abuts a residential district, in which case a rear yard of not less than twenty-five (25) feet shall be provided. Such space will be screened from the abutting residential district by concealing walls or by concealing fences or by other concealing screening not less than six (6) feet in height;

*Side:* A minimum side yard of ten (10) feet shall be provided between the end building, of a row of buildings, and the side property line. Where a commercial use abuts a residential district, a side yard of not less than twenty-five (25) feet shall be provided, as measured from the side lot line to the nearest building or structure on the side adjacent to the residential district. Such space shall be screened from the abutting residential district by concealing walls or by concealing fences or by other concealing screening not less than six (6) feet in height.

*Lot width:* A minimum of one hundred (100) feet at the building setback line.

*Building area:* Maximum percent of gross lot area shall be twenty-five (25) percent.

*Height regulations:* Maximum building height shall be thirty-five (35) feet, not to exceed two (2) stories.

- 10.6. *OFF-STREET PARKING REQUIREMENTS:* Square feet of parking space per 100 square feet of building area shall be a minimum of five hundred (500) square feet.

## **Sec. 11. B-3 COMMERCIAL DISTRICT (GENERAL BUSINESS DISTRICT).**

### *11.1. GENERAL DESCRIPTION.*

This commercial district is intended for the conduct of personal and business services and retail business of the community. Traffic generated by these uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods.

### *11.2. USES PERMITTED.*

The following uses of property, buildings or structures are permitted:

- (1) Any use permitted in the R-3 Residential District, provided, however, that no residential use is allowed when that use faces or abuts an industrial district or use;
- (2) Ambulance Services;
- (3) Antique Shops;
- (4) Art Galleries, Theaters;
- (5) Art Supplies;
- (6) Automobile Repair. Garages. Parts Houses;
- (7) Bakeries;
- (8) Banks and Financial Institution;
- (9) Barber shop, beauty parlor, chiropody, massage or similar personal service shop;
- (11) Bicycle sales and repair;
- (10) Blueprinting shop;
- (11) Book Store;
- (12) Bowling and Ten-Pin Alleys;
- (13) Business Supplies;
- (14) Clothing store;
- (15) Coin-operated, self-service laundry and dry cleaning establishments, and laundry and dry cleaning pick-up station;
- (16) Custom dressmaking, millinery, tailoring, shoe repairing, repairing of household utility article or similar trade;
- (17) Dog and cat hospitals, or small animal hospitals, conducted wholly within a completely enclosed sound proofed and air-conditioned building, provided, that noise and odors created by activities within the building shall not be

- perceptible beyond the property line, and that no animals are kept outside the building at any time;
- (18) Domino Parlor;
  - (19) Drug store and Pharmacy;
  - (20) Dwellings for any number of Families;
  - (21) Eating establishment;
  - (22) Fabric store;
  - (23) Florist, provided no greenhouses are maintained on the premises;
  - (24) Funeral Homes;
  - (25) Furniture Store;
  - (26) Gift Store;
  - (27) Grocery store;
  - (28) Hardware, Paint, Garden Supplies, or appliance stores;
  - (29) Hotels and Motels, Boarding Houses;
  - (30) Hospitals;
  - (31) Interior decorating shop;
  - (32) Jewelry Store;
  - (33) Liquor stores, when permitted by local ordinance;
  - (34) Medical and dental office;
  - (35) Music Shop (Equipment, Merchandise, and Records);
  - (36) Non-profit Clubs and Institutions;
  - (37) Nurseries;
  - (38) Nursery Schools;
  - (39) Office Building for Professionals, including insurance, real estate, lawyers, etc.;
  - (40) Outdoor Advertising Signs and Structures;
  - (41) Paint or hobby store, including sales of carpets, wall covering and similar household items;
  - (42) Parking Lots;
  - (43) Pawn Shop;
  - (44) Pet Shops, conducted wholly within a completely enclosed sound proofed and air-conditioned building, provided, that noise and odors created by activities within the building shall not be perceptible beyond the property line, and that no animals are kept outside the building at any time;
  - (45) Photographer's studio;
  - (46) Pool Halls;
  - (47) Post offices and similar services;
  - (48) Specialty shop for the conduct of a retail business as limited herein; such as furniture, fabric, appliances, apparel, jewelry and gift items, etc.;
  - (49) Shop for the repair of electrical, plumbing, radio and electric equipment, shoes, furniture and similar personal or household commodities;
  - (50) Skating Rinks, Bicycle Rinks;
  - (51) Sporting goods;
  - (52) Stores selling wall and/or floor covering;
  - (53) Toy Store;
  - (54) Training School;
  - (55) Video Game Room, Electronic Shooting Galleries;

- (56) Other uses similar to the above, after Zoning and Planning Board review and recommendation; and approval by the Mayor and Board of Aldermen.

Accessory buildings and uses customarily incidental to the above uses, including signs or bulletin boards meeting regulations of the Sign Ordinance, Article XI.

The above-specified stores, shops or businesses shall be retail establishments exclusively, selling merchandise and conducted wholly within an enclosed building.

A concealing fence shall be constructed on the property line adjacent to all R-1, R-2, R-3, and RMF zoning.

All equipment, supplies and repairs shall be conducted inside a building.

*11.3. USES PERMITTED ON APPEAL AFTER ZONING AND PLANNING BOARD REVIEW AND RECOMMENDATION AND APPROVAL BY THE MAYOR AND BOARD OF ALDERMEN.*

- (1) Automobile Sales, New and Used;
- (2) Car Wash;
- (3) Drive-ins or Drive-thru Eating Places;
- (4) Dry Cleaners and laundries;
- (5) Light Warehousing where articles are sold on premises;
- (6) Manufacturing incidental to a retail business where articles are sold at retail on the premises;
- (7) Other uses similar to the above, after Zoning and Planning Board review and recommendation; and approval by the Mayor and Board of Aldermen.

A concealing fence shall be constructed on the property line adjacent to all R-1, R-2, R-3 and RMF zoning.

All equipment, supplies and repairs shall be conducted inside a building.

*11.4. USES PROHIBITED:*

- (1) Adult Entertainment;
- (2) Fireworks Sales, except as permitted by local ordinance;
- (3) Large animal clinic, hospital or kennels;
- (4) Nightclubs, Bars and Taverns;
- (5) Salvage Yards;
- (6) Outside Storage;
- (7) Other uses similar to the above, after Zoning and Planning Board review and recommendation; and approval by the Mayor and Board of Aldermen.

*11.5. AREA AND SETBACK REGULATIONS.*

*Yards:*

*Front:* No front yard shall be required.

*Rear:* A rear yard of not less than twenty (20) feet shall be provided except in instances where a commercial use abuts a residential district, in which case a rear yard of not less than twenty-five (25) feet shall be provided. Such space will be screened from the abutting residential district by concealing walls or by concealing fences or by other concealing screening not less than six (6) feet in height;

*Side:* A minimum side yard of ten (10) feet shall be provided between the end building, of a row of buildings, and the side property line. Where a commercial use abuts a residential district, a side yard of not less than twenty-five (25) feet shall be provided, as measured from the side lot line to the nearest building or structure on the side adjacent to the residential district. Such space shall be screened from the abutting residential district by concealing walls or by concealing fences or by other concealing screening not less than six (6) feet in height.

*Lot width:* None required.

*Building area:* Maximum percent of gross lot area shall be one hundred (100) percent.

*Height regulations:* Maximum building height shall be fifty (50) feet, not to exceed three (3) stories. .

**11.6. OFF-STREET PARKING REQUIREMENTS:** There are no off-street parking requirements.

### Sec. 13. COMMERCIAL DISTRICT USES CHART 2.

<b>CHART 2 - COMMERCIAL USES</b>			
<b>X-Permitted</b>	<b>A- Permitted on Appeal</b>	<b>P- Prohibited</b>	
Adult Entertainment;		P	P
Ambulance Service;		P	X
Antique Shop;		X	X
Art Galleries;		A	X
Art Supplies;		X	X
Automobile Repair, Garages, Parts Houses;		A	X
Automobile Sales, new and used;		P	A
Automobile Service Stations;		X	P
Bakeries;		A	X

<b>X-Permitted A- Permitted on Appeal P- Prohibited</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>
Banks and Financial Institutions;	X	X	X
Barber and Beauty Shops;	X	X	X
Book Stores;	X	X	X
Bowling and Ten - Pin Alleys;	A	X	X
Business Supplies;	X	X	X
Cafes or Restaurants (Except Drive-ins or Drive-thru);	X	X	X
Car Wash;	P	X	A
Churches;	X	X	X
Clothing Stores;	X	X	X
Domino Parlors;	P	A	X
Drive-in's or Drive-thru Eating Places;	A	X	A
Drug Stores; Pharmacies;	X	X	X
Dry Cleaners and Laundries;	P	A	A
Dwellings for any number of Families;	X	X	X
Fabric Stores;	X	X	X
Fireworks Sales, except as determined by local ordinance;	P	P	P
Florists;	X	X	X
Funeral Homes;	A	X	X
Furniture Stores;	X	X	X
Gift stores;	X	X	X
Grocery Stores;	X	X	X
Hardware, Paint, or Garden Supplies;	A	X	X
Hospitals;	P	X	X
Hotels and motels, Boarding Houses;	A	X	X
Jewelry Store;	X	X	X
Large Animal Clinics;	P	A	X
Laundry and Dry Cleaning Pick-up Stations;	X	X	X

<b>X-Permitted A- Permitted on Appeal P- Prohibited</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>
Light Warehousing where articles are sold on premises;	P	A	A
Manufacturing Incidental to Retail;	P	P	A
Mini-Storage Buildings;	X	X	P
Mobile Home Sales;	P	X	P
Music Shops (Equipment, Merchandise, and Records);	X	X	X
Night Clubs, Bars, Taverns;	P	P	P
Non-Profit Clubs and Institutions;	X	X	X
Nurseries;	A	X	X
Nursery Schools;	X	X	X
Office Buildings for Professionals;	X	X	X
Outdoor Advertising Signs and Structures;	P	A	X
Outside Storage;	P	A	P
Parking Lots;	X	X	X
Pawn Shops;	P	A	X
Pet Shops;	A	X	X
Pool Halls;	P	A	A
Rag Storage, Bailing, Coal Yards;	P	P	P
Salvage Yards;	P	P	P
Self - Service Laundries;	X	X	X
Skating Rinks, Bicycle Rinks;	P	X	X
Small Animal Clinics, Hospitals, Kennels;	P	A	X
Telecommunication Towers	P	A	A
Theaters;	A	A	A
Toy stores;	X	X	X
Training Schools;	X	X	X
Video Game Room, Electronic Shooting Galleries;	P	A	X
Any Use Not Listed Above.	P	P	P



**Sec. 14. INDUSTRIAL DISTRICT CLASSIFICATIONS.**

<b>Industrial District Classifications</b>		
<b>Item</b>	<b>M-1</b>	<b>M-2</b>
Classes of business, service or manufacturing permitted; or prohibited.	See Chart Number 3 on page 69	
Minimum yard size:		
Front yard, in feet	50	50
Side Yard, in feet	30	50
Rear yard, in feet	50	50
Maximum height:   feet/ stories	None/ None	None/ None
Maximum building area, percent of gross lot area	80%	80%
Off-Street parking requirements: Spaces per worker	1/2	1/2
Parking spaces per garaged vehicle	1	1

**Sec. 15. M-1 LIGHT MANUFACTURING/INDUSTRIAL DISTRICT.***15.1. GENERAL DESCRIPTION.*

This manufacturing/industrial district is intended primarily for production and assembly plants that are conducted so the noise, odor, dust and glare of each operation is properly controlled; and for promotion of the health, safety and general welfare of the city and its citizens.

*15.2. USES PERMITTED.*

The following uses of property, buildings or structure are permitted:

- (1) Accessory Structures;
- (2) Assembly of Parts For Production of Finished Equipment;
- (3) Bakery;
- (4) Bottling and Central Distribution Plants;
- (5) Cafes and Restaurants;
- (6) Carnivals;
- (7) Carpet and Rug Cleaning;
- (8) Cold Storage and Ice Plants;
- (9) Contractors or Construction Equipment Dealers Yard;

- (10) Dairy Products and Ice Cream Plants and Creameries;
- (11) Dry Cleaners and laundries;
- (12) Electroplating;
- (13) Furniture Manufacturing;
- (14) Galvanizing, small utensils, etc.;
- (15) Garment Factory;
- (16) Grain and Feed Storage;
- (17) Grocery Distribution Facility;
- (18) Ice plants or storage houses;
- (19) Landing fields for Aircraft;
- (20) Marble and granite works;
- (21) Meat Processing (no slaughtering);
- (22) Metal Working and Blacksmith Shop;
- (23) Motels, Hotels and Boarding Houses;
- (24) Radio or Television Towers;
- (25) Railroad Shop Facility;
- (26) Small Appliance manufacturing;
- (27) Steam Power plant;
- (28) Textile Weaving, Processing, and Dyeing Mill;
- (29) Trucking Terminals and Similar Types;
- (30) Warehouses;
- (31) Wholesale establishment and storage yards;
- (32) Wireless Transmission facility;
- (33) Other uses similar to the above, after Zoning and Planning Board review and recommendation; and approval by the Mayor and Board of Aldermen.

