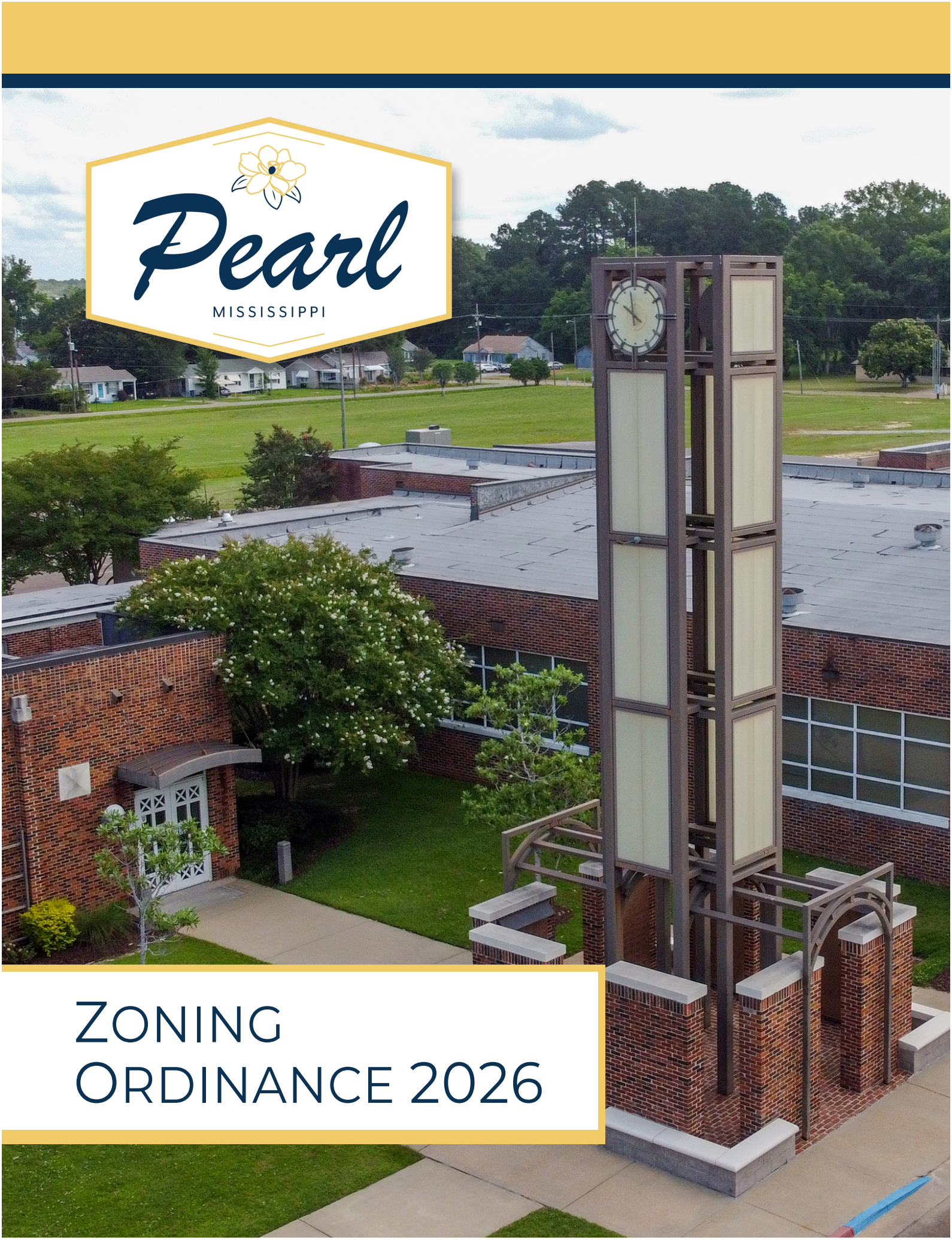


Zoning Ordinance 2026

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ZONING ORDINANCE

OF

CITY OF PEARL, MISSISSIPPI

ADOPTED SEPTEMBER 15, 2026

PREPARED BY:
CENTRAL MISSISSIPPI PLANNING AND DEVELOPMENT DISTRICT
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ZONING REGULATIONS
CITY OF PEARL, MISSISSIPPI

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF PEARL, MISSISSIPPI, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH.

PREAMBLE

WHEREAS, the Statutes of the State of Mississippi, Section 17-1-1 to 17-1-27, inclusive, of the Mississippi Code of 1972, annotated, as amended, empower the City of Pearl, Mississippi, to enact a Zoning Ordinance and to provide for its administration, enforcement and amendment; and

WHEREAS, Section 17-1-9 of the Mississippi Code of 1972, annotated, as amended, states that "zoning regulations shall be made in accordance with a comprehensive plan, and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, Section 17-1-1 of the Mississippi Code of 1972, annotated, as amended, defines the term "comprehensive plan" as "a statement of public policy for the physical development of the entire municipality or county adopted by resolution of the governing body, consisting of the following elements at a minimum: (1) goals and objectives for the long-range (twenty to twenty-five years) development of the county or municipality---; (2) a land use plan---; (3) a transportation plan---; and (4) a community facilities plan---"; and

WHEREAS, Section 17-1-11 of the Mississippi Code of 1972, annotated, as amended, states that "the governing authority of each municipality and county may provide for the preparation, adoption, amendment, extension and carrying out of a comprehensive plan--;" and

WHEREAS, the Mayor and Board of Aldermen have adopted a Comprehensive Plan, following public hearings relative to same; and

WHEREAS, the Mayor and Board of Aldermen have divided the City into districts and adopted regulations pertaining to such districts, and have given reasonable consideration among other things, to the character of the districts and their particular suitability for particular uses, with a view to conserving the value of property and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Mayor and Board of Aldermen have given due public notice of a hearing

relating to said zoning ordinance and map and have held a public hearing in accordance with the requirements of Section 17-1-15 of the Mississippi Code of 1972, annotated, as amended:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PEARL, MISSISSIPPI, THAT THIS ORDINANCE SHALL GOVERN THE USE OF ALL LAND WITHIN THE CORPORATE LIMITS OF CITY OF PEARL, MISSISSIPPI.

ARTICLE I: TITLE AND PURPOSE

SECTION 100 - TITLE

The Ordinance shall be known as the "Zoning Ordinance of the City of Pearl, Mississippi," and may be so cited, and further reference elsewhere as "Zoning Ordinance," and herein as "the Ordinance" or "this Ordinance" shall imply the same wording and meaning as the full title.

SECTION 101 - PURPOSE

The purpose of this Ordinance is to preserve and promote the public health, safety, morals, and general welfare of the inhabitants of the City of Pearl and of the public generally through the regulation of: the location, height, number of stories, size of buildings and other structures; the density and distribution of population, size of yards and other open spaces; and the use of buildings, structures, and land for commercial, industrial, residential and other purposes.

ARTICLE II: INTERPRETATION AND DEFINITIONS

SECTION 200 - RULES FOR WORDS AND PHRASES

For the purpose of this Ordinance, words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word "shall" is mandatory and not directory; the word "may" is permissive; the word "used" includes "designed" and "intended or arranged to be used or occupied"; and the word "person" includes a firm, association, organization, partnership, trust, foundation, company or corporation as well as an individual.

SECTION 201 - DEFINITIONS

For the purpose of this Ordinance certain words, phrases and terms used herein shall be interpreted as stated in this Article II. Any word, phrase or term not defined herein shall be defined by the Zoning Administrator, the interpretation shall be based on its common and ordinary usage.

Accessory Structure or Use: Any detached structure or use which is subordinate or incidental to the main building or dominant use of the lot or premises, excluding driveways, sidewalks and fences.

Adult Entertainment Use (or Activity or Establishment): An adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, or similar establishment which regularly features or depicts behavior which is characterized by the exposure of "specified anatomical areas" (as defined by this Ordinance), or where any employee, operator or owner exposes his/her "specified anatomical area" for viewing of patrons. Such adult entertainment uses may further be defined as follows:

A. *Adult Arcade:* An establishment where, for any form of consideration, one or more motion picture projectors, or similar machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by emphasis upon the depiction or description of "specified sexual activities" (as defined by this Ordinance) or "specified anatomical areas."
B. *Adult Bookstore:* An establishment which has as a substantial portion of its stock-in-trade and offers for sale for any form of consideration any one or more of the following: Books, magazines, periodicals, or other printed matter, or photographs, films motion pictures, video cassettes, slide or other visual representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas," or instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."
C. *Adult Cabaret:* A nightclub, bar, restaurant, theater, or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or films, motion pictures, video cassettes, slides or

other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified anatomical areas" or by "specified sexual activities."

D. *Adult Motel:* A motel or similar establishment which includes the word "adult" in any name it uses or otherwise advertises the presentation of adult material, offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified anatomical areas" or by "specified sexual activities."

E. *Adult Motion Picture Theater:* An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or other photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified anatomical areas" or by "specified sexual activities."

Alley: A public or private right-of-way primarily designed to serve as a secondary access to the sides or rear of those properties for which principal frontage is on some other street; alleys are intended to provide access for refuse collection, loading/unloading and for fire protection.

Animal Control Ordinance: When used in this Ordinance, this term shall refer to the Animal Control Ordinance of the City of Pearl.

Antenna Array: One or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). Antenna array does not include the support structure.

Apartment: A dwelling unit located in a multiple family structure for occupancy by one family only, either rented or leased to the occupants.

Arterial Street/Highway: A classification of street or highway that serves the major centers of activity, has some of the highest traffic volumes and the longest trips.

Assisted Living: Assisted refers to a type of physical assistance rather than monetary assistance. In assisted living facilities, residents live independently in apartment or condominium style accommodation, and may be assisted by the provision of meals, housekeeping, security and social programs. Additional planned care, such as bathing, dressing and assistance with medication may also be provided.

Attached Wireless Communications Facility (attached WCF): An antenna array that is attached to an existing building or structure (attachment structure), which structures shall include, but shall not be limited to, utility poles, signs, water towers, rooftops, towers with an accompanying pole or device (attachment device) which attaches the antenna array to the existing building or structure and associated connection cables, and an equipment facility which may be located either inside or outside of the attachment structure.

Bank (Financial Institution): A Nationally or State Charters Bank engaged primarily in full service banking activities, and any entity licensed by the NASD to sell securities, or licensed by the NFA to sell commodities, through any national or regional exchange, while engaged primarily in brokerage activities. The term "Bank" and "Financial Institution" does not include small loan companies, holders of license under Small Loan Regulatory Law or the Small Loan Privilege Tax Law, check cashing business, Pawnbrokers, cash for title businesses, payday loan businesses, holders of licenses under the Mississippi Title Pledge Act, holders of license under the Mississippi Check Cashers Act.

Bar: A structure or part or a structure used primarily for the sale or dispensing of beer or any alcoholic beverage, as defined by the Mississippi Code, for consumption on the premises by the drink.

Basement: A story wholly or partially underground. For the purpose of height regulation, a basement shall be counted as a story when more than one-half of its height is above the average grade level.

Bed and Breakfast (also Airbnb): A transient lodging establishment, generally in a single-family dwelling or detached guesthouse, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation.

Boarding House: A building other than a hotel or motel, where, for compensation and by prearrangement for definite periods, meals and/or lodging are provided for three or more but not exceeding twelve persons (other than family members) on a weekly or monthly basis.

Buffer Area: An area so planned which acts as a buffer or separation area between two or more uses or structures not compatible due to design, function, use or operation.

Buffer Yard/Strip: A Strip of land, identified on a site plan or by the zoning ordinance, which acts to separate two or more incompatible uses and/or districts. Normally, the area is landscaped and kept in open space use.

Buildable Area, Maximum: That portion of a lot remaining after required yards have been provided.

Building: Any structure having a roof supported by columns or walls and intended for shelter, housing or enclosure of persons, animals, equipment, goods, or materials. The term "building" shall be construed as if followed by the words "or part thereof."

Building, Fully-Enclosed: A building having walls on all sides.

Building Height: The vertical distance measured from the average elevation of the finished grade within twenty feet of the structure to the highest point of the roof. See also "Height."

Building Permit: A permit issued by the City official designated by the Pearl Mayor and Board of Aldermen authorizing the construction, placement or structural alteration of a specific building on a specific lot.

Building, Portable: Any building or unit of construction in excess that is moveable or portable in nature with or without wheels, built on a chassis or frame designed and constructed to be used without a

permanent foundation suitable for use for domestic, commercial or industrial purposes and could not be constructed to be a mobile home or trailer. Portable building are prohibited and not allowed in any zoning district.

Building Setback Line: See "Setback Line."

Building, Structural Alteration of: Any change or rearrangement in the supporting members, including bearing walls, beams, columns, or girders of a building.

Campground: An area or premises operated as a commercial enterprise, generally providing space for accommodations for transient occupancy or use by tourists occupying camping trailers, self-propelled campers, cabins and/or lodges. The area or premises may also contain recreational facilities for outdoor activities such as swimming, picnicking, fishing and other sports and activities. A campground shall be designed for temporary occupancy, as opposed to permanent year-round occupancy, and shall not be construed to mean a manufactured home park as defined herein.

Cannabis: As defined in Mississippi Code, all parts of the plant of the genus cannabis, the flower, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin, including whole plant extracts. Such term shall not mean cannabis-derived drug products approved by the federal Food and Drug Administration under Section 505 of the Federal Food, Drug and Cosmetic Act.

Cannabis, Medical: Cannabis, cannabis products and edible cannabis that are intended to be used by registered qualifying patients as provided by Mississippi Code.

Cannabis, Medical Dispensary: An entity licensed and registered with the Mississippi Department of Revenue that acquires, possesses, stores, transfers, sells, supplies or dispenses medical cannabis, equipment used for medical cannabis, or related supplies and education materials to cardholders.

Cannabis, Medical Establishment: A cannabis cultivation facility, cannabis processing facility, cannabis testing facility, cannabis dispensary, cannabis transportation entity, cannabis disposal entity or cannabis research facility licensed and registered by the appropriate state agency.

Cannabis Cultivation Facility: A business entity licensed and registered by the Mississippi Department of Health that acquires, grows, cultivates and harvests medical cannabis in an indoor, enclosed, locked and secure area.

Cannabis Disposal Entity: A business entity licensed and registered by the Mississippi Department of Health that is involved in the commercial disposal or destruction of medical cannabis.

Cannabis Processing Facility: A business entity licensed and registered by the Mississippi Department of Health that (i) acquires or intends to acquire cannabis from a cultivation facility; (ii) possesses cannabis with the intent to manufacture a cannabis product; (iii) manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and (iv) sells or

intends to sell a cannabis product to a medical cannabis dispensary, cannabis testing facility, or cannabis research facility.

Cannabis Products: Cannabis flower, concentrated cannabis, cannabis extracts and products that are infused with cannabis or an extract thereof and are intended for use or consumption by humans. The term includes, without limitation, edible cannabis products, beverages, topical products, ointments, oils, tinctures and suppositories that contain tetrahydrocannabinol (THC) and/or cannabidiol (CBD) except those products excluded from control under Sections 41-29-113 and 41-29-136 of the Mississippi Code.

Cannabis Research Facility: A research facility at any university or college or an independent entity licensed and registered by the Mississippi Department of Health pursuant to Mississippi Code that acquires cannabis from cultivation and processing facilities in order to research cannabis, develop best practices for specific medical conditions, develop medicines and provide commercial access for medical use.

Cannabis Testing Facility: An independent entity licensed and registered by the Mississippi Department of Health that analyzes the safety and potency of cannabis.

Cannabis Transportation Entity: An independent entity licensed and registered by the Mississippi Department of Health that is involved in the commercial transportation of medical cannabis.

Canopy: A roof-like structure which is not enclosed by walls on all sides and may or may not project from a building.

Carport: A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three sides.

Cemetery: Property used for the interring of the dead. ALL cemeteries are considered public/quasi-public facilities, subject to the regulations of Section 402.

Certificate of Occupancy: A certificate issued by the City official designated by the City of Pearl Mayor and Board of Aldermen to ensure that new or altered buildings or structures are in conformance with the provisions of the Zoning Ordinance and any other Federal, State, City and County laws (such as water, sewer, and other necessary infrastructure is in place) and to have a record on the point.

Change of Use: An alteration or change from a previous use of land, buildings, or structures to another use of land, buildings, or structures.

Child Care Facility: A place which provides shelter and personal care for six (6) or more children who are not related to the operator, whether such place be organized or operated for profit or not.

Church: A facility regularly used to hold religious services, meetings, and similar activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

City: The City of Pearl, Mississippi.

Clinic: A facility for diagnosis and treatment of medical, chiropractic, dental or psychological outpatients, provided that patients are not kept overnight, and which may be used by one or a group of medical or dental practitioners. These shall be regulated as a commercial use.

Collector Street: A classification of street having primary function of collecting and distributing traffic between local streets or areas and the major street or highway network. It distributes traffic from arterial streets/highways to the ultimate destination.

Co-location/Site Sharing: The use of a common WCF or common site by more than one wireless communications license holder or by one wireless license holder for more than one type of communications technology and/or placement of a WCF on a structure owned or operated by a utility or other public entity.

Compatibility: The characteristics of different uses or activities that permit them to be located near each other in harmony and without conflict. Some elements affecting compatibility include: residential density; pedestrian or vehicular traffic generated; volume of goods handled; and such environmental effects such as noise, vibration, glare, air pollution, or radiation.

Comprehensive Plan: In accordance with Section 17-1-1 of the Mississippi Code of 1972, Annotated, As Amended, "comprehensive plan" shall be defined as "a statement of public policy for the physical development of the entire municipality---adopted by resolution of the governing body, consisting of the following elements at a minimum: (i) Goals and Objectives---; (ii) a Land Use Plan---; (iii) a Transportation Plan---; and (iv) a Community Facilities Plan---." Community Facilities Plan: One of the elements of a Comprehensive Plan. Section 17-1-1 of the Mississippi Code of 1972, Annotated, As Amended, defines the term as follows: "a community facilities plan (serves as) a basis for a capital improvements program including, but not limited to, the following: housing; schools; parks and recreation; public buildings and facilities; and utilities and drainage."

Community Facilities Plan: One of the elements of a Comprehensive Plan. Section 17-1-1 of the Mississippi Code of 1972, Annotated, As Amended, defines the term as follows: "a community facilities plan (serves as) a basis for a capital improvements program including, but not limited to, the following: housing; schools; parks and recreation; public buildings and facilities; and utilities and drainage."

Conditional Use: A land use which would not generally be appropriate in a particular zoning district, but which, with certain restrictions or conditions, would in the judgment of the Mayor and Board of Aldermen promote the public health, safety, morals, or general welfare of the City and would not adversely affect adjacent properties. A permit (building permit or change of use permit) granted by the Mayor and Board of Aldermen for the initiation of a conditional use (with the necessary restrictions included) will not change the zoning of the property involved and will allow such use to continue as long as the specific use granted by the conditional use remains the same. Also referred to as a Special

Exception."

Condominium: Real property consisting of an undivided interest in common of a portion of a parcel of real property, plus a separate interest in space in a residential, office, commercial or other land use.

Conforming Use: Any lawful use of a building or lot which complies with the provisions of this Zoning Ordinance.

Convalescent Home (Rest Home or Nursing Home): Those health facilities where persons are housed and furnished with meals and continuing nursing services for a fee.

Convenience Store: A commercial establishment, which deals in grocery items of a convenience nature; such stores may or may not sell petroleum products (gasoline, diesel fuel, oil, etc.); however, such establishments may include the provision of mechanical service (repairs, oil change, etc.) for vehicles or automatic or manual car washing service, but does not include painting, body repairs or other major repair of vehicles. Also known as Service Station.

Country Club: A land area and buildings containing recreational facilities, clubhouse and the usual accessory uses, open only to members and their guests for a membership fee. Country clubs are regulated as public/quasi-public facilities and are subject to the provisions of Section 402 of this Ordinance.

Coverage: That part of a lot covered by buildings.

Data Center: A building, group of buildings, or facility primarily used for the housing, operation, processing, storage, management, or transmission of digital data through computer, server, networking, or telecommunications equipment. The use may include associated infrastructure and equipment, including electrical substations, emergency generators, cooling and environmental control systems, telecommunications equipment, security systems, and other equipment necessary to support data center operations. A Data Center shall not include any facility or equipment designed, intended, or operated to generate or supply electrical power to a Data Center as a primary, continuous, routine, or supplemental source of power.

Density: The intensity of land use and also the maximum intensity of use of a minimum lot or land area physically possible observing all yard, height, and lot or land area coverage provisions of this Zoning Ordinance, exclusive of any publicly dedicated rights-of-way.

Developer: The legal or beneficial owner or owners of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.

Development: The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance, and any use or extension of the use of land.

Development Plan: All drawings, including cross sections, profiles, working details, and specifications, which the subdivider prepares for the purpose of showing the type, character, extent, and details of the improvements. A development plan of a subdivision may also be considered the "preliminary plat" if it meets the requirements of the City of Pearl Subdivision Regulations for preliminary plats.

Dimensional Variance: See "Variance."

Disabled Persons: Individuals who have a permanent, temporary, a record of, or are regarded as having a physical or mental impairment that substantially limits their ability to perform one or more major life activities, such as breathing, walking, reading, thinking, seeing, hearing or working. (Per Americans with Disabilities Act).

District: Any section or sections of the City of Pearl for which regulations governing the use of land and the use, density, bulk, height, and coverage of buildings and other structures are established by this Ordinance.

Drainage Channel: A watercourse with a definite bed and banks which conduct and confine the normal continuous and intermittent flow of water.

Driveway: A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.

Dwelling: Any building, or portion thereof, or manufactured home, which is designed and used for human habitation.

Dwelling, Factory Built: A dwelling unit manufactured in part or whole within a factory to include Modular Home, Panelized Home, and Pre-Cut Home.

Dwelling, Manufactured: A dwelling unit built in a factory in accordance with the National Manufactured Home Construction and Safety Standards Act to include Manufactured Homes and Mobile Homes.

Dwelling, Multiple-Family: Any residential building or portion thereof which is occupied by three or more families living independently of each other. The term "multiple-family dwelling" shall be understood to include apartment houses or "complexes" and condominiums.

Dwelling, Patio (or House or Home): A detached single-family dwelling unit that is constructed nearer the lot line on one side (but not directly on either lot line) of a lot than the other side.

Dwelling, Single-Family: A detached residential building designed for occupancy by one family. Factory built and manufactured dwelling units are not considered single family dwellings for the purpose of this Ordinance.

Dwelling, Two-Family (Duplex): A detached residential building designed to be occupied by two families living independently of each other.

Dwelling, Zero Lot Line: A detached single-family dwelling on a separate lot with open space setbacks on three sides. In order to be considered a true "zero lot line dwelling" the dwelling must rest directly against a lot line on one side of the lot; otherwise, it shall be considered a patio home.

Dwelling Unit: A room or group of rooms occupied or intended to be occupied as separate living quarters.

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

Employee (Staff): Any person who is regularly on the premises of a business or industrial establishment for productive use on a part-time or full-time basis. For the purposes of this Ordinance the maximum number of employees on the premises of an establishment at one time shall constitute the number of employees.

Entertainment Establishment: Any establishment (indoors or outdoors) where entertainment, either passive or active, is provided for the pleasure of the patrons, either independent or in conjunction with any other use. Such entertainment includes but is not limited to dancing, skating, bowling, and water activities.

Equipment Facility: Any structure used to contain ancillary equipment for a WCF, which includes cabinets, shelters, a building or an existing structure, pedestals and other similar structures.

FAA: Federal Aviation Administration.

Family: One or more persons living as a single, housekeeping unit, whether related to each other legally or not, as distinguished from a group occupying a boarding house, lodging house, hotel, motel, dormitory or similar dwelling for group use. A family shall be deemed to include domestic servants employed by said family when these servants are on-premise residents.

FCC: Federal Communications Commission.

Floor Area: The sum of the gross horizontal area of all floors of a building, excluding all porches, balconies, garages or carports, measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings.

Food Truck (Mobile Vendor): A vehicle equipped with facilities for cooking and selling food or from which food is sold. The vehicle must remain on wheels at all times.

Fowl: Any bird kept for its eggs and/or flesh, such as chicken, turkey, duck, goose, and Guinea fowl.

Frontage: Property on one side of a street measured along the line of the street, or in the case of a corner lot or "through lot," the property on each street measured along the lines of both streets.

FTA: Federal Telecommunications Act of 1996.

Funeral Home (or Mortuary): A building used for the preparation of deceased human bodies for burial

or cremation and the display of the deceased and ceremonies connected therewith before burial or cremation.

Future Land Use Plan: See "Land Use Plan."

Garage (Private): The term "garage" shall mean a private garage, which is a fully enclosed portion of a main building or a fully enclosed accessory building (i.e., detached from the main building) and used primarily for the storage of privately owned automobiles.

Garage, Mechanical (Repair Shop): A building or portion thereof, other than a private or storage garage, designed or used for servicing, repairing, equipping of motor-driven vehicles and the storage of such vehicles; also include selling, renting, or leasing of motor-driven vehicles in conjunction with repair work.

Garage, Storage: A building or portion thereof, other than a private garage, used exclusively for the parking or storage of motor-driven vehicles, with no other facilities provided except facilities for washing. Also referred to as a "parking garage."

Gasoline Service Station: Any area of land, including the structures thereon that is primarily used for the retail sale of gasoline, diesel fuel, oil or automobile accessories and incidental services including facilities for lubricating, washing (either automatic or by hand) and cleaning, or otherwise servicing automobiles and light trucks. This term does not include the painting or major repair of vehicles.

Goals and Objectives: One of the elements of a Comprehensive Plan. Section 17-1-1 (c)(ii) of the Mississippi Code of 1972, Annotated, As Amended, defines the term as follows: "goals and objectives (are a list of policies, adopted by the governing authorities) for the long-range (twenty to twenty-five years) development of the county or municipality. Required goals and objectives shall address, at a minimum, residential, commercial, and industrial development; parks, open space and recreation, street or road improvements; public schools and community facilities."

Grade or Grade Level: The finished elevation of land after completion of site preparations for construction.

Grandfather Clause: The section of the zoning ordinance which allows existing non-conforming uses, buildings, structures, and lots to continue until they are removed by any means.

Group Homes: A residential facility licensed by the State which provides resident services to individuals of whom one or more are unrelated. The individuals are handicapped, aged, or disabled, are undergoing rehabilitation or extended care, and are provided services to meet their needs.

Homeowners Association: A non-profit organization (corporate or otherwise) operating under recorded land agreements through which each property owner is automatically subject to a charge for a proportionate share of expenses for maintaining common open space, other activities and facilities.

Home Occupation: Any activity, which is incidental and secondary to use of the premises as a dwelling, carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit. This includes serving as an operational or staging base for a business whose work is conducted off-premise.

Horticulture: The use of land for the growing or production for income of fruits, vegetables, flowers, nursery stock, including ornamental plants and trees, and cultured sod.

Horticultural Nursery: Commercial uses in which flowers and plants are stored and/or cultivated for retail sale and related products are offered for retail sale.

Hospital: A public or quasi-public institution where sick or injured persons are given medical care and in the course of same are housed overnight, fed and provided nursing and related services.

Hospital, Veterinary: A facility where sick or injured animals are given medical or surgical care and, in the course of same, may be housed overnight, fed, and provided related services. Such uses shall be subject to the regulations of the Animal Control Ordinance of the City of Pearl, and shall be considered a commercial use.

Hotel or Motel: A building or buildings where lodging, food and various personal services are provided for more than twenty (20) persons, who are usually but not always transients, for compensation. Hotels and motels shall be considered a commercial use.

House Trailer: Any trailer-type vehicle or portable unit built on a chassis or frame designed and constructed to be used without a permanent foundation, suitable for use for domestic, commercial or industrial purposes when such trailer is detached from a motor vehicle and parked or stored on real estate and connected to utilities. It shall be immaterial for the purpose of this chapter whether the wheels are attached or detached. House Trailers are prohibited and not allowed in any zoning district.

Independent Living: Residents of independent living facilities are totally independent. However, limited services may be provided on an as-needed basis.

Industry, Heavy: Those industrial uses which are not fully enclosed and/or which generate substantial amounts of noise, vibration, odors or possess other objectionable characteristics.

Industry, Limited (Light): Those industrial uses including manufacturing activities conducted wholly within completely enclosed buildings (except for the temporary storage within adequately screened or buffered areas of articles, materials, or other matter to be processed, assembled or otherwise changed) and other industrial-related activities which do not generate objectionable odors, smoke, fumes, vibration, or excessive noise.

Industry, "Wet-Type": Those heavy industrial uses which require the discharge of by-products or processed waste water through the sewer system. Such industrial uses shall be permitted as a conditional use only in the Heavy Industrial Districts (I-2).

Inn (or "Bed and Breakfast Inn"): An establishment operated in conjunction with a private dwelling

where lodging is available OR lodging and food are available for up to twenty (20) persons for compensation.

Institute of Higher Learning: A college, university, or post-secondary school. Also, the optional final stage of formal learning that occurs after completion of secondary education.

Internal Building Space: The required minimum space between principal or accessory buildings on the same lot.

Junk Yards: A place where waste and discharged or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, used lumber yards, house dismantling yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but EXCLUDING places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition or salvaged materials incidental to manufacturing operations.

Kennel: A facility other than a residence, where four or more dogs or cats, or a combination thereof, are boarded, whether by the owners of the animals or other persons, with or without compensation. A kennel shall be considered a commercial use.

Land Use Plan: One of the elements of a Comprehensive Plan, usually developed concurrently with the Transportation/ Thoroughfares Plan. Section 17-1-1 (c)(ii) of the Mississippi Code of 1972, Annotated, As Amended, defines the term as follows: "a land use plan designates in map or policy form the proposed general distribution and extent of the use of land for residences, commerce, industry, recreation, and open space, public/ quasi-public facilities and lands. Background information shall be provided concerning the specific meaning of land use categories depicted in the plan in terms of the following: residential densities; intensity of commercial uses; industrial and public/quasi-public uses; and any other information needed to adequately define the meaning of such land use codes. Projections of population and economic growth for the area encompassed by the plan may be the basis for quantitative recommendations for each land use category."

Landscape Horticulturalist or Contractor: A person or business engaged in the decorative and functional alteration, planting, and maintenance of grounds including the setting or replacement of any plants. Lawn maintenance (grass mowing, fertilizing, etc.) is considered a landscape contractor for the purposes of this Ordinance although a license from the State of Mississippi is not required.

Landscaping: The addition of lawns, trees, plants, and other natural or decorative features to land, including lakes and watercourses. Landscape treatment can include walks or patios.

Licensed Day Care Center: A facility licensed by the state that provides care, training, education, custody, treatment or supervision of more than five (5) children under fourteen (14) years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility, for

less than twenty-four (24) hours a day, regardless of whether or not the facility is operated for a profit or charges for the services it offers.

Liquor Store: Any store which sells, distributes or offers for sale or distribution any alcoholic beverage for use or consumption by the purchaser. (From Section 67-1-5 of the Mississippi Code).

Livestock: Those animals which are normally considered farm animals, such as cattle, goats, sheep, horses, ponies, mules, emu, llamas, and pigs (any animal in the swine family). For the purposes of this Ordinance, livestock does not include fowl.

Local Street: A street having a primary function of providing service and access to abutting properties and not designed or intended to carry large traffic volumes but having sufficient width for occasional parking.

Lodging House: See "Boarding House."

Loft-Style Apartment: A dwelling unit located in an uppers story of a business or commercial building such as an upper story converted to quarters for living.

Lot: A parcel of land at least sufficient size to meet the minimum requirements for use, coverage, and area and to provide such yards and other open spaces as specified in the Zoning Ordinance of the City of Pearl, Mississippi.

Lot, Corner: A lot abutting upon two or more streets at their intersections.

Lot, Double Frontage: A lot which runs through a block from street to street (i.e., has frontage on more than one street); double frontage lots are also called "through lots."

Lot, Interior: A lot other than a corner lot.

Lot Area: The total area of a lot included within the boundary lines of a lot.

Lot Depth: The average horizontal distance between the front and rear lot line.

Lot Frontage: The front of a lot shall be construed to be that dimension of a lot abutting on a street. For the purpose of determining yard requirements on corner lots or double frontage lots, ALL SIDES OF SUCH LOTS ABUTTING ON PUBLIC STREETS SHALL BE CONSIDERED LOT FRONTAGE, and yards shall be provided as indicated in this Ordinance.

Lot Lines: The lines bounding a lot as such parcel of land is defined herein.

Lot Line, Front: In the case of an interior lot, the property boundary line separating said lot from the street. In the case of a corner lot or double frontage lot, the line separating said lot from the street on which the building will face, as determined from the application for a building permit.

Lot Line, Rear: The property boundary line opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line.

Lot of Record: A lot which is a part of a subdivision, the map of which is recorded in the office of the Chancery Clerk of Rankin County, Mississippi, or a lot described by metes and bounds, the description of which has been recorded in said office.

Lot Width: The distance from side of lot to side of lot measured at the front minimum building setback line.

Manufactured Home: These are homes built entirely in a factory under a Federal building code administered by the U.S. Department of Housing and Urban Development (HUD). The Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) went into effect June 15, 1976. Manufactured homes may be single or multi-section and are transported to site and installed. Manufactured homes shall be considered Manufactured Home Dwellings and structures for the purposes of this Ordinance. Recreational Vehicles (travel trailers), as defined herein, shall not be considered manufactured homes, and they are deemed vehicles but not dwellings or structures. See also "Mobile Home" and "Modular Housing".

Manufactured Home Park: An area in which spaces are provided on a rental basis or lease basis only for owner-occupied homes or in which both the space and the manufactured home are offered to the public on a rental or lease basis only. Manufactured Home Parks are not allowed in any District.

Manufactured Home Space: A plot of ground within a manufactured home park designed for and designated as (on an approved site plan) the location of one manufactured home, and which has water, sewer and electricity at the space.

Manufactured Home Stand or "Pad": The paved runners or paved parking area in each manufactured home space upon which the manufactured home is placed, together with the paved patio and paved off-street vehicular parking area.

Manufacturing Use: A facility at which goods are made from secondary materials (previously prepared or refined materials) or raw materials (unrefined materials) through the use of machinery and labor and often employing assembly line techniques. In the case of "light" manufacturing uses, most goods are produced from secondary materials, except for processing, packaging, or canning of food products, and little or no water is used in the manufacturing process. In the case of heavy manufacturing, goods are often produced from raw materials and may involve the use of large amounts of water.

Mobile Homes/Mobile Building: Any house trailer, trailer-type vehicle or portable unit built on a chassis or frame designed and constructed to be used without a permanent foundation, suitable for use for domestic, commercial or industrial purposes. It shall be immaterial for the purpose of this chapter whether the wheels are attached or detached. Mobile Homes/Mobile Building are prohibited and not allowed in any zoning district, except a temporary construction office may be temporarily placed at construction sites with the written approval of the Director of Community Development for a period not to exceed nine (9) months and in no event beyond completion of the construction project.

Modular Home/Modular Building: A factory fabricated transportable building unit or units, regardless of whether or not said structure is placed on a permanent or nonpermanent foundation. For purposes of the zoning ordinance, a modular building used as a dwelling shall be included with the term "manufactured home." Modular Homes and Modular Building are not permitted in any commercial zone.

Mortuary: See "Funeral Home."

Motel: See "Hotel."

Multi Level Care: Multi level care refers to many types of care. These can be intermediate, extended, dementia, Alzheimer, palliative, recovery and respite. This is often referred to as Residential Care.

Multiple Family Dwelling: See "Dwelling, Multiple Family."

Nonconformities: Any land, lot, building, structure or parts thereof existing prior to the enactment of this Ordinance, which subsequent to the enactment of this Ordinance or amendment thereto, does not conform with the use regulations and/or dimensional regulations of the district in which it is situated, and/or does not comply with any other requirements herein. (See Section 601 of this Ordinance for definitions of the various types of nonconformities, including (1) nonconforming undeveloped lots of record, (2) nonconforming structures, and (3) nonconforming uses).

Nursery, Child Care: See "Child Care Facility."

Nursery, Horticultural: Commercial uses in which flowers and plants are stored and/or cultivated for retail sale and related products are offered for retail sale.

Nursing Homes: See "Convalescent Home."

Office: A room, group of rooms or building in which commercial activities primarily involving the provision of services rather than the sale of commodities is conducted.

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

Open Space or "Common Open Space": A parcel or parcels of land not occupied by dwellings or residential structures, accessory structures and yards, which may consist of jogging trails, tennis courts, a golf course, swimming pool, associated recreational buildings and the like, and which is permanently maintained in a suitable state for the shared enjoyment by the owners and/or occupants of individual dwelling units or residential structures within a particular development (such as a conventional residential subdivision, an apartment complex, a manufactured home park or a Planned Unit Development). Roads, drives and parking lots shall be excluded in calculating Open Space or Common Open Space.

Outdoor Sales: The display and sale of products and services outside a building or structure, including

vehicles, garden supplies, gas, motor oil, building and landscape materials, and similar materials or items.

Overlay Zone: A zoning district that is superimposed over more than one base-zoning district and is intended to protect certain features and buildings. Where standards of the overlay zone and base-zoning district are different, the more restrictive standards shall apply.

Panelized Homes: These are factory-built homes in which panels - a whole wall with windows, doors, wiring and outside siding - are transported to the site and assembled.

Such homes shall be considered factory built dwellings for the purpose of this Ordinance.

Parking Space: An off street space available for the parking of one motor vehicle conforming to the typical parking lot standards as prescribed by this Ordinance.

Patio House or Patio Home: See "Dwelling, Patio (or House or Home)."

Planned Unit Development (PUD): An area of a minimum contiguous size, as specified by this Ordinance, to be planned and developed as a single entity containing one or more residential clusters and in which land not used for residential structures or yards but required by the basic zoning of the site shall be reserved collectively in contiguous units accessible to all building sites in the development as open space for the purpose of providing recreational facilities and pedestrian circulation. Two-family or multiple family dwellings, commercial development or public/quasi-public facilities or utilities may only be permitted in a Planned Unit Development if a Development Plan is submitted and appropriate rezoning (or a Special Exception for public/quasi-public uses) is approved by the Mayor and Board of Aldermen.

Planting Screen: Densely planted vegetation used to visually shield or obscure abutting of nearby structures or uses from other uses or structures.

Plat: A drawing of any lot, tract or parcel of land requested to be recorded in the Office of the Chancery Clerk.

Portable Building: See "Building, Portable."

Power Generation Facility: A facility or group of facilities designed, intended, or operated for the generation of electrical power as a primary, continuous, routine, or supplemental source of electrical power for a Data Center or other use. The term includes associated equipment and infrastructure necessary for power generation, including generators, turbines, fuel cells, boilers, energy conversion equipment, fuel storage, cooling systems, and related facilities. Emergency backup generators that operate only during an interruption or unavailability of the normal electrical power supply, or for periodic testing, inspection, maintenance, or commissioning, and that otherwise remain available for emergency use, shall not be considered a Power Generation Facility.

Pre-Cut Homes: This is the name for factory-built housing in which building materials are factory-cut

to design specifications, transported to the site and assembled. Pre-cut homes include kit, log and dome homes. A drawing of any lot, tract or parcel of land requested to be recorded in the Office of the Chancery Clerk.

Principal Structure or Use: The main building(s) or dominant use(s) of a lot.

Property Line: The legal boundary line separating buildings or tracts in different ownership.

Public/Quasi-Public Facilities and Utilities: Any building, structure, system, use, or combination of uses, which is customarily and ordinarily provided by either public or private agencies, groups, societies, corporations, or organizations, whose purpose is the provision of necessary and desirable goods and/or services for the general public health, safety, and welfare. Such uses shall include, but not be limited to:

A. Churches and other religious institutions.

B. Schools, including all private, public or parochial schools, excluding institutions of higher learning which shall be zoned "Special Use" districts only.

C. Major governmental facilities, such as water pumping stations, sewage treatment plants, sanitary landfills and the like.

D. All hospitals, whether public or private.

E. Convalescent homes or nursing homes.

F. Civic organization buildings and major facilities.

G. Buildings and facilities erected by charitable organizations (e.g., American Red Cross, Salvation Army, etc.); (Note: When such facilities are erected as emergency measures, they shall be exempt from the Special Exception provisions of this Ordinance, including site plan review and public hearing requirements).

H. Country clubs and other major recreational facilities constructed by private groups.

I. All cemeteries, including associated facilities (e. g., caretaker offices and residence, etc.), not including funeral homes and mortuaries.

J. Major facilities associated with privately-owned utilities (electrical, natural gas, telephone) including but not limited to electrical substations, telephone communications centers, microwave towers, cellular telephone towers, natural gas pumping facilities and similar significant uses.

K. All governmental buildings including municipal buildings and those buildings erected by County, State or Federal governments.

L. Public recreational or open space facilities.

Recreational Vehicle (RV): A vehicle primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. For the purposes of this Ordinance, a recreational vehicle shall be considered a vehicle and not a structure. The term recreational vehicle shall include pick- up truck campers, motor homes, camping trailers, travel trailers and transient trailers.

Recreational Vehicle Park: A commercial operation where space and service accommodations for recreational vehicles are provided for a fee on an overnight or daily basis.

Residential Care: Residential Care refers to both Multi Level Care and/or Professional Nursing Care (24 hour care).

Residential Build-to-Rent (BTR): Refers to single-family residential communities in which twenty-five (25) percent or more of the units are occupied by tenants rather than owners.

Rest Home: See "Convalescent Home."

Restaurant: A commercial establishment where food and beverages are prepared, served and consumed primarily within the principal building, but not including "drive-in restaurants" as defined herein. Restaurants may offer some "carry-out" services where food and beverages are consumed off the premises. This definition is not intended to exclude restaurants which provide food and beverages to customers at "drive-through windows," where customers in motor vehicles merely pick up food and beverages at such windows and consume same usually off the premises.

Restaurant, Drive-In: A commercial establishment where food and beverages are prepared and where all or a significant portion of the consumption takes place outside of the building, often in a motor vehicle parked for "curb-service" (with two-way speakers) on the site.

Resubdivision: The redivision of any part or all of any tract or parcel of land of a previously platted subdivision, addition, lot, or tract.

Schools: The term "school" as used in this Ordinance shall include public, private, and parochial institutions of learning, including trade or industrial schools" (i.e., those schools offering training to students in skills required for the practice of trades and industry), but EXCLUDING INSTITUTIONS OF HIGHER LEARNING (colleges and universities), WHICH SHALL BE ZONED AS "SPECIAL USE" DISTRICTS ONLY.

Screening: The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms or other features. Sometimes used in conjunction with a buffer yard.

