

**Ordinance: # 06-06-163**

ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE  
CITY OF HORN LAKE, DESOTO COUNTY, MISSISSIPPI ADOPTING  
THE ZONING ORDINANCE OF THE CITY OF HORN LAKE,  
MISSISSIPPI

WHEREAS, the Mayor and Board of Aldermen of the City of Horn Lake, Mississippi, are empowered, pursuant to Chapter 1 of Title 17 of the Mississippi Code of 1972, as amended, to establish, enforce, amend, supplement, or change zoning regulations; and

WHEREAS, the Mayor and Board of Aldermen have found and determined that it is necessary for the promotion and protection of the health, safety, and general welfare of the citizens of the City to adopt a new zoning ordinance in accordance with the City's Comprehensive Plan adopted on April 20, 2004; and

WHEREAS, on the 6<sup>th</sup> day of December, 2005, at 7:00 o'clock p.m., a public hearing was held before the Mayor and Board of Aldermen of the City of Horn Lake to consider the proposed new Zoning Ordinance, and at such public hearing, the Mayor and Board of Aldermen received comments and heard evidence as presented by members of the public in attendance; and specifically received comments from Mr. Warner Hodges who claimed to own a one-half interest in property located at the intersection of Highways 51 and 302. Mr. Hodges expressed concern about the economic impact on businesses in the City resulting from the new zoning regulations. Mr. Gary Duval, a business owner, expressed concern about sign regulation changes. The City's Planning Director stated that the sign regulations were actually being simplified. One or more Aldermen indicated they had not had sufficient time to review the proposed ordinance and asked that the matter be tabled; thereupon, the public hearing was continued until January, 2006; and

WHEREAS, notice of the December 6, 2005 public hearing was published in the DeSoto Appeal, a newspaper published, or of general circulation, in the City of Horn Lake, DeSoto County, Mississippi, in the manner and for the time required by law, and as shown by proof of publication on file; and

WHEREAS, at the January 3, 2006 Mayor and Board of Aldermen meeting, the public hearing was continued until January 17, 2006; and on the 17<sup>th</sup> day of January, 2006, at 7:00 o'clock p.m., the continued public hearing was held before the Mayor and Board of Aldermen of the City of Horn Lake to consider the proposed new Zoning Ordinance, and at such public hearing, the Mayor and Board of Aldermen received comments and heard evidence as presented by members of the public in attendance; and specifically received comments from Mr. Warner

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Hodges, who again, expressed concern about the economic impact on businesses in the City resulting from the new zoning regulations and asked for a committee appointment to study such impact; thereupon, the Mayor and Board of Aldermen established a workshop to review the proposed ordinance and continued the public hearing until February 21, 2006; and

WHEREAS, at the February 21, 2006 Mayor and Board of Aldermen meeting, the Mayor announced the scheduling of a workshop to review the proposed ordinance on February 28, 2006, at 5:00 p.m., and that the public hearing before the Mayor and Board of Aldermen would be continued until March 7, 2006; and

WHEREAS, at the February 28, 2006 workshop, the City's Planning Director reviewed the provisions of the proposed Zoning Ordinance with members of the Mayor and Board of Aldermen, and further, the Planning Director received comments from said members and those members of the public in attendance; and

WHEREAS, on the 7<sup>th</sup> day of March, 2006, at 7:00 o'clock p.m., the continued public hearing was held before the Mayor and Board of Aldermen of the City of Horn Lake to consider the proposed new Zoning Ordinance, and at such public hearing, the Mayor and Board of Aldermen received comments and heard evidence as presented by members of the public in attendance; and specifically received comments from the City's Planning Director who stated that this was a new, proposed zoning ordinance, and that a copy had been in the library for review since December, 2005. Additionally, the Planning Director indicated that under the proposed regulations, large trucks would not be allowed in residential areas, except for pickups and deliveries. Ms. Yolanda Wallace, two unidentified females, and one unidentified male all expressed concern about owner/operator truck drivers not being allowed to drive their truck to their residence and park it on the driveway of their residence overnight; thereupon, the Mayor scheduled another workshop for March 20, 2006 at 5:00 p.m. to review the proposed ordinance and continued the public hearing until March 21, 2006; and

WHEREAS, at the March 20, 2006 workshop, the Mayor and Aldermen Lay, Sheley, Downing, White, Jones, and Polzin, as well as the City's Planning Director were present and received comments from members of the public in attendance; and specifically received comments from numerous owner/operator truck drivers, who expressed their desire to be allowed to driver their truck to their residence and park it on the driveway of their residence overnight. Said owner/operators stated that the trucking business was their livelihood and some trucks cost more than their residence (and thus, the need to protect them). One or more Aldermen made a suggestion to allow current owner/operators, who also own their residence, to register their truck with the City and be excluded from the provisions of the proposed ordinance. Some members of the public expressed their desire for the registration process to also apply to company drivers and not simply owner/operators; and

WHEREAS, on the 21<sup>st</sup> day of March, 2006, at 7:00 o'clock p.m., the continued public hearing was held before the Mayor and Board of Aldermen of the City of Horn Lake to consider the proposed new Zoning Ordinance, and at such time, the Mayor made the following announcement: "I am pleased to report that we had a very productive workshop last night about the proposed new zoning ordinance and particularly on the issue of parking commercial trucks in residential areas. The City Planner is in the process of incorporating the changes discussed at last night's workshop into the ordinance and finalizing the ordinance for adoption. As soon as the ordinance is finalized, it will be presented to the Board of Aldermen for consideration and adoption. I expect the ordinance to be finalized and adopted in April. With those

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announcements, the public hearing on the proposed new zoning ordinance is hereby closed. I, along with the Aldermen, would like to express our appreciation to those who appeared and offered their suggestions on the new ordinance” and

WHEREAS, the Mayor and Board of Aldermen are familiar with the properties, existing land uses, and existing regulations within the City of Horn Lake, and in acting on this Ordinance, have duly considered the matters and facts within their personal knowledge.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Horn Lake, Mississippi, as follows:

SECTION 1. That all the findings of fact made and set forth in the preamble to this Ordinance shall be and the same are hereby found, declared and adjudicated to be true and correct.

SECTION 2. That the following is hereby adopted as the Zoning Ordinance of the City of Horn Lake, Mississippi:

SECTION 3. That to the extent any land uses are being changed through the adoption of the new Zoning Ordinance and corresponding Official Zoning Map, it is hereby found and determined that the conditions precedent to such changes have been satisfied, and specifically, the Mayor and Board of Aldermen do hereby find and determine that the character of the neighborhoods where such properties are located has changed to such an extent as to justify the reclassification of the properties, and that there is a public need for the reclassifications and the land uses as reflected in the new Zoning Ordinance and on the new Official Zoning Map.

SECTION 4. This Ordinance shall become effective and be in full force from and after being certified by the City Clerk, signed by the Mayor or Board Majority, recorded in the ordinance book, published and after waiting 30 days after the date of passage.

After first having been reduced to writing, then read and considered section by section and as a whole by the Mayor and Board of Aldermen, a motion was properly made by Alderman \_\_\_\_\_ and duly seconded by Alderman \_\_\_\_\_ for the adoption of this ordinance. A roll call was taken with the following results:

Alderman White	_____
Alderman Downing	_____
Alderman Lay	_____
Alderman Smith	_____
Alderman Jones	_____
Alderman Sheley	_____
Alderman Polzin	_____

The foregoing ordinance was adopted this the 6<sup>th</sup> of June, 2006.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

# **CITY OF HORN LAKE MISSISSIPPI**



# **ZONING REGULATIONS**

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**ARTICLE I — TITLE AND PURPOSE**

**A. TITLE**

1. This Ordinance shall be known and may be cited and referred to as the Zoning Ordinance of the City of Horn Lake, Mississippi.

**B. PURPOSE**

1. The purposes of this Ordinance are to:
  - a. Serve the public health, safety, and general welfare of the City and its jurisdiction.
  - b. Classify property in a manner that reflects its suitability for specific uses.
  - c. Promote a sound, attractive development within the City while also conserving the values of the property throughout the City.
  - d. Encourage compatibility of adjacent land uses.
  - e. Encourage innovative project design in the City.
  - f. Protect environmentally sensitive areas.
  - g. Further the goals and policies of the Land Use and Transportation Plan Elements of City of Horn Lake Comprehensive Plan (2003).

**ARTICLE II — DEFINITIONS**

**A. RULES FOR WORDS AND PHRASES**

1. For the purposes of this Ordinance certain terms and words are hereby defined:
  - a. Words used in the present tense shall include the future tense.
  - b. Words in the singular number include the plural number, and words in the plural number include the singular number.
  - c. The word “building” shall include the words “structure” and “premises”.
  - d. The word “shall” be mandatory.
  - e. The word “may” is permissive.
  - f. The word “person” includes a firm, organization, association, partnership, trust, company, or corporation as well as an individual.
  - g. The words “used” or “occupied” include the words “intended”, “designed”, or “arranged” to be used or “occupied”.
  - h. The word “lot” includes the words “plot”, “tract” or “parcel”.

2. Any word, phrase or term not defined herein shall be defined by the Planning Director, the interpretation of which shall be based on its common and ordinary usage.

**B. DEFINITIONS**

1. **Accessory Building** - A subordinate building which is incidental to and customary in connection with the principal building or use and located on the same lot.
2. **Accessory Use** - A subordinate use which is incidental to and customary in connection with the principal building or use and located on the same lot.
3. **Adult Entertainment Use (or Activity or Establishment)** – An adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theatre, or similar establishment that regularly features or depicts behavior that is characterized by the exposure of specified anatomical areas of the human body and/or specified sexual activities or activities that are subject to the city’s ordinance regulating sexually oriented businesses.
4. **Agricultural Activity** – The use of land for agricultural purposes, including plowing, tillage, cropping, installation of best management practices, seeding, cultivating and/or harvesting, horticulture, floriculture, viticulture, aquiculture, as well as dairying, small scale animal and poultry husbandry, and the necessary accessory uses for storing the products provided. However, the operation of such accessory uses shall be secondary to that of the normal agricultural activities, and provided further that agricultural activities do not include the extraction of minerals, the feeding of collected garbage or offal to swine or other animals or intensive livestock raising, such as commercial feed lots, large batteries of rabbit hutches, or poultry lots or coops, nor the raising of animals for use in medical or other tests or experiments.
5. **Apartment** – A dwelling unit located in a multiple family structure for occupancy by one family only, either rented or leased to the occupants.
6. **Bar** – A structure or part of a structure used primarily for the sale or dispensing of liquor by the drink.
7. **Basement** - A story having one-half or more of its height below grade.
8. **Boarding House** – see “ROOMING HOUSE.”

- 9. Buffer** – Any area that serves as a separation between two or more structures and/or land use (*existing or anticipated*) not compatible due to design, function, use or operation.
- 10. Building** - Any structure having a roof supported by columns or walls built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but not including any vehicle, trailer (with or without wheels) nor any movable device, such as furniture, machinery or equipment.
- 11. Building Height** - The vertical distance from the grade (as defined herein) to the highest point of the coping of a flat roof, or to the top deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.
- 12. Building, Permit** – A permit issued by the city official designated by the Governing Authority authorizing the construction, placement or structural alteration of a specific building on a legal or legal non-conforming lot.
- 13. Building, Portable** – Any building that is portable in nature, without any wheels, and built on a chassis or frame designed and constructed to be used without a permanent foundation. Building permits are required prior to the placement of such building on any lot, where permitted.
- 14. Building, Setback Line** – A line delineating the minimum allowable distance between the street right-of-way and the front of the structure within which no building or other structure shall be place. The minimum distance is prescribed by this Ordinance. The building setback line is parallel to or concentric with the street right-of-way line.
- 15. Bulk Requirements** – Bulk requirements are design standards developed for each zone district that describe the spatial and siting relationship between a building and the lot/parcel on which it is erected. Bulk requirements prescribe standards for yard area, building setbacks, and height.
- 16. Cemetery** – Property used for the interring of the deceased.
- 17. Certificate of Occupancy** – A certificate issued by the city official designated by the Governing Authority to ensure that new or altered buildings or structures are in conformance with the provisions of the Zoning Ordinance and any other federal, state, city and county laws.

- 18. Child Care Facility** – see “DAY CARE CENTER.”
- 19. City** – The City of Horn Lake, Mississippi.
- 20. City Engineer** - A professional engineer appointed by the Governing Authority to administer land development ordinances adopted by the City.
- 21. Clinic** - A facility wherein professional services concerning personal health of humans are administered by medical doctors, dentists, chiropractors, osteopaths, optometrists, or any other such professional which may lawfully be practiced in the State of Mississippi. Persons treated shall not be lodged therein overnight. As it applies to medical clinic, means a building wherein only superficial surgery and diagnostic testing is performed. This does not include internal surgical procedures of any kind.
- 22. Church** - A building used principally for religious worship, but the word church shall not include or mean an undertaker’s chapel, funeral building, a religious educational institution or parochial school or day care center.
- 23. Check Cashing Business** – Any business in which a material part of its services includes future employment wages or other compensation (often known as “payday loans” or “payday advances”), but not including retail businesses that provide a check cashing service as an incidental part of their principal business such as banks or credit unions.
- 24. Cluster Development** - A development pattern for residential, subdivisions that permits a reduction in lot area and bulk requirements provided there is no increase in the number of lots permitted under a conventional subdivision and the resultant land area is devoted to open space.
- 25. Comprehensive Plan** – In accordance with Section 17-1-1 of the Mississippi Code of 1972, Annotated, As Amended, “comprehensive plan” shall be defined as “a statement of public policy for the physical development of the entire municipality consisting of the following elements: Goals and Objectives; Land Use Plan; Transportation Plan, and a Community Facilities Plan.
- 26. Conditional Use** - A conditional use is a use that would not be appropriate generally or without restriction within a particular zone district but which, if controlled as to number, area, location, or relation to the neighborhood would promote the public health, safety, morals,

or general welfare of the City and would not adversely affect adjacent properties. Such uses may be permitted within a particular zone district as a conditional uses, if specific provisions for such conditional uses are made in this Zoning Ordinance.

- 27. Condominium** – Real property consisting of an undivided interest in common of a portion of a parcel of real property, plus a separate interest in space in a residential, office, commercial other land use (Mississippi Code of 1972, Annotated, Section 89-9-7).
- 28. Day Care Center** - A facility which provides shelter and personal care on a regular basis for six or more children who are not related within the third degree computed according to civil law to the operator for four or more hours of any part of twenty-four hour day, whether such place be organized or operated for profit or not. The term “day care center” includes childcare facility, kindergarten, nurseries or any other facility that falls within the scope of the definitions set forth above, regardless of auspices.
- 29. Density** – A measurement of the intensity of land use observing all yard, height, and land area coverage provisions (bulk requirements). Density is typically expressed in the number of dwelling units per acre (DUA) of gross land area, and further delineated as follows:  
*Estate/Agricultural Density* – 0.67 DUA; *Low Density* – 1.5 to 2.2 DUA; *Medium Density* – 2.2 to 3.6 DUA; *High Density*—3.6 to 12
- 30. Design Review Commission** – The duly appointed Design Review Commission of the City of Horn Lake, Mississippi (Ord. 98-10-81).
- 31. Design Guidelines Manual** – Site design standards established for the City of Horn Lake for the purpose of guiding future growth in an orderly and efficient manner.
- 32. Developer** – The legal or beneficial owner or owners of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.
- 33. Development** – The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance, and any use or extension of the use of land.
- 34. Development Plan** – A drawing depicting the ultimate layout and proposed land uses for a tract of land, usually involving varying lot

sizes and/or different proposed land uses. A development plan is often inclusive of various plan elements, including a “Master Plan,” and “Outline Plan.”

- 35. Driveway (Private Drive)** – A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.
- 36. Dwelling** - Any building or portion thereof, or manufactured/mobile home that is designed and used for human habitation, but not including a tent, cabin, travel trailer, a room in a hotel or boarding house, or a manufactured/mobile home within a zone district which it is not permitted.
- 37. Dwelling, Manufactured Home** - A substantially complete factory built structure transportable in one or more sections, containing a permanent chassis, and designed to be used as a dwelling connected to required utilities.
- 38. Dwelling, Mobile Home** - A substantially complete factory built structure transportable in one or more sections, containing a permanent chassis, and designed to be used as a dwelling connected to required utilities. See footnote in the use chart of this title for further information.
- 39. Dwelling, Modular Home** – A substantially complete factory built structure characterized by conventional wood frame construction that is transported to the site on which it will be permanently located. A modular home is distinguished from a mobile (manufactured) home in that it shall not contain a permanent chassis.
- 40. Dwelling, Multiple Family** - A building designed or occupied by more than two families living independently of each other. The term “multiple family dwelling” shall be understood to include apartment houses or “complexes” and condominiums.
- 41. Dwelling, Single Family Detached** - A dwelling designed for and occupied by not more than one family which does not have any roof, wall or floor in common with any other dwelling.
- 42. Dwelling, Two Family** - A building designed for or occupied exclusively by two families living independently of each other, and being located on a single lot.
- 43. Dwelling Unit** – A room, or group of rooms occupied or intended to be occupied as separate living quarters.

- 44. Easement** – A grant by a property owner to the public, a corporation or persons for the use strip of land for specific purposes.
- 45. Family** – One or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood, marriage or adoption, no such family shall contain over five persons.
- 46. Farm** - An area of more than ten (10) acres located outside a recorded subdivision which is engaged exclusively in the pursuit of agricultural activities as defined herein.
- 47. Farm Building or Structure** - Any building or structure upon a farm having no dwelling facilities and constituting a necessary accessory building or structure for treating, processing, storing and assembling of farm produce or products associated with farm production, and/or the storage and maintenance of tools and/or implements involved in normal farming activities conducted on the farm.
- 48. Flea Market** - Market held in an open area or structure where groups of individual sellers offer goods for sale to the public.
- 49. Flood** – A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the stream, river, or waterway.
- 50. Flood Damage Prevention Ordinance** – A separately adopted ordinance that provides standards for the purpose of flood damage prevention and reduction.
- 51. Flood Hazard Boundary Map** - An official map or plot of an area issued or approved by the Federal Insurance Administrator, on which the boundaries of the flood-prone areas having special hazards have been drawn.
- 52. Flood Plain** – The land adjacent to body of water which has been or may be hereafter covered by flood water including but not limited to the regulatory flood.
- 53. Flood, Regulatory** - The highest level of flooding that, on the average, is likely to occur once every one hundred (100) years (i.e. that has one (1) percent chance of occurring each year).
- 54. Floodway** - The channel of a watercourse and portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge the floodwater of any natural stream or river.

- 55. Floor Area** - The total number of square feet of floor space within the exterior walls of a building, not including unheated space in cellars or basements. However, if the cellar or basement is used for business or commercial purposes, it shall be counted as floor area in computing off-street parking requirements.
- 56. Floor Area Ratio** – The ratio of gross floor area of all structures on a lot to total lot area.
- 57. Garage, Storage** - Any building or premises, used for housing only motor-driven vehicles, other than trucks and commercial vehicles, pursuant to previous arrangements for storage and not open to transients, and at which automobile fuels and oils are not sold and motor-driven vehicles are not equipped, repaired, hired, or sold.
- 58. Governing Authority** - The Mayor and Board of Aldermen for the City of Horn Lake, Mississippi.
- 59. Grade or Grade Level** - The average level of the finished surface of the ground adjacent to the exterior walls of the building, except when any wall approximately parallels and is not more than five feet from a road line, then the elevation of the road at the center of the wall adjoining the road shall be the grade.
- 60. Homeowners Association** - A non-profit association that is organized in a development in which individual owners share common interests in common property such as open space and/or facilities, manage and maintain the common property, and enforce certain covenants and restrictions.
- 61. Home Occupation** – Any activity carried out for gain by a resident conducted as an accessory use in the resident’s dwelling unit.
- 62. Hospital** – A public or quasi-public 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.
- 63. Hotel** - A building in which lodging and various related services are provided for more than twelve (12) persons for compensation, in contradistinction, to a boarding or rooming house, or inn as herein defined. Hotels shall be considered a commercial use. A hotel must be three stories or more, all interior access to rooms from a lobby, a minimum of three amenities must be provided (pool, restaurant, lounge, fitness room, conference hall, etc.), it must have at least one hundred rooms.

- 64. Inn (or “Bed and Breakfast Inn”)** – An establishment operated in conjunction with a private dwelling where lodging is available OR lodging and food are available for up to twelve (12) persons for compensation, in contradistinction, to a boarding or rooming house, or hotel or motel as herein defined.
- 65. Institution** - A building occupied by a nonprofit corporation or a nonprofit establishment for public use.
- 66. Junk Yard** - A parcel of land upon which the principal or accessory use is the accumulation of used, discarded, or worn out materials, or manufactured products, any of which may or may not be reusable or salable.
- 67. Kennel** – A facility, other than a residence, where domestic pets are boarded, or bred and/or raised for sale. Kennels shall be considered a commercial use.
- 68. Landscaping** – The addition of lawns, trees, plants, and other natural or decorative features to land, including lakes and watercourses. Landscape treatment can include walks or patios.
- 69. Loading Space** - Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.
- 70. Lodging House** - see “ROOMING HOUSE.”
- 71. Lot Area** - The total area within the lot lines of a lot including land area within easements and excluding any street right-of-ways.
- 72. Lot, Corner** - A lot abutting upon two or more streets at their intersection.
- 73. Lot Depth** - The mean horizontal distance between the front and rear lot lines.
- 74. Lot, Double Frontage** - A lot having a frontage on two non-intersecting roads, as distinguished from a corner lot.
- 75. Lot Frontage** - The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements

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on corner lots and double frontage lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated in this Ordinance.

**76. Lot, Interior** – A lot other than a corner lot.

**77. Lot Lines** – The property lines bounding the lot.

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

**79. Lot Line, Rear** - The lot line opposite and most distant from the front lot line of the lot. In the case of a corner lot, the line opposite the front of the house shall be considered the rear lot line.

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

**81. Lot of Record** - A lot or parcel of land, the deed or plat of which has been recorded in the office of the Chancery Clerk of DeSoto County prior to the adoption of this Ordinance.

**82. Lot Width** – The distance from side lot line to side lot line measured at the front minimum building setback line.

**83. Lounge, Bar or Tavern** - A business that serves liquor, beer, or wine to be consumed on the premises without a meal.

**84. Mobile Home** – see “DWELLING, MOBILE HOME.”

**85. Mobile Home Park** – An area where two (2) or more mobile homes or trailers can be and are intended to be parked, designed, or intended to be used as living facilities for two or more families.

**86. Motel** – less than 100 rooms, not required to have amenities such as swimming pool, meeting rooms, etc.

**87. Noncompliant Vehicle** – Any motor vehicle that does not have a current license plate or is obviously in such condition as to be considered inoperable.

**88. Nonconformities** – Any land, lot, building, structure or parts thereof existing prior to the adoption of this Ordinance, which subsequent to

the enactment of this Ordinance or amendment thereto, does not conform with the use regulations and/or dimensional regulations of the district in which it is situated, and/or does not comply with any other requirements herein.

**89. Nursery, Child Care** – see “DAY CARE CENTER.”

**90. Nursery, Horticultural** – A commercial use in which flowers and plants are stored and/or cultivated for retail sale and related products are offered for retail sale.

**91. Nursing Home** - A health care center, in which three or more persons not of the immediate family are received, kept, or provided with food and shelter or care, for compensation, but not including hospitals, clinics, or similar institutions.

**92. Office** – A room, group of rooms, or building in which commercial activities primarily involving the provision of services rather the sale of commodities are conducted.

**93. Office Park** – A development of a tract or parcel of land, either subdivided or on a single large lot, containing a number of separate office buildings, supporting uses and open space designed, planned, constructed and managed on an integrated and coordinated basis.

**94. Parking Space** – For the purposes of this Ordinance, the term “parking space” shall refer only to parking places not located on a public street. Each parking space shall be ten by twenty feet.

**95. Patio** - An uncovered area, improved with concrete, brick, or other hard surface, adjacent to a dwelling and used by occupants of the dwelling for leisure time activities but not used for vehicle parking or storage.

**96. Planned Unit Development (PUD)** – An area under single ownership or control to be developed in conformance with an approved Development Plan, consisting of a Master Development Plan (Map) showing the development area and all improvements to the development area; an Outline Plan (Text) that sets forth the uses and development standards to be met; and Exhibits setting forth any aspects of the development plan not fully described in the Map and Text.

**97. Planning Commission** – The duly appointed Planning Commission of the City of Horn Lake, Mississippi.

- 98. Planning Director** - A professional planner appointed by the Governing Authority who is charged with the responsibility for the interpretation and administration of the provisions of this Zoning Ordinance, and other land development ordinances adopted by the City.
- 99. Plat** – A plan, map or layout of a subdivision showing the information required by the Subdivision Regulations of the City of Horn Lake, Mississippi.
- 100. Prefabricated Building** - A substantially completed permanent structure of which the structural or sub-assemblies are constructed off site, transported to the site and erected on a permanent foundation.
- 101. Premises** - A lot, together with all buildings and structures thereon.
- 102. Principal Building** – A building that contains the principal use located on a lot.
- 103. Principal Use** – A use that fulfills a primary function of an establishment, institution, household or other entity.
- 104. Property Line** – The legal boundary line separating buildings or lots in different ownership.
- 105. Public-Service Facility** - Any facility necessary with the operation and/or maintenance of a local governmental unit or a public utility as defined by the laws of the State of Mississippi.
- 106. Restaurant** - An establishment where food and beverages are prepared served and consumed primarily within the principal building, but not including “carry-out” and “drive-in” restaurants as defined herein, where food and beverages are consumed off the premises.
- 107. Restaurant, Carry Out** - An establishment which by design of physical facilities or by service or packaging procedures permits or encourages the purchase of prepared ready-to-eat foods intended primarily to be consumed off the premises, and where the consumption of food in motor vehicles on the premises is not permitted or not encouraged.
- 108. Restaurant, Drive-In** - An establishment where food is sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the principal building, often in a motor vehicle on the site.

- 109. Roadside Stand** - A temporary structure with a floor area of not more than 400 square feet, unenclosed, or partially enclosed, and so designed and constructed that the structure is easily portable.
- 110. Rooming House** - A building or place where lodging is provided (or high is equipped regularly to provide lodging by prearrangement for definite periods), for compensation for five (5) or more, but not exceeding twelve (12), individuals not open to transient guests. A building providing accommodations for more than twelve (12) persons, or transient guests shall be defined as a "hotel" or "motel" under the terms of this Ordinance.
- 111. Schools** – The term "school" as used in this Ordinance shall include public, private, and parochial institutions of learning, but shall exclude trade schools and colleges and universities, which shall be classified as commercial uses.
- 112. Shopping Center** - A group of commercial establishments, planned, developed, and managed as a unit, with adequate off-street parking provided on the property and related in its location, size, and type of stores to the trade area or neighborhood that the unit serves.
- 113. Signs** – see "SIGN REGULATION DEFINITIONS."
- 114. Site Plan** – A scaled graphic schematic of a development site illustrating the location of buildings, walkways, parking, drainage facilities, topography and landscaping as they are to appear upon the completion of development. Site plans may be required to contain such other information as may be deemed necessary by the Planning Commission.
- 115. Site Plan Review** – A review process, as specified and described under in this Ordinance, required for certain developments, and conducted by the Planning Director or the Planning Commission designed to ensure conformance with the purposes and applicable standards of this Ordinance, and any other applicable laws and codes
- 116. Special Event** – A temporary use of land or structure for the following types of activities: *fund raising, parades*, and other similar *non-commercial events*; special seasonal events including *farmers market* and *Christmas tree sales*; significant commercial events including *tent* and *firework sales*; and public attractions including *concerts, festivals, and carnivals*.

- 117. Special Flood Hazard Area (SFHA)** – Those lands within the City of Horn Lake, Mississippi that are subject to inundation by the regulatory flood.
- 118. Stables** – The housing and maintenance of three or more horses for the purpose of work or pleasure riding. This definition shall include both the private and for-profit housing of housing of horses and all associated uses and structures.
- 119. Story** - That portion of a building, other than a basement or cellar, included between the surface of any floor and surface of the floor next above it or, if there is not floor above it, then the space between the floor and the ceiling next above it.
- 120. Story, Half** - A space under a sloping roof or in a basement in which not more than 60 percent of the floor area is finished off for use.
- 121. Street** – A publicly owned thoroughfare which affords the principal means of access to abutting property; such thoroughfares are dedicated by a property owner for public use, accepted by the responsible political entity in which the street is located and is so dedicated, and recorded in the Office of the DeSoto County Chancery Clerk.
- 122. Strip Development** – Commercial development, usually one store deep, that fronts on a major street.
- 123. Structure** - Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.
- 124. Structural Alteration** - Any change except those required by law, that would alter the life of the supporting members of a building or structure, such as the bearing walls, columns, beams or girders, not including openings in bearing walls as permitted by other resolutions.
- 125. Subdivision Regulations** – The control of the division of land through established design standards and procedures adopted by local ordinance – the Subdivision Regulations of the City of Horn Lake, Mississippi.
- 126. Technical Review Committee** - A committee comprised of the Planning Director, City Engineer, and other City officials that provides technical assistance to the Planning Commission in the review of subdivisions, and other applications governed by the Subdivision Regulations.

- 127. Temporary Structure (Use)** – A moveable structure (anything constructed or erected) which either is not permanently attached to a permanent foundation, concrete slab or footing, or which is equipped with a permanent steel chassis, designed to facilitate in connection with a permitted temporary use.
- 128. Townhouse** - A single-family dwelling forming one of a group or series of three or more attached single-family dwellings separated from one another by party walls without doors, windows, or other provisions for human passage or visibility through such walls from basement or cellar to roof and having roofs which may extend from one of the dwelling units to another.
- 129. Travel Trailer** – A portable or mobile living unit used for temporary human occupancy away from the place or residence of the occupants. For the purposes of this Ordinance, such transient trailers shall be considered a vehicle and not a structure. The term travel trailer shall include “camping trailers”, “converted buses”, “motor homes”, “pick-up trailers”, recreational vehicles”, and “tent trailers.”
- 130. Travel Trailer Park** - A lot or parcel of land upon which two (2) or more spaces are occupied or intended for occupancy by travel trailers.
- 131. Truck Terminal** – A principal use of land for trucking operations where there are dock facilities for the purpose of transferring goods or breaking down or assembling tractor-trailer transport.
- 132. Use, Accessory** – see “ACCESSORY USE.”
- 133. Use, Permitted** – the specific purpose, for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted use” shall not be deemed to include any nonconforming use.
- 134. Use, Prohibited** – Any use not specifically authorized or permitted by this Ordinance.
- 135. Use, Temporary** – Any use, which has been authorized under the provisions of this Ordinance, that is limited as to the time in which such use may legally continue.
- 136. Use and Occupancy Permit** – A written permit issued by the building inspector required before occupying or commencing to use any building or other structure or any lot.

- 137. Variance** - A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.
- 138. Vehicle** – Any device for carrying passengers, goods, or equipment, usually moving on wheels. This definition does not include manufactured homes, which are considered structures for the purposes of this Ordinance.
- 139. Vehicle Repair Shop (minor repair, no outdoor storage of vehicles or supplies)** – Land or buildings where motor vehicles, trailers, or other types of equipment are repaired, primarily oil changing, detailing, window tinting or such use as can normally be done as a drive thru or immediate service facility.
- 140. Vehicle Repair Shop**—Land or buildings where motor vehicles, trailers, or other types of equipment are repaired, but may be required to be stored until completed. No more than five vehicles may be on the lot at one time and must be hidden behind a site proof fence. This use does not include wrecker services, sale or storage of junk vehicles.
- 141. Vehicles Sales Lot** – Any property arranged, designed, or used for storage and display of motor vehicles for sale, including but not limited to automobiles, trucks, motorcycles, ATVs, boats, and snowmobiles, and where repair work is limited to minor incidental repair of vehicles displayed for sale on the premises.
- 142. Veterinary Hospital** – A facility where sick or injured animals are given medical or surgical care and, in the course of same, may be housed overnight, fed, and provided related services. Such uses shall be subject to the regulations of the Animal Control Ordinance of the City of Horn Lake, and shall be considered a commercial use.
- 143. Wireless Communication Facilities** - A WCF is any un-staffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an antenna array, connection cables, and equipment facility, and a support structure to achieve the necessary elevations.
- 144. Yard** - An open space on the same lot with a building unoccupied and unobstructed by any portion of the structure from the ground upward, except as otherwise provided in this ordinance.

CITY OF HORN LAKE ZONING ORDINANCES

- 145. Yard, Front** - A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.
- 146. Yard, Rear** - A yard extending the full width of the lot between a main building and the rear lot line.
- 147. Yard, Side** - A yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard line.
- 148. Zoning** – The public regulation of the use and design (i.e. lot area, setbacks) of land.
- 149. Zoning Administrator** – The official(s) designated by the Governing Authority to administer and enforce the regulations contained herein.
- 150. Zoning District** - Any area of the City of Horn Lake for which the regulations governing the use of land and the use, density, bulk, height, and coverage of buildings and other structures are established by this Ordinance.