*15.3. USES PERMITTED ON APPEAL AFTER ZONING AND PLANNING BOARD REVIEW AND RECOMMENDATION AND APPROVAL BY THE MAYOR AND BOARD OF ALDERMEN.*

The following uses of property, buildings or structure are permitted on appeal:

- (1) Adult Entertainment, when approved by local ordinance;
- (2) Automobile wrecking yards, provided that the yard is enclosed by a concealing fence at least ten (10) feet in height;
- (3) Animal Clinics, Hospitals, Kennel;
- (4) Bag Cleaning;
- (5) Brickyard and Pottery Manufacturing;
- (6) Central Mixing Plant for cement, mortar, or paving materials, including cement block plants and cast stone works;
- (7) Coal Yard;
- (8) Communications Transmitting and Receiving Facilities;
- (9) Concrete and cement manufacturing plant;
- (10) Cotton Ginning and Baling;
- (11) Enameling, lacquering, and Paint mixing shop;
- (12) Equipment Rental Agencies;

- (13) Gasoline, Oil, Gas Or Alcohol Storage Above Ground In Excess of Five Hundred (500) Gallons;
- (14) Grist or Flour Mill;
- (15) Heavy Vehicular Repair Facilities;
- (16) Heliports;
- (17) Junk, Scrap Paper, Rag Storage or Bailing, Auto Wrecking;
- (18) Lumber yard or Saw Mill;
- (19) Motor Vehicle Service Stations;
- (20) Night Clubs, Bars, and Taverns, when approved by local ordinance;
- (21) Quarrying, Processing, Storage and/or Sale of Stone or related products;
- (22) Research Or Testing Laboratories;
- (23) Sanitary Land Fill;
- (24) Warehousing and distributions, including Wholesale Business;
- (25) Other uses similar to the above, after Zoning and Planning Board review and recommendation; and approval by the Mayor and Board of Aldermen.

*15.4. USES PROHIBITED:*

The following uses of property, buildings or structure are prohibited:

- (1) Curing, tanning and storage of hides;
- (2) Distribution of bones, Coal, Tar and Wood;
- (3) Fat Rendering, Forge plant;
- (4) Manufacture Of Acetylene, Acid, Alcohol, Ammonia, Bleaching Powder, Brick, Pottery, Terra Cotta or Tile, Concrete Blocks, Candles, Disinfectants, Dyestuffs, Fertilizers, Illuminating or Heating Gas, Including Storage, Paint, Turpentine, varnish, Soap, and Tar Products, Wood Pulling or scouring;
- (5) Poultry killing and dressing;
- (6) Slaughter houses and Stockyard;
- (7) Other uses similar to the above, after Zoning and Planning Board review and recommendation; and approval by the Mayor and Board of Aldermen.

*15.5. AREA AND SETBACK REGULATIONS.*

*Yards:*

*Front:* A minimum of fifty (50) feet to the building setback line;

*Rear:* A minimum of fifty (50) feet to the building rear setback line; except where a building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard or combination thereof, of not less than fifty (50) feet, and except in instances where this district use abuts a residential district, such space shall be screened from the abutting residential district by concealing walls or by concealing fences or by other concealing screening, not less than ten (10) feet in height.

*Side:* This side yard building setback line on each side of the lot shall be not less than thirty (30) feet, as measured from the side lot line to the nearest building or structure, except in instances where this district use abuts a residential district, in which case a minimum side yard of sixty (60) feet shall

be provided on the side adjacent to the residential district, such space shall be screened from the abutting residential district by concealing walls or by concealing fences or by other concealing screening, not less than ten (10) feet in height.

*Lot width:* None required.

*Height and Stories regulations:* None

15.6. *OFF STREET PARKING REQUIREMENTS:* There shall be one-half (1/2) space per worker. For garaged vehicles there shall be one (1) space per vehicle.

## **Sec. 16. M-2 HEAVY MANUFACTURING/INDUSTRIAL DISTRICT.**

### *16.1 GENERAL DESCRIPTION:*

This manufacturing/industrial district is intended to provide for heavy manufacturing and industrial uses.

### *16.2 USES PERMITTED:*

The following uses of property, buildings or structures are permitted:

- (1) Accessory Structures;
- (2) Animal Clinics, Hospitals, Kennel;
- (3) Assembly of Parts For Production of Finished Equipment;
- (4) Bakery;
- (5) Bottling and Central Distribution Plants;
- (6) Brick yard and pottery manufacturing; including cement block plants and cast stone works;
- (7) Cafes and Restaurants;
- (8) Carnivals;
- (9) Carpet and Rug Cleaning;
- (10) Coal Yard;
- (11) Cold Storage and Ice Plants;
- (12) Communications Transmitting and Receiving Facilities;
- (13) Contractors or Construction Equipment Dealers Yard;
- (14) Cotton Ginning and Baling;
- (15) Dairy Products and Ice Cream Plants and Creameries;
- (16) Dry Cleaners and laundries;
- (17) Electroplating;
- (18) Enameling, lacquering, and Paint mixing shop;
- (19) Equipment Rental Agencies;
- (20) Furniture Manufacturing;
- (21) Galvanizing, small utensils, etc.;
- (22) Garment Factory;

- (23) Gasoline, Oil, Gas Or Alcohol Storage Above Ground In Excess of Five Hundred (500) Gallons;
- (24) Grain and Feed Storage;
- (25) Grist or Flour Mill;
- (26) Grocery Distribution Facility;
- (27) Heavy Vehicular Repair Facilities;
- (28) Heliports;
- (29) Ice plants or storage houses;
- (30) Landing fields for Aircraft;
- (31) Lumber yard or Saw Mill;
- (32) Marble and granite works;
- (33) Meat Processing (no slaughtering);
- (34) Metal Working and Blacksmith Shop;
- (35) Motels, Hotels and Boarding Houses;
- (36) Motor Vehicle Service Stations;
- (37) Quarrying, Processing, Storage and/or Sale of Stone or related products;
- (38) Radio or Television Towers;
- (39) Railroad Shop Facility;
- (40) Research Or Testing Laboratories;
- (41) Small Appliance manufacturing;
- (42) Steam Power plant;
- (43) Textile Weaving, Processing, and Dyeing Mill;
- (44) Trucking Terminals and Similar Types;
- (45) Warehouses;
- (46) Warehousing and distributions, including Wholesale Business;
- (47) Wholesale establishment and storage yards;
- (48) Wireless Transmission facility;
- (49) Other uses similar to the above, after Zoning and Planning Board review and recommendation; and approval by the Mayor and Board of Aldermen.

*16.3. USES PERMITTED ON APPEAL AFTER ZONING AND PLANNING BOARD REVIEW AND RECOMMENDATION AND APPROVAL BY THE MAYOR AND BOARD OF ALDERMEN.*

- (1) Adult Entertainment, when approved by local ordinance;
- (2) Automobile wrecking yards, provided that the yard is enclosed by a concealing fence at least ten (10) feet in height;
- (3) Bag Cleaning;
- (4) Central Mixing Plant for cement, mortar, or paving materials, including cement block plants and cast stone works;
- (5) Concrete and cement manufacturing plant;
- (6) Curing, tanning and storage of hides;
- (7) Distribution of bones, Coal, Tar and Wood;
- (8) Rendering, Forge plant;
- (9) Junk, Scrap Paper, Rag Storage or Bailing, Auto Wrecking;
- (10) Manufacture Of Acetylene, Acid, Alcohol, Ammonia, Bleaching Powder, Brick, Pottery, Terra Cotta or Tile, Concrete Blocks, Candles, Disinfectants,

- Dyestuffs, Fertilizers, Illuminating or Heating Gas, Including Storage, Paint, Turpentine, varnish, Soap, and Tar Products, Wood Pulling or scouring;
- (11) Poultry killing and dressing;
  - (12) Sanitary Land Fill;
  - (13) Slaughter houses and Stockyard;
  - (14) Other uses similar to the above, after Zoning and Planning Board review and recommendation; and approval by the Mayor and Board of Aldermen.

*16.4. USES PROHIBITED:*

- (1) Any business not specifically approved herein.

*16.5. AREA AND SETBACK REGULATIONS:*

*Yards:*

*Front:* A minimum of fifty (50) feet at the building setback line:

*Rear:* The rear yard building setback line shall be not less than fifty (50) feet, except in instances where this district use abuts a residential district, in which case a rear yard of not less than one hundred (100) feet shall be provided, as measured from the rear lot line to the nearest building or structure. Such space shall be screened from the abutting residential district by concealing walls or by concealing fences or by other concealing screening, not less than ten (10) feet in height;

*Side:* The side yard building setback line on each side of the lot shall be not less than fifty (50) feet as measured from the side lot line to the nearest building or structure, except in instances where this district use abuts a residential district, in which case a minimum side yard of one hundred (100) feet shall be provided on the side adjacent to the residential district by concealing walls or by concealing fences or by other concealing screening, not less than ten (10) feet in height.

*Lot width:* None required.

*Height/stories regulations.* None

*Maximum building area:* Eighty (80%) percent of gross lot area.

*16.5. OFF-STREET PARKING REQUIREMENTS:* There shall be one-half (1/2) space per worker. For garaged vehicles there shall be one (1) space per vehicle.

## Sec. 17. INDUSTRIAL DISTRICT USES CHART 3.

CHART 3 - INDUSTRIAL DISTRICT USES		
X- Permitted    A- Permitted on Appeal    P- Prohibited	M-1	M-2
Adult Entertainment, when approved by local ordinance;	A	A
Automobile wrecking yards, provided that the yard is enclosed by a concealing fence at least ten (10) feet in height;	A	A
Accessory Structures;	X	X
Animal Clinics, Hospitals, Kennel;	A	X
Assembly of Parts For Production of Finished Equipment;	X	X
Automotive Wrecking Yards, provided that the yard is enclosed by a concealing fence at least ten (10) feet in height;	A	A
Bag Cleaning;	A	A
Bakery;	X	X
Bottling and Central Distribution Plants;	X	X
Brick yard and pottery manufacturing; including cement block plants and cast stone works;	A	X
Cafes and Restaurants;	X	X
Carnivals;	X	X
Carpet and Rug Cleaning;	X	X
Central Mixing Plant For Cement, Mortar, Plaster, or Paving Materials, including Cement Block plants and Cast Stone Works;	A	A
Coal Yard;	A	X
Cold Storage and Ice Plants;	X	X
Communications Transmitting and Receiving Facilities;	A	X
Concrete and Cement manufacturing plant;	A	A
Contractors or Construction Equipment Dealers Yard;	X	X
Cotton Ginning and Baling;	A	X
Curing, Tanning, Or Storage of Hides;	P	A
Dairy Products and Ice Cream Plants and Creameries;	X	X

<b>X- Permitted    A- Permitted on Appeal    P- Prohibited</b>	<b>M-1</b>	<b>M-2</b>
Distribution Of Bones. Coal, Tar, Or Wood;	P	A
Dry Cleaners and laundries;	X	X
Electroplating;	X	X
Enameling, Lacquering, and Paint Mixing Shop;	A	X
Equipment Rental Agencies;	A	X
Fat Rendering, Forge Plant;	P	A
Furniture Manufacturing;	X	X
Galvanizing, small utensils, etc.;	X	X
Garment Factory;	X	X
Gasoline, Oil, Gas Or Alcohol Storage Above Ground In Excess of Five Hundred (500) Gallons;	A	X
Grain and Feed Storage;	X	X
Grist or Flour Mill;	A	X
Grocery Distribution Facility;	X	X
Heavy Vehicular Repair Facilities;	A	X
Heliports;	A	X
Ice plants or storage houses;	X	X
Junk, Scrap Paper, Rag Storage or Bailing, Auto Wrecking;	A	A
Landing fields for Aircraft;	X	X
Lumber yard or Saw Mill;	A	X
Marble and Granite Works;	X	X
Manufacture Of Acetylene, Acid, Alcohol, Ammonia, Bleaching Powder, Brick, Pottery, Terra Cotta or Tile, Concrete Blocks, Candles, Disinfectants, Dyestuffs, Fertilizers, Illuminating or Heating Gas, Including Storage, Paint, Turpentine, varnish, Soap, and Tar Products, Wood Pulling or scouring;	P	A
Meat Processing (no slaughtering);	X	X
Metal Working and Blacksmith Shop;	X	X
Motels, Hotels and Boarding Houses;	X	X
Motor Vehicle Service Stations;	A	X



<b>X- Permitted    A- Permitted on Appeal    P- Prohibited</b>	<b>M-1</b>	<b>M-2</b>
Poultry Cutting and Dressing;	P	A
Quarrying, Processing, Storage and/or Sale of Stone or related products;	A	X
Radio or Television Towers;	X	X
Railroad Shop Facility;	X	X
Research Or Testing Laboratories;	A	X
Sanitary Land Fill;	A	A
Slaughter House and Stockyard;	P	A
Small Appliance manufacturing;	X	X
Steam Power plant;	X	X
Textile Weaving, Processing, and Dyeing Mill;	X	X
Trucking Terminals and Similar Types;	X	X
Warehouses;	X	X
Warehousing and distributions, including Wholesale Business;	A	X
Wholesale establishment and storage yards;	X	X
Wireless Transmission facility;	X	X
Any Manufacturing or Business Uses Not Specifically Prohibited.	A	A

17.1. Open storage yards used as a part of any of the above listed uses shall observe the following restrictions:

- (1) Materials shall not be stored in the required front yard;
- (2) When a storage yard abuts an R-1, R-2, R-3, RMF, B-1, B-2 , or B-3 District, such storage yard shall be screened from the abutting property by concealing walls or by concealing fences or by other concealing screening, not less that ten (10) feet in height.

## **Sec. 18. MOBILE HOME REGULATIONS.**

18.1 The following requirements for mobile home parks are in addition to the requirements of the State of Mississippi, Winston County, and other ordinances of the City of Louisville.