Service Station: See "Gasoline Service Station."

Setback: The area between the street right-of-way line and the building setback line.

Setback Line or Building Setback Line: A line delineating the minimum allowable distance between

the street right-of-way and the front of a structure within which no building or other structure shall be placed. The minimum distance is prescribed by this Ordinance. The building setback line is parallel to or concentric with the street right-of-way line.

Shopping Center: A group, consisting of three or more commercial establishments, planned, developed and managed as a unit, with adequate off-street parking facilities provided on the property and related in its location, size, and type of stores to the trade area or neighborhood which the unit serves.

Side Street: A street bordering the side of a lot and intersecting the street on which a structure on the lot faces, as determined by the Zoning Administrator; in the case of buildings (as opposed to other types of "structures"), the street which the building faces shall be determined by the principal entrance to the building.

Sign: Any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, services, activity, place, person or any other item of information. Signs may be further defined as to the following types:

A. *Animated Sign:* A type of temporary sign which moves or appears to move by any means, including fluttering or rotating. Animated signs shall include but are not limited to pennants, flags, balloons, ribbons, streamers or propellers, inflatable tube or “dancing man”, strings of light bulbs, pulsating lights, strobe lights, or beacons. For the purposes of this Ordinance, this term does not refer to changeable copy signs (manual) or changing signs (automatic).
B. *Banner:* A pennant, poster or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wallboard or other like materials with or without frames, intended to be displayed for a limited period of time only. See also Animated Sign.
C. *Billboard:* An outdoor sign structure which advertises goods, products, or services; with poster panels, bulletins, or electronic display, usually on a free-standing or ground sign. Typically, billboards exceed 100 square feet.
D. *Changeable Copy Sign (Manual):* Any sign on which copy is changed manually in the field (i.e., reader boards with changeable letters or changeable pictorial panels).
E. *Changing Sign (Automatic):* Any sign with an electronically or electrically controlled message center or reader board, where different copy changes are shown on the same lamp bank. No mechanical means.
F. *Externally Illuminated Sign:* Any sign which reflects light from a source intentionally directed upon it; for example, by means of floodlights, gooseneck reflectors, or externally-mounted fluorescent light fixtures.
G. *Ground-mounted Sign (or "Ground Sign")*: A sign erected on a free-standing frame, mast or pole and not attached to any building.
H. *Internally Illuminated Sign:* Any sign designed to provide artificial light through exposed lighting on the sign face (such as neon tubing or light bulbs arranged to form copy) OR

through transparent or translucent material from a light source within the sign; this definition includes automatic changing signs.

I. *Marquee or Canopy Sign:* Any sign affixed to a marquee or canopy, as such terms are defined by this Ordinance; such signs may be affixed parallel (i.e., not projecting) to the sides or hung beneath a marquee or canopy.
J. *Off-Premise Sign:* A sign which attracts attention to a product, service, or entertainment which is conducted, sold, produced or offered off the premises where the sign is located.
K. *On-Premise Sign:* A sign which attracts attention to a product, service, or entertainment which is conducted, sold, produced or offered on the premises where the sign is located.
L. *Portable Sign or "Trailer Sign":* A type of temporary sign which is constructed on a trailer with wheels which may or may not be detached or which is designed to be transported from place to place by any means and is not designed to be nor is it permanently affixed to a building or lot.
M. *Projecting Sign:* Any sign attached to any outside building wall and extending more than 12 inches beyond the surface of such wall.
N. *Roof Sign*: Any sign erected, constructed, or maintained above a roof or on top of or above the parapet of a building.
O. *Temporary Sign:* A sign which is not permanent and is erected with a time limitation.
P. *Wall Sign:* Any sign affixed directly to or painted on, or otherwise inscribed on the outside wall of a building with the face parallel to and projecting no more than 12 inches from the building wall.
Q. *Window Sign:* A sign placed in a window inside a building.

Site Plan: A drawing indicating the location of existing and proposed buildings or other structures, and, where required by this Ordinance, landscaping and planting screens and points of access/egress and driveways on a single lot. A "site plan" differs from a "subdivision plat" in that a subdivision plat reflects certain required information for two or more lots.

Site Plan Review: The process specified under Sections 806 through 809 of this Ordinance in which site plans for certain proposed developments and/or site plans (when required by the Zoning Administrator in coordination with other City officials) accompanying applications for dimensional variance, conditional use, and rezoning are reviewed by City officials and the Mayor and Board of Aldermen for conformance with this Ordinance and other applicable laws and codes, and to determine what other special restrictions (if any) need to be applied if the site plan and application are approved by the Mayor and Board of Aldermen.

Special Exception: See "Conditional Use."

Specialty Shop: A store that specializes in a particular line of merchandise, such as baked goods, candy, clothing, hardware, clothing, antiques, bicycles, etc.

Specified Anatomical Areas: Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or less than 50% of the female breast below a point immediately above the areola; or human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activity: Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts; flagellation or torture in the context of a sexual relationship; masochism, erotic or sexually oriented torture, beating or the infliction of physical pain; erotic touching, fondling or other such contact with an animal by a human being; or human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in this section.

Spot Zoning: The improper zoning or rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses. While such spot zoning may not be illegal per se, it is generally regarded as an improper practice.

Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. For the purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average grade elevation, or when the basement is used for commercial activities (See "Basement").

Street: A publicly-owned thoroughfare which affords the principal means of access to abutting property; such thoroughfares are dedicated by a property owner for public use, accepted by the responsible political entity in which the street is located and is so dedicated, and recorded in the Office of the Rankin County Chancery Clerk.

Street Right-of-Way Line: The legal property boundary line delineating the street right-of-way and the abutting property.

Strip Development: Commercial development, usually one store deep that fronts on a major street.

Structure: Anything constructed or erected, the use of which requires a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, walls, fences, and billboards, but shall not include "Transient Trailers (Travel Trailers)" as defined herein. The term structure shall be construed as if followed by the words "or part thereof." The term "structure" is not intended to include driveways, patios, parking lots, or utilities (i.e., utility lines running to a structure).

Structural Alteration of a Building: See "Building, Structural Alteration of."

Subdivider: Any person, firm, partnership, corporation or other entity acting as a unit, who, having an interest in land, causes it, directly or indirectly, to be divided into a subdivision.

Subdivision: The division of any lot, tract or parcel of land into two (2) or more lots for the immediate or future purpose of sale or building development.

Subsidized Care: Subsidized and funded are interchangeable terms. This usually refers to beds, rooms, or suites that are partially paid for by the government.

Substantial Improvement: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the actual cash value of the structure either; (1) before the improvement is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement is started when the first alterations of any structural part of the building commences.

Supermarket: A commercial establishment containing 20,000 square feet of gross floor area (including storage) or more primarily selling food as well as other convenience and household goods.

Support Structure: A structure designed and constructed specifically to support an antenna array, and may include a monopole, self supporting (lattice) tower, guy wire support tower and other similar structures. Any device (attachment device) which is used to attach an attached WCF to an existing building or structure (attachment structure) shall be excluded from this definition and the regulations applicable to support structures.

Surface Mining or Mining: Extraction of minerals, including dirt, soil, sand, gravel or other materials from the ground or water or from waste or stock piles or from pits or banks or natural occurrences by methods including but not limited to, strip, drift, open pit, contour or auger mining, dredging, quarrying and leaching and activities related thereto, which will alter the surface.

Temporary Wireless Communications Facility (temporary WCF): A WCF to be placed in use for 90 days or less.

Theater, Drive-In: An open lot or part thereof, with its appurtenant facilities devoted primarily to the showing of moving pictures or theatrical productions, on a paid admission basis, to patrons seated in automobiles or on outdoor seats.

Theater, Motion Picture: A building or part of a building devoted primarily to the showing of motion pictures on a paid admission basis.

Thoroughfares Plan: The primary component of the "Transportation Plan," which is one of the elements of a Comprehensive Plan, usually developed concurrently with another element, the "Land Use Plan."

Through Lot: See "Lot, Double Frontage."

Tiny Homes: For the purposes of this Ordinance, dwelling units which are factory built and constructed to standards other than the National Manufactured Home Construction and Safety Standards Act or the International Building Code/Southern Building Code standards shall be considered Recreational

Vehicles, including tiny homes.

Tower Use Permit (TUP): A permit issued by the city specifically for the location, construction and use of a WCF subject to an approved site plan and any special conditions determined by the Director of Community Development to be appropriate under the provisions of this article.

Townhouse: A single-family dwelling constructed in a series or group of attached units with property lines separating each unit. (From: Standard Building Code).

Townhouse Subdivision: A subdivision in which the developer proposes to partition land into individual lots and construct Townhouses wherein both the dwellings and the lots will be individually owned by the residents.

Trailer: Archaic term sometimes applied to manufactured homes.

Transient Trailer (Travel Trailer): See "recreational vehicles."

Transient Trailer Park: A commercial operation where space and service accommodations for transient trailers are provided for a fee on an overnight or daily basis.

Transient Vendor: Any person who sells any product or products door-to-door or from a vehicle or from a portable building or any structure that does not have a permanent foundation.

Transportation Plan: One of the elements of a Comprehensive Plan. Section 17-1-1 (c)(ii) of the Mississippi Code of 1972, Annotated, As Amended.

Transportation Terminal: Any premises for the transient housing or parking of passenger buses, and the loading or unloading of passengers.

Truck Stop: Any area of land, including the structures thereon, that is used for the servicing of heavy trucks (i.e., tractor-trailer combinations designed for transporting large cargoes), and which may offer food and beverages in addition to lodging.

Undeveloped Lot: A vacant lot or parcel of land.

Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" shall not be deemed to include any nonconforming use.

Use, Accessory: See "Accessory Use."

Utility: See "Facilities and Utilities, Public/Quasi-Public."

Vape (or Electronic Cigarette) Shop: A shop selling electronic cigarettes, personal vaporizers, electronic nicotine delivery systems or other vaping products.

Variance: A relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the

actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. However, financial hardship shall not be considered justification for granting a variance. The criteria for issuance of a variance are listed under Section 804 of this Ordinance. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use not permitted shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining district.

Vehicle: Any device for carrying passengers, goods, or equipment, usually moving on wheels. This definition does not include manufactured homes, which are considered structures for the purposes of this Ordinance.

Vehicle Service Center: Any building and land upon which the building is located that is used for the performance of minor mechanical repairs and the sale of associated equipment or merchandise for automobiles, light trucks, and vans. Such minor mechanical repairs/ sales may include, but is not necessarily limited to, the following: the sale or installation of tires, batteries, and accessories; the sale or installation of exhaust systems, including mufflers, tailpipes, etc.; front-end and rear-end alignments; complete brake services; the sale and installation of hoses and belts; oil and oil/ filter changes and lubrication services; and minor tune-ups. This term does not include the following activities: the performance of engine or transmission overhauls; or vehicle painting or body work.

Veterinary Hospital: See "Hospital, Veterinary."

Wireless Communications: Any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services, including cellular, personal communication services (PSC), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services which currently exist.

Wireless Communications Facility (WCF): Any unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an antenna array, connection cables, an equipment facility and a support structure to achieve the necessary elevation.

Yard (or "Minimum Yard" or "Setback"): The required open space between any main building or portion thereof and the adjoining lot lines, WHICH SHALL REMAIN UNOCCUPIED AND UNOBSTRUCTED BY ANY PORTION OF A STRUCTURE, except as otherwise specifically provided herein. In measuring a lot for the purpose of determining the minimum front, side or rear yard, the shortest horizontal distance between the lot line and the nearest vertical structure shall be used.

Yard, Front: The required unoccupied and unobstructed space on the same lot with a main building, extending the full width of the lot, and situated between the front property line and the nearest vertical portion of the main building.

Yard, Rear: The required unoccupied and unobstructed space on the same lot with a main building, situated between the rear property line and the nearest vertical portion of the main building, and extending the full width of the lot.

Yard, Side: The required unoccupied and unobstructed space on the same lot with a main building, situated between the side property line and the nearest vertical portion of the main building.

Zoning Administrator: The official (or officials) charged by the Mayor and Board of Aldermen with the administration and enforcement of this Zoning Ordinance, or his duly authorized representative.

Zoning District: See "District."

ARTICLE III: ESTABLISHMENT, ADOPTION, AND ENFORCEMENT OF ZONING ORDINANCE AND MAP

SECTION 300 - ZONING DISTRICTS

For the purpose of promoting public health, safety, morals, or general welfare, the City of Pearl, Mississippi, is hereby divided into the following zoning districts:

A-1 Agricultural District

R-1 Single-Family Residential District

R-2 Moderate Density Residential District

R-3 Townhouse/Patio Home Residential District

R-4 High Density Residential District

R-E Residential Estate District

MHS Manufactured Home Subdivision District

PUD Planned Unit Development District

C-2 General Commercial District

C-3 Highway Commercial District

I-1 Limited Industrial District

I-2 Heavy Industrial District

S-1 Special Use District

S-2 Adult Entertainment District

WH Warehouse District

PTC Pearl Town Center District

EMC East Metro Corridor District

WRI West Rankin Industrial Overlay District

SECTION 301 - OFFICIAL ZONING MAP

The aforesaid zoning districts are identified and delineated on a map entitled "Official Zoning Map: City of Pearl, Mississippi," and said map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

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

"This is to certify that this is the Official Zoning Map of the City of Pearl, Mississippi, as adopted by the Mayor and Board of Aldermen on ___(insert date of adoption)____."

301.02 Location of Official Zoning Map: Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be prepared or printed, the Official Zoning Map bearing the certificate specified under Section 301.01 and located in the City Hall of City of Pearl shall be the final authority as to the zoning status of land and water areas, buildings, and other structures in the City of Pearl.

301.03 Public Inspection of Map: The Official Zoning Map shall be available for public inspection as provided by law during normal business hours of the City Hall of City of Pearl.

301.04 Map Amendment: If, in accordance with the provisions of this Ordinance and Statutes of the State of Mississippi, changes are made in the zoning district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be made WITHIN THIRTY (30) DAYS AFTER THE AMENDMENT HAS BEEN APPROVED BY THE MAYOR AND BOARD OF ALDERMEN.

Since the Official Zoning Map is part of this Ordinance, any amendments to the Official Zoning Map shall be accomplished in accordance with state statutes relating to passage of ordinances. Therefore, before the Official Map may be amended, an "Ordinance of Rezoning" shall be drafted and passed by the Mayor and Board of Aldermen in accordance with state law. An unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Section 813.

SECTION 302 - REPLACEMENT OF OFFICIAL ZONING MAPS

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

"This is to certify that this Official Zoning Map replaces the Official Zoning Map adopted as part of the Zoning Ordinance of the City of Pearl, Mississippi, on __(insert date)__."

SECTION 303 - RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following shall apply:

A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys

shall be construed to follow such centerlines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following City limits shall be construed as following such City limits.

D. Where the boundary of a district follows a railroad right-of-way, such boundary shall be deemed to be located on the right-of-way line to which it is closest.

E. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.

F. Boundaries indicated as parallel to or extensions of features indicated in Section 303, Subsections (A) through (E) above shall be so construed.

G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Section 303, the Mayor and Board of Aldermen shall interpret the district boundaries.

H. Where a district boundary line divides a lot which was in a single ownership at the time of passage or amendment of this Ordinance, the Mayor and Board of Aldermen may permit, as a special exception, the extension of the use not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

SECTION 304 - OMISSION CLAUSE

The omission of any specific use, dimension, word, phrase, or other provision from this Ordinance shall not be interpreted as permitting any variation from the general meaning or intent of this Ordinance, as commonly inferred or interpreted. Should occasion arise as to such intent or meaning, the interpretation of the Zoning Administrator shall apply as provided under Section 801.02 herein.

SECTION 305 - SEPARABILITY AND VALIDITY CLAUSE

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

SECTION 306 - REPEAL OF CONFLICTING ORDINANCES OR PARTS THEREOF

All Ordinances or Codes or parts of Ordinances or Codes adopted heretofore by the City of Pearl, Mississippi, which are in conflict herewith or inconsistent with the provisions of this Ordinance ARE HEREBY REPEALED.

SECTION 307 - REFERENCES INCLUDE SUBSEQUENT REVISIONS, AMENDMENTS OR ENACTMENTS

Where any statute, ordinance, or regulation is referred to or incorporated into this Ordinance, that reference shall include any subsequent revisions, amendments or enactments encompassing the same subject matter.

SECTION 308 - FAILURE TO ENFORCE ORDINANCE

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

SECTION 309 - EFFECTIVE DATE OF ORDINANCE

This Ordinance shall become effective THIRTY (30) CALENDAR DAYS FROM AND AFTER ITS ADOPTION.

SECTION 310 - ADOPTION CLAUSE

Adopted this, the _____ day of _____, 20__, at the regular meeting of the Mayor and Board of Aldermen of the City of Pearl, Mississippi.

ATTEST:

_____ _____

City Clerk Mayor

I, the undersigned _____, City Clerk of the City of Pearl, Mississippi, hereby certify that the above and foregoing is a true copy of an Ordinance adopted by the Mayor and Board of Aldermen of the City of Pearl at its meeting held on the ____ day of _____, 20___ as the same appear in Minute Book _____.

Given under my hand and official seal, this the ____ day of_____, 20___.

_____

City Clerk

City of Pearl, Mississippi

ARTICLE IV: GENERAL REGULATIONS

SECTION 400 - APPLICATION OF REGULATIONS

400.01 ***Compliance Required:*** No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered EXCEPT IN CONFORMANCE WITH ALL OF THE REGULATIONS SPECIFIED FOR THE DISTRICT IN WHICH IT IS LOCATED. Furthermore, no person shall use or occupy a building, structure or land within the City of Pearl for an activity which requires a Federal, State of Mississippi and/or City license until said license is obtained from the appropriate authorities.

400.02 ***Nonconformities Defined:*** "Nonconformities" shall consist of any land, lot, building, structure, or parts thereof, or the various uses to which those items are or were put, and which lawfully existed at the time of the enactment of this Ordinance; but which subsequently do not comply with the provisions of this Ordinance and the requirements of the district wherein located. The regulations pertaining to such nonconformities are established in the district regulations and under Article VI.

400.03 ***Permitted Uses Constitute Conforming Uses:*** Any land use which is permitted as a conditional use in a particular district under the terms of this Ordinance shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

400.04 ***District Regulations Constitute Minimum Regulations:*** The regulations established in this Ordinance within each district (Articles IX through XXVI) shall constitute minimum regulations unless otherwise noted.

400.05 ***Uniformity within Districts:*** The regulations and provisions established by this Ordinance for each district shall apply uniformly within each district of the same name and shall apply uniformly to each class or type of building, structure, use, or land therein except as otherwise provided.

400.06 ***Areas Annexed After Enactment of This Ordinance:*** Any land annexed into the City of Pearl following enactment of this Ordinance shall bear the zoning classifications of Rankin County and be subject to the zoning regulations of Rankin County, until due public notice of hearings is given to consider the zoning of all or part of such annexed land in accordance with the Zoning Ordinance of the City of Pearl. Following such public hearings and action by the Mayor and Board of Aldermen, the annexed land shall be subject to the regulations of this Ordinance rather than those of Rankin County.

400.07 ***Pending Applications for Building Permits:*** Nothing in this Ordinance shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approvals and required building permits have been legally granted before the enactment of this Ordinance. Construction shall have been started within six

(6) months of the effective date of this Ordinance and completed within a subsequent two-year period and not discontinued until completion except for reasons beyond the builder's control. All permits issued prior to the adoption of this ordinance for construction of structures or for uses which are not in compliance with this Ordinance are hereby revoked and are void.

SECTION 401 - DIMENSIONAL CONTROLS

401.01 Reduction of Yards and Lots Below Minimum Requirements Prohibited: No yard or lot of record existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots of record created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

401.02 Front Yards on Corner or Double Frontage Lots: On corner lots or double frontage lots ("through lots"), each side fronting on a street shall be considered a front yard, and the required front yard setback shall be measured from each existing right-of-way upon which the lot abuts. Rear yards for corner lots shall be the yard opposite the main entrance to the building.

401.03 Determination of Setbacks: In measuring a required front yard (i.e., setback), the minimum horizontal distance between the existing right-of-way line and the main structure shall be used.

401.04 Visibility at Intersections: On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede the vision of motor vehicle operators between a height of two and one-half (2 ½) and ten (10) feet above the center line grades of the intersecting streets and within a triangular area bounded by the right-of-way lines for a distance of twenty-five (25) feet from the intersection and a straight line connecting said points twenty-five (25) feet back from the intersection of said right-of-way lines.

401.05 Accessory Buildings or Uses: No accessory building or use shall be placed within the required front yard or side yard of any main building or use in ANY district. However, an accessory building or use may be placed in the required rear yard of any main building or use, provided that the accessory building or use is in compliance with the minimum yard setback requirements of the zoning district and Section 407.06(d) in which it is located. Accessory buildings shall not be any larger than 420 square feet, except detached garages which shall not be any larger than 600 square feet. No accessory building shall exceed a height of twenty (20) feet.

401.06 Railroad Setbacks: In ALL residential zoning districts a buffer strip of at least one hundred (100) feet in depth in addition to the normal setback required in the district shall be provided adjacent to the railroad right-of-way. This strip shall be part of the platted lots in a residential subdivision (or apartment/ condominium complex lot) and the following wording shall be shown on the plat or site plan: "This strip is reserved for screening. The placement of structures hereon is prohibited."

401.07 ***Exceptions to Height Regulations:*** The height regulations contained in the District Regulations of this Ordinance do not apply to spires, belfries, cupolas, antennas, water tanks, ventilation chimneys, masts, towers, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

SECTION 402 - PUBLIC/QUASI-PUBLIC FACILITIES AND UTILITIES

All public and quasi-public facilities and utilities, as defined under Article II of this Ordinance, may be located as a conditional use in any district in the City, provided:

a) That all applicable requirements of federal, state and county or City laws shall be met.

b) That all such proposed uses shall be subject to the procedures stated under Section 805 relative to Special Exceptions (Conditional Uses).

c) No public or quasi-public facility or utility shall be located in a residential district or other district where such land use would adversely affect the surrounding area.

SECTION 403 - DIMENSIONAL REQUIREMENTS FOR PUBLIC/QUASI-PUBLIC FACILITIES AND UTILITIES IN ALL DISTRICTS

Developers of churches, schools, hospitals, civic organizational buildings, country clubs, and other public/quasi-public facilities or utilities in any district shall comply with the following dimensional requirements:

403.01 ***Maximum Building Height:*** 35 feet, unless greater height is specifically approved by the Mayor and Board of Aldermen based upon the required site plan review.

403.02 ***Minimum Lot Area:*** Minimum lot areas for ALL public/quasi-public uses shall be based upon the proposed use, subject to approval of a site plan submitted in accordance with Sections 807 through 810 of this Ordinance.

403.03 ***Minimum Lot Width:*** Established based upon proposed use.

403.04 ***Minimum Yards:*** Minimum yards for public/quasi-public structures shall be the same as for all other structures in individual zoning classifications.

SECTION 404 - REQUIRED LANDSCAPING ALONG ALL ARTERIAL STREETS IN ALL ZONING DISTRICTS

404.01 ***Arterial Street Landscaping for Subdivisions:*** Developers of all residential, commercial or industrial subdivisions shall provide a landscaped easement at least ten (10) feet in width consisting of grass, shrubs and trees along all existing or proposed streets or highways designated as Principal Arterial or Minor Arterial on the adopted Thoroughfares Plan of the City of Pearl. The spacing, sizes and specific types of landscaping material, berming and contouring to be installed within this landscaped easement shall be shown on the preliminary plat for all proposed subdivisions. Subdividers shall refer to the standards adopted by the City of Pearl regarding such required

landscaping along arterial streets. A preliminary plat shall not be approved unless the developer's proposals for the landscaped strip are acceptable to the Mayor and Board of Aldermen. This requirement is intended to ensure consistent treatment along the traffic frontage, which is essential for appearance and permanency.

At the time the final subdivision plat is submitted for ANY subdivision, the developer shall submit with his application for final plat approval a legal instrument or instruments which state that the assumption of liability insurance, taxes and maintenance of the required landscaped easement shall rest with the developer, if he retains ownership of such areas, or with a homeowners association if ownership of such landscaped areas is transferred to a homeowners association.

NO FENCE SHALL BE ERECTED IN A MANNER WHICH BLOCKS ACCESS TO THIS REQUIRED LANDSCAPED EASEMENT.

404.02 Arterial Street Landscaping for Developments Not Involving the Subdivision of Land: Developers of all multiple family residential (apartments or condominiums), commercial, industrial or public/quasi-public uses not involving the subdivision of land shall provide a landscaped strip at least ten (10) feet in width consisting of grass, shrubs and trees along all existing or proposed streets or highways designated as Principal Arterial or Minor Arterial on the adopted Thoroughfares Plan of the City of Pearl. The spacing, sizes and specific types of landscaping material, berming and contouring to be installed within this landscaped easement shall be shown on the required site plan. Developers shall refer to the standards adopted by the City of Pearl regarding such required landscaping along arterial streets. A site plan shall not be approved unless the developer's proposals for the landscaped strip are acceptable to the Mayor and Board of Aldermen. This requirement is intended to insure consistent treatment along the traffic frontage, which is essential for appearance and permanency. Maintenance of this required landscaped strip shall be the responsibility of the property owners and not the City of Pearl. Failure to maintain the landscaping in a satisfactory manner shall constitute a violation of this Ordinance and be subject to the penalties imposed herein.

NO FENCE SHALL BE ERECTED IN A MANNER WHICH BLOCKS ACCESS TO THIS REQUIRED LANDSCAPED EASEMENT.

SECTION 405 - BUFFER YARDS/SCREENING STANDARDS

405.01 Purpose and Intent: the purpose and intent of the Buffer/Screening Standards is to maintain many of the environmental features and amenities of the City for present and future generations. Adherence to these regulations will improve the appearance and compatibility of land uses and other development within the City through the installation and maintenance of plantings and fencing for screening and aesthetic effects, thereby serving to protect and preserve the appearance, character, value and safety of the total urban area and nearby properties. Attractive, well-maintained buffer yards improve the quality of developing neighboring property owners that the adjacent project will remain relatively unobtrusive. It is intended that these provisions shall constitute minimum

requirements.

405.02 Purpose of Buffer Yards and Screens: The purpose of a buffer yard is to provide a space or distance between two (2) incompatible uses. The purpose of screening is to provide an effective visual and sound barrier between an unsightly or distracting activity and adjacent properties or public ways to preserve property values and assure compatibility of uses. It is also the purpose of these provisions to prescribe standards for development and maintenance of planting, berms, fences, and walls, for conservation and protection of property through provision of barriers against traffic, trespass, noise, heat, glare, artificial light and dust, and through improvement of the appearance of individual properties, neighborhoods, and the City. These standards shall apply to all landscaping and screening required by other provisions of the zoning regulations.

405.03 General Standards: Buffer yards and screens require Site Plan Review. Such required site plan shall set forth yards and open spaces, screening walls, or fences and other development and protective requirements considered necessary to create a reasonable transition to and protection of the adjacent property. When the developer needs to ask for a variance from these Buffer Yard Regulations, an alternative Design Plan which shall fulfill the intent of this Ordinance must be submitted to the Mayor and Board of Aldermen, which will, upon review, make a recommendation regarding the submission. Reference: Site Plan Review, Sections 806-809. Variances shall not be granted, which are less than the next lowest minimum standard, and only then if the size of the lot is such that a full buffer is not possible. The site plan should show plant succession, drainage patterns, and landscape design in order to determine if the trees/vegetation grow well in this region, and also if they make good visual screens.

405.04 Buffer Yard Standards Relating to Abutting Properties: In the table below, when a district abuts a use indicated, a buffer yard and screen shall be provided by the developing use applying for a building permit as listed in Table I:

TABLE I

Use District	Abutting Use District	Minimum Width in Ft.	Screen Minimum Ht. in Ft.
R-E	A-1	10	6
R-1	A-1, R-E	10	6
R-2	A-1, R-E, R-1	10	6
R-3	A-1, R-E, R-1, R-2	15	6
R-4	All Other Districts	15	6
MHS	All Other Districts	25	6
PUD	As required by the underlying Zoning District		
C-2	All Agricultural and Residential Districts	30	8
C-3	All Agricultural and Residential Districts	30	8
I-1	All Districts except I-2	30	8
I-2	All Districts except I-1	30	8
S-1	All Agricultural and Residential Districts	30	8
S-2	All Districts except I-2	30	8
WH	All Districts except I-1 and I-2	30	8
PTC	As required by the District most similar to the uses		
EMC – Com.	All Agricultural and Residential Districts	30	8
EMC – Res.	A-1, R-E	10	8

405.05 Screening Relative to Abutting Properties: In the table above, when a district abuts a use indicated, screening shall be provided as listed. Screening/fencing may consist of architectural and/or vegetative materials as follows:

a) *Architectural Screening:* A screen/fence of wood, masonry, stone, concrete or metal may be placed along the property line or along the inner perimeter of the buffer yard so as to provide visual screening at minimum height requirements, at the time of issuance of the Certificate of Occupancy.

b) *Vegetative Screening:* Trees and other vegetation as needed, shall be planted so as to provide year round visual screening at heights required by Table I. If screening is exclusively vegetation, minimum height requirements shall be met at the time of issuance of the Certificate of Zoning compliance. Earthen berms are considered a part of vegetative screening.

c) *Combination of Materials:* Whenever two or more alternative types of landscaping, berms, fences, or walls are prescribed, they may be provided singly or in any combination.

405.06 Installation and Maintenance: All buffer yards and screening shall be installed in a sound workman like manner and according to accepted good planting procedures with the quality of plant material as herein described. All screening elements of buffer yards shall be installed so as to meet all other applicable ordinances and code requirements. Buffer yards shall require protection from encroachment. (Encroachment is defined to include, but is not necessarily limited to, any protrusion of a vehicle outside of a parking space, display area or access way into a buffer yard.) The owner shall be responsible for the maintenance of all buffer yards which shall be maintained in good condition so as to present a clean and orderly appearance.

In the event that plants are destroyed or die of natural causes, such materials shall be replaced within six (6) months. Failure of the owner of the property to maintain the buffer yard in good condition, as set forth above, shall subject him to the penalties as set forth in this Ordinance.

No buffer yard shall be abandoned, paved, contoured or otherwise employed for purposes other than screening.

405.07 Visibility at Intersections: See Section 401.04

405.08 Intersection of Driveway and Public ROW and/or Private Street: In any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impair or block vision between a height of two and one half (2.5) and ten (10) feet above the center line grades of any intersecting street/driveways in the area bounded by the street lines/driveway lines of such corner and a line joining points along said street lines twenty-five (25) feet from the point of intersection.

405.09 Credit for Existing Plant Material: If the owner can demonstrate that healthy plant material exists on a site prior to its development for the purposes of buffer yard, the application of the above landscape standards may be adjusted by the Mayor and Board of Aldermen to allow credit for such plant material if such an adjustment is in keeping with and will preserve the intent of this Ordinance.

405.10 Planned District Standards: Fences, walls, berms or vegetative screening shall be provided at the perimeter of planned developments where necessary to screen improvements, glare, uses or other influences having an adverse impact either on the planned development or on adjacent property. Such screening shall be of sufficient height as determined by the topography to improve the impact of such adverse elements on the first floor of any use located either within or adjacent to the

planned development.

405.11 Zone Screening Standards: A screen (wall, fence, or landscaping) not less than eight (8) feet in height shall be erected between commercially zoned property and abutting residentially zoned property at the time that any building or structure is erected on the commercial property. No wall or fence shall exceed ten (10) feet in height. The height of the screening shall be the vertical distance measured from the top of the screen to the lowest point to grade within three (3) feet of such screen on the commercially zoned property. The screening shall be constructed on or immediately adjacent to the line dividing the residential and commercial properties. A new screen shall not be required where there is an existing screen, which substantially conforms to this section on the abutting residential property. If the existing screen on abutting residential property is the only screen that conforms to this section, and if is removed, a new screen shall be required.

405.12 Fencing and Landscape Standards: The screen required herein shall consist of a solid fence or wall not less than eight (8) nor more than ten (10) feet in height, but shall not extend within fifteen (15) feet of any street or driveway opening onto a street. The screening shall be placed along the property lines or in case of screening along a street, fifteen (15) feet from the street ROW with landscaping (trees, shrubs, grass, and other planting) between the screening and the pavement. A louvered fence shall be considered solid if it blocks direct vision. Planting of a type approved by the Mayor and Board of Aldermen may also be required in addition to, or in lieu of, fencing. Existing screening, which complies with minimum standards, may be used to meet the requirements of this Ordinance.

405.13 Exceptions to Screen Requirements: The landscaping and screening requirements set forth in other provisions of the zoning regulations shall be subject to the following exceptions:

a) Equivalent Screening of Abutting Lot. Prescribed fences, walls, or dense landscaping need not be provided along a lot line if a building, fence, wall or dense landscaping of at least equivalent height, opacity, and maintenance exists immediately abutting and on the opposite side of said lot line.

b) Height Within Required Minimum Yard. Required fences, walls, or dense landscaping need not be higher than 3 and ½ (3.5) feet in that portion of any required minimum yard which lies within ten (10) feet of any street line.

c) Lot Too Small to Accommodate a Full Buffer. Property owner may be allowed to substitute a berm or landscaped wall for all or part of the transitional yard requirements. The solid fence or wall should be constructed of materials that are compatible with the principal building.

405.14 Maintenance of Screens: All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required fences and walls shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

In the event that the owner fails to maintain a buffer yard or planting strip as required, the City shall have the right to go onto said property, maintain said buffer yard or planting strip and assess the property owner in the same manner as for taxes. Before such work by the City the owner shall be given notice of the offending condition and a reasonable opportunity to repair it and is entitled to a due process hearing concerning the same.

405.15 Permits: Whenever a buffer yard or planting strip is required, it shall be completed prior to issuance of any certificate of occupancy and shall thereafter be maintained with permanent plant materials to provide a screen to abutting properties. They will reduce the possibility of traffic hazards as much as possible. Parking facilities must be designed to require vehicles leaving parking stalls to maneuver on the site to exit onto streets head first.

405.16 Design Standards for Screens, Buffers, Berms, and Walls: The purpose of these standards is to screen parking areas from view, to improve the appearance of parking areas near streets, to break the views of large expanses of pavement, to enhance property values and protect investments, to reduce erosion and storm water run off problems, to provide shade, to reduce glare, to encourage the saving of large trees and to reduce fumes and dust.

Screens and buffers are not required along abutting bridge embankments, railroad tracks, slopes and retaining walls and where permanent landscaping is already provided.

Masonry walls, sight proof fencing, or dense landscaping are required between commercial parking lots in side and rear yards abutting parcels that are residentially zoned or contain dwellings. These walls or fencing must be at least eight feet high and may be combined with landscaping.

Landscaped buffer strips are required between streets and parking lots or other driving surfaces except those serving single family and duplex dwellings. Interior parking islands are encouraged to be planted with trees and other shrubbery. If earthen berms are used; the berms must be used in conjunction with vegetation. Commercial establishments over one story tall must combine architectural screening with vegetative/landscaping screening.

SECTION 406 - HOME OCCUPATIONS

Home occupations, as defined under Article II of this Ordinance, may be permitted as a conditional use in any district where residential uses are allowed, subject to the following limitations and such conditions as may be determined by the Mayor and Board of Aldermen for the protection of the health, safety and welfare of the citizens of the City of Pearl:

406.01 Display and Storage: No storage or display of materials, goods, supplies, or equipment related to the operation of a home operation shall be visible from the outside of any structure located on the premises.

406.02 Maximum Area: Not more than twenty-five percent (25%) of the floor area of the dwelling shall be used for the conduct of the home occupation. Any accessory building used in

connection with the home occupation shall not exceed 400 square feet in area.

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

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

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

406.06 Privilege License Required: Existing and new home occupations are required to have a privilege license in accordance with state law. A building permit (if construction is necessary in connection with proposed home occupation) or a change of use permit (if no construction is necessary) must be obtained from the Zoning Administrator prior to the initiation of a home occupation.

406.07 Homeownership: Proof of homeownership is required for approval of a privilege license for a home occupation.

SECTION 407 - MISCELLANEOUS GENERAL REGULATIONS

407.01 Street Access Required: Every structure hereafter constructed, moved, or structurally altered shall have direct access to a public (dedicated) street or to an approved (through a building permit issued by the Zoning Administrator) private street or parking area, and shall be so located as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

407.02 Fences, Walls and Hedges: Fences, walls and hedges or other such appurtenances may be permitted in any required yard or along the edge of any yard provided that no such use shall in any way encroach upon public rights-of-way or be so arranged as to constitute a safety hazard by impeding visibility at street intersections, including private driveways and railroad crossings, and as further provided in Section 407.03.

Exposed electrified fencing shall not be constructed or maintained in any zoning district designated for residential use.

407.03 Corner Lots, Visibility in Residential Zones: On any corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede the

vision of operators of motor vehicles between a height of two and one-half (2 1/2) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines twenty-five (25) feet from the point of street intersection.

407.04 Availability of Infrastructure Required for Development: If existing infrastructure is not sufficient to adequately and safely provide city services to a proposed development then the Mayor and Board of Aldermen may prohibit development below the allowed density per acre after notice and hearing to the property owner.

407.05 Prohibited Uses: Within the City of Pearl, no lot, land, premises, place, or building, shall be used, and no structure shall be erected or placed, which is arranged, intended, or designed to be used for any of the following uses:

a) Abattoirs and slaughterhouses; distillation of bones; manufacture of explosives, fireworks, or gunpowder; junkyard; quarrying, mining or petroleum processing; manufacture of highly inflammable or explosive products; stockyards; manufacture of sulphurous, sulfuric, nitric, or hydrochloric acids or any other uses which by their inherent nature would pose a real or potential threat and hazard to the public health and safety or discharge obnoxious or offensive odors.

b) No Manufactured Home, Mobile Home, Mobile Building, or House Trailer manufactured prior to June 15, 1976 shall be brought into the City and placed or located on any land in the City after the date of adoption of this Ordinance. All Manufactured Homes, Mobile Homes, Mobile Buildings, or House Trailers manufactured prior to June 15, 1976 currently located within the City which are not currently being lawfully occupied as private residences shall be removed from the City no later than six (6) months after the enactment of this ordinance. All Manufactured Homes, Mobile Homes, Mobile Buildings, or House Trailers manufactured prior to June 15, 1976 currently located within the City and which are currently lawfully occupied as a residence (hereafter collectively referred to as "Residential Trailer") shall be allowed to remain in their current location, subject to the following conditions:

    1) the Residential Trailer must be well maintained, structurally sound, properly tied down and clearly habitable;

    2) the Residential Trailer must be registered with the Department of Community Development;

    3) the Residential Trailer shall be inspected at least yearly by the Department of Community Development and all unsightly conditions, deficiencies and non-compliance with current Building and Safety Codes shall be noted; and

    4) the Department of Community Development must annually declare, based upon

inspection, that the Residential Trailer is well maintained, structurally sound, properly tied down and clearly habitable.

The owner of a Residential Trailer(s) must register it with the Department of Community Development within six (6) months of passage of this Ordinance by completing forms and providing all information proscribed and required by that Department. Any change in ownership or occupancy of a registered Residential Trailer shall require a re-registration with the Department of Community Development by the owner within thirty (30) days of such change in ownership or occupancy. The failure to timely register or re-register a Residential Trailer shall result in the loss of the ability of the owner to continue to lawfully locate such Residential Trailer within the City and the Residential Trailer shall constitute a nuisance and shall be immediately removed by the owner without notice or demand by the city.

Whenever a Residential Trailer is found by the Department of Community Development to be not well maintained, structurally unsound, not properly tied down or not clearly habitable or if the owner or occupant refuses to register or to allow an inspection, then the owner shall be notified by the Director of Community Development, in writing, posted on the front door of the Residential Trailer and mailed to the last known address by United States mail, postage prepaid, to register the Residential Trailer and/or to allow an inspection and/or to correct, remedy or remove the conditions or otherwise bring the Residential Trailer into compliance within thirty (30) days after the date of such notice. If the owner fails to register the Residential Trailer or to allow an inspection or to correct the deficiencies and bring the Residential Trailer into compliance as set forth in the notice within the time allowed then such failure shall result in the loss of the ability of the owner to continue to lawfully locate such Residential Trailer within the City and the Residential Trailer shall constitute a nuisance and shall be immediately removed by the owner without notice or demand by the city.

If a Residential Trailer ceases to be used as a private residence for six (6) months then the use as a residence shall be considered abandoned and this shall result in the loss of the ability of the owner to continue to lawfully locate such Residential Trailer within the City and the Residential Trailer shall constitute a nuisance and shall be immediately removed by the owner without notice or demand by the city.

c) No lot, land, premises, place or building shall be used, and no buildings or structures shall be erected or placed, which are arranged, intended, or designed for any use which generates environmental pollutants beyond a tolerable level by reason of excessive noise, odor, glare, vibration, smoke, dust, fumes, vapors, gases, liquid and solid waste, radiation, electrical emissions, danger from fire or explosion, or any other debilitating influence as defined by the U.S. Environmental Protection Agency as regulated by the Mississippi Department of Natural Resources, Bureau of Pollution Control and the Mississippi State Board of Health.

407.06 Accessory Buildings, Structures and Uses:

a) No accessory buildings, structures, or uses shall be permitted except in conformance with the provisions of this section and section 401.05 and interpretation of the phrase "incidental and subordinate" shall be as determined by the zoning administrator. An "accessory building" is a subordinate building or structure located on the same lot as the main building, occupied by or devoted to an accessory use. Where an accessory building is attached to the main building in a substantial manner, as by continuous wall or roof such accessory building shall be considered part of the main building.

b) An "accessory use" is a use customarily incidental and subordinate to the main use or building located on the same lot therewith. In no case shall such accessory use dominate in area, extent or purpose, the principal lawful use or building.

c) No accessory building may be used as living quarters.

d) Accessory buildings or structures must meet the following setback requirements or the minimum yard setback of the zoning district, whichever is greater:

1. Rear of dwelling – fifteen (15) feet
2. Rear property line – ten (10) feet
3. Side property line – five (5) feet
4. However, this distance may be altered by the Zoning Administrator or his/her representative.

407.07 Required Enclosure of Garbage Disposal Facilities and Recycle Bins: Upon the effective date of this Ordinance, all garbage disposal facilities (i.e., any container with a capacity of over 40 gallons) placed on the site of multiple family residential uses, manufactured home parks, commercial, industrial or public/quasi-public uses shall be enclosed on all four sides (with a gate on one side for accessing the facility) by a material and design which shall be approved by Community Development in a manner that prevents direct visibility of the garbage cans, dumpster, or recycle bin. Failure to maintain such garbage disposal facilities in a neat and sanitary manner shall constitute a violation of this Ordinance and be subject to the penalties imposed herein.