**ARTICLE III — ESTABLISHMENT OF ZONING DISTRICTS AND PROVISIONS FOR OFFICIAL ZONING MAP**

**A. ZONING DISTRICTS**

1. The City of Horn Lake is hereby divided into zoning districts, listed below and as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

a. The Zoning Districts for the City of Horn Lake shall be known as:

1. AR Agricultural-Residential
2. R-30 RESIDENTIAL (LOW DENSITY)
3. R-20 RESIDENTIAL (LOW DENSITY)
4. R-15 RESIDENTIAL (LOW DENSITY)
5. R-12 RESIDENTIAL (MEDIUM DENSITY)
6. R-10 RESIDENTIAL (MEDIUM DENSITY)
7. R-9 RESIDENTIAL (MEDIUM DENSITY)
8. R-8 RESIDENTIAL (MEDIUM DENSITY)
9. R-6 RESIDENTIAL (HIGH DENSITY)
10. RM-6 MULTI-FAMILY RESIDENTIAL
11. O OFFICE
12. C1 NEIGHBORHOOD COMMERCIAL
13. C3 GENERAL COMMERCIAL
14. C4 PLANNED COMMERCIAL
15. M1 LIGHT INDUSTRIAL
16. M2 HEAVY INDUSTRIAL
17. PUD PLANNED UNIT DEVELOPMENT
18. PBP PLANNED BUSINESS PARK
19. F FLOOD CONTROL OVERLAY DISTRICT
20. OTC OLD TOWN CENTER DISTRICT

**B. OFFICIAL ZONING MAP**

1. The boundaries of these zoning districts are illustrated upon the Official Zoning Map of Horn Lake, Mississippi, which map is made a part of this Ordinance. The said Official Zoning Map and all the notations, references, and other matters shown thereon shall be as much a part of this Ordinance as if the notations, references, and other matters set forth by said Official Zoning Map were all fully described herein.

2. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and shall bear the seal of the City under the following words:

“This is to certify that this is the Official Zoning Map of the City of Horn Lake, Mississippi, as adopted by the Mayor and Board of Aldermen on \_\_\_\_\_

3. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be prepared or printed, the Official Zoning Map bearing the above certificate and located in the City Hall of Horn Lake shall be the final authority as to the zoning status of land and water areas, buildings, and other structures in the City of Horn Lake.
4. If, in accordance with the provisions of this Ordinance and Statutes of the State of Mississippi, changes are made in the zoning districts boundaries or other matters portrayed on the Official Zoning Map, such changes shall be made within thirty (30) days after the amendment has been approved by the Governing Authority.

**C. REPLACEMENT OF OFFICIAL ZONING MAP**

1. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Governing Authority may, by Ordinance, designate a new Official Zoning Map, which shall replace the prior zoning map. The new Official Zoning Map may correct drafting errors or other omissions on the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and shall bear the seal of the City under the following words:

“This is to certify that this Official Zoning Map replaces the Official Zoning Map adopted as part of the Zoning Ordinance of the City of Horn Lake, Mississippi on \_\_\_\_\_.

**D. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES**

1. Where a boundary line is given a position within a street, road, or alley, it shall be deemed to be in the center of the street, road, or alley; and if the actual location of such street, road, or alley varies from the location as shown on the Official Zoning Map, then the actual location shall control.

2. Where a boundary line is shown as approximately following municipal, county, or state boundaries, it shall be construed to follow such boundaries.
3. Where a boundary line is indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water, it shall be construed to follow such centerline.
4. Where a boundary line is shown as being located a specific distance from a street or road line or other physical feature, this distance shall control.
5. Where a boundary line is shown adjoining or coincident with a railroad, it shall be deemed to be in the center of the railroad right-of-way and distances measured from a railroad shall be measured from the center of the designated mainline track.
6. In unsubdivided areas where district boundaries as shown on the Zoning District Maps do not coincide or approximately coincide with street lines, alley lines, or lot lines, and no dimensions are shown, the location of such district boundary lines shall be determined by the use of the scale appearing on the Zoning District Maps.

#### **ARTICLE IV — DESCRIPTION OF ZONING DISTRICTS**

##### **A. AGRICULTURAL-RESIDENTIAL**

1. The “AR” District is intended to preserve and protect existing residential areas that have developed at very low densities - generally at 1 unit per acre or less. The “AR” District is designed to recognize and accommodate a preference for a rural setting within an urban environment. Also, this district can be utilized in newly developing low-density areas where buffers cannot provide sufficient transitions between land uses, and for areas in which environmental considerations preclude the platting of smaller lots. (1 DUA)

##### **B. LOW DENSITY RESIDENTIAL DISTRICT (R-LD)**

1. The “R-LD” District is intended to provide suitable areas for low-density residential development at generally suburban densities of 2 units per acre, where appropriate urban services and facilities will be physically and economically facilitated. Single-family, detached dwellings and accessory uses thereto characterize the “R-LD” District. This district also permits community facilities, public utilities, and open uses which specifically serve the residents of this district, or which are benefited by and compatible with a residential environment. Include (R-30,R-20, R-15) (1.5 to 2.9 DUA)

**C. MEDIUM DENSITY RESIDENTIAL DISTRICT (R-MD)**

1. The “R-MD” District is intended to provide suitable areas for medium density residential development where complete urban services and facilities are provided or when the extension of such services or facilities will be physically and economically facilitated. Single-family, detached dwellings and accessory uses thereto characterize the “R-MD” District. This district also permits community facilities, public utilities, and open uses which specifically serve the residents of this district, or which are benefited by and compatible with a residential environment. Include (R-15, R-12, R-10, R-9 and R-8) (2.9 to 5.5 DUA)

**D. HIGH DENSITY RESIDENTIAL DISTRICT (R-HD)**

1. The same description as in the medium density residential, with the exception that this is a much more urban style of residential development, with reduced setbacks and yard area. Include (R-6 & RM6) (7 to 12 DUA)

**E. OFFICE DISTRICT (O)**

1. The “O” District is intended to permit a wide variety of professional office use, as well as limited commercial uses in areas when the premises adjoins an existing commercial or industrial district. Such uses shall be established only when they would act as a buffer between residential and non-residential uses located along highways, major roads and/or when such uses would abut a non-residential use.

**F. NEIGHBORHOOD COMMERCIAL DISTRICT (C-1)**

1. The “C-1” District is intended to provide for retail shopping for everyday needs and personal services to serve the surrounding residential areas. The permitted intensity of land use within the “C-1” District is designed to minimize adverse affects on adjacent residential property. Generally, the “C-1” District is appropriately established at the intersections of major streets within residential areas.

**G. GENERAL COMMERCIAL (C3)**

1. The “C-3” District is intended to provide for modern, attractive, and efficient retail, personal and professional commercial facilities with access needs which demand location along roadways other than major arterials. Uses permitted in this district are frequently automobile-

oriented. Commercial land use which is not necessary to serve local neighborhoods and which might be harmful to nearby residences shall be discouraged.

**H. PLANNED COMMERCIAL DISTRICT (C-4)**

1. This district is intended to permit the development and maintenance of planned commercial developments, including shopping centers, characterized by single structure or an integrated complex of structures with planned building locations, parking and loading areas, driveways and landscaping. Such planned commercial developments may be designed to serve areas ranging from a neighborhood to the entire urban area. This district should be adjacent to one or more major roads as designated in the comprehensive plan, transportation plan, and may be adjacent to an area zoned or used for residential purposes if appropriate landscape screening is provided to adequately buffer the residential use from incompatible noises, sights and lighting. This district will replace the former C2 commercial district.

**I. M-1 LIGHT INDUSTRIAL DISTRICT (M-1)**

1. The "M-1" District is intended to provide for a wide variety of light manufacturing establishments including assembling, processing, storage, and distributing activities. No new residential development would be permitted except for watchmen and caretaker dwelling units. The "M-1" District should adjoin major roadways and access to railroads is desirable. The "M-1" District is generally appropriate for wholesale establishments, service industries, and light industries that manufacture, process, store and distribute goods that are, typically, dependent on raw materials refined elsewhere.

**J. M-2 HEAVY INDUSTRIAL DISTRICT (M-2)**

1. The purpose of the M-2 heavy industrial district is to provide for all types of industrial activities except those that are potentially hazardous would be permitted only after review by the governing authority and assurance of the protection of public interest and surrounding persons and property. The district is located so as to be accessible to both highways and railroads.

**K. PLANNED UNIT DEVELOPMENT DISTRICT (PUD)**

1. The “PUD” District is intended to encourage the development of land in a comprehensive manner as a single unit, utilizing a common master development plan which governs permitted land use and design standards, and which is approved concurrently with the establishment of the “PUD” District, as provided in this Ordinance. Because of the greater use and design flexibility afforded to the “PUD” District, this district is limited in its application to those areas of the City designated on the Land Use Plan (2003) as appropriate for *medium density residential; commercial, and industrial* land use.

**L. PLANNED BUSINESS PARK (PBP)**

1. The purpose of the planned business park district is to foster stability and growth in light industry, research and development and similar industries that are enhanced by access to transportation networks and that provide desirable employment opportunities for the general welfare of the community. The planned business park district targets relatively large contiguous land areas that can be developed according to a unified plan in a high quality, campus-like setting rather than on a lot-by-lot basis. The uses and standard in this district re intended to promote flexibility and innovation in site design and enhance the environmental quality and attractiveness of business parks in the community, enhance the natural or scenic qualities of the environment and protect the public health and safety.

**M. FLOOD CONTROL OVERLAY DISTRICT (F)**

1. The “F” Overlay District is intended to permit certain non-intensive uses in areas that are subject to periodic flooding and to protect such areas from other types of development except where adequate assurance is given that the development will be protected from flooding. The Horn Lake Flood Plain Management Ordinance shall apply to the properties located in this overlay district. The regulations hereinafter shall apply to the property located in this district. District boundaries will be delineated by the Administrator of the Federal Flood Insurance Program on the Flood Hazard Boundary Map or where applicable from the Corps of Engineers Study along with water surface elevations for the one hundred (100) year flood which will be used to determine to what level structures will be elevated or flood-proofed. The “F” Overlay District shall overlay other districts on land located in the flood plains as shown on the Official Zoning Map, which is a part of this ordinance. Such regulations qualify or supplement, as the case may be, the regulations of the base zone district in which such property is located.

**N. OLD TOWNE CENTER DISTRICT**

1. The “OTC” District is intended to preserve Horn Lake’s historic buildings in an area that is very important to our city’s identity and contribution to its special character. The buildings possess unique craftsmanship, architectural designs, and building materials that are irreplaceable. The designation of landmarks, landmark sites, and historic districts is a way to protect the distinctive character of our community’s historic resources and preserve its architectural and historical significance. Horn Lake’s Old Towne Center District is designed to maintain and enhance the value of the city’s historic structures and ultimately, the value of our community. The school building incorporates an art deco style, while history gives information that a train depot built in typical style was once located in this area. All new or renovated structures in this district shall incorporate styles and materials as recommended by the Design Review Commission. Uses shall be as listed on the use chart.

**ARTICLE V — GENERAL PROVISIONS AND SUPPLEMENTAL  
ZONING DISTRICT REGULATIONS**

**A. BULK REQUIREMENTS**

**1. Substandard Lot(s) of Record**

- a. Where the owner or subsequent owner of a lot of official record at the time of the adoption of this Ordinance does not own sufficient land to enable him to conform to the yard requirements of this ordinance, an application may be submitted to the Planning Commission for a variance from the applicable provisions of this Ordinance in accordance with ARTICLE IX, and in accordance with the provisions for nonconforming “single” lots of record, ARTICLE IX, (B) (1).
- b. Where two (2) or more substandard lots of record with a continuous frontage are under the same ownership, such lots shall be combined to form one (1) or more building sites meeting the minimum requirements of the district in which they are located in accordance with the provisions for “two or more” nonconforming lots of record, ARTICLE IX, (B) (2).

**2. Yard Requirements and Dimensional Controls**

- a. ***Required Yard Cannot Be Used By Another Building*** - No part of a yard or open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required in this ordinance for another building.
- b. ***Reduction in Lot Area Prohibited*** - No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area, lot width, building area, or other requirements of this ordinance are not maintained. This Section shall not apply when a portion of a lot is required for a public purpose.
- c. ***Minimum Lot Frontage*** – No dwelling or non-residential structure shall be erected on a lot that does not abut a public street or private drive for at least twenty (20) feet maintained from the point of frontage with a public street or private drive to the required minimum lot width at the applicable building setback line.
- d. ***Yard Requirements on Corner and Double Frontage Lots*** – On double frontage and corner lots the required front yards shall be

provided on all applicable street frontages (i.e. *double frontage lots do not have a regulatory rear yard*). On corner lots that do not also qualify as double frontage lots (e.g. *a corner lot with frontage on three sides*), there shall be two (2) required front yards and two (2) required side yards to the extent that any applicable lot coverage requirements are adhered to.

- e. ***Minimum Side Yards*** – In no instance shall a side yard be reduced below the lesser of three and a half (3 ½) feet, or than that distance prescribed by the applicable Building Code employed by the City for detached structures.
- f. ***Perimeter Yard Requirements within Planned Developments*** – Yard requirements along the outer boundaries of all planned developments shall not be less than the minimum applicable yard requirements prescribed by this Ordinance and/or approved development standards for adjacent properties that have been improved. When a proposed planned development is proposed adjacent to vacant property, the yard requirements along the outer boundaries shall be as prescribed by the Governing Authority, taking into account the recommendations of the Comprehensive Plan and the Planning Commission.
- g. ***Determination of Front Yard within Cul-de-sac*** – In determining a required front yard on an irregularly shaped lot (i.e. pie-shaped) within the vehicle turn-around of a cul-de-sac, or similar design, the building setback line shall be established at that point where the applicable minimum lot width is achieved, the minimum horizontal distance of which shall not be less than that prescribed for the applicable zone district.
- h. ***Determination of Rear Yard for Irregular Shaped Lots*** – The required rear yard for an irregular shaped lot (i.e. pie-shaped or a lot whose side property line(s) does not intersect with its rear property line), shall be twenty (20) percent of the average of the sum of the length of the side property lines (if they intersect with their rear property line). If the side property line(s) does not intersect with its rear property line (i.e. one or both side property lines intersect with an adjacent lot's side property line), then the sum of the distance of an imaginary line(s) measured from the corner of the affected lot's rear property line to its front property line (as close as possible to the existing side property line) shall be used in the above computation.
- i. ***Flag Lot Standards*** – Flag lots may be approved as part of a development if the following standards are met:

1. Flag lots shall have a minimum of fifty (50) feet of frontage on a road built to the City's technical standards, and maintain that minimum width along the entire "pole" portion of the lot.
  2. The acreage contained within the "flag" portion of the lot must meet the minimum lot size requirements without considering the acreage contained within the "pole" area.
  3. No structure shall be erected within the "pole" portion of the lot.
  4. The length of the "pole" portion of the lot shall not exceed two hundred fifty (250) feet, and may require special conditions relating to fire safety including special fire turn-around areas, sprinklers or other requirements set by the Fire Marshall.
  5. Driveways shall be a minimum of twenty (20) feet and constructed with an all-weather surface approved by the Fire Marshall.
- j. **Setbacks from Railroads** – In all residential districts, a buffer strip of at least one-hundred (100) feet in depth in addition to the required setback in the applicable district shall be provided adjacent to any railroad right-of-way. Within such buffer the placement of structures shall be prohibited.
- k. **Front Yard Requirements along Major Road** – When the street (*classified as a Major Road on the Major Road Plan*) upon which a lot fronts has an existing right-of-way less than that designated on the Major Road Plan, consultation shall be made with the City Engineer to determine the building setback line, so as to take into consideration the proposed right-of-way of the street (*Major Road*).
- l. **Exceptions to Yard Requirements** – The following exceptions may be made to any applicable yard requirements:
1. Sills, belt course, cornices, and ornamental features may project a maximum of two feet into a required yard;
  2. Open fire escapes, fireproof outside stairways, and balconies opening upon fire towers may project into a rear yard a maximum of three and one-half feet when so placed as to not obstruct light and ventilation as determined by the Zoning Administrator;
  3. Filling station gasoline pumps and service islands, including compressed air connections and similar equipment shall be set back per the requirements of the applicable zone district in which they are located; however, the front edge of a service station canopy sheltering service islands may be set back a minimum of twenty (20) feet from any street right-of-way line.

**m. *Exceptions to Height Requirements*** - The following exceptions may be made to any applicable height requirements:

1. Height limitations shall not apply to chimneys, church steeples, cooling towers, elevator bulkheads, radio, television and microwave towers, antennas, fire towers, monuments, stage towers, scenery lofts, water tanks, silos, grain elevators, farm buildings, and necessary mechanical appurtenances.
2. Within the *General Commercial, GC* Zone District, and specifically for Public Buildings, Churches, Temples, Hospitals, and Institutions or Schools, the permitted height shall be a maximum of 10 stories or 120 feet provided that any building that exceeds thirty-five (35) feet in height shall be set back from all required yards lines one (1) foot for each foot the building exceeds thirty-five (35) feet in height.

**B. SITE ACCESSIBILITY/VISIBILITY**

**1. Structure to have Access**

- a. Every structure shall be on a lot adjacent to a public street, or access to any approved private drive, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

**2. Access Control**

- a. Regulations pertaining to *access* and *curb cuts* requirements are provided in ARTICLE VII.

**3. Sight Visibility at Intersections**

- a. On a corner lot in any zone district, there shall be no obstruction to vision over a height of two and one-half (2 1/2) feet within the triangular area bounded by the right-of-way lines for a distance of fifty (50) feet from the intersection and a straight line connecting said points twenty-five (25) feet back from the intersection of said right-of-way lines. The requirements of this provision shall not be deemed to prohibit any necessary retaining wall. The Planning Commission may reduce this requirement where safety conditions will not be impaired.

**C. PRINCIPAL BUILDINGS**

1. Only one principal building and its customary accessory buildings shall be erected on any lot in any residential zone district.

2. Multiple principal buildings shall be permitted on lots within all non-residential zone districts and Planned Unit Developments when specifically approved as part of the Master Development Plan.

**D. ACCESSORY BUILDINGS OR STRUCTURES (USES) SWIMMING POOLS**

**1. Accessory Buildings/Uses (Bulk and Intensity Requirements)**

- a. Accessory buildings or uses are prohibited in the front yard and side yard of any zone district, except as provided herein.
- b. Accessory buildings or uses may be placed in the required or designated rear yard in any district, provided that the accessory building or use is located at least five (5) feet from the rear property line or any applicable streetscape/landscape easement line (*which ever dimension would result in the greater distance from the street right-of-way line*) and at least five (5) feet from the side property line, and provided that no accessory building or use shall be permitted within a required utility easement.
- c. Any accessory building located closer than ten (10) feet to a principal building shall be considered as a part of the principal building and shall be provided with the required side and rear yards applicable to the principal building.
- d. Accessory buildings shall not cover more than twenty (20) percent of the rear yard in any zone district.
- e. Accessory buildings shall not exceed a height of twenty (20) feet; however, on double frontage lots, the maximum height of the accessory building shall be twelve (12) feet, provided that for every one (1) foot the accessory building is moved closer to the principal building it may be increased one (1) foot not to exceed fifteen (15) feet.
- f. The floor area of any accessory building shall not exceed fifty (50) percent of the floor area of the principal structure, notwithstanding the rear yard coverage provision contained herein.
- g. Accessory buildings may not be used as dwelling units.

**E. FENCES, WALL, AND HEDGES**

1. Fences, walls, and hedges may be permitted in any required yard or along the edge of any yard except as prohibited in ARTICLE V (B), and in accordance with the following provisions:
  - a. Fences of not more than thirty-six (36) inches in height may be allowed in a front yard. Periodic posts, decorative columns, and lighting fixtures or decorative details may exceed the thirty-six (36) inch limitation. Three-foot fences may extend into the front yard area on a primary entrance elevation to a distance not to be any less than ten (10) feet from the back of curb.
  - b. Materials for fences to be constructed in a front yard shall be split rail or wrought iron, including those that have brick or stone columns or such fences that are considered decorative. Chain link fencing is not allowed in the front yard area. Proposals for all other material shall be subject to the approval of the Governing Authority.
  - c. Fences in side and rear yards must consist of customary fence construction and may not exceed a height of six (6) feet.
  - d. On Corner lots, fences exceeding thirty-six (36) inches but not exceeding a height of six (6') feet shall not extend beyond the building line setback on the street side where the principal entrance is located. On the opposite street side the fence may encroach ten (10') feet into the yard requirement, provided the fence is at least fifteen (15') feet from the street right-of-way.
  - e. Fences must be installed to provide sufficient clearance from the bottom of the fence to the ground so drainage will flow freely and not negatively impact any adjacent property owner.
  - f. Fences on corner lots and double frontage lots where the rear or side yards face a public right-of-way shall be maintained by an established homeowner's association or the property owner where fence is located.
  - g. On all corner lots and double frontage lots wood fences shall have the finished side toward the public right-of-way.
  - h. No barbed wire fences are allowed except in agricultural districts or in M2, heavy industrial.

**F. HOME OCCUPATIONS**

1. Home occupations, as defined under ARTICLE II of this Ordinance, may be permitted in any district where residential uses are allowed, subject to the following limitations and such conditions as may be determined by the Governing Authority:
  - a. No person other than members of the family residing on the premises shall engage in such occupation.
  - b. A home occupation shall be conducted entirely within the principal residential building.
  - c. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
  - d. Any accessory building used in connection with a home occupancy shall not exceed four hundred (400) square feet, and shall otherwise comply with the requirements for accessory buildings contained in this ARTICLE.
  - e. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home.
  - f. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off street and other than in a required front yard.
  - g. No equipment or process shall be use in such home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
  - h. No wholesale or retail establishment shall be permitted unless it is conducted entirely by mail or telephone and does not involve the receipt, sale, shipment, delivery, or storage of merchandise on or from the premises, provided, however, the articles produced by members of the immediate family residing on the premises may be stored upon the premises.

- i. There shall be no storage outside a principal building or accessory building of equipment or materials used in the home occupation.
- j. There shall be no group instruction in connection with the home occupation.

**G. SATELLITE DISH ANTENNAS**

- 1. Satellite Dish Receiving Antennas are defined as an earth station antenna for the reception or transmission of satellite delivered communication services. Satellite Dish Antennas shall be permitted accessory uses in all zones, and in accordance with the following provisions:
  - a. Permitted residential satellite dish antennas that are more than three (3) feet in diameter shall be ground mounted, and shall be located on the lot behind the rear line of the principal building or in the rear yard, provided that all yard requirements for accessory structures are adhered to, and that all installations are to be limited to a maximum height of twelve (12) feet above the ground. The Design Review Commission shall review the installation of Satellite Dish Antennas for commercial applications.
  - b. A building permit shall not be required for residential satellite dish antennas of less than three (3) feet in diameter.
  - c. Unless otherwise specifically authorized by the Governing Authority, one (1) detached free-standing satellite dish antenna shall be permitted per lot, parcel, tract, or project.

**H. WIRELESS COMMUNICATIONS FACILITIES**

- 1. Wireless Communication Facilities shall be permitted within certain locations of the City as provided in ARTICLE XII, Chart 1 - PERMITTED USES.
- 2. **Setbacks**
  - a. All towers and accessory structures shall be setback from the property lines a distance equal to fifty (50) percent of the tower height or the applicable district yard requirement, which ever is greater.
  - b. In instances when a tower and accessory structures are constructed within and/or adjacent to a residential district the

minimum setback from an abutting residential property line shall be equal to one hundred (100) percent of the tower height.

**3. Shared Use**

- a. The shared use of existing towers shall be required throughout the City. The applicant's proposal for a new telecommunications tower shall not be approved unless the applicant can prove through documentation, that the proposed equipment cannot be accommodated on an existing or approved tower located within a minimum distance of one mile of the proposed tower due to one (1) of the following reasons.
  - 1. The planned equipment would exceed the structural capacity of the existing or approved tower and said tower does not have the capability to be upgraded.
  - 2. The planned equipment would cause radio frequency (RF) interference with other existing or planned equipment.
  - 3. The planned equipment would not function effectively and reasonably on an existing tower.
  - 4. Geographic service requirements would prevent the co-use of an existing tower and structure.
- b. The feasibility of the shared use of any proposed tower in the future shall be addressed at the time of application. As a minimum, a tower shall be designed for the co-use of a minimum of three (3) fully sectorized antenna arrays unless such tower is proposed for co-use on an existing utility structure. The applicants shall provide a letter of intent committing the tower owner and any successive owners to providing for the shared use of the tower, if a future applicant agrees, in writing, to pay any reasonable rate for the shared use.

**4. Type**

- a. All new towers shall be of monopole type structure. No lattice type antennas or towers shall be permitted in the City of Horn Lake.

**5. Structural Requirements**

- a. Prior to the approval of any application for a tower or the co-use of an existing tower or utility structure, the applicant shall provide written certification from a registered structural engineer that the tower is able to withstand winds of a minimum of seventy (70) miles per hour with one-half (.5) inch radial ice.

**6. Screening and Landscaping**

- a. For all ground structures and buildings, special care shall be taken to minimize the effects on adjacent residential areas.
- b. All ground structures shall be screened in a manner that consists of a minimum of an eight (8) foot wide landscaped strip around the

perimeter of the security fencing. The screen shall consist of a combination of trees, shrubs, vines and ground covers that blends and enhances the appearance of the ground structures with the surrounding area. The screen shall be installed for the permanent year round protection of adjacent property by visually shielding internal activities from adjoining property to a height of eight (8) feet or the height of the proposed accessory structures, whichever is greater. The landscaping provisions of this Section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or physical features that meet the intent and purpose of this Section.

## **7. Height**

- a. No tower shall exceed a height of one hundred and ninety-nine (199) feet.
- b. In instances when a tower is to be co-located upon an existing utility structure, which is defined as a power line structure or an existing water tower, the maximum height shall not exceed the height of the structure plus twenty (20) feet.

## **8. Co-Located Towers and Antennas**

- a. The co-location of towers and antennas shall only be permitted on existing and proposed telecommunications towers and public utility structures consisting of power line structures or water towers in excess of thirty-five (35) feet in height.

## **9. Vehicle Access Control**

- a. The Location and design of driveways and/or access easements to the facility from a public street shall be depicted on the site plan and shall be approved by the Planning Commission in accordance with this Ordinance.

## **10. Lighting**

- a. Towers: No artificially lighted tower shall be permitted. If the proposed tower is required to be lighted by FAA (Federal Aviation Administration), then the applicant shall be required to reduce the height of the tower or move the tower to eliminate the requirement for lighting.
- b. Structures: Outside lighting of structures, if required for safety and security purposes, shall be of a sensory fashion in which illumination occurs only when the site is approached. The lighting shall be arranged to minimize glare and reflection on adjacent residential properties and public streets and does not exceed 0.4 foot candles measured at the property line, easement line or abutting properties zoned for residential use.

**11. Security**

- a. The cellular tower facility shall be fully secured through the installation of a security fencing/wall system of a minimum height of eight (8) feet or the height of the accessory structures, whichever is greater.

**12. Removal of Obsolete Towers**

- a. Any tower that is no longer in use for its original communication purpose shall be removed at the owner's expense. The owner shall provide the City with a copy of the notice of intent to the FCC to cease operations and shall be given ninety (90) days from the date of the ceasing of operations to remove the tower and all accessory structures, provided another operator has not submitted a request for a tower during that time period. In the case of multiple operators sharing a single tower, this provision shall not become effective until all users cease operations.
- b. Prior to the issuance of a permit for any tower, co-use of any tower or co-use of any utility structure, a surety instrument (i.e. letter of credit or bond), which shall serve to ensure prompt removal of the tower once it ceases to operate, shall be provided by all users. The amount of the surety instrument shall be determined by the City Engineer and then approved by the Planning Commission during the site plan review process.

**13. Site Plan Requirements**

- a. Prior to the issuance of a building permit, the construction of a tower or the utilization of an existing structure for telecommunications or television transmission purposes, the submission of a site plan in accordance with the following provisions and the provisions contained in this ARTICLE V (Q), shall be required.
  - 1. If the proposed tower is a new tower not on an existing utility structure, the site plan shall show the location of the initial users accessory structure and the location of two (2) future accessory structures.
  - 2. A letter of intent from the owner and any successive owners allowing for the shared use of the tower.
  - 3. A letter from a professional engineer certifying that the tower's height and design comply with the regulations contained herein and applicable structural standards and, also describes the tower's capacity which includes the number and type of antennas that can be accommodated.
  - 4. A letter indicating why existing towers within one (1) mile of the proposed tower location cannot be utilized.

**I. TRANSITIONAL BUFFERYARD REQUIREMENTS**

1. *Purpose.* The bufferyard provisions are included in this chapter to improve the physical appearance of the community; to improve the environmental performance of new development by contributing to the abatement of heat, glare, or noise and by promoting natural percolation of storm water and improvement of air quality; to buffer potentially incompatible land uses from one another; and to conserve the value of property and neighborhoods within the city.
2. *Conflicts.* Any conflict between this section and another section of this chapter shall be resolved in favor of the more restrictive provision.
3. *Definitions:* The following definitions shall be used for terms contained within this ordinance:
  - a. *Bufferyard* means a landscaped area provided to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another.
  - b. *Tree* means a woody plant having at least one (1) well-defined trunk or stem and a more or less definitely formed crown, usually attained a mature height of at least eight (8) feet.
4. *General standards.*
  - a. *Location and design.* Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Buffers shall not be located on any portion of any existing, dedicated or reserved public or private street or right-of-way. Where a required drainage, utility, or other easement is partially or wholly within a required bufferyard, the developer shall design the buffer to minimize plantings within the required easement. The planning commission or the governing authority may require additional bufferyard area of additional plantings of the developer in such instances to ensure that the screening purpose of the bufferyard is maintained.
  - b. *Use of bufferyards.* A bufferyard may be used for some forms of passive recreation. It may contain pedestrian, bike, or equestrian trails, provided that:
    - i. No required plant material is eliminated.
    - ii. The total depth/width of the bufferyard is maintained.
    - iii. All other regulations of this ordinance are met.
    - iv. In no event, however, shall the following uses be allowed in bufferyards: accessory buildings, sheds, garages, playfields,

stables, swimming pools, tennis courts or similar active recreation uses.

- c. *Ownership of buffers.* Bufferyards may remain in the ownership of the original owner/developer and assigns of a developing property. Bufferyards may be subjected to deed restrictions and subsequently be freely conveyed. They may be transferred to any consenting grantees, such as owners associations, adjoining land owners, a park district, the city, or any conservation group, provided that any such conveyance adequately guarantees the protection of the bufferyard for the purposes of this ordinance.
- d. *Determination of bufferyard requirements.* To determine the type of bufferyard required between two (2) adjacent parcels, the following procedure shall be followed:
  - i. Identify the zoning classification of the proposed development by referring to the chart entitled “Bufferyard Requirements” located at the end of this section. Appropriate classification for land uses within planned unit developments shall be made according to the type and densities of land uses that most nearly correspond with the table designation.
  - ii. Identify the zoning classification and status of development (undeveloped versus platted and/or developed) of each adjoining property, including properties located across an intervening street, by referring to the chart.
  - iii. Determine the bufferyard requirements for those side, rear, and front lines or portion thereof on the subject development parcel by referring to the table in this section and the additional requirements of this section. Existing plant material may be counted as contributing to the total bufferyard requirement. The bufferyards specified are to be provided on each lot or parcel independent of adjoining uses or adjoining bufferyards.
  - iv. When a development parcel is proposed adjacent to vacant unplatted/unsubdivided land, the following provisions shall apply:
    - 1. The owners of the affected properties may submit a contractual agreement (which becomes a deed restriction on both properties) whereby the bufferyard for the development parcel is reduced or waived, provided that the owner of the development parcel agrees to develop, at no greater intensity than as shown on his approved site/subdivision plan; and if

- any additional bufferyard is required by this article at a future date, it will be provided on the vacant land; or
2. The required bufferyard for the development parcel, derived by using the existing zoning of the undeveloped tract, shall be equal to one-half (1/2) of the minimum width prescribed in the chart entitled "Bufferyard Requirements" located at the end of this section, or ten (10) feet in width, whichever is the greater. However, any development parcel proposed for nonresidential use, which lies contiguous to a tract of undeveloped/subdivided land zoned for residential use or is designated as "Residential Low Density", "Residential Medium Density" or "Residential High Density" on the approved Land Use Map of Horn Lake shall be required to fulfill the bufferyard requirements of this ordinance utilizing the existing zoning on the undeveloped tract as the determinant of the bufferyard requirement.
  3. Should a developed parcel increase in intensity or zoning classification from a given zoning district to a more intense district (e.g. from R-30 to R-12, from C-1 to C-3), the Planning Commission shall, during the site plan or subdivision review process, determine if additional bufferyard is needed and, if so, to what extent and type.
- e. *Additional bufferyard provisions.* In addition to the requirements provided in this section, the following bufferyard provisions shall apply to the proposed development parcels. In general, the owner, developer, or operator of a proposed use within a development parcel shall install and maintain a landscaped bufferyard on his/her lot, site, or common development as set forth in this section.
- i. *Parcels with intervening major street.* When an arterial or collector street (as identified on the transportation for Horn Lake) separates adjacent development parcels requiring a bufferyard, the required bufferyard shall be the great of one-half (1/2) of the required bufferyard set forth in the table following this ordinance or fifteen (15) feet.
  - ii. *Parcels with intervening local street.* When a local street (as identified on the transportation plan for Horn Lake) or any other public right of way separates adjacent development parcels requiring a bufferyard, the required bufferyard shall be the greater of two-thirds (2/3) of the required bufferyard set forth in the chart on the bufferyards of this ordinance or twelve (12) FEET.