- (1) The minimum parcel of land required shall be not less than 3 acres for each trailer park.
- (2) Minimum size lot required for each trailer space shall not be less than 50 feet

- wide and 80 feet deep.
- (3) A mobile home park may not accept trailers unless and until such time as at least 10 of its lots have been completely developed together with facilities as required by the regulations of the State of Mississippi and other codes and ordinances.
  - (4) All streets within this mobile home park shall have all weather type surface and be a minimum 24 feet wide. The Zoning and Planning Board may require wider streets when deemed necessary to safety and circulation.
  - (5) Sewerage facilities shall be provided to each lot.
  - (6) Mobile home shall not be placed closer than 15 feet from any other trailer or unless separated by a fire-wall.
  - (7) A buffer strip of not less than 15 feet in width shall be provided completely around the trailer park except at access roads; such strips shall be planted and maintained.
  - (8) A fire extinguishers must be located within 100 feet of all trailers. The fire extinguisher must be minimum 20 pound dry powder type.
  - (9) At least two (2) automobile parking space shall be located in each trailer site.
  - (10) All mobile home park plats or layouts shall be approved by the Zoning and Planning Board.
  - (11) Minimum standards for blocking, anchors and tie-downs:

A. *Minimum blocking standards:*

- (a) Pier foundations shall be installed directly under the main frame (or chassis) of the mobile home. The piers shall not be further apart than ten (10) feet on centers, and the main frame, front or back, shall not extend further than five (5) feet beyond the center line of the end of the piers
- (b) All grass and organic material shall be removed and the pier foundation placed on stable soil. The pier foundation shall be a 16" x 16" x 4" solid concrete pad, pre-cast or poured in place, or equivalent.
- (c) Piers must be constructed of regular 8" x 8" x 16" concrete blocks, open cells, solid, or equivalent (with open cells vertical), placed above the foundation. A 2" x 8" x 16" pressure treated wood plate, or equivalent shall be placed on top of the pier with shims fitted and driven tight between the wood plate and the main frame. Shims shall not occupy more than one (1) inch of vertical space. Single tiered block piers shall be installed perpendicular to the main I-Beam.
- (d) All piers over forty (40) inches in height shall be double tiered with blocks interlocked and capped with a 4" x 16" x 16" solid concrete block, or equivalent and cushioned with wood shims or pressure treated plate.

B. *Minimum Anchoring Standards:*

- (a) Ground anchors shall be aligned with centers of piers. Also, they

shall be situated immediately below the outer wall to accommodate over-the-top ties as well as frame ties.

(b) Auger-type anchors shall have a minimum diameter of 6 inches (arrowheads 8”) and be sunk to their full depth (at least 4 feet). Steel rods shall be at least 5/8” diameter, have a forged or welded eye at top, or have a yoke-type fastening and tensioning device or a threaded connector and tensioning device.

(c) Anchors shall be capable of withstanding 5,700 pounds of pull (in achieved by many anchors in most kinds of soils.

(d) Dead-man anchors shall be sunk to a depth of 5 feet, have a minimum length of 2 feet, and have a diameter of at least 6 inches. Hollow concrete blocks are not approved. Steel rods shall be at least 5/8” diameter, with the bottom hooked into the concrete dead-man.

(e) Anchors to reinforced concrete slabs must be of a strength comparable to that presented above.

(f) Other types of anchors, which are capable of withstanding 5,700 pounds of pull without failure, may be approved by the Mobile Home Division of the State Fire Marshall’s Office as equivalent to above specifications.

C. *Wind Ties:* Every mobile home manufactured, sold or offered for sale in the State of Mississippi after midnight June 30, 1974, shall be constructed with wind ties designed to withstand hurricane force winds and said wind ties shall comply with the following specifications:

(a) The manufacturer shall provide printed instructions with each mobile home specifying the location and required capacity of stabilizing devices (tie-downs, piers, blocking, etc.) on which the design is based.

(b) The wind ties shall have provisions for the attachment of wind anchors, so as to resist wind overturning (over the roof wind ties), and sliding (frame ties) and provisions for distributing the load of said ties as required by the design loads of Section 6.3.2 of ANSI Code A119.1 and subsequent amendments.

(c) All mobile homes shall have tie-downs with provisions for distributing the load of these tie-downs and provision for the attachment to ground anchors so as to resist wind overturning and sliding as imposed by the respective design loads of this part.

i. Each tie-down shall be designed to resist an allowable working load equal to or exceeding 3,150 pounds and shall be capable of withstanding a 50% overload without failure.

- ii. Unless the tie-down system is designed by a Registered Professional Engineer or Architect, and approved by this office, tie-downs shall be placed not more than 12 feet on centers beginning from the front wall (first stud and/or first cross member). Not more than 6 feet open-end spacing shall be provided at the rear wall of the mobile home unless additional tie-downs are installed.
- iii. Provisions for diagonal ties between ground anchors and the mobile home shall be made in conjunction with each vertical tie-down.
- iv. Minimum specifications for tie-down materials shall be:  
1½ x .035 cold rolled, heat treated, hot dipped galvanized steel strapping. Said strapping shall be manufactured to conform to Federal Specification QQ-S-781F, Type 1, Class B, Grade 1. Breaking strength must be a minimum 4,750 pounds. Hot dipped, zinc coating shall be a minimum of 0.30 ounces per square foot of surface. Any materials (including cable) other than those specified above must be equal to or exceed said federal specification as regards strength and weather resistance.

(d) Sufficient tie material must be supplied as part of the mobile home in order to provide effective anchor connection.

(e) End treatment on said ties shall consist of a fastening and/or tightening device such as a turnbuckle. The fastening device shall be so designed that it will in no way weaken the strength of the overall system which must resist an allowable working load equal to or exceeding 3,150 pounds and shall be capable of withstanding a 50% overload without failure.

## *18.2 MODULAR OR MOBILE HOMES IN RESIDENTIAL AREAS*

(1) The intent of this section is to provide minimum standards for modular and mobile homes which are placed on residential lots as a permanent structure.

(2) A fee shall be paid prior to actual placement of unit on the site, and at the first of each tax year thereafter. This fee shall be either the license fee ordinarily collected on a mobile home or the equivalent of the property tax which would be paid on a single family home of similar size, whichever is the greater.

A. Variances: Variances to locate a manufactured home on residential property may be granted upon special appeal by written petition in the following situations:

- (a) When a residence has been destroyed by fire or other natural disaster, a variance shall be for a maximum period of six (6) months without any extensions.

(b) When a member of an immediate family requests to locate a manufactured home on adjacent residential property of another family member due to illness, permanent convalescence and/or inability to care for themselves on a permanent basis which requires constant assistance from such family members. The appeal shall be subject to the following conditions:

- (1) A written petition for a variance shall set forth:
  - (i) That once the condition ceases to exist, the manufactured home shall be removed from the premises.
  - (ii) That sufficient property is available to locate the home on the property and that utilities are available and accessible to the City Utility System.
  - (iii) That the manufactured home will not be used for any other purpose than the purpose in which a variance is granted.
  - (iv) The names and addresses of each abutting landowner. In case the lot abuts to a street, the property owners across the street shall be stated.
  - (v) A description of the manufactured home intended to be located on the lot.
- (2) A questionnaire as approved by the City of Louisville shall be attached to the Petition.
- (3) A physicians certificate shall be submitted every six (6) months.
- (4) The variance will automatically cancel when one or more utility connections are disconnected or cancelled for a period longer than one (1) week.
- (5) The City of Louisville, Mississippi, shall have the authority to remove, at the property owners expense, any manufactured home remaining on a lot more than thirty (30) days after notice that a previously granted variance has expired or been cancelled.
- (6) The manufactured home must be occupied as a residence within thirty (30) days of the variance being granted.
- (7) Be of a minimum appearance as to not overly distract from neighboring residential structures.
- (8) Comply with requirements of advertising, posting of signs, and fees as set forth in regards to rezoning.

B. Modular or mobile homes shall not be located on residential, commercial, manufacturing or agricultural property, with exception to paragraph (A) (b) (1) above, until a variance is approved by the Zoning and Planning Board. The petitioner must own sufficient property to meet the requirements as stipulated for a dwelling. The Variance Application must show proof of property ownership, a plat of the property and a design outlining the position of the modular or mobile home on the property, to include the condition of the home, and shall be presented to the

Administrative Authority, prior to the Variance Application being presented to the Zoning and Planning Board. All other provisions of this amendment and the basic ordinance shall apply.

(a) Under special conditions modular or mobile homes may be permitted on commercial, manufacturing, or agricultural property for office space or other business use provided the setback requirements or other structure allowed in that zone and the provisions of this amendment and other requirements set forth in the basic ordinance are adhered to. In no case shall a modular or mobile home be located in any zone for rental or lease purposes.

(b) Modular or mobile homes located in any zone, residential, commercial, agricultural and/or authorized trailer parks shall be connected to utilities to comply with the following:

(i) ELECTRICAL:

Electrical connections shall be installed in rigid or approved water tight flexible electrical conduit from the inside breaker or fused panel to the outside disconnect on the service pole, buried eight (8) inches in the ground or suspended a minimum of eighteen (18) inches above ground level, with electrical service entrance grounded with number four (4) bare copper, to include a separate grounding system for the frame of the modular or mobile home.

(ii) PLUMBING:

The plumbing system shall be connected to a public sewer and water line with the service pipe buried below the frost line from the modular or mobile home stub-out to the points of connection to the sewer tap, sufficient to eliminate surface water from entering the service line and to insure that the service line will not discharge raw sewage to the ground surface. Under no circumstances shall a modular or mobile home be occupied or connected to utilities prior to meeting this and the other requirements of the basic ordinance.

(iii) GENERAL:

Individuals found in violation of this amendment and/or the basic ordinance in general shall be subject to a fine of \$1000.00 or sixty (60) days imprisonment, or both, for each offense. Violations shall constitute a misdemeanor under the jurisdiction of the City of Louisville, Mississippi.

(c.) Each such unit shall meet all setback, yard and area requirements required in the zone as well as any special requirements set out by the Zoning and Planning Board.

(d) All units shall be placed on a permanent foundation and shall be attached to the foundation in such a manner as to become an integral part of the foundation. The foundation and pier shall meet the minimum requirements contained in Article IX, Section 18 (Mobile Home Regulations).

(e) In the case of mobile homes all undercarriage including wheels,

axles, and tongue shall be removed and a permanent wall of block or brick constructed or skirting installed to conceal the frame. A recognized system of frame and over roof anchoring shall be attached to the foundation. The system shall meet the requirements of Article IX, Section 18 (Mobile Home Regulations).

(f) Each unit shall be permanently connected to the municipal water system and to the municipal sewerage disposal system. Electrical lines shall be run to a permanent connection point as similar as possible to that utilized by single-family residences.

**Sec. 19. A-1 AGRICULTURAL AREA DISTRICT.**

<b>CHART A-1</b>	
<b>ITEM</b>	<b>AGRICULTURAL AREA DISTRICT</b>
Classes of structures or uses permitted	A. General farming, including horticulture and other similar uses. B. Single-family dwellings. C. Aircraft landing fields, including hangers and equipment, cemeteries, non-profit clubs. D. Lodges, summer camps, lodging and boarding houses. E. Roadside stands for use in selling products of a farm.
Classes of structures or uses permitted on appeal	F. Manufacturing, storage and processing of natural resources indigenous to the area, drag strips and race tracks, dairying, livestock and poultry raising,
Classes of structures or uses prohibited	H. Any business or industry not specifically prohibited herein.
<b>REQUIRED LOT AREA, WIDTHS, ETC.</b>	
Minimum lot area, one family. sq. ft	15,000
Minimum lot width at building line	100 ft.
Minimum depth of front yard, feet	50 ft.
Minimum depth of rear yard	50 ft.
Minimum width of each side yard	15 ft.
Maximum building area, percent of gross lot area	25%
Maximum building height: feet/ stories	35/2
Off-Street Parking Requirements:	
Car spaces per family dwelling unit	2

**Sec. 20. A-1 GENERAL AGRICULTURAL AREA DISTRICT.**

*20.1. GENERAL DESCRIPTION.*

This district shall provide an area for agricultural and horticultural uses. The rural nature and low density of population in this district requires only that uses essential to agricultural and horticulture have a reasonable setback of buildings from dedicated streets and/or highways. 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.

*20.2. USES PERMITTED:*

The following uses of property, buildings or structure permitted:

- (1) General farming, including horticulture, greenhouses, nurseries and landscape gardening;
- (2) Cultivation of field and truck crops, orchards and vineyards; and other similar uses.
- (3) One-family dwellings and their customary accessory uses; excluding modular homes and mobile homes.
- (4) Barns, silos, sheds
- (5) Aircraft landing fields, including hangers and equipment;
- (6) Cemeteries;
- (7) Non-profit clubs;
- (8) Lodges, summer camps, lodging and boarding houses;
- (9) Public parks and recreation areas;
- (10) Roadside stands for use in selling products of a farm;
- (11) Other uses similar to the above, after Zoning and Planning Board review and recommendation; and approval by the Mayor and Board of Aldermen.

*20.3. USES PERMITTED ON APPEAL AFTER ZONING AND PLANNING BOARD REVIEW AND RECOMMENDATION AND APPROVAL BY THE MAYOR AND BOARD OF ALDERMEN:*

The following uses of property, buildings or structure are permitted on appeal:

- (1) Manufacturing, storage and processing of natural resources indigenous to the area;
- (2) Warehouses and cooling houses for storage, grading, packing and processing of farm produce, other than commercial slaughtering or processing of animals;
- (3) Dairying;
- (4) Livestock;



- (5) Other uses similar to the above, after Zoning and Planning Board review and recommendation; and approval by the Mayor and Board of Aldermen

*20.4. USES PROHIBITED:* Uses specifically prohibited in the A-1 Agricultural Area District shall be as follows:

The following uses of property, buildings or structures are prohibited:

- (1) Sanitary landfill;
- (2) Commercial poultry raising;
- (3) Drag Strips and Racetracks;
- (4) Other uses similar to the above, after Zoning and Planning Board review and recommendation; and approval by the Mayor and Board of Aldermen.