All site plans for multiple family residential, manufactured home parks, commercial, industrial or public/quasi-public uses proposed following the effective date of this Ordinance shall indicate the location of garbage disposal facilities on the site and the type of enclosure (materials, height, etc.) to be installed.

407.08 Conduct of Garage Sale at Any Location Other Than a Single-Family Residence Prohibited; Time Limitation on Garage Sales: The conduct or operation of a garage sale, as defined by this Ordinance, at any location other than a single-family residence is prohibited; this includes but

is not limited to the conduct or operation of a garage sale at a self-storage warehouse or "mini-warehouse". However, the conduct or operation of a garage sale by a church, charitable or civic organization, or school is NOT prohibited by this Ordinance, but is limited to one (1) sale every quarter year. The conduct or operation of a garage sale for more than six days within a 12-month period is considered a commercial operation and is prohibited.

407.09 Operation of Any Business from a Temporary Structure or Vehicle Prohibited: Unless it qualifies as a Conforming Structure, no business shall be operated from any vehicle, temporary or portable structure, Mobile Home, House Trailer, Portable Building, Manufactured Home, Modular Home, Modular Building, Panelized Home or Building. However a temporary construction office may be temporarily placed at construction sites with the written approval of the Director of Community Development for a period not to exceed nine (9) months and in no event beyond completion of the construction project.

SECTION 408 - PORTABLE STORAGE UNITS (PSU)

408.01 Allowed Locations: A PSU may be located in any zoning district.

408.02 Maximum Size of Allowed PSU and Other Limitations: The total square footage for a PSU on any site in a residential district shall not exceed one hundred thirty (130) square feet in area. Only one (1) PSU is allowed on any site at any given time.

408.03 Maintenance and Security of PSU: The provider of any PSU shall be responsible for ensuring that the PSU is in good condition and free from evidence of deterioration. The owner of any site on which a PSU is placed shall be responsible for keeping the PSU locked when not being loaded or unloaded and must ensure that no hazardous substances are stored or kept within the PSU.

408.04 Setback Requirements: A PSU must be located on the driveway serving the dwelling unit, and must be a minimum of ten (10) feet from the curb of the public street.

408.05 Maximum Duration of Placement of PSU: No PSU shall remain at an allowed location in excess of thirty (30) calendar days.

For a PSU located upon property upon which the City of Pearl has issued a valid building permit, the maximum duration for placement of such PSU shall be forty-five (45) days, at which time shall be subject to review by the Zoning Administrator. An extension may be granted based on a determination of need in order to complete construction.

In the event of a natural disaster, fire, or other accidental event, then a PSU may remain at a location for the period of time reasonably necessary to effect repairs.

408.06 Penalty for Violation: Any violations under this section are subject to the penalties as outlined under Section 813.

SECTION 409 – RENTAL HOUSING

409.01 ***Scope:*** These regulations shall apply to all rental housing units located within the City of Pearl, Mississippi, including manufactured homes, single family homes and multi-family units. The intent of these regulations is to establish base standards for rental housing in Pearl so as to prevent or correct slum and blighted conditions and protect the health, safety, and welfare of the community.

409.02 ***Utilities:*** All utilities for residential rental structure (excluding apartments) must be registered in the name of the actual occupant or occupants of the rental structure.

409.03 ***Compliance Required:***

a) It shall be unlawful for any property owner, control person, and/or property manager to lease, let or rent or to offer for the attempt to lease, let or rent, or to otherwise allow residential occupancy of, any rental housing unit within the City of Pearl which is not in full compliance with the provisions of the City's Property Maintenance Code.

b) It shall be unlawful for any property owner; control person, and/or property manager to lease, let or rent, or to offer for or attempt to lease, let or rent, or otherwise allow residential occupancy of, any rental housing unit within the City of Pearl for which (1) the Department of Community Development has not issued a Registration Certificate or (2) any requested inspection report has not been filed with the Department of Community Development.

c) The Department of Community Development shall be notified prior to the change of occupancy in a dwelling unit and said dwelling unit shall be inspected for compliance with this Ordinance prior to the change of occupancy; unless the dwelling unit was inspected for compliance within the previous twelve month period.

d) Nothing in this section shall prevent or prohibit the City from lawfully inspecting a dwelling, unit or property covered by this ordinance under any provision of state law.

409.04 ***Registration and Inspection Fees:***

a) The annual registration fee shall be one-hundred dollars ($100.00) per dwelling unit payable upon application for registration.

b) The inspection fee shall be one-hundred fifty dollars ($150.00) per dwelling unit payable upon an application for change of occupancy, or upon any inspection conducted in accordance with state law. Should the property fail the inspection and reinspection, then a fee of fifty dollars ($50.00) will be assessed for each additional reinspection.

c) A penalty of five hundred fifty dollars ($550.00) will be assessed for the failure to register a dwelling unit or for failure to notify the City of a change of occupancy.

409.05 Surety for Repairs: The owner of single-family, site built rental homes shall post and maintain in effect a bond as surety with the application for any future correction orders issued by the Department of Community Development pursuant to this Ordinance. The amount of surety required shall be equal to the number of dwelling units multiplied by twenty-five thousand dollars ($25,000) each. This bond requirement shall not include multi-family dwellings or manufactured/factory built dwellings.

409.06 Registration Application: A Registration Application for rental housing registration shall be filed with and issued by the Department of Community Development. The application shall be in writing, signed by the property owner, agent or designee and shall include the following:

a) The name and address of the applicant;

b) Proof of ownership must be provided if the information provided differs from the online data published by the Tax Assessor for Rankin County records;

c) The location and parcel number of the property on which the rental housing unit is located;

d) For new construction, a complete site plan of the complex showing it is in the conformity with the requirements included within this Ordinance;

e) For new construction, plans and specifications of all buildings, improvements, and facilities to be constructed within the rental housing complex or on the same property as the rental housing unit;

f) Such other information as may be requested by the Department of Community Development to enable it to determine if the proposed rental housing unit or complex will comply with all codes and ordinances adopted by the City of Pearl.

409.07 Change of Ownership or Management Entity:

a) Within thirty (30) days of a transfer of property ownership or management entities, the new property owner or management entity shall file a Registration Application as required by Section 409.03 and pay any fees required by Section 409.04.

b) Upon application for transfer of ownership or management entity, accompanied by the transferee's information and payment of required fees, the Department of Community Development shall issue a transfer if the application is found to be in compliance with this Ordinance. The Department of Community Development may. in its discretion, upon notice, inspect the rental housing unit or complex for which the transfer application is made before a transfer is issued.

409.08 Notice and Orders: Whenever the Department of Community Development determines that there has been a violation of the provisions of this ordinance or has grounds to

believe that a violation may have occurred based on a complaint filed by a Tenant or any City department to that effect, he/she shall give fifteen (15) days' notice of such alleged violation and orders to comply to the Owner or registered agent. Such orders shall be in writing and include the following:

a) A description of each offending Rental Unit, Dwelling Unit, and portion of the Dwelling and Premises sufficient for identification.

b) A statement of the reasons for which the notice is being issued.

c) Correction orders allowing a reasonable time for completion of the repairs, alterations, or improvements required to bring each Rental Unit, Dwelling Unit, Dwelling, and Premises into compliance with the provisions of this ordinance.

409.09 Enforcement:

a) Repair by City: If having received written notice of a violation, the Owner fails to comply with the correction orders within the time set for correction by the Department of Community Development, and takes no appeal, the City may, by resolution, cause the cited deficiency to be remedied as set forth in such correction orders by authorizing the Department of Community Development to complete the necessary repairs, alterations, or improvements and charge the expenses incurred therefor to the Owner.

b) Reimbursement by Owner. The Owner of a Rental Unit, Dwelling Unit, Dwelling, or Premises that is repaired, altered, or improved by the Department of Community Development pursuant to an authorizing resolution shall reimburse the City for the expenses incurred therefor within ten (10) days after receiving a statement of expenses from the Department of Community Development. If payment is not timely received, the City may levy such expenses against the bond, collateral, or letter of credit posted by the Owner with the Rental License application as surety for necessary repairs, alterations, or improvements. Thereafter, within thirty (30) days, the Owner shall replenish such surety with an additional bond, collateral, or letter of credit in an amount necessary to meet the requirements of this ordinance.

c) Liens. If the Owner's surety is insufficient in amount to reimburse the City for expenses incurred for completing repairs, alterations, or improvements, such expenses may be assessed against the real estate upon which such repairs, alterations, or improvements were completed. Upon filing the statement of expenses with the City Clerk, the City shall have a privileged lien on such real estate to secure such expenses. Such lien shall be second only to tax liens, and the amount thereof shall bear interest at the rate of ten (10) percent per annum from the date of payment by the City of such expenses. The City may institute suit to foreclose on such lien to recover such expenses. Neither the completion of repairs, alterations, or improvements by the City, nor the foreclosure of any lien to recover

expenses incurred therefore, shall relieve the Owner from prosecution for failure to comply with this ordinance, or correction orders given by the Department of Community Development.

d) Warrant Requirement. If the owner or tenant of any premises refuse entry upon request of City officials to carry out an inspection incident to enforcement of this ordinance, the City may make application to the appropriate judicial officer for a warrant based upon constitutional standards in effect at the time of the application, and shall not make entry in absence of consent, lawful warrant, or other legal authority.

409.10 Registration Revocation: The Department of Community Development may revoke any registration to maintain and operate a rental housing unit or complex when the owner or agent has failed to comply with any provision of this Ordinance. The owner or agent of a rental housing unit or complex having had its registration revoked may appeal the decision of the Department of Community Development to the Mayor and Board of Aldermen within fifteen (15) days of the day of the written decision of the Department of Community Development. After such failure to comply the registration may be reissued if the circumstances leading to the failure to comply have been remedied and the rental housing unit or complex is being maintained and operated in full compliance with the law.

SECTION 410 – SIDEWALKS REQUIRED IN ALL NEW DEVELOPMENTS IN R-1, R-2, R-3 & R-4 DISTRICTS

All new subdivisions and developments in R-1, R-2, R-3 and R-4 districts shall include sidewalks and be subject to Site Plan Review as required under Section 806.02 of this Ordinance.

SECTION 411 - OFFENSIVE PROPERTY AND CONDITIONS PROHIBITED AND DECLARED NUISANCE

a) Vehicles or motorcycles, whether operable or not, which do not have a current tag, unless stored in an enclosed, covered permanent structure so as not to be viewable from a public street, right-of-way or any other property.

b) Vehicles or motorcycles which have been wrecked, damaged or are in need of or are under repair, unless stored in an enclosed, covered permanent structure so as not to be viewable from a public street, right-of-way or any other property.

SECTION 412 - VEHICLES PARKED ON OR NEAR RESIDENTIAL PROPERTIES RESTRICTED

a) No more than two automobiles, not otherwise prohibited by other provisions of this section, shall be temporarily parked, at one time, in any part of the yard of any residence, excluding a proper driveway.

b) No automobile shall be parked in any part of the yard of any residence, excluding a proper driveway, for more than 8 consecutive hours.

c) A proper driveway is a driveway which meets city zoning and building regulations.

d) The conditions prohibited by this section are declared to be unsightly, a nuisance, and a violation of this article.

SECTION 413 - LODGING AND COMMUNITY HOUSING USES

413.01 Community Housing (includes Bed and Breakfast, Inns, and Short-Term Rentals)

a) Definition: A transient lodging establishment, generally in a single-family dwelling or detached guesthouse, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation.

b) Districts permitted as a Conditional Use: A-1, R-1, R-2, R-3 and R-E.

c) Parking: One space per guest room in addition to the two spaces required for the owners.

d) Loading: None.

413.02 Additional Standards

a) Applicant will secure and maintain a proper business license with the City of Pearl.

b) Applicant will obtain any required permits prior to making improvements (construction, signage, etc.).

c) The applicant, or other designated innkeeper, will be present or readily available while the guest house is occupied.

d) Community Development will perform an inspection to ensure compliance with zoning, life safety and building code requirements, and other applicable local and state regulations.

e) A certificate of occupancy shall be issued by Community Development prior to initial occupancy.

f) Community Development will perform periodic inspections of the property to ensure the safety of the occupants.

SECTION 414 - MEDICAL CANNABIS ESTABLISHMENT

414.01 ***Applicable Laws:*** All requirements of federal, state and local laws shall be met, and maintain permits for operation from Mississippi Department of Health and any other applicable state agency.

414.02 ***Display and Storage:*** No storage or display of materials, goods, supplies, or equipment related to the operation of a medical cannabis establishment (excluding delivery vehicles) shall be visible.

414.03 ***Traffic and Parking Restrictions:*** No traffic shall be generated by such establishments in greater volumes than would normally be expected in a commercial or industrial zone (as determined by the Zoning Administrator), and any need for parking generated by the operation of such establishment shall be met off the street. Furthermore, an ample amount of such off-street parking shall be provided as determined by the Zoning Administrator at the time of the application for a conditional use permit.

414.04 ***Signage:*** All medical cannabis establishments are subject to sign regulations as defined by Article VII of this Ordinance and all provisions for advertising and marketing set forth in the Mississippi Medical Cannabis Act of 2022 and established criteria by the Mississippi State Department of Health as set forth in Title 15, Par 22, Subpart 3. No medical cannabis establishment may advertise or market on posted signage which:

a) is enlarged so as to violate the provisions of this Ordinance.

b) depicts cartoon or other imagery that would appeal to minors.

c) displays paraphernalia or the use of paraphernalia.

d) is located in zones where medical cannabis establishments are unable to locate.

e) is mobile or provided through unsolicited leaflets, brochures, or handbills.

f) is located on public transit, publicly owned property, or within 1,000 feet of protected places.

g) is located off premises of the establishment.

h) makes advertised claims which are not backed by research/science or in which sources can be used out of context.

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

414.05 ***Hours of Operation:*** Allowed hours of operation shall be limited to 7 a.m. to 9 p.m., unless the Board of Aldermen determines different hours of operation as stated in the conditional use permit.

414.06 Required Privilege License in Accordance with State and Local Law: A privilege license and operation permit must be obtained from the Mississippi Department of Health, any other applicable state agency, and the local Zoning Administrator prior to the initiation of a medical cannabis establishment. The local permit shall cost an initial fee of $1,500.00 and the permit shall be renewed annually for a fee of $1,500.00.

ARTICLE V: OFF-STREET PARKING, LOADING SPACE AND ACCESS REQUIREMENTS

SECTION 500 - PURPOSE OF THIS ARTICLE

The purpose of this Article is to establish requirements regarding: (1) sufficient space for off-street parking and, where required, parking lot landscaping; (2) sufficient space for loading (or unloading) of all motor vehicles; and (3) design standards for access ways within the City of Pearl. The purpose of these requirements is to reduce or avoid congestion of streets and to provide a more suitable living and working environment. Such space for parking or loading of motor vehicles, provisions for ingress and egress, and required landscaping shall be provided at the time of the erection of any principal structure, or at the time any principal structure is enlarged or increased in capacity by the addition of dwelling units, guest rooms, floor area, or seats. The responsibility for meeting the requirements established by this Ordinance shall be that of whoever establishes the use to which it is appurtenant.

SECTION 501 - OFF-STREET PARKING

501.01 ***General Requirements:*** Off-street parking and loading space shall be provided in accordance with the following regulations:

a) *Provision of Parking Space on the Same Lot with all Residential Uses:* Off-street parking space for all residential land uses shall be provided on the same parcel of land as the residential use to which the parking space is an accessory.

b) *Non-residential Uses and Off-site Parking:* Off-street parking space for all non-residential land uses shall be provided on the same parcel of land as the use to which the parking space is appurtenant. However, that, following site plan review by the Mayor and Board of Aldermen in accordance with Sections 806 through 809 of this Ordinance, the Mayor and Board of Aldermen may authorize in writing an alternative off-site location to the required parking space for such non-residential land uses if:

1) There are practical difficulties preventing the location of parking space on the same parcel; and/or

2) The public safety or the public convenience or both would be better served by the location of the required space on a parcel of land other than with the use to which it is appurtenant.

c) *Provision of Access and Maneuver Space for Non-Residential Land Uses:* In calculating any required parking area, other than for parking spaces required for single and two-family dwellings, sufficient access and maneuver space shall be provided to permit the parking and removal of any vehicle without moving other vehicles. Furthermore, all parking spaces shall be designed, maintained and regulated so that no parking or maneuvering incidental to parking

shall be on any public street, sidewalk, or alley; and exiting will not require backing into a public street.

d) *Parking Space Near Fire Hydrants:* Under no circumstances shall any parking space be provided within ten (10) feet of a fire hydrant.

501.02 Schedule of Off-Street Parking Requirements: For the purpose of this Ordinance, an "off-street parking space" shall consist of a space sufficient in size to store one full size automobile (minimum of 200 square feet in area) with room for opening doors on both sides. When computing parking space requirements on the basis of the number of persons expected to be on the premises of a particular land use, the maximum number of occupants, practitioners, patrons or employees anticipated to be on the premises at any one time shall be used. When the application of the requirements of this Section would result in a fractional space, any such fraction shall be counted as one space. In the case of mixed, compatible subcategories of land use (e.g., as shopping centers containing a grocery store, a furniture store, a motion picture theater, etc.), the parking space required by the schedule below shall equal the sum of the requirements for each of the various uses (subcategories) computed separately. Off-street space for parking and storage of vehicles shall be provided in accordance with the following schedule:

a) All Residential Uses Other Than Multiple Family: Two spaces per dwelling unit.

b) Multiple Family Uses: 2.5 spaces per dwelling unit.

c) General Business, Commercial or Service Establishments: One parking space for each 225 square feet of GROSS floor area, except for the following prescribed uses:

1) Hotels and motels - One space for each guest room

2) Restaurants and similar establishments serving food and beverages - One space for each 100 square feet of gross floor area.

3) Other business and professional offices - One space for each 300 square feet of gross floor area.

4) Furniture and appliance stores - One space for each 500 square feet of gross floor area.

5) Theaters, auditoriums and other commercial places of assembly - One space for every four fixed seats.

6) Gasoline service stations - One space per 275 square feet.

7) "Drive-in service" establishments, such as drive-in banking, drive-in "windows" for restaurants, dry-cleaning and laundry establishments and similar uses – 5 queuing spaces for vehicles waiting in addition to one space per 225 square feet.

8) Motor vehicle repair shops, body shops, etc. - One space for each regular employee, plus

one space for each 300 square feet of floor area used for mechanical or body repair.

9) Motor vehicle sales, machinery sales and equipment sales establishments - One space per 750 square feet of sales area (e.g. utilized for the display of vehicles, machinery or equipment for sale, whether or not said area is enclosed).

10) Warehouse, Wholesale and Manufacturing Uses NOT Catering to the Retail Trade - One parking space for each 1,000 square feet of gross floor area, or one parking space for each employee on the largest shift, whichever is greater; plus one space for each vehicle operating from the premises.

11) Grocery stores (excluding convenience type grocery store) – One (1) parking space (for employees and customers) for each 100 square feet of gross floor area.

12) Convenience type grocery stores – Minimum of four (4) parking spaces for any such use plus one (1) space for each 400 square feet of gross floor area.

d) Public/Quasi-Public Facilities and Uses: Off-street parking space requirements for public/quasi-public facilities and uses shall be determined based upon a site plan and in accordance with the following schedule of requirements:

1) Churches - One parking space for each five fixed seats in the principal assembly hall or one parking space for every 90 linear inches of pew space, whichever is applicable.

2) Hospitals - One space for each patient bed, plus one space for each employee determined by the number of employees on the largest shift.

3) Rest homes, nursing homes, sanitariums, and convalescent homes - One space for every two patient beds, plus one space for each employee determined by the number of employees on the largest shift.

4) Libraries, art galleries, and museums, both public and private - One space for each 500 square feet of floor area (excluding storage rooms).

5) Other public/quasi-public facilities and uses not listed above - The off-street parking requirements for public/quasi-public uses not listed above shall be determined on the basis of a site plan submitted in accordance with Sections 806 through 809 of this Ordinance.

501.03 Design Standards for Off-Street Parking: Off-street parking shall be provided in accordance with the minimum design standards specified in Tables 1, 2, and 3. With regard to the provision of parking for handicapped persons, developers shall comply with the Federal regulations implementing the Americans with Disabilities Act.

A 90-degree parking angle shall be required for all parking lots unless the developer can demonstrate to the City of Pearl Mayor and Board of Aldermen during required site plan review (see Sections 806 through 809) that there are unusual circumstances, such as an unusual lot shape, that

would make it necessary to use a parking angle other than 90-degrees. Developers shall have the following options regarding the width of parking stalls:

a) Parking stalls shall be marked by a four-inch stripe hair pinned or looped line painted on the pavement, with a minimum of 12-18 inches between the looped lines. Parking stalls shall be a minimum of nine feet wide, measured center to center of the hair pinned lines; or

b) Parking stalls shall be marked by a straight four-inch stripe painted on the pavement. Parking stalls shall be a minimum of nine and one-half feet wide, measured center to center of the straight line.

TABLE 1: DESIGN STANDARDS FOR 90 DEGREE PARKING

MINIMUM STALL WIDTH PARALLEL TO AISLE	MINIMUM STALL DEPTH	MINIMUM AISLE WIDTH
9.0 Ft.	18.5 Ft.	25-28 Ft. (2-way)
9.5 Ft.	18.5 Ft.	25-28 Ft. (2-way)

If unusual circumstances do exist to necessitate a parking angle other than 90-degrees, the standards specified in Table 2 below shall apply for 45 and 60-degree parking:

TABLE 2: DESIGN STANDARDS FOR 45 AND 60 DEGREE PARKING

PARKING ANGLE (DEGREES)	STALL WIDTH	MINIMUM STALL WIDTH PARALLEL TO AISLE	MINIMUM STALL DEPTH (Measured at right angle to aisle)	MINIMUM STALL DEPTH TO INTERLOCK	MINIMUM AISLE WIDTH
45	9 Ft.	12.7 Ft.	17.5 Ft.	15.3 Ft.	12-16 Ft. (1-way)
45	9.5 Ft.	13.4 Ft.	17.5 Ft.	15.3 Ft.	12-16 Ft. (1-way)
60	9 Ft.	10.4 Ft.	21.0 Ft.	17.5 Ft.	18-24 Ft. (1-way)
60	9.5 Ft.	11.0 Ft.	21.0 Ft.	17.5 Ft.	18-24 Ft. (1-way)

TABLE 3: MINIMUM REQUIREMENTS FOR HANDICAPPED PARKING SPACES

Total Number of Parking Spaces in Facility (Lot or Garage)	Minimum Total Number of Accessible Parking Spaces	Minimum Number of Van Accessible Parking Spaces
1-25	1	1
26-50	2	1
51-75	3	1
76-100	4	1
101-150	5	1
151-200	6	1
201-300	7	2
301-400	8	2
401-500	9	2
501 or more	2% of total	Site Plan

SECTION 502 - OFF-STREET LOADING SPACE REQUIREMENTS

Adequate off-street space for the loading and unloading of vehicles and for vehicles temporarily stopped ("standing") while waiting to be loaded, unloaded, or serviced, shall be provided and maintained for all commercial and industrial uses and any other use involving the receipt or distribution by vehicles of materials, merchandise or other matter on a regular basis. Said space shall be provided on the same premises with the use to which it is appurtenant unless the Mayor and Board of Aldermen authorize in writing an alternative location for such loading or unloading. Unless otherwise specified in this Ordinance, loading, unloading or standing space shall be provided in accordance with the following:

One loading space measuring at least 12 feet by 55 feet with a minimum height clearance of 14 feet for the first 3,000 square feet of building and/or storage area; plus one additional loading space with the same space requirements as above for each 10,000 square feet of building and/ or storage area above the first 3,000 square feet. (Examples: (1) A parcel of land containing 3,000 square feet of area which is used for the storage of building supplies or a commercial building containing 3,000 square feet of floor space: one loading space would be required for either situation; (2) a parcel of land containing 23,000 square feet of outdoor storage area or a building containing 23,000 square feet of floor area: a minimum of three loading spaces would be required in either situation.)

SECTION 503 - ACCESS WAYS

Developers of public/quasi-public uses, multiple family residential uses, all commercial uses and all industrial uses shall control access along arterial and collector streets upon which the use abuts

in accordance with the following regulations:

503.01 Access Barrier: Each lot, with its buildings, other structures and parking and loading areas shall be physically separated from each adjoining street by a curb or other suitable barrier against unchanneled motor vehicle ingress or egress. Except for the access ways permitted below, such barrier shall be continuous for the entire length of any lot line adjoining a street.

503.02 Distances between Access Ways on the Same Lot, Minimum Setbacks from Street Intersections, and Driveway Width Regulations for Multiple-Family Residential, Commercial, Industrial and Public/Quasi-Public Uses: all access ways for multiple-family residential, commercial, industrial, and public/quasi-public uses shall comply with Table 3. The functional classification of all streets and highways shall be determined by the classification shown on the adopted Land Uses/Thoroughfares Plan.

503.03 Common Access Ways to Reduce Traffic Hazards on Collector and Arterial Streets: Where practicable, developers of adjoining lots for commercial, industrial, or public/quasi-public uses shall provide common access ways in order to reduce the number of points of ingress and egress along collector and arterial streets. The provision of such common access ways with adjoining properties shall be considered in the preparation of the site plan required by these regulations. Site plans shall not be approved unless the Mayor and Board of Aldermen determines that the developer has made a reasonable effort to coordinate the provision of common access ways with adjoining property owners.

TABLE 4: MINIMUM DISTANCES BETWEEN MULTIPLE DRIVEWAYS ON THE SAME LOT MINIMUM SETBACKS FROM INTERSECTIONS AND DRIVEWAY WIDTH REGULATION: MULTIPLE-FAMILY RESIDENTIAL, COMMERCIAL, INDUSTRIAL, OR PUBLIC/QUASI PUBLIC USES

Functional Classification of Street	Minimum Distance Between Driveways	Minimum Distance to Intersection	Driveway Width Regulations	
			Minimum	Maximum
Local	22 feet	40 feet	24 feet	35 feet
Collector	22 feet	40 feet	24 feet	35 feet
Arterial	30 feet	50 feet	28 feet	44 feet

ARTICLE VI: NONCONFORMITIES

SECTION 600 - PURPOSE OF THIS ARTICLE

A nonconformity is any land, lot, building, structure or parts thereof, existing before the enactment of this Ordinance, which subsequent to the enactment of this Ordinance or amendment thereto, does not conform with the use regulations and/or dimensional regulations of the district in which it is situated, and/or does not comply with any other requirements herein.

It is the intent of this Ordinance to permit nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses (see definition under Section 601 below) are declared by this Ordinance to be incompatible with permitted land use in the districts involved. Therefore, a nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this Ordinance by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change of plans, construction, or designated use of any building on which actual construction was lawfully initiated prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially initiated preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be "actual construction," provided that work shall be carried on diligently.

SECTION 601 - TYPES OF NONCONFORMITIES

Where the definition of a nonconformity has been given in Section 201 and under Section 600, such nonconformities shall be further defined according to one of the types of nonconformities listed below, or combination thereof, for the purpose of regulation.

601.01 Nonconforming Undeveloped "Lot of Record": This type of nonconformity is an undeveloped "lot of record" (i.e., part of a subdivision, the map of which has been recorded in the office of the Chancery Clerk of Rankin County, Mississippi, or a lot described by metes and bounds, the description of which has been recorded in said office) the dimensions of which, subsequent to the passage of this Ordinance, do not meet the area or width requirements, or both, of the district wherein such lot is located.

601.02 Nonconforming Permanent Structure (Including Buildings): This type of nonconformity includes any permanent building lawfully constructed or erected on site, but which subsequently does not comply with the requirements of the zoning district wherein located.

601.03 Nonconforming Use or Structure: This type of nonconformity includes the uses of any land, lot, building, structure, or parts thereof, which lawfully existed prior to the passage of this Ordinance but which subsequently does not comply with all or some part of the use requirements of the zoning district wherein located.

SECTION 602 - REGULATIONS CONCERNING NONCONFORMING UNDEVELOPED LOTS OF RECORD

602.01 Erection of One-Family Dwellings Allowed on Single Nonconforming Undeveloped (or Vacant) Lots of Record in Separate Ownerships: In any district in which one-family dwellings are permitted, a one-family dwelling and customary accessory buildings may be erected, as a conditional use, on any single nonconforming undeveloped (or vacant) lot of record after the effective date of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lots must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such single lot of record fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that:

a) The required yard dimensions and other requirements (than those applying to lot area or width, or both) of the proposed single-family residential use shall conform to the regulations in the district in which such single nonconforming lot of record is located.

b) Variance of yard requirements shall be obtained only through action of the Mayor and Board of Aldermen.

602.02 Two or More Nonconforming Undeveloped (or Vacant) Lots of Record with Continuous Frontage Changing Ownership After the Effective Date of This Ordinance: If two or more undeveloped (or vacant) lots in single ownership with continuous frontage are "of record" at the time of enactment of this Ordinance, and if, subsequent to the passage of this Ordinance, such lots become nonconformities in the district where they are located; and if such lots change ownership after the enactment of this Ordinance, the lands involved shall be considered as undivided parcel for the purposes of this Ordinance; and no portion of said parcel shall be used in a manner which diminishes compliance with the lot width and/or lot area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot width or area (or both) below the requirements stated in this Ordinance.

The provisions of this subsection shall not apply to two or more undeveloped lots of record in single ownership with continuous frontage which remain in the same ownership (or if the lots are conveyed by inheritance or as a gift) following enactment of this Ordinance. Such lots not changing ownership shall continue to be considered divided parcels; and the owner of such lots may erect single-

family dwellings, as a conditional use, on each lot in districts where single-family dwellings are permitted, subject to the regulations imposed by subsection 602.01. However, further division of such nonconforming lots of record shall be prohibited.

No lot shall be created on or after the effective date of this Ordinance which does not meet the lot area and lot width requirements of the district wherein the lot is located.

SECTION 603 - REGULATIONS CONCERNING NONCONFORMING STRUCTURES

Where a lawful structure exists before the effective date of adoption or amendment of this Ordinance that could not subsequently be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its placement on the lot, or other dimensional requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, provided that:

a) No such nonconforming structure may be enlarged or altered in a way.

b) Should such nonconforming structure or nonconforming portions of a structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed, except in conformity with the provisions of this Ordinance.

c) Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

d) All nonconforming structures located within the Redevelopment District as designated by Ordinance No. 2021-01 which is also located within any C-2 or C-3 Zoning District shall be removed or replaced with a conforming structure within two (2) years of the effective date of this ordinance.

e) A “Conforming Structure,” as contemplated in Section 603 is defined as: (1) any permanent structure that currently conforms to the building code in effect the date the structure was built; (2) any Modular Home or Modular Building that exceeds 1600 square feet in heated and cooled space and which conforms to the building code in effect the date the structure was purchased; (3) any structure being used as a retail office for the sale of Manufactured Homes, Mobile Homes, and/or Modular Buildings; or (4) any other structure not listed herein that has been approved by the City of Pearl.

A manufactured or mobile home park which existed as of April 16, 2009, the effective date of the Comprehensive Zoning Ordinance of the City of Pearl, shall be "grandfathered," that is, its nonconforming use, including but not limited to the placing (or replacing) of manufactured or mobile homes therein upon lots which existed as of April 16, 2009, shall not be affected by the terms and conditions of this Ordinance, or any amendment thereto, except as follows:

a) All rental manufactured homes, that have not previously been registered and the fee paid, which are property of the park owner will be registered with the city on a one-time basis of $50.00 per

home. If the homes are replaced with newer homes, the new homes shall be registered with the city within 30 days of placement.

b) Each park owner will create a bill of rights (either in the tenant's lease or otherwise) to be signed by the rental-home tenant and park owner which states when the rent is due, where the home owner can report complaints or problems, and that the park owner will use its best efforts to correct such matters within 5 business days.

c) All water and sewer tie-ins within the park shall be properly connected.

d) The roads and streets within the park shall be paved and any potholes shall be repaired within a reasonable time.

e) Park owners may place (or replace) manufactured or mobile homes (each such home, a "replacement home") and fill vacant lots, provided that the replacement homes have a minimum interior floor area of 840 square feet and are no more than 10years old. Before placement, any replacement home shall be approved by and/or inspected by the City's Office of Community Development. A Registration Certificate shall be issued on approval. Upon inspection, the Office of Community Development shall approve such replacement unless the Office reasonably determines that the home is not well maintained, not structurally sound, or not habitable. Upon any denial of such replacement, the Office shall, within two business days, provide the property owner with detailed written reasons for such denial, along with the steps required to be taken in order to obtain approval.

f) All rental homes placed in the park after December 1, 2017 shall have working smoke detectors and shall be installed and anchored according to the regulations of the Mississippi State Fire Marshal's Office.

SECTION 604 - REGULATIONS CONCERNING NONCONFORMING USES OF LAND

Where at the time of passage of this Ordinance, lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided:

a) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

b) No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

c) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance.

d) If any such nonconforming use of land or structure ceases for any reason for any period of time (except where government action has impeded access to the premises), any subsequent use of such land or structure shall conform to the regulations specified by this Ordinance for the district in which such land is located.

e) If any change in ownership or tenant of the property or land shall occur any subsequent use of such land or structure shall conform to the regulations specified by this Ordinance for the district in which such land is located.

f) No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land or structure. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to the extent of more than 50 percent of the replacement cost at the time of destruction.

ARTICLE VII: SIGN REGULATIONS

SECTION 700 - PURPOSES OF THIS ARTICLE

The purpose of the provisions of this chapter, by governing the location, size, and other characteristics of signs in each of the use districts established by this chapter, is to:

1) Regulate all exterior signs and interior signs placed for exterior observance so as to protect property values;
2) Insure light, air and open space;
3) Reduce hazards at intersections;
4) Prevent the accumulation of trash;
5) Encourage attractive community appearance; and
6) Protect health, safety, morals, and general public welfare;

It is the intention of the provisions of this chapter that, among other things:

1) Display the name and logo of the business and reasonably related information.
2) The display of signs shall be appropriate to the land, building, or use to which they are appurtenant.
3) With respect to signs advertising business use, excessive competition and clutter among sign display should be avoided.
4) In commercial areas now in existence, and in proposed commercial and industrial areas, all signs within a complex should be coordinated with the architecture in such a manner that the overall appearance is harmonious in color, form and proportion.

SECTION 701 – SURFACE AREA AND MEASUREMENTS

Display surface means the entire background area upon which copy can be placed.

Display surface area means the sum of the gross display surface. The area of each display surface shall be computed by calculating the area of the circle, square, triangle, rectangle, or combination of such common geometric forms necessary to enclose such surface. However, such area shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display. Only one side of a double-faced sign shall be included in calculating the sum of display surface area.

SECTION 702 – PERMIT REQUIRED/APPLICATIONS FOR SIGN PERMITS

Except for the signs listed under Section 703, no sign shall be constructed, erected, relocated or expanded unless the owner (or his/her representative) obtains a sign permit from the Zoning

Administrator. The Zoning Administrator shall not issue a sign permit unless the proposed sign complies with the provisions of this Ordinance and other applicable ordinances and regulations of the City of Pearl and upon completion of site plan review by the Mayor and Board of Aldermen.

Applications for sign permits shall be filed with the Zoning Administrator on a form provided by the City. The permit application shall include, but not necessarily be limited to, the following information:

a) Name, address, and phone number of the sign owner (applicant), property owner, and of the sign erector.
b) Location (address) of building or property where sign is not be erected.
c) Zoning district in which the sign is to be erected, expanded (or otherwise modified) or relocated.
d) Sign type proposed.
e) Drawings showing the design, location(s) on the lot(s), materials, finishes or the sign, type of illumination if any, and such other pertinent information as the Zoning Administrator may require.

A fee for permit will be established by the Mayor and Board of Aldermen, and revised by the same from time to time.

If the work authorized by a permit issued under this article has not been commenced within six months after the date of issuance of such permit, such permit shall become null and void.

SECTION 703 – SIGNS NOT REQUIRING A PERMIT

The following signs shall not require a permit, but shall be subject to the regulations of this Ordinance.

a) Any sign erected by the City of Pearl or any Federal or State agency, or required by another governmental agency, shall not require a permit.
b) For the purposes of public safety, standard markers or warning signs denoting utilities or hazards.
c) For the purpose of traffic safety and site identification for emergency services personnel, each parcel is allowed one sign less than 72 square inches for a single family residential zones and four square feet in all other zones in sign area must be placed on the front of every building, residence, or structure; and may also be on each side of an authorized United States Postal Service mailbox or on one post which measures no more than 48 inches in height and 4 inches in width. Such signs shall be prominently displayed and written in contrasting colors to the color of the structure or background against which said signs are placed in order to facilitate identification by emergency services personnel.
d) Flags shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is more than forty (40) feet in height. Flags and emblems of the United States must

be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting one or more of these conditions shall be considered a banner sign and shall be subject to the regulations as such.

e) Temporary ground-mounted, on-premise, unilluminated signs.

SECTION 704 – PROHIBITED SIGNS

a) Any sign that is erected, placed, kept, or maintained in violation of the provisions of this chapter, except for nonconforming signs which are dealt with in section 705, shall be removed immediately by the sign owner, the owner of the property where the sign is located, or any other party having control over such sign. If a responsible party fails to remove an illegal sign, then the responsible party shall be subject to the penalties provided for in section 813 of this Code, and as part of any fine shall be liable to the city for the costs of removal of any such sign. No sign shall be erected as to prevent free ingress or egress from any door, a window or fire escape, and no sign of any kind shall be attached to a standpipe, fire escape, stop sign, street sign or pole that supports any of the above.

b) No sign shall be erected in the city unless it is in compliance with the regulations for the district in which it is to be located as set forth in this chapter.

c) No sign, symbol, or plaque or advertising device of any kind visible or otherwise than in the interior of a building.

d) No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of position, it may interfere with or obstruct the view of traffic sight lines or traffic control devices. No flashing or intermittent blue, red, green or amber illuminations shall be used.

e) The illumination of any sign within 50 feet of and facing a residential zone lot line shall be diffused or indirect and designed to prevent direct rays of light from shining into adjoining residential districts, and in no event shall flashing or intermittent illumination be permitted where the sign faces directly into and/or is nearer than 300 feet to dwellings in a residential district.

f) No sign shall be erected on public property right-of-way or on private property without the consent of the appropriate governmental entity or property owner. Signs shall be promptly removed immediately after the event to which it refers.

g) Trailer signs, temporary or portable, with or without wheels, are prohibited within the city limits. Any existing trailer sign located within the city limits is a nonconforming sign and subject to provisions for nonconforming use.

h) No billboard type signs shall be erected along U.S. Highway 80, or erected so that primary view will be along U.S. Highway 80.

i) Flashing, animated, rotating and bench signs shall not be permitted in any zoning district.

j) Any wood or metal framing materials on all signs on any district shall be painted and maintained in like-new condition.

k) Any off premises sign in any district of the city is a nonconforming sign.

l) Signs which are structurally unsound or which are rendered structurally sound by guy wires or unsightly bracing; and signs that do not meet the construction standards of the building codes adopted by the City of Pearl.

m) Signs which are abandoned or obsolete as a result of having no content for 180 days or operation related to the sign has been closed for 30 days.

SECTION 705 – NONCONFORMING USE

Signs which were lawful on the effective date of this article which do not confirm to the provisions of this Ordinance are declared nonconforming structures. Regulations regarding nonconforming structure are included under Article VI.

SECTION 706 – SIGN MAINTENANCE

All signs permitted under the terms of this Article, that are found to be abandoned or are in such disrepair or so poorly maintained so as to produce a visual blight or hazard to the public, shall be removed by the sign owner, the owner of the property where the sign is located, or any other party having control over such sign. If any responsible party fails to remove any such sign within seven days of their receipt of a written request from the city to remove any such sign, then the responsible party shall be subject to the penalties provided for in Section 814 of this Code, and as part of any fine shall be liable to the city for the cost of removal of such sign.

SECTION 707 – NONCONFORMING SIGNS

Subject to the remaining subsections of this section, a nonconforming sign that exceeds the height, size, or spacing limitations by more than ten (10) percent or does not meet the adopted sign design guidelines of the City of Pearl, or is nonconforming in some other way shall, within two (2) years after the effective date of this ordinance, be altered to comply with the provisions of this article or be removed.

If the nonconformity consists of too many freestanding signs on a single lot or an excess of total sign area on a single lot, the person responsible for the violation may determine which sign or signs need to be altered or removed to bring the development into conformity with the provisions of this article.

The following types of nonconforming signs shall be removed within 90 days after the effective date of this ordinance.

a) Temporary trailer signs.

SECTION 708 – SIGNS PERTAINING TO PUBLIC/QUASI-PUBLIC FACILITIES AND UTILITIES

The following types of signs, subject to the regulations of this Ordinance, are permitted in connection with public/quasi-public facilities and utilities, as such uses are defined by this Ordinance. Where a public/quasi-public use is permitted as a conditional use under the Official Zoning Ordinance of the City of Pearl, these signs are allowed.

708.01 Allowable Signs:

a) Ground-Mounted Signs.
b) Wall-Mounted Signs.
c) Changeable copy signs, which must be enclosed.
d) Changing Signs (Automatic).
e) Temporary Signs.

708.02 Illumination: Except for temporary signs which shall not be illuminated, signs allowed for public and quasi-public uses may be externally illuminated or internally illuminated.

708.03 Maximum Area: A maximum of one ground-mounted, changeable copy (manual), changeable copy (automatic), or wall sign per street frontage, with no more than thirty-two (32) square feet per display surface may be erected. In no case shall the total display surface area exceed sixty-four (64) square feet, regardless of the number of faces.

708.04 Temporary Signs: In addition to the permanent signs allowed, on-premise ground-mounted, unilluminated signs erected for public/quasi-public uses shall by allowed by permit. Each lot is allowed the same maximum area as permanent signs and shall not exceed six (6) feet in height above the surrounding grade. All temporary signs must be removed 48 hours following the event or activity occurring.

SECTION 709 – SIGNS IN THE RESIDENTIAL AND PUD DISTRICTS

The following signs are permitted in the R-1, R-2, R-3, R-4, MHS, PUD and R-E residential zoning districts:

709.01 Allowable Signs:

a) A permanent ground-mounted (free-standing) sign: no more than one per subdivision, multiple-family residential (apartments or condominiums), or manufactured home subdivision entrance.

b) Wall mounted sign on multiple-family residential (apartments or condominiums) buildings.

c) Temporary ground-mounted, on-premise, unilluminated signs.