- iii. *Railroad right of way.* Any lot or site that is adjacent to an active railroad right of way shall be exempt from any bufferyard requirement along the common property line with such right of way.
  - f. *Table of bufferyard requirements.* The following table, located at the end of this section, shall be used to determine the bufferyard requirements of a development parcel that is adjacent to a developed and/or platted property, site or common development.
  - g. *Transitional bufferyard landscaped area and minimum width regulations.*
    - i. The layout, design, and arrangement of the prescribed numbers and types of landscape.
      - 1. In those bufferyards which require the construction of a wall, the following provisions shall apply: An opaque barrier at the height prescribed in the specific bufferyard design type standards in this section, shall be provided which visually screens the potentially offensive development parcel uses from the adjacent properties as follows:
        - a. A masonry wall, a minimum of four (4) feet in height, of a design approved by the Design Review Commission. If a masonry wall of five (5) feet in height is constructed, width of bufferyard may be reduced by fifteen (15) feet.
        - b. A landscaped berm—height of six feet and in addition to the prescribed plantings.
        - c. A six-foot heavy-duty, vinyl coated chain link fence heavily planted with opaque shrubbery such as privet hedge and to be used in addition to the prescribed plantings.
5. *Transitional bufferyard design types.* Transitional bufferyards of the following types shall be provided in the situations as identified by the entries in the table of this section:
  - a. **Bufferyard Type 10.** Transitional bufferyard type 10 shall consist of a strip of landscaped area, a minimum of ten (10) feet wide, landscaped as follows:
    - i. **Residential bufferyards:** One (1) medium evergreen tree (ultimate height twenty (20) to forty (40) feet for every fifteen (15) feet planted on triangular staggered spacing, plus one (1) large deciduous tree (ultimate height fifty (50) or more feet) for every sixty (60) linear feet measured along the common property line.

- ii. **Commercial bufferyard:** One (1) large deciduous tree (ultimate height fifty (50) plus feet) for every sixty (60) feet, plus a group of two (2) small deciduous or ornamental trees (spaced at thirty (30) feet on centers) for every sixty (60) linear feet (planted) between the large deciduous trees.
- b. **Bufferyard Type 15.** Transitional type 15. Transitional bufferyard type 15 shall consist of a strip of landscaped area, a minimum of fifteen (15) feet wide, landscaped as follows:
  - i. **Residential bufferyards:** One (1) medium evergreen tree (ultimate height twenty (20) to (40) feet) for every fifteen (15) feet planted on triangular staggered spacing, plus one (1) large deciduous tree (ultimate height fifty (50) or more feet) for every sixty (60) linear feet measured along the common property line.
  - ii. **Commercial bufferyard:** One (1) large deciduous tree (ultimate height fifty (50) or more feet) for every sixty (60) linear feet, plus a group of two (2) small deciduous or ornamental trees (spaced at thirty (30) feet on centers) for every sixty (60) linear feet (planted) between the large deciduous trees.
- c. **Bufferyard Type 20.** Transitional bufferyard type 20 shall consist of a strip of landscaped area, a minimum of twenty (20) feet wide, landscaped as follows: one (1) large deciduous tree (ultimate height fifty (50) or more feet) for every seventy-five (75) linear feet plus a group of three (3) medium evergreen trees (planted on fifteen-foot triangular staggered spacing) and one (1) small deciduous or ornamental tree (planted fifteen (15) feet from evergreens) for every seventy-five (75) linear feet.
- d. **Bufferyard Type 25.** Transitional bufferyard type 25 shall consist of a strip of landscaped area, a minimum of twenty-five (25) feet wide, landscaped as follows: an opaque barrier shall be installed within the bufferyard in accordance with the above requirements to a minimum height of six (6) feet, plus one (1) large deciduous tree (ultimate height fifty (50) or more feet) for every sixty (60) linear feet, plus a group of two (2) small deciduous or ornamental trees (spaced thirty (30) feet on center ) for every sixty (60) linear feet measured along the opaque barrier. The landscape materials shall be on the side of the opaque barrier that abuts the more intense zoning district or development.
- e. **Bufferyard Type 30.** Transitional bufferyard type 30 shall consist of a strip of landscaped area, a minimum of thirty (30) feet wide, landscaped as follows: an opaque barrier shall be installed within

the bufferyard, in accordance with the above requirements to a minimum height of six (6) feet, plus one (1) medium evergreen tree (ultimate height twenty(20) to forty (40) feet for every fifteen (125) feet planted on triangular staggered spacing, plus one (1) large deciduous tree (ultimate height fifty (50) feet or more) for every sixty (60) linear feet measured along the opaque barrier. The landscape materials shall be planted on the side of the opaque barrier that abuts the more intense zoning district or development.

f. **Bufferyard Type 35.** Transitional bufferyard type 35 shall consist of a strip of landscaped area, a minimum of thirty-five (35) feet wide, landscaped as follows: an opaque barrier shall be installed within the bufferyard, in accordance with the above requirements to a minimum height of six (6) feet, plus one (1) medium evergreen tree (ultimate height twenty (20) to forty (40) feet) for every fifteen (15) feet planted on triangular staggered spacing, plus one (1) large deciduous tree (ultimate height fifty (50) or more feet ) for every eighty (80) linear feet measured along the opaque barrier. The landscape materials shall be planted on the side of the opaque barrier that abuts the more intense zoning district or development.

g. **Bufferyard Type 50.** Transitional bufferyard type e50 shall consist of a strip of landscaped area, a minimum of fifty (50) feet wide, landscaped as follows: an opaque barrier shall be installed within the bufferyard, in accordance with the above requirements, to a minimum height of ten (10) feet, plus one (1) medium evergreen tree (ultimate height twenty (20) to ((40) feet) for every ten (10) feet planted on triangular staggered spacing, plus one (1) small deciduous or ornamental tree for every eighty (80) linear feet, plus one (1) large deciduous tree (ultimate height fifty (50) or more feet) for every eighty (80) linear feet measured along the opaque barrier. The landscaped materials shall be planted on the side of the opaque barrier that abuts the more intense zoning district or development.

6. **Additional bufferyard provisions.** The following additional provisions shall apply to the design standards for required bufferyard landscaping:

- a) Preservation of healthy existing tree vegetation within a required bufferyard is strongly encouraged. Preservation of each healthy existing tree, of species and size (at least four and one-half (4-1/2) inches caliper) approved by the Office of Planning and Development, shall count as one (1) tree toward the fulfillment of the landscape requirements of this section.
- b) A development parcel may continue to comply with the bufferyard and screening requirements in effect at the time of issuance of its

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initial building permit, regardless of whether an adjacent lot, site or common development is rezoned to a less intense district which requires additional bufferyards or screening.

**7. *Performance bonding.***

- a) If, at the time of an application for a certificate of occupancy, any required landscaping has not been installed, the developer owner of a development parcel must submit surety (by bond, certificate of deposit), letter of credit or other security satisfactory to the city, in the amount of the value of a bona fide contract to install such landscaping, times 1.5 percent. Such a contract must be reviewed and approved by the Office of Planning and Development.
- b) The developer or owner shall grant the city permission to enter upon the land to install required landscaping if this has not been done within twelve (12) months of the effective date of the certificate of occupancy.
- c) The city shall release any bond or other arrangement immediately when the permits and inspections division verifies that required landscaping has been installed.

**8. The owner/developer shall be responsible for all maintenance of bufferyards. Failure to maintain bufferyards will result in a fine by the City of Horn Lake.**

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**TRANSITIONAL BUFFERYARD REQUIREMENTS TABLE**

	A	R30	R20	R15	R12	R10	R9	R8	R6	RM6	O	C1	C3	C4	PB	M1	M2
A		15	20	25	25	30	30	30	30	35	35	30	35	35	35	40	50
R30	15			15	15	20	20	25	25	30	30	30	30	30	35	40	50
R20	20			15	15	15	20	20	25	30	30	30	30	30	35	40	50
R15	25	15				15	15	20	20	20	30	30	30	30	35	40	50
R12	25	15	15					15	20	20	30	30	30	30	35	40	50
R10	30	20	15	15					15	20	30	30	30	30	35	40	50
R9	30	20	15	15					15	20	30	30	30	30	35	40	50
R8	30	25	20	20	15					20	25	25	30	30	35	40	50
R6	30	25	20	20	20	15	15			15	25	25	30	30	35	40	50
RM8	35	30	25	20	20	20	20	20	5		20	20	30	30	30	35	50
O	30	30	30	30	30	30	30	55	25	20		15	15	15	20	20	30
C1	30	30	30	30	30	30	30	25	25	20	15		15	15	20	30	30
C3	35	30	30	30	30	30	30	30	30	30	15	15		10	15	20	25
C4	35	30	30	30	30	30	30	30	30	30	15	15	10		15	20	25
PBP	35	35	35	35	35	35	35	35	35	30	20	20	15	15		15	25
M1	40	40	40	40	40	40	40	40	40	35	20	30	20	20	15		10
M2	50	50	50	50	50	50	50	50	50	50	30	30	25	25	25	10	

**J. OUTSIDE DISPLAY OF MERCHANDISE**

1. In all non-residential zone districts, all materials, supplies, merchandise, goods or other similar matter shall be stored within a completely enclosed building, except merchandise or equipment offered for sale, rental or lease displayed in accordance with the following limitations:
2. **Temporary Outdoor Display/Sales Area** – merchandise may be displayed and offered for sale, rental or lease outside the confines of a completely enclosed building (“**temporary display area**”) for which such display of merchandise for sale or lease is incidental to the principal use, provided the temporary outdoor display area:
  - a. Is not located within any required yard area and/or public right-of-way;
  - b. Does not encompass an area greater than **five (5) percent** of the principal building located on the lot on which the temporary outdoor display area is situated;
  - c. Does not occupy required parking areas in connection with the principal building;
  - d. Does not impede pedestrian and/or vehicular circulation; and
  - e. Is not located on a vacant lot.
3. **Firework Sales**
  - a. Setup of tents may be accomplished no more than three (3) days prior to sales dates, as established by separate ordinance.
  - b. Removal of tents and clean up on the site must be accomplished no later than three (3) days after sale dates, as established by separate ordinance.
  - c. No permit shall be granted to a vendor engaged in the sale of fuel products (e.g. gasoline, kerosene, propane, etc).
  - d. December setup shall include seasonal decorations.
  - e. Vendors shall provide a printed notice of allowable “hours of use” and insert in each product package.

- f. Parking spaces shall be provided in accordance with the requirements for retail uses and parking lots shall be asphalt or concrete. Limestone parking lots may be approved for a limited time (one year) in an area that is proposed to be developed in the near future. This must be approved by the governing authority.
- g. Only one sign per establishment shall be permitted. Signs and banners must be presented to and approved by the office of planning and development at the time of conditional use application.
- h. Fireworks tents shall be located on a vacant lot and only one tent per parcel will be allowed.
- i. No sale of fireworks to minors under eighteen (18) years of age.
- j. Tents must meet current adopted ICC building codes and current NFPA codes.
- k. Applicant must apply and be approved for a conditional use.

**K. OUTSIDE STORAGE**

- 1. Where the outside storage of equipment and/or materials is permitted, such storage shall be allowed only as an accessory use to the main use on the same lot or tract of land.
- 2. No outside storage shall be located between the main building and any adjacent public street.
- 3. **Screening**
  - a. All outside storage shall be screened from the view of any adjacent public street or way by a solid, opaque wall or fence of not less than six (6) feet in height measured at the highest finished grade, constructed in accordance with the standards prescribed by the City of Horn Lake's Design Guidelines Manual.
  - b. All outside storage shall be screened from any adjacent residentially zoned property by a solid, opaque wall or fence of sufficient height to completely conceal the equipment and/or material being screened.

**L. LANDSCAPING AND SCREENING**

1. Landscaping and screening standards required as part of this Ordinance shall be subject to the approval and additional requirements by the City of Horn Lake Design Review Commission.
2. Screening for site improvements, including garbage disposal facilities, and transitional land uses shall meet the minimum requirements set forth in City of Horn Lake Design Guidelines Manual. Where site conditions and other considerations indicate that a higher level of screening or a wider screen should be provided, either the Planning Commission or the Design Review Commission may recommend to the Governing Authority that greater screening standards beyond the minimum required be provided.
3. Landscape and screening areas required by the City shall be provided and maintained permanently by the property owner or their designee.
4. No final approval shall be issued until all landscaping and/or screening areas have been satisfactorily installed in accordance with approvals from the Design Review Commission and Governing Authority.

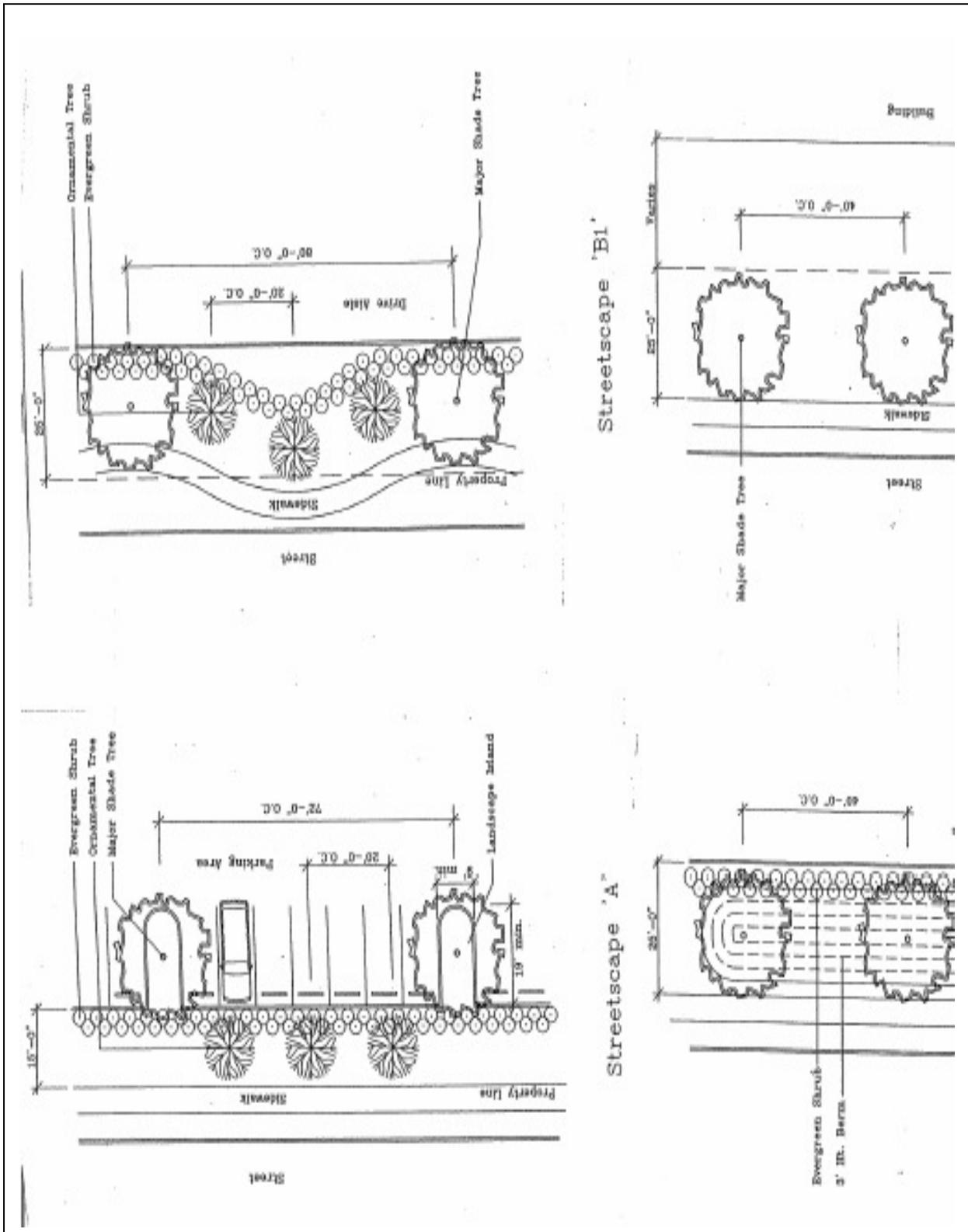
**Streetscapes**

Landscaped areas shall be provided along all public road rights-of-way. The streetscape type to be used shall be dependent upon either the presence of parking or a vehicular drive aisle adjacent to the streetscape area.

1. Streetscape **Type A** shall be required where parking is located adjacent to the streetscape and facing the public right-of-way and shall consist of a 20 foot wide area supplemented by a landscape island (10 feet by 20 feet minimum) in the parking area located every 8-10 spaces. Planting shall consist of one (1) major shade tree planted in each of the islands accompanied by a single, staggered row (straight or serpentine) of evergreen shrubs supplemented by three (3) ornamental trees, planted 20 feet on center, between each pair of shade trees.
2. Streetscape **Type B** shall be required where parking is not present but a vehicle drive aisle is located on the lot, adjacent to the streetscape and shall consist of a 25-foot wide area. Planting shall consist of either B1 or B2. B1 consists of one (1) major shade tree planted every 80 feet accompanied by a single, staggered row of evergreen shrubs (straight or serpentine) supplemented by three (3) ornamental trees, planted 20 feet on center, between each pair of shade trees. This type should be used to maintain continuity of landscape within a unified development. B2 consists of one (1) major shade tree planted every 40 feet accompanied by a single, staggered row of evergreen shrubs and a berm 3 feet in height.

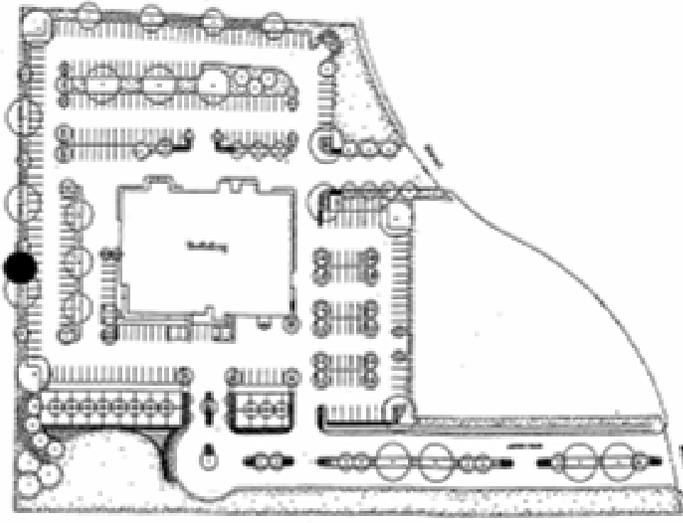
CITY OF HORN LAKE ZONING ORDINANCES

3. Streetscape **Type C** shall be required where the green space or lawn between a building and the public right-of-way is unbroken by parking or vehicular travel surface and shall consist of a 25 foot wide area. Planting shall consist of one (1) major shade tree planted every 40 feet.



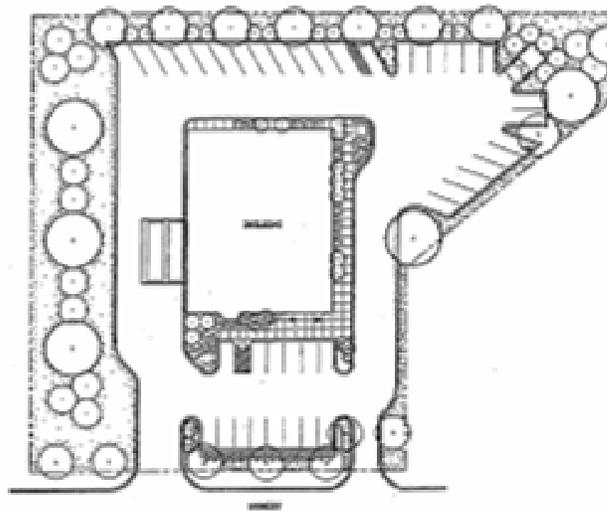
# STREETSCAPE PLATES

3. Parking lot landscaping shall be located to delineate driving lanes, define rows of parking, and generally to mitigate the visual impact of parking lots. (See Graphic this page)



**Interior Lot Landscaping**

Interior lot landscaping shall be provided in an amount equivalent to twenty (20) percent of the total area of the lot. Interior lot landscaping shall be considered the total, cumulative area devoted to greenspace (i.e. lawns, ground covers, shrubs, and trees). This may include streetscapes, bufferyards, required screening and any other landscaped areas surrounding the building or contained within the boundary of the lot or site.0 (See Graphic this page)



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# PARKING LOT LANDSCAPING

**Parking Lot Landscaping**

1. Parking lot landscaping shall be provided at a ratio of 300 square feet of green space including one (1) shade tree for every ten (10) parking spaces or increment thereof. No parking space should be located farther than 50 feet from a landscaped area and no landscaped area shall be permitted to contain less than 200 square feet of green space.
2. Parking lot landscape shall be provided within curbed island planted.
3. Parking lot landscaping shall be located to delineate driving lanes, define rows of parking, and generally to mitigate the visual impact of parking lots. (See Graphic this page)

**Interior Lot Landscaping**

Interior lot landscaping shall be provided in an amount equivalent to twenty (20) percent of the total area of the lot. Interior lot landscaping shall be considered the total, cumulative area devoted to greenspace (i.e. lawns, ground covers, shrubs, and trees). This may include streetscapes, bufferyards, required screening and any other landscaped areas surrounding the building or contained within the boundary of the lot or site. (See Graphic this page)

**Screening**

1) *Purpose:* The purpose of regulations contained in this subsection is to provide for the gradual transition between incompatible uses so that such incompatibility may be minimized.

2) *Screening Required:* Except as may otherwise be required in this ordinance, screening shall be provided in accordance with the following minimum requirements:

a) **Front yard screening**

i) Front yard screening shall be provided and maintained on any property zoned and developed for office, commercial, industrial and multiple family dwelling purposes if such property is located on a public or private right-of-way.

ii) Such screening shall conform to the graphics above and shall consist of hardwood or evergreen trees and/or evergreen shrubs and grass areas and/or earthen berms.

iii) Such screening shall extend for the entire length of the front lot line except such screening shall not be located along those areas used for pedestrian and vehicular access to such property and shall not impair property sight distance from any driveway.

b) **Screening-corner lots:** On corner lots, screening shall be provided as required above except that no screening of more than two (2) feet in height shall be located or maintained in the sight triangle.

**M. PERFORMANCE STANDARDS**

1. The following performance standards shall apply to all land uses and developments in the City of Horn Lake except as otherwise indicated in this Ordinance.

**2. Performance Standards**

- a. **Lighting** – Site lighting shall be designed and installed in accordance with the City of Horn Lake Design Guidelines Manual, and to the extent that site lighting does not produce glare to on-coming traffic, intrusion of light onto adjacent properties, and light pollution in general.
- b. **Noise** – Noise generated on-site shall be controlled so as to be compatible with surrounding land uses. For uses that may generate noise during the hours of 7 p.m. to 7 a.m., a detailed noise assessment and plan addressing and mitigating these impacts shall be submitted for review and approval.
- c. **Vibrations** – Every use shall be so operated that the maximum ground vibration generated is not perceptible without instruments at any point on the lot line of the lot on which the use is located. For those uses that generate vibrations a detailed vibration assessment and plan addressing and mitigating these impacts shall be submitted for review and approval.
- d. **Odors** – Every use shall be so operated that no offensive or objectionable odor is emitted that would adversely impact surrounding land uses or the public right-of-way. For those uses that generate odors a detailed odor assessment and plan addressing and mitigating these impacts shall be submitted for review and approval.
- e. **Dust and Airborne Pollution** – Dust, airborne pollution and other forms of particulate matter shall be controlled so as not to adversely impact surrounding land uses or the public right-of-way. For those uses that may generate airborne pollution, a detailed odor assessment and plan addressing and mitigating these impacts shall be submitted for review and approval.

**N. SITE PLAN REVIEW**

1. The following procedures and standards are established for those sections of this Ordinance which require the submission and approval of a site plan prior to the issuance of a building permit or certificate of occupancy for any

affected lands, structures or buildings. Site plans shall be approved or disapproved under the following procedures and standards as specified by this Ordinance.

**2. Site Plan Review and Approval Required**

- a. The application for approval of the site plan shall be made by the property owner or his designated agent and filed in writing on forms provided by the City of Horn Lake along with payment of an application fee, and shall contain information and exhibits as may be required in accordance with said site plan application and with this Ordinance.
- b. Site plan review and approval by the Planning Commission is required in the following instances:
  - 1. All new buildings and building additions, including, but not limited to, duplexes, multi-family, townhouses, office, retail and service, warehousing, and manufacturing. Single-family detached dwellings and their accessory structures are exempt from the requirements of this Section.
  - 2. Site alterations including the construction of driveways, loading areas, and parking areas with the exception of single-family residences.
  - 3. Any use requiring a Conditional Use Permit.
- c. Site plans and related plan documents for the above listed types of uses shall be presented to the Planning Commission for review and approval.
- d. The following additional items shall require review and approval of the Design Review Commission:
  - 1. Exterior alteration of buildings or structures or accessory structures with the exception of single-family detached dwellings.
  - 2. Modifications to the site including alteration of landscaping, lighting, parking and loading areas, and other spaces within the site.
  - 3. Fencing, landscaping, lighting, and buffering/screening measures for subdivisions and multi-family residential developments and all forms of non-residential development.
- e. An incomplete application or an application that fails to meet minimum submittal requirements shall be immediately returned to the applicant by the City and shall include a written statement enumerating the deficiencies in the application.

- f. In their review of the Preliminary Site Plan the Planning Commission shall make a determination as to whether or not the proposed development maintains a reasonable relationship to adjacent land use, and is conducive to the proper development of the City and its existing environment in an effort to prevent the harmful effects of improper appearances of buildings erected in the City and thus, to promote the health, safety, comfort, general welfare, and prosperity of the community.

**4. Additional Information**

- a. The following additional information may be required by the Planning Commission in order to adequately evaluate the character and impact of a proposed site development.
  - 1. **Tree Survey/Tree Management Plan**
  - 2. **Stormwater Management Plan** – Existing and proposed topography. The general location and size of required stormwater detention structure(s). Stormwater calculations may be required by City Engineer upon submittal of a plan depicting general location and size of required stormwater detention system with preliminary drainage calculations, general routing of storm sewer lines, and location(s) of discharge point(s).
  - 3. **Traffic Impact Analysis** – Existing Average Daily Traffic (ADT) of the roadway network fronting upon site. Projected traffic generated by development as referenced in ITE Trip Generation Manual, latest edition.
  - 4. **Utility Plan** – General routing of sanitary sewer mains and water distribution piping to serve the development.

**6. Effective Period of Site Plan Approval**

- a. Site Plan approval granted by the Planning Commission, including such conditions as may be a part of the record, shall be effective for a period of one (1) year from the date of said Site Plan approval. The applicant may request in writing an extension upon the effective period of the Site Plan approval from the Governing Authority for a period not to exceed one (1) year from date of expiration of approval of the initial approval of the Site Plan.

**O. PLANNED UNIT DEVELOPMENT REGULATIONS**

**1. Purpose.**

- a. The purpose of these Planned Unit Development Regulations is to

provide a mechanism to achieve greater flexibility in the development of single and mixed-use land use than would otherwise be afforded by the conventional bulk requirements of this Ordinance, and static design criteria of the City's Subdivision Regulations. Furthermore, it is the intent of these regulations that the objectives of this Ordinance relating to protection of the public health, safety, and welfare can be achieved through skillful planning without literal application of the detailed regulations otherwise applicable, and that special amenities and benefits to the City beyond those otherwise required by this Ordinance, can be achieved by allowing more flexible planning than is otherwise permitted by this Ordinance and the City's Subdivision Regulations. Accordingly, through the establishment of a Planned Unit Development District (PUD), and approval of a Master Development Plan, it is intended that property regulated under these regulations will be planned as an integrated unit, and its development governed by a specific plan and development standards rather than by generally applicable conventional zoning regulations and bulk standards. It should be noted, however, that development approval under this ARTICLE is discretionary, and not a right that can be claimed. Exceptions to the normal regulations are not granted automatically, but only upon finding that they will result in a superior development that promotes the public interests.

**2. Objectives.**

- a. The Governing Authority may, upon proper application, approve a zoning map amendment to establish a PUD District for a site of at least five (5) acres to facilitate the use of flexible techniques of land development and site design by providing relief from the Zoning Ordinance and Subdivision Regulations requirements designed for conventional developments, in order to obtain one or more of the following objectives:
  - 1. Promote the most efficient use of land through comprehensive site planning in order to facilitate a more harmonious arrangement of buildings, circulation systems, land use and utilities.
  - 2. Preserve, to the greatest extent possible, the existing landscape features and amenities, and to include such features within the design of the planned unit development.
  - 3. Coordination of principal building forms and relationships, signage, and other accessory structures within the planned unit development.
  - 4. Promote the concepts of sustainable development, smart growth, and concurrency, with regard to the planned unit

development's relation to existing and/or proposed public infrastructure.

5. Implement the land use and design postulates of the City's Comprehensive Plan.

### 3. Relationship of PUD District to the Land Use Plan (2003)

- a. While the primary purpose of the PUD District is to provide maximum design flexibility, it is not, however, the intent of these regulations to usurp the **Goals** and **Objectives** of the **Comprehensive Plan** as they relate to the physical development of the City. Accordingly, in accordance with the **Land Use Plan Action Strategies (Chapter VI Comprehensive Plan Elements)** pertaining to PUDs, the PUD District may be established within any **Land Use Classification** as provided on the **Land Use Plan (2003)** with the exception of the following:
  1. Public
  2. Estate Residential
  3. Low Density Residential

### 4. Permitted Uses

- a. A list of proposed permitted uses within any planned unit development shall accompany an application for establishment of the PUD District and shall be approved by the Governing Authority.

### 5. Establishment of the PUD District

- a. A PUD District may be only be established through a zoning map amendment as provided for under ARTICLE IX of this ordinance, provided, however, that an amendment to establish the PUD District may only be initiated by an application of one or more owners or agents of property affected by the proposed amendment, and such application shall be accompanied by a Master Development Plan.

### 6. General Standards and Criteria.

- a. The Governing Authority may approve the establishment of a PUD District upon written findings and recommendations by the Planning Commission, which shall be forwarded pursuant to the provisions contained in this section.
  1. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly

hinder or prevent the development of surrounding property in accordance with the City's current development policies and Comprehensive Plan.

2. An approved water supply, wastewater treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or shall be provided.
3. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses and any part of the proposed planned development not used for structures, parking, and loading areas or access ways shall be landscaped or otherwise improved except where natural features are such as to justify preservation.
4. Any modification of the City's applicable Zoning Ordinance and/or Subdivision Regulation standards that would otherwise be applicable to the development site are warranted by the design of the Master Development Plan and the amenities incorporated therein, and are not inconsistent with the public interest nor the Comprehensive Plan.

## **7. General Provisions.**

- a. The following general provisions shall apply to any PUD District established in the City of Horn Lake:
  1. No tract of land may be considered for the establishment of a PUD District unless such tract is under the single ownership of a landowner. For the purpose of these regulations, a landowner may be a person, partnership, corporation, association or any other legal entity entitled to own property. The holder of a written option to purchase, a party purchaser to a contract for the sale of real property contingent upon the success of a PUD District Application for the property, or any governmental agency shall be considered landowners for the purpose of this Section. Unless otherwise provided as a condition of approval of the PUD District, the landowner of an adopted PUD District may divide and transfer parts of such development. The transferee shall complete each section and use and maintain it in strict conformance with the previously approved Master Development Plan.
  2. The City of Horn Lake shall not consider any application to establish a PUD District unless the accompanying Master Development Plan includes certification that the services of at least two certified and/or licensed design professionals practicing in their particular field of expertise have been utilized

for all site analysis/land planning, landscape architecture, and civil site engineering.