*20.5. AREA AND SET BACK REGULATIONS.*

*Lot area:* Each one-family dwelling in the A-1 District, together with its accessory buildings, hereafter erected, shall be located on a parcel having an area of not less than fifteen thousand (15,000) square feet, which tract shall have access to a dedicated public street or highway.

*Yards:*

- Front:* Setback a minimum of fifty (50) feet;
- Rear:* Setback a minimum of fifty (50) feet;
- Side:* Setback a minimum of ten (10) feet, provided that any permitted Pen or building in which livestock is kept shall be located not less than One hundred (100) feet from any lot line.

*Height regulations:* Maximum building height shall be thirty-five (35) feet, not to exceed two (2) stories.

*20.6. OFF STREET PARKING REQUIREMENTS:* Car spaces per family dwelling unit shall be minimum of two (2) spaces

## ARTICLE X - PLANNED UNIT DEVELOPMENT

### Sec. 1. GENERAL.

1.1. Development controls required when land is developed on a lot-by-lot basis are necessarily somewhat inflexible, and may result in a monotonous or otherwise undesirable development pattern. When a large parcel of land under unified ownership or control is developed in accordance with a unified plan and subject to appropriate controls to ensure adherence to such plan, greater flexibility in building type and site design restrictions is both possible and in the public interest. This Article provides for such flexibility under Planned Unit Development provisions.

### Sec. 2. CRITERIA.

2.1. *DISTRICTS WHERE PERMITTED.* Planned Unit Developments (PUDs) may be permitted in R-1, R-2, R-3 and RMF Residence Districts, in B-1 Business Districts, and in M-1 Industrial Districts, subject to the review and approval procedures set forth herein.

2.2. *TRACT SIZE.* A tract proposed for PUD should consist of a single contiguous parcel of land, provided that a tract bisected by local service streets only may be considered a single parcel for purposes of this Section. No absolute minimum tract size is specified for a PUD, but the public benefits derived from this type of development will normally be negligible if the size of the tract is less than set forth in the following table. Smaller tracts should not be accepted for a PUD unless the design possesses extraordinary merit:

Normal Minimum Tract Size	
District	Tract Size
R-1	15Acres
R-2	10Acres
R-3	5 Acres
RMF	2 Acres
B-1	15 Acres
M-1	20 Acres
A-1	15 Acres

2.3 *DWELLING UNIT DENSITY.* Dwelling unit density per gross site acre shall not exceed the values set forth in the following table, provided that where major recreational amenities, such as

swimming pools or tennis courts, are provided, an increase of two (2) dwelling units per acre may be allowed. In districts in which commercial or industrial uses are permitted in a Planned Unit Development, the land area occupied by such uses shall not be included in the land area used to calculate the permitted number of dwelling units.

<b>Maximum Dwelling Unit Density</b>	
<b>District</b>	<b>Dwelling Units Per Gross Site Acre</b>
R-1	4
R-2	5
R-3	6
RMF	15
B-1	30
M-1	15
A-1	20

**2.4 LOT AREA AND COMMON OPEN SPACE.** In a PUD minimum lot area, yard dimensions and other standards required in the district concerned may be reduced, provided that the resulting plan furnishes adequate privacy, light, air, and access to each dwelling unit, and provided that excess land remaining in the development by virtue of lot area reductions shall be preserved as permanent open space except where structures are needed to fulfill the educational, cultural, athletic, or civic pursuits of the residents of such PUD. At least one-half ( $\frac{1}{2}$ ) of such excess land shall have a slope of less than fifteen (15) percent. Any such open space shall have not less than twenty (20) feet of frontage on a public street, and satisfactory access to fire equipment and open space maintenance equipment shall be provided. The articles of incorporation of any corporation established to own and maintain such open space shall state that such corporation shall not be dissolved nor shall it dispose of the common open space, by sale or otherwise, without first offering to dedicate the same to the public.

**2.5 PERIPHERY OF PLANNED UNIT DEVELOPMENTS.** Around the periphery of a PUD front yard setbacks shall be provided and maintained as required for the zoning district in which the development is located.

**2.6 STREETS, UTILITIES, AND DRAINAGE.** The provision of streets, utilities, and drainage features shall be as required by the Subdivision Regulations for a conventional subdivision, provided that electrical and telephone wires shall be underground in a PUD. The Zoning and Planning Board may, however, waive the requirement for underground utilities where it would result in undue hardship or severe practical difficulties.

**2.7 DEVELOPMENT IN BUSINESS AND INDUSTRIAL DISTRICTS.** A PUD, which includes commercial or industrial uses as well as dwellings, shall be permitted only if the design ensures a wholesome and safe residential environment for the occupants thereof. In

particular, there shall be adequate design features to protect dwellings from traffic, noise, and similar adverse influences associated with commercial and industrial uses.

*2.8 REGULATIONS FOR TOWNHOUSES AND ZERO LOT LINE DWELLINGS, WHICH ARE A PART OF A PLANNED UNIT DEVELOPMENT.*

- (1) Minimum size of tract: One and one-half (1.5) acres and possessing maintained common open space.
- (2) Maximum density: Twenty-one (21) dwelling units per gross acre.
- (3) Minimum lot area: Two-thousand (2,000) square feet for townhouses and two thousand four hundred (2,400) square feet for zero lot line dwellings.
- (4) Minimum lot width: Twenty (20) feet for townhouses and thirty (30) feet for zero lot line dwellings.
- (5) Minimum front setback: Ten (10) feet from street right-of-way line, regardless of whether this front setback is part of an individual lot or part of the common open space.
- (6) Minimum side setback: None for townhouses, except that on corner lots the minimum side setback of the corner side of townhouses and zero lot line lots or dwellings shall be ten (10) feet from the street right-of-way line. In zero lot line lots there shall be no minimum on one (1) side and ten (10) feet on the opposite side.
- (7) Minimum rear yard depth: None, except that there shall be a minimum clearance of twenty (20) feet between buildings except as otherwise provided for by (11) herein.
- (8) Maximum height: Maximum building height shall be thirty-five (35) feet, not to exceed two (2) stories.
- (9) Maximum lot coverage: Seventy-five (75) per cent of the lot area.
- (10) A maximum of eight (8) living units shall be allowed in each row of townhouses. When an end unit of row of townhouses does not side on a street, an open space or court of at least twenty (20) feet in width shall be provided between it and the adjacent row of townhouses. However, where two (2) rows of townhouses, which together contain less than eight (8) living units, are immediately adjacent to each other, this open space between the ends of the two buildings may be reduced to a minimum of fifteen (15) feet.
- (11) Where townhouse lots and dwelling units are designed to face upon an open space or common access court rather than upon a street, this open court shall be a minimum of forty (40) feet in width and said court shall not include vehicular drives or parking areas.
- (12) Townhouses shall be constructed up to the side lot lines without side yards, and no windows, doors and other openings shall be installed in any common wall between units. However, where a two-story adjoins a single-story townhouse, windows may be installed in the second story wall of the two-story townhouse.
- (13) Zero lot line dwellings shall be constructed against the lot line on one (1) side of a lot, and no windows, doors or other openings shall be permitted on this side. Where adjacent zero lot line dwellings are not constructed against a common lot line, the builder or developer must provide for a perpetual wall

maintenance easement of five (5) feet in width along the adjacent lot and parallel with such wall.

- (14) All tract development shall require Zoning and Planning Board review and recommendation and approval by the Mayor and Board of Aldermen.

### **Sec. 3. APPLICATION PROCEDURE.**

3.1 Application for tentative and final approval of a PUD shall be made and processed as follows:

- (1) Developer desiring to build a PUD shall submit to the Zoning and Planning Board an application for tentative approval consisting of the following:

- A. Evidence of ownership or control of the tract proposed for development.
- B. A financial capability report indicating prospective sources of funds and persons showing a financial interest in the project.
- C. A sketch site plan or plans which shall contain the information required by the Subdivision Regulations for a Preliminary Plat, provided that such plan shall be drawn at a scale not smaller than one (1) inch equals forty (40) feet and shall include the outline of proposed parking area, the size, height, and layout of buildings, the layout of proposed open space, any existing trees to be preserved or destroyed. If the proposed development requires replatting the tract, a sketch plan of the proposed development shall be superimposed upon a drawing depicting all property lines and lot numbers, utility lines and easements of the original plan or plans proposed to be re- subdivided in dashed lines. Such drawing shall indicate existing rights-of-way to be vacated, and proposed rights-of-way to be dedicated.
- D. A statement setting forth the number, size, and approximate cost of dwelling units to be contained in the development, whether such dwelling units are planned for sale, or rental, the expected total population of the development, a clear description of arrangements for the ownership and management of any common open space, and a description of any covenants and restrictions to apply to property sold to homeowners.
- E. A fee, which shall be in accordance with the Schedule of Fees.

- (2) Upon receipt of an application for tentative approval, the Zoning and Planning Board shall prepare a written report for the Mayor and Board of Aldermen discussing the desirability of the proposed PUD, stating the degree to which the proposal conforms or fails to conform to the standards set forth in Section 2, and stating a recommendation that the application be approved or disapproved, with or without conditions. The Mayor and Board of Aldermen shall then hold a public hearing on the application, pursuant to public notice, and shall grant or deny tentative approval of the application, with or without conditions. The developer shall be notified of the

findings of the Mayor and Board of Aldermen by certified or registered mail.

(3) In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the developer shall elect to abandon said development and shall so notify the Zoning and Planning Board in writing, or in the event the developer shall fail to file application for final approval within eight months after the grant of tentative approval, the tentative approval shall be deemed to be revoked, and the tract for which tentative approval was granted shall again be subject to the normal zoning standards for the district in which it was located. The Zoning and Planning Board may however, grant extensions of the period of tentative approval, as it deems appropriate.

(4) An application for final approval shall be submitted to the Zoning and Planning Board.

Said application shall include the following:

A. Final Plat containing the data required in such a plat by the Louisville Subdivision Regulations. All restrictive covenants, building setback lines, and other private restrictions affecting the use of the property shall be set forth on the Final Plat, unless such restrictions are recorded in a separate document, in which event reference to such recorded document shall be set forth upon the plat.

B. Detailed Development Plan, showing:

- (a) Property lines within the tract to be developed.
- (b) Building locations, use, height in stories and feet.
- (c) Provisions for motor vehicle parking and loading (showing stalls and arrangement).
- (d) Vehicular and pedestrian circulation features, streets, walks, terraces, and patios.
- (e) Landscape and forestry features, fences and walls (height and type).
- (f) Common open space areas, with recreational or other development depicted.

C. Improvement Bond, which shall:

- (a) Be in favor of the City of Louisville,
- (b) Be in an amount equal to one hundred (100) percent of the cost, as estimated by a bona fide contractor approved by the City Engineer, of all streets, curbs, sidewalks, pedestrian ways, vehicular ways, landscaping, sewers, and utilities depicted on the final plat or on the Detailed Development Plan; excluding, however, the cost of any such improvements and installations which have been constructed, installed, and completed by utility companies or the City.
- (c) Be secured by a Surety Company authorized to do bonding business in and by the State of Mississippi and
- (d) Be conditioned to maintain the improvements described in

paragraph (6) below for a period of one (1) year following the completion and acceptance of the said improvements.

- (5) The Zoning and Planning Board shall process the application for final approval in accordance with the procedure prescribed for Final Plats in the Subdivision Regulations.
- (6) In the event that a development plan, or a section thereof, is given final approval and thereafter the developer shall abandon such plan or the section thereof, that has been finally approved, and shall so notify the Zoning and Planning Board in writing; or, in the event the developer shall fail to commence construction on the planned unit development within one (1) year after final approval is granted, or having commenced construction, shall discontinue construction for one year, no development or further development shall take place on the property included in the development plan without approval of the Zoning and Planning Board or until after said property is re-subdivided. The Zoning and Planning board may grant extensions of the one-year period prescribed herein as it deems appropriate.

#### **Sec. 4. VACATIONS AND DEDICATIONS.**

4.1. In the event that the Zoning and Planning Board grants final approval to a development plan which requires any existing public right-of-way to be vacated, the Zoning and Planning Board shall recommend to the Mayor and Board of Aldermen that such right-of-way be promptly vacated.

4.2. No dedication of streets, easements, parks, or other areas in a PUD shall be accepted by the City of Louisville until all improvements, for which an improvement bond is required by Section 3, are properly completed to the satisfaction of a City Engineer and the acceptance thereof authorized by the Mayor and Board of Aldermen.

#### **Sec. 5. SUBSEQUENT CHANGES OR ADDITIONS.**

5.1 If at any time after the completion of a PUD or portion thereof, a property owner or group of property owners wishes to construct or place a building not depicted in the recorded development plans of the PUD, or move a building within the PUD to a site other than the location shown in such development plan, said property owner or owners shall not construct, place, or move such building until the PUD shall have been re-subdivided or until a revised PUD Development Plan covering the affected portion of the PUD shall have been approved and recorded in accordance with the procedure prescribed in Section 3.

**Sec. 6. OPEN SPACE MAINTENANCE.**

*6.1* If any organization established to own and maintain a common open space, at any time after establishment of a planned unit development, fail to maintain said open space in reasonable order and condition in accordance with the development plan, the City may demand correction of such deficiencies, and may enter upon and maintain said open space and assess the cost of such maintenance ratably against the properties within said planned unit development. Any maintenance costs so assessed shall be a lien against the properties concerned.