709.02 Size and Location:

a) Residential subdivision and manufactured home subdivision ground-mounted signs:

1. *Maximum area:* Thirty-two (32) square feet per face; in no case shall total sign area exceed sixty-four (64) square feet, regardless of the number of faces.
2. *Set-back from street rights-of-way:* These signs may be located at all subdivision entrances at least five (5) feet from the right-of-way line of any street. In accordance with Section 704 (d), no sign shall be erected in a manner as to obstruct the free and clear vision of vehicle drivers.
3. *Maximum height:* four (4) feet.

b) Multiple Family Residential (Apartments or Condominiums) Signs, Ground-Mounted or Wall:

1. *Maximum area:* Maximum of one ground-mounted or wall sign per street frontage, with no more than thirty-two (32) square feet per face. In no case shall total sign area exceed sixty-four (64) square feet per lot, regardless of the number of faces. For example, an apartment complex fronting on two streets could have two wall-mounted signs measuring 4 feet x 8 feet each, with no ground-mounted signs; or one wall mounted sign measuring 4 feet x 8 feet and a ground-mounted sign of the same dimensions.
2. *Set-back from street right-of-way for ground-mounted signs:* five (5) feet.
3. *Maximum height for ground-mounted signs:* four (4) feet.

c) Temporary Signs: In addition to the permanent signs allowed, on-premise ground-mounted, unilluminated signs shall be allowed. Each lot is allowed the same maximum area as permanent signs and shall not exceed four (4) feet in height above the surrounding grade. All temporary signs must be removed 48 hours following the event or activity occurring.

SECTION 710 – SIGNS IN C-2 AND S-1 DISTRICTS

The following signs are permitted in the C-2 and S-1 zoning districts:

710.01 Allowable Signs:

a) Ground-mounted signs.

b) Wall Signs.

c) Canopy Signs or Marquee signs.

d) Changing signs (automatic).

e) Permanent changeable copy (manual) signs.

f) Two incidental signs not to exceed 1 foot by 2 foot.

710.02 Individual Ground-Mounted Signs Prohibited Where More Than One Business/Organization Is Located on a Single Lot: Where more than one business or organization is located on a single lot, individual ground-mounted signs for each business or organization shall be prohibited.

710.03 Maximum Area for All Signs:

a) Single Tenant Buildings:

The maximum aggregate square footage for ground-mounted, wall, or canopy or marquee shall be the square footage equal to ten (10) percent of the building face area which fronts on a public street. Ground mounted signs shall not exceed forty (40) square feet, a height of six (6) feet, and be closer than ten (10) feet from the front property line. Changing (automatic) signs must be incorporated within another sign and shall not exceed 50 percent of the total square footage of the sign area.

b) Multi-Tenant Buildings:

1. The maximum aggregate square footage for wall, or canopy or marquee shall be the square footage equal to ten (10) percent of the tenant space's building face area which fronts on a public street. The sign shall not exceed the height of the existing roofline.
2. Each multi-tenant building will also be allowed additional sign area for a shared, multi-tenant ground mounted sign. The shared ground mounted sign shall not exceed forty (40) square feet per face per street frontage, but the total sign area for such signs on a single lot shall not exceed two hundred (200) square feet per lot. Such signs shall not exceed six (6) feet in height, and be closer than ten (10) feet from the front property line.
3. Changing (automatic) signs must be incorporated within another sign and shall not exceed 50 percent of the total square footage of the sign area.

SECTION 711 – SIGNS IN C-3, WH AND S-2 DISTRICTS

The following signs are permitted in the C-3, WH and S-2 zoning districts:

711.01 Allowable Signs:

a) Ground-mounted signs.

b) Wall Signs.

c) Canopy Signs or Marquee signs.

d) Changing signs (automatic).

e) Permanent changeable copy (manual) signs.

f) Two incidental signs not to exceed 1 foot by 2 foot

711.02 Individual Ground-Mounted Signs Prohibited Where More Than One Business/Organization Is Located on a Single Lot: Where more than one business or organization is located on a single lot, individual ground-mounted signs for each business or organization shall be prohibited.

711.03 Maximum Area for All Signs:

a) Single Tenant Buildings:

The maximum aggregate square footage for ground-mounted, wall, or canopy or marquee shall be the square footage equal to ten (10) percent of the building face area which fronts on a public street. Ground mounted signs shall not exceed fifty (50) square feet, a height of forty (40) feet, and be closer than ten (10) feet from the front property line. Changing (automatic) signs must be incorporated within another sign and shall not exceed 50 percent of the total square footage of the sign area.

b) Multi-Tenant Buildings:

1. The maximum aggregate square footage for wall, or canopy or marquee shall be the square footage equal to ten (10) percent of the tenant space's building face area which fronts on a public street. The sign shall not exceed the height of the existing roofline.
2. Each multi-tenant building will also be allowed additional sign area for a shared, multi-tenant ground mounted sign. The shared ground mounted sign shall not exceed fifty (50) square feet per face per street frontage, but the total sign area for such signs on a single lot shall not exceed one hundred fifty (150) square feet per lot. Such signs shall not exceed forty (40) feet in height, and be closer than ten (10) feet from the front property line.
3. Changing (automatic) signs must be incorporated within another sign and shall not exceed 50 percent of the total square footage of the sign area.

SECTION 712 – SIGNS IN I-1 AND I-2 DISTRICTS

The following signs are permitted in the I-1 and I-2 zoning districts:

712.01 Allowable Signs:

a) Ground-mounted signs.

b) Wall Signs.

c) Canopy Signs or Marquee signs.

712.02 Maximum Area for All Signs:

a) The total area of all signs on a building or lot shall not exceed the square footage equal to five (5) percent of the building frontage. Two or more smaller signs may be so arranged and integrated as to create a surface area not in excess of allowance.

b) The maximum overall height for signs in these districts shall be 40 feet.

c) No sign shall be erected nearer to street right-of-way line than building setback lines provided for in the zoning district, except one sign may be placed no closer than 20 feet from the street right-of-way.

SECTION 713 - TEMPORARY SIGNS IN NON-RESIDENTIAL DISTRICTS

713.01 Allowable Signs: In addition to signs allowed by permit only, the following signs shall be subject to the regulations of this Section.

a) On-premise ground-mounted, unilluminated signs.
b) Wall signs (permit required).
c) Banner Signs (permit required).

713.02 Maximum Height, Area, Location, and Illumination:

a) *Maximum Height for All Ground-Mounted Temporary Signs in Commercial and Industrial Districts:* No ground-mounted temporary sign in a commercial or industrial district shall exceed a height of six (6) feet above the surrounding grade.
b) *Maximum Area for On-premise, ground-mounted, unilluminated signs:* fifty (50) square feet per lot, with no more than twenty-five (25) square feet per sign face. Signs must be at least five (5) feet from all street rights-of-way.
c) *Maximum Area for Wall sign:* Temporary wall signs may be erected in commercial or industrial districts, containing up to twenty-five (25) square feet per street frontage per lot. These signs may be externally illuminated.
d) Up to 2 canvas banner signs are permitted only for the first 30 days after the initial opening of a new establishment, after new occupancy, or after a change in the proprietor. Additionally, up to two canvas banner signs may also be allowed for a maximum of 30 days per event or occasion.

713.03 Removal of Temporary Signs: All ground-mounted or wall temporary signs must be removed 48 hours following the event or activity occurring. All banner signs must be removed at the end of 30 days. Failure to remove any temporary sign, banner, display or poster within the time requirements set forth herein is punishable by a fine to the permit holder in an amount not to exceed $25.00 per day of such violation. Each day the temporary advertising sign, banner, display or poster is not removed within the time frame set forth herein shall constitute a separate violation.

ARTICLE VIII: ADMINISTRATION AND ENFORCEMENT

SECTION 800 - PURPOSE OF THIS ARTICLE

It is the purpose of this Article to prescribe the legal devices and procedures for administering and enforcing this Ordinance and to define the duties, powers, limitations and scope of jurisdiction for the various persons and groups which are concerned with the administration and enforcement of this Ordinance.

SECTION 801 - DUTIES, POWERS, AND LIMITATION OF POWERS OF THE ZONING ADMINISTRATOR IN THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE

801.01 Duties of the Zoning Administrator:

a) Coordinate all matters relating to this Ordinance with, as appropriate, the Director of Public Works, Building Official, and other City officials.

b) Provide information to the public on matters relating to zoning.

c) Provide application forms to the public on matters relating to zoning.

d) Maintain, or be responsible for, the maintenance of the Official Zoning Map.

e) Review all building permit applications and plot diagrams as they relate to this Ordinance.

f) Receive and take appropriate action on all applications for dimensional variances, conditional use permits (special exceptions), and zoning amendments (rezoning).

g) Receive and take appropriate action on all site plans submitted in accordance with Sections 807 and 810 of this Ordinance and the forwarding copies of site plans and associated materials to the proper individuals or bodies.

h) Check construction (or use conversion) performed under zoning-related permits to determine if the work (or use conversion) meets the requirements before issuing a certificate of occupancy.

i) Oversee the preparation and maintenance of a map or other recording process indicating nonconforming uses, structures and undeveloped (or vacant) lots.

j) Clear with other local, county, state, or Federal agencies where such clearance is necessary in connection with zoning matters.

k) Appear before the Planning/Zoning Commission and the Mayor and Board of Aldermen to furnish information helpful to those bodies in carrying out their assigned functions.

l) Make periodic checks for violations or investigate written complaints of violations of this Ordinance and notify in writing the person(s) responsible for violations of the Ordinance,

indicating the nature of the violation and ordering the action necessary to correct it. Notice to such violators shall be by registered or certified mail or shall be delivered personally by the Zoning Administrator. The Zoning Administrator's response to a complainant may be by ordinary mail.

m) Report uncorrected violations to the Mayor and Board of Aldermen and recommend action to prevent or halt violations of this Ordinance.

n) Advertise public hearings as required by this Ordinance. (Note: The Zoning Administrator may simply notify the City Clerk that advertisement of a public hearing is needed, and the City Clerk may actually transmit the required notice to the appropriate newspaper or newspapers).

o) Keep records pertaining to zoning matters.

p) Attend Planning/Zoning Commission meetings as needed but especially when site plans are to be reviewed.

q) Provide administrative interpretation as provided in Subsection 801.02.

801.02 Administrative Interpretation by the Zoning Administrator: In the event there is a question as to the general intent or specific meaning of any provision of the Zoning Ordinance text, or of the boundaries or district designations or other matters relating to the Official Zoning Map, the Zoning Administrator shall have the power to make such administrative decisions and interpretation. Such decisions or interpretations shall be made in writing by the Zoning Administrator.

a) Limitation of Powers: Said administrative interpretation shall in no manner be construed to include, or used in any way which would permit, the granting of a conditional use permit (special exception), dimensional variance, or zoning amendment (either an amendment to the zoning text or a district re-classification -- that is, the rezoning of any land), the provisions for which use are given elsewhere in this Ordinance.

b) Appeals from the Administrative Interpretation by the Zoning Administrator: Appeals from said administrative interpretation shall be made as provided in Subsection 812.01 of this Ordinance.

c) Administrative Interpretation by the Zoning Administrator shall not be used in matters which the Zoning Administrator has personal financial interest or personal gain is involved.

801.03 Duties and Rules of Conduct of the City of Pearl Planning/Zoning Commission: The Pearl Planning/Zoning Commission shall have the duties and responsibilities of a local Planning/Zoning Commission pursuant to Section 17-1-11 of the Mississippi Code of 1972, Annotated, As Amended.

801.04 Duties of the Planning/Zoning Commission: The Commission's duties with regard to this Ordinance shall include, but not be limited to:

a) The Planning/Zoning Commission shall review and make recommendations to the Mayor and Board of Aldermen on the following applications:

   1) Applications for amendments to the Official Zoning Map (i.e. applications for rezoning);

   2) Proposed amendments to the text of this Ordinance.

   3) Site plans as required under Section 807 of this Ordinance.

b) The Planning/Zoning Commission shall have review and approval authority on the following applications:

   1) Applications for dimensional variance;

   2) Applications for conditional uses (special exceptions) permits;

c) Shall hold all public hearings on all matters relating to this Ordinance which require such hearings under Section 810 of this Ordinance.

801.05 Rules of Conduct for the City of Pearl Planning/Zoning Commission: In addition to other rules of conduct that the Planning/Zoning Commission may adopt, the following shall apply:

a) The secretary for the Planning/Zoning Commission shall record all recommendations and decisions regarding variances, special exceptions, rezoning, amendments to the Zoning Ordinance text, site plans, subdivision plats, and other matters through the Minutes of the Planning/Zoning Commission.

b) The Planning/Zoning Commission shall hold regular meetings (unless there are no items of business to be considered by the Planning/Zoning Commission for a particular month) once a month at a date and time established by and a site specified by the membership of the Planning/Zoning Commission. Special meetings may be called by the Chairman or two or more members of the Planning/Zoning Commission within two hours of a meeting.

c) All "Applications for Preliminary Plats Approval" and preliminary plats shall be submitted at least twenty-one (21) days prior to the next regular meeting of the Planning/Zoning Commission at which the application/ plat is to be considered. Site plans required by this Ordinance (see Section 807) shall also be submitted at least twenty-one days prior to the next regular meeting of the Planning/Zoning Commission at which the site plan is to be considered. Preliminary plats/applications and site plans submitted after this deadline shall not be included on the agenda for the next regular meeting of the Planning/Zoning Commission.

d) All applications for variances, conditional use permits, amendments to this Ordinance text or to the Official Zoning Map (re-zonings) shall be submitted at least twenty-eight (28) days prior to the next regular meeting of the Planning/Zoning Commission. Such applications submitted after this deadline shall not be included on the agenda for the next regular meeting of the Planning/Zoning Commission.

e) In accordance with Section 25-41-5 of the Mississippi Code of 1972, As Amended, all meetings of the Planning/Zoning Commission shall be open to the public at all times unless an executive session is declared as provided in Section 25-41-7.

f) No member of the Planning/Zoning Commission shall participate in the hearing of the singular item nor vote on any matter before the Commission in which he has a personal financial interest.

SECTION 802 - DUTIES OF THE MAYOR AND BOARD OF ALDERMEN IN THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE

The Mayor and Board of Aldermen of the City of Pearl shall have the final authority with regard to all matters involving this Zoning Ordinance. The duties of the Mayor and Board of Aldermen shall include, but not necessarily be limited to:

a) The Planning/Zoning Commission shall consist of three (3) persons and the Mayor shall have the authority to appoint said three (3) persons on an annual basis.

b) The Mayor and Board of Aldermen shall have final approval authority on the following applications:

1) Applications for amendments to the Official Zoning Map (i.e. applications for rezoning);

2) Proposed amendments to the text of this Ordinance.

Neither the Mayor nor any Alderman shall participate in the hearing of the singular item nor vote on any matter before the Mayor and Board in which he has a personal financial interest.

SECTION 803 - DIMENSIONAL VARIANCES

Where the strict application of this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional hardship upon the owner of such property, the Mayor and Board of Aldermen shall conduct a public hearing on applications for dimensional variances, and is empowered to grant approval of such dimensional variances from the strict application so as to relieve such difficulties or hardships. Examples of such difficulties or hardships include exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of this Ordinance; or by reason of the location of trees, natural drainage course, lakes, or other desirable or attractive features, which condition is not generally prevalent in the neighborhood.

803.01 Requirements for Granting Variances: Any person desiring a dimensional variance from the terms of this Ordinance shall submit a written application (on a form furnished by the Zoning Administrator) demonstrating compliance with all of the following; a variance shall not be granted unless the applicant demonstrates:

a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings, in the

same district.

b) That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

c) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same zoning district.

803.02 Existence of Non-Conforming Uses Not Grounds for Variance: The existence of non-conforming uses of neighboring lands, structures, or buildings in the same zoning district shall not be considered grounds for granting a variance. Furthermore, the existence of permitted or non-conforming use of lands, structures, or buildings in other districts shall not be considered grounds for issuance of a variance.

803.03 When a Site Plan Shall Be Required: If the Zoning Administrator feels that more information is needed than is included on the plot diagram submitted with an application for a building permit, then a site plan shall be submitted with an application for a dimensional variance.

803.04 Public Hearing Required: A public hearing shall be held in accordance with Section 810 of this Ordinance for all proposed dimensional variances.

803.05 Required Findings: No variance shall be issued until the Mayor and Board of Aldermen has made a finding that the reasons set forth in the application justify the granting of the variance, and that the variance constitutes the minimum allowable deviation from the dimensional regulations of this Ordinance in order to make possible the responsible use of the land, building or structures. Furthermore, no variance shall be granted until the Mayor and Board of Aldermen has made a finding that the granting of the dimensional variance will be in harmony with the general purpose and intent of this Ordinance, and that the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

803.06 Conditions and Safeguards May Be Prescribed with Dimensional Variance: In granting any dimensional variance, the Mayor and Board of Aldermen may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations 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 813 of this Ordinance.

If such conditions and safeguards are imposed by the Mayor and Board of Aldermen in granting a variance, the applicant shall be required to sign an agreement whereby he/she accepts those conditions and safeguards (which shall be specified in the agreement). This instrument shall be in a form recordable in public land records.

803.07 Granting of a "Use Variance" Prohibited: Under no circumstances shall the Mayor and Board of Aldermen issue a variance to allow a use not permissible under the terms of this Ordinance

in the District involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

SECTION 804 - CONDITIONAL USES (SPECIAL EXCEPTIONS)

The Mayor and Board of Aldermen is empowered to hear and decide whether or not proposed conditional uses (special exceptions) authorized under this Ordinance should be granted.

804.01 Requirements for Granting a Conditional Use Permit: Any person desiring a special exception shall submit a written application (on a form furnished by the Zoning Administrator) indicating the Section in the Ordinance under which the conditional use is sought and stating the grounds on which it is requested. The Mayor and Board of Aldermen shall not grant a conditional use unless satisfactory provision and arrangement has been made concerning ALL of the following:

a) Ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

b) Off-street parking and loading areas.

c) Refuse and service areas.

d) Utilities, with reference to locations, availability, and compatibility.

e) Screening and buffering with reference to type, dimensions, and character.

f) Required yards and other open space.

g) General compatibility with adjacent properties and other property in the district. However, care shall be taken in order to prevent the oversaturation of identical uses.

h) Any other provisions deemed applicable by the Mayor and Board of Aldermen.

804.02 Site Plan Required: Every applicant for a conditional use permit shall submit a site plan in accordance with Sections 806 through 809 of this Ordinance.

804.03 Public Hearing Required: A public hearing shall be held in accordance with Section 810 of this Ordinance for all proposed conditional use permits.

SECTION 805 - AMENDMENTS TO THE ZONING ORDINANCE TEXT OR THE OFFICIAL ZONING MAP (REZONING)

805.01 Type of Amendments/Application Required: Amendments to this Ordinance include: (1) amendments to the text; and (2) amendments to the Official Zoning Map, which is legally a part of this Ordinance. Any person may initiate an amendment to this Ordinance by filing an application with the Zoning Administrator (on a form furnished by him/her).

805.02 Site Plan Required: If a specific use is identified by the applicant for a rezoning (i.e., a proposed amendment to the Official Zoning Map), then the application for rezoning shall be accompanied by a site plan prepared in accordance with Sections 806 through 809 of this Ordinance.

805.03 Criteria for Rezoning: No amendment to the Official Zoning Map shall be approved unless the proposed rezoning meets one of the following criteria:

a) That there was a mistake in the original zoning. “Mistake" in this context shall refer to a clerical or administrative error, such as a mistake of draftsmanship on the Official Zoning Map or incorrectly reflecting the Mayor and Board of Aldermen’s decision in the minutes. "Mistake" does not mean that the Mayor and Board of Aldermen made a mistake in judgment in their prior zoning, such as not realizing the full import of the zoning classification or mistakenly placing the property in one classification when the evidence indicated that another would have been more appropriate.

b) That the character of the neighborhood has changed to such an extent as to justify reclassification, and that there is a public need for the rezoning.

805.04 Proposed Rezoning Shall Be Consistent with Adopted Comprehensive Plan: Section 17-1-9 of the Mississippi Code of 1972, As Amended, requires that "zoning regulations shall be made in accordance with a comprehensive plan---." Accordingly, no amendment to the Official Zoning Map shall be approved by the Mayor and Board of Aldermen unless the proposed rezoning is consistent with all four elements of the adopted Comprehensive Plan of the City of Pearl, including the Goals and Objectives, the Land Use Plan, the Transportation Plan, and the Community Facilities Plan.

805.05 Public Hearing Required: In accordance with Section 17-1-17 of the Mississippi Code of 1972, As Amended, a public hearing shall be held on any proposed amendment to the text of this Ordinance or the Official Zoning Map following at least fifteen days notice of the hearing in "---an official paper or a paper of general circulation in such municipality ---specifying a time and place of said hearing." The hearing shall be held in accordance with Section 810 of this Ordinance.

805.06 Identification of Adjacent Property Owners: The applicant for the rezoning shall furnish to the Zoning Administrator, with the completed application, the names and addresses of all persons owning land 300 feet from the subject property (excluding the rights-of-way of streets or highways).

805.07 Three-Fifths Vote of Board of Aldermen Necessary to Approve Rezoning Under Certain Circumstances: In case of a protest against a proposed rezoning signed by twenty percent (20%) or more of the property owners, either within the area of the proposed rezoning or those within 300 feet of the property proposed for rezoning, such amendment shall not become effective except by the favorable vote of three-fifths (3/5) of all members of the Mayor and Board of Aldermen.

805.09 Res Judicata: Upon the submission of an application for a rezoning, and a determination by the Mayor and Board of Aldermen that said application should be denied, the Mayor and Board of Aldermen shall not accept a subsequent application to rezone the same property or any part thereof to the same classification until the expiration of one (1) year from the date of the decision of the Board denying said application. This is known as the doctrine of res judicata. However, if the application relates to the same property but seeks zoning to a different classification, the doctrine does not apply; and the Mayor and Board of Aldermen may consider such a proposed rezoning.

805.10 When an Ordinance Amending Text or Official Zoning Map Is Required and Publication of That Ordinance: No amendment to the Official Zoning Map or the text of this Ordinance shall become effective until an Ordinance amending same has been passed by the Mayor and Board of Aldermen. Any ordinance amending the Official Zoning Map shall contain findings of fact citing evidence demonstrating compliance with the criteria specified under Section 805.03 of this Ordinance. Section 21-13-11 of the Mississippi Code of 1972, as amended, requires that "every ordinance passed by the Mayor and Board of Aldermen,---shall be published at least one time in some newspaper published in such municipality, or, if there be no such newspaper, then in a newspaper within the county having general circulation in said municipality---."

805.11 Effective Date of Ordinances Amending the Text of this Zoning Ordinance or Official Zoning Map: In accordance with Section 21-13-11 of the Mississippi Code of 1972, As Amended, "No ordinance shall be in force for one month after its passage---." One month is interpreted to mean 30 calendar days.

SECTION 806 - SITE PLAN REVIEW: PURPOSES AND WHEN REQUIRED

806.01 Purposes: The purposes of site plan review are: to promote the health, safety and general welfare of the City; to insure that structures are built in accordance with the provisions of this Ordinance and the Standard Building Code, the Architectural Control Ordinance, the Storm Water Control Ordinance, Flood Damage Prevention Ordinance and other relevant provision of the City's Code of Ordinances, to promote the general welfare and quality of life and to conserve the value of existing buildings and structures; to prevent excessive uniformity and dissimilarity and inappropriateness or poor quality of design in the exterior appearance of structures; to prohibit unsightly and unsuitable structures that would be out of harmony or incongruent with existing uses, structure and visual features within the district; and to prevent harm and damage to the City, it's inhabitants and landowners which will result from the absence of such review and manifest itself by:

a) Adverse impact on the quality of life;

b) Adverse impact on the general welfare;

c) Lower property values;

d) Decreased economic growth; or

e) Diminished future opportunities for land use and development consistent with the City's long term plan.

806.02 When Site Plan Review Is Required: Site Plan Review shall be required for the following:

a) All new, expanded, relocated or reconstructed principal (i.e., not accessory) buildings or structures in all zoning districts where the proposed development or construction is not governed by the City's Subdivision Ordinance or proposed in an existing platted residential subdivision.

b) Applications for Dimensional Variance, if the Zoning Administrator determines that more information is needed than is included on the plot diagram submitted with an application for a building permit.

c) All applications for conditional uses.

d) All public/quasi-public utilities and facilities. In accordance with Section 402, such public/quasi-public utilities and facilities shall be allowed only as conditional uses in any district.

e) All applications for rezoning (i.e., a proposed amendment to the Official Zoning Map),

f) All proposed floodway modifications (to prevent "channelization" without regard to appearance).

g) All proposed off-site parking (i.e., off-street parking proposed on a lot other than the one to which the parking is appurtenant) in any district.

h) All proposed subdivisions including conventional and Planned Unit Development (PUD) subdivisions.

i) All applications for sign permits.

SECTION 807 - SITE PLAN REVIEW PROCEDURES

The Zoning Administrator shall act as the coordinator for the site plan review process. He shall advise all applicants for building permits if the proposed use requires the preparation and submission of a site plan and the official approval of that plan prior to the issuance of the permit. All applicants shall follow the procedures specified below:

807.01 ***Sketch Plan:*** Prior to filing of an application for approval of a site plan, the applicant should meet and consult informally with the Zoning Administrator. This meeting will give the applicant an opportunity to secure guidance as to what will probably be required before incurring great expense in making a detailed site plan.

807.02 ***Submission of Site Plan:*** Six (6) copies of each site plan shall be prepared and submitted to the Zoning Administrator, who shall retain two copies and distribute the other four (4) as follows:

a) One copy to the City Engineer

b) One copy to the Fire Chief

c) One copy to the Mayor and Board of Aldermen

d) One copy to the Director of Public Works

Site plans shall be submitted at least twenty-one (21) days prior to the next regular meeting of the Mayor and Board of Aldermen at which the plan is to be reviewed, or it will not be placed on the Mayor and Board of Aldermen agenda for that meeting.

The Zoning Administrator shall notify the applicant of any deficiencies or omissions in the site plan. The site plan shall not be processed until all required data is provided as prescribed in Section 809 of this Ordinance.

807.03 ***Applicant Must Be Represented at Mayor/Board of Aldermen Meetings:*** Applicants (or their designated representative) for site plan approval shall be present at meetings of the Mayor and Board of Aldermen when their proposed site plan is to be reviewed, or no action (or adverse action) will be taken by those bodies.

807.04 ***Mayor and Board of Aldermen Review of Site Plan:*** Following receipt of the site plan and supporting data as prescribed under Section 808, the Zoning Administrator shall forward one copy to the Mayor and Board of Aldermen for review. The Mayor and Board of Aldermen shall review the site plan and data at its next regular meeting following submission of same to the Zoning Administrator. The Zoning administrator (or his designated representative) shall be present at the Mayor and Board of Aldermen meeting.

The purpose of this review is to ascertain whether or not the applicant's proposed building, structure or use conforms with this Ordinance and other applicable laws, and those purposes set forth in Section 806.01 above. The review should particularly focus, but not limited to, on the property and structures within 500 feet of the proposed structure as measured from each lot line of the proposed structure excluding streets, alleys, and other public rights-of-way.

After reviewing all information relative to the site plan, the Mayor and Board of Aldermen may request the applicant to modify, alter, adjust or otherwise amend the plan. If the Mayor and Board of

Aldermen determines that the proposed structure is excessively similar or dissimilar and makes a specific finding that the structure as proposed would provoke one or more of the harmful effects as set forth in 806.01, and that such finding is not based upon personal preferences as to taste or architectural style or design, then the application for a building permit shall be denied.

807.05 Approval of Site Plan by Mayor and Board of Aldermen: The Mayor and Board of Aldermen shall consider whether or not the applicant's proposed building or structure will conform with the provisions of this Ordinance and other applicable laws, and whether or not it will maintain harmony and continuity with similar existing uses within the district and considering other like structures within 500 feet of the proposed structure as measured from each lot line of the proposed structure (excluding streets, alleys, and other public rights-of-way). If the Mayor and Board of Aldermen determine that such structure would cause or provoke one or more of the harmful effects as set forth in 806.01, and that such finding is not based upon personal preferences to taste or architectural style or design, then the application for a building permit shall be denied.

If the Mayor and Board of Aldermen approve the site plan, such action by the Mayor and Board of Aldermen shall constitute final approval and authority for the developer to proceed with the proposed development subject to the issuance of a building permit. Following such approval by the Mayor and Board of Aldermen, the Zoning Administrator shall stamp copies of the site plan "APPROVED," sign them, and return one copy to the applicant. One copy shall be retained by the Zoning Administrator in his files.

807.06 Site Plan Becomes Zoning Requirements for Proposed Use: The approved site plan shall become the zoning requirements for the property involved. All construction, except for minor adjustments provided under Section 807.07 below, shall be consistent with the approved site plan.

807.07 Minor Adjustments to the Approved Site Plan: After the final site plan has been approved, minor adjustments to the plan which comply with the spirit of the Zoning Ordinance and the intent of the Mayor and Board of Aldermen in approving the site plan may be authorized by the Zoning Administrator as provided under Sub-section 801.02.

807.08 As-Built Plans: In the case where exact lot lines cannot be drawn until after construction, (e.g., Townhouse subdivisions) the builder shall submit "as-built plans" of the development following construction.

SECTION 808 - SPECIFICATIONS FOR ALL REQUIRED SITE PLANS AND ELEVATIONS

808.01 Site Plan Specifications: The following data shall be supplied by the applicant in connection with required site plans:

a) Lot lines (property lines).

b) The zoning of adjacent lots.

c) The names of owners of adjacent lots.

d) Rights-of-way of existing and proposed streets, including streets shown on the adopted Thoroughfares Plan.

e) ACCESS WAYS, curb cuts, driveways and parking (including number of parking spaces to be provided) and loading areas.

f) All existing and proposed easements.

g) All existing and proposed water and sanitary sewer lines; also, the location of all existing and proposed fire hydrants.

h) All existing and proposed storm drainage facilities. The drainage plan shall indicate adjacent off-site drainage courses and projected storm water flow rates from off-site and on-site sources.

i) Contours at vertical intervals of five (5) feet or less.

j) Floodplain zone designations according to maps prepared by the Federal Emergency Management Agency, Federal Insurance Administration, and any proposed floodway modifications.

k) Landscaped areas and planting screens required by section

l) Building lines and the location of all structures, existing and proposed.

m) Proposed uses of the land and buildings, if known.

n) Open space and recreation areas, when required.

o) Area (in square feet and/or acres) of parcel.

p) Proposed gross lot coverage in square feet (i.e., that portion of a lot occupied by buildings and structures).

q) Number and type of dwelling units (where proposed).

r) Location of sign structures and drawings.

s) A "development plan" (see Section 808.04) when staging of development is proposed.

t) Proposed detention/retention facilities.

u) Street and site lighting plan including design, lumens, and locations.

v) Covenants for all residential subdivisions, which must also be filed with the Chancery Clerk together with the final approved plat.

w) Any additional data necessary to allow for a thorough evaluation of the proposed use.

808.02 Elevations and Associated Data Required: In addition to the data required above for site plans, the developer shall submit the following drawings (elevations) and associated data where site plans are required by this Ordinance:

a) Proposed elevations indicating the general design, style, and architecture of the building or structure.

b) Proposed materials and color schemes to be utilized in the construction of the exterior of buildings and structures.

c) Number of stories and total square feet, including a notation as to the square footage on each floor or level.

d) Proposed height in feet.

808.03 Other Exhibits: Photographs, renderings, color slides, models and similar items may be presented by the applicant at his discretion.

808.04 Staging of Development Requires Development Plan: Where a developer proposes to construct a particular land use requiring site plan review under this Ordinance by stages, (e.g., PUD's, large multi-family developments, large commercial developments, etc.), sufficient data shall be provided in a development plan (sometimes referred to as a sketch plat or master plan) to indicate such staging by numbers and types of buildings or structures proposed for each stage, the general area to be developed in each stage and related information. The general concept presented in the development Plan shall be adhered to as much as possible by developers. Significant deviations (as determined by the Mayor and Board of Aldermen) from the development plan initially approved shall require approval by the Mayor and Board of Aldermen.

SECTION 809 - CRITERIA FOR SITE PLAN REVIEW

Criteria for site plan review shall include, but not necessarily be limited to, consideration of the components specified below:

809.01 Consistency with Adopted Land Use Plan, Zoning Ordinance, Architectural Design Guidelines and Development Ordinance: The proposed site plan shall be consistent with adopted Land Use Plan, Zoning Ordinance (including the Official Zoning Map), Architectural Design Guidelines and Development Ordinance.

809.02 Vehicular Traffic Circulation and Parking: The following aspects of vehicular traffic circulation and parking shall be reviewed:

a) Is the site plan consistent with the adopted Thoroughfares Plan?: Are the developer's plans for any new streets that will traverse the site consistent with proposed alignment and right-of-way/ surface width requirements indicated on the adopted Thoroughfares Plan? Do the developer's planned setbacks for buildings and structures consider the proposed widening of existing streets and highways reflected on the adopted Thoroughfares Plan? If the proposed development will abut an unpaved street, are the developer's plans for paving that street consistent with the right-of-way/ surface width specifications shown in the adopted Thoroughfares Plan?

b) Street network capacity: Is the street system in the vicinity capable of carrying traffic generated by the proposed development, according to traffic projections developed by the City Engineer or consultant?

c) Traffic engineering operation of adjacent streets: What traffic control devices are needed on adjacent streets?

d) Compliance with Article V (Off-Street Parking, Loading, and Access Requirements)

e) Are proposed freight delivery areas separated from customer access in commercial and industrial developments?

809.03 ***Utilities:*** The following shall be evaluated with regard to utilities:

a) Water and sewer system capacity and over sizing (future) needs

b) On-site and off-site drainage requirements, including retention ponds

c) Are underground utilities required on the site?

d) Are garbage disposal facilities enclosed in accordance with Section 407.07 of this Ordinance?

809.04 ***Open Space, Landscaping, and Screening Requirements:***

a) If the proposed development is residential and will abut the railroad tracks, is the 100-foot railroad setback required under Section 401.06 indicated on the site plan?

b) Perimeter Landscaping: Does the site plan indicate the required 10-foot landscape strip along any abutting arterial streets? Are the proposed spacing, sizes and types of landscaping consistent with standards in section?

c) Open Space/Recreational Facilities: Are open space/recreational facilities proposed for an apartment/condominium complex shown on the site plan?

d) Preservation of Vegetation: Does the site plan propose the preservation of trees and other vegetation as much as possible?

e) Is proper use made of floodplains on the site? For example, for open space or passive recreational areas.

809.05 Fire Safety:

a) Are fire hydrants shown on the site plan and properly located to ensure fire protection for all structures?

b) Are there at least two points of access/egress for apartment or condominium complexes, office parks, shopping centers, industrial parks, etc. to provide access for fire equipment and to provide for evacuation when necessary?

c) Are buildings spaced in accordance with this Ordinance to prevent spread of fires?

809.06 Signs:

a) Do the proposed signs comply with Article VII Sign Regulations?

809.07 Elevations:

a) Will the proposed structures maintain harmony and continuity with similar existing uses within the district and considering other like structures within 500 feet of the proposed structure as measured from each lot line of the proposed structure (excluding streets, alleys and other public rights of way?

b) Are the proposed structures incongruent or inharmonious in such a manner as to cause or provoke one or more of the following: lower property values; decreased economic growth; or diminished future opportunities for land use and development?

809.08 Lighting:

a) Does the site and street lighting plan demonstrate that lighting is designed and located so that direct or reflected light does not trespass across the property line onto adjoining properties?

b) Does the lighting plan demonstrate that all exterior light fixtures are designed, located, and shielded to prevent direct illumination above the horizontal plane (uplighting) and minimize unnecessary illumination of the night sky?

SECTION 810 - PUBLIC HEARING NOTICES AND PROCEDURES

In accordance with the provisions previously established in this Ordinance, public hearings shall be conducted by the Mayor and Board of Aldermen on the following matters:

a) All dimensional variances.

b) All conditional uses.

c) All amendments to the text of the Zoning Ordinance or amendments to the Official Zoning Map (i.e., rezoning).

810.01 Public Hearing Notice in a Newspaper Required: Whenever a public hearing is required by this Ordinance, notice of such hearing shall be given by publishing a notice to all interested persons one time at least fifteen (15) days prior to the date fixed for said hearing, such notice to be published in an official paper or newspaper of general circulation in the City of Pearl, specifying the date, time and place for said hearing. Such notices shall be published in accordance with the following format or a format determined by the Mayor and Board of Aldermen:

a) For Dimensional Variances:

NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A HEARING ON (Date), AT (Time), AT THE CITY HALL, CITY OF PEARL, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT A DIMENSIONAL VARIANCE SHALL BE GRANTED TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY LOCATED IN THE CITY OF PEARL, MISSISSIPPI:

(Insert Property Description Here)

APPROVED: ATTEST:

_____ _____

Mayor's Signature City Clerk's Signature

DATE_____

b) For Conditional Use Permits:

NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A HEARING ON (Date), at (Time), AT THE CITY HALL, CITY OF PEARL, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT A CONDITIONAL USE SHALL BE ALLOWED ON THE FOLLOWING DESCRIBED PROPERTY LOCATED IN THE CITY OF PEARL, MISSISSIPPI:

(Insert Property Description Here)

APPROVED: ATTEST:

_____ _____

Mayor's Signature City Clerk's Signature

DATE: _____

c) For an Amendment to the Official Zoning Map (or a rezoning):

NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A HEARING ON (Date), AT (Time), AT THE CITY HALL, CITY OF PEARL, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT THE ZONING OF THE FOLLOWING DESCRIBED PROPERTY LOCATED IN THE CITY OF PEARL, MISSISSIPPI, SHALL BE CHANGED FROM (Insert existing zoning classification) TO (Insert proposed zoning classification):

(Insert Property Description Here)

APPROVED: ATTEST:

_____ _____

Mayor's Signature City Clerk's Signature

DATE: _____

d) For an Amendment to the Text of the Zoning Ordinance:

NOTICE OF ZONING HEARING

NOTICE IS HEREBY GIVEN TO THOSE PARTIES IN INTEREST THAT THERE WILL BE A HEARING ON (Date), AT (Time), AT THE CITY HALL, CITY OF PEARL, MISSISSIPPI, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT THE FOLLOWING AMENDMENTS SHALL BE MADE TO THE ZONING ORDINANCE OF THE CITY OF PEARL, MISSISSIPPI:

(Insert Proposed Amendments to the Zoning Ordinance Here)

APPROVED: ATTEST:

_____ _____

Mayor's Signature City Clerk's Signature

DATE: _____

810.02 Changes to an Application for Variance, Conditional Use Permit, or Zoning Ordinance Amendment (Including Re-Zonings): Any change proposed by an applicant for a variance, conditional use permit, or amendment to this Ordinance (including re-zoning applications) at the time of the hearing, except for conditions recommended by the Mayor and Board of Aldermen for variances or conditional use permits, shall require a rehearing before the Mayor and Board of Aldermen with another public notice.

810.03 Waiver of Requirements: Those requirements of Section 810, which are not required by State Law, may be waived at the discretion of the governing authorities.

SECTION 811 - FEES

811.01 Schedule of Fees: The Mayor and Board of Aldermen shall establish a schedule of fees for the issuance of building permits, change of use permits, the processing of all site plans required under Section 806, and the processing of applications for variances, conditional uses and zoning amendments. Said schedule of fees shall be posted in the office of the Public Works Director, Zoning Administrator or other designated City official whose office shall be responsible for their collection.

811.02 Amendment or Alternation of Fee Schedule: The schedule of fees may be altered or amended only by the Mayor and Board of Aldermen.

811.03 Payment Required: No action or processing shall be taken on any application until all applicable fees, charges and expenses have been paid in full.

811.04 Fees Not Refundable: No fees or other monies paid in conjunction with zoning-related matters shall be refunded.

SECTION 812 - APPEALS

812.01 Appeals from Administrative Interpretation of the Zoning Administrator: In accordance with Section 801.02 of this Ordinance, any party aggrieved with the administrative interpretation of the Zoning Administrator shall have the right to appeal such interpretation. Such appeals may be made directly to the Mayor and Board of Aldermen. If the appeal is made to the Mayor and Board of Aldermen, the party aggrieved shall submit a written request to the City Clerk one week preceding any regularly-scheduled meeting of the Mayor and Board of Aldermen at which the aggrieved party desires to be heard.

All appeals shall be in writing and shall include a copy of the original application for a building permit, change of use permit, dimensional variance, special exception or rezoning, together with a statement of the reason for the appeal.

812.02 Appeals to a Court of Law: An appeal from any action, decision, ruling, judgment or order by the Mayor and Board of Aldermen may be taken by any person or persons to the Circuit Court of Rankin County.

SECTION 813 - ORDINANCE ENFORCEMENT

a) Violation of this Ordinance shall be a misdemeanor and, upon conviction, shall be punished by imprisonment for not more than 90 days, or by a fine not to exceed one thousand dollars ($1,000), or by both such fine and imprisonment. Each day of noncompliance shall be a separate offense.

b) Violation of the terms or conditions of any conditional use permit or waiver granted under or pursuant to this Ordinance shall be a misdemeanor and, upon conviction, shall be punished by imprisonment for not more than 90 days, or by a fine not to exceed one thousand dollars ($1,000), or by both such fine and imprisonment. Each day of noncompliance shall be a separate offense.

