

ZONING ORDINANCE
DECATUR, MISSISSIPPI

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ZONING ORDINANCE
City of Decatur, Mississippi

This is an ordinance dividing the City into zoning districts, which regulate the location, height, number of stories, size of buildings and other structures, size of yards and open spaces, density and distribution of population and the uses of buildings, structures and land for business, industry and residence and prescribing penalties for the violation of these regulations in the City of Decatur, Newton County, Mississippi.

ARTICLE I.
TITLE AND PURPOSE

SECTION 100 ENACTMENT CLAUSE

WHEREAS, the Mayor and Board of Aldermen of the City of Decatur, Newton County, Mississippi, having been authorized by the Laws of Mississippi, including, among others, Chapter 197 of the Laws of Mississippi, 1956, as amended by Chapter 402 of the Laws of Mississippi of 1960, to provide for the preparation, adoption, amendment, extension and carrying out of a Comprehensive Plan in whole or in part for the purpose of bringing about coordinated physical development in accordance with present and future needs and to create a Planning Commission whose authority will implement these needs;

WHEREAS, the Planning Commission of the City of Decatur has made recommendations to the Mayor and Board of Aldermen for a Comprehensive City Plan including a proposed Zoning Ordinance and Official Zoning Map; and

WHEREAS, the Mayor and Board of Aldermen of the City of Decatur, after study and review of this zoning ordinance, consider the regulations contained herein to be in the best interest for the health, safety and welfare of the citizens of Decatur, Mississippi;

NOW IT SHALL BE SO ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN, CITY OF DECATUR, MISSISSIPPI:

SECTION 101 TITLE.

This Ordinance shall hereby be entitled the Decatur Zoning Ordinance and shall hereafter be referred to and known under such title.

SECTION 102 PURPOSE.

This Ordinance has been prepared in accordance with a Comprehensive City Plan and is enacted to preserve and promote the public health, safety and general welfare of the inhabitants of the City of Decatur and of the public generally, and to encourage and facilitate the orderly growth and expansion of the municipality. Specifically, this Ordinance is designed:

1. to lessen congestion in the streets;
2. to secure safety from fire, panic and other dangers;
3. to promote health and the general welfare;
4. to provide adequate light and air;
5. to prevent the overcrowding of land and mixing of land uses;
6. to avoid undue concentration of population;
7. to facilitate the provision of transportation, water, sewerage, schools, parks and other public requirements.

These regulations have been made with reasonable consideration, among other things, to the character of the zone and its suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

SECTION 103 INTERPRETATION.

In interpreting and applying the provisions of this Ordinance, the said provisions shall be held to be the minimum requirements for promotion of public safety, health and general welfare, and where this Ordinance imposes greater restrictive standards than are required by other ordinances or statutes, the provisions of this Ordinance shall govern, and where other ordinances or statutes impose greater restrictive regulations than this Ordinance, they shall govern.

SECTION 104 CONFLICT.

All ordinances and parts of ordinances in conflict herewith are repealed.

SECTION 105 SEVERABILITY CLAUSE.

If, for any reason, one or more sections, headings, clauses or parts of this Ordinance are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, but shall be confined to the specific sections, headings, clauses or parts of the Ordinance held invalid, and the invalidity of any section, heading, clause or part of this Ordinance in any one or more instances shall not affect or prejudice in any way the validity of this Ordinance in any other instance.

ARTICLE II DEFINITIONS AND WORDS

SECTION 200 RULES FOR WORDS AND PHRASES.

For purposes of interpretation of this Ordinance, words used in the present tense shall include the future; words used in the singular number shall include the plural number, and the plural the singular; the word “shall” is mandatory; the word “may” is permissive; the word “lot” shall mean a “building lot” unless otherwise stated; and the word “building” shall mean a “structure”.

SECTION 201 DEFINITIONS.

ACCESSORY BUILDING OR USE: Any building or use, which is subordinate or incidental to the main building and use of a lot.

ALLEY: Any public right-of-way, which offers a secondary means of access for properties.

APARTMENTS: See DWELLING, MULTIPLE.

BASEMENT: A portion of a building located partly underground but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

BOARD: The Zoning Board of Adjustment.

BOARDING HOUSE: See **LODGING HOUSE**.

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

BUILDING: Any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind and which is considered permanently affixed to the land.

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

BUILDING, HEIGHT OF: The vertical distance measured from the curb level to the highest point of the roof surface, if a flat roof, to the deck line of a mansard roof, and to the mean height level between eaves and ridges for a gable, hip or gambrel roof; provided, however, where buildings are set back from the street line, the height of the building be measured from the average elevation of the finished grade along the front of the building.

BUILDING SETBACK LINE: An imaginary line extending the entire width of a lot, which represents the minimum distance, the main part of a building must be from the right-of-way line. This line is measured parallel from the right-of-way line horizontally towards the rear lot line.

BULK LIMIT: The maximum area, which a structure may occupy on a lot.

BUSINESS: Includes the commercial, light industrial and heavy industrial uses and districts as herein defined.

CARPOR: See **GARAGE, PRIVATE**.

CELLAR: A portion of a building located partly underground, but having more than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

CITY: The City of Decatur, Mississippi. The term “Town of Decatur” will be used interchangeably with the term “City of Decatur”, depending on the population of the town. (Modified Feb 3, 2015)

CLINIC: A building used by a group of doctors for the medical examination or treatment of persons on an outpatient or no boarding basis only.

CLUB: A building owned, leased or hired by nonprofit associations or purposes, the use of which is limited to bonafied members paying dues and their guests.

COMMISSION: Planning Commission, City of Decatur, Mississippi.

CONFORMING USE: Any lawful use of a building or lot, which complies, with the provisions of this Ordinance.

CURB BREAK: Any interruption or break in the line of a street curb in order to connect a driveway to a street, or otherwise to provide vehicular access to abutting property.

DISTRICT: Zoning district.

DWELLING: A building, or portion thereof, designed and used exclusively for residential purposes.

DWELLING, ONE-FAMILY: A detached building designed, arranged, used for or occupied exclusively by two families living independently of each other.

DWELLING, TWO-FAMILY: A building designed, arranged, used for or occupied exclusively by two families as separate housekeeping units, including apartments and apartment hotels.

DWELLING, MULTIPLE: A building or portion thereof used or designated as a residence for three or more families as separate housekeeping units, including apartments and apartment hotels.

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

FAMILY: Two or more persons, each related to the other by blood or adoption, together with such blood relatives and respective spouses who are living together in a single dwelling and maintain a common household with one head of the household.

FLOOR AREA: The square feet of floor area within the inside line of walls and including the total of all space on all floors of a building, but not including porches, garages, space in a basement or cellar not used for dwelling purposes, hallways, lobbies, stairways, foyers, elevator and ventilating shafts, storage areas, bank vaults, rest rooms, attics and rooms housing mechanical equipment for heating or cooling purposes.

GOVERNING AUTHORITY: The Mayor and Board of Aldermen, City of Decatur, Mississippi.

GARAGE, PRIVATE: An accessory building or portion of a main building used for vehicular storage only and having a capacity adequate to accommodate the automobiles or light trucks owned and registered in the name of the occupants of the main building. The term includes a carport, and when related to the context shall relate to the storage of one or more vehicles.

GARAGE, PUBLIC: A building other than a private or storage garage used for the care, repair or storage of self-propelled vehicles or where such vehicles are kept for remuneration, hire or sale. This includes premises commonly known as filling stations or service stations.

GRADE: The average level of the finished surface of the ground for buildings more than five feet from a street line. For buildings closer than five feet to a street, the grade is the sidewalk elevation at the center of the building. If there is more than one street, an average sidewalk elevation shall be used. If there is no sidewalk, a qualified engineer and/or Planning Commission shall establish the sidewalk grade.

HOME OCCUPATION: An occupation or profession carried on by the occupant of a dwelling unit or other structure accessory to a dwelling unit as a secondary use that is clearly incidental to the use of the dwelling for

residential purposes. Home occupations shall include, in general, educational or personal services such as furnished by a tutor, seamstress, etc., when performed by persons occupying the main building as a residence. Not more than 25 percent of the total floor space shall be used for home-occupation purposes.

HOSPITAL, PERSONS: A building or group of buildings used by a group of professional medical persons for the healing arts or treatment of persons on, generally, an in-patient or boarding basis.

HOTEL: A non-residential use established for transient lodging and containing at least 15 sleeping rooms usually occupied singly. Provision for cooking in any individual room or apartment shall not exceed 25 percent of the total rooms and/or apartments.

JUNK YARD, OPEN STORAGE: An open area where waste, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A “junk yard” also includes an auto-wrecking yard, but does not include uses established entirely within enclosed buildings.

KENNEL: Any buildings, structure or open space devoted in its entirety or in part to the raising, boarding or harboring of six or more dogs or other domestic pets.

LANDSCAPED BUFFER AREA: Landscaped areas, which act as a buffering or separation area between two or more incompatible uses.

LODGING, ROOMING OR BOARDING HOUSE: A building other than a hotel where lodging for three or more persons is provided for compensation.

LOT OF RECORD: A lot, which is a part of a subdivision, the map of which has been recorded in the office of the Chancery Clerk of Newton County, Mississippi.

LOT: A parcel of land suitable for a permitted use and complying with all necessary minimum yard, width, area and off-street parking requirements and having frontage on a private or dedicated public street.

LOT AREA: The area of a horizontal plane bounded by the front, side and rear lot lines of a building lot.

LOT, CORNER: A lot situated at the intersection of two or more streets.

LOT DEPTH: The average horizontal distance between the front lot line and the rear lot line of a building lot.

LOT, INTERIOR: A building lot other than a corner lot.

LOT LINE: The boundary of a building lot.

LOT WIDTH: The width of a lot at the lot front building setback line.

MAIN BUILDING: The building, which occupies the primary use on the lot.

MOBILE HOME: Any coach, cabin, mobile home, house trailer, house car or other vehicle or structure intended for or capable of human dwelling or sleeping purposes, mounted upon wheels or supports, or supported and/or capable of being moved by its own power or transported by another vehicle. For the purpose of this Ordinance, the removal of wheels and/or the permanent or semi-permanent attachment of a foundation to said house trailer should not change its classification.

MOBILE HOME PARK: Any lot, parcel or premises, subdivided, designed, maintained, intended or used for the purpose of supplying a location or accommodation for mobile homes; or any lot parcel or premises on which is parked, standing or located two or more mobile homes for a longer period than 24 hours; or one or more mobile homes for a longer period than 24 hours; or one or more mobile homes connected to either electrical lines or water or sewer pipes; or any mobile home being utilized on the premises on which it is located. For the purpose of this Ordinance any lot or premises used for the wholesale or retail sale of mobile homes shall not be included within this definition.

MOTEL, TOURIST COURT: A group of attached or detached non-residential sleeping units designed primarily for transient use and located on a single tract. Only 25 percent of the total rooms shall have kitchens for guests.

NON-CONFORMING USE: The use of a building or lot, which does not comply, with the provisions of this Ordinance.

NURSERY: Any portion of a building or lot used for the cultivation or the growing of shrubs, plants and/or trees.

NURSERY SCHOOL: A building used exclusively for the daytime care and education of preschool children, and including all accessory buildings and play areas.

OFFICE BUILDING: A building designed for or used as offices for professional, commercial, industrial, religious, public or semi-public persons or organizations, providing no produce is sold on the premises.

OPEN STORAGE: See JUNK YARD.

PARKING SPACE: A surfaced area, enclosed or unenclosed, sufficient in size as to permit storage of one standard-sized automobile and connecting to a public street or alley by a driveway so arranged to permit ingress and egress without moving other automobiles adjacent to the parking space.

PREMISES: Land together with structure or structures occupying it.

PUBLIC BUILDING: A building owned or used exclusively by the City, County, State or Federal Governments.

ROOF LINE: The edge of the facade beam or eave of a building.

SEMI-PUBLIC BUILDING: Any building whose primary purpose is for religious, educational or institutional usage.

SIGN, OUTDOOR ADVERTISING: Means of identification, description, display or illustration affixed onto some other structure of its own or onto some other structure and advertising an object, produce, place, activity, institution or business.

SETBACK LINE: The distance as measured perpendicularly from either the front, side or rear property line to the building.

STORY: That portion of a building between the surfaced of a floor and the ceiling immediately above.