## ARTICLE XI SIGN REGULATIONS

### Sec. 1. DEFINITIONS.

- 1.1. Refer to Article VIII, Definitions and Words, Section 3, Sign Definitions.
- 1.2. The following shall not be deemed to be included within the definition of SIGN.
  - (1) Signs of a duly constituted governmental body including, but not limited to, traffic or similar regulatory devices required by law, and warnings at railroad crossings.
  - (2) Signs required to be maintained by law or governmental order, rule, or regulation provided that the total surface area of all such signs on any one lot or parcel does not then exceed ten square feet or as required by state law.
  - (3) Signs placed by a public utility for the safety, welfare, or convenience of the public, such as signs identifying high voltage, public telephone, or underground cable.
  - (4) Signs upon a vehicle, trailer, boat, or wagon, provided that any such vehicle, trailer, boat, or wagon with signs thereon is not conspicuously parked or left standing for advertising purposes so as to constitute a device or other type of sign pursuant to the definition of a *SIGN*.
  - (5) Signs not more than two in number and noticing or soliciting the sale, lease, or hire of a vehicle to which such signs are attached if such signs are nine inches by 12 inches or less.
  - (6) Signs located inside a building or structure provided the sign is not so located as to be visible and readable without intentional and deliberate effort from outside the building or structure.
  - (7) Barber poles of the traditional type and design not exceeding three feet in height (vertical portion of the pole) and not erected so as to extend more than 12 inches from the front of the building to which it is attached.
  - (8) Noncommercial decorations in a residential zone commemorating a generally recognized seasonal event or occasion.

### Sec. 2. SIGN REQUIREMENTS FOR PERMANENT SIGNS BY ZONE DISTRICT.

The following sign regulations by districts are intended to include every district in the City of Louisville. The districts are as defined by the zoning ordinance and official zoning map. Only permanently located signs described herein will be permitted in each particular district, except for public signs and City, State and Federal historic markers.

2.1 "A" Agricultural Area District: This section shall apply to the district in the zoning ordinance known as the A-1, Agricultural Area District.

A. *Allowable Signs:*

- a. Signs advertising activities conducted on the property.
- b. Political signs,
- c. Real estate signs for the sale or lease of the property on which the sign is located.
- d. Construction signs.
- e. Home Address signs for single-family residences.
- f. Home Occupations signs.

B. *Size:*

- a. Signs shall not exceed one hundred (100) square feet per face or a total of two hundred (200) square feet for all signs on the property.
- b. A free-standing home address sign for single-family residences shall not to exceed three (3) feet in height and two (2) square feet in area.
- c. One home address sign may be stenciled on the curb for each single-family residence. This sign shall be limited to street number only and shall consist of four-inch high black letters on a white background.
- d. Home address signs on mailboxes shall be allowed in addition to that specified herein, and shall not exceed two square feet in area.
- e. Home Occupations signs shall not exceed six (6) square feet in face area and three (3) feet in height.

C. *Location:*

- a. Signs shall not be erected within one hundred (100) feet of road intersections along highway frontage.
- b. Allowable signs (A-a), (A-b), (A-c), and (A-d) listed above shall be located at least forty (40) feet from the centerline of any road and shall not exceed thirty-five (35) feet in height.
- c. Home address signs shall not be located closer to the highway frontage than the designated highway right-of-way.

2.2 "R" RESIDENTIAL DISTRICTS: The regulations set forth in this sub-article shall apply specifically to all districts designated by the zoning ordinance as Residential or Planned Unit Development as determined by the zoning code and amendments thereto. Only those types of signs referred to in this sub-article may be utilized in residential zones. Signs listed in this sub- article shall be subject to all other general provisions of this article as applicable.

(1) *Allowable Signs:*

- A. Ground mounted subdivision identification signs.
- B. Signs for schools, churches, hospitals, nursing homes and day care centers.
- C. Real Estate signs

- D. Address Signs for single-family residences.
- E. Signs advertising sale of personal property.
- F. Political Signs.
- G. Garage Sale, Estate Sale, and Lost Pet signs.
- H. Home Occupation signs.
- I. Model Home signs.
- J. Subdivision signs.
- K. Construction Project signs.

(2) *Size:*

- A. Ground Mounted Subdivision Identification Sign. The actual subdivision name shall (letters and spaces between letters) be limited to twenty-five (25) square feet on one side and in no case shall the total subdivision sign exceed fifty (50) square feet or six (6) feet in height.
- B. Signs for schools, churches, hospitals, nursing homes and day care centers. The sign area for a one face, wall mounted sign shall not exceed a total of thirty-five (35) square feet, or a ground mounted sign limited to fifty (50) square feet in area and six (6) feet in height.
- C. A free-standing home address sign for single-family residences shall not to exceed three (3) feet in height and two (2) square feet in area one home address sign may be stenciled on the curb for each single-family residence. This sign shall be limited to street number only and shall consist of four-inch high black letters on a white background. Home address signs on mailboxes shall be allowed in addition to that specified herein, and shall not exceed two (2) square feet in area.
- D. Real Estate signs shall not exceed six (6) square feet in area and four (4) feet in height.
- E. Political Signs shall not exceed four (4) square feet in face area on one side, and three (4) feet in height.
- F. Home Occupation signs shall not exceed six (6) square feet in face area and three (3) feet in height.
- G. Model Home signs and Construction Site signs shall not exceed thirty-two (32) square feet in face area and six (6) feet in height.

(3). *Location:*

- A. Ground mounted subdivision identification signs shall be set back a minimum ten (10) feet from the right-of-way. The setback requirement may be reduced by the Zoning and Planning Board providing the height of the sign does not exceed 3'-0".
- B. Signs for schools, churches, hospitals, nursery homes and day care centers shall be located on the property and set back a minimum of one (1) foot from the right-of-way.
- C. Free-standing home address signs shall be located at least ten (10) feet from nearest pavement or on property right-of-way

(4) *Height:*

- A. Ground Mounted Subdivision Identification Signs shall be a maximum height of six (6) feet as measured from surrounding grade.
- B. Free-standing home address sign for single-family residences shall not to exceed three (3) feet in height
- C. All other signs shall not exceed fifteen (15) feet as measured from surrounding grade.

2.3 *“B-1” COMMERCIAL DISTRICT:* The regulations set forth in this sub-article shall apply specifically to the districts in the zoning ordinance known as the B-1 Commercial District zones as determined by the zoning code of this code of ordinances, and any amendments thereto. Signs listed in this section shall be subject to all of the general provisions of this article.

(1) *Allowable Signs:*

- A. On-Premises Advertising Signs; Free-Standing High Rise,
- B. On-Premises Advertising Signs; Wall Signs,
- C. On-Premises Advertising Signs; Projecting Signs,
- D. On-Premises Advertising Signs; Roof Signs,
- E. On-Premises Advertising Signs On Projecting Overhangs And Awnings,
- F. Real Estate Signs,
- G. Construction Site Signs,
- H. Lighted Signs,
- I. Signs Inside Buildings,
- J. Institutional Signs,
- K. Signs On Vacant Land,
- L. Political Signs,
- M. Shopping Centers, Malls, And Multi-Commercial Buildings,
- N. Portable Signs,
- O. Off-Premises Outdoor Advertising Signs,

(2) *Size:*

- A. The maximum total sign area of a wall sign shall be fifty (50) square feet, or (1) one square foot for each lineal foot of building wall or lease space on which the sign is erected, whichever results in the smaller sign area. Wall signs less than eight feet above grade shall not be illuminated or electrified in any manner.
- B. Ground Mounted Signs, post signs and directories shall not exceed fifty (50) square feet per face per street frontage and total sign area shall not exceed one hundred (100) square feet total for all faces.
- C. The total sign area allowed will not exceed 1 1/2 square feet per foot of lineal building frontage, the frontage being determined by the principle entrance to the premises and on only one side of the lot.

(3) *Location:*

- A. Wall signs shall not project more than twelve inches from the face of the building.

B. Ground mounted, post and directory signs shall be set back a minimum of (1) one foot from the right-of-way.

C. There shall not be more than one (1) ground mounted, directory or post sign per 100 feet. The separation of ground mounted, directory or post signs on adjoining lots shall include a minimum distance one hundred (100) feet between signs. In instances where an individual property owner does not own sufficient land to meet the minimum separation distance between signs, one sign will be allowed on this property at a location as remote from existing signs as possible.

(4) *Height:* The height of all signs shall not exceed twenty (20) feet.

2.4 *“B-2” AND “B-3” COMMERCIAL DISTRICTS:* This section shall apply to all districts designated by the zoning ordinance as B-2 and B-3.

(1) *Allowable Signs:*

- A. On-Premises Advertising Signs; Free-Standing High Rise,
- B. On-Premises Advertising Signs; Wall Signs,
- C. On-Premises Advertising Signs; Projecting Signs,
- D. On-Premises Advertising Signs; Roof Signs,
- E. On-Premises Advertising Signs On Projecting Overhangs And Awnings,
- F. Real Estate Signs,
- G. Construction Site Signs,
- H. Lighted Signs,
- I. Signs Inside Buildings,
- J. Institutional Signs,
- K. Signs On Vacant Land,
- L. Political Signs,
- M. Shopping Centers, Malls, And Multi-Commercial Buildings,
- N. Portable Signs,
- O. Off-Premises Outdoor Advertising Signs,
- P. Bench Signs,

(2) *Size:*

- A. One free-standing sign, not exceeding 300 square feet in area and 35 feet in height, shall be allowed on a lot or parcel where a business is located.
- B. The total square footage of all signs shall not exceed two (2) square feet per foot of lineal lot frontage, the frontage being determined by the principle entrance to the premises and on only one side of the lot. Double faced signs shall not be counted twice.
- C. Wall, roof, marquee and awning signs shall not exceed one hundred and twenty-five (125) square feet. The maximum sign area for wall and roof signs may be increased one (1) square foot for each additional two (2) feet of building setback.

- D. Ground mounted signs, post signs, and directories shall not exceed one hundred (100) square feet.
- E. Bench signs shall not exceed twelve (12) square feet in area.
- F. Projecting signs shall not exceed fifteen (15) square feet in area.

(2) *Location:*

- A. Free-standing, high rise signs erected within 660 feet of the highway right-of-way may be erected to a height not in excess of 42½ feet as measured from nearest adjacent grade of the highway right-of way, as long as said sign otherwise meets all the requirements of this subchapter for free-standing signs. Not more than one allowable free-standing sign on a premises shall be a high-rise free-standing sign.
- B. Wall signs shall not extend beyond the surface of the building more than twelve (12) inches.
- C. Projecting signs shall not extend more than five (5) feet from the building into the front yard.
- D. Ground mounted, bench signs, and directories shall be at least one (1) foot from the right-of-way.
- E. There shall not be more than one ground mounted, bench sign, or directory sign per 100 feet of lot frontage. The separation of ground mounted, or directory signs on adjoining lots shall include minimum distance of one hundred (100) feet between signs. In instances where an individual property owner does not own sufficient land to meet the minimum separation distance between signs, one sign will be allowed on this property at a location as remote from existing signs as possible.
- F. Marquee signs may extend eight (8) feet into a front yard. A marquee sign may be placed upon a marquee provided such sign does not extend more than three (3) feet above nor one foot below such marquee.

(3) *Height:*

- A. Projecting signs shall not be less than eight (8) feet in height from the pavement line.
- B. Maximum height not to exceed 25 feet. Mounting poles, unless decorative in nature and integrated into overall design, shall be concealed by a 1.5 foot masonry mounting base the width of the sign.

2.5 "M" INDUSTRIAL DISTRICTS: This section shall apply to all districts designated by the zoning ordinance as "M-1" and "M-2".

- (1) *Allowable Signs:* All signs permitted under the Commercial Districts and Off-Premises Signs, including Billboard Signs.
- (2) *Size:* No sign shall exceed four hundred (400) square feet in area.
- (3) *Location:*

- A. Not more than one ground or post sign shall be erected for each five hundred (500) feet of highway frontage. However, not more than one off premises sign shall be erected for each one-quarter mile of road frontage
  - B. No ground mounted or post sign exceeding one hundred (100) square feet may be erected within six hundred sixty (660) feet of the intersection of two state or federal highways.
- (4) *Height:* Signs shall not exceed thirty-five (35) feet in height.
  - (5) *Construction and Maintenance:* All ground or post signs over 100 square feet in size shall be of single pole, steel construction.

### **Sec. 3. PERMITS.**

3.1 All permanent signs permitted under this Article, except those signs exempt in Section 12 of this Article, shall require a permit which shall be obtained prior to erection of the sign. It shall be unlawful to erect, re-erect, construct, alter, or install any sign except as provided by this chapter and pursuant to a required permit for the same issued by the Administrative Building Official. Except as hereinafter provided, a permit shall be required for each sign erected. In addition, electrical permits shall be obtained for lighted or illuminated signs. A permit for alteration of a sign which involves only a change in copy, content, or color and which does not involve any change in any part of the structure or lighting of the sign itself shall not be denied on the basis that the sign is otherwise nonconforming, if such sign was erected in accordance with applicable city ordinances in force at the time.

### **Sec. 4. PERMITS NOT REQUIRED.**

4.1 The following shall be subject to all other requirements of this chapter even though a permit shall not be required therefore:

- (1) Maintenance and minor repairs to existing signs for which a valid permit was obtained if required at the time of the initial installation.
- (2) Repainting without the alteration of existing signs to which a valid permit was obtained if required at the time of the initial installation.
- (3) Signs for public safety and convenience or those required for the enforcement of private property rights, such as "Entrance," "Parking," "No Trespassing," or "No Parking" provided not more than one such sign is maintained on each street, courtyard, or alley frontage on each site area and provided such signs do not exceed 150 square inches in area in any residential zone or four square feet in any non-residential zone.
- (4) Public notice signs.
- (5) Flags as permitted.
- (6) Political signs.
- (7) Garage sale or estate sale signs.
- (8) Lost pet signs.
- (9) Real estate signs.

- (10) Address and security protection signs.
- (11) Temporary signs advertising items for sale, as long as such signs do not constitute portable or free-standing signs as defined in this chapter and do not exceed two square feet in area.
- (12) Construction signs.
- (13) Changes in copy or content of changeable-type signs and legal nonconforming portable signs which were not constructed or installed in violation of any ordinance.