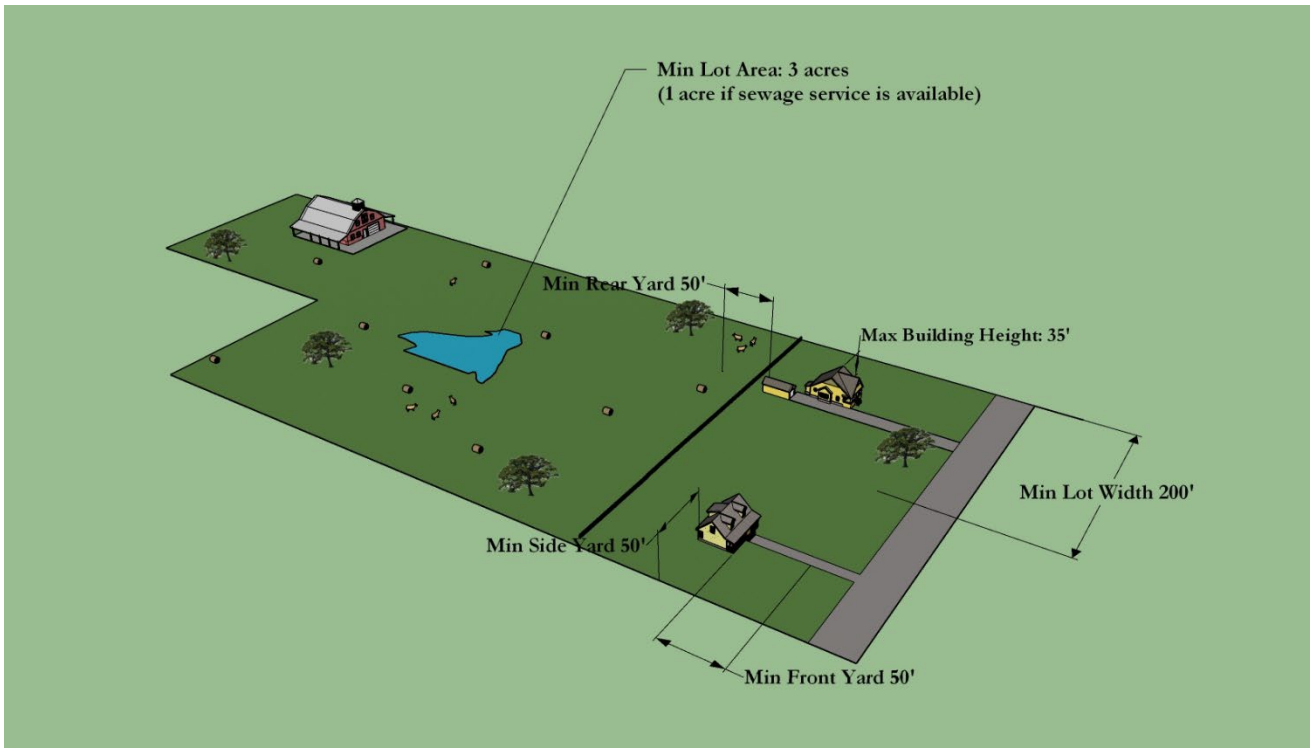
c) If the owner of any property, premises, lot, house, building, structure or establishment, or the lessee, renter, holder or user thereof, is not a natural person then the responsibility for ensuring compliance with this Ordinance, including but not limited to the terms and conditions of any permit or waiver granted, shall be borne by the natural person or natural persons in control of such entity ("Control Person") and/or property and it shall be a violation (punishable in accordance with subsection (a) and/or (b) above) of this Ordinance for such Control Person(s) to fail to comply with this Ordinance.

d) All time periods in this section shall be calendar days. The provisions of this section shall be supplemental and in addition to any other provision of law.

ARTICLE IX: AGRICULTURAL DISTRICT (A-1)

Quick Reference Guide

Dimensional Requirements			
Maximum Building Height	35 feet	**Minimum Yards**	
Minimum Lot Area	3 acres without sewer	**Front Yard**	50 feet
	1 acre with sewer	**Side Yard**	50 feet
Minimum Lot Width	200 feet	**Rear Yard**	50 feet



SECTION 900 - PURPOSE OF THIS DISTRICT

The purposes of this district is to conserve land for agricultural use and to prevent urban and agricultural land use conflicts. As development occurs and infrastructure is expanded, these areas may be considered for rezoning to more appropriate uses.

SECTION 901 - LAND USES PERMITTED

A. Single-family detached dwellings. Only one principal dwelling per lot may be erected in A-1 districts.

B. Accessory buildings and structures associated with the use of the land for residential purposes.

C. Breeding, raising, and feeding of livestock (i.e., horses, cattle, sheep, goats, mules, pigs, etc.), provided that each such animal herein defined as "livestock" shall be kept on a tract or lot of three (3) acres of land or greater. Barns, pens, corrals, and other buildings or enclosures for the keeping of livestock are permitted accessory uses, provided that such buildings or enclosures (excluding open pastures) are located no closer than 150 feet from any adjoining property lines or existing street right-of-way line.

D. Breeding, raising and feeding of chickens, ducks, turkeys, geese, or other fowl, provided that if more than two (2) such fowl are kept on any lot, they shall be kept at least 150 feet from any adjoining property line or existing/proposed street right-of- way line. No more than ten (10) fowl may be kept on any lot.

E. Forestry and horticultural uses.

F. Public or private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities or utilities subject to the provisions of Section 402 of this Ordinance.

SECTION 902 - CONDITIONAL USES AND STRUCTURES

A. Public or quasi-public facilities and utilities in compliance with Section 402 and other regulations of this Ordinance.

B. Child care facilities.

C. Manufactured, Modular, Panelized or Pre-Cut homes

D. Stables and riding academies, providing that there shall be at least three (3) acres of land for each horse normally kept on the premises.

E. Veterinary hospitals and kennels.

F. Home occupations in compliance with Section 406 of this Ordinance.

G. Medical Cannabis Cultivation Establishment.

H. Community Housing in compliance with Section 413 of this Ordinance.

I. Any other use which the Mayor and Board of Aldermen determine meets the standards outlined under Section 804.

SECTION 903 - DIMENSIONAL REQUIREMENTS

903.01 Maximum Building Height: 35 feet.

903.02 Minimum Lot Area:

A. *For lots where City of Pearl sanitary sewerage service is NOT available:* three (3) acres.

B. *For lots where City of Pearl sanitary sewerage service IS available:* one (1) acre. However, if livestock are to be kept on the property, see Section 901 (C).

903.03 Minimum Lot Width: 200 feet; however, see Section 901 (C) and (D) when livestock or fowl are to be kept on the premises.

903.04 Minimum Yards:

A. *Front yard:* 50 feet from the existing right-of-way line to the building setback line.

B. *Side yard and rear yards:* 50 feet, except where Section 901 (C) or (D) requires a minimum yard of 150 feet from any adjoining property line.

ARTICLE X: SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1)

Quick Reference Guide

Dimensional Requirements	
Maximum Building Height	35 feet
Minimum Lot Area	11,500 sf
Minimum Lot Width	80 feet
Minimum Floor Area	2,000 sf

Minimum Yards		Buffer Yard Requirements	
Front Yard	30 feet	**When Abutting Districts**	A-1, R-E
Side Yard	8 feet	**Minimum Width**	10 feet
Rear Yard	25 feet	**Screen Height Minimum**	6 feet



SECTION 1000 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide areas for the development of low density, single-family detached dwellings and related compatible uses in relatively spacious surroundings which provide ample, usable open space for leisure time activities.

SECTION 1001 - LAND USES PERMITTED

A. Single-family site-built detached dwellings with only one principal dwelling per lot.

B. Accessory uses and structures associated with the use of the land for residential purposes.

SECTION 1002 - CONDITIONAL USES AND STRUCTURES

A. Public or quasi-public facilities and utilities in conformance with Section 402 and other regulations of this Ordinance.

B. Home occupations in compliance with Section 406 of this Ordinance.

C. Public or private recreational or open space facilities.

D. Group Homes – In order to support the normalization of the group home population and maintain the single-family character of neighborhoods, group homes shall not be allowed to locate closer than 1,000 feet of one another.

E. Community Housing in compliance with Section 413 of this Ordinance.

F. Any other use which the Mayor and Board of Aldermen determine meets the standards outlined under Section 804.

SECTION 1003 - DIMENSIONAL REQUIREMENTS

1003.01 ***Maximum Building Height:*** 35 feet.

1003.02 ***Minimum Lot Area:*** 11,500 square feet.

1003.03 ***Minimum Lot Width:*** 80 feet.

1003.04 ***Minimum Floor Area:*** 2,000 square feet.

1003.05 ***Minimum Yards:***

a) *Front yard:* 30 feet from the street right-of-way line to the building setback line.

b) *Side yards (main building):* 8 feet.

c) *Side yards (accessory building):* 5 feet.

d) *Rear yard:* 25 feet.

1003.06 ***Buffer Yards:*** See Section 405.

SECTION 1004 - SWIMMING POOLS

Swimming pools, if constructed, shall be located behind the front line of the house, and there shall be a minimum of 10 feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be enclosed by a structure or fencing. Fences shall be at least four (4) feet in height and shall have a self-latching gate.

SECTION 1005 - OFF-STREET PARKING REQUIREMENTS

See Article V for off-street parking and loading requirements.

SECTION 1006 – DESIGN STANDARDS

General design requirements as set forth below and/or as may be supplemented by additional considerations promulgated by the city and approved by the Board of Aldermen, shall be addressed:

Residential Design Standards. Neighborhood or individual lot layouts shall consider functional and visually-appealing features that contribute to residential livability and community sustainability appropriate to the district. Design solutions should address compatibility at the neighborhood, block, and individual lot perspectives.

a. Architectural themes. Masonry, textured traditional cement stucco (real stucco) and cement siding are required, with roofs in varied roofline treatments with a minimum of 8/12 roof pitch. Functional front porches or deeply shaded eaves are required.

b. Variety. Colored elevations shall illustrate that a minimum of three 4 different elevations are provided in each block face. Developments of 30 dwelling units or more should offer a minimum of six different elevations. Identical elevations shall be separated by at least three lots in all directions. Two-story homes are discouraged on corner lots, on more than three consecutive lots, or on lots abutting major or minor arterials (unless additional open space is provided).

c. Street appearance. Landscaping plans establish street tree themes-required minimum two street trees per lot (See approved list). Garage fronts should not predominate; they shall be recessed four feet and constitute less than 50 percent of the residential facade.

d. Residential streets. Designs discourage through traffic, reduced street paving widths may be considered where off-street guest parking bays are installed.

e. Traffic calming is required within all residential subdivisions. Traffic calming techniques shall be placed at a minimum of every 800 feet or at ½ the block length, whichever is greater. They City Engineer shall approve all traffic calming techniques.

SECTION 1007 – ARCHITECTURAL REVIEW

See City of Pearl Architectural Review Ordinance

ARTICLE XI: MODERATE DENSITY RESIDENTIAL DISTRICT (R-2)

Quick Reference Guide

Dimensional Requirements	
Maximum Building Height	35 feet
Minimum Lot Area	8,500 sf
	Conditional Uses by Site Plan
Minimum Lot Width	80 feet
	Conditional Uses by Site Plan
Minimum Floor Area	1,800 sf

Minimum Yards		Buffer Yard Requirements	
Front Yard	25 feet	**When Abutting Districts**	A-1, R-E, R-1
Side Yard	5 feet	**Minimum Width**	10 feet
Rear Yard	20 feet	**Screen Height Minimum**	6 feet



SECTION 1100 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide areas for the development of moderate density residential uses in moderately spacious surroundings. It is the intent of this Ordinance that these districts be located primarily in established moderate density residential areas as a means to ensure their continuance.

SECTION 1101 - LAND USES PERMITTED

A. Single-family site-built detached dwellings with only one principal dwelling per lot.

B. Accessory uses and structures associated with the use of the land for residential purposes.

SECTION 1102 - CONDITIONAL USES AND STRUCTURES

A. Public or quasi-public facilities and utilities in compliance with Section 402 and other regulations of this Ordinance.

B. Child care facilities.

C. Duplexes.

D. Home occupations in compliance with Section 406 of this Ordinance.

E. Public or private recreational or open space facilities.

F. Group Homes – In order to support the normalization of the group home population and maintain the single-family character of neighborhoods, group homes shall not be allowed to locate closer than 1,000 feet of one another.

G. Community Housing in compliance with Section 413 of this Ordinance.

H. Residential Build-to-Rent with approved Site Plan including Covenants, Architectural Review Plan and at minimum five (5) percent of gross land to be reserved for open space and amenities.

I. Any other use which the Mayor and Board of Aldermen determine meets the standards outlined under Section 804.

SECTION 1103 - DIMENSIONAL REQUIREMENTS

1103.01 Maximum Building Height: 35 feet.

1103.02 Minimum Lot Area:

a) *Single-family detached residences:* 8,500 square feet.

b) *All conditional uses:* Based upon site plan review.

1103.03 Minimum Lot Width:

a) *Single-family detached residences:* 80 feet.

b) *All conditional uses:* Based upon site plan review and approval in writing by the Mayor and

Board of Aldermen.

1103.04 Minimum Floor Area: 1,800 square feet.

1103.05 Minimum Yards:

a) *Front yard:* 25 feet from the street right-of-way line to the building setback line.

b) *Side yards:* 5 feet.

c) *Rear yard:* 20 feet.

SECTION 1104 - SWIMMING POOLS

Swimming pools, if constructed, shall be located behind the front line of the house, and there shall be a minimum of 10 feet between all property lines or recorded easements and the rim

of the swimming pool. All swimming pools shall be enclosed by a structure or fencing. Fences shall be at least four (4) feet in height and shall have a self-latching gate.

SECTION 1105 - OFF-STREET PARKING REQUIREMENTS

See Article V for off-street parking and loading requirements for residential and other uses allowed in R-2 districts.

SECTION 1106 – DESIGN STANDARDS

General design requirements as set forth below and/or as may be supplemented by additional considerations promulgated by the city and approved by the Board of Aldermen, shall be addressed:

Residential Design Standards. Neighborhood or individual lot layouts shall consider functional and visually-appealing features that contribute to residential livability and community sustainability appropriate to the district. Design solutions should address compatibility at the neighborhood, block, and individual lot perspectives.

a. Architectural themes. Masonry, textured traditional cement stucco (real stucco) and cement siding are required, with roofs in varied roofline treatments with a minimum of 8/12 roof pitch. Functional front porches or deeply shaded eaves are required.

b. Variety. Colored elevations shall illustrate that a minimum of three 4 different elevations are provided in each block face. Developments of 30 dwelling units or more should offer a minimum of six different elevations. Identical elevations shall be separated by at least three lots in all directions. Two-story homes are discouraged on corner lots, on more than three consecutive lots, or on lots abutting major or minor arterials (unless additional open space is provided).

c. Street appearance. Landscaping plans establish street tree themes-required minimum two street trees per lot (See approved list). Garage fronts should not predominate; they

shall be recessed four feet and constitute less than 50 percent of the residential facade.

d. Residential streets. Designs discourage through traffic, reduced street paving widths may be considered where off-street guest parking bays are installed.

e. Traffic calming is required within all residential subdivisions. Traffic calming techniques shall be placed at a minimum of every 800 feet or at ½ the block length, whichever is greater. They City Engineer shall approve all traffic calming techniques.

SECTION 1107 – ARCHITECTURAL REVIEW

See City of Pearl Architectural Review Ordinance.

ARTICLE XII: TOWNHOUSE/PATIO HOME RESIDENTIAL DISTRICT (R-3)

Quick Reference Guide

Dimensional Requirements	
Minimum Parcel Size to be Subdivided	5 acres
Maximum Building Height	35 feet
Minimum Lot Area	6,000 sf
Minimum Lot Width: Townhouse	45 feet
Minimum Lot Width: Patio Home	60 feet
Maximum Density: Patio Homes	5 units/gross acre
Minimum Floor Area	1,500 sf

Minimum Yards	
Front Yard	25 feet
Side Yard	5 feet
	30 feet, if abuts R-1
Rear Yard	20 feet
	30 feet, if abuts R-1

Buffer Yard Requirements	
When Abutting Districts	A-1, R-E, R-1, R-2
Minimum Width	15 feet
Screen Height Minimum	6 feet



SECTION 1200 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide areas for the development of two-family Townhouse subdivisions and single-family detached houses on small lots. All areas zoned R-3 shall have public or any other approved sewerage.

SECTION 1201 - LAND USES PERMITTED

A. Two-family site-built residential Townhouses (i.e., Townhouses that are part of a Townhouse subdivision in which the occupant owns both the individual Townhouse unit and the lot on which the Townhouse is constructed; property lines between such Townhouses extend through the center of party walls separating the individual single-family dwellings).

B. Single-family site-built detached dwellings with only one principal dwelling per lot.

C. Accessory uses and structures associated with the use of the land for residential purposes.

SECTION 1202 - CONDITIONAL USES AND STRUCTURES

A. Public or quasi-public facilities and utilities in compliance with Section 402 and other regulations of this Zoning Ordinance.

B. Public or private recreational or open space facilities.

C. Home occupations in compliance with Section 406 of this Ordinance.

D. Community Housing in compliance with Section 413 of this Ordinance.

E. Any other use which the Mayor and Board of Aldermen determine meets the standards outlined under Section 804.

SECTION 1203 - DIMENSIONAL REQUIREMENTS FOR TOWNHOUSE SUBDIVISIONS

1203.01 ***Minimum Size of Tract to be Subdivided for Two-Family Townhouses:*** Five (5) acres.

1203.02 ***Maximum Building Height:*** 35 feet.

1203.03 ***Minimum Lot Area Each Townhouse Unit:*** 6,000 square feet.

1203.04 ***Minimum Lot Width:*** 45 feet

1203.05 ***Minimum Floor Area:*** 1,500 square feet.

1203.06 ***Minimum Yards:***

a) *Front yard:* 25 feet from the street right-of-way line to the building setback line.

b) *Side yards (end unit):* 5 feet from each side lot line, except where abutting an R-1 district, then 30 feet, which shall remain open with no encroachments by driveways, patios or other paved areas.

c) *Rear yard:* 20 feet, except where abutting an R-1 district, then 30 feet, which shall remain open with no encroachments by driveways, patios or other paved areas.

SECTION 1204 - DIMENSIONAL REQUIREMENTS FOR PATIO HOME SUBDIVISIONS

1204.01 ***Maximum Building Height:*** 35 feet.

1204.02 ***Minimum Size of Tract to be Subdivided for Patio Homes:*** Five (5) acres.

1204.03 ***Minimum Lot Area:*** 6,000 square feet.

1204.04 ***Maximum Density:*** Five (5) patio homes per gross acre (including street rights-of-way).

1204.05 ***Minimum Lot Width:*** 60 feet.

1204.06 ***Minimum Floor Area:*** 1,500 square feet.

1204.07 ***Minimum Yards:***

a) *Front yard:* 25 feet from the right-of-way line to the building setback line.

b) *Side yards:* 5 feet, but with a minimum distance between dwelling units on adjoining lots of fifteen (15) feet.

c) *Rear yard:* 20 feet.

SECTION 1205 - REQUIRED RESERVATION OF OPEN SPACE FOR TOWNHOUSE AND PATIO HOME SUBDIVISIONS

Where a developer proposes a Townhouse or patio home subdivision, the developer shall provide common open space amounting to thirty-five percent (35%) of the total gross area of the subdivision. Such common open space shall consist of land reserved exclusively for the recreational use of the residents of the Townhouse subdivision. The Development Plan shall indicate the location and area (in acres) to be so reserved or dedicated for open space or recreational facilities.

1205.01 ***Maximum Amount of Common Open Space Covered by Water:*** No more than fifty percent (50%) of the required amount of open space may be covered by lakes or ponds.

1205.02 ***Steep Slopes:*** In reviewing the preliminary subdivision plat for a proposed Townhouse subdivision, the Board of Aldermen shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination shall be based upon the developer's specific proposed use of the steep slope land. The Board of Aldermen shall decide whether or not any steep slope land should be approved for use in meeting the requirements of this Section.

1205.03 ***Physical Improvements:*** Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Board of Aldermen as part of the preliminary subdivision

plat review process. All open space improvements shall be shown on the sketch subdivision plat or development plan (approximate locations and dimensions and proposed use) and the preliminary and final plats (precise locations and dimensions and proposed use). Open space improvements may include pedestrian or bicycle trails, playgrounds, tennis courts, recreational buildings and swimming pools or similar facilities.

1205.04 Staged Development of a Townhouse Subdivision: If a Townhouse subdivision is to be developed in stages or parts, fifteen percent (15%) of EACH PART must be reserved for open space. However, in order to provide usable open space, the amount reserved shall not be less than one (1) acre. Thus, if a developer proposes to ultimately develop 20 acres of land for Townhouses and the first phase will only contain five acres, the developer must reserve at least one (1) acre for open space for the first part--- even though 15% of 5 acres is only 3/4 acre. If the second part consists of 15 acres, the developer shall reserve 15% of the second part or 2.25 acres, in addition to the one-acre reserved for the first phase; thus, the total open space reserved for the 20 acre tract developed in two phases would be 3.25 acres.

1205.05 Performance Bond: Prior to the sale of any lot in a Townhouse subdivision, the developer may be permitted, at the discretion of the Board of Aldermen to post with the City a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and permitted to do business in the State of Mississippi. The City Engineer in conjunction with the developer shall determine the amount of the performance bond after reviewing the construction plans for all improvements.

1205.06 Maintenance/Liability in the Operation and Use of Common Open Space and Recreational Areas: Authority granted by the City for the development of a Townhouse subdivision shall not be construed as nor constitute an obligation on the part of the City either for maintenance or liability in the operation and use of common open space and recreational facilities located in the subdivision.

At the time the final subdivision plat is submitted for the Townhouse subdivision, the developer shall submit with his application for final plat approval a legal instrument or instruments which state that the responsibility for liability insurance, taxes, and maintenance of open space and other common facilities shall rest with the owners of the several lots or parcels of land located within the Townhouse subdivision. In order to insure the integrity of the open space so that it will remain genuinely open, the legal instrument(s) shall specify that the open space restrictions are permanent, not just for a period of years.

SECTION 1206 - PROPERTY LINES BETWEEN ADJOINING TOWNHOUSES

Any person desiring to construct Townhouses shall prepare a sketch plat, preliminary plat and final plat indicating the approximate location of property lines between dwelling units. Following

approval of the final plat, the builder who proposes such Townhouses shall submit a plot diagram in accordance with the Standard Building Zoning Ordinance to the Building Inspector prior to the issuance of a building permit; said plot diagram shall indicate as nearly as possible the exact location of the property lines between the Townhouses.

SECTION 1207 - UNDERGROUND UTILITY CONNECTIONS FOR TOWNHOUSES

All underground utilities (including water, sanitary sewer, electrical, natural gas, telephone, and cable television) shall be installed in such a manner that the utility lines do not cross the lots of adjoining Townhouses, except where the utility line is placed in a utility easement required by this Zoning Ordinance. This provision is intended to prevent the need for excavation of the yards of adjoining Townhouses for utility repairs. The construction drawings submitted by builders of Townhouses shall indicate the proposed location of all utility lines on each lot, and these locations shall comply with this Section prior to issuance of a building permit.

SECTION 1208 - REQUIRED OFF-STREET PARKING FOR TOWNHOUSES

Each Townhouse, as defined by this Zoning Ordinance, shall front directly upon a public (i.e., dedicated) street rather than a common parking lot or common driveway. Access to required parking by means of easements shall be prohibited. Each Townhouse shall be served by a private driveway; Common or "flag-type" driveways which serve adjoining Townhouses shall be prohibited. Off-street parking for Townhouses shall be provided as follows:

a) *For all Townhouses having 1,500 square feet or less living (heated) area:* A fully enclosed garage of adequate size to house at least one (1) full-size automobile; or a carport or paved parking pad in the rear of each Townhouse of adequate size for at least two (2) full-size automobiles.

b) *For all Townhouses having more than 1,500 square feet of living (heated) area:* A fully enclosed garage of adequate size to house at least two (2) full-size automobiles; or a carport or paved parking pad in the rear of each Townhouse of adequate size for at least two (2) full-size automobiles.

SECTION 1209 – DESIGN STANDARDS

General design requirements as set forth below and/or as may be supplemented by additional considerations promulgated by the city and approved by the Board of Aldermen, shall be addressed:

Residential Design Standards. Neighborhood or individual lot layouts shall consider functional and visually-appealing features that contribute to residential livability and community sustainability appropriate to the district. Design solutions should address compatibility at the neighborhood, block, and individual lot perspectives.

i. Architectural themes. Masonry, textured traditional cement stucco (real stucco) and cement siding are required, with roofs in varied roofline treatments with a minimum of

8/12 roof pitch. Functional front porches or deeply shaded eaves are required.

ii. Variety. Colored elevations shall illustrate that a minimum of three 4 different elevations are provided in each block face. Developments of 30 dwelling units or more should offer a minimum of six different elevations. Identical elevations shall be separated by at least three lots in all directions. Two-story homes are discouraged on corner lots, on more than three consecutive lots, or on lots abutting major or minor arterials (unless additional open space is provided).

iii. Street appearance. Landscaping plans establish street tree themes-required minimum two street trees per lot (See approved list). Garage fronts should not predominate; they shall be recessed four feet and constitute less than 50 percent of the residential facade.

iv. Residential streets. Designs discourage through traffic; reduced street paving widths may be considered where off-street guest parking bays are installed.

v. Traffic calming is required within all residential subdivisions. Traffic calming techniques shall be placed at a minimum of every 800 feet or at ½ the block length, whichever is greater. They City Engineer shall approve all traffic calming techniques.

SECTION 1210 – ARCHITECTURAL REVIEW

See City of Pearl Architectural Review Ordinance.

ARTICLE XIII: HIGH DENSITY RESIDENTIAL DISTRICT (R-4)

Quick Reference Guide

Dimensional Requirements	
Minimum Parcel Size	5 acres
Maximum Building Height	35 feet
Minimum Square Footage	1 Bedroom: 750 sf
	2 Bedrooms: 950 sf
	3 + Bedrooms: 1,200 sf
Minimum Lot Width	100 feet
Maximum Density	8 units/gross acre

Minimum Yards	
Front Yard	40 feet
Side Yard	25 feet
	50 feet, if abuts R-1or R-2
Rear Yard	25 feet
	50 feet, if abuts R-1or R-2

Buffer Yard Requirements	
When Abutting Districts	All Other Districts
Minimum Width	15 feet
Screen Height Minimum	6 feet



SECTION 1300 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide areas for the development of higher density multiple family (i.e., three or more) residential uses with adequate, usable open space to prevent overcrowding. It is the intent of this Ordinance that these districts be carefully located only in areas where the infrastructure of the City (i.e., the street/highway system, storm drainage and water and sanitary sewer systems) is adequate to serve such higher density housing. The use of this district is appropriate as a transition between low density (R-1) or moderate density (R-2, R-3) residential districts and higher intensity uses, such as commercial uses or limited industrial (I-1) uses that are not compatible with lower density residential environment. All apartment or condominium developments shall front upon at least one street or highway that is classified as a Principal Arterial or Minor Arterial on the adopted Thoroughfares Plan.

SECTION 1301 - LAND USES PERMITTED

The following uses are permitted in R-4 districts subject to the regulations prescribed herein.

A. Any use permitted outright in R-2 and R-3 subject to the regulations prescribed therein.

B. Multiple family dwellings including apartments and condominiums as defined in Article II.

C. Accessory uses or structures in multiple family residential complexes, including laundromats, vending machine centers, recreational buildings, swimming pools, tennis courts, and similar uses and structures incidental to multiple family buildings. Such uses and structures shall be reserved exclusively for use by residents and guests of residents of the multiple family complex.

SECTION 1302 - CONDITIONAL USES AND STRUCTURES

Public or quasi-public facilities and utilities in compliance with Section 402 and other regulations of this Ordinance.

SECTION 1303 - DIMENSIONAL REQUIREMENTS FOR ALL MULTIPLE FAMILY USES

1303.01 ***Maximum Height:*** 35 feet.

1303.02 ***Minimum Lot Area:*** Five (5) acres.

1303.03 ***Minimum Floor Area:***

a) *One bedroom units:* 750 square feet.

b) *Two bedroom units:* 950 square feet.

c) *Three or more bedroom units:* 1,200 square feet.

1303.04 ***Maximum Density:*** Eight (8) dwelling units per gross acre.

1303.05 ***Minimum Lot Width:*** 100 feet at the building setback line.

1303.06 ***Minimum Yards:***

a) *Front yard:* 40 feet from the right-of-way line. This yard shall be a landscaped open area with no encroachments permitted including parking lots, patios or swimming pools, or other paved areas except for entrance/exit driveways.

b) *Side and rear yards:* 25 feet from each side lot line or rear lot line to any building, except where a side or rear lot line abuts an R-1or R-2 district, in which case the side or rear yard shall be 50 feet from any building to the lot line abutting the R-1 or R-2 district. This yard shall be a landscaped open area with no encroachments permitted including driveways, parking lots, patios or swimming pools, or other paved areas.

1303.07 Minimum Space between Buildings: No principal building or accessory building shall be constructed nearer than thirty (30) feet to any other principal building or accessory building.

SECTION 1304 - REQUIRED OPEN SPACE RESERVATION/DEDICATION FOR MULTIPLE FAMILY DEVELOPMENTS

A minimum of thirty-five percent (35%) of the gross site area to be developed for a condominium or apartment complex shall be devoted to open space. In calculating this open space requirement, the front, side and rear yards may be included. Parking lots and driveways, however, may not be included in calculating this required open space. The required site plan shall indicate the location and area (in acres) to be so reserved or dedicated for open space or recreational facilities.

1304.01 Maximum Amount of Common Open Space Covered by Water: No more than fifty percent (50%) of the required amount of open space may be covered by lakes or ponds.

1304.02 Steep Slopes: In reviewing the site plan for a proposed apartment or condominium development, the Mayor and Board of Aldermen shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination shall be based upon the developer's specific proposed use of the steep slope land. The Mayor and Board of Aldermen shall make a recommendation to the Mayor and Board as to whether or not any steep slope land should be approved for use in meeting the requirements of this Section.

1304.03 Physical Improvements: Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Mayor and Board of Aldermen as part of the site plan review process. Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.

1304.04 Performance Bonds: Prior to the rental/ lease of any apartment or the sale of any condominium, the developer may be permitted, at the discretion of the Mayor and Board of Aldermen, to post with the City a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and permitted to do business in the State of Mississippi. The Director of Public Works

and the City Engineer in conjunction with the developer shall determine the amount of the performance bond after reviewing the construction plans for all improvements.

SECTION 1305 - SITE PLAN REQUIRED

The developer of ANY apartment or condominium complex shall submit a site plan to the Mayor and Board of Aldermen in accordance with Sections 806 through 809 of this Ordinance.

SECTION 1306 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

Developers of multiple family residential uses and other uses permitted in R-3 zones shall comply with Section 404 of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts.

SECTION 1307 - REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

For reasons of fire safety all proposed apartment or condominium complexes shall provide at least two separate points of ingress/egress to/from the complex. Spacing requirements for these access points are provided under Article V. Developers of any proposed apartment or condominium complex or permitted special exception shall comply with parking and loading requirements included under Article V.

SECTION 1308 - ARCHITECTURAL REVIEW ORDINANCE

See City of Pearl Architectural Review Ordinance.

SECTION 1309 – DESIGN STANDARDS

General design requirements as set forth below and/or as may be supplemented by additional considerations promulgated by the city and approved by the Board of Aldermen, shall be addressed:

Residential Design Standards. Neighborhood or individual lot layouts shall consider functional and visually-appealing features that contribute to residential livability and community sustainability appropriate to the district. Design solutions should address compatibility at the neighborhood, block, and individual lot perspectives.

a. Architectural themes. Masonry, textured traditional cement stucco (real stucco) and cement siding are required, with roofs in varied roofline treatments with a minimum of 8/12 roof pitch. Functional front porches or deeply shaded eaves are required.

b. Variety. Colored elevations shall illustrate that a minimum of three 4 different elevations are provided in each block face. Developments of 30 dwelling units or more should offer a minimum of six different elevations. Identical elevations shall be separated by at least three lots in all directions. Two-story homes are discouraged on corner lots, on more than three consecutive lots, or on lots abutting major or minor arterials (unless additional open space is provided).

c. Street appearance. Landscaping plans establish street tree themes-required minimum two street trees per lot (See approved list). Garage fronts should not predominate; they shall be recessed four feet and constitute less than 50 percent of the residential facade.

d. Residential streets. Designs discouraged through traffic; reduced street paving widths may be considered where off-street guest parking bays are installed.

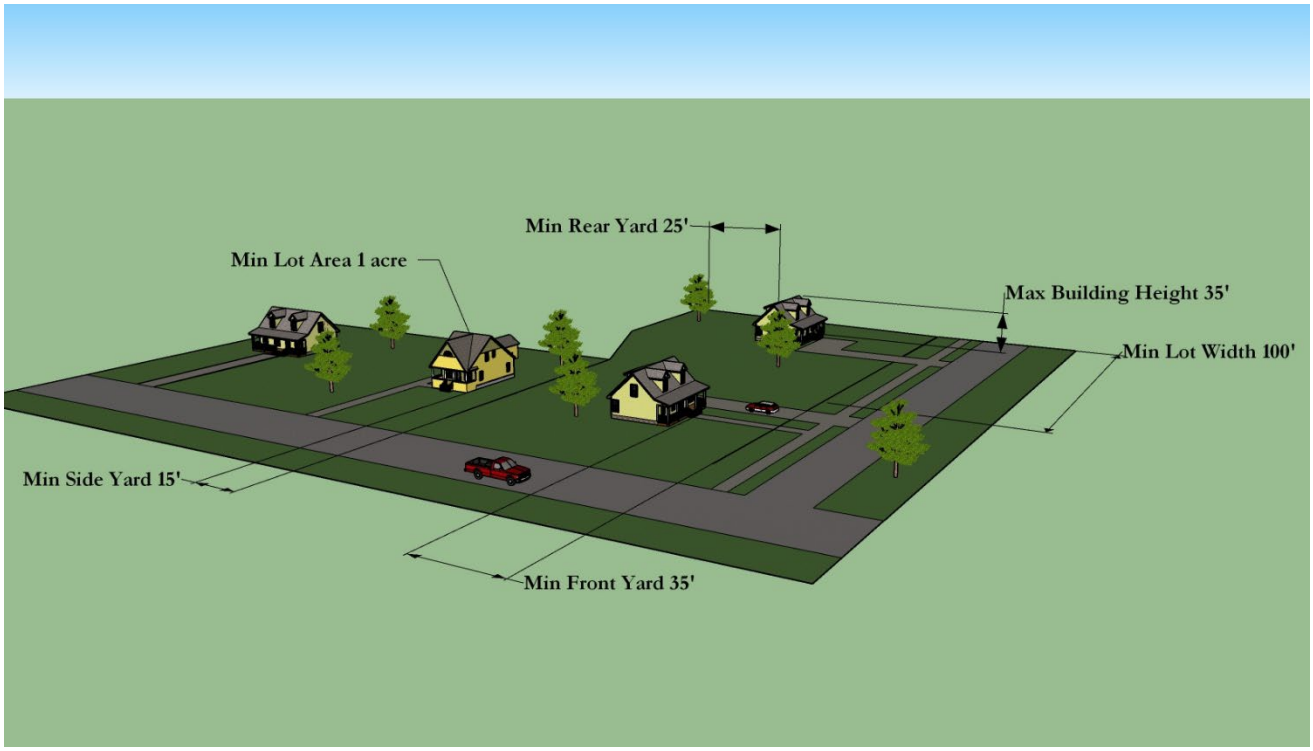
e. Traffic calming is required within all residential subdivisions. Traffic calming techniques shall be placed at a minimum of every 800 feet or at ½ the block length, whichever is greater. They City Engineer shall approve all traffic calming techniques.

ARTICLE XIV: RESIDENTIAL ESTATE DISTRICT (R-E)

Quick Reference Guide

Dimensional Requirements	
Maximum Building Height	35 feet
Minimum Lot Area	1 acre
Minimum Lot Width	100 feet
Minimum Floor Area	2,000 sf

Minimum Yards		Buffer Yard Requirements	
Front Yard	35 feet	**When Abutting Districts**	A-1
Side Yard	15 feet	**Minimum Width**	10 feet
Rear Yard	25 feet	**Screen Height Minimum**	6 feet



SECTION 1400 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide for large lot, low-density residential development in areas where existing or programmed infrastructure cannot accommodate higher density demands.

SECTION 1401 - LAND USES PERMITTED

A. Single family detached dwellings with only one principal dwelling per lot.

B. Accessory uses and structures associated with the use of the land for residential purposes.

C. Non-commercial horticultural uses.

SECTION 1402 - CONDITIONAL USES AND STRUCTURES

A. Public or quasi-public facilities and utilities in conformance with Section 402 and other regulations of this Ordinance.

B. Childcare facilities.

C. Breeding, raising, and feeding of grazing livestock (i.e., horses, cattle, sheep, goats, mules, etc.), provided that each such animal herein defined as "grazing livestock" shall be kept on a tract or lot of three acres of land or greater. Barns, pens, corrals, and other buildings or enclosures for the keeping of grazing livestock are permitted accessory uses, provided that such buildings or enclosures (excluding open pastures) are located no closer than 50 feet from any adjoining property lines or street right of way lines.

D. Home occupations in compliance with Section 406 of this Ordinance.

E. Public or private recreational or open space facilities, excluding country clubs and the like which shall be regulated as public/quasi-public facilities and utilities subject to the provisions of Section 402 of this Ordinance.

F. Community Housing in compliance with Section 413 of this Ordinance.

G. Any other use which the Mayor and Board of Aldermen determine meets the standards outlined under Section 804.

SECTION 1403 - DIMENSIONAL REQUIREMENTS

1403.01 ***Maximum Building Height:*** 35 feet

1403.02 ***Minimum Lot Area:*** One (1) acre

1403.03 ***Minimum Lot Width:*** 100 feet

1403.04 ***Minimum Floor Area:*** 2,000 square feet

1403.05 ***Minimum Yards:***

a) *Front Yard:* 35 feet from the street right of way line to the building setback line.

b) *Side Yards:* 15 feet, except where Section 1402 C requires a minimum yard of 50 feet from any adjoining property line.

c) *Rear Yard:* 25 feet

SECTION 1404 - SWIMMING POOLS

Swimming pools, if constructed, shall be located behind the front line of the house, and there shall be a minimum of 20 feet between all property lines or recorded easements and the rim of the swimming pool. All swimming pools shall be enclosed by a structure or fencing. Fences shall be at least four feet in height and shall have a self-latching gate.

SECTION 1405 - REQUIRED OFF-STREET PARKING, LOADING AND ACCESS CONTROL

See Article V for off-street parking, loading and access control requirements.

SECTION 1406 – ARCHITECTURAL REVIEW

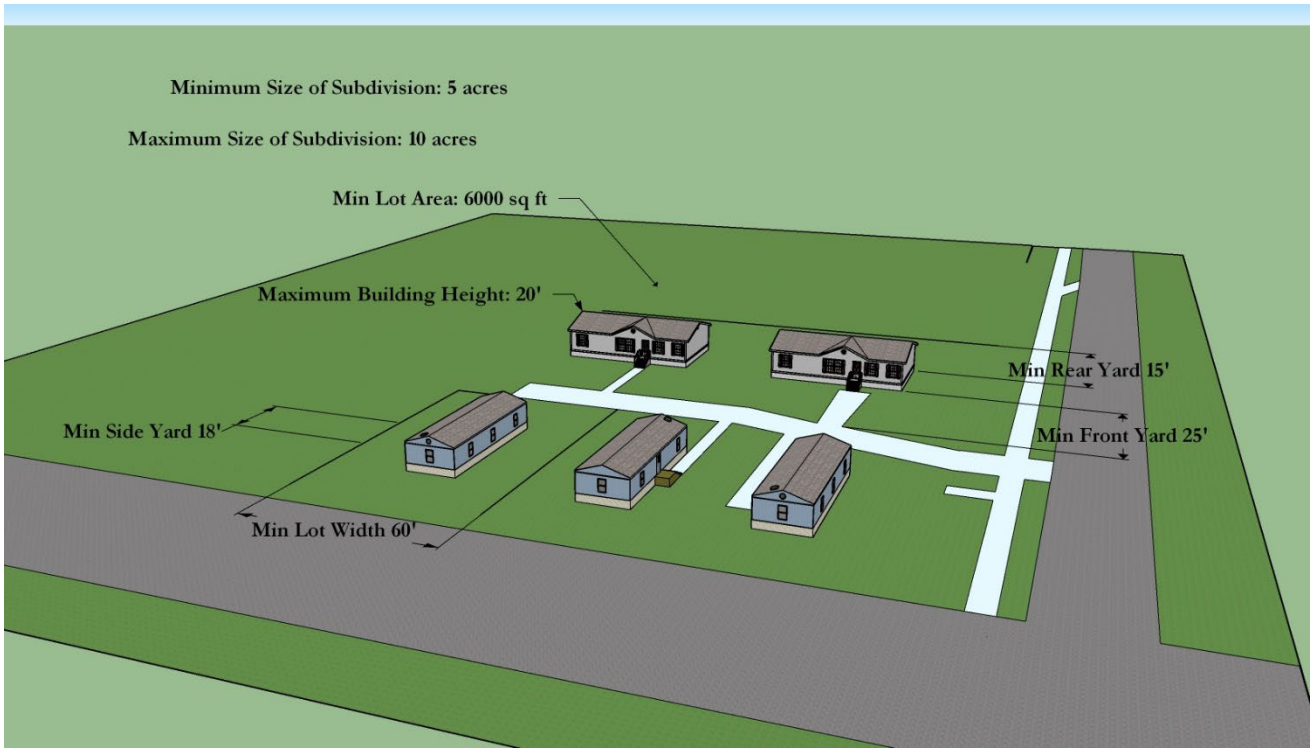
See City of Pearl Architectural Review Ordinance.

ARTICLE XV: MANUFACTURED HOME SUBDIVISION DISTRICT (MHS)

Quick Reference Guide

Dimensional Requirements	
Minimum Parcel Size to be Subdivided	5 acres
Maximum Parcel Size to be Subdivided	10 acres
Maximum Building Height	35 feet
Minimum Lot Area	6,000 sf
Minimum Lot Width	60 feet

Minimum Yards		Buffer Yard Requirements	
Front Yard	25 feet	**When Abutting Districts**	All Other Districts
Side Yard	8 feet	**Minimum Width**	25 feet
Rear Yard	15 feet	**Screen Height Minimum**	6 feet



SECTION 1500 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide for properly planned manufactured home subdivisions in which lots are offered for sale, and in which the purchaser receives fee simple title to the lot. It is the intent of this Ordinance that these districts may be located only in such areas as to not adversely affect the established residential subdivisions.

SECTION 1501 - LAND USES PERMITTED

A. Single-family manufactured homes, either owner-occupied or on a rental or lease basis.

B. Accessory uses and structures associated with the use of the land for residential purposes.

SECTION 1502 - CONDITIONAL USES AND STRUCTURES

A. Public or quasi-public facilities and utilities in compliance with Section 402 and other regulations of this Zoning Ordinance.

B. Child care facilities.

SECTION 1503 - DIMENSIONAL REQUIREMENTS

1503.01 ***Minimum/Maximum Size of Subdivision:*** 5-10 acres

1503.02 ***Maximum Building Height:*** 35 feet.

1503.03 ***Minimum Lot Area:*** 6,000 square feet.

1503.04 ***Minimum Lot Width:*** 60 feet.