STREET: A public or private right-of-way, which affords a primary means of access to lots.

STREET LINE: Public or private right-of-way line of a street.

STRUCTURE: Any type construction, which requires a permanent location.

TOURIST HOME: A building designed for or used by a single-family dwelling in which sleeping rooms are provided or offered to transient guests for compensation, but for not more than four transient guests.

TEMPORARY PERMITS: The City may issue temporary permits for short-term activities such as construction huts, tents, and related items.

UNOBSTRUCTED OPEN SPACE: In SECTION 401 BUILDING REGULATIONS herein, an area of land required to be maintained as specified in SECTION 401 BUILDING REGULATIONS herein, sets forth no structure may be erected except those accessory structures used in connection with the movement or regulation of traffic.

VARIANCE: A modification from the literal provisions of this Ordinance by the Zoning Board of Adjustment in cases where a literal enforcement of its provisions would result in unnecessary hardship due to circumstances unique to the individual property or use for which the variance is granted.

YARD: Open space on a building lot unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In determining yard widths and depths, the minimum horizontal distance between the building and the respective property line shall be used.

YARD, FRONT: That area of a yard which extends along the entire length of the front lot line, within the two side lot lines and the minimum horizontal distance between the street line and the front setback line of the building.

YARDS, SIDE: That area of a yard which extends along the entire side lot lines between the front and rear lot lines and the side setback line of the building.

YARD, REAR: That area of a yard which extends along the entire length of the rear lot line within the two-side lot lines and the minimum horizontal distance between the rear lot line and the building, excluding unenclosed porches, balconies and projected steps.

ZONING PERMIT: A permit issued by the City of Decatur certifying that the building, structure, use, or lot for which said permit was applied, complies with the provisions and regulations of this Zoning Ordinance.

ARTICLE III ESTABLISHMENT OF ZONES

SECTION 300 ZONES.

For the purpose of this Ordinance, the City of Decatur is hereby divided into thirteen (13) zoning districts as follows:

- R-1 Single-Family Residential
- R-2 Single-Family Residential
- R-3 Single-Family Residential
- R-4 Two-Family Residential
- R-5 Multi-Family Residential
- RMHP Residential Mobile Home Park
- C-1 Neighborhood Commercial
- C-2 Highway Commercial
- C-3 Central Business District Commercial
- L-1 Light Industrial
- L-2 Heavy Industrial
- A-1 Agricultural
- R-R Rural Residential

SECTION 301 ZONING MAP.

The aforesaid zoning districts are identified and delineated on a map entitled “Official Zoning Map of the City of Decatur, Mississippi,” a copy of which is on file in the office of the Building Inspector.

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk and bearing the seal of the City under the following words: “This is to certify that this is the Official Zoning Map referred to in Ordinance No. A-01 of the Town of Decatur, Mississippi,” adopted by the Mayor and Board of Aldermen.

If, in accordance with the provisions of this Ordinance and Mississippi State Statutes, changes are made in zone boundaries or other matters portrayed on the Official Zoning Map promptly after the amendment has been approved by the Mayor and Board of Aldermen, the following changes(s) were made in the Official Zoning Map: (description and nature of change),” which entry shall be signed by the Mayor and attested by the City Clerk. The amending Ordinance shall provide that such changes or amendments shall not become effective until they have been duly entered upon the Official Zoning Map. No amendment to this Ordinance, which involves matters portrayed on the Official Zoning Map, shall become effective until such change and entry has been made on said map.

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

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

SECTION 302 REPLACEMENT OF OFFICIAL ZONING MAP.

In the event 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 resolution adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Zoning Ordinance 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

bearing the seal of the City under the following words: “This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of Adoption of map being replaced) as part of Ordinance No. A-01 of the City of Decatur, Mississippi.”

SECTION 303 RULES FOR INTERPRETATION OF ZONE BOUNDARIES.

Where the boundaries of a zoning district are uncertain, as shown on the Official Zoning Map, the following rules shall apply.

- 303.1 The center lines of streets, railroad lines, highways or alleys shall be indicated as boundaries between districts when any uncertainty exists as to the accurate boundary of these districts.
- 303.2 Approximate boundaries following platted lot lines or city limits shall be construed as following these lot lines or city limit lines.
- 303.3 Boundaries indicated, as approximately following the centerlines of streams, rivers, ditches, gullies or other bodies of water shall be construed to follow such centerlines.
- 303.4 Boundaries indicated as parallel to or extensions of physical features as indicated above shall be so construed. The scale of the map shall determine distances not specifically indicated on the Official Zoning Map.
- 303.5 The Zoning Board of Adjustment shall interpret any discrepancy noted of a district boundary line not covered by the above rules.

**ARTICLE IV
REGULATIONS**

SECTION 401 APPLICATION OF REGULATIONS.

400.1 Continuance - Except as hereinafter provided, no public or private building, structure or sign shall hereafter be erected, reconstructed or structurally altered, nor shall any public or private building, structure, sign or land be used hereafter for any purpose than is permitted in the zone in which such building, structure or land is located.

401.2 Enlargement - The land area or the floor area in a structure or structures occupied by any nonconforming use may be increased to the extent that the increase is used solely to provide off-street parking

or loading space for the non- conforming use, but such land area or floor area shall not otherwise be increased.

401.3 Termination - Any one of the following acts or conditions shall terminate immediately the right to operate a nonconforming use.

401.31 Changing to a conforming use.

401.32 Abandonment;

401.33 Non-operation or non-use for a period of 12 or more consecutive calendar months;

401.34 Damage or destruction of the structure or structures in which the use is operated, by any cause whatsoever, when the cost of repairing such damage or destruction exceeds 50 percent of the replacement cost of such structure or structures as of the date of such damage or destruction of the structure or structures in which the use is operated.

401.35 Obsolescence of the structure or structures in which the use is operated under any applicable ordinance of the City when the cost of placing such structure or structures in lawful compliance with the applicable resolution exceeds 50 percent of the replacement cost of such structure or structures on the date of the official order under the applicable ordinance.

401.4 Zone Change - The foregoing provisions shall also apply to nonconforming uses in zones hereafter changed.

SECTION 402 NONCONFORMING STRUCTURES.

402.1 Continuance - Except as herein specified, any public or private nonconforming structure may be occupied, operated and maintained in a state of good repair, but no conforming structure shall be enlarged or extended except to provide off-street parking or loading space. These exceptions do not permit any expansion of the existing floor area.

402.2 Termination - The right to operate and maintain any public or private nonconforming structure shall terminate whenever the nonconforming structure is accidentally damaged in any manner whatsoever and the cost of repairing such damage exceeds 50 percent of the replacement cost of such structure as of the date of such damage; the right to operate and maintain any nonconforming structure shall terminate whenever the nonconforming structure becomes obsolete or substandard under any applicable ordinance of the City.

402.3 Zone Change - The foregoing provisions shall also apply to nonconforming uses in zones hereafter changed.

SECTION 403 NONCONFORMING SIGNS AND OUTDOOR COMMERCIAL ADVERTISING.

403.1 Continuance - Except as herein specified, any nonconforming device may be continued, in operations and maintained after the effective date of this Ordinance; provided, however, that no such signs or device shall be changed in any manner that increases the noncompliance of such signs or devices with the provisions of this Ordinance for the zone in which such sign or device is located.

403.2 Termination - Within two years from the effective date of this Ordinance or of any amendment hereto by which a sign or device for outdoor commercial advertising becomes nonconforming the right to operate and maintain a nonconforming sign or device shall terminate, and such signs or devices shall cease to exist; provided, however, that after such time a use which is a primary permitted use in any business or industrial zone and which use is located in a residential zone may maintain signs and devices which comply with the regulations established hereafter.

403.3 Zone Change - The foregoing provisions shall also apply to nonconforming uses in zones hereafter changed.

SECTION 404 GENERAL PROVISIONS.

404.1 Reduction in Lot Area - No lot may be reduced in area below the minimum lot area as specified herein.

404.2 Interference with Traffic - In any zone, no outdoor advertising sign or structure or tree or shrub protrude over any street so as to create confusion around or otherwise interfere with traffic signals of any kind or decrease sight distances to hazardous extents.

404.3 Frontage on Corner Lots and Through Lots – On lots having frontage on more than one street, the minimum front yard shall be provided for each street in accordance with the provisions of this Ordinance.

404.4 Utilities Location – Electrical transformer stations, gas regulator stations, sewage and water treatment plants, pumping stations, standpipes for public water supply and other similar utility uses may be located in any zone; provided, however, that the location of such facility be subject to the review and recommendations of the Zoning Board of Adjustment as a special exception, and the following requirements shall be complied with.

404.41 Such facilities shall be essential for the immediate area or for the proper functioning of the total utility system, of which the above element is a part.

404.42 A building or structure, except an enclosing fence, shall be set back at least 20 feet from any property line.

404.43 A protective fence as approved by the Zoning Board of Adjustment

404.44 Adjustment shall enclose such facilities.

404.45 Open spaces on the premise shall be suitably landscaped and maintained.

404.46 The storage of vehicles and equipment on the premises, unless enclosed, shall be prohibited.

404.47 The surrounding area shall not be adversely affected by and

shall be protected from noise, odor, glare, dust, fumes, gas, smoke and vibration by such suitable means and conditions as the Zoning Board of Adjustment may specify.

404.5 Public and Semi-Public Building or Use Location – All public and semi-public buildings may be located in any zone provided, however, the location of such buildings and uses be subject to the review and recommendations of the Zoning Board of Adjustment as a special exception. No public or semi-public building or use shall be so located in a residential zone that would adversely affect the surrounding area.

404.6 Any other use or facility necessary for the conduct or the business of any political subdivision of the State or Federal Government may be located in any zone, provided such use is first recommended by the Zoning Board of Adjustment.

405 EXCEPTIONS AND MODIFICATIONS.

405.1 Lot of Record - Except as herein provided, in any residential district or zone where the owner of a lot at the time of the adoption of this Ordinance or his successor in title thereto does not own sufficient land to enable him to conform to the minimum lot area and for frontage requirements of this Ordinance, such lot may be used as a building site for a single family residence, provided that minimum yard and setback requirements for the district or zone in which said lot is located are maintained.

405.2 Exceptions to Height Limits

405.21 The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, chimneys, smoke stacks, conveyors, flagpoles, masts and aerials, scenery lofts, standpipes, false mansards, parapet walls, out-door theatre screens, other similar structures and necessary mechanical appurtenances, provided their construction is in accordance with existing or hereafter adopted ordinances of the City of Decatur.

405.22 In the 35-foot and 45-foot height distances, public or semi-public buildings or hospitals may be erected to a height not exceeding 75 feet; provided, however, the front, side and rear yards shall be increased an additional foot, for each foot such buildings exceed 35 feet and 45 feet, respectively, in height.

405.23 One-family dwellings in 35 foot height districts may be increased in height by not more than 10 feet when two side yards of not less than 15 feet each are provided.

405.3 Area Exceptions

405.31 For the purpose of side yard regulations, the following dwellings with common party shall be considered as one building occupying one lot: semi-detached, two-family and multi-family dwellings.

405.32 The front side yard requirements for dwellings shall be waived where dwellings are erected above principal buildings used for commercial purposes.

405.33 In the case of a court apartment or multi-dwellings, side yards may be used as rear yards with the following provisions.

1. The required side yards shall be increased by one foot for each entrance or exit opening into or served by such yard.
2. The width of the court shall not be less than two and one-half times the width of the side yard, as required in this provision.
3. Where a roadway is provided in the place or court, the width allowed for such roadway shall be in addition to that required above.
4. All other requirements, including front, side and rear yards, shall be complied with in accordance with the district in which such court-apartments or multi-dwellings are located.
5. Every part of a required yards or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall extend into court more than six inches, nor into a minimum side yard more than 24 inches.

6. Open or enclosed fire escapes, fireproof outside stairways and balconies projecting into a yard not more than five feet or into a court not more than three and a half feet, and the ordinary projections of chimneys and flues may be permitted by the Building Inspector where same are so placed as not to obstruct the light and ventilation.

405.4 Service stations or gasoline filling stations shall be so constructed that, for driveways parallel to the street's boundary line, the center line of the pump shall be at least 18 feet from the parallel street property line, and, if on a corner lot, the end pump shall be at least 18 feet from the other street property line. For driveways built diagonally across the corner lot, the center line of pumps shall be at least 25 feet from the street corner of the lot, which shall be measured along a line bisecting the angle of intersecting streets, and the end pumps shall be at least 18 feet from the street property line.