## **Sec.5. APPLICATIONS.**

5.1 Application for sign permits shall be made in writing upon forms furnished by the Administrative Building Official. Such applications shall contain the location by street and number of the proposed sign structure, as well as the name and address of the owner and the person or business erecting the sign. Plans and specifications showing all pertinent sign information shall be submitted with the permit application. In addition, if the erection of the sign involves electrical wiring or connection, the Electrical Inspector of the city shall examine the plans and specifications for compliance with the city's electrical code, and shall approve or disapprove prior to final approval or disapproval by the Administrative Building Official.

5.2. The plans and specifications shall include the following:

- (1) Two copies of a scaled drawing showing the complete, elevation of the building on which the sign is to be placed; such drawing shall include all exterior dimensions of the structure. Superimposed on this drawing shall be the proposed sign drawn to scale showing the dimensions, type, and size of lettering. The drawing shall be drawn to an appropriate scale, which shall be indicated on each sheet.
- (2) Two copies of a scaled and fully dimensioned plot plan drawing of the property upon which the sign is proposed to be erected shall be submitted. This drawing shall show all property lines, street lines, driveways, and traffic patterns into and out of the premises, existing structures, utility easements, the location of existing signs, and the location of proposed signs. All set back dimensions shall be indicated also. This shall not be required of signs that are to be affixed to a building.
- (3) The drawing for all signs which are to be illuminated shall show the location of electrical outlets, conduits, and lighting sources. The plan shall also indicate the intensity of illumination, which shall not exceed the maximum specified herein, and the Administrative Building Official may require certification thereof by a lighting consultant or an electrical engineer. At the contractor or owner's option, a separate electrical permit may be applied for by the electrician performing the work. The application must contain the information specified herein and need not be applied for or issued simultaneously with the permit for the sign proper; however, no electrical work shall be done until both permits have been approved and issued.
- (4) The drawing shall indicate the method of fastening the sign to the building or other supporting structure.
- (5) Any other information deemed necessary by the Administrative Building Official in determining whether the proposed sign meets the requirements of this chapter.



**Sec. 6. LICENSED PERSONNEL REQUIRED.**

6.1. All signs for which permits are required shall be designed, fabricated, erected, and/or installed by contractors who are licensed by the city to engage in the business of designing, fabricating, erecting, and/or installing signage in the city.

6.2. *Exceptions.*

- b. Temporary signs as defined herein.
- c. Non-electric shingle-type signs made of metal or wood not exceeding 32 square feet in area and attached flat to the wall of a building.
- d. Signs in residential areas, unless such a sign is intended to serve a commercial operation that exists in a residential zoning district as a non-conforming use.
- e. Signs that are designed, fabricated, and installed under the supervision of a licensed sign contractor. Said sign contractor shall then be responsible for the proper design, fabrication, and installation of said sign. This provision does not authorize an individual to perform any electrical work without the required electrician's license.

**Sec. 7. GRANTING AND REVOCATION OF PERMITS.**

7.1 The Administrative Building Official, before granting a permit for the erection, construction, reconstruction, repair, or alteration of any sign will determine whether the proposed sign conforms to all applicable laws and regulations, including, without limitation, those with respect to design, construction, location and materials. Any such permit may at any time be revoked should any of the provisions of this chapter be violated.

**Sec. 8. EFFECT OF PERMITS.**

8.1 The granting of a permit shall not be construed to be a permit for, or an approval of, any violation of the provisions of any law or regulation of the city, state or federal government, or of any deed restriction.

**Sec. 9. CORRECTIONS; STOPPING OF WORK.**

9.1 The granting of a permit shall not prevent the Administrative Building Official from thereafter requiring the correction of errors in the work or from preventing further work being done there under when such work is in violation of the provisions of any regulation or law of the city.

## **Sec. 10. PERMIT FEES.**

*10.1.* A sign permit shall not become valid until the applicant has paid to the city the appropriate fee according to the permit fee schedule as adopted annually by the Mayor and Board of Aldermen. There shall be no fee for alterations involving only change in copy, content, or color. Valuation shall mean the total cost of the sign or the value thereof if cost was not arrived at by transaction between independent parties.

*10.2* A fee shall not be required for signs for which a permit is not required or for graphics, murals, etchings, or stained or painted glass that does not have a name, mark, logo, symbol, or commercial identification attached or associated therewith.

*10.3* Whenever any sign for which a permit is required has been installed, replaced, or altered without first having obtained a permit, a special investigation consisting of inspection of the site, communication with the owner of the property or business and review of necessary records shall be made before a permit shall be issued for such work. An investigation fee, in addition to the permit fee, shall be collected, whether or not a permit is then or subsequently issued. The investigation fee shall be twice the amount of the permit fee and shall not exceed \$250. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this chapter or from any penalty prescribed by law.

## **Sec. 11. TIME LIMIT ON PERMITS.**

*11.1.* Issued permits shall be valid for 180 days from date of issue. If any changes or alterations are made to the sign construction, appearance, size or height, after permit issue, prior to erection and not in conformance with this sign ordinance, the issued permit shall be void and invalid.

## **Sec. 12. EXEMPT SIGNS.**

*12.1* The following types of signs are exempted from all the provisions of this Article and shall be allowed in addition to all other signs allowed by this article. Any signs, which exceed the provisions of this section, shall comply with the other sections of this Article.

- (1). Public Signs: Signs erected by, or on the order of, a public officer in the performance of his public duty, such as safety signs, danger signs, and traffic signs.
- (2) Historical Markers: Historical markers as recognized by Local, State, or Federal authorities.
- (3) Name plates mounted on buildings or mail boxes not exceeding one (1) square foot in size.
- (4) Traffic directional signs not exceeding four (4) square feet in size and located at least one (1) foot from the right-of-way.
- (5) Signs in or on windows not exceeding twenty (20) percent of the window area.
- (6) Advertising sale or lease of real estate: the sign area of one face shall not exceed twelve (12) square feet in the "A" Agricultural District. In no case shall

the total sign area of all signs on total project exceed twenty-five (25) square feet. In all other districts the sign area of one face shall not exceed eight (8) square feet. In no case shall the total sign area of all signs on the property exceed sixteen (16) square feet. Sign shall be located at least one (1) foot from the right-of-way.

- (6) Political signs not exceeding four (4) square feet in size
- (7) One portable sign per commercial establishment not exceeding eight (8) square feet and located at least one (1) foot from the right-of-way
- (8) Signs for Home Occupations as allowed in Article VIII, Sec. 2, Definitions.

### **Sec.13. ILLUMINATION**

*13.1. ILLUMINATED SIGNS* shall adhere to the following provisions and restrictions in addition to those requirements stated in this Article:

- (1) Signs shall not have blinking, flashing or other illuminating devices which change light intensity, brightness or color. Beacon lights are not permitted. Automatic changing signs displaying time, temperature, date or electronically controlled message centers are permitted.
- (2) The light for or from any illuminated sign shall be so shaded, shielded or directed that the light intensity will not be objectionable to surrounding areas.
- (3) No colored lights shall be use on any sign at any location in any manner so as to be confused with or construed as traffic control devices.
- (4) Neither direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.

### **Sec. 14. PROHIBITED SIGNS.**

*14.1.* It shall be unlawful for any person to erect or otherwise display any sign that is not specifically authorized and controlled by this ordinance. It shall also be unlawful for any person to erect, install, or otherwise display any sign that does not conform to the specific requirements of this Article.

*14.2 PROHIBITED SIGNS:* The following types of signs are [prohibited} under this Article.

- (1) Portable signs are prohibited except as provided for in Section 26.16.
- (2) Signs or devices which by color, location, or design resemble or conflict with traffic control signs or devices are prohibited.
- (3) Signs attached to, suspended from or painted on any vehicle which is regularly parked on any street or private property to display demonstrate, advertise or attract the attention of the public.
- (4) Signs which contain pulsating lights or strobe lights.

**Sec.15. POSTING IN PUBLIC PLACES.**

15.1 Except as otherwise provided in this chapter, it shall be unlawful for any person to post, suspend, print, stick, stamp, tack, or otherwise affix, or cause the same to be done, any notice, placard, bill, card, poster, sticker, banner, sign, advertising, or other device calculated to attract the attention of the public to, over, or upon any street right-of-way, public sidewalk, curb (except house numbers), lamp post, hydrant, tree, electrical light pole, telephone pole, telegraph pole, or upon any fixture of the alarm systems, telephone systems, or similar or related systems involving governmental or public service of the city, or upon any public building or utility. This section is not applicable to public convenience, safety, and regulatory signs erected by the city.

**Sec. 16. POSTING ON PRIVATE PREMISES.**

16.1. It shall be unlawful for any person to post, print, stick, stamp, tack, or otherwise affix, or cause the same to be done, any notice, placard, bill, card, poster, sticker, banner, sign, advertising, or other device calculated to attract the attention of the public over or on private land, or to, at, from, or upon any post, fence, wall, building, structure, or any part of any building or structure located in or upon any private premises or property within the city, unless the consent of the owner, agent, or occupant has first been obtained, and appropriate permits issued where required.

**Sec. 17. PROHIBITED SUPPORT.**

7.1. No sign shall be supported in whole or in part from any public utility installation or any tree.

**Sec. 18. SPECIAL EVENTS.**

18.1. Notwithstanding other provisions of this chapter, signs, bunting, flags, banners, and other decorations, which might otherwise be in violation of this chapter, may be permitted on a temporary basis for the following seasonal events, special occasions or local civic or community projects:

(1) *Commercial endeavors.* For grand openings only, provided that the grand opening period shall begin within 30 days from the date a new business is fully registered with the city and has paid all associated fees, including any occupation tax due, and provided that such period shall not exceed seven days.

(2) *Non-profit organizations.* For seasonal events benefitting the general public or bona fide charitable organizations, provided that such signage, decorations, and the like shall not be placed more than three days prior to the event and shall be removed within three days after the event, and the total duration does not exceed seven days.

- 18.2. All other provisions of this section shall be complied with; if at any time the Administrative Building Official or any Police Officer determines that signage, decorations, and the like authorized by this section constitute a nuisance or a safety hazard, they may order its immediate removal regardless of whether permission had previously been granted.
- 18.3. The size, area, and/or number of temporary signs authorized by this section shall be limited to that allowed for permanent signage, however, it shall be allowed in addition to the maximum permanent signage allowed.
- 18.4. Such requests will be submitted in writing to city identifying the time frame permit is requested with an illustration of proposed sign.

#### **Sec.19. NONCONFORMING SIGNS.**

19.1 All signs in existence and in use on the date this ordinance becomes effective, which were erected in accordance with all applicable regulations of the city in force at that time, and which do not wholly conform to the applicable provisions of this chapter, shall be declared legal nonconforming signs. No such nonconforming sign may be enlarged or altered in any way which increases its nonconformity. If any nonconforming sign should be dismantled, removed, or destroyed other than by fire, vandalism, windstorm, or other natural forces or events beyond the control of the owner and the repair cost is more than 50% percent of the cost of erecting an identical new sign, it shall not be replaced, re-erected, or rebuilt unless it is made to wholly conform to the provisions of this ordinance. A building permit is required for any replacement or re-erection. Upon any type of restoration, the conditions which rendered said sign nonconforming may not be expanded or increased. However, any sign which is prohibited by this ordinance and was also prohibited by the previous City of Louisville Zoning Ordinance adopted April 16, 1973, shall be discontinued and removed.

#### **Sec. 20. INSPECTION, REMOVAL AND SAFETY.**

20.1. All signs may be inspected periodically by the Administrative Building Official for compliance with this Article.

20.2. All signs and components there of shall be kept in good repair and in safe, neat, clean, and attractive condition.

20.3. The Administrative Building Official shall give written notice for the removal of any permanent sign erected or maintained in violation of this Article. Upon failure to comply with this notice, the Administrative Building Official shall take legal action to enforce compliance with this ordinance. The Administrative Building Official may remove a sign immediately and without notice if the sign presents an immediate threat to the safety of the public. Any sign removal shall be at the expense of the property owner.

**Sec. 21. SIGN CONSTRUCTION REQUIREMENTS.**

*21.1. STANDARDS:*

- (1) Signs shall conform to the construction requirements of this subchapter. All signs, except temporary signs, shall be designed, fabricated, and erected so as to meet the applicable requirements of the Standard Building Code, Article 600 of the National Electrical Code, and the requirements of this chapter.
- (2) All signs that are lighted, illuminated, or otherwise wired for electricity, shall be constructed entirely of noncombustible materials, except that the sign facings may be constructed of materials that burn at a rate no faster than 2½ inches per minute when tested in accordance with ASTM D 635.

**Sec. 22. CLEARANCE FROM UTILITIES, EXITS, OR STANDPIPES.**

*22.1.* Signs shall conform to the general clearance requirements of this section except where more stringent requirements may apply in other sections of this chapter.

- (1) Signs shall be located not less than six feet horizontally or 12 feet vertically from overhead electrical conductors which are energized in excess of 750 volts. The term “overhead conductors” as used in this section means any electrical conductor, either bare or insulated, installed above the ground, except such conductors as are enclosed in electrical conduit or other material covering of equal strength. No sign shall be erected nearer than six feet to any telephone cable, power line, or any street light standard. In the case of a conflict between this section and the requirements of the National Electrical Code or any Public Utility, the more restrictive requirements shall govern.
- (2) No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit, or standpipe.

**Sec. 23. OBSTRUCTION OF OPENINGS, DOORS, WINDOWS, OR FIRE ESCAPES.**

*23.1.* No sign shall obstruct any openings to such an extent that light or ventilation is reduced to a point below that required by this chapter. Signs erected within five feet of an exterior wall in which there are openings within the area of the sign shall be constructed of noncombustible material or approved plastics.