## 8. Specific Design Standards and Criteria

- a. **Planning Relationships with Adjoining Development** - The design of any planned unit development should reflect an effort by the applicant to plan land uses within the PUD District so as to blend harmoniously with adjacent zone districts and existing land uses.
- b. **Site Planning** – Site development plans shall provide for efficient, convenient and harmonious grouping of uses, structures, and/or facilities, and shall reflect the applicant’s efforts to work with the natural features and characteristics of the development site.
- c. **Screening** - The City of Horn Lake may require substantial screening along the perimeter of PUD Districts to aid in transitioning between more intensive land uses and less intensive land uses. Such screening shall be vegetative and/or man-made (i.e. fencing, berms, etc.), and designed to protect less intensive adjacent land use from undesirable views, lighting, noise, and other adverse influences emanating from intensive land use(s) within an adjacent planned unit development. Screening requirements may be waived where natural terrain and/or existing vegetation provides adequate buffering protection.
- d. **Landscaping** - Landscaping shall play an integral role in any planned unit development. Whether protecting the City of Horn Lake’s existing natural landscape, or introducing new vegetation, each planned unit development proposal shall incorporate an ambitious landscape plan that seeks to enhance and expand the City’s natural environment.
- e. **Open Space** – For exclusively residential and/or mixed-use planned unit developments containing a residential land use component, a minimum of ten (10) percent of the gross tract acreage, exclusive of required rights-of-way dedication along existing thoroughfares, shall be set aside as useable open space. Where the resulting open space would equate to less than one-acre, the Governing Authority may require additional amenity provisions to compensate for the lack of useable open space. Required open space may be proposed as public or private open space, however, the Governing Authority, upon written findings and a recommendation from the Planning Commission, shall make a determination as to whether or not the acceptance of proposed

public open space is in the best interest of the City. For all proposed private open space, the applicant shall provide for organizational arrangements for the ownership, maintenance and preservation of said private open space.

- f. **Development Standards** – Development density and/or intensity limits and minimum bulk requirements for planned unit developments shall be as provided in ARTICLE IV, Chart 2.
- g. **Architectural Design** - When the Governing Authority has established design as an integral part of the Master Development Plan and stipulates architectural design principles and/or specific architectural design details, such principles and/or details shall be made a part of the Master Development Plan and all zoning permits for the PUD District. A sign plan shall also be included as described in Article VI (D) (8).

## 9. Procedures for PUD District Approval

- a. **The Formal Application** - All applications for the establishment of the PUD District shall be made in writing by the owner of the property, or the owner's duly authorized agent, upon forms provided by the City of Horn Lake. The application shall contain the following information:
  - 1. **A completed application form**, together with all required ancillary information required for zoning amendments, as provided for under ARTICLE IX of this Ordinance, and the payment of all applicable fees.
  - 2. **A Master Development Plan** containing the following plan elements: *Preliminary Site Development Plan* and an *Outline Plan*, which provides for all development provisions, standards, and conditions (see specific requirements for the *Preliminary Site Development Plan* and *Outline Plan* – Paragraph 12 *Master Development Plan Elements*).
  - 3. **A Project Text** describing the relationship of the proposed planned unit development to the current land use policies of the city, and how the proposed planned unit development is to be designed, arranged, and operated. Furthermore, the Project Text shall include a description of the applicant's planning objectives, the approaches to be followed in achieving those objectives, and the rationale governing the applicant's choices of objectives and approaches.
  - 4. Other information as may be deemed necessary by the Planning Commission and/or the Governing Authority to further

clarify the various elements and/or impacts of the proposed PUD District.

## 10. Master Development Plan Approval Process

- a. A Master Development Plan is considered an integral element of the zoning map amendment application to establish a PUD District. Accordingly, any approval of a zoning map amendment to establish a PUD District shall also extend to the Master Development Plan, along with such modifications as may be approved by the Governing Authority.
- b. The formal application, Master Development Plan, and all other required materials, shall be submitted to the City of Horn Lake Planning Department as set forth by the Office of Planning and Development.
- c. Upon receiving a completed application, Master Development Plan, and an accompanying staff report, the Planning Commission and Governing Authority shall consider the potential impacts of the proposed planned unit development upon:
  1. Adjacent land use.
  2. Transportation infrastructure.
  3. Public utility facilities.
  4. Comprehensive Plan
  5. Such other matters pertaining to the public health, safety, and welfare of the city.
- d. The Planning Commission shall then approve, approve subject to specified conditions, or disapprove the application for Master Development Plan, and a report of its action, together with a recommendation for final action, shall be made to the Governing Authority.
- e. Upon receiving the report from the Planning Commission concerning their recommendation on the Master Development Plan, the Governing Authority shall hold a public hearing as prescribed by law. Subsequently, the Governing Authority shall approve, approve subject to specified conditions, or disapprove the application for Master Development Plan, and a report of its action shall be returned to the applicant.
- f. **Reapplication and Effects of Denial** – If the request is denied, applicant may not reapply for a PUD for a period of one year.

- g. Contractual Agreement** - The Master Development Plan and accompanying plan elements are intended to demonstrate to the Planning Commission and the Governing Authority the character and objectives of the proposed planned unit development, so that the Planning Commission and ultimately the Governing Authority, may evaluate the effect the proposed planned unit development could have on the community, and determine what provisions, if any, should be included as a part of the Master Development Plan, and be binding upon the future use and development of the subject property. The filing of a Master Development Plan and accompanying plan elements shall constitute an agreement by the owner and applicant, successors, heirs, and assigns, that if the Master Development Plan and accompanying plan elements are approved, development of the property and any permits issued for the improvement of such property, and activities subsequent thereto, shall be in conformance with the approved Master Development Plan and accompanying plan elements for the subject property, and any conditions attached thereto. The approved Master Development Plan and accompanying plan elements, and any conditions attached thereto shall have the full force and effect of this Zoning Ordinance.
- h. Period of Validity** - Approval of the establishment of the PUD District and Master Development Plan by the Governing Authority shall expire, and be of no effect within two (2) years after the date of the approval of the same by the Governing Authority. Should the approved Master Development Plan expire as provided herein, the zoning of the subject property shall revert to its prior designation.
- j. Extension of the Period of Validity** - The Governing Authority may grant extensions of the Master Development Plan approval, not exceeding six (6) months each, upon written request by the original applicant. Written requests for the extension of an approved Master Development Plan shall be submitted at least sixty (60) days prior to expiration date of the approved Master Development Plan.
- k. Amendment of the Approved Master Development Plan** - An approved Master Development Plan may be amended upon application, and under the same applicable procedures as required for the original approval of the initial Master Development Plan, as required by this Ordinance.
- l. Relationship Between Approval of the Master Development Plan and Subdivision Approval** - In those instances where subdivision is an integral part of the proposed planned unit

development, approval of the Master Development Plan shall constitute the same action as approval of the preliminary subdivision plan for subdivision approval purposes Regulations shall be required.

- g. *Zoning Administration; Building Permits*** - The City may issue building permits for the area of the planned unit development covered by the approved and recorded subdivision.

## **12. Master Development Plan Elements**

- a. *Preliminary Site Development Plan*** -The application for a PUD District shall include a Preliminary Site Development Plan containing the following minimum information:
  - 1. A site map showing subject property boundaries, street lines, lot lines, easements, proposed dedications or vacations, existing tree masses, streams, floodplain, etc.
  - 2. A site development and landscaping plan, showing building locations, or building envelopes; site improvements; public or common open spaces; community facilities; signs and other significant visual features; and typical landscape plans.
  - 3. A circulation plan, including location of existing and proposed vehicular, pedestrian, bicycle, and other circulation facilities, and location and general design or parking and loading facilities.
  - 4. A public services and utilities plan providing requirements for and provision of all utilities, sewers, storm water, and other facilities needed to serve the site.
  - 5. A topographic map and preliminary site-grading plan showing existing and proposed contours in no greater than ten-foot intervals.
  - 6. Schematic architectural plans and elevations sufficient to indicate building height, bulk, materials, and general architectural design.
  - 7. A proposed development schedule.
  - 8. A proposed means of dedication of common open space areas and organizational arrangements for the ownership, maintenance, and preservation of common open spaces.
  - 9. Quantitative site data for each area/phase including, but not limited to: site acreage; intensity measures – floor area ratio, building volume ratio, impervious surface ratio, building height; finished floor elevations; bulk regulations; parking/loading space requirements.
  - 10. A traffic impact study, if required by the Planning Commission or Governing Authority.

- b. *Outline Plan*** - The application for a PUD District shall include an Outline Plan containing the following minimum information:
1. A plot plan of the subject property drawn to a scale not less than 1 inch equals 100’.
  2. Dimensions and bearings of the subject property’s boundary, and a legal description describing same.
  3. Specific development areas and/or phases within the subject property delineated by dashed lines that identify: *the acreage contained within the development area and/or phase, and land-use within each development area*. Development areas and/or phases shall be labeled alphabetically – *Area “A”; Area “B”, etc.*
  4. All proposed major roadways with rights-of-way and streetscape/boulevard treatment illustrated via section and plan view; rail lines; all easements (*proposed and existing*); existing public rights-of-way crossing and adjacent to the subject property.
  5. Significant areas of public dedication and/or private common space.
  6. A statement setting forth in detail the land use, bulk regulations density and/or intensity standards, and performance standards under which the planned unit development is proposed.
  7. Development/Phasing Schedule.
  8. All conditions imposed by the Planning Commission and Governing Authority as part of the approval of the Master Development Plan.

**P. PBP PLANNED BUSINESS PARK DISTRICT.**

- (a) *Purpose*. The purpose of the planned business park district is to foster stability and growth in light industry, research and development and similar industries that are enhanced by access to transportation networks and that provide desirable employment opportunities for the general welfare of the community. The planned business park district targets relatively large contiguous land areas that can be developed according to a unified plan in a high quality, campus-like setting rather than on a lot-by-lot basis. The uses and standard in this district are intended to promote flexibility and innovation in site design and enhance the environmental quality and attractiveness of business parks in the community, enhance the natural or scenic qualities of the environment and protect the public health and safety.
- (b) *Permitted and conditional uses*. Chart 4, Commercial Zone Districts, lists the permitted and conditional uses for this district.

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- (c) *Accessory uses.* Any of the following accessory uses are allowed within a building in a planned business park, and primarily intended to serve employees and visitors of the park:
  - (1) Cafeterias or restaurants.
  - (2) Banks.
  - (3) Commercial retail establishments, not exceeding five thousand (5,000) square feet.
  - (4) Day care centers, subject to the following additional standards:
    - a. The property is located on a collector street, major road, minor street or private drive that serves only nonresidential uses or zoning districts, or on a minor street within one hundred (100) feet of an intersecting major street.
    - b. Screening of the play and parking areas from adjacent properties may be required.
    - c. The maximum number of children to be accommodated on a site shall be specified.
    - d. The following minimum areas shall be provided per child: Thirty (30) square feet of indoor play area, exclusive of restrooms, hallways, kitchen or office space; thirty (30) square feet of indoor rest area; and fifty (50) square feet of usable outdoor play area.
    - e. State and local health, education, and. or fire regulations may reduce but shall not increase the number of students permitted to be enrolled.
  - (5) Living quarters custodian, caretaker or watchman.
  - (6) Health and fitness centers, primarily intended to serve occupants or business and research uses allowed in the PBP district.
- (d) *Minimum area requirements.*
  - (1) PBP District: Five (5) contiguous acres under a common ownership. Measurement of acreage shall apply to land that is contiguous or would be contiguous except for separation by a public right-of-way or a railroad right-of-way.
  - (2) Individual lot or building site within PBP district: One (1) acre.
    - (a) *Minimum yard requirements.* Except for allowable accessory uses no building or structure shall be located within the following minimum yards:
      - Minimum front yard abutting right-of-way . . . 60 feet
      - Minimum front yard abutting driveway or internal street . . . 25 feet
      - Minimum side and rear yard abutting property zoned or used for residential purpose . . . 40 feet
      - Minimum size and rear yard abutting property zoned or used for nonresidential purpose . . . 25 feet

Minimum frontage on public right-of-way for PBP . . . 200 feet

(b) *Height limits.*

(1) Except as provided in paragraph (b) of this section:  
Forty-five (45) feet.

(2) The maximum height limitations in paragraph (a) of this section shall not apply to heating and ventilation equipment, communication towers or utility structures, except that no structure exceeding forty-five (45) feet shall be located within two hundred (200) feet of any property zoned or used for residential purposes.

(c) *Maximum floor area ratio (FAR).* The total FAR of all buildings within a PBP district shall not exceed 0.50 acre.

(d) *Amenity requirements.*

(1) A minimum of fifteen (15) percent of the gross land area within a PBP district shall be set aside as common open space to provide for the recreational needs of the employees and visitors of the business park.

(2) Required open space shall be usable for active recreational activities. Such as jogging, golf or tennis, or passive recreation uses, such as sitting, scenic viewing or lunch breaks. Open space areas shall be attractively landscaped and may contain water features, park benches, gardens, planting strips, trails, tennis courts or other recreational or landscaping amenities.

(3) Common elements, such as undedicated streets or drives, recreational and parking facilities, open space and sanitary and storm sewers, shall be either:

a. Maintained by the owners of the planned business park, pursuant to a maintenance agreement approved by the governing authority or

b. Conveyed to and maintained by a common owner or property owners association, pursuant to covenants or a maintenance agreement approved by the governing authority, or

c. Conveyed to a public body if such public body agrees to accept conveyance and to maintain the open space and any buildings, structures, or improvements located within it.

(4) If common elements are to be maintained by a property owners association, the developer shall establish restrictive covenants for the entire project area. The restrictive covenants must be submitted to show compliance with these district regulations. Those covenants must, at a minimum:

a. Create a property owners association;

b. Provide for the maintenance of individual sites, common open spaces and private streets, private drainage facilities; and

c. Provide for minimum development and operational standards for each site, which require adherence to local ordinances and

establish uniform landscaping, signage, site design, parking and loading standards. The covenants may include additional restrictions or requirements at the discretion of the developer.

- (e) *Off-street parking and loading space requirements.*
  - (1) *Minimum number of spaces.* Off-street parking facilities must conform to the standards set out in chapter 6 of this title, or in lieu of such standards, to requirements established by the governing authority.
  - (2) *Location of parking areas.* Off-street parking areas shall be conveniently accessible to uses within a planned business park. Parking areas are strongly discouraged within front yards or setbacks adjacent to major streets.
  - (3) *Landscaping.* Parking areas shall be landscaped according to the provisions of subsection (k) below.
- (f) *Outdoor storage.* Outdoor storage areas may be permitted as an accessory use on an individual lot with a planned business park provided that such storage is completely screened from adjoining uses within and outside the park as well as from public rights-of-way. The screening must be effective at the time it is installed, even if plant materials are used for all or part of the screening. No outside storage areas shall be permitted within any required setback or yard. In no event may the amount of land devoted to outside storage exceed twenty (20) percent of an individual lot area.
- (g) *Screening requirements.* Refuse containers, dumpsters, rooftop and outdoor HVAC equipment shall be screened with vegetation, fencing or berms so they are not visible from any street or adjacent property. Buildings or structures abutting a residential zone or use shall also be appropriately screened via perimeter landscaping.
- (h) *Landscaping requirements.* See landscaping section.
- (i) *Lighting requirements.* Lighting shall be provided in accordance with a plan designed by the appropriate utility company.
  - (1) Lighting for safety shall be provided at intersection, along walkways, at entryways, between buildings, and in parking areas.
  - (2) Lighting shall be directed downward or shield to avoid hazards to drivers or glare on abutting residential uses.
- (j) *Underground utility lines.* All utility lines such as electric, telephone, cable television, or other similar lines must be installed underground. This requirement applies to lines serving individual sites as well as to security and street lighting within the park. However, distribution lines that service the entire site may be located above ground. All utility boxes, transformers, meters, and similar structures must be screened from public view.
- (k) *Access and traffic considerations.*
  - (1) Planned business parks shall be accessible from the existing or proposed street network in the vicinity. At least one (1) distinctive

- main gateway entrance to the park shall be provided. Access to the park shall be designed to discourage outside through traffic.
- (2) Curb cuts providing access to major streets shall be spaced a minimum of three hundred (300) feet from any other curb cut.
  - (3) Traffic generated by occupants and users from the park shall not exceed traffic capacity standards established for the adjacent road network. A traffic impact study may be required to determine whether road improvements will be required.
- (l) *Circulation system requirements.* Separate circulation systems shall be provided for pedestrians, automobiles and delivery trucks.
- (1) *Pedestrian circulation.* Sidewalks shall be provided along any roadways that are served by bus or vanpool service, and between buildings or to parking areas or transit stops. The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to protect the public safety and provide safe and convenient pedestrian routes. Except where topography makes it impracticable, sidewalks shall be appropriately designed, graded, constructed and surfaced to be readily usable by individuals in wheelchairs. Curb ramps shall be installed at all intersections and driveways to aid in wheelchair access.
  - (2) *Automobile circulation.* The street circulation system serving a planned office park shall be internally oriented and provide access for future development within the PBP designation as shown on the land use map.
  - (3) *Delivery truck circulation.* Truck traffic and its related circulation system shall be separated, whenever feasible from automobile and pedestrian circulation system. Separate delivery entrances and circulation routes shall be clearly identified with appropriate signage.
  - (4) *Emergency vehicles.* The street circulation system within a planned business park should be designed to ensure easy access for and maneuvering of emergency vehicles.
- (m) *Sign regulations.*
- (1) The general sign regulations of this title shall apply in PBP districts, in addition to the following special standards.
  - (2) All signs within the PBP district shall be either:
    - a. Wall signs; or
    - b. Ground signs, not exceeding six (6) feet in height and landscaped with at least two (2) evergreen shrubs for each sign face.
  - (3) Maximum number: One (1) ground sign at each entrance to the park, one (1) wall sign or ground sign for individual uses within the park, and any number of signs needed to provide directions, identify parking areas or aid in the safe and efficient traffic circulation within the park.

- (4) Maximum gross surface area of entrance sign: Forty-eight (48) square feet.
  - (5) The following sign types shall be prohibited within a PBP district: permanent off-premise signs, pole signs, portable signs, roof signs, flashing signs, banners, streamers and other attention-getting devices.
  - (6) A uniform sign plan shall be submitted and approved for each planned office park. The uniform sign plan shall specify consistent sizes, materials and colors of signs to be used throughout the property, or shall establish a hierarchy of different types of signs, consistent for all signs in each category. The design, colors and materials used for signs shall be compatible with the buildings that the signs serve.
- (n) *Architectural design guidelines.*
- (1) Buildings within a PBP district should conform to a uniform architectural style.
  - (2) Metal "shed" type warehouse buildings prohibited. Exteriors of natural materials, such as concrete, brick, granite, or wood, are more compatible with the purposes and character of PBP district.
  - (3) The entrance or entrances to a park should receive special emphasis in design and construction. It should set the tone for the development within and should create an identity for the project at the project street frontage. Special attention should be paid to signage, landscaping, street configuration, and future transit potential and traffic circulation. At a minimum, a divided street entrance must be used at the principal entrance to the site.
- (o) *Preliminary site plan review required.* This shall be required at the time that the rezoning request is presented. It is designed that the applicant can meet the minimum requirements as set forth in this chapter regarding setbacks, open space, impervious surface, etc. The PBP shall be established only upon application, after public hearing, and shall require an approved preliminary site plan according to the procedures of this chapter.
- (p) *Final site plan review required.* This shall be required at the time that each entity desires to construct within the PBP. Approval of a final site plan shall permit the applicant to apply for any other permits and approvals including, but not limited to, building permits, certificates of occupancy, and other permits and approvals required under the Horn Lake Building Code of Ordinances.
- (q) *Period of validity.* If construction of the planned business park is not started within two (2) years of the date of the rezoning, the governing authority may consider rezoning the site to its previous classification. The applicant, by showing good cause why he cannot adhere to the approved timetable may seek an extension of not more than one (1) year at a time. A request for extension shall be

submitted in writing to the planning commission and governing authority.

- (r) *Amendment to the approved site plan.* A site plan shall be amended in accordance with the procedures and standards that governed its approval, except for minor deviations, including, but not limited to:
- (1) A less than five (5) percent increase in the floor area.
  - (2) A less than ten (10) percent decrease in the required parking spaces or common open space.
  - 3) The relocation of any structure, dedicated street, easement or landscape screen in any direction from the location shown on the site plan for:
    - a. Less than twenty-five (25) feet for site plans of less than two (2) acres
    - b. Less than fifty (50) feet for site plans of two (2) to eight (8) acres.
    - c. Less than one hundred (100) feet for site plans of eight (8) to twenty (20) acres
    - d. Less than one hundred fifty (150) feet for site plans of more than twenty (20) acres.

#### **Q. TEMPORARY STRUCTURES (USES)**

1. Temporary structures as defined in this ARTICLE shall be permitted in connection with the following permitted temporary uses:
  - a. Contractor's offices, testing facilities, construction materials and/or equipment, and other temporary structures incidental and necessary to a specific construction project when the intended use is by a contractor in conjunction with a construction project that has been approved by the Planning Commission and Governing Authority, and for which a valid building permit has been issued; or for any construction project for which a building permit is not specifically required (i.e. utilities, road construction, etc.).
  - b. Real estate offices engaged in the sale or rental of real property, if in connection with and incidental and necessary to a real estate development that has been approved by the Planning Commission and Governing Authority.
  - c. Temporary structures for use during renovation of existing, or construction of new office space within non-residential zone districts in conjunction with a site plan that has been approved by the Planning Commission and Governing Authority and/or for which a valid building permit has been issued.





## ARTICLE VI — SIGN REGULATIONS

### A. Purpose

1. The purpose of these sign regulations is to protect the health, safety, and general welfare of the residents of the City of Horn Lake by regulating the design, construction, installation, and removal of commercial and noncommercial signs and displays in a manner that:
  - a. acknowledges the visual communication needs of businesses and other parties;
  - b. enables the public to locate goods, services, and facilities in the City of Horn Lake easily;
  - c. helps preserve the visibility of competing messages and communications effectiveness of signs;
  - d. protects property values and the character of business districts and nearby neighborhoods; and,
  - e. improves the image of the City of Horn Lake in the minds of both residents and visitors.
2. These sign regulations are adopted under the zoning authority of the City of Horn Lake in furtherance of the more general purposes set forth in ARTICLE I.

### B. Applicability

1. Except as specifically provided otherwise herein, upon the effective date of this ARTICLE, no sign as defined herein, shall be displayed, located, erected, moved, reconstructed, extended, enlarged, converted, replaced, or altered except in conformance with the provisions of this ARTICLE.

### C. Definitions

1. **Commercial Message** - Any sign wording, logo, or other representation that, directly or indirectly, names, promotes, or calls attention to a business, product, service, or other commercial activity.
2. **Sign** - Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

3. **Sign, Abandoned** - Sign that no longer identifies a bona fide business, leaser, owner, project, activity, or product and/or for which no legal owner can be found.
4. **Sign, Advertising** - A sign conveying a commercial message, and directing attention to a business, profession, commodity, service, or entertainment conducted, sold or offered off the premises where the sign is located and maintained.
5. **Sign, Animated** - A sign that includes action or motion. This term does not refer to flashing or changing signs, all of which are separately defined.
6. **Sign, Attached** - A sign that is permanently attached or fastened to a principal or accessory building or structure, (*face or wall*), awning/canopy or structurally independent wall or overhang.
7. **Sign, Awning/Canopy** - A sign that is mounted, painted or otherwise attached to an awning or canopy of permanent construction.
8. **Sign, Banner** - Any sign printed or displayed upon cloth or any other flexible material, with or without frames. National flags, state or municipal flags shall not be considered banners.
9. **Sign, Beacon** - Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams which rotate or move.
10. **Sign, Bench** - A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.
11. **Sign, Billboard** - A type of large advertising.
12. **Sign, Building Marker Identification** - A sign constructed of concrete, bronze, or similar material conveying historical information limited to the name of the building, date of erection and other pertinent historical data.
13. **Sign, Business** - A sign that directs the attention to a business, profession, commodity, service or entertainment, conducted, sold, or offered upon the same lot where the sign is located.

- 14 Sign, Changeable Copy (Manual)** - A sign on which copy is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial letters.
- 15. Sign, Changeable Copy (Automatic/Electronic)** - A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.
- 16. Sign, Conforming** - A sign that is in compliance with all the provisions of this ARTICLE.
- 17. Sign, Construction** - A sign erected on the premises on which construction is taking place, during the period of construction, and indicating the names of the architects, contractors, owners, financial supporters, sponsors and similar persons or firms involved with the construction and development of the project.
- 18. Sign, Copy** - The wording or graphics on a sign surface.
- 19. Sign, Detached** - A sign detached from any supporting elements of a principal and/or accessory building or structure, or as otherwise defined herein.
- 20. Sign, Directory** - A sign, whose copy is limited to the name, use, and/or location of businesses/companies located in commercial, office or industrial complexes; or for multi-tenant buildings in any building or complex where one or more tenants does not have an exterior entrance. Directory signs shall be arranged in a uniform manner, and erected on a single structure.
- 21. Sign, Directional** - A sign, whose copy is limited to directions for pedestrian or vehicular traffic on site including, but not limited to, signs to entrances, exits, parking areas or one-way drives.
- 22. Sign, Face** - The area or display surface used for the message.
- 23. Sign, Flashing** - Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted light source.
- 24. Sign, Ground Mounted** - A sign, other than a pole/post sign that is mounted directly upon the ground, or supported by a solitary base, or two (2) or more uprights, posts, or braces affixed in the ground and independent of any building.

- 25. Sign, Identification** - A sign announcing the name of a development, subdivision, project, church, school, park, or public or quasi-public structure and/or facility to the extent that the sign copy is limited to the name, address, crest, or trademark, or other identifying symbol on the premises where it is located.
- 26. Sign, Illegal** - Any of the following: (1) A sign that contravenes the provisions of this ARTICLE; (2) a sign that contravenes the provisions of any state and/or federal regulation pertaining to signage; (3) a nonconforming sign for which the amortization period has expired; or (4) a sign that is a danger to the public or is unsafe, or a sign that was erected illegally (or for which a permit was not obtained) under a previous ordinance.
- 27. Sign, Incidental** - A sign that conveys no commercial message, and is clearly incidental to the other principal, permitted signs on site.
- 28. Sign, Marquee** - Any sign attached to roof-like structure of a permanent nature that projects from the wall of a building or its supports and may overhang the public way.
- 29. Sign, Memorial** - A sign, tablet, or plaque memorializing a person, event, structure, or site.
- 30. Sign, Menu Board** - A sign intending to serve customers already on the premises through identification of products or services available. Said sign is not intended to attract attention off the premises, and its contents should not be discernable from a public right-of-way.
- 31. Sign, Nameplate** - A sign giving the name or address, or both, of the owner or owner's premises (*i.e. farm, homestead*).
- 32. Sign, Noncommercial** - A sign that does not contain information or advertising for any business, commodity, service, entertainment, product, or other attraction.
- 33. Sign, Nonconforming** - Any sign that existing legally prior to adoption of this ARTICLE that does not conform to the requirements of this ARTICLE.
- 34. Sign, Pennant** - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

- 35. Sign, Permanent** - A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on-premises.
- 36. Sign, Pole/Post** - A sign, other than a ground mounted sign that is mounted on a single pole or post.
- 37. Sign, Political** - A sign displaying the name and/or picture of an individual seeking election to public office or a sign otherwise relating to a forthcoming public election or referendum.
- 38. Sign, Portable** - Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by wheels; signs connected to A- or T- frames; menu and sandwich board signs; balloons used as signs; and signs attached to or painted on vehicles and visible from the public right-of-way.
- 39. Sign, Projecting** - Any sign affixed to a building or wall in such a manner that its leading edge extends more than twelve (12) inches beyond the surface of the building or wall.
- 40. Sign, Real Estate** - A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.
- 41. Sign, Roof** - Any sign illustrated, erected and/or constructed wholly on and/or over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
- 42. Sign, Show Window** - Any sign promoting sales or specials attached to or within three (3) feet of the glass surface of any fixed window (glazing) visible from public rights-of-way.
- 43. Sign, Suspended** - A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface. A suspended sign shall maintain a minimum of nine (9) feet of vertical clearance from any pedestrian way.
- 44. Sign, Temporary** - Any sign not intended or designed for permanent display—intended for “coming soon” instances.
- 45. Sign, Vehicle** - A sign on or within a motor vehicle, boat, aircraft, recreational vehicle, manufactured home, trailer, or similar vehicle that has been parked for the primary purpose of displaying the sign.

**46. Sign, Wall** - A sign attached to or erected against, but within twelve (12) inches of, the wall of a building or structure, with the sign face parallel to the plane of the wall.

**D. Sign Standards and Provisions** - The following standards and provisions shall apply to all signs regulated by this ARTICLE.

**1. Design Guidelines for Signs** -

- a. Message:** A motorist's reaction time to a sign's message is less than 10 seconds when traveling at a rate of speed approximating 45 miles per hour. Accordingly, messages on signs intended to be read by motorists should be kept to a minimum. Symbols can sometimes be used as substitutes for words. The sign should not appear "busy," cluttered, or crowded.
- b. Shape:** A single simple, common geometric form such as a rectangle, square, circle, or oval is often preferable to a more elaborate shape or combination of shapes.
- c. Color:** Colors used should provide sufficient contrast between the message and the background of the sign to assure readability. Use of no more than four (4) colors (including black and white and the background color of the sign) is preferable. Use of bright colors as accents is preferred to their use as dominant colors.
- d. Materials:** The simple, classic beauty of traditional natural materials like wood, stone, or brick is often preferable if such materials are largely unpainted (but rated for exterior exposure) so that their natural beauty is exposed.
- e. Lettering Size:** Lettering on signs should be no larger than required for readability from the street, taking into account the prevalence of vehicular or pedestrian traffic, traffic speeds, and setback of the sign. Generally letter height should fall in a range of between six (6) inches and one and a half (1.5) feet.
- f. Fonts:** Use of no more than two fonts on a sign is preferred. Fonts used for tenant wall signs in multi-tenant properties like shopping centers should be consistent and in compliance with an approved master or common signage plan (**Paragraph 8**).
- g. Supports:** Support bases for ground mounted should be part of the overall sign design. They should be ornamental in nature to complement the sign face and of a material (such as brick, stone,

wood, galvanized metal) and color and of proportions that enhance the sign face.

- h. *Landscaping:*** The area around the support base of all permanent detached signs shall be landscaped with healthy, hardy, and drought-resistant landscape materials that serve to screen and soften structural elements of the support base as well as compliment the overall aesthetic of the sign.

## **2. Sign Construction -**

- a.** All signs, regardless of whether a permit is required for such signs, shall conform to the pertinent requirements of the Building Code and other construction codes adopted and in effect in the City of Horn Lake.
- b.** Where applicable, required building and/or electrical permits shall be obtained at the same time as the sign permit.
- c.** All letters, figures, characters, and embellishments on a sign shall be safely and securely attached to the sign structure.
- d.** Framework for all attached signs shall be contained within or behind the face of the sign, or within the building, so as not to be visible to public view.
- e.** All permanent ground mounted signs shall either utilize a fully enclosed base consisting of either galvanized metal; brick; stone; stucco, or comparable material. Additionally, the area surrounding the base shall be appropriately landscaped with at least two shrubberies per face.
- f.** Wood used in sign fabrication that will be exposed to the weather when the sign is displayed shall be rated for exterior exposure.
- g.** No permanent sign other than a flag or awning sign shall be fabricated from canvas, cloth, or flexible vinyl.

## **3. Sign Measurements -** In determining the size of any sign, the following procedure shall be used -

- a. *Setback:*** To determine the required sign setback, the measurement shall be made from the nearest street right-of-way line. No portion of any sign may extend on or over the required setback area irrespective of the location of the sign's structural base and shall be at least ten (10) feet from the right of way.

**b. Sign Area:**

1. For attached signs consisting of individual letters, numbers, characters, figures, or displays attached in some manner without background material, trim and/or framing devices, the area of the sign shall be deemed to be that of a single rectangle or square encompassing all of the of individual letters, numbers, characters, figures, or displays, and shall include the open space between said letters, displays or characters within that square or rectangle
2. For all other sign applications, including detached signs containing background material, trim and/or framing devices, the sign area shall be determined by the area of the entire sign including said background material, trim and/or framing devices, but excluding structural supports.
3. For all two-faced detached signs, the sign area shall be determined by measurement of one sign face, provided that such sign faces are contained on the same support structure, and are not more than fifty - (50) inches apart. No detached sign shall have more than one sign face visible from the same direction.
4. The sum of the area of all permitted permanent signs shall be as provided for in Section K. Where a principal building has frontage on more than one public street, only the signs computed with the lineal building frontage, as defined below, along that public street shall face that street.
5. Lineal building frontage shall mean: 1) the horizontal length measured from the side of a building parallel to the public street frontage of the heated and enclosed structure upon the premises, not including out-buildings or appurtenant structures; or 2) the horizontal length of a building on the side with its principal entrance, whichever is greater. Principal buildings with frontage on more than one street shall be permitted a maximum of two (2) building frontages for the purposes of these regulations.

- c. Sign Height:** The height of any sign shall be determined by the distance between the topmost portion of the sign or the structure supporting the sign and the base of the sign at normal grade. Normal grade shall be construed to be the lower of (1) existing grade prior to construction, (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot be determined, sign height shall be computed on the assumption that the elevation of the normal grade

at the base of the sign and/or sign structure is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principle entrance to the principle structure on the lot, whichever is lower.