SECTION 406 ZONING DISTRICTS.

406.1 R-1 Single-Family Residential Zone

406.11 Uses Permitted

1. Single – family dwellings and accessory structures.
2. Public uses necessary for conducting the business of operating the City, County, State and/or Federal Government, including parks and recreational facilities, schools and utilities.
3. Churches and accessory religious buildings.
4. Uses by temporary permit.

406.12 Building Height – No structures shall exceed 45 feet in height.

406.13 Required Lot Area and Lot Width – Every dwelling shall be located on a single lot of not less than 21,780 square feet in area and shall have a width determined at the building setback line of not less than 150 feet.

406.14 Percentage of Lot Coverage - Buildings, including accessory structures, shall not cover more than 60 percent of the area of any lot.

406.15 Yards Required

1. Front Yards – The front yard building set-back line shall be a minimum of 30 feet from any existing or proposed right-of-way line of any street or road, including those shown on the City of Decatur Major Thoroughfare Plan.
2. Side Yards – There shall be a minimum side yard of 20 feet on each side of any structure, measured from the side lot line to the nearest building on said lot, except where the side yard abuts any street or road, including those shown on the City of Decatur Major Thoroughfare Plan, in which case the side yard shall be 30 feet.
3. Rear Yards – There shall be a minimum rear yard setback of not less than 30 feet except where the rear yard abuts any street or road, including those shown on the City of Decatur Major Thoroughfare Plan, in which case the rear yard shall be 30 feet.
4. Yards for Public or Semi-Public Buildings – All public or semi-public buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback of 30 feet from any lot line.

406.2 R-2 Single – Family Residential Zone

406.21 Uses Permitted

1. Single – family dwellings and accessory structures.
2. Public uses necessary for conducting the business of operating the City, County, state and/or Federal government, including parks and recreational facilities, schools and utilities.
3. Churches and accessory religious buildings
4. Uses by temporary permit.

406.22 Building Heights – No building shall exceed 35 feet in height.

406.23 Required Lot Area and Lot Width – Every dwelling shall be located on a single lot of not less than 10,890 square feet in

area and shall have a width determined at the building setback line of not less than 100 feet.

406.24 Percentage of Coverage – Buildings, including accessory buildings and structures, shall not cover more than 40 percent of the area of any lot.

406.25 Yards Required

1. Front Yards – the front yard building setback shall be a minimum of 30 feet from any existing or proposed right-of-way line of any street or road, including those shown on the City of Decatur Major Thoroughfare Plan.
2. Side Yard – there shall be a minimum side yard of 10 feet on each side of any structure, measured from the side lot line to the nearest building on said lot, except where the side yard abuts any street or road, including those shown on the city of Decatur Major Thoroughfare Plan, in which case the rear yard shall be 30 feet.
3. Rear Yard – there shall be a minimum rear yard setback of not less than 25 feet, except where the rear yard abuts any street or road, including those shown on the City of Decatur Major Thoroughfare Plan, in which case the rear yard shall be 30 feet.
4. Yards for public and Semi-Public Buildings – All public or semi-public buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback of 30 feet from any lot line.

406.3 R-3 Single – Family Residential Zone

406.31 Uses Permitted

1. Single-family dwellings and accessory structures.
2. Public uses necessary for conducting the business of operating the City, County, State and/or Federal Government, including parks and recreational facilities, school and utilities.

3. Churches and accessory religious buildings.
4. Uses by temporary permit.
5. Customary home occupations subject to the restrictions and limitations established by definition of home occupations in SECTION 201 of this Ordinance.
 - a. Custom dressmaking, millinery, tailoring, sewing of fabrics for custom apparel and custom home furnishings.
 - b. Laundering, pressing.
 - c. Foster family care.
 - d. Office in which chattels, goods, wares or merchandise are not commercially created, stored or sold.
 - e. Tutoring
 - f. Fine arts studios, in which are created only individual works of art.
 - g. Rooming and/or boarding of not more than two persons.
 - h. Other similar uses.

406.32 Building Heights – No building shall exceed 35 feet in height.

406.33 Required Lot area and Lot Width – Every Dwelling shall be located on a single lot of not less than 10,000 square feet in area and shall have a width determined at the building setback line of not less than 80 feet.

406.34 Percentage of Coverage – Buildings, including accessory buildings and structures, shall not cover more than 40 percent of the area of any lot.

406.35 Yards Required

1. Front Yards – The Front yard building setback line shall be a minimum of 30 feet from any existing or proposed right-of-way line of any street or road, including those shown on the City of Decatur Major Thoroughfare Plan.
2. Side Yards – There shall be a minimum side yard of 10 feet on each side of any structure, measured from the side lot line to the nearest building on said lot, except where the side yard abuts any street or road, including those shown on the City of Decatur Major Thoroughfare Plan, in which case the side yard shall be 30 feet.
3. Rear Yards – There shall be a minimum rear yard setback of not less than 25 feet except where the rear yard abuts any street or

road, including those shown on the City of Decatur Major Thoroughfare Plan, in which case the rear yard shall be 30 feet.

4. Yards for Public or Semi-Public Buildings – All public or semi-public buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback of 30 feet from any lot line.

406.36 Off-Street Parking and Loading Requirements- See SECTION 407.

406.37 Signs and Outdoor Advertising- See SECTION 408

406.4 R-4 Two-Family Residential Zone

406.41 Uses Permitted

1. Two-family dwellings and accessory structures.
2. Single-family dwellings and accessory structures.
3. Public uses necessary for conducting the business of operating the City, County, State and/or Federal Government, including parks and recreational facilities, schools and utilities.
4. Churches and accessory religious buildings.

406.42 Building Heights –No building shall exceed 35 feet in height.

406.43 Required Lot Area and Lot Width –

1. Every single-family dwelling shall be located on a lot of not less than 10,000 square feet in area with a width determined at the front building setback line of not less than 80 feet.
2. Every duplex or two-family residence shall be located on a lot of not less than 10,000 square feet in area with a width determined at the front building setback line of not less than 80 feet.

406.44 Percentage of Lot Coverage – Buildings, including accessory buildings and structures, shall not cover more than 50 percent of the area of any lot.

406.45 Yards Required

1. Front Yards – The front yard building setback line shall be a minimum of 30 feet from any existing or proposed right-of-way line of any street or road, including those shown on the City of Decatur Major Thoroughfare Plan.

2. Side Yards – There shall be a minimum side yard of 10 feet on each side of any structure, measured from the side lot line to the nearest building on said lot, except where the side yard abuts any street or road, including those shown on the City of Decatur Major Thoroughfare Plan, in which case the side yard shall be 30 feet.

3. Rear Yards – There shall be a minimum rear yard setback of not less than 25 feet for any residential structure or any accessory structure or building, except where the rear yard abuts any street or road, including those shown on the City of Decatur Major Thoroughfare Plan, in which case the rear yard shall be 30 feet.

4. Yards for Public or Semi-Public Buildings – All public or semi-public buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback of 30 feet from any lot line.

406.46 Off-Street Parking and Loading Requirements – See SECTION 407.

406.47 Signs and Outdoor Advertising – See SECTION 408.

406.3 R-5 Multi-Family Residential Zone

406.51 Uses Permitted

1. Multi-family dwellings and accessory structures.
2. Single-family dwellings and accessory structures.

3. Two-family dwellings and accessory structures.
4. Professional office buildings, which include, but not limited to, privately owned medical or dental clinics.
5. Institution for children or the aged, not including penal or correctional types.
6. Studios of artists or photographers.
7. Institutions of educational, philanthropic or eleemosynary nature other than those of a correctional nature or for mental care.
8. Personal service shops for barbering, beauty culture and physical culture.
9. Monastery, convent or similar institution of religious training.
10. Public uses necessary for conducting the business of operating the City, County, State and/or Federal Government, including parks and recreational facilities, schools and utilities.
11. Churches and accessory religious buildings.
12. Uses by temporary permit.
13. Other similar uses.

406.52 Building Height – 60 feet.

406.53 Required Lot Area and Lot Width

1. For the first four dwelling units, or less in a multi-family residential structure there shall be required a minimum of 10,000 square feet in area; all other dwelling units within said multi-family residential structure shall require an additional 2,000 square feet of lot area. Lot widths determined at the building setback line shall be 80 feet.
2. Every single-family dwelling shall be located on a lot of not less than 10,000 square feet in area with a width determined at the front building setback line of not less than 80 feet.
3. Every duplex or two-family dwelling shall be located on a lot of not less than 10,000 square feet in area with a width determined at the front building setback line of not less than 80 feet.

406.54 Percentage of Lot Coverage – Buildings, including accessory structures, shall not cover more than 50 percent of any lot.

406.55 Yards Required

1. Front Yards – For all residential buildings, the front yard building setback line shall be a minimum of 20 feet from any existing or proposed right-of-way line of any street or road, including those shown on the City of Decatur Major Thoroughfare Plan.
2. Side Yards – For all residential buildings, each side yard shall be 10 feet, except where the side yard abuts any street or road, including those shown on the City of Decatur Major Thoroughfare Plan, in which case the side yard shall be 15 feet.
3. Rear Yards – For all residential buildings, there shall be a minimum rear yard setback of not less than 20 feet.
4. Yards for Public or Semi-Public Buildings – All public or semi-public buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback of 20 feet from any lot line.

406.56 Off-Street Parking and Loading Requirements – See SECTION 407.

406.57 Signs and Outdoor Advertising – See SECTION 408.

406.4 RMHP Residential Mobile Home Park Zone

406.610

owers and duties of building official

The building official of the city is hereby authorized and directed to enforce all provisions of this chapter, and for such purpose, he shall have the powers of a police officer. His duties shall include inspecting applications and the premises regarding the issuance of permits for the location of trailer and mobile home units by any

person, partnership or corporation within the city limits.

406.611 Application for permit to locate mobile home or trailer A
within city.

406.612 Fee to accompany application F

Any person making such application shall pay unto the city such a fee of Ten Dollars (\$10) to accompany such application.

406.613 Violations and penalties V

Any person who violates or refuses to comply with, or who resists enforcement of, any of the provisions of this chapter may be arrested and brought before a court of competent jurisdiction and, upon conviction, be punished as provided in Section 1-9 of this Code.

406.614 Construction, Installation and Maintenance C

406.615 Applicability of article A

All mobile homes and travel trailers placed, used and/or occupied in the city, shall be governed by the provisions of this article.

406.616 Enforcement authorization; right of appeal E

(a) The building official is hereby authorized, empowered and directed to enforce the provisions of this article. Upon presentation of proper credentials, he or the authorized members of his staff may enter upon the premises of any mobile home or travel trailer park, or any building or structure thereon, located in the city, during

reasonable hours, to perform any duty imposed upon him by this article.

(b) Any owner of a mobile home or travel trailer park shall, if aggrieved by a decision of the building official, have the right to appeal to the zoning board of appeals created under the comprehensive zoning ordinance of the city.

406.617

P

rohibited parking

Except as may be otherwise authorized herein, it shall be unlawful for any person to permanently park or temporarily or otherwise occupy any mobile home on any street, alley, highway or other public place, or on any parking lot or on any residential commercial or industrial property not specifically zoned for the occupancy of such mobile homes. It shall be unlawful for any person to park any travel trailer on any street, alley, highway or on any municipal property for more than one (1) hour. It shall also be unlawful for any mobile home dealer or any other person to deliver any mobile home to any property not specifically zoned for the occupancy of mobile homes, or to place or set up any mobile home on any property not specifically zoned for the occupancy of mobile home.

406.618

U

se restriction

No person shall use or occupy a mobile home or travel trailer as a place of business on any lot or tract of ground within the corporate limits of the city, except as an office; provided, any such unit so used is connected to the public water and sewerage system and to all other utilities, as required herein, and conforms to all city codes and ordinances as required; except that, upon approval of the building official, all other requirements contained herein may be waived.