*23.2.* No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape. No sign of any kind shall be attached to a standpipe, or fire escape, nor be placed in such a manner as to interfere with any opening required for legal ventilation.

## **Sec. 24. CLEARANCE AT STREET INTERSECTIONS.**

*24.1.* On corner lots, no sign of any kind shall encroach within the area formed by a right triangle, the legs of which are each 30 feet in length and are extensions of the roadway right-of-way or curbs as the case may be, that intersect one another. If the curb or roadway surface edges form a radius at their intersections, then the legs of the triangle shall be considered tangents of that radius. If the roadways intersect at other than 90° angles, then the legs of the triangle shall be considered acute or obtuse to one another, as the case may be.

## **Sec. 25. SIGN RESTRICTIONS; RESIDENTIAL.**

### *25.1. SCOPE.*

The regulations set forth in this subchapter shall apply specifically to residential zones as determined by the zoning code and amendments thereto. Only those types of signs referred to in this subchapter may be utilized in residential zones. Signs listed in this subchapter shall be subject to all other general provisions of this chapter as applicable.

### *25.2. REAL ESTATE SIGNS.*

Real estate signs on property that has a building erected thereon shall not exceed six (6) square feet in area, provided that riders or additional plates not exceeding two in number and 240 square inches in area in the aggregate may be attached. Such signs shall be erected or constructed so that no portion thereof exceeds a height of four feet from the ground. Not more than two real estate signs shall be located on any one premises at any one time. Real estate signs must be removed not later than ten days after the transaction pursuant to which the property is sold or leased is closed or the contract is otherwise terminated.

### *25.3. ADDRESS SIGNS FOR SINGLE-FAMILY RESIDENCES.*

Address signs for single family dwellings shall be limited to one per home. Said signs shall be attached to the wall of the home where visible from the street on which the home fronts. A free-standing address sign not to exceed three (3) feet in height and six square feet in area may also be erected in the front yard as long as it is entirely within the buildable area of the lot as determined by the residential zoning code. In addition, one address sign may be stenciled on the curb for each single family residence. This sign shall be limited to street number only and shall consist of four-inch high black letters on a white background. Address signs on mailboxes shall be allowed in addition to that specified herein, and shall not exceed two square feet in area.

### *25.4. MULTI-FAMILY COMPLEXES.*

Every household unit in a multi-family residential complex may have its own address sign attached to or near the entrance to the unit. In addition, one building identification sign may be installed on the wall of each individual building containing residential units, provided the sign does not exceed 32 square feet in area. Residential communities, such as mobile home and recreational vehicle parks and apartment complexes, shall be allowed one sign not to exceed 100 square feet in

area and six feet in height for each roadway frontage. In addition, one secondary sign not to exceed 32 square feet and six feet in height shall be allowed for each roadway entrance to the community. Heights are to be measured from adjacent grade.

*25.5. LIGHTED SIGNS.*

Lighted or illuminated signs are not permitted except for institutional signs and signs advertising residential rental communities.

*25.6. SIGNS ADVERTISING SALE OF PERSONAL PROPERTY.*

Signs advertising the sale of motor vehicles, boats, trailers, or other personal property shall not exceed six square feet in area, and no more than one such sign shall be allowed on the site at any given time. Such signs shall be permitted only for the time such sale is occurring, and shall be removed upon consummation of the sale or removal of the personal property from the premises.

*25.7. SIGNS INSIDE BUILDINGS.*

Signs inside a residential structure, or any other building of the type intended to be covered by this subchapter, attached to any window or opening with the sign copy visible from the outside or otherwise so located so as to be visible and readable without intentional and deliberate effort from outside the building or structure shall be considered part of the total allowable sign area permitted.

*25.8. POLITICAL SIGNS.*

Temporary political signs, each not exceeding four (4) square feet in area and four feet in height, shall be permitted. Such signs shall not be illuminated. All political signs shall be removed not later than four (4) days after the occurrence of election or voting day or event to which the political sign makes reference or to which such sign is relevant. Temporary political signs shall not be posted before the 60th day prior to the election. Temporary political signs proposed under Section 26.13 of this chapter shall not be subject to the size limitations of this section, although they shall be subject to all other requirements hereof.

*25.9. GARAGE, ESTATE SALE, AND LOST PET SIGNS.*

Garage, estate sale, and lost pet signs shall be permitted. Garage and estate sale signs shall be permitted for the period during which any such sale is actually occurring; and lost pet signs shall be permitted for the period during which such pet remains lost.

*25.10. HOME OCCUPATION SIGNS.*

Signs for home occupations or businesses authorized by the zoning code or a special use permit authorized by the Mayor and Board of Aldermen shall not exceed one in number and six square feet in area and three (3) feet in height. The sign message shall be limited to the name of the business, a brief description of the nature of such business, and the hours of operation. Such signs shall not be illuminated.



*25.11. MODEL HOME SIGNS.*

Signs advertising model homes or sales offices for new homes in residential areas, when authorized to conduct such business by ordinance or Mayor and Board of Aldermen action, shall be limited to 32 square feet in area. Such signs shall not exceed six feet in height as measured from existing grade, and shall not be illuminated. Such signs shall be removed within ten days of the cessation of the sales activity of the particular home builder, seller, or his agents in that area to which the sign applies.

*25.12. SUBDIVISION SIGNS.*

Signs erected at the entrance to or within a subdivision or other development for the purpose of decoration and subdivision or development identification shall be allowed. Signs intended to be permanent shall not exceed 100 square feet in area or six feet in height. Signs that are intended to be temporary shall not exceed 64 square feet in area and ten feet in height. Temporary subdivision signs shall be authorized only as long as there is continuous new home building activity in the subdivision, and shall be removed within ten days from the cessation of said new home building activity. Only one, temporary subdivision sign may be authorized for each subdivision. Subdivision signs shall be illuminated by reflected light only.

*25.13. INSTITUTIONAL SIGNS.*

Signs relating to schools, churches, hospitals, universities, or similar institutions (and individual buildings comprising these institutions) may be wall signs limited to 20 square feet in area, or ground signs limited to 50 square feet in area and six feet in height.

*25.14. NONCOMMERCIAL LOGOS, EMBLEMS, AND THE LIKE.*

Signs advertising noncommercial activities, associations, interest groups, organizations, employment affiliations, and the like, shall be attached flat to the building and all such signs shall not exceed a cumulative area of more than six square feet. Such signs shall not be illuminated.

*25.15. SIGNS ON VACANT LAND.*

Signs shall not be placed upon any vacant lot or on unimproved property, except non-illuminated signs that deal exclusively with the sale or lease of such property, or temporary political signs, subject to the following:

- (1) If any such sign is fifty (50) feet or less from other property boundaries as measured along the front property line, then that sign shall not exceed six (6) square feet in area, provided that riders or additional plates not exceeding two (2) in number and 240 square inches in the aggregate may be attached. The sign shall not exceed four (4) feet in height.
- (2) If any such sign is more than fifty (50) feet from other property boundaries as measured along the front property line, then that sign shall not exceed thirty-two (32) square feet in area or six (6) feet in height.
- (3) Where parcels or lots are located at the corner of a roadway intersection, one sign shall be allowed for each roadway frontage as long as they both conform to the provisions for distances from property boundaries as outlined in divisions (1) and (2) of this section.

- (4) Adjacent parcels or tracts of land under common ownership shall not be construed as one or more larger tracts for the purposes of divisions (1) and/or (2) above.

**25.16. CONSTRUCTION PROJECT SIGNS.**

Construction project signs shall be subject to the same requirements and limitations as real estate signs mentioned in Section 25.2 of this subchapter, except that only one shall be allowed upon a premises.

**25.17. CUMULATIVE SIGN AREA RESTRICTIONS.**

Requirements for particular signs described herein notwithstanding, no premises upon which a residence is located shall have a cumulative total sign area of more than 32 square feet. Model homes and sales offices for new homes shall not have a cumulative total of more than 64 square feet. These requirements do not apply to institutions and residential rental communities.

**Sec. 26. SIGN RESTRICTIONS; NONRESIDENTIAL.**

**26.1 SCOPE.**

The regulations set forth in this subchapter shall apply specifically to areas of the city that are not classified as residential zones as determined by the zoning code of ordinances, and any amendments thereto. Signs listed in this section shall be subject to all of the general provisions of this chapter.

**26.2 ON-PREMISES ADVERTISING SIGNS; FREE-STANDING.**

- (1) One free-standing sign, not exceeding 300 square feet in area and 35 feet in height, shall be allowed on a lot or parcel where a business is located. Additional free-standing signs, each not exceeding the height and area limitations previously described, shall be allowed in accordance with the following schedule:

<i>Principal Lot Frontage</i>	<i>Number of Signs Allowed</i>
75 feet or less	1
75 to 150 feet	2
Each 150 feet thereafter	one additional

- (2) For the purposes of the schedule above, corner lots shall be considered as having separate frontage on each street.

**26.3. ON-PREMISES ADVERTISING SIGNS; FREE-STANDING, HIGH RISE.**

The provisions of *Section 26.2* notwithstanding, free-standing signs erected within 100 feet of the highway right-of-way may be erected to a height not in excess of 42½ feet as measured from nearest adjacent grade of the highway right-of-way. Not more than one allowable free-standing sign on a premises shall be a high-rise free-standing sign. *Free Standing High Rise* signs located on state

or federal highways shall meet all requirements of the agency/agencies having highway right-of-way jurisdiction at the site, as long as said sign otherwise meets all of the requirements of this subchapter for free-standing signs.

*26.4. ON-PREMISES ADVERTISING SIGNS; WALL SIGNS.*

Wall signs, as defined in Article VIII of this chapter, shall be allowed to be installed on a business premises subject to the following:

- (1) Wall signs shall be placed on a wall parallel to the surface to which it is attached, and shall only face abutting or facing streets or parking lots.
- (2) Not more than three wall signs shall be permitted on a permitted side or wall of a building; the cumulative area of all signs on any permitted side or wall of a building shall not exceed 50% of the total area of said side or wall. Separate tenant spaces in a shopping center shall be considered separate buildings for the purposes of determining allowable wall signage.
- (3) Accessory structures of a permanent nature shall be allowed wall signage in the same manner as that prescribed in division (2) of this section. In computing the wall area for open-sided canopy type structures, the extreme elevation dimensions shall be used.
- (4) Business identification signs, building identification signs and special signs of any nature shall be considered as comprising a part of the allowable wall signage unless such sign meets the definition of a temporary sign as defined in this chapter.
- (5) Wall signs less than eight feet above grade shall not be illuminated or electrified in any manner.

*26.5. ON-PREMISES ADVERTISING SIGNS; PROJECTING SIGNS.*

Projecting signs, as defined herein, shall be considered as part of the allowable wall signage. Only one side of a projecting sign shall be counted as part of the allowable area. Projecting signs must be erected at least nine feet above grade, and shall not project more than ten feet from the wall of the building to which they are attached; however, in no case shall they ever extend into a public right-of-way or over any property line.

*26.6. ON-PREMISES ADVERTISING SIGNS; ROOF SIGNS.*

Roof signs shall be allowed only when no practical alternative exists for wall signage. For purposes of determining allowable area and number, roof signs shall be considered as part of the allowable wall signage on the wall that the roof sign fronts upon. Plans for the installation of roof signs shall be approved and sealed by a structural engineer licensed to practice in the State of Mississippi. The structural integrity of the sign and the supporting building components shall be attested to by said engineer.

*26.7. ON-PREMISES ADVERTISING SIGNS ON PROJECTING OVERHANGS AND AWNINGS.*

Projecting overhangs and awnings installed perpendicular to the wall or side of a building shall be allowed signage as if each particular elevation view of such projecting overhang or awning was a separate wall. In determining the wall area, the elevation dimensions shall be used.

*26.8. REAL ESTATE SIGNS.*

Real estate signs on premises where a building is located shall not exceed six square feet in area, provided that riders or additional plates not exceeding two in number and 240 square inches in area in the aggregate may be attached. Such signs shall be erected or constructed so that no portion thereof exceeds a height of four feet from the ground. There shall be allowed only two real estate signs per site. Real estate signs must be removed not later than ten days after the transaction, pursuant to which the property is sold or leased, is closed, or the contract is otherwise terminated. If the property to be sold or leased includes a building with glass frontage, one additional real estate sign not to exceed six square feet in area may be placed behind each 30 feet of length of glass frontage or fraction thereof.

*26.9. CONSTRUCTION SIGNS.*

Construction signs shall not exceed 32 square feet in area or six feet in height. Not more than one such sign shall be permitted on any one site, and any such sign shall face the street upon which said site fronts. All references to parties involved shall be on a single sign. Such signs shall be removed upon completion of the construction project.

*26.10. LIGHTED SIGNS.*

Lighted signs shall be allowed in accordance with the following:

- (1) All electrical wiring shall conform to article 600 of the National Electrical Code edition in effect at the time of permit issuance.
- (2) No single light bulb shall exceed 40 watts.
- (3) Lighted signs shall not resemble official traffic signals or emergency vehicle lights. No sign lighting shall have red, blue, yellow, green or amber light bulbs that will have the appearance of being an emergency vehicle or traffic signal...
- (4) Sign lighting shall not move, flash, strobe, blink, rotate, change in intensity, or appear to do any of the foregoing. *Exception:* decorative building lighting, including permitted wall signs, when the same are at least 25 feet from the property line along any roadway running contiguous with the premises. Also, lighted signs which indicate time and/or temperature shall be excepted.
- (5) If any sign lighting shall be reasonably calculated to constitute a hazard to the safety of motorists operating vehicles at night, such lighting shall be altered or changed to eliminate the hazard whether or not such lighting meets the other provisions of this chapter.