**4. Sign Location and Placement -**

- a. No sign shall be located within a public right-of-way, or placed so as to obstruct the clear sight triangle at a street intersection. Any sign installed or placed on public property, except in conformance with this ARTICLE, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of the sign.
- b. All signs and their supporting structures shall maintain clearance and non-interference with all surface and underground facilities and conduits for water, sewer, gas, electricity or communications equipment or lines, and shall not be placed so as to interfere with natural or official drainage or surface or underground water.
- c. No sign shall be located within the sight triangle which is established by measuring fifty (50) feet on each street or ten feet up a private driveway and drawing an imaginary line.

**5. Illumination -**

- a. Backlighting is the preferred external illumination method. External light fixtures shall be concealed wherever possible.
- b. Sign illumination shall be constant in intensity and color. Illumination shall be of uniform intensity over the sign face, and shall not exceed fifteen (15) foot-candles at any point on the sign face.
- c. Lighting for any illuminated sign shall be so shaded, shielded, or directed so as not to cause glare on surrounding properties or in public streets.
- d. Signs shall not have blinking, flashing, or other illuminating devices that change light intensity, brightness or color; likewise no strobe lights shall be allowed in windows or where visible from the street.
- e. No colored lights shall be used on any sign at any location in any manner so as to be confused with or construed as traffic control devices.

- f. No direct or reflected light from a light source for an illuminated sign shall create a traffic hazard for motor vehicles.

**6. Maintenance and Repair -**

- a. Painted and unpainted signs, embellishments, and support structures shall be cleaned as necessary to prevent an unsightly or blighted appearance.
- b. Painted signs and support structures shall be repainted as necessary to prevent excessive peeling paint, faded colors, rust, corrosion, rotting, or other deterioration in the appearance or structural safety of the sign.
- c. All supports, anchors, guys, and braces for a sign shall be maintained in safe and secure condition.
- d. Missing characters in the sign message, and/or broken or damaged sign faces, framing or support structures shall be replaced, repaired, or removed.
- e. Mounting and electrical holes for signs that have been removed that are not used for a replacement sign shall be filled or concealed. Discolorations shall be removed from facades that create “shadows” of signs or characters that have been removed.
- f. Any required vegetative landscaping at the sign base shall be maintained in a living and healthy condition free of weeds, bare spots, and debris.

**7. Abandoned Signs -**

- a. Sign copy identifying businesses no longer in existence, products no longer being sold, services no longer being rendered, or events no longer being conducted shall be deemed to have been abandoned, and shall be removed by the owner or possessor of the property or sign within sixty- (60) days from the termination of such activities. Abandoned signs that have not been removed within the required time period, shall subject the owner or possessor of the property or sign to the enforcement and remedy provisions contained in this ARTICLE. This provision shall not pertain to sign faces and structures otherwise in compliance with the provisions of this ARTICLE, where the owner or possessor of the property is actively marketing the property for sale or lease as a result of a temporary suspension of activities due to a change in

tenant/ownership or management, provided the property does not remain vacant for a period of more than twelve (12) consecutive months.

- b. Any sign that fails to meet the construction and maintenance requirements contained herein shall be deemed to have been abandoned, and subject to removal pursuant to the enforcement and remedy provisions contained in this ARTICLE.

## 8. Master/Common Signage Plans -

- a. **Overview:** The following provisions shall be applicable to all non-residential and mixed-use planned developments, as well as conventional developments containing more than one principal structure, whether detached or attached, on a single zone lot (e.g. *shopping centers* etc.), or a group of multiple zone lots containing related and/or themed principal structures (e.g. *industrial parks, planned commercial* etc.).
- b. **Planned Developments:** Any planned development proposal, as prescribed in the Zoning Ordinance, consisting of non-residential uses shall contain, as part of the official development/outline plan, a master signage plan that specifies such standards as type(s) of signage, size, height, design, lighting, color, materials, location, and method of construction to assure that all signage within the proposed planned development is designed in a harmonious and consistent manner. Master signage plans for planned developments may provide for standards that vary from the specific requirements of this ARTICLE if approved by the Governing Authority.
- c. **Conventional Developments:** Any proposed conventional development that will contain more than one principal structure, whether detached or attached, on a single zone lot, or any group of multiple zone lots containing related and/or themed principal structures shall provide for a common signage plan that specifies such standards as type(s) of signage, size, height, design, lighting, color, materials, location, and method of construction to assure consistency among all signs on the affected zone lot(s). Said common signage plan shall be included in any subdivision plan, site plan, or other official plan required by the city for the proposed development, and shall be processed simultaneously with such other plan.
- d. **Existing Signs Not Conforming to Master or Common Signage Plans:** If any new or amended master or common signage plan is

filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance all signs not conforming to the proposed new or amended master or common signage plan or to the requirements of this ARTICLE.

- h. *Binding Effect:*** After approval of a master or common signage plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this ARTICLE.

## **9. Special Sign Districts -**

- a. *Overview:*** For the purposes of establishing, enhancing, preserving, and developing the character, quality, and property values of areas of unique character and special development potential, special sign districts in which signs are regulated by special provisions may be established subject to the following conditions:

1. As a prerequisite to the establishment of such a special sign district, it must be determined by the Governing Authority that the modified rules established for said special sign district shall:
  - a. Preserve and enhance the special character of the particular area: and
  - b. Not contravene the intent of this ARTICLE; and
  - c. Cause no impairment of neighboring property lying outside the proposed district.
2. Without changing the basic structure of this ARTICLE, the modified rules for a special sign district may impose sign regulations that provide greater latitude or more stringent limitations than those provided elsewhere in this ARTICLE.
3. A special sign district shall constitute an overlay district, and shall adhere to the procedures set forth in ARTICLE XVI for the purposes of adoption and administration.

- b. *Approval:*** Special sign districts may be established by the Governing Authority upon review and recommendation for the establishment of such special sign district by the Planning Commission and Design Review Commission.

- c. *Amendment:*** An established special sign district may be amended in the same manner in which it was created.

- 10. New Zone Districts -** If a new zone district is created after the enactment of this ARTICLE, no new signs shall be permitted therein

until this ARTICLE is amended to include the new zone district. The provisions for non-conforming signs in Section L shall govern all existing signs within an area for which a new zone district is created that become non-conforming as the result of the application of this ARTICLE.

**11. Existing Signs in Annexed Areas** - Signs lawfully existing in areas annexed after the enactment of this ARTICLE that become non-conforming as the result of the application of this ARTICLE, shall be governed by the provisions for non-conforming signs in Section N.

**E. Exempt Signs** - The following signs and/or symbols are exempt from regulation under this ARTICLE:

1. Public signs erected on behalf of a governmental body to post legal notices, identify public property, convey public information, and to direct or regulate pedestrian or vehicular traffic.
2. Public signs: signs erected by, or on the order of, a public officer in the performance of his/her duty, such as safety signs, danger signs or traffic control signs.
3. Community promotional signs sanctioned and approved by the City of Horn Lake.
4. Public street signs; private street signs approved by the City Engineer, or approved as part of a planned development.
5. Informational signs of a public utility regarding its poles, lines, pipes, or facilities.
6. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within a public right-of-way.
7. Signs not visible from public rights-of-way.
8. Historical markers: historical markers established and/or sanctioned by local, state or federal authorities.
9. Monuments in cemeteries.
10. Works of art which in no way identify a product, or convey a commercial message.

**F. Signs Exempt From Permit Requirement** - The following signs shall be exempt from the permit requirements of this ARTICLE, but shall be subject to all applicable restrictions of this ARTICLE:

CITY OF HORN LAKE ZONING ORDINANCES

- 1.** Temporary merchandise displays and show window signs behind storefront or office windows that are non-illuminated, provided that such signs shall not occupy (individually or cumulatively within in each defined window opening) more than twenty (20%) percent of each window opening. Any such sign(s) exceeding twenty (20%) of any window opening shall be regulated as a permanent attached, wall sign as provided herein.
- 2.** Building marker identification signs constructed of concrete, bronze, or similar material conveying historical information limited to the name of the building, date of erection and other pertinent historical data, and not exceeding four (4) square feet per face.
- 3.** Real estate signs subject to the following restrictions:
  - a.** Signs offering for sale/lease a single family home or lot, a duplex, triplex, or quadraplex, or an individual unit within an attached housing development shall not exceed eight (8) square feet in total area and six (6) feet in height.
  - b.** Signs offering for sale/lease all other real estate, including agricultural and non-residential property, shall not exceed twenty-five (25) square feet in total area and a maximum height of (6) feet.
  - c.** Only one sign per street front of the property being offered for sale shall be erected.
  - d.** Properties having a continuous frontage in excess of 500 linear feet may be allowed an additional sign so long as such sign is no closer than 500 feet from another real estate sign on the property.
  - e.** Signs shall not be illuminated.
  - f.** Signs shall be removed within seven (7) days after the sale is closed or rent or lease transaction is finalized.
  - g.** Signs shall be setback at least of ten (10) foot from any public right-of-way.
- 4.** Directional signs subject to the following restrictions:
  - a.** Signs shall not exceed four (4) square feet per sign face and three (3) feet in height.
  - b.** Signs shall not convey any commercial message.
  - c.** Signs shall conform to the standards of the U.S. Department of Transportation Manual on Uniform Traffic Devices.
  - d.** Signs shall be set back at least one (1) foot from the property line.
  - e.** Directional signs shall be located on the premises for which directions are provided.
  - f.** A maximum of four (4) directional signs shall be permitted for any zone lot.

5. Incidental signs used to do the following: *direct certain activities to certain areas* (e.g. handicapped parking); *prohibit the parking of unauthorized vehicles*; *provide other incidental information* (e.g. “no smoking;” “restroom,” “no solicitors;” “help-wanted,” etc.). Incidental signs shall be subject to the following restrictions:
  - a. Signs shall not exceed two (2) square feet per sign face.
  - b. Signs shall not convey any commercial message.
  - c. Signs shall be set back at least one (1) foot from the property line.
  - d. Signs shall not be illuminated.
6. Ancillary permanent signs associated with the sale of petroleum products shall be subject to the following restrictions:
  - a. Incidental signs (e.g. *self-service*; *full-service* etc.) shall be limited to two (2) signs per pump island, and shall not exceed two (2) square feet per sign face.
  - b. Price signs shall be limited to one (1) sign per parcel except on corner lots and shall be considered the permanent sign as allowed on the lot.
  - c. Signs shall be located at a height no more than eight (8) feet from the surrounding grade.
  - d. Federal and state stamps, octane ratings, pump use directions, no smoking signs and other mandatory signs and stamps shall be as required by the applicable governing authority.
  - e. Said ancillary signage shall be in addition to the sign allotment provided herein.
  - f. Signs shall not be illuminated.
7. Sign(s) affixed to aircraft, boats, buses, taxicabs, or other commercial vehicles where the sign is incidental and accessory to the primary use of the vehicle, and that are operated or parked during the normal course of business.
8. Nameplates mounted on buildings or mailboxes not exceeding one (1) square foot in size.
9. Flags of the United States, the state, the city, foreign nations having relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such flag shall not exceed sixty (60) square feet in area within non-residential zone districts, and not be flown from a pole that is more than thirty five (35) feet in height. Any flag not meeting such requirements will be considered a banner sign and shall be subject to regulations provided herein.

10. Memorial signs and plaques not exceeding one (1) square foot in size.
11. Political signs ---(See Sec. L)
12. Noncommercial signs within residential and non-residential zone districts shall be subject to the following restrictions:
  - a. Sign shall not exceed eight (8) square feet in total area and four (4) feet in height.
  - b. Only one (1) sign per zone lot shall be permitted.
  - c. Signs shall not convey any commercial message.
  - d. Signs shall not be illuminated.
  - e. Sign shall not contain characters, cartoons, or statements of an obscene, indecent, or immoral character that would offend public morals and decency.
  - f. Signs shall be set back at least ten (10) foot from the property line.

**G. Prohibited Signs** - It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, these provisions. The following signs are expressly prohibited:

1. Signs that contain characters, cartoons, or statements of an obscene, indecent, or immoral character that would offend public morals and decency.
2. Signs that contain or are an imitation of an official traffic sign or signal or contain the words "stop," "go slow," "caution," "danger," "warning" or other similar words.
3. Signs that are of a size, location, movement, content, coloring, or manner or illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign signal, or cause traffic hazards/conflicts.
4. Signs that have any moving parts.
5. Animated and/or flashing signs as defined herein.
6. Signs that contain reflective materials.
7. Signs that contain reflective type bulbs, pulsating light or strobe light.
8. Signs made structurally sound by guy wires or other unsightly bracing.
9. Beacons, except for emergency purposes.

10. Signs attached to, suspended from or painted on any vehicle that is regularly parked on any street or private property when one of the purposes of so locating such vehicle is to display, demonstrate and advertise or attract the attention of the public. It is not a violation of this ARTICLE merely to have a common logo of a business sign attached to, suspended from, or painted on a company vehicle regularly in the business of the owner.

11. Advertising signs.

12. Banners, pennants, and/or streamers, except as provided herein.

13. Bench Signs.

14. Changeable Copy Signs (*automatic/electronic—allowed by conditional use approval only*).

15. Portable Signs, including sandwich board signs.

16. Projecting Signs.

17. Roof Signs.

18. Signs attached to Vending Machines.

19. Backlit Awning/Canopy

20. Any inflatable device that is used to direct attention to a business, commodity, service, activity, entertainment, or site.

21. Spot light or search light devices that direct attention to a business, commodity, service, activity, entertainment, or site.

22. Exposed Neon

23. Off-premise signs.

24. Wall mounted cabinet signs.

**H. Sign Classifications for Permitted Temporary and Permanent Signs Requiring a Permit** - Signs not specifically exempt, exempt from permit requirements, or prohibited from these sign regulations shall be further classified as to their type, form, duration, and zone district location.

**1. Sign Types -**

- a. *Business Signs:***
- b. *Identification Signs:***

**2. Sign Forms -**

**a. *Attached Signs:***

- 1. Awning or Canopy Sign
- 2. Banner
- 3. Changeable Copy (*manual*)\*
- 4. Directory Sign\*
- 5. Marquee Sign
- 6. Suspended Sign
- 7. Wall Sign

**b. *Detached Signs:***

- 1. Construction Sign
- 2. Changeable Copy (*manual*)\*
- 3. Directory Sign\*
- 4. Ground Mounted Sign
- 5. Subdivision Identification Sign

\*Sign may function as an attached or detached sign

**3. Duration -**

**a. *Temporary Signs:***

- 1. Banner (Business Promotion) (two per year—15 days each)
- 2. Construction Sign (until construction is completed or one year whichever is less)
- 3. Subdivision locator signs (365 days)

**b. *Permanent Signs:***

- 1. Any sign, other than a specified temporary sign, for which a permit is required as provided herein.

**4. Zone Districts -** For the purposes of this ARTICLE, zone districts are classified as follows:

**A. Residential Districts:**

1. A--agricultural
2. All residential—including multifamily

**B. Commercial Districts:**

1. Neighborhood Commercial “C-1”
2. Planned Commercial “C-4”
3. General Commercial “C-3”
4. Office “O”

**C. Industrial District:**

1. Industrial (M1 and M2)

**D. Planned Unit Development District:**

1. Planned Unit Development “PUD”

**E. Overlay Districts:**

1. Flood “F”
2. I-55 Interchange area

- I. Specific Provisions for Temporary Signs Requiring a Permit** - The following provisions shall apply to all permitted temporary signs requiring a permit, unless otherwise provided herein.

**1. Banners (*Business Promotion*) -**

- a. Temporary business promotion banner signs shall be permitted for businesses for grand openings and special promotions. Temporary business promotion banner signs shall be subject to the following restrictions:
  1. One (1) temporary banner sign per business.
  2. Banner sign may be constructed of cloth, canvas, or other light temporary material. Banner sign must be securely attached flat against a building, accessory structure, or existing legal sign.
  3. Banner shall only be erected on the premises that the business activity is conducted.
  4. Banner sign face area shall not exceed forty- (40) square feet.
  5. Banner sign shall not project above the roofline of the building to which it is attached.
  6. Banner sign may be erected for a period not to exceed fifteen (15) days or total of thirty (30) for the year.

7. Banner sign must be removed upon expiration of the temporary permit.
8. Banner signs within agricultural and residential districts may not be illuminated without the approval of the Governing Authority.

**2. Construction Signs -**

- a. Construction signs announcing new subdivision development, construction, or other improvement of a property on which the sign is located by a builder, contractor, or other person furnishing services, materials or labor to said premises shall be subject to the following restrictions:
  1. One (1) temporary construction sign per development site as determined by the Planning Director.
  2. For the purposes of this ARTICLE, construction signs shall not be construed to be a “real estate sign” as defined herein.
  3. Construction signs shall only be erected on the premises that construction is taking place.
  4. Construction signs may be erected on ground mounted structural supports, however, and shall not exceed eight (8) feet in height.
  5. Construction sign face area shall not exceed forty (40) square feet.
  6. The maximum construction sign face area permitted for a single dwelling unit shall not exceed eight (8) square feet, nor exceed four (4) feet in height.
  7. Construction signs shall be set back ten (10) feet from any public right-of-way.
  8. Construction signs shall be removed upon completion of the construction of the project improvements; however, and in no instance shall a construction sign be permitted to remain longer than twenty-four (24) months, unless specifically permitted by the Governing Authority.
  9. Banner signs within agricultural and residential districts may not be illuminated without the approval of the Governing Authority.

**3. Subdivision locator signs**

1. These signs require a permit from the office of planning and development.
2. A permission slip from the property owner where the sign is being placed is required at time of permit request.
3. Sign must be located at least ten feet from the right of way.
4. Sign shall not exceed thirty-two (32) square feet.
5. Sign must be removed at the end of 365 days.

**4. Live Advertising**

1. Any civic, school or non-profit organization shall be allowed by permit to advertise with the use of live advertising in a commercial zoning district for a period no longer than forty-eight

hours two times a year and no closer than twenty (20) feet from the right-of-way. No fee shall be charged for this permit.

**J. Specific Provisions for Permanent Signs Requiring a Permit - The following provisions shall apply to all permitted permanent signs requiring a permit, unless otherwise provided herein.**

**1. Attached Signs -**

**a. *Attached Signs (Agricultural and Residential Districts):***

Attached business and identification signs for permitted or conditional uses within the city's agricultural and residential zone districts, except for home occupations as provided for under ARTICLE V, Section 2, Paragraph (b)(10)(c), shall be subject to the following provisions, in addition to any other provisions provided herein:

1. The face area for any one attached sign shall not exceed thirty-two (32) square feet, or one (1) square foot for each lineal foot of building, whichever results in the smaller sign area
2. A maximum of one (1) attached sign per building frontage shall be permitted.
3. No portion of an attached sign shall project above the roofline of the building to which the sign is attached.
4. Attached signs shall only be located on principle buildings.
5. Attached signs shall project no more than twelve inches from the face of the building to which it is attached.
6. Attached signs within agricultural and residential districts shall not be illuminated without approval of the Governing Authority.

**b. *Attached Signs (Office and Neighborhood Commercial Districts):***

Attached business and identification signs for permitted or conditional uses within the city's office and neighborhood commercial zone districts shall be subject to the following provisions, in addition to any other provisions provided herein:

1. The face area for any one attached sign shall not exceed forty - (40) square feet, or one (1) square foot for each lineal foot of building frontage or lineal foot of lease space for ground floor occupants only, whichever results in the smaller sign area, with a minimum of twenty (20) square feet.
2. A maximum of one (1) attached sign per building frontage or lease space shall be permitted. Notwithstanding this provision, buildings within multiple principle structure developments with no direct public street frontage shall be construed to have one (1) building frontage.
3. Attached signs shall only be located on principle buildings.
4. Attached signs shall be located on the facade of the lease space being identified.
5. Attached signs shall be located no closer than five (5) feet in any direction from any other sign.

6. Attached signs shall project no more than twelve inches from the face of the building to which it is attached.
7. No portion of an attached sign shall project above the roofline of the building to which the sign is attached.
8. No cabinet signs allowed.

c. **Attached Signs (General and Planned Commercial and Industrial Districts):** Attached business and identification signs for permitted or conditional uses within the city's limited and general commercial zone districts and industrial zone district shall be subject to the following provisions, in addition to any other provisions provided herein:

1. The face area for any one attached sign shall not exceed one hundred (100) square feet, or two (2) square foot for each lineal foot of building frontage or lineal foot of lease space for ground floor occupants only, whichever results in the smaller sign area, with a minimum of twenty (20) square feet.
2. A maximum of two (2) attached signs per building frontage shall be permitted where said building frontage is associated with a free standing structure consisting of one user, or where said building frontage is part of a multi-tenant building, and consists of more than one hundred (100) lineal feet. All other occupants of multi-tenant buildings not meeting this criterion shall be permitted one (1) attached sign as provided herein. Notwithstanding this provision, buildings within multiple principle structure developments with no direct public street frontage shall be construed to have one (1) building frontage.
3. Attached signs shall only be located on permanently erected structures illustrated on an approved site plan.
4. Attached signs shall be located on the facade of the lease space being identified.
5. Attached signs shall be located no closer than five (5) feet in any direction from any other sign.
6. Attached signs shall project no more than twelve inches from the face of the building to which it is attached.
7. No portion of an attached sign shall project above the roofline of the building to which the sign is attached.
8. No cabinet signs allowed.

d. **Awning or Canopy Signs:** Awning or canopy signs shall be subject to the following additional provisions:

1. There shall be no more than one (1) awning/canopy sign per building frontage.
2. The maximum sign copy area for any awning/canopy sign shall not exceed fifty (50) percent of the vertical surface of the awning/canopy, to the extent that the maximum permitted area for any one attached sign per the applicable zone district is not exceeded.

3. The vertical clearance of any awning or canopy sign from a sidewalk, private drive, or parking area shall be not less than nine (9) feet.
  4. An awning/canopy sign shall not encroach more than five (5) feet into a designated yard area.
  5. Backlit awnings/canopies shall not be permitted.
  6. Awning/canopy signs within agricultural and residential districts shall not be illuminated without approval of the Governing Authority.
  7. Awning/canopy signs shall count toward the principal signage permitted as provided above.
- e. **Changeable Copy (manual):** Changeable copy (manual) signs shall be subject to the following additional provisions:
1. Attached changeable copy (manual) signs shall be enclosed and secured against vandalism.
  2. Changeable copy (manual) signs shall count toward the principal signage permitted as provided above.
  3. Changeable copy (manual) signs within agricultural and residential districts shall not be illuminated without approval of the Governing Authority.
- f. **Directory Sign:** Attached directory signs within commercial, office, or industrial complexes, or multi-tenant buildings where one or more tenants does not have an exterior entrance shall be subject to the following additional provisions:
1. For multi-tenant buildings, the maximum sign face area for an attached directory sign shall be twenty-five (25) square feet.
  2. A maximum of one (1) attached directory sign per building shall be permitted.
  3. Attached directory signs shall convey no commercial message, nor contain any logos.
  4. Attached directory signs shall be an accessory to the principal signage permitted.
- g. **Suspended Signs:** Suspended signs shall be subject to the additional provisions:
1. There shall be no more than one (1) suspended sign per building entrance.
  2. Suspended signs shall not exceed twenty (20) square feet in area.
  3. The vertical clearance of any suspended sign from a sidewalk, private drive, or parking area shall be not less than nine (9) feet.
  4. Suspended signs shall count toward the principal signage permitted as provided above.

**2. Detached Signs -**

**a. *Ground Mounted Signs (Agricultural and Residential Districts):***

Ground mounted business and identification signs for permitted or conditional uses within the city's open space and residential zone districts, except for home occupations as provided for under ARTICLE V, Section 2, Paragraph (b)(10)(c), shall be subject to the following provisions, in addition to any other provisions provided herein:

1. The maximum sign face area for any one ground mounted sign shall be thirty-two- (32) square feet.
2. The maximum height for ground-mounted signs shall not exceed six (6) feet, including the base and/or support structure.
3. The height of the base and/or support structure for ground-mounted signs shall not exceed three (3) feet.
4. Ground mounted signs shall be setback a minimum of ten (10) feet from any public right-of-way line, or forty (40) feet from the centerline of any prescriptive road easement in instances where there is no publicly dedicated right-of-way. Ground mounted sign shall be erected within one hundred (100) feet of road intersections, measured from the road centerlines.
7. In agricultural and residential zone districts, there shall be one hundred (100) feet of separation between all ground-mounted signs on adjacent zone lots. In the event that a zone lot does not contain sufficient frontage to meet the minimum separation requirements as provided above, one (1) ground mounted shall be allowed on affected property at a location as remote from existing ground mounted as possible.
8. All ground mounted sign support structures shall be landscaped with two appropriately sized shrubs per face.
9. Ground mounted signs within agricultural and residential districts shall not be illuminated without approval of the Governing Authority.
10. On double-frontage and corner lots, ground-mounted signs shall be allowed at both entrances.
11. Only one (1) sign face per support structure shall be permitted, notwithstanding the provisions contained in Section D, Paragraph 3, (b)(3).

**b. *Ground Mounted (Office and Neighborhood Commercial***

***Districts):*** Ground mounted business and identification signs for permitted or conditional uses within the city's office and neighborhood commercial zone districts shall be subject to the following provisions, in addition to any other provisions provided herein:

1. The maximum sign face area for any one ground mounted sign shall be forty - (40) square feet.
2. The maximum height for ground-mounted signs shall not exceed eight (8) feet, including the base and/or support structure.
3. The height of the base and/or support structure for ground-mounted signs shall not exceed three (3) feet.
4. Only one (1) ground mounted sign per zone lot shall be permitted within office and neighborhood commercial zone districts, irrespective of the number of street frontages applicable to the zone lot.
5. Ground mounted signs shall be setback a minimum of ten (10) feet from any public right-of-way line.
6. All ground mounted sign support structures shall be landscaped with two appropriately sized shrubs per face.
7. There shall be a minimum separation of one hundred (100) feet between ground-mounted signs on adjacent zone lots. In the event that a zone lot does not contain sufficient frontage to meet the minimum separation requirements as provided above, one (1) ground mounted sign shall be allowed on the affected property at a location as remote from existing ground mounted or pole/post signs as possible.
8. On double-frontage and corner lots, ground-mounted signs shall be allowed at both entrances.
9. Only one (1) sign face per ground mounted or pole post support structure shall be permitted, notwithstanding the provisions contained in Section D, Paragraph 3, (b)(3).

**c. *Ground Mounted (General and Planned Commercial,, Industrial Districts):*** Ground mounted business and identification signs for permitted or conditional uses within the city's limited and general commercial zone districts shall be subject to the following provisions, in addition to any other provisions provided herein:

1. The maximum sign face area for any one ground mounted sign shall be forty - (40) square feet.
2. The maximum height for ground-mounted signs shall not exceed eight (8) feet, including the base and/or support structure.
3. The height of the base and/or support structure for ground mounted signs shall not exceed three (3) feet.
4. On double-frontage and corner lots, ground-mounted signs shall be allowed at both entrances.
5. There shall be one hundred (100) feet of separation between all ground-mounted signs on any zone lot or development parcel.
6. Ground mounted signs shall be setback a minimum of ten (10) feet from any public right-of-way line.

7. All ground mounted sign support structures shall be landscaped with two appropriately sized shrubs per face.
  8. There shall be a minimum separation of one hundred (100) feet between ground mounted signs on adjacent zone lots. In the event that a zone lot does not contain sufficient frontage to meet the minimum separation requirements as provided above, one (1) ground mounted or pole/post sign shall be allowed on this property at a location as remote from existing ground mounted signs as possible.
  9. Only one (1) sign face per ground mounted structure shall be permitted, notwithstanding the provisions contained in Section D, Paragraph 3, (b)(3).
- d. **Changeable Copy (manual):** Changeable copy (manual) signs shall be subject to the additional provisions, in addition to any other provisions provided herein:
1. Changeable copy (manual) signs shall be enclosed and secured against vandalism.
  2. Changeable copy (manual) signs shall count toward the principal signage permitted as provided above.
  3. Changeable copy (manual) signs within agricultural and residential districts shall not be illuminated without approval of the Governing Authority.
- f. **Directory Signs:** Detached directory signs for projects or developments containing five (5) or more businesses, tenants etc. with a common parking area and total development square footage of at least twenty-five thousand (25,000) square feet shall be subject to the following provisions, in addition to any other provisions provided herein:
1. The maximum sign face area for a detached directory sign shall be as follows:  

Project/Development Size

    - a) 25,000 - 50,000 square feet : seventy-five - (75) square feet
    - b) 50,000 - 100,000 square feet: one-hundred - (100) square feet
    - c) Over 100,000 square feet: two-hundred - (200) square feet
  2. The maximum height for a detached directory sign shall be as follows:  

Project/Development Size

    - a) 25,000 - 50,000 square feet eight (8) feet
    - b) 50,000 - 100,000 square feet: twelve (12) feet

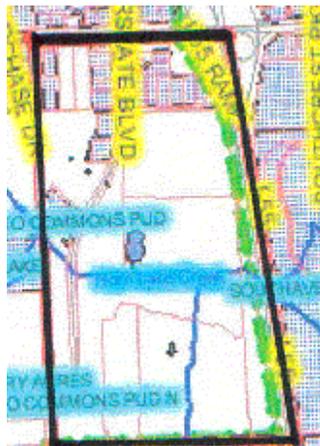
- c) *Over 100,000 square feet:* fifteen (15) feet
  - 3. Detached directory signs shall be considered the principal signage permitted and no other ground mounted signs or pole/post signs shall be permitted within such projects/developments. All other maximum sign area requirements (i.e. *attached signs*) shall be applicable.
  - 4. Copy on detached directory signs shall be restricted to the project/development name and business/tenant names.
  - 5. At least twenty (20) percent of the detached directory sign shall be reserved for the project/development name.
  - 6. The maximum sign face area for any one business, tenant, etc., shall not exceed twenty (20) percent of the detached directory sign.
  - 7. For ground mounted directory signs, the height of the base support structure for shall not exceed five (5) feet.
  - 8. Detached directory sign support structures shall be landscaped with two appropriately sized shrubs per face.
  - 9. Detached directory signs shall be setback a minimum of ten (10) feet from the right-of-way line.
  - 11. On double-frontage and/or corner lots or development parcels with frontage on two (2) arterial, or higher, level streets, one (1) detached directory sign per principle building frontage shall be permitted. In no instance shall more than two (2) detached directory signs per zone lot or development parcel be permitted, irrespective of the number of street frontages applicable to the zone lot or development parcel.
  - 12. There shall be one hundred (100) feet of separation between all ground-mounted signs.
  - 13. Letter copy shall be one color.
- g. **Subdivision Identification Signs:** Subdivision identification signs shall be subject to the following provisions, in addition to any other provisions provided herein:
- 1. The maximum sign face area for non-residential subdivision identification signs (*within commercial, office, industrial zone districts*) and residential subdivision identification signs (*within agricultural and residential districts*) shall be as follows:
    - a) Residential subdivision identification signs - twenty-five- (25) square feet.
    - b) Office/Commercial subdivision identification signs - forty- (40) square feet.
    - c) Industrial subdivision identification signs - sixty-four- (64) square feet.
  - 2. There shall be permitted two (2) subdivision identification sign faces per subdivision entrance, to the extent that the total square footage of all subdivision identification signs does not

exceed fifty (50) square feet for residential subdivision identification signs; eighty (80) square feet for office/commercial subdivision identification signs; and one hundred twenty eight (128) square feet for industrial subdivision identification signs. Nothing in this provision should be construed as authorizing more than the maximum permitted number of ground-mounted signs per applicable zone district.

3. The maximum height for residential subdivision identification signs shall be six (6) feet; for office/commercial subdivision identification signs eight (8) feet; and for industrial subdivision identification signs eight (8) feet.
4. Where a office/commercial/industrial subdivision is planned as a series of individual structures on individual zone lots with each individual zone lot having frontage on a public street, each individual structure may be permitted to have a detached sign in addition to the permitted subdivision entrance sign as provided herein.
5. Support structures for subdivision identification signs shall be enclosed and landscaped with two appropriately sized shrubs per face.
6. Copy on subdivision identification signs shall be restricted to the subdivision name and logo.
7. Subdivision identification signs within agricultural and residential districts may only be externally illuminated.

### **K. Overlay Sign Districts**

The following sign regulations cover a special overlay sign district on land zoned for commercial uses for interchanges on Interstate 55. *In general, this district lies between Windchase Drive and I-55 on Goodman Road, along the west side of I-55 to the proposed Nail Road interchange area, then west to Interstate Boulevard. See map.*

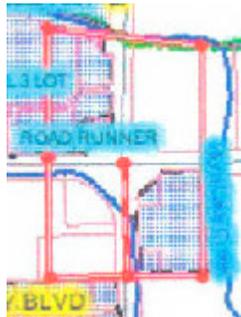


Notwithstanding height requirements in all commercial zones as described in this chapter, the maximum height permitted for ground signs in this overlay district shall be twenty-five (25) feet above the highest paved surface elevation or fifty (50) feet, whichever is less.

1. Notwithstanding the maximum size requirements in all commercial zones as described in this chapter, the maximum face size for ground signs shall equal the total of two (2) square feet per lineal lot frontage or one hundred (100) square feet, whichever is less.