406.619

L

ocation Restrictions

No person shall use or occupy any mobile home unit permanently for living or sleeping purposes on the same lot or parcel of land with a residence building, whether the latter be occupied or unoccupied, nor a vacant tract of land or lot which is not a part of an approved mobile home or travel trailer park within the city. It shall be unlawful to connect or extend any public utilities to any mobile home unless such unit is located in an approved mobile home or travel trailer park. The zoning board of appeals, in cases of hardship, may grant a special exception to this section upon an application signed by the owner of the property and by the owners and tenants of all adjacent property. For special exceptions a fee of fifty dollars (\$50) shall be assessed for the first six (6) months, and twenty-five (\$25) renewal fee for each six (6) months thereafter. In no case shall a mobile home placed under a special exception be rented to anyone or be used for any purpose other than the purpose authorized by the zoning board of appeals.

406.620

S

elf-contained unit restrictions

No person shall use or occupy permanently any mobile home or travel trailer unit equipped with self-contained plumbing fixtures unless such fixtures are connected to the city sewer disposal system or approved by the state board of health. Such complete self-contained portable system and connections to the city disposal system shall comply with all city and state plumbing requirements.

406.621

P

ark licenses; applications

(a) It shall be unlawful for any person to operate and maintain a mobile home or travel trailer park in the city without first securing a privilege license from the city tax collector and renewing such license annually. Such license shall be displayed at all times in the office of the pertinent park.

(b) Application for such license shall be filed with the tax collector. Such application shall be by a written letter of request or on a form furnished by the city and shall be signed by the owner. Before issuing any such license the tax collector shall submit the application to the building official for endorsement indicating compliance with the applicable requirements of this article or the indication in writing of conditions under which such license may be approved.

406.622

N

ew park licenses; building permits required for alterations

(a) Building permits in accordance with the provisions of the city's building code shall be obtained before beginning construction of any new park or alteration or addition thereto. An application for said privilege license shall be initiated at the time of securing such permits. Upon satisfactory completion of construction and final inspections thereof, the building official shall endorse such application without additional charge and upon payment of the prescribed fee, the tax assessor shall issue the license. Annually thereafter, the license may be renewed upon compliance with the conditions stipulated hereinabove.

(b) A building permit shall be obtained before beginning construction of any alterations or addition, including foundation and tie-down work, on all mobile home units located on individual sites and in all existing parks.

406.623

I

nspection required; fees

(a) All mobile home and travel trailer parks as they exist, including an approved park plan on the effective date of this article shall not be affected by any of the construction standards herein; however, any additions or expansions of existing parks and any new parks shall be subject to the full provisions of this article including approval of the planning commission as to location and general layout.

(b) All the provisions of this article shall apply to all mobile home and travel trailer parks situated beyond the corporate limits of the city when such parks utilize city water and/or sewerage.

406.624

P

ark planning

(a) All mobile home and travel trailer parks as they exist, including an approved park plan on the effective date of this article shall not be affected by any of the construction standards herein; however, any additions or expansions of existing parks and any new parks shall be subject to the full provisions of this article including approval of the planning commission as to location and general layout.

(b) All the provisions of this article shall apply to all mobile home and travel trailer parks situated beyond the corporate limits of the city when such parks utilize city water and/or sewerage.

406.625

N

onresidential uses forbidden

No part of any park shall be used for nonresidential purposes except such uses as are required for the servicing and well being of the park residents and for the management and maintenance of the park. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.

406.626

E

nvironmental requirements

The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion subject to predictable sudden flooding or erosion shall be used for any purpose, which would expose persons or property to hazards.

406.627

A

Applications for zoning

For planning commission review, two (2) copies of the site plan drawn to scale shall be submitted not less than five (5) days prior to the meeting at which it is to be considered for zoning. Such site plan shall clearly set forth the proposed plan of development showing the general park layout and the extent of all physical improvements and facilities to be provided, including the following:

- (1) The boundaries of the property as indicated by an accurate survey;
- (2) When full construction of a park is planned for development by stages or units in which be developed.

406.628

U

Uses Permitted

1. Mobile Homes.
2. Public uses necessary for conducting the business of operating the City, County, State and/or Federal Government, including parks and recreational facilities, schools and utilities.

406.629

A

Accessory Uses

Customary accessory buildings and uses.

406.630

B

Building Height – no building or mobile home shall exceed 25 feet in height.

406.631 Required Park Site, Mobile Home Lot Area and Lot Width

1. Each mobile home park site shall have a minimum of ten acres, and shall a minimum distance of 100 feet as measured along a deeded right-of-way.

2. Each mobile home within the mobile home park shall be located on a lot of not less than 5,000 square feet and shall have a width determined at the building setback of not less than 40 feet.

406.632 Percentage of Lot Coverage – Buildings, including accessory structures, shall not cover more than 35 percent of the area of any lot.

406.33 Yards Required For Each Mobile Home

1. Front Yards – For all residential buildings, the front yard building setback line shall be a minimum of 20 feet from any existing or proposed right-of-way line of any street or road, including those shown on the City of Decatur Major Thoroughfare Plan.
2. Side Yards – There shall be a minimum of ten feet on the non-entrance side of the mobile home and 18 feet on the entrance side of the mobile home.
3. Rear Yards – There shall be a minimum rear yard of 25 feet.
4. Yards for Public and Semi-Public Buildings – All public or semi-public buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback of 30 feet from any lot line.

406.634 Off-Street Parking and Loading Requirements – See SECTION 407.

406.635 Signs and Outdoor Advertising – See SECTION 408.

406.636 Streets

- (a) General. All mobile home developments shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Such access shall be provided by

- streets and driveways paved with concrete or asphalt.
- (b) Entrance streets. Entrance to mobile home developments shall have direct connections to a public street and shall be designed to allow free movement of traffic on such adjacent public streets. Such entrances from the property line to the public street shall be paved according to city specifications.
 - (c) Circulation. The street system shall provide convenient circulation by means of minor streets and properly located collector streets. Dead-end streets shall be limited in length to five hundred fifty (550) feet and the closed end shall be provided with an adequate vehicular turnaround (one hundred (100) feet diameter cul-de-sac).
 - (d) Pavement widths. Pavements should be a minimum of thirteen (13) feet per moving lane with ten (10) feet extra width per side for parallel parking if provided.
 - (e) Street grades. Grades of all streets shall be sufficient to ensure adequate surface drainage intersections and intersections of more than two (2) streets at one (1) point should be avoided.
 - (f) Intersections. Street intersections should generally be at right angles. Offsets at intersections and intersections of more than two (2) streets at one (1) point should be avoided.
 - (g) Street lights. Lighting shall be designed to produce a minimum of two-tenths (0.2) of a footcandle throughout the street system. Potentially hazardous locations such as major street intersections and steps or stepped ramps shall be individually illuminated with a minimum of six-tenths (0.6) footcandle.

406.637 Mobile home lot limits

The limits of each mobile home lot shall be marked on the ground by suitable means. Location of lot limits on the ground shall be the same as shown on approved plans.

406.638 Setback and open space

- (a) Mobile units together with accessory structures such as storage buildings and roofed-over patios or carports shall not cover more than eighty (80) percent of a mobile unit lot.

- (b) Paved driveways shall be provided on lots for convenient access to mobile homes. The minimum width shall be ten (10) feet for solid driveways and two (2) feet six (6) inches each for strip driveways.
- (c) Parking spaces. The design criteria for automobile parking shall be based upon one (1) parking space for each mobile home lot. Parking may be in tandem.
- (d) Outdoor living area. Each mobile home lot shall be provided with an outdoor living and service area. Such area shall be improved as necessary to assure to assure reasonable privacy and comfort.

406.639 Foundations and tie-downs required

- (a) Every mobile home located within the city shall be equipped with adequate foundations and tie-downs intended to secure such units against movement, settling and overturning for the protection of life and property.
- (b) All mobile homes moving into a park shall comply with the requirements of this section within forty-five (45) days after arrival.
- (c) It shall be responsibility of the mobile home park owner or operator to notify their tenants of the foundation and tie-down requirements of this article. Where the tenant refuses to comply with such requirements, it shall be the responsibility of the owner or operator to notify the building official. The building official shall take whatever enforcement procedures he deems necessary to enforce compliance by the tenant.

406.640 Foundation and tie-down requirements

- (a) Generally. Every mobile home stand shall be improved to provide adequate supports for the placement and tie-down of all mobile units.
- (b) Footings or foundations. When concrete slabs, runners or strips are provided as required below, piers or blocking may be placed thereon, provided:

406.641 Electrical systems.

- (a) General. Every mobile home and travel trailer park shall

contain a wiring system consisting of wiring, fixtures, equipment and appurtenances, which shall be installed and maintained in accordance with the National Electrical Code adopted by the city. At least twenty-five (25) percent of the parking spaces shall have service entrance equipment capable of handling a minimum of two hundred (200) amperes at 120/240 volts single phase. The remaining seventy-five (75) percent of the spaces shall have service entrance equipment capable of handling a minimum of one (100) amperes at 120/240 volts single phase.

(b) Power distribution lines. Main power lines and all service wiring may be installed underground or overhead. Mobile home park owners may choose either method as offered by the local electric utility.

(c) Installation requirements. Electrical systems installed in every mobile home and travel trailer park shall be in accordance with the National Electrical Code.

406.641 Fire Protection.

(a) The water supply system of mobile home and travel trailer parks shall permit the operation of a minimum of two (2), two and one-half-inch hose stems.

(b) Barbecue pits, fireplaces and wood burning stoves shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance both on the property on which used and on neighboring property.

406.642 Refuse Handling.

(a) The storage, collection and disposal of refuse in mobile home and travel trailer parks shall be conducted in a manner to create no health hazards, rodent harborage, insect-breeding areas, fire hazard or water or air pollution.

(b) It shall be the joint responsibility of each occupant and the management to ensure that all refuse containing garbage is stored in an approved container.

(c) Where central collection facilities are established for the collection of refuse, garbage or trash, pending removal by the hauler, such facilities shall be in accordance with the specifications

of the city.

(d) Any private or contract hauler collecting and disposing of such trash and garbage shall submit evidence that all disposals will be made at a site or facility approved by the county health department. Every transient or travel trailer park shall provide its own garbage and trash container, which shall be in accordance with paragraph of this section.

(e) Any mobile home park desiring garbage and trash disposal service by the city shall submit a letter of agreement for approval by the city engineer. Such agreement shall hold the public works department harmless for any and all damage that may occur to the private streets in said park and to any automobile or other property located therein.

406.643 Insect and rodent control; debris control; maintenance or water storage areas; exterior openings; control of weeds and brush.

(a) Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform to the requirements of the state board of health.

(b) Parks shall be maintained free of accumulations of debris and stagnant water, which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

(c) Storage areas shall be so maintained as to prevent rodent harborage, lumber, pipe, and other building material shall be stored at least one (1) foot above ground.

(d) The potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials. The growth of brush, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

406.644 Compliance with article; notification of residents; management supervision; register of occupants; contagious diseases.

(a) The person to whom a license for a mobile home park is issued shall operate the park in compliance with this article and shall provide adequate supervision to maintain the park.

(b) The park management shall notify park occupants of all applicable provisions of this article and inform them of their duties and responsibilities under this article. The park management shall maintain a register containing the names of all park occupants identified by lot number or street address. Such register shall be available to any authorized person inspecting the park.

(c) The park management shall maintain a register containing the names of all park occupants identified by lot number or street address. Such register shall be available to any authorized person inspecting the park. The park management shall notify the health department immediately of any suspected communicable or contagious disease within the park.

406.645 Responsibilities of occupants; placement of home; pets; porches and storage; disposition of trash.

(a) The park occupant shall comply with all applicable requirements of this article and shall maintain his mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.

(b) The park occupant shall be responsible for proper placement of his mobile home on its mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management.

(c) Pets, if permitted in the park, shall be subject to the Code of Ordinances of the city.

(d) Porches, awnings and other additions shall be installed only if permitted and approved by park management. When installed, they shall be maintained in good repair. The space immediately underneath a mobile home shall be used for storage only if permitted by the park management. If permitted, the following conditions shall be satisfied:

(1) The storage area shall be provided with a base of impervious material.

(2) Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.

(e) The park occupant shall store and dispose of all his rubbish and

garbage in a clean, sanitary and safe manner. The garbage container shall be rodent-proof, insect-proof and watertight.