1503.05 ***Minimum Yards:***

a) *Front yard:* 25 feet from any mobile home to any right-of-way line of any public road or highway or 30 feet from a line measured 30 feet from the centerline of any such road or highway.

b) *Side yards:* 8 feet.

c) *Rear yard:* 15 feet.

SECTION 1504 - REQUIRED OPEN SPACE RESERVATION/DEDICATION FOR MANUFACTURED HOME SUBDIVISION

A minimum of thirty-five percent (35%) of the gross site area to be developed for a manufactured home subdivision shall be devoted to open space. In calculating this open space requirement, the front, side and rear yards may be included. Parking lots and driveways, however, may not be included in calculating this required open space. The required site plan shall indicate the location and area (in acres) to be so reserved or dedicated for open space or recreational facilities.

1504.01 ***Maximum Amount of Common Open Space Covered by Water:*** No more than fifty percent (50%) of the required amount of open space may be covered by lakes or ponds.

1504.02 Steep Slopes: In reviewing the site plan for a manufactured home subdivision, the Mayor and Board of Aldermen shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination shall be based upon the developer's specific proposed use of the steep slope land. The Mayor and Board of Aldermen shall make a recommendation to the Mayor and Board as to whether or not any steep slope land should be approved for use in meeting the requirements of this Section.

1504.03 Physical Improvements: Common open space shall be suitably improved for the intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Mayor and Board of Aldermen as part of the site plan review process. Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.

1504.04 Performance Bonds: Prior to the rental, lease or sale of any parcel, the developer may be permitted, at the discretion of the Mayor and Board of Aldermen, to post with the City a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and permitted to do business in the State of Mississippi. The Director of Public Works and the City Engineer in conjunction with the developer shall determine the amount of the performance bond after reviewing the construction plans for all improvements.

ARTICLE XVI: PLANNED UNIT DEVELOPMENT ("PUD") DISTRICT

SECTION 1600 - PURPOSE OF THIS DISTRICT

The purposes for establishing Planned Unit Development ("PUD") districts are:

A. To provide for the development of relatively large land areas as total cohesive and coordinated units, rather than development on a lot-by-lot basis.

B. To permit more flexible and advantageous use of sites, especially with regard to natural features of the landscape, through the relaxation of conventional zoning requirements including minimum lot size and minimum lot width, while at the same time retaining approximately the same overall density as would ordinarily apply if the same areas were developed by conventional methods.

C. To help reduce the cost of residential development by allowing more dwelling units per gross acre than could be built in a conventional low-density subdivision (due to the extensive space requirements of roads rights-of-way, utility easements, etc., in a conventional subdivision) and by reducing the length of roads and utility extensions through concentration or clustering of housing.

D. To provide for the development of sites in which land not used for structures and yards but not required by the basic zoning of the site shall be reserved collectively in contiguous units accessible to all dwellings within the PUD as open space; this open space will provide recreational opportunities for the residents of the PUD, and will also afford improved, safer pedestrian circulation within the PUD.

SECTION 1601 - PLANNED UNIT DEVELOPMENTS SHALL BE SUPERIMPOSED DISTRICTS

A Planned Unit Development shall be a superimposed designation on a residential district, thereby providing a broader latitude of design to achieve the purposes stated under Section 1600. As a superimposed designation, Planned Unit Developments shall be subject to the overall density requirements of the residential district over which they are superimposed. The maximum residential density shall be calculated as prescribed under Section 1606.02.

SECTION 1602 - PRELIMINARY SUBDIVISION PLAT APPROVAL REQUIRED PRIOR TO DESIGNATION OF PLANNED UNIT DEVELOPMENT ON OFFICIAL ZONING MAP

Any person desiring to subdivide land for purposes of creating a PUD shall first prepare and submit a sketch plat (or "Development Plan" if the PUD is proposed to contain uses other than single-family detached residences) to the Zoning Administrator and City Engineer in accordance with the Subdivision Regulations. All sketch plats for proposed PUD shall be reviewed by the City Engineer.

SECTION 1603 - REZONING REQUIRED FOR DEVELOPMENT OF PORTION OF PUD FOR TOWNHOUSES, PATIO HOMES, MULTIPLE-FAMILY RESIDENTIAL, OR COMMERCIAL USES

If a person desires to reserve a portion of a proposed Planned Unit Development for Townhouses, patio homes, or multiple-family residential uses (condominiums or apartments), and such areas are not zoned appropriately for such densities, he shall submit an application for rezoning in accordance with Section 806 of this Ordinance indicating which areas he desires to be rezoned.

Likewise, portions of a PUD may be reserved for commercial use by applying for the appropriate commercial zoning if the subject land is not zoned commercial on the Official Zoning Map.

If the subdivider wishes to reserve portions of the proposed PUD for moderate density or high-density residential development or commercial use, such areas shall be shown on a sketch plat or "Development Plan," which shall be submitted with an application for rezoning. A rezoning to permit such residential densities or commercial uses shall only be approved upon the condition that the preliminary plat and individual site plans (for the high density residential or commercial development) substantially conform to the sketch plat or development plan.

SECTION 1604 - LAND USES PERMITTED

The uses that are permitted outright in PUD districts are subject to the regulations and restrictions as prescribed in the initial underlying zone over which the PUD is superimposed.

SECTION 1605 - CONDITIONAL USES AND STRUCTURES

A. Public or quasi-public facilities or utilities may be considered for location in a PUD district in compliance with Section 402 of this Ordinance.

B. Childcare facilities.

SECTION 1606 - DIMENSIONAL REQUIREMENTS

1606.01 ***Minimum Size of PUD:*** The minimum size of any PUD shall be five (5) acres.

1606.02 ***Maximum Residential Development Density:*** The basic control of residential development density shall be the density requirement of the particular conventional district (i.e., R-1 or R-2) over which the PUD is superimposed. The maximum density shall be calculated by dividing 43,560 square feet by the minimum lot size and then multiplying that quotient by the total gross acreage minus 10% for roads and ROW to be included in the PUD. EXAMPLE: If a subdivider proposes to develop a 30 acre tract zoned "R-1" as a PUD, the basic control of density is that of the R-1 district: 43,560 square feet divided by 11,500 square feet (minimum lot size in R-1 districts), resulting in a quotient of 3.78 lots or dwelling units; 27 acres multiplied by 3.78 = 102 lots or single-family detached dwelling units.

1606.03 ***Minimum Lot Size:*** No minimum.

1606.04 Minimum Lot Width: No minimum.

1606.05 Minimum Yards: The minimum yard requirements for single-family detached dwellings in PUD districts shall be the same as those required in R-1 or R-2 districts.

1606.06 Maximum Height: 35 feet, unless greater height is specifically approved by the Board of Aldermen.

SECTION 1607 - DIMENSIONAL REQUIREMENTS FOR TOWNHOUSES, PATIO HOMES, MULTIPLE FAMILY RESIDENTIAL AND COMMERCIAL PORTIONS OF A PUD

If an application for rezoning is approved to allow portions of a PUD to be used for Townhouses, patio homes, condominiums or apartments, or some commercial classification, the dimensional requirements of the appropriate district shall apply.

SECTION 1608 - COMMON OPEN SPACE REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS

Common open space shall be provided as a condition to the approval of a Planned Unit Development. Such common open space shall consist of land reserved exclusively for the recreational use of the PUD residents and owned and maintained by the residents through a Homeowner's Association.

Common open space shall be integrated throughout the PUD, easily accessible to all the residents. The sketch plat or Development Plan shall indicate the location and area (in acres) to be so reserved for open space or recreational facilities.

1608.01 Minimum Percentage of Land Reserved as Common Open Space: Common open space shall comprise at least thirty-five percent (35%) of the gross area (total acreage) minus ten percent (10%) of the PUD as shown on the required development plan. Public roads, parking lots (for example, a parking lot for a PUD recreational building), and utility easements shall not be considered in meeting the open space requirements of this Section.

1608.02 Maximum Amount of Common Open Space Covered By Water: No more than fifty percent (50%) of the required amount of open space may be covered by water (lakes, ponds, streams, etc.)

1608.03 Steep Slopes: In reviewing the preliminary subdivision plat for a proposed Planned Unit Development, the City Engineer shall determine if any land containing slopes of twelve percent (12%) or greater may be included in the required common open space. This determination shall be based upon the developer's specific proposed use of the steep slope land. The City Engineer shall make a recommendation to the Board of Aldermen as to whether or not any steep slope land should be approved for use in meeting the requirements of this Section.

1608.04 Physical Improvements: Common open space shall be suitably improved for the

intended use, but open space containing natural features worthy of preservation may be left unimproved if such unimproved areas are approved by the Board of Aldermen as part of the preliminary subdivision plat review process.

All open space improvements shall be shown on the sketch subdivision plat or Development Plan (approximate locations and dimensions and proposed use) and the preliminary and final plats (precise locations and dimensions and proposed use). Open space improvements may include pedestrian or bicycle trails, tennis courts, recreational buildings and swimming pools or similar facilities.

1608.05 Staged Development of a Planned Unit Development: If a Planned Unit Development is to be developed in stages or parts and the first part is to consist of the minimum of 5 acres, fifteen percent (15%) must be reserved for open space, or .75 acres. The open space requirements for subsequent parts or phases shall be calculated based upon the total open space requirement for the entire subdivision, including the initial phase or phases. Thus, if a developer proposes to ultimately develop 40 acres of land for a Planned Unit Development and the first phase will only contain 5 acres, the developer must reserve a total of at least 6 acres for the entire subdivision, which may include the .75 acres reserved for the first part.

1608.06 Performance Bond Required: Prior to the sale of any lot in a Planned Unit Development, the developer shall post with the City a performance bond of sufficient surety to insure the completion of all proposed open space improvements (where applicable). Such performance bonds must be issued by a company that is licensed and admitted to do business in the State of Mississippi. The City Engineer in conjunction with the developer shall determine the amount of the performance bond after reviewing the construction plans for all improvements.

1608.07 Maintenance/Liability in the Operation and Use of Common Open Space Areas: Authority granted by the City for the development of a PUD shall not be construed as, nor constitute, an obligation on the part of the City either for maintenance or liability in the operation and use of common open space and recreational facilities located in the PUD.

At the time the final subdivision plat is submitted for a PUD, the developer shall submit with his application for final plat approval a legal instrument or instruments which state that the assumption of liability insurance, taxes and maintenance of open space and other common facilities shall rest with the owners of the several lots or parcels of land located within the PUD. In order to insure the integrity of the open space so that it will remain genuinely open, the legal instrument(s) shall specify that the open space restrictions are permanent, not just for a period of years.

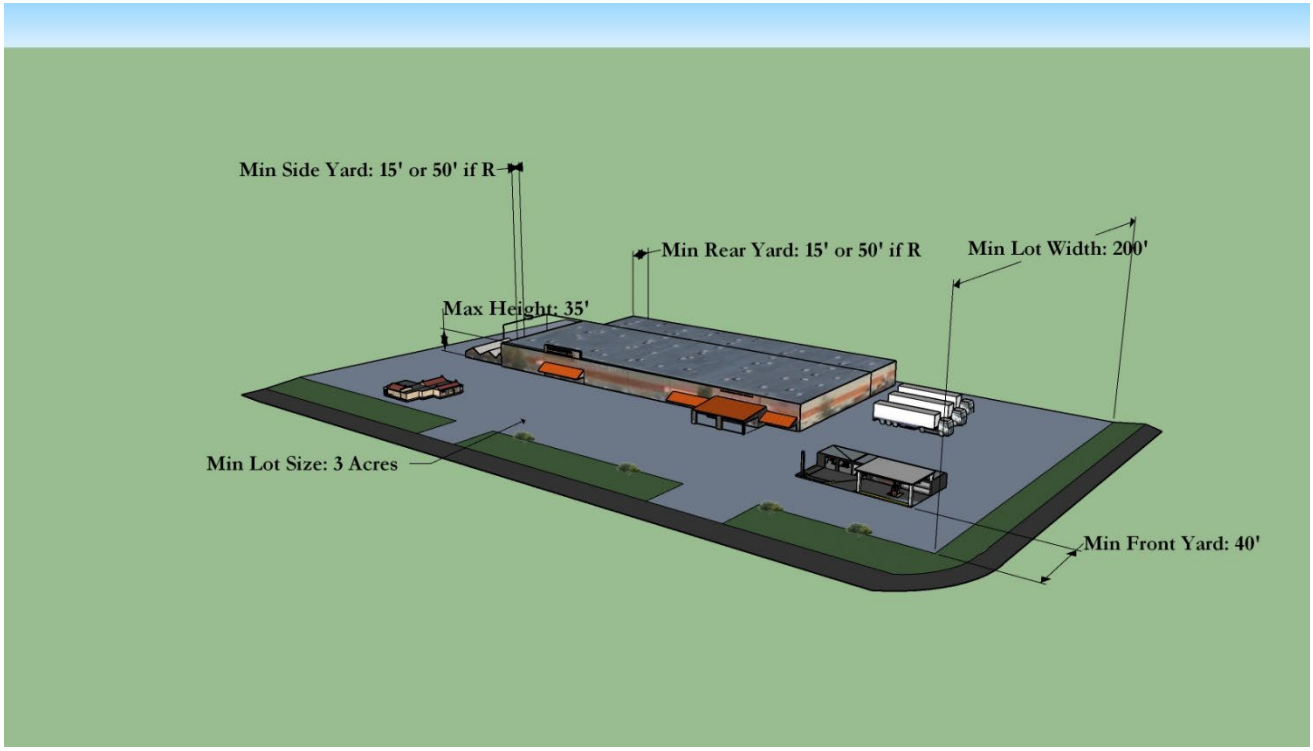
1608.08 As Built Letter: within 30 days of final plat approval, the engineer of record who submitted the site plan for a PUD shall provide the Zoning Administrator with a letter certifying that all density requirements set by the underlying zoning were adhered to.

ARTICLE XVII: GENERAL COMMERCIAL DISTRICT (C-2)

Quick Reference Guide

Dimensional Requirements	
Maximum Building Height	35 feet
Minimum Lot Area: Multi-Tenant	3 acre
Minimum Lot Width: Multi-Tenant	200 feet

Minimum Yards		Buffer Yard Requirements	
Front Yard	40 feet	**When Abutting Districts**	All Ag & Res. Districts
Side & Rear Yard	15 feet	**Minimum Width**	30 feet
Side & Rear Yard if Abutting Residential	50 feet	**Screen Height Minimum**	8 feet



SECTION 1700 - PURPOSE OF THIS DISTRICT

The purpose of this district is to promote the development of well-planned shopping centers and independent commercial uses conducted in an enclosed permanent building within selected areas of the City of Pearl. The commercial activities permitted in this district include general neighborhood convenience retail and personal and professional services. Although shopping center uses permitted in this zone require access to an arterial street, such uses are not "highway oriented" like those first allowed in the Highway Commercial District (C-3). Uses first permitted in C-3 Major Highway Commercial districts shall not be permitted in the C-2 district.

It is the intent of this Ordinance that shopping centers and independent commercial uses be developed so that pedestrian and vehicular circulation is coordinated with the circulation patterns of adjacent properties in the vicinity that are also affected. In order to facilitate access between adjoining properties and to reduce the number of curb cuts onto arterial streets, the installation of a service drive shall be considered in connection with any independent commercial use (i.e., a commercial use that is not a part of a shopping center) proposed in this district.

SECTION 1701 - LAND USES PERMITTED

The following uses are permitted to be conducted within an enclosed permanent building or buildings located in the General Commercial District (C-2) subject to the regulations prescribed herein:

A. Commercial uses in which services performed and new merchandise offered for sale are conducted or displayed within enclosed structures, except for the display of small articles (i.e., those that can generally be hand-carried by one or two persons) outside the commercial use).

B. Shopping centers located on minimum sites of three (3) acres on an existing or proposed arterial street as shown on the adopted Thoroughfares Plan; shopping centers may contain any of the uses permitted outright in C-2 zones.

C. Veterinary clinics and pet shops, excluding outside runs.

D. Bowling alleys, skating rinks and similar recreational or entertainment enterprises conducted entirely within enclosed structures.

E. Convenience or "drive-in" grocery stores.

F. Any other use which the mayor and board of aldermen determine to be of the same character and nature as those specifically permitted above.

SECTION 1702 - CONDITIONAL USES AND STRUCTURES

A. Service stations including vehicle repair shops, provided that all vehicle repairs except those of a minor nature (e.g., change of fan belt, minor carburetor adjustments, tire repairs) are conducted entirely within an enclosed building and provided that all such service stations are located on an arterial street designated as such by the adopted Thoroughfares Plan.

B. Mortuaries or funeral homes, provided such uses shall be located on an existing or proposed arterial street as shown on the adopted Thoroughfares Plan.

C. Enclosed Indoor Storage Facilities

D. Horticultural nurseries shall be considered only as conditional uses in C-2 districts because much of the activity associated with these uses is conducted out-of-doors.

E. Food Trucks

F. Hotels and motels.

G. Restaurants.

H. Liquor Stores, which shall not be co-located with a gas station and must be at least one mile (as measured from public door to public door as driven on public roads in a vehicle) from any other liquor store.

I. Tobacco and Vape Shops

J. Condominiums and loft-style apartments that are developed in connection with commercial establishments.

K. Coin Laundries

L. Bail Bonds

M. Automobile/ Car Sales and/or Lot

N. Nail or Hair Salon/ Barbershop

O. Entertainment Enterprises

P. Car Wash

Q. Oil Change Operations

R. Any outdoor storage of materials or inventory associated with an approved use so long as proper screening is installed.

S. Tattoo Shops

T. Childcare and Adult Care Centers

U. Substance Abuse Treatment Facility

V. Gas Stations

W. Beauty Supply Stores

X. Medical Cannabis Dispensary

Y. Medical Cannabis Research and Testing Facility

Z. Public or quasi-public facilities and utilities which are not located in shopping centers or multi-tenant developments and are in compliance with Section 402 and other regulations of this Ordinance.

AA. Any other use which the Mayor and Board of Aldermen determine meets the standards outlined under Section 804.

SECTION 1703 - PROHIBITED USES

The following uses are expressly prohibited in the C-2 District:

A. Payday Loan businesses, Title Loan Businesses or "Check Cashing" Services.

B. Pawn Shops.

SECTION 1704 - DIMENSIONAL REQUIREMENTS

1704.01 Maximum Building Height: 35 feet, unless greater height is approved by the Mayor and Board of Aldermen.

1704.02 Minimum Lot Area:

a) *Shopping centers:* Three (3) acres.

b) *Independent commercial uses:* No minimum lot area is required.

1704.03 Minimum Lot Width:

a) *Shopping centers:* 200 feet.

b) *Independent commercial uses:* No minimum lot width required.

1704.04 Minimum Yards: The minimum yard requirements for all uses permitted in a C-2 district shall be as follows:

a) *Front yard:* 40 feet. The first ten (10) feet inside this front yard setback shall remain open except for entrance/exit driveways and shall be landscaped in accordance with Section 404 of this Ordinance; no parking shall be permitted in these driveways.

b) *Side yards and rear yards where NOT abutting a residential district:* 15 feet; the first five (5) feet inside this side or rear yard setback (adjacent to the property line) shall be landscaped in accordance with standards adopted by the City of Pearl.

c) *Side yards and rear yards where abutting ANY residential district:* 50 feet, which shall remain open and be landscaped in accordance with standards adopted by the City of Pearl; OR 30 feet, which shall remain open and be landscaped in accordance with standards adopted by the City of Pearl AND a fence along side or rear yards abutting such residential district; said fence shall be a minimum of eight (8) feet in height and shall be constructed of brick or solid (plank-to-plank) wood. Where this fencing option is chosen, the property owner shall be responsible for

the maintenance of the fence, and failure to maintain it shall constitute a violation of this Ordinance.

1704.05 Minimum Space between Separate (Detached) Buildings on the Same Lot: 30 feet. No more than two-thirds (2/3) of the space between such buildings shall be paved; the remaining area shall be landscaped in accordance with standards adopted by the City of Pearl.

SECTION 1705 - SITE PLAN REQUIRED

The developer of any use in a C-2 General Commercial district shall submit a site plan to the Mayor and Board of Aldermen in accordance with Sections 806 through 809 of this Ordinance.

SECTION 1706 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

See Section 404 of this Ordinance regarding the provision of landscaping along arterial streets.

SECTION 1707 - REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

See Article V for off-street parking, loading and access control requirements.

SECTION 1708 – ARCHITECTURAL REVIEW

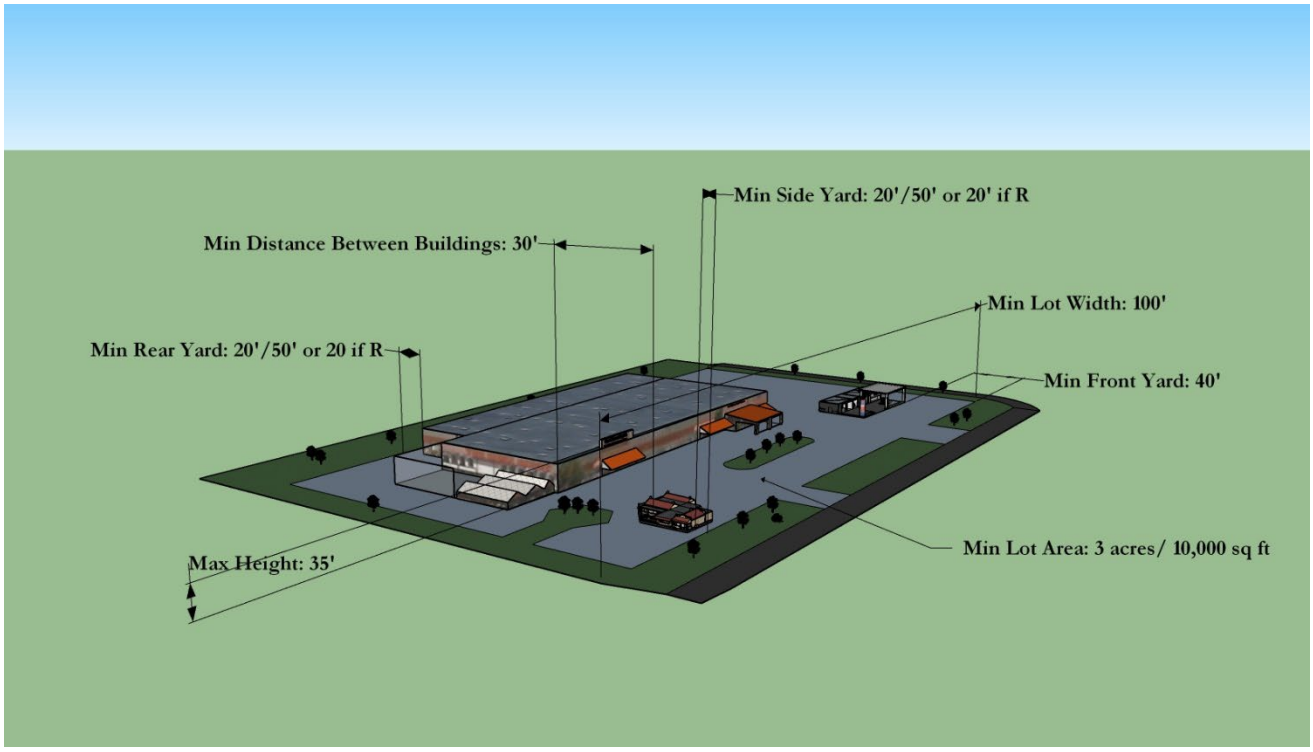
See City of Pearl Architectural Review Ordinance and Architectural Review Guidelines.

ARTICLE XVIII: HIGHWAY COMMERCIAL DISTRICT (C-3)

Quick Reference Guide

Dimensional Requirements	
Maximum Building Height	35 feet
Minimum Lot Area	Multi-Tenant: 3 acres
	Single Tenant: 10,000 sf
Minimum Lot Width	100 feet

Minimum Yards		Buffer Yard Requirements	
Front Yard	40 feet	**When Abutting Districts**	All Ag & Res. Districts
Side & Rear Yard	20 feet	**Minimum Width**	30 feet
Side & Rear Yard if Abutting Residential	50 feet	**Screen Height Minimum**	8 feet



SECTION 1800 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide relatively spacious areas for the development of vehicle-oriented commercial activities which typically require direct auto traffic access and visibility from major thoroughfares. This district is intended to encourage those commercial activities which function relatively independent of intensive pedestrian traffic and proximity to other commercial establishments. The outdoor commercial uses (i.e., those in which all or much of the business is conducted out-of-doors) first permitted in this district shall be located well away from all residential uses.

These districts are appropriate for the fringes of retail districts and only along major thoroughfares designated as arterial streets on the adopted Thoroughfares Plan. Uses first permitted in I-2 Heavy Industrial districts shall not be permitted in C-3 districts.

SECTION 1801 - LAND USES PERMITTED

The following uses are permitted outright in the C-3 districts subject to the regulations prescribed herein:

A. Any use permitted outright in the C-2 General Commercial District, SUBJECT TO ALL OF THE REGULATIONS OF THAT DISTRICT.

B. Vehicle sales, rental or lease and vehicle service.

C. Boat and marine sales, rental or lease, and service.

D. Mortuaries or funeral homes.

E. Horticultural nurseries.

F. Building materials sales where some or all such materials are displayed outdoors or are visible from streets or highways.

G. Veterinary clinics with outside dog runs.

H. Any other use which the mayor and board of aldermen determine to be of the same character and nature as those specifically permitted above.

I. All permitted uses involving outdoor storage shall also maintain an office or sales facility in a permanent building or structure.

SECTION 1802 - CONDITIONAL USES AND STRUCTURES

A. Public or quasi-public facilities and utilities which are not located in shopping centers or multi-tenant developments and are in compliance with Section 402 and other regulations of this Ordinance.

B. Commercial recreational and entertainment enterprises in which all or part of the activities are conducted out-of-doors, such as golf driving or putting courses, water amusement parks, drive-in theaters, etc.

C. Manufactured home and recreational vehicle sales and service.

D. Truck stops.

E. Tattoo shops

F. Childcare and Adult care centers

G. Substance abuse treatment facility

H. Hotels and motels.

I. Restaurants.

J. Drive-in restaurants.

K. Gas Stations

L. Beauty Supply Stores

M. Medical Cannabis Dispensary

N. Medical Cannabis Research and Testing Facility

O. Liquor Store, which shall not be co-located with a gas station and must be at least one mile (as measured from public door to public door as driven on public roads in a vehicle) from any other liquor store.

P. Other similar enterprises or businesses of the same nature which are not more obnoxious or detrimental to the welfare of the particular area than the enterprises permitted above, not to include those uses which are first permitted in the I-2 District. Any other use which the Mayor and Board of Aldermen determine meets the standards outlined under Section 804.

SECTION 1803 - DIMENSIONAL REQUIREMENTS

1803.01 Maximum Building Height: 35 feet, unless greater height is approved by the Mayor and Board of Aldermen.

1803.02 Minimum Lot Area:

a) *Shopping centers:* three (3) acres.

b) *Independent commercial uses:* 10,000 square feet.

1803.03 Minimum Lot Width: 100 feet.

1803.04 Minimum Yards: The minimum yard requirements for all uses permitted in a C-3 district shall be as follows:

a) *Front yard:* 40 feet. The first ten (10) feet inside this front yard setback shall remain open except for entrance/exit driveways and shall be landscaped in accordance with Section 404 of this Ordinance; no parking shall be permitted in these driveways.

b) *Side yards and rear yards where NOT abutting a residential district:* 20 feet; the first five (5) feet inside this side or rear yard setback (adjacent to the property line) shall be landscaped in accordance with standards adopted by the City of Pearl.

c) *Side yards and rear yards where abutting ANY residential district:* 50 feet, which shall remain open and be landscaped in accordance with standards adopted by the City of Pearl; OR 30 feet, which shall remain open and be landscaped in accordance with standards adopted by the City of Pearl AND a fence along side or rear yards abutting such residential district; said fence shall be a minimum of eight (8) feet in height and shall be constructed of brick or solid (plank-to-plank) wood. Where this fencing option is chosen, the property owner shall be responsible for the maintenance of the fence, and failure to maintain it shall constitute a violation of this Ordinance.

1803.05 Minimum Space between Separate (Detached) Buildings on the Same Lot: 30 feet. No more than two-thirds (2/3) of the space between such buildings shall be paved; the remaining area shall be landscaped in accordance with standards adopted by the City of Pearl.

SECTION 1804 - SITE PLAN REQUIRED

The developer of any use in a C-3 Highway Commercial district shall submit a site plan to the Mayor and Board of Aldermen in accordance with Sections 806 through 809 of this Ordinance.

SECTION 1805 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

Developers of commercial uses in this district shall comply with Section 404 of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities shall comply with Section 404.

SECTION 1806 - REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

See Article V for off-street parking, loading and access control requirements.

SECTION 1807 – ARCHITECTURAL REVIEW

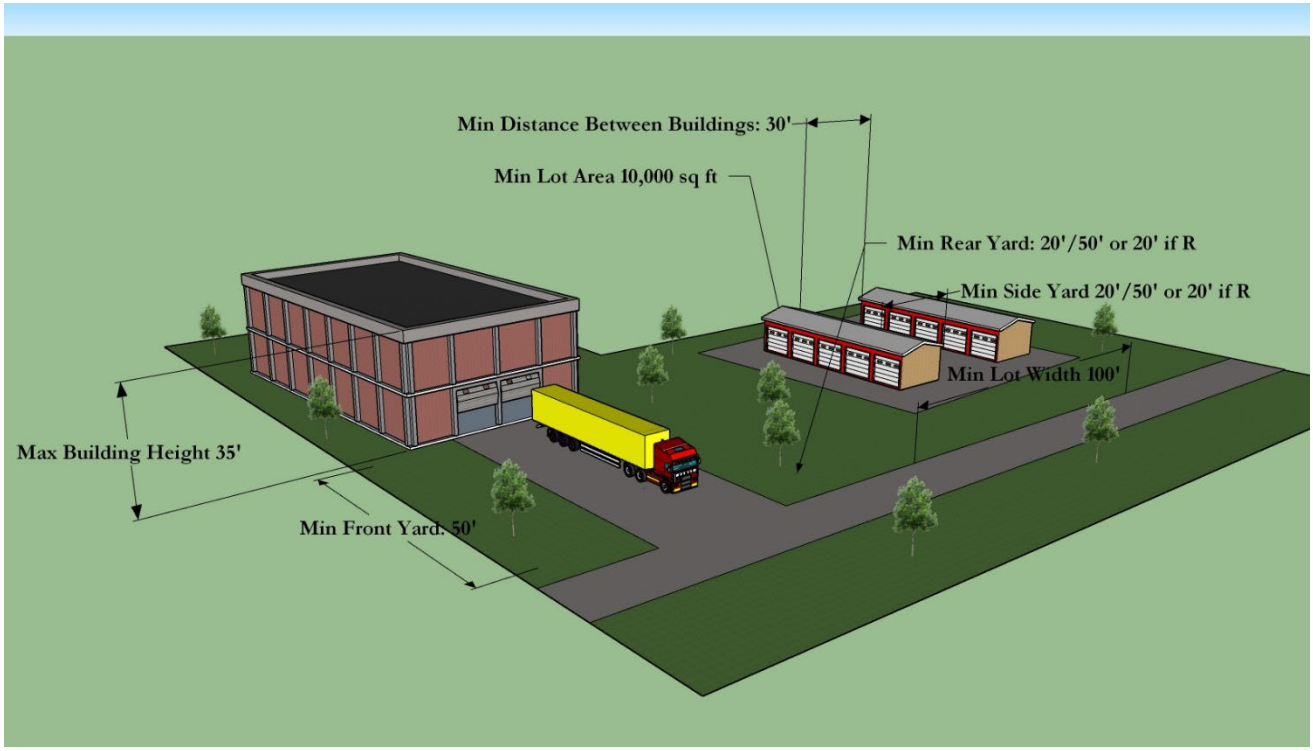
See City of Pearl Architectural Review Ordinance and Architectural Review Guidelines.

ARTICLE XIX: LIMITED INDUSTRIAL DISTRICT (I-1)

Quick Reference Guide

Dimensional Requirements	
Maximum Building Height	35 feet
Minimum Lot Area	10,000 sf
Minimum Lot Width	100 feet

Minimum Yards		Buffer Yard Requirements	
Front Yard	50 feet	**When Abutting Districts**	All Districts Except I-2
Side & Rear Yard	20 feet	**Minimum Width**	30 feet
Side & Rear Yard if Abutting Residential	50 feet	**Screen Height Minimum**	8 feet



SECTION 1900 - PURPOSE OF THIS DISTRICT

In accordance with one of the adopted goals of the Goals and Objectives of the City of Pearl, the City will continue to encourage the development of lower intensity industrial uses (i.e., uses in which the industrial activity is primarily conducted indoors and which do not have objectionable characteristics.) The purpose of this district is to provide areas for the exclusive development of such lower intensity manufacturing and industrial uses within fully enclosed (on all sides) buildings. It is the intent of this Ordinance that I-1 land uses be compatible with abutting districts, such as commercial districts, which will serve as transitional zones between the industrial uses and the lower intensity residential uses. The uses permitted in I-1 districts shall generate no odor, smoke, fumes, vibration, or excessive noise detectable off the premises. Such limited industrial and related uses shall be located only in areas directly accessible to major thoroughfares or railroads. It is further the intent of this Ordinance that encroachment by all residential uses be prohibited.

SECTION 1901 - LAND USES PERMITTED

The following land uses shall be permitted in I-1 districts, provided such uses conform to standards established by appropriate Federal and State regulatory agencies:

A. Any uses permitted in C-3 Highway Commercial district, SUBJECT TO ALL OF THE REGULATIONS OF THE C-3 DISTRICTS.

B. Light or limited manufacturing conducted within fully enclosed buildings, except that the temporary storage of articles, materials, or other matter to be processed, assembled, or otherwise changed may be permitted outdoors if adequately screened or buffered. The manufacturing activities conducted in I-1 districts shall, in general, be dependent upon raw materials refined elsewhere. The following limited manufacturing uses shall be permitted, provided they are not offensive to neighboring land uses due to the emission of dust, gas, smoke, noise, fumes, odors vibrations, fire hazards, or other objectionable influences:

   1. Processing, canning, packaging and other treatment of food products, including: bakery products, confectionary and related products, fruit and vegetable products, fish, poultry and other meat products, excluding the rendering or refining of fats and oils and the slaughtering of animals.

   2. Manufacturing, assembly or other treatment of products from the following secondary materials (previously prepared or refined materials): plastics, glass, paper, precious or semi-precious metals or stones, tobacco, and wood (excluding sawmills).

   3. Fabrication of metal products including the manufacture of: machinery (engines and turbines, farm machinery and equipment, etc.); electrical equipment and supplies; transportation equipment (including motor vehicles and parts, aircraft and parts, motorcycles, bicycles and parts, etc.); and other secondary metal manufacturing such as metal cans, cutlery, hand tools, and general hardware, heating apparatus and plumbing

fixtures, metal stamping, fabricated wire products, and coating, engraving and allied services.

4. Manufacturing of pottery or similar ceramic products (using only previously prepared or pulverized clay, and kilns fired only by electricity or natural gas).
5. Manufacturing of professional, scientific, and controlling instruments; photographic or optical goods; watches and clocks.
6. Manufacturing of textile mill products, including broad and narrow woven fabrics and other small wares (cotton, man-made fibers, silk and wool), floor coverings (rugs and carpets), yarns and similar products.
7. Manufacturing of apparel and other finished products made from fabrics, leather, fur and similar materials.
8. Assembly, painting, upholstering and similar activities in connection with automobiles, trucks, farm machinery, manufactured homes and related products.
9. Warehousing and storage, provided that all storage is within enclosed structures; such warehousing may include the storage of goods manufactured on the premises as well as goods manufactured off the site; includes "mini-warehouses" or "self-storage warehouses."

C. Dwellings for resident watchmen and caretakers employed on the premises of the primary permitted use.

D. Data Centers

E. Other similar enterprises as determined by the mayor and board of aldermen to be of the same character and nature as those specifically permitted above, but not to include those uses first permitted in the I-2 Heavy Industrial district.

SECTION 1902 - CONDITIONAL USES AND STRUCTURES

A. Public and quasi-public facilities and utilities may be allowed in this district in compliance with Section 402 of this Ordinance and subject to any limitations and restrictions deemed necessary by the Mayor and Board of Aldermen.

B. Conditional uses listed under the C-3 Highway Commercial District, subject to C-3 regulations.

C. High-mast transmission and receiving towers.

D. Medical Cannabis Establishments including cultivation, dispensary, disposal, processing, research, testing, and transportation.

E. Data center related infrastructure, including energy production systems.

F. Power Generation Facility

G. Any other use which the Mayor and Board of Aldermen determine to be of the same character and nature as those specifically permitted above.

SECTION 1903 - DIMENSIONAL REQUIREMENTS

1903.01 ***Maximum Building Height:*** 35 feet, unless greater height is approved by the Mayor and Board of Aldermen.

1903.02 ***Minimum Lot Area:*** 10,000 square feet.

1903.03 ***Minimum Lot Width:*** 100 feet.

1903.04 ***Minimum Yards:***

a) *Front yard:* 50 feet. The first ten (10) feet inside this front yard setback (adjacent to the street right-of-way line) shall remain open except for entrance/ exit driveways and shall be landscaped in accordance with Section 404 of this Ordinance; no parking shall be permitted in these driveways.

b) *Side yards and rear yards where NOT abutting a residential district:* 20 feet; the first five (5) feet inside this side or rear yard setback (adjacent to the property line) shall be landscaped in accordance with standards adopted by the City of Pearl.

c) *Side yards and rear yards where abutting ANY residential district:* 50 feet, which shall remain open and be landscaped in accordance with standards adopted by the City of Pearl; OR 30 feet, which shall remain open and be landscaped in accordance with the standards adopted by the City of Pearl AND a fence along the side or rear yards abutting such residential district; said fence shall be a minimum of eight (8) feet in height and shall be constructed of brick or solid (plank-to-plank) wood. Where this fencing option is chosen, the property owner shall be responsible for the maintenance of the fence, and failure to maintain it shall constitute a violation of this Ordinance.

1903.05 ***Minimum Space between Separate (Detached) Buildings on the Same Lot:*** 30 feet. No more than two-thirds (2/3) of the space between such buildings shall be paved; the remaining area shall be landscaped in accordance with the standards adopted by the City of Pearl.

SECTION 1904 - SITE PLAN REQUIRED

A site plan shall be submitted to the Mayor and Board of Aldermen in accordance with Sections 806 through 809 of this Ordinance.

SECTION 1905 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

See Section 404 of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities shall comply with Section 404.

SECTION 1906 - REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

See Article V for off-street parking, loading and access control requirements.

SECTION 1907 - ARCHITECTURAL REVIEW

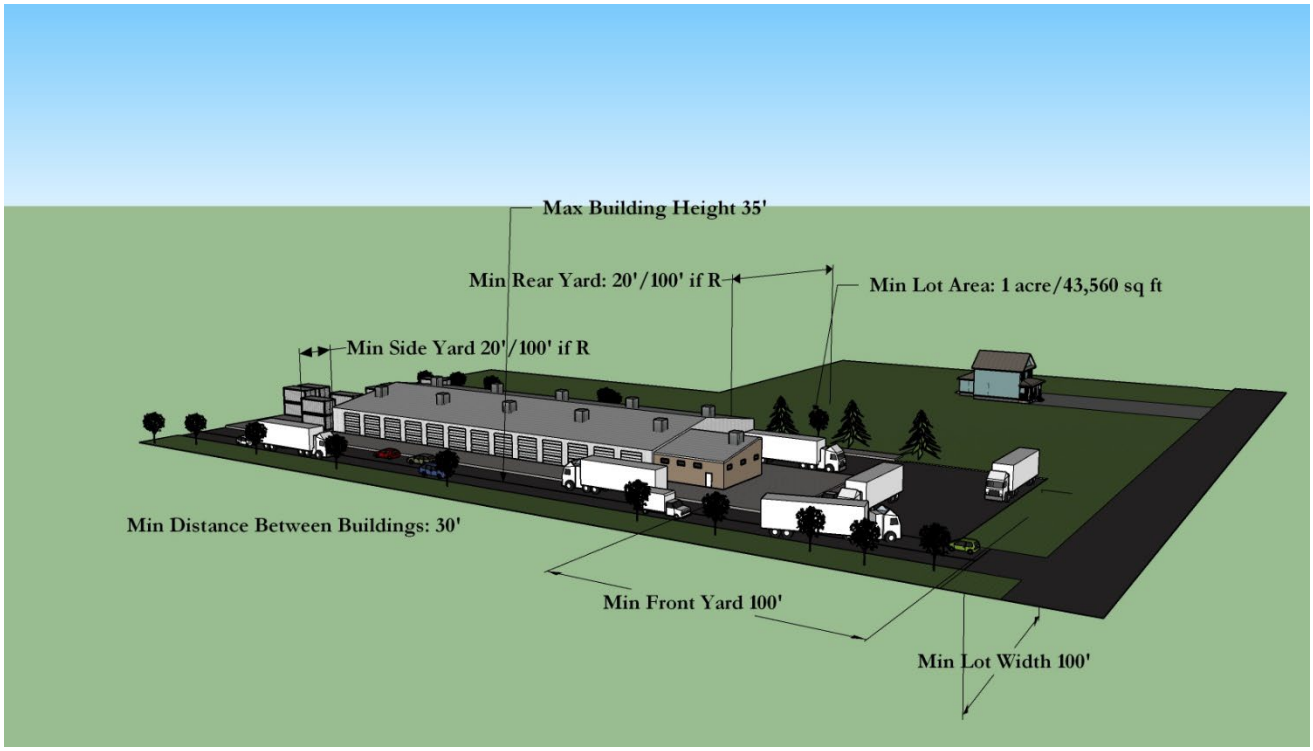
See City of Pearl Architectural Review Ordinance and Architectural Review Guidelines.

ARTICLE XX: HEAVY INDUSTRIAL DISTRICT (I-2)

Quick Reference Guide

Dimensional Requirements	
Maximum Building Height	35 feet
Minimum Lot Area	1 acre
Minimum Lot Width	100 feet

Minimum Yards		Buffer Yard Requirements	
Front Yard	100 feet	**When Abutting Districts**	All Districts Except I-1
Side & Rear Yard	20 feet	**Minimum Width**	30 feet
Side & Rear Yard if Abutting Residential	100 feet	**Screen Height Minimum**	8 feet



SECTION 2000 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide areas for the exclusive development of industrial uses that generally have extensive space requirements and/or in which all or part of the activities (other than temporary storage) associated with the use are conducted outdoors (outside of buildings). These activities often generate noise, odors, smoke or vibrations detectable to human senses off the premises on which the use is located.