#### Hwy. 302 and Hwy. 51 Overlay District

1. The following sign regulations cover a special overlay sign district on land zoned for commercial uses near the above referenced intersection. In general this district lies within an area lying 700 feet along Hwy. 51 north and south of and 500 feet on Hwy. 302 east and west of the intersection of Hwys. 302 and 51. (See map)
2. The maximum height permitted for ground signs in this overlay district shall be twenty (20) feet and the maximum square footage shall not exceed seventy-five (75) square feet.
3. No poles shall be exposed. The sign shall be constructed as a ground mounted sign and establish an appropriate planting bed at the base of the sign.
4. Not in conflict with other portions of this chapter, if the property is a corner property, the applicant may have one sign per elevation per these descriptions.



#### L. Political Signs

1. Political signs are limited to one sign per candidate per premises except on corner or multi-frontage lots where one sign per frontage shall be allowed with the exception of signs not exceeding four (4) square feet, which require no permit.
2. No sign shall exceed the allowable square footage for the zoning district in which the sign is placed. No sign shall be permitted on private property without permission of the owner.

3. Signs may not be posted until forty-five (45) days before, and must be removed five days after, any election to which it refers.
4. Permits will be required for all signs exceeding four square feet.
5. ALL signs must be located at least ten (10) feet off of the right-of-way.
6. The candidate represented on the sign shall be responsible for placement and removal of all signs.
7. Any person who shall violate the terms, conditions, or provisions of this ordinance shall be guilty of misdemeanor and upon conviction thereof shall be sentenced to pay a fine not to exceed five hundred dollars (\$500.00) and in case of continuing violations without reasonable effort on the part of the defendant to correct the same each day the violation continues thereafter shall be a separate offense.

**M. Permitting and Sign Regulation Administration**

1. **General Permit Procedures** - The following procedures shall govern the application for the issuance of all sign permits under this ARTICLE.
  - a. **Applications:** All applications for sign permits of any kind shall be submitted to the Planning Department on an application form provided by the city. City staff will review all applications.
  - b. **Fees:** Each application for a sign permit shall be accompanied by applicable fees, which shall be established by the governing body of the city from time to time.
2. **Permits to Construct or Alter Signs** - All temporary and/or permanent signs requiring a permit under this ARTICLE shall be created, erected, placed, established, relocated or altered only in accordance with a duly issued and valid sign permit from the Planning Director following approval. Such permits shall be issued only in accordance with the following requirements and procedures.
  - a. **Permit for New Sign or Sign Relocation/Alteration**

An application for construction, creation or installation of a new sign or for the relocation or alteration of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign as provided on the application form. One application and permit may contain multiple signs on the same zone lot. Sign face

replacement involving the same copy, colors, and structural appurtenances are included in this requirement.

**b. *Inspection:*** The Planning Director/Building Official shall cause an inspection of the zone lot for which a permit for a new sign or for the alteration of an existing sign is issued upon notification from the owner and/or sign contractor that said sign is ready for inspection. Said inspection must be called for within six (6) months of issuance of the permit, or said permit shall lapse and become void. If the sign construction is complete and in full compliance with this ARTICLE and with all other applicable codes, the Planning Director/Building Official shall affix a permanent symbol identifying the sign and the applicable permit number or other reference. If the sign construction is substantially complete, but not in compliance with this ARTICLE, or other applicable codes, the Planning Director/Building Official shall give the owner and/or sign contractor notice of deficiencies and allow an additional 30 (thirty) days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse and become void, and any sign and/or sign structure erected without the final approval of the Planning Director/Building Official shall be subject the enforcement and remedy provisions contained in this section.

1. Prior to the final approval of any detached sign(s) the owner and/or sign contractor shall provide verification of all applicable property/right-of-way lines for the purposes of verifying the detached sign location in relationship to such property/right-of-way lines.
2. All signs for which a permit has been issued are subject to periodic inspections by the Planning Director/Building Official to ensure compliance with this ARTICLE.

**3. *Nonconforming Signs*** - Signs, which were legally in existence prior to the adoption of this ARTICLE, that do not conform to the provisions of this ARTICLE are declared nonconforming signs. It is the intent of this ARTICLE to recognize that the eventual elimination, as expeditiously and fairly as possible, of nonconforming signs is as much a subject of health, safety and welfare as is the prohibition of new signs that would violate the provisions of this ARTICLE. Accordingly, the elimination of nonconforming signs shall be administered in accordance with the following provisions:

**a. *Time of Compliance:*** Except as otherwise provided herein, the owner of any zone lot or other premises on which exists a sign that does not conform with the requirements of this ARTICLE or for which there is no current or valid sign permit shall be obligated to remove the sign or, in the case of a nonconforming sign, to bring it into conformity with the requirements of this ARTICLE per the following amortization schedule:

**1. Amortization Provisions -**

- a) A sign that exceeds the setback requirements, and/or maximum area or height limitations of this ARTICLE by twenty-five (25) percent or less will be treated as a conforming sign and need not be removed or altered; however, if any one requirement is greater than the above provided allowance, the entire sign shall be brought into compliance with the provisions of this ARTICLE.
- b) A sign having an original cost of \$100.00 or less shall be brought into conformity with the provisions of this ARTICLE or removed within sixty (60) days after the date on which the sign became non-conforming under this ARTICLE.
- c) A sign having an original cost exceeding \$100.00 that is non-conforming shall be brought into conformity per the following schedule and accompanying provisions, or be removed within sixty (60) days following the expiration of the applicable amortization schedule:

<b><u>Sign or Renovation Cost</u></b>	<b><u>Permitted Years from Article Effective Date</u></b>
\$101.01 through \$1,000.00	1 year
\$1,001.01 through 3,000.00	2 years
\$3,001 through 10,000.00	3 years
Over \$10,000	5 years

- d) To be eligible for an amortization period longer than one year, the owner of an affected sign shall file with the Planning Director a statement setting forth the original cost of such non-conforming sign (verifiable from an original bill of sale, including installation costs; or from depreciation schedules from federal or state tax returns indicating original cost), and a written agreement to remove or bring the non-conforming sign into conformity with all provisions of this ARTICLE at or before the expiration of the amortization period applicable to the sign.
- e) Non-conforming signs certified for continuation by the Planning Director shall be brought into immediate conformity with the provisions of this ARTICLE, however, upon the occurrence of any one of the following events: 1) Any sign alteration resulting from a change in tenant or ownership; 2)

Sign re-establishment after damage of more than fifty (50) percent of the value the sign or sign structure as determined by the Planning Director; or, 3) Sign modification in any way that would increase the degree of non-conformity of such sign.

**b. *Permitted Time Extensions From Amortization Schedule:*** The Governing Authority may authorize extensions beyond the applicable amortization period subject to the following standards and requirements:

**1. *Standards for Time Extensions -***

- a) The transfer of an interest, whether fee simple or leasehold, in a subject property, building, etc., that would not be concluded prior to the expiration of an applicable amortization period;
- b) An unforeseen occurrence and/or event causing the delay in the fabrication, construction, or erection of a conforming replacement sign;

**c. *Length of Permitted Time Extension:*** The Governing Authority may authorize a one-time extension beyond the applicable amortization period not to exceed six (6) months.

**d. *Nonconforming Sign Extension Fee:*** Two (2) percent of the certified value of the non-conforming sign(s) not to exceed \$500.00, with a minimum fee of \$100.00, per each month granted.

**4. *Violations*** - Any of the following shall be a violation of this ARTICLE and shall be subject to the enforcement remedies and penalties provided by the Zoning Ordinance, and any other applicable laws or ordinances:

- a. To install, create, erect, or maintain any sign in a way that is inconsistent with any permit governing such sign or the zone lot on which the sign is located;
- b. To install, create, erect, or maintain any sign requiring a permit without such a permit;
- c. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which sign is located;
- d. To fail to remove any sign that is installed, created, erected, abandoned or maintained in violation of this ARTICLE, or for which the sign permit has lapsed; or
- e. To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of the Zoning Ordinance.

- 5. Enforcement and Remedies** - Any violation or attempted violation of this ARTICLE or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. A violation of this ARTICLE shall be considered a violation of the police powers granted by the State of Mississippi in furtherance of the protection of the health, safety, and general welfare of the public at large. The remedies of the city shall include, but are not limited to, the following:
- a. Issuing a stop-work order for any and all work on signs on the same zone lot;
  - b. Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity;
  - c. Imposing any penalties that can be imposed directly by the city under the Zoning Ordinance;
  - d. Seeking in court the imposition of any penalties that can be imposed by such court under the Zoning Ordinance; and
  - e. In the case of a sign that poses an immediate danger to the public health or safety, the Planning Director/Building Official may remove the sign directly with no further due process required at the owner's expense.
  - f. The city shall have other such remedies as are and as may from time to time be provided for or allowed by federal, state, or local law for the violation of the Zoning Ordinance.
  - g. All such remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.
- 6. Appeals** - Any person aggrieved by any interpretation or order of the Zoning Administrator may appeal within ten (10) days to the Planning Commission. The Zoning Administrator shall take no further action on the matter pending the Planning Commission's decision, except for unsafe signs that present an immediate and serious danger to the public.
- 7. Variances** – Variances from these sign regulations shall not be granted unless it can be determined that special circumstances or conditions exist that are peculiar to a particular business or enterprise to which the applicant desires to draw attention, and do not apply generally to all businesses or enterprises in the area. Procedures for variance consideration are found in ARTICLE X, (G).

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	<b>A &amp; RESIDENTIAL</b>	<b>O &amp; C1</b>	<b>C3, C4, M1 &amp; M2</b>
ATTACHED: SQ. FOOT	32 SQ. FT. OR 1 SQ. FT FOR EACH LINEAL FOOT OF BLDG. FRONTAGE—WHICHEVER IS SMALLER	32 SQ. FT. OR 1 SQ. FT FOR EACH LINEAL FOOT OF BLDG. FRONTAGE—WHICHEVER IS SMALLER	100 SQ. FT. OR 2 SQ. FT FOR EACH LINEAL FOOT OF BLDG. FRONTAGE—WHICHEVER IS SMALLER
DETACHED: SQ. FOOT AND HEIGHT MAXIMUM	32 SQ. FT.; 6' TALL; MAX 3' BASE	40 SQ. FT.; 8' TALL; MAX 3' BASE	40 SQ. FT.; 8' TALL; MAX 3' BASE
DIRECTORY (MULTI-TENANT)			<p><b>1.</b> The maximum sign face area for a detached directory sign shall be as follows:</p> <p>Project/Development Size</p> <p><b>a)</b> <i>25,000 - 50,000 square feet</i> : seventy-five - (75) square feet</p> <p><b>b)</b> <i>50,000 - 100,000 square feet</i>: one-hundred - (100) square feet</p> <p><b>c)</b> <i>Over 100,000 square feet</i>: two-hundred - (200) square feet</p> <p><b>2.</b> The maximum height for a detached directory sign shall be as follows:</p> <p>Project/Development Size</p> <p><b>a)</b> <i>25,000 - 50,000 square feet</i> eight (8) feet</p> <p><b>b)</b> <i>50,000 - 100,000 square feet</i>: twelve (12) feet</p> <p><b>c)</b> <i>Over 100,000 square feet</i>: fifteen (15) feet</p>

**\*\*ALL GROUND MOUNTED SIGNS MUST HAVE A MASONRY BASE OR MATERIAL APPROVED BY THE PLANNING DIRECTOR. NO EXPOSED POLES. NO POLE SIGNS ARE ALLOWED.**

**ARTICLE VII — OFF-STREET PARKING AND LOADING**

**A. Applicability**

1. The requirements of this section shall apply to off-street parking areas; off-street loading areas; and vehicular access and circulation areas, which shall collectively be defined as vehicular areas.
2. Areas that are regularly used as vehicular areas shall be considered to be such areas whether or not formally designated for such purposes.

**B. General Requirements** - Except as otherwise provided herein, the following General Requirements shall be applicable to all vehicular areas:

1. Off-street parking shall consist of a parking lot, driveway, garage, or combination thereof.
2. Any area designated as required off-street parking shall not be changed to any other use unless equal facilities are provided elsewhere.
3. Off-street parking provided with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for that use.
4. No building permit shall be issued prior to the approval of required vehicular areas, including, where applicable, off parking and loading, and access to public rights-of-way and/or permanent easement.
5. Off-street parking and/or loading areas shall not encroach within designated landscape buffer areas.
6. All off-street parking areas shall provide a suitable method of wheel stops to prevent encroachment of any portion of a parked vehicle over the property line or within designated landscape areas.
7. Any facility that provides drive-through service, such as car washes, cleaners, banks, and fast food restaurants, shall provide adequate storage areas for waiting vehicles that do not interfere with parking area access. The City Engineer based upon projected traffic volumes shall determine the length of drive-through storage.
8. In computing the number of parking spaces required, the following rules shall govern:

- a. Where fractional spaces result, the parking spaces required shall be the next largest whole number.
    - b. When parking spaces are computed on the basis of the number of employees or students, the maximum number present at any one time shall govern.
    - c. In the case of mixed use, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
  9. If the existing use of a building or structure shall be increased by the addition of dwelling units, gross floor area, seating capacity or any other measure to increase the intensity of use, the provisions of this ARTICLE shall only apply to the extent of increase in use.
  10. Except as otherwise provided in this ARTICLE, required off-street parking shall be located on the same lot. The Governing Authority as part of the site plan review process may approve joint use of up to one hundred (100) percent of required off-street parking, as well as off-site parking.
  11. The Governing Authority may authorize a reduction in the number of required parking spaces on the basis of credible alternative data certified by a licensed design professional.
  12. For uses not specifically mentioned herein, off-street parking requirements shall be determined by the Planning Director based on ITE published standards.
  13. Parking spaces for the physically challenged shall be located as close as possible to elevators, ramps, walkways, and entrances where users are not compelled to wheel or walk behind other parked cars to reach entrances, ramps, walkways and elevators.
- C. Off-Street Parking Space Requirements** - When any building or structure is hereafter erected, structurally altered, or converted for any of the uses listed below, the following minimum off-street parking spaces shall be provided:
1. **Single Family; Multi-Family Dwellings** -
    - a. Single Family Dwellings – 2.0 spaces per dwelling unit
    - b. Multi Family Dwellings – 2.0 spaces per dwelling unit

**2. Cabins/Camps -**

- a. Cabins/Camps – 1.0 space for each two beds but not less than one space for each cabin or other habitable facility

**3. Places of Public Assembly (i.e. auditoriums, theaters, churches) -**

- a. Places of Public Assembly – 1.0 space for each four seats provided

**4. Schools -**

- a. Schools – 2.0 spaces for each classroom, plus 1.0 space for each ten seats in the auditorium or gymnasium.

**5. Institutions, Clubs, Lodges, and other Public and Semi-Public Buildings (not including hospitals) -**

- a. Institutions, Clubs, Lodges – 1.0 space per 300 square feet of Gross Leasable Area

**6. Commercial Uses (Retail Sales) -**

- a. General Retail Sales – 1.0 space per 200 square feet of Gross Leasable Area

**7. Commercial Uses (Services) -**

- a. Bank or Financial Institution – 1.0 space per 250 square feet of Gross Leasable Area, plus 4.0 queue spaces for each drive-thru teller
- b. Barber/Beauty Shop – 2 per workstation or 1.0 space per 250 square feet of Gross Leasable Area, whichever is greater.
- c. Restaurants (on-site consumption) – 1.0 space per 100 square feet of Gross Leasable Area
- d. Restaurants (carry-out) – 1.0 space per 100 square feet of Gross Leasable Area, plus 10 queue spaces
- e. Recreation/Entertainment – 1.0 space per 100 square feet of Gross Leasable Area
- f. Golf Courses – 6.0 spaces per hole
- g. Golf Driving Ranges – 1.5 spaces per tee box

- h. Hotels/Motels – 1.0 space per unit
- i. Mortuaries – 1.0 space per 100 square feet of Floor Area
- j. Car Wash – 1.0 space per employee, plus queue spaces as required
- k. Automotive Sales – 1 per employee and 2 per service stall or 1 per 250 square feet of service area, whichever is greater
- l. Automotive Repair – 2 per service stall or 1 per 250 square feet of service area, whichever is greater
- m. Other Services – 1.0 space per 250 square feet of Gross Leasable Area

**8. Office (Medical) -**

- a. Hospital – 3.0 spaces per bed, including bassinets
- b. Medical/Dentists Offices and Clinics – 5.0 spaces per staff physician, plus 1 per employee, based on the largest shift
- c. Veterinary Clinic – 1.0 space per 300 square feet of Floor Area

**9. Office (General Use, Not Including Retail) -**

- a. General Office < 30,000 square feet – 1.0 space per 250 square feet Gross Leasable Area
- b. General Office > 30,000 square feet – 1.0 space per 300 square feet Gross Leasable Area

**10. Industrial -**

- a. Manufacturing – 1 per 2 employees on the combined 2 largest successive shifts, plus 4.5 per 1,000 square feet of customer service area.
- b. Warehousing – 1.0 space per 1,000 square feet of Gross Leasable Space
- c. Wholesaling – 1.0 space per 500 square feet of Gross Leasable Space.

**D. Handicapped Parking Spaces** - All off-street parking areas except those providing only valet parking spaces shall reserve for the handicapped the cumulative number of spaces provided below, rounded upward to the next whole space:

1. First 100 spaces – 1 handicapped space for every 25 spaces or fraction thereof.
2. Second 100 spaces – 0.5 handicapped space for every 25 spaces or fraction thereof.
3. 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> 100 spaces - 0.25 handicapped space for every 25 spaces or fraction thereof.
4. Facilities with from 501 to 1,000 spaces shall provide handicapped spaces totaling 2 percent of the spaces in the parking facility. Larger facilities shall provide 20 handicapped spaces plus 1 handicapped space per 100 spaces over 1,000 spaces in the parking facility.

**E. Allowable Uses of Vehicular Areas** - Except as otherwise provided herein, vehicular areas shall be used solely for:

1. Parking of motor vehicles of patrons, residents, occupants, guests, visitors, employees, proprietors, officers, or suppliers of the use they serve;
2. Loading and unloading for such use;
3. Vehicle circulation and maneuvering;
4. Other customary accessory uses thereto; and
5. Temporary parking by authorized construction, maintenance, or repair personnel or public service or utility personnel.

**F. Specifically Prohibited Uses of Vehicular Areas** - Except as otherwise provided herein, the following activities shall not be permitted in any vehicular area:

1. Motor vehicle dismantling, repair, restoration, or servicing work, nor storage of vehicles undergoing such work
2. Offering or display of vehicles or other merchandise for sale, rent, or lease, or;
3. Storage of any kind;

4. However, vehicle sale, rental, storage, or repair shall be permitted respectively on the premises of lawful businesses engaged in such sale, storage, or repair, subject to all provisions contained herein, including site plan review and approval by the City of Horn Lake Planning Commission and Governing Authority.

**G. Temporary Uses**

1. Vehicular areas shall be used temporarily for other than the purposes specified in Section B – such as for carnivals, farmers’ markets, or Christmas tree or other merchandise sales – only if authorized as a Temporary Use, and appropriately permitted. The City Engineer, on a case-by-case basis, shall establish surfacing and maintenance provisions for temporary vehicular areas.

**H. Grading, Surfacing and Maintenance**

1. All permanent vehicular areas shall be graded for proper drainage. Storm water runoff shall be discharged into City storm sewers or in another manner approved by the City Engineer. Water shall not be permitted to drain across public sidewalks or onto abutting lots.
2. Except as provided herein, all vehicular areas shall be sealed-surface construction such as hot-mix asphalt, or Portland cement concrete. Brick or pavers, when professionally installed, may be used if approved by the Planning Director. Gravel or loose fill may not be used.

Exception: In recognition of the competing views on limestone driveways and with the understanding that some limestone driveways may have been installed with the permission of prior City and/or County administrations, the Governing Authority hereby deems all limestone driveways existing within the City as of the date of adoption of this ordinance to be legal nonconforming uses conditioned upon the following:

- a. An application for a permit for existing limestone driveways shall be submitted to the Planning Department by September 30, 2006.
- b. The permit shall be renewed by September 30<sup>th</sup> each year.
- c. The limestone driveway shall be adjacent and contiguous to an asphalt or concrete driveway.
- d. The limestone driveway shall be completely covered with crushed limestone through which dirt or grass is not showing.
- e. The limestone driveway shall be outlined with wood, metal, plastic, brick, or an appropriate type of edging material (subject to the

approval of the City Planner), so as to prevent the spread of the limestone.

- f. The limestone driveway shall be maintained in the same condition as when it is inspected by the City and the original permit is issued.
  - g. The permit shall be issued to the current owner(s) of the property and shall only apply to such current owner(s). If the property is sold or if the current owner(s) vacates the property, the permit for the limestone driveway shall be void, and the driveway must immediately be modified to conform to the surface requirements of this ordinance.
  - h. If the limestone driveway is not maintained in accordance with the above provisions, the permit shall be revoked.
- 3. All vehicular areas shall be maintained in such a manner that no dust or sedimentation, will result from continuous use.
  - 4. Load bearing capacity for loading area surfacing shall be certified by a licensed contractor and approved by the City Engineer.
  - 5. Violators of the provisions of this Section will be cited, and compelled to address specifically cited violations.

**I. Design Provisions Applying To All Vehicular Areas**

- 1. **Landscaping** - landscaping shall be required within all vehicular areas to the following extent:
  - a. No more than 10 contiguous parking spaces shall be provided without benefit of a landscaped island
  - b. Parking aisles shall be terminated at both ends of contiguous aisles with landscape islands.
  - c. Landscape islands shall have inside dimensions of not less than 5 feet wide and 17 feet long, or 35 feet long if there is a double row of parking. Each side of the landscaped island shall have a continuous 6-inch high curb of concrete.
  - d. Planting islands shall contain at least one tree, low shrubs and ground cover. The Planning Director and Design Review Commission shall approve landscape plans.
  - e. If a vehicular area abuts a landscape buffer yard , continuous curbing shall be provided between the vehicular area and the required buffer yard.

2. **Illumination** - Illumination shall be fully shielded so as not to produce glare on abutting lots or public streets. Lighting levels shall not exceed 0.5 foot-candles ten feet beyond the subject property line. A photometric analysis of vehicular area lighting levels shall be required, and reviewed by the Design Review Commission or its designated agent for compliance with this standard.
3. **Parking Space Markings** - All permanent and approved off-street parking spaces shall be marked by durable painted lines, tiles, curbs, or other means approved by the Building Official that clearly designates individual spaces and distinguishes such spaces from maneuvering, loading, open sales or storage, or other areas on the lot.

**J. Access and Driveways/Curb Cuts** - The City Engineer shall be authorized to develop and implement administrative policies and procedures necessary and desirable to control the design and construction of rights-of-ways and driveways/curb cuts that are consistent with this ARTICLE.

**1. Access -**

- a. Vehicular areas shall have access to a public street or alley, or an approved permanent easement of such width and design as to provide a safe and efficient means of vehicular access.
- b. Vehicular areas shall be designed to enable vehicles to enter or leave them moving in a forward direction. Space for vehicle maneuvering necessary for compliance herewith shall be provided on the lot.
- c. Vehicular areas shall be physically separated from the adjoining street(s) by a raised concrete curb/island or other suitable barrier to serve as a barrier against un-channeled vehicular ingress and egress. Except for the driveways/curb cuts permitted below, such barrier shall be continuous for the entire length of any lot line adjoining a street.

**2. Driveways/Curb Cuts -**

- a. The number of driveways/curb cuts shall be based on the type of development on the property served; the amount of frontage that property has on a given street; and the classification of the street providing frontage. The City Engineer using the following guidelines shall determine the number of driveways/curb cuts permitted on a given street.

<u>Street Frontage</u> <u>Cuts</u>	<u>Max. Number of Driveways/Curb</u>
---------------------------------------	--------------------------------------

Up to 149 feet	1
150 feet to 299 feet	2
Each additional 300 feet	1

- b. No driveway/curb cut should be constructed within fifty-feet (50') from the end of radius at intersections.
- c. Driveways/curb cuts should be located directly across from one another or offset from driveways/curb cuts or intersections on the opposite side of the street by at least 150 feet, whenever possible, to avoid cross traffic conflicts.
- d. Driveway widths should adhere to the following general standards:

Residential	12 - 16 feet
Commercial/Office (one-way)	14 - 28 feet
Commercial/Office (two-way) throat/apron	24-foot throat/44-foot
Commercial/Office (three-way) throat/apron	36-foot throat/56-foot
Industrial	Maximum of 50 feet

- e. Driveways/curb cuts, other than shared driveways/curb cuts, should be located at least ten (10') from any property line.
- f. Multiple commercial, office and industrial driveways/curb cuts on arterial streets are discouraged, while shared driveways/curb cuts and internal access between lots and uses are encouraged.

**K. Dimensional Requirements of Parking Spaces, Queue Spaces, and Driveway Aisles**

**1. Handicapped Parking Spaces -**

- a. Minimum dimensions for handicapped parking spaces shall be twelve and one-half (12.5) feet by twenty (20) feet.

**2. Off-Street Queue Spaces -**

- a. Minimum dimensions for off-street queue spaces shall be ten (ten) feet by twenty (20) feet.

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- b. The City Engineer shall determine the appropriate number of off-street queue spaces for specified uses.

**3. Dimensional Requirements For Regular Parking Spaces and Driveway Aisles -**

<u>Parking Angle</u>	<u>Space Width</u>	<u>Space Depth</u>	<u>Aisle Width</u>
Parallel	10.0'	23.0' 24.0' Two Way	14.0' One Way
30 deg.	10.0'	17.0'	14.0' One Way
45 deg.	10.0'	19.0'	14.0' One Way
60 deg.	10.0'	20.0'	18.0' One Way
90 deg.	10.0'	18.0'	24.0' Two Way
<b>10.0'</b>	<b>20.0'</b>	<b>22.0' Two Way</b>	

**L. Off-Street Loading**

1. Off-street loading space will be provided for applicable commercial and industrial uses and any other use requiring bulk pick-up or delivery. Such off-street loading space will be scaled to the loading demand created by the use of the property and the size of the delivery vehicles used. In no instance will loading or unloading be allowed in a public right-of-way or in space provided to meet off-street parking requirements.
2. No building or part thereof, heretofore erected, which is used for any of the purposes specified above, shall hereafter be enlarged or extended unless off-street loading is provided in accordance with the provisions of this ARTICLE.
3. Commercial and/or industrial uses providing no loading spaces shall provide for other facilities approved by the Governing Authority that facilitate loading.

**4. Number and Dimensional Requirements -**

**a. Number:**

<u>Gross Floor Area (Sq. Ft.)</u>	<u>Min. Number of Off-Street Loading</u>
<u>Spaces</u>	
Less than 40,000	1
40,000 – 100,000	2
100,000 – 160,000	3
160,000 – 240,000	4
240,000 – 320,000	5
320,000 – 400,000	6
Each 90,000 above 400,000	1

**b. Dimensions:**

1. Where single unit (SU-30) trucks are specified as the design vehicle, loading spaces shall be eleven (11) feet by thirty (30) feet with a twelve (12) foot height clearance.
  2. Where tractor-trailer or semi-trailer (WB-40) are specified as the design vehicle, loading spaces shall be twelve (12) feet by forty-five (45) feet with a fourteen (14) foot height clearance.
5. The Governing Authority may waive or modify the requirements of this Section upon finding that a particular use does not require loading spaces of a number or size required by this Section, given the

particular operational characteristics of the use and its need for the delivery or shipment of goods to and from the site.

6. To the maximum extent possible, all loading spaces shall be located between the building and rear lot line of the property and shall be screened from the view of the street and adjacent properties. The details and such location and screening shall be reviewed and approved as part of the site plan for the development.

**M. Off-Street Parking Within Residential Districts**

**1. General Provisions -**

- a. In any residential zone district, with the exception of the AR, agricultural-residential zoning district, no parking of motor vehicles shall be permitted in any front yard, except on a sealed-surface that meets the requirements of section H(2) of this Article.
- b. Recreational equipment such as boats and boat trailers, travel trailers, camper coaches, motorized dwellings, tent trailers, all terrain vehicles and similar equipment stored on lots within any residential zone district shall be subject to the following restrictions:
  1. Recreational equipment as defined above, shall not be occupied for living or sleeping purposes while on the lot;
  2. Recreational equipment as defined above, may be parked or stored for no longer than 72 hours in an actual front or corner side yard for purposes of loading or unloading;
  3. Recreational equipment as defined above, may be parked or stored for over 72 hours, if in good repair and only in following locations:
    - a) The recreational equipment shall be parked in a garage, carport, or covered parking space, where one exists on the premises large enough to accommodate the vehicle.
    - b) The recreational equipment shall be parked on a paved driveway or widening thereof, located in an actual rear or interior side yard behind the front building line and no less than three (3) feet from any lot line, and no closer than **twenty (20)** feet to the street right of way.
- c. In zoning districts of R-12 or less, recreational equipment or trailers may be parked in a rear yard without a poured parking pad if a site proof fence is erected.

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- d.** No travel trailer shall be occupied for a period over fourteen (14) days. No black or gray water shall be discharged onto open land, but rather into a receptacle or holding tank.
- e.** Any trailers sixteen (16) feet or less shall be parked on a sealed-surface that meets the requirements of section H(2) of this Article.
- f.** Non-compliant vehicles and collector vehicles under repair, recreation equipment, and trailers of any kind or type without current license tags shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. Non-compliant vehicle shall mean any motor vehicle which meets one or more of the following conditions:

  - 1. The vehicle is obviously inoperable.
  - 2. The vehicle is dismantled, partially dismantled or severely damaged.
  - 3. The vehicle does not have a valid vehicle license plate.
  - 4. One or more of the vehicle's tires are flat and have remained flat for a period of twenty-four (24) hours.
  - 5. The vehicle is leaking oil or other fluids.
  - 6. No major vehicle repair shall be allowed in a residential area, only minor changing of belts, tires, fluids and such as can be accomplished in a twenty-four (24) hour period.
- g.** No vehicle that meets one or more of the following conditions shall be allowed in a residential district, except to make deliveries.

  - 1. Trucks with 10 wheels, registered as a commercial vehicle in any state, primarily used for commercial business.
  - 2. Semi-tractors as previously described shall be allowed to park in residential zoning districts after June 6, 2006, with the following criteria:

    - (l) The Governing Authority finds that an owner of a semi-tractor has a legitimate interest in protecting his/her personal, monetary investment in such a vehicle and can do so by parking such vehicle on his/her property. The Governing Authority further finds that the continued vitality of the City depends, among other things, on the preservation of neighborhoods, and that homeownership promotes stability and pride for neighborhoods. Based upon such findings and the City's authority to protect and promote the safety, health, and welfare of its residential neighborhoods, this parking exception for owner-operated vehicles is being implemented subject to the preceding conditions.

- a. Driver must register by September 30, 2006 in the Office of Planning and Development.
  - b. Driver must own the property on which the vehicle is parked.
  - c. Driver must be the owner-operator of said vehicle.
  - d. A parking pad must be poured out of heavy duty concrete or asphalt to the interior side yard where possible.
  - e. Registrant must follow regulations for percentage of solid surface coverage as set forth in this Ordinance.
  - f. Vehicle may not be closer than twenty feet to the street.
  - g. Two additional off-street parking spaces as required by the Zoning Regulations must remain in addition to this parking pad.
  - h. When registering, driver must present a copy of the property deed and registration papers for vehicle.
  - i. If property owner moves to another location within the city, he will be allowed to apply these regulations to that dwelling site.
  - j. No new or additional semi-parking areas within residential districts shall be approved following the adoption of this ordinance.
  - k. Applicant must register annually before September 30th. Failure to apply shall be cause to revoke permit unless just cause can be proven by appeal before the governing authority.
- 3. School buses.
  - 4. Commercial box van vehicles commonly used in construction, electrical or other commercial business type work will be allowed to park, however they must be on a poured parking pad and at least twenty feet from the street.
  - 5. Any commercial vehicle weighing over two tons including but not limited to wreckers.

**2. Parking Area In Residential Yards -**

- a. Within residential zone districts coverage of actual yards by parking areas, driveways or parked vehicles shall not exceed the figures below:

<b><u>Designated Yard Yard Area</u></b>	<b><u>Max. Coverage in Percent of</u></b>
Front or Corner Side	25 %
Interior Side	Not Applicable

Rear

50 %

- b. On lots within residential zone districts where there is no attached garage and the dimensions of actual side yards and the absence of an alley preclude vehicular access to the interior side and rear yards, maximum coverage of front and corner side may be increased to 35 percent.
- c. Within residential zone districts, driveways extending beyond the front building line to side yards and/or rear yards shall be sealed-surface construction such as asphalt, concrete, or cement concrete. Brick or paving block may be used when approved by the Planning Director and professionally installed.

## **ARTICLE VIII—NUISANCE, PROPERTY MAINTENANCE**

### **A. Purpose**

- 1. It shall be unlawful for the owner or occupant of a residential or commercial building or property to utilize the premises of such property for the open storage of any junk appliances or rubbish. Such prohibition includes the storage of any junk appliance or rubbish in an open carport. This will include products that are considered saleable or not.
- 2. Clotheslines in residential areas—Clothes may only be hung from clothes lines located in the back or back yard of a residential building. Clothes may not be hung in the front or on the sides of any building.