406.646 Zoning board of appeal; duties; special exceptions; Guidelines for granting special exceptions.

The duties of the zoning board of appeals shall be to hear and decide only such special exceptions as the board is specifically authorized to pass on by the terms of this article; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this article, or to deny special exceptions when not in harmony with the purpose and intent of this article. A special exception shall not be granted by the zoning board of appeals unless and until:

(1) A written application for a special exception is submitted indicating the section of this article under which the special exception is sought and stating the grounds on which it is requested;

(2) The zoning board of appeals shall make a finding that it is empowered under the section of this article described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.

(3) Before any special exception shall issue, the zoning board of appeals shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning the following, where applicable:

- (a) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- (b) Off-street parking and loading areas where required, with particular attention to the items in (a) above and the economic noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;
- (c) Refuse and service areas, with particular reference to the items in (a) and (b) above;

- (d) Utilities, with reference to locations, availability, and compatibility;
- (e) Screening and buffering with reference to type, dimensions, and character;
- (f) Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect and compatibility and harmony with properties in the district;
- (g) Required yards and other open space;
- (h) General compatibility with adjacent properties and other property in the district.

406.647 Appeals to Board of Aldermen.

Any person may appeal from a ruling of the zoning board of appeals. Such appeal shall be made within thirty (30) days of the date of such ruling, to the board of aldermen. The appellant shall file with the zoning board of appeals a notice of appeal, specifying the grounds thereof. The chairman of the zoning board of appeals shall forthwith transmit to the board of aldermen all papers and constituting the record upon which the action appealed from was taken. The final disposition of any such appeal shall be in the form of a decision expressed in a resolution, either reversing, modifying or affirming, wholly or partially, the zoning board of appeals decisions or determination.

406.643 Penalties.

Any person who willfully violates any provision of this article shall upon conviction be punished.

406.7 C-1 Neighborhood Commercial Zone

406.71 Uses Permitted – Places of business offering products for sale at retail prices and principally supplying everyday household needs, such establishments as:

1. drug stores;
2. grocery stores;

3. apparel shops;
4. bakery shops;
5. restaurants
6. gasoline stations;
7. drive-in theatres;
8. ice cream parlors;
9. branch banks
10. ice stations;
11. automatic washeterias and dry cleaners;
12. cleaning and laundry pick-up stations;
13. public uses necessary for conducting the business of
14. churches and accessory religious buildings;
15. uses by temporary permit;
16. other similar uses.

406.72 Accessory Uses Permitted

1. Customary related uses incidental to a permitted use, except that outdoor storage shall be prohibited.
2. Nonflashing signs pertaining to permitted uses and located on the same lot.
3. Spot lighting of buildings on the lot , provided such lights are shaded and so located that beams are directed away from any residential zone or any public highway.

406.73 Building Height – No building shall exceed 35 feet in height.

406.74 Required Lot Area and Lot Width – None required; governed by SECTIONS 406.75, 406.76, and 406.77.

406.75 Percentage of Lot Coverage – The sum total of all buildings shall not cover more than 45 percent of the area of the lot.

406.76 Yards Required

1. Front Yards – The front yard building setback line shall be a minimum of 40 feet from any existing or proposed right-of-way line

of any street or road, including those shown on the City of Decatur Major Thoroughfare Plan.

2. Side Yards – None required unless abutting the R-1, R-2, R-3, R-4, R-5 or RMHP Zone, in which case there shall be a minimum side yard of 50 feet along the residential zone boundary.
3. Rear Yards- There shall be a minimum rear yard setback of not less than twenty-five feet, except where the rear yard abuts an R-1, R-2, R-3, R-4, R-5, or RMHP Zone, in which case the minimum rear yard setback shall be not less than 50 feet.
4. Yards for Public and Semi-Public Buildings – All public or semi-public buildings including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback of 30 feet from any lot line.

406.77 Off-Street Parking and Loading Requirements – See SECTION 407.

406.78 Signs and Outdoor Advertising - See SECTION 408.

406.8 C-2 Highway Commercial Zone - The C-2, or Highway Commercial Zone, is established to provide services for the motoring public, a large part of which is through traffic. In order to discourage congestion, traffic hazards and blighting effects of strip commercial development, C-2 Zones shall be restricted in size to not less than one acre and shall have a minimum lot width, determined at the building setback line.

No uses permitted in this zone shall be dangerous or offensive or detrimental to the present or intended character of this zone or vicinity by reason of the emission of dust, gas, smoke, noise, fumes, glare, odors, vibrations or fire hazards.

406.81 Uses Permitted

1. motels, tourist cabins or tourist courts
2. restaurants, drive-in restaurants, ice cream sales and similar related uses
3. retail car sales, service and repair

4. office buildings
5. service stations
6. taverns
7. garages for repair of motor vehicles within closed buildings
8. drive-in theatres
9. recreational uses and places of amusement
10. public uses necessary for conducting the business of operating the City, County, State and/or Federal Government, including parks and recreational facilities, schools and utilities.
11. churches and accessory religious buildings
12. uses by temporary permit
13. other similar uses.

406.82 Building Height - No restrictions.

406.83 Required Lot Area and Lot Width –No restrictions.

406.84 Percentage of Lot Coverage – Principal and accessory buildings shall not cover more than 65 percent of the lot.

406.85 Yards Required

1. Front Yards – The front yard building setback line for all buildings and accessory buildings shall be a minimum of 50 feet from any existing or proposed right-of-way line of any street or road, including those shown on the City of Decatur Major Thoroughfare Plan.
2. Side Yards – No side yards are required, except in instances where a use abuts a residential zone, in which case a 50-foot side yard is required on the side adjacent to the R-1, R-2, R-3, R-4, R-5 or RMHP Zone. Such space shall remain open and unoccupied by any building or accessory building or use.
3. Rear Yards – Rear yards shall be required where such yard abuts any residential zone. In such case there shall be a rear yard setback of 50 feet, a strip of which at least 20 feet wide shall be maintained adjacent to the R-1, R-2, R-3, R-4, R-5 or RMHP Zone as a landscaped buffer strip.
4. Yards for Public and Semi-Public Buildings – All public or semi-

public buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback of 30 feet from any lot line.

406.86 Off-Street Parking and Loading Requirements – See SECTION 407.

406.87 Signs and Outdoor Advertising – See SECTION 408.

406.9 C-3 Central Business District Commercial Zone – The C-3, or Central Business District Commercial Zone is established to provide areas for the major commercial activities of the Municipality. The C-3 Zone is established to:

1. protect present business and commercial uses from the blighting effects of incompatible land uses;
2. encourage the development of the downtown area as the shopping and commercial core of the Municipality and surround region; and
3. encourage the eventual elimination of uses detrimental or inappropriate to the proper functioning of the Central Business District.

No use permitted in this zone shall constitute a nuisance or be dangerous or offensive or detrimental to the present or intended character of this zone or vicinity by reason of the emission of dust, gas, smoke, noise, fumes, glare, odors, vibrations or fire hazard.

406.91 Uses Permitted

1. Any use permitted in the C-1 and C-2 Zones (except in drive-in theaters).
2. Antique shops
3. Apparel stores
4. Appliance sales

5. Art studios
6. Banks
7. Florist shops
8. Hardware stores
9. Hotels or motels
10. Offices and/or office buildings
11. Printing and publishing establishments
12. Shoe repair shops and similar service establishments
13. Theaters (indoor)
14. Any similar retail use, provided such use is devoted primarily to retail sales and is contained entirely within a closed building
15. Public uses necessary for conducting the business of operating the City, County, State and/or Federal Government, including parks and recreational facilities, schools and utilities
16. Churches and accessory religious buildings
17. Uses by temporary permit
18. Other similar uses.

406.92 Building Height – No restrictions.

406.93 Required Lot Area and Lot Width – None required

406.94 Percentage of Lot Coverage – Except as provided in 406.95 below, the entire lot area may be used for building purposes.

406.95 Yards Required

1. Front Yards – None required.
2. Side Yards – None required in areas, which are already built up. In other areas there shall be a minimum side yard of 12 feet to assure access of fire-fighting equipment. Such side yards are not required where fireproof construction approved by the Building Inspector is used.

Where said use abuts an R-1, R-2, R-3, R-4, R-5 or RMHP Zone, there shall be a side yard clearance on the sides abutting the residential zone of 50 feet. Such space shall remain open and unoccupied by any building or accessory building or use.

3. Rear Yards – Rear yards shall only be required where such yard abuts an R-1, R-2, R-3, R-4, R-5 of RMHP Zone. In such cases, rear yards shall be a minimum of 20 feet. Such space shall remain open and unoccupied by any building or accessory buildings.

4. Yards for Public or Semi-Public Buildings – All public or semi-public buildings, including accessory buildings, shall provide a minimum side yard and rear yard setback of 30 feet from any lot line.

406.96 Off-Street Parking and Loading – See SECTION 407.

406.97 Signs and Outdoor Advertising – See SECTION 408.

406.10 L-1 Light Industrial Zone

406.101 Uses Permitted – The following listed uses shall be permitted, provided that they are not obnoxious or offensive due to the emission of noise, odor, dust, gas or vibrations or do not constitute a nuisance.

1. Lumberyards
2. Upholstery manufacturers
3. Assembly plants
4. Bakeries, wholesale
5. Bookbinderies
6. Canneries
7. Cellophane products manufacturing
8. Ceramic products
9. Carpet cleaning services
10. Refrigerating plants
11. Confectionery manufacturing
12. Cosmetic manufacturing
13. Dairy products, processing and manufacture
14. Electrical parts, assembly and manufacture
15. Engraving plants
16. Feed processing
17. Fiber products manufacturing
18. Food products manufacturing
19. Foundry casting lightweight, nonferrous metal

- 20.Furniture manufacturing
- 21.Glass products manufacturing
- 22.Grain elevators
- 23.Iron works, light
- 24.Jewelry, manufacturing
- 25.Laboratories
- 26.Laundries
- 27.Leather products manufacturing
- 28.Millwork and cabinet making
- 29.Bulk storage of petroleum products
- 30.Paint mixing and treatment
- 31.Parcel delivery service
- 32.Pharmaceuticals manufacturing
- 33.Plastic products manufacturing
- 34.Railroad depot, passenger and freight
- 35.Sheet metal products (light) manufacturing
- 36.Sign painting shops
- 37.Television and radio broadcasting transmitters
- 38.Textile products manufacturing
- 39.Tire retreading, recapping or rebuilding
- 40.Tool and machinery manufacturing
- 41.Toy manufacturing
- 42.Truck terminals, truck and trailer service
- 43.Warehouse or storage buildings
- 44.Water distillation
- 45.Well-drilling services
- 46.Wholesale business, including gasoline and oil
- 47.Wood-products manufacturing
- 48.Open storage of building materials such as lumber, coal, machinery and pipe when enclosed by a solid fence at least six feet in height
- 49.Public uses necessary for conducting the business of operating the City, County, State and/or Federal Government, including parks and recreational facilities, schools and utilities
- 50.Uses by temporary permit
- 51.Other similar uses.

406.102 Building Height – No restrictions.

406.103 Required Lot Area and Lot Width – A minimum lot size of one

acre shall be required for any light industrial use. No requirements shall be established as to a minimum lot width contingent upon compliance with SECTIONS 406.104, 406.105 and 407.

406.104 Percentage of Lot Coverage – Buildings, including accessory buildings, shall not cover more than 70 percent of the area of any lot.

406.105 Yards Required

1. Front Yards – The front yard building setback line shall be a minimum of 50 feet from any existing or proposed right-of-way line of any street or road, as shown on the City of Decatur Major Thoroughfare Plan.

2. Side Yards – There shall be a minimum side yard on each side of any building or structure of 25 feet, measured from the side lot line to the nearest building or structure.

Where said use abuts an R-1, R-2, R-3, R-4, R-5, or RMHP Zone, there shall be a side yard clearance on the side abutting the residential zone of 75 feet. Such space shall remain open and unoccupied by any building or accessory building or use.

3. Rear Yards – There shall be a minimum rear yard, measured from the rear property line to the nearest building, or 40 feet. Such space shall not be occupied by any building or accessory use. Where said use abuts an R-1, R-2, R-3, R-4, R-5 or RMHP Zone, there shall be a rear yard of a least 70 feet, measured from the rear property line to the nearest building. Such space shall remain open and unoccupied by any building or accessory use.

4. Yards for Public or Semi-Public Buildings – All public or semi-public buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback of 30 feet from any lot line.