*26.11. SIGNS INSIDE BUILDINGS.*

Signs, including neon signs, locating inside a building or structure and so located so as to be visible and readable from outside the building or structure without intentional and deliberate effort shall be considered as part of the allowable sign area for the particular wall or side of the building it is intended to be viewed from. In no case shall any such sign encroach upon the minimum window area required by the building code for emergency egress or minimum light and/or ventilation. These requirements apply to signs not otherwise excluded from the definition of a sign by this chapter.

*26.12. INSTITUTIONAL SIGNS.*

Signs relating to schools, churches, hospitals, universities, or similar institutions in nonresidential areas shall be allowed signage equivalent to that allowed for any commercial business.

*26.13. SIGNS ON VACANT LAND.*

Signs shall not be placed on any vacant lot or unimproved property, except political signs (subject to the provisions of *Section 26.14*, off-premises outdoor advertising signs (subject to the provisions of *Section 26.17*, and signs that deal exclusively with the sale or lease of such property (For example, real estate signs). Real estate signs shall not exceed 32 square feet in area and six feet in height. The allowable number of real estate signs on a given lot or parcel shall be determined in the same manner as that for free-standing on-premises signs in *Section 26.2*. Real estate signs shall be removed no later than ten days after the transaction pursuant to which the property is leased or sold, is closed, or the contract is otherwise terminated.

*26.14. POLITICAL SIGNS.*

Political signs, not exceeding a cumulative total of more than 32 square feet in area per premises (and six feet in height for individual signs) shall be permitted in nonresidential areas. All political signs shall be removed not later than four (4) days after the occurrence of election or voting day or event to which the political sign makes reference to or to which such sign is relevant. Temporary political signs shall not be posted before the 60th day prior to election.

*26.15 SHOPPING CENTERS, MALLS, AND MULTI-COMMERCIAL BUILDINGS.*

(1) *CRITERIA REQUIRED.* The owners of premises comprising shopping centers, malls, and other multi-occupancy commercial buildings shall develop sign criteria for their particular premises that is consistent with this chapter. Nothing shall prohibit such an owner from developing criteria that is more restrictive than the provisions of this chapter, however, those criteria may not be less restrictive than these provisions. The criteria developed shall be considered as part of the lease provisions for the particular premises involved.

(2) *FREE-STANDING SIGNS.* Free-standing signs shall meet the criteria for same set forth in *Section 26.2* and *Section 26.3* of this chapter, as applicable, except that the allowable free-standing signs shall only advertise the shopping center, mall, or multi-occupancy building, as the case may be, and not any particular business located

therein. In addition to the 300 square feet of allowable sign area on each permitted sign face, an additional 300 square feet of area may be attached to the same structure, or to another structure if another free-standing sign is otherwise allowed, which area shall be shared equally by each individual business within the shopping center, mall, or multi-occupancy building for advertising their particular businesses.

- (3) *WALL SIGNS.* Wall signs shall meet the criteria for wall signs as set forth in sections *Section 26.4* through *Section 26.6*, as applicable, except that a business that does not have a dedicated main entrance on the building exterior shall not be allowed an exterior wall sign. Doorways used exclusively for emergency egress purposes or for deliveries and not intended for normal use by patrons shall not be considered as meeting this requirement.

#### *26.16 PORTABLE SIGNS.*

Portable signs shall be allowed on a business premises subject to the following:

- (1) Only one such sign shall be allowed on any premises at any one time.
- (2) A permit shall be required for the new installation of any such sign and for the relocation of any such sign on the same premises.
- (3) A portable sign shall constitute part of the allowable area for free-standing signs on a premises, but in no case shall any portable sign exceed 32 square feet in area and six feet in height.
- (4) Portable signs shall be anchored to prevent movement or overturning in a manner approved by the Building Official.
- (5) If the sign is electric, it must be supplied with an approved weathertight receptacle installed within six feet of the sign. The receptacle must be supplied by an approved branch circuit; no extension cords shall be allowed under any circumstances. As an option, portable signs may be hard-wired.

#### *26.17. OFF-PREMISES OUTDOOR ADVERTISING SIGNS.*

- (1) Off-premises outdoor advertising signs, as defined in Article VIII are allowed in the following areas subject to the particular requirements indicated, as well as other applicable sections of this chapter.
- (2) Off-premises outdoor advertising signs may be installed within the areas under the control of the State of Mississippi. Such signs shall be subject to the provisions of Mississippi Department of Transportation. and shall be subject to the permit requirements of this chapter as well as those of the state.
- (3) Off-premises outdoor advertising signs may be installed upon lands abutting the Mississippi Highway Department right-of ways, subject to the following conditions:

- (A) Maximum sign area shall not exceed 300 square feet.
  - (B) Maximum height shall not exceed 35 feet as measured from adjacent road grade.
  - (C) Signs shall be spaced no closer to each other than 1,000 feet apart along the same side of the roadway. This shall be a linear measure along the centerline of the roadway.
  - (D) Signs shall not be erected closer than 1,000 feet to any public recreational area, church, school, residentially zoned area, or any scenic area so designated by a governmental authority.
- (4) No off-premises outdoor advertising sign shall be designed or used in such a way so as to constitute an on-premises business identification sign as herein defined. This requirement applies whether or not a business activity began operations prior to or subsequent to the erection of the sign.

*26.18. VISION CLEARANCE AND SETBACK REQUIREMENTS.*

Free-standing signs including off-premises signs, temporary signs, and displays and portable signs, may be placed anywhere on the premises subject to the following (see attached figure 1 and 2 for clarification of the following divisions (1), (2), and (3)):

- (1) Such signs shall not be installed within the 30-foot triangle at roadway intersections.
- (2) If controlled vehicular ingress and egress is provided by a clearly defined entrance and exit ways into and out of a premises, signs that are erected within a right triangle whose legs are 20 feet in length and are extensions at the roadway surface edge or curb, as the case may be, and the edge of the private ingress and/or egress driveway shall:
  - (A) Not be in excess of three feet in total height as measured from the lowest part of the driveway.
  - (B) Be erected to any height allowed by this chapter provided that the sign face is entirely above the ten-foot level as measured from the highest part of the driveway, and provided that no part of the structure, pole, or standard below the ten-foot level shall present a cumulative obstruction to the view of a motorist of more than 16 inches in width.
- (3) If controlled ingress and egress is not provided into and out of the premises, then any sign or display erected or installed within ten feet of a public roadway must meet the same minimums or maximums of the height of the sign face as mentioned in division (B) of this section for vision clearance purposes.
- (4) No sign or display shall ever be erected or installed in city street right-of-way, except that real estate signs of the six square foot and smaller variety and political signs of the poster type may be installed in the city streets or rights-of-way when the distance between property line and the roadway surface exceeds 12 feet; however, such signs shall not be erected closer to the roadway than 12 feet under these circumstances.

(5) Signs shall not be erected or installed so as to encroach upon any property line or public right-of-way. The Administrative Building Official shall have the authority to require an applicant for a sign permit to conduct a survey to verify property line locations when the same are in question.

*26.19. COMPLIANCE WITH OTHER REGULATIONS.*

Compliance with the provisions of all other relevant ordinances of the city, including, but not limited to, those ordinances dealing with electrical and building construction and permits, is mandatory.

*26.20. DANGEROUS SIGNS; REMOVAL.*

(1) Any sign, or any part thereof which was not erected and/or is not maintained in accordance with the design, construction, or location requirements contained or referred to in this chapter, or any sign or part thereof which is liable to fall down and/or endanger persons or property, or is a fire hazard, or is a dangerous structure, or any sign or part thereof which, from age, neglect, or faulty construction becomes dangerous or dilapidated, shall be deemed to be a public nuisance, and such public nuisance shall be abated by the Building Official as provided in division (B) of this section.

(2) All signs, or parts thereof, which are deemed a public nuisance under this section may be abated by way of repair, rehabilitation, demolition, or removal, as the particular circumstances may require, and as may be hereinafter specified, any remedy specified in this chapter shall be in addition to any other procedures or remedies available to the city for the enforcement of this chapter.

**Sec. 27. APPEALS TO BOARD OF ADJUSTMENT.**

27.1. The Board of Adjustments may hear and decide appeals which allege error in any order, requirement, decision, or determination made by the Administrative Building Official in connection with the refusal to grant a permit required by this chapter, the revocation of a permit granted under the provisions of this chapter or a decision involving any substantive or material interpretation of a provision of this chapter. The decision of the Board of Adjustments with regard to such appeal shall be final.

**Sec. 28. PENALTY.**

28.1. Any person, firm, or corporation in violation of any of the provisions of this chapter shall, upon conviction in Municipal Court, be fined not less than \$50 and not more than \$2,000. Each day such violation exists shall constitute a separate offense. The Municipal Building Official or his or her designee shall have the authority to issue citations or file complaints in Municipal Court for violations of this ordinance. Said authority being in addition to any other remedy available under any other applicable ordinance or statute.

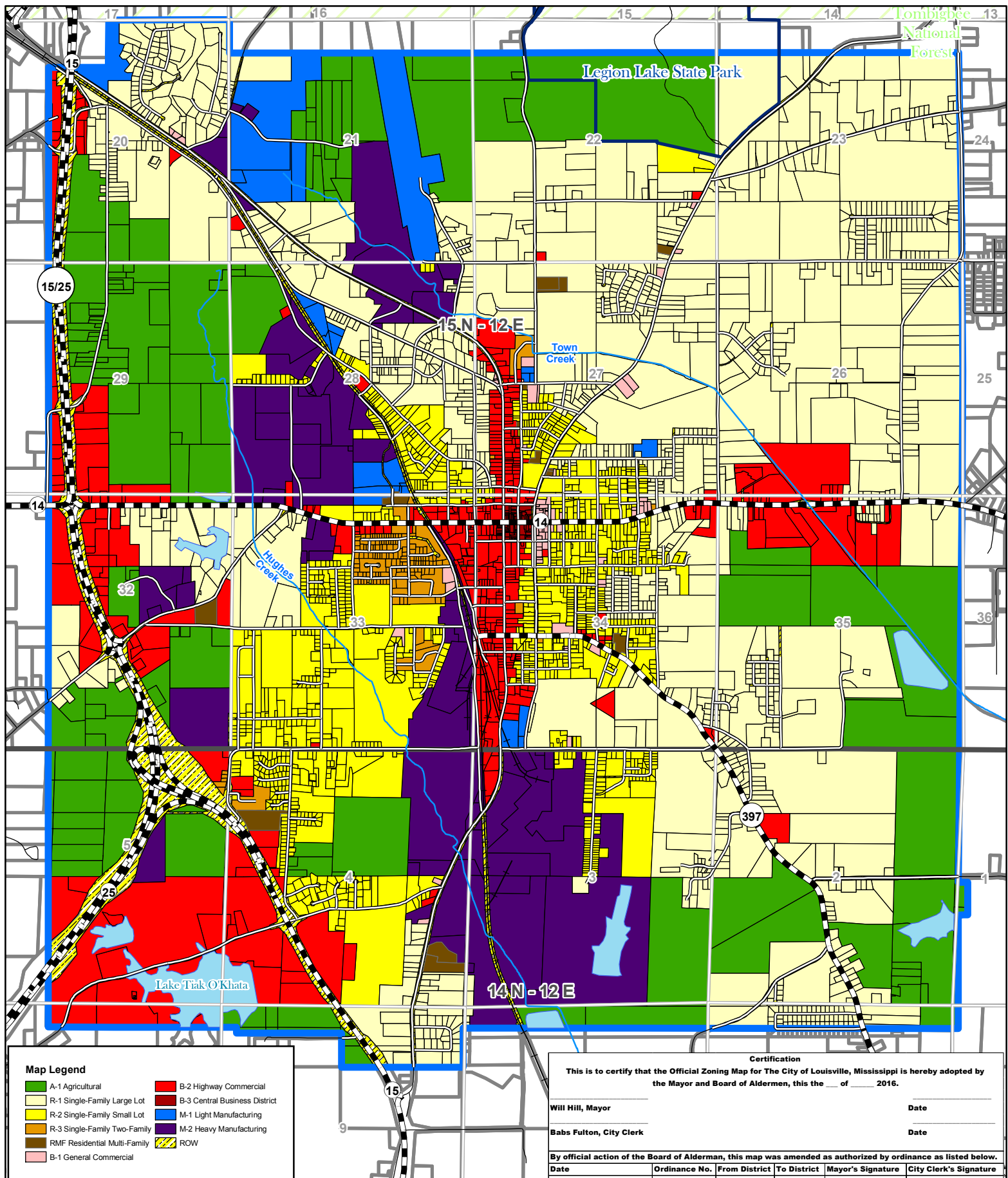


**Sec. 29. ENFORCEMENT**

29.2. The City of Louisville Administrative Building Official is directed to enforce all of the provisions of this Article.

29.2. Any person aggrieved by any interpretation or order of the Administrative Building Official may appeal to the Board of Adjustment. The Administrative Building Official shall take no further action on the matter pending the Board of Adjustment's decision, except for unsafe signs which present an immediate and serious danger to the public as provided in *Section 20* of this Article.

**END OF ZONING ORDINANCE**



**Official Zoning Map  
City of Louisville, Mississippi**

Source(s):  
City of Louisville & Winston County Mapped Addresses;  
Winston County Parcel Data;  
Mississippi Automated Resource Information System (MARIS);  
Golden Triangle Planning and Development District, Inc.

Note: This map is accurate for planning purposes only  
Date: August 16, 2016

## Certification

**This is to certify that the Official Zoning Map for The City of Louisville, Mississippi is hereby adopted by the Mayor and Board of Aldermen, this the \_\_\_ of \_\_\_\_\_ 2016.**

**Will Hill, Mayor**

**Date**

**Babs Fulton, City Clerk**

Date \_\_\_\_\_

**By official action of the Board of Alderman, this map was amended as authorized by ordinance as listed below.**

[illegible]