### **B. PROPERTY MAINTENANCE**

#### **1. Foundations, Roofs, Exterior Walls and Surfaces**

- a. All exterior surfaces shall be of a material manufactured or processed specifically for use in such a weather-exposed location; and every exterior wall, chimney, foundation and roof shall be reasonably weather tight, watertight and rodent proof; and shall be kept in a professional state of maintenance and repair. Exterior walls shall be maintained and kept free from dilapidation by cracks, tears or breaks or from deteriorated plaster, stucco, brick, wood, or other material that is extensive and gives evidence of long neglect.
- b. The protective surface on exterior walls of a building above ground level shall be maintained in good repair so as to provide a sufficient covering and protection of the structural surface underneath against

its deterioration. Without limiting the generality of this section, a protective surface of a building shall be deemed to be out of repair if:

- i. The protective surface has paint which is blistered, cracked, flaked, scaled, or chalked away, including window trim, cornice members, porch railings and other such areas;
  - c. Any exterior surface required to be repaired under the provisions of this section shall be repaired in its entirety.
  - d. No exterior wall of any dwelling or building accessory thereto shall have paint that is blistered, cracked, flaking, scaled or chalked away.
2. **Driveways**—All driveways shall be kept free of major cracks. Such cracked and crumbling driveways shall be repaired in their entirety and further maintained in good repair.
3. **Rainwater damage**—All rainwater shall be so drained and conveyed from every roof so as not to cause dampness in the walls, ceilings, or floors of any portion of the dwelling or of any adjacent building or structure. Gutters and downspouts, if provided, shall be kept in a professional state of repair. All fences must be constructed in a manner so as to allow for the drainage of rainwater.
4. **Weeds, Grass, Noxious Growths—Residential and Commercial Districts**
  - a. Weeds, grass, and noxious growths shall not exceed six (6) inches in height. No owner, tenant or occupant shall allow to remain on any portion of the premises occupied or controlled by such person any accumulation of hay, grass, straw, weeds, vines, bushes, other plant growth or dead trees or dead tree limbs which in the opinion of the code enforcement officer constitutes a health, safety or fire hazard.
  - b. Upon failure of the owner of the property owner to correct the problem after being notified by the code enforcement officer by an abatement form or letter from the Office of Planning and Development, he may be cited to appear in municipal court.
  - c. If the property owner is unable to be located, the city shall exercise its authority under Mississippi State Code Annotated 21-19-11, as amended.

## **ARTICLE IX — NONCONFORMING USES**

### **A. Purpose**

1. It is the intent of this Ordinance to permit nonconforming lots of record and nonconforming uses of land and structures to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zone district.
2. Any nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this Ordinance by addition of other uses of a nature which would be prohibited generally in the zone district involved.
3. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change of plans, construction, or designated use of any building on which actual construction was lawfully initiated prior to the effective date of adoption or amendment of this Ordinance, and upon which actual building construction has been carried on diligently. For the purposes of this ARTICLE, actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Additionally, site excavation shall be deemed to be “actual construction” provided that work shall be carried on diligently.

### **B. Provisions**

#### **1. Nonconforming “Single” Lots of Record**

- a. In any zone district, any use that is permitted may be allowed on any single lot of record, as defined herein, at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the zone district, provided that yard dimensions and requirements other than those applying to the area or width, or both, of the lot shall conform to the regulations for the zone district in which such lot is located.
- b. Variance of yard requirements shall be obtained only through action of the Planning Commission.

**2. Two or More Nonconforming Lots of Record with Continuous Frontage Changing Ownership After the Effective Date of this Ordinance**

- a. If two or more undeveloped lots in single ownership with continuous frontage are “of record” at the time of enactment of this Ordinance, and if, subsequent to the passage of the Ordinance, such lots become nonconformities in the zone district where located; and if such lots change ownership after the enactment of this Ordinance, the lands involved shall be considered as an undivided parcel for the purposes of this Ordinance, and no portion of said undivided parcel shall be used in a manner which diminishes compliance with the lot width and/or lot area requirements established by the Ordinance, nor shall any division of any parcel be made which creates a lot width or area (or both) below the requirements stated in this Ordinance. The provisions of this subsection shall not apply to two or more undeveloped lots of record in single ownership with continuous frontage that remain in the same ownership following enactment of this Ordinance. Such lots not changing ownership shall continue to be considered divided parcels, and the owner of such lots may erect structures on each lot as permitted in the applicable zone district.

**3. Nonconforming Use of Land**

- a. Where open land is being used for a nonconforming use, such use shall not be extended or enlarged either on the same or adjoining property.

**4. Nonconforming Use of Buildings**

- a. Except as otherwise provided herein, the lawful use of a building existing at the effective date of this Ordinance may be continued although such use does not conform to the provisions hereof. No such nonconforming structure may be enlarged or altered in any way that increases its nonconformity. If no structural alterations are made, a nonconforming use of a building may be hereafter extended throughout a building that was lawfully and manifestly arranged or designed for such use at the time of the enactment of the ordinance.

**5. Discontinuance of Nonconforming Uses**

- a. A non-conforming use of land or of a structure shall not be changed to any use other than a use permitted in the zoning district in which such land or structure is located. When such nonconforming use

has been changed to a permitted use, it shall only be used thereafter for a use permitted in the zoning district in which it is located. For purposes of this subsection, a use shall be deemed to have been so changed when an existing nonconforming use shall have been terminated or there is a change of ownership.

**6. Destruction of a Nonconforming Use**

- a. No building which has been damaged by any cause whatsoever to the extent of more than 50 percent of the fair market value of the building immediately prior to damage, shall be restored except in conformity with the regulations of the ordinance and all rights as a nonconforming use are terminated.
- b. If a building is damaged by less than 50 percent of the fair market value, it may be repaired or reconstructed to its original size and used as before the time of damage, provided that such repairs or reconstruction be substantially completed within 12 months of the date of such damage.

**7. Intermittent Use**

- a. The casual, intermittent, temporary or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use and the existence of a nonconforming use on a part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

**8. Existence of a Nonconforming Use**

- a. In cases, of doubt, and on specific questions raised, whether a nonconforming use exists shall be a question of fact and shall be decided by the Governing Authority after public notice and hearing and receipt of the report and recommendation of the Planning Commission.

**ARTICLE X APPLICATIONS**

**A. VARIANCES**

- 1. Where the strict application of the provisions of this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional hardship upon the owner of such property, the Planning Commission shall hold a public hearing on applications for variance(s) from the terms of this Ordinance, and is empowered to grant approval of such variances from the strict application so as to relieve such difficulties or

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hardships. However, a variance from the terms of this Ordinance shall not be granted unless the Planning Commission makes findings based upon evidence presented to it as follows:

- a.** 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.
  - b.** 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.
  - c.** That special conditions and circumstances do not result from the actions of the applicant.
  - d.** 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.
- 2.** A public hearing shall be held after giving at least 15 days notice of the hearings in an official newspaper specifying the time and place for said hearings.
- 3.** The Planning Commission shall make findings that the requirements of paragraph 1 above have been met by the applicant for a variance; that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; and that the variance will be in harmony with the general purpose and intent of this Ordinance. In granting a variance, the Planning Commission 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 and punishable as provided under this ARTICLE.
- 4.** Under no circumstances shall the Planning Commission grant a variance to allow a use not permissible under the terms of this Ordinance in the zone district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said zone district.

**B. REZONING/AMENDMENTS**

1. A proposed amendment to the Official Zoning Map may be initiated by the Planning Commission, Governing Authority, or by application of one or more owners of property within the area proposed to be changed.
2. The Governing Authority may propose amendments by forwarding its written proposal, which shall set forth the purpose and reason for such proposed amendment, to the Planning Commission for processing in accordance with the procedure set forth in this Article.
3. The Planning Commission may make written proposals for amendments that shall be processed in accordance with the procedure set forth in this ARTICLE.
4. The owner or other person having a contractual interest in the property to be affected by a proposed amendment shall file an application with the Planning Commission, which established from time to time by the Governing Authority.
5. An applicant for amendment of the Official Zoning Map shall have the responsibility to demonstrate the appropriateness of the change based on the following criteria:
  - a. How the proposed amendment would conform to the Comprehensive Plan and its related elements, as provided under Section 17-1-9 of the Mississippi Code of 1972, As Amended.
  - b. Why the existing zone district classification of the property in question is inappropriate or improper.
  - c. What major economic, physical, or social changes, if any, have occurred in the vicinity of the property in question that were not anticipated by the Comprehensive Plan and have substantially altered the basic character of the area, which make the proposed amendment to the Official Zoning Map appropriate.
  - d. Demonstrate the Public Need for the proposed zone district amendment.
6. Any proposed amendments, supplements, change, modification, or repeal shall be first submitted to the Planning Commission for its recommendations and report and the Planning Commission shall hold a public hearing thereon.

7. The Planning Commission shall make its recommendation on such request for any amendment, supplement, change, modification, or repeal to the Governing Authority, and the Governing Authority shall proceed to hold a public hearing in relation thereto after giving 15 days notice of the hearing in an official newspaper specifying the time and place for said hearing.
8. The Governing Authority may refer the application back to the Planning Commission for additional study before final decision; however, no notice other than for the first public hearing need be given.
9. Upon the submission of an application for a rezoning, and a determination by the Governing Authority that said application should be denied, the Governing Authority shall not accept a subsequent application to the rezone the same property or any part thereof to the same classification until the expiration of twelve (12) months from the date of the decision of the Governing Authority denying said applicant.
10. No amendment to the Official Zoning Map or the text of this Ordinance shall become effective until an Ordinance amending same, and based on findings of fact, has been passed by the Governing Authority, and subsequently published at least one time in a newspaper of local circulation.

### **C. CONDITIONAL USES**

1. Subject to the provisions of this Section, the Governing Authority may by resolution grant a conditional use permit for the uses enumerated as conditional uses in any zone district as herein qualified and shall impose appropriate conditions and safeguards including a specified period of time for the use to protect the Comprehensive Plan and conserve and protect property and property values in the neighborhood.
2. An application for a conditional use permit for uses authorized by this Ordinance shall be made to the Planning Commission. A public hearing shall be held, after giving at least 15 days notice of the hearing in an official paper specifying the time and place for said hearing. The Planning Commission shall investigate all aspects of the application giving particular regard to whether the proposed conditional use will:
  - a. Substantially increase traffic hazards or congestion;
  - b. Substantially increase fire hazards;
  - c. Adversely affect the character of the neighborhood;

- d. Adversely affect the general welfare of the City;
  - e. Overtax public utilities or community facilities;
  - f. Be in conflict with the Comprehensive Plan.
3. Upon receipt of written findings concerning the proposed conditional use from the Planning Commission, the Governing Authority shall make a determination as to whether or not a conditional use permit should be issued. However, the Governing Authority shall not grant a conditional use permit unless satisfactory provisions have been made concerning the following:
- a. Off-street parking and loading areas;
  - b. Refuse and service areas;
  - c. Utilities, with reference to locations, availability, and compatibility;
  - d. Screening and buffering with reference to type, dimensions, and character;
  - e. Required yards and other open space;
  - f. General compatibility with adjacent properties and other property in the zone district;
  - g. Any other provisions deemed applicable by the Governing Authority.
4. Every applicant for a conditional use permit shall submit a site plan in accordance with ARTICLE V, Section P.
5. Any proposed conditional use shall otherwise comply with all the regulations set forth in this Ordinance for the zone district in which such use is located.
6. Time limit.

**I. FEES**

1. The Governing Authority shall establish a schedule of fees for the issuance of building permits, the processing of applications for site plans, conditional uses, variances, and zoning amendments, and all other matters requiring regulatory review under this Ordinance.

2. The schedule of fees may be altered or amended only by the Governing Authority.

**J. APPEALS**

1. ***Appeals from Administrative Interpretation of the Zoning Administration*** - Any person or persons aggrieved with the administrative interpretation of the Zoning Administrator shall have the right to appeal such interpretation to the Planning Commission. All such appeals shall be in writing.
2. ***Appeals from Recommendation of Planning Commission*** - Any person or persons aggrieved by any decision of the Planning Commission may appeal within 10 days to the Governing Authority and the Governing Authority may affirm, reverse, remand or modify the decision as may be proper. All such appeals shall be in writing. A fee of fifty (50) dollars will be assessed.
3. ***Appeal of Decision of Governing Authority*** - Parties aggrieved by decisions of the governing authority may seek review by a Court of Record as provided by law.

## **ARTICLE XI — ADMINISTRATION AND ENFORCEMENT**

### **A. Purpose**

1. It is the purpose of this ARTICLE to prescribe the legal means and procedures for administering this Ordinance, and to define the scope of jurisdiction for the various officials and bodies charged with the administration and enforcement of this Ordinance. .
2. The provisions of this Ordinance shall be applicable to all property within the incorporated limits of Horn Lake, Mississippi, as provided by Section 17-1-3 of State of Mississippi Code.

### **B. Administration**

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance, the proper authorities, in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, and/or to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

Any owner, occupant, lessor, lessee, tenant, manager, licensee, or other person having control over or use of a building, structure, or parcel of land who causes, permits, facilitates, or aids or abets any violation of any provision of this Ordinance or fails to perform any act or duty required by this Ordinance shall be guilty of a misdemeanor and may be fined in an amount not exceeding One Thousand Dollars (\$1,000) and/or imprisoned for a term not exceeding ninety (90) days. Any violator found guilty of a second or subsequent violation of this ordinance shall be fined a minimum of Two Hundred Fifty Dollars (\$250) for each such violation. Each day a violation of any provision of this Ordinance or a failure to perform any act or duty required by this Ordinance exists shall constitute a separate offense or violation.

A citation of this ordinance may be served by personal service, or by United States registered return receipt or certified return receipt, postage prepaid mail addressed to the violator, or by any other commercial delivery service which can confirm delivery of the citation. If the addressee refuses to accept delivery and it is so stated in the return receipt of the United States Postal Service or commercial delivery service, the written return receipt, if returned and filed with the Court, shall be

deemed an actual and valid service of the citation. The United States Postal Service or commercial delivery service notation that a properly addressed citation is "unclaimed," "refused," or other similar notation, is sufficient evidence of the addressee's refusal to accept delivery. Service by mail or commercial delivery service is complete upon the addressee's receipt of the citation or the addressee's refusal to accept delivery.

No building permit shall be required for erection, construction, reconstruction, conversion, alteration, enlargement, extension, razing, or moving a farm building or structure as herein defined except as may be required by the Flood Plain Management Ordinance. Prime responsibility for securing the necessary permits shall be the property owner. However, if the property owner should contract part or all of the proposed work, it shall become the responsibility of the person, or firm, hired to ensure that all required permits and approvals have been secured prior to any work being initiated.

1. Before a building permit is issued in any commercial or industrial zone district for any structure other than an accessory building or an addition to an existing building on the same lot, the owner or developer shall be required to improve one-half of any City road which the property adjoins in accordance with the City's Subdivision Regulations.
2. Blank forms shall be provided by the Zoning Administrator for the use of those applying for building permits as provided in this Ordinance. Any building permits issued by the Zoning Administrator shall be on standard form for such purpose and furnished by the Governing Authority.
3. A careful record of all such applications, plans and permits shall be kept in the office of the Zoning Administrator. The Governing Authority shall establish fees for the issuance of building permits.
5. Any building permit under which no construction work has been commenced within six (6) months after the date of issuance of said permit or under which proposed construction has not been completed within two years of the time of issuance shall expire by limitation.
6. Subsequent to the effective date of this Ordinance, no change in the use or occupancy of land nor any change of use or occupancy in an existing building other than for single-family dwelling purposes shall be made, nor shall any new building be occupied until the Zoning Administrator has issued a Certificate of Occupancy. Every Certificate of Occupancy shall state that the new occupancy complies with all provisions of this Ordinance. No permit for excavation for or the

erection or alteration of any building shall be issued before the application has been made and approved for a Certificate of Occupancy and no building or premises shall be occupied until such Certificate and permit is issued. A record of all Certificates of Occupancy shall be kept on file in the office of the Zoning Administrator and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or a building affected by such Certificate of Occupancy, if such inspection indicated compliance with this Ordinance.

7. In case any building or structure is erected, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation, the proper authorities in addition to other remedies may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land or to prevent any illegal act, conduct, business, or use in or about such premises.

**C. ORDINANCE PROVISIONS DO NOT CONSTITUTE PERMIT**

1. Nothing contained in this Ordinance shall be deemed to consent, license, or permit to use any property or to locate, construct, or maintain any building or structure, or to carry on any trade, industry, occupation or activity.

**D. RELIEF FROM OTHER PROVISIONS**

1. Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any zoning ordinance previously in effect or from any other local state or federal ordinance or statute.

**E. RELATIONSHIP TO OTHER LAWS AND PRIVATE RESTRICTIONS**

1. Where the conditions imposed by any provisions of this Ordinance upon the use of land or buildings or upon the height or bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance or of any other law, resolution, ordinance, rule or regulation of any kind, the regulations which are more restrictive shall apply.
2. This Ordinance is not intended to abrogate any easement, covenant, or any other private agreement provided that where the regulations of

this Ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.

**F. CONSISTENCY WITH THE COMPREHENSIVE PLAN**

1. It is the intent of the City that this Ordinance be consistent with the City's Comprehensive Plan (2003), and as amended. It is further the intent of the City that all subsequent amendments to this Ordinance following its adoption shall also be consistent with the Comprehensive Plan (2003), and as amended.

**G. COMPREHENSIVE PLAN PROVISIONS**

1. The text of this Ordinance shall be comprehensively reviewed by a Zoning Ordinance Review Committee appointed by the Planning Director every five (5) years after its effective date. This review shall include, but not be limited to, consistency with the Comprehensive Plan, and applicability to current land use and development techniques.
2. The Planning Director shall forward recommendations for text amendments to this chapter to the Planning Commission for public hearing. Proposed amendments and the recommendations of the planning director and Planning Commission shall be transmitted to the Governing Authority for public hearing and final action.

**H. CONFORMANCE WITH THE SUBDIVISION REGULATIONS**

1. No building or structure shall be constructed on any lot that does not conform to the provisions of the Subdivision Regulations of the City of Horn Lake.

**I. AREAS ANNEXED AFTER ENACTMENT OF THIS ORDINANCE**

1. Any land annexed into the City of Horn Lake following enactment of this Ordinance shall bear the zoning classifications of DeSoto County and be subject to the zoning regulations of Desoto County until due public notice of hearings is given to consider the zoning of all or part of such annexed land in accordance with Zoning Ordinance of the City of Horn Lake. Following such public hearings and action by the Governing Authority, the annexed land shall be subject to the regulations of this Ordinance rather than those of DeSoto County.

**J. PROVISIONS ARE CUMULATIVE**

1. The provisions of this Ordinance are cumulative with additional limitations imposed by all other laws and ordinances, heretofore, passed or which may be passed hereafter, governing any subject matter appearing in this Ordinance.

**I. OMISSION CLAUSE**

1. The omission of any specific use, dimension, word, phrase, or other provision from this Ordinance shall not be interpreted as permitting any variation from the general meaning or intent of this Ordinance, as commonly inferred or interpreted. Should questions arise as to such intent or meaning, the interpretation of the Zoning Administrator shall apply.

**J. FAILURE TO ENFORCE ORDINANCE**

1. Failure to enforce any provision of this Ordinance shall not constitute a waiver nor imply that the action is legal.

**K. SEPARABILITY**

1. Should any Article, Paragraph, Clause, or Phrase of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so held to be unconstitutional or invalid.

**L. REPEAL OF CONFLICTING ORDINANCES OR PARTS THEREOF**

1. Upon the effective date of this ordinance, the following ordinances shall stand repealed: #93-12-34, #97-02-65, #97-11-69, #98-06-78, #01-04-107, #01-06-108, #03-03-121, #04-09-137, #04-12-142, and the provisions of all prior ordinances which are in conflict herewith or inconsistent with the provisions of this ordinance.

**M. Duties of the Zoning Administrator**

1. Coordinate all matters relating to this Ordinance with members of the Planning Commission, Governing Authority and other officials as deemed necessary.
2. Provide information and application forms to the public on matters relating to zoning.
3. Maintain the Official Zoning Map.

4. Attend Planning Commission and Governing Authority meetings to present information helpful to those bodies in carrying out their assigned functions.
5. Advertise public hearings as required by this Ordinance.
6. Keep records pertaining to all development matters related to this Ordinance.
7. Provide administrative interpretation and enforcement as needed.

**N. Administrative Interpretation by the Zoning Administrator**

1. In the event there is a question as to the general intent or specific meaning of any provision of the Zoning Ordinance text, or of the boundaries or zone district designations or other matters relating to the Official Zoning Map, the Zoning Administrator shall have the power to make such administrative decisions and interpretation. Such decisions and/or interpretations shall be in writing.
2. Appeals from the administrative interpretation by the Zoning Administrator shall be as provided in the ARTICLE.

**O. Planning Commission; Creation and Duties**

1. A Planning Commission is hereby created. The Governing Authority shall appoint the Commission for a term of office concurrent with the term of office of the Governing Authority. Vacancies shall be filled for the unexpired term of any member.
2. **Planning Commission shall have the following powers and duties:**
  - a. The Planning Commission shall hold public hearings on all matters relating to this Ordinance which require such hearings (except appeals to the Governing Authority), including:
    1. Applications for conditional use permits;
    2. Proposed amendments to the Official Zoning Map (i.e. rezoning~~s~~);
    3. Proposed amendments to the text of this Ordinance;
    4. Appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administration in the enforcement of this Ordinance.
    5. Variances to the Zoning Ordinance.

- b. The Planning Commission shall review all site plans where such plans are required and their decision shall be the final decision unless appealed to the Mayor and Board of Aldermen. All appeals shall be filed within ten days of the decision at a fee of fifty (50) dollars.
- c. In accordance with the Subdivision Regulations of the City of Horn Lake, Mississippi, the Planning Commission shall review all plans for the division of land (i.e. Preliminary Plats), and make a recommendation on same to the Governing Authority.
- d. The Planning Commission shall review all Master Development Plans associated with Planned Unit Developments and make a recommendation on same to the Governing Authority.
- e. The Planning Commission shall interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose thereof as applicable to the Official Zoning Map where the street layout on the ground varies from the street layout as shown on this Zoning District Map.
- f. The Planning Commission may permit the extension of a zone district line where the district line thereof divides a lot held by a single ownership at the time of adoption of this Ordinance.
- g. The Planning Commission shall review all requests for variances to the Zoning Ordinances and their decision shall be final unless appealed to the Mayor and Board of Aldermen. All appeals shall be filed within ten days of the decision at a fee of fifty (50) dollars.

**4. Rules of conduct for the City of Horn Lake Planning Commission:**

- a. The Planning Commission shall adopt rules for the conduct of its business, establish a quorum and procedures, and keep a public record of all findings and decisions. Meetings of the Commission shall be at the call of the Chairman and at such other times, as the Commission shall determine.
- b. The secretary of the Planning Commission shall report all recommendations to the Governing Authority regarding subdivision plats, planned developments, conditional uses, rezoning, amendments to the Zoning Ordinance text, and appeals through the Minutes of the Planning Commission.
- c. In accordance with Section 25-41-5 of the Mississippi Code of 1972, As Amended, all meetings of the Planning Commission shall

be open to the public at all times unless an executive session is declared.

- d. No member of the Planning Commission shall participate in the hearing of the singular item nor vote on any matter before the Commission in which he has a personal interest.

**P. Duties of the Governing Authority in the Administration and Enforcement of this Ordinance**

- 1. The Governing Authority of the City of Horn Lake, Mississippi shall have the final authority with regard to all matters involving the Zoning Ordinance. The duties of the Governing Authority shall include, but not necessarily be limited to:
  - a. Shall hear and decide appeals from actions of the Planning Commission;
  - b. Acting upon all applications for conditional use permits upon receipt of a recommendation for same from the Planning Commission;
  - c. Acting upon all applications for rezoning upon receipt of a recommendation for same from the Planning Commission;
  - d. Acting upon all proposed amendments to the text of the Zoning Ordinance upon receipt of a recommendation for same from the Planning Commission;
  - e. Accepting, rejecting, or conditionally approving final subdivision plats upon receipt of a recommendation for same from the Planning Commission; and
  - f. Appointing members of the Planning Commission.

CITY OF HORN LAKE ZONING ORDINANCES

**ARTICLE XII USE CHART**

<b>COMMERCIAL USES</b>									
<b>Uses Permitted</b>	<b>O</b>	<b>C1</b>	<b>C3</b>	<b>C4</b>	<b>PBP</b>	<b>M1</b>	<b>M2</b>	<b>PUD</b>	<b>OTC</b>
Adult entertainment						C <sup>1</sup>	C <sup>1</sup>		
Airport, landing strip, agricultural flying service provided they comply with the regulations of the federal aviation administration;						C	C		
Amusements, commercial indoor			P			P	P		
Amusements, commercial outdoor			C	C		C	C		
Art studio	P	P	P	P		P	P		P
Auditorium/lecture hall			P	P		P	P		P
Automobile dealerships, new			C <sup>30</sup>			P <sup>30</sup>	P <sup>30</sup>		
Automobile dealerships, used, in conjunction with a new dealership			C <sup>30</sup>			P <sup>30</sup>	P <sup>30</sup>		
Automobile dealerships, used						C <sup>30</sup>	C <sup>30</sup>		
Automobile rental office (No car storage)			P	P		P	P		
Bakery, retail		P	P	P		P	P		P
Bank, financial services, savings & loan assoc.	P	P	P	P	P	P	P		P
Beauty/barber shop	P	P	P	P					P
Bed and Breakfast									P
Bingo Hall						C	C		
Book store	P	P	P	P					P
Bowling alley			P	C					
Bus terminal or service facility						C	C		
Cabinet shop						P	P		
Campground, travel trailer park			C			C	C		
Car wash		C	C			P	P		
Car wash as an accessory to convenience store		C	C	C		P	P		
Cemetery/mausoleum	C	C	C	C		C	C		
Church	P	P	P	P		P	P		P
Club or lodge, private		P	P	P					

CITY OF HORN LAKE ZONING ORDINANCES

<b>Uses Permitted</b>	<b>O</b>	<b>C1</b>	<b>C3</b>	<b>C4</b>	<b>PBP</b>	<b>M1</b>	<b>M2</b>	<b>PUD</b>	<b>OTC</b>
Contractor's storage (indoor)			C	C		C	P		
Contractor's yard or storage, outdoor						C	C		
Convenience food store		P	P	P		P	P		P
Country club		C	C	C					
Consignment, Thrift, or discount store			C			P	P		
Day care centers	P <sup>31</sup>		P <sup>31</sup>						
Doctor's office	P	P	P	P					P
Driving range			P			P	P		
Drug store or pharmacy	P	P	P	P					P
Dry cleaning establishment, full service laundry			P	P		P	P		
Dry cleaning/laundry establishment, pickup/delivery only			P	P					
Dry-cleaning plant						P	P		
Emergency medical facility	C	C	C	C		P	P		
Farm implement & heavy equipment sales and repair						C	P		
Farm/feed stores including accessory storage of liquid or solid fertilizers						P	P		
Flea market (outdoor)						C	C		
Flea market, indoor			C			C	C		
Florist	P	P	P	P					P
Gas pumps as an accessory to convenience store		C	P	P		P	P		
Golf course									
Hospital	C	C	P	P		P	P		
Grain elevator (commercial)						C	P		
Greenhouse/nursery			C	C		P	P		
Grocery store		P	P	P		P	P		P
Gymnasium or sports complex			C			P	P		

CITY OF HORN LAKE ZONING ORDINANCES

Uses Permitted	O	C1	C3	C4	PBP	M1	M2	PUD	OTC
Health club, health spa, reducing salon and similar uses		C	P	P	P				C
Hotel			P <sup>28</sup>	P <sup>28</sup>					
Hunting club (private)									
Hunting/fishing resort, commercial									
Laboratories	C <sup>8</sup>	C <sup>8</sup>	C	C	P	P	P		
Laundry, self service		P	P	P					
Lawn, tree or garden service			C			P	P		
Liquor store			P	P					
Lounges, bars, taverns and similar establishments			C	C					C
Lumberyard						C	C		
Machine shop			C <sup>9</sup>			P	P		
Mini-warehouses						P <sup>11</sup>	P <sup>11</sup>		
Miniature golf course			C	C					
Mobile home, prefabricated building			C <sup>14</sup>	C <sup>14</sup>		P <sup>14</sup>	P <sup>14</sup>		
Mobile home sales, service, repair and storage facilities						C <sup>13</sup>	C <sup>13</sup>		
Mortuary/funeral home			P			P	P		
Motor vehicle repair less than 12,000 lbs gw						C	P		
Motor vehicle service & minor repair, no outdoor storage of vehicles or supplies			P	C		P	P		
Motor vehicle service & repair			C <sup>17</sup>			C <sup>17</sup>	C <sup>17</sup>		
Music recording studio			C	C		P	P		C
Music/dance academy				C		P	P		P
Neighborhood park, playground, recreational & community facilities and buildings of a noncommercial nature (public)	P	P	P	P	P	P	P		P
Nursing home	C	C	C	P					
Office	P	P	P	P	P	P	P		P
Park/forest preserve	P	P	P	P	P	P	P		P

CITY OF HORN LAKE ZONING ORDINANCES

Uses Permitted	O	C1	C3	C4	PBP	M1	M2	PUD	OTC
Parking, automobile parking lot or garage, no eighteen wheeler parking			C	C		P	P		
Pawn shop			C			C	C		
Personal service establishment				P	P				
Pet grooming shop without open kennel		P	P	P					
Photo finishing		P	P	P					
Photo finishing pickup station		P	P	P					
Photographic processing or blueprinting			P	P		P	P		
Photography studio	P	P	P	P					P
Plumbing shop						P	P		
Post office or postal facility		P	P	P					P
Print shop	P <sup>18</sup>	P <sup>18</sup>	P	P		P	P		
Printing and publishing establishments			P	P		P	P		
Public service facility	P	P	P	P	P	P	P		
Radio/tv tower, antenna, earth station greater than 35 feet in height	C	C	C	C	C	C	C		
Radio/tv tower, antenna, earth station provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line	P	P	P	P	P	P	P		
Radio/tv station (recording and broadcasting)			P	P		P	P		
Radio/tv studio (recording only)	P	P	P	P		P	P		
Recreation facilities for employees	P	P	P	P		P	P		
Recreational center, commercial/indoor			P	P					
Recreational uses, commercial/outdoor			P	C					
Recycling collection center						P <sup>2</sup>	P <sup>2</sup>		
Recycling processing center						P	C		
Religious, philanthropic or educational institution		P	P	P	P	P	P		
Repair/service shop for bicycles, radio/tv, small electrical appliances, keys and similar articles		P	P	P		P	P		

CITY OF HORN LAKE ZONING ORDINANCES

Uses Permitted	O	C1	C3	C4	PBP	M1	M2	PUD	OTC
Restaurants with indoor seating and without drive-in or drive-through facilities		P	P	P	P	P	P		P
Restaurants, carry-out, drive-in, or with drive thru facilities		C	P	P		P	P		P
Retail shop, sales & services	C <sup>22</sup>	P	P	P	P	P	P		P
Retail, service truck route center			C			C	C		
Road side stand for sale or display of agricultural products, raised, produced and processed on-premises						P	P		
Saddle club, stable, riding academy									
Sawmills, provided they are on sites containing not less than five (5) acres;						P	P		
Sewage treatment facility						C	C		
School, public or private		P	P	P					
Shooting gallery, indoor			C	C		C	C		
Skating rink			P						
Telephone service or switching center			P	P	P	P	P		
Temporary businesses			P <sup>23</sup>			P <sup>23</sup>	P <sup>23</sup>		
Theatre, drive-in			C			C	C		
Theatre, indoor			P	P					P
Trailer, boat sales, recreational vehicles, camper sales and storage lots.						P	P		
Transportation terminal for air, rail, truck or water						P	P		
Travel trailer parks			C						
Urban Banks (including check cashing, title loan)						C	C		
Utility substation			P			P	P		
Vehicle wash (trucks, trailers, etc.)						P	P		
Wholesale merchandising & storage warehouse with accessory retail sales					P	P	P		
Woodworking shop						P	P		
Wrecker services with temporary storage of junk cars						C <sup>24</sup>	C <sup>24</sup>		

CITY OF HORN LAKE ZONING ORDINANCES

Uses Permitted	O	C1	C3	C4	PBP	M1	M2	PUD
<b>INDUSTRIAL USES</b>								
Auction yards or barns							C	
Compounding of cosmetics, toiletries, drugs & pharmaceutical products					P	P	P	
Junkyard and auto salvage and wrecking yards; provided, however, that all such uses shall be enclosed by a solid wall or fence of uniform construction and color of sufficient height to completely conceal the vehicles and provided that material not be piled any higher than said wall or otherwise stored in such a manner as to be visible from the adjacent properties on any side. Burning of autos, parts, or any junk material will not be allowed at anytime.							C	
Manufacture and assembly of boats, recreational equipment, trailers and similar products					P	P	P	
Manufacture and assembly of bolts, nuts, screws and rivets, ornamental iron products, firearms, electrical appliances tools, dies, machinery and hardware products, sheet metal products and vitreous enameled metal products					P	P	P	
Manufacture and assembly of medical/dental equipment, drafting, optical and musical instruments, watches, clocks, toys, games and electrical or electronic apparatus					P	P	P	
Manufacture of boxes, crates, furniture, baskets, veneer and other wood products of similar nature					P	P	P	