406.106 Off-Street Parking and Loading – See SECTION 407.

406.107 Signs and Outdoor Advertising – See SECTION 408.

406.11 L-2 Heavy Industrial Zone

406.111 Uses Permitted

1. All uses permitted in the L-1 Zone
2. Aggregate plants and operations
3. Candy factories
4. Carting, express, hauling or storage yards
5. Cereal mills
6. Chemical plants
7. Concrete batch plants
8. Coal, coke or wood yards
9. Custom fabrication
10. Dairy products processing plants
11. Egg-drying plants
12. Food processing
13. Flour mills
14. Grain elevators
15. Laboratories, office and other facilities for research, both basic and applied, conducted by or for any industrial organization or concern, whether public or private
16. Metal-fabricating plants
17. Killing, dressing and storage of poultry
18. Millwork and flooring processing
19. Manufacturers of:
 - a. instruments for professional, scientific, photographic, optical and similar uses;
 - b. beauty and barber shop equipment and supplies
 - c. brooms;
 - d. electrical equipment, machinery and supplies;
 - e. fountain and beverage equipment;
 - f. leather products
 - g. metal fabrications;
 - h. mining equipment;
 - I. missiles and their components;
 - j. paper;
 - k. plywood, furniture and similar wood products;
 - l. rubber products; and
 - m. rock wool.

20. Wholesale sale and storage of any article
21. Animal hospital, permitting housing and/or boarding of animals and runs.
22. Professional office buildings
23. Restaurants
24. Service stations
25. Sawmills
26. Other similar uses to the above-listed uses
27. Accessory buildings and uses related to the operation of permitted uses within this zone
28. Retail sale of any commodity manufactured, processed, fabricated or warehoused only on the premises; and equipment, supplies and materials designed especially for use in agriculture, mining, industry, business, transportation, building and other construction
29. Public uses necessary for conducting the business of operating the City, County, State and/or Federal Government, including parks and recreational facilities, schools and utilities.
30. Uses by temporary permit.

406.112 Conditional Uses – No building or occupancy permit shall be issued for any of the following uses until and unless the location of such use shall have been recommended by the Planning Commission.

1. Abattoirs or slaughter houses
2. Acid manufacturing, such as hydrochloric, nitric and sulfuric
3. Cement, lime, gypsum or plaster of Paris manufacturing
4. Distillation of bones
5. Explosive manufacturing or storage
6. Fat rendering
7. Fertilizer manufacturing
8. Garbage, offal and dead animals dumping or reduction, except for municipal incinerators
9. Gas manufacturing
10. Glue manufacturing
11. Petroleum refining or storage
12. Smelting of tin, copper, zinc or iron ores
13. Stock yards and stock auction barns
14. Storage or baling of rags, paper, iron or junk yards
15. Used-car junk areas

16.Pulp or paper mills.

406.113 Building Height – No restriction.

406.114 Required Lot Area and Lot Width – A minimum lot area of two acres shall be required for any heavy industrial use. The minimum lot width at the building setback line shall be 200 feet.

406.115 Percentage of Lot Coverage – Buildings, including accessory buildings, shall not cover more than 50 percent of the area of any lot.

406.116 Yards Required

1. Front Yards – The front yard setback for all buildings shall be a minimum of 100 feet from any existing or proposed right-of-way line of any street or road, as shown on the City of Decatur Major Thoroughfare Plan.

2. Side Yards – There shall be a minimum side yard on each side of any building or structure of 25 feet, measured from the side lot to the nearest building or structure. When said use abuts on R-1, R-2, R-3, R-4, R-5 or RMHP Zone, there shall be a side yard clearance on the side abutting the residential zone of 100 feet. Such space shall remain open and unoccupied in any building or accessory use.

3. Yards for Public and Semi-Public Buildings – All public or semi-public buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback of 30 feet from any lot line.

406.117 Off-Street Parking and Loading - See SECTION 407.

406.118 Signs and Outdoor Advertising – See SECTION 408.

406.12 A-1 Agricultural – One Zone

406.121 Uses Permitted (Changes adopted Feb 3, 2015, Book 14, pg 108)

1. Agricultural buildings, uses and accessory uses provided, however, that no permits shall be required with reference to land used for the growing of the usual farm products or raw materials such as cotton, vegetables, fruit, trees, grain, and acceptable animals as listed below:
 - a. Horses;
 - b. Cattle;
 - c. Donkeys;
 - d. Mules;
 - e. Goats; and
 - f. Sheep.
2. The erection, maintenance, or extension of farm buildings for the treatment or storing of produce, raw materials and equipment, provided that such accessory uses shall be secondary to that of the normal farm activities.
3. Single-family dwellings and accessory structures.
4. Public uses necessary for conducting the business of operating the Town, County, State, and/or Federal Government, including parks and recreational facilities, schools, and utilities.
5. Churches and accessory religious buildings.
6. Uses by temporary permit.

406.122 Building Height

1. Agricultural buildings: No structures shall exceed 45 feet in height.
2. Single-family residential: No structures shall exceed 45 feet in height.

406.123 Required Lot Area and Lot Width

Every dwelling shall be located on a single lot of not less than 21,780 square feet in area provide that public sanitary sewer service is available, otherwise 2 acres shall be required. A single lot shall have a width determined at the building setback line of not less than 150 feet.

406.124 Percentage of Lot Coverage

Buildings, including accessory structures, shall not cover more than 60 percent of the area of any lot.

406.125 Yards Required

1. Front Yards - The front yard building set-back line shall be a minimum of 30 feet from any existing or proposed right-of-way line of any street or road, including those shown on the Town of Decatur Major Thoroughfare Plan.
2. Side Yards - There shall be a minimum side yard of 20 feet on each side of any structure, measured from the side lot line to the nearest building on said lot, except where the side yard abuts any street or road, including those shown on the Town of Decatur Major Thoroughfare Plan, in which case the side yard shall be 30 feet.
3. Rear Yards - There shall be a minimum rear yard setback of not less than 30 feet except where the rear yard abuts any street or road, including those shown on the Town of Decatur Major Thoroughfare Plan, in which case the rear yard shall be 30 feet.
4. Yards for Public or Semi-Public Buildings - All public or semipublic buildings, including accessory buildings, shall provide the same front yard as required for all other buildings in this zone. There shall be a minimum side yard and rear yard setback of 30 feet from any lot line.

406.130 R-R: Rural Residential (Sec adopted Feb3, 2015, Book 14, pg 108)

406.131 Purpose--The purpose of this zone promotes low-density residential development consistent with an urban-rural character. This zone will allow hobby farming and the hobby rearing of livestock and poultry, but will be restrictive of large commercial livestock/poultry operations. This zone maintains the town of Decatur's heritage as a rural community, yet provides restrictions consistent with being in a sprawling urban community. This zone will generally be located in areas provided with limited public utilities and services, particularly a lack of town sewer services.

406.132 Uses Permitted

1. Single-family dwellings, farm and agricultural structures.
2. Limited agricultural production of common farm products or raw materials such as cotton, vegetables, fruit, trees, grain and acceptable animals as listed below:
 - a. Horses
 - b. Cattle,
 - c. Donkey,
 - d. Mules,
 - e. Goats,
 - f. Sheep, and
 - g. Poultry

No permits shall be required with reference to land used for the agricultural production.

2. Animal numbers shall be limited to the maximum that can be reasonably supported with the available land using accepted Mississippi State Extension Services guidelines.
3. Public uses necessary for conducting the business of operating the City, County, State and/or federal government, including Parks and recreational facilities, schools and utilities.
4. Private Utilities including Electric Power Co-ops, Water Companies, Gas Companies, etc.
5. Churches and accessory religious buildings.
6. Uses by temporary permit.

406.133 Building Height—No structures shall exceed 45 feet in height.

406.134 Required Lot Area and Lot Width—every dwelling shall be located on a single lot of not less than 43,560 square feet (one acre) and have a width determined at the building setback line of 150 feet.

If the Town does not provide sewer services to the property, the property owner needs to contact the Mississippi Dept of Health to determine soil adequacy or the adequate lot size to support sewer treatment facilities.

406.135 Percentage of Lot Coverage—Buildings, including accessory structures, shall not cover more than 60 percent of the area of any lot.

406.136 Yards Required

1. Front Yards—The front yard building set back line shall be a minimum of 40 feet from the existing or proposed right-of-way line of any street or road, including those shown on the Town of Decatur Major Thoroughfare Plan.
2. Side Yards—There shall be a minimum side yard of 20 feet on each side of any structure, measured from the side lot line to the nearest road, including those shown on the Town of Decatur Major Thoroughfare Plan.

3. Rear Yards-- There shall be a minimum rear yard setback of not less than 40 feet except where the rear yard abuts any street or road, including those shown on the Town of Decatur Major Thoroughfare Plan, in which case the rear yard shall be 30 feet.
4. buildings in the zone. There shall be a minimum side yard and rear yard setback of 30 feet from any lot line.

SECTION 407 OFF-STREET PARKING AND LOADING REQUIREMENTS

407.1 Off-Street Parking – In all zones, off-street parking facilities for the storage or parking of motor vehicles for use of occupants, employees and patrons of the building hereafter erected, altered or extended after the effective date of this Ordinance shall be provided and maintained as herein prescribed.

407.2 General Requirements

1. In determining the number of parking spaces required, if such spaces result in fractional parts thereof, the number of said places required shall be construed to be the next highest whole number.
2. Whenever a use is increased in floor area, additional parking spaces shall be provided in the amounts hereafter specified for that use, if the existing parking space is inadequate to serve the increased floor area.
3. Off-street parking facilities for one and two-family dwellings shall be located on the same lot or plot of ground as the building served. Off-street parking facilities for multi-family dwelling containing more than eight dwelling units may be located within 300 feet of the building intended to be served. An industry or commercial establishment which employs 500 or more persons or any retail establishment or any retail establishment or office building may supply off-street parking at a distance greater than 300 feet from such industry or business upon recommendations of the Zoning Board of Adjustment and approval of the Mayor and Board of Aldermen.

4. The off-street parking requirements for uses not specifically mentioned herein shall be the same as those required for uses of a similar nature.

5. Collective off-street parking facilities may be provided; however, such facilities shall be no less than the sum of such facilities as would otherwise be individually required.

6. The amount of off-street parking space required for uses, buildings or additions thereto shall be determined according to the following requirements, and the space so required shall be stated in the application for a building permit and shall be reserved for such use.

<u>USES</u>	<u>REQUIRED PARKING SPACES</u>
a. one and two-family dwellings or mixed occupancy	2 parking spaces for each family unit.
b. Multiple dwellings. for each dwelling unit.	1½ parking spaces
c. Tourist homes, cabins or motels.	1 parking space for each sleeping room or suite, including that of owner or manager if resident on the premises.
d. Banks and combination banks and office buildings.	1 parking space for each 250 sq. ft. of office area, provided, however, that if said building or the land upon which it is located, shall contain 1 or more drive-in facility, then each drive-in facility shall be deemed to have provided the equivalent of 15 parking spaces, except in no case shall total credit for the above drive-in facilities exceed 50% of the total parking spaces otherwise required for said building.

- e. Hospitals, sanatoriums, convalescent homes and homes for the aged or similar uses. 1 parking space for each 2 beds.
- f. Orphanages or similar uses. 1 parking space for each 10 beds.
- g. Hotels. 1 parking space for each 2 guest rooms.
- h. Private clubs, fraternities, boarding and lodging houses 1 parking space for each 2 guest sleeping rooms, or 1 parking space for each 100 sq. ft. of floor area, whichever is greater.
- i. Community centers, libraries, civic clubs, museums, Post offices, etc. 2 parking spaces for each 100 sq. ft. of floor area.
- j. Theaters and auditoriums (municipality owned) 1 parking space for each 4 seats plus 1 additional space for each 2 employees.
- k. Churches and private schools. 1 space for each 4 seats in a principal auditorium or 1½ spaces for each classroom, whichever is greater.
- l. Dance halls, pools and billiard halls and exhibition halls without assembly. 3 parking spaces for each 50 sq. ft. of floor area used for dancing or assembly.
- m. Private stadium, sports arenas. 1 parking space for each 4 seats.
- n. Bowling establishments. 5 parking spaces for each lane.
- o. Mortuaries or funeral homes. 1 parking space for each 50 sq. ft.

of floor area in the slumber rooms, parlors or individual service.