It is the intent of this Ordinance that such "heavy" industrial districts be located insofar as possible adjacent only to C-3 Highway Commercial or I-1 Limited Industrial districts, which shall serve as transitional zones between I-2 districts and residential uses and lower intensity commercial uses. Heavy industrial uses shall be located only in areas directly accessible to streets, roads, or highways designated as principal or minor arterials on the adopted Thoroughfares Plan of the City of Pearl or accessible to railroads.

SECTION 2001 - LAND USES PERMITTED

The land uses permitted in I-2 districts may include those located outside of buildings, as well as those within buildings, subject to the regulations of this Ordinance and standards established by appropriate Federal and State regulatory agencies. The following uses are permitted outright:

A. Any use permitted in an I-1 district, subject to I-1 regulations.

B. Heavy manufacturing uses which are not potentially hazardous or offensive to neighboring land uses due to the emission of dust, gas, smoke, noise, fumes, odors, vibrations, or other objectionable influences shall be permitted by right in I-2 districts, except that manufacturing uses of the “wet” type (i.e., those industries which require large amounts of water in processing or discharge large amounts of by-products through the sewer system) shall be permitted only as conditional uses.

C. High-mast transmission and receiving towers.

D. Any other use which the mayor and board of aldermen determine to be of the same character and nature as those specifically permitted above.

SECTION 2002 - CONDITIONAL USES AND STRUCTURES

A. Any conditional use listed under I-1 district regulations, subject to I-1 regulations.

B. Primary metal manufacturing, including: blast furnaces, steel works, and the rolling and finishing of ferrous metals; iron and steel foundries; primary smelting and refining of non-ferrous metals; and similar activities.

C. Any manufacturing activity requiring large amounts of water for processing or discharging large amounts of waste or by-products into the sewer system.

D. ALL cemeteries.

E. Medical Cannabis Establishments including cultivation, dispensary, disposal, processing, research, testing, and transportation.

F. Public and quasi-public facilities and utilities may be allowed in this district in compliance with Section 402 of this Ordinance and subject to any limitations and restrictions deemed necessary by the Mayor and Board of Aldermen.

G. Any other use of a heavy industrial nature which is not prohibited under Section 407.05 of this Ordinance or otherwise prohibited by law may be allowed in I-2 districts, subject to any limitations and restrictions deemed necessary by the Mayor and Board of Aldermen.

H. Railroad rights-of-way and related facilities.

SECTION 2003 - DIMENSIONAL REQUIREMENTS

2003.01 ***Maximum Building Height:*** 35 feet, unless greater height is approved by the Mayor and Board of Aldermen.

2003.02 ***Minimum Lot Area:*** One (1) acre or 43,560 square feet.

2003.03 ***Minimum Lot Width:*** 100 feet.

2003.04 ***Minimum Yards:***

a) *Front yard:* 100 feet. The first ten (10) feet inside this front yard setback (adjacent to the street right-of-way line) shall remain open except for entrance/exit driveways and shall be landscaped in accordance with the standards adopted by the City of Pearl; no parking shall be permitted in these driveways.

b) *Side yards and rear yards where NOT abutting a residential district:* 20 feet; the first five (5) feet inside this side or rear yard setback (adjacent to the property line) shall be landscaped in accordance with the standards adopted by the City of Pearl.

c) *Side yards and rear yards where abutting ANY residential district:* 100 feet, which shall remain open and be landscaped in accordance with the standards adopted by the City of Pearl.

2003.05 ***Minimum Space between Separate (Detached) Buildings on the Same Lot:*** 30 feet. No more than two-thirds (2/3) of the space between such buildings shall be paved; the remaining area shall be landscaped in accordance with the standards adopted by the City of Pearl.

SECTION 2004 - SITE PLAN REQUIRED

A site plan shall be submitted to the Mayor and Board of Aldermen in accordance with Sections 806 through 809 of this Ordinance.

SECTION 2005 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

See Section 404 of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public

facilities shall comply with Section 404.

SECTION 2006 - REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

See Article V for off-street parking, loading and access control requirements.

SECTION 2007 - ARCHITECTURAL REVIEW ORDINANCE

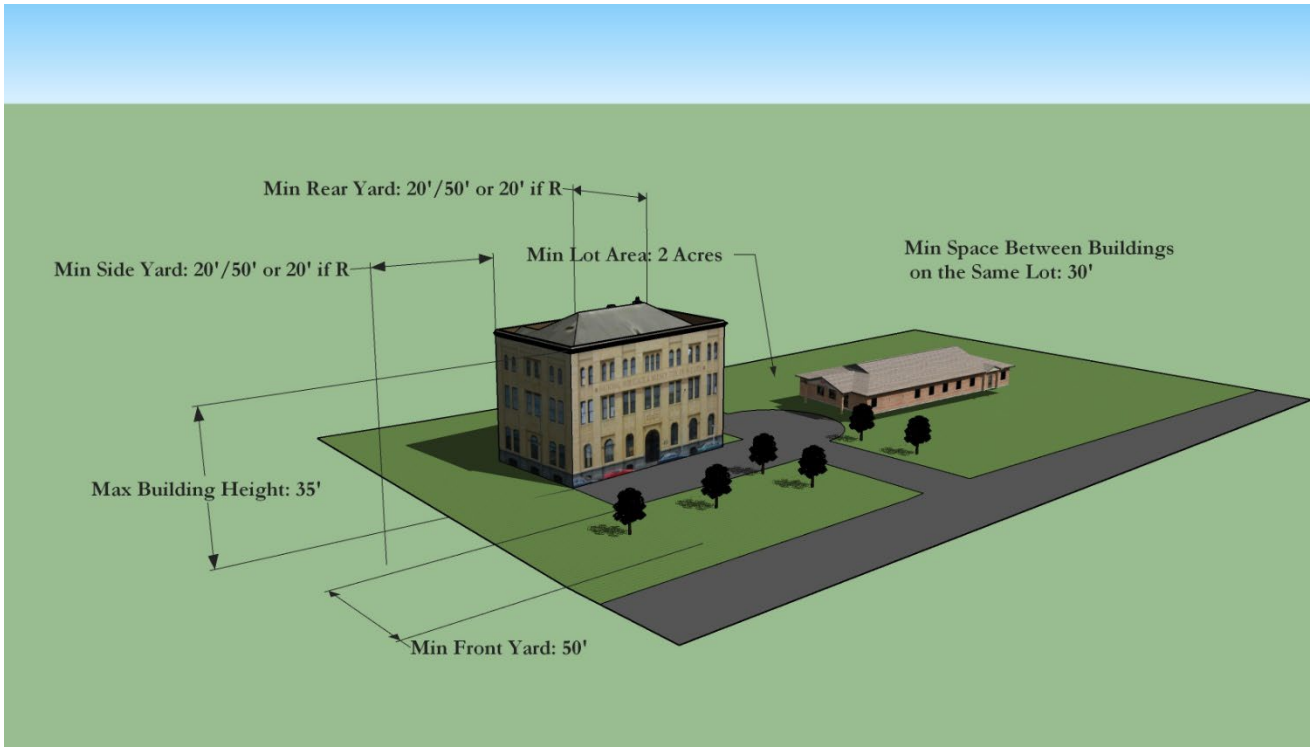
See City of Pearl Architectural Review Ordinance and Architectural Review Guidelines.

ARTICLE XXI: SPECIAL USE DISTRICT (S-1)

Quick Reference Guide

Dimensional Requirements	
Maximum Building Height	35 feet
Minimum Lot Area	2 acres
Minimum Lot Width	Not Regulated

Minimum Yards		Buffer Yard Requirements	
Front Yard	50 feet	**When Abutting Districts**	All Ag & Res. Districts
Side & Rear Yard	20 feet	**Minimum Width**	30 feet
Side & Rear Yard if Abutting Residential	50 feet	**Screen Height Minimum**	8 feet



SECTION 2100 - PURPOSE OF THIS DISTRICT

The purpose of this district is to provide areas for the development of special uses, which, because of their size, institutional nature and/or unique characteristics, do not fit compatibly into other zoning districts of the City. Such uses commonly constitute "self-contained communities" with housing, dining/food service facilities, recreational uses, commercial-type outlets, and parking lots provided primarily for the benefit of the staff, students, and residents of the institution on the grounds.

SECTION 2101 - ZONING OF ALL PROPERTY OWNED BY INSTITUTIONAL USES PERMITTED IN THIS DISTRICT SHALL BE S-1 UNLESS REZONED

The zoning of all property owned by institutions permitted in this district, including educational institutions, comprehensive elderly retirement facilities, or large-scale group care facilities shall be "S-1 Special Use District" unless the land owned by such institutions is rezoned by the Mayor and Board of Aldermen. Furthermore, if the operators of such institutions propose to acquire additional land following the effective date of this Ordinance, the operators of such institutions shall file an application for the appropriate zoning if not already zoned consistent with the proposed use. If the land to be acquired is to be used for the purposes specified in this article, then the land shall be zoned "S-1" accordingly.

This provision is intended to alert the public as to the possible character of future development of land proposed for rezoning by the operators of such institutional uses: for example, a proposed rezoning from "S-1" to a commercial classification.

SECTION 2102 - LAND USES PERMITTED

A. Educational institutions, including large-scale (with campuses generally encompassing 50 acres or more) colleges and universities, religious seminaries, and technical and vocational training facilities. Uses permitted in such S-1 districts include administrative buildings/offices; educational facilities such as classrooms, libraries, laboratories, and gymnasiums; stadiums, auditoriums and coliseums; student or faculty housing; dining or food service facilities; recreational facilities such as golf courses, tennis courts, swimming pools, and similar uses; chapels and places of worship; commercial-type facilities such as bookstores, laundries, hair styling shops and similar enterprises primarily intended for the benefit of students and staff; parking lots intended primarily for staff and students of the institution; and other uses commonly associated with educational institutions. Small-scale educational uses (generally, with campuses encompassing less than 50 acres), including elementary schools and secondary schools, are not included as special uses under this article, but are regulated as public/quasi-public uses under Section 402.

B. Comprehensive elderly retirement facilities, including those facilities which shall provide for the use of their residents the following:

    1. Residential units of varying size (i.e., number of bedrooms, different square footage

depending upon the needs of the individual residents);

2. Common dining facilities and some or all meals;
3. Housekeeping and linen service, available if desired by the residents;
4. Laundry services, available if desired by the residents;
5. Commercial facilities intended primarily for the benefit of staff and residents of the retirement facility, including such facilities as a beauty salon or barbershop, bookstores, and convenience-type commercial uses on site;
6. Local transportation provided directly by the facility (i.e., not contracted through taxicabs, etc.) for outings for residents;
7. Recreational facilities intended primarily for the benefit of staff and residents, such as a library, meeting/game room, spa or swimming pool, etc.; and
8. Security features, such as emergency pull cords in each residential unit;
9. On-site nursing and health care services and/ or facilities; and
10. Dwelling units for resident managers.

C. Large scale group care facilities for the housing and care of orphans, foster children, battered women and children, "disabled" persons (see Article II for definition of "disabled"), substance abuse patients, other persons requiring specialized treatment.

D. Any other use which the mayor and board of aldermen determine to be of the same character and nature as those specifically permitted above.

SECTION 2103 - CONDITIONAL USES AND STRUCTURES

Public and quasi-public facilities and utilities may be allowed in these districts in compliance with Section 402 of this Ordinance and subject to any limitations and restrictions deemed necessary by the Mayor and Board of Aldermen.

SECTION 2104 - DIMENSIONAL REQUIREMENTS

2104.01 ***Maximum Height:*** 35 feet, unless greater height is approved by the Mayor and Board of Aldermen.

2104.02 ***Minimum Lot Area:*** Two (2) acres.

2104.03 ***Minimum Lot Width:*** Not regulated.

2104.04 ***Maximum Buildable Area:*** Except for required minimum yards, off-street parking and loading requirements, and required distances between buildings, permitted uses may occupy as much of the site in an "S-1" district as is necessary to conduct the permitted activity.

2104.05 ***Minimum Space between Separate (Detached) Buildings on the Same Lot:*** 30 feet.

No more than two-thirds (2/3) of the space between such buildings shall be paved; the remaining area shall be landscaped in accordance with the standards adopted by the City of Pearl.

2104.06 Minimum Yards:

a) *Front yard:* 50 feet from the front of any proposed building to the right-of-way of any public (i.e., dedicated) street or highway; or 20 feet from the front of any proposed building to the curb or pavement line of any existing or proposed private street (i.e., circulation driveway) on the property of the S-1 use.

b) *Side yards and rear yards where NOT abutting a residential district or an existing single-family detached residential use:* 20 feet from any property line to any building; the first five (5) feet inside this side or rear yard setback adjacent to the property landscaped in accordance with the standards adopted by the City of Pearl.

c) *Side yards and rear yards where abutting ANY single family residential district or existing single-family detached residential use:* 50 feet from any property line to any building, which shall remain open and be landscaped in accordance with the standards adopted by the City of Pearl; OR 30 feet from any property line to any building, which shall remain open and be landscaped in accordance with the standards adopted by City of Pearl AND a fence along the side or rear yards abutting such residential district; said fence shall be a minimum of eight (8) feet in height and shall be constructed of brick or solid (plank-to-plank) wood. Where this fencing option is chosen, the property owner shall be responsible for the maintenance of the fence, and failure to maintain it shall constitute a violation of this Ordinance.

SECTION 2105 - SITE PLAN REQUIRED

A site plan shall be submitted to the Mayor and Board of Aldermen in accordance with Sections 806 through 809 of this Ordinance.

SECTION 2106 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

See Section 404 of this Ordinance regarding the provision of landscaping along arterial streets.

SECTION 2107 - REQUIRED FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

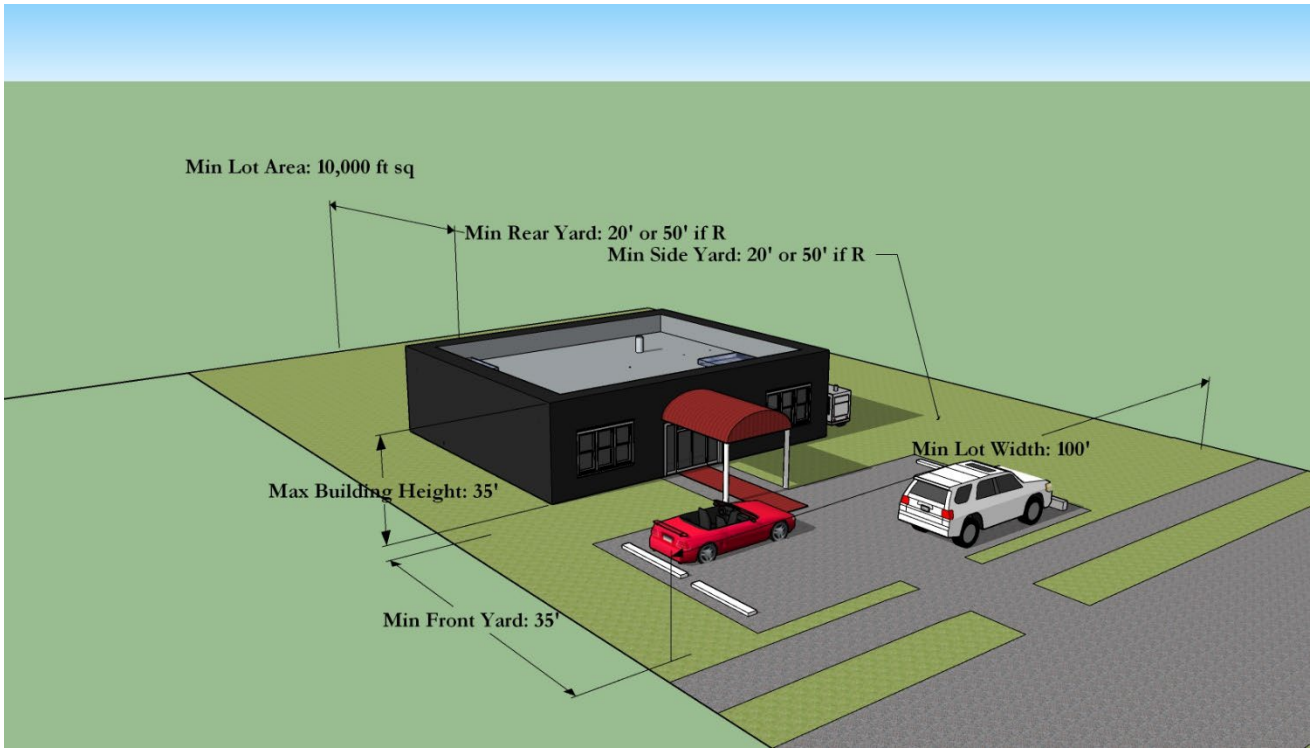
See Article V for off-street parking, loading and access control requirements.

ARTICLE XXII: ADULT ENTERTAINMENT DISTRICT (S-2)

Quick Reference Guide

Dimensional Requirements	
Maximum Building Height	35 feet
Minimum Lot Area	10,000 sf
Minimum Lot Width	100 feet

Minimum Yards		Buffer Yard Requirements	
Front Yard	35 feet	**When Abutting Districts**	All Districts Except I-2
Side & Rear Yard	20 feet	**Minimum Width**	30 feet
Side & Rear Yard if Abutting Residential	50 feet	**Screen Height Minimum**	8 feet



SECTION 2200 - PURPOSE OF THIS DISTRICT

The purpose of this district is to regulate the operation and location of adult entertainment establishments, as defined by this Ordinance, for the purposes of: (1) stemming a potential increase in criminal activities and disturbances of the peace and good order of The City of Pearl; (2) maintaining property values; (3) preventing injuries to residential neighborhoods and other commercial districts; (4) protecting and preserving the quality of life through effective land use planning.

The Mayor and Board of Aldermen have found that there is substantial evidence, including numerous studies, reports and findings on the potential harmful effect of adult entertainment uses made by cities, experts, urban planners, etc., which document that such uses adversely affect property values, cause an increase in crime, encourage businesses to move elsewhere, and contribute to neighborhood blight.

Therefore, this district is intended to regulate adult entertainment uses to insure that these adverse effects will not contribute to blighting or downgrading of surrounding neighborhoods.

SECTION 2201 - LAND USES PERMITTED

A. Any use permitted outright in the C-2 General Commercial or C-3 Highway Commercial District subject to all of the regulations of that district.
B. Adult arcades, adult bookstores, adult cabarets, adult motels, adult motion picture theaters, and other adult entertainment activities as defined by this Ordinance. However, no such establishment shall be located within two hundred fifty (250) feet of the property line of any other such use. Furthermore, no such establishment shall be located within one thousand (1,000) feet of the property lines of any existing residential use or any residentially zoned property, church, school, hospital, nursing home, cemetery, civic organization building or facility, charitable organization building or facility, public or private park or playground, or any property zoned S-1 Special Use District.
C. Any other use which the Board determines to be of the same character and nature as those specifically permitted above.

SECTION 2202 - CONDITIONAL USES AND STRUCTURES

A. Other uses that may be considered as Conditional Use for location in C-2 General Commercial or C-3 Highway Commercial District.
B. Public or quasi-public facilities and utilities in compliance with Section 402 and other regulations of this Ordinance.

SECTION 2203 - DIMENSIONAL REQUIREMENTS

2203.01 ***Maximum Building Height:*** 35 feet.

2203.02 ***Minimum Lot Area:*** 10,000 square feet.

2203.03 ***Minimum Lot Width:*** 100 feet.

2203.04 ***Minimum Yards:*** The minimum yard requirements for all uses permitted in a S-2 district shall be as follows, unless otherwise specified in 2201 B:

A. *Front yard:* 35 feet. The front yard setback shall be a minimum of thirty-five (35) feet from any existing or proposed right-of-way line of any street or road. However, the first fifteen (15) feet of this setback shall be open landscaped area, with no parking permitted in this area.
B. *Side yards and rear yards where not abutting a residential district or residential use:* 20 feet.
C. *Side yards and rear yards where abutting any residential district or residential use:* fifty (50) feet, which shall remain open and be landscaped; or 30 feet, which shall remain open and be landscaped and a fence along side or rear yards abutting such residential district or residential use.

SECTION 2204 - SITE PLAN REQUIRED

A site plan shall be submitted to the Planning and Zoning Commission in accordance with Sections 806 through 809 of this Ordinance.

SECTION 2205 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

See Section 404 of this Ordinance regarding the provision of landscaping along arterial streets.

SECTION 2206 – REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

See Article V for off-street parking, loading and access control requirements.

SECTION 2207 – ARCHITECTURAL REVIEW ORDINANCE

See City of Pearl Architectural Review Ordinance.

ARTICLE XXIII: WIRELESS COMMUNICATIONS

SECTION 2300 - PURPOSE OF THIS ARTICLE

The City desires to encourage the orderly development of wireless communications technologies for the benefit of the city and its citizens. The city also recognizes the excellent character of the residential communities of the city and the dramatic increase in residential growth. As a matter of public policy, the city aims to encourage the delivery of new wireless technologies throughout the city while controlling the proliferation of communications towers. Such development regulations will promote and protect the health, safety, prosperity and general welfare of persons living in the city. Specifically, this article pertaining to wireless communications facility telecommunications overlay districts is designed to achieve the following:

A. Provide a range of locations for wireless communications facilities in various zoning districts;

B. Encourage the location of wireless communications facilities onto existing structures to reduce the number of new communication towers needed within the city;

C. Encourage co-location and site sharing of new and existing wireless communications facilities;

D. Control the type of tower facilities constructed, when towers are permitted;

E. Establish adequate development and design criteria to enhance the ability of providers of telecommunications services to provide service to the city quickly, effectively and efficiently;

F. Protect residential and multi-use areas from the uncontrolled development of wireless communications facilities by requiring reasonable siting conditions;

G. Promote the use of suitable sites, public and private, for the location of wireless antennas, towers and/or wireless communications facilities;

H. Ensure the harmonious, orderly and efficient growth and development of the city;

I. Stabilize the economy of the city through the continued use of the city's public resources;

J. Provide overlay districts in which the zoning laws permit the development of wireless communications facilities which are consistent with the requirements of the Federal Telecommunications Act of 1996, and in the best interest of the future of the city;

K. Provide clear performance standards addressing the siting of wireless communications facilities; and

L. Streamline and expedite the permitting procedures to effect compliance with the Federal Telecommunications Act of 1996.

SECTION 2301 – USES NOT COVERED BY ARTICLE

Nothing in this article shall affect the right of a property owner to continue any legal

nonconforming use.

SECTION 2302 – CONSTRUCTION OF OTHER ORDINANCES

If this article conflicts with any other ordinance provisions of the city, this article shall control.

SECTION 2303 - DISTRICTS

The city shall be divided into two wireless communications facility overlay districts. Such districts shall include all lands situated within the city as follows:

A. Wireless Communications Facility Overlay District 1 shall include only those areas which are owned or leased by the City of Pearl, Mississippi, those areas zoned industrial, those areas zoned agricultural, and any areas subsequently added and less any areas subsequently deleted from such district. Attached wireless communications facilities with or without support structures shall be permitted in this District as set forth in section 2310B.

B. Wireless Communications Facility Overlay District 2 shall consist of all lands, not zoned for residential use and not included in Wireless Communications Facility Overlay District 1. Attached wireless communications facilities shall be permitted in this District as set forth in section 2310B. Wireless communications facilities with support structures shall not be permitted under this article in District 2.

SECTION 2304 – PERMIT REQUIRED

No person shall install or construct a wireless communications facility without first obtaining a tower use permit (TUP) pursuant to the requirements set forth in this article.

SECTION 2305 – PREEXISTING WIRELESS COMMUNICATIONS FACILITIES EXEMPT

Wireless communications facilities which exist prior to the effective date of this Ordinance shall not be required to meet the requirements of this article.

SECTION 2306 – AMATEUR RADIO

The provisions of this article shall not operate to preclude licensed amateur radio communications by an amateur radio facility which is owned and operated by a federally licensed amateur radio station operator, or a facility which is used exclusively for receive-only antennas. No Amateur radio tower shall be constructed or maintained until Final Site and Building Plans have been submitted to and approved by the Director for Community Development. The Proposed Site Plan and Building Plan shall state the minimum height of a tower technically necessary at the site to receive and broadcast amateur radio signals, the proposed band widths of operation, type of communications equipment, including antennas and support structures, proposed geographic areas of communication, and existing and proposed screening. The Proposed Plan shall identify and address all safety issues. The Proposed Plan shall state the name and address of all land owners within 160 feet of the property lines of the property on which the tower is proposed to be placed. The Proposed Plan shall show the proposed placement of the tower in relation to structures and neighboring properties, including the

distances to structures and property lines. Accompanying the Proposed Plan shall be a copy of the applicant's current FCC license. Accompanying the Proposed Plan shall be a certificate from the applicant stating that he or she has provided notice, by certified mail, return receipt requested, or hand delivery (receipt acknowledged in writing) to the identified land owners of the application for permission to construct a tower. The notice shall include the height and location of the proposed tower. A plan review fee of $500.00, shall accompany each permit application. Such fees may be used by the city to engage an engineer, or other qualified consultant, to review the technical aspects of the application and any studies deemed necessary. If the proposed tower is located in a platted subdivision then the application must also include a certified copy of the protective covenants or restrictions which apply to lots within the subdivision.

The Director of Community Development shall make an administrative decision concerning whether a permit should be granted under this section. Any appeal shall be directly to the Governing Authorities and shall proceed as other appeals described in this Article. The criteria shall be whether the application is complete; whether proposed tower is safe; whether the tower is the minimum height of a tower technically necessary at the site to receive and broadcast amateur radio signals; and, whether the placement and design of the tower, vegetation and screening are such that the tower will have a minimum adverse impact on the other properties in the area. In no event shall an amateur radio tower exceed the maximum height of 70 feet.

SECTION 2307 – RELATIONSHIP TO OTHER ORDINANCES

This article shall supersede all conflicting requirements of other ordinances regarding the locating and permitting of wireless communications facilities.

SECTION 2308 – AIRPORT ZONING

A wireless communications facility located or proposed to be located in airport areas governed by the Federal Aviation Administration (FAA) shall also comply with the provisions of all applicable local, state and federal airport regulations.

SECTION 2309 – BUILDING CODES

Construction of all wireless communications facilities, including but not limited to towers related to amateur radio operations, shall comply with the requirements of the city building codes and permitting process in addition to the requirements of this article.

SECTION 2310 – DEVELOPMENT CRITERIA

Allowable uses, subject to the limitation within each overlay district, shall include the underlying zoning district, plus wireless communications facilities in compliance with the following development criteria:

A. *Height.* The following height standards shall apply to all wireless communications facility installations:

1. Attached wireless communications facilities shall not add more than 20 feet to the height of the existing building or structure to which it is attached (attachment structure).
2. Wireless communications facilities with support structures shall have a maximum height of 150 feet.

B. *Setback.* The following setback standards shall apply to all wireless communications facility installations:

1. Antenna arrays for attached wireless communications facilities are subject to the same setback provisions of the zoning district in which they are located. An attached wireless communications facility antenna array may extend no more than 30 inches horizontally beyond the edge of the attachment structure and as long as the antenna array does not encroach upon an adjoining parcel.
2. Wireless communications facilities with support structures shall be set back a minimum of thirty-five (35) feet from all property lines. However no Wireless communications facilities with support structures is to be located in proximity to occupied structures (commercial or residential) on adjoining parcels of property located within a distance equal to the height of the proposed tower. In addition Wireless communications facilities with support structures must be setback at least 100 feet from the nearest property line of any property located in a residential zoning designation.

C. *Landscaping and screening.* The following landscaping and screening requirements shall apply to all wireless communications facility installations:

1. New wireless communications facilities with support structures and attached wireless communications facilities with new building construction shall be landscaped in accordance with a plan submitted to and approved by the Director of Community Development. The plan should provide for the plantings of trees and other live vegetation to provide a more pleasing view from the ways of travel and adjoining properties, provide a continuity of vegetation throughout the city, reduce the amount of standing surface water and reduce stormwater runoff.
2. Existing mature tree growth and natural land form on the wireless communications facility site shall be preserved to the extent feasible; provided, however, that vegetation that causes interference with the antennas or inhibits access to the equipment facility may be trimmed or removed.
3. Existing vegetation on a wireless communications facility site may be used in lieu of required landscaping when approved by the Director of Community Development.

D. *Aesthetics, placement, materials and colors.* Wireless communications facilities shall be

designed to be compatible with the existing structures and surroundings, to the extent feasible, including placement in a location which is consistent with proper functioning of the wireless communications facility, the use of compatible or neutral colors or stealth technology.

E. *Lighting and signage.* The following lighting and signage requirements shall apply to all wireless communications facility installations:

1. Wireless communications facilities shall not be artificially illuminated, directly or indirectly, except for:

   a) Security and safety lighting of equipment buildings if such lighting is appropriately down-shielded to keep light within the boundaries of the site; and

   b) Such illumination of the wireless communications facility as may be required by the Federal Aviation Administration, or other applicable authority, installed in a manner which minimizes the impact on adjacent residences.

2. Wireless communications facilities shall not display any signage, logos, decals, symbols or messages of a commercial or noncommercial nature, except for a small message containing provider identification and emergency telephone numbers, and such other information as may be required by local, state or federal regulations governing wireless communications facilities.

F. *Security fencing.* Wireless communications facilities with support structures shall be enclosed by an opaque security fence which shall not be less than six feet in height. Security fences may be incorporated into the buffer, landscaping and screening requirements for the wireless communications facility site. Nothing in this subsection shall prevent security fencing that is necessary to meet the requirements of state or federal agencies.

G. *Radio frequency emissions/sound*. The following radio frequency emissions standards shall apply to all wireless communications facility installations:

1. The Federal Telecommunications Act of 1996 gives the Federal Communications Commission (FCC) jurisdiction over the regulation of radio frequency (RF) emissions, and wireless communications facilities that do not exceed the FCC standards shall not be conditioned or denied on the basis of RF impact.

2. In order to provide information to its citizens, copies of ongoing FCC information concerning wireless communications facilities and RF emissions standards may be requested. An applicant for wireless communications facility permit shall be required to provide information with the application on the measurement of the effective radiated power of the facility, and how it meets the FCC standards.

3. No unusual sound emissions, such as alarms, bells, buzzers, etc., shall be permitted.

H. *Structural integrity.* Wireless communications facilities with support structures shall be constructed to the Electronics Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision F Standard entitled "Structural Standards for Steel Antennas, Towers and Antenna Support Structures," or its equivalent. Each support structure shall be capable of supporting at least three antenna arrays.

I. *Co-location agreement.* All applicants for wireless communications facilities are required to submit a statement with the application agreeing to allow and reasonably market co-location opportunities to other wireless communications facility users. The statement shall include the applicant's policy regarding co-location of other providers, and the methodology to be used by the applicant in determining reasonable rates to be charged to other providers. The co-location agreement shall be considered a condition of issuance of a tower use permit. A tower use permit shall not be issued unless the applicant complies with the co-location policy as set forth below.

J. *Stealth, Shared facilities and co-location policy.*

1. New wireless communications facilities within the city shall be engineered, designed and constructed to be inconspicuous or hidden or with as low visual impact as is economically feasible. In addition wireless communications facilities with support structures shall be engineered, designed and constructed to be capable of sharing the facility with other providers, to collocate with other existing wireless communications facilities and to accommodate the future co-location of other wireless communications facilities. A tower use permit (TUP) shall not be issued until the applicant proposing a new wireless communications facility shall demonstrate that it has made a reasonable good faith attempt to locate its wireless communications facility onto an existing structure. Competitive conflict and financial burden are not deemed to be adequate reasons against co-location.

2. All wireless communications facilities with support structures up to a height of 150 feet shall be engineered and constructed to accommodate at least a three-antenna array. Any wireless communications facilities with support structures of a height of more than 150 feet, if approved as a conditional use, shall be engineered and constructed to accommodate at least a four-antenna array.

SECTION 2311 – REVIEW PROCESS

A. *Permitting procedures.* Attached wireless communications facilities, with or without new building construction, which meet the development criteria set forth in section 2410, may be permitted by administrative review in all commercial and industrial zoning districts, except as otherwise specified in this section. All monopole-type wireless communications facilities with support structures which meet the development criteria and are located on properties located in the wireless communications facility overlay district 1 as set forth in section 2303 may be permitted by administrative review, except as otherwise specified in this section. All other

wireless communications facilities, regardless of type or location, shall be subject to the zoning board hearing process with final decision by the Governing Authorities, and may not be approved by the administrative review process; provided, further, that any wireless communications facility (attached or with a support structure), regardless of type, which is to be located within the Downtown Development District or located within 500 feet of an area zoned residential, will be subject to review by and recommendation of the zoning board and final decision by the governing authorities. All wireless communications facility applications which do not conform to the provisions of section 2310, or otherwise are not eligible for administrative review, shall be subject to the zoning board review process with final decision by the Governing Authorities.

B. *Wireless communications facilities as a part of a coordinated development approval.* Wireless communications facilities which are a part of a proposed residential or nonresidential subdivision, planned unit development, site plan, conditional rezoning or other coordinated development approval shall be reviewed and approved by the governing authorities.

C. *Wireless communications facilities for temporary term.* Temporary wireless communications facilities may be permitted by administrative approval for a term not to exceed 90 days. Once granted, a temporary wireless communications facility permit may be extended for an additional 90 days upon evidence of need by the applicant. In case of an emergency (e.g., storm damage to an existing tower or other circumstances resulting in the interruption of existing service), the administrative review shall be expedited to the extent feasible.

SECTION 2312 – APPROVAL PROCESS

A. *Application.* All persons requesting a tower use permit (TUP), regardless of wireless communications facility type, shall submit an application for such permit in accordance with the requirements set forth in this section.

1. Contents. Each applicant requesting a TUP under this article shall submit a scaled site plan containing a scaled elevation view and other supporting drawings, calculations and other documentation showing the location and dimensions of the wireless communications facility and all improvements associated with such facility, including information concerning specifications, antenna locations, equipment facility and shelters, landscaping, parking, access, fencing and, if relevant as determined by the city staff, topography, adjacent uses and existing vegetation. Applicants proposing to collocate on an existing wireless communications facility shall include a radio frequency intermodulation study with the permit application.

2. Submission requirements. Application for a TUP shall be submitted to the city on forms prescribed by the city. The application shall be accompanied by a site plan containing the information set forth in subsection (a)(1) of this section, and a copy of the appropriate

Federal Communications Commission (FCC) license. If zoning board review is required, the application and site plan shall be placed on the next available zoning board agenda in accordance with the agenda deadlines established by the city.

3. Fees. A plan review fee of $500.00, and a radio frequency modulation study review fee of $500.00 (co-location applicants only) shall accompany each permit application. Such fees may be used by the city to engage an engineer, or other qualified consultant, to review the technical aspects of the application and radio frequency intermodulation study, if required.

4. Technical assistance. In the course of its consideration of a permit application, the city, the Director of Community Development, zoning board or the board of aldermen may deem it necessary, in complex situations, to employ an engineer, or other consultant qualified in the design and installation of wireless communications facilities, to assist the city in the technical aspects of the application. In such cases, any additional reasonable costs incurred by the city, not to exceed $1,500.00, for the technical review and recommendation shall be reimbursed by the applicant prior to the final city hearing on the TUP.

B. *Administrative review.* The following administrative review process shall apply to all wireless communications facility applications eligible for administrative review:

1. Review authority. Review of wireless communications facilities under this section shall be conducted by the Director of Community Development or his designee upon the filing of a wireless communications facility application.

2. Review criteria. Each permit application shall be reviewed for compliance with the provisions of section 2310.

3. Timing of decision. The Director of Community shall render a decision on the wireless communications facility application by written response to the applicant within ten business days after receipt of the completed application, except that the Director may take an additional reasonable period to respond if he deems it necessary. Any application that is not reviewed within thirty (30) business days shall be submitted to the zoning board for review.

4. Deferral. The Director of Community Development may defer administrative approval of wireless communications facility for any reason. Deferral of administrative approval shall require submission to the zoning board for review.

5. Application denial. If administrative approval is not obtained due to noncompliance with the provisions of section 2310, the applicant may appeal the denial by applying for zoning board review and in turn review by the governing authorities.

6. Application approval. If the TUP application is in compliance with the provisions of section 2310 and otherwise meets the requirements of this Ordinance, the Director of Community Development shall issue the TUP.

C. *Zoning board review.* The following shall apply to all tower use permit (TUP) applications requiring submission to the zoning board:

1. Review authority. The zoning board shall be the review and recommendation authority for TUP applications which are not eligible for administrative review or which are otherwise referred to the zoning board.

2. Notice. Notice of the application and the hearing by the zoning board shall be accomplished in the same manner as a rezoning request.

3. Proceedings. The zoning board shall review and consider the TUP application. Interested persons may appear and offer information in support or opposition to the proposed application. The zoning board shall consider the following in reaching a decision on the application:

   a) Development criteria variance. The TUP application shall be reviewed for compliance with the provisions set forth in section 2310, provided that the zoning board may recommended that the applicable provisions of section 2310 be amended or waived by the governing authorities.

   b) Tower siting conditions. The zoning board may recommend conditions and restrictions on the application, or the premises benefited by the TUP, as it deems necessary, to reduce or minimize any adverse effects and to enhance the compatibility of the wireless communications facility with the surrounding property.

   c) Action. Following the proceedings before the zoning board, the zoning board shall make one of the following recommendations to the Governing Authorities:

      i. Approval of the application as submitted;

      ii. Approval of the application with conditions or modifications;

      iii. Deferment of the application for additional information or neighborhood input; or

      iv. Denial of the application.

4. Findings. All recommendations of the zoning board in regard to a TUP shall be submitted in writing and supported by written findings of fact and conclusions of law. The written recommendations of the Zoning Board shall be submitted to the Governing Authorities at their next regular meeting following the proceedings before the zoning board, unless time does not permit completion of a written report. In such case the applicant may request the Governing Authorities to set a public hearing and proceed without a written report.

5. Timing of decision. The zoning board shall render its decision within 60 days or less of

the final submission of all required application documents and technical evaluations; however, the time limit may be increased due to deferrals by either the applicant or the zoning board.

6. Proceedings before the Governing Authorities. The decisions of the Director of Community Development may be appealed to the Governing Authorities and, unless the applicant is seeking an amendment, variance or modification, the Governing Authorities may consider the matter without a public hearing. The recommendations of the Zoning Board and final approval of applications which can not be approved at the administrative level shall be considered by the Governing Authorities at a public hearing. Notice of the application and the public hearing before the Governing Authorities shall be accomplished in the same manner as a re-zoning. At the hearing, interested persons may appear and offer information in support or opposition to the proposed application. The Governing Authorities may approve or deny the application or may impose conditions and restrictions on the application, or the premises benefited by the TUP, as it deems necessary, to reduce or minimize any adverse effects and to enhance the compatibility of the wireless communications facility with the surrounding property, in accordance with the purposes and intent of this article. The violation of any condition of this article shall be grounds for revocation of the TUP. The Governing Authorities may, in its discretion, defer the application for a reasonable period to obtain additional information or neighborhood input. The Governing Authorities shall render a decision within 60 days or less of the public hearing. However, the time limit may be increased due to reasonable deferrals by the Governing Authorities.

7. Architectural Review Board. If a wireless communications facility application requires review by the architectural review board, such review shall be conducted by the architectural review board in accordance with the procedures for issuance of a certificate of appropriateness. If the applicant is granted the certificate, the application shall then be reviewed by the Governing Authorities in accordance with the procedures contained in this section. The Governing Authorities shall not consider a wireless communications facility application requiring a certificate of appropriateness unless such certificate has been granted by the architectural review board. Architectural review board decisions regarding wireless communications facility applications may be appealed to the Governing Authorities.

SECTION 2313 – REMOVAL OF ABANDONED WIRELESS COMMUNICATIONS FACILITIES

Prior to construction of any wireless communications facility with a support structure, the holder of the permit shall provide the City with a removal bond payable to the city with sufficient sureties, to be approved by the Governing Authorities, in an amount to pay for the removal of the

wireless communications facility with a support structure. A wireless communications facility that is not operated for a continuous period of 12 months shall be considered to be abandoned, and the owner of such wireless communications facility shall remove the wireless communications facility within 90 days after notice from the city to do so. If the abandoned wireless communications facility is not removed within 90 days, the city may remove such facility and recover the costs of such removal from the wireless communications facility owner or its surety, or both. If there are two or more users of a single wireless communications facility, the requirements of this section shall not become effective until all providers cease to use the wireless communications facility. If the owner of an abandoned wireless communications facility cannot be located, or is no longer in business, the requirements of this section shall be the responsibility of the landowner on whose property the wireless communications facility is located.

SECTION 2314 – NONCONFORMING WIRELESS COMMUNICATIONS FACILITIES

Wireless communications facilities in existence in the city on the effective date of this Ordinance, which do not comply with the requirements of this article are subject to the following provisions:

A. Expansion. Nonconforming wireless communications facilities may continue in use for the purpose for which they were used on such date, but may not be expanded without complying with the provisions of this article, except as further provided in this section.

B. Additions. Nonconforming wireless communications facilities may add additional antennas (belonging to the same provider or other providers) subject to administrative review under this article.

C. Repairs or reconstruction. Nonconforming wireless communications facilities which become damaged for any reason or cause may be repaired and restored to their former use, location and physical dimensions subject to the provisions of this article; provided, however, that if the damage to the wireless communications facility exceeds 50 percent of the replacement cost of such facility, the wireless communications facility may only be reconstructed or repaired in compliance with the provisions of this article.

D. Abandonment. Any wireless communications facility not in use for a period of six months shall be deemed to be abandoned, and all rights as a nonconforming use shall cease upon such finding.

SECTION 2315 - REVOCATION OF TOWER USE PERMITS

A tower use permit issued pursuant to this article may be revoked after a hearing as provided in this section. If the Governing Authorities find that a permit holder has violated any provision of this article, or has failed to make good faith reasonable efforts to provide or seek co-location, the Governing Authorities may revoke the tower use permit upon such terms and conditions, if any, that the Governing Authorities may determine. Prior to initiation of revocation proceedings, the city shall notify the permit holder in writing of the specific areas of noncompliance, and shall specify the date by which such

deficiencies must be corrected. The time for correction of such deficiencies shall not exceed 60 days. The permit holder shall provide the city with evidence that the required corrective action has been taken. If the permit holder fails to correct such deficiencies in the time required, the mayor and board of aldermen shall convene a public hearing to consider revocation of the tower use permit. The hearing shall be conducted pursuant to notice by publication in a newspaper of general circulation within the city not less than ten days prior to the hearing, and by written notice to the permit holder. At such hearing, the permit holder may be represented by an attorney, and may cross examine opposing witnesses. Other interested persons may make comment. The Governing Authorities may impose reasonable restrictions with respect to time and procedure for such comments.

SECTION 2316 - ANNUAL REVIEW

The Director of Community Development shall review the provisions of this article on an annual basis, and shall make written recommendations to the Governing Authorities concerning any necessary or beneficial alterations or amendments.

ARTICLE XXIV: WAREHOUSE DISTRICT

Quick Reference Guide

Dimensional Requirements	
Maximum Building Height	35 feet
Minimum Lot Area	Multi-Tenant: 3 acres
	Single Tenant: 10,000 sf
Minimum Lot Width	100 feet

Minimum Yards		Buffer Yard Requirements	
Front Yard	40 feet	**When Abutting Districts**	All Districts except I-1 and I-2
Side & Rear Yard	20 feet	**Minimum Width**	30 feet
Side & Rear Yard if Abutting Residential	50 feet	**Screen Height Minimum**	8 feet

SECTION 2400 – PURPOSE OF THIS DISTRICT

The purpose of the Warehouse District is to provide areas for the development and operation of light or moderate internal warehousing of goods and orderly outside storage.

SECTION 2401 - LAND USES PERMITTED

The following land uses are allowed in the Warehouse District:

A. Light or moderate internal warehousing of goods and orderly outside storage.

B. Any use permitted in the C-3 Highway Commercial District subject to all restrictions applicable in said district.

C. Uses by conditional use shall be the same conditional use permits in the C-3 Highway Commercial District.

SECTION 2402 - DIMENSIONAL AND OTHER REQUIREMENTS

Maximum Height, Minimum Lot Area, Setbacks, Site and Development Plans, Minimum Yards and Space Between Buildings, Green Space and Buffering shall be the same as C-3.

No fencing shall be installed within any front setback area. Fencing layout, height and materials are subject to approval by the Department of Community Development. Such approvals shall expire seven (7) years after installation unless extended or renewed in writing by the Director of the Department of Community Development, for a time period not to exceed seven (7) years.

All outdoor storage must be neat and orderly. No items may be stored within the front setback or within any public right-of-way.

SECTION 2403 - SITE PLAN REQUIRED

A site plan shall be submitted to the Mayor and Board of Aldermen in accordance with Sections 806 through 809 of this Ordinance.

SECTION 2404 - REQUIRED LANDSCAPING ALONG ARTERIAL STREETS

See Section 404 of this Ordinance regarding the provision of landscaping along arterial streets upon which the use abuts. Where permitted as special exceptions, the developers of public/quasi-public facilities shall comply with Section 404.

SECTION 2405 - REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

See Article V for off-street parking, loading and access control requirements.

ARTICLE XXV: PEARL TOWN CENTER DISTRICT



SECTION 2500 – PURPOSE OF THIS DISTRICT

The purpose of the Pearl Town Center District (PTC) is to provide for and promote the development of a compact mixed-use town center reflecting the timeless building patterns of traditional downtown environments. These patterns include design characteristics that prioritize pedestrian activity, human scaled environments, abundant landscaping, and quality architectural design. The district accommodates a range of uses including commercial, residential, small-scale production, and open space. While land use is a very important consideration, building form, lot placement, and streetscape design take precedence in creating the walkable, mixed-use desired environment.

SECTION 2501 – DEVELOPMENT PRINCIPLES

The general development principles of the Pearl Town Center District are to:

1. Promote a pedestrian-oriented urban form. In contrast to conventional zoning standards that place a primary emphasis on the regulation of land uses, form-based, mixed-use development standards focus on promoting a pedestrian scaled, walkable urban environment, consistent with traditional downtowns. The focus on building form promotes building that conforms to proven urban design principles.
2. Require excellence in the design of the public realm and of buildings that front public spaces. The most successful and memorable urban environments are those in which walking is ap- pealing. Streets, plazas, parks, and other public spaces should be comfortable and inviting, and buildings fronting those spaces should be active and visually interesting to pedestrians.
3. Encourage creativity, architectural diversity, and quality design. The district is intended to pro- mote high quality design, and the development review process for mixed-use projects is intended to promote flexibility. Standards and guidelines, as well as the development review process, are intended to support creativity and quality design while discouraging conventional auto dominated, suburban development patterns.

SECTION 2502 – DISTRICT ORGANIZATION

The Pearl Town Center District provisions, standards and requirements are presented in an organizational pattern distinct from the conventional zoning districts. These provisions in are organized under the following sections as follows:

a. District Regulating Plan - The District Regulating Plan established the subdistrict for the overall district.
b. District Use Matrix - The use matrix sets out the permitted uses by subdistrict.
c. Building Types Established - Building Types Established section defines the range of building types and where permitted by sub- district.
d. Building Type Requirements - The Building Type Requirements section establishes the design parameters of each building type.
e. Mobility Standards - The Mobility Standards section establishes the design parameters for the mobility components of the district.

f. Additional Standards - Additional design standards are set for the in the Additional Standards section.

SECTION 2503 – REGULATING PLAN

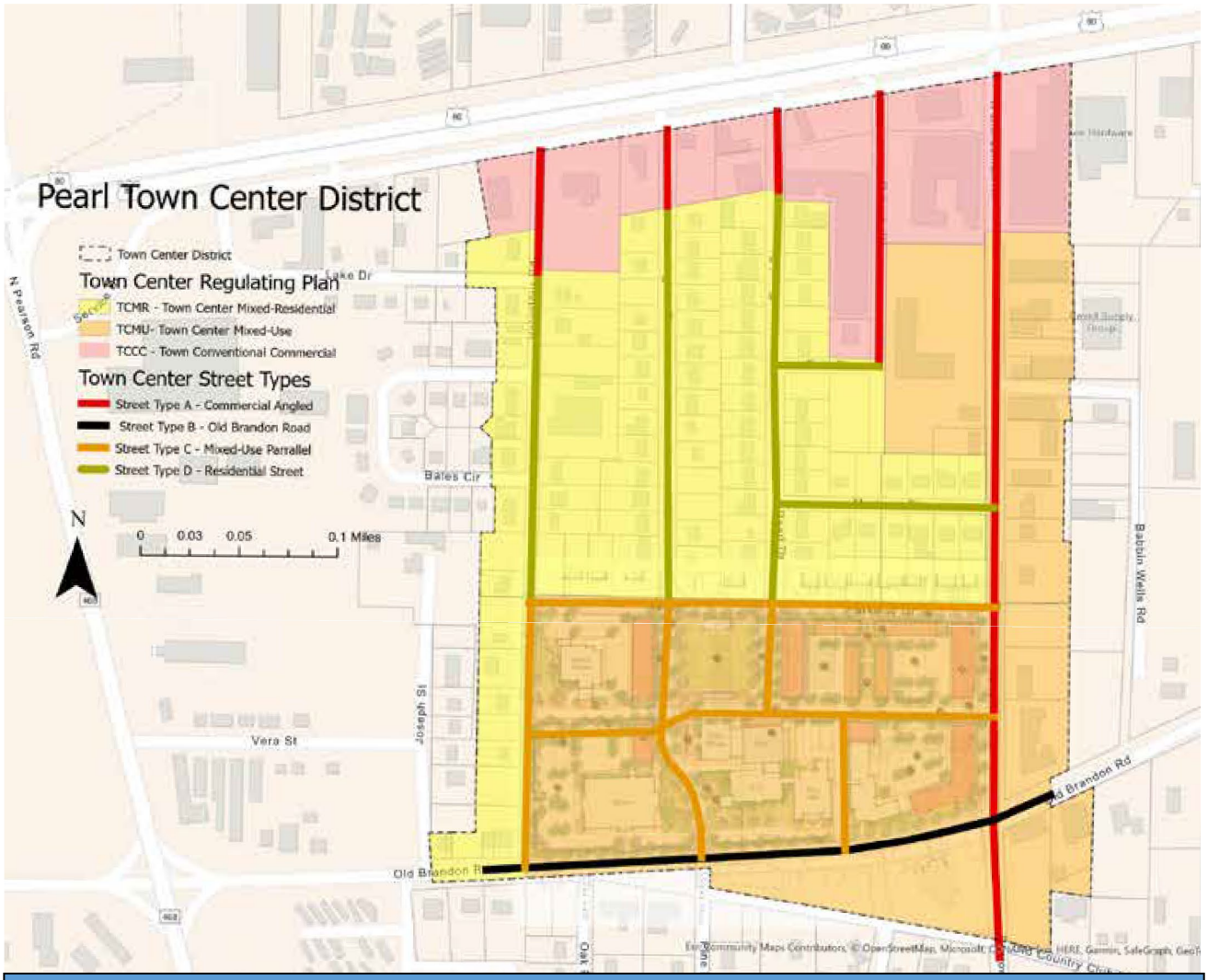
The Pearl Town Center District Regulating Plan is illustrated on the map below. The district has been identified and planned by the City for development and redevelopment consistent with the purposes and development principles of the district. To achieve its purposes, the Pearl Town Center District is divided into the following sub-districts as illustrated on the Pearl Town Center District Regulating Plan:

1. TCMU - Town Center Mixed Use Subdistrict
2. TCMR - Town Center Mixed Residential Subdistrict
3. TCCC - Town Center Commercial Retrofit

SECTION 2504 – BUILDING TYPES

While other districts in this ordinance do not define building types, this district requires that building types be defined to achieve its purposes. The following building types are established and are defined in Section 2506.

1. Mixed-Use Building
2. Storefront - Single Story
3. Single-family Dwelling
4. Dwelling, Two-family, Duplex
5. Mid-rise Dwelling
6. Townhome Dwelling, Attached



Pearl Town Center District Regulating Plan

SECTION 2505 – DISTRICT USE MATRIX

The use of land and structures within the Pearl Town Center District shall conform to the uses listed in the table below:

Land Use P=Permitted, C=Conditional, X= Not Permitted		Pearl Town Center Subdistrict		
		TC - Mixed Use	TC - Mixed Residential	TC - Commer-cial Retrofit
Residential	Detached single household dwelling	X	P	X
	Attached single household dwelling (duplex)	X	P	X
	Townhouse (triplex, quadplex)	X	P	X
	Live-work unit	P	P	X
	Manufactured homes	X	X	X
	Group homes	X	C	X
	Assisted living facility	P	C	X
	Attached multi-household residential (apartments)	P	X	P
	Caretakers dwellings	X	X	P
Commercial/Mixed -Use	Daycare facilities.	P	C	
	Commercial retail *Pawn shops and second hand stores prohibited	P	X	P
	Hotels and motels.	P	X	P
	Eating/drinking establishments	P	X	P
	Veterinary clinics and kennels, exterior runs	X	X	
	Veterinary clinics and kennels, interior runs	X	X	P
	Entertainment, commercial indoor	X	X	P
	Entertainment, commercial outdoor	X	X	C
	General service, excluding vehicle services	P	X	P
	Convenience stores.	C	X	P
	Vehicles sales	X	X	X
	Vehicle repair	X	X	X
	Vehicle service stations	X	X	C
	Mortuaries or funeral homes	X	X	X
	Storage facilities, enclosed indoor	X	X	X
	Horticultural nurseries, commercial	X	X	X
	Health and exercise clubs, gyms	P	X	X
	Food trucks	P	X	P
	Personal service	P	X	P
	Day care, adult		C	
	Medical/health care	C		P
	Financial institutions (Payday loan and check cashing services are prohibited in TC district)	P	X	P
	Boat and marine sales, rental or lease, and service.	X	X	X

	Service centers	X	X	X

Land Use ·=Permitted, ☐=Conditional, (·)= Not Permitted		Pearl Town Center Subdistrict		
		TC - Mixed Use	TC - Mixed Residential	TC - Commercial Retrofit
Industrial	Artisan manufacturing	C		P
	Outdoor storage of building materials, inventory or equipment except vehicles	X	X	X
	Storage facilities, enclosed outdoor	X	X	X
	Light manufacturing, to include:	X	X	X
	Ceramic products; provided, that kilns shall only be operated by gas or electricity	X	X	X
	Appliance and electronic device assembly plant including the manufacturing of parts for appliance and electronic devices	X	X	X
	Manufacturing of food, cosmetic and pharmaceutical products	X	X	X
	Assembly, painting, upholstering and similar activities in connection with automobiles, trucks, farm machinery, manufactured homes and related products.	X	X	X
	Manufacturing, assembly or treatment of products from secondary materials including plastics, glass, paper, precious or semi-precious metals or stones, tobacco, and wood (excluding sawmills)	X	X	X
	Fabrication of light sheet metal products	X	X	X
	Manufacturing of textile mill products including laundry, cleaning and dying plants	X	X	X
	Other manufacturing of a similar nature, as determined by the administrator in a formal interpretation	X	X	X
	Microbreweries	X	X	X
	Wholesaling and warehousing	X	X	X
	Self-storage mini warehouse	X	X	X
	Heavy manufacturing, to include:	X	X	X
	Primary metal manufacturing	X	X	X
	Any manufacturing activity requiring large amounts of water for processing or discharging large amounts of waste or by-products into the sewer system.	X	X	X
Agricultural	Breeding, raising, and feeding of livestock	X	X	X
	Breeding, raising and feeding of fowl	X	X	X
	Forestry and horticultural uses.	X	X	X
	Stables and boarding facilities	X	X	X
	Horticultural nurseries, non-commercial	X	X	X
Accessory/Other Uses	Accessory buildings/structure	P	P	P
	Home occupations	P	P	
	A use that is determined to be of the same character and nature as those permitted in the district, based on a formal determination by the zoning administrator.	C	C	C

	Cemeteries	X	X	X
	Sexually-oriented business	X	X	X
Public/ Quasi-public	Transportation facilities	C	X	C
	Parks and recreation facilities	P	P	P
	Public service facilities	C	C	C
	Public utilities	C	C	C

SECTION 2506 – BUILDING TYPES BY SUBDISTRICT

Buildings types permitted in the Pearl Town Center District are established and defined in the table below, along with their permitted locations.

Building Type		Town Center Subdistrict		
P=Permitted, C=Conditional, X= Not Permitted		TC - Mixed Use	TC - Mixed Residential	TC - Commercial Retrofit
1. Mixed-Use Building - A multi-story building type that typically accommodates ground-floor retail and office uses with upper-story residential or commercial use. Not intended for ground floor residential use.				
		P	X	P
2. Storefront - Single-Story - A single-story building that typically accommodates retail or commercial uses.				
		P	X	P
3. Dwelling, Single-family - A detached residential building designed for occupancy by one family.				

	C	P	X

Building Type		Town Center Subdistrict		
P=Permitted, C=Conditional, X= Not Permitted		TC - Mixed Use	TC - Mixed Residential	TC - Commercial Retrofit
4. Dwelling, Two-family (Duplex) - A detached residential building designed to be occupied by two families living independently of each other.				
		C	P	X
5. Mid-Rise Dwelling - A building that accommodates multiple dwelling units including condominiums and hotels, vertically and horizontally integrated, typically 4-5 stories tall.				
		C	P	X
6. Townhome Dwelling-Attached - A building type that accommodates 2 or more dwelling units where each unit is separated vertically by a common side wall. Units cannot be vertically mixed.				

	C	P	P

SECTION 2507 – BUILDING TYPE REQUIREMENTS

Building type requirements are set forth in the following section.

SECTION 2508 – MIXED USE-BUILDING

A multi-story building type that typically accommodates ground floor retail and office uses with upper-story residential or commercial use. Not intended for ground floor residential use.



2508.01Lot

a. Block Dimensions: Blocks containing Mixed Use-Buildings shall have a minimum length of 400 feet and a maximum length of 600 feet and a minimum width of 160 feet and a maximum width of 180 feet.

b. Lot Dimensions: Individual lots containing a Mixed Use-Building shall have a minimum area of 3,000 square feet and a minimum width of 20 feet. The maximum lot width shall be 40 feet.

2508.02 Building Placement

a. Building Setbacks

i. Front Setback: The principal building shall be located a minimum of 5 feet and a maximum of 15 feet from the primary street right-of-way.

The principal building shall be oriented toward the primary street. Buildings shall be located at, or as close as practicable to, the minimum required front setback in order to establish a consistent street frontage.

ii. Side Street Setback: A minimum setback of 5 feet and a maximum setback of 10 feet shall be provided from a side street right-of-way.

iii. Rear Setback: A minimum rear setback of 20 feet and a maximum rear setback of 26 feet shall be provided.

b. Parking Location: Off-street parking shall be located to the rear of the principal building. Off-street parking or parking aisles shall not be located between the principal building and the primary street.

2508.03 Height and Mass

a. Building Height:
   i. Maximum of 3 stories or 40'whichever is less.
   ii. A=Accessory Structure= none
b. Massing Length
   i. ML=Up to Entire Block
c. Transparency
   i. A minimum of 70 percent of the ground-floor façade facing a primary or side street shall consist of windows, doors, or other transparent openings.
   ii. A minimum of 50 percent of each upper-story façade facing a primary street shall consist of windows, doors, or other transparent openings.
d. Building Entrances:
   i. The principal entrance to each ground-floor commercial or residential unit shall face the primary street or a pedestrian walkway directly connecting the entrance to the primary street.

SECTION 2509 – STOREFRONT-SINGLE STORY BUILDING

A single-story building that typically accommodates retail, restaurant or commercial uses



2509.01 Lot

a. Block Dimensions
   i. Blocks containing Storefront-Single Story Buildings shall have a minimum length of 400 feet and a maximum length of 600 feet and a minimum width of 160 feet and a maximum width of 180 feet.
b. Lot Dimensions

i. Individual lots containing a Storefront-Single Story Building shall have a minimum area of 3,000 square feet and a minimum width of 25 feet. The maximum lot width shall be 400 feet.

2509.02 Placement

a. Building Setbacks

i. Front Setback: The principal building shall be located a minimum of 24 feet and a maximum of 36 feet from the primary street right-of-way.

ii. Side Setback: A minimum setback of 5 feet and a maximum setback of 8 feet shall be provided from a side street right-of-way.

iii. Rear Setback: A minimum rear setback of 25 feet and a maximum rear setback of 35 feet shall be provided.

b. Parking Location

i. On site parking in rear of building

2509.03 Height and Mass

a. Building Height

i. Maximum of 45’

b. Transparency

i. A minimum of 50 percent of the ground-floor façade facing a primary or side street shall consist of windows, doors, or other transparent openings.

c. Building Entrances

ii. The principal entrance shall face the primary street or a pedestrian walkway directly connecting the entrance to the primary street.

SECTION 2510 – DWELLING, SINGLE-FAMILY

A detached residential building designed for occupancy by one family.



2510.01 Lot

a. Block Dimensions

i. Blocks containing Single-Family Dwellings shall have a minimum length of 400 feet and a maximum length of 600 feet and a minimum width of 160 feet and a maximum width of 180 feet.

b. Lot Dimensions

i. Individual lots containing a Single-Family Dwelling shall have a minimum area of 4,000 square feet and a minimum width of 30 feet. The maximum lot width shall be 50 feet.

2510.02 Placement

a. Building Setbacks

i. Front Setback: The principal building shall be located a minimum of 10 feet and a maximum of 15 feet from the primary street right-of-way.

ii. Side Setback: A minimum setback of 5 feet and a maximum setback of 10 feet shall be provided from a side street right-of-way.

iii. Rear Setback A minimum rear setback of 10 feet shall be provided.

b. Parking Location

i. On site parking recessed behind front façade

2510.03 Height and Mass

a. Building Height

i. The maximum building height shall be 3 stories or 40 feet, whichever is less.

ii. Accessory structures shall not exceed 24 feet in height.

b. Transparency

i. A minimum of 50 percent of the ground-floor façade facing the primary street shall consist of windows, doors, or other transparent openings.

c. Building Elements Required: Porches, stoops, balconies, awnings, canopies, and similar architectural features are permitted but shall not be required.

SECTION 2511 – DWELLING, TWO-FAMILY (DUPLEX)

A detached residential building designed to be occupied by two families living independently of each other.



2511.01 Lot

a. Block Dimensions

i. Blocks containing Two-Family Dwellings shall have a minimum length of 400 feet and a maximum length of 600 feet and a minimum width of 160 feet and a maximum width of 180 feet.

b. Lot Dimensions

i. Individual lots containing a Two-Family Dwelling shall have a minimum area of 3,000 square feet and a minimum width of 20 feet. The maximum lot width shall be 40 feet.

2511.02 Placement

a. Building Setbacks

i. Front Setback: The principal building shall be located a minimum of 10 feet and a maximum of 15 feet from the primary street right-of-way.

ii. Side Setback: A minimum setback of 5 feet and a maximum setback of 10 feet shall be provided from a side street right-of-way.

iii. Rear Setback: A minimum rear setback of 10 feet shall be provided.

b. Parking Location

i. Off-street parking shall be located to the rear of the principal building. Off-street parking shall not be located between the principal building and the primary street, except for a driveway providing access to an otherwise permitted parking area.

2511.03 Height and Mass

a. Building Height

i. The maximum building height shall be 3 stories or 40 feet, whichever is less.

ii. Accessory structures shall not exceed 12 feet in height.

b. Transparency

i. A minimum of 70 percent of the ground-floor façade facing the primary street shall consist of windows, doors, or other transparent openings.

ii. Where an upper story is provided, a minimum of 20 percent of the street-facing façade shall consist of windows, doors, or other transparent openings.

c. Pedestrian Access

iii. Each dwelling unit shall have a principal entrance facing the primary street or a pedestrian walkway connecting the entrance to the primary street.

d. Architectural Features: Porches, stoops, balconies, awnings, canopies, and similar architectural features are permitted but shall not be required.

SECTION 2512 – MID-RISE DWELLING

A building that accommodates multiple dwelling units including condominiums and hotel, vertically and horizontally integrated, typically 4 to 5 stories tall.



2512.01 Lot

a. Block Dimensions

i. Blocks containing Mid-Rise Dwellings shall have a minimum length of 400 feet and a maximum length of 600 feet and a minimum width of 200 feet and a maximum width of 240 feet.

b. Lot Dimensions

i. No minimum lot area shall be required. Individual lots shall have a minimum width of 50 feet and a maximum width of 120 feet.

2512.02 Placement

a. Building Setbacks

i. Front Setback: The principal building shall be located a minimum of 10 feet and a maximum of 20 feet from the primary street right-of-way.

ii. Side Setback: A minimum setback of 10 feet and a maximum setback of 15 feet shall be provided from a side street right-of-way.

iii. Rear Setback: A minimum rear setback of 20 feet shall be provided.

b. Parking Location

i. Off-street parking shall be located to the rear of the principal building or within a parking structure located behind the principal building. Off-street surface parking shall not be located between the principal building and the primary street.

2512.03 Height and Mass

a. Building Height

i. The maximum building height shall be 5 stories or 65 feet, whichever is less.

b. Transparency

i. Ground Story: A minimum of 70 percent of the ground-floor façade facing a primary or side street shall consist of windows, doors, or other transparent openings.

ii. Upper Story: A minimum of 50 percent of the street-facing façade of each upper story shall consist of windows, doors, or other transparent openings.

c. Pedestrian Access

i. The principal entrance to the building shall face the primary street or a pedestrian walkway directly connecting the entrance to the primary street.

SECTION 2513 – TOWNHOME DWELLING, ATTACHED

A building type that accommodates 2 or more dwelling units where each unit is separated vertically by a common side wall. Units cannot be vertically mixed.



2513.01 Lot

a. Block Dimensions

i. Blocks containing Townhome Dwellings shall have a minimum length of 400 feet and a maximum length of 600 feet and a minimum width of 160 feet and a maximum width of 180 feet.

b. Lot Dimensions

i. Individual lots containing a Townhome Dwelling shall have a minimum area of 3,000 square feet and a minimum width of 16 feet. The maximum lot width shall be 35 feet.

2513.02 Placement

a. Building Setbacks

i. Front Setback: The principal building shall be located a minimum of 5 feet and a maximum of 10 feet from the primary street right-of-way.

ii. Side Setback: A minimum setback of 5 feet and a maximum setback of 8 feet shall be provided from a side street right-of-way.

iii. Rear Setback: A minimum rear setback of 25 feet and a maximum rear setback of 35 feet shall be provided.

b. Parking Location

i. Off-street parking shall be located to the rear of the principal building. Off-street parking shall not be located between the principal building and the primary street, except for a driveway providing access to an otherwise permitted parking area.

2513.03 Height and Mass

a. Building Height

i. The maximum building height shall be 3 stories or 40 feet, whichever is less.

b. Transparency

i. Ground Story: A minimum of 50 percent of the ground-floor façade facing the primary street shall consist of windows, doors, or other transparent openings.

ii. Upper Story: Where an upper story is provided, a minimum of 30 percent of the street-facing façade shall consist of windows, doors, or other transparent openings.

c. Pedestrian Access

iii. Each dwelling unit shall have a principal entrance facing the primary street or a

pedestrian walkway connecting the entrance to the primary street.

d. Architectural Features: Porches, stoops, balconies, awnings, canopies, and similar architectural features are permitted but shall not be required.

SECTION 2514 – Parking Standards

Uses within the Town Center District shall be exempt from the parking standards set out in Article V. However, a parking plan shall be submitted demonstrating parking sufficient to accommodate the needs of the proposed development and conforming to parking standards set out in each building type specification.

SECTION 2515 – Landscaping and Buffer Yards

Landscaping and buffer yards shall conform to the standards set forth in section 404 and 405 of the Pearl Zoning Ordinance and the Street Type design sections. Where there is a conflict in these standards, the Street Type sections of the Pearl Town Center District shall control.

SECTION 2516 – Signs

Signs shall conform to the overall dimensional and placement requirements of Section 710 of the Pearl Zoning Ordinance for signs in the C-2 District, except that changing signs shall be limited to 10 percent of the sign area. All signs in the Pearl Town Center District shall be subject to review and shall require the following:

1. A common sign plan shall be submitted for all proposed developments within the Town Center District and, if approved, signs shall conform to that plan.
2. The applicant must propose standards of consistency of all signs in the district related to the following elements:

    a. Letter/graphics style
    b. Location of each sign
    c. Materials used in sign construction; and
    d. Maximum dimensions and sign proportions.

SECTION 2517 – Street Types

1. Street frontage conditions are integral to the overall purposes of the Pearl Town Center District. Street types with specific design standards have been identified to help achieve, support, and reinforce the intended character of the district. Four specific streets have been developed for this purpose. These street types are:

    a. Street Type A - Commercial Angled Street
    b. Street Type B - Old Brandon Road
    c. Street Type C - Mixed-Use Parallel Street
    d. Street Type D - Residential Street

2. Street types shall be constructed in the locations indicated on the Town Center District Regulating Plan (see section 2503).

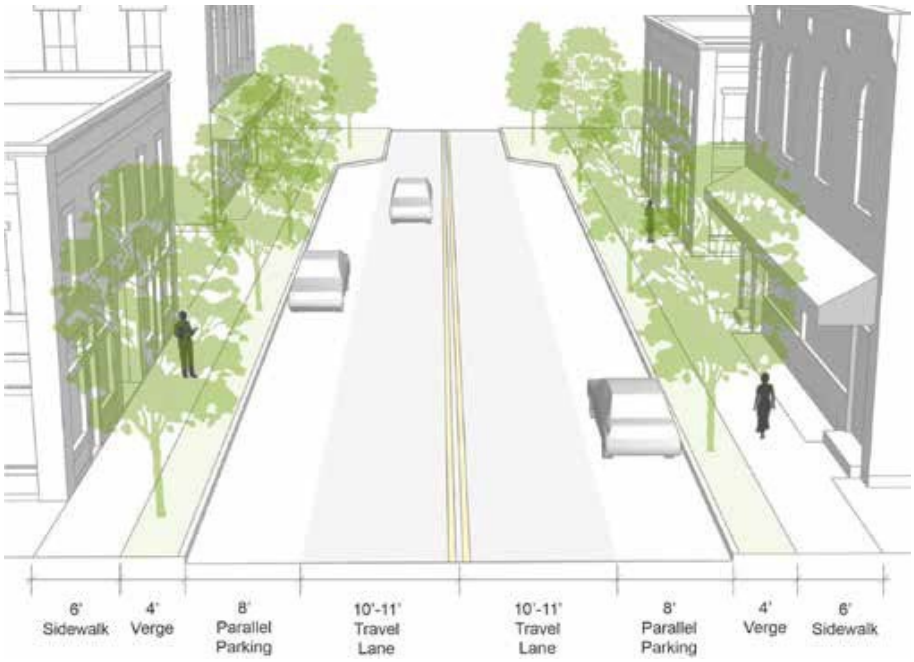
Street Type A- Commercial Angled Street



Street Type B- Old Brandon Road



Street Type C- Mixed-Use Parallel Street



Street Type D- Residential Street



SECTION 2518 – Review and Approval

All proposed development or redevelopment of land and buildings within the Pearl Town Center District shall comply with the site plan review process set out in Section 806 of this zoning ordinance.

ARTICLE XXVI: EAST METRO CORRIDOR DISTRICT

Quick Reference Guide

Commercial Dimensional Requirements	
Maximum Building Height	35 feet
Minimum Lot Area	Multi-Tenant: 3 acres
	Single Tenant: 10,000 sf
Minimum Lot Width	200 feet

Commercial Minimum Yards		Commercial Buffer Yard Requirements	
Front Yard	40 feet	**When Abutting Districts**	All Ag & Res. Districts
Side & Rear Yard	15 feet	**Minimum Width**	30 feet
Side & Rear Yard if Abutting Residential	50 feet	**Screen Height Minimum**	8 feet

Residential Dimensional Requirements	
Maximum Building Height	35 feet
Minimum Lot Area	11,500 sf
Minimum Lot Width	80 feet
Minimum Floor Area	1,800 sf

Residential Minimum Yards		Residential Buffer Yard Requirements	
Front Yard	30 feet	**When Abutting Districts**	A-1, R-E
Side Yard	8 feet	**Minimum Width**	10 feet
Rear Yard	25 feet	**Screen Height Minimum**	6 feet

SECTION 2600 – PURPOSE OF THIS DISTRICT

The East Metro Corridor District (EMCD) is designed to achieve the following goals:

A. Ensure the harmonious, orderly, and efficient growth and development of the Corridor;

B. Strengthen and protect existing property values through neighborhood conservation;

C. Create the economy of the Corridor through the enhancement of the area to tourists and visitors and the support and stimulus to business and industry thereby provided;

D. Promote the use of buildings for the education, pleasure, and welfare of the people of the Corridor; and

E. Provide a review process for appropriate development of the Corridor's buildings.

Ensure a reasonable balance whereby development is encouraged while requiring harmony with existing residential development, management of storm water runoff, and promotion of traffic safety and utilization of all transportation modes in such a way as to protect the public health, safety and general welfare of the inhabitants of the Corridor.

SECTION 2601 - LAND USES PERMITTED

The following land uses are allowed in the East Metro Corridor District:

A. Any use permitted in A-1, R-E, and R-1 subject to all restrictions applicable in said district.

B. Any use permitted in the PUD and C-2 General Commercial District subject to all restrictions applicable in said district.

SECTION 2602 – CONDITIONAL USES AND STRUCTURES

Uses by conditional use shall be the same conditional use permits in the A-1, R-E, R-1, PUD, and C-2 districts.

SECTION 2603 – PROHIBITED USES

The following uses are expressly prohibited in the East Metro Corridor District:

A. Big box retail establishments.

B. Stand-alone bars (i.e., a bar that is not a part of a full-service restaurant), including dance halls, saloons and nightclub establishments.

C. Manufactured or mobile homes. However, all manufactured or mobile homes existing at the time of passage of this amendment shall be subject to the provisions of Nonconforming Uses of this Ordinance.

D. Factory built dwellings.

E. All warehousing uses, including self-storage warehouses or mini warehouses.

F. All industrial or manufacturing zoning or uses.

G. Mechanical garages as defined by this Ordinance.

H. All commercial open-pit mining operations.

I. Commercial feedlots.

J. Billboards and other off-premise signs.

K. Apartments and/or residential condominiums.

L. Service stations and convenience stores are not allowed.

M. Commercial metal buildings.

N. Bowling alleys or skating rinks.

O. Auto or truck dealerships.

P. Bingo parlors or any other type of gambling establishment.

Q. Payday Loan businesses, Title Loan Businesses or "Check Cashing" Services.

R. Pawn Shops.

S. Tobacco, Vape, CBD, or Medical Cannabis Establishments.

T. Liquor Stores.

U. Any establishment promoting or selling pornographic material including, but not limited to the following: strip clubs; gentlemen's clubs; topless bars; or adult book/video stores.

This list of prohibited uses is not all inclusive as other uses may be deemed inappropriate upon review by the Mayor and Board of Aldermen.

SECTION 2604 – COMMERCIAL DIMENSIONAL REQUIREMENTS

2604.01 Maximum Building Height: 35 feet, unless greater height is approved by the Mayor and Board of Aldermen.

2604.02 Minimum Lot Area:

a) *Shopping centers:* Three (3) acres.

b) *Independent commercial uses:* 10,000 sf.

2604.03 Minimum Lot Width:

a) *Shopping centers:* 200 feet.

b) *Independent commercial uses:* 200 feet.

2604.04 Minimum Yards: The minimum yard requirements for all commercial uses permitted in the EMCD district shall be as follows:

a) *Front yard:* 40 feet. The first ten (10) feet inside this front yard setback shall remain open except for entrance/exit driveways and shall be landscaped in accordance with Section 404 of this Ordinance; no parking shall be permitted in these driveways.

b) *Side yards and rear yards where NOT abutting a residential district:* 15 feet; the first five (5) feet inside this side or rear yard setback (adjacent to the property line) shall be landscaped in accordance with standards adopted by the City of Pearl.

c) *Side yards and rear yards where abutting ANY residential district:* 50 feet, which shall remain open and be landscaped in accordance with standards adopted by the City of Pearl; OR 30 feet, which shall remain open and be landscaped in accordance with standards adopted by the City of Pearl AND a fence along side or rear yards abutting such residential district; said fence shall be a minimum of eight (8) feet in height and shall be constructed of brick or solid (plank-to-plank) wood. Where this fencing option is chosen, the property owner shall be responsible for the maintenance of the fence, and failure to maintain it shall constitute a violation of this Ordinance.

2604.05 Minimum Space between Separate (Detached) Buildings on the Same Lot: 30 feet. No more than two-thirds (2/3) of the space between such buildings shall be paved; the remaining area shall be landscaped in accordance with standards adopted by the City of Pearl.

SECTION 2605 – RESIDENTIAL DIMENSIONAL REQUIREMENTS

2605.01 Maximum Building Height: 35 feet.

2605.02 Minimum Lot Area: 11,500 square feet.

2605.03 Minimum Lot Width: 80 feet.

2605.04 Minimum Floor Area: 1,800 square feet.

2605.05 Minimum Yards:

a) *Front yard:* 30 feet from the street right-of-way line to the building setback line.

b) *Side yards (main building):* 8 feet.

c) *Side yards (accessory building):* 5 feet.

d) *Rear yard:* 25 feet.

2605.06 Buffer Yards: See Section 405.

2605.07 ***Subdivision:*** Lots in any new subdivision containing two or more lots shall front on an interior circulation street. Frontage of lots in new subdivisions directly upon East Metro Corridor is prohibited.

SECTION 2606 - SITE PLAN REQUIRED

When any new construction (other than single-family dwellings) is proposed anywhere within the EMCD, a site plan shall be prepared by persons responsible for initiating such action in accordance with Sections 806 through 89 of this Ordinance. Before an application may be considered for approval an architectural plan, landscaping plan including drainage, servicing plan, access plan, and exterior lighting plan must be submitted. Dimensions, specific site feature and basic topography information shall be shown on the site plan.

SECTION 2607 - REQUIRED LANDSCAPING

All residential subdivisions in the EMCD approved on or after the effective date of this amendment must front on an interior circulation street; the developer of such subdivisions shall provide a 100 foot landscaped or no cut buffer zone, or a 60 foot landscaped buffer zone with a black 6 foot high wrought iron fence along East Metro Parkway, Airlane Road or other arterial road which may be built in the future that crosses East Metro Parkway and borders the subdivision. The buffer zone shall be measured from the existing highway or road right of way. The proposed fence or landscaping is subject to review and approval by the Mayor and Board of Aldermen.

Developers of any commercial use proposed following adoption of this amendment shall provide appropriate landscaping on East Metro Parkway or along any arterial road bordering the proposed commercial development. Before rezoning commences, an architectural plan along with landscaping, exterior lighting, servicing, drainage, and access plans will be submitted to the City. In addition, lighting shall be compatible with the architectural design with NO high intensity lights permitted. A sufficient number of antique designed streetlights will be used to achieve the foot-candles required and lighting shall be of a moonlight color--amber lighting is not allowed. Exterior lighting will be designed to minimize light pollution of all the adjacent properties. A landscaped setback buffer zone of 80 ft. is required along East Metro Parkway and all arterial roads for all commercial zoned property within the district.

SECTION 2608 - REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

See Article V for off-street parking, loading and access control requirements.

SECTION 2609 – ARCHITECTURAL REVIEW

See City of Pearl Architectural Review Ordinance and Architectural Review Guidelines.

SECTION 2610 – SIGNS

See Article VII for Sign Regulations.

ARTICLE XXVII: WEST RANKIN INDUSTRIAL OVERLAY DISTRICT

Quick Reference Guide

Commercial Dimensional Requirements	
Maximum Building Height	35 feet
Minimum Lot Area	Multi-Tenant: 3 acres
	Single Tenant: 10,000 sf
Minimum Lot Width	200 feet

Commercial Minimum Yards		Commercial Buffer Yard Requirements	
Front Yard	40 feet	**When Abutting Districts**	All Ag & Res. Districts
Side & Rear Yard	15 feet	**Minimum Width**	30 feet
Side & Rear Yard if Abutting Residential	50 feet	**Screen Height Minimum**	8 feet

Industrial Dimensional Requirements	
Maximum Building Height	35 feet
Minimum Lot Area	10,000 sf
Minimum Lot Width	100 feet

Minimum Yards		Buffer Yard Requirements	
Front Yard	50 feet	**When Abutting Districts**	All Districts Except I-2
Side & Rear Yard	20 feet	**Minimum Width**	30 feet
Side & Rear Yard if Abutting Residential	50 feet	**Screen Height Minimum**	8 feet

SECTION 2700 – PURPOSE OF THIS DISTRICT

The purpose of the West Rankin Industrial Overlay District is to implement land use and design standards unique to the West Rankin Industrial Park and Highway 475 South corridor (hereafter referred to as "WRI"). Specifically, the purpose of the WRI Overlay District is to specify allowed, prohibited and limited land uses within the corridor and adjacent industrial park which promote and encourage a growing economy, protect the natural and existing environment, provide clean industry and employment for the City of Pearl and its residents, and develop, maintain and enhance existing commercial and industrial uses and the aesthetic features of the West Rankin Industrial Park and Highway 475 corridor.

WRI is a superimposed designation on a conventionally zoned district, thereby providing a broader latitude of design to achieve the aforementioned purposes. As a superimposed designation, the WRI Overlay District is subject to the requirements of the underlying zoning, unless specifically addressed in this Article.

SECTION 2701 - LAND USES PERMITTED

Uses permitted in the WRI District are subject to the underlying zoning, unless specifically addressed in this Article.

SECTION 2702 – CONDITIONAL USES AND STRUCTURES

Uses by conditional use are subject to the underlying zoning, unless specifically addressed in this Article.

A. Residential Zones:

1. Existing single-family site-built detached dwellings with only one principal dwelling per lot.

B. C-2:

1. Hotels and motels
2. Restaurants
3. Veterinary clinics, small animal boarding facilities, excluding outside runs.
4. Bowling alleys, skating rinks and similar recreational or entertainment enterprises conducted entirely within enclosed structures.

C. C-3:

1. Vehicle sales, rental or lease and vehicle service.
2. Drive-in restaurants.
3. Mortuaries or funeral homes.

4. Building materials sales where some or all of such materials are displayed or are visible from streets or highways.

D. Any other use which the Mayor and Board of Aldermen determined to be of the same character and nature as those specifically permitted in the underlying zoning but not prohibited or otherwise limited in this Article.

SECTION 2703 – PROHIBITED USES

Prohibited uses are subject to the underlying zoning, unless specifically addressed in this Article. The following uses are expressly prohibited in the WRI Overlay District:

A. Residential Zones:

1. New construction of single-family site-built detached dwellings.

B. C-2:

1. Veterinary clinics, small animal boarding facilities with outside runs.
2. Mortuaries or funeral homes.
3. Enclosed indoor storage facilities.
4. Liquor stores.
5. Tobacco, vape, and other similar products stores.
6. Coin laundries.
7. Bail bonds.
8. Tattoo shops.
9. Substance abuse treatment facility.
10. Beauty supply stores.
11. Medical cannabis dispensary.
12. Medical cannabis research and testing facility.
13. Stand-alone bars (i.e., a bar that is not a part of a full-service restaurant), including dance halls, saloons and nightclub establishments.

C. C-3:

1. Veterinary clinics, small animal boarding facilities with outside runs.
2. Manufactured home and recreational vehicle sales and service.
3. Tattoo shops.

4. Substance abuse treatment facility.
5. Beauty supply stores.
6. Medical cannabis dispensary.
7. Medical cannabis research and testing facility.
8. Liquor stores.
9. Stand alone bars (i.e. a bar that is not part of a full-service restaurant).

D. I-1:

1. Medical cannabis establishments.

E. This list of prohibited uses is not all inclusive as other uses may be deemed inappropriate upon review by the Mayor and Board of Aldermen.

SECTION 2704 –DIMENSIONAL REQUIREMENTS

Dimensional requirements are subject to the underlying zoning, unless specifically addressed in this Article.

SECTION 2705 - SITE PLAN REQUIRED

When any new construction is proposed anywhere within the WRI Overlay District, a site plan shall be prepared by persons responsible for initiating such action in accordance with Sections 806 through 809 of this Ordinance. Before application may be considered for approval an architectural plan, landscaping plan including drainage, servicing plan, access plan, and exterior lighting plan must be submitted. Dimensions, specific site features and basic topography information shall be shown on the site plan.

SECTION 2706 - REQUIRED LANDSCAPING

All landscaping requirements of the underlying zoning district shall apply.

SECTION 2707 - REQUIREMENTS FOR OFF-STREET PARKING, LOADING AND ACCESS CONTROL

See Article V for off-street parking, loading and access control requirements.

SECTION 2708 – ARCHITECTURAL REVIEW

See City of Pearl Architectural Review Ordinance and Architectural Review Guidelines.

SECTION 2709 – SIGNS

See Article VII for Sign Regulations.