CITY OF HORN LAKE ZONING ORDINANCES

Uses Permitted	O	C1	C3	C4	PBP	M1	M2	PUD
Manufacture of food products, including beverage blending or bottling, bakery products, candy manufacture, dairy products and ice cream, fruit and vegetable products and canning, packing and processing of meat and poultry products					P	P	P	
Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, printing and finishing of textiles and fibers into fabric goods					P	P	P	
<p>Manufacturing , processing , storage of the following chemicals, petroleum, coal and allied products:</p> <ol style="list-style-type: none"> <li>1. Acids and derivatives</li> <li>2. Acetylene</li> <li>3. Ammonia</li> <li>4. Carbide</li> <li>5. Caustic soda</li> <li>6. Cellulose and cellulose storage</li> <li>7. Chloride</li> <li>8. Coke oven products (including fuel gas), and oven products storage</li> <li>9. Creosote</li> <li>10. Distillation, manufacture or refining of coal, tar, asphalt, wood and bones</li> <li>11. Explosives (including ammunition and fireworks) and explosives storage</li> <li>12. Fertilizer (organic)</li> <li>13. Fish oils and meal</li> <li>14. Glue, gelatin (animal)</li> <li>15. Hydrogen and oxygen</li> <li>16. Lamp black, carbon black and bone black</li> <li>17. Nitrating of cotton or other materials</li> <li>18. Nitrates (manufactured and natural) of an explosive nature, and storage</li> <li>19. Petroleum, gasoline and lubricating oil refining, and wholesale storage</li> <li>20. Plastic materials and synthetic resins</li> <li>21. Potash</li> <li>22. Pyroxyline</li> <li>23. Rendering and storage of dead animals, offal, garbage or waste products</li> <li>24. Turpentine and resin</li> <li>25. Wells, gas and oil</li> </ol>							C	
<p>Manufacturing, processing and storage of the following clay, stone and glass products:</p> <ol style="list-style-type: none"> <li>1. Brick, firebrick, refractory, clay and vitreous enameled products (coal fired)</li> <li>2. Cement, lime, gypsum or plaster</li> <li>3. Minerals and earth; quarrying, extracting, grinding, crushing and processing</li> </ol>							C	

CITY OF HORN LAKE ZONING ORDINANCES

<b>Uses Permitted</b>	<b>O</b>	<b>C1</b>	<b>C3</b>	<b>C4</b>	<b>PBP</b>	<b>M1</b>	<b>M2</b>	<b>PUD</b>
Manufacturing, processing and storage of the following food and beverage products: <ol style="list-style-type: none"> <li>1. Fat rendering</li> <li>2. Fish curing, packing and storage</li> <li>3. Slaughtering of animals</li> <li>4. Starch manufacture</li> <li>5. Distilling or brewing of beverages</li> </ol>							C	
Manufacturing, processing and storage of the following metals and metal products <ol style="list-style-type: none"> <li>1. Aluminum powder and paint manufacture</li> <li>2. Blast furnace, cupolas</li> <li>3. Blooming mill</li> <li>4. Metal and metal ores, reduction, refining, smelting and alloying;</li> <li>5. Scrap metal reduction or smelting</li> <li>6. Steel works and rolling mill (ferrous)</li> <li>7. Steel fabricating</li> </ol>							C	
Merchandise showrooms, indoor					P	P	P	
Mineral extraction								
Processing & manufacture incidental to retail establishment			P <sup>19</sup>	P <sup>19</sup>		P <sup>19</sup>	P <sup>19</sup>	
Sheet metal shop					C <sup>12</sup>	P	P	
Small assembly or manufacturing uses not employing more than two (2) persons and from which no noise, glare, heat, vibration, smoke, dust or other noxious influence can be detected at the property line			P			P	P	
Semi-parking lot, secured and guarded						C	C	
Unclassified industries and uses: <ol style="list-style-type: none"> <li>1. Hair, hides and raw fur, curing, tanning, dressing, dyeing and storage</li> <li>2. Stockyard</li> <li>3. Intensive farming operating such as feed lots, hog farms, poultry lots and rabbit hutches</li> </ol>							C	
Warehouses					C	P	P	
Well, gas, oil drilling/extraction					C	C	C	
Wholesale distribution centers					P	P	P	

CITY OF HORN LAKE ZONING ORDINANCES

<b>Uses Permitted</b>	<b>O</b>	<b>C1</b>	<b>C3</b>	<b>C4</b>	<b>PBP</b>	<b>M1</b>	<b>M2</b>	<b>PUD</b>
Wood and paper products, manufacturing, processing and storage of the following: 1. Match manufacture; 2. Wood pulp and fiber, reduction and processing							C	
<b>AGRICULTURAL USES</b>								
Agricultural services				P		P	P	
Agricultural uses						P	P	
Country store on sites designated in the land use plan as future commercial and provided that all bulk storage of flammable liquids is underground and no less than thirty-five (35) feet from all property lines								
Crop, soil preparation, agricultural services			C			P	P	
Farms and farm dwellings						P	P	
Fish camp (private)								
Forestry activities						P	P	
Kennel						P	P	
Veterinary clinic		P <sup>7</sup>	P <sup>7</sup>	P <sup>7</sup>		P <sup>7</sup>	P <sup>7</sup>	
<b>SPECIAL EVENT</b>	*	*	*	*	*	*	*	*

**ZONE DISTRICTS LEGEND**

**A ----- Agricultural**  
**R-30, R-20, R-15, R-12, R-10, R-9, R-8, R-6-----Single family**  
**RM-6-----Multi-family**  
**PUD-----Planned Unit Development**

Uses Permitted	AR	R-30	R-20	R-15	R-12	R-10	R-9	R-8	R-6	RM-6	PUD
<b>DWELLINGS</b>											
Accessory dwelling unit	P <sup>27</sup>										
Bed and Breakfast	P										
Boarding home for sheltered care	C	C	C	C	C	C	C	C	C	C	
Duplex/two family										P	
Guest ranch, commercial	P <sup>5</sup>										
Mobile home park	C <sup>12</sup>									C <sup>12</sup>	
Multi-family (apartments)										P	
Residential condominium						P	P	P	P	P	
Resort area with incidental facilities	P <sup>19</sup>									P	
Rooming house/boarding house							C <sup>29</sup>	C <sup>29</sup>			
Single family attached						P	P	P	P	P	
Single family detached	P	P	P	P	P	P	P	P	P	P	
Townhouse								P	P	P	

Uses Permitted	AR	R-30	R-20	R-15	R-12	R-10	R-9	R-8	R-6	RM-6	PUD
<b>OTHER PERMITTED USES</b>											
Airport, landing strip, agricultural flying service provided they comply with the regulations of the Federal Aviation Administration;	C										
Art Studio	P										
Auction Yards or Barns	C										
Beauty/Barber Shop	C <sup>3</sup>										
Book store	P										
Campground, travel trailer park	C										
Carnival	C										
Cemetery/mausoleum	C	C	C	C	C	C	C	C	C	C	
Children's camps (40+ acre site)	P										
Church	P	P	P	P	P	P	P	P	P	P	
Club or lodge, private	C	C	C	C	C	C	C	C	C	C	
Country club	P	C	C	C	C	C	C	C	C	C	
Day care centers	S <sup>31</sup>										
Flea Market (Outdoor)	C										
Flea market, indoor	C										
Golf course	P										
Home Occupations	P <sup>6</sup>										
Hunting Club (private)	P										

<b>Uses Permitted</b>	<b>A</b>	<b>R-30</b>	<b>R-20</b>	<b>R-15</b>	<b>R-12</b>	<b>R-10</b>	<b>R-9</b>	<b>R-8</b>	<b>R-6</b>	<b>RM-6</b>	<b>PUD</b>
Hunting/Fishing Resort, Commercial	P <sup>7</sup>										
Hospital	C	C	C	C	C	C	C	C	C	C	
Marina, yacht club, boat house with accessory bait shop and/or snack bar	C										
Mineral Extraction	C <sup>10</sup>										
Mobile Home, Prefabricated Building	C <sup>15</sup>										
Model Homes within subdivision	P <sup>15</sup>										
Neighborhood park, playground, recreational & community facilities and buildings of a noncommercial nature (public)	P	P	P	P	P	P	P	P	P	P	
Nursing home	C	C	C	C	C	C	C	C	C	C	
Park/forest preserve	P	P	P	P	P	P	P	P	P	P	
Public Service Facility	P										
Radio/TV tower, antenna, earth station greater than 35 feet in height	C	C	C	C	C	C	C	C	C	C	
Radio/TV tower, antenna, earth station provided that they are located a distance equal to their own height plus ten (10) feet from the nearest property line	P	P	P	P	P	P	P	P	P	P	
Radio/TV Station (recording and broadcasting)	P										
Radio/TV Studio (recording only)	P										
Recreational Uses, Outdoor	P <sup>21</sup>										
Road side stand for sale or display of agricultural products, raised, produced and processed on-premises	P										

<b>Uses Permitted</b>	<b>A</b>	<b>R-30</b>	<b>R-20</b>	<b>R-15</b>	<b>R-12</b>	<b>R-10</b>	<b>R-9</b>	<b>R-8</b>	<b>R-6</b>	<b>RM-6</b>	<b>PUD</b>
Saddle club, stable, riding academy	P										
Sawmills, provided they are on sites containing not less than five (5) acres;	C										
School, Public or Private	P	P	P	P	P	P	P	P	P	P	P
Sewage Treatment Facility	C										
Small assembly or manufacturing uses not employing more than two (2) persons and from which no noise, glare, heat, vibration, smoke, dust or other noxious influence can be detected at the property line	C										
Well, Gas, Oil drilling/extraction	C										
Yard/Garage Sale	P <sup>26</sup>										
<b>AGRICULTURAL USES</b>											
Agricultural flying service	P										
Agricultural Services	P										
Agricultural Uses	P										
Cotton Gin and commercial grain elevators, provided that the minimum site size be not less than twenty (20) acres	C										
Country Store on sites designated in the land use plan as future commercial and provided that all bulk storage of flammable liquids is underground and no less than thirty-five (35) feet from all property lines	C										
Crop, soil preparation, agricultural services	C										
Driving Range	P										
Farms and Farm Dwellings	P										

Farm/Feed Stores including accessory storage of liquid or solid fertilizers	C											
Fish Camp (Private)	P											
Forestry Activities	P											
Grain Elevator (Commercial)	C											
Greenhouse/Nursery	P											
Kennel	P											
Utility Substation	P											
Veterinary Clinic	P <sup>7</sup>											
<b>SPECIAL EVENT</b>	*	*	*	*	*	*	*	*	*	*	*	*

- Footnote #1 Adult entertainment including adult arcade, adult bookstores, adult cabaret, adult motion picture theater, massage parlors, bathhouses and similar uses under the following conditions:
1. An adult entertainment business may not locate within 1,000 feet of:
    - (a) a church, synagogue or regular place of religious worship;
    - (b) a public or private elementary or secondary school;
    - (c) a boundary of any residential zoned district or any residential structure, which is occupied as a residence within or without a zoned area;
    - (d) a public park;
    - (e) a licensed day-care center;
    - (f) a library;
    - (g) another adult entertainment business.
  2. An adult entertainment business may not be operated in the same building, structure, or portion thereof, containing another adult entertainment business.
  3. For the purpose of this ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult entertainment business is located, to the nearest property line of the premises of a church, synagogue, regular place of worship, or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, or residential lot, library or licensed day care center.
  4. For purposes of item 1(g) above, the distance between any two adult entertainment businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
- Footnote #2 Recycling collection center in a completely enclosed building, is permitted provided there is no shredding, compacting, recycling or any other manufacturing process;
- Footnote #3 In the Agricultural District: Beauty and barber shops are permitted provided not more than one (1) person is employed, and not more than one (1) sign with a maximum area of four (4) square feet is erected;
- Footnote # 4 Cabinet shops and woodworking shops are permitted, provided there are no more than five (5) employees and no objectionable noise or other conditions detectable from surrounding properties;
- Footnote # 5 Commercial guest ranches, hunting and fishing resorts and incidental facilities, including swimming pools, restaurants, incidental retail sales and services, and personal services are permitted, provided they are located on sites containing not less than fifty (50) acres;

Footnote # 6 Home occupations:

1. No person other than members of the family residing on the premises shall be engaged in such occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation.
4. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off street and other than in a required front yard.
5. No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
6. No wholesale or retail establishment shall be permitted unless it is conducted entirely by mail or telephone and does not involve the receipt, sale, shipment, delivery or storage of merchandise on or from the premises, provided, however, that articles produced by members of the immediate family residing on the premises may be stored upon the premises.
7. There shall be no storage outside a principal building or accessory structure of equipment or materials used in the home occupation.
8. The home occupation shall be conducted entirely within the principal residential building or in a private garage accessory thereto.
9. There shall be no group instruction in connection with the home occupation.

Footnote # 7 Veterinary clinics shall not have open kennels on site.

Footnote # 8 In the (O) Office and (C-1) Neighborhood Commercial Districts: Small scale research laboratories may not exceed one thousand five hundred (1,500) square feet of floor area nor utilize more than fifteen (15) employees on the job at any one(1) time:

Footnote # 9 Machine shop and sheet metal shop with no more than five (5) employees and no objectionable noise or other conditions detectable from surrounding properties;

Footnote #10 Extraction of minerals, including sand and gravel, provided that:

1. A bond is posted by the party mining such minerals to guarantee the refill of the pit within six (6) months after excavation is completed so all banks have not more than a three (3) to one (1) slope, and to guarantee that city streets will be properly cared for to deter dust and damaged streets will be returned to city specifications within six (6) months after excavation is completed.
2. No material is extracted within one hundred (100) feet of the centerline of the city street or within fifty (50) feet of any property line.

3. No washing of gravel is permitted unless a filtration system, approved by the city engineer, is provided to prevent pollution of nearby streams.
4. No city streets will be used to haul minerals unless permission is granted by the mayor for the use of such road.

Footnote # 11 Mini-warehouses under the following conditions:

1. The site must be no more than five (5) acres.
  2. The minimum distance between buildings shall be twenty five (25) feet.
  3. One (1) parking space for each fifty (50) compartments must be provided.
  4. All driveways, parking, loading and vehicular circulation areas shall be paved.
  5. A minimum six-foot high fence shall be erected, the composition of which shall be approved by the planning commission at the time of site plan review. A portion of the fifty-foot front yard setback requirement may be waived for fences at the discretion of the planning commission.
  6. Only one (1) sign, meeting the requirements of chapter 5 of this title is allowed.
  7. Only dead storage will be allowed; no transfer and storage business will be allowed.
  8. No explosives, radioactive or other hazardous material will be stored on the premises.
- Other conditions deemed necessary and appropriate by the planning commission and board of aldermen to uphold the intent of the comprehensive plan may be attached to any approval, including but not limited to lighting, screening, landscaping, architectural design, and live-in managers. Along with the application, the applicants must submit to the planning commission staff a development plan showing the proposed buildings in relation to the property, ingress and egress, and architectural drawings of the buildings;

Footnote #12 Mobile home parks, provided that a site plan meeting the following criteria is submitted with the application:

1. Each lot provided for the occupancy of a single trailer or mobile home unit shall have an area of not less than five thousand (5,000) square feet and width of not less than fifty (50) feet. No trailer, structure, addition or appurtenance thereto shall be located less than ten (10) feet from the nearest adjacent lot boundary.
2. All sewage disposal facilities and water supply facilities must be approved by the state board of health. Regular garbage and refuse pickup service must be provided at each trailer court. Permanent facilities for washing and laundering may be required to meet the state board of health requirements. Adequate storm water drainage must be provided before occupancy and in a manner not to be objectionable to adjacent property owners. No site subject to flooding shall be approved.
3. All vehicular road entrances must be approved by the city engineer for safety access. Each trailer site shall abut a hard surfaced driveway, roadway or street of not less than thirty (30) feet in width, which shall have unobstructed access to a public highway or street. Space between trailer may be used for parking of motor vehicles if the space is hard surfaced and clearly designated at least five (5) feet from the nearest adjacent lot boundary. When such off-street parking spaces are provided, the driveway, roadway or street serving the lot shall not be less than twenty-four (24) feet in width. A street plan satisfactory to the board of adjustment must be approved prior to construction with streets paved and culverts in place before occupancy.

4. Electrical facilities provided to each lot must meet the National Electrical Code requirements. One (1) streetlight must be provided for each ten (10) trailer lot spaces, or portion thereof within the court.
5. Each trailer court providing more than four (4) trailer spaces must provide suitable fenced playground area of not less than three hundred (300) square feet for each trailer space.
6. In approving a trailer court site, there may imposed such reasonable requirements as to screening and other features of the development as are deemed necessary to protect adjacent property and prevent objectionable conditions. a twenty-five foot landscaped area shall be provided around the entire perimeter of a mobile home park adjacent to any residential dwelling district.
7. After completion of improvements and prior to opening the mobile home park, a final plat shall be submitted in accordance with procedures outlined in the subdivision regulations. Such plats need not be recorded in the chancery clerk's office but must be approved by the planning commission and board of aldermen and filed in the plat book in the planning commission office.
8. Each mobile home shall be provided with anchors and tie-downs such as cast-in-place concrete deadman eyelets imbedded in concrete slabs, screw augers, arrowhead anchors or other devices to be used to stabilize the mobile home.
9. Standards for manufactured housing used as dwellings:
  - a) No existing properly zoned real property upon which existing manufactured housing units are located shall replace such units with different units more than five years old from date of manufacture.
  - b) All new manufactured housing placed in allowable areas shall be no more than five years old from date of manufacture.
  - c) Skirting and permanent perimeter enclosures shall be installed out of material suitable for exposure and contact with the ground and shall be constructed out of non-flammable materials such as metal or fiberglass.
  - d) No structural additions or accessory buildings shall be constructed either attached to or independently constructed to appear attached to, as living space. This shall not include porches, decks, roofs or carports.
  - e) Required to follow current adopted fire safety codes and regulations for the City of Horn Lake.

Footnote 13 Mobile home sales, service, repair and storage facilities including camping trailers, tents, and touring vans, but not including a mobile home park or trailer park and not allowing storage of damaged mobile homes.

Footnote 14 In all Commercial Districts (C-1, C-3 & C-4): Temporary use of prefabricated buildings or mobile homes for any permitted or conditional uses listed above. However, the use of prefabricated buildings for storage shall not require a conditional use. No conditional use shall be granted for a period exceeding two (2) years. No trailer shall be allowed under any circumstances;

Footnote 15 Model home, including sales offices, located within developing subdivisions, to be used for the promotion of original sales of lots and houses within that subdivision only;

Footnote 16 Motels, resorts and incidental facilities, including swimming pools, restaurants, incidental retail sales and services, and personal services, provided they are located on sites containing not less than four (4) acres;

Footnote 17 Motor vehicle service and repair. Salvage or junk, and any major repair or storage of equipment or materials or damaged vehicles shall be completely concealed from surrounding properties and no more than five (5) junk vehicles shall be

stored on the property at any one time. Fences utilized for this purpose shall be solid and of uniform construction and color and of sufficient height to completely conceal the vehicles. Three (3) junk vehicles may be stored on the property without being concealed for a period not to exceed one hundred twenty (120) days;

- Footnote 18 Print shops not exceeding one thousand (1,000) square feet nor three (3) employees on the job at any one (1) time
- Footnote 19 Processing and manufacturing incidental to retail establishment located in the same building but which create no noticeable obnoxious effects to surrounding property owners or tenants and provided there are no more than three (3) employees involved in such processing;
- Footnote 20 Wholesale merchandising and storage warehouse not exceeding eight thousand (8,000) square feet in floor area and not employing more than ten (10) persons on the premises at any one (1) time;
- Footnote 21 a) In the Agricultural (A) District: Privately operated outdoor recreational facilities which are not allowed as a permitted use above, including but not limited to riding stables, lakes, swimming pools, tennis courts, stock-car race tracks, motor cross and miniature golf courses, provided they are located on sites containing not less than five (5) acres;
- Footnote 22 In the Office District, retail shops, sales and services such as bookstore, florist shop, photographer's studio and similar uses as accessories to office uses with a maximum floor area not to exceed two thousand five hundred (2,500) square feet per use.
- Footnote 23 Temporary businesses:
1. Must be at least twenty (20) feet from the curb;
  2. A minimum of eight (8) off-street parking spaces must be available (in addition to the spaces required for any other business on the property)
  3. Sanitary toilet facilities must be available, usable and within one hundred fifty (150) feet of the temporary business. If temporary toilet facilities must be utilized, the DeSoto County health department must approve them;
  4. If any food is to be dispensed to the public, the necessary sanitary facilities shall be provided in accordance with the requirements of the Desoto County health department;
  5. A certificate of occupancy is required and must be obtained and kept on the premises.
  6. A transient vendor's license must be obtained from the business license department.
- Footnote 24 Wrecker services and temporary storage of junk cars, provided:
1. There are no more than twelve (12) junk cars on the property at any one (1) time, with no more than three (3) within view from surrounding property.
  2. Fences used to conceal junk cars shall be solid and of uniform construction and color and of sufficient height to completely conceal the vehicles from view.
  3. Vehicles shall only be stored temporarily and no parts shall be removed or salvaged.
- Footnote 25 A fenced recreational area of not less than four thousand (4,000) square feet shall be provided for the first twenty (20) or less children with two hundred (200) square feet for each additional child.

1. No portion of the fenced recreational area shall be closer than twenty (20) feet to any residential lot line, nor closer than fifty (50) feet to any public street.
2. Screening, either vegetative or masonry, shall be provided between fenced recreational and residential lot in such locations as directed by the City of Horn Lake Design Guidelines Manual.
3. All outdoor play activities shall be conducted within the fenced play area.
3. In addition to the above requirements, the facilities, operation and maintenance shall meet the requirements of the State of Mississippi.

Footnote 26 Yard Sales—Garage sales shall be limited to three (3) days per month and a total of five (5) days per year. Any part of any calendar day shall be counted as one (1) day. No signs shall be posted on public utility poles or traffic signs. Signs shall be removed the night of the last day of sale. Failure to remove signs may result in a citation to court.

Footnote 27 Accessory dwelling unit shall be a unit specifically designed to meet housing needs for a family member and shall not be used as rental property. Said unit may not exceed 75% of the square footage of the primary dwelling on the property and shall meet all current building codes.

Footnote 28 A building in which lodging and various related services are provided for more than twelve (12) persons for compensation, in contradistinction, to a boarding or rooming house, or inn as herein defined. Hotels shall be considered a commercial use. THREE STORIES OR MORE, ALL INTERIOR ACCESS TO ROOMS OUT OF A LOBBY AND A MINIMUM OF THREE AMENITIES (POOL REST, LOUNG, FITNESS ROOM, and CONFERENCE HALL) MUST HAVE AT LEAST 100 ROOMS

Footnote 29 A building or place where lodging is provided (or which is equipped regularly to provide lodging by prearrangement for definite periods), for compensation for five (5) or more, but not exceeding twelve (12), individuals not open to transient guests. A building providing accommodations for more than twelve (12) persons, or transient guests shall be defined as a “hotel” or “motel” under the terms of this Ordinance.

Footnote 30

- a. Sales lots for new and used motor vehicles shall maintain a minimum site area of two (2) acres.
- b. Used motor vehicle sales shall only be permitted as an accessory use to new motor vehicle sales.
- c. The elevated display of motor vehicles shall not exceed three (3) feet in height.

- d. Sales lot areas must be paved, with raised curbs of at least six (6) inches in height.
- 1. No public street, parking area, sidewalk or right-of-way shall be used for the storage or parking of motor vehicles in connection with the activities of such establishments except for normal parking by individual private owners or operators of such vehicles.
- 2. No repair of motor vehicles or parts thereof shall be made except within fully enclosed garages or other buildings used for such purposes, which shall be located at least one hundred (100) feet from any residential zone district.

Footnote 31 DAY CARE FACILITIES

- 1. A fenced recreational area of not less than four thousand (4,000) square feet shall be provided for the first twenty (20) or less children with two hundred (200) square feet for each additional child.
- 2. No portion of the fenced recreational area shall be closer than twenty (20) feet to any residential lot line, nor closer than fifty (50) feet to any public street.
- 3. Screening, either vegetative or masonry, shall be provided between fenced recreational and residential lot in such locations as directed by the City of Horn Lake Design Guidelines Manual.
- 4. All outdoor play activities shall be conducted within the fenced play area.
- 5. In addition to the above requirements, the facilities, operation and maintenance shall meet the requirements of the State of Mississippi.

**\*SPECIAL EVENT**—A temporary use of land or structure for the following types of activities: fund raising, parades, live advertising and other similar non-commercial events; special seasonal events including farmers market and Christmas tree sales; significant commercial events including tent sales; public attractions including concerts, festivals and carnivals. A fee shall be assessed as set by the governing authority and a permit shall be on file with the Office of Planning and Development.

### ZONING DISTRICT REGULATION CHART 2

ZONING DISTRICT	MINIMUM LOT REQUIREMENTS		MINIMUM YARD REQUIREMENTS <sup>3,10,11</sup>				MAX. BUILDING HEIGHT <sup>2</sup> (FEET)	MAX. DWELLING UNITS PER ACRE	MAX. FLOOR AREA RATIO	MAX. IMPERVIOUS SURFACE ON LOT % <sup>14</sup>
	Minimum Lot Area	Width at Building Line (feet)		Front (feet)	Rear (feet)	Side (feet)				
<b>A</b>	1 acre <sup>9</sup>	150		50	40	20 per side	35	1	N/A	50%
<b>R-30</b>	30,000 sq. ft.	90	Single family residential  All other uses	40  50	30  35	12 per side  25 per side	35	1.5	N/A	50%
<b>R-20</b>	20,000 sq. ft.	80	Single family residential  All other uses	30  40	25  30	15 per side  15 per side	35	2.2	N/A	50%
<b>R-15</b>	15,000 sq. ft.	70	Single family residential  All other uses	30  40	20  25	15 per side  15	35	2.9	N/A	50%
<b>R-12</b>	12,000 sq. ft.	65	Single family residential	25	20	8 <sup>4</sup>	35	2.9	.30	60%

			tial All other uses	30	25	12				
<b>R-10</b>	10,000 sq. ft.	60		25	20	5 <sup>b</sup>	35	4.3	.32	60%
<b>R-9</b>	9,000 sq.	70		35	25	5 <sup>b</sup>	35	4.8	.36	60 <sup>^</sup>

ZONING DISTRICT	MINIMUM LOT REQUIREMENTS		MINIMUM YARD REQUIREMENTS <sup>3,10,11</sup>				MAX. BUILDING HEIGHT <sup>2</sup> (FEET)	MAX. DWELLING UNITS PER ACRE	MAX. FLOOR AREA RATIO	MAX. IMPERVIOUS SURFACE ON LOT % <sup>14</sup>
	Minimum Lot Area	Width at Building Line (feet)		Front (feet)	Rear (feet)	Side (feet)				
<b>R-8</b>	8,000	50		25	20	5 <sup>b</sup>	35	5.5	.40	65%
<b>R-6</b>	6,000	45	Single family detached	20	20	3 <sup>r</sup>	35	7.0	.60	70%
	3,000	20	Townhouses	20	20 <sup>13</sup>	3				
<b>RM-8</b>	5,000	40	Single family detached	20	20	3 <sup>r</sup>	70	12.0	.80	75%
	3,000	30	Single family attached	25	25 <sup>13</sup>	10				
	2,000	20								
<b>O</b>			None	50	20 <sup>13</sup>	5	35	N/A	0.25	85%
<b>C-1</b>			None	50	20 <sup>13</sup>	None	35	N/A		85%
<b>C-3</b>			None	50	20 <sup>13</sup>	None	35	N/A		85%
<b>C-4</b>			Abutting residential	50	60	25	40 <sup>1</sup>	N/A	1.0	85%
			Abutting commercial	50	15	25				
<b>PBP</b>	5 acres for district; 1 acre per lot	Per approved plan	Abutting right-of-way	40	40	40	45	N/A	0.50	80%
<b>M-1</b>	None	None		50	20 <sup>13</sup>	10	35 <sup>1</sup>	N/A	None	85%
<b>M-2</b>	None	None		50	20 <sup>13</sup>	10	35 <sup>1</sup>	N/A	None	85%
<b>PUD</b>	5 acres for district	As approved on the plan							85%	

## FOOTNOTES:

1. In the C3, C4 and M districts, buildings may be erected to ten (10) stories or one hundred twenty (120) feet provided that any building that exceeds thirty-five (35) feet in height shall be set back from all required yard lines one foot for each foot the building exceeds thirty-five (35) feet in height.
2. Height limitations shall not apply to:
  - a. Chimneys, church steeples, cooling towers, elevator bulkheads, radio, television and microwave towers, antennas, fire towers, monuments, stage towers, scenery lofts, water tanks, silos, grain elevators, farm buildings, and necessary mechanical appurtenances.
  - b. Storage buildings are exempt from the story limitation, but not the number of feet limitation. Storage buildings shall not exceed twenty feet in height.
  - c. If a public building, church, temple, hospital, institution, or school is set back an additional distance over yards required for the zone district in which it is located, it may be increased in height one foot over the height limit of thirty-five (35) feet for each foot of additional setback.
3. On double frontage lots and corner lots, the required front yards shall be provided on both streets.
4. The sum of all required side yards shall be a minimum of twenty (20) feet.
5. The sum of all required side yards shall be a minimum of fifteen (15) feet.
6. The sum of all required side yards shall be a minimum of ten (10) feet.
7. The sum of all required side yards shall be a minimum of eight (8) feet.
8. On a lot abutting a residential district there shall be the same side yard as required in the residential district. No building shall be located nearer than fifty (50) feet to a road right-of-way.
9. In the A agricultural district, there may be more than one (1) residential structure on a lot, provided that:
  - a. The structures are situated on the property such that all requirements of an actual subdivided lot are met;
  - b. All property and all structures thereon are vested in single ownership and not for rental purposes.
10. Other requirements:
  - a. In the R-6, RM-8, O, C and M Districts, there may be two (2) or more related buildings on a lot, provided that the required yards are maintained around the group of buildings and buildings that are required yards are maintained around the group of buildings, and buildings that are parallel or that are within forty-five (45) degrees of being parallel are separated by a horizontal distance that is equal to the height of the highest building.
  - b. Those parts of existing buildings that violate yard height regulations may be repaired and remodeled but not reconstructed or structurally altered.
  - c. Front yards in all districts shall remain open to the sky and unobstructed from the ground upward except for the projections from buildings permitted by this title.
  - d. When the street upon which a lot fronts has an existing right-of-way less than that designated on the major thoroughfare plan and has been designated a major arterial street in the major thoroughfare plan, consultation shall be made with the engineer to determine the building setback line, so as to take into consideration the proposed right-of-way of the major street.
11. The following exceptions may be made to the yard requirements.

- a. On lots of record, which do not meet the minimum width requirements, the side yard may be reduced to ten (10) percent of the lot width but not less than three (3) feet.
  - b. Sills, belt course cornices, and ornamental features may project a maximum of two (2) feet into a required yard.
  - c. Open fire escapes, fireproof outside stairways, and balconies opening upon fire towers and the ordinary projections of chimneys into a rear yard for a distance of not more than three and one-half (3 ½) feet when so placed as to not obstruct light and ventilation may be permitted by the building official.
  - d. Terraces or patios, which are uncovered and not above the level of the first floor may project into a required yard, provided these projections are distant at least two (2) feet from the adjacent lot line.
  - e. Where a garage is entered from an alley, it must be a minimum of three (3) feet from the alley line.
  - f. Fuel station gasoline pumps and service islands must be set back a minimum of thirty-five (35) feet from the street right-of-way line. The front edge of a service station canopy sheltering service islands must be set back a minimum of twenty (20) feet from the street right-of-way line.
  - g. The use of any yard area for the accumulation of used, discarded, or worn out materials or manufactured products that may or may not be reusable or salable is expressly prohibited. Likewise, noncompliant vehicles as defined herein are expressly prohibited from being located in any yard areas.
12. The lot area requirements listed below apply in all districts where both water and sewer service are not adjacent to the lot:
- a. In subdivisions have 3 lots or less, with central water, 1 acre;
  - b. In all other subdivisions: 1 ½ acres;
  - c. The depth and width of yards and lots for the districts shown on the chart of regulations will apply.
13. Rear yard requirement shall not include any required planting screen, if abutting single-family residential zone.
14. A minor variance to this figure may be granted for developments subject to site plan review. A more substantial variance may be made for institutional uses in residential districts subject to site plan review.
15. The purpose of the R-9 district is to protect existing neighborhoods formerly zoned "R-2" single family residential