- p. Establishments for sale and consumption on the premises of beverages, food or refreshments. 1 space for every 50 sq. ft. of total floor area.
- q. Professional office buildings. 1 parking space for each 250 sq. ft. of floor area.
- r. Beauty parlor and barbershops. 2 parking spaces per barber and/or beauty shop operator.
- s. All retail stores, except as otherwise specified herein. Shopping centers (1 space for every 200 sq. ft. of rental floor area), highway commercial (1 space for every 200 sq. ft. of rental floor area) and general commercial space for every 500 sq. ft. of rental floor area).
- t. Industrial establishments including manufacturing, research and testing laboratories. 1 parking space for each 2 employees on the maximum working shift.
- u. Warehouses and storage buildings. Sufficient parking space to accommodate employees and the loading and unloading of materials

7. Parking lots or areas adjacent to public streets shall have driveways or openings not to exceed 25 feet in width at the curb line. All such lots or areas shall have a protective wall or bumper block at least 5 feet from any sidewalk line, and said lots shall be so designed that all vehicles leaving the facility will be traveling forward.

8. No driveway or curb cuts shall exceed 25 feet in width.

Detailed plans shall be submitted for approval of all curb cuts or driveway openings in commercial and industrial zones before a building permit may be obtained therefore.

9. Off-street parking regulations for commercial and industrial zones are the following:

(a) Any vehicle parking space in a commercial or industrial zone shall be used for parking only. Any other use of such space, including repair work or servicing of any kind other than in an emergency.

(b) No building of any kind, except drive-in facilities, shall be erected in any off-street parking space, except an attendant's office or parking garage containing parking spaces equivalent to the requirements set forth in this section.

(c) The parking area on any lot, as set forth and designated in this chapter, shall be deemed to be required open space on such lot, and shall not be reduced or encroached upon in any manner. This provision, however, shall not be deemed to prevent the erection of multiple-story structures for parking of vehicles.

(d) All parking spaces, drives and islands shall be surfaced with a bituminous, concrete or other similar material.

407.3 Size of Off-Street Parking Space – In all commercial and industrial zones, a minimum area of 300 square feet per car shall be required in computing the total area to be devoted to parking (this includes entrances, exits and driveways), and such areas shall have an all-weather service.

407.4 Off-Street Loading and/or Unloading Space – Every building, structure or part thereof used for business, trade, industry or other activity involving the receipt or distribution of vehicles, materials or merchandise shall provide space as indicated herein for the loading and/or unloading of vehicles. Such space shall have access to a public street or alley.

1. Retail Business and Services: minimum of one space of 350 square feet per location and/or one space of 350 square feet for each 3,000 square feet of floor area, with a height clearance of 14 feet.
2. Wholesaling and Industry: Minimum of one space of 500 square feet per location and /or one space of 500 square feet for each 10,000 square feet of floor area.
3. Bus and Truck Terminals: sufficient space to accommodate the maximum number of buses or trucks to be loading, unloading and/or stored at any one time.

SECTION 408 SIGNS AND OUTDOOR ADVERTISING

408.1 Scope of Regulation – The regulations herein set forth shall apply and govern in all zones except as hereinafter provided. No sign or outdoor advertising device shall be erected, maintained or continued unless it is in compliance with the regulations for the zone in which it is located. Additionally no sign or other outdoor commercial advertising device constituting a hazard and/or nuisance because of light, glare, focus, noise animation or flashing in any zone, or an illuminated sign of such intensity of illumination as to unduly disturb the uses of residential property shall be erected or continued in operation.

408.2 General Limitations – No sign shall be erected or maintained in zones other than commercial and industrial zones unless the sign complies with all of the following conditions.

1. Said sign is erected and maintained to advertise a use specifically permitted in the zone in which the sign is located, or for a nonconforming use subject to the limitations contained in SECTION 401 and 402, nonconforming uses and nonconforming structures, herein.
2. Said sign is clearly incidental, customary to and commonly associated with the operation of the use.

3. Said sign is established and controlled under and by the same ownership as the use.
4. Said sign is limited in location to the premises on which the use is located.
5. Said sign is limited in subject matter to the name, design, picture or phone number and address of owner, operator, builder, sales agent, managing agent, lesser or lessee of the premises or of the activities (including merchandise handled or services rendered) on the premises on which such sign is located and does not include any general commercial advertising unrelated to or extending in substantial degree beyond the specifically permitted subjects.

408.3 Exceptions – The following signs shall be exempt from the regulations contained in this Section, provided that these exceptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance and its compliance with the provisions of this Ordinance or any other law or ordinance regulating the same.

1. Real estate signs not exceeding 16 square feet in area, which advertise the sale, rental or lease of the premises on which said signs are located.
2. Professional name plates not exceeding two square feet in area.
3. Bulletin boards not over 12 square feet in area for public, charitable or religious institutions when same are located on the premises of said institutions.
4. Signs not over 12 square feet in area denoting the architect, engineer or contractor when placed upon work under construction.
5. Memorial signs or tablets names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
6. Signs of public service companies, which aid to service or safety or warn of danger.

7. Temporary signs where permitted by the Zoning Board of Adjustment or required by this Ordinance or other resolutions or regulations imposed by the Mayor and Board of Aldermen, provided, however, that no such sign may remain in place for any longer than five days after expiration of the permitted time.
8. Signs on canopy structures other than marquees, provided, however, that such signs may not be illuminated and may contain no lettering or advertising other than the name of the building, the name of the owner or occupant of said building and the street address.
9. Repainting or cleaning of an advertising structure or the changing of the advertising copy or message thereon, unless a structural change is made.
10. Signs inside a building.

408.4 Permitted Signs - The following signs shall be permitted within the residential zones for those purposes as stated only.

408.41 R-1, R-2, R-3, R-4, R-5 and RMHP, Residential Zones – None, except as outlined in Paragraphs 408.2 and 408.3. However, in Zone R-5 the additional restrictions shall apply.

408.42 C-1 Neighborhood Commercial Zone

1. Maximum size of single sign – 100 square feet.
2. Maximum height above grade at sign – 45 feet.
3. Sign locations – No sign shall be placed closer than five feet to the street right-of-way line and shall in no case obstruct the view of traffic or constitute a hazard.
4. Limitation on number of signs or total area of signs – There shall be no limitation on the number of signs; provided, however, that the total area of all signs for each street frontage of the lot which the primary permitted use is located shall not exceed 100 square feet.
5. Other limitations or conditions – Signs shall be neither flashing nor animated and shall be limited in subject matter covered in Sub-Paragraph 5 of Paragraph 408.2.

408.43 C-2 Highway Commercial

1. Maximum size of single sign – None.
2. Maximum height above grade at sign – None.
3. Sign location – No sign shall be placed in such a manner as to obstruct the view of traffic or create a hazard.
4. Limitation on number of signs or total area of signs – No limitation on number of signs, provided however, that the total area of all signs for buildings having a street frontage of 50 feet or more shall not exceed 100 square feet, plus one square foot for each foot of building over 50 feet.
5. Other limitations – There shall be neither flashing nor animated signs, and shall be limited in subject matter covered in Sub-Paragraph 5 of Paragraph 408.2.

408.44 – C-3 Central Business District Commercial Zone

1. Maximum size of single sign – 100 square feet.
2. Maximum height above grade at sign – No limitation.
3. Sign location – No sign shall be placed in such a manner as to obstruct the view of traffic or create a hazard.
4. Limitation on number of signs or total area of signs – None .

408.45 – L-1 and L-2 Industrial Zone – There shall be no limitations, except that no sign shall obstruct the view of traffic or create a hazard.

ARTICLE V
ADMINISTRATION

SECTION 500 ENFORCING OFFICER

The Building Inspector as designated by the Mayor and Board of Aldermen shall administer and enforce this Ordinance. He may be provided with the assistance of such other persons as the Mayor and Board of Aldermen directs.

If the Building Inspector finds that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such

violation and order the action necessary to correct it. He shall order discontinuance of illegal uses of land, buildings, structures or signs; removal of illegal buildings, structures, signs or additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Building Inspector and that such questions shall be presented to the Zoning Board of Adjustment only on appeal from the decision of the Building Inspector, and that recourse from the decisions of the Zoning board of Adjustment may be made to the Mayor and Board of Aldermen of the City of Decatur.

Any person aggrieved at the finding of the Mayor and Board of Aldermen after an appeal from the Zoning Board of Adjustment has been transmitted to the Mayor and Board of Aldermen and a hearing has been had thereof, shall have the right of appeal from the findings of the Mayor and Board of Aldermen in the manner provided for in Section 3596, Mississippi Code of 1942, amended.

SECTION 501 BUILDING PERMITS AND CERTIFICATES OF ZONING COMPLIANCE

Building permits shall be issued in accordance with the following provisions.

501.1 Building Permits Required – No building or other structure shall be erected, moved, added to or structurally altered without a permit therefore issued by the Building Inspector. Only building permits that conform with the provisions of this ordinance shall be issued, except after written order from the Zoning Board of Adjustment.

501.2 Application for Building Permits - All applications under any ordinance of this City for building permits, whether to erect, add to, move or structurally alter any building, shall hereafter include plans in triplicate drawn to scale showing the actual dimensions and shape of the lot to be built upon and including thereon, in addition to other requirements existing, the location, dimensions, grades, elevations and street ingress or egress location or locations, of the off-street parking required under this Ordinance. No building permit shall issue

for any purpose which does not comply with the provisions of this Ordinance.

501.3 Certificates of Zoning Compliance for New, Altered or Nonconforming Uses and/or Structures - It shall be unlawful to use or occupy or permit the use of occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use of structures until a certificate of zoning compliance shall have been issued therefore by the Building Inspector stating that the proposed use of the building or land conforms to the requirements of this Ordinance. No nonconforming structure or use shall be maintained, renewed, changed or extended until a certificate of zoning compliance shall have been issued by the Building Inspector. The certificate of zoning compliance shall state specifically wherein the nonconforming use differs from the provisions of this Ordinance, owners or occupants of nonconforming uses or structures shall have three months or within ten days after notification shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this Ordinance.

No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work.

A temporary certificate of zoning compliance may be issued by the Building Inspector for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.

The Building Inspector shall maintain a record of all certificates of zoning compliance, and copies shall be furnished upon request to any person at a cost of reproduction.

Failure to obtain a certificate of zoning compliance shall be violation of this Ordinance and punishable under SECTION 505 of this Ordinance.

501.4 Expiration of Building Permit - If the work described in any building permit has not begun within 90 days from the date of issuance thereof, said permit shall expire and be cancelled by the Building Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

501.5 Construction and Use to be as Provided in Applications, Plans, Permits and Certificates of Zoning Compliance - Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Building Inspector authorize only the use, arrangement and construction set forth in such approved plans and applications, and any other use, arrangement or construction at variance with that authorized shall be deemed violation of this Ordinance and punishable as provided by SECTION 505 hereof.

SECTION 502 ZONING BOARD OF ADJUSTMENT*

502.1 A Zoning Board of Adjustment is hereby established, which shall consist of five members appointed by the Mayor and Board of Aldermen.

502.2 The personnel of the Board shall have at least one licensed attorney and one member of the Planning Commission.

502.3 Initially one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years and one for a term of one year. Each year after the first year, a new member shall be appointed, and such appointment shall be for a period of five years. Members may be appointed to succeed themselves.

502.4 Any member of the Board may be removed, for cause, by the Mayor and Board of Aldermen upon preference of written charges and after a public hearing if such is requested in writing by the member. The vacancy so created shall be filled by the Mayor and Board of Aldermen for the unexpired term only.

502.5 Members of the Board shall receive no compensation for their services, as such.

502.6 The Board shall select one of its members to serve as chairman and one to serve as vice chairman, and may adopt, from time to time, such rules and regulations as it may deem necessary to carry into effect the provisions of this Ordinance; but such rules and regulations shall have the approval of the Mayor and Board of Aldermen.

502.7 Scheduled meetings of the Board shall be held each month during the fourth week of the month; provided, however, there being no business to come before the Board, such meeting may be postponed at the discretion of the chairman until the next scheduled meeting.

The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, the fact of such absence or failure to vote shall be spread upon the minutes. The final disposition of appeals shall be by recorded resolution setting forth the reasons of the Board therefore, all of which shall be of public Record.

All meetings shall be held at a regular place, to be designated by the Mayor and Board of Aldermen, and shall be open to the public.

502.8 An appeal from the decision of the Building Inspector on matters appertaining to this Ordinance may be taken to the Zoning Board of Adjustment by any person aggrieved or by any office, department, board or bureau of the City affected by such decision. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken, and with the Board of Adjustment, a notice of such appeal specifying the grounds therefore. The officer from whom the appeal is taken shall forthwith transmit to the Board all papers or certified reproductions thereof, constituting the record from which the appealed action was taken.

502.9 An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril of life or property. In such cases, proceedings shall not be stayed except by a restraining order, which may be granted by the Board or by a court of record, on notice to the officer from whom the appeal is taken, and on due cause shown.

*While present State-enabling legislation does not allow for the creation of a Zoning Board of Adjustment, this Section is included in this Ordinance so that when State-enabling legislation is amended, the duties and powers of the Zoning Board of Adjustment will be established. Until State-enabling legislation is amended, the duties and powers of the Zoning Board of Adjustment will and must be assumed by the City Planning Commission with final approval or disapproval of any action resting with the Mayor and Board of Aldermen.

SECTION 503 POWERS AND DUTIES OF THE ZONING BOARD OF ADJUSTMENT

The Zoning Board of Adjustment shall have the following powers and duties in all districts.

503.1 Administration Review – To hear and decide appeals where there is an alleged error in any order, requirement, decision or determination made by the Building Inspector in the enhancement of this Ordinance.

503.2 Special Exceptions, Conditioning, Governing Applications and Procedures - The Zoning Board of Adjustment shall hear and decide only such special exceptions as the Board is specifically authorized to pass on by the terms of this Ordinance; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this Ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this Ordinance. A special exception shall not be granted by the Zoning Board of

Adjustment unless and until the following conditions shall be met.

503.21 A written application for a special exception is submitted, indicating the section of this Ordinance under which the special exception is sought and stating the ground upon which it is requested.

503.22 A public hearing shall be held. Any party may appear in person or by agent or attorney.

503.23 Notice shall be given at least 15 days in advance of the public hearing. The owner of the property for which exception is sought or his agent shall be notified by mail. Notice of such hearings shall be posted on the property for which special exception is sought, at the City Hall and published in the local newspaper 15 days prior to the public hearing.

503.24 The Board shall make a finding that it is empowered under the section of this Ordinance described in the application to grant or refuse the special exception and that the granting of the special exception will not adversely affect the public interest.

503.25 In granting any special exception, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Ordinance and punishable under SECTION 505 of this Ordinance. The Board shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

503.3 Variances, Conditions, Governing, Applications, Procedures – To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. A variance from the terms of this Ordinance shall not be granted by the Zoning Board of Adjustment unless and until the following conditions shall be met.

503.31 A written application for a variance is submitted demonstrating:

1. that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zone;
2. that literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zone under the terms of this Ordinance;
3. that the special conditions and circumstances do not result from the actions of the applicant;
4. that granting the variance requested will not confer on the applicant any special use or other privilege that is denied by this Ordinance to other lands, structures or buildings in the same zone.

No nonconforming use of neighboring lands, structures or buildings in the same zone and no permitted use of lands, structures or buildings in other zones shall be considered grounds for the issuance of a variance.

503.32 A public hearing shall be held. Any party may appear in person or by agent or by attorney.

503.33 Notice of public hearing shall be given as in SECTION 503.23 herein.

503.34 The Board shall make findings that the requirements of SECTION 503.31 have been met by the applicant for a variance.

503.35 The Board shall further make a finding that the reasons set forth in the application justify the granting of the variance, before authorizing such variance that will make possible the reasonable use of the land, building or structure.

503.36 The Board shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under SECTION 505 of this Ordinance.

Under no circumstances shall the Board grant a variance to allow a use or structure not permissible under the terms of this Ordinance in the zone involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said zone.

503.4 Decisions of the Board – In exercising the above mentioned powers, the Board may, as long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have powers of the Building Inspector from whom the appeal is taken.

The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variance in the application of this Ordinance. Said Board shall be required to set forth, in its minutes the facts and/or reasons for its decisions.

SECTION 504 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Building Inspector. The Building Inspector shall properly record such complaint, immediately investigate and take action thereon as provided by this Ordinance.

SECTION 505 PENALTIES FOR VIOLATION

Violation of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$250.00 or imprisoned for not more than 30 days, or both, and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues following conviction shall be a separate offense.

The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE VI AMENDMENTS

SECTION 600 AMENDMENT PROCEDURE

600.1 Declaration of Public Policy - For the purpose of establishing and maintaining sound, stable and desirable development within the territorial limits of the municipality, this Ordinance, and as here used the term Ordinance shall be deemed to include the Official Zoning Map, shall not be amended except to correct a manifest error in the Ordinance or, because of changed or changing conditions in a particular area

or in the municipality generally, to rezone an area or to extend the boundary of an existing zone, or to change the regulations and restrictions thereof, only as reasonable necessary to the promotion of the public health, safety or general welfare. Subject to the limitations of the foregoing Declaration of Public Policy, an amendment to this Ordinance may be initiated by the Mayor and Board of Aldermen on its own motion, or, in the manner and pursuant to the procedure hereinafter set forth, may be initiated by any person, firm or corporation filing an application therefore with the City of Decatur.

600.2 Limitations on All Proposed Amendments - All proposed amendments to this Ordinance, regardless of how or by whom initiated, shall be subject to the following limitations.

600.21 Administrative Examination - No amendment to this Ordinance shall be adopted until the amendment has been examined by the City Planning Commission and their recommendations are obtained.

600.22 Uniformity of Zone Regulations and Restrictions – No amendment to this Ordinance shall be adopted whereby the regulations and restrictions established thereby are not uniform for each zone having the same classification and bearing the same symbol or designation on the Official Zoning Map.

600.23 Minimum Size of New Zones – No amendment to this Ordinance shall be adopted whereby the zoning classification of an area is changed unless the area meets the following requirements as to minimum size. For the purpose of computing the size of an area for compliance herewith, there shall be added to such area:

1. The area of public rights-of-way interior to the area being changed;
2. One-half the area of public rights-of-way abutting the area being changed;

3.The area of any land within the corporate limits of the City of Decatur which is contiguous to the area being changed and which land already bears the zoning classification sought for the area being changed;

4.The area of any land outside the corporate limits of the City of Decatur which is contiguous to the area being changed and which land under valid zoning classification sought for the area to be changed.

For the purpose of this Section, neither contiguity nor abutment shall be destroyed by the existence of a street or alley.

Subject to the foregoing limitations, every zone shall be a least 174,240 square feet. The zoning map shall not be amended, changed or modified in such a manner as to create a freestanding zone of less than said 174,240 square feet, except where specific area restrictions are stipulated in the Ordinance.

600.24 Need for Uses to be Clear and Demonstrable - No amendment to this Ordinance shall be adopted whereby a less restricted or lower zoning reclassification is established for an area unless there is a clear and demonstrable necessity in the area for those uses which are permitted in the zone applied for and not the next higher zone.

600.3 Public Hearing Required, Notice Given – No amendment to this Ordinance shall become effective until after a public hearing is held in relation thereto, at which hearing parties in interest shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published at least once in an official newspaper or a paper of general circulation in the City at least 15 days prior to the hearing. Said notice shall read as follows:

NOTICE

NOTICE IS HEREBY GIVEN THAT APPLICATION HAS BEEN MADE TO THE MAYOR AND BOARD OF

ALDERMAN TO CHANGE THE ZONING OF THE AREA DESCRIBED AS _____ FROM _____ TO* _____. A PUBLIC HEARING WILL BE HELD BEFORE SAID BOARD AT _____ PM ON _____, 20____, CITY HALL, DECATUR, MISSISSIPPI, AT WHICH TIME AND PLACE ALL THOSE WISHING TO BE HEARD REGARDING THE CHANGE IN ZONING SHOULD APPEAR.
DATED THIS _____ DAY OF _____, 20____.

NAME OF APPLICANT

*Zoning classification is to be indicated by the word “residential”, “commercial”, or “industrial”, followed by the numerical and alphabetical definition.

Additionally, any area for which an individual application for a change in zoning classification is being considered shall be posted for at least 30 days prior to the hearing, and the costs of such posting shall be borne by the applicant. Such posting shall be by means of a sign or signs erected in a conspicuous location on the property, at least one sign for every 300 feet on each street upon which the property abuts. The sign shall be at least three feet by four feet in size, supported by corner posts, with bottom of sign at least four feet above ground level, reading in letter legible from the nearest street, as follows, to wit:

NOTICE

NOTICE IS HEREBY GIVEN THAT APPLICATION HAS BEEN MADE TO THE MAYOR AND BOARD OF ALDERMEN TO CHANGE THE ZONING OF THIS PROPERTY FROM * _____ TO * _____. A PUBLIC HEARING WILL BE HELD BEFORE SAID BOARD AT _____ PM ON _____, 20____, AT THE CITY HALL,

DECATUR, MISSISSIPPI, AT WHICH TIME AND PLACE ALL THOSE WISHING TO BE HEARD REGARDING THE CHANGE IN ZONING SHOULD APPEAR.

DATED THIS _____ DAY OF _____ 20____.

NAME OF APPLICANT

*Zoning classification to be indicated by the word “residential”, “commercial”, or “industrial”, followed by the numerical and alphabetical definition.

600.4 Applications for Amendments

600.41 By Whom Made – Any person, firm, corporation or political subdivision may apply for an amendment to this Ordinance.

600.42 Filing of Applications – All applications for amendments to this Ordinance shall be filed with the City of Decatur.

600.43 Contents of Applications - Without in any way limiting the right to file additional material, no application for amendment to this Ordinance will be considered unless it contains:

- 1.The applicant’s name, address and interest in the application and the name, address and interest of every person, firm, corporation or political subdivision represented by the applicant in the application.
- 2.The description of the proposed amendment;
- 3.A plat showing the land area which would be affected by the proposed amendment, the present zoning classification of the area and of all abutting properties, all public and private rights-of-way and easements bounding and intersecting the designated area and abutting properties, all public and private rights-of-way and easements bounding and intersecting the designated area and abutting properties.

4. The error in the Ordinance that would be corrected by the proposed amendment or changed or changing conditions in the applicable area or in the municipality generally that made the proposed amendment reasonably necessary to the promotion of the public health, safety or general welfare.

600.44 Fee for Application – The Planning Commission will determine appropriate fees for handling all applications. Said fees may cover the cost of legal notice, public hearing and processing the application.

600.5 Examination of Applications for Amendments

600.51 Administrative Examination – Upon receipt of an application for an amendment, properly and completely made as herein set forth, the Building Inspector shall transmit copies of the application to the Planning Commission, either of which, after examination of the application, may require, if considered necessary, that the applicant furnish additional information of a pertinent and reasonable nature.

600.6 Disposition of Applications for Amendments

600.61 Administrative Disposition – Upon receipt of an application for an amendment from the Building Inspector, the Board shall request the recommendations of the Planning Commission and shall hold one or more hearings on the proposed amendment. After consideration of the proposed amendment, the Board of Adjustment shall forward written notice of its findings and recommendations and listed facts and/or reasons which its decisions were based on concerning the application to the Mayor and Board of Aldermen along with a copy of the application.

600.62 Legislative Disposition – Within 90 days after receipt of the Board recommendations and findings concerning the application and a copy of the applications, the Mayor and Board of Aldermen shall act upon such application.

ARTICLE VII
MISCELLANEOUS

SECTION 700 EFFECTIVE DATE

This Ordinance shall take effect on this the 3rd day of
April, 2001.

Signature on File
JINYA LEA CLARKE, CLERK

Signature on File
DAVID GRIFFIN, MAYOR

Changes and Alterations:

- Oct 7, 2014: Section 502.2 modified regarding having an attorney on the Zoning Board
- Oct 7, 2014: Section 502.7 modified the Zoning Board meeting schedule.
- Feb 3, 2015: Made changes to Section 406.12 A-1 Agriculture-One Zone
- Feb 3, 2015: Inserted a New Zoning Classification Section 406.13 R-R, Rural Residential

Feb 3, 2015: Where ever the term "City" is used in the Zoning Ordinance, it is to be interchangeable with the term "Town". Section 201

Mar 19, 2015: Public Hearing on Zoning map including the annexed area zoning dated with one modification agreed.

Apr 7, 2015: The town zoning map with annexed area included was approved by Town